

TOWN OF WELLESLEY



REPORT TO THE SPECIAL TOWN MEETING

**MONDAY, DECEMBER 9, 2019
7:00 P.M.**

**at the
MIDDLE SCHOOL AUDITORIUM
WELLESLEY MIDDLE SCHOOL**

**by the
ADVISORY COMMITTEE**

Please read this Report and bring it with you to Town Meeting.

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TOWN OF WELLESLEY



**ADVISORY COMMITTEE LETTER
SPECIAL TOWN MEETING
December 9, 2019, at 7:00 p.m.
Wellesley Middle School Auditorium
Wellesley Middle School**

TERM ENDS 2020

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Mary Gard
Paul Merry
Lina Musayev
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TERM ENDS 2021

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To the Town Meeting Members of the Town of Wellesley:

November 18, 2019

A Special Town Meeting (STM) will convene on Monday, December 9, 2019, at 7:00 pm in the Wellesley Middle School Auditorium.

I am writing on behalf of the Advisory Committee to provide you with an overview of the matters that the STM will address. The Advisory Report following this letter provides an overview and background information on the matters that STM will address, and discusses Advisory considerations and recommendations on the articles and related motions coming before this meeting.

The primary focus of this STM will be the approval of design funds for the Hunnewell School building project. In addition, a citizens petition has been filed that requests a review of the governance of the Council on Aging (COA).

Approval of Design Funds for the Hunnewell School Project

Article 2 relates to the approval of \$4,680,000 in design funds for the Hunnewell School building project.

On June 5, 2018 at Special Town Meeting, the Town appropriated \$1,000,000 to fund a Feasibility Study for a new or renovated Hunnewell School. The goals for the Feasibility Study included a full building study and site analysis, determination of programming needs, fit testing, analysis of swing space options, an environmental audit of the site and potential options, and a historic assessment of the existing school. The complete Feasibility Study Work Plan can be found in Appendix 9.1a of the Report at <https://wellesleyma.gov/DocumentCenter/View/17696/2019-08-02-Appendices-Feasibility-Study>.

The final concept recommended by the School Building Committee (SBC), and approved by the Board of Selectman and School Committee has the following key elements:

- Two-story, approximately 75,000 Gross Square Foot (GSF) new building, with a target enrollment of 365 students and a maximum capacity of 436.
- It will have 19 classrooms, 3 for each of the 6 grades plus one slightly larger classroom that will be used for STEAM activities. The design includes 3 grade-level "learning neighborhood" commons on each floor.
- The building is conceived to reflect 21st century educational needs and MSBA standards.

- The building will have a comprehensive approach to sustainable design, using LEEDv4 for Schools rating system as a guideline, and constructed to the standards of a Net Zero Ready (NZR) building.

Determining an appropriate, cost effective and community supported space to temporarily locate the students of the Hunnewell School during construction (i.e., “swing space”) has been a major challenge since master planning for the Hardy, Hunnewell, and Upham schools began. Since 2014, 24 unique swing space options have been studied by the Town and various consultants including various internal and external swing space possibilities across numerous timelines, including delaying the construction of the new Hunnewell School until after the completion of the MSBA Hardy/Upham project (i.e. “Late Hunnewell”). The School Department has determined that, due to significant decline in enrollment across the district, there is sufficient room available collectively in most of the other elementary schools to accommodate grade-level cohorts of Hunnewell students during construction (i.e “Early Hunnewell” or “Internal Swing Space”).

For a cost comparison of the Early and Late Hunnewell swing space options, please see Owner’s Project Manager’s Memo dated August 29, 2019, and which can be found on the Town’s website at: <https://wellesleyma.gov/DocumentCenter/View/17713/Swing-Space-Memo-8-29-19-from-Compass>.

The total cost of construction of the Hunnewell School, based on this preliminary design, including the design fees considered in this Article and excluding swing space expenses, is estimated to be \$57,533,000. The construction and swing space funding is anticipated to be voted on at the Annual Town Meeting in March 2021.

As explained in the STM Advisory Report, the Advisory Committee has voted (11 to 2) in support of the appropriation of design funds for the Hunnewell School project.

Citizens Petition to Appoint a Committee to Evaluate the Governance of the Council on Aging

Article 3 relates to a citizens petition to authorize the Moderator to appoint and facilitate a Committee to evaluate the governance at the COA and to report back to Town Meeting with the Committee’s recommendations for governance of the COA going forward.

As of the printing of the STM Advisory Report, the Advisory Committee had not yet had a presentation of Article 3 from the proponent, and therefore did not have sufficient information to discuss, consider and vote on the Article. Advisory will provide a Supplemental Report as necessary to Town Meeting Members at the STM.

Advisory encourages all TMM to review Appendix D of this STM Advisory Report as the Moderator intends to follow and enforce these Guidelines at STM.

I am thankful to my colleagues on the Advisory Committee for their work preparing for this STM and producing the STM Advisory Report. I also appreciate the citizens who shared their views and raised questions, whether by attending Advisory Committee meetings and the Public Hearing for this STM or through emails. Finally, we should all be grateful to the Town Board members and Town staff who have collaborated tirelessly over the past year in an effort to ensure that the Hunnewell School project underlying this STM advances the long-term interests of the Town.

Sincerely,

Todd Cook, Chair
Advisory Committee

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ARTICLE 1. To see if the Town will vote to choose a Moderator to preside over said meeting and to receive reports of town officers, boards and committees, including the Report of the Advisory Committee; or take any other action in relation thereto. **(Board of Selectmen)**

Advisory expects no motion under this Article.

ARTICLE 2. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money, to be expended under the direction of the Permanent Building Committee, for architectural and engineering designs, plans and other specifications, bid documents, permitting, and any associated costs related to the reconstruction or replacement of the Hunnewell School located at 28 Cameron Street, and for any other services in connection therewith and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(7) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or note of the Town therefor, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount to be borrowed to pay such costs by a like amount; or to take any other action in relation thereto.

(Board of Selectmen)

In this Article, the School Committee (SC) seeks \$4,680,000, to be expended under the direction of the Permanent Building Committee (PBC) for the Design phase of the Hunnewell Elementary School project (Hunnewell), including architectural and engineering services, permitting and bidding, as delineated in the following table:

Hunnewell Building Solution Special Town Meeting Funding Request	
Description	Design Phase Budget
Designer, Engineers and Consultants	\$3,507,900
Owner's Project Manager	\$470,000
Construction Manager	\$180,000
Owner Costs & Other General Supplies	\$255,000
Soft Cost Contingency	\$267,100
Design Phase Total Project Budget *	\$4,680,000
STM 2019 Total Appropriation Request	\$4,680,000
* Estimates above do not include the \$3.5M Swing Space cost	

The Schematic Design is the first phase of final design, and follows completion of the Feasibility Study for the Hunnewell project that was funded at a Special Town Meeting on June 5, 2018.

The complete report of the Feasibility Study and the Appendices (the "Report") may be found at the following links: <https://www.wellesleyhhu.org/milestone-submissions-reports> (website with links to Report, Appendices and other resources); <https://wellesleyma.gov/DocumentCenter/View/17693/2019-08-02-Feasibility-Study-Report> (Report); <https://wellesleyma.gov/DocumentCenter/View/17696/2019-08-02-Appendices-Feasibility-Study> (Appendices). An Executive Summary of the Feasibility Study Report is attached as Appendix A.

School Buildings Project - Recent History

Although the only issue before this STM is the request for funding the Design phase of Hunnewell, Advisory believes it is important to provide some comprehensive background on the Hardy, Hunnewell and Upham Elementary School projects that have been in the works for over 7 years.

Starting in 2012, following the construction of the new high school, the SC began a district-wide evaluation and remediation of school facilities, some of which had been in significant decline for some time. Several iterations of school facilities committees were formed to study and make recommendations to address the problems. A detailed history of these committees and their conclusions can be found on pages 7-10 of the Advisory Report for the June 2018 Special Town Meeting: ([https://wellesleyma.gov/DocumentCenter/View/10649/2018-June-STM-Report FINAL and Appendices](https://wellesleyma.gov/DocumentCenter/View/10649/2018-June-STM-Report-FINAL-and-Appendices)). As a result of this work, the Middle School has undergone a series of renovations and two elementary schools were extensively renovated (Fiske and Schofield in summers of 2015 and 2016). Two other elementary schools had extensive renovations and additions (Sprague in 2002 and Bates in 2004).

The three remaining elementary schools (Hardy, Upham and Hunnewell) continue to have significant building deficiencies which impact the District's ability to deliver the educational program. In 2013 the School Facilities Committee reported that each school had such significant and complex building and programmatic needs that it would not be possible to address their deficiencies through renovation alone, as was done with Schofield and Fiske. Multiple studies since then have concluded that the challenges that these schools present warrant a major addition in combination with renovation or full replacement.

In April 2016, the SC and Board of Selectmen (BOS) formed the Hunnewell, Hardy and Upham Master Plan Committee (MPC) to develop a Master Plan recommendation to the SC, BOS and the Town. The MPC was formed to include 20 members: seven representatives from school neighborhoods; six at-large representatives, with experience in architecture, engineering, market analysis and Town government; and seven representatives of Town boards and staff. An Upham parent and a Hardy parent served as co-chairs of the MPC. Two members resigned during the committee's 11 months of service, leaving 18 participating in the final votes. The MPC produced a detailed final report in March 2017: <https://wellesleyma.gov/DocumentCenter/View/9219/HHU-Master-Plan-Final-Report---March-2017>.

One of the key recommendations of the MPC was to consolidate from three schools to two schools based on projected declining enrollments throughout the District. Under this scenario, the Town would build two new 19 section schools: one at Hunnewell and the other at either Hardy or Upham. It was, however, also recommended that the Town build a third school at some point in the future if elementary student enrollment reaches or appears likely to exceed 2,350 students on a trending basis and/or the current school configurations are limiting educational needs.

The MPC recommended that Hunnewell must be rebuilt or renovated as one of the first two schools, because it is the only school that serves the southwest quadrant of Town.

In addition to addressing the declining enrollment by initially rebuilding only two of the three schools, building new schools with 19 sections (three per grade level, plus one to adjust for population pressure) results in all of the schools in Town being roughly equitable in size. Currently, the District's schools vary in size, from Upham (at 12 classrooms) to Sprague and Bates (19 classrooms each). The MPC further recommended that, due to community feedback favoring smaller schools, the projected enrollment of each school should not exceed 400 students. This recommendation supports the intent to have three classrooms per grade and reflects the SC's commitment to its classroom size guidelines: 18-22 students per classroom in grades K-2, and 22-24 students per classroom in grades 3-5.

After deliberating on the MPC's report and recommendations, on May 23, 2017 the SC voted to adopt a Hardy, Hunnewell and Upham Facilities Project Position Statement. This statement was revised on May 8, 2018 when the Town engaged with the Massachusetts Building Authority (MSBA). The revised statement clarified that the Hunnewell project will be funded solely by Town funds, while the Hardy/Upham project with the MSBA must adhere to their requirements, but could potentially provide partial funding: <https://wellesleyps.org/wp-content/uploads/2018/05/HHU-Position-Statement-2018-05-08.pdf>.

Some of the key positions adopted by the SC included:

- Maintain the neighborhood school model;
- Rebuild two schools, rather than opt for extensive renovations;
- Build Hunnewell, and either Upham or Hardy;
- Build the third school if elementary enrollment passes 2,350 on a trending basis;
- Build 19 classroom schools with three classes per grade that meet MSBA standards;
- Make no decision whether to build at Hardy or Upham, but look to the subsequent feasibility process to guide that decision;
- Commit to retain control of the building and land of any closed school for eventual reuse as a K-5 school;
- Request feasibility study funds for all three schools; and
- Together with the BOS, create a School Building Committee.

The SBC was formed by the SC and BOS in June 2017 and expanded to 18 members in April 2018, following the model required by the MSBA. It is charged with overseeing the building process for both the Hunnewell and the Hardy/Upham school, through feasibility study, schematic design, design development and construction. In accordance with Article 14 of the Town bylaws, once a Feasibility Report is completed, the Permanent Building Committee (PBC) assumes the day-to-day responsibilities for managing design and construction, starting with schematic design, and works jointly with the SBC, using a process for the design and construction similar to that used for the High School project.

