TOWN OF WELLESLEY

REPORTS TO THE SPECIAL TOWN MEETING

WEDNESDAY, JUNE 13, 2012
7:30 PM

WELLESLEY HIGH SCHOOL
KATHERINE L. BABSON, JR. AUDITORIUM

by the

ADVISORY COMMITTEE

BOARD OF SELECTMEN &
ST. JAMES AD HOC COMMITTEE

Please read this book and bring it with you to the Special Town Meeting.

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TOWN OF WELLESLEY

REPORT OF THE ADVISORY COMMITTEE
TO THE JUNE 13, 2012 SPECIAL TOWN MEETING

TERM ENDS 2012	TERM ENDS 2013	TERM ENDS 2014
Virginia Ferko, Chair	Laura Hockett, Vice-Chair	Robert Capozzi
Jack Haley	Catherine Johnson	Becky Epstein
Maura Murphy, Secretary	Philip Licari	Ann Marie Gross
Rich Page	David Murphy, Vice-Chair	Marjorie Freiman
Derek Redgate		Deborah Robi
		Rich Woerner

To the Citizens of the Town of Wellesley: June 4, 2012

A Special Town Meeting will convene on Wednesday, June 13, 2012 at 7:30 P.M. at the Wellesley High School Katherine L. Babson, Jr. Auditorium, 50 Rice Street. All residents are welcome to attend the meeting in person or follow the proceedings on Wellesley Media Corporation's Government Channel (Comcast Channel 8, Verizon Channel 40). This Report presents the Advisory Committee's summary of and recommendations to Town Meeting on the Articles on the Warrant for Special Town Meeting and includes the *Joint Report of the Board of Selectmen and the St. James Ad Hoc Committee Concerning the Acquisition and Future Use of 900 Worcester Street.*

This Report will be posted on the Town's website at ***www.wellesleyma.gov***. Copies of the Report will be available at the Town Clerk's Office and at the Wellesley Free Library no later than seven days before the meeting. The Town Clerk's Office will mail a copy of the Report to any resident who requests one. If any further recommendations are made by the Advisory Committee in the period of time between publication of the Report and the opening of Special Town Meeting, a notice will be sent to Town Meeting Members by e-mail and the new recommendations will be posted on the Town's website.

The Advisory Committee thanks the dedicated Town employees, elected and appointed officials, and concerned citizens who devote so much time, energy, and expertise to the Town's affairs. Town Meeting is an opportunity to examine important issues, enter into dialogue, and vote as a community on how to best serve our Town and its residents. The Advisory Committee welcomes citizen input and suggestions. Our meetings are open to the public and always begin with a "Citizen Speak" session. We receive e-mail at **advisorycommittee@wellesleyma.gov.**

Sincerely,

Virginia Ferko
Chair

ARTICLE 1. To choose a Moderator to preside over said meeting and to receive reports of town officers, boards and committees, and discharge presently authorized special committees; or take any other action relative thereto.

(Board of Selectmen)

Advisory expects no motion under this Article.

Article 2. To see if the Town will vote to acquire by purchase, gift, eminent domain, or otherwise, real property located at 900-910 Worcester Street, commonly known and referred to as the Saint James The Great site, for municipal purposes, including without limitation, open space and recreational purposes; to raise and appropriate, or otherwise provide, a sum of money for said purpose, including the cost of demolition of any existing structures thereon and other site work, necessary traffic studies, and any other incidental costs associated with the acquisition, including real estate taxes until the date of closing; and to determine whether such sum shall be raised by taxation, borrowing and/or by transfer from available funds, including Community Preservation Funds; said property being further identified as follows: 900-910 Worcester Street: Parcels No. 10 and 10-T on Assessor's Map No. 192, now or formerly owned by Roman Catholic Archbishop of Boston, see deed recorded in Norfolk Registry of Deeds Book 2654, Page 459; or take any other action relative thereto.

(Board of Selectmen)

The Board of Selectmen (BOS) seeks authorization for the Town to acquire real property located at 900-910 Worcester Street (the "Property", presently the site of Saint James the Great Church and rectory) for municipal purposes and to appropriate a total of $4,160,000 for acquisition of the Property, demolition of existing structures, site work, related studies and incidental costs ($1,560,000 from general obligation borrowing and $2,600,000 from Community Preservation Act funds of which $700,000 is from the Community Preservation Fund Open Space Reserve and $1,900,000 is from the Community Preservation Fund unallocated funds.

BACKGROUND

A comprehensive joint report of the BOS and the St. James Ad Hoc Committee (Ad Hoc Committee) is provided starting on page R-1. This Advisory Report will attempt to avoid repeating details, referencing the Ad Hoc Committee report as necessary, but will provide analysis and recommendations.

Since 2004, the Town has been aware of the potential sale of the Property. As it is a large parcel of land in a key location at the west gateway to Wellesley, the Town has worked to gather information, conduct studies and review options preparing for such time as the Property became available. A review of the studies conducted to date is provided in the Ad Hoc Committee report starting on page R-2.

As part of this effort, in early 2010 the BOS formed a Town Development Review Team (TDRT) to study the feasibility of a recreational campus for the site to include a playing field, indoor ice rink and pool. The TDRT included representation from the BOS, Planning Board, Recreation Commission, Community Preservation Committee (CPC), Department of Public Works (DPW), Natural Resources Commission (NRC) and Town Counsel. In May 2010, the BOS, Planning Board and Recreation Commission jointly requested $25,000 from CPC administrative funds for the purposes of obtaining an appraisal and feasibility study on the uses of the Property for recreational purposes. In June 2010, the TDRT evolved into the St. James Ad Hoc Committee

Since that time, the Ad Hoc Committee has worked to develop the following:

1. A plan for the development of the site as a recreational campus (further planning for this use is the subject of a motion under Article 3);
2. A financial plan for property acquisition, including funding sources, which is the subject of this Article.

DESCRIPTION OF PROPERTY

An aerial view of the property is on the following page and a full description of the Property is provided on page R-1. Briefly, the property under consideration is an 8 acre parcel of land, south of Worcester Street (Route 9) and east of Dale Road in Wellesley, at the western gateway to the Town.

Existing structures include a 17,600 square foot church and 4,200 square foot rectory. There are also 2.5 acres of paved parking, presumed wetlands in the south/southwestern section of the site (roughly 23% of the Property) and a steep upwards grade change to the south. The Property falls within the Water Supply Protection District (which protects the local water source by restricting uses of the Property) and approximately one-third of the Property on the west side is within the Federal Flood Insurance Map Flood Plain "Zone A" and the new Flood Plain District that takes effect on July 17, 2012.

According to the 2010 Concord Square *Alternate Land Use Study* of the Property (see page R-3), the land features such as the steep slope, flood plain, wetlands and buffer present several development constraints such that it is anticipated the parcel would yield slightly less than 50% (3.97 acres) of land available for development.

The Property is currently zoned for single-family (10,000 square foot) use; municipal uses are allowed by special permit.

PURCHASE AND SALE AGREEMENT

Terms

The Property is currently owned by the Roman Catholic Archbishop of Boston ("Archdiocese", "Seller"). The Town has expressed its interest in purchasing the Property since 2004. In April 2012, the Archdiocese approached the Town with a willingness to discuss a real estate transaction concerning the Property. After a period of negotiation between the Archdiocese and the Town, as represented by Town Counsel, the Executive Director and members of the BOS, a Purchase and Sale Agreement ("P&S") was signed on April 2, 2012 by the individual members of the BOS on behalf of the Town and by the Cardinal as the "corporation sole" on behalf of the Archdiocese. Terms in the P&S include the following:

- A purchase price of $3,800,000;
- No deposit;
- The Town will fund the accruing property taxes until closing (annual property tax is approximately $26,000, with $6,692 paid quarterly). This essentially provides an "option to purchase";
- All pending tax appeals by the Archdiocese (currently three years of appeals pending) will be dismissed at closing.

Legend
Flood Plain (7/17/12)
Wellesley Wetlands (1:4800)
MADEP Wetlands (1:12000)
Wetland Buffer Zone (100')

The closing is conditioned upon the following: Town Meeting approval; satisfactory environmental inspections and wetlands and land surveys; and satisfactory resolution of all Canon Law appeals.

Upon Town Meeting approval, the Town will enter into a due diligence period of 60 days (see page R-5 for details). If the Town is unable to complete its due diligence within 60 days, it has the right to extend that period for an additional 30 days. Closing would then be scheduled to occur within the following 30 days after completion to the Town's satisfaction of its due diligence examination.

On May 29, the Cardinal and the BOS executed a First Amendment to Purchase and Sale Agreement ("Amendment").

Use Restrictions, Provisions and Agreements
The P&S as amended includes the following use restrictions, provisions and agreements:

1. Use Restrictions: The P&S includes an agreement by the Town and any future owner to restrict the use of the Property to municipal purposes for a period of 40 years, including, without limitation, open space and recreational use. This restriction also applies should the Town lease a portion of the Property for public or municipal recreational use.

   The original P&S had listed specific restrictions against certain uses of the Property for a period of 90 years, including any house of religious worship; a facility at which abortions, assisted suicide or euthanasia, or any counseling advocating for those services, occurs; the operations of any embryonic stem cell research facility or services implementing embryonic stem cell research; or any private educational facility.

   A question had been raised regarding whether the Town would be in violation of the Establishment Clause of the First Amendment of the United States Constitution by accepting those Use Restrictions. The Establishment Clause prohibits any public entity from supporting religion. Town Counsel had expressed his opinion that in the context of this real estate purchase, the Use Restrictions did not violate the Establishment Clause, but also indicated that the Town would not want to find itself in a position where any third party issued a constitutional challenge, since litigation of the issue could be costly and potentially take years.

   The Amendment eliminated the original Use Restrictions and substituted restrictions that the Town has agreed to impose on itself.

2. Demolition of Existing Structures: The Town agreed not to use or permit the use of the church or rectory building, and to demolish both structures within one year of delivery of the deed of sale.

3. *Conservation Restrictions*: The BOS intends to fund the appropriation through a combination of General Fund and Community Preservation Act ("CPA") funds (see below for a full discussion of the CPA). State statute requires that any portion of a property funded with CPA funds be subject to a permanent deed restriction limiting the use to the purpose for which it was acquired, in this case open space and recreation.The Amendment specifies that the Conservation Restriction(s) must be recorded before any construction on buildings or facilities commences.

4. "Participation" provision: The "participation" provision holds that if the Town sells all or any portion of the Property within five (5) years of the recording of the deed, the Town will remit to the Archdiocese a percentage of the amount by which the new sale price exceeds 120% of the original sale price ($4.56 million). This percentage is set at 50% for the first year and decreases by 10% each subsequent year until the fifth year following the recording of the deed. There is also a participation provision in the event the Town issues a long-term lease (longer than 7 years) for any use other than recreational use.

5. Occupation: The Town accepts the responsibility for engaging with vigilers who remain on the Property at the time of closing and for arranging for them to vacate. The BOS believe the Town is better suited to resolve this issue than the Seller and the Town's willingness to accept this responsibility was a significant factor in reaching the negotiated acquisition price.

6. Contents Removal: All items of religious significance will be removed by the Archdiocese prior to closing.

7. Commemoration: The Town agrees to erect a memorial or plaque which commemorates the prior use of the Property by the Parish of Saint James the Great.

