

**Advisory Committee**  
**March 13, 2013**  
**Felix Juliani Meeting Room, Town Hall**

David Murphy called the meeting of the Wellesley Advisory Committee to order at 7:30 p.m. Those present included Bob Capozzi, Becky Epstein, Ann-Marie Gross, John Hussey, Catherine Johnson, Phil Licari, Andy Patten, and Ann Rappaport.

Lucy Kapples entered the meeting at 7:32 p.m. Deb Robi and Marjorie Freiman entered the meeting at 8:39 p.m.

Citizen Speak

None

Approval of Minutes

David Murphy, Chair, asked for a review of the minutes of the February 27, 2013, March 2, 2013 and March 6, 2013 meetings. A motion was made by Ann-Marie Gross to approve the minutes of February 27, 2013. Phil Licari seconded the motion and the minutes were approved unanimously.

Ann-Marie Gross made a motion to approve the minutes of March 2, 2013 which was seconded by Phil Licari. The minutes of March 2, 2013 were approved unanimously.

Ann-Marie Gross made a motion to approve the minutes of March 6, 2013. Phil Licari seconded the motion and the minutes of March 6, 2013 were approved unanimously.

Discussion of Articles 2, 7, 8, 14, 17, 18, 20, 22, 27, 28, 29, 30, 31, 33

David Murphy, Chair asked each Committee member to review the particular article they were assigned. Discussion followed.

**Article 2** – The Executive Director of General Government Services, working under the direction of the Board of Selectmen, prepares and presents the Town-Wide Financial Plan and Capital Budget Program at the start of the Annual Town Meeting. This presents attendees an update on the current status and future obligations, as well as challenges and the opportunities faced by Wellesley.

Goals for the future use of the Financial Plan include introducing an extended forecast as opposed to a two-year model as previously presented, incorporating multiple scenarios, extending planning to a year-round process, encouraging participation by all town boards and increasing transparency and public discussion.

**Article 7** – This article will allow the appropriation of monies by transfer from available funds, borrowing or other means to supplement the appropriations approved at the 2012 Annual Town Meeting which are still unpaid.

Motion 1 is a supplemental request from Fiscal Year 2013 for an appropriation of \$450,000 to cover winter maintenance costs through the last snow storm. Additional funds may be requested if there is further winter maintenance needed.

**Article 8** – This article will allow the appropriation of funds for the operation of several Town Departments, to provide for a Reserve Fund and to take care of extraordinary maintenance and special capital projects.

Motion 1 authorizes the Town to accept a \$1 million payment from the Municipal Light Plant (MLP) in FY14 as approved by the MLP Board. The Board of Assessors must receive annual authorization to incorporate these funds from the MLP into the tax rate.

Motion 2 seeks appropriation of the funds detailed in the exhibit shown on the following pages to the respective boards and departments. This appropriation represents the material portion of spending in the FY14 budget, including operating budgets for all departments, cash capital spending, and debt service.

Motion 3 appropriates Free Cash to reduce the tax rate. The Department of Revenue has Specifically requested the Town add this motion in the event Free Cash is used to balance the budget.

**Article 14** – This article will allow the appropriation of funds for the construction, reconstruction, remodeling or rehabilitation of the heating, ventilation, and air conditioning systems of the Department of Public Works Park/Highway Garages.

It is the consensus of the Advisory Committee that the proposed improvements to the Park and Highway Building HVAC system are necessary and appropriate. It is Advisory's understanding that design plans for the HVAC rehabilitation of the Park/Highway building have been completed and bid documents reveal a minimum bid of \$750,000 to bids over a million dollars. The Permanent Building Committee will vote approval on the winning bid on March 21, 2013. Advisory Committee will vote approval at or prior to the Annual Town Meeting on this item.

**Article 17** – This article deals with the monies to be appropriated for construction, reconstruction, remodeling, rehabilitation and modernization of various school and municipal buildings. The funds for these projects would be financed through short-term borrowing under the levy and appropriated and supervised by the Permanent Building Committee. Before making a final recommendation, final cost estimates will be reviewed.

