

**Wellesley Advisory Committee
Juliani Room, Town Hall
March 14, 2018, 7:00 PM**

Those present from the Advisory Committee included Todd Cook, Rose Mary Donahue, Tom Fitzgibbons, Mary Gard, Mike Hluchyj, Mark Kaplan, Paul Merry, Lina Musayev, Alena Poirier, Betsy Roberti, Tom Skelly and Andrea Ward.

Mike Hluchyj called the meeting to order at 7:00 p.m.

7:00 p.m. Public Hearing on Warrant for 4/9/18 Special Town Meeting

Mr. Hluchyj opened the hearing with a brief introduction:

- Purpose of hearing is to receive citizen input on matters that will be considered at April 9 Special Town Meeting
- Warrant has two articles; the first is procedural, to choose Moderator and receive reports; the second is substantive, to approve the acquisition of properties along Rt. 9 adjacent to Hardy School
- Hearing is an opportunity for citizens to give input
- Role of Advisory tonight is to listen, not engage in dialogue or debate; there will be no formal response by Advisory to any comments, although members may ask a question for clarification
- Following this hearing, the Advisory Committee will be deliberating on the Warrant articles; ultimately will make recommendation to Town Meeting

Mr. Hluchyj summarized the Warrant articles and invited comment on each:

- Article 1 – To see if the Town will choose Moderator and receive reports. There was no one present who wished to speak to this article.
- Article 2 – To see if the Town will appropriate money to acquire three parcels: 818 Worcester Street, 822 Worcester Street, 826 Worcester Street. There were several individuals who wished to speak to this article, as described below:

Jamie Foley, 28 Hickory Road

- Lives directly behind Hardy on cul-de-sac; properties in question are very close to hers
- Concerned about what is going to happen to the Hardy site and what the plans are if these properties are acquired by a builder or the Town; what happens if Town acquires land and the school closes
- Residents in the area all have very small acreage; kids play in cul-de-sac; Hardy land is almost an extension of yard
- Concerned about lack of clarity with respect to future of Hardy School; although School Committee has said that it owns the land, worried about what happens when those members are no longer on the School Committee

Emma Oganova, 11 Hardy Road

- Purchased home in 2015
- Has observed lack of space in Town
- Would like Hardy School to remain, as well as playground/park
- Appreciates look of the Town and wants to make it more beautiful

Katherine Cort, 25 Fisher Avenue

- 26-year resident

- Residents are confused as to what is going to happen to this land and why these homes are being purchased
- Hardy site is very attractive now as an elementary school for many reasons; doesn't need to be enhanced to make it attractive
 - Offers free swing space; saves Town a lot of money
 - Existing access to Hickory Road would allow construction
 - Not sure about idea of eliminating an elementary school and putting PAWS on the Hardy site
 - Can't rationalize spending over \$3 million for land purchases when unsure what's going to happen with the land

Amy McCarron, 2 Lawrence Road

- Concerned about lack of transparency with these purchases, which leads to confusion as to whether supportive or opposed
- Lives very close to Hardy land, so concerned what is happening there
- Confused by question whether the purchases are or are not related to the Hardy, Hunnewell, Upham (HHU) question
- Hardy is already an attractive site; purchases not needed
- Would support acquisitions if it were stated that doing so would make it more likely that an elementary school would be build there
- As a Town Meeting Member, needs more information; getting lots of questions already; will be too late to get input from constituents by the time the Special Town Meeting occurs

Claire Keerl, 24 Hickory Road

- Family moved to Wellesley in 1954
- Reinforce transparency concerns
- Question: assuming those properties are single family residences, how could developer turn them into multi-family project without some kind of variance
 - Mr. Hluchyj clarified that two of the properties are under a purchase and sale agreement for a 40B development
- Same concerns as other speakers about not really knowing what's happening; general feeling that something was trying to be pushed through without everyone knowing about it or being able to weigh in

Joe Ganley, 7 Hardy Road

- Lives directly across Hardy Road from the school
- Very difficult to understand what the purpose of the acquisitions are
- Question as to how Advisory Committee can advise Town Meeting on this significant financial outlay when the purpose of the Town's purchase is not known
- If purpose is to expand access to Hardy or create sports fields, would probably be supportive
- Very concerned about character of the neighborhood
 - Does not have children at Hardy School, but purchased home (and is now rebuilding it) to have access to the school/park
 - If purchases are designed to make site more attractive for commercial development, would have serious concerns
- Two main concerns: (1) hard to know what position should be on outlay of taxpayer funds, and (2) what is long term master plan for site either as a public parcel or a private parcel

