

Final

TOWN OF WELLESLEY



**WARRANT
for the
ANNUAL TOWN MEETING**

**ELECTION – March 5, 2013
BUSINESS MEETING – April 1, 2013**

**PLANNING BOARD PUBLIC HEARING (WARRANT ARTICLES)
February 4, 2013, 7:30 P.M. at Town Hall**

**ADVISORY COMMITTEE PUBLIC HEARING (WARRANT ARTICLES)
February 6, 2013, 7:00 P.M. at Town Hall**

Commonwealth of Massachusetts

Norfolk, ss.

To Terrence M. Cunningham, Chief of Police of the Town of Wellesley, in said County.

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify the qualified voters of said Town of Wellesley to meet in their respective voting places on March 5, 2013:

The voters of Precinct A, in Katharine Lee Bates School, 116 Elmwood Road;

The voters of Precinct B, in Isaac Sprague School, 401 School Street;

The voters of Precinct C, in Ernest F. Upham School, 35 Wynnewood Street;

The voters of Precinct D, in Otho L. Schofield School, 27 Cedar Street;

The voters of Precinct E, in Joseph E. Fiske School, 45 Hastings Street;

The voters of Precinct F, in Dana Hall School, Shipley Center, 142 Grove Street;

The voters of Precinct G, in Wellesley Free Library, 530 Washington Street;

The voters of Precinct H, in Isaac Sprague School, 401 School Street.

at 7:00 A.M., at which time the polls in said precincts will be opened and remain open continuously until 8:00 P.M. of said day when they will be closed, during which time

Final

aforesaid qualified voters of said Town may bring in their ballots to the Election Officers, duly appointed and sworn for said precincts of said Town of Wellesley, in said meetings so assembled for the following:

To cast their votes in the Town Election for the election of candidates for the following offices:

<u>OFFICE</u>	<u>VACANCIES</u>	<u>TERM</u>
Board of Assessors	One	Three Years
Board of Health	One	Three Years
Board of Public Works	One One	Three Years One Year
Board of Selectmen	One	Three Years
Moderator	One	One Year
Natural Resources Commission	One	Three Years
Planning Board	One One	Five Years One Year
Recreation Commission	Two	Three Years
School Committee	One	Three Years
Housing Authority	One One	Five Years Three Years
Trustees of the Wellesley Free Library	Two	Three Years

and for **TOWN MEETING MEMBERS**, under the provision of Chapter 202 of the Acts of 1932, as amended.

You are further required to notify the qualified Town Meeting Members of said Town of Wellesley to meet in the

**WELLESLEY HIGH SCHOOL AUDITORIUM
Monday, April 1, 2013**

at 7:30 P.M. at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with Chapter 202 of the Acts of 1932, as amended and subject to referendum provided thereby

Final

ARTICLE 1. To choose a Moderator to preside over said meeting and to receive reports of town officers, boards and committees, including the Annual Town Report, the Report to this Town Meeting of the Advisory Committee, the Report of the Community Preservation Committee, and discharge presently authorized special committees; or take any other action relative thereto.

(Board of Selectmen)

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)

APPROPRIATIONS – OPERATING AND OUTLAY

ARTICLE 3. To see if the Town will vote to amend ARTICLE 31 of the Town Bylaws by making changes in Schedule A entitled “Job Classifications by Groups” which constitutes part of said Bylaws; or take any other action relative thereto.

(Human Resources Board)

ARTICLE 4. To see if the Town will vote to amend ARTICLE 31 of the Town Bylaws by making changes in Schedule B entitled “Salary Plan – Pay Schedule” established under Section 31.6 which constitutes part of said Bylaws; to raise and appropriate, or otherwise provide, money therefor; or take any other action relative thereto.

(Human Resources Board)

ARTICLE 5. To see what action the Town will take to fix the salary and compensation of the Town Clerk as provided by Section 108 of Chapter 41 of the General Laws, as amended; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 6. To see if the Town will vote to accept the provisions of Section 19 of Chapter 188 of the Acts of 2010, which amends Section 103 (j) of Chapter 32 of the Massachusetts General Laws giving the Contributory Retirement Board authority to increase the maximum base on which the cost-of-living increase is calculated for retirees of the Wellesley Retirement System from \$12,000 to \$15,000; or take any action related thereto.

(Contributory Retirement Board)

Final

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)

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 other action relative thereto.

(Board of Selectmen)

ARTICLE 9. To see what sum of money the Town will raise and appropriate, or otherwise provide, for the town's Stabilization Funds pursuant to the provisions of Section 5B of Chapter 40 of the General Laws, as amended; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 10. To see what sum of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, to the Municipal Light Board for the Municipal Light Plant; or take any other action relative thereto.

