

Approved: June 28, 2021

Select Board Meeting: June 7, 2021

Present: Ulfelder, Olney, Sullivan Woods, Aufranc, Lanza

Also Present: Jop, Frigulietti

Warrants approved: none

Meeting Documents:

1. Agenda
2. Draft Board Calendar
3. Memo from Chief Pilecki re: Art Box installation
4. Letter re: Linden Square Development Agreement
5. ZBA Application Linden Square
6. Linden Square Development Agreement
7. Copy of 940 CMR 29.10(2)(a)
8. Remote Participation Policy – Town of Westwood
9. Town of Lexington Remote Participation Guide
10. ZBA Special Permit 2000-45
11. ZBA Special Permit 2001-1
12. Annual Appointment Memo – Employees
13. FAQ's State and Local Fiscal Recovery Funds
14. Memo re: Applying for Coronavirus Local Fiscal Recovery Fund
15. Draft SB Minutes: 5/6/21; 5/10/21;
16. Monthly Animal Control Report
17. MassBay CC Announcement
18. Sale of Affordable Unit Notice

1. Call to Order

Mr. Ulfelder, Chair, called the meeting to order at 6:00 pm online.

Mr. Ulfelder announced the meeting was being streamed live on Comcast channel 8 and Verizon channel 40 and by Wellesley Media and recorded for subsequent viewing on the cable channels or at wellesleymedia.org.

2. Citizen Speak

None.

Mr. Ulfelder congratulated Mr. Uttero, a 97 year-old World War II veteran, and former Wellesley resident, who received his High School Diploma at the Wellesley High School Graduation after leaving the high school 78 years previously to join the U.S. Army.

Mr. Ulfelder stated that June 13th was Race Amity Day in Massachusetts, a day to recognize the multi-cultural, multi-ethnic composition of the Commonwealth and encourage friendship, civility, and kindness. He added that a Race Amity Day candlelight vigil would be held at Natick Common on June 13th at 7pm.

3. Review Next Round of Traffic Box Art Installations

Chief Pilecki, Ms. Roberts, and Ms. Morris joined the meeting.

Chief Pilecki reviewed the application process and locations of the traffic boxes to be painted. He added that 21 applications had been received for the 4 boxes. He stated that one installation was to be painted by students in the Evolutions program at the High School. Ms. Roberts and Chief Pilecki reviewed each of the designs and locations for each installation. The Board discussed the paintings selected, and the art box project.

4. Discuss Letter Regarding Linden Square Development Agreement

Mr. Himmelberger and Mr. Harrington, Town Counsel, joined the meeting.

Ms. Aufranc left the meeting.

Ms. Jop stated that Mr. Himmelberger had submitted a letter regarding the Linden Square Development currently before the Design Review Board and ZBA for a special permit for outdoor dining. She noted some of Mr. Himmelberger's comments and concerns including his belief that the scope of the project would trigger the need for an amendment to the Development Agreement requiring Board and Town Meeting approval.

Mr. Himmelberger stated that he had been Chair of the Board during negotiation on the original Development Agreement and a mix of retail and restaurants had been a negotiating point as to not detract from downtown Wellesley. He noted that the number of restaurants agreed upon had been purposefully low. Mr. Himmelberger stated that he believed the addition of outdoor dining space constituted a material change to the Development Agreement and would require an additional amendment, necessitating Town Meeting approval, and noted that Federal Realty had previously requested a change to the Development Agreement to no longer require Town Meeting approval of any changes or amendments. He added that the request before the ZBA included seven permanent outdoor dining spaces which he believed changed the spirit of the agreement and constituted a material change. He asked that the Board review the original plans approved within the agreement and the proposed changes and determine if the proposal constitutes a material change.

Ms. Jop stated that she had been included in negotiating the Development Agreement as part of the Planning Board staff. She added that the Planning Board at the time completed the Linden Square master plan that she believed was in the spirit of the proposed changes including public gathering spaces and better pedestrian amenities. Ms. Jop stated that the amendments to the original agreement had been specific material changes including the car dealership parcel, originally envisioned for office and retail use, and increasing the number of restaurants by two. She added that the agreement allowed for deference to the Town's Design Review Board, Planning Board, and Zoning Board of Appeals. She noted that many of the signs and facades had been updated and were not considered material changes to the agreement.

