

Approved: April 19, 2018

Board of Selectmen Meeting: March 12, 2018

Present: Gibbs, Freiman, Sullivan Woods, Morgan, Ulfelder

Also Present: Robinson, Jop

Minutes Approved: February 6, 2018

February 20, 2018

February 26, 2018

Warrants approved: 2018-034 in the amount of \$4,244,601.66

2018-035 in the amount of \$4,185,617.00

Meeting Documents:

1. Agenda
2. BOS Calendar
3. Agenda Background Memo
4. Minutes from BOS meetings: February 6, 20, and 26, 2018
5. Babson College one-day license application
6. New Era Fund request to rename activity rooms at Tolles Parsons Center
7. New Era Fund proposed plaques for Tolles Parsons Center
8. No. 7 West, LLC Common Victualler and All Alcohol License application
9. Citizen letter re: proposed installation of guard rail at Route 9/Kingsbury Street
10. PowerPoint presentation of Dave Hickey, DPW regarding Route 9/Kingsbury Street Project
11. Draft letter to MassHousing outlining concerns for 818-822 Worcester Street
12. Request for Proposal to redevelopment of Tailby and Railroad Commuter Lots
13. Special Town Meeting Warrant for April 9, 2018
14. Special Town Meeting for school projects; proposed calendar and checklist
15. Commendation for Officer Derrick Popovski
16. Commendation for Officer Mark Knapp
17. Town Hall MAAB approval
18. BOS Comprehensive Health Insurance Survey 02/28/18
19. Notice of rate changes from Miyares Harrington
20. OCABR lemon law compliance audit outcomes
21. Anonymous citizen complaint
22. Police Department response to anonymous citizen complain
23. Letter to Human Resources Director
24. Animal Control Report February, 2018
25. Library interior renovation budget scenarios

1. Call to Order and Citizen Speak

Ms. Gibbs, Chair, called the Board of Selectmen meeting to order at 7:00 PM. Ms. Gibbs made several announcements.

First that due to the expected snow storm Wellesley Public Schools and Town Hall would be closed Tuesday, March 13th, 2018.

The community forum for the Housing Production Plan scheduled for March 13th has been changed to Wednesday, March 21, 2018 at the Sprague School. The School Committee Meeting was rescheduled to Tuesday, March 20, 2018.

Advisory will hold a public hearing on the warrant for the Special Town Meeting on April 9th concerning the proposed land acquisition by the Board at Town Hall in the Juliani room on March 21st.

Ms. Sullivan Woods added that many in the faith communities within Wellesley came together in solidarity with the national movement for school safety and to end gun violence. The event is scheduled to take place at 10 a.m. on Wednesday, the 14th at the steps of the Village Church; members of public were encouraged to participate in collaboration with walk out of schools across the country.

Citizen's Speak

None.

2. Executive Director Updates

Ms. Robinson noted that there were several sets of minutes ready for approval, as well as a one-day license for an event at Babson College. She also noted that there was an additional DPW request for winter maintenance funds in the amount of \$200,000. Ms. Robinson informed the Board that the Annual Town Meeting Motions are being finalized and anticipated mailing them to Town Meeting Members on Monday. The transition to electronic permitting is underway, first in the Building Department by July 1st and then rolling out incrementally through other departments through the summer.

Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve the minutes of February 6, 20, and 26, 2018.

Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve a one-day license to Babson College for the Babson Latin Entrepreneurship Form in the Park Manor West FME Workshop on April 6th.

3. New Era Fund – Naming of Rooms at Tolles Parsons Center

Mr. Ulfelder introduced Mr. Parker of the New Era Fund. The fund has raised over \$750,000. For several reasons they wish to honor the American Legion; as they donated the land for the Tolles Parsons site. Mr. Parker on behalf of the Council on Aging asked for the Board's approval to rename activities rooms 1 and 2 to "The American Legion Post 72 Room" and "Veterans' Rooms" and for a memorial plaque to be installed in the vestibule acknowledging the generosity in donating the land used to create the Tolles Parson Center. The second plaque will honor the inaugural donors that helped create the Tolles Parsons Center and support special projects for the Council on Aging.

Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve a request from the New Era Fund to (1) Name the American Legion Post 72 Activity Rooms in the Tolles Parsons Center (TPC), and (2) Place in the TPC a Remembrance Plaque in Honor of the Legion and Wellesley Veterans and an Inaugural Donors Plaque.

4. No. 7 West CV/Alcohol License (165) Linden

Ms. Jop introduced the parties who were seeking approval for licenses to open a new restaurant. Ms. Jop reviewed the background for the space, noting the Town had been working with Federal Realty to implement the Fourth Amendment to the Development Agreement that allowed for the establishment of two new restaurants in this area. Ms. Jop reminded the Board that they had previously reviewed the traffic and parking component of the application as this is a retail moving to restaurant location. She noted that this application is in compliance with the existing agreement and from a permitting perspective, the application complied with all regulations.

Mr. Barnosky, Counsel for No. 7 West LLC, gave a brief overview of the proposed establishment, location, and concept of the restaurant. The space is 4,403 square feet and will have seating for 155 and 15 bar seats; with a total occupancy of 200. Mr. Barnosky described the space and seating as well as proposed hours of operation. The applicant plans a complete renovation of the current site and Mr. Barnosky provided in the application copies of the funding documents. The ownership will be under Mr. and Mrs. Wolfe, who own several establishments including the Cottage in Wellesley. Mr. Barnosky noted that the Cottage in Wellesley has had no infractions. Mr. Barnosky introduced and reviewed the qualifications of Mr. Spencer, the proposed manager of record. Most recently Mr. Spencer was the manager of operations for Wolfe Management. The current plan is to open in late summer 2018.

Ms. Wolfe described the concept for the restaurant, that it will be chef-driven and a menu that will change with the seasons. Ms. Wolfe further elaborated on the concept of the proposed restaurant. The name will be "Door No. 7" as this will be their seventh business, and seventh door for customers to enter. This concept will be more upscale from the Cottage, focused on a sophisticated theme. The space will have a fresh oyster bar, a horseshoe shaped bar area, and an exhibition kitchen.

Ms. Gibbs asked how the proposed restaurant will differ from the existing restaurants in the direct area. Ms. Wolfe further indicated the more upscale price point and nature of this proposal. Mr. Morgan inquired about the exact location to which the restaurant will be moving. Ms. Gibbs inquired as to the parking arrangements for employees. Mr. Spencer responded that they will take over the space from the golf store and the car impact from employees will be approximately ten as most of the kitchen staff will take public transportation; full staff on a busy night will be expected to be 22 people total, most utilizing public transportation.

Ms. Sullivan Woods inquired as to the proposed opening date. Ms. Wolfe expected to have a soft opening near the end of August with a full opening in late August/early September, after school is back in session.

Ms. Jop noted the motion needed to be corrected as to the exact name; however, the application is correct as it was applied for by the LLC.

Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve both a Common Victualler and an On-Premises all Alcohol License to No. 7 West, LLC d/b/a Door No. 7, through December 31, 2018 and to name Mr. Michael S. Spencer as Manager.

5. Discuss Route 9/Kingsbury Street Project – Installation of Guard Rails

Ms. Robinson provided background information of the project and the planned guard rail on the north side of Route 9. During construction it was determined that due to utility conflicts a guard rail could not be built as designed. MassDOT had been contacted by some that were upset about the cancelation of the project. MassDOT went back to the original plan and despite conflicts initiated a new design and added in a jersey barrier-style guard rail on a section of the south side that would be 42-inches-high. Ms. Robinson explained that Mr. Hickey, Town Engineer, has reached out to the neighborhood regarding the proposed

project. Ms. Robinson noted that Representative Peisch has been helpful with this process, has met with the Town, and has reached out to MassDOT. She recommended that the Board inform MassDOT of the Town's position before they proceed further with the project.

