TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF SELECTMEN

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HANS LARSEN
EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

Date: March 28, 2013

To: Town Meeting Members

From: Terrance J. Connolly, Deputy Director TJC

Subject: 2013 ATM Draft Motions

Attached is the draft motion package for the 2013 Annual Town Meeting.

The draft motion for Article 22, Acquisition of Aqueduct Parcel, is included as a separate 1 page document.

Per the attached Warrant Article List, there are currently 13 Articles with No Motion (NM) expected.

Supplement 1 to the 2013 Reports to the Annual Town Meeting by the Advisory Committee, Board of Selectmen, and Council on Aging is also attached.

The 2013 Annual Town Meeting will be held at the Wellesley High School, 50 Rice Street, in the Katherine L. Babson, Jr. Auditorium beginning on April 1, 2013 at 7:30 pm.

We look forward to seeing you on Monday night.

2013 Annual Town Meeting Warrant Articles		3/28/2013	Motions
	Description		
1	Choose Moderator & Receive Reports	BOS	NM
2	Town-Wide Financial Plan & Five Year Capital Budget Program	BOS	1
	Appropriations - Operating and Outlay		
3	Amend Job Classifications Plan	HR	1
4	Amend Salary Plan - Pay Schedule	HR	4
5	Set Salary of Elected Officials	BOS	1
6	Accept Legislation - Increase COLA Base	Retirement	1
7	FY13 Budget	BOS	3
8	Omnibus Budget and Capital	BOS	2
9	Stabilization Fund	BOS	NM
10	Electric Program	MLP	1
11	Water Program	BPW	1
12	Sewer Program	BPW	1
13	Authorize/Reauthorize Revolving Funds	BOS	1
	Appropriations - Special Capital Projects		
14	DPW Facilities Improvements - Park/Highway Garage HVAC	BPW	1
15	Wales Street Bridge Improvement Project	BPW	1
16	Additional funds - 900 Worcester Street	BOS	NM
17	Town-wide Facilities Projects	BOS	2
18	Tolles-Parsons Center	BOS	1
19	Community Preservation Fund	CPC	3
20	Hills Branch Library Chimney Repair	BOS/WFL	1
21	Library Branch Maintenance	BOS	NM
22	Acquisition of Aqueduct Parcel	BOS	1
	Authorizations		
23	Accept/Abandon Easements	BPW	1
24	Sewer Fund Loan Authorization	BPW	1
25	Accept Gifts of Land (11R, 17R, 21R Seaver Street)	BOS	1
26	Linden Square Lease Extension VW Dealership	BOS	1
	Amend Zoning Bylaw		
27	Cluster Zoning 2-4 Units	PB	1
28	Cluster Zoning 5+ Units	PB	1
29	Amend Zoning Map - Wellesley Square Commercial District	PB/BOS	1
30	Amend Density - Wellesley Square Commercial District	PB/BOS	1
31	Sign Setback	PB	1
32	Restrict Marijuana Dispensaries	BOS	1
	Amend Town Bylaw		
33	Prohibit Public Consumption of Marijuana	BOS	1
34	Amend Application Fees/Fines	BOS	1
35	PBC Threshold for Projects	BOS/PBC	1
36	Alcohol in Town Buildings	WFL	NM
	Citizen Petitions		
37	Create Bike Lanes	Citizen	NM
38	Bikes on Weston Road	Citizen	NM
39	Sale of Beer and Wine in Grocery Stores	Citizen	NM
	General		
40	Authorized/Unissued Loans and Unencumbered Transfers	BOS	NM
41	Indemnify Town Employees	BOS	NM
42	Expenses Incurred Prior to July 1, 2012	BOS	NM
43	Settle Claims	BOS	NM
44	Disposal of Property	BOS	NM
45	Appoint Fire Engineer	BOS	1

ARTICLE: 2
MOTION: 1

That this Town Meeting hereby acknowledges presentation of the Town-Wide Financial Plan and the Five Year Capital Budget Program pursuant to Section 19.16.2 and 19.5.2, respectively, of the Town Bylaws.

