

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF SELECTMEN

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

MARJORIE R. FREIMAN, CHAIR
THOMAS H. ULFELDER, VICE CHAIR
JACK MORGAN, SECRETARY
ELIZABETH SULLIVAN WOODS
LISE M. OLNEY

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WWW.WELLESLEYMA.GOV

MEGHAN C. JOP
EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

SELECTMEN'S MEETING

TENTATIVE AGENDA

Juliani Room, Town Hall

7:00 pm Monday, February 10, 2020

1. 7:00 Call to Order
2. 7:01 Citizen Speak
3. 7:03 Announcements
4. 7:05 Discuss and Appoint COA Member
5. 7:15 Annual Town Meeting Preparation
 - Discussion with Planning Board on Zoning Articles
6. 7:50 Discuss and Vote SPED Stabilization Fund Expenditure
7. 7:55 Executive Director's Update
 - Discuss and Vote Minutes
 - Discuss and Accept Gifts
8. 8:05 Budget Update
9. 8:15 Liaison Updates
10. 8:35 New Business and Other Correspondence

[Please see the Board of Selectmen's Public Comment Policy](#)

Next Meeting Dates: Monday, February 24, 7:00 pm
Wednesday, March 4, 7:00 pm

Board of Selectmen Calendar – FY20

Date	Selectmen Meeting Items	Other Meeting Items
2/10/20 Monday	Meeting ATM Zoning Update – Planning Board Liaison Update Tom Approve mins: 1/21 1/27 Approve SPED stabilization fund expenditure	Selectmen's Office Hours 2/11@ 9 am Beth HR Meeting 2/11 – Job Reclassification FMD Advisory Meeting 2/12 – Town Hall Annex
2/17/20 Monday	TOWN HALL CLOSED Presidents' Day	
2/24/20 Monday	AMY FRIGULIETTI Starts today! Meeting Liaison Update Beth PD – Chief – Traffic Box painting project update (20mins 1 st please) HR to present HR Policies Diversity Discussion – Charmie Curry Potential Exec. Session – Union Contracts Approve Easement Relocation – 64 Fuller Brook Road	Selectmen's Office Hours 2/27 @10 am Tom
3/4/20 Wednesday	Meeting Liaison Update Lise Set Pricing for Public EV Charger – Waban Lot	March 2 – Wellesley Club March 3- Presidential Primary
3/9/20 Monday	Meeting Legislative Update – Peisch, Rausch, Creem Liaison Update Marjorie	Selectmen's Office Hours 3/10 @ 9 am Marjorie
3/16/20 Monday	Meeting Liaison Update Tom	March 17 – Town Election
3/23/20 Monday	Meeting Liaison Update Jack	Selectmen's Office Hours 3/26 @ 10 am Beth
3/30/20 Monday	ATM	
3/31/20 Tuesday	ATM	
4/6/20 Monday	ATM Arbor Day 2020 proclamation	
4/7/20 Tuesday	ATM	
4/13/20 Monday	ATM	
4/14/20 Tuesday	ATM	
4/20/20 Monday	Patriot's Day – Town Hall Closed	
4/21-4/24 Week	School Vacation Week	
4/27/20 Monday	ATM?	
4/28/20	ATM?	

2/7/2020

<i>Monday</i>		
<i>5/4/20</i> <i>Monday</i>	Historic District Commission appointment?	
<i>5/11/20</i> <i>Monday</i>		
<i>5/18</i> <i>Monday</i>	Public Hearing on Verizon Ascertainment?	
<i>5/25</i> <i>Monday</i>	Memorial Day – Town Hall Closed	
<i>6/1</i> <i>Monday</i>	Meeting	
<i>6/8</i> <i>Monday</i>		
<i>6/15</i> <i>Monday</i>	Meeting	
<i>6/22</i> <i>Monday</i>		
<i>6/29</i> <i>Monday</i>	Meeting	
<i>7/3</i> <i>Friday</i>	TOWN HALL CLOSED – JULY 4TH OBSERVED	Summer Hours start this week
<i>7/7</i> <i>Tuesday</i>		
<i>7/14</i> <i>Tuesday</i>		
<i>7/21</i> <i>Tuesday</i>		
<i>7/28</i> <i>Tuesday</i>		
<i>8/4</i> <i>Tuesday</i>		
<i>8/11</i> <i>Tuesday</i>		
<i>8/18</i> <i>Tuesday</i>		
<i>8/25</i> <i>Tuesday</i>		
<i>9/1</i> <i>Tuesday</i>		
<i>9/7</i> <i>Monday</i>	TOWN HALL CLOSED – LABOR DAY	Summer Hours end this week
<i>9/8</i> <i>Tuesday</i>		
<i>9/14</i> <i>Monday</i>		

Notes

Quarterly updates

- *Traffic Committee (Deputy Chief Pilecki)*
- *Facilities Maintenance (Joe McDonough)*

Motions 2/10/20

4	MOVE to appoint Lori Ferrante to the Council on Aging for a term to expire on June 30, 2021.
6	MOVE that the Board vote to authorize payment of an invoice in the amount of \$925.59 to New England Medical Billing for the Town's Medicaid filing from the SPED Stabilization Fund.
7.	MOVE to approve the minutes of January 21 and January 27, 2020.
7.	MOVE to accept the gift of \$71,000 from the Avery Family to construct brick dugouts at Lee Field.

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EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT SERVICES

Monday, February 10, 2020

Our meeting will begin on Monday at **7:00 pm** in the Juliani Room at Town Hall.

1. **Call to Order – Open Session**

2. **Citizen Speak**

3. **Announcements**

4. Discuss and Appoint COA Board Member

The COA continues to seek to find members for vacant positions. With last week's appointment, one vacancy remains. The is recommending Lori Ferrante be appointed to fill the remaining vacancy. Please find in your packet Lori's volunteer form and resume.

MOTION:

MOVE to appoint Lori Ferrante to the Council on Aging for a term to expire on June 30, 2021.

TOWN OF WELLESLEY



MASSACHUSETTS

**APPLICATION FOR VOLUNTEER SERVICES
TO BOARDS/COMMITTEES**

LORI A. FERRANTE
Name

2-5-2020
Date

[REDACTED] WELLESLEY 02481
Address

[REDACTED]
Email Address

[REDACTED]

What Board/Committee are you applying for? Council on Aging

How long have you lived in Wellesley? 23+ years (June 1996)

Are you a registered voter? Yes

Are you serving on any other Town Committees? Town Meeting Member

Why are you seeking appointment? Interest in utilizing my talents regarding Senior Care, Services, Accessibility & Health Care to assist the efforts of the CAT in meeting needs of our elders.

Please List any education, experience, knowledge, skills/training or special interests you may have that will assist this Board/Committee: * See Attached Resume
Licensed Nursing Home Administrator - working with many town elders + their families; Licensed Occupational Therapist with many years' experience in Geriatrics, focus on maximizing independence and functional needs of elders.

Applicant Signature: Lori A. Ferrante

Please submit your application, with a resume if available, to the Selectmen's Office.

Lori Ann Ferrante MBA, LNHA, OT/L



Strengths:

Operational Analysis and Improvement
Strong Clinical Foundation
Financial Management

Leadership and Teambuilding Skills
Effective Communication Skills
Perseverance and Commitment

Current

Employment:

Sisters of Charity (Halifax), 2000 - Present

Mount Saint Vincent, Wellesley Hills, Massachusetts

Administrator, Elizabeth Seton Residence Skilled Nursing & Rehabilitation Center & Mount St. Vincent Campus, August, 2012 – Present

Direct and oversee all aspects of running the 84-bed not for profit skilled nursing and rehabilitation facility, including a 16-bed post-acute geriatric rehabilitation unit. Clinical excellence has resulted in 5-Star Quality status with CMS since 2013, and national recognition by US News and World Report as a top-performing facility for the past 7 years. Patient and family satisfaction is consistently over 95% and occupancy is 97%.

Administrator, Marillac Residence and Mount Saint Vincent, August 2004 - 2012

Clinical and operational responsibility for 94-bed Licensed Religious Level IV Rest Home in addition to general campus operations. Oversaw planning and implementation of \$11 million 2-year phased gut renovation of the licensed rest home facility, resulting in 74 private suites and program areas, plus renovation of 200-seat chapel including upgraded HVAC, lighting, sound systems, and accessibility.

Administrator, Mount Saint Vincent, August 2000 – August 2004

Directed all non-clinical operations at this senior care campus with responsibility for campus strategic planning and physical plant.

Prior

Employment:

HEALTHSOUTH Corporation, 1994 - 2000

Healthsouth Braintree Rehabilitation Hospital, Braintree, Massachusetts

Director, Hospital Outpatient Services, February 1999 – May 2000

Planned and directed Ambulatory Care operations as member of the Hospital's Senior Management Team. Accountable for fiscal performance, marketing efforts and compliance with JCAHO and DPH standards.

Contract Administrator / Director of Rehabilitation Services, 1998 – 2000

Directed Carney Hospital's Rehabilitation Services Department of 21 FTE's under Healthsouth management contract. Responsible for program development and rehabilitation for Inpatient, Outpatient, and Transitional Care Units.

Healthsouth Sports Medicine & Rehabilitation Centers, metro Boston region

(Formerly AdvantageHEALTH - New England Rehabilitation Centers)

Satellite Administrator, 1994 – 1998

Responsible for daily operations, patient satisfaction, productivity, fiscal management, marketing and development for 4 JCAHO-accredited outpatient facilities serving adult and pediatric patients.

University Hospital, Boston University Medical Center, Boston, MA
Director, Occupational Therapy Department, 1991 – 1994

Responsible for ensuring clinical excellence, program development, quality assurance, and overseeing all occupational therapy services. Developed consulting role in the Geriatric Outreach Program. Guest lecturer for Boston University Medical Students.

Lenox Hill Rehabilitation and Skilled Nursing Facility, Lynn, MA
Director, Occupational Therapy Department, 1990 – 1991

Mount Auburn Hospital, Cambridge, MA
Director, Supervisor, Staff OT; Occupational Therapy Department, 1983 – 1990

Saint Luke's Hospital, New Bedford, MA
Occupational Therapist, Department of Rehabilitation Services, 1980 – 1983

***Academic
Involvement:***

Adjunct Faculty, Boston University, Sargent College - School of Allied Health
Clinical Pathology, Occupational Therapy, 1993, Guest Lecturer 1992 – 1995

Education:

Boston University, Graduate School of Management, Boston, Massachusetts
Master of Business Administration, Health Care Administration, 1991
Quinnipiac College, Hamden, Connecticut
Bachelor of Science, Occupational Therapy, *Cum Laude*, 1980

***Additional
Certification &
Licensure***

Nursing Home Administrator, Commonwealth of Massachusetts NH5322
Licensed Nursing Home Administrator, 2012 – current
Occupational Therapist, Commonwealth of Massachusetts #848
Licensed Occupational Therapist, 1980 - current
National Association of Home Builders, Washington, DC
Certified Aging in Place Specialist (CAPS), 2012 - 2014

***Professional
Achievements:***

Eli Pick Facility Leadership Award, American College of Health Care Administrators,
National Quality Achievement Award, April 2016
Massachusetts LeadingAge Academy Graduate, 2015
Secretary, Mass. Association for Residential Care Homes (MARCH), 2005 – 2009
President, Massachusetts Association for Occupational Therapy, 1994 -1998 (*2 terms*)
Most Valuable Player - Administrator, AdvantageHEALTH Annual Meeting, 1995
President, Mount Auburn Hospital Employee Association, 1987 - 1989

***Professional
Activities &
Memberships:***

Bethany Health Care Center, Framingham, MA, Board of Trustees, 2005 – present
Massachusetts Catholic Self Insured Group, Board of Trustees, 2015 - present
LeadingAge, 2005 – present, LeadingAge Academy Mentor 2016 & 2018, Academy Selection Committee, 2018 & 2019
Massachusetts Senior Care Association, 2011 – present
American Occupational Therapy Association, 1980 – present
Pan Mass Challenge Volunteer, Registration, 2017 - 2019

5. Annual Town Meeting Preparation

Annual Town Meeting Preparation will be an agenda item through Town Meeting. Please find an updated Article list with additional consent agenda items. A meeting was held this week with Mark Kaplan, Todd Cook, Marjorie and Tom, KC Kato, Tom Harrington and me to discuss the consent agenda. This year's potential consent agenda has been expanded to include articles 4, 5, 6, 10, 12, 14, 15, 27, 30, 34, 35, 47, 50. Advisory will be reviewing these recommendations at an upcoming meeting. Town Meeting always can pull articles out of the consent agenda.

Zoning Articles:

The warrant includes 9 zoning articles, 7 of the articles are related to Planning Board efforts. The remaining two articles are the conversion from Board of Selectmen to Select Board and an amendment to the Drainage Bylaw. I will speak to the drainage bylaw and have included information to the Board. Town Counsel (Rebekah Lacey) and the Engineering Division are working on language to comply with the Town's MS4 permit.

Don McCauley and members of the Planning Board will be present to review their proposed zoning articles for Annual Town Meeting. I have included an overview from Planning's webpage on the articles and included redlined versions of the zoning language so the Board can see the changes. The redline markups included are for amendments to Large House Review/General Residence, Tree Bylaw, Natural Resource Protection District, and Registered Marijuana Dispensaries. A map has been provided for the Single Building Historic District (SBHD) and as the Board will recall, the Board has received the preliminary report on the SBHD and a presentation by Catherine Johnson on the topic at the January 27 meeting.

Planning Board Articles:

ARTICLE 29. To see if the Town will vote to establish a Historic District to be located at 323 Washington Street (Parcel ID 74-12) and to amend the Zoning Map of the Town of Wellesley by applying the Historic District Overlay Zoning District to said land (*Co-sponsored by the Historic District Commission and the Historical Commission*)

- [323 Washington Street Study Committee preliminary report](#)
- [Map of 323 Washington Street proposed Single Building Historic District](#)

ARTICLE 30. To see if the town will vote to correct the omission of the Large Scale Solar Overlay District in the list of districts in Section 1A of the Zoning Bylaw by amending Section 1A

ARTICLE 31. To see if the Town will amend the Zoning Bylaw to require Large House Review for single family dwellings, two-family dwellings, and Town Houses in the General Residence Districts

- [Section 4, General Residence Districts, with Proposed Changes compared to May 2019 Zoning Bylaw](#)
- [Section 16D, Large House Review, with Proposed Changes compared to May 2019 Zoning Bylaw](#)

ARTICLE 32. To see if the Town will vote to amend section 16E of the Zoning Bylaw to (1) clarify the intent and purpose of the bylaw, (2) require increased mitigation actions, (3) increase the scope of protected trees, (4) allow other factors to be included in determining contributions to the Tree Bank Fund, (5) conform to Article 55 of the Town's General Bylaws, and (6) update the bylaw's terminology (*Co-sponsored by the Natural Resources Commission*)

- [Tree Bylaw with Proposed Changes](#)
- [Tree Bylaw with Proposed Changes compared to May 2019 Zoning Bylaw](#)
- [Section 16E, Tree Protection & Preservation, May 2019 Zoning Bylaw](#)

ARTICLE 33. To see if the Town will vote to amend Section 16F, Natural Resource Protection (NRP) Development, of the Zoning Bylaw, to (1) increase flexibility in the design and layout of the lots within a NRP Development, (2) ensure that all such developments comply with lighting requirements in Section 16G, and (3) update terminology

- [Section 16F with Proposed Changes](#)
- [Section 16F with Proposed Changes compared to May 2019 Zoning Bylaw](#)
- [Section 16F, Natural Resource Protection \(NRP\) Development, May 2019 Zoning Bylaw](#)

ARTICLE 34. To see if the Town will vote to delete Section 22E of the Zoning Bylaw in its entirety, given the 2018 Annual Town Meeting vote under Article 28 to prohibit Marijuana Establishments

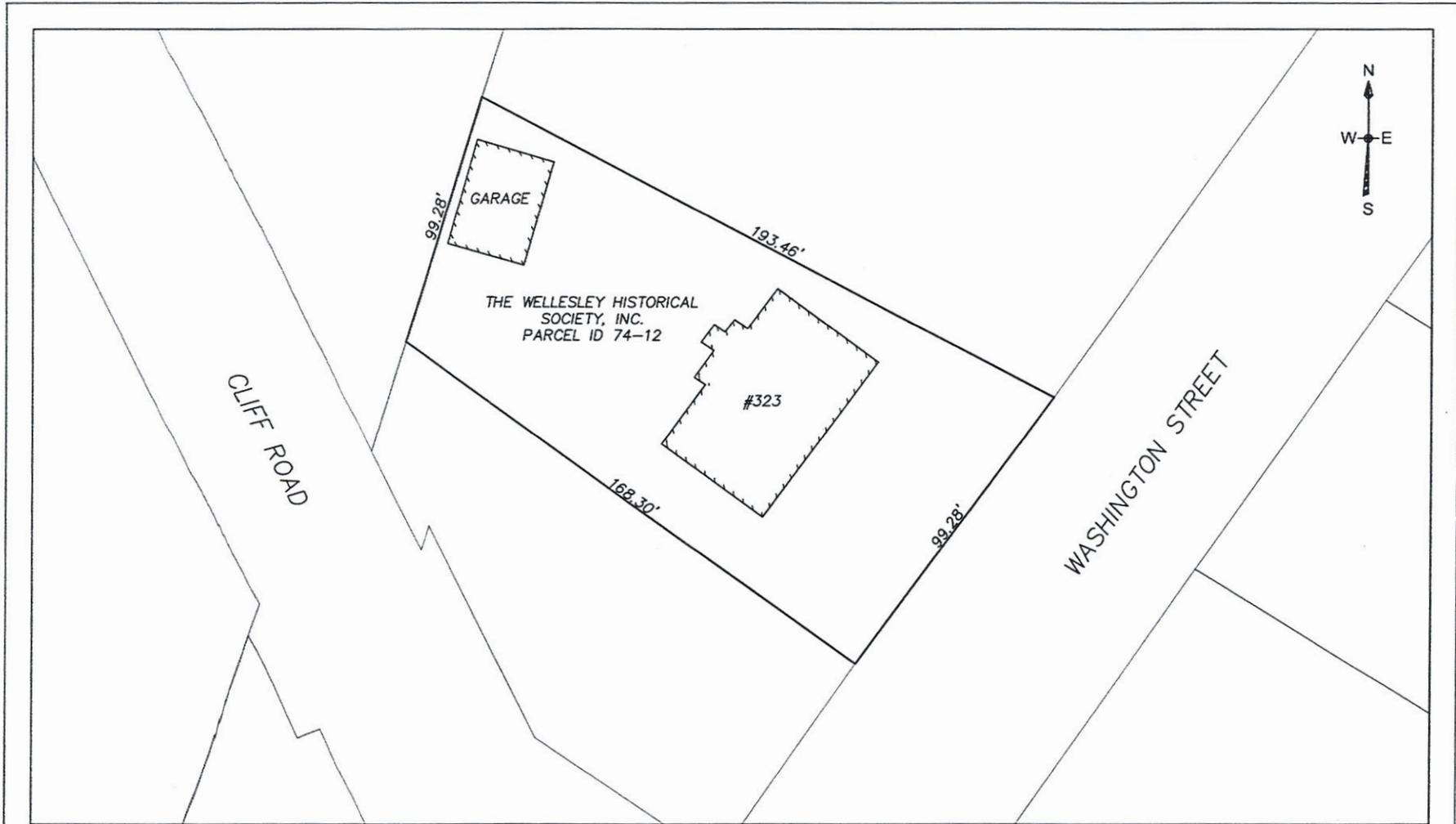
ARTICLE 35. To see if the Town will vote to amend the Zoning Bylaw to update statutory and regulatory references and associated changes resulting from the enactment of Chapter 55 of the Acts 2017