**Article 18** – This article deals with the amount of monies to be appropriated for the preparation of plans and specifications, construction, reconstruction, remodeling or rehabilitation of the Tolles-Parsons Center (senior center) at 496 Washington Street which is the former American Legion site.

Mary Bowers spoke to the Committee regarding her support of this center. Discussion followed regarding the costs already spent and the additional costs needed to complete the project. The total square footage for office space will be 1,163 square feet which is about 23% of the total space. This item will be brought up for a vote at a later time.

**Article 20** – This article deals with the amount of monies the Town will raise and appropriate for renovation and repairs of the chimney at 210 Washington Street (Hills Branch Library). The consultant firm, Weston & Samson, was secured to complete a preliminary design and construction estimate on the project. The Community Preservation Committee was approached for funding based on their estimates. The Wellesley Historic Commission was also involved.

The consultant's report was submitted for review with the Permanent Building Committee on March 7<sup>th</sup>. The final budget and cost estimates were submitted to the Community Preservation Committee at a meeting on March 13<sup>th</sup> and they agreed to provide \$110,000 to the project not to exceed 50% of the total costs. The Historic Association advised that the chimney did not need to be operational.

At a meeting on March 11, 2013, the Library Board of Trustees unanimously approved the following motion: "As Library Trustees and custodians of the Hills Branch library building, we support the restoration of the east facing chimney and wall of the building in a manner that maintains its historic designation to the degree that is fiscally responsible."

Advisory Committee will approve at or prior to the Annual Town Meeting.

**Article 22-** This article proposes the Town acquire a 5.59 acre portion of the Cochituate Aqueduct. This portion will join the section already owned by the Town. Alternatively, the Dunkin Donuts franchise would possibly secure the property, keep a small portion to expand its parking lot and sell the rest to the Town for a nominal amount. Dunkin Donuts would increase its parking capacity, clean-up trash on the property, plant thirty trees and give consideration of the wetlands issues. The Town would be responsible for the maintenance of the open spaces, two culverts and the historic structure of the gate house as well as the aqueduct pipe. Several interested parties have made inquiries regarding the use of the open spaces.

The Board of Selectmen intends to solicit feedback from residents living in or near the area of the Cochituate Aqueduct before the Town Meeting. Advisory Committee will wait until after public input to make a recommendation at or before the Town Meeting.

**Article 27** – This article will amend the Zoning Bylaw Section XVIII, Area Regulations by striking Subsection B, Alternative Area Regulations in Subdivisions of Ten Acres or More (Cluster Residential Developments) by adding a new section to provide cluster development opportunities for small subdivisions having two to four lots.

The Planning Board has not finalized the Bylaw language and the final version will be provided at Town Meeting. Advisory Committee will make a recommendation at or before the Town Meeting after the language is finalized.

**Article 28** – This article will amend Zoning Bylaw Section XVIII, Area Regulations by striking Subsection B, Alternative Area Regulations in Subdivisions of Ten Acres or More (Cluster Residential Developments) and adding a new section to allow for subdivisions having five or more lots where the design will protect primary and secondary conservation resources.

As with Article 27, the Planning Board is still finalizing the Bylaw language. Advisory Committee will make a recommendation at or before the Town Meeting after the language is finalized.

**Article 29** – This article will amend the Zoning Map by extending the Wellesley Square Commercial District to include properties at 40 Grove Street, 53 Grove Street and 576 Washington Street (Assessor’s Parcels 112-37, 124-13 and 124-16). Advisory Committee agrees with the map change as it makes the Wellesley Square Commercial District boundaries more sensible and eliminates split zoning issues at the Wellesley Inn and 40 Grove Street areas.

**Article 30** - This article would allow a reduction in the 2,500 square foot minimum lot area per family requirement for residential uses in the Wellesley Square Commercial District with issuance of a special permit by the Planning Board. This would amend the Zoning Bylaw Section XVIII, Area Regulations D.2, Ratio of Families to Lot Area.