TOWN OF WELLESLEY MASSACHUSETTS

TOWN MEETING

ARTICLE: 3

MOTION: 1

I move that the Classification Plan established at the 1950 Annual Town Meeting as amended, be further amended as recommended by the Human Resources Board by striking Schedule A, "Job Classification by Groups" and inserting a new Schedule A as follows:

New Classifications

Classification	Department	Job Group
Project Manager	FMD	60
Custodial Services Manager	FMD	58
Energy Manager	FMD	58
Maintenance/Operations Manager	FMD	58
Financial Analyst	FMD	56
Financial Assistant	FMD	53
Maintenance Craftsman	FMD	T19
Mechanical Technician	FMD	T19
Deputy Director of Veterans' Services	VET	51

Reclassifications

Classification	Department	*From* Job Group *To* Job Group
Council on Aging Director	COA	56/58
Planner	PLN	53/54

Title Changes

From Title	*To* Title	Department	Job Group
Administrative Assistant	Administrative/Accounting Assistant	Police	47

Reclassifications and Title Changes

From Title and Job Group	Department	*To* Title and Job Group
Director of Facilities and Grounds – 64	FMD	Director of Facilities – 65

Deletions

Title	Department	Job Group
Accounting Assistant	Police	47
Assistant Director of Facilities	Facilities	60
Facilities Maintenance Administrator	Facilities	59
Horticulturalist	DPW	54
GIS Analyst	NIS	52
Microcomputer Coordinator	NIS	51

SCHEDULE A
JOB CLASSIFICATIONS BY GROUPS

Part I – Positions not covered by collective bargaining agreements

GROUP 69	
Executive Director of General Government Services	SEL
GROUP 66	
DPW Director	DPW
Finance Director	DFS
GROUP 65	
Director of Facilities	FMD
GROUP 63	
Chief of Police	POL
Treasurer/Collector	TRS
GROUP 62	
Fire Chief	FIR
Human Resources Director	HR
Library Director	LIB
Programs Manager/Assistant Director	DPW
Superintendent, Park & Highway	DPW
Town Engineer	DPW
GROUP 61	
Assistant Director of General Government Services	SEL
Deputy Chief of Police	POL
NIS Director	NIS
Superintendent, RDF	DPW
Superintendent, Water and Sewer Division	DPW
GROUP 60	
Chief Assessor	ASR

Deputy Chief of Fire Protection	FIR
Deputy Fire Chief	FIR
Director of Public Health	HLTH
Director of Recreation	REC
Planning Director	PLN
Project Manager	FMD
Senior Deputy Director	SEL

GROUP 59

Assistant Director for Library Services	LIB
Assistant Superintendent, Water and Sewer Division	DPW
Assistant Town Engineer	DPW

GROUP 58

Assistant NIS Director	NIS
Assistant Superintendent, Highway Division	DPW
Assistant Superintendent, Park and Tree Division	DPW
Custodial Services Manger	FMD
Deputy Director	SEL
Director of Senior Services	COA
Energy Manager	FMD
Information Technology Director	LIB
Inspector of Buildings	BLDG
Maintenance/Operations Manager	FMD
Senior Civil Engineer	DPW
Senior Management Analyst	DPW

GROUP 57

Assistant Director	REC
Assistant Director/Health	HLTH
Assistant Planning Director	PLAN
Deputy Assistant Director, General Government Services	SEL
Director of Natural Resources	NRC
GIS Manager	NIS
Network Manager/Webmaster	NIS
Technical Operations Manager	NIS
Water and Sewer Systems Engineer	DPW
Youth Director	YC

GROUP 56

Applications and Database Manager	DPW
Assistant Town Accountant	DFS
Civil Engineer	DPW
Finance and Budget Analyst	DFS
Financial Analyst	FMD
Landscape Planner	DPW
Management Analyst	DPW

