

Approved January 26, 2022

**Advisory Committee Meeting
Zoom Video Conference
Wednesday, January 19, 2022, 6:30 p.m.**

Those present from Advisory Committee included Shawn Baker, Tom Cunningham, Jenn Fallon, Neal Goins, John Lanza, Jeff Levitan, Corinne Monahan, Doug Smith, Susan Clapham, Al Ferrer, Wendy Paul, Pete Pedersen, Madison Riley, Patti Quigley.

Neal Goins called the meeting to order at 6:30 pm and introduced members of Advisory in attendance.

Citizen Speak

There was no one present for Citizen Speak.

FMD FY23 Operating Budget Presentation

Joe McDonough, Director, FMD; Meghan Jop, Executive Director; Sheryl Strother, Finance Director were present.

An overview of FMD, FY23 Budget highlights and the tracking of actuals versus budget were presented.

Questions/Discussion

- Given the inflation rate of about 7 percent, the 2.75 percent salary increase is not making up for inflation. How are we compensating employees for the difference? Is there a bonus program to give employees more?
 - We've relied on the utility budget to cushion non-utility expenses. If we need to outsource for maintenance work, which is expensive, then we can compensate with favorable utility rates. It is a combination of anticipating where critical needs are and limiting the work to that. We don't have the ability at this time to compensate employees with bonuses.
- What is expected to happen to overall utility costs with the new schools and Town Hall?
 - An analysis of operating costs of the three HHU schools compared to the two new schools shows utility costs will about even despite the larger size of the new schools. The new buildings are super insulated with new systems and will have utility savings. Rates with MLP are low and the partnership with MLP is important.
- What does the capital budget look like?
 - It is \$2.89 million and is the same number as carried last year for FY23. Major projects, including the \$1.25 million high school LED project, will be pulled out of cash capital and funded through free cash and a separate warrant article. The \$600,000 project for the envelope and roof restoration at Fire Station #1 will also be pulled out. We had hoped to push this project off for a couple years but leak and mold concerns were raised.
- What does recommission mean?
 - HVAC systems are recommissioned on every building every 5 to 7 years and this improves indoor air quality and extends the life of the equipment. An outside contractor is hired.
- Does the LED project have an attractive payback?
 - There are 10 or 12 slides on the LED program on FMD website's Capital Projects. The high school is 10 years old and the light ballasts are beginning to need replacement. The payback period is less than five years.

- FMD is working with DPW on the middle school paving project and this has been presented to School Committee. It's a project that's been delayed and the pavement is 25 years old. There are sustainable benefits to this as well. This paving will complete the middle school project.
- How does FMD handle the aging of the buildings?
 - We have a capital plan that looks out 10 years and includes roof replacements at the schools. Mechanical systems wear out faster. A number is carried for each building and all equipment. We don't want to wait until everything breaks down. We will hire a mechanical consultant to look at Warren and Sprague.
- Do you have a maintenance plan for when things need to be repainted and replaced?
 - Yes, items are in the capital plan and many routine preventative items are handled in house. Every building is on the plan.
- With the high school LED lights \$1.2 million in a separate warrant article is the remaining \$1.7 million unchanged?
 - FMD doesn't believe it will be changed at this point. FMD will be managing the fire station and LED lights projects.
- With the \$1 million expense budget does FMD have any concern about FY24 with the Hunnewell expenses?
 - FMD will explain that when the budget for new school is presented. FMD will show and break down utility and operating expenses. FMD's FY25 budget will probably be out of guideline

Planning Board – 2022 ATM Warrant Articles

Don McCauley, Director, Planning Department; Catherine Johnson, Chair, Planning Board; Kathleen Woodward, Vice Chair, Planning Board; Eric Arbeene, Senior Planner, Planning Department were present.

Article G – Accessory Dwelling Units (ADUs) – apartment within or on the same property as an owner-occupied, single-unit dwelling that is subordinate to the main (or principal) dwelling unit.