APPROPRIATION REQUEST

The BOS proposes to fund the appropriation from two sources: general obligation borrowing (37.5%), noted as "Tax Impact" in the table below, and CPA funds (62.5%). A discussion of CPA, including its funding, objectives and limitations placed on property acquired with CPA funds, follows this chart. The total appropriation request of $4,160,000 includes the purchase price, all costs associated with the acquisition of the Property, and those costs associated with preliminary study of the site and traffic as follows:

	Funding Source		Total
	CPA	Tax Impact	Appropriation
Purchase price	$ 2,375,000	$ 1,425,000	$ 3,800,000
Property tax bills	35,583	21,350	56,933
Survey, site assessment & wetlands delineation	33,589	20,153	53,742
Oil tank removal	3,438	2,063	5,500
Building demolition	102,391	61,434	163,825
Traffic study including peer review	21,875	13,125	35,000
Legal fees	12,500	7,500	20,000
Consultant	15,625	9,375	25,000
	$ 2,600,000	$ 1,560,000	$ 4,160,000

Background on the CPA. In 2002, Wellesley accepted the Massachusetts Community Preservation Act and formed a committee (the Community Preservation Committee, or "CPC"), consisting of nine (9) members, five members (one from each Board) appointed by and from the

Natural Resources Commission, the Planning Board, the Housing Authority, the Historical Commission and the Recreation Commission. Four additional members are appointed by the Moderator. The CPC is required to study the "needs, possibilities and resources" for community preservation in Wellesley.

Pursuant to the CPA, Wellesley established a surcharge of 1% on qualifying local property tax and began to set aside the proceeds of the surcharge in order to pursue Community Preservation activities, which include open space, preservation of historic resources, recreational uses and affordable housing. 100% of this tax surcharge revenue is retained by the Wellesley CPA fund. Funds raised through the local surcharge are "matched" annually by monies from a Massachusetts Community Preservation Trust Fund.

The CPA requires that at least 10% (or a total of not less than 30%) of the CPA funds received in each fiscal year be spent or reserved for each of the CPA's three main purposes:

- Acquisition, creation and preservation of open space;
- Acquisition, creation, preservation and support of community housing; and
- Acquisition, preservation, rehabilitation and restoration of historic resources.

The designated CPA funds that are not expended in one year are "banked" or carried over to subsequent years. However, once CPA funds are banked for a specific purpose, they must ultimately be used for the purpose for which they were banked. The remaining 70% of CPA funds in each fiscal year are available to be appropriated, for one or more of four purposes: the three listed above, as well as for recreational uses. If not appropriated these remaining funds are carried over without being designated for any particular purpose.

CPC Decision Guidelines. Within the context of the above purposes, CPC has articulated a set of guidelines which it uses to determine whether a project is appropriate for CPA funding. Not all guidelines apply to every potential project. Among the guidelines which apply to the consideration of the potential partial funding of the Property include:

- Involvement of two or more of the purposes designated for funding under the CPA;
- Preference for substantial projects that would have a significant long-term benefit to the community;
- Involvement of multiple sources of funding, including leveraging other public and/or private funds;
- Demonstration that the proposal is feasible and the most reasonable plan to implement the project;
- Provision for cost/funding that is compatible with the Town's long-range financial plan;
- Consistency with Town-wide planning efforts/reports that have received broad-based scrutiny and input.

Process of Application for, and Appropriation of, CPA Funding. Town Boards and Departments may bring proposals for funding to CPC. The CPC gives favorable consideration to those proposals that best meet the guidelines and are consistent with Wellesley's goals in the areas of open space, recreation, historic resources and/or community housing.[1]

[1] As of March 2011, the CPC in Wellesley had funded a total of 36 projects or portions of projects including the Sprague Clock Tower restoration, Waldo Court, Wellesley Housing Development Corporation ("WHDC") equity grants for the purchase and renovation of affordable housing units, Fuller Brook Park and others. At that time, $5,169,854 had been appropriated for these projects: $2,185,500 (42.3%) for Community Housing, $1,791,750 (34.7%) for recreation, $889.344 (17.2%) for Historic Resources and $303,260 (5.9%) for Open Space.

The Board of Selectmen requested, and the CPC agreed to fund 62.5% of the purchase price and costs related to acquisition of the Property (see below for a discussion of the determination of the percentage).

Use of Property Acquired with CPA Funds. Property acquired with CPA Funds must be bound by a permanent deed restriction that limits use to the CPA purposes for which it was acquired. In this case one or more permanent *Conservation Restrictions (CR)* would be imposed on the portion of the Property acquired with CPA Funds to protect the Open Space and Recreation uses.

Section 1 of the Massachusetts Community Preservation Act: Enabling Statute, M.G.L. ch. 44B, defines "Recreational use" as follows:

> [*A]ctive or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. "Recreational use" shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.*

This definition has generally been interpreted as meaning that CPA funds may be used only for outdoor, land-based recreational uses and facilities. CPA funds may not be used to acquire land for a recreational structure, such as a gymnasium, ice rink or pool or to build these structures.

The statute further defines “Open Space” as follows*:*

> *"Open space" shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.*

Conservation Restrictions (“CR”). The CR would effectively prohibit future development of the Property on which it is imposed for other than open space or outdoor recreation with associated parking. No permanent structures would be allowed on this portion of the Property.

The permanent restrictions on the use of the Property as a condition of CPA funding require a careful consideration of the potential impact on the Town’s use of the Property now and in the future. While the action proposed under this Article will not determine how the Town will use the Property, the funding decision made here will impose some limits on use.

Portion Funded by CPA Funds. In order to determine the appropriate allocation of CPA vs. General Fund sources toward the costs of acquiring the Property, the BOS, Ad Hoc Committee and CPC worked to find a balance among managing affordability (i.e. use of General Funds), maintaining development flexibility and meeting CPC objectives.

The Ad Hoc Committee has been working since June 2010 to craft a proposal for recreational use of the Property. In that context and in order to evaluate the appropriate level of CPA funding, the BOS and CPC evaluated the Property to determine the area that might reasonably qualify for funding and not unduly restrict the Property.

The following were key considerations:

- The portions of the Property subject to wetlands and floodplain restrictions and the steep grade of the southern slope render nearly 50% of the Property unsuitable for development and, therefore, a CR on these portions has minimal impact on development flexibility now or in the future;

- The portion of the Property that is most amendable to development and placement of structures, the area not in the flood plain, on the slope or wetlands, may be acquired unrestricted by the CR by using General Funds.

Using the proposed recreation complex as a model of development, the Ad Hoc Committee calculated the area of the Property that would be occupied by structures. In the proposed recreation complex, the total area for structures with attendant setbacks and parking is 129,900 square feet (34.7%) of the total property. To be conservative, the Ad Hoc Committee added approximately 3% to the total in the event the structures or parking required additional space. They concluded that 37.5% of the Property would not qualify for CPA funding. The remaining 62.5%, by contrast, would comprise the whole of the field and associated parking, the wetlands and buffer and a portion of the otherwise undevelopable portion of the Property in the south characterized by the steep upwards slope. The BOS agreed with this conclusion and have filed an application with CPC to request funding for 62.5% (or 5/8^{ths}) of the purchase price and associated acquisition costs.

Portion funded by General Fund. The portion of the purchase price to be borne by the Town General Fund is $1,425,000 to be funded under the levy with long-term debt. In addition to the purchase price, the costs associated with acquiring the Property will be shared by CPC and the Town in the same 62.5%/37.5% ratio. Thus, the Town's portion of those costs will be $135,000, for a total request of $1,560,000.

These funds will be provided by a general obligation borrowing. At an estimated interest rate of 4.5% and amortization period of 20 years, the debt service will be approximately $145,000 in FY14 and will decrease each subsequent year.

CONSIDERATIONS OF THE ADVISORY COMMITTEE

The Advisory Committee has reviewed this appropriation request in multiple parts, including reviews of the:

- Benefits to the Town of acquiring the Property;
- Reasonableness of the purchase price;
- Reasonableness of terms of the P&S agreement;
- Applicability and effects of using CPA funds to acquire the Property, including a review of the restrictions doing so imposes;
- Affordability and future financial implications for the Town; and
- Opportunities for and challenges of developing the Property.

Benefit of Acquiring this Parcel

The Town of Wellesley makes every effort to identify long-term development opportunities and to invest as deemed prudent considering both short- and long-term value. To this end, the Planning Board has been interested in developing a "West Gateway" entrance to Wellesley via Worcester Street for many years. As it transects Wellesley, Worcester Street is predominantly a parkway that provides access to the Town's residential neighborhoods, schools and commercial areas. Extensive commercial development is not viewed as desirable and issues of traffic and

congestion are of serious concern. Therefore, it would serve Town interests well to place this parcel under municipal control. Moreover, the Town has distinct needs which have been addressed in the Comprehensive Plan and other studies which can potentially be accommodated at this site (to be discussed further in Article 3).

Advisory views the opportunity to acquire this parcel at the right price and conditions as one that will serve the Town well now and into the future.

Fair Purchase Price

The most recent appraisal of the Property (see discussion page R-4) provides estimated market values of the site consistent with those provided in previous studies and were as follows.

- $3.7 million - Current appraised value as zoned (single residential use)
- $3.5 million - Potential Value if re-zoned to commercial, retail/office
- $4.0 million - Maximum potential value if re-zoned to residential, multi-family

Additional considerations in the value of the Property, specific to the Town, include a review of the intangible value of the Town's ownership of the Property including control over development in a fairly dense area and, consistent with the mission of the Community Preservation Committee, protection of open space.

The negotiated purchase price of $3.8 million represents a $100,000 premium over the appraised "of right" value (reasonable market value as currently zoned). Advisory considers this price for the Property, an eight-acre parcel of land in Wellesley, to be fair and reasonable.

Reasonableness of Terms

1. ***Option to purchase in the form real estate tax payments until the time of closing***

   In FY10, following the suppression of its use as a parish church, the Town assessed real estate taxes on the land but continued the exempt status on the Church and Rectory buildings and the land underneath them. The Archdiocese has sought abatement of taxes for FY10, FY11 and FY12 and has appeals related to the abatement of that tax for FY10 and FY11 pending at the Appellate Tax Board. The Archdiocese may seek abatement of real estate taxes for subsequent years.

   In the P&S, beginning with the real estate tax bill due on May 1, 2012, and at each subsequent date on which real estate taxes are due, the Town agreed to pay, as consideration for entering into the P&S agreement, the amount of taxes due. These payments are non-refundable and are not credited against the purchase price. The Archdiocese has agreed to dismiss any pending appeals upon closing. The annual tax is approximately $26,700, or $6,692 per quarter.

   Advisory finds this a reasonable form of option to preserve and facilitate the Town's ability to purchase the Property.

2. ***Inspection Period and Termination Rights***

   The P&S provides for a period of inspection following Town Meeting approval during which the Town may perform surveys, environmental studies and other tests on the Property and improvements. The inspection period will last at least 60 days and can be extended an additional 30 days if the Town certifies that it has been unable to complete the necessary inspections. The Town may, at any time during the inspection period, terminate the P&S

Agreement "for any reason or no reason" and both parties' obligations and liabilities will terminate immediately.

The right to terminate the P&S and nullify its terms and obligations within the inspection period will afford the Town the time it requires to perform all necessary surveys, environmental examinations and other tests to determine the suitability and acceptability of the condition of the Property. The unqualified nature of the termination provision allows the Town broad latitude in making the determination that it wishes to carry out the provisions of and obligations under the P&S.

Advisory supports the inclusion of this provision and finds the length of the inspection period and the option for a 30-day extension to be reasonable and appropriate.

3. ***Use Restrictions***

Advisory considered the reasonably foreseeable uses to which the Town might put the Property in the coming years. Reserving the Property for public or municipal use is reasonable, given the shortage of property available to the Town for these purposes. It is extremely likely that the Town will have a municipal use for the Property.

In considering a reasonable period of time for the use restriction, Town Counsel, the Executive Director and the Board of Selectmen reasoned that the average useful life of buildings is approximately 40 years. It was determined that reserving the Property for municipal use for the anticipated life of the first municipal structure to be built on the Property was reasonable and acceptable. Advisory agrees that the restriction for municipal use for a period of 40 years is reasonable.

4. ***Resolution of all Canon Law appeals***

The P&S provides that the obligations of the Archdiocese are dependent upon satisfaction of the "Canon Law Condition," which means that the Archdiocese will have obtained final favorable determinations on all appeals of Canon Law and challenges to the de-sacralization and sale of the Property. In other words, the Archdiocese at that point would be within its rights and not subject to further appeal in its decisions to sell the Property to the Town.