- Section 1B Definition of "Registered Marijuana Dispensary" with Proposed Changes compared to May 2019 Zoning Bylaw
- Section 25, Special Permit Granting Authority, with Proposed Changes compared to May 2019 Zoning Bylaw

2020 Annual Town Meeting Warrant Articles

2/7/2020

	Description	Sponsor	Motions
1	Choose Moderator & Receive Reports	BOS	
2	Town-Wide Financial Plan & Five Year Capital Budget Program	BOS	Marjorie
	Appropriations - Operating and Outlay		
3	Consent Agenda - Simple Majority vs 2/3	BOS	Jack
4	Amend Job Classification Plan	HR	*
5	Amend Salary Plan - Pay Schedule	HR	*
6	Set Salary of Elected Official	BOS	*(Jack)
7	FY20 Budget Supplemental Appropriations	BOS	Tom
8	Omnibus Budget and Capital (FY21)	BOS	Marjorie
9	Revise Revolving Funds, set amounts for the year, modify Tree Bank Fund	BOS	Beth*
10	Revise Injured on Duty Stabilization and increase funding	BOS	Tom
11	Special Education Reserve Fund - Additional funding	BOS	Marjorie
12	Baler Stabilization Fund Contribution from Free Cash	DPW	*
13	Establish Morses Pond Beach and Bathhouse Stabilization Fund	REC	
14	Water Program	BPW	*
15	Sewer Program	BPW	*
16	Electric Program	MLP	
	Appropriations - Special Capital Projects		
17	Community Preservation Fund Appropriations	CPC	
18	Town Hall Annex Schematic Design through Bidding Phase	BOS/PBC	Marjorie
19	Additional Funding for Lee/Hunnewell Fields	NRC	
20	Great Plain Avenue Construction Funds	BOS/BPW	Jack
	Authorizations		
21	Authorize Water Fund and/or Sewer Fund Bond Authorization (MWRA)	DPW	
22	Authorize Lease Agreement - 254 Washington Street	BOS	Beth
23	Authorize Expenditure of State Transp. Infrastructure Funds (Uber/Lyft)	BOS	Jack
24	Authorize Renaming of Hunnewell Field to Diane P. Warren Field	NRC	
25	Authorize Modifications, Insertions, or Deletions of Human Resource Board Policies	HR	
26	Resolution on Climate Change	BOS	Lise
27	Acceptance of Easements	DPW	*
28	Authorize Schools to enter into a Tax Exempt Lease Purchase (TELP) Agreement	SC	
	Amend Zoning Bylaw		
29	Zoning Map Amendment Create Single Building Historic District - 323 Washington Street	PB	
30	Amend Establishment of Districts to add Large Scale Solar Overlay District (approved ATM 2017)	PB	*
31	Amend Zoning Bylaw to provide LHR review of homes in General Residence District	PB	
32	Amend the Tree Protection Bylaw	PB	
33	Amend Natural Resources Protection Bylaw	PB	
34	Delete Temporary Moratorium on Marijuana Establishments	PB	*
35	Amend Registered Marijuana Dispensary Regulations	PB	*
36	Amend Drainage Review to comply with MS4 Permit	DPW	
37	Amend Board of Selectmen to Select Board	BOS	Lise
	Amend Town/General Bylaws		
38	Amend Board of Selectmen to Select Board	BOS	Lise
39	Amend and Reformat Town Bylaws	CLK/BOS	
40	Amend Town Bylaws to Require Meetings to be Video Recorded	BOS	Marjorie
	Citizen Petitions		
41	General Residence - LHR Amendment	Citizen	
42	Resolution - Designate the 2nd Monday in October Indigenous People's Day	Citizen	
43	Resolution - Designate the 2nd Monday in October Indigenous People's Day/Columbus Day	Citizen	
44	Reaffirm GHG Reduction Goal and Increase Non-Emitting Electricity Purchases	Citizen	
45	Improve Efficiency and Reduce Expenditures in Town Government	Citizen	
46	Amend Town Bylaw to Ban the Sale of Fur in Wellesley	Citizen	
	General		
47	Rescind or Transfer Debt; Appropriate Premiums	BOS	Beth*
48	Settle Claims	BOS	
49	Disposal of Property	BOS	
50	Appoint Fire Engineers	BOS	Tom*
*	* Consent Agenda Recommendation		



PLAN OF LAND – SINGLE BUILDING HISTORIC DISTRICT
STANWOOD HOUSE (323 WASHINGTON STREET)
WELLESLEY, MASSACHUSETTS
DECEMBER 16, 2019
SCALE: 1"=40'

DAVID J. HICKEY P.E., TOWN ENGINEER
TOWN OF WELLESLEY DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION
20 MUNICIPAL WAY, WELLESLEY, MA 02481

Article 31

SECTION 4. GENERAL RESIDENCE DISTRICTS

A. In General Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence Districts;
2. Two-family dwelling;
3. Town house of three or more units subject to the following:

	CATEGORY A CONVENTIONAL UNITS (with or without assisted units not qualifying as Category B)	CATEGORY B CONVENTIONAL & 25% ASSISTED UNITS*	CATEGORY C 100% ASSISTED UNITS*
MAXIMUM RESIDENTIAL DENSITY (sq. ft. unit)	7,000	6,000	5,000
MINIMUM LOT OR BLDG. SITE (sq. ft.)	21,000	18,000	15,000
MINIMUM OPEN SPACE	65%	65%	65%
MAXIMUM LOT COVERAGE BY BUILDING	20%	20%	20%
MAXIMUM BLDG. HEIGHT (feet)	40	40	40
MINIMUM LOT FRONTAGE (feet)	120	100	100
MINIMUM BLDG. SETBACKS (ft. from property boundary lines)			
FRONT (STREET SETBACK)	35	30	30
SIDES AND REAR			
ABUTTING SINGLE RESIDENCE ZONING	35	30	30

Article 31

	CATEGORY A CONVENTIONAL UNITS (with or without assisted units not qualifying as Category B)	CATEGORY B CONVENTIONAL & 25% ASSISTED UNITS*	CATEGORY C 100% ASSISTED UNITS*
ABUTTING OTHER ZONING	25	20	20
MINIMUM BLDG. SEPARATION (feet)	30	30	30
MINIMUM & MAXIMUM LENGTH OF ROW (units)	3-6	3-8	3-8
<i>*To qualify for Category B a minimum of 25% of the dwelling units or 1 unit, whichever is greater, shall be assisted units. To qualify for Category C 100% of the units shall be assisted.</i>			

Off-street Parking shall be provided in accordance with Section 21.

4. Boarding or lodging house, but not a restaurant;
5. Such accessory uses as are customary in connection with any of the above subclauses and are incidental thereto, including a private garage and a private stable.

B. Project Approval

The provisions of Section 16A shall apply.

C. Large House Review

The provisions of Section 16D shall apply.

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SECTION 16D. LARGE HOUSE REVIEW

Editor's Note: Updated March 27, 2018 to reflect amendments under Article 32 at 2017 ATM)

A. Purpose

This Section is adopted by the Town to provide pre-construction and post-construction review of single family dwellings which in the Single Residence or General Residence Districts and Two Family Dwellings or Town Houses in the General Residence District that meet the applicability standards set forth below.

B. Definitions

Total Living Area plus Garage Space - This term includes:

- (i) The sum of the floor area(s) of the above-grade floors, including portions of attics, in structures used as one-family dwellings and detached accessory structures related to such use on a lot, measured from the exterior face of the exterior walls;
- (ii) Floor area(s) of portions of attic(s) with an interior roofline height of 5 ft. or greater;

Figure 1. Attic TLAG Illustration – Gable Roof

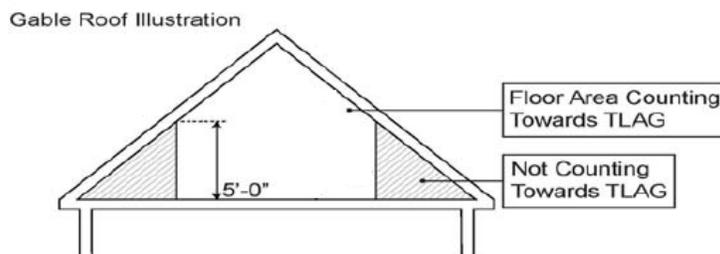


Figure 1: Gable Section

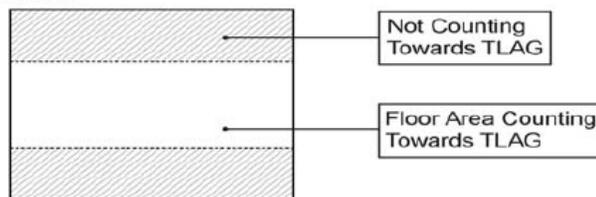


Figure 2: Gable Roof Attic Plan

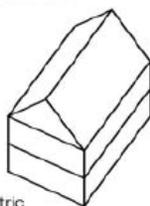


Figure 3: Gable Isometric

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Figure 2. Attic TLAG Illustration – Hip Roof

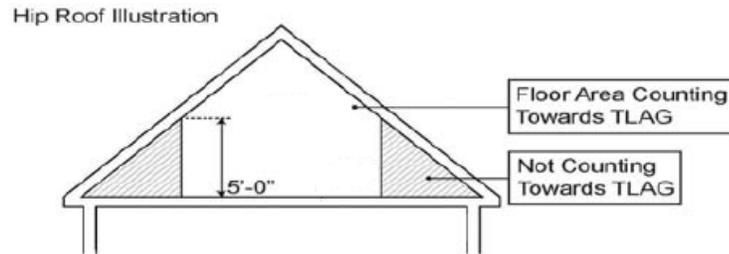


Figure 1: Hip Roof Section

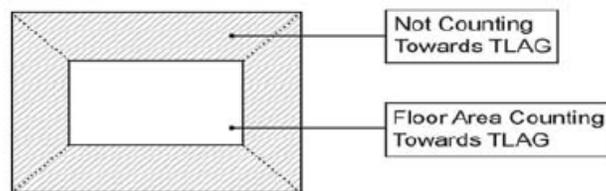


Figure 2: Hip Roof Attic Plan

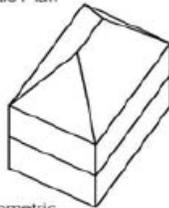


Figure 3: Hip Roof Isometric

- (iii) Floor area of garage and storage space, whether as part of a one-family dwelling or in detached accessory structures; and
- (iv) Basement area multiplied by a fraction, the numerator of which is the external above ground surface of basement walls and the denominator of which is the total surface (both above and below ground) of external basement walls, provided that if such fraction is less than .25, then the basement areas shall not be included.

Calculations shall be determined in accordance with the Rules and Regulations adopted by the Planning Board.

C. Applicability

The provisions of this Section shall apply to all building permits issued after January 1, 2008 for new single family dwellings where the Total Living Area plus Garage Space of the dwelling, after completion, exceeds:

3,600 square feet for dwellings within the Single Residence 10,000 Square Foot Area Regulation District;

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4,300 square feet for dwellings within the Single Residence 15,000 Square Foot Area Regulation District;

5,900 square feet for dwellings within the Single Residence 20,000 Square Foot Area Regulation District; and

7,200 square feet for dwellings within the Single Residence 30,000 and 40,000 Square Foot Area Regulation Districts.

The provisions of this ~~section~~Section shall also apply to all building permits issued after January 1, 2008 for alteration of single family dwellings where the alteration will increase the Total Living Area Plus Garage Space of the dwelling in question by more than 10%, and the Total Living Area Plus Garage Space of the dwelling, after completion of the project, will exceed the applicable threshold, as listed above.

The provisions of this Section shall also apply to all building permits issued after January 16, 2020 for:

Any new single family dwelling, Two Family Dwelling, or Town House in the General Residence District where the Total Living Area Plus Garage Space of the dwelling or Town House after completion exceeds 3,600 square feet; and

Alteration of any single family dwelling, Two Family Dwelling, or Town House in the General Residence District where the alteration will increase the Total Living Area Plus Garage Space of the dwelling in question by more than 10% and the Total Living Area Plus Garage Space of the dwelling, after completion of the project, will exceed 3600 square feet.

Notwithstanding the foregoing, the following are exempt from Planning Board review:

1. Changes to non-conforming single-family dwellings which are subject to a Finding in accordance with Section 6 of Chapter 40A M.G.L and Section 17 of this Zoning Bylaw;
2. The reconstruction of pre-existing, non-conforming buildings, damaged or destroyed by accidental cause, including fire, or otherwise damaged or destroyed without the consent of the owner, in accordance with Section 17.C.; and
3. The completion or finishing of attics in existing structures where there are no exterior alterations or changes.

D. Procedure

1. General. Any applicant for a single family residential dwelling, Two Family Dwelling, or Town House which is subject to this Section shall submit to the Planning Department through the Planning Director the required information,

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including plans indicating the delineation of the neighborhood, existing and proposed site conditions, photographs, topography, building elevations, proposed grading and landscape design described in the Rules and Regulations, to the Planning Board through the Planning Director and shall not be entitled to the issuance of a building permit unless and until the dwelling or Town House is approved in accordance with this Section.

2. Waivers. The Planning Board may, in any particular case where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest, waive strict compliance with certain application and review requirements contained in this Section and with the Rules and Regulations adopted by it under this Section if it finds that the proposed construction, or certain aspects of the construction are de minimus based on the Standards and Criteria contained in Section 16D.E. Waiver requests must be made in writing and shall be addressed in a preliminary meeting between the Planning Board and the prospective applicant, held not later than 21 days after receipt of the waiver request. An applicant who makes a waiver request shall not submit an application until after meeting with the Planning Board on the waiver request.
3. Review and Timing. The Planning Board and Design Review Board shall each meet separately with the applicant to discuss the applicability of the Standards and Criteria set forth in Section 16D.E. of this Section after receipt of the submission to discuss the project. Although a public hearing is not required, notice of the Planning Board meeting shall be sent by mail, postage prepaid, to the abutters and abutters to the abutters within 300 feet of the property line of the applicant, as they appear on the most recent applicable tax list at least 10 days prior to the public meeting. Owners of land directly opposite the applicant on any public or private street or way shall be considered abutters under this Section. Written comments from abutters will be received and considered, and oral comments will be considered only at the discretion of the Planning Board. The Design Review Board shall prepare comments and recommendations as it deems appropriate and shall submit these to the Planning Board. The Planning Board shall prepare its decision and provide it to the applicant within 90 days of the submission as well as to the Building Inspector and Zoning Board of Appeals as may be appropriate. The Planning Board may seek the recommendations of other Town Departments depending on the nature of the application. If the Planning Board has not issued its decision within 90 days of receipt of the submission from the applicant, the project, as described in the submission, shall be deemed approved. The 90-day time limit may be extended by written agreement between the Planning Board and the applicant, signed by, or on behalf of, the applicant.
4. Approval. The Planning Board shall determine whether the Standards and Criteria for Review set forth below have been satisfied. In reaching its decision, the Planning Board shall consider the recommendations of the Design Review Board and other applicable Boards and Departments, and all other materials submitted to the Planning Board. If the Planning Board finds that the Standards and Criteria for Review have

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been satisfied, it shall approve the project as set forth in the submissions, provided that it may approve the project subject to conditions or plan modifications specified by the Planning Board in writing. A construction mitigation plan may be required if the site warrants erosion and sedimentation control measures. If the Planning Board finds that the Standards and Criteria for Review have not been satisfied, it shall disapprove the project, and shall state in writing the basis for its decision.

5. Issuance of Building Permit and Certificate of Occupancy. The Building Inspector shall not issue a building permit unless and until the project is approved by the Planning Board or is deemed approved in accordance with this Section and is filed at the Registry of Deeds. The Building Inspector shall verify compliance with all required conditions or plan modifications prior to the issuance of a Certificate of Occupancy. The Building Inspector shall inform the Planning Director and the applicant of any failure to comply with conditions of plan approval or plan modifications pursuant to this section.
6. Revision and Amendment of Plans. Any revision, amendment or new information relating to an LHR application shall be considered as follows:
 - a. Pending LHR Applications. Revision or amendments relating to a pending LHR application that is before the Planning Board for review shall be accepted by the Planning Board as part of the original submission.
 - b. Previously Approved LHR Applications. Revisions or amendments to an LHR Application that has previously been approved by the Planning Board must be submitted to the Planning Director who shall make a determination as to whether the revisions are major or minor and shall be processed as follows:
 - i. Minor. If the Planning Director determines the proposed revisions or amendments to be minor, he or she shall determine the consistency of the revisions with the Planning Board's previous findings and the Standards and Criteria for Review, and either approve or deny the revisions accordingly. If denied, the Planning Director shall notify the applicant and the Planning Board within five (5) business days of the applicant's submittal of such revisions. The applicant may submit denied minor revisions to the Planning Board for their consideration; the Board shall either accept or reject the proposed revisions as part of the approved LHR application.
 - ii. Major. If the Planning Director determines the proposed revisions or amendments to be major, the Director shall notify the applicant and Planning Board within five (5) business days of the applicant's submittal to such revisions. The applicant may then submit the proposed revisions to the Planning Board, which shall either accept or reject the proposed revisions as part of the approved LHR application.