Mr. Hickey and Deputy Police Chief Whittemore joined the Board to review the MassDOT proposal and provide additional background that lead to the proposed guard rail/jersey barrier project. Mr. Hickey described the issues faced by DPW including the location of power lines, telecommunication lines, gas lines, and telephone poles on both sides. On the eastbound side the gas, water, phone, and telephone poles are too close to the surface and located in such proximity that would make the installation of the originally proposed guard rail impossible. Issues became known late because utilities were not shown accurately on the State's plans. Mr. Hickey stated that this process began out of a concern for safety, as the location is on a primary route to the Middle School on Kingsbury and if pedestrian safety could be improved it should be. Mr. Hickey's presentation focused on the area on the south side between Donizetti and Kingsbury Streets. The State believes the only option is the jersey barrier. Mr. Hickey believes the jersey barrier will not fit well, as the space is quite tight. He described how the barrier would be installed and the location and manner it would appear, explaining that the barrier would come relatively close to the driveways of the homes located in this area and could have sightline impacts for the homeowners.

Ms. Sullivan Woods asked if pedestrian traffic was a concern as she has never seen pedestrians in that area. Mr. Hickey agreed there is a lack of pedestrian traffic in this area. Pointing to his presentation Mr. Hickey noted the snow on the ground and lack of footprints. Mr. Hickey also stated that this sidewalk area is not on the plow route. Mr. Morgan stated that the natural walking route would not include this section of sidewalk.

Mr. Ulfelder inquired as to how the light poles are installed and located within the utility network but MassDOT could not find a way to install the posts for guard rails. Mr. Hickey detailed the placement is very close and would report back to the Board when the last time the poles were installed and how all the utilities interact.

Ms. Freiman asked for clarification on whether the north side was the only section that was in the original plan. Mr. Hickey responded that the final plan that was signed off on included guard rails on both sides. He believed that the project became as it is because of the original request was due to pedestrian safety. Mr. Hickey believes that the new traffic pattern has increased safety and this project, as it stands, is not necessary.

Ms. Gibbs inquired about the outreach to the immediate area, specifically the abutters to the project. Mr. Hickey reached out to the five direct abutters. He has spoken to all the residents via phone and received a clear message that all the residents intensely dislike the idea of a jersey barrier. Mr. Hickey also noted that the barrier could cause clear sightline issues for those homeowners exiting their driveways. People exiting Donizetti would also have difficulty seeing past the barrier. The residents also believed that the plows, by nature, would cause additional accumulation of snow at the end of the driveways.

Mr. Hickey continued with his presentation, and detailed how the utilities are proposed to function with this new design. He has expressed concerns to MassDOT as well as Rep. Peisch. Ms. Gibbs explained that safety is always the top concern; however, the natural pathway does not include Route 9 and was convinced that not pushing for a guard rail would be the correct action. Ms. Gibbs stated that the barriers or the guard rails could confuse people as they often appear as temporary structures. Ms. Freiman agreed with Ms. Gibbs and believed that by trying to solve a safety problem a new problem had been created. Ms. Freiman further noted that smaller cars lower to the ground would also be impacted as they could not have a proper view. Mr. Ulfelder agreed and asked if this was a MassDOT mandate or strictly from the

Town's initial concern. Mr. Hickey was not able to find any mandate and pointed to other similar intersections without these barriers or guard rails. Mr. Hickey believes that MassDOT has been working off their manual rather than mandates or regulations.

Ms. Sullivan Woods agreed that the residents will face visibility issues from the barriers. She further stated that the residents would face their own safety issues with snow removal that would naturally be deposited in their driveways.

Mr. Morgan supported sending a letter from the Board to MassDOT that would be sensitive in tone, objecting to the proposed barriers and citing the reasons and concerns stated during this meeting. The letter will be clear but also recognize that this project was on the plan but upon further review, the Board believes the current plan is more likely to detract from safety.