The Canon Law Condition must be satisfied before closing. If the Archdiocese does not give Notice that the Canon Law Condition has been satisfied within two years of the signing of the P&S, the P&S will become null and void.

The Town has been told that the final appeal available to the parishioners under Canon Law has recently been taken. It is not known how long it will take for the appeal to be resolved. Closing on the property could be delayed pending resolution. The Town is obligated to fund real estate taxes due on the property for up to two years, pending closing. Advisory considers this obligation reasonable to preserve the option to purchase the property.

5. ***Occupation***

The Town has accepted responsibility for any parishioners who remain on the Property maintaining their vigil at the time of closing, and the Property need not be transferred free and clear of any parties then in possession. The BOS and Town Counsel believe that, while difficult for the parishioners under any circumstances, the Town will be able to effectively and respectfully engage with them and arrange for them to vacate. Indeed, the Town has already engaged in dialogue with the parties involved.

Advisory recognizes the sensitivity of the issue and agrees that it is reasonable for the Town to accept responsibility for resolution at or after the time of closing.

In summary, Advisory believes the terms of the P&S are reasonable and acceptable for the Town.

Use of Community Preservation Act Funds

There is significant value in using CPA funds for this purpose: The use of existing CPA funds reduces the amount of borrowing and associated debt service required, therefore minimizing the pressure on the annual operating budget. The use of CPA funds ensures a low-impact use of the site (with a major portion restricted to recreation and open space) providing both beneficial and aesthetic value to the town without significantly reducing the value of the Property.

Advisory reviewed and considered several issues related to the use of CPA funds, including the statutory parameters for the use of the funds, Wellesley's adoption of the CPA and CPC's long-range planning goals and focus areas of open space and recreation; and the required imposition of conservation restrictions in perpetuity on the portion of the parcel acquired with CPA funds.

Wellesley CPC's 2008 Community Preservation Plan. In its 2008 Community Preservation Plan ("CP Plan," available on the Town website), CPC noted that CPA funds could be used for the acquisition, creation and preservation of open space, including the purchase of conservation restrictions or easements. The CP Plan noted an increasing need for additional recreational playing fields. Moreover, in regard to land acquisition, the CP Plan states: "Project possibilities for three of the four purposes (community housing, open space and recreation) eligible for CPA funding share an important limiting factor: the acquisition of suitable land for the allowed uses. There are a number of non-Town-owned parcels that might be useful for these purposes. Should there arise an opportunity for the Town to acquire such land, the CPA will proactively consider participating in the funding of such acquisition for various CPA-eligible purposes, including recreation." (CP Plan, p.15)

CPC and the Property. In its five-year Financial Plan included in the March 28, 2011, Report to Annual Town Meeting, CPC noted that it had "provided support through [its] administrative funds for the development of plans or the potential acquisition and development of the St. James property… The CPC is prepared to recommend to a future Town Meeting the appropriation of $3.5 million for CPA-eligible portions of this project." (*Reports to Annual Town Meeting, March 28, 2011, p.111*). Partial funding of the purchase of the Property had been considered by CPC for many years and therefore has been factored into the Town Wide Financial Plan.

Advisory believes, for this purchase, it is appropriate to use CPA funds on the sections of the Property that will be designated as open space or recreation, due to particular characteristics of wetlands, steep grade change and/or land within the floodplain and therefore not well suited for development. As outlined above, nearly 50% of the Property is, for one or more of the above reasons, not readily or easily suited to development.

Based on this review, Advisory agrees that a significant portion of the parcel qualifies for CPA funding under the State legislation; falls within the CPC's 2008 Community Preservation Plan objectives; and is appropriate to place under a conservation restriction for either open space or recreation.

Portion of CPA funds to Acquisition Costs

Advisory considered the restrictions and limitations that would be placed upon the portion of Property acquired with CPA funds on balance with the value gained. Further, Advisory appreciates that the use of existing CPA funds, built up over a period of years and intended for

these specific purposes, would reduce the burden on the General Fund. Nevertheless, Advisory believes it is prudent to ensure that the Town maintain flexibility and not unduly limit options for any unforeseeable use that might become necessary in the future. CPA funding places conservation restrictions on property that by definition make that property unavailable for development. While recreational uses now being proposed are in serious demand, they might not be as pressing in the future, and instead an alternate need might instead be present.

Based on the current proposed recreation plan, which would site the field on the floodplain and near the wetlands buffer and the buildings on the highest portion of the parcel, the appropriate portion of the Property will be protected from development by conservation restrictions, either open space or recreation. The eastern portion of the Property, the "high ground," will not be subject to these restrictions and any future necessary municipal use or transfer of the land will not be unduly limited by the restrictions.

Advisory concludes that this allocation preserves the flexibility for the Town in the event an alternate municipal use is determined to be necessary. Therefore, Advisory supports the use of CPA funding at 62.5% of the purchase price and associated costs.

Affordability and Fit with Town Financial Plan

Cost of Acquisition to General Fund. As noted above, the BOS has worked closely with the CPC to explore and evaluate the optimal balance of CPA and Town funds to acquire this Property. The use of CPA funds enables the Town to acquire the Property while incurring a modest increase in under the levy debt. The portion of the purchase price to be borne by the Town is $1,425,000.

In addition to the purchase price, certain associated costs of acquiring the Property will be shared by CPC and the Town in the same 62.5%/37.5% ratio. Thus, the Town's portion of those costs will be $135,000, as follows:

Property Tax Bills	$21,350
Survey, Site Assessment/ Wetlands Delineation	20,153
Oil Tank Removal	2,063
Building Demolition	61,434
Traffic Study	13,125
Legal Fees	7,500
Consultant	9,375
TOTAL	**$103,566**

Therefore, the total appropriation proposed from the General Fund is $1,560,000.

Cost of Lost Tax Revenue from Commercial or Residential Use. There is an opportunity cost to the Town of pursuing a municipal use on the site as opposed to either commercial or residential use. The Ad Hoc Committee reported on the potential tax revenue that other uses would generate and the resulting costs that those uses would create for the Town. The Committee indicated that any commercial use of the Property would require rezoning but had the potential to bring $200,000 in annual tax revenue to the Town. Proposals for two different types of residential use were also considered. In a lower-density use of twelve homes (3 of which would be offered as affordable housing), the annual tax revenue was estimated at $105,000. However, the attendant costs to the Town that would accrue from the provision of services and education to the residents were estimated at $120,000. Similarly, a higher-density development with 40 housing units could yield $232,000 in annual tax revenue but create greater offsetting municipal costs of approximately $400,000, potentially resulting in a large net expense.

Commercial rezoning of the Property was not deemed desirable due to concerns about congestion and higher traffic demands, as well as the fact that Worcester Street is not considered an optimum commercial area for the Town. Moreover, any commercial or residential use would require special permitting for the wetlands, floodplain and water protection district. Furthermore, the Wellesley Housing Development Corporation ("WHDC"), which was formed by special legislation in 1989 to provide affordable housing, considered and analyzed the Property for its suitability for affordable housing, and voted not to pursue the site for that purpose.

The Ad Hoc Committee and the Board of Selectmen believe that foregoing the potential tax revenue which would be generated by these two other uses is, on balance, an acceptable cost of using the Property for municipal purposes and Advisory agrees. The potential for additional commercial development was not seen as outweighing the benefits the Town would gain by putting the Property to a municipal use. Advisory believes this is a reasonable position. The benefits to the Town of acquiring and retaining the Property for Town uses is of significant benefit and outweighs the potential for additional tax revenue, especially since residential uses could potentially generate more costs, in the form of municipal and educational services, than the tax revenue would cover.

Impact on the Town Wide Financial Plan. As outlined in the BOS *Report on the Town-Wide Financial Plan for 2012 Annual Town Meeting*, it is anticipated that expenses will rise significantly over the next several years, resulting in considerable budget deficits. It is highly likely that a request for an override to Proposition 2½ will be necessary to balance the budget in FY14. Additionally, the Town has in its Capital Plan other large projects such as Fuller Brook Park, the Senior Center and facilities maintenance projects, including school facilities renovation needs to be identified by the Symmes Maini & McKee (SMMA) assessment of school buildings. In this context, Advisory considered the acquisition of the Property and associated financial obligations.

As indicated above, the Town has expressed objectives that include the expansion of open space and recreational facilities, including especially a town pool, skating rink and additional fields. There may be additional unmet needs that the Town may wish to explore in connection with this Property. During the public process conducted by the Ad Hoc Committee following the announcement of the P&S substantial support was expressed for acquisition of the Property. Many residents with a particular interest in the development of a Town Senior Center expressed support for the acquisition, but concern that the Senior Center also remains a priority in the Town's financial and facilities planning processes.

Advisory believes that, despite the financial pressures facing the Town due to the expected rise in municipal costs over the next several years and other high priority capital needs, this acquisition is prudent and provides a unique opportunity to acquire a substantial piece of valuable property that will deliver value to the Town of Wellesley today and into the future.

CONCLUSION

Based on the review summarized above, Advisory has concluded that the purchase of the Property as described above is fair and reasonable and provides significant value to the Town. Much remains to be done regarding future steps and the project will return to Town Meeting for consideration of all of the factors concerning these next steps.

Passage requires a 2/3 vote.

Advisory recommends favorable action 10 to 0.

Article 3. To see if the Town will vote with regard to the St. James the Great site:

(a) to establish one or more Committees as may be advisable for the purpose of analyzing potential uses; or executing on the use chosen by the Ad Hoc St. James Study Committee of a recreational campus, to include a playing field, enclosed ice rink and pool; and for providing proper guidance to the Town on such issues as it shall determine are relevant to the future realization of a proper use or uses for the site;

(b) to determine the membership of such committee(s) and the appointing authority thereof, including whether to request that the present membership of the Ad Hoc St. James Study Committee accept appointment to any Committee formalized under (a) above; and

(c) to determine the charge for each Committee established, and to whom its report on the results of its charge shall be provided.

Or take any other action relative thereto.

(Board of Selectmen)

Contingent upon the approval of the Motion under Article 2 to authorize the purchase of the property at 900-910 Worcester Street (the "Property"), the Board of Selectmen (BOS) request Town Meeting approval to establish the 900 Worcester Street Planning Committee ("900 Worcester Committee") to further study and develop a plan for a recreational complex on the Property, to include a playing field, enclosed ice rink and pool. There is no request for an appropriation under this Article.

Background

Since 2004 when the Town learned of the potential sale of the Property, many studies have been conducted to assess the potential for redevelopment including the *2007-2017 Comprehensive Plan*, the *Wellesley West Gateway Study* (2006) and the Concord Square Associates' *St. James the Great Alternative Land Use Study* (2010). A summary of these studies is provided starting on pages R-2.

The Concord Square Study identified four possible land use concepts, including a recreation complex. A Town Development Review Team ("TDRT") was established in May 2010 that evolved into the St. James Ad Hoc Committee ("Ad Hoc Committee"). This committee is comprised of members and staff from the BOS, Planning Board, Recreation Commission, Community Preservation Committee (CPC), Department of Public Works (DPW), Natural Resources Commission (NRC) and Town Counsel. The objective of the TDRT, and subsequently the Ad Hoc Committee, was to determine whether the recreational proposal was feasible given the parameters and constraints of the Property.

In June 2010, the CPC appropriated $25,000 to the Ad Hoc Committee to conduct a "fit test" (to determine what would "fit" on the Property) and property appraisal. Gale Engineering ("Gale") was engaged to conduct an assessment and planning feasibility study for a multipurpose recreational facility on the site. Gale met with town officials and various user groups to refine the community's needs and recreational development priorities.