MSBA Involvement and the Hardy/Upham Project

Although the Massachusetts Building Authority (MSBA) does not play a part in the construction of Hunnewell, Advisory believes it is in the best interest of the Town to clarify the MSBA's role in the Hardy/Upham Project when considering the funding of the next phase of the Hunnewell project.

From 2014 to 2017, the SC routinely submitted Statements of Interest (SOI) to the MSBA for each of the three elementary schools on an annual basis, seeking state reimbursement for the pending school projects. In December 2017, the MSBA invited the Town into an “Eligibility Period” for the Upham school, the first step (Module 1) in its grant program after SOI submission. This was one of only 15 invitations granted by the MSBA that year, out of 85 total submissions. The SC has, however, committed to study the feasibility of rebuilding a new school at **both** the Upham and Hardy sites, to determine the best option. Therefore, the SC engaged with the MSBA to clarify this important point. The MSBA confirmed in a memo on May 7, 2018 that it does not object to the SC exploring sites in addition to Upham as part of a district-wide redistricting plan, provided that if a school other than Upham is chosen to be developed (e.g. Hardy) the SC must ensure that the existing Upham Elementary school building will no longer be used as a permanent K-5 facility. The school committee memo can be found on the Town website: <https://wellesleyma.gov/DocumentCenter/View/10488/HHU-Statement>.

In subsequent discussions, the MSBA has indicated that temporary “swing space” in the old Upham building, strictly for housing students during construction of one of the other schools, would be an allowable exception to this rule. Once the feasibility study is conducted and the site for the new school is chosen, the MSBA will reimburse up to approximately 31% of eligible design and construction costs.

The involvement of the MSBA in May 2018 necessitated separating the Hunnewell project from the Hardy/Upham Project. Hunnewell was ready to begin its Feasibility Study pending a vote at the Special Town Meeting in June 2018 (which was approved), while Hardy and Upham were now guided by the very deliberative and prescriptive “Eight module” process of the MSBA. Further description of these modules can be found in the MSBA website at <http://www.massschoolbuildings.org/>.

On July 24, 2018, the School Committee issued a Revised Charge to the School Building Committee to reflect these changes which can be found on the Town website: <https://wellesleyma.gov/DocumentCenter/View/7131/Charge-to-the-HHU-School-Building-Committee-PDF?bidId=>.

At the October 2018 STM, the Town approved funding for the Hardy/Upham Feasibility Study, and after selecting a Designer and Owner’s Project Manager with the MSBA (Module 2), the SBC has recently entered Module 3, the Feasibility Study, for the MSBA-named “Upham” project. Despite the name, as agreed to by the MSBA, that Feasibility Study will evaluate **both** the Upham and Hardy sites. Options for both new construction and additions/renovations will be considered at both sites. The SBC has sponsored educational visioning sessions and will continue to solicit SC and public input as it generates design options. The SBC is currently working on a Preliminary Design Program, with a short list of options, to be delivered to the MSBA on December 18, 2019. Work on the Preferred Schematic Design will then begin, and, after significant analysis and more public input at Community forums, it is anticipated that the site for the new school will be recommended by the SBC before ATM in March 2020. As mandated by the SC Charge to the SBC, the SC and the Selectmen must approve the Preferred Schematic Design which will be submitted to the MSBA for approval by May 2020. The more detailed Schematic Design Report will be submitted to MSBA by December 2020. It is anticipated that funds for both the final detailed design and construction of the new school (at Upham or Hardy) will be voted on at ATM that begins in March 2021, the same ATM where funds will be voted on for Hunnewell’s construction, which will include funds for its swing space needs.

The SBC is in the process of evaluating initial concept designs and developing criteria that can be used as one tool in assisting SBC members in making their selection of the preferred site location for the new school at either the Hardy or Upham location. This criteria will be applied to each option being considered, including renovations and new construction, and may include, but not be limited to: achievement of the educational plan goals; construction phase impact on neighbors and abutters; construction phase impact on students; cost of the building construction, site work, and demolition; historical considerations; on-site parking requirements; special permitting considerations; environmental impact; student transportation considerations; traffic at the site and in the neighborhood; sustainable siting criteria; achievement of energy use intensity goals and net zero energy readiness; and the capacity for photovoltaic (solar) panels on the building and site.

The SC has committed to retain jurisdiction of the site not initially chosen to be developed as a new (or renovated) elementary school, in anticipation of eventually developing that site as a K-5 school should the district's elementary population reverse its decline and begin trending past the so-called "trigger" enrollment of 2,350 students.

Background on Declining Enrollment

Since 2009, there has been a noticeable decline in student enrollment in Wellesley's elementary schools. The recent peak elementary enrollment of 2,480 students occurred in 2008-09. The current 2019-20 school year enrollment is 2,094. That is a decline of 386 students, or 15.6% in just over ten years. The school department's own assessment projects that elementary enrollment will continue to decline (See Wellesley Public Schools 2018-19 Enrollment Report at: <https://wellesleyma.gov/DocumentCenter/View/17790/WPS-2018-19-Enrollment-Report-SUBMITTED>). Outside consultants have confirmed this trend. To supplement the School Department's annual enrollment projections, the Town contracted with the nationally recognized demographic consulting firm, Cropper GIS, in March 2013 and Future Think in 2016, both confirming the downward trend, with the latter report specifically contemplating the possibility of future increased housing density (for example, 40B and 40R projects) in their report, which can be found at the Town's website:

<https://wellesleyma.gov/DocumentCenter/View/9203/FutureThink-Report-Final---August-31-2016>.

On October 24, 2019, the SBC voted to enter into a new contract with FutureThink to provide new 10-year district-wide and school-by-school enrollment projections, including an overview of the school district, current and future housing development, population trends and birth counts. This new report will inform the SC plans for redistricting as well as the SBC's plans for swing space.

Why a New or Renovated Hunnewell?

Hunnewell was built in 1938, with additions in 1957 and 1995 and the installation of two modular classrooms in 1993. It is currently using 15 classrooms and has 260 students.

Problems include:

- Heating systems, plumbing systems (including bathrooms), electrical systems, life/safety fire alarm systems, and windows beyond their useful life, resulting in frequent repairs, uneven heating and the greater threat of building/system failures that result in no school or cancelled school;
- Exterior envelopes (facades) in need of significant repairs;
- No sprinkler system and wood framed roof and floors;
- Lack of compliance with Americans with Disabilities Act (ADA);
- Modular classrooms being used well beyond their service life;

- Undersized classrooms not conducive to learning, with outdated finishes, cabinetry, lighting, doors and acoustical treatments;
- Lack of specialized spaces for delivery of special educational services and the use of other well established K-5 educational techniques;
- The gym is one-third the MSBA standard size for a gym, and is a combined space with the cafeteria and auditorium (the “cafe-gym-atorium”) reducing time availability for physical education classes and resulting in significant inefficiencies due to setup and changeover of the shared space;
- Inadequate storage space and one-on-one teaching space, with hallways used for both;
- The sprawling floor plan makes for difficult student transitions during the school day;
- Lack of properly sized, secured and air-conditioned IT/Data rooms; and
- Significant seismic and structural strengthening required for any major renovation.

A complete Existing Building Conditions report can be found in Section 3 of the Feasibility Study Report. (<https://wellesleyma.gov/DocumentCenter/View/17693/2019-08-02-Feasibility-Study-Report>)

Hunnewell Feasibility Study

On June 5, 2018 at Special Town Meeting, the Town appropriated \$1,000,000 to fund a Feasibility Study for a new or renovated Hunnewell Elementary School. The selected designer of the project, SMMA, worked together with the SBC, the Owner’s Project Manager (Compass Project Management), and the Facilities Management Department to develop concepts for a new or significantly improved building at the Hunnewell site.

The goals for the Feasibility Study included a full building study and site analysis, determination of programming needs, fit testing, analysis of swing space options, an environmental audit of the site and potential options, and a historic assessment of the existing school. The complete Feasibility Study Work Plan can be found in Appendix 9.1a of the Report at <https://wellesleyma.gov/DocumentCenter/View/17696/2019-08-02-Appendices-Feasibility-Study>.

Bringing together elementary school teachers and staff, administration, curriculum specialists, members of the community, and appointed and elected board members, the study began with a comprehensive educational visioning and planning process. This process included participation by all the District’s elementary schools, ensuring that the design of the renovated or replaced school would reflect the needs and goals of the entire elementary school community. The resulting Educational Plan is a comprehensive overview of the school and District’s needs and aspirations for a 21st Century facility, containing six main ideas:

- Neighborhood Learning Communities
- Flexible Spaces
- Indoor-Outdoor Connectivity
- Safety and Security
- Compact Design
- Sustainability

In addition to the primary educational goals, the Feasibility Study examined sustainability/energy efficiency; historic aspects; site considerations; traffic and parking; pedestrian and bicycle safety; environmental impact; existing rules, regulations and bylaws; and comprehensive design and construction costs.

The SBC evaluated more than 10 addition/renovation and new construction options over a six-month period, with the final six weeks of study focusing on the final two options, one an addition/renovation and the other a newly constructed building. Due to citizen advocacy, there was particular effort made by the SBC to fully consider preserving both the historical elements of the school building and the large, well known oak tree located in the school courtyard. In the final analysis, however, the SBC was unable to incorporate them into the project without compromising the goals of the Educational Plan within the constrained site.

Summary of Hunnewell Preferred Solution

The final concept recommended by the SBC (voting 11-1 on May 16, 2019), and approved unanimously by the BOS and SC (June 17 and 18, respectively), is a two-story, approximately 75,000 Gross Square Foot (GSF) new building, with a target enrollment of 365 students and a maximum capacity of 436. It will have 19 classrooms, 3 for each of the 6 grades plus one slightly larger classroom that will be used for STEAM activities when enrollment is lower and alternatively to absorb another classroom of students should enrollment increase. The preliminary design includes 3 grade-level “learning neighborhood” commons on each floor, as described in the Report. The building is conceived to reflect modern school and MSBA standards.

The Report recommends consideration of a comprehensive approach to sustainable design, using LEEDv4 for Schools rating system as a guideline, with or without pursuing formal certification. The WELL building standards (aimed at occupancy health and wellness), and Living Building Challenge (where the criteria is based on post-occupancy performance) are among additional possibilities for consideration.

The Report describes a building constructed to the standards of a Net Zero Ready (NZR) building, with an energy use goal of not more than 30 kBtu/gsf EUI (Energy Use Intensity), using air-source heat pumps for heating and cooling. The roof will hold enough photovoltaic (PV) panels to supply 35-45% of the building’s energy needs. To supply the remaining energy demand, bringing the building to “Net Zero Energy” use, PV panels may be mounted at adjacent town property, although no plans for such are being currently considered. For a full description of the Financial Assessment of constructing a net zero ready building at the site, see the Appendix 9.20 of the Report.

Since the next school to be built (Hardy or Upham) must conform to MSBA standards, it is worth looking at such standards with regard to Hunnewell. For example, the proposed gymnasium is 1,000 net square feet (nsf) larger than the MSBA standard. It is expected, however, to be used as an additional after-school gymnasium by the Wellesley Public School community and youth sports teams, given its central location and proximity to the high school, and it is the same size as the Sprague gymnasium. In addition, the square footage allocated to special education is approximately 1,800 nsf more than MSBA standards due to the space needs of the district-wide Therapeutic Learning Center (TLC) program. It should be noted that the MSBA generally allows and accepts NSF deviations for such special education needs, if they conform to the school’s education plan. The six “learning neighborhoods,” an MSBA standard practice, add an additional 3,200 nsf to the core academic areas of the project.

Parking needs for the staff, faculty, and visitors of the larger school are estimated to be +/- 65 spaces. The site plan increases on-site parking from the current 36 spaces to +/-55 spaces, and it is anticipated that the school staff will continue to use the dedicated parking at the adjacent Library lot (5 spaces) and Cameron Street lot (20 spaces), bringing total parking to +/- 80 spaces. In addition, there are 11 “laybys” which are parking spaces carved out of the property adjacent and parallel to Cameron Street to provide short term parking opportunities.