GROUP 55	
Environmental Health Specialist	HLTH
GIS Administrator	NIS
Local Building Inspector	BLDG
Program Administrator	REC
Senior Engineer	DPW
Senior Human Resources Generalist	HR
GROUP 54	
Assistant NRC Director	NRC
Assistant Treasurer/Collector	TRS
Director of Veterans' Services	VET
Human Resources Generalist	HR
Inspector of Wires	BLDG
Plumbing and Gas Inspector	BLDG
Projects Administrator	PBC
Public Health Nurse Supervisor	HLTH
Planner	PLN
GROUP 53	
Analyst/Programmer	NIS
Community Health Coordinator	HLTH
Environmental Education Coordinator	NRC
Financial Assistant	FMD
Health and Social Services Administrator	COA
Public Health Nurse	HLTH
Safety Coordinator	DPW
GROUP 52	
Parking Clerk	SEL
RDF Business Manager	DPW
GROUP 51	
Administrative Assistant	FAC
Assistant Administrator	ASR
Assistant Town Clerk	TC
Deputy Director of Veterans' Services	VET
Executive Secretary, Director, DPW	DPW
Executive Secretary, Zoning Board of Appeals	ZBA
Sealer of Weights and Measures	SEL
GROUP 50	
Animal Control Officer/Inspector of Animals	POL
GROUP 49	
Accountant B	DFS
Administrative Secretary	SEL
Assessor Technician	ASR

Elections and Registration Administrator	TC
Office Administrator	HLTH
Office Administrator, Water and Sewer Division	DPW

GROUP 48

Head Maintenance Custodian, Town Hall	FAC
Office Administrator	LIB
Office Assistant, Building	BLDG
Personnel Administrative Assistant	HR
Projects Assistant	PBC
Senior Accounting Assistant	DPW
Senior Customer Service Representative	MLP
Senior Office Assistant	DPW

GROUP 47

Accounting Clerk, Treasurer/Collector	TRS
Administrative Assistant	FIR
Administrative/Accounting Assistant	POL
Office Assistant, Engineering Division	DPW
Office Assistant, Management Division	DPW
Office Assistant, Municipal Light Plant	MLP
Office Assistant, Park and Highway Divisions	DPW
Office Assistant, RDF	DPW
Office Assistant, Water and Sewer Division	DPW
Secretary, Recreation	REC
Senior Secretary, Selectmen	SEL
Voter Registration Clerk	TC

GROUP 46

Office Assistant	SEL
Office Assistant/Records Clerk	POL

GROUP 45

Secretary, Assessor's	ASR
Secretary, Director's Office	DPW
Secretary, NRC	NRC
Secretary/Technical Assistant	PLAN

GROUP 44

Clerk	TC
Communications Clerk/Receptionist	MLP
Custodian	FAC
Program and Office Assistant	COA
Secretary, Building	BLDG
Secretary II	REC
Seniors Activities Coordinator	COA

GROUP 43	
Administrative Records Clerk	MLP
GROUP 42	
Office Clerk	HLTH
GROUP 41	
Night Watchman, Highway Division	DPW
GROUP T19	
Automotive Mechanic	FIR
Carpenter/Painter	FAC
Electrician	FAC
Maintenance Craftsman	FMD
Mechanical Technician	FMD

Part II – Positions covered by collective bargaining agreements

GROUP S55	
Fleet Maintenance Supervisor	DPW
GROUP S54	
Customer Services Supervisor	MLP
General Foreman, All Divisions	DPW
Overhead Line Foreman	MLP
Supervisor of Accounting	MLP
Supervisor, RDF	DPW
Underground Line Foreman	MLP
GROUP S53	
Coordinator, MLP	MLP
Signal Alarm Foreman	MLP
GROUP S50	
Collections Representative	MLP
GROUP 22	
Crew Leader	MLP
GROUP 21	
Electrician A	MLP
Lead Cablesplicer	MLP
Lead Lineman	MLP
GROUP 20	
Automotive Mechanic Foreman A	DPW
Cablesplicer, 1st Class	MLP
Chief Substation Operator, Municipal Light Plant	MLP

Construction Craftsman, Highway Division	DPW
Construction Foreman/MLP	MLP
Engineer A	DPW
Foreman A - All Divisions	DPW
Foreman A - Athletic Fields	DPW
Foreman A – Automotive Mechanic	DPW
Foreman A - Highway	DPW
Foreman A – Park Construction	DPW
Foreman A – Tree Care	DPW
Horticultural Technician	DPW
Lineman, 1st Class	MLP
Senior Welder	DPW