Questions/Comments

- If the doors and stairs cannot be visible from the street; a side entrance could be visible.
 - Intent is to avoid the look of a town house with two entrances in the front of the house. We can investigate this a little more.
- Is Build a Better Wellesley in agreement with this and does it achieve what they wanted?
 - They are supportive and pleased with the process.
- Does this apply to all residential districts? What type of benchmarking was done with other towns regarding the consequences?
 - ADUs can go on any single dwelling in any district. Dover has had an ADU bylaw since the 1980s and recently revised it. Most bylaws get revised.
- What logic was used that this will not change the character of the Town?
 - The key to ADUs is that they are part of a principal dwelling and that they are much smaller in size to keep it more subordinate to the original dwelling. The owner must continue to be there and own the property. This is an add on and not a size equal to the primary dwelling. It is meant to be accessory. Currently homes cannot have an in-law suite. ADU mandates that the owner lives in one of the two buildings and cannot rent out his/her unit. These will always have a tie to ownership.
- Other towns impose restrictions on ADUs. Why is Wellesley proposing no restrictions?
 - Many towns have had ADUs for many years but they did it as a special permit process which is a much more difficult to get approvals and is more time consuming and creates long term uncertainty. Wellesley is making this more of a true part of the fabric of uses

and allowing it as a right rather than an application through the elaborate special permit process. A special permit will be needed for a detached unit, such as a little house in the back yard is built. No special permit is needed if the ADU is attached to the existing dwelling.

- A question was asked with the increased housing density if there would be additional driveway space.
 - Planning did not put in a requirement for additional driveway space. Overnight parking is not allowed in Wellesley. If more parking was mandated then it creates more imperviable spaces and would not support sustainability. Parking will be handled on a case-by-case basis.
- Who will enforce residency?
 - Enforcement depends on people noticing problems and bringing them to the Town's attention. The annual certification will require owners to attest to the Town that they are in compliance. We are creating a means to keep track of things. When a property is sold then notice to the Planning Department is required and will trigger, in turn, notice to the new owners about the process to maintain the unit as an ADU.
- A comment was made that this will change the character of the Town and it was felt that there should be more control on who can use ADUs as student housing could be created in these units with not restrictions on use and this would bring many cars parked on the streets.
 - We are not limiting to families. Part of this is to create an expansion of housing. There is no overnight parking on public streets. Overnight parking is allowed on private streets. The Police don't always enforce the overnight parking during the warm months. Wellesley College tries to house all students on campus and Babson is moving towards having all undergraduates on campus. By limiting the units' size, it restricts these to one or two small bedrooms.
- Comment was made that it felt like there was a risk of unintended consequences.
- Andrew Mikula of Building Better Wellesley addressed concerns of what ADUs can be in Wellesley. Although it could be every house on a street this has not been the case as seen in other towns. Based on the data that's been compiled we expect maybe five per year will be constructed in Wellesley.

Article H – Commercial Gun Shops – Amend Section 1B Definitions to add “Commercial Gun Shop”

Questions/Comments

- A comment was made about the fact that there is no ban on gun shops in the State and that this ultimately comes from the Second Amendment.
 - Newton is a good example as the City Council wanted to have a ban but realized that due to concerns about challenges based on the Second Amendment, the best way to control it was to zone it. Ultimately the gun shop did not open in Newton. It seems as if the application was not complete. This zoning change applies only to commercial gun shops and doesn't prevent a private seller from selling guns.
- Is there any business trying to get into Wellesley for a gun shop?
 - We are not aware of any business applying. If someone were to apply Wellesley would end up being reactive rather than proactive.

Article I – Outdoor Lighting – correct a weakness in outdoor lighting bylaw – Amend Section 16G Outdoor Lighting as it applies to major and minor construction projects and to externally illuminated signs.

Questions/Comments

- Is this related to the playing fields lighting?
 - It is just for construction projects and is not weighing in on other lighting issues.

Article J – Signs. Addition of 3 words in table of signs in sign bylaw

Article K – Zoning Bylaw Reorganization by reordering and renumbering all Sections and to correct all section references in the ZBL to confirm to the new reorganization

Questions/Comments

- A comment made that numbers are ascending not descending.
- The Article language was circulated.