Tanya Pylyp, 5 Hardy Road

- Husband and two little girls moved to present house in early summer; directly across from school
- Echoes other speakers as to confusion about the purpose of the acquisitions

- Concerned whether there is a plan to put up affordable housing; seems like neighborhood getting slammed with 40B projects
- Doesn't want property values to go down
- If outcome is 40B housing in any scenario, would rather have private developer undertake project rather than Town using tax dollars
- Does not have opinion about use of site for municipal purpose such as PAWS; not familiar with program
- Would like to be part of a discussion around this rather than speculate on potential reasons
- Wants to be sure that neighborhood remains beautiful and quaint, with kids running around and laughing, where residents' investments are growing and not declining

Sugata Rowchowdury, 826 Worcester Street

- Together with wife, owns 826 Worcester Street, one of the properties in question
- Raised son in house; thought would remain in house; very unsettling to get call from Town
- Does not know any more than other individuals attending hearing; doesn't know what Town is thinking about in terms of making homeowner whole
- Mental anguish of living with uncertainty and dealing with all of this
 - Scouring through meeting videotapes to look for clues as to what is going to happen with regard to property and hearing things that might actually de-value property if don't agree to sell

At the conclusion of the citizen speakers, Mr. Hluchyj indicated his intention to try to answer some of the questions raised during the public hearing at the Advisory Committee meeting immediately following the public hearing, and encouraged the residents to remain for that meeting. Mr. Hluchyj then closed the public hearing and opened the regular meeting of the Advisory Committee.

7:40 p.m. Citizen Speak

There was no one present for Citizen Speak.

7:40 p.m. Discussion re: Warrant for 4/9/18 Special Town Meeting

Jack Morgan, Vice Chair, Board of Selectmen (BOS) and member, School Building Committee (SBC), was present.

Mr. Hluchyj asked Mr. Morgan to address the major themes that were heard during the public hearing, including what is going to happen to these properties if the Town acquires them.

Mr. Morgan presented.

- Appreciate opportunity to clarify and to comment – clear from public hearing that there is some confusion/uncertainty
- As an initial matter, will clarify that BOS, along with the School Committee (SC), following the recommendation of the HHU Master Planning Committee (MPC), is committed to maintaining the sites for the three elementary schools under discussion (Hardy, Hunnewell, Upham) for use as elementary schools
 - Came to conclusion that, with declining enrollment, the prudent course for the Town was to build two new or substantially renovated schools now; keep third site available for possible turn-up in enrollment; and establish 2,350 students on a trending basis as the trigger for that third school
 - By way of perspective, elementary enrollment in Town peaked at 2,487 and is now down to 2,200 elementary

- SC controls current land at Hardy site and has reiterated that it is committed to maintaining the site at Hardy as well as Upham and Hunnewell for eventual use as an elementary school – BOS supports that
- Not sure where conflation with affordable housing issues arises
 - BOS committed to Housing Production Plan and taking steps to address not only narrowly-defined affordable housing but also broader concepts, involving seniors and younger families
 - No plan to create affordable housing at the Hardy site; maintaining it for an elementary school
- Re: current suitability of Hardy site for construction, as suggested by several speakers tonight, MPC found that would be very challenging
 - Issues involving construction access to existing site while maintaining students at Hardy

There was a question whether, if Town Meeting approves the acquisitions of these parcels, they would be included in the land owned by the School Committee: Parcels would initially be under the control of BOS; that's what Town has done, for example, with the North 40 and the Selectman's Parcel near the High School; would become part of Town-owned land; would allow parcels to be considered for use as Town goes through process with MSBA of deciding where to build school; as presented at March 7 Advisory meeting, parcels would enhance construction access at Hardy, post-construction access off of Route 9 instead of Hardy Road, and potentially decrease traffic on Weston road.

There was a question whether acquisition of the parcels makes the Hardy site more attractive: A clear yes; everyone who has been involved in process thinks the acquisitions make the site more attractive; 826, while not absolutely necessary, has the advantage of "squaring things" off on the site, and Town hopes to be able to reach mutual agreement with owners of that property.