GROUP 19

Lead Tree Climber, Park and Tree Division	DPW
Meter and Sign Repair Person, Highway Division	DPW
Meter/Backflow Prevention Device Coordinator	DPW

GROUP 18

Engineering Technician	MLP
Fleet Maintenance Mechanic	DPW
Foreman B - All Divisions	DPW
Groundskeeping Foreman, Park and Tree Division	DPW
Highway Craftsman	DPW
Lead Baler	DPW
Park Construction Craftsman	DPW
Primary Water Treatment Plant Operator	DPW
Welder	DPW

GROUP 17

Apprentice Lineworker/Stockkeeper	MLP
Cablesplicer, 2nd Class	MLP
Construction Equipment Operator	DPW
Lineman, 2nd Class	MLP
Meter/Backflow Prevention Device Technician	DPW
Park Facilities Technician	DPW
Park Technical Services Craftsman	DPW
Power Shovel Operator, Water and Sewer Division	DPW
Stockkeeper, Automotive, Highway Division	DPW
Stockkeeper, Water and Sewer	DPW
Substation Operator, Municipal Light Plant	MLP
Tractor Trailer Operator	DPW
Tree Climber, Park and Tree Division	DPW

GROUP 16

Fleet Maintenance Shop Assistant	DPW
General Mechanic A, Water and Sewer Division	DPW
Groundskeeper, Park and Tree Division	DPW

Head Custodian	DPW
Heavy Equipment Operator, Highway Division	DPW
Lead Meter Reader	MLP
Secondary Water Treatment Plant Operator	DPW
Stockkeeper, Municipal Light Plant	MLP
Transfer Haul Equip. Operator, RDF	DPW
GROUP 15	
Industrial Equipment Operator, RDF	DPW
Medium Equipment Operator, Highway Division	DPW
Medium Equipment Operator, Park and Tree Division	DPW
Truck Driver A/Laborer, Water and Sewer Division	DPW
GROUP 14	
Building Maintenance Person, Highway Division	DPW
Cablesplicer Helper, Municipal Light Plant	MLP
Custodian	DPW
Groundman, Municipal Light Plant	MLP
GROUP 13	
Park Maintenance Worker	DPW
Permit Verifier/Trash Collector, RDF	DPW
GROUP 12	
Light Equipment Operator, Park and Highway Divisions	DPW
GROUP 11	
Laborer - All Divisions	DPW
GROUP L17	
Public Services Coordinator	LIB
GROUP L16	
Children's Services Supervisor	LIB
Reference Services Supervisor	LIB
GROUP L15	
Branch Libraries Supervisor	LIB
Interlibrary Loan Supervisor	LIB
Technology and On-line Resources Supervisor	LIB
GROUP L14	
Reference Librarian	LIB
GROUP L9	
Circulation Supervisor	LIB
Facilities Supervisor	FAC

GROUP L6	
Acquisitions Specialist	LIB
Assistant Circulation Supervisor	LIB
Bookkeeper	LIB
Cataloging Assistant	LIB
GROUP L4	
Technology Assistant	LIB
GROUP L3	
Circulation Assistant	LIB
Library Assistant	LIB
Preservation Assistant	LIB
GROUP L1	
Helper	LIB
GROUP C4	
Custodian	LIB
GROUP P40	
Lieutenant	POL
GROUP P30	
Sergeant	POL
GROUP P20	
Detective	POL
Prosecuting Officer	POL
Safety Officer	POL
GROUP P18	
Police Officer – EMT	POL
GROUP P15	
Police Officer – Special	POL
GROUP P10	
Police Officer	POL
GROUP F40	
Captain	FIR
Captain, Special Services	FIR
GROUP F30	
Lieutenant	FIR

GROUP F10
Firefighter FIR

GENERAL GROUP: This group includes all part-time seasonal, casual, special and other jobs or positions not otherwise classified above, whose job titles shall be as shown on the personnel records of the Human Resources Board.

The rates of pay, as shown in the personnel records of the Human Resources Board, shall continue in effect until otherwise adjusted by the Human Resources Board or by amendment of the Plan.