(Municipal Light Board)

ARTICLE 11. To see what sum of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, to the Board of Public Works for the Water Program; or take any other action relative thereto.

(Board of Public Works)

Final

ARTICLE 12. To see what sum of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, to the Board of Public Works for the Sewer Program; or take any other action relative thereto.

(Board of Public Works)

ARTICLE 13. To see if the Town will vote pursuant to Section 53E½ of Chapter 44 of the General Laws, as amended, to authorize/reauthorize the establishment of one or more revolving fund(s) for the purpose of funding the activities of certain departments of the Town; or take any other action relative thereto.

(Board of Selectmen)

APPROPRIATIONS – SPECIAL CAPITAL PROJECTS

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)

ARTICLE 15. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Board of Public Works, for the cost of architectural, engineering and/or other services, for preparation of plans and specifications, for construction, reconstruction, and/or rehabilitation of street, sidewalk, wall, foundation, supporting structures and/or drainage construction related to the Wales Street Bridge and approaches thereto; 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)

ARTICLE 16. To see what sum of money the Town will raise and appropriate, or otherwise provide, for the cost of the following work at 900-910 Worcester Street, previously known and referred to as the Saint James The Great site: continuing due diligence investigation, demolition of existing structures and other site work, performing all necessary remediation, investigation of potential recreational uses of the site including performing program studies associated with the anticipated uses of the site, creating a master site plan, preparing applications to permit construction of the anticipated uses of the site, performing studies including architectural, engineering and/or other services, and conducting any other activities associated with the above listed tasks; to determine whether such sum shall be raised by taxation, borrowing and/or by transfer from available funds including Community Preservation Funds; or to take any other action relative thereto.

(900 Worcester Committee)

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)

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)

ARTICLE 19. To act on the report of the Community Preservation Committee on the fiscal year 2014 community preservation budget and, pursuant to the provisions of Chapter 44B of the General Laws, to appropriate or reserve for later appropriation monies from Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year; or take any other action relative thereto.

(Community Preservation Committee)

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 preparation 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 other action relative thereto.

**(Board of Selectmen &
Board of Library Trustees)**

ARTICLE 21. To see if the Town will direct whether or not future planning for capital needs shall include the needs of the branch libraries, a question implicitly raised by the voter results of the following question put to the voters by referendum on May 16, 2006, which was as follows:

Shall the Town of Wellesley be allowed to access an additional \$75,603 in real estate and personal property taxes for the purpose of funding its operating budget for the Hills Branch and Fells Branch of the Wellesley Free Library, for the fiscal year beginning July 1, 2006?

action on said referendum being 4,512, Yes, 4,927, No; the Library Trustees having largely covered the branches operating expenses by fundraising and other sources in the meantime; or take any other action relative thereto.

(Board of Selectmen)

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 Aqueduct already owned by the Town; provided the Town pay the fair market value of 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

Final

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)

AUTHORIZATIONS

ARTICLE 23. To see if the Town will vote to grant, accept and/or abandon one or more easements, including but not limited to utility and drainage easements, at one or more locations in the Town; or take any other action relative thereto.

(Board of Public Works)

ARTICLE 24. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Board of Public Works for water and/or sewer line rehabilitation; and for any equipment or services connected therewith; to determine whether such sums 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)

ARTICLE 25. To see if the Town will vote to acquire, by gift, deed, eminent domain or otherwise, the following three parcels, abutting the existing Fuller Brook Park, to be joined to said park and thus under the jurisdiction of the Natural Resources Commission, to be held for Parkland purposes:

- a) 17R Seaver Street : Parcel No. 77 on Assessor's Map No. 76, containing 12,391 sq. ft., now or formerly owned by Babson College;
- b) 11R Seaver Street: Parcel No. 76 on Assessor's Map No. 76, containing 7,063 sq. ft., now or formerly owned by Heirs of Melvin and Mildred Morse;
- c) 21R Seaver Street: Parcel No. 78 on Assessor's Map No. 76, containing 11,395 sq. ft., now or formerly owned by Heirs of Melvin and Mildred Morse;

to appropriate a sum of money for said purpose and in order to provide proper recognition of the parcels' history and other costs incidental to the acquisition; take any other action relative thereto.

(Board of Selectmen)

Final

ARTICLE 26. To see if the Town will vote to approve amendments, as recommended by the Board of Selectmen, to the Development Agreement for Linden Square dated June 3, 2005, between the Town of Wellesley and Lindwell SC, Inc., Lindwell OP, Inc., and Lindwell Realty Trust, authorized by Town Meeting on June 13, 2005, as amended, relative to the continued use and operation of the VW parcel (as defined in the Development Agreement) as a car dealership and repair facility; or take any other action relative thereto.