E. Standards and Criteria for Review

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1. Preservation of Landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing use of wetlands, flood plains, hilltops, any grade changes and vegetation and soil removal. Unique natural areas, topographic features such as ledge outcrops, significant trees and landscaping, and historic features shall be saved or enhanced insofar as practicable.
2. Scale of Buildings. All new construction shall be sited and implemented in a manner that is consistent with the scale of other structures in its vicinity through the use of appropriate massing, screening, lighting and other architectural techniques such as variation in detail, form and siting. Consideration shall be given to the need for vegetated buffers. To the extent practicable this shall be based on the “Intent, Policy and Recommendations” specified in Part II. Design Criteria. of the “Design Guidelines Handbook” adopted by the Design Review Board and otherwise applying good architectural and aesthetic principles. Structures shall be arranged insofar as practicable to avoid casting shadows onto abutting property.
3. Lighting. Exterior lighting shall be only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties.
4. Open Space. Open space shall be as extensive as is practicable and designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties. To the extent practicable this shall be based on the “Intent, Policy and Recommendations” specified in Part II. Design Criteria. of the “Design Guidelines Handbook” adopted by the Design Review Board
5. Drainage. The development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes to groundwater levels, increased rates of runoff, and minimize potential for flooding. Drainage shall be designed so that groundwater recharge is maximized, and so that the rate of runoff shall not be increased at the project boundaries.
6. Circulation. Walkways, drives and parking shall be safe and convenient and, insofar as practicable, not detract from the use and enjoyment of adjacent properties and Town streets.

F. Fees

Any applicant seeking plan approval under this section shall submit an application and pay such fees as shall be determined by the Planning Board, to cover any expenses connected with public notice and review of plans, including but not limited to the costs of any engineering or planning consulting services necessary for review purposes.

G. Rules and Regulations

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The Planning Board may promulgate or amend Rules and Regulations which pertain to the plan approval process under this section, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, and the procedure for the submission and approval of such review so long as the Rules and Regulations conform to this Section 16D of the Zoning By-law. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

H. Appeals

An applicant, or any person receiving notice under Section 16D.D.4. above, may appeal the Planning Board's approval, denial, conditions or plan modifications to the Zoning Board of Appeals in accordance with Section 24.

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SECTION 16E. TREE PROTECTION & PRESERVATION

A. Title

Section 16E may be cited as the “Town of Wellesley Tree Bylaw” and/or “Tree Bylaw”.

B. Intent and Purpose

The intent of Section 16E is to encourage the preservation and protection of sizeable ~~tree~~Trees on portions of private property during significant demolition and/or development activity.

Trees are recognized for their abilities to improve air quality, protect from glare and heat, reduce noise, aid in the stabilization of soil, provide natural flood and drainage control, create habitats for wildlife, enhance aesthetics and property values, contribute to the distinct character of certain neighborhoods, ~~and~~ provide natural privacy to neighbors, and reduce ambient carbon in the atmosphere. Therefore, the Town deems that the preservation and protection of certain ~~tree~~Trees on private property, the requirement to replant ~~tree~~Trees to replace those removed, and the collection of financial contributions to support the Town’s ~~tree~~Tree planting and maintenance efforts are public purposes that protect the public health, welfare, environment and aesthetics.

C. Definitions

For the purposes of Section 16E, the following definitions shall apply.

Caliper - Diameter of a ~~tree~~Tree trunk (in inches). For ~~tree~~Trees up to and including four (4) inches in diameter, the caliper is measured six (6) inches above the existing grade at the base of the ~~tree~~Tree. For ~~tree~~Trees larger than four (4) inches in diameter, the caliper is measured twelve (12) inches above the existing grade at the base of the ~~tree~~Tree.

Certified Arborist – A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).

Critical Root Zone (CRZ) - The minimum area beneath the canopy of a ~~tree~~Tree which must be left undisturbed in order to preserve a sufficient root mass to give a ~~tree~~Tree a reasonable chance of survival. The CRZ is represented by a concentric circle centering on the ~~tree's~~Tree's trunk and extending outward towards the ~~tree's~~Tree's drip-line. The minimum area of the CRZ shall be dependent on the required minimum radius of the CRZ; the required minimum radius of the CRZ shall be determined by multiplying a ~~tree's~~Tree's DBH (in inches) by eighteen (18) inches, with the resulting product constituting the minimum radius of the CRZ. *Example: A ~~tree~~Tree with a DBH of twenty (20) inches shall have a CRZ with a minimum radius of 360 inches or 30 feet (20” x 18” = 360” or 30’).*

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Diameter at Breast Height (DBH) - The standard measure of ~~tree~~Tree size for those ~~trees~~Trees existing on a site that are at least four (4) inches in diameter at a height of four and one-half (4.5) feet above the existing grade at the base of the ~~tree~~Tree. If a ~~tree~~Tree splits into multiple trunks below four and one-half (4.5) feet above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.

Drip-Line - The area surrounding the ~~tree~~Tree from the trunk to the outermost branches. This area is distinguished from, and not to be confused with Critical Root Zone.

Overstory Tree - A ~~tree~~Tree that will generally reach a mature height of greater than forty (40) feet.

Protected Tree - Any existing ~~tree~~Tree located in the Tree Yard or ~~tree~~Tree that was removed from the Tree Yard within twelve (12) months prior to application for an applicable demolition or building permit, with which has a DBH of ~~ten (10)~~six (6) inches or greater, located in a Tree Yard of a property zoned Single Residence District or General Residence District, or located anywhere on property zoned other than Single Residence District or General Residence District. Any ~~tree~~Tree with Tree that has a DBH of ~~ten (10)~~six (6) inches or greater with portions of the stem of the ~~tree~~Tree actively growing into a Tree Yard between a height of six (6) inches and four and one-half (4.5) feet above grade shall be considered a Protected Tree.

Tree - Any self-supporting, woody perennial plant usually having a single trunk with a diameter of three (3) inches or more which normally attains a mature height of six (6) feet or greater.

Tree Bank ~~—An account~~Fund ~~— The revolving fund~~ established for the deposit of contributions in lieu of tree replanting as required by pursuant to Section ~~16E~~. ~~Funds deposited in this account shall be used solely for the purpose of buying, planting and maintaining trees in~~ 55.1.d of the Town Bylaws.

Tree Protection & Mitigation Plan - A plan submitted to the Building Department for review prior to the commencement of demolition and/or construction on a property on which a Protected Tree is located. This plan may be either part of a landscape plan and/or a separate plan.

Tree Removal - Any act that causes a ~~tree~~Tree to die or will cause a ~~tree~~Tree to die within a three (3) year period as determined by the Department of Public Works - Park & Tree Division based on arboricultural practices recommended by the International Society of Arboriculture (I.S.A.).

Tree Save Area - The area surrounding a ~~tree~~Tree which includes at a minimum the Critical Root Zone (“CRZ”) and Drip-Line of all Protected Trees, unless otherwise authorized herein. The Tree Save Area must be enclosed within a fence and remain undisturbed so as to prevent damage to the ~~tree~~Tree.

Tree Yard - The area of a parcel zoned Single Residence District or General Residence District located adjacent to all front, side, and rear lines of a lot; ~~Tree Yards shall have a minimum depth as specified in the table entitled “Location of Protected Trees on Property Zoned Single Residence District or General Residence District”, contained in Section 16E.F.1. Trees having a DBH of ten (10) inches or greater and located within a Tree Yard shall be considered to be Protected Trees, up to the distances set forth in the following table:~~

<u>Location of Protected Trees on Property Zoned Single Residence District or General Residence District</u>			
<u>Zoning District</u>	<u>Minimum Tree Yard (feet)</u>		
	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>SRD 10</u>	<u>20</u>	<u>10</u>	<u>10</u>
<u>SRD 15</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>SRD 20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>SRD 30</u>	<u>40</u>	<u>30</u>	<u>30</u>
<u>SRD 40</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>General Residence District</u>	<u>20</u>	<u>10</u>	<u>10</u>

D. Applicability

1. Applicability: The requirements of Section 16E shall apply under any of the following circumstances:
 - a. Proposed demolition of an existing structure with a footprint of 250 square feet or greater;
 - b. Construction of retaining walls subject to the requirements of Section 22D;
 - c. Construction of any building or structure on a vacant lot; or
 - d. Construction of one or more structures or additions to structures on a lot, where the total area of the footprint of the new structures will result in an increase of 50% or more of the total footprint of the pre-existing structure(s).
2. Non-applicability: The requirements of Section 16E shall not apply to:
 - a. The subdivision of land under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land ~~in~~ Wellesley Massachusetts,

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wherein the Planning Board regulates the planting, retention and/or replacement of ~~trees~~Trees, by means of the Board's authority over the subdivision of land;

- b. Construction subject to Large House Review, wherein the Planning Board regulates the planting, retention and/or replacement of ~~trees~~Trees located on private residential land;
- c. Those areas of property under the jurisdiction of the Wetlands Protection Act (Chapter 131 and 310 CMR), wherein the Wetlands Protection Committee regulates the retention and/or replacement of ~~trees~~Trees located on private land. Protected ~~trees~~Trees located outside areas under the jurisdiction of the Wetlands Protection Committee shall be subject to Section 16E;
- d. Town-owned public ~~trees~~Trees, including ~~trees~~Trees that are considered to be Public Shade Trees pursuant to M.G.L. Chapter 87, which are protected by the Natural Resources Commission acting as the Town's Tree Warden~~;~~ and
- e. Emergency projects necessary for public safety, health and welfare as determined by the Inspector of Buildings~~;~~
- ~~f. Trees that are hazardous as determined and confirmed in writing by a Certified Arborist; and~~
- ~~g. Trees subject to an immediate and/or probable risk of disease or insect infestation, as determined and confirmed in writing by a Certified Arborist.~~

- 3. Existing Encroachments: For the purposes of interpreting, administering, and enforcing Section 16E and Section 17, an existing structure shall not be considered to be a nonconforming structure solely because the structure, or a portion of the structure, is located within the CRZ and/or Drip-Line of an existing Protected Tree. The reconstruction of demolished structures or portions of structures within the previously encroached area of the CRZ and/or Drip-Line shall be prohibited, except when consistent with the requirements of Section 16E.

E. Town of Wellesley Tree Bank Fund

~~There is hereby established a Town of Wellesley Tree Bank ("Tree Bank") which shall be held by the Town Treasurer in an account administered by the Department of Public Works—Park & Tree Division in accordance with applicable provisions of the General Laws. Any contributions collected per Section 16E.F.2.b.ii. shall be deposited in said Tree Bank, and shall be used solely for the purpose of buying, planting and maintaining trees in the Town~~the Tree Bank Fund.

F. Protected Trees

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- ~~1. Scope: Existing trees or trees that were removed within twelve (12) months prior to application for an applicable demolition or building permit with a DBH of 10" or greater and located within the minimum Tree Yard of a property zoned Single Residence District or General Residence District as identified in the following table, shall be considered to be Protected Trees.~~

~~Existing trees or trees that were removed within twelve (12) months prior to application for an applicable demolition or building permit with a DBH of 10" or greater and located anywhere on property zoned other than Single Residence District or General Residence District, shall be considered to be Protected Trees.~~

1. Scope.

Demolition and/or construction activity (as identified under Section 16E.D.1.) on a property on which a Protected Tree is located is prohibited unless ~~authorized by the Inspector of Buildings~~ required Tree protection and/or mitigation measures will be taken as set forth in this subsection.

Location of Protected Trees on Property Zoned Single Residence District or General Residence District			
Zoning District	Minimum Tree Yard (feet)		
	Front	Side	Rear
SRD-10	20	10	10
SRD-15	20	20	20
SRD-20	20	20	20
SRD-30	40	30	30
SRD-40	40	40	40
General Residence District	20	10	10

2. Tree Protection & Mitigation:

- a. Protection: Each Protected Tree to be retained on property planned for demolition and/or construction activity shall be protected by the establishment of a Tree Save Area. The Tree Save Area shall be delineated within the submitted Tree Protection & Mitigation Plan, shall be installed prior to the issuance of applicable permits, and shall remain in place until work is completed on the property. Any fencing to be included in the Tree Save Area shall consist of chain link wire fencing. The applicant shall submit written documentation, prepared, stamped, dated and signed by a Certified Arborist, to the Building Department confirming that the required Tree Save Area identified in the Tree Protection & Mitigation Plan has been installed.

An applicant may choose to encroach within the CRZ and/or Drip-Line of a Protected Tree; however, such proposed action shall require the applicant to submit a maintenance plan for the ~~tree~~Tree, to be prepared, stamped, dated and signed by a Certified Arborist as part of the Tree Protection & Mitigation Plan. Under these instances, the Tree Save Area may be reduced to protect only those areas of the CRZ and/or Drip-Line not proposed for encroachment.

- b. Mitigation: The removal of a Protected Tree from a property in connection with one or more of the circumstances set forth in Section 16E.D.1. shall require mitigation by satisfying one of the following provisions (i. *Replanting of Trees* or ii. *Contribution to the Town of Wellesley Tree Bank*). Mitigation measures shall be identified in the submitted Tree Protection and Mitigation Plan. The removal or proposed removal of a Protected Tree(s) that has been mitigated for, in conjunction with a previous applicable permit, shall not require additional mitigation under subsequent permits, unless such mitigation has not been completed or otherwise assured.
 - i. *Replanting of Trees*: For each inch of DBH of ~~the tree~~Protected Tree(s) which are removed no less than one-half ~~(1.05)~~ inch of caliper of new ~~tree~~Tree(s) shall be replanted in accordance with the following:
 1. Each new ~~tree~~Tree must have a minimum caliper of ~~two (2)~~three (3) inches;
 2. Such replanting, either on the applicant's land or on land abutting the applicant's land with the express written approval of the owner of such abutting land, shall occur prior to Final Inspection, or be otherwise assured at such time to the satisfaction of the Town in a manner consistent with the Rules and Regulations;
 3. If the Protected Tree to be removed is an Overstory Tree species, the replacement tree(s) to mitigate the removal shall be an Overstory Tree species; and
 4. Invasive ~~tree~~Tree species, as determined by the Department of Public Works - Park & Tree Division, shall not be replanted to mitigate the removal of a Protected Tree.
 - ii. *Contribution to the ~~Town of Wellesley Tree Bank~~ Fund*: The Board of Selectmen shall establish a Tree Bank Fund contribution schedule, such schedule to be based on the DBH of Protected Tree(s) to be removed, impact on Town infrastructure, and other environmental impacts associated with the removal of the Tree. The schedule may also take into account the aggregate DBH of Protected Trees to be removed. The applicant shall make such contribution to the Tree Bank Fund for the removal of a Protected Tree, not already mitigated for, per Section 16E.F.2.b.i.; such contributions shall be

~~received by the Building Department prior deposited~~ to the ~~issuance of all applicable permits~~ Tree Bank Fund.

3. Plan Review and Permit Issuance:

- a. Tree Protection & Mitigation Plan Submittal: Prior to the issuance of a permit in connection with one or more of the circumstances set forth in Section 16E.D.1. on property on which a Protected Tree is located or was located within twelve (12) months prior to application, the owner of the property shall submit a Tree Protection & Mitigation Plan to the Building Department along with the applicable application.

If a permit requiring the submittal of a Tree Protection & Mitigation Plan was issued for a property within twelve (12) months prior to application for one or more of the circumstances set forth in Section 16E.D.1., the submittal of a Tree Protection & Mitigation Plan shall not be required for subsequent permits unless any information required under Section 16E.F.3.b. is changed or altered.

- b. Tree Protection & Mitigation Plan Requirements: The submitted Tree Protection & Mitigation Plan shall be a to-scale survey or site plan, along with any accompanying documentation, containing information prepared, stamped, dated and signed by an individual(s) appropriately licensed and authorized by the State of Massachusetts to attest to and certify such information, unless a specific certification is referenced herein. The plan shall include, but not be limited to, the following information:
 - i. Boundaries of the subject property, including all property lines, easements, and right-of-ways of public and private ways;
 - ii. The location of all existing buildings, driveways, retaining walls and other improvements, with an indication of those features to be retained or removed/demolished;
 - iii. The location of all planned buildings, driveways, retaining walls and other improvements;
 - iv. The location, height, DBH, and species of all existing Protected Trees and all Protected Trees that were removed within twelve (12) months prior to application for an applicable demolition or building permit, with an indication of those Protected Trees to be removed and those to be retained, if applicable;
 - v. The CRZ, drip-line and location of the Tree Save Area shall be shown for all Protected Trees to be retained;
 - vi. The location, caliper, species, and planting schedule of ~~trees~~ Trees to be replanted to mitigate the removal of a Protected Tree(s), if applicable;

- vii. A maintenance plan prepared, stamped, dated and signed by a Certified Arborist for all Protected Trees which are proposed to have encroachment within the CRZ and/or drip-line, if applicable;
- viii. The amount to be contributed to the Tree Bank Fund to mitigate the removal of a Protected Tree(s), if applicable; and
- ix. Such other information as is required by the Inspector of Buildings pursuant to applicable regulations.

~~e. Tree Bank Contribution: In lieu of replanting, if applicable, the owner of the property shall submit any required contribution to the Tree Bank as mitigation for the removal of a protected tree.~~

~~d.c.~~ Building Department Action: If the Tree Protection & Mitigation Plan is consistent with the protection and mitigation requirements contained herein and any established rules, regulations or manuals, and any applicable Tree Bank Fund contribution has been submitted, the Building Department may issue any applicable permit. If the proposal does not meet or satisfy these requirements, the Building Department shall deny all applicable permit applications and so notify the applicant.

4. Maintenance of Protected and Replanted Trees:

- a. Protected Trees: Each Protected Tree retained shall be maintained in good health for a period of no less than twenty-four (24) months from the date of Final Inspection, or issuance of a Certificate of Occupancy if applicable. Should such ~~tree~~Tree die within this twenty-four (24) month period, the owner of the property shall be required to provide mitigation consistent with the requirements for the removal of a Protected Tree as contained herein within nine (9) months from the death of the original ~~tree~~Tree.
- b. Replanted Trees: All new ~~trees~~Trees replanted to mitigate the removal of Protected Tree(s) shall be maintained in good health for a period of no less than twenty-four (24) months from the date of planting. Should such ~~tree~~Tree die within this twenty-four (24) month period, the owner of the property shall be responsible for replacing the ~~tree~~Tree with a ~~tree~~Tree equal to or greater than the size of the original replacement ~~tree~~Tree at the time of planting; such ~~tree~~Tree shall be planted within nine (9) months of the death of the original replacement ~~tree~~Tree.