Mr. Harrington stated that the Board was being asked to decide if the proposals were material changes and had flexibility in determining what would constitute a material change. He added that he agreed with the opinion of Ms. Jop that the proposals would not necessitate an amendment to the agreement. He noted instances that would require Board review. Mr. Himmelberger stated he believed the original agreement did speak to the architecture where any changes would require amendment, and the current proposals would be included in this category.

The Board discussed the letter from Mr. Himmelberger, the proposed changes to Linden Square, and the Development Agreement. The Board reviewed the provisions within the original Development Agreement and Amendments previously approved. The Board continued to discuss the concerns raised in the letter from Mr. Himmelberger and the jurisdiction of the proposed changes submitted by Federal Realty to DRB and ZBA. The Board expressed general agreement to allow time for members to review

DRB and ZBA meetings discussing the proposed upgrades to Linden Square, and discuss the letter at a future meeting.

5. Discuss and Vote Authorization of Open Meeting Law Remote Participation under 940 CMR 29.10 (2)(a)

Ms. Aufranc rejoined the meeting.

Mr. Ulfelder noted the information provided to the Board regarding other communities that had adopted the remote participation provisions of the open meeting law. Ms. Olney stated that several boards and committees had expressed support of the Board's adoption. The Board discussed the remote participation provisions, remote participation policies received from other communities, and the ability to modify remote participation practices. The Board expressed general agreement to review the adoption and implementation of the open meeting law remote participation provisions at a meeting in the next calendar year.

Upon a motion by Ms. Sullivan Woods and seconded by Ms. Olney, the Board was polled and voted (5-0) to allow remote participation in accordance with the requirements of 940 CMR 29.10 with the understanding that the Select Board will review the adoption of the requirement next June.

Sullivan Woods – Aye

Olney –Aye

Ulfelder – Aye

Aufranc – Aye

Lanza – Aye

6. Discuss and Vote Use of Parking Spaces for Hunnewell School in Cameron Street Lot

Ms. Jop stated that after the previous meeting when the Board had voted to authorize 25 parking spots from the Cameron lot for Hunnewell School use she had reviewed a previous Zoning Board decision from the permitting of the main Library that the Board had not seen previously. She stated that one finding in the special permit noted 9 parking spots had been eliminated from the Cameron lot to allow for the new access road to the Library. She added that of the 9 eliminated spots, 4-5 had been used by the Hunnewell School and that the ZBA had indicated that 4-5 spaces from the new Library lot would be earmarked for Hunnewell staffing. Ms. Jop stated that the Board could decide to reconsider and modify the parking or the motion from the previous week. Mr. Harrington stated that the Library Trustees did not believe the spots were intended to be used by the school as a condition of the special permit. He added that the ZBA had the authority to provide clarification on the finding and the intention of the use of the parking spaces. Ms. Olney proposed the Board revise its motion based on the decision of the ZBA regarding the additional 5 parking spaces. Ms. Sullivan Woods stated that the ZBA had asked the Board to allow for 20 spaces from the Cameron lot rather than 25 and asked that the Board continue to review the need for additional spaces and placards. Mr. Ulfelder stated that the Hunnewell project relied on the use of 25 parking spaces as it had been presented throughout the design and permitting process. The Board discussed its previous motion, the parking expectation for the Hunnewell project, and the ZBA findings and conditions. The Board discussed requesting the ZBA review its special permit decisions regarding the parking spaces and uses for the Hunnewell School.

Upon a motion by Ms. Sullivan Woods and seconded by Ms. Olney, the Board was polled and voted (5-0) to rescind the vote of the Select Board on May 24th to authorize the use of 25 parking spaces in the Cameron Street Parking Lot to be dedicated to the Hunnewell School for staff parking.

Sullivan Woods – Aye

Olney –Aye

Ulfelder – Aye
Aufranc – Aye
Lanza – Aye

Upon a motion by Ms. Sullivan Woods and seconded by Ms. Olney, the Board was polled and voted (5-0) to authorize the use of up to 25 parking placards during school hours in the Cameron Street Parking Lot for the Hunnewell School staff parking subject to review of the Zoning Board of Appeals decision 2000-45 and a determination of the use of the parking spaces identified in this decision and to authorize Meghan Jop to work with Town Counsel to produce a formal document dedicating the use of said spaces as part of the Hunnewell School Site Plan Decision.