In October 2010, Gale outlined a proposed development that included the construction of a rectangular field, a multipurpose, indoor recreational complex to include an ice rink, swimming pool and fitness center. The proposed synthetic turf-surface field would accommodate football,

soccer, field hockey and lacrosse events. An athletic lighting system would allow nighttime use, maximizing the number of possible events to be scheduled. The recreation center would comprise three interconnected building sections: the ice arena, the swimming pool and the common area section. The ice arena would house a full-size hockey rink and spectator seating along one side. Team lockers, skate rentals and pro shop and an area for the storage of ice resurfacing machinery would also be located within the building.

Progress on the recreational complex plan ("Recreational Plan") continued in 2011 as the likelihood of a potential sale of the Property increased. The Ad Hoc Committee reviewed business models related to the proposed Recreational Plan, presenting updates to the BOS and Advisory Committees in January 2011.

In early May 2012 following the execution of the Purchase & Sale Agreement (P&S) for the Property, the Ad Hoc Committee conducted meetings with neighbors, met with Town Boards and Committees and held three public forums, sharing information on the P&S and the proposed recreational use, and responding to questions regarding the purchase, the planning process to date and the proposed process moving forward.

A summary of the proposed Recreational Plan including a graphic representation of the plan and projected development costs and funding sources is provided in the Report of the BOS and Ad Hoc Committee, pages R-10 through R-15. Private funding is projected for the field lights, ice rink and pool. Tax impact and CPC funds are projected for development of the field.

900 Worcester Planning Committee

Town Meeting is now being asked to establish the ***900 Worcester Planning Committee*** to succeed the Ad Hoc Committee. Members of the proposed 900 Worcester Committee will include:

A representative selected by each of the following Boards and Committees:

- Board of Selectmen
- Recreation Commission
- Natural Resources Commission
- School Committee
- Community Preservation Committee
- Council on Aging
- Playing Fields Task Force

A representative of each of the following interests to be appointed by the Recreation Commission:

- Skating
- Swimming

A representative of each of the following interests to be appointed by the Board of Selectmen:

- Resident of the neighborhood near the Property
- One or more at-large members who have related professional, financial or other relevant experience

The following Town staff:

- Executive Director of General Government Services
- Planning Director
- Director of the Department of Public Works

- Town Engineer

The proposed charge to the 900 Worcester Committee is as follows: to execute the use recommended by the St. James Ad Hoc Study Committee of a recreational campus, to include a playing field, enclosed ice rink and pool; and to provide recommendations on the development of the site, including cost estimates for design and construction, off-site mitigation and phasing, to study funding and operational models for the facilities, and establish proposed timelines for development and requests for funds.

The 900 Worcester Committee will be required to report to the BOS on progress within six (6) months of the closing.

Independent and Parallel Review of Alternate Uses by the Board of Selectmen
Given the time that has elapsed since initial review of site redevelopment, as well as public comments received about other potential uses, the BOS will, parallel to the activities of the 900 Worcester Committee, conduct a review of alternative municipal uses of the Property. The objective of this "parallel track" is to ensure that all Town residents and Boards have had the opportunity to make proposals for the use of the site.

The BOS have indicated that it is within their authority to undertake this process and that no vote or Motion is required at Town Meeting. As part of this parallel track, the BOS will request that each Town Board and Committee consider and respond to the BOS as to whether it has a proposal for an alternate use. The BOS will meet with any that suggest a proposal to be considered. The BOS will also conduct public forums in the fall and will evaluate whether additional investigation or resources should be requested at a future Town Meeting to further develop ideas deemed reasonable and feasible.

The BOS has identified the following criteria to be applied to its consideration of any proposal:

- "Fit" on the site;
- Demonstrated municipal needs within Town priorities;
- Financial costs and implications in the context of the Town-wide Financial Plan; and
- The Appropriateness of the location for the proposed use.

Review of potential alternative uses for the Property is intended to aid the BOS in making a recommendation to a future Town Meeting as to the best use of the Property.

Next Steps
Upon Town Meeting approval of Article 2 (property acquisition), the Town, as part of its due diligence, will conduct environmental studies, surveys and other land use inspections to determine the physical conditions of the Property. If CPC funds are approved for 67.5% of the purchase price of the Property under Article 2, that portion of the Property will be limited to recreational and open space use. The metes and bounds and further details of the required Conservation Restriction(s) for that portion of the property will be developed. If established under this Article, the 900 Worcester Committee will continue planning efforts for the Recreational Plan within the scope of their charge while the BOS proceeds with a parallel review of alternate uses. No development of the Property may occur without future Town Meeting approval.

ADVISORY CONSIDERATIONS

900 Worcester Planning Committee Formation

Advisory appreciates the substantial amount of time and energy that the Planning Board and staff, and members of the Ad Hoc Committee have devoted to study of the Property. The Recreational Plan proposed by the Ad Hoc Committee responds to significant articulated Town needs. Since the engagement of Gale Engineering to conduct the "fit" test and feasibility study in October 2010, the recreational use proposal has been presented and studied at length, and subject to input from Town Boards and residents, including neighbors.

Creation of a successor to the Ad Hoc Committee comprised of members with skills and perspective relevant to planning for the proposed Recreational Plan is the logical next step to advance that effort. It is anticipated that the 900 Worcester Committee's work will include continued efforts to investigate general conditions for the development of any use of the property as well as work specific to the development of the Recreational Plan including details on the costs, funding and operational models for the field, pool and ice rink. This information will be necessary before any proposal for the Recreational Plan may be considered by a future Town Meeting.

Parallel Track under Motion and by the Board of Selectmen

Because time has elapsed since the initial exploration of possible uses and the availability of the Property is no longer hypothetical, Advisory believes it is appropriate to ensure that all Town Boards, Committees and residents have had ample available opportunity to present alternative ideas for the use of the Property.

During Advisory's review, questions were raised as to whether the Property would be suitable for other municipal uses that had not been specifically reviewed as options for this site and whether uses proposed for the site, in particular the pool, are better sited elsewhere. The potential remains that suggestions and proposals for other, viable uses may emerge through an open public solicitation of ideas and more in-depth analysis. As described, this parallel track provides a framework for input and decision-making that is clear and focused. Progress on the due diligence and further development of the Recreational Plan will occur in parallel and, in fact, might provide substantial input as more detailed information on the site becomes available.

Advisory appreciate the efforts by the BOS to articulate and commit to a parallel track of review, providing assurance that any proposed alternative development options will be reviewed and priorities weighed within the context of its stated criteria.

Many on Advisory believe that the structure of this parallel approach enables the Town to adequately explore any reasonable alternate uses that may be presented, while appropriately allowing the 900 Worcester Committee to proceed with further development of the Recreational Plan without a loss of momentum or delay.

Some members of Advisory have expressed concern that the establishment of the 900 Worcester Committee through a Town Meeting vote, when considered alongside the BOS' plan to conduct a parallel review, does not present a balanced approach to the process. To some, it seems to be a *de facto* endorsement of the Recreational Plan, with the parallel track less robust. Some members of Advisory questioned why both processes were not being proposed in the context of formal motions or a single motion, judging that approach to be more comprehensive.

Advisory will make its recommendation at Town Meeting.

ARTICLE 4. To see what sum of money the Town will raise and appropriate, or otherwise provide for the purpose of pond restoration and protection, including but not necessarily limited to dredging, pond rehabilitation, wetlands enhancements, in-stream treatment, permitting, public education, engineering and other professional services; and determine whether such a sum shall be raised by taxation, borrowing and/or by transfer from available funds; and further to rescind a portion of exempt debt authorized under Article 21 of the warrant for the 2007 Annual Town Meeting; or take any other action relative thereto.

(Board of Public Works, Natural Resources Commission, and Recreation Commission)

This Article seeks approval for the incremental funding necessary to complete the third major component of the 2006 Comprehensive Morses Pond Management Plan, the dredging of the Northern Basin. At the time of this report, the project bids are pending though the final incremental cost requested will be available prior to the start of Special Town Meeting. The Community Preservation Committee (CPC) has voted to support the use of CPA funds for the necessary incremental funding up to $400,000 for the project.

Dredging the North Basin of the Pond will restore the detention capacity such that particulate matter can settle out before reaching the main part of the pond. By removing soft sediment, plants, roots, seeds, and other plant stages, dredging would help preserve the overall health and clarity of the Pond and would prevent that portion of the Pond from becoming an emergent wetland. See Appendix A beginning on page A-1 for details concerning the Comprehensive Morses Pond Management Plan.

Funding history

An appropriation of Community Preservation Act (CPA) and Town funds, in equal shares, was approved by the 2004 Annual Town Meeting for the development of the Morses Pond Management Plan. The Plan was completed in November 2005 and detailed the steps necessary to improve the condition of and preserve Morses Pond for the future.

At the 2006 Annual Town Meeting, $250,000 from CPA funds was approved for the purchase of a new weed harvester, currently employed each spring and summer. At the 2007 Annual Town Meeting $153,000 was approved from CPA to fund the phosphorus inactivation system. This system has been installed and working since 2008.

Also in 2008, a $650,000 appropriation and borrowing for the design, permitting, and construction related to the dredging of the northern basin of Morses Pond, subject to a debt exclusion, was approved by Town Meeting and the voters. This work was planned to commence two to three years after the installation of the phosphorous inactivation system. The design team was hired in the fall of 2009; the design and required permits were completed, and the project was bid in fall of 2010.

The bids significantly exceeded the available appropriation such that the project could not be awarded. In addition to the general escalation in costs for this type of dredging, the bidders indicated that the impending winter conditions and the tight deadlines of the site were the primary drivers of the high bids.

Funding for this project was projected for FY14 in the Town's Five-Year Capital Plan. However, key to the feasibility of the dredging project was the use of the parking lot at 900 Worcester Street as the de-watering site. Permission from the Archdiocese of Boston had been granted

for the 2010 timeframe, and expectations have been that it would be granted as needed in the future.

Current situation

The Morses Pond Management Team determined that it would be highly advantageous to accelerate the process to FY13 and request incremental funding at this Special Town Meeting based on several factors:

1) The potential sale and subsequent development of the property at 900 Worcester Street. Due to possible construction activity, the availability of that location as a dewatering site in subsequent years becomes uncertain.
2) Valid permits. All permits are current, but would require re-permitting after five years. By that time, the Northern Basin area could have emergent wetland issues.
3) Advantageous bid timing. Targeting the project for this August is desirable for a competitive bid process. Contractors can bid knowing the project appropriation will be put forward in June and they can start in August prior to the winter season. The bids will be opened and actual costs known prior to this Special Town Meeting.

The costs of project design and permitting have already been incurred in the amount of $150,000. Of the original $650,000 appropriation and borrowing authorization, $500,000 remains. It has not yet been determined whether the Motion under this Article will propose to rescind and reauthorize debt for this project. As noted above, the CPC has voted to support the use of CPA funds for the necessary incremental funding up to $400,000 for the project.

The Town has secured an extension for the use of the property at 900 Worcester Street for de-watering from the Archdiocese. It is anticipated that the project, if approved, will begin in late August 2012 after the Morses Pond beach closes.

Advisory Considerations

Advisory believes that Morses Pond is a valuable asset to the Town and should be maintained and preserved. The Comprehensive Morses Pond Management Plan and the Five-Year Capital Plan anticipated further funding for this dredging project in FY14. Acceleration of the timing of the project makes sense however, given the impending sale of the property at 900 Worcester Street and the opportunity for advantageous bid timing that approval of funding at a June Special Town Meeting provides.

Advisory will make its recommendation after it has had the opportunity to review the actual costs of the project and the details of the proposed funding mechanism.

Advisory will make its recommendation at Town Meeting.

ARTICLE 5. To see if the Town will vote to approve the transfer of FY13 Morses Pond Management Program appropriations in the amount of $11,700.00 from expenses to personal services; or take any action relative thereto.