G. Rules and Regulations

The Planning Board may promulgate or amend Rules and Regulations which pertain to the administration of Section 16E, and shall file a copy of said rules in the office of the

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Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, the procedure for the submission and approval of such plans, the procedure for determining final compliance with these regulations, and the criteria and procedure regarding the Planning Board's acceptance of sureties (i.e., bonds, letters of credit, etc.) intended to satisfy the requirements of Section 16E.F.2.b.i., so long as the Rules and Regulations conform to Section 16E of the Zoning Bylaw. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

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SECTION 16F. NATURAL RESOURCE PROTECTION (NRP) DEVELOPMENT

*(Editor's Note: Section XVIF added 1/9/14 to reflect new provisions adopted under Article 28 at 2013 ATM);
Renumbered as Section 16F at 2019 ATM)*

A. Purpose

To allow innovative, context sensitive design of large subdivisions as a matter of right where such design shall achieve the following:

1. To allow for greater flexibility and creativity in the design of residential developments.
2. To minimize the destruction of, and to encourage the permanent preservation of open space, wildlife habitat, recreational uses and other resources including aquifers, water bodies and wetlands, groundwater, historical, cultural and scenic areas.
3. To promote a less sprawling, less intense and more sustainable and efficient form of development that consumes less open land and conforms to existing topography and natural features.
4. To minimize the total amount of disturbance, grade changes and run-off on or from the site.
5. To facilitate the construction and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner.

B. Definitions

Primary Conservation Areas – Areas of a potential development site that are protected or where development is limited by federal, state or local law or private land use restrictions including, without limitation:

1. Easements (including, without limitation, easements or restrictions for conservation, preservations, agricultural use, aquifer protection or similar easements and restrictions) and similar covenants land use restrictions;
2. Wetlands, Isolated Wetlands, Bordering Vegetated Wetlands, and the 25-foot No-Disturbance Zone as defined in the Wellesley Wetlands Bylaw;
3. Vernal Pools as defined in the Wellesley Wetlands Bylaw;
4. 100 Year Flood Plain as defined by Section 14B;
5. Wildlife habitat;
6. Steep slopes having a grade over 10% or as defined by federal or state law or regulation, whichever is the lesser grade; and

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7. Lakes, ponds, rivers, streams, and brooks;

Secondary Conservation Areas – Areas of a potential development site that contain valuable natural or cultural resources including, but are not limited to:

1. Specimen trees;
2. Stone walls;
3. Significant geological features, including, without limitation, eskers, exposed ledge and significant boulders;
4. Mature woodlands;
5. Scenic and wet meadows;
6. Historical or archaeological sites; and
7. Portions of a site within a Scenic Road or Scenic Road Layout.

Yield Plan – A conceptual subdivision plan containing all of the elements required by the Subdivision Rules and Regulations that depicts the number of single family house lots that could reasonably be developed according to local, state and federal law.

C. Applicability

1. NRP Development is required as a matter of right for any property that would yield 5 or more residential lots. To determine yield, the Planning Board shall consider the following:
 - a. The following formula shall be used for yield determination related to NRP Development:

Where A = Total Property Area

PCA = Area of primary conservation areas

10% = Assumed infrastructure area such as roads, etc. In the formula below, this is expressed as the inverse (i.e., multiplying by 90%)

L = Minimum Lot Size per Section 18, without regard to Section 16F.F. of this Section.

Y = Assumed number of residential units

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$$\frac{(A-PCA) * 0.9}{L} = Y$$

- b. Separate contiguous properties under common ownership, or contiguous properties that will otherwise be connected through future development activity, shall be considered in the aggregate when determining applicability through the yield calculation. The intent and requirements of this Section shall not be avoided by segmentation or any incremental approach to development.
 - c. Where a property owner believes that the property is encumbered by physical, legal or other unforeseen constraints that would reduce the property yield to below 5 lots, the property owner may develop a Yield Plan to demonstrate that the actual expected yield is below 5 lots and therefore NRP Development is not required. The Yield Plan shall contain the information required in the *Rules and Regulations Governing the Subdivision of Land* and shall be submitted to the Planning Board. The Planning Board's determination as to the accuracy of the Yield Plan shall be made at a regularly scheduled Planning Board meeting within 45 days of the submittal of an adequate Yield Plan. The determination of the Planning Board shall be used only to establish whether or not NRP Development is required and shall not be interpreted as approval of a subdivision or the vesting of any development yield on the property.
2. This Section does not apply to the construction of homes or businesses on individual lots that existed prior to the effective date of this Section of the bylaw.
 3. A Special Permit application to the Planning Board is required for any subdivision that does not conform to the development requirements herein. In order to approve such Special Permit, the Planning Board must find that the proposed alternative plan advances the purposes of the NRP Development bylaw as well as or better than a plan that conforms to this Section. If the Planning Board determines that the land with the greatest natural resource value (as identified in the required materials) cannot be protected except by the use of a NRP Development plan, the Planning Board shall deny the Special Permit for the deviation and require the applicant to submit a plan that complies with the requirements of the NRP Development process. The Planning Board may impose conditions on the grant of any such Special Permit.

D. Design Standards

The following Design Standards shall apply to all plans for NRP Development and shall govern the development and design process:

1. Overall site design and development shall be performed in a manner that protects the conservation areas identified pursuant to the procedures established in the *Rules and*

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Regulations Governing the Subdivision of Land. Techniques to ensure adequate protection shall include, but shall not be limited to:

- a. Avoidance and protection of Primary and Secondary Conservation Areas that are to be preserved both during and after construction.
 - b. Installation of natural boundaries or demarcation markers to ensure the protection of sensitive resources. Markers such as boulders, wooden fencing, and similar features may be used for this purpose.
 - c. Proper selection, installation, and maintenance of erosion and sediment control practices during construction activities.
 - d. Fencing used to protect trees during construction activities installed minimally to the drip line of the tree(s).
 - e. The recording of any easements or covenants required for the long term maintenance of any access ways or open space as described in Section 16F.G.
 - f. To keep storm water run-off from any parcel on such parcel to the fullest extent reasonably practical, employing low impact development techniques when practicable.
2. Streets, driveways, and common pathways shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill, to handle storm water run-off (if any) through low impact design techniques, and to preserve and enhance views and vistas on or off the subject parcel.
 3. Dwellings shall be oriented and placed on lots in such a manner so as to promote visual interest, while preserving the neighborhood streetscape, if applicable.
Dwellings shall not be oriented linearly or subject to the provisions of Section 19 that:

“Where, on a frontage of 500 feet including the lot to be affected, or on a frontage between two intersecting or entering streets if such frontage is less than 500 feet, all existing buildings (if they are not less than three in number) have front yards of a depth greater than 30 feet, the minimum depth thereof shall be the depth required.”
 4. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover.

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5. All open space shall be set aside and/or designed to add to the visual amenities of the area through the siting of houses, the creation of “no-cut” buffers, low impact trail design, or other similar methods.
6. Open space parcels with public access shall have physical and legal access from a street of not less than 20 feet in width. Such access shall be demarcated by stone bounds to distinguish between the edge of the public access and amenities from private property.
7. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
8. Exterior lighting shall be only as needed to accomplish safety and design objectives ~~and;~~ shall be arranged so as to minimize the impact on neighboring properties; and shall comply with the provisions of Section 16G which are incorporated herein by reference.

~~4.~~ Shared driveways may be constructed to access a maximum of three (3) residences and shall comply with the following standards:

~~e.~~ Shared driveways shall have a minimum surface width of sixteen (16) feet along that portion that is shared by more than one residence.

~~e.~~ No shared driveway shall be connected or attached to any other driveway, nor shall any common driveway be extended without prior approval of the Planning Board.

4.9. Shared driveways shall be located within an easement which may allow space for installation of water lines and utilities as needed.

~~h.~~ Shared driveways shall not exceed three hundred (300) feet in length, measured from the street line to the end of the shared portion of the driveway.

~~i.~~ To provide better traffic safety and reduce the visual impacts of traffic on abutting properties, the Planning Board may require shared driveways to be set back from lot lines and/or screened with a buffer of trees and/or shrubs.

~~j.~~ Sight distances at the entrance of a shared driveway along the intersecting road shall be at least one hundred (100) feet along the intersected roadway or as far as the next intersection, whichever distance is shorter.

E. Design Process

At the time of the application for NRP Development, applicants shall demonstrate to the Planning Board that the following design process was performed, in the order so prescribed, by a Multidisciplinary team of qualified professionals to determine the layout

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of proposed streets, ~~house~~ lots, including designation of all common areas and open space.

1. Identifying Conservation Resources. Identify Primary and Secondary Conservation Areas. The Potentially Developable Area of the site shall consist of land outside identified Primary Conservation Areas to the extent required by this Section, and outside the Secondary Conservation Areas to the fullest extent practicable.
2. Locating ~~House~~Dwelling Sites. Locate the approximate sites of ~~individual houses~~ dwellings within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community within the subdivision. Priority in design shall be given to determining the appropriate location of dwellings prior to determining the location of streets.
3. Locating Streets, Common Parking Areas, Common Detached Garages, and ~~Trails.~~ Layout streets-Pathways. Streets should be laid out in order to access ~~the common parking areas, common detached garages, or individual~~ house lots. Trails while minimizing interference with Conservation Areas and maximizing Open Space. Pathways should be laid out to create internal and external connections to common parking areas, common detached garages, and existing and/or potential future streets, sidewalks, ~~and trails, and pathways.~~
4. Lot Lines. Draw in the lot lines using assumed lot lines if the ownership is in condominium, cooperative or other similar form of common ownership.

F. Allowable Design Flexibility

Dimensional Requirements. To facilitate the design process provided in Section 16F.E. above, the following housing and dimensional standards shall apply to NRP Development.

1. HousingDwelling Types. Only detached single family ~~homes~~ dwellings are allowed in NRP Development.
2. Lot Dimension. ~~To facilitate the design process provided in Section 16F.E. above,~~ the following ~~housing and~~ minimum dimensional standards shall apply ~~to~~ for lots within a NRP Development.

~~Table~~TABLE 1.

Area Regulation District	SINGLE RESIDENCE DISTRICT				
	10,000 s.f.SF.	15,000 s.f.SF.	20,000 s.f.SF.	30,000 s.f.SF.	40,000 s.f.SF.
Minimum Lot Size	7,500 s.f.SF.	7,500 s.f.SF.	10,000 s.f.SF.	15,000 s.f.SF.	20,000 s.f.SF.

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Minimum Frontage	50 ft.	50 ft.	75 <u>50</u> ft.	100 <u>50</u> ft.	100 <u>50</u> ft.
Minimum Front Yard Width	50 ft.	50 ft.	75 ft.	100 ft.	100 ft.
Minimum Front Yard Depth (Setback)	30 <u>10</u> ft.	30 <u>10</u> ft.	30 <u>10</u> ft.	30 <u>10</u> ft.	30 <u>10</u> ft.
Minimum Side Yard Width	15 ft.	15 ft.	20 ft.	20 ft.	25 ft.
Minimum Rear Yard Depth	15 ft.	15 ft.	20 ft.	25 ft.	30 ft.

3. Frontage and Setbacks. Lots ~~having reduced area shall not have frontage on a street other than a street within the NRP Development~~ may have frontage on internal streets, common driveways, common parking areas, or common pathways.
4. Parcel Dimensions. To further the design process provided in Section 16F Part E above, the following minimum dimensional standards shall apply from the edge of the entire parcel to the nearest lot internal within the NRP Development:

TABLE 2

	<u>SINGLE RESIDENCE DISTRICT</u>				
<u>Area Regulation District</u>	<u>10,000 SF.</u>	<u>15,000 SF.</u>	<u>20,000 SF</u>	<u>30,000 SF.</u>	<u>40,000 SF.</u>
<u>Minimum Front Yard Depth (setback)</u>	<u>30 ft.</u>	<u>30 ft.</u>	<u>35 ft.</u>	<u>40 ft.</u>	<u>40 ft</u>
<u>Minimum Side Yard Width (setback)</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>30 ft.</u>	<u>40 ft.</u>
<u>Minimum Rear Yard Depth (setback)</u>	<u>10 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>30 ft.</u>	<u>40 ft.</u>

- 4.5. Accessory Structures. ~~Detached accessory~~Accessory structures ~~over 100 square feet shall have a minimum side yard and rear yard setback of fifteen (15) feet such as common carriage houses or a bank of common garages are encouraged.~~

G. Open Space

1. Minimum Open Space Requirement. A minimum of fifty percent (50%) of the site shall be protected open space. The percentage of this open space that may include wetland shall not exceed the percentage of wetland of the entire site under existing conditions.
2. Contiguous Open Space. Preserved open space shall be contiguous to the greatest extent practicable. Where noncontiguous pockets of open space are preferable to protect conservation areas, applicants shall attempt to connect these resources area to

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the greatest extent practicable through the use of trails and/or vegetated corridors. Open space will still be considered contiguous if it is separated by a shared driveway, roadway, or an accessory amenity (such as a barn, paved pathway or trail, or shed for the storage of recreational equipment).

3. Restrictions on Open Space. Any land required to be set aside as open space shall be permanently protected pursuant to Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts or a perpetual restriction under M.G.L. Chapter 184 Section 31-33. Unless conveyed to the Natural Resources Commission, the required open space shall be subject to a permanent Conservation, Watershed, or Agricultural Preservation Restriction conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, or Department of Agricultural Resources in accordance with M.G.L. Chapter. 184 Section 31-33, approved by the Planning Board and the Board of Selectmen and held by the Town of Wellesley, the Commonwealth of Massachusetts, or a non-profit conservation organization qualified to hold conservation restrictions under M.G.L. Chapter 184, Section 31-33.

The restriction shall specify the prohibited and permitted uses of the restricted land, which would otherwise constitute impermissible development or use of the open space, consistent with the Allowable Use of the Open Space Subsection of this bylaw and any permits. The restriction may permit, but the Planning Board may not require, public access or access by residents of the development to the protected land.

4. Allowable Use of the Open Space. Open space used to satisfy the minimum open space requirement shall be perpetually kept in an open state, preserved exclusively for the purposes set forth herein and in the deed and/or in the restriction, and maintained in a manner which will ensure its suitability for its intended purposes. Proposed use(s) of the open space consistent with this Section shall be specified in the application. At the applicant's discretion, conservation restrictions may be placed on open space beyond the minimum amount required by this bylaw.
 - a. The open space may be used for wildlife habitat, conservation, historic or cultural resource preservation, outdoor education, active or passive recreation, community gardens, or a combination of these uses, and shall be served by suitable access for such purposes.
 - b. Open space may include paved and/or developed areas to be paved or built upon (preferably, and to the fullest extent possible, using permeable pavement and other means of retaining natural hydrology) for structures accessory to the dedicated use or uses of such open space (e.g., parking to facilitate public access for passive recreation, informational kiosks, pedestrian walks, ADA access features, and bike paths) so long as the conservation values of the open space are not compromised.

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- c. Open space may include vegetated storm water management practices including swales, rain gardens, bio-retention facilities and constructed wetlands.
5. Ownership of the Open Space. At the Planning Board's determination, the open space may be owned by:
- a. A private owner for agricultural, horticultural, forestry or any other purpose not inconsistent with the conservation restriction;
 - b. A non-profit organization or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of open space for any of the purposes set forth herein;
 - c. The Natural Resources Commission; or
 - d. A homeowners association (HOA) as defined herein owned jointly or in common by the owners of lots or units within the project. If a HOA is selected as the means of ownership, the following shall apply:
 - i. The documents organizing the HOA shall be drafted and approved by the Planning Board before final approval of the NRP Development, recorded prior to the issuance of building permits, comply with all applicable provisions of state law, and pass with conveyance of the lots or units in perpetuity. Each individual deed, and the deed, trust, or articles of incorporation, shall include language designed to effect these provisions.
 - ii. Membership must be mandatory for each property owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
 - iii. The HOA must be responsible in perpetuity for liability insurance, property taxes, the maintenance of recreational and other facilities, private roads, and any shared driveways.
 - iv. The assessment levied by the HOA must be able to become a lien upon individual properties within the development.
 - v. The HOA must be able to adjust the assessment to meet changed needs.
 - vi. The applicant shall make a conditional grant to the Town, binding upon the HOA, of the fee interest to all open space to be conveyed to the HOA. Such offer may be accepted by the Town at the discretion of the Board of Selectmen, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any

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future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

- vii. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual property owners in the HOA and the dwelling units they each own.
 - viii. The Town of Wellesley legal counsel must find that the HOA documents presented satisfy the conditions above, and such other conditions as the Planning Board shall deem necessary.
- e. Selection of an ownership option other than the Natural Resources Commission shall require the following:
- i. The conveyance of a conservation restriction as outlined herein; and
 - ii. The granting of an access easement over such land sufficient to ensure its perpetual maintenance as specified in the conservation easement. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town of Wellesley may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. Pursuant to G.L. Chapter 40 Section 58, the Town may file a lien against the lot or lots to ensure payment for such maintenance. Pursuant to G.L. Chapter 40 Section 57, the Town may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.

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SECTION 25. SPECIAL PERMIT GRANTING AUTHORITY

(Editor's Note: Amended 7/9/2014 to reflect amendments approved under Article 34 at 2014 ATM)

A. General Authority and Conditions

This Zoning Bylaw provides for specific types of uses which shall only be permitted in specified districts upon the granting of a special permit, as provided herein. Special permits may be granted only for uses which are in harmony with the general purpose and intent of this Zoning Bylaw, and shall be subject to general or specific provisions as set forth herein, and such permits may also impose conditions, safeguards, and limitations on time or use, in order to further the objectives of this Zoning Bylaw.

B. Specific Powers

1. Scientific Development, Research or Related Production

The Special Permit Granting Authority may grant a special permit for uses accessory to activities permitted as a matter of right, whether or not on the same parcel as activities permitted as a matter of right, which activities are necessary in connection with scientific development, research or related production, provided that the Special Permit Granting Authority finds that the proposed accessory uses do not substantially derogate from the public good.

2. Findings

The Special Permit Granting Authority is empowered to make findings in accordance with Section 17 and G. L. Chapter 40A, Section 6.

3. Project Approval

The Special Permit Granting Authority is empowered to review and approve plans in accordance with the requirements of Section 16A and this Section 25. The provisions of Section 25.C. of this section shall apply to the review and approval of plans for Major Construction Projects as defined in Section 16A of this Zoning Bylaw. The approval of plans by the Special Permit Granting Authority in accordance with Section 16A shall constitute the granting of a special permit.