(Board of Selectmen)

AMEND ZONING BYLAW

ARTICLE 27. To see if the Town will vote to 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) 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)

ARTICLE 28. To see if the Town will vote to 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) 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 conservation 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)

Final

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)

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)

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)

ARTICLE 32. To see if the Town will vote to amend the Zoning Bylaw SECTION IA. DEFINITIONS., SECTION XVI. RESTRICTIONS AFFECTING ALL DISTRICTS., and SECTION XXV. SPECIAL PERMIT GRANTING AUTHORITY. to define and regulate "medical marijuana treatment centers" (Marijuana Dispensaries); or to amend the Zoning Bylaw to otherwise define and establish a temporary moratorium on the location of "medical marijuana treatment centers" and the "medical use of marijuana" in the Town, for the purpose of providing an orderly period of time for the Town to investigate and analyze the town-wide impacts of authorizing, regulating, or locating such facilities at a time when the Department of Public Health of the Commonwealth of Massachusetts has not yet promulgated regulations on the implementation of said law; the proposed moratorium to remain in effect from April 1, 2013 to June 30, 2014 unless extended, continued or modified at a subsequent Town Meeting; to make any similar or other changes to the Zoning Bylaw which would have the same or substantially the same purpose; or take any other action relative thereto.

(Board of Selectmen)

AMEND TOWN BYLAWS

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)

ARTICLE 34. To see if the Town will vote to increase the fees to be charged for certain license applications, for certain licenses to be issued and fines for violations; to amend the Town Bylaws as necessary in this respect, including without limitation amending Town Bylaws, Article 49. Police Regulations, Section 49.2C, Preparation and/or retail sale of food or beverage, which currently provides that a fee of \$50. shall be charged for the required license; the bylaw amendments currently being proposed to be available for inspection in the Selectmen's office; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 35. To see if the Town will vote to redefine those building and other projects which shall be supervised by the Permanent Building Committee by amending the Town Bylaws, Article 14. Permanent Building Committee, Section 14.9. Supervision of Project Construction. with particular reference to debt (14.9.a) and cost (14.9.c), the bylaw amendments currently being proposed to be available for inspection in the Permanent Building and Selectmen's offices; or take any other action relative thereto.

(Board of Selectmen/Permanent Building Committee)

Final

ARTICLE 36. To see if the Town will vote to permit the Board of Selectmen to issue one day special permits to allow alcoholic beverages to be served in public buildings other than school buildings upon such terms and conditions as the Board of Selectmen may specify; to amend the Town Bylaws, Article 49. Police Regulations, Section 49.19. Possession and Use of Alcoholic Beverages., to provide for the issuance of special permits for this purpose; the bylaw amendments currently being proposed to be available for inspection in the Selectmen's office; or take any other action relative thereto.

(Library Trustees)

CITIZENS' PETITIONS

ARTICLE 37. To see if the Town will vote to direct the Board of Selectmen to study the creation of bicycle lanes in Wellesley; to amend the Town of Wellesley Traffic Regulations, Section 7-18 Bicycles, to accomplish such bicycle lanes; 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 the creation of bicycle lanes on appropriate roads 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; or take any other action relative thereto.

(Citizens' Petition)

ARTICLE 38. To see if the Town will vote to permit students to ride bicycles on sidewalks on Weston Road for access and egress to/from Hardy School; or take any other action relative thereto.

(Citizens' Petition)

ARTICLE 39. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the retail sale of wine and malt beverages in full service grocery stores for consumption off premises; or take any other action relative thereto.

(Citizens' Petition)

GENERAL

ARTICLE 40. To see what action the Town will take on the authorized and unissued loans including those identified in the list of same on file in the offices of the Board of Selectmen and Town Clerk; to authorize the transfer of unused proceeds from previously issued loans to one or more eligible appropriations; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 41. To see if the Town will vote, as authorized by Section 9 of Chapter 258 of the General Laws, to indemnify Town Board members, officers, officials and employees from personal financial loss and expenses, including legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, action, award, compromise, settlement or judgment by reason of an intentional tort, or by reason of any act or omission which constitutes a violation of the civil rights of any person under any federal or state law, if such employee or official is acting within the scope of his official duties or employment; and to raise and appropriate or otherwise provide money therefor; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 42. To see what sum of money the Town will raise and appropriate, or otherwise provide, for expenses incurred by Town departments prior to July 1, 2012; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 43. To see what sum of money the Town will authorize the Board of Selectmen to pay in settlement of claims, actions and proceedings against the Town; to raise and appropriate or otherwise provide monies therefor; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 44. To see what action the Town will take to authorize the disposal of tangible Town property having a value in excess of \$10,000; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 45. To see if the Town will authorize the Board of Selectmen to appoint one or more of their number as fire engineer; or take any other action relative thereto.

(Board of Selectmen)