Advisory Committee agrees with the language of the Bylaw and the goals of revitalizing the Wellesley Square as it increases the proportion of residential space as compared to commercial space, recognizes the same density as applied in other areas of Town, and shows minimal impact in metered parking. This Bylaw would mandate a special permit be acquired to allow for public input prior to development.

**Article 31** – This article will amend the Zoning Bylaw Section XXIIA, Signs which will modify the required setback for “Standard Information Signs”. Signs should be no closer to the street than the back edge of the sidewalk. In areas where there is no sidewalk, the signs should be placed eight feet from the edge of the paved surface.

This Bylaw will eliminate the confusion with the previous language and allow for better enforcement. It will also allow property owners with non-conforming lots the ability to place temporary signs on their property without being in violation.

**Article 33** - This article regulates the use of marijuana on land owned by or under the control of the Town. It specifically lists the areas that prohibit use. Violation is punishable by a \$300 fine. There was some concern regarding the language in regards to use of marijuana in a personal vehicle. The language will be reviewed to reflect the same terminology used in the liquor regulations.

The Wellesley Police Chief contacted the Attorney General’s office to discuss a change in language of the motion to include any person in a motor vehicle. It was determined that the additional language would be acceptable. The Board of Selectmen agreed with the language changes.

Vote on Articles 2, 7, 8, 14, 17, 18, 20, 22, 27, 28, 29, 30, 31, 33

David Murphy, Chair asked for a vote by a show of hands on the following items as follows:

**Article 2** – *To receive the Reports of the Board of Selectmen on the Five Year Capital Budget Program and Town-Wide Financial Plan pursuant to Town Bylaw Sections 19.5.2 and 19.16: or take any other action relative thereto.* (Board of Selectmen)

Ann-Marie Gross made a motion that the Advisory Committee recommends favorable action on Article 2. The motion was seconded by Phil Licari.

Disposition: Article 2 was recommended for favorable action by a show of hands, 11 to 0.

**Article 7** - *To see what sums of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, or borrowing, to supplement or reduce*

*appropriations previously approved by the 2012 Annual Town Meeting; or take any other action relative thereto.* (Board of Selectmen)

**MOTION 1**

This Motion requests a supplemental FY13 appropriation of \$350,000 to the Board of Public Works for winter maintenance.

Ann-Marie Gross made a motion that the Advisory Committee recommends favorable action on Motion 1, Article 7. The motion was seconded by Phil Licari.

Disposition: Motion 1, Article 7 was recommended for favorable action by a show of hands, 11 to 0.

No vote was taken on Article 7, Motions 2-5 at this meeting.

**Article 8** – *To see what sums of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, or borrowing, for the following:*

- a) for the operation of the several Town departments, including capital outlay, maturing debt and interest, and to provide for a Reserve Fund;*
- b) for extraordinary maintenance, special capital projects and other capital outlay items for the several Town departments;*
- c) for such purposes as may be voted contingent upon passage by the voters of referendum questions as authorized by Section 21c (g) of Chapter 59 of the General Laws, as amended;*

*and among other resources to meet said appropriations, to authorize the Board of Assessors to use any monies paid to the Town from the Wellesley Municipal Light Plant as an estimated receipt when computing the Fiscal Year 2014 Tax Rate; or take any action thereto.* (Board of Selectmen)

**Motion 1** authorizes the Town to accept a \$1 million payment from the Municipal Light Plant (MLP) in FY14 as approved by the MLP Board. The Board of Assessors must receive annual authorization to incorporate these funds from the MLP into the tax rate.

Ann-Marie Gross made a motion that the Advisory Committee recommends favorable action on Motion 1, Article 8. The motion was seconded by Phil Licari.

Disposition: Motion 1, Article 8 was recommended for favorable action by a show of hands, 11 to 0.

**Motion 2** seeks appropriation of the funds detailed in the exhibit shown on the following pages to the respective boards and departments. This appropriation represents the material portion of spending in the FY14 budget, including operating budgets for all departments, cash capital spending, and debt service.

Ann-Marie Gross made a motion that the Advisory Committee recommends favorable action on Motion 2, Article 8. The motion was seconded by Phil Licari.

Disposition: Motion 2, Article 8 was recommended for favorable action by a show of hands, 11 to 0.