(Natural Resources Commission)

The Natural Resources Commission (NRC) requests a transfer of $11,700 within the FY13 Morses Pond Management Operating budget from *Other Professional Services* to *Personnel Services*. This transfer will fund an increase in the hours of the Environmental Education Coordinator (EEC) position from 10 to 19 hours per week while reducing the funding of outside

consultant services. This increase will enable the EEC to work on education efforts related to the watershed and low impact development (LID) elements of the Morses Pond Comprehensive Plan (MPCP). This work is currently done by outside consultants at a rate of $50 to $85 per hour. The EEC is currently compensated at $25 per hour. The increase of nine hours will not qualify the position for employee benefits.

The NRC has concluded that this transfer will provide the most efficient and effective means to support the watershed education and LID elements of the plan, both from a financial and staff resource perspective. The NRC reports that the current employee in the EEC position has experience on Morses Pond related efforts, is familiar with the plan and is therefore expected to be highly productive.

During the FY12 and FY13 budget process the NRC requested additional funding to increase the hours of the EEC position from 10 to 19 hours per week to provide additional resources to meet the expanding educational and outreach needs, including work related to the MPCP. At that time NRC did not propose the associated reduction in the MPCP budget for the consultant. In both years the Advisory Committee recommended that NRC defer its request for the additional funds.

Advisory recognizes that it is more cost effective for the NRC to allocate hours to the EEC position to work on education efforts related to the watershed and LID elements of the MPCP rather than to continue to contract with an outside consultant for this work at a higher rate of pay. Advisory noted that the $11,700 will fund 470 hours per year of EEC time while the same amount funds only 140 to 240 hours of work by an outside consultant. Given the significant increase in hours proposed, Advisory requested that the NRC provide information on how the scope of the work would be changing. The NRC expressed confidence that the scope of the work would be broad enough to support the increased hours.

Advisory acknowledges that the NRC has requested additional hours for the EEC position in the past and has articulated the need to commit more resources to education and outreach. This transfer will secure additional hours for the position without an increase in the NRC or MPCP FY13 operating budgets and without tax impact.

In general, Advisory acknowledges the potential to increase productivity without increasing the operating budget and supports the NRC in its efforts to effectively provide education services. Advisory has requested further clarification from NRC as to whether it has evaluated the option of increasing the hours for the EEC position only by the number of hours that the consultant would have spent to do the same work, thereby reducing the FY13 operating budget by the corresponding amount (approximately $5,000), resulting in a net savings to the Town. Many members of Advisory believe this is the most appropriate option. Other members believe that securing additional hours for the EEC position without additional tax impact is reasonable given the NRC's repeated representations that more educational and outreach efforts are needed, including work related to the watershed and LID elements of the MPCP.

Advisory will make its recommendation at Town Meeting.

REPORT OF THE BOARD OF SELECTMEN
AND
THE ST. JAMES AD HOC COMMITTEE
CONCERNING THE ACQUISITION AND FUTURE USE OF
900 WORCESTER STREET

INTRODUCTION

The Board of Selectmen will be making motions for the two articles, described below, to advance the Town's acquisition and eventual use of an 8 acre parcel located at 900 Worcester Street (the "Property"):

- Article 2: A motion to acquire 900 Worcester Street from the Archdiocese of Boston. The Property has long been of interest to the Town and its acquisition will add a much needed large parcel of land for municipal uses.

- Article 3: A motion to establish a successor committee to the St. James Ad Hoc Committee (the "Ad Hoc Committee"), to be known as the "900 Worcester Street Planning Committee", to continue work on a recreational plan for the Property.

Concurrently with the work of the 900 Worcester Street Planning Committee, the Board of Selectmen will, following the Special Town Meeting, solicit and entertain proposals for other municipal uses for the Property from other Town boards and from residents. This "parallel track" of study and review will be conducted concurrently with the recreational use study of the Property. The Board of Selectmen's review is intended to ensure that alternative uses for the Property are not overlooked, so that the best use of the Property is made, while keeping in mind the constraints of the Town's finances and Town-Wide Financial Plan.

This report will describe: existing conditions of the Property; planning studies conducted relative to the future development of the Property; the purchase agreement between the Archdiocese and the Board of Selectmen for the acquisition of the Property; the appropriation request for Community Preservation Act ("CPA") funds and their use; the proposed recreational plan for the Property; and the "parallel track" of review proposed by the Board of Selectmen.

EXISTING CONDITIONS

The Property, addressed as 900 - 910 Worcester Street, is located near the west gateway entrance to the Town with direct frontage on Route 9, a State Highway under the jurisdiction of the Massachusetts Department of Transportation ("MassDOT"). The 8 acre parcel is predominantly rectangular in shape, and is bordered by single family properties along Dale Street to the west, Route 9 to the north, Wayne Office Park to the east, and single-family properties along Shadow Lane and Bay View Road to the south. The Property is currently occupied by a 17,622 square foot church (2 stories), a 4,231 square foot rectory (2.5 stories), and a 2.51 acre parking lot. The Property is located near a Town well field, Morses Pond, and the Town trail system.

Development of the Property is constrained by natural features. Approximately 2.5 acres on the westerly side of the Property is within the Flood Plain District, as identified on the 100 Year

Flood Zone or Zone A on the Norfolk County Flood Insurance Rate Map to become effective July 17, 2012. The rear of the Property has a steep grade incline of approximately 30 feet to Bay View Road. A wetland located at the base of the slope restricts development on an additional 0.60 acres of the Property. The steep slopes, wetlands and flood plain areas comprise a total of approximately 3.97 acres or approximately 49.6% of the 8-acres.

The Property is zoned 10,000 Foot Single Family Residence District and abutting parcels to the south and west are also zoned Single Family Residence District The Wayne Office Park, to the east, is zoned Administrative and Professional District. The entire Property also lies within the Town's Water Supply Protection District, a zone which restricts uses which would adversely affect the areas of influence on the Town's wells. Municipal uses are permitted in Single Family Residence Districts upon the granting of a special permit by the Zoning Board of Appeals under Section XXV of the Town's Zoning Bylaw;

Vehicular access to and from the Property is currently limited to three curb cuts from Route 9: one is located at the eastern boundary and the other two provide access to the current parking area. Route 9 in this area is a four-lane divided highway. There currently is unsignalized access from the westbound lanes at the center curb cut; both curb cuts are accessible from the eastbound lane. The existing turn lane from westbound Route 9 provides space for the stacking of approximately 5 cars. Exiting vehicles are limited to eastbound travel, with turnaround capabilities at the Weston Road interchange. In addition, there is an existing, but not utilized, traffic light and sliding gate in the barrier that may be able to also accommodate westbound exits from the Property.

PLANNING STUDIES

In 2004 the Archdiocese announced its intention to close St. James the Great Church located on the Property. Given the size and location of the Property, the Planning Board began evaluating the potential for its redevelopment. In 2006 the Planning Board, as part of the preparation and adoption of the Town's 2007-2017 Comprehensive Plan, investigated a number of large developable sites in Town that could accommodate mixed-use projects or housing. In order to illustrate the potential redevelopment of these sites, the consultant prepared a set of mixed-use development scenarios for this Property. The scenarios illustrated design elements to re-establish linkages to Morses Pond and open spaces, create a gateway element at the Natick line, and to strategically locate parking.

To further the work performed in the Comprehensive Plan, the Planning Board conducted the Wellesley West Gateway Study in 2006-2008. The goal of the study was to create an area vision plan for the properties abutting Route 9 from the Natick line to Weston Road. Two public forums were conducted in December 2006 and June 2007 to seek public input on design alternatives to improve the streetscape, pedestrian mobility, and redevelopment of the area. This study provided an opportunity for the community to express its likes, dislikes and aspirations for the area. It also discussed the redevelopment potential of several commercial properties within the corridor, including the Property.

While the visioning work performed under the 2007-2017 Comprehensive Plan and Wellesley West Gateway Study was valuable, it also highlighted the need to conduct a site-specific study, allowing residents and other interested parties the opportunity to express their vision and preferences on future redevelopment of the Property. To assist it, the Planning Board, after a

public process announcing the study and reviewing proposals from several firms, engaged Concord Square Planning & Development, a planning consulting firm, in December 2009 to perform an Alternative Land Use Study for the Property. The goal of this study was to determine potential development scenarios for the Property. Concord Square engaged stakeholders through a series of public forums. Participants included those most directly impacted by future redevelopment of the Property, adjacent property owners, residents, and parishioners and vigilers.

At the first public forum in February 2010, the Recreation Commission, working with the Playing Fields Task Force and Wellesley Youth Hockey Association, proposed a recreational use for the Property. Concord Square Associates evaluated the proposed recreational use presented and drafted a land use scenario that included an ice rink, playing field, and swimming pool. That proposal, reviewed at the following public forum, was the clear preference of those participating in the process, which included abutters and vigilers. This use was further considered at a subsequent public forum and meetings of the Planning Board and was included in the final report from Concord Square.

On May 17, 2010, Concord Square presented the completed findings of the study to the Planning Board in its St. James the Great Alternative Land Use Study. (The full report is available on the Town's website.) The study inventoried the general constraints of the Property, described potential traffic impacts and infrastructure demands, and provided the following:

1. Based on public input, site constraints, land use patterns, market conditions and financing, the consultant identified four potential land use concepts for the Property, based on existing zoning as well as rezoning of the Property:

    a. Single Family Residential – The "as of right" use would allow the creation of a subdivision with a total of 12 single family lots (9 market rate and 3 affordable/assisted units).

    b. Recreation - Concept consists of a full size soccer field, indoor hockey rink, and indoor swimming pool.

    c. Mixed Residential - Concept consists of 40 residential units (8 single family detached and 32 multi-family or townhouse units) and includes the reuse of the existing church (14 units) and rectory (2 units). This concept would require the rezoning of the Property.

    d. Retail/Office - Concept consists of 4 buildings (one single-story and three 3-story buildings) with a total of 94,021 square feet. Under this concept it is expected that first floors would be used for retail uses and upper floors for office uses. This concept would require the rezoning of the Property.

2. Based on potential development under existing zoning and the residential and retail/office concepts, Concord Square estimated the market value of the Property as approximately $3.5 million under either development scenario.

On May 10, 2010, the Planning Board with representatives from the Recreation Commission presented the draft findings of the study to the Board of Selectmen. The Board of Selectmen saw

value in the study and discussed possible "next steps" to further the analysis of the recreational program proposed for the Property. Town Staff and Town Counsel recommended the establishment of a Town Development Review Team ("TDRT") to determine whether the recreational proposal was feasible given the Property's constraints and location. The TDRT was formalized as the St. James Ad Hoc Committee in the summer of 2010, with members and staff from the Board of Selectmen, Planning Board, Natural Resources Commission, Community Preservation Committee, Recreation Commission, Department of Public Works, and Town Counsel.

The Ad Hoc Committee requested funds from the Community Preservation Committee's administrative funds to conduct a "fit test" and to obtain an appraisal of the Property. The objective of the fit test was to evaluate whether all three of the desired recreational uses could actually be accommodated on the Property. Their analysis has shown that all three activities (ice rink, multi-purpose rectangular field, and pool) can be located on the Property with adequate parking to support these activities. The appraisal was used to inform the Board of Selectmen of the relative value of the Property should it be placed on the market. The findings of the appraisal guided the negotiation of the Board of Selectmen relative to the Purchase and Sale Agreement with the Archdiocese of Boston. The Ad Hoc Committee presented reports on its evaluation of the use of the Property to the Board of Selectmen in October 2010 and to the Advisory Committee in January 2011. Following the announcement of the Town's entry into the Purchase and Sale Agreement, the Ad Hoc Committee held numerous public meetings, including meetings with the vigilers, neighbors, the Board of Selectmen, the Planning Board, the School Committee, the Council on Aging, the Wellesley Housing Development Corporation, the Community Preservation Committee, the Natural Resources Commission and the Advisory Committee. Recommendations from certain Town Boards and Committees are summarized at the end of this report.

