

TOWN OF WELLESLEY



SUPPLEMENT 3

TO THE 2013 REPORT TO THE ANNUAL TOWN MEETING

by the
ADVISORY COMMITTEE

INDEX TO WARRANT ARTICLES

ARTICLE	SUBJECT	PAGE
	Advisory Votes after distribution of Supplement 2	272
APPROPRIATIONS – SPECIAL CAPITAL PROJECTS		
20.	Appropriation – Hills Branch Library Chimney Repair	273
AMEND TOWN BYLAWS		
33.	Amendment – Prohibit Public Consumption of Marijuana	276

Prepared on April 4, 2013

ADVISORY VOTES AFTER DISTRIBUTION OF SUPPLEMENT 2

Article 4

Motion 4

Please see the 2013 Advisory Report Supplement 2 on pages 264-265 for the discussion of this Motion.

Advisory recommends favorable action, 10 to 0.

Article 8

Motion 2

Please see the 2013 Advisory Report on pages 21-87 and Supplement 2 on pages 266-267 for the discussion of this Motion.

Advisory rescinds original vote, 10 to 0.

Advisory recommends favorable action, 9 to 1.

Article 14

Please see the 2013 Advisory Report on pages 97-98 and Supplement 2 on pages 268 for the discussion of this Motion.

Advisory recommends favorable action, 10 to 0.

Article 17

Please see the 2013 Advisory Report on pages 100-103 and Supplement 2 on pages 269-270 for the discussion of this Motion.

Motion 1

Advisory recommends favorable action, 10 to 0.

Motion 2

Advisory recommends favorable action, 10 to 0.

ARTICLE 20. To see what sum of money the Town will raise and appropriate, or otherwise provide, for architectural, engineering and/or other services for preparation of plans and specifications for renovation of the Hills Branch Library (210 Washington Street), including without limitation the chimney, and for the construction, reconstruction, remodeling, rehabilitation and/or modernization of the same; and for other services in connection therewith; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds including Community Preservation Funds; or take any other action relative thereto.

(Board of Selectmen & Board of Library Trustees)

Please see the 2013 Advisory Report on pages 110-112 for a summary of the proposed authorization of \$252,250 to the Permanent Building Committee (PBC) for the repair of the chimney and exterior wall at 210 Washington Street where the Hills Branch Library is located. Additional information received after the Advisory Report went to print and the Advisory recommendation is given below.

MOTION 1

That the sum of \$252,250 be appropriated to the Permanent Building Committee for repairing, preserving and restoring the east facing chimney and wall of the Wellesley Hills Branch Library (listed on the *National Register of Historic Places* in 2007); that of said appropriation

1. \$126,125 to be taken from balances on hand in the Community Preservation Fund Historic Resources Reserve¹ provided that the Community Preservation Committee and the Wellesley Historical Commission certify that the contract for the work complies with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68;
2. \$126,125 to be taken from Free Cash, as certified as of July 1, 2012;

and that the Permanent Building Committee is authorized to take all action necessary to carry out this project.

The Board of Selectmen (BOS), Library Trustees, Community Preservation Committee (CPC) and Wellesley Historical Commission (WHC) have all endorsed the restoration of the 210 Washington Street chimney/exterior wall to its original appearance but without a functional fireplace. The project scope will repair damage to the chimney and reinforce the northeast wall to ensure its continued stability. The total project cost of the project is estimated by PBC to be \$252,250, which includes design through full construction funding. If approved, the appropriation will come from two funding sources: \$126,125 from the CPC Historic Resources Reserve and the balance (\$126,125) from Free Cash.

Current Status

The chimney has partially collapsed and has been temporarily stabilized. The PBC has estimated that the cost to stabilize it for another extended period would be \$23,000. Significant underlying issues have been found, including water infiltration and dissolving of the wall mortar, vine

¹ Other Town projects partially funded from the CPC Historic Resources Reserve in the past include the Wellesley Farms Railroad Station, the Clock Tower at Elm Park, and preservation of components of the original Town Hall (former Wellesley Country Club building).

infiltration, and reduction of core stability of the chimney structure as the mortar erodes because the stones were not originally anchored to its internal core.

The chimney/wall structure is massive and the project includes reinstalling approximately 175 stones that weigh an average of 125 pounds each. The cost of cataloging the stones to be able to accurately replace them has already been incurred, and may be partially offset because it will provide a “roadmap” for reconstruction as well as help minimize the purchase of new stones. Bracing and stabilizing work is needed to secure the base of the wall to support the rebuilt chimney. Because the chimney/wall reconstruction requires skilled craftsmen, there is a limited pool of qualified bidders. The chimney will not possess a working flue, but a brick liner will be continued from the lower part of the chimney for structural reasons only.

The PBC has provided the following estimate for the chimney/wall repair project:

Construction Estimate	\$184,457
Professional Services (design, construction administration, historic consultant etc.)	30,000
Other Costs (PBC Administration, PBC Expenses)	7,369
Contingency (15%)	30,424
Total	<u>\$252,250</u>

Consideration was given to other design options which included: 1) truncating the chimney height at the point of believed stability (below the roof line) resulting in a half chimney; and 2) removal of the chimney structure to the shoulder, leaving no evidence of a chimney. All involved boards unanimously rejected these options, largely because the 210 Washington Street building is a Town treasure, listed on the *National Register of Historic Places* (as approved by the 2007 ATM), and these options were believed to seriously compromise the building’s original design. Additionally, CPA funding would not be available for these partial reconstructions² and future potential historical funding would be put at risk.