**Motion 3** appropriates Free Cash to reduce the tax rate. The Department of Revenue has specifically requested the Town add this motion in the event Free Cash is used to balance the budget.

Ann-Marie Gross made a motion that the Advisory Committee recommends favorable action on Motion 3, Article 8. The motion was seconded by Phil Licari.

Disposition: Motion 3, Article 8 was recommended for favorable action by a show of hands, 11 to 0.

**Article 14** – *To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Permanent Building Committee for the Cost of architectural, engineering and/or other services, for construction, reconstruction, remodeling, rehabilitation, and/or modernization of the heating, ventilation, and air conditioning systems of the Department of Public Works Park/Highway Garages; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.* (Board of Public Works)

No vote was taken at this time on this article pending further action by the Permanent Building Committee on March 21, 2013.

**Article 17** - *To see what sum of money the Town will raise and appropriate, or otherwise provide, for architectural, engineering, and/or other services, for preparation of plans and specifications, for construction, reconstruction, remodeling, rehabilitation and/or modernization of;*

a) *various Schools and other Town Buildings; and*

b) *former Municipal Light Plant substation (1 Municipal Way) for use as Facilities Maintenance Department offices;*

*to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds including Community Preservation Funds; or take any other action relative thereto.* (Board of Selectmen/School Committee)

No vote was taken at this time on this article pending further action by the Board of Selectmen.

**Article 18** – *To see what sum of money the Town will raise and appropriate, or otherwise provide, in addition to the amount voted under Motion 2 of Article 20 of the Warrant for the 2009 Annual Town Meeting, for architectural, engineering and/or other services, for preparation of plans and specifications, for construction, reconstruction, remodeling, rehabilitation and/or design of the Tolles-Parsons Center (senior center) to be located at the Town owned site at 496 Washington Street (the former American Legion site) and for vehicular parking to be located on site or on other town controlled land; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.* (Board of Selectmen)

No vote was taken at this time on this article.

**Article 20** – *To see what sum of money the Town will raise and appropriate, or otherwise provide, for architectural, engineering and/or other services for preparations of plans and specifications for renovation of the Hills Branch Library (210 Washington*

*Street), including without limitation the chimney, and for the construction, reconstruction, remodeling, rehabilitation and/or modernization of the same; and for other services in connection therewith; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds including Community Preservation Funds; or take any action relative thereto. (Board of Selectmen & Board of Library Trustees)*

No vote was taken at this time on this article to allow the Board of Selectmen to review and vote.

**Article 22** – *To see if the Town will vote to acquire by deed, eminent domain or otherwise, the most-westerly portion of the Cochituate Aqueduct, currently under control of DCAM of the Commonwealth of Massachusetts, said parcel of land comprising 5.59 acres running from the Natick Town Line to approximately 25’ south of Dedham’s Brook Waste Weir at which point said parcel meets the portion of the said parcel to be determined by an independent appraisal, and also all other costs associated with the same as authorized by c.267 of the Acts of 2002 and as may be further authorized by additional legislation to be proposed if necessary by DCAM or the Town, to appropriate a sum of money for the purpose, to be raised by taxation, through borrowing and/or by transfer from available funds; to authorize the Board of Selectmen to file Home Rule legislation regarding the same if necessary; to authorize the Board of Selectmen to enter into a lease of a portion of said property; or take any other action relative thereto. (Board of Selectmen)*

Ann-Marie Gross made a motion that the Advisory Committee recommends favorable action on Article 22. The motion was seconded by Phil Licari.

Disposition: Article 22 was recommended for favorable action by a show of hands, 11 to 0.

**Article 27** – *To see if the Town will vote to amend the Zoning Bylaw Section SVIII, Area Regulations by striking subsection B. Alternative Area Regulations in Subdivisions of Ten Acres or More (Cluster Residential Developments) in its entirety, and by adding a new section to the Zoning Bylaw to provide cluster development opportunities for innovative design of small subdivisions having 2 to 4 lots; the bylaw amendments currently being proposed to be available for inspection in the Planning Board office; or take any other action relative thereto. (Planning Board)*

No vote was taken at this time on this article to allow the Planning Board to revise the language.