THE PURCHASE AND SALE AGREEMENT

In 2004, when it became apparent that the Archdiocese of Boston intended to sell the Property at 900 Worcester Street, the Town wrote to the Archdiocese expressing its interest in the eventual disposition of the site. Recognizing that the purchase of the site was a unique and rare opportunity for the Town, efforts to make the Archdiocese aware of the Town's interest in acquiring the land intensified. When a recreational use for the site was proposed, it became clear that the acquisition of the Property could meet demonstrated Town needs. Late last year the Archdiocese indicated it was ready to discuss the Town's purchase of the Property, making it clear that its discussions with the Town must be kept strictly confidential out of respect for parishioners still committed to their vigil.

In preparation for this discussion, and as mentioned above, the Board of Selectmen engaged Robert LaPorte, partner at Colliers Meredith & Grew, to produce a confidential real estate appraisal. In his report to the Board of Selectmen Mr. LaPorte expressed his opinion that the market value of the land and buildings is $4 million. He noted that the land if used for a residential subdivision would have a value of $3.7 million, a residential multi-family use $4 million, and a retail/office use $3.5 million. These valuations were consistent with those put forward in Concord Square's St. James the Great Alternative Land Use Study.

In late 2011, representatives of the Board of Selectmen held their first substantative discussion with representatives of the Archdiocese with a second meeting held early this year. On April 2,

2012, the Board of Selectmen, on behalf of the Town, and the Cardinal, as the "corporation sole," executed a Purchase and Sale Agreement ("the Agreement"); the Archdiocese met with the vigiling parishioners that evening; and the Board of Selectmen brought the matter into the public domain the following day. On May 29, an Amendment was agreed to by the Cardinal and the Board of Selectmen, restructuring future use restriction on the Property as explained below.

The following is a summary of the provisions of the Agreement, as amended:

- The agreed upon purchase price is $3.8 million dollars. No deposit is required of the Town.

- In the nature of an option to purchase, the Town has agreed to fund the Archdiocese's real estate tax bill on the site, not to exceed a two year period, beginning with the May 2012 quarterly bill, which amounts to $6,692.09, or approximately $26,000 per year. Additionally, the Archdiocese has three years of tax appeals pending against the Town in the Appellate Tax Board, and has agreed to dismiss those appeals and any others that may be filed, at closing.

- The Agreement is subject to Town Meeting approval. If Town Meeting does not approve the purchase, the Agreement is null and void. If Town Meeting approves the purchase, the Town will enter into a due diligence period of 60 days. During the 60-day due diligence period, the Town will:

    - Complete all appropriate environmental inspections, including the building and soil conditions (a "21E" inspection);
    - Delineate the wetlands area;
    - Determine the cost of building removal; and
    - Confirm the ability of the site to accommodate the recreational projected use.

- If the Town is unable to complete its due diligence within 60 days, it has the right to extend that period for an additional 30 days. Closing would then be scheduled to occur within the following 30 days, after successful completion of the due diligence examination to the Town's satisfaction.

- A portion of the Property shall be subjected to a permanent deed restriction under the Community Preservation Act, requiring that any portion of the site acquired by using CPA funds shall not be used for any purpose other than open space and recreational use. The CPA restriction must be recorded prior to commencement of any work to construct new buildings or facilities on the Property.
- The Town is obligated to demolish the church and rectory buildings within 12 months of closing and to prohibit the use of the buildings before demolition. The exact language reads:

  Grantee (i.e., the Town) *covenants and agrees for itself, its successors and assigns and successors in title that it shall demolish the church and rectory building on the Property within twelve (12) months of the date of delivery of the deed, and until such demolition occurs, Grantee shall not use, or permit the use of, the church or rectory building for any purpose.*

- The use of the site will be subject to municipal purposes for forty years. The exact language reads:

  Grantee covenants and agrees for itself, its successors and assigns and successors in title that it shall not use or permit the use of the Property for any purpose other than use by the Town of Wellesley for municipal purposes (as such term is used and defined in M.G.L. c. 40, §14) (the "Use Restrictions"), which municipal purposes shall include, without limitation, open space and recreational use, and leasing a portion of the Property for public or municipal recreational use. The Use Restrictions shall expire upon the date that is forty (40) years after the date of the recording of this Deed.

The two restrictions on use discussed above are new. The original Agreement had contained restrictions for a 90 year period which would prevent certain uses on the Property (the "Use Restrictions"), including a church and facilities at which abortions, assisted suicide or euthanasia, certain professional counseling services or embryonic stem cell research might occur. The question has been posed whether, in accepting those Use Restrictions, the Town would be in violation of the Establishment Clause of the First Amendment to the United States Constitution, which basically precludes a public entity from supporting religion. Town Counsel had expressed his opinion that the Use Restrictions were not in violation of the Establishment Clause when the transaction was put in context. However, Town Counsel also pointed out that it is not in the Town's interest to press the matter of constitutionality of the Use Restrictions nor for the Town to find itself in the situation where third parties might wish to contest their constitutionality, since the resolution could take years.

The May 29, 2012 Amendment has eliminated the Use Restrictions described above and instead substitutes restrictions that the Town has agreed to place on itself, namely, that the restrictions for the land purchased with CPA funds be recorded before the commencement of any building and facilities and that the remaining land be used only for "municipal purposes" for forty years from the date of closing. In this manner, the only restrictions placed on the Property have been those imposed by the Town on itself.

- Any resale by the Town is limited to the five years following closing; this restriction requires that should the Town sell the Property, or any portion of it, any profit (basically defined as the net after 120% of the Town's acquisition costs and the costs of any Town-made improvements are subtracted from the future sales price) would be shared proportionately with the Archdiocese at a rate of 50% if a future sale occurs in the first year, with a decrease in the percentage by 10% each of the following four years. The Archdiocese's right to participate in a future sale by the Town would terminate in five years.

- The Agreement does not require the Archdiocese to deliver the premises free of occupancy; in other words, the Town accepts the responsibility for engaging respectfully with those still in vigil at the time the closing occurs. Meetings have already been held with some of the vigilers, and the Board of Selectmen fully understand the closing of this Church is a difficult matter for the parishioners; however, the Board of Selectmen believe the Town is better suited to resolve this issue than the Seller and the Town's willingness on this point has been

one of the instrumental factors in reaching the very favorable (in the Board of Selectmen's view) acquisition price.

- The Agreement stipulates that all items of religious significance will be removed by the Archdiocese prior to closing. In a related aspect, the Town has expressed a willingness to place a historical plaque on the Property, recognizing the use of the site for the Church for over fifty years. The plaque will be historical in nature.

- The Agreement is subject to the satisfactory resolution of all canon law appeals within two years. The Town understands that the Vatican has upheld the Archdiocese's closing of the parish, but that there is one further right of appeal according to canon law. The Town has been informed at the end of May that such an appeal has been taken. If all canon law appeals are not resolved within the two year period, the Town will have the right to cancel the entire transaction. The site was previously extensively reviewed in the Massachusetts (civil) Courts in an action brought by parishioners resulting in a decision by the Supreme Court in 2007, which was favorable to the Archdiocese.

The above is a summary of the provisions included in the April 2, 2012 Agreement and the May 29, 2012 First Amendment. Both are public documents and are available, at Town Hall and on the Town's website.

APPROPRIATION REQUEST

The proposed plan for funding the acquisition of the Property and the subsequent redevelopment of the Property involves a combination of tax impact, CPA and private funds.

Cost of Land Acquisition

At the June 13, 2012 Special Town Meeting, the Board of Selectmen will seek an appropriation sufficient to cover the purchase price and other costs incidental to the acquisition of the land. The elements of this appropriation request and related funding source are summarized in the following table:

	Funding Source		Total
	CPA	Tax Impact	Appropriation
Purchase price	$ 2,375,000	$ 1,425,000	$ 3,800,000
Property tax bills	35,583	21,350	56,933
Survey, site assessment & wetlands delineation	33,589	20,153	53,742
Oil tank removal	3,438	2,063	5,500
Building demolition	102,391	61,434	163,825
Traffic study including peer review	21,875	13,125	35,000
Legal fees	12,500	7,500	20,000
Consultant	15,625	9,375	25,000
	$ 2,600,000	$ 1,560,000	$ 4,160,000

The necessary CPA funds are in-hand and derive from a 1% property tax surcharge that commenced in fiscal year 2003. The tax impact funds are to be provided by a general obligation borrowing. The projected debt service on this borrowing would be approximately $145,000 in fiscal year 2014 (FY14) and decline each year thereafter. The relative allocation of funding between CPA and tax impacts reflects the expectation that 62.5% of the acquired land will be designated for CPA-eligible purposes as secured by one or more conservation restrictions. Following the acquisition of the Property, action at future Town Meetings will be required to:

1. Formally authorize the envisioned uses of the newly acquired land;
2. Appropriate funds to develop detailed plans, and obtain permits, for the proposed uses; and
3. Fund construction costs.

USE OF COMMUNITY PRESERVATION ACT FUNDS

In 2002, Wellesley accepted the Massachusetts Community Preservation Act and formed a Community Preservation Committee ("CPC"). Under the CPA, the Wellesley CPC is funded by a 1% surcharge on the local property tax. The State matches a portion of these funds. The purpose of the CPA is to provide funds for four activities:

- Acquisition, creation and preservation of open space;
- Acquisition, creation and preservation of land for recreational use;
- Acquisition, creation, preservation and support of community housing; and
- Acquisition, preservation, rehabilitation and restoration of historic resources

CPA funds can also be used for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created using CPA funds. All funding recommendations made by the CPC must be approved by Town Meeting.

In Wellesley, the CPC studied the needs of the community and developed a long range plan targeting specific unmet needs. While the CPC has funded a number of substantial projects, it has also positioned itself to fund larger projects. In particular, the CPC is aware of the difficulty in acting quickly should a substantial property come on the market. Following the closing of St. James the Great Church in 2004, the CPC began studying its role as a partner to the Town should the Property or another large parcel become available. The CPC examined its revenue and fund projections, its potential to borrow money to be paid back with future CPA revenues, and the uses of the Property. When the CPC developed its five-year plan, a placeholder was added to allow for open space acquisition. The CPC also participated in the Planning Board's studies of the Property and assigned a representative to the Ad Hoc Study Committee.

Now that Wellesley has the opportunity to buy the Property, there are several questions that must be answered:

- Is this an allowable use of CPA funds?
- What is the appropriate CPA share?
- Can the CPC afford to fund this project without impact to other projects?
- What happens once CPA funding is used to purchase a portion of this Property?

Is This An Allowable Use of CPA Funds?
The CPC has indicated that this is a great use of CPA funds. CPA funds will be used for 62.5% of the acquisition (the portion of the Property being acquired for open space and recreational use which must be placed under one or more conservation restrictions to protect that use). The CPA legislation encourages the acquisition of land to protect existing and future well fields, aquifers and recharge areas, watershed land, fields, wetlands, and land for recreational use. The Property is in a Water Supply Protection District and a Flood Plain District. It is adjacent to a Town well field, Morses Pond, and the Town trail system.

What is the Appropriate CPA Share?
To preserve the maximum utility of the Property to the Town to meet future Town needs, the decision was made to separate the uses of the Property into two parts. The portion of the Property purchased with CPA funding will be protected for open space and recreational use. This portion includes most, if not all, of the flood plain area and wetlands as well as a significant portion of the west end of the site where a recreational field, which is an allowed use under CPA legislation, is proposed. The 62.5% figure was the result of looking at how the proposed or alternative uses fit on the Property.

The remaining 37.5% of the Property, which represents the optimal building location, can be used as the Town deems best. This portion of the Property gives the Town the flexibility to build a pool, ice rink, or any other Town facility on the land without disturbing the protected portion of the Property.

Can the CPC Afford to Fund this Project Without Impact to Other Projects?
This project has been in the CPC Long Range Plan for at least three years. One advantage of the 5-year planning process is that the CPC can visualize future projects and their impact on the CPA reserves. For several years running, the CPC has projected $3.5 million for acquisition and development of the Property for a recreational use. Other major projects in the plan include $3.6 million for the rehabilitation and restoration of Fuller Brook Park and an ongoing annual appropriation to the Wellesley Housing Development Corporation for the development of affordable housing. At the 2012 Annual Town Meeting, the CPC presented its 5-year plan.