4. Special Permits and Special Use Permits

The Special Permit Granting Authority may grant special permits subject to any conditions or limitations as specifically provided in this Zoning Bylaw.

5. Adult Uses

The Special Permit Granting Authority is empowered to review and approve applications for Adult Uses as defined in Section 1B. subject to the provisions of Section 25.D. below and subject to all of the following additional conditions and limitations:

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- a. The Special Permit Granting Authority shall not grant a special permit for an Adult Use where there is another Adult Use located within a one half mile radius;
- b. The Special Permit Granting Authority shall not grant a special permit for an Adult Use where there is a school, day care center, family day care home, parkland, playground, library or branch library, religious use, funeral home or cemetery located within 350 feet.
- c. The Special Permit Granting Authority shall not grant a special permit for an Adult Use where there is a residential zoning district located within 350 feet;
- d. Special permits granted shall be subject to annual renewal.

An application to the Special Permit Granting Authority for an Adult Use shall include the following information:

- Name and address of the legal owner of the proposed adult Use;
- Name and address of all persons having lawful, beneficial, equity or security interests in the Adult Use;
- Names and addresses of the manager(s) and assistant manager(s);
- The number of employees;
- Proposed security precautions; and
- The physical layout of the premises showing, among other things, the location or proposed location of the adult books, adult paraphernalia or adult videos.

The legal owner of an Adult Use having received a special permit shall promptly notify the Special Permit Granting Authority of any changes in the above information within 10 days and failure to do so will be grounds for revocation of the special permit.

6. Registered Marijuana Dispensaries

- a. Purpose - The purpose of this subsection is to regulate the siting, design, placement, security, safety, monitoring, and modifications of Registered Marijuana Dispensaries (“RMDs”) within the Town of Wellesley to ensure that such uses are operated in a manner consistent with the overall health, welfare and safety of the Town in compliance with Chapter ~~369 of the Acts of 2012, An Act for the Humanitarian Medical Use of Marijuana,~~ and ~~105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana,~~94I of the Massachusetts General Laws, and

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935 CMR 501.000 and to minimize the adverse impacts of RMDs on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said RMDs.

- b. Compatibility with State Laws - These regulations pertaining to RMDs are not intended to supersede state laws and/or regulations, including but not limited to Chapter ~~369 of the Acts of 2012, An Act for the Humanitarian Medical Use of Marijuana, and 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana~~^{94I} of the Massachusetts General Laws, and 935 CMR 501.000; rather, these regulations shall take precedence where they are more stringent, and where a matter is not addressed herein, compliance with ~~105~~935 CMR ~~725~~501.000 shall be required. Terms used herein not defined within the Zoning Bylaw shall be as defined in ~~105~~935 CMR ~~725~~501.000.
- c. Applicability and Authority
 - i. Applicability:
 - (1) No RMD use shall commence unless permitted by the issuance of a special permit as authorized by this Section and subsection.
 - (2) No special permit for an RMD use shall be issued unless the use is located in one of the zoning districts established within the Zoning Bylaw specifically authorizing such use.
 - (3) The establishment and operation of RMDs shall be subject to continued compliance with all special permits, including any conditions thereof, the provisions of this Section and subsection, any other applicable requirements of the Zoning Bylaw, and local and state laws and regulations.
 - (4) The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana is prohibited unless permitted as an RMD as required and authorized by the Zoning Bylaw.
 - (5) Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
 - ii. Authority: The Special Permit Granting Authority is empowered to review and take action on special permit applications for Registered Marijuana Dispensaries consistent with the procedures established in

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Section 25.C.; the Special Permit Granting Authority may deny, grant, or grant with conditions all such applications.

d. General Regulations - All RMDs shall be subject to the following conditions and limitations:

i. Location:

- (1) No special permit for an RMD shall be granted where such use would be located within 500 feet of a:
 - a. Public or private elementary school, middle school, or high school;
 - b. Child care facility, including family daycare homes, daycare centers, and/or nursery schools; or
 - c. Any establishment catering to or providing services primarily intended for minors, as determined by the Special Permit Granting Authority.
- (2) The 500 foot distance shall be measured in a straight line from the nearest point of the structure within which the RMD would operate (from the nearest point of the exterior of the tenant space if the RMD is located in a structure occupied by multiple tenant spaces), to the nearest point of any property on which a public or private elementary school, middle school, or high school is located, or to the nearest point of any structure containing or associated with other uses noted above.
- (3) The commencement of one or more of the above uses within 500 feet of a proposed RMD location during the review of a special permit application for an RMD (beginning on the date of submittal), following the issuance of a special permit, or following the commencement of the RMD use shall not invalidate the RMD use, the special permit issued therefor, or the ability to renew any unexpired or unrevoked special permit.

ii. Configuration and Operation:

- (1) An RMD shall be located in, and conduct all operations within, an enclosed building; this shall not prohibit operations involving the delivery or receiving of permitted goods and products, which may involve transfer to or from a motor-vehicle outside of an associated building.

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- (2) All publicly accessible entrances shall be visible from a public way.
- (3) Drive-through windows and/or any interactions or sales to customers within vehicles are prohibited.
- (4) No RMD shall be located inside a building containing residential dwelling units, including transient housing, group housing, hotels, motels, lodging houses, and/or dormitories.
- (5) The hours of operation of RMDs shall be set by the Special Permit Granting Authority, but in no event shall an RMD be open to the public, performing deliveries, and/or otherwise operating between the hours of 8:00 PM and 8:00 AM; there shall be no exemptions to the prohibited hours of operation for emergencies.
- (6) No person under the age of eighteen (18) shall be permitted on the premises of the RMD unless he or she is a qualified patient or primary caregiver, or is accompanied by a parent or legal guardian.
- (7) No marijuana shall be smoked, ingested, or otherwise consumed on the premises of an RMD; the term “premises” includes all buildings, accessory structures, parking lots or parking areas, walks and/or other immediate surroundings located on the same lot/parcel as the RMD use.
- (8) All RMDs shall be ventilated in such a manner that no pesticides, insecticides or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere, and so that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the RMD or at any adjoining use or property.

iii. Signage:

- (1) All signs associated with RMDs shall comply with ~~105935~~ 725501.000 and Section 22A.
- (2) All special permit applications for RMDs shall include a proposed exterior sign package, which may be included as a condition of issuance of the special permit.
- (3) For every publicly accessible entrance there shall be at least one (1) sign that includes the language “Medical Registration

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~~card~~Card issued by the MA Department of Public Health or the Cannabis Control Commission required” with a minimum text height of two (2) inches-, in addition to any other sign that may be required by 935 CMR 501.000 at such location.

- (4) Temporary signs and standard informational signs, as defined in Section 22A shall be prohibited.

iv. Security:

- (1) RMDs shall provide the Wellesley Police Department, Inspector of Buildings and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment; this information shall be updated when staff of the RMD changes.
- (2) No operator and/or employee of an RMD shall have been convicted of any felony under state or federal law.
- (3) Trash dumpsters shall be locked and enclosed by a screening enclosure so as not to be accessible to the public.
- (4) The exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times during business hours; all light fixtures shall have full cut off shields.
- (5) The RMD shall be equipped with, and the operators of such RMD shall maintain in working order at all times, burglary/robbery alarms.
- (6) A video surveillance system in compliance with ~~105935~~ 725501 CMR shall be installed and maintained; the system shall monitor all areas that may contain marijuana, parking lot areas, main building entrances and exits, and any and all transaction areas for the dispensing of marijuana.
- (7) Procedures and protocols for the delivery and transport of marijuana and MIPs shall be in compliance with ~~105935~~ 725501 CMR and approved by the Chief of Police.

e. Procedures and Findings

- i. Procedures: In addition to the procedures established in Section 25.C., special permits issued for RMDs shall be:

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(1) Limited to the current applicant and shall lapse if the permit holder ceases operation of the RMD; and

(2) Renewed annually.

ii. Findings: In addition to determining compliance with the above General Regulations, all other applicable Sections of the Zoning Bylaw, and the applicable Special Use Permit Standards contained in Section 25.D., the Special Permit Granting Authority in their review of any special permit application for an RMD shall find that the proposed Registered Marijuana Dispensary:

(1) Meets a demonstrated local and regional need based on the proximity of other RMDs serving the Town's qualifying patients;

(2) Meets all other applicable requirements of the Zoning Bylaw and the permitting requirements of all applicable agencies of the Commonwealth of Massachusetts and the Town of Wellesley, and will otherwise comply with all applicable state and local laws and regulations;

(3) Is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;

(4) Provides a secure indoor waiting area for patients;

(5) Provides adequate pick up/drop off area;

(6) Provides adequate security measures to ensure that no individual participants will pose a threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities; and

(7) Adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the RMD.

f. Severability - The provisions of this subsection (Section 25.B.6.) are severable. If any provision, paragraph, sentence, or clause of this Section, or the application thereof to any person, establishment, or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of this Section or the Zoning Bylaw.

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C. Procedures

The Special Permit Granting Authority shall adopt and from time to time amend rules relative to the granting of special permits, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, and the procedure for the submission and approval of such permits.

Each application for a special permit shall be filed by the petitioner with the Town Clerk and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Special Permit Granting Authority. The Special Permit Granting Authority shall hold a public hearing, for which notice has been given, on any application for a special permit within sixty-five (65) days from the date of filing such application.

The Special Permit Granting Authority shall act within ninety (90) days following a public hearing for which notice has been given by publication and posting as provided within this Zoning Bylaw, and by mailing to all parties in interest. Failure by a Special Permit Granting Authority to take final action within ninety (90) days or extended time, shall be deemed to be a grant of the special permit. The petitioner who seeks such approval by reason of the failure of the Special Permit Granting Authority to act within such time, shall notify the Town Clerk, in writing within fourteen (14) days from the expiration of the time period of such approval and that notice has been sent by the petitioner to parties in interest. The petitioner shall send such notice to parties in interest, by mail, and each such notice shall specify that appeals, if any, shall be made pursuant to Mass. General Laws Chapter 40A and shall be filed within twenty (20) days after the date the Town Clerk received such written notice from the petitioner that the Special Permit Granting Authority failed to act within the time prescribed. After the expiration of twenty (20) days without notice of appeal, or if appeal has been taken, after receipt of certified records indicating that such approval has become final, the Town Clerk shall issue a certificate stating the date of approval, the fact that the Special Permit Granting Authority failed to take action and that the approval resulting from such failure has become final, and such certificate shall be forwarded to the petitioner.

The required time limits for a public hearing and action, may be extended by written agreement between the petitioner and the Special Permit Granting Authority. A copy of such agreement shall be filed in the office of the Town Clerk.

Special permits granted by a Special Permit Granting Authority shall require a two-thirds vote of boards with more than five (5) members, a vote of at least four (4) members of a five (5) member board, and a unanimous vote of a three (3) member board.

Upon the granting of a special permit, or any extension, modification, or renewal thereof, the Special Permit Granting Authority shall issue to the owner, and to the applicant if other than the owner, a copy of its decision, or, in the event of a failure of the Special Permit Granting Authority to act within ninety (90) days from the date of the aforesaid

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public hearing, a copy of the application for a special permit accompanied by the certification of the Town Clerk stating the fact that the Special Permit Granting Authority failed to act within the time prescribed and no appeal has been filed and that the grant of the application resulting from such failure to act has become final or that if an appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. No special permit nor any extension, modification, or renewal thereof shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days has elapsed and, pursuant to the applicable provisions contained within Chapter 40A. Mass. General Laws, as amended, no appeal has been filed, or that if such appeal has been filed that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

The Special Permit Granting Authority shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reason for its decision and of its official actions, copies of all which shall be filed within fourteen (14) days in the office of the Town Clerk and shall be deemed a public record, and notice of the decision shall be mailed forthwith to the petitioner, applicant or appellant, to the parties in interest, and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Each such notice shall specify that appeals, if any, shall be made pursuant to Mass General Laws Chapter 40A and shall be filed within twenty (20) days after the date of filing of such notice in the office of the Town Clerk.

Petitions for special permits shall be submitted to the Special Permit Granting Authority and referred within seven (7) days by it for review to the following: The Board of Health, the Planning Board (except when the Planning Board is the Special Permit Granting Authority), the Town Engineer, the Wetlands Protection Committee, and any other Town agency or board designated by the Special Permit Granting Authority. Any such board or agency to which petitions are referred for review shall make such recommendations as they deem appropriate and shall send copies thereof to the Special Permit Granting Authority and to the applicant; provided, however, that failure of any board or agency to make recommendations within thirty-five (35) days of receipt by such board or agency of the petition shall be deemed lack of opposition thereto.

No application or petition which has been unfavorably and finally acted upon by the Special Permit Granting Authority shall be acted favorably upon within two (2) years after the date of final unfavorable action unless:

1. Said Special Permit Granting Authority finds, by a unanimous vote of a three-member Board, specific and material changes in the conditions upon which

Article 35

unfavorable action was based, and describes such changes in the record of its proceedings; and

2. All but one of the members of the Planning Board or Board of Selectmen, when serving as Special Permit Granting Authority, consents thereto; and
3. After notice is given to parties in interest of the time and place of the proceedings when such consent will be considered. Any application for a special permit which has been transmitted to the Special Permit Granting Authority may be withdrawn, without prejudice, by the petitioner prior to the publication of a public hearing thereon, but thereafter be withdrawn without prejudice only with the approval of the Special Permit Granting Authority.

A special permit shall lapse within two (2) years of the effective date of grant of such special permit, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

D. Special Use Permit Standards

The Special Permit Granting Authority may grant a special permit in accordance with this Section only if it finds that, in addition to all other conditions which may otherwise be required under this Zoning Bylaw, all of the following conditions are met:

1. Vehicular Circulation

That the circulation patterns for motor vehicles which would result from the proposed use or structure which is the subject of the special permit do not create conditions that add to traffic congestion or accident potential on the site or in the surrounding area.

2. Driveways

That new driveways are not less than 50 feet from street intersections; and that new driveways have widths not less than the width of driveways specified in Section 21 of this Zoning Bylaw; and that Special Permit requests for uses which would increase the number of vehicle trips, where the property is served by an existing driveway less than 50 feet from a street intersection, are not granted without a favorable recommendation from the Town Traffic Engineer that the special permit use will not create conditions referred to in Section 25.D.1. above.

3. Vehicle Queuing Lanes

Article 35

That vehicle queuing lanes, including those for drive through facilities, have a width equal to or greater than nine feet; and that vehicle storage capacity and separation are provided so that vehicles will not encroach onto sidewalk areas or designated fire lanes, or interfere with the travel or maneuvering of other vehicles into and out of parking spaces, driveways or within the public way.

4. Compatibility with Surroundings

That any modification of a premises resulting from the proposed use or structure which is the subject of the special permit is made compatible, to the extent required by the Special Permit Granting Authority with the existing natural and man-made features of the site and with the characteristics of the surrounding area; and that consideration is given to the protection of trees and other natural features.

5. Pedestrian Safety

That pedestrian and bicycle circulation is provided, in accordance with nationally recognized safety standards; and that separation, such as curbing, bollards or landscaped buffer areas, is provided between pedestrian areas and all areas open to vehicular traffic, such as parking spaces, vehicle queuing lanes and driveways.

6. Noxious Uses

That the proposed use or activity is consistent with the provisions of Section 16.A. and B.

7. Intensity of Use

That any increase in: the number of vehicle trips, the number of employees or visitors, the number of parking spaces, the amount of energy used, or the volume of liquid or solid waste produced, likely to result from the proposed use or activity will not adversely affect the character of the site and its surrounding area.

For the purposes of this Section 25.D., the term "surrounding area" shall mean the area within which owners of land surrounding the site are defined as parties in interest in accordance with Section 26.B., unless otherwise specifically determined by the Special Permit Granting Authority.

Article 35

DRAINAGE BYLAW AMENDMENT

Overview for Planning Board Hearing 2/3/2020

- Wellesley must comply with a permit issued by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection, regulating the stormwater runoff that drains through Wellesley's storm drain system into rivers and streams. It is known as the "MS4" permit (because it regulates "municipal separate storm sewer systems").
- This permit was originally issued in 2003 and was reissued in 2016. The 2016 permit went into effect in July 2018 and contains a variety of requirements that are phased in over the 5-year permit period.
- The old permit required the Town to impose requirements on construction sites disturbing more than one acre of land. The Town was required to:
 - Regulate stormwater discharges during construction to ensure that exposed soil doesn't run off from the construction site into the storm drain system, and
 - Regulate the design of the stormwater management systems installed as part of the construction, to ensure that runoff from the completed project is adequately controlled (in terms of both quantity and quality).
- The Drainage Review provision, Section 16C of the Zoning Bylaw, was originally adopted to comply with the old MS4 permit by giving DPW the power to impose these requirements for projects disturbing over an acre that are not subject to the Project Approval process under Section 16A of the Zoning Bylaw. (Projects subject to Section 16A already receive drainage review.)
- The new permit is more detailed and stringent in its requirements for the Town's oversight of construction and post-construction stormwater management at these over-one-acre construction sites.
- Therefore, we need to tweak the bylaw to ensure that DPW has the authority to impose these new requirements as necessary.
- Town Counsel will be drafting the bylaw amendment with input from DPW and other Town staff; the amendment will be presented to the Planning Board for the Board's review and recommendation to Town Meeting.

6. Discuss and Vote SPED Stabilization Fund Expenditure

The SPED stabilization fund requires approval of both the Board of Selectmen and the School Committee. Enclosed in your packet is the current bill from New England Medical Billing. The expenditure is for \$925.59. As you can see, the School Committee has already acted on this item on February 4, 2020 and once the Board has it can be processed for payment.

MOTION:

MOVE that the Board vote to authorize payment of an invoice in the amount of \$925.59 to New England Medical Billing for the Town's Medicaid filing from the SPED Stabilization Fund.

Town of Wellesley

SPED Stabilization Payment Request

At ATM 2017, the Town accepted Ch 40, S 13E; added by section 24 of Chapter 218 of the Acts of 2016 (Municipal Modernization Act); authorizing the School Department to establish a reserve fund to be utilized to pay, without further appropriation, unanticipated or unbudgeted Special Education costs. Disbursements from this fund require a majority vote by both the School Committee and the Board of Selectmen.

The School Department hired a vendor, New England Medical Billing (N.E.M.B), to file for Medicaid reimbursement for eligible students. Town Meeting agreed to annually appropriate these newly identified receipts into the fund.