Citizens Petition – Worcester Street Zoning

Mark Borenstein, Bowditch & Dewey, was present on behalf of Behrend Construction. Worcester Road Realty Trust wants to rezone properties 130, 136, 140 to 140R from a Single Residence 15 district to a Multifamily district. In 2020 the project was subject to a 40B filing and this was decertified. The applicant is now seeking to redevelop the property use for 30-40 residential units and with 3 stories. A percentage of units would remain affordable housing units. In addition, the property owner is proposing to dedicate housing to veteran's housing. This redesigned project will be condo units rather than rentals as previously proposed. Behrend Construction is not developing property. CMK Development will construct the building not Behrend. No building plans are available at this time.

Questions/Comments

- Why is Behrend coming to Town Meeting with a Citizen Petition for rezoning rather than going through the Planning Department? Advisory and Town Meeting are not in a position to understand all the issues.
 - Brian Grossman is the lead attorney for the project. He spoke with the Planning Department. The timeframe for the submission for the petition was early and there wasn't time to work with the Planning Department.
- A comment was made that Advisory is not in a position to make judgement on this. It was advised to go back to Planning to make the determination on the rezoning.
 - The project would be like what was proposed for the 40B and will include elements that have already been reviewed
- A comment was made that the 40B was rejected and it feels like this is the wrong place for this.
- A comment was made about the location and traffic on Route 9. A request was made for information about the decertification and a review of each of the elements.
- On the map green is the Wetlands and yellow is Wetlands buffer zone and a vast majority of property is in Wetlands.
 - A comprehensive permit was issued for the 40B and documentation was presented to the Town. Peer review is by another engineer was completed.
- How many of the properties on the map are zoned Single Family 15 and are all the properties across Route 9 also Single Family? Where is the nearest Multifamily zone to this property?
 - Yes all the properties are zoned Single Family on both sides of Route 9. The specific distance to the nearest Multifamily zone is unknown.
- A comment was made that information is missing and needed before Advisory can make a decision on this.
- A comment was made that this project as a Citizen Petition will have a public hearing and will be considered by Planning. It will be a separate public because it is not part of Planning's warrant articles.

DISCUSSION

FMD FY23 budget

- Clarification was provided of the difference between cash capital and the funding of capital projects through free cash. Cash capital is funded as a line item in Article 8 and funds are appropriated towards capital projects and not an individual project. Projects that are funded from free cash require a separate article and approval. Currently the Town has higher reserves than the target so some projects are being taken out of cash capital and approval is being sought to fund them from free cash.
- A question was asked as to how are items selected?
 - Typically, when an item is pulled we are seeking to borrow funds for that or use different funding mechanism outside of Article 8. We tend to identify substantial projects that are expensive
- Cash capital plays a role in the Town's debt policy of 6.2 to 6.8 percent range.

Planning Articles

Article G – Accessory Dwelling Units (ADUs) – apartment within or on the same property as an owner-occupied, single-unit dwelling that is subordinate to the main (or principal) dwelling unit.

- A comment was made that it Planning should protect for the exception and not the rule. It was felt that this Article is too loose and doesn't protect people who own property in town.
- A comment was made that it was a surprise that the ADUs could be used for any use and not limited use.
- A comment was made that not all students live on campus of the local colleges. A request was made to see the numbers of how many live on and off campus.
- Support was expressed for the ADUs but more specificity on the student issue was requested. Concern was also expressed about the parking.
- Support for the ADUs was expressed but a question asked as to how best to address concerns?
- Concern was expressed that the ADUs could lend itself to student housing and perhaps a definition of who can live in an ADU is needed.
- Support was expressed for the concept but concern expressed for student rentals. A comment was made that there needs to be a way to address the concerns and provide this type of housing as an option. The ADUs encourage diversity in who lives in Wellesley could be a benefit to all of us.
- Concern was expressed about enforcement in general and how it would be enforced.
- A comment was made that occupancy limitations would help minimize some of the impact and limiting to family members would be great.
- A comment was made that it feels like the ADUs will change the character of the town.