Each year, the CPA legislation requires that 10% of projected revenues be appropriated or reserved for each of three funds: Open Space, Historic Preservation, and Community Housing. The remainder remains in undesignated funds unless appropriated for a specific use. As of June 30, 2011, the CPC had the following fund balances:

- $1,594,549 in its designated reserved funds, including $849,887 in the Open Space Reserve;
- $4,114,153 in undesignated funds; and
- $1,542,601 in encumbered funds, appropriated in earlier years but not yet spent

Since then, the CPC has received FY 2012 revenues of approximately $1.2 million and has appropriated $665,000 from its Historic Preservation Reserves for final design of the Fuller Brook project, $330,000 to the Wellesley Housing Development Corporation, $60,776 for administrative expenses, and $124,890 to each of its Open Space, Historic Preservation and Community Housing reserves. New balances will be certified at the end of June. CPC also has the ability to borrow against future revenue.

What Happens Once CPA Funding is Used to Purchase a Portion of this Property?
CPA legislation requires that the CPC protect the land purchased for Open Space and Recreation with one or more conservation restrictions. The conservation restriction will be finalized after the land is surveyed and the location of the playing field determined. A playing field and affiliated parking is an allowed use; however, structures such as a gymnasium, rink, pool, senior center, or other buildings are not allowed on the conservation restricted portion. The conservation restriction is designed to be permanent and must be approved by the Massachusetts Executive Office of Energy and Environmental Affairs.

RECREATION PLAN

A motion under Article 3 will be presented by the Ad Hoc Committee seeking Town Meeting approval, for the creation of the 900 Worcester Street Planning Committee to pursue the Recreation Plan. A parallel planning track, described later in this report, will be undertaken by the Board of Selectmen to solicit and entertain ideas and proposals for other uses for the Property.

The following section is intended to identify the Recreational Plan for the Property, as currently contemplated, its projected costs and funding sources. The Recreation Plan for the Property is to develop and use the site for a multi-use rectangular turf playing field, ice rink, and pool. Most of these facilities were identified in the Town's 2007-2017 Comprehensive Plan as needs for the Town and all have been discussed for decades. The development of these facilities addresses recognized deficiencies in the Town's recreation infrastructure given the significant participation in sports by the Town's youth, as demonstrated by the following:

- An average of 3,000 youth participate in Wellesley's spring and fall field-sport clubs (2,000 soccer, 800 lacrosse, 200 football), representing over half of the Town's youth between ages 5 and 14.

- Almost 600 youth, aged 5 to 15 participate in Wellesley Youth Hockey ("WYH").

- Wellesley Swimming Association, the local youth team, has very limited pool capacity, thereby limiting the team to 200 members. Admission to the team is by tryout and approximately 100 children per year are turned away from organized swimming at the age of eight.

These proposed recreation facilities support Wellesley's goal to promote a healthy community and provide a broad range of recreational opportunities. Specifically, scientific data shows that children who start playing sports when young are more likely to continue healthy activities into adulthood; additionally, participation in such activities has been shown to aid in the development of important social, leadership and teamwork skills. The proposed facilities will provide additional opportunities for adult recreation, multi-generational programming, and universal handicapped accessibility

Graphic of Current Recreation Plan as Prepared by Gale Associates Inc.

The Field
Representatives of the field-sport programs and Town officials meet monthly to coordinate field use and policies through the Playing Field Task Force ("Task Force"), with the Recreation Department chairing the Task Force. The Task Force maintains a comprehensive inventory of fields, quantifying and projecting field needs by age cohort in order to help set priorities for field use and improvements, as well as to identify future issues. Currently, there is a specific shortage of large fields, requiring the youth sports and School teams to rent two fields at Elm Bank. The ongoing availability of the Elm Bank fields is not certain as there are multiple competing organizations and towns interested in leasing those fields.

The addition of a large playing field at the Property would be a major advancement in the inventory of field usage available in the Town. Given the proposed turf field would be ADA compliant, the field would create recreational opportunities for many of the Town's residents currently underserved. The location of the field away from school properties would also increase Recreation's ability to serve a broader range of the Town's residents due to the cost and logistical issues with having to perform background checks for users of on-campus facilities. Finally the possibility of having a turfed lighted field would extend the hours of use during those dark early spring and late fall days as well as support late evening adult activities.

The Rink
Building on the success of Wellesley's field-sport clubs, Wellesley Youth Hockey ("WYH"), a parent-run organization, has also experienced tremendous growth. The skating and hockey tradition in New England, Boston, and specifically in Wellesley, is long-standing. In the Hunnewell Field Recreation Usage Plan from the 1940's, no less than four ice skating areas were proposed. However, today, there is no Town-owned ice rink. The current ice rink located in Town is owned and operated by Babson College, and the College provides limited ice-time for the High School's Varsity and JV hockey teams. The limited ice-time does not meet the needs of Wellesley's public school teams limiting practice time and necessitating the use of other venues

For the town's youth teams, WYH must depend on nearby institutions and commercial rinks, requiring teams to travel from East Boston to Marlborough at various times, creating logistical challenges for the participants, parents and volunteer coaches. Furthermore, the renting of ice-time is a seller's market, requiring WYH, and ultimately its participants, to spend up to $500,000 annually for ice rental.

An ice rink in town would allow the Recreation Department to offer more multi-generational programming. Reserving some prime hours in the evenings or during the weekend for open-skate or a "First Friday Skate" would allow more residents to participate in skating and other ice activities. A town ice rink at the Property would allow more life-enriching activities to exist in Wellesley.

The Pool
The goal of developing a Town pool is longstanding:

- In the 1970s, the provision for a pool failed as part of a proposed high school project;
- In 1996, an Aquatic Facility Needs Survey distributed to Town residents showed a town pool as a desired amenity by over 75% of the respondents, with most expressing support for the creation of the pool with taxpayer funds; and

- In 1997, the town commissioned a feasibility study which concluded that a town pool would be well used and self sustaining.

For over 30 years, advocates have searched for the approximate 2 acres needed to site a pool and its parking, to no avail. Attempts to "reserve" land near the new High School were unsuccessful, despite one of the most frequently asked questions regarding the proposed High School model displayed in the Library being "where is the pool?" An exhaustive cross-department search for the space turned up empty as land is either conserved as parkland, would be disruptive to neighbors or lacks sufficient access. The location at 900 Worcester St., while not centrally located has some advantages, as Route 9 will provide convenient access to the facility with minimal impact on any neighborhood; and immediate access to the Crosstown Trail that provides a unique and dedicated pedestrian travel option to the site.

Today in Wellesley, Morses Pond and a thin patchwork of swimming facilities serves local needs. Babson College provides the High School teams the 7pm - 10pm time slots to share with Needham High School. The Wellesley Swimming Association has limited pool time (5 hours / week) that must be distributed between Babson College, Wellesley College, Dana Hall and elsewhere, limiting the membership of the team. Local commercial clubs are limited in availability and do not meet the adult recreational needs of Wellesley swimmers. A new aquatic facility would provide for those needs and services which are currently lacking in Wellesley, including a toddler warm water pool, affordable lap swimming at convenient times, warm water therapy facilities, and a well-designed handicapped accessible pool.

Of seventeen towns surrounding Wellesley, thirteen now have some form of publicly accessible pool. On one end of the spectrum, some towns have a simple six-lane lap pools intended to serve a high school team and limited adult recreational lap swimming. Some towns provide some level of lessons or other activities such as the Waltham or Needham YMCAs. On the other end of the spectrum, town pools serve broader community uses by offering a lap pool large enough to serve both teams and recreational users simultaneously, a warm pool for lessons, seniors and therapy, a shallow toddler pool, and deep water for diving. Additionally, for swimmers needing dry land exercise, these facilities hold small cardio and strength training spaces. The Beede Swim & Fitness Center in Concord is one such example and has been well received with 24% of Concord residents (4,213 of 17,668) subscribing to memberships, of whom 272 are over the age of 80.

The next step for the development of the Pool is for a future Town Meeting to commission a study to determine the programming and facility size needed for a Wellesley town pool.

Project Cost of Recreational Plan

the estimated costs and funding source for the design, permitting, and construction of the field, ice rink, and pool are summarized in the following table:

	Funding Source			
	Tax Impact	**CPA**	**Private**	**Total**
Parking, drainage & landscaping	142,275	237,125		379,400
Traffic mitigation	150,000	250,000		400,000
Field	660,000	360,000		1,020,000
Safety netting	17,600			17,600
Lights			300,000	300,000
Skating rink			5,000,000	5,000,000
Pool			9,500,000	9,500,000
	$ 969,875	$ 847,125	$14,800,000	$16,617,000

The tax impact funds would be funded through a borrowing and the CPA funds are in-hand. The proposed use of CPA funds to be utilized for the project is consistent with the Community Preservation Commission's long-term financial plans. The various private funds are intended to be sourced as follows:

- Lights - Private contribution toward the cost of the lights to be funded by field user fees. No increases in current fee levels are anticipated in order to provide this funding.

- Ice rink - It is expected that the revenue generated by an ice rink would be sufficient to cover the bulk of the cost of constructing and operating the facility. The WYH has expressed its commitment to cover any capital or operating cost shortfall through user fees and/or private fundraising efforts. The ownership model has yet to be determined. A lease option would allow the Town to lease the land to a private entity that would construct and operate the ice rink with the provision of providing preferential ice time to Wellesley residents and organizations. Under the operator option, the Town would construct and operate the ice rink and offset the related costs with ice time rental revenues. Further study is necessary to determine the best model for the Town and will be a primary focus of the 900 Worcester Street Planning Committee proposed under Article 3.

- Swimming pool - The Town completed preliminary investigation of various pool designs and the cost of such facilities. There are a wide range of designs, ranging from a single six lane lap pool, to an indoor complex with separate pools for swimming laps, diving, therapy, seniors and tots, etc. More elaborate facilities include a fitness center to attract more clients to generate additional revenue. The cost of constructing the pool component is to be funded substantially through fund raising. The cost of operating the pool is to be funded with the revenues generated by user and rental fees.

Interim / Other Recreation Uses

As part of the Ad Hoc Committee work with Gale Associates on the Fit Tests for the Property, interim recreation uses were evaluated should a significant window of time exist between the development of the various facilities. These interim uses included basketball courts, volleyball

courts, and/or a tot playground with a splash area. Longer term uses considered included a skateboard park as well as an outdoor rink for roller hockey and outdoor skating. The Town has numerous alternative recreational needs which would require the balancing of the cost, expected benefit and duration of the uses should these windows of time become available.

FURTHER REVIEW OF POTENTIAL USES OF THE PROPERTY

The Board of Selectmen intends to solicit and entertain proposals for other municipal uses for the site from other Town boards and from residents over the next several months. This "parallel track" of study and review will be conducted concurrently with the study and development of the recreational plan by the successor committee to the St James Ad Hoc Committee. This review by the Board of Selectmen of potential alternative uses is intended to aid the Board of Selectmen in making a recommendation to a future Town Meeting as to the best use of the property for the Town. Following the June Special Town Meeting, the Board of Selectmen will review suggestions and proposals for alternative uses from the public and from Town boards, particularly from those boards that have expressed interest in the property for possible use. Criteria for the review of proposals will include, but are not limited to accommodation or "fit" on the site; demonstrated municipal need within the Town's priorities; financial cost and implications to the Town within the context of the Town-Wide Financial Plan; and appropriateness of the location for the proposed use. Should the Board of Selectmen decide that one or more alternative use proposals warrant further investigation or development, a recommendation and request for funds or other action if necessary, will be made to a future Town Meeting. Further details of this process will be presented at the June Special Town Meeting.