- No decisions have been made, but the addition of the 1.3 acres and the access off Route 9 offer up potential benefits to the Town, including
 - Build new school at Hardy now
 - Keep back area for future school; maybe could preserve the "historic" part of Hardy and still have something else besides an elementary school on the site
 - No decisions made, but litany of ideas that have been mentioned in the past for use of Weston Road side of property, including PAWS facility, space for central school administration, FMD space, Planning/Land Use Departments, Town arts center
 - No prospect that anything would change at Hardy School for at least five years; at that time, could evaluate doing something there
 - Although no one can bind future BOS or Advisory Committee or Town Meeting, hard to envision how it would make sense to actually build something on the three lots in question – they're good for access to the rest of Hardy site

An Advisory member sought to confirm that the Town has no thoughts about building on the actual lots that are being acquired: No; idea first and foremost is to make site more attractive for rebuilding an elementary school; approximately 80% of MSBA building projects get done by building a new school on the same lot as an existing school, usually while it's occupied; assumption that Town will build new school either behind Upham or behind Hardy; these lots remove or mitigate some of the issues that previous committees felt would arise in trying to build behind Hardy on existing lot.

Another Advisory member asked several questions to help with transparency concerns: (1) Is it correct that two of the houses are currently unoccupied: No; one of houses is rented; think that a second one is rented (though not sure); as an aside, Town will honor leases of existing tenants, and hopes it can work something out with 826 owners; no possibility of construction for 18 months; two properties (818/822)

are under a binding purchase and sale agreement with a developer who has filed with Mass Housing for a 40B development with approximately 25 units; (2) So it is correct that 818/822 are under a purchase and sale agreement: Yes; no contingencies on that agreement except for final payment. (3) Is the Town purchasing the properties to do commercial development, as a couple of speakers tonight have wondered: Properties are zoned single residence; 40B process allows for overriding Town zoning and accelerate permitting, but no thought at all of doing any commercial development; moreover, no thought of the Town using this as a site on which to put affordable housing; at its core, acquisitions are about maintaining the site as an elementary school; the Town will build two schools and keep a third site as a possibility.

There was a comment/question as to the fact that the underlying zoning would need to be changed to allow commercial development on these properties: Yes; Town has zealously protected Route 9 for most of its length, and certainly for this stretch from Weston Road past Oakland Street, as residential; never has been (and is not now) any plan in Town to put commercial uses on that part of Route 9.

There was a question whether, if these properties are purchased, they would be rolled into part of the feasibility study for the elementary schools: Absolutely; the entire just-under-9 acres would be on the table for feasibility study. There was a follow-up question whether the person who has the signed purchase and sale agreement is a 40B developer: Yes, he has done them in the past and, for this site, he filed with the state entity that facilitates 40B developments; Town's response to that filing is due March 22; Town is working with neighbors and others to finalize letter saying why proposal is too dense, etc.; Town is not proposing these acquisitions to stop a 40B development; Town is buying land because it substantially improves the value of the Hardy parcel and in particular will improve the ability to put a new school there, especially in the short-term while Hardy is occupied.

There was a question what the Town has done in the past with respect to surplus schools, and whether the Town has ever sold one for commercial development: In late 1960s through early 1980s, when there was a dramatic collapse in elementary school enrollment and the Town had twelve relatively small schools, there was a very painful process of closing down six of those schools; three of them were sold for use as more or less senior housing (Phillips, Brown, Kingsbury); two were retained for other uses (Sprague and Warren); Perrin was intended as a mothballed school but burned down and is now a park; Town did not contemplate commercial development, to Mr. Morgan's knowledge; Town is very proud of its zoning and has no intention to do that.

There was a request for comment on the fact that an unintended consequence of the Town's acquisition of 818/822 is that the 40B project would not go through and developer might look for alternative site: BOS strategy is to create a Housing Production Plan (HPP) which will provide a plan for the Town and also give it a safe harbor to control things; Town then needs to make real progress annually against the HPP; in parallel, the Town has done a number of things – e.g., supporting \$200,000 appropriation from CPC for first step towards potentially improving properties at Barton Road and Morton Circle, and issuing RFP for potential development of Tailby and railroad parking lots (currently in process); fundamental problem with 40B is that Town is reactive and currently there is no plan and no real ability to make rational choices to get things distributed around Town; market forces are driving fact that 40B developments have all been in the same area, because by Wellesley standards, properties there are fairly inexpensive; BOS wants to find a way to get things spread out; best Town can do on defense is to reduce unattractive features.