Wellesley resident and direct abutter, Ms. Robichaud, addressed the Board. Ms. Robichaud had sent a letter to the Board addressing concerns both of safety and aesthetics of the addition of the jersey barrier and she provided the Board with copies signed by several of her neighbors. Ms. Robichaud's driveway would be affected by the barrier. Ms. Robichaud acknowledged that safety is and should be a major concern, however, in the many years she has lived in her home she has witnessed almost no pedestrian traffic. Ms. Robichaud believes these barriers will do nothing to protect pedestrians. She feels that the proposal will give the appearance of a construction zone.

Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to support MassDOT's plan to install guard rail on the north side of Route 9/Kingsbury Street intersection. The Board does not support the south side guard rail solution, and request that MassDOT not approve a change order to construct it.

6. Review Eligibility Concerns 818-822 Worcester Street

Ms. Jop reviewed the background information for the site eligibility letter. The letter provided to the Board incorporated additional comments received from previous drafts. At the Board's meeting on March 19th, the Board will have a joint meeting with the Planning board and there will be a review of the site eligibility letter for 16 Stearns; this letter can be approved at the following meeting. The 818-822 eligibility letter needs to be sent to MassHousing by March 20th. Comments were received by many including, the Planning Board, Land Use, DPW, Fire, and Town Counsel. The major issues are the mass and scale of the proposed building which would be 55' high. Additional concerns include the location of the proposed parking lot area and not having proper access for delivery vehicles. Utility access is also a concern as access is gained from the rear of the site which is Town owned land at the rear of the Hardy School site and could interfere with the athletic fields. This proposed project is also in very close proximity to other 40B sites. The Town has identified that the aggregation of affordable housing has impacts on both the Hardy and Sprague schools. The intention of 40B is to distribute the housing within a town, as of now it is being clustered in one area.

Ms. Freiman noted that the Town worked very hard to alleviate traffic in the area, particularly at the Weston Road interchange and this project would reverse this work. Ms. Gibbs agreed that it is important to address the traffic impacts of the multiple projects that are proposed. Ms. Jop noted that the smaller residential roads would also be impacted. Mr. Morgan supported the letter and believed it outlined the substantial problems with the proposed development. Mr. Morgan spoke to the Town's commitment to affordable housing. Mr. Morgan wished to make clear that the Town's movement to acquire the parcels is to enhance utility and value of the land owned at the Hardy School and to be used for Town or School uses not to impact 40B projects. Ms. Freiman agreed that the Town has never discussed acquiring the land

for a Town-owned 40B. Ms. Sullivan Woods asked if language could be added to the letter to address the Town's commitment to affordable housing.

The Board inquired about the time frame as to the determination after the letter is submitted. Ms. Jop responded that the timeframes can vary greatly. Ms. Jop added that this draft was not online for public comment and she would put the letter online for comment before the March 19th meeting.

No Motion.

7. Approve Release of an RFP for the Redevelopment of the Tailby and Railroad Commuter Lot Parcels

Ms. Jop explained the background of the draft RFP. This draft incorporates additional comments from the Board and comments received from public. Ms. Jop and Ms. Sullivan Woods met with merchants that would be affected. Concerns from merchants included what would happen to the parking for customers and staff during construction so the RFP had been altered to include those concerns. The Chamber of Commerce was supportive of the additional parking and housing at the location and had raised concerns with the Delanson and Weston Road 40B projects. Ms. Jop added that Town Counsel reviewed this version of the RFP and should review the final draft. One update from the previous submission to the Board in February was a focus on the preferred objectives and to better define the Town Vision without being too prescriptive. Ms. Jop explained that she had very recently received an email from a resident whose son lives at the Bel Clare and is wheelchair bound. He faces substantial obstacles utilizing the train because it is not ADA accessible from the platform. Ms. Jop noted that the ADA language has also been addressed in this version. She mentioned that this is an interesting transition point because the historical neighborhood is a direct abutter. The RFP had been enhanced and the Town will work cooperatively with the merchants and Chamber of Commerce.