This initial building concept exceeds the Town's zoning requirement for maximum lot coverage by approximately 5-10%, and exceeds the Town's Building Footprint maximum by 3-5%. It is fully compliant with regard to all other zoning requirements, including building height and setback regulations. Unless the building square footage is adjusted during the Design Development phase, the SBC has recommended that the Town seek relief for the two zoning issues under Massachusetts General Law (MGL) Chapter 40A, Section 3 (commonly referred to as the "Dover Amendment"). Under this law, the Zoning Board of Appeals, when considering a permit application for a building used for educational purposes that exceeds the lot coverage maximum and footprint maximum, may exempt the applicant from the zoning restrictions, so long as the "proposed use of the land or structure is reasonably necessary for the convenience or welfare of the public." As the property is bordered on two sides by Town-owned parkland, and the building design is compact and oriented toward the front of the site, the SBC believes that impact on open space will be minimal, and that the design and size of the building is sufficiently tailored to educational purposes, serving the goals of the school district in its size and scope, the use of the land by the school will likely be deemed reasonable. See Town Counsel's memo on this matter attached as Appendix B. There is precedent to this approach, as the Dover Amendment was previously used for approval of the PAWS preschool facilities at the Fiske Elementary school site.

The total cost of construction of school, based on this preliminary design, including the design fees approved in this Article and excluding swing space expenses, is estimated to be \$57,533,000. A breakdown of estimated Design Phase and Construction Costs are as follows:

Feasibility Project Budget	Hunnewell ES Project		
	Budget Appropriation		
Construction	Design	Construction	Total
Primary Contractor	\$ -	\$ 45,061,000	\$ 45,061,000
Install Photo Voltaic on Roof only		\$ 1,200,000	\$ 1,200,000
Potential CM Preconstruction	\$ 180,000		\$ 180,000
Total Construction	\$ 180,000	\$ 46,261,000	\$ 46,441,000
Architect & Other Prof Services			
Architects and Engineers	\$ 2,930,200	\$ 1,307,100	\$ 4,237,300
Schematic Design Investigation	\$ 270,500	\$ -	\$ 270,500
Presentations	include	\$ -	\$ -
Monitoring Consultants (Geotech and Haz Mat)	\$ 157,000	\$ 88,000	\$ 245,000
Site Consultants (traffic, survey, wetlands)	\$ 70,000	\$ -	\$ 70,000
Specialty Consultants (PV, Archival)	\$ 70,000	\$ -	\$ 70,000
Reimbursables	\$ 10,200	\$ -	\$ 10,200
Total Architectural & Engineering	\$ 3,507,900	\$ 1,395,100	\$ 4,903,000
Owner's Project Manager			
Owner's Project Manager	\$ 425,000	\$ 390,000	\$ 815,000
Cost Estimates (OPM)	\$ 45,000	\$ -	\$ 45,000
Clerk of the Works	\$ -	\$ 700,000	\$ 700,000
Total OPM Services	\$ 470,000	\$ 1,090,000	\$ 1,560,000
Owner Costs & Other General Supplies			
Printing	\$ 25,000	\$ -	\$ 25,000
Bid Docs Online	\$ 5,000	\$ -	\$ 5,000
PBC Expense	\$ 1,000	\$ 1,000	\$ 2,000
Builder's Risk	\$ -	\$ 50,000	\$ 50,000
Submittal Exchange	\$ 8,000	\$ 10,000	\$ 18,000
Legal	\$ 10,000	\$ 15,000	\$ 25,000
Utility Backcharges	\$ 70,000	\$ -	\$ 70,000
Other Administrative & Permitting Costs (fire dept, peer review)	\$ 86,000	\$ 20,000	\$ 106,000
Custodial OT charges	\$ -	\$ 5,000	\$ 5,000
Other Project Costs (moving, dumpsters, Reuse vendor)		\$ 70,000	\$ 70,000
Commissioning (MEP & Bldg Env)	\$ 25,000	\$ 75,000	\$ 100,000
Testing and Inspection 3rd Party	\$ 25,000	\$ 140,000	\$ 165,000
Furnishings, Fixture, & Equipment		\$ 584,000	\$ 584,000
Technology Equipment		\$ 584,000	\$ 584,000
Facilities Dept. Equipment		\$ 120,000	\$ 120,000
Total Owner Costs & Other General Supplies	\$ 255,000	\$ 1,674,000	\$ 1,929,000
Fire Services			
			\$ -
Contingencies			
Hard Cost Contingency (5% of construction costs)	\$ -	\$ 2,300,000	\$ 2,300,000
Soft Cost Contingency	\$ 267,100	\$ 132,900	\$ 400,000
Total Contingencies	\$ 267,100	\$ 2,432,900	\$ 2,700,000
Total Budget	\$ 4,680,000	\$ 52,853,000	\$ 57,533,000
Targeted Town Meeting Date	Fall STM 2019	Spring ATM 2021	

Hard costs	\$ 46,261,000.00
Soft Costs Other Prof	\$ 2,005,000.00
Soft costs Arch/Eng	\$ 4,903,000.00
Own. General Costs	\$ 376,000.00
Owner Contingencies	\$ 2,700,000.00
FFE & Tech	\$ 1,288,000.00
	\$ 57,533,000.00

Conceptual Project Budget
Hunnewell Elementary School
Wellesley Permanent Building Comm. Format
Updated 11/06/19

Swing Space

Determining an appropriate, cost effective and community supported space to temporarily locate the students of the Hunnewell School during construction (i.e., swing space) has been a major challenge since master planning for the Hardy, Hunnewell, and Upham schools began. Funds associated with accommodating swing space needs are not requested from the Town until the Construction Phase (ATM 2021), but Advisory recognizes the continued concerns over this issue may impact Town Meeting Members in their consideration of this warrant.

Since 2014, approximately 24 unique Swing Space options have been studied by the Town and various consultants. Options included: “External” swing space possibilities both within Wellesley and even in neighboring towns; building behind Hunnewell; a phased renovation that could allow the students to stay in place; the use of the Cameron Street lot for construction; a modular school on either the Sprague, Schofield, Bates or Fiske campuses or the Cameron Street lot; and using spaces within other elementary schools or other Town buildings.

The complex and tight boundaries of the buildable area on the Hunnewell site eliminated some potential solutions that would have precluded the need to find swing space. Due to the shape and size of the site and significant restrictions for riverfront setback and wetlands protection, options most often available to other suburban communities, such as constructing a new building next to an occupied facility or doing phased additions and renovations, are not feasible for this project.

Most “external” options for swing space (such as using Warren School or renting space at Wellesley Congregational Church) were eliminated due to size or configuration constraints. The old Hillside School in Needham, which closed in June, is being used for swing space for other Needham projects and is unavailable. Leasing St. Paul was eliminated as an option because it had acquired a longer term tenant for the premises. The SBC had originally considered a full modular school on the Sprague campus and half modular schools on Sprague and Schofield, but given the significant potential site and circulation challenges as well as the expense, the SBC determined this was not a viable option.

The SBC and the School Department developed the remaining viable swing space options during the summer of 2019. The SBC re-engaged the community on the remaining options in the early fall, by hosting community forums at all seven elementary schools.

For these forums, the SBC had narrowed their Swing Space options down to two:

- **“Late Hunnewell”**: In this plan, the construction of the new Hunnewell is delayed until the end of the construction of the new or expanded Hardy/Upham school, which is anticipated to be built on the site of either the “old” Hardy or the “old” Upham school. At that point, one of those older schools will empty in the redistricting process. The Hunnewell students will then move to this emptied school while their school is being rebuilt. This “late Hunnewell” scenario would result in a three year delay of the Hunnewell project, based upon the current MSBA project schedule, and add approximately \$9 to \$11 million dollars to the construction costs, mostly due to escalation. Although this plan initially appears to be simpler and to keep the Hunnewell school body together during the demolition and construction of its building, it was in fact more complex and raised many concerns:
 - If redistricting (from 7 to 6 school populations) occurs after the Hardy/Upham project, but before the Hunnewell project has begun, up to six modular classrooms will need to be installed on either the “old” Hardy or “old” Upham site to house the enlarged Hunnewell student population, impacting playgrounds, playing fields and parking.

Another option would be internal swing space for some of the additional Hunnewell students.

- If redistricting is delayed until after both new schools are completed, the Hunnewell students would be going to school in an old building located on the same site as a new building attended by either Upham or Hardy students during the construction/demolition of Hunnewell. Attempting to operate two schools on one site causes permitting issues, and may interfere with the MSBA preferred schedule (as the MSBA is involved through the demolition of the “old” Hardy/Upham school) and causes crowding issues (parking, traffic, safety, busing, playgrounds) at the site.
 - Sending all of the Hunnewell students to just one of the Hardy/Upham sites -- before or after redistricting - - could have significant impact on cross-town and neighborhood traffic.
 - Decisions made to accommodate a Late Hunnewell swing space scenario, a relatively short-term duration, might unintentionally impact the site selection process for the Hardy/Upham project. The SBC considers it more appropriate to select the best Hardy/Upham site, and situate the building on that site, based on more long term criteria used normally in such projects, such as educational programming, existing site conditions, environmental impact, transportation and parking requirements, sustainable building orientation, etc. Situating a new Hardy/Upham school such that it allows for two schools to operate on the same site could limit design options for the new school and compromise the larger goals.
 - In addition to the construction escalation expense, delaying construction of the Hunnewell school risks continued unforeseen and unpredictable repair costs, as well as possible classroom or school closings due to more significant or systemic failures of building systems, as evidenced in prior recent years.
- “Early Hunnewell” or “Internal Swing Space”: The School Department has determined that, due to significant decline in enrollment across the district, there is sufficient room available collectively in most of the other elementary schools (possibly excluding Schofield, due to its lack of capacity, or Upham, due to the room required for its SKILLS program). This plan uses that available space to accommodate grade-level cohorts of Hunnewell students during construction. The projected costs are \$3.5 million dollars for this swing space option, mostly due to additional buses and hiring of additional teachers for the TLC (Therapeutic Learning Center) program, as the TLC students will be split and moved by grade cohort as well, requiring the accompanying teachers.

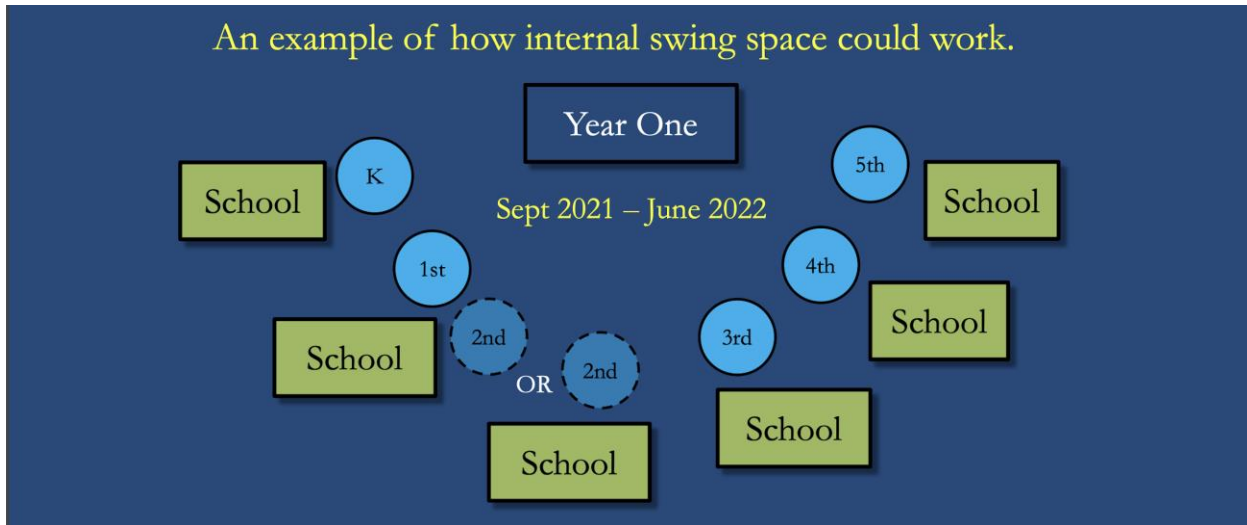
The School Department has maintained that classroom size guidelines will be followed and Hunnewell students will be kept together by grade level, not integrated fully into the other schools, as a way to keep as much of the Hunnewell school identity intact during the construction as is feasible.

The School Department plans to utilize the available space in this order of priority:

1. Class consolidation due to declining enrollment
2. Reclaiming former classrooms
3. Converting meeting space or specialized space into classrooms
4. Using either music or art rooms, while maintaining such programs by use of a rolling cart, etc.