Article H – Commercial Gun Shops – Amend Section 1B Definitions to add “Commercial Gun Shop”

- A comment was made that we need to be more respectful when talking about the gun shops. Concern was expressed about attitudes and comments about potential people who carry or do not carry guns.
- A comment was made that we don't need gun shops in Wellesley and it will not improve the character of the town.
- A question was asked if it would restrict gun shops to a particular zone?

Approved January 26, 2022

- A comment was made that it is good that Planning is being proactive about this.
- A question was asked if Wellesley would follow what other towns are doing regarding education and safety in purchasing guns?
- Comment was made about restricting the sale of guns like alcohol used to be banned in town. However, guns are considered a protected right and the use of alcohol is not a protected right.

Citizen Petition

- A comment was made that this is not ready for Town Meeting.
- A question was asked as to why this came to Advisory and how it fits into the process.
 - Any citizen can put an article on the Warrant with 10 signatures. This is a Citizen Petition to rezone property.
- A comment was made that the Citizen Petition is not suitable for planning purposes. Advisory and Town Meeting get a request like this to rezone property but it has none of the work that Planning does. This is creating an island of multifamily in single family area. This is zoning by exception. It's on the Warrant and Advisory advises Town Meeting on the Warrant articles what it thinks of warrant articles.
- A comment was made that this Citizen Petition should not be lumped in with ADUs as not being ready as a lot of work by many people has gone into the ADU Article.
- A comment was made that it seems as if this Citizen Petition is circumventing Planning and it should go to Planning.
- A comment was made that the 40B was decertified for very good reasons and that Advisory has no ability to make decisions on this but it needs to go through the normal process.
- What do we do if we have to vote on this?
 - Advisory can vote no on the basis that there is not enough information.

Minutes Approval/Liaison Reports/Administrative Items

Liaison Reports

Schools/Jenn Fallon – first budget meetings were held today; specific components will be extracted to address Advisory's questions

PBC/Jeff Levitan – Town Hall plans and renovations process is underway; site plan for Hardy reviewed and PBC is getting ready to move into the RFP process for Hardy

DPW/Pete Pedersen – Advisory's questions on the proposed storm water enterprise fund have been conveyed to DPW.

HR/Wendy Paul – policy work is underway; remote work policy and several other policies are under consideration.

Coming attractions

- January 20 – Advisory Discussion
- January 26 – Select Board Departments budgets/Town Clerk
- February 2 – Public Hearing; Planning FY23 Budget

Minutes

Madison Riley made and Jenn Fallon seconded a motion to approve the January 12, 2022 minutes and adjourn the meeting.

Roll Call Vote

Jennifer Fallon – yes

John Lanza – yes

Corinne Monahan - yes

Approved January 26, 2022

Patti Quigley - yes
Tom Cunningham – yes
Jake Erhard – absent
Jeff Levitan - yes
Doug Smith – yes
Susan Clapham - yes
Al Ferrer - yes
Wendy Paul – yes
Pete Pedersen - yes
Madison Riley – yes
Shawn Baker – yes

January 12, 2022 minutes were approved, 13 to 0 and the meeting was adjourned at 9:48 p.m.

Documents Reviewed (link to website documents

<https://wellesleyma.gov/DocumentCenter/Index/1351>

- FMD FY23 Operation Budget Presentation
- 136-140 Worcester Street
- Wellesley GIS 136-140 Worcester
- Article G – ADU 2.0
- Article H – Commercial Gun Shops 2.0
- Article H – ZBL 25 Special Permits with 2022 ATM changes as of 12/21/21
- Article I – Outdoor Lighting 2.0
- Article I – ZBL 16G Lighting with 2022 changes as of 12/21/21
- Article J – Signs 2.0
- Article K – Reorganization 2.0
- Article K – Reorganized ZBL with 2022 ATM changes 12/21/21