The fund was started with a transfer of \$20,000 from free cash. The School Department will annually advise Town meeting of the amount collected and request the appropriation to the fund.

This form will be used to obtain the approvals required to pay the attached invoices.

<u>Vendor Name</u>	<u>Number</u>	<u>Purpose</u>	<u>Invoice #</u>	<u>Date</u>	<u>Amount</u>	<u>Account code</u>
New England Medical Billing	373252	School Medicaid Claiming Fee	WELLS1909	12/31/2019	\$925.59	83982203-578010

Authorization Vote Date Chairman Signature
 School Committee *Melina Martin* *2/4/20*
 Board of Selectmen _____

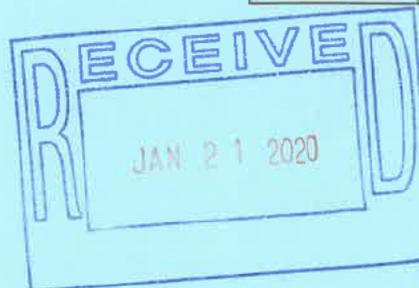
New England Medical Billing

19 Norfolk Avenue
 South Easton, MA 02375

RECEIVED JAN 21 2020

Invoice

DATE	INVOICE NO.
12/31/2019	WELLS1909



BILL TO
Wellesley Public Schools 40 Kingsbury ST Wellesley, MA 02481 Attn: Judith Belliveau Asst Superintendent

DESCRIPTION	NET RECEIPTS	RATE	TERMS
			Due on receipt
			AMOUNT
School Administrative Medicaid Claiming Fees submitted in qtr ending 9/30/19	20,255.78	0.045	911.51
School Medicaid Direct Service submitted for qtr ending 9/30/19	312.82	0.045	14.08
Thank you for your business. For questions - call Christin Cellucci at (508)297-2068 x229			Total \$925.59

7. **Executive Director's Update**

Minutes

The Board has two sets of minutes for review and approval from January 21 and January 27, 2020.

MOVE to approve the minutes of January 21 and January 27, 2020.

MOTION

The DPW has received two donations by the Wellesley Youth Baseball and Softball organization for the Hunnewell Field Softball Renovation. The first amount is from the Avery Family in the amount of \$71,000 to construct dugouts similar to those at Reidy Field. The second donation in the amount of \$2,275 is specific to the cost of reimbursing the project for engraved landscape bricks which recognize donations of \$500 or more from over 125 families.

The Natural Resources Commission accepted these gifts at their meeting on February 6, 2020.

I can accept the smaller donation but will recognize the many contributions.

MOVE to accept the gift of \$71,000 from the Avery Family to construct brick dugouts at Lee Field.

1 **Approved:**

2
3 **Board of Selectmen Meeting: January 21, 2020**

4 **Present: Freiman, Ulfelder, Olney, Morgan, Sullivan Woods**

5 **Also Present: Jop**

6
7 **Warrants approved: 2020-027 \$3,972,055.03**

8 **2020-028 \$4,029,357.51**

9 **Meeting Documents:**

- 10 1. Agenda
- 11 2. BOS Calendar
- 12 3. Draft Motions
- 13 4. Transfer of All Alcohol License Application – Singh’s Café
- 14 5. Memo re: Firefighter Educational Incentive
- 15 6. SEC Memo re: Sustainable Building Guidelines
- 16 7. Draft Summary of Proposed Sustainable Building Guidelines
- 17 8. Draft Sustainable Building Guidelines
- 18 9. Draft 1st Amendment to Development Agreement 148 Weston Road
- 19 10. Original Development Agreement Weston Road
- 20 11. 148 Weston Road Updated Perspective
- 21 12. 148 Weston Road Landscape Site Plan
- 22 13. 148 Weston Road Reviewed View
- 23 14. 2020 ATM Article List
- 24 15. 2020 Draft ATM Warrant
- 25 16. City of Boston Climate Emergency Resolution
- 26 17. NRC Climate Crisis Resolution
- 27 18. Wellesley Unified Plan
- 28 19. FY2021 Sources & Uses
- 29 20. Reserve Calculation
- 30 21. Summarized Budget Status
- 31 22. Draft Budget
- 32 23. FY21 Initial Projections
- 33 24. Initial Projection – Schools Budget
- 34 25. Survey – Alternate Town Hall Hours
- 35 26. Client Fee Agreement
- 36 27. SBC Materials from SBC 1/16/20 meeting
- 37 28. Promotional Process Update
- 38 29. Letter to Moderator
- 39 30. MassDOT Ch 90 Letter
- 40 31. Monthly Parking Receipts
- 41 32. OML Response to J. Crawford
- 42 33. Recreation Gifts
- 43 34. Stipulation of Dismissal US Paving Services, Inv. V. Town of Wellesley
- 44 35. Police Commendation – Janet Popovski

45
46 **1. Call to Order**

47
48 Ms. Freiman, Chair, called the meeting to order at 7:00 pm in the Juliani Room.

49

50 Ms. Freiman announced the meeting was being telecast live on Comcast channel 8 and Verizon channel 40
51 and streamed live by Wellesley Media and is recorded for subsequent viewing on the cable channels or at
52 wellesleymedia.org.

53
54 **2. Citizen Speak**

55 None.

56
57 **3. Announcements**

58
59 Ms. Olney thanked the World of Wellesley and Wellesley College for hosting the MLK Breakfast and noted
60 that the event would be available for viewing at wellesleymedia.org. She stated that on January 23rd at
61 6:30pm, the World of Wellesley and the Wellesley Community Center would present a showing of the PBS
62 series: "Race: The Power of an Illusion". She added that at 7pm on January 23rd the Metrowest
63 Sustainability Forum would host a talk on the future of geo-micro districts at the First Parish Church in
64 Weston. She stated that on Sunday, January 26th at 4pm Sustainable Wellesley would host a discussion at
65 the Village Church regarding the citizen's petition to Town Meeting for the reduction of greenhouse gas
66 emissions.

67
68 **4. Discuss and Vote Transfer of Alcohol License – Singh's Café, 312 Washington Street**

69
70 Mr. Watstein, attorney for the applicant, and Mr. Ghimire, President of Ichhakamana, Inc., came before the
71 Board.

72
73 Ms. Jop stated that Mr. Bhujel experienced an accident and was not present. Ms. Jop reviewed the
74 background of the application and noted positive comments from the Health Department. Mr. Watstein
75 reviewed the background of Mr. Ghimire, who would be interim manager until Mr. Bhujel returned to work.

76
77 **Upon a motion by Mr. Morgan and seconded by Mr. Ulfelder, the Board voted (5-0) to approve the**
78 **transfer of ABCC all alcohol license 13440002 from the Kabob Group Inc. to Ichhakamana Inc. DBA**
79 **Singh's Café and to appoint Kabin Bhujel as the manager of record.**

80
81 **5. Discuss and Vote Educational Incentive Request for Consideration, Fire Department**

82
83 Chief DeLorie joined the Board. He stated he was requesting consideration for two firefighters to receive
84 educational incentive because their degrees were not listed under the secondary educational incentive
85 section of their contracts. He reviewed the article within the contract and noted that it had been over eight
86 years since a request had been made. He stated that the Department had begun training programs in areas
87 of focus for the obtained criminal justice degrees such as active shooter medical care and evidence
88 preservation. He added that he supported the request based on the involvement in the active shooter
89 emergency hostile response program and other programs that required a criminal justice background.

90
91 The Board expressed concerns that the degrees did not relate to the work performed by the firefighters and
92 believed approving the request would set a bad precedent for future requests. Chief DeLorie noted past
93 requests that had been approved including a request for a degree in facilities management. Chief DeLorie
94 stated that educational incentives were reviewed on a case-by-case basis for each firefighter and would not
95 be considered one of the accepted degrees for all firefighters. The Board discussed the request, the
96 additional Fire Department programs, and the educational incentive program. Chief DeLorie agreed to
97 return to discussions with the Firefighters for possible action in the future.

98
99 **6. Discuss Sustainable Building Guidelines Proposal**

100

101 Ms. Martello, SEC Administrator and Mr. Bunger, SEC Member, joined the Board.
102

103 Ms. Martello stated she and Mr. Bunger had been presenting the proposed guidelines throughout the Town
104 over the past year and added that FMD had assisted in the development of the guidelines. She noted that
105 53% of the town's carbon footprint was attributable to buildings, and that municipal buildings make up a
106 smaller contribution to the footprint but become a model for other buildings in town. She reviewed the
107 benefits of sustainable buildings including adaptability and noted that the guidelines were gaining traction
108 in the Hunnewell project and the Town Hall annex project. Ms. Martello provided a general overview of
109 the guidelines for feasibility, design, and construction and operation. She added that Boards and
110 Committees in the Town would be a key component of the process by advocating the use of the guidelines
111 in their projects. She continued to review the key components of the guidelines.
112

113 Mr. Bunger reviewed cost considerations within the guidelines and the cost savings of the proposed zero
114 net energy-ready Hunnewell project. He noted that the present design of the Town Hall Annex would be a
115 model building for the Town. Ms. Martello stated that towns and cities were passing zero net energy or
116 energy efficient bylaws or ordinances. She stated that the SEC would be holding a public hearing on
117 Wednesday, January 29th and would then request the building proponent Boards to vote on the guidelines
118 before Annual Town Meeting. She added that implementation of the guidelines would fall on the Boards
119 as they plan their projects. Ms. Freiman stated she appreciated that the SEC was proposing guidelines as
120 that provided for flexibility for future changes in building codes. The Board reviewed and discussed the
121 proposed guidelines. Ms. Freiman stated that after the SEC public hearing, the Board would discuss and
122 vote on the proposed guidelines.
123

124 **7. Discuss and Vote Modifications to 148 Weston Road Development Agreement** 125

126 Mr. Sheen and Mr. Holland, developers for the project, joined the Board. Mr. Sheen stated that the
127 development team had met with the College Heights Neighborhood Association and presented the proposed
128 changes to the 148 Weston Road project. He reviewed the discussions from the meeting and stated that the
129 main points for discussion were the proposed change from 25 to 28 units and the visitor parking spaces. He
130 noted that the neighbors were supportive of the project at 26 units, and the team agreed to revise the proposal
131 to remain at 26 units and had added additional visitor parking. The Board discussed the proposed revised
132 development agreement and plans. Mr. Holland stated that the development team agreed to meet with the
133 neighborhood before final design plans were submitted to the Planning Board. The Board continued to
134 discuss the proposed modifications to the development agreement.
135

136 Mr. Bloom of 20 Howe Street came before the Board. He stated that he was pleased that the development
137 team agreed to increase visitor parking spaces and had only added one additional unit.
138

139 Mr. Sheen provided a brief update on the Delanson Circle project. He noted that the Delanson site provided
140 additional challenges and believed the team was closer to permitting the Weston Road project than the
141 Delanson project.
142

143 **Upon a motion by Mr. Morgan and seconded by Mr. Ulfelder, the Board voted (5-0) to approve the**
144 **amendments to the development agreement to the 148 Weston Road as changed to 26 units and 62**
145 **bedrooms.**
146

147 **8. Discuss Annual Town Meeting Warrant** 148

149 Ms. Jop stated that the latest version of the warrant included all information received, noting that there
150 would be additional updates. She reviewed the outstanding items for the Board to consider. She stated that
151 the Town Clerk salary proposed was a 2.5% increase from the FY20 salary and added that the Clerk's salary

152 was based on 52 weeks. She stated that the potential Board article regarding a provision of videotaping for
153 public bodies was being reviewed by Town Counsel, noting that only North Andover had a similar bylaw.
154 She noted several other communities that had videotaping preferences but no bylaws. Ms. Jop reviewed the
155 options for drafting a motion for the proposed article, noting that policies would be needed. The Board
156 discussed the drafted article regarding mandatory videotaping of boards.
157

158 **Upon a motion by Mr. Morgan and seconded by Mr. Ulfelder, the Board voted (5-0) to recommend**
159 **to Town Meeting the Town's Clerk's Salary for FY21 be set at \$95,582.**
160

161 Ms. Olney reviewed the Board's previous discussions regarding the potential article for the Board to adopt
162 a climate emergency resolution and stated that the goal of the proposal was to make climate emergency a
163 priority when making town wide decisions. She noted that the language had been modified and reviewed
164 by Town Counsel. She stated that the SEC was planning to undertake a comprehensive climate action plan
165 and the proposed resolution would lay groundwork for the SEC plan. Ms. Olney stated that the resolution
166 did not require the Town to take on additional responsibilities but rather focus attention to the climate
167 emergency. The Board discussed the proposed resolution. Ms. Jop stated that the Board had received several
168 emails in support of the Board adopting a climate emergency resolution.
169

170 Ms. Hallett of 62 Upson Road came before the Board. She stated that she was the Co-President of the
171 League of Women Voters and read a statement on behalf of the League in support of a Board sponsored
172 climate emergency resolution.
173

174 Ms. Johnson of 3 Boulder Road came before the Board. She stated that the climate was a critical situation
175 that requires the Town to respond. She added that town residents and boards would need to be involved in
176 a solution and urged the Board to adopt a resolution.
177

178 Ms. Braun and Ms. McManus of the NRC came before the Board. Ms. Braun stated the NRC had passed a
179 climate emergency resolution and was committed to adding the climate emergency as an agenda item at
180 each meeting going forward. She added that the NRC was asking all boards, committees, and departments
181 to consider climate change in their policy decisions, projects and daily decisions. She stated the NRC
182 supported the Board taking a climate emergency resolution to Town Meeting. Ms. McManus stated that she
183 welcomed the opportunity to debate as a town and vote on the resolution.
184

185 Ms. Freiman stated that she would prefer to use language that mirrors both the SEC and the MLP. She
186 added that she would continue to discuss the proposed resolution and language. Ms. Olney stated she
187 believed the Board should lead the Town on this issue by bringing the climate emergency resolution to
188 Town Meeting. The Board continued to discuss the proposed resolution.
189

190 **9. Executive Director's Report**

191

192 Ms. Jop reviewed the history of summer hours for Town Hall and proposed hours for the upcoming
193 summer season. She noted that before the Board was an approval of what the Town had done for the past
194 several years. The Board discussed the summer hour request for Town Hall staff.
195

196 Ms. Jop stated that Mr. Epstein had been the Town's Special Counsel for years and reviewed his
197 appointment.
198

199 **Upon a motion by Mr. Morgan and seconded by Mr. Ulfelder, the Board voted (5-0) to authorize the**
200 **summer schedule of Town Hall Hours July 1, 2020 to September 8, 2020 to be: Monday, Wednesday,**
201 **Thursday 8AM – 5PM, Tuesdays from 8AM – 6PM, and Fridays from 8AM to Noon.**
202

203 **Upon a motion by Mr. Morgan and seconded by Mr. Ulfelder, the Board voted (5-0) to appoint Peter**
204 **Epstein of Epstein and August as Special Counsel to the Board of Selectmen.**

205
206 **Upon a motion by Mr. Morgan and seconded by Mr. Ulfelder, the Board voted (5-0) to appoint**
207 **Planning Director Don McCauley as the Town's Fair Housing Officer.**

208
209 **10. New Business and Other Correspondence**

210
211 Mr. Ulfelder stated that on Tuesday, January 22nd at 7pm and on January 28th at 9am in the Middle School
212 Auditorium, a forum regarding the proposed redistricting maps for either Hardy or Upham would be held.

213
214 Ms. Jop stated that a gap in the budget that was being worked on.

215
216 The meeting was adjourned at 10:10pm

217
218 The next regular meeting is scheduled for Monday, January 27, 2020 at 7:00 pm in the Juliani Room.

1 **Approved:**

2
3 **Board of Selectmen Meeting: January 27, 2020**

4 **Present: Freiman, Ulfelder, Olney, Morgan, Sullivan Woods**

5 **Also Present: Jop**

6
7 **Warrants approved: 2020-029 \$4,647,028.11**

8
9 **Meeting Documents:**

- 10 1. Agenda
- 11 2. BOS Calendar
- 12 3. Draft Motions
- 13 4. Change in Manager Application
- 14 5. Verizon Petition
- 15 6. Correspondence re: Verizon Petition
- 16 7. Presidential Primary Warrant 2020
- 17 8. Draft 2020 ATM Warrant
- 18 9. 323 Washington St. Single Building Historic District Study preliminary report
- 19 10. FY2021 Sources & Uses
- 20 11. Reserves Projection
- 21 12. Summarized Status
- 22 13. Draft Budget as of 1/7/20
- 23 14. FY21 Initial Projections
- 24 15. WPS Redistricting Presentation
- 25 16. MassBay Press Release
- 26 17. Correspondence: Registry of Deeds
- 27 18. Animal Control Report

28
29 **1. Call to Order**

30 Ms. Freiman, Chair, called the meeting to order at 7:00 pm in the Juliani Room.

31
32
33 Ms. Freiman announced the meeting was being telecast live on Comcast channel 8 and Verizon channel 40
34 and streamed live by Wellesley Media and is recorded for subsequent viewing on the cable channels or at
35 wellesleymedia.org.

36
37 **2. Citizen Speak**

38 None.

39
40 **3. Announcements**

41
42 Ms. Freiman congratulated Animal Control Officer Sue Webb for completing training in “All Hazards
43 Training for Animals in Disasters”. Ms. Freiman stated the Board and the SBC would hold a joint meeting
44 on February 6th at 5:30pm in the Great Hall.

45
46 Ms. Olney stated that on January 30th at 7pm the League of Women Voters and the Library would host a
47 panel discussion regarding affordable and diverse housing options in Wellesley.

48
49 Mr. Ulfelder stated that the second forum regarding the redistricting information presented by the School
50 Committee would be held on January 28th at the Wellesley Middle School.

51

52 **4. Discuss and Vote Change in Manager – The Local 11 Forest Street**

53
54 Mr. Santo, proposed new manager for The Local, joined the Board.

55
56 Ms. Freiman stated that staff had reviewed and approved the request for the change in manager.

57
58 **Upon a motion by Mr. Morgan and seconded by Mr. Ulfelder, the Board voted (5-0) to approve the**
59 **change in manager for The Local All Alcohol License from Adam Kischel to Frank A. Santo, Jr.**

60
61 **5. Discuss and Vote Verizon Petition**

62
63 Ms. Freiman opened the public hearing for the petition. She reviewed the Verizon petition request for the
64 grant of location and noted that the petition was brought forward by customer request.