School enrollments fluctuate up until the summer before the start of a new school year. As a result, exact classroom counts and class sizes are generally not finalized until weeks before the start of a school year. Determining exact cohorts for the Hunnewell internal swing space option would follow a similar timeline; however, an example of this “internal swing space” might look like this:

An example of how internal swing space could work.



After the first year of swing space, each host school will “move up” their host grade level to accommodate the rising Hunnewell students. In other words, as the Hunnewell students move up in grade level, they stay in their assigned school, while the Hunnewell teachers will move to the school which hosts their grade, rather than have the students move. In the Internal Swing Space model, redistricting would likely occur after both school construction projects are complete.

In some of the public forums to discuss the Hunnewell Swing Space proposals, there was support for Internal Swing Space, particularly at Hunnewell, to expedite the construction of the schools. But there were also concerns raised about: 1) potential crowding in the host schools; 2) concerns that the projected enrollment is inaccurate; 3) logistical difficulties for Hunnewell parents transporting their children to different schools; 4) traffic congestion due to Hunnewell parents driving around Town to drop off and pick up their children at various schools; and 5) busing efficiency questions. An equity issue was also raised about asking a school to host that may be forced to close in the later consolidation. Others in the forums wanted to delay the Hunnewell project until a town-wide plan was formulated that retained all three schools.

The School Department has expressed its confidence in the enrollment projections, which will be re-evaluated in the new study, and is prepared to make changes if the enrollment increases significantly more than predicted. It has also committed to work with the Hunnewell parents to address the logistical challenge of Hunnewell families with children in multiple elementary

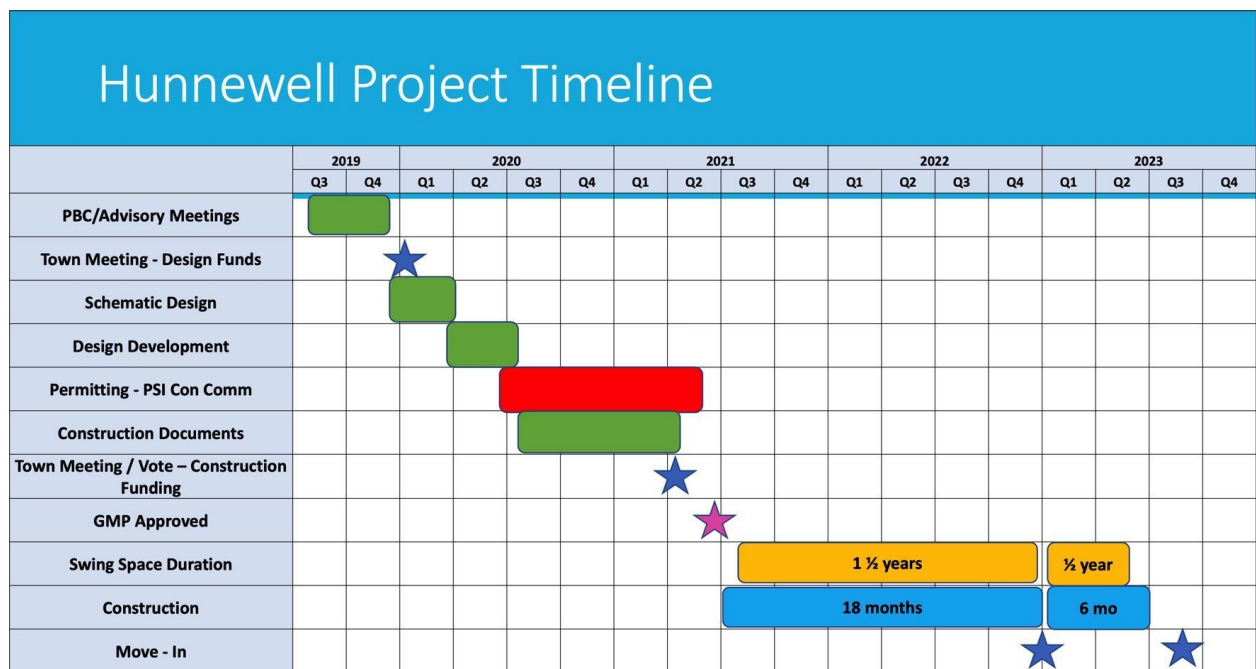
schools, based on their grades, possibly combining cohorts that have a high percentage of siblings. A strong transportation plan, encouraging buses and carpools, will be essential. Busing for Hunnewell students will be free during construction.

The principals of all seven schools and the school administration strongly preferred the internal swing space to the other options presented, and a petition signed by 110 families in the Hunnewell community supporting the Internal Swing Space was submitted to the SEL, SBC and SC on June 6, 2019.

For a cost comparison of the Internal vs. Late Hunnewell swing space options, please see Owner's Project Manager's Memo dated August 29, 2019, attached as Appendix C, and which can be found on the Town's website at:

<https://wellesleyma.gov/DocumentCenter/View/17713/Swing-Space-Memo-8-29-19-from-Compass>.

On October 1, 2019, the SC voted 4-1 to support Internal Swing Space as a viable option to move forward with as part of the Hunnewell Project and on October 3, 2019, the SBC voted unanimously to proceed with Internal Swing Space as the preferred swing space option. The Swing Space funding is anticipated to be voted on at the Annual Town Meeting in March 2021, along with funding for the Construction Phase of the new Hunnewell School. It is anticipated that these votes will occur at the same Town Meeting where a vote to fund the Final Design and Construction of the Hardy/Upham Project will occur. A complete Hunnewell Project Timeline is illustrated below:



Projected Tax Impact

The Hunnewell Schematic Design funds of \$4,680,000 would be borrowed within the levy, most likely for a five-year term with an anticipated 4% estimated interest. The full cost of the borrowing would result in a \$104 cost to the median (2019 values) tax bill. The Board of Selectmen can consider the application of other funds from free cash, debt budget, or redeployment of remaining funds from similar projects. If the total amount is reduced with the use of other funds, the impact to the median tax bill is reduced. A reduction of the borrowing by \$1,000,000 would reduce the median tax impact to \$82. The construction costs of a new Hunnewell School would be funded

through a debt exclusion. At present, the estimated cost of the project is \$52,853,000 which would be borrowed over 25 years with a 4% estimated interest. The tax impact would peak at \$391. In practice the Town does not borrow all the funds at once, but cash flows the project over time.

For context, the actual median tax bill (i.e., the tax bill for a home valued at \$1,126,000) is \$13,027 in FY19

Advisory Considerations

Advisory members expressed their respect and gratitude for the hard work of multiple Town committees and citizens over the course of several years in developing a plan for improving, renovating and/or replacing the Town's aging elementary schools. Over the course of the summer and fall, the Advisory Committee has received numerous emails from members of the public and has been presented with continuing updates on the work of the SC and SBC to address various issues surrounding the Hunnewell feasibility study and the various public forums that have been held about the project.

During Advisory's consideration and discussion of the request from the SC to approve the design funds for Hunnewell, concerns were raised by some members of Advisory with regard to the uncertainty of the process going forward and the divisiveness of the issue that was evident in public comments by members of the Town. The divisiveness was identified as rooted in an expressed desire to preserve three small elementary schools (Hardy, Upham and Hunnewell) rather than building two larger elementary schools (Hunnewell and Hardy or Upham) with a third school to be built only if enrollment warrants it.

Another divisive issue raised by the public and discussed by Advisory members was concern over the plan for internal swing space and the impact on population of the schools that would be utilized for housing Hunnewell students. Some Advisory members expressed support for moving forward with Hunnewell's design phase despite the need for using internal swing space, seeing it as a viable option that would be minimally disruptive. Though it is recognized by Advisory members that there could be an option for building a school behind Hardy or Upham to use as swing space for Hunnewell, it was also noted that plan contains a lot of uncertainty as to the timing of Hunnewell given the unknown elements of the MSBA process, and would require utilizing a school property for two school populations simultaneously, which would potentially cause significant traffic and parking problems. Reports from the SC confirm that there is currently no other viable option for swing space, as St. Paul's is no longer a possibility.

Some Advisory members expressed concern that the size of the proposed building on the current Hunnewell lot is too big for the property. Other Advisory members disagreed that the proposed plans created a building that was too large, noting that the amount of lot coverage that exceeds the current zoning restrictions is reasonable and that this would be a proper application of the Dover Amendment. The Dover Amendment allows for educational projects to be constructed where certain dimensional regulations are not satisfied, provided that such regulations are found to unreasonably interfere with the protected educational use. Town Counsel, during a presentation to Advisory, believed that the educational programming needs of the school could support a finding under the Dover Amendment that relevant dimensional regulations (such as open space) could be waived. The Zoning Board of Appeals will ultimately determine whether strict application of all dimensional regulations to the proposed building would be reasonable in light of the protections afforded this use under the Dover Amendment.

Some Advisory members also raised concerns over the traffic and parking issues that may be caused by a school with a larger population on such a small lot. It was noted that the current plan

approved by the SBC increases the amount of current parking and there are plans to utilize a portion of the Cameron lot to account for overflow. Some members of Advisory believe the current parking plans need more work, particularly with regard to protecting the Library's already overused parking lot and therefore the design phase should wait.

It was also noted that with regard to the size of the school, that the 2-story structure is comparable to the height of the Library and therefore not out of line with the buildings in that area of Town. It was also noted that the 19-classroom school model is supported by the teachers and the District's overall plan to have all the elementary schools be similar in size and population so the students can be evenly distributed throughout the District. It was also noted that the Hunnewell plan is in line with the size of both Bates and Sprague. It was also noted that several districts surrounding Wellesley have used the 3 classroom per grade model with great success.

Some concern was raised over the public comments regarding the lack of transparency with regard to the Hunnewell, Hardy and Upham projects. However, it was noted that there has been significant communication on the project to date, including emails, physical mailings, meetings, presentations, dedicated websites, and notices about all facets of the project. SC and SBC went around town and made it clear that people could go to any of the meetings to learn as much as they wanted about the project.

Some Advisory members also expressed support for moving ahead with the design phase for Hunnewell because of the age of the school having gone far beyond the 50-year cycle for an elementary school, the need to get our elementary school children into a better learning environment more quickly. It was noted that the people working on this project have done an outstanding job considering all the issues and have proposed potential solutions.

Some Advisory members expressed support for moving forward with the Hunnewell project because it was deemed fiscally responsible given the increase in costs to the Town if construction were delayed. Others were concerned about asking for a debt exclusion for more than one school from Town Meeting since the current timeline would require simultaneously seeking approval for both Hunnewell construction funds and funds for Hardy or Upham if the projects adhere to the current timelines.

Other advisory members expressed their desire to respect the fact that Town Meeting voted to begin the Hunnewell project when it voted to approve the funds for the Feasibility study, and that the plans, although not perfect, were in line with the objectives of the District and the School Committee in providing a quality education for all our children.

Although Advisory recognizes the challenges with the current plan, some Advisory members expressed their belief that the SC, SBC and PBC, along with the project management team, will be able to come up with the best solutions for the Town and our elementary school students through the design process.

Advisory recommends favorable action, 11-2.

ARTICLE 3. By signing below, I petition Town Meeting to authorize the Moderator to appoint and facilitate a Committee to evaluate the governance at the COA, including the treatment of the COA employees by the COA Board, and to report back to Town Meeting with the Committee's recommendations for governance of the COA going forward. The COA Director will report to the Executive Director of General Government Services until the Committee makes its recommendations and further action is taken by Town Meeting.

(Board of Selectmen)

As of the printing of this Advisory Report, the Advisory Committee had not yet had a presentation of this Article from the proponent, and therefore did not have sufficient information to discuss, consider and vote on the Article. Advisory will provide a Supplemental Report as necessary to Town Meeting Members at the STM.

No vote taken as of the printing of this Report.