There was a comment that if a developer purchases the land for 40B purposes, there is little the Town can do to prevent it: True, though Town is not buying the properties to prevent a 40B project; Town has no intention to use the land for affordable housing, but developer does.

There was a question as to when the Town decided to begin pursuing these lots on Worcester Street: During the MPC process, maybe winter 2016-17, in looking at what could be done to reduce some of problems with Hardy site; Town is very motivated to get swing space and attractive construction; some MPC members thought that if the Town had those lots the situation would be different; but Town doesn't have a history of moving very aggressively to acquire properties from homeowners; and, as has also been pointed out, elementary school question is complicated and contentious so nothing came of that; however once Town became aware that this 40B was going through and that a developer was in the process of purchasing 818/822, it certainly occurred to the BOS quickly that if Town were going to move, it should move now; the timing was driven by the fact that these came under a purchase and sale agreement from developer, but MPC had the idea before.

There was a question seeking confirmation that there are precedents for the Town buying lots around schools, and in all those cases not building on them: Yes; in 1954 Town acquired 3.5 acres behind then-small Hardy school with idea of possible expansion of school, but also to have more fields, etc.; Town also acquired "Selectmen's Parcel" near the High School; three houses on Seaver Street were acquired for the new High School building; back in 2001, Town acquired a house down the hill from Fiske on general principles that might be expanding or doing something at Fiske; Board of Health initially housed there for a couple of years and then, when PAWS needed to move out of the Middle School, Town tore down house and put up current PAWS building; not sure Town has any history of ever selling any land, but certainly not land that was acquired for a school.

There was a question whether the developer will bring suit against the Town: Governments in U.S. have authority to acquire land for their purposes (with respect to a Town, it's for "municipal purposes," and "school" is a "municipal purpose"); very broad authority; one can challenge anything in court, and one could confirm with Town Counsel, but BOS very confident about Town position; BOS objective is to reach agreement on price and to sign purchase and sale agreements with developer and the homeowners; if Town can't reach agreement on 826, however, it won't move forward; if Town can't reach agreement with 818/822 developer, however, it will move forward with taking/eminent domain proceeding; Town would then make payment to developer as to what it believes is the appropriate value, and developer can challenge that figure; Town would own the land and could do whatever it wants with it, but would be in litigation for a period of years as to the value of the property; it is in Town's interest and developer's interest to avoid litigation and reach mutual agreement.

There was a question seeking confirmation that, with respect to these kinds of acquisitions, for example Seaver Street properties, the Town took them by eminent domain as a procedural matter to obtain clear title, but only after reaching agreement with homeowners on price: Yes, believe that is right; expect that even with 1954 acquisition of the properties behind Hardy the Town reached agreement with the homeowners; Town intends to do so here.

There was a question seeking confirmation that the Town's intention is to use these properties as another means of access/egress for construction or eventual use of school, and has no other thoughts for other uses: Yes, no other thoughts; there is some confusion as to what might be done on the entire nine acres vs. what might be done on that Worcester Street block; if the Town is going to build a driveway on those parcels (or maintain that possibility for the future) then don't know how one can do anything else.

There was a follow-up question as to whether, if Upham is chosen as the site for the second school, these properties would potentially be empty land: Can't see doing a building on those three properties; have talked about using them to create a parking lot, as a way to access fields off of Worcester Street as well as off Weston Road; don't have ideas of building a building.

There was a question concerning the nature of the transaction, and whether the intention is to purchase 818/822 from the developer or from the existing owner: Town Counsel, who is leading the negotiations,

said at last week's Advisory presentation that Town will have discussions with both existing owner and 40B developer; question of exactly where purchase comes from; developer is going to have to be made whole.

There was a follow up question as to whether land that has been taken for municipal purposes is subject to that restriction forever: No; Town can take the land, and it becomes land that Town owns without legal restrictions on what Town can do; no one involved has any thought that Town would sell the land; unaware that Town has ever sold land, except for things like where those schools were turned into condos; impossible to imagine that Town is going to get into business of selling land to anybody, especially developers.

Mr. Hluchyj noted that the residents who spoke at the public hearing were concerned about the possible uses to which the land might be put and therefore appreciated Mr. Morgan going through the possible uses. Mr. Hluchyj invited Amy McCarron to come forward with any additional questions.