65
66 Mr. Morgan stated that the area was public park land and noted that the NRC had not been consulted for
67 the request. Ms. Olney expressed concerns for underground work potentially impacting tree roots. Ms. Jop
68 stated that all work would be performed in the right of way, not the park. She noted that abutters, including
69 the NRC, had been notified and that the work went underground approximately eighteen inches.

70
71 Mr. Forman, representative for Verizon New England, joined the Board. He stated that any work will
72 include full restorative work. He noted that any trimming that may need to be done would be minor. He
73 added that the request is for only one four-inch conduit. Ms. Sullivan Woods asked that a certified arborist
74 be present to supervise the work.

75
76 The Board discussed the potential for tree damage due to the underground work. Mr. Forman reviewed the
77 work to be done and stated that abutters were notified and no other abutters requested work. Staff agreed
78 to contact the NRC Director regarding Board concerns of the work impacting any trees. The Board
79 continued the public hearing to February 3rd.

80
81 **6. Discuss and Vote Presidential Primary Warrant**

82
83 Ms. Jop stated that Town Counsel had prepared the primary election warrant and noted that a section had
84 been added regarding early voting. Ms. Freiman stated that early voting had been successful previously and
85 thanked the Town Clerk for making early voting possible.

86
87 **Upon a motion by Mr. Morgan and seconded by Mr. Ulfelder, the Board voted (5-0) to approve the**
88 **Warrant for the 2020 Presidential Primary Election.**

89
90 **7. Discuss and Vote Annual Town Meeting Warrant**

91
92 Ms. Jop reviewed changes from the previous draft circulated to the Board. The Board discussed the changes
93 to various articles. Ms. Jop stated that the proposed article language regarding the mandatory taping of
94 meetings had been revised. The Board discussed the drafted articles within the warrant. Ms. Olney reviewed
95 the changes to the language regarding the climate resolution. She read the proposed article language for the
96 Board.

97
98 Ms. Ostfeld, Wellesley College student, came before the Board. She stated that the Wellesley College
99 Environmental Activism student organization supported the climate change resolution article and believed
100 the term emergency should be included.

101
102 The Board continued to review drafted articles within the warrant.

103
104 **Upon a motion by Mr. Morgan and seconded by Mr. Ulfelder, the Board voted (5-0) to approve the**
105 **Warrant for the 2020 Annual Town Meeting as discussed.**

106
107 **8. Presentation of Single Building Historic District Committee Report**

108
109 Ms. Johnson, Planning Board Chair, joined the Board.

110
111 Ms. Johnson stated she was the Chair of the study committee. She reviewed the location of the Stanwood
112 House at 323 Washington Street and the study committee members. She stated that the proposal would
113 make the Town's fifth single building local historical district, and noted the others. She provided an
114 overview of the process of declaring a single building historical district, and reviewed the history of the
115 architecture of the home. Ms. Johnson provided an overview of Dr. Stanwood and his and his wife's
116 contributions to Wellesley. She stated the residence was purchased in 2012 by the Historical Society to be
117 used for archival storage, as well as offices and meeting space for the Society.

118
119 The Board discussed the report and article for Annual Town Meeting. Ms. Jop stated that the Advisory
120 public hearing on warrant articles would be held at Town Hall on February 3rd at 7pm, while the Planning
121 Board public hearing regarding the zoning for the articles would be held March 4th at 6:30pm at Town
122 Hall.

123
124 **9. Presentation of Citizen Petition to Ban the Sale of Fur**

125
126 Ms. Oliver of 666 Washington Street and petitioner for the warrant article, and Ms. Hagen, Director of the
127 Massachusetts Humane Society came before the Board.

128
129 Ms. Oliver stated the initiative was supported by the Human Society, the MSPCA, and the Animal Legal
130 Defense Fund. She provided an overview of the proposed bylaw and its definitions. She noted the bylaw
131 did not prohibit leather products but rather the sale of products that require animals to be raised or trapped
132 and killed specifically for fur. She noted the exceptions written into the bylaw. She provided background
133 on the statistical data used for the background of the petition. She noted the environmental impact to the
134 fur industry and reviewed the fur farming bans throughout Europe. She discussed the fur-free movement in
135 the United States, noting the retailers that are fur-free and the city and state initiatives to ban fur sales. She
136 stated that she had researched Wellesley's sale of fur and noted most fur in Wellesley stores were from
137 accessories or linings in shoes and that faux-fur equivalents were sold at the same price point for each. She
138 stated she was in process of contacting individual retailers in town that sell fur products. Ms. Oliver
139 continued to review the background and approach of the petition and the bylaw.

140
141 The Board briefly discussed the petition.

142
143 **10. Budget Update**

144
145 Ms. Jop provided an overview of the updated budget. She stated that the gap for the balanced budget was
146 currently \$381,000. She noted that at the initial estimates for state aid would be available at the next Board
147 meeting and the assumptions and projections may change. She reviewed the reserves projections and the
148 appropriated free cash expenditures and anticipated Town Meeting requests including unanticipated SPED
149 costs for FY20. She stated that free cash would be continually evaluated as would additional expenditures.
150 She added that of the more substantial departments out of guideline was the School Department at 3.9% in
151 addition to the funding for special education costs. She provided a brief breakdown of the School
152 Department proposed budget and noted that the School Committee would be discussing its budget request
153 at its next meeting. The Board discussed the School Department budget request.

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11. Executive Director’s Update

Ms. Jop reviewed gifts received by the Recreation Department for the Summertime Concert Series. She stated that the Town’s wayfinding signs had been installed.

12. Liaison Updates

Ms. Sullivan Woods stated that the Wellesley Square Merchants were very thankful for the wayfinding signs. She briefly reviewed updates from the Recreation Department, Housing Authority, COA, Health Department and Veteran’s District. She stated that the NRC had asked the Playing Fields Task Force to create a subcommittee to review lighting at Hunnewell Field and the report had been submitted to the NRC. Ms. Sullivan Woods stated that the COA had worked with the library to establish a lending library at the COA for materials that relate to aging and healthy living. She added that a LICSW had been hired by the Health Department and would be starting January 30th.

Mr. Ulfelder stated that the School Committee forum regarding the redistricting analysis had been held. He added that concerns regarding the construction of the maps had been brought forward and anticipated that the concerns would be addressed by the School Committee. He added that the enrollment predictions continued to trend downward.

Ms. Olney stated that MMA had voted to change “Massachusetts Selectmen’s Association” to “Massachusetts Select Board Association”.

13. New Business and Other Correspondence

The meeting was adjourned at 9:28pm

The next regular meeting is scheduled for Monday, February 3, 2020 at 7:00 pm in the Juliani Room.

Meagher, Cathryn

From: Jop, Meghan
Sent: Thursday, January 30, 2020 10:21 AM
To: Hickey, David; Strother, Sheryl; Meagher, Cathryn
Cc: Cusack, Christopher; Cohen, David
Subject: RE: Softball Donations

Thanks Dave. I will place these on the BOS agenda for Monday 2/3.

Meghan C. Jop, AICP
Executive Director
Town of Wellesley
mjop@wellesleyma.gov
www.wellesleyma.gov
781.431.1019 ext 2200

Please be advised the Secretary of State has determined that email is a public record.

From: Hickey, David <dhipkey@wellesleyma.gov>
Sent: Thursday, January 30, 2020 9:44 AM
To: Jop, Meghan <mjop@wellesleyma.gov>; Strother, Sheryl <sstrother@wellesleyma.gov>; Meagher, Cathryn <cmeagher@wellesleyma.gov>
Cc: Cusack, Christopher <ccusack@wellesleyma.gov>; Cohen, David <dcohen@wellesleyma.gov>
Subject: Softball Donations

Meghan, Sheryl and Cay,

We have received two donations delivered by Wellesley Youth Baseball & Softball organization for the on going Hunnewell Field Softball Renovation Project. These donations are a direct result of, and are responsive to the donors requests. The first donation, in the amount of \$71,000 is from the Avery family, who after reviewing the plans, requested that the Lee Field dugouts be modified to more closely match the existing dugouts at Reidy Field. This includes arched openings, mantled sills and asphalt shingled roof. The donation amount matches the change order proposed by our contractor to accomplish this goal. It should be noted that the Avery family previously made significant contributions to this project. The second donation, in the amount of \$2,275, is specific to the cost of reimbursing the project for engraved landscape bricks, which recognize generous donations of \$500 or more, for which about 125 families and businesses contributed.

We request that the Town accept these gifts and the checks be deposited into the gift revenue account 29041027-483000 and the funds will be expended from the existing gift expense account (29410127-557010) as per the instructions of the Finance Department. We can provide any additional information, if needed.

Thank you,

Dave

8. **Budget Update**

The School Committee voted to decrease the School Budget by \$75,000 at their meeting on February 4, 2020. This brings the budget deficit to \$120,000. The Town is currently awaiting information on FY21 health care costs, which is set to be approved by the West Suburban Health Group on February 27, this information may close the gap. Should no other cuts be received from departments, the Board will need to consider applying additional Free Cash to balance the budget.

2021 Budget

	Fav/(Unfav)	
September - Guideline Meeting	\$ (457,152)	
Departmental Capital/Debt Reductions	\$ 616,447	*No School reductions
Health Insurance Under estimate	\$ 157,271	
Net revenue adjustments	\$ 28,394	
Town Departments under Guideline	\$ 138,614	
School over Guideline	\$ (303,034)	
School SPED needs	\$ (664,203)	** Separate Agreement
December Preliminary Rollup	<u>\$ (483,663)</u>	
Revised Town Departments	\$ (132,969)	Sum of Town departments in guideline
Traffic and Parking	\$ 36,085	
Net BOH Capital - late addition	\$ -	STM 2020 transfer to be proposed
Adjustments relating to MPP and Actual HR article	\$ 23,703	
One time transfer from Insurance Fund	\$ 150,000	will update with interest on 1/31/2020
Additional SEC Capital requested by BOS	\$ (55,300)	
Other Capital corrections	\$ 8,300	
North 40 Remediation added after rollup/ debt adjusted to policy	\$ 73,000	Need to get to policy
January 27, 2020 BOS	<u>\$ (380,844)</u>	
Add revenues - Governors budget	\$ 124,699	
Restore debt to amount needed/ remove N40	\$ 39,000	Need to get to policy
BOH review	\$ 3,703	
Additional transfer from insurance fund	\$ 8,120	
February 3rd, 2020 BOS	<u>\$ (205,322)</u>	
Additional transfer from insurance fund	\$ 580	
	<u>\$ (204,742)</u>	
School Committee Reductions	\$ 58,954	
Benefits reduced for School position reductions	\$ 25,000	
	<u>\$ (120,788)</u>	

TOWN OF WELLESLEY - TOWN MEETING APPROVED ALLOCATION OF FUNDS

SOURCES OF FUNDS	FY20 SOURCES OF FUNDS	FY21 SOURCES OF FUNDS	CHANGE - FY20 to FY21	
			\$ Change	% Change
Real Estate & Personal Property Tax				
Within the Levy Limit	134,008,497	139,158,709	5,150,212	3.84%
Outside the Levy Limit	10,888,408	10,638,135	(250,273)	-2.30%
Subtotal - Real Estate & Personal Property Tax	144,896,905	149,796,844	4,899,939	3.38%
From the Commonwealth				
Chapter 70 Aid	9,273,504	9,419,784	146,280	1.58%
Lottery Aid	1,375,608	1,414,125	38,517	2.80%
Other Aid	65,462	51,094	(14,368)	-21.95%
Subtotal - From the Commonwealth	10,714,574	10,885,003	170,429	1.59%
Local Revenue				
Motor Vehicle Excise	5,158,524	5,700,000	541,476	10.50%
Licenses and Permits	2,200,000	2,600,000	400,000	18.18%
Interest Earnings	750,000	1,100,000	350,000	46.67%
RDF Revenue	600,000	600,000	0	0.00%
Fines & forfeits	450,000	500,000	50,000	11.11%
Recreation	75,000	15,000	(60,000)	-80.00%
Meals/Hotel/Motel Tax	750,000	770,000	20,000	2.67%
Pilot Payments	76,000	76,000	0	0.00%
MLP Payment In Lieu of Taxes	1,000,000	1,000,000	0	0.00%
Other Local Revenues	293,201	629,000	335,799	114.53%
Subtotal - Local Revenue	11,352,725	12,990,000	1,637,275	14.42%
Other Sources				
MLP/Water/Sewer reimbursements to IT	307,072	314,750	7,678	2.50%
Parking Meter Receipts	1,015,728	1,224,100	208,372	20.51%
Free Cash to balance budget	2,515,000	2,500,000	(15,000)	-0.60%
Free Cash items	1,985,670	0		
Appropriated CPA Surcharge	887,500	0	(887,500)	
CPA Funds applied to North 40	552,044	553,444	1,400	0.25%
Insurance Funds		158,700		
Police detail	154,145	120,801	(33,344)	
Subtotal - Other Sources	7,417,159	4,871,795	-2,545,364	-34.32%
TOTAL SOURCES OF FUNDS	174,381,363	178,543,642	4,162,279	2.39%

Exhibit B

USES OF FUNDS

	FY20 USE OF FUNDS (Tax Rate)			FY21 USE OF FUNDS (Request)			CHANGE - FY20 to FY21			
	Pers Srvs	Expenses	Total Ops	Pers Srvs	Expenses	Total Ops	Variance Pers Srvs	Variance Expenses	Variance Total - \$	Variance Total - %
GENERAL GOVERNMENT										
<i>Board of Selectmen - Administration</i>										
Executive Director's Office	550,628	40,800	591,428	551,929	39,500	591,429	1,301	(1,300)	1	0.00%
Sustainable Energy	37,204	3,225	40,429	51,841	3,625	55,466	14,637	400	15,037	37.19%
Central Administrative Services	0	27,700	27,700	0	27,700	27,700	0	0	0	0.00%
Finance Department	465,036	10,450	475,486	471,577	10,450	482,027	6,541	0	6,541	1.38%
Information Technology	691,763	512,750	1,204,513	679,670	548,750	1,228,420	(12,093)	36,000	23,907	1.98%
Treasurer & Collector	347,897	107,200	455,097	348,081	107,520	455,601	184	320	504	0.11%
Town Report	0	4,000	4,000	0	4,000	4,000	0	0	0	0.00%
<i>Board of Selectmen - Human Services</i>										
Council on Aging	387,241	59,176	446,417	383,320	73,100	456,420	(3,921)	13,924	10,003	2.24%
West Suburban Veterans District	0	70,502	70,502	0	70,822	70,822	0	320	320	0.45%
Youth Commission	87,370	17,090	104,460	87,228	17,090	104,318	(142)	0	(142)	-0.14%
<i>Board of Selectmen - Facilities</i>										
Facilities Management	4,735,171	3,507,730	8,242,901	4,712,168	3,579,751	8,291,919	(23,003)	72,021	49,018	0.59%
<i>Board of Selectmen - Other Services</i>										
Housing Development Corporation	0	6,500	6,500	0	6,500	6,500	0	0	0	0.00%
Historical Commission	0	750	750	0	750	750	0	0	0	0.00%
Memorial Day	0	5,000	5,000	0	5,000	5,000	0	0	0	0.00%
Celebrations Committee	0	4,700	4,700	0	4,700	4,700	0	0	0	0.00%
Zoning Board of Appeals	78,279	7,190	85,469	78,294	8,190	86,484	15	1,000	1,015	1.19%
<i>Board of Selectmen - Shared Services</i>										
Law	0	340,000	340,000	0	350,000	350,000	0	10,000	10,000	2.94%
Audit Committee	0	58,850	58,850	0	58,850	58,850	0	0	0	0.00%
Risk Management	0	548,762	548,762	0	576,335	576,335	0	27,573	27,573	5.02%
Street Lighting	0	140,000	140,000	0	142,000	142,000	0	2,000	2,000	1.43%
Contract Settlements & reclass	0	0	0	580,000	0	580,000	580,000	0	580,000	NA
Subtotal - Board of Selectmen - General Government	7,380,589	5,472,375	12,852,964	7,944,108	5,634,633	13,578,741	563,519	162,258	725,777	5.65%

Exhibit B

USES OF FUNDS

	FY20 USE OF FUNDS (Tax Rate)			FY21 USE OF FUNDS (Request)			CHANGE - FY20 to FY21			
	Pers Srvs	Expenses	Total Ops	Pers Srvs	Expenses	Total Ops	Variance Pers Srvs	Variance Expenses	Variance Total - \$	Variance Total - %
Other General Government										
Town Clerk/Election & Registration	272,927	39,815	312,742	326,357	43,390	369,747	53,430	3,575	57,005	18.23%
Board of Assessors	289,572	101,800	391,372	296,847	85,500	382,347	7,275	(16,300)	(9,025)	-2.31%
Planning Board	285,246	43,000	328,246	296,056	43,300	339,356	10,810	300	11,110	3.38%
Advisory Committee	10,000	22,000	32,000	11,000	21,500	32,500	1,000	(500)	500	1.56%
Reserve Fund	0	175,000	175,000	0	175,000	175,000	0	0	0	0.00%
Permanent Building Committee	0	0	0	0	0	0	0	0	0	
Human Resources Board	382,484	37,950	420,434	382,942	43,750	426,692	458	5,800	6,258	1.49%
HR Salary adjustments	39,182		39,182	177,500		177,500	138,318	0	138,318	NA
Subtotal - Other General Government	1,279,411	419,565	1,698,976	1,490,702	412,440	1,903,142	211,291	(7,125)	204,166	12.02%
GENERAL GOVERNMENT TOTAL	8,660,000	5,891,940	14,551,940	9,434,810	6,047,073	15,481,883	774,810	155,133	929,943	6.39%
PUBLIC SAFETY - BOARD OF SELECTMEN										
Police Department	5,888,463	664,810	6,553,273	5,948,414	718,752	6,667,166	59,951	53,942	113,893	1.74%
Injured on Duty	see Risk Management Dept 945			see Risk Management Dept 945						
Special School Police	129,254	3,263	132,517	130,974	3,377	134,351	1,720	114	1,834	1.38%
Fire Department	5,351,153	267,270	5,618,423	5,326,195	280,720	5,606,915	(24,958)	13,450	(11,508)	-0.20%
Building Department	541,711	41,000	582,711	543,487	41,000	584,487	1,776	0	1,776	0.30%
Sealer of Weights & Measures	15,000	2,700	17,700	15,000	2,700	17,700	0	0	0	0.00%
PUBLIC SAFETY TOTAL - BOARD OF SELECTMEN	11,925,581	979,043	12,904,624	11,964,070	1,046,549	13,010,619	38,489	67,506	105,995	0.82%
DEPARTMENT OF PUBLIC WORKS										
Engineering	545,122	65,500	610,622	559,897	65,500	625,397	14,775	0	14,775	2.42%
Highway	1,097,837	470,450	1,568,287	1,124,227	494,200	1,618,427	26,390	23,750	50,140	3.20%
Fleet Maintenance	165,000	43,462	208,462	170,775	43,462	214,237	5,775	0	5,775	2.77%
Park	1,269,377	372,570	1,641,947	1,283,430	401,300	1,684,730	14,053	28,730	42,783	2.61%
Recycling & Disposal	1,106,742	1,263,947	2,370,689	1,128,722	1,240,422	2,369,144	21,980	(23,525)	(1,545)	-0.07%
Management	382,958	24,070	407,028	378,215	24,070	402,285	(4,743)	0	(4,743)	-1.17%
Winter Maintenance	0	366,355	366,355	0	379,177	379,177	0	12,822	12,822	3.50%
PUBLIC WORKS TOTAL	4,567,036	2,606,354	7,173,390	4,645,266	2,648,131	7,293,397	78,230	41,777	120,007	1.67%
WELLESLEY FREE LIBRARY										
Library Trustees	2,032,158	585,015	2,617,173	2,060,562	616,840	2,677,402	28,404	31,825	60,229	2.30%
LIBRARY TOTAL	2,032,158	585,015	2,617,173	2,060,562	616,840	2,677,402	28,404	31,825	60,229	2.30%
RECREATION										
Recreation Commission	354,626	28,741	383,367	356,925	29,747	386,672	2,299	1,006	3,305	0.86%
RECREATION TOTAL	354,626	28,741	383,367	356,925	29,747	386,672	2,299	1,006	3,305	0.86%