APPENDIX A

Section 1: Executive Summary

Executive Summary

School Building Committee Charge

The School Building Committee (SBC) is composed of Wellesley residents and staff members with experience in education, architecture, construction, and Town government, including the Board of Selectmen, the School Committee, the Advisory Committee, and the Permanent Building Committee. Per the charge to the SBC, it is guided by all the priorities set forth in the School Committee Hardy, Hunnewell, and Upham Position Statement, particularly including the following items:

- The foremost priority is for facilities that best serve the elementary students of Wellesley by meeting their educational programming needs in the most fiscally responsible manner.
- The Hunnewell building does not meet modern standards for education, and simple renovations and upgrades to meet building code will not be sufficient to bring it up to those standards.
- Because of the inability to meet modern educational needs through renovations of the existing building, the Hunnewell should either be built new, or substantially rebuilt considering preservation of the historical façade and/or features of the existing building.
- The new or substantially rebuilt building should meet state standards as set forth by the Massachusetts School Building Authority (MSBA), including the appropriate types and sizes of learning spaces. In particular, supplemental learning spaces to complement traditional classrooms are critical in the delivery of academic supports for students.
- The new or rebuilt school should contain 19 grade-level classrooms, with the intent to accommodate three sections of students per grade (K-5), plus one additional classroom.

1.1 Introduction and Overview of Feasibility Study Process

In the ten-year period between 2008 and 2018, the District's elementary enrollment declined by approximately 300 students. According to two independent demographic studies, one by Matt Cropper Assoc. and the other done in October 2016 by FutureThink this decline is projected to continue. Four of the District's seven elementary schools have been remodeled and have capacities of 18 or 19 classrooms. The existing Hardy, Hunnewell & Upham (HHU) elementary schools have capacities of 17, 17, and

14 classrooms, respectively. But for the 2018-19 school year, the schools were using 14, 12, and 11 grade level classrooms, with other rooms used to support specialized programs and services for students. Numerous HHU studies have concluded that the physical conditions of the schools warrant major repair or full replacement.

This study started by undertaking a comprehensive



Existing Site

educational visioning and planning process bringing together elementary school teachers and staff, administration, curriculum specialists, members of the community, and appointed and elected board members representing numerous constituencies to develop a shared vision for the new Hunnewell school. This process included participation by all the District's elementary schools, ensuring that the design of the renovated or replaced schools would reflect the needs of and goals for the District's entire elementary school community. A comprehensive Hunnewell educational plan (following the MSBA's format) was developed and written by and for the staff and District and has served as an important guidepost for the design team and the community during this early conceptual planning phase. The educational plan, approved by the School Committee in March of 2019, has been integrated into Section 5 of this report.

The Educational Plan then served the design team during Educational Programming that included staff interviews, conceptual space planning and adjacency diagramming and is codified in the initial Space Summary using the MSBA format which is included in Section 5 of this report. The Educational Plan is a comprehensive overview of the school and District's needs and aspirations for a 21st Century facility and has many important components – but six points have resonated and strongly informed the design process and selection of the preferred option:

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- Neighborhood Learning Communities
- Flexible Spaces
- Indoor – Outdoor Connectivity
- Safety and Security
- Compact Design
- Sustainability

The Hunnewell School has a unique Wellesley Center location and is the only elementary school south of Washington Street on the western side of town. Given Wellesley's neighborhood school model, multiple committees have determined that a school should be maintained at the Hunnewell site. The Town is undertaking two elementary school projects, one at Hunnewell, to be funded entirely by the Town, and one at either Hardy or Upham, to be built in partnership with the MSBA.

Although Hunnewell is not an MSBA grant-eligible project, the Town has elected to follow the MSBA Feasibility Study process and standards as a general guide for the Hunnewell feasibility study. The new Hunnewell Elementary School is slated to be a 19-classroom school serving approximately 365 students in grades K-5. The 19th classroom, expected to be generally utilized as a STEAM lab, can be used as additional space during years of higher enrollment. There has been much discussion regarding the size and population of the planned Hunnewell school. The current enrollment is 256 students, and as recently as 2002, the enrollment was as high as 362 students in an 18-section school and 334 students as recently as 2008. The site has proven itself capable of handling the parking, traffic and play/learning spaces required for the planned school size.

At a Special Town Meeting on June 5, 2018, the Town of Wellesley voted to appropriate funding for a feasibility study of the Hunnewell Elementary School. The study would identify and study possible solutions and, through a collaborative process within the town, reach a mutually agreed upon solution.

The feasibility study process included numerous meetings of the School Building Committee, two joint meetings with the Board of Selectmen and School Committee, one joint meeting with the Sustainable Energy Committee, an educational visioning workshop, an "Eco-Charette" focused on sustainability, and three general community forums.

In addition, several focus group meetings were held to discuss sustainability, architecture and swing space. The complete Feasibility Study Work Plan has been included in the appendices. Meetings also were held with representatives from the Wellesley Free Library, the Wellesley Historical Commission, the Natural Resources Commission, the Wetlands Protection Committee, the Planning Director, and the Fire Department to review the study options at various intervals throughout the feasibility study.

1.2 Project Goals

The goals for the feasibility study of the Hunnewell School included but were not limited to: a full building study and site analysis, determination of programming needs, fit testing, analysis of swing space options, an environmental audit of the site and potential options, and a historic assessment of the existing school.

The completed study was intended to:

- Ensure support of the educational program, with goals of providing a world-class education for all students.
- Account for the need for swing space, including but not limited to the following options:

- Phased construction with the existing Hunnewell School used as swing space;
- Use of modular classrooms at multiple locations in Town
- Leased swing space (including St. Paul School and the Wellesley Village Church)
- “Internal” swing space utilizing space at other elementary schools
- Waiting until the Hardy/Upham project is complete and using a vacated building as swing space
- Assess the projected impact on traffic, pedestrian, and bicycle safety at major intersections along significant travel routes.
- Assess the historic elements of the Hunnewell School and the potential for incorporating segments of original structure, façade and/or architectural elements into the design.
- Include comprehensive data and analysis on the environmental impact of the project and provide the SBC with detail on the highest achievable opportunities for sustainability.
- Consider existing rules, regulations and bylaws, and engage with permitting boards.
- Include comprehensive construction, design, and “soft cost” estimates.

1.3 Summary of Updated Project Schedule

The project schedule currently anticipates Town approval to proceed into the design Schematic Design Phase.

Following schematic design through construction documents and Construction Manager at Risk (CMR) selection and bidding, the SBC will seek an appropriation of construction funds at Town Meeting, possibly as early as Spring 2021, with anticipated building occupation in either Winter 2023 or Fall 2023. A preliminary project schedule is included in this report (refer to Appendix). The schedule will continue to be updated as the design is developed.

1.4 Summary of Existing Conditions

The existing Hunnewell Elementary School is located at 28 Cameron Street, Wellesley, MA. The existing school was originally constructed in 1938, with additions in 1957 and 1995, and two modular classrooms added in 1993. The building has a total area of 36,441 gross square feet, including 2,257 GSF for the modular classrooms.

The site measures approximately 5.57 acres and has reached its development potential. The school building is located near the northwest corner of the site, with the area directly east and south of the building being occupied by play areas, paved court areas, and open lawn areas. The portion of the site beyond is undeveloped wooded riverfront associated with Fuller Brook and adjacent Simons Park. A bituminous parking lot with circulation loop is directly west of the building and is accessed from Cameron Street. The parking area for the building is located northwest of the building in the corner of the site. This parking area is accessed via the circulation loop as well as a cross-connection to the Wellesley Free Library parcel to the north.

In general, the building is accessible, in practice, however, there are specific building elements throughout that are not in full compliance with current accessibility codes and regulations. Through an evaluation of the existing conditions, most building systems have been determined to have exceeded their useful life.

During this feasibility study, two incidents occurred at the Hunnewell School impacting the delivery of education and disrupting the use of multiple classrooms. The first incident occurred in March 2019, when a column in the basement boiler room of the original 1938 section fully deteriorated, requiring major structural repair. The two second grade classrooms directly

SMMA

above the structural column were vacated during the repair period. The second incident occurred in May 2019, when a fire damaged two fourth grade classrooms in the 1957 wing. The school was reopened five days later, but the damaged classrooms were closed for the remaining two months of the school year, and extensive cleaning were required during the summer. A complete Existing Building Conditions report can be found in Section 3.

1.5 Summary of Final Evaluation of Alternatives

The SBC evaluated more than 10 addition/renovation and new construction options during a six-month period (November 2018 through May 2019). The final two options under consideration (one new construction and one addition/renovation utilizing the front portion of the 1938 building) were vetted in detail over the final six weeks of the study, and included in-depth cost analysis and energy modeling, as well as review of site plan and architectural alternatives to arrive at consensus among the three approving boards (School Building Committee, Board of Selectmen, and School Committee). Numerous criteria were discussed and used in the evaluation of the alternatives by the SBC. Supporting the Hunnewell Educational Plan was consistently referenced as the most important factor in determining a preferred solution. Other important considerations included sustainability/energy efficiency, cost, site planning, and historic interests.

1.6 Summary of Town's Preferred Solution for the Hunnewell Elementary School

The final concept voted by the School Building Committee on May 16th, 2019 and affirmed by the Board of Selectmen on June 17th and the School Committee on June 18th, 2019, is a two-story, approximately 75,000 GSF new building. This 19-section school has a potential design enrollment of 365 students. The new building concept selected was deemed most responsive to the goals set out in the district's Educational Plan, the Town's comprehensive and aspirational sustainability goals, the school's unique downtown location, and its fit on the compact, complex site.

The new building consists of three, 3-classroom learning "neighborhoods" on each floor, one for each grade K-5 and three per floor. The learning neighborhoods are accessible from a central corridor on each floor, thought of as "Main Street" for the school. Each classroom neighborhood has a common learning area at its heart, a cloak room upon entry, an adjacent toilet core, and nearby special education spaces. All classroom neighborhoods are located on the quieter northern and eastern sides of the school to take advantage of the relationship to the site and potential outdoor learning opportunities. The new plan has a welcoming, safe, and secure controlled entrance directly facing Cameron Street, drop-off and pickup areas, and the parking lot. During after-school hours, the cafetorium and gymnasium can be closed off from the rest of the school while remaining accessible for use by community groups. The gym exits directly toward Fuller Brook and the large active play spaces to the south and east of the school. The media center/library, STEAM, art, and music rooms are all centrally located on the second floor.

The SBC furthermore recommended that the new building be constructed to the standards of a Net Zero Ready (NZR) building with an energy use goal not to exceed 30 EUI (Energy Use Intensity). The roof will be designed to support photovoltaic (solar) panels, and these panels will be included in the design and construction of the new school project. It is understood that this quantity of PV panels is insufficient to make the new school fully Net Zero Energy (NZE) but that it will be an important and substantial contributor to offsetting the energy use and carbon emission reductions of the school. It is currently estimated that the rooftop PV panels will provide for 30 to 45% of the school's energy needs. Additional nearby PV panel locations may be sought out to offset the school's energy demand by the Town in the ensuing years.

On May 16th (and confirmed on June 13th) the SBC voted in favor of a parking scenario that increased the number of spaces on the Hunnewell site fully separating auto and bus circulation. An alternative refinement maximizing (within a reasonable limit) the number of parking spaces on the Hunnewell School site was also discussed and is included in this report as a basis for analysis during site design and permitting in the next phases of design. In this modified option, in addition to the 5 spaces currently allowed for use by the Wellesley Free Library and the 20 spaces allowed for use by the Board of Selectmen in the Cameron Street Lot, the plan provides 55 spaces on the site for a total of 80 parking spaces for schoolteachers, staff and visitors. Providing the additional spaces along with other site development on the Hunnewell site will cause the project to exceed the zoning requirement of 25% lot coverage maximum by approximately 5%; however, it is anticipated that the Town will seek relief from the 25% lot coverage maximum under the Dover Amendment when seeking a permit from the Zoning Board of Appeals during the Design Development phase of the project (refer to Appendix).

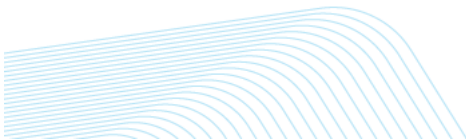
The preliminary estimated total project cost ranges from approximately \$55 million to \$58 million for new construction of a 19-classroom school. The detailed Project Cost Estimate is included in this report (refer to Appendix).

1.7 Summary of Sustainable Design and Resiliency Opportunities

The Town of Wellesley, through this feasibility study, has set high standards and goals for energy efficiency and sustainability for this project, and is in the process of developing similar guidelines for all subsequent Town projects in the coming years. The SBC has used MSBA-NE-CHPS and LEED-S scorecard standards as a guide for the many components that make up a sustainable and healthy building for students, teachers, and the community. With both the new construction (NC) and addition/renovation (A/R) options, the projected EUI (Energy Use Intensity) rating is anticipated to be lower than the initial target of 30 EUI that was set out as a goal for the study. The projected EUI for the new construction option was approximately 7% lower than the EUI for addition/renovation, at an estimated 26.4 EUI versus an estimated 28.4 EUI.