Sullivan Woods – Aye

Olney –Aye

Ulfelder – Aye

Aufranc – Aye

Lanza – Aye

7. Discuss and Vote Annual Employee Appointments

Ms. Jop stated the annual staff appointments terms were ending and noted the categories of appointments within the memo provided to the Board.

Upon a motion by Ms. Sullivan Woods and seconded by Ms. Olney, the Board was polled and voted (5-0) to approve the annual employee appointments as detailed in the memo from Cathryn Meagher to the Select Board dated June 4, 2021.

Sullivan Woods – Aye

Olney –Aye

Ulfelder – Aye

Aufranc – Aye

Lanza – Aye

8. Executive Director’s Report

Ms. Jop stated that DHCD approved the 40R payment and the Town would be receiving \$1,337,000 for the density payment. She added that \$500,000 of the payment would be reserved for the development of the utilities at the development site. She reminded the public of the water ban which was operating on an odd/even street address schedule. Ms. Jop stated that Norfolk County continued to review the distribution of ARPA funds and expected to provide additional information in the near future. She added that MMA would be providing guidance for municipalities to access non-entitlement funds noting the Town would meet the lost revenue criteria to access and distribution of the funds.

Ms. Frigulietti stated that feedback from residents and merchants from the meetings and surveys had provided suggestions for to how the Town could help strengthen its business districts. She noted the merchants had expressed that the high rents were a barrier to opening new and diverse businesses. Ms. Frigulietti stated that she had drafted a vacant storefront bylaw and noted support for the bylaw by the Newton-Needham Regional Chamber. She added that Town Counsel had been reviewing and revising the alcohol regulations and a proposal would be brought before the Board in the near future. She noted that Traffic Committee and the planning and engineering consultant BETA would be reviewing Wellesley Square for a streetscape survey and plan. She stated that the parklets that had been installed were being used consistently.

Mr. Ulfelder stated that a community forum on the Hardy and Hunnewell projects would be held on June 9th and residents should register online and would receive an invitation with a link to the meeting. Ms. Sullivan Woods stated that the Veterans had held several events that were successful and well attended and thanked them for their service to the Town. She added that Flag Day would hold the retirement of flags on Monday June 14th.

Ms. Jop noted the minutes sent to the Board.

Upon a motion by Ms. Sullivan Woods and seconded by Ms. Olney, the Board was polled and voted (5-0) to approve the minutes of May 6, May 10, and May 17, 2021.

Sullivan Woods – Aye

Olney –Aye

Ulfelder – Aye

Aufranc – Aye

Lanza – Aye

9. Liaison Update

Ms. Sullivan Woods that she would be holding office hours on June 8th and residents could register for a time by emailing her directly.

Ms. Lanza stated that the draft of the accessory dwelling bylaw had been provided to the Board and questions, comments, or concerns could be sent to Mr. Roberti.

Ms. Olney stated that Climate Action Committee was holding a forum for Town Meeting Members on the Climate Action Plan on June 14th at 7pm. She added that on June 4, the CAC had voted to sign on to a letter prepared by the Harvard Environmental Law and Policy Clinic related to the Department of Public Utilities 20-80 proceeding investigating the future of natural gas distribution in the Commonwealth. She noted that the CAC had also voted to ask the Board to sign on to the letter. The Board discussed voting to sign the letter and reaffirming the vote at the next meeting as the CAC's request had been made after the posting of the Board's agenda and the deadline for signing the letter was June 14.

10. New Business and Correspondence

The Board briefly discussed the CAC request to sign on to the letter to be presented to the Department of Public Utilities.

Upon a motion by Ms. Sullivan Woods and seconded by Ms. Olney, the Board was polled and voted (5-0) that the Select Board sign onto a letter as requested by the Climate Action Committee at their Friday meeting in support of DPU 20-80.

Sullivan Woods – Aye

Olney –Aye

Ulfelder – Aye

Aufranc – Aye

Lanza – Aye

The meeting was adjourned at 9:20 pm

The next regular meeting is scheduled for June 21, 2021 at 6:00 pm online.