RECOMMENDATIONS

Community Preservation Committee
The CPC voted unanimously and with enthusiasm to support the purchase of 900 Worcester Street. Of the total purchase price and other costs incidental to the acquisition of the land amounting to $4,160,000, the CPC recommends that Town Meeting approve the use of $2,600,000 in CPA funds of which $700,000 will come from the CPA Open Space Fund and the balance of $1,900,000 in CPA undesignated funds, such recommendation to be contingent on a review of the final wording of the motion. This review will take place after the submission of this report. CPC based its support for the acquisition on the following factors: (1) it is an appropriate use of CPA funds; (2) it will facilitate the development of new open space and recreation resources; (3) it has been part of the CPC' s long range plan; and (4) CPC participation in this project will have no negative impact on other planned CPC projects.

Planning Board
On May 21, 2012 the Planning Board voted 4-1 to support the purchase of 900 Worcester Street for recreational purposes with the provision that any future use of the site is thoroughly reviewed and permitted to ensure satisfactory traffic engineering and traffic management, which provides for safe, efficient, and sustainable vehicular and pedestrian access to and from this site.

Board of Selectmen
The Board of Selectmen unanimously recommends that Town Meeting votes to acquire 900 Worcester Street. The Board considers the price and the terms of the Purchase and Sale Agreement with the Archdiocese of Boston to be fair and reasonable. The Board believes that

the purchase is in the best interests of the Town and will provide a large parcel, at a gateway location, for recreational and/or other municipal purposes.

The Board notes that three years of planning have been spent in looking at various uses for the site. The Board endorsed the creation of, and participated in, the St James Ad Hoc Committee that has produced a comprehensive recreational plan for the Property. The Board unanimously recommends that a successor committee be approved under Article 3 to further develop and refine the recreational plan. Recognizing that other viable uses for the Property may exist, the Board intends to conduct a "parallel track" process of review by engaging with residents and Town boards to determine whether there may be more suitable uses for the Property. The Board will outline this process at the Special Town Meeting. The Board will report to the next Town Meeting on its findings and recommendations.

Recreation Commission
Recreation voted unanimously on no less than four occasions over the past four years its support for the recreation plan. The basis for its support has been the understanding that these amenities would allow expanded recreational opportunities for residents of all ages.

School Committee
On May 22, 2012, the School Committee voted unanimously to the support the Board of Selectmen's recommendation to purchase 900 Worcester Street.

Natural Resources Commission
The Natural Resources Commission voted 5-0 to support the Town's purchase of 900 Worcester Street provided that the Town diligently and extensively exercise it's buyer's rights of inspection provided under the purchase and sale agreement dated April 2, 2012 and that the property is sufficient for any contemplated municipal use. The NRC supports the opportunity for the Town to further evaluate the site for recreational uses including connecting to our trails system.

Wellesley Housing Development Corporation
At a meeting with the Board of Selectmen on May 14, 2012, the Wellesley Housing Development Corporation ("WHDC") advised the Board that the WHDC voted 4-0 with one abstention not to pursue affordable housing at 900 Worcester Street. WHDC chair, Bob Kenney, advised that the Property did not meet the WHDC's criteria for housing due to the lack of access to basic community amenities and a lack of public transportation. He further noted that additional housing would diminish open space, would not exist within a previously established neighborhood, and that that section of Town already had a large number of units of affordable housing.

Respectfully submitted,

Board of Selectmen

Barbara Searle, Chair
Katherine Babson
Ellen Gibbs
Donald McCauley
Terri Tsagaris

St. James Ad Hoc Committee

Katherine Babson, Selectman Representative
Janet Bowser, NRC Director
James Conlin, Recreation Commission Representative
Rose Mary Donahue, Citizen
Joan Gaughan, NRC Representative
Dave Hickey, Town Engineer
Meghan Jop, Planning Director
Hans Larsen, Executive Director of General Gov't.
Donald McCauley, Selectman Representative
Michael Pakstis, DPW Director
Allan Port, CPC Representative
Albert Robinson, Town Counsel
Andrew Wrobel, Recreation Representative

APPENDIX A

Comprehensive Morses Pond Management Plan

Executive Summary (excerpted and updated from 2006 ATM Advisory Report)

Morses Pond is the single largest natural asset in the Town. Historically, the entire pond has been used extensively for recreation, including swimming, boating, fishing and skating. The decrease in the health of the Pond has been evident for decades, but by 2003 had progressed to a level that seriously diminished its use and enjoyment. There have been intermittent efforts to improve the condition of the Pond, but nothing long-term or comprehensive. The 2004 Annual Town Meeting authorized the expenditure of $150,000 (split 50/50 between CPC and Town budget funds) to hire an outside firm to conduct a feasibility study and develop a comprehensive integrated management plan for the long-term preservation of Morses Pond.

Over the five years of the Comprehensive Plan, the capital and operating expense would be used to implement rooted plant control, phosphorus and sediment inactivation, dredging, watershed management and education. The funds would be allocated among the NRC, BPW and Recreation Committee based on their respective responsibilities for elements of the program, as detailed later in this write-up. The implementation and oversight of the project would be managed by the Morses Pond Management Committee (MPMC) comprised of a representative from each of the aforementioned boards and appropriate Town professional staff, with the representative of the NRC serving as chair. The technical implementation, support and consulting would be provided by the services of an outside professional pond manager or firm.

Morses Pond-Background

Morses Pond is a shallow lake, originally formed in the 1600s and enlarged several times to its present-day size of 105 acres. The Pond is fed by a 5300-acre watershed, 22% of which is in Wellesley with the remainder primarily in Weston and Natick. Most of the watershed is developed land. Water enters the pond through tributaries, including Jennings Brook, Bogle Brook and Boulder Brook. Over 40% of the Town's water supply comes from wells adjacent to Morses Pond. In addition, a major recreational complex at the southern end of the pond provides facilities for swimming and picnicking, as well as access for non-motorized boats. The Town trail system around part of the Pond provides opportunities for nature walking and cross-country skiing. In winter the pond is used for skating and ice fishing. Nearby schools utilize the pond for educational programs.

Problem Statement

Since at least the early 1970s, the pond has exhibited symptoms of over-fertilization including recurrent algal blooms, reduced transparency, and dense aquatic vegetation growths that have impaired recreational water uses--swimming, boating and fishing. The once-popular public sailing program is no longer feasible. The aesthetics of the pond and its wildlife habitat are also in serious decline.

The degradation process is controllable and reversible. However, current efforts to maintain the pond have been insufficient. If they are not augmented, the pond will continue to decline, some of it will become unrecoverable wetlands and the expense of any pond restoration will become prohibitive.

Development of the Pond Management Plan

In conjunction with the Town Meeting authorization for the Feasibility Study, the Morses Pond Ad Hoc Committee--comprised of representatives from the NRC, BPW and Recreation Committee and associated Town staff, as well as representatives from the Friends of Morses Pond -- was organized to contract for and oversee the development of a comprehensive plan for the long-term management of the Pond.

The Ad Hoc Committee issued a Request for Proposal and contracted the services of a prominent environmental services firm under the direction of a certified lake manager. Meeting regularly with the certified lake manager over the course of a year, the Committee incorporated input from other Town boards, stakeholder groups, and other citizens to set priorities, evaluate technical options, determine regulatory and public acceptability, and assess affordability. The Committee carried the project through to the acceptance of a final plan and request for funding. The result is the Plan detailed below.

Plan Goals and Priorities

Through the use of questionnaires and input at public meetings the goals were defined and priorities set as follows:

Priority	Pond Use	Management Plan Effect
1	Water Supply	Not a focus for planned improvements, but pond work must not jeopardize the water supply.
2	Swimming, Town beach use, and other contact recreation	Primary focus of planned improvements
	Flood Control	Not a focus, but work must not jeopardize flood control
3	Fishing	Primary focus of planned improvements
	Canoeing, sailing, and other non-motorized boating	
	Nature walking, education, and other non-contact recreation	
	Environment/wildlife protection	Secondary focus of planned improvements

It was determined that, by improving the water clarity and mitigating the intense rooted plant problem, the goals could be met and Morses Pond would be a more enjoyable place for Wellesley residents to go swimming, fishing, boating, walking, etc.

Supporting these qualitative aspects of the management plan are measurable goals: 1) to reduce algae count and increase water clarity by achieving a 33% decrease in phosphorus concentration levels, and 2) to reduce rooted aquatic plant biomass by reducing the invasive plants by 50% to 75% and encouraging native plants. Implementation of the plan would be closely monitored and altered as needed. Once goals are achieved, maintenance activities would continue to insure ongoing pond quality.

The following techniques explain how the various elements of the plan work to improve pond conditions:

Algae and Water Clarity Control

- **Phosphorus and sediment inactivation** station in northern basin:
  A buffered aluminum dosing station was built and operates from late spring into summer. Storm events are targeted to get a reduction in phosphorus and suspended solids including algae, sediment, and even bacteria. This approach has been shown to reduce phosphorus concentrations by 50% to 90% in other systems. In Morses Pond, we have been able to achieve a desirable phosphorus concentration going into the summer in each of the last three years. While addition of any element to a pond adjacent to a water supply is cause for notice, aluminum is considered safe and its addition to water supply has been commonplace since the early 1900s.
- **Dredging** of the northern basin:
  Dredging would restore the detention capacity of the northern basin such that particulate matter can settle out before reaching the main part of the pond. By removing soft sediment, plants, roots, seeds, and other plant stages, dredging would set that portion of the pond "back in time".
- **Education** of watershed residents:
  Various communication vehicles including a web site are to be used to educate residents and contractors to reduce or eliminate the use of phosphorus in fertilizers and to reduce or eliminate runoff that carries sediments, nutrients, and chemicals into the pond. The website remains under construction, but progress has been made and a survey of resident practices and knowledge about impacts to water by residential activities has been completed.
- **Bylaw** review and enhancement:
  Bylaws have been reviewed and generally found to be appropriate. Further review, with possible revision to codify environmental "best practices" may still occur, but this is not a current key aspect of the plan.
- **Low Impact Development** Program:
  This program will inform the public about ways to develop property with minimal impact on the environment as well as the need and opportunities for storm water management. A rain garden and other LID techniques were installed on public property at the Morses Pond beach in May 2012 and additional rain gardens/LID projects are planned over the next several years.

Rooted Plant Control

- **Improved mechanical harvesting.**
  Operation of the old weed harvester was ineffective due to its age, condition, and limited capabilities. A new harvester was purchased to cut more plants with greater selectivity, accuracy and speed. Conditions have been substantially improved for over three years.
- **Other harvesting and benthic barriers.**
  Benthic barriers are mats installed on the pond bottom to inhibit growth of aquatic plants. Because of cost and logistical issues, these targeted approaches to rooted plant control would be employed in selected areas utilizing volunteer labor. Abutters would absorb the cost of the barriers. A test application was performed at the Town beach, but most abutters found this method to be too cumbersome for their individual properties. A community hydro-raking program was implemented two years ago, allowing individual property owners to contract with a private company to have their shallow areas hydro-raked in the same timeframe that the Town has the swimming area done.

- **Selective planting.**
  This technique cultivates native plants that would grow to a minimal height within the pond and “carpet” the bottom, thus improving water clarity and reducing obstructions. Once native plants are established, invasive plants would have a harder time reestablishing themselves. The harvesting program is not yet far enough along to be ready for this phase of the program.

Alternatives or No Additional Action Plan:

It was possible to continue with the former approach of limited weed harvesting and application of copper and aluminum treatments near the swimming area to counteract algal blooms. However, desired conditions were not routinely achieved with this approach. In addition, the northern basin is slowly transitioning into wetland. Over the next 20 years, pond management would become particularly difficult and expensive without a change in approach.

Without more intense treatment, water clarity would continue to decline in the southern basin and the pond would continue to suffer from dense, impenetrable weed infestations. This would have a serious negative impact on both recreation and habitat value. Over an extensive period of time, water treatment costs could be impacted.

APPENDIX B: 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 reports 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 Moderator's 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 - *Per*sons wishing to address the Meeting shall raise their hand 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 vote 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.