One of the key components of this study has been the in-depth analysis of the capability of the new facility to generate enough energy through renewable sources of power on-site, as well as potentially at adjacent town parcels (TBD), to become one of the Commonwealth's first truly Net Zero Energy (NZE) or Net Zero Ready (NZR) public schools. The design team sought input from many constituent groups in the community through a green design "Eco-Charette," community outreach meetings, consultation with the Town's Sustainable Energy Committee, Municipal Light Plant, and others. To be effective, early energy modeling requires careful input and thoughtful analysis; many unknowns remain at the early design stages of any building project. The design team modeled eight distinct energy models as a proof of concept: two base options compared the addition/renovation option against an all new construction building. Three different HVAC (mechanical) systems were then modeled for both addition/renovation and new construction options. Evaluation of these systems in the new construction option will continue in further depth during Schematic Design, at which time an option will be selected after careful vetting.

Successful sustainable design requires attention and participation by all parties throughout design process. For additional information on this important Town criterion, see Section 6.



1.8 Summary of Town's Preferred Solution for Swing Space

Determining an adequate, cost effective and supportable place to house the students of the Hunnewell School during construction (i.e. swing space) has been an ongoing challenge since master planning for the Hardy, Hunnewell, and Upham schools began.

Since 2014, approximately 24 unique options have been studied by the Town and various consultants. The complex and tight boundaries of the buildable area on the Hunnewell site limit solutions, due to the size of the site and significant restrictions for riverfront setback and wetlands protection. Options most often available to other suburban communities, such as constructing a new building next to an occupied facility or doing phased additions and renovations, are not feasible in this project. A number of variations on housing the full school at other locations, including vacant school sites (both in town and in surrounding communities) and the use of modular facilities placed on vacant land or adjacent to occupied schools, have been considered.

There is considerable interest, particularly within the Hunnewell community, in swing space options that allow the Hunnewell project to proceed independently of the Hardy/Upham project. The SBC and the District will continue to develop the remaining viable swing space options during the summer months, with the intent to re-engage the community on those options in the early fall.

The remaining options are summarized as follows:

Early Hunnewell Options

(January or September 2023 New School Opening):

In these scenarios, the Hunnewell school would continue through immediate design and construction phases, independent of the progress and completion of the Hardy/Upham project.

1. The renovation and use of the St. Paul School and Parish Hall.
2. An "internal swing space" plan utilizing other District elementary school classrooms (and/or other available spaces) due to the declining district-wide elementary school enrollment. This plan would call for the placement of one or two grades (two or four classrooms) in four to six of the other elementary schools: Bates, Fiske, Hardy, Schofield, Sprague, and Upham, depending on space availability and other factors.

Late Hunnewell Options

(January or September 2026 New School Opening):

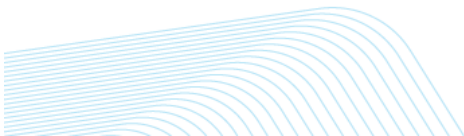
In these scenarios, the Hunnewell project would wait for the completion of the Hardy/Upham project (currently projected for completion in 2024).

1. Redistricting into six attendance zones at the completion of the Hardy/Upham project, using the new Hardy or new Upham school to house those students, while both the old Hardy and old Upham schools are kept in service for use by half of the Hunnewell students (new, larger population) in each school. This would require operating two independent schools on one site (either Hardy or Upham) during the construction of the Hunnewell school and would delay demolition of the old school on that site until the completion of the Hunnewell project.

Section 1: Executive Summary

2. Redistricting into six attendance zones at the completion of the Hardy/Upham project, demolishing the old school on the site where the new school is built, and maintaining the building on the site of the closed school to house Hunnewell students. In this case, up to six modular classrooms would be added to the closed school to accommodate the new, larger Hunnewell attendance zone, with a student population of 350 to 375 students.
3. Maintaining seven attendance zones until the completion of the Hunnewell School, using the new Hardy or new Upham to house that attendance zone's current, school population, while maintaining the old Hardy and Upham, continuing to house the current population at one and the Hunnewell students at the other. This would require operating two independent schools on one site (either Hardy or Upham) during the construction of the Hunnewell school and would delay demolition of the old school on that site until the completion of the Hunnewell project.

Section 7 has been reserved for the Swing Space Study Analysis and Conclusions. Since this portion of the study is still in progress, Section 7 is currently a blank placeholder only. The full report will be reissued after completion of the Swing Space Study in the Fall of 2019.



APPENDIX B:



J. Raymond Miyares Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill
Rebekah Lacey Bryan Bertram Ivria Glass Fried Alexandra B. Rubin Katherine E. Stock

September 19, 2019

Permanent Building Committee
Wellesley Town Hall
525 Washington Street
Wellesley, MA 02482

RE: *Hunnewell Elementary School; Zoning Requirements*

Dear Members of the PBC,

You have asked (1) whether and to what extent the Town's Zoning Bylaw applies to the School Department's proposed use of 28 Cameron Street, the Hunnewell School property, and (2) whether the project proponents should obtain a variance in order to construct the project. As described in detail below, the proposed school is protected by the Dover Amendment to the *Zoning Act*. Therefore, the Town may not prohibit or restrict the use of land for educational purposes through its municipal zoning power, but it can apply the dimensional regulations that are contained in the Zoning Bylaw unless they are determined to be unreasonable. Additionally, given that the use is protected by the Dover Amendment, a variance is not recommended in this case.

I. Dover Amendment

What is commonly referred to as the Dover Amendment, Section 3 of the *Zoning Act*, M.G.L. c.40A, affords certain protections to educational uses. Specifically, Section 3, paragraph 2, states that no ordinance or bylaw shall:

[P]rohibit, regulate or restrict the use of land or structures for...educational purposes on land owned or leased by the commonwealth or any of its [political] subdivisions...; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

The Dover Amendment seeks to strike a balance between preventing local discrimination against an educational use and honoring legitimate municipal concerns. *Trustees of Tufts College v. City of*

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Local options at work

Medford, 415 Mass. 753, 757 (1993). With that basic principal in mind, Courts have found two types of zoning provisions to be invalid:

[F]irst, those that facially discriminate against the use of land for educational purposes, whether by way of prohibition... or by way of site plan requirements... or special permit requirements...; and, second, those that, although cast in the form of nondiscriminatory dimensional or parking space requirements, have the practical effect of nullifying the use exemption permitted to an educational institution.

Trustees of Tufts Coll. v. City of Medford, 33 Mass. App. Ct. 580, 581-582 (1992).

a. Special Permit Requirements

Courts have found special permit requirements that effectively prohibit educational uses to be invalid under Section 3. See, *The Bible Speaks v. Bd. of Appeals of Lenox*, 8 Mass. App. Ct. 19, 33 (1979) (“The Legislature did not intend to impose special permit requirements, designed under c. 40A, s 9, to accommodate uses not permitted as of right in a particular zoning district, on legitimate educational uses which have been expressly authorized to exist as of right in any zone”); *Commissioner of Code Inspection of Worcester v. Worcester Dynamy, Inc.*, 11 Mass. App. Ct. 97, 100 (1980); *Gardner-Athol Area Mental Health Assn. v. ZBA of Gardner*, 401 Mass. 12, 13, n.3 (1987). A special permit process that provides the permitting body with a “considerable measure of discretionary authority over an educational institution’s use of its facilities and create[s] a scheme of land use regulations for such institutions which [are] antithetical to the limitations on municipal zoning power” may be deemed invalid. Such a grant of discretion would allow the permitting body to impose limitations that would nullify or diminish the institution's entitlement to growth.

But while special permit processes that grant unfettered discretion concerning a protected use may be invalid, simply requiring an educational use to apply for a special permit is appropriate. In *Trustees of Boston College*, 58 Mass. App. Ct. at 800, the Court declined to declare the special permit process “invalid in all circumstances involving educational institutions,” but instead indicated that a municipality cannot apply the procedure in a way that undermines or nullifies the exemption afforded to educational institutions.¹ Courts have upheld the issuance of special permits for educational institutions on appeal. See *Watros v. Greater Lynn Mental Health and Retardation*

¹ Furthermore, in addition to protecting educational uses, the Dover Amendment also precludes a municipality from “requir[ing] a special permit” with regard to agricultural uses and child care facilities. M.G.L. c.40A, §3, ¶¶1, 3. Section 3, paragraph 2, does not contain a similar explicit prohibition against the imposition of a special permit process for educational uses, suggesting a legislative intent to allow for some form of permitting for educational uses.

Association, Inc., 421 Mass. 106 (1995) (upholding the issuance of a special permit to construct a home for individuals with intellectual disabilities); *Trustees of Boston College, supra*.

Practically speaking, this means that educational institutions typically apply for a special permit where required to do so by the local zoning bylaw, with the comfort that the permit granting authority (1) can only require compliance with reasonable dimensional requirements, and (2) likely cannot deny the special permit outright without violating §3. There is precedent for this approach in Town: In 2004, the Town of Wellesley Public Schools and the Permanent Building Committee applied to the Zoning Board of Appeals (“ZBA”) for a special permit authorizing construction of the Fiske Elementary and Pre-School Campus (decision attached as Exhibit 1). The ZBA granted the special permit authorizing the use and, as discussed in more detail below, made findings as to which dimensional regulations would be unreasonable as applied to that use.

b. Dimensional Requirements

As noted above, the Town is not precluded from applying the dimensional regulations contained in its Zoning Bylaw to educational uses, provided that these dimensional regulations are reasonable as applied. Legitimate municipal purposes sought to be achieved by local zoning, such as promoting public health or safety, or preserving the character of an adjacent neighborhood, may be permissibly enforced, consistent with the Dover Amendment, against an educational use. The Town may also request that the applicant revise its plans to comply with applicable dimensional requirements, so long as the applicable requirement is shown to be related to a legitimate municipal concern, and its application bears a rational relationship to the perceived concern.

However, a requirement that results in “something less than nullification of a proposed educational use may be unreasonable within the meaning of the Dover Amendment.” *Trustees of Tufts College v. City of Medford*, 415 Mass. at 758. Educational institutions challenging the reasonableness of a zoning requirement bear the burden of providing that the local requirements are unreasonable as applied to the proposed project. “The educational institution might do so by demonstrating that compliance would substantially diminish or detract from the usefulness of a proposed structure, or impair the character of the institution’s campus, without appreciably advancing the municipality’s legitimate concerns.” *Id.* at 759. “Excessive cost of compliance with a requirement imposed on an educational institution, without significant gain in terms of municipal concerns, might also qualify as unreasonable regulation of an educational use.” *Id.* 759-60. “When compliance will involve no significant cost or other hardship to an educational institution, and does not interfere to any appreciable extent with the institution’s plan, the institution has failed to make out a case that the requirement, as applied, is unreasonable.” *Id.* at 763.

The question of reasonableness of a local zoning requirement, as applied to a proposed educational use, will depend on the facts of each case. Courts that are asked to adjudicate the reasonableness of a particular regulation are therefore required to engage in and make “extensive and comprehensive findings of fact.” *Trustees of Boston College, supra* at 796.

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Local options at work

In the case of the Fiske Elementary and Pre-School Campus project in 2004, the project failed to comply with the front yard depth, the side yard width, and the open space ratio enumerated in the Zoning Bylaw.² The ZBA found that the project balanced the educational needs of the pre-school students, the current and future number of pre-school students, the size of the buildings to accommodate those students, and the requirements of the Town's Zoning Bylaw and concluded that requiring strict compliance with these dimensional and open space requirements of the bylaw would be unreasonable given the clear educational needs of the Town.

II. Permitting Requirements

The Hunnewell School is located in the Single Residence 10 District. See Zoning Bylaw, Section 2. The Zoning Bylaw requires educational uses within the SR10 District to obtain a special permit from the Planning Board and ZBA for a project triggering Project Approval under Section 16A. Subject to the limitations discussed above, the project therefore requires a special permit.