Amy McCarron, 2 Lawrence Road, made the comment/question that if the land is used to build a new Hardy school, that's fine; but if Upham is chosen, what is the urgency to take this from the developer: If Town doesn't acquire this land now, a substantial building is going to go up on this property, and, if Town decides to acquire in the future, would have to pay substantially more than it's paying now, which is the land value; Town is moving proactively to get the land now, as it has done previously; also, if you look at the map, it really is those two lots (818/822) plus the third to square it off (826), that are the pivotal lots; adjoining properties to the west and east would be nice, but they don't have that kind of direct access; although important to get a reasonable frontage on Worcester Street, Town is not building a building, so needs only a certain amount of land.

Ms. McCarron followed up with the question whether there is a possibility that the Town would make acquisitions somewhere else, like at Stearns Road, which abuts Sprague, and where there is also a proposed 40B development: BOS doesn't think those properties provide a substantial or dramatic improvement; Stearns Road would expand Sprague site and offer a little extra land, but no vision of what Town would do with that.

There was a question by an Advisory member as to whether it is fair to say that the fact that 818/822 are being sold provides a unique opportunity for the Town, and that having access to those properties gives greater flexibility for whatever future uses there might be at the site without impacting the neighborhood that the commenters spoke so fondly and lovingly about: Absolutely.

Mr. Hluchyj invited Advisory members to offer their views so that they could be included in the "Advisory Considerations" section of the Advisory Report that will be prepared for the Special Town Meeting.

An Advisory member expressed support, stating that this is a unique opportunity; provides way to have access to the site and will offset some of the traffic on Weston Road; vehicular traffic challenging there; zoning restrictions are protective of neighbors; benefits to the Town from the purchase; experience with similar projects and purchases in the past; Town history of responsible and considered use, and interest in protecting the character of neighborhoods. This member encouraged interested persons to review the presentation that the BOS and Town Counsel made to the Advisory Committee last week (March 7).

Another Advisory member also expressed support; good deal of flexibility in enhancing Hardy site; School Committee owns 85% of acreage at the site; helps to be able to consider this additional land in the feasibility study; as a resident of Weston Road, doesn't mind a little bit of traffic diversion; doesn't think acquisitions are quite as ambiguous as some think.

An Advisory member expressed support, for all the reasons mentioned; knows how crowded it gets at the site; knows there is precedent in Town to reach agreement before Town does these acquisitions.

Another Advisory member expressed support; felt public hearing was very helpful in expressing concerns of immediate neighbors. This member noted that he heard residents say that their reason for moving into the neighborhood was its current character and voice concern that their investments might be disrupted; Mr. Morgan's presentation made clear that the purpose of the acquisitions is to preserve, not disrupt, neighborhood character. This member also heard objections to the use of tax dollars for commercial development or Town-sponsored affordable housing; clear that neither of those options is in any way, shape or form being brought before us.

Another Advisory member expressed support, for the reasons previously stated; also heard residents speak to lack of transparency, and hopes the Town will continue open conversations with residents.

An Advisory member expressed support, but noted that might be prudent to highlight other opportunities for this developer, so that it looks like Town is supportive of 40B projects done the right way. In response to that comment, another Advisory member noted that the Town is in the process of producing a Housing Production Plan, and a second Advisory member noted other commitments that the Town has made to facilitate affordable housing (e.g., zoning adjustments).

An Advisory member expressed support for the acquisitions, explaining that the presentation last week clearly showed how these lots would improve the Hardy site.

Another Advisory member expressed support, viewing this as a "win" for the neighborhood; as between the two choices, believes that the neighbors would be more interested in this as an access road; Town's use likely more palatable development than anything else that might be put on the property.

An Advisory member voiced support for the Town acquiring property that has "municipal logic"; not many such parcels around anymore; in terms of Hardy/Upham question, this member would find the acquisitions attractive if he lived in the Hardy district.

Another Advisory member expressed support, emphasizing the long-term perspective and the opportunity to buy land adjacent to what the Town already owns.

8:55 p.m. Liaison Reports

Library (Betsy Roberti)

Trustees are hoping to get new design figures for Main Library renovation (Article 19) within the week; they and PBC will be coming to Advisory next week, March 21.

8:56 p.m. Adjourn

Paul Merry made and Alena Poirier seconded a motion to adjourn. The motion passed unanimously.