Ms. Freiman inquired as to the ADA requirements for an outside location rather than an interior change. Ms. Jop responded that because this project would be new construction it must be fully ADA compliant. Ms. Jop added that the Town doesn't own the MBTA parcel and the perspective respondent or the Town would have to work with the MBTA on their phase of the project. The current ADA route requires going up Crest Road over the bridge and around to the MBTA side. Ms. Jop believes the gradient of Crest Road isn't ADA compliant. Ms. Jop added that this project would include elevator access and that could alleviate the issues with people in wheelchairs, walkers, and baby strollers. Ms. Gibbs noted that ADA accessibility to MBTA stations for many towns including Wellesley has been a challenge. Ms. Gibbs asked if this could be an opportunity to work with the MBTA to address the other stations in Wellesley. Ms. Jop agreed that this would be an opportunity and some respondents will state they have worked with the MBTA before. Mr. Morgan wants it noted that this project will improve public access to the station. Mr. Morgan stated he would be comfortable approving the RFP subject to Town Counsel review and authorizing the Chair to approve it on behalf of the Board.

Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve RFP for the redevelopment of the Tailby and Railroad Commuter Lot parcels and authorize staff to distribute it on the Town's behalf pending final approval from Town Counsel. Amend the motion to include an authorization for the Chair to sign on behalf of the Board.

8. Sign Special Town Meeting Warrant for April

Ms. Robinson reviewed the background of the Warrant and the two articles within it. The first is regarding the moderator should one need to be appointed. The second article was originally scripted as

two separate ones, one for 818/822 Worcester Street and the second for 826 Worcester Street. Upon reflection it has been combined into one article, for which there would be separate motions; this had been revised to three separate parcels within the article to have a full discussion at Town Meeting about the whole area and the reason the Town is pursuing this project. The motions will be specific with relation to the parcels. Mr. Morgan was supportive of combining the parcels under one article rather than having two separate articles and allowing a full discussion to take place. Ms. Gibbs and Ms. Freiman agreed.

Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to execute the warrant for a Special Town Meeting to be held on April 9, 2018

9. Discuss Opening a Warrant for a Special Town Meeting – School Projects

Mr. Morgan reviewed the discussions that had taken place regarding the timing for the Special Town Meeting for School Projects. Mr. Morgan asked Town Meeting Members to reserve Tuesday June 5th and Wednesday June 6th for the meeting to consider the feasibility and schematic design for the two elementary school projects. The meeting will be held at the auditorium of the Wellesley Middle School. He mentioned the School Building Committee met the previous week and made progress on the Hunnewell feasibility study, with strong support from the facilities department and experienced professionals on the committee to get the owners project manager (OPM) in place before the final selection of the design firm. Mr. Morgan stated that SBC is working through the RFQ for the OPM and the designer. Preliminary review of the budget had taken place and he anticipates finalizing it at the SBC meeting on March 29th. Mr. Morgan stated that with relation to swing space and the Hunnewell project, the committee engaged an architectural firm to do work regarding the potential use of the St. Paul's School for swing space. He stated that the committee asked for and received a detailed report that included a sobering set of costs and a lengthy timeline. The report raised additional issues including the two unconnected buildings on the site and lack of parking that the SBC, School Committee and to Selectmen would need to consider over the next few weeks.

Ms. Robinson noted that Town Counsel and Wellesley Media are all set for the dates proposed for the Special Town Meeting. Ms. Robinson indicated the dates for opening the warrant would be at the latest April 23rd; ideally April 17th. The Board had not decided if they were meeting the week of the 17th as it is school vacation week.

No Motion

10. New Business and Correspondence

Ms. Sullivan Woods advised that the Board needs to start talking about the parade.

Mr. Morgan confirmed with Ms. Robinson that the Board did not need to take action on the additional funds for the snow and ice budget. The Advisory Committee had been advised of the increase.

Meeting was adjourned at 8:40p.m.