Educational uses within the SR10 District must comply with specific dimensional requirements applicable only to educational uses. Section 2.A. Generally, those restrictions may be summarized as follows:

- Maximum height shall be three stories or 40 feet;
- Minimum frontage shall be 100 feet;
- Minimum lot area shall be 10,000 square feet;
- Minimum side yard shall be 50 feet;
- Minimum front yard shall have a width of 100 feet and a depth of 50 feet;
- Minimum open space shall be 75% of the lot area; and
- Sufficient off-street parking shall be provided so that no vehicle will be required to park on any street (the provisions of Section 21, Subpart 3, Development Standards shall apply to any parking lot constructed).

As currently proposed the project will comply with all dimensional requirements except for the open space requirement. The proposed open space is calculated to be between 65% and 70%, depending on the final plan selected. Additionally, as proposed, there will be 55 onsite parking spaces, with an agreement to dedicate an additional 25 spots in the Cameron Street parking lot for school use.

² The minimum side yard set in the district is 50 feet. The proposed building side yard was 21 feet. The minimum front yard setback in the district is 50 feet. The proposed building setback was 31 feet. The minimum open space requirement in the district is 75%. The proposed open space was calculated to be 73.6%.

Therefore, the project proponents will need to demonstrate that these local requirements are unreasonable as applied to the proposed project. As to the open space requirement, the lot is very small and there is a significant need to provide educational services to a larger number of students. Based on our review of the case law, it would be reasonable for the special permit granting authority to conclude that requiring 75% open space would greatly diminish the usefulness of the new school facility, without appreciably advancing the municipality's legitimate concerns regarding open space protection. Furthermore, increasing the height of the building may not only run afoul of the height requirement in the district, but may also be prohibitively expensive. Accordingly, it is possible that the project proponents could demonstrate to a court of law that strict compliance with the open space requirement is unreasonable.

The same analysis applies to the seemingly *discretionary* obligation to provide sufficient offstreet parking. Requiring additional onsite parking would decrease the amount of open space on the site. While the special permit granting authority and the project proponent can work together to find an appropriate balance between the need for open space and the need to provide parking, the project cannot be denied for lack of parking where the proposal provides at least a sufficient number of spaces to generally advance the municipality's legitimate zoning interest.

Here, the school administration asserts that 65 spaces would be needed to address the needs of the teachers, parents, and students. 55 spaces will be provided onsite, with an additional 25 spaces available offsite pursuant to an agreement with the Board of Selectmen (80 offstreet parking spaces total). Without competing evidence of a greater parking demand for this use, a court would likely find it unreasonable to require additional parking spaces be made available when the school administration represents that the number available meets its need.

III. Variance

M.G.L. c.40A, §10 governs the issuance of a variance from a local zoning ordinance or bylaws. A variance represents a waiver of rules adopted by the local legislative body. Unlike a special permit, a variance is used to authorize an otherwise prohibited use or to loosen dimensional requirements otherwise applicable to a structure. Courts have held that “[i]t is only in rare instances and under exceptional circumstances that relaxation of the general restrictions established by the statute ought to be permitted.” *Norcross v. Bd. of Appeal of the Bldg. Dep’t of the City of Boston*, 255 Mass. 177, 185 (1926). “The power granted is only for the relief of specific instances, peculiar in their nature.” *Id.*

Pursuant to Section 24.D, the Zoning Board of Appeals may grant a variance from the terms of the Zoning Bylaw where the ZBA specifically finds that:

1. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to:
 - (i) soil conditions,

- (ii) shape,
 - (iii) topography of such land or structures,
- especially affecting such land or structures but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created; and
2. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw.³

The decision of the ZBA cannot stand unless all of the factors have been considered and met. *Planning Bd. of Springfield v. Bd. of Appeals of Springfield*, 355 Mas. 460 (1969). The ZBA assigns three member panels to variance applications. A concurring vote of all three members is therefore necessary to effectuate any variance in the application of the Zoning Bylaw.

Turning to the facts at hand, it does not appear that the soil condition or topographical features of the site are impacting the ability of the project proponent to construct the school on the Hunnewell site. Furthermore, while the lot may be smaller than desired, Courts have distinguished between the size of the lot and the shape of a lot for purposes of obtaining a variance. *Shaffer v. ZBA of Scituate*, 24 Mass. App. Ct. 966, 967 (1987) (“The ‘shape’ of a lot is not be confused with its ‘size’.”). Generally, a lot lacking sufficient area is not eligible for a variance based solely on its size. See, e.g., *Bruzzese v. Bd. of Appeals of Hingham*, 343 Mass. 421 (1962); *Mitchell v. Bd. of Appeals of Revere*, 27 Mass. App. Ct. 1119, 1120 (1989) (Where “hardship arises solely from the fact that the lot is too small to qualify as a buildable lot under the zoning ordinance, ... §10 gives the board of appeal no authority to grant a variance.”). Given that the proposed project qualifies for the protections of the Dover Amendment in the form of a finding that one or more dimensional regulations are unreasonable as applied to the educational use, I would not recommend seeking a variance, which requires a unique condition relating to matters (soil, shape or topography) entirely unrelated to the educational use of the site.⁴

³ M.G.L. c.40A, §10 governs the issuance of variances by the permit granting authority. The Town's bylaw merely restates the statutory standard for granting the requested relief that is established in the Act.

⁴ It is also worth noting that a permit granting authority cannot require a protected educational use to obtain a variance in order to accommodate the proposed use if the zoning bylaw has been deemed unreasonable as to the proposed use. *Trustees of Tufts College v. City of Medford*, 415 Mass. 753, 760 and 764, fn.12 (1993). However, “if a variance is granted at the request of an educational institution, and not challenged by an aggrieved party within the time period permitted by statute, the variance cannot thereafter be attacked as improper.” *Id.* at 760, fn. 9.

Permanent Building Committee
September 19, 2019
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Please let me know if you have any questions.

Sincerely,



Thomas J. Harrington

APPENDIX C:



Memorandum

To: Wellesley's School Building Committee, Permanent Building Committee & FMD
From: Jeff D'Amico
Date: August 29, 2019
Project: Hunnewell Elementary School
Subject: Swing Space for the Construction of the New Hunnewell School

Swing Space for the Construction of the New Hunnewell School

Introduction

As the new Hunnewell Elementary School will largely be constructed on the footprint of the old school, the School Building Committee was required to locate suitable temporary space for the students displaced by the construction. Over twenty different options were analyzed over the past two years, including in-depth analysis on three potential off-site locations. For a variety of reasons, only two options remain under consideration: Internal Swing Space (ISS) - using classroom capacity in some or all of the other elementary schools to commence immediately with the new Hunnewell school (completion 2023); and Late Hunnewell - completing the Hardy / Upham project first (completion 2024) and using the vacated school as swing space for construction of Hunnewell (completion 2026).

Approach to Education

Under either scenario, the educational program will be equivalent for all Wellesley school children.

Internal Swing Space: Based on current projections, the Wellesley Public Schools (WPS) expects space to be available in four to six of the remaining elementary schools in 2021, the planned start of construction. In order to foster cohesiveness, the plan would entail relocating a whole grade level to a dedicated school. Although WPS cannot currently definitively identify which schools will house which grades, it expects to be able to do so by the end of 2020, when final enrollment data is available. This will allow eight months of notice to the elementary school community. Under the ISS scenario, the Therapeutic Learning Center (TLC) program currently housed at Hunnewell would be supported in each of the host schools.

Late Hunnewell: Upon completion of the Hardy / Upham project, the Town would need to decide on one of two fundamental approaches (with variations that depend upon which school is replaced as determined in the H/U Feasibility Study.) Under the first scenario, redistricting would occur upon the completion of the new H/U school, such that use of the vacated school would require the addition of modular classrooms in order to accommodate the increased population. Under the second scenario,

redistricting would wait until completion of the new Hunnewell school so that modular classrooms would not be required. However, in order to accommodate the expected population in this scenario, both the old Hardy and Upham schools would need to remain in service meaning that one site would house two schools: the old school and the new school.

Projected Costs

The projected costs are \$3.3 to \$3.5 million for ISS and \$10 million to \$11 million for Late Hunnewell (based on escalation assumptions discussed below). **It is estimated that the premium for Late Hunnewell would cost approximately \$6.5 million (in 2019 dollars) more than Internal Swing Space.**

Internal Swing Space: The primary cost driver for Internal Swing Space is additional busing costs necessitated to endeavor to limit commute times to 38 minutes or less (the current maximum time). These costs total approximately \$1,430,000. The second major cost driver is expenses associated with maintaining a special needs program in each of the impacted schools known as the Therapeutic Learning Center (TLC). That program is currently housed exclusively at the Hunnewell school. The entire cost of ISS is itemized below in detail:

INTERNAL SWING SPACE COST DETAIL		
ITEM	COST	DESCRIPTION
Building Construction	\$ 100,000	New partitions, FFE and other small renovations
Site Work	\$ 150,000	Minor site modifications and striping at pickup/ drop off to accommodate added bus & parent drop off
Signage	\$ 50,000	Signage in district to provide way-finding
Police Details	\$ 100,000	Added police details until patterns have settled
Consultants - Architect	\$ 100,000	Bid documents for above
Consultants – Traffic	\$ 60,000	Possible additional traffic studies at sites
Consultant – OPM	\$ 30,000	Project management
Added Busing	\$1,430,000	Six (6) added buses and three (3) TLC vans – 2 years includes bus monitors and added before school program
TLC	\$ 800,000	Dedicated TLC teachers at each swing school –4 more staff members for 2 years
WPS Other Admin Cost	\$ 200,000	WPS contingency to address other misc. staffing costs, added vans or other items that may be needed as the detail of this option is developed further with staff, parents and the public for feedback.
Moving	\$ 150,000	Two moves - in and out of schools, interim move and storage containers
Misc. Admin	\$ 50,000	Possible costs for permitting and other miscellaneous costs
Contingency	\$ 280,000	8.5% of total budget
TOTAL	\$3,500,000	

Late Hunnewell: The primary cost driver for the Late Hunnewell is the increase in construction and demolition costs (inflation/escalation) for the Hunnewell project due to the three-year delay in the start of construction. Additionally, the cost for delaying the demolition of the existing school (either Hardy or Upham) that will be used for swing space, will likewise be subjected to increase due to escalation. *It should be noted that projecting construction inflation beyond one year is highly speculative. Construction inflation is far more volatile than consumer inflation, and most large consumers of construction (developers, universities, hospitals, public agencies, etc.) use various sources to try to predict that cost. One leading, local source is the Turner Construction Cost Index (TCCI), which is specific to the Boston market and utilizes several indicators to support its projection. Turner Construction is the 3rd largest Contractor in the country with a major presence in the Boston area market. The average of the TCCI for the Boston market over the past four years is 4.8%. We used 4.3% a number slightly under that average was used to project the increase for the Hunnewell school project of \$6.3 million – assuming it is delayed for three years to wait for the new school developed under the Upham feasibility study. Additionally, the two-year delay to the demolition of the vacated Hardy or Upham will increase that cost by \$1 million inclusive of site work premiums of maintaining two distinct school drop-offs on one site and some further escalation for demolition and abatement. It should be noted, however, that in July of 2019, TCCI revised its for 2019/20 escalation projection to a broad range of 5.3 to 6.8%. As we are projecting for a period of three years (delaying construction start of Hunnewell from 2021 to 2024 and demolition old Hardy or Upham from 2024 to 2026) we have used a number (4.3) below the historical average (4.8%) to account for a possible cyclical slowdown in the economy. However, if that slowdown does not occur or is relatively mild, **it is possible that inflation could actually amount to \$2 to 4 million more than we have projected.** If that were to materialize, the cost difference between Internal Swing Space and Late Hunnewell would expand to \$10 to 11 million. Based on the 4.3% escalation rate, the entire cost of Late Hunnewell is:*

LATE HUNNEWELL COST DETAIL		
ITEM	COST	DESCRIPTION
Escalation of Hunnewell	\$6,300,000	Based on current estimated construction cost of \$47M
Temporary Site work and Escalation of Delayed Demo of Hardy or Upham	\$1,000,000	This include \$650,000 in temporary site work premiums for temp roadways parking lots, signage, earthwork grading, etc. and about \$350,000 in escalation on the demolition cost
Consultant Fees	\$ 300,000	Two site plans – interim and final – will be developed, traffic report, permitting reviews,
Added Busing	\$ 900,000	Providing free bussing to all Hunnewell students to one or two schools.
Escalation of Soft Costs	\$1,400,000	A lower 3.9% escalation on estimated soft costs of \$11M
TOTAL	\$9,900,000	*If administration decides to redistrict before completion of Late Hunnewell– costs would increase by \$1,000,000 due to needed modulars

APPENDIX D: GUIDELINES FOR CONDUCT OF WELLESLEY REPRESENTATIVE TOWN MEETING

I. INTRODUCTION

The purpose of Wellesley Town Meeting (the "Meeting") is to reach decisions with respect to the matters brought before the Meeting by a democratic process. The process should not be partisan or adversarial. Rather it should demonstrate an effort by the elected representatives of the Town in open discussion, free from technicalities of parliamentary procedure, to establish constructive policies for the government of the Town. The Meeting depends for its effectiveness on familiarity of the Town Meeting Members with the matters before the Meeting and upon their ability to rely one upon the other and upon their elected or appointed boards and committees.