**Article 28** – *To see if the Town will vote to amend the Zoning Bylaw Section SVIII, Area Regulations by striking subsection B. Alternative Area Regulations in Subdivisions of Ten Acres or More (Cluster Residential Developments) in its entirety, and by adding a new section to allow innovative, context sensitive design of subdivisions having 5 or more lots where such cluster design shall achieve the protection of primary and secondary conservations resources that are protected through local, state or federal law including wetlands and regulated buffers, rivers and streams and regulated buffers, floodplains, and habitat for rare or endangered species, as well sites that contain valuable natural or cultural resources that are not regulated by local, state or federal law; the bylaw amendments currently being proposed to be available for inspection in the Planning Board office; or take any other action relative thereto. (Planning Board)*

No vote was taken at this time on this article to allow the Planning Board to revise the language.

**Article 29** – *To see if the Town will vote to amend the Zoning Map by extending the Wellesley Square Commercial District to include those properties, or portions thereof that are currently zoned Educational and located at #40 Grove Street, #53 Grove Street and #576 Washington Street (Assessor’s Parcels 112-37, 124-13 and 124-16); a plan of the proposed map amendment currently being proposed to be available for inspection in the Planning Board office; or take any other action relative thereto. (Planning Board/Board of Selectmen)*

Ann-Marie Gross made a motion that the Advisory Committee recommends favorable action on Article 29. The motion was seconded by Phil Licari.

Disposition: Article 29 was recommended for favorable action by a show of hands, 11 to 0.

**Article 30** – *To see if the Town will vote to allow a reduction in the 2,500 square foot minimum lot area per family requirement for residential uses in the Wellesley Square Commercial District upon the issuance of a Special Permit by the Planning Board by amending the Zoning Bylaw Section XVIII, Area Regulations D.2, Ratio of Families to Lot Area; the bylaw amendments currently being proposed to be available for inspection in the Planning Board office; or take any other action relative thereto. (Planning Board/Board of Selectmen)*

Ann-Marie Gross made a motion that the Advisory Committee recommends favorable action on Article 30. The motion was seconded by Phil Licari.

Disposition: Article 30 was recommended for favorable action by a show of hands, 11 to 0.

**Article 31** – *To see if the Town will vote to amend the Zoning Bylaw Section XXIIA, Signs, to modify the required setback for “Standard Informational Signs”; the bylaw amendments currently being proposed to be available for inspection in the Planning Board office; or take any other action relative thereto. (Planning Board)*

Ann-Marie Gross made a motion that the Advisory Committee recommends favorable action on Article 31. The motion was seconded by Phil Licari.

Disposition: Article 31 was recommended for favorable action by a show of hands, 11 to 0.

**Article 33** – *To see if the Town will vote to prohibit the smoking, ingesting, or otherwise consuming marijuana on any land owned or under control of the Town by amending Town Bylaws Article 49 Police Regulations to establish a new Section 49.19A Consumption of Marijuana Prohibited to read substantially as follows (said proposed version being subject to change before or at town meeting):*

*No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in Massachusetts General Laws Chapter 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town, or in or upon any bus or other passenger conveyance operated by a*

*common carrier within the Town, or in any place accessible to the public within the Town.*

*Violation of this Section is punishable by a fine of \$300, enforceable through criminal indictment or complaint under General Laws Chapter 40, Section 21 or by non-criminal disposition under General Laws Chapter 40, Section 41D. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under General Laws Chapter 94C, Section 32L.*

*Copies of any new version being proposed to be available for inspection in the Selectmen's office; or take any other action relative thereto.* (Board of Selectmen)

Ann-Marie Gross made a motion that the Advisory Committee recommends favorable action on Article 33. The motion was seconded by Phil Licari.

Disposition: Article 33 was recommended for favorable action by a show of hands, 11 to 0.

The meeting was adjourned at 10:16 p.m.

Documents: Agenda, Advisory Committee meeting minutes of 02/27/13, 03/02/13, 030613