The PBC has opined that no other design option (e.g., using faux stones or a creating a custom veneer made from the existing stones) would be able to restore and preserve the visual appearance of the building. The size of the structure and its mass (12’ by 6’ at its base) is the principal driver of the chimney/wall repair cost, and therefore any approach taken to preserve the original appearance would have to be done on the same scale; appreciable savings in labor costs might not be possible. Those vetting the repair options indicate that it would not be visually acceptable nor technically feasible to simply add a faux extension on top of the existing portion of the original structure. Cutting existing stones to use them for the veneer would be costly, with stones needing to be moved off site, and some fraction of the stones might disintegrate when cut. A center core would need to be built regardless of which option (original or faux stone) was chosen. Finally, PBC feels that the chimney veneer would not necessarily last 50+ years (a PBC requirement), would probably look inferior, and there might be potential difficulties in surface bonding.

² According to the Massachusetts General Laws Chapter 44B Section 2, with respect to historic resources, "rehabilitation" shall comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68. The CPC accepts guidance from the WHC in applying Department of Interior standards with respect to historic preservation and rehabilitation. The WHC also advises the CPC about whether Town projects are eligible for funding from the CPC Historic Resources Reserve.

In considering this project, Advisory has repeatedly asked for a more comprehensive look at the repair possibilities, including cost estimates for non-historical construction which would clarify the historical "premium" that is being proposed for this project. While Advisory is not recommending a non-historical approach, a more thorough evaluation of this project would have been possible were the spectrum of options well understood and accurate cost estimates of these other options available. Advisory also notes that it would have been helpful to have had a single sponsor take ownership of this Article, and that part of the confusion in determining project scope and arriving at a timely repair estimate has stemmed from a lack of clarity over which Board is ultimately responsible for this repair project.

A substantial minority of Advisory believes that the Boards have not adequately explained what the historical regulations are for the chimney/wall repair in order to maintain *Historic Register* status. While these members completely support the preservation and maintenance of the Town's historical assets, they fear that the process this project has followed could set an unfortunate precedent for historical projects, whereby rigorous and thoughtful deliberation with a desire to control costs is perceived as a lack of respect and support for historic projects. Although the proposed chimney/wall repair option may in fact be the correct choice for the 210 Washington Street building, these Advisory members are not confident that Advisory has been able to vet the project thoroughly and responsibly.

The majority of Advisory agrees that the chimney and exterior wall need to be repaired as soon as possible as the structure is compromised by water infiltration and poses a safety liability; to continue to delay also risks further damage to the building. They feel that spending additional funds to stabilize the chimney for another extended period does not make constructive progress towards ultimately fixing the building's deficits. A majority believes that waiting until another Town Meeting to resolve this project will increase the eventual repair cost. While in large part agreeing that the process for deriving this chimney/wall design has been suboptimal, the majority of Advisory encourages Town Meeting to appropriate the \$252,250 cost of the project now so that the repairs can be completed in the fall, avoiding the time and additional expense of winter construction.

It is clear that there are a number of Town assets which are expected to require significant investment in next 10-12 years and a comprehensive plan for future facilities spending is expected to be presented to Town Meeting in fall 2013 or shortly thereafter. In Article 17, Advisory recommended that the BOS, PBC, and FMD define a process for overall project development, from feasibility to design to construction, which provides a consistent approach for all repair/maintenance projects brought to Town Meeting for appropriation. As part of this effort, Advisory recommends including a defined approach for maintaining and restoring the Town's historical assets, including a transparent and rigorous process in which the costs and benefits of construction alternatives are clearly articulated.

Advisory recommends favorable action, 6 to 5.

ARTICLE 33. To see if the Town will vote to prohibit the smoking, ingesting, or otherwise consuming marijuana on any land owned or under control of the Town by amending Town Bylaws Article 49 Police Regulations to establish a new Section 49.19A Consumption of Marijuana Prohibited to read substantially as follows (said proposed version being subject to change before or at Town Meeting):

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in Massachusetts General Laws Chapter 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, including any person, in a motor vehicle while it is in, on or upon any public way or any way to which the public has right of access within the limits of the Town of Wellesley, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town, or in or upon any bus or other passenger conveyance operated by a common carrier within the Town, or in any place to which the public has a right of access.

Violation of this Section is punishable by a fine of \$300, ~~enforceable through criminal indictment or complaint under General Laws Chapter 40, Section 21 or by non-criminal disposition under General Laws Chapter 40, Section 41D.~~ If said fine is unpaid through the non-criminal disposition process as outlined under Bylaw Article 52, Non-criminal Disposition, such payment shall be enforceable through indictment or on complaint before a district court. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under General Laws Chapter 94C, Section 32L.

Copies of any new version being proposed to be available for inspection in the Selectmen's office; or take any other action relative thereto.

(Board of Selectmen)

Please see the 2013 Advisory Report on page 139 for a summary of the proposed amendment to the Town Bylaw prohibiting smoking, ingesting or otherwise consuming marijuana on Town land.

The third paragraph of the proposed Bylaw has been re-worded by striking part of the first sentence and adding the underlined sentence to make it clear that if the fine is paid under the noncriminal disposition procedure (Town Bylaw 52), the infraction will not be a criminal matter. If the fine is not paid, however, enforcement will be through the criminal side of the district court. Additionally, the relevant section of the Massachusetts General Laws in the original Motion language should have been Chapter 40, Section 21D and not Chapter 40, Section 41D.

By referencing the Town Bylaw Article 52 which clearly articulates the Non-Criminal Disposition of rule or regulation violations and references the correct section of the Massachusetts General Laws, the BOS is clarifying the penalty that non-payment of the fine will engender.

Advisory agrees that this change in language is a simple clarification with no substantive change to the original Motion. Because the Motion language was altered, Advisory has rescinded their previous vote and re-voted this Motion.

Advisory rescinds original vote, 10 to 0.

Advisory recommends favorable action, 10 to 0.