All who speak to the Meeting or prepare

to it should seek to be worthy of this trust. Proponents of action should make full and fair disclosure of all facts and considerations bearing on a problem, not merely those favoring their proposal. On the other hand, those opposed to a proposal should make their opposition known to the sponsors as soon as possible, rather than seeking to succeed by surprise at the Meeting. Negotiations prior to Town Meeting are more likely than debate at Town Meeting to clarify the issues and to produce solutions that will receive the support of the Meeting as a whole.

The great diversity among the residents of the Town often will lead to differences with respect to the matter before the Meeting. The good faith of no one should be questioned; rather, there should be a cooperative effort to find solutions that are reasonably responsive to the needs of all.

The Meeting shall abide by the laws of the Commonwealth including the prohibitions of smoking and carrying firearms on school property.

The following guidelines are intended to inform and guide those who participate in the Meeting and, thus, to assist in its orderly conduct. These guidelines, except to the extent that they embody statutes and Town Bylaws, are not intended as rules having legal effect.

II. PARTICIPANTS IN THE MEETING

A. *Public Meeting* - The Town Meeting is a public meeting and may be attended by all. Since only the Members may make motions and vote thereon, they are seated separately from non-members.

B. *Quorum* - A majority of the Town Meeting Members shall constitute a quorum for doing business; but a lesser number may adjourn the Meeting to another time.

C. *Moderator* - The Moderator shall preside at the Meeting and shall regulate the proceedings and decide all questions of order.

No one shall distribute any material at Town Meeting except with permission of the Moderator.

The Moderator may appoint persons to assist in the conduct of the Meeting, including determination of the vote of the Meeting.

If the Moderator is absent or cannot act, a Moderator Pro Tempore may be elected by the Meeting, the Town Clerk to preside at such election.

The Moderator shall not be an elected Town Meeting Member and shall not vote with respect to any matters before the Meeting. A Town Meeting Member may be a Moderator Pro Tempore, but shall not vote while presiding at the Meeting.

- D. Clerk** - The Town Clerk shall determine the presence of a quorum and shall maintain the records of the Meeting, including the results of all votes and other action taken at the Meeting. If there is no Town Clerk, or if the Town Clerk is absent from the Meeting, the Meeting shall elect another person (usually the Assistant Town Clerk) to act as temporary Clerk of the Meeting.

The Town Clerk shall not be an elected Town Meeting Member and shall not vote with respect to any matters before the Meeting. A Town Meeting Member may be Temporary Clerk, but shall not vote while acting as Clerk of the Meeting.

- E. Town Counsel** - Town Counsel shall be present at all Meetings and, upon request, shall advise the Moderator and any Member or other person present with respect to any pertinent question of law on which his or her opinion is requested. Such opinion is advisory only and not binding upon the Town, any person or the Meeting. If Town Counsel is unable to attend, the Selectmen shall designate another attorney as Acting Town Counsel to perform those duties at the Meeting.

Town Counsel shall not be an elected Town Meeting Member and shall not vote with respect to any matter before the Meeting. A Town Meeting Member may be Acting Counsel, but shall not vote while so acting.

- F. Tellers** - The Moderator shall appoint Town Meeting Members as Tellers for the purpose of counting the votes of the Meeting. Such appointments may, in the Moderator's discretion, be effective for more than one session of any Meeting. The Tellers shall report the results of their count of the section of the Meeting assigned to them, indicating the number in favor of the motion, the number opposed, and, if so instructed by the Moderator, the number abstaining and such shall be announced to the Meeting and maintained with the records of the Meeting. Tellers may vote on any question on which they act as Tellers, but any Teller who decides to participate in the debate of a question should request the Moderator to appoint another Teller to count the vote on that question.

III. MOTIONS

- A. Need for Motion** - Action by the Meeting is taken solely by a vote of the Meeting on a motion duly made at the Meeting.
- B. Subject of Motions** - Except for such matters as resolutions recognizing individual achievements and the like, no motion shall be entertained by Town Meeting unless the subject thereof is contained within the Warrant. The Moderator shall determine whether a motion is "within the scope of the warrant," that is, whether the warrant gave adequate notice that the action proposed by the motion might be taken at the Meeting. Motions may propose action at variance with that desired by the sponsor of the article. Such motions may, for example, propose the establishment of a guideline, referral to an existing board or committee or one to be established; but all such motions are proper only if "within the scope of the warrant" as determined by the Moderator.

C. Order of Consideration - All articles shall be considered in the order in which they appear in the warrant, unless the Moderator in his/her discretion or the Meeting by majority vote changes the order. Where there are a number of motions relating to a project calling for the expenditure of funds, the motion calling for the expenditure of the largest sum shall be the first put to vote, unless the Moderator in his/her discretion decides to change the order.

D. Formal Requirements - Motions can be made only by a Member of the Meeting. All motions other than procedural motions must be in writing signed by the sponsoring Member. No seconds are needed for any motion.

Sponsors of motions are required to submit their motions to the Selectmen by a date specified by the Selectmen. The motions must also be submitted to the Moderator and the Chair of the Advisory Committee. The exact form of any motion or amendment must either be distributed to Town Meeting Members or projected on a screen at Town Meeting before a vote thereon can be taken.

After the initial call to order of any Annual or Special Town Meeting, if a proponent informs the Moderator of an intention to present an amendment or substitute motion or resolution, notice of the action and the text must be made available to Town Meeting Members before action is taken on the article to which it relates.

E. Notice to Moderator - Every person who prior to the Meeting has decided to make a motion with respect to an article should inform the Moderator and the Chair of the Advisory Committee prior to the Meeting or, if the decision to make a motion is reached only during the Meeting, as early as convenient thereafter.

F. Reconsideration - Motions to reconsider any action shall be entertained only if in the view of the Moderator there is reason to suppose that Members may have changed their minds. The Moderator may rule that any motion is a motion for reconsideration if it is not substantially different from a motion previously voted upon.

No action taken at any session of a Town Meeting shall be reconsidered at any subsequent session, unless notice of intention to move for reconsideration shall have been given at the session at which such action was taken. If action taken at the final session is to be reconsidered, debate and a vote on a motion for reconsideration may occur at the same session only after all articles have been acted upon unless, in the Moderators discretion, debate and a vote on the motion at an earlier point in the session would expedite the conduct of the session. Any vote that requires more than a simple majority for passage shall require a 3/5ths vote in order to be reconsidered by Town Meeting.

IV. DEBATE

A. Persons Authorized - All residents of Wellesley, whether or not Town Meeting Members or registered voters, may address the Meeting. Non-residents may address the Meeting with the approval of the Moderator or a majority of the Meeting.

B. Permission of the Moderator - Persons wishing to address the Meeting shall raise their hands or stand and wait until they are recognized by the Moderator and no one shall address the Meeting without first requesting and receiving the permission of the Moderator.

C. Identification of Speaker - Each person addressing the Meeting shall begin by stating his or her name and precinct if a resident of Wellesley or place of residence if a non-resident.

D. Conduct - All remarks should be limited to the subject then under discussion. It is improper to indulge in references to personalities and all expressions of approval or disapproval, such as applause or booing, are out of order.

The Moderator may request any person to keep silent. If, after a warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order such person to withdraw and, if he or she fails to withdraw, may order a police officer to remove such person from the Meeting.

E. Personal or Financial Interest - Individuals who have a personal or financial interest with respect to a matter may speak or vote thereon but should frankly disclose their interest before speaking. However, no Town Meeting Member should accept compensation for speaking to or voting at the Meeting.

F. Time - There is no time limit to the debate of any question. Accordingly, motions to limit time for debate or to call the question are not in order. However, each individual who speaks to the Meeting should make an effort to be as brief as possible, out of consideration for the others attending the Meeting and the need to give adequate time to all matters coming before it. The Moderator may request that all persons who intend to speak for more than five minutes give him/her notice before the start of the session.

G. Repeated Speaking - In order to give all a fair opportunity to speak, no one who has addressed the Meeting on any particular motion shall speak again, except to answer questions, until all others wishing to speak to the motion have done so.

H. Maps - The Planning Board has slides of Town maps available for use at all Meetings and may be requested on reasonable notice to make available a slide of any map appropriate to the subject under discussion.

V. VOTING METHOD

Except as specifically otherwise provided by law or these rules, voting shall be by voice votes or show of hands as the Moderator may determine and the Moderator shall declare the results of such vote. If a vote so declared is immediately questioned by seven or more Members, the result shall be determined by counting the votes of the Meeting by means of a standing vote.

VI. DEFINITIONS

A. Roll Call - Upon motion supported by not less than sixty members and made prior to the taking of a standing vote, the vote shall be by a roll call of all Members, the Clerk to indicate on the record with respect to each Member, "Aye," "Nay," "Abstain," or "Not Present" as the case may be.

B. Secret Votes - There shall be no secret ballots or other secret votes at Town Meeting.

C. Majorities - Except as otherwise provided by law or the Town's Bylaw, all actions of the Meeting shall be taken upon vote of a simple majority of those present and voting.

D. Ballot Vote

- (a) Upon a motion supported by not less than 20 Members made prior to a vote on any question (whether required by law to be a counted vote or not), the vote shall be taken by ballot in such form as will in the opinion of the Moderator indicate how individual Town Meeting Members have voted on a question. The results of such vote shall be announced in terms of the numbers of aye, nay, or abstain votes cast. The Town Clerk shall, within a reasonable time after the session has been adjourned, compile a list of Members voting on the question, which list shall disclose how each Member voted. Said list, together with the original ballots, shall be open to public inspection so that the public shall be able to determine the way in which each Town Meeting Member voted on the question and shall be preserved for at least 3 years.
- (b) If a law or a bylaw requires a two-thirds vote for action by the Meeting, the Moderator is authorized to declare the vote without taking a count, subject to the roll call and ballot vote provisions noted above. If more than a two-thirds vote is required, the Moderator may first determine whether the vote is unanimous and, if it is not, the vote shall be counted either by means of a standing vote, by roll call or by ballot as provided in the Town's Bylaw.

VII. ADJOURNMENT AND DISSOLUTION

- A. Adjournment** - Sessions of the Town Meeting shall normally adjourn about 11 o'clock in the evening but may adjourn at such earlier or later time as the Town Meeting upon vote of a majority of its Members may determine.
- B. Dissolution** - The Meeting shall not dissolve until all articles in the warrant with respect to which any Member wishes to make a motion have been considered.

VIII. RECORD OF MEETING

The Town Clerk in consultation with the Moderator shall prepare and maintain a complete record of the Meeting at the office of the Town Clerk where, upon request, it may be inspected by any interested person and also shall deposit a copy of such record at the Main Library. Such record may, but need not be, verbatim. However, it shall as a minimum contain the text of all articles and motions, whether main motions or subsidiary motions, the name of the moving party, the action of the Meeting with respect thereto and such summary of statements made at the Meeting as will in the opinion of the Town Clerk contribute to a better understanding of the action of the Meeting.

IX. REFERENCE TO TOWN MEETING RULES

Wellesley Representative Town Meeting was established by Chapter 202 of the Acts of 1932 which has been amended several times since then. Certain customs have developed in the conduct of the Town Meeting. Wellesley custom does not differ substantially from the custom of other representative town meetings, as generally described in *Town Meeting Time* (Little, Brown, and Company 1962), a book that also contains references to applicable court decisions and statutes. All custom may be changed by law, or the Bylaws of Wellesley, as from time to time amended.

It is the combination of the foregoing which produces the "rules" of Wellesley Town Meeting in conformity with which the Moderator regulates the conduct of the meeting.