Exhibit B

USES OF FUNDS

	FY20 USE OF FUNDS (Tax Rate)			FY21 USE OF FUNDS (Request)			CHANGE - FY20 to FY21			
	Pers Srvs	Expenses	Total Ops	Pers Srvs	Expenses	Total Ops	Variance Pers Srvs	Variance Expenses	Variance Total - \$	Variance Total - %
HEALTH										
Board of Health	637,779	82,685	720,464	656,766	90,853	747,619	18,987	8,168	27,155	3.77%
Mental Health Services	0	309,658	309,658	0	309,658	309,658	0	0	0	0.00%
HEALTH TOTAL	637,779	392,343	1,030,122	656,766	400,511	1,057,277	18,987	8,168	27,155	2.64%
NATURAL RESOURCES										
Natural Resources Commission	233,622	30,000	263,622	236,532	30,000	266,532	2,910	0	2,910	1.10%
Morses Pond Project - (NRC, DPW, Rec)	0	145,250	145,250	0	147,750	147,750	0	2,500	2,500	1.72%
NATURAL RESOURCES TOTAL	233,622	175,250	408,872	236,532	177,750	414,282	2,910	2,500	5,410	1.32%
NON-SCHOOL TOTAL	28,410,802	10,658,686	39,069,488	29,354,931	10,966,601	40,321,532	944,129	307,915	1,252,044	3.20%
WELLESLEY PUBLIC SCHOOLS										
Instruction	48,516,160	2,100,205	50,616,365	50,370,858	2,144,497	52,515,355	1,854,698	44,292	1,898,990	3.75%
Administration	1,211,817	153,741	1,365,558	1,248,611	160,812	1,409,423	36,794	7,071	43,865	3.21%
Operations	1,540,617	1,235,941	2,776,558	1,562,487	1,318,282	2,880,769	21,870	82,341	104,211	3.75%
Special Education	17,548,511	4,476,938	22,025,449	18,429,930	5,144,174	23,574,104	881,419	667,236	1,548,655	7.03%
SCHOOL TOTAL	68,817,105	7,966,825	76,783,930	71,611,886	8,767,765	80,379,651	2,794,781	800,940	3,595,721	4.68%
EMPLOYEE BENEFITS										
Group Insurance		19,648,490	19,648,490	0	20,736,313	20,736,313	0	1,087,823	1,087,823	5.54%
Workers Compensation		245,048	245,048	0	244,149	244,149	0	(899)	(899)	-0.37%
OPEB Liability Fund		3,432,000	3,432,000	0	3,432,000	3,432,000	0	0	0	0.00%
Retirement Contribution		7,487,909	7,487,909	0	7,965,781	7,965,781	0	477,872	477,872	6.38%
Unemployment Compensation		100,000	100,000	0	100,000	100,000	0	0	0	0.00%
Compensated Absences		120,000	120,000	0	120,000	120,000	0	0	0	0.00%
Non-Contributory Pensions		0	0	0	0	0	0	0	0	0.00%
EMPLOYEE BENEFITS TOTAL	0	31,033,447	31,033,447	0	32,598,243	32,598,243	0	1,564,796	1,564,796	5.04%
ALL PERSONAL SERVICES & EXPENSES	97,227,907	49,658,958	146,886,865	100,966,817	52,332,609	153,299,426	3,738,910	2,673,651	6,412,561	4.37%

Exhibit B

USES OF FUNDS

	FY20 USE OF FUNDS (Tax Rate)			FY21 USE OF FUNDS (Request)			CHANGE - FY20 to FY21			
	Pers Srvs	Expenses	Total Ops	Pers Srvs	Expenses	Total Ops	Variance Pers Srvs	Variance Expenses	Variance Total - \$	Variance Total - %
CAPITAL & DEBT										
<i>Departmental Cash Capital</i>										
Public Works Capital	0	2,276,000	2,276,000	0	2,236,000	2,236,000	0	(40,000)	(40,000)	-1.76%
School Capital	0	1,101,028	1,101,028	0	1,104,921	1,104,921	0	3,893	3,893	0.35%
Facilities Capital - School	0	937,000	937,000	0	1,335,000	1,335,000	0	398,000	398,000	42.48%
Facilities Capital - Town	0	913,000	913,000	0	665,000	665,000	0	(248,000)	(248,000)	-27.16%
Planning Board	0	30,000	30,000	0	0	0	0	(30,000)	(30,000)	-100.00%
Board of Health	0	0	0	0	0	0	0	0	0	0.00%
Selectmen Capital	0	452,089	452,089	0	451,016	451,016	0	(1,073)	(1,073)	-0.24%
Library Capital	0	109,300	109,300	0	94,300	94,300	0	(15,000)	(15,000)	-13.72%
Town Clerk	0	0	0	0	36,000	36,000	0	36,000	36,000	0.00%
Recreation	0	0	0	0	0	0	0	0	0	0.00%
NRC Capital	0	75,000	75,000	0	105,000	105,000	0	30,000	30,000	40.00%
Morses Pond Capital	0	0	0	0	0	0	0	0	0	#DIV/0!
Subtotal - Cash Capital	0	5,893,417	5,893,417	0	6,027,237	6,027,237	0	133,820	133,820	2.27%
<i>Debt Service</i>										
Current Inside Levy Debt Service - Issued	0	4,300,000	4,300,000	0	5,000,000	5,000,000	0	700,000	700,000	16.28%
Outside Levy Debt Service - Issued/Unissued		11,440,452	11,440,452	0	11,191,579	11,191,579	0	(248,873)	(248,873)	-2.18%
Subtotal - Debt Service	0	15,740,452	15,740,452	0	16,191,579	16,191,579	0	451,127	451,127	2.87%
CAPITAL & DEBT TOTAL		21,633,869	21,633,869	0	22,218,816	22,218,816	0	584,947	584,947	2.70%
SPECIAL ITEMS										
<i>Receipts Reserved for Appropriation</i>										
Traffic & Parking Operations	312,418	662,600	975,018	280,265	907,750	1,188,015	(32,153)	245,150	212,997	21.85%
Community Preservation Appropriated	0	887,500	887,500	0	0	0	0	(887,500)	(887,500)	0.00%
Free Cash items - Electronic voting service	0	15,000	15,000	0	0	0	0	(15,000)	(15,000)	0.00%
Free Cash items -	0	1,970,670	1,970,670	0	0	0	0	(1,970,670)	(1,970,670)	0.00%
Property Tax Abatements	0	750,000	750,000	0	650,000	650,000	0	(100,000)	(100,000)	-13.33%
State & County Assessments	0	1,262,442	1,262,442	0	1,308,172	1,308,172	0	45,730	45,730	3.62%
SPECIAL ITEMS TOTAL	312,418	5,548,212	5,860,630	280,265	2,865,922	3,146,187	(32,153)	(2,682,290)	(2,714,443)	-46.32%
TOTAL USES OF FUNDS			174,381,364			178,664,429			4,283,065	2.46%
TOTAL SOURCES OF FUNDS			174,381,363			178,543,642			4,162,279	2.39%
SURPLUS (DEFICIT)			-1			(120,787)				

9. Liaison Updates

Tom will give a liaison update. We have also reserved this time on the agenda for the Board to discuss the joint SBC meeting that was held on Thursday as part of Tom's SBC update.

10. New Business and Correspondence

- ❖ Morses Pond Public Hearing Notice
- ❖ Correspondence: resident letter re: traffic concerns
- ❖ MassBay CC Press Release
- ❖ Correspondence: Massfiscal.org
- ❖ Quarterly Cash Analysis



WARREN BUILDING
90 WASHINGTON STREET
WELLESLEY, MASSACHUSETTS 02481

DIRECTOR
MATTHEW G. CHIN

TELEPHONE: 781-235-2370
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DEPUTY DIRECTOR
BRANDON FITTS

The Wellesley Recreation Department, with the assistance of Community Preservation funds, has hired Weston & Sampson (<https://www.westonandsampson.com/>) to conduct a feasibility and design study of Morses Pond Beach and Bathhouse.

As part of their study, Weston & Sampson will be conducting a third public hearing, for residents & Morses Pond patrons to give their input on the work done thus far. We welcome all!

Morses Pond Beach & Bathhouse Feasibility and Design Study Public Hearing:

February 12, 2020 at 6 pm

Police Station/Kingsbury Room

485 Washington Street, Wellesley, MA. 02482



January 28, 2020

Wellesley Town Hall
525 Washington Street
Wellesley, MA 02482

Re: Washington/Central Street crosswalks / cross/traffic lights

To Whom It May Concern:

As Wellesley residents and Wellesley business residents, we are again reaching out with regards to the ongoing issues with the crosswalks and cross/traffic lights on Washington Street and Central Street. The amount of time for which pedestrians are required to wait at these lights/for the light to change to the walk option is absurd. This has been ongoing for years with no improvement. We would again request that this be remedied.

Thank you.

Meagher, Cathryn

From: Cooper, Elizabeth <ecooper@massbay.edu>
Sent: Tuesday, February 4, 2020 4:51 PM
Subject: MassBay Celebrates Black History Month with Multiple Events

[**EXTERNAL EMAIL** : This message originated outside of the TOWN OF WELLESLEY mail system. **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]



Contact:
Liz Cooper
781-239-2636
ecooper@MassBay.edu

MassBay Celebrates Black History Month with Multiple Events

WELLESLEY HILLS, Mass. (February 4, 2020) – MassBay’s Office of Diversity, Student Engagement, the Humanities and Social Sciences Academy, along with Human Resources have collaborated on campus-wide programming to celebrate Black History Month. During the month of February, students, faculty, and staff are invited to attend programs and events promoting and celebrating the culture, diversity, and achievements of African Americans. The events will be held every Wednesday during the month of February as follows:

- **Wednesday, February 5, 2020 12:30P – 1:30P Room W306** – Past and Present: A Black Man’s Historical Narrative
 - Hear from Dr. Lynn Moore who will discuss growing up during the height of segregation in the south in the 1950’s and his experience migrating to New England in the 1970’s.
- **Wednesday, February 12, 2020 11A – 12:30P Wellesley Auditorium** – A panel discussion with Massachusetts State Representative, Russell Holmes, and Framingham Mayor, Yvonne Spicer
 - The panel will be focused on African American political affiliation and activism in light of the upcoming presidential election.
- **Wednesday, February 19, 2020 1:30P – 2:30P Library Atrium** – Your Superhero Power.... Your Voice
 - Kurt Faustin, an influential speaker, thought leader, and Founder of TriUmph, a professional development and leadership coaching company will be hosting this workshop. Hear a variety of poetry and spoken word recitations, and feel free to join in with your own material at the open mic session.
- **Wednesday, February 26, 2020 1P – 2P Wellesley Auditorium** – Fashion Show with STEP and Hip-Hop Performances

- Watch hip-hop, a series of STEP performances, and a fashion show featuring student models hitting the runway wearing African-themed apparel by a local designer, Nathalia Jmag.

These events are free and open to the public.

For more information about MassBay visit www.massbay.edu.

MassBay Community College is ranked by the Brookings Institution as one of the top schools for value added and earned salaries in the workforce. Ranked #1 for two-year colleges in Massachusetts, #2 in New England, and #16 nationally. The College's facilities in Wellesley Hills, Framingham, and Ashland house day, evening and weekend classes that meet the needs of degree-seeking students and career minded life-long learners. Online options provide convenience and allow faculty to facilitate the learning process. Since its founding in 1961, MassBay has been accredited by several governing bodies and strives to meet the needs of the diverse local communities it serves.

##



January 28, 2020

Dear Municipal Officials:

Last month, Massachusetts Fiscal Alliance mailed a letter to every municipal official in the state outlining a new bureaucrat project called the Transportation and Climate Initiative (TCI). TCI is an agreement by several northeastern and mid-Atlantic states to reduce carbon emissions by artificially increasing the cost of gasoline and diesel fuel by limiting the supply. While Beacon Hill officials use a great deal of technical jargon when talking about the proposal, at its core the government will be increasing the cost of gasoline to fund increased government spending. To most people, this is a tax.

In December, state officials finally released some details on the project to the public. What we learned is that **WITHOUT** implementing TCI, carbon emissions are expected to drop by 19% over the next decade. This is based on existing efforts alone, which include increased numbers of electric vehicles and more fuel-efficient cars. If implemented, TCI would initially cost drivers somewhere between 5 and 17 cents a gallon in increased costs. The costs would increase even more over time. This would yield a reduction in emissions of just 1% to 6%, but would drain between \$1.4 billion and \$5.6 billion from our economy annually.

If you're thinking this is an expensive proposal for such a marginal gain, you're not the only one. Last month, Governor Chris Sununu withdrew New Hampshire from the TCI compact when these details emerged. He referred to the whole effort as nothing more than a "financial boondoggle" and especially expensive for suburban and rural residents. Since then, the Governors or high placed officials in Connecticut, Vermont, Maine and Rhode Island have all expressed major reservations with the scheme and indicate that they would not be likely to join. In fact, even the Vermont AFL-CIO came out against TCI, describing it as a regressive gas tax that hits low income and working people.

Closer to home, dozens of Democratic and Republican state legislators have expressed opposition to the project, and many have signed on to a bill that would require the Governor to obtain legislative approval before binding the Commonwealth to such a disastrous agreement. The bill would also ensure the legislature has oversight on how the funds are spent. Currently, the funds would circumvent the legislative process.

Even though all neighboring New England states have indicated they would not be joining the effort, it is unknown if the Governor would still pursue this TCI gas tax. If Massachusetts were to join this scheme without the rest of New England, the economic impact to border towns, cities, and their residents and businesses would be devastating.

We strongly urge you to learn more about TCI by visiting our website at www.massfiscal.org. Further, your elected officials hold the key to the future of TCI more than anyone else in the Commonwealth. We urge you to request they bring the TCI scheme to a vote so the elected voice of the people of Massachusetts can vote against this regressive and punitive gas tax hike.

A handwritten signature in blue ink that reads "Laurie Belsito".

Laurie Belsito
Legislative Director

TOWN OF WELLESLEY CASH ANALYSIS AS OF 12/31/2019

INSTITUTION	OPERATING FUNDS						TRUST FUNDS	RESERVE FUNDS	OPEB	FY19 TOTALS	12/31/18 TOTALS
	OPERATING ACCOUNTS†	BANK MONEY MARKET ACCOUNTS	STATE AUTHORIZED POOL	INVESTMENT COMPANY MONEY MARKET ACCOUNTS	FDIC INSURED CD'S/ACCT #	GOVERNMENT AGENCIES AND INSTRUMENTALITIES	TRADITIONAL TRUST FUNDS	STABILIZATION, UNEMPLOYMENT, WORKERS COMP & LIABILITY INSURANCE FUNDS	RETIREE HEALTHCARE PRE FUNDING		
ROCKLAND TRUST	\$365	\$1,085,637								\$1,086,002	\$1,168,444
TD BANK	\$3,931,062									\$3,931,062	\$1,293,339
CENTURY BANK	\$650,639	\$926,760								\$1,577,399	\$1,021,881
BANK OF AMERICA		\$181,420								\$181,420	\$54,350
ROCKLAND TRUST INVESTMENT	\$81,592									\$81,592	\$0
NEEDHAM BANK		\$311,601								\$311,601	\$308,589
BELMONT SAVINGS^										\$0	\$254,722
MASSACHUSETTS MUNICIPAL DEPOSITORY TRUST			\$35,339,448							\$35,339,448	\$26,758,335
UBS	\$12,229			\$10,006,598	\$3,919,201	\$2,766,666				\$16,704,694	\$17,288,518
FIRST TENNESSEE BK					\$8,079,407	\$1,495,275				\$9,574,682	\$17,945,124
MORGAN STANLEY#										\$0	\$6,148,432
ROCKLAND TRUST GENERAL INVESTMENTS#						\$5,366,258	\$0			\$5,366,258	\$0
MORGAN STANLEY-TRUSTS#										\$0	\$9,154,443
ROCKLAND TRUST-TRUSTS#							\$1,657,930	\$8,243,589		\$9,901,520	\$0
PRIT - OPEB									\$77,860,590	\$77,860,590	\$67,766,274
PETTY CASH	\$1,425									\$1,425	\$1,425
TOTALS	\$4,677,312	\$2,505,418	\$35,339,448	\$10,006,598	\$11,998,608	\$9,628,198	\$1,657,930	\$8,243,589	\$77,860,590	\$161,917,692	\$149,163,876
RECON BALANCE											
FUNDS IN RECON										\$161,917,692	
PROOF (SB 0)										\$0	
PERCENT OF GRAND TOTAL	2.89%	1.55%	21.83%	6.18%	7.41%	5.95%	1.02%	5.09%	48.09%	100%	