TOWN OF WELLESLEY MASSACHUSETTS

TOWN MEETING

ARTICLE: 4

MOTION: 1

That the Salary Plan as established at the 1950 Annual Town Meeting as amended, be further amended effective July 1, 2013, as recommended by the Human Resources Board, by striking the existing pay schedule for the non-bargaining unit, non-management personnel (Job Groups 40-49) and inserting the new schedule as follows:

SCHEDULE B

SALARY PLAN – PAY SCHEDULES

Rates effective as indicated as of July 1, 2013

Hourly rates – reflects 2% increase over FY13

Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
49	22.03	23.02	24.06	25.15	26.29	27.46
48	21.17	22.11	23.10	24.13	25.23	26.36
47	20.30	21.21	22.16	23.17	24.20	25.29
46	19.45	20.33	21.24	22.21	23.21	24.25
45	18.54	19.38	20.26	21.17	22.11	23.10
44	17.68	18.48	19.31	20.19	21.08	22.03
43	16.80	17.56	18.35	19.18	20.03	20.94
42	15.93	16.65	17.39	18.19	19.00	19.86
41	15.21	15.91	16.63	17.36	18.15	18.94

Hourly rates – reflects 2% over FY 13

Trade positions – non-union

Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
T19	25.28	26.53	27.87	29.25	30.72	32.25

Approved:

_____
Date

_____
Moderator's Signature

_____
Sponsor's Signature

TOWN OF WELLESLEY MASSACHUSETTS

TOWN MEETING

ARTICLE: 4

MOTION: 2

That the Salary Plan as established at the 1950 Annual Town Meeting as amended, be further amended effective July 1, 2013, as recommended by the Human Resources Board, by striking the existing pay schedule for the Merit Pay Plan (Job Groups 50-69) and inserting the new schedule as follows:

SCHEDULE B
SALARY PLAN – PAY SCHEDULES

Salary rates effective as indicated as of July 1, 2013
Reflects 1.5% increase over FY 13 ranges at midpoint

Job Group	Minimum	Midpoint	Maximum
69	121,440	154,700	187,960
68	112,570	143,400	174,230
67	104,330	132,900	161,470
66	96,560	123,000	149,450
65	89,490	114,000	138,510
64	83,520	106,400	129,280
63	78,280	99,400	120,520
62	73,320	93,100	112,880
61	68,590	87,100	105,610
60	64,310	81,400	98,490
59	59,880	75,800	91,720
58	56,250	71,200	86,150
57	52,790	66,400	80,010
56	49,370	62,100	74,830
55	46,110	58,000	69,890
54	44,100	55,300	66,500
53	42,030	52,700	63,370
52	39,880	50,000	60,130
51	38,080	47,600	57,120
50	36,400	45,500	54,600

Network and Information Systems

Job Group	Minimum	Midpoint	Maximum
61	77,410	98,300	119,190
60	72,760	92,100	111,440
59	68,020	86,100	104,180
58	63,280	80,100	96,920
57	59,550	74,900	90,250
56	55,810	70,200	84,590
55	53,030	66,700	80,370
54	50,640	63,500	76,360
53	48,330	60,600	72,870
52	45,940	57,600	69,260
51	44,000	55,000	66,000

Approved:

_____
Date

_____
Moderator's Signature

_____
Sponsor's Signature

ARTICLE: 4
MOTION: 3

That the sum of $130,000 be appropriated to the Human Resources Board for the purpose of granting salary increases to employees in Job Groups 50 and above in the classification plan.

ARTICLE: 4
MOTION: 4

That the Salary Plan as established at the 1950 Annual Town Meeting as amended, be further amended by striking the existing Pay Schedule for the Wellesley Police Superior Officers' Association and inserting the new Pay Schedules as follows:

POLICE SUPERIOR OFFICERS UNIT – Rate per week

FY 14

Effective July 1, 2013

P40 Lieutenant	1,576.84
P30 Sergeant	1,341.74

Effective January 1, 2014

P40 Lieutenant	1,592.61
P30 Sergeant	1,341.74

FY 15

Effective July 1, 2014

P40 Lieutenant	1,616.49
P30 Sergeant	1,368.58

Effective January 1, 2015

P40 Lieutenant	1,632.66
P30 Sergeant	1,368.58

And

That the sum of $55,893 previously appropriated to the Facilities Maintenance Department for telephone service and telephone repairs under Article 8 of the Warrant for the 2012 Annual Town Meeting be transferred to the school department as follows:

From:		To:	
01192210–534020	$590	13420839–534020	$40,899
01192211–534020	3,114	13420839–534025	14,994
01192212–534020	2,861		$55,893
01192213–534020	3,029		
01192214–534020	2,861		
01192215–534020	3,114		
01192216–534020	3,029		
01192217–534020	2,861		
01192221-534020	6,914		
01192231-534020	9,328		
01192239-534020	3,198		
	$40,899		
01192210–534025	408		
01192211–534025	408		
01192212–534025	408		
01192213–534025	408		
01192214–534025	408		
01192215–534025	510		
01192216–534025	408		
01192217–534025	408		
01192221–534025	2,958		
01192231–534025	2,550		
01192239–534025	6,120		
	$14,994		

ARTICLE: 5
MOTION: 1

That the annual (52.2 weeks) salary of the Town Clerk be fixed at the amount of $80,356 effective July 1, 2013.

ARTICLE: 6
MOTION: 1

That pursuant to subsection (j) of Section 103 of c.32 of the General Laws, this Town Meeting hereby approves the vote of the Contributory Retirement Board on September 25, 2012, increasing the maximum base amount on which the cost of living adjustment authorized by said Section is calculated, from $12,000 to $15,000, effective July 1, 2013.

ARTICLE: 7
MOTION: 1

That the sum of $450,000 be appropriated for snow and ice removal costs, said sum to be taken from Free Cash, as certified as of July 1, 2012, and added to the amount appropriated to the Board of Public Works – 456 Winter Maintenance under Motion 2 of Article 8 of the Warrant for the 2012 Annual Town Meeting.

ARTICLE: 7
MOTION: 2

That incorrect budget transfers associated with the initial startup of the Facilities Maintenance Department be resolved through the following transfers:

That the sum of $21,200 previously appropriated to the School Department for vehicle maintenance under Article 8 of the Warrant for the 2012 Annual Town Meeting be transferred to the Facilities Maintenance Department as follows:

From:		To:	
13421039-524020	$3,000	01192200-524020	$3,000
13421039-541010	14,500	01192200-541010	14,500
13421039-548010	2,000	01192200-548010	2,000
13421039-548020	1,200	01192200-524020	1,200
13421039-548090	500	01192200-548090	500
	$21,200		$21,200

And

That the sum of $14,900 previously appropriated to the Facilities Maintenance Department for telephone service, telephone repair, and water under Article 8 of the Warrant for the 2012 Annual Town Meeting be transferred to Central Administration as follows:

From:		To:	
01192201-534020	$13,000	01199200-534020	$13,000
01192201-534025	1,000	01199200-534025	1,000
01192201-523010	900	01199200-542090	900
	$14,900		$14,900

ARTICLE: 7
MOTION: 3

That the sum of $588,393 is hereby transferred and appropriated from amounts previously appropriated and borrowed under the following warrant articles and for the purposes set forth below:

Amount to be Transferred	Article/(Motion)	Authorized	Purpose
$ 86,322	7/(1)	12/06/2004	Middle School
$502,071	23	4/10/07	Infrastructure

which amounts are no longer needed to complete the projects for which they were initially borrowed, to pay costs of DPW Administration Building construction previously approved by vote of the Town under article 19.1 of the warrant at the Town Meeting held on 4/4/11 thereby reducing, by a like amount, the borrowing approved for this purpose by such vote, all as permitted by Chapter 44, section 20 of the General Laws.

ARTICLE: 8
MOTION: 1

That the Town authorizes the Board of Assessors to use $1,000,000 paid to the Town from the Municipal Light Plant as an estimated receipt when computing the fiscal year 2014 tax rate.

ARTICLE 8, MOTION 2

That the following sums of money be appropriated to the Town boards and officials and for the purposes as hereinafter set forth:

	Funding Item	Personal Services	Expenses	Total Operations
	GENERAL GOVERNMENT			
	To the Board of Selectmen for General Government; $1,827,429 for Personal Services and $ 1,779,558 for Expenses. And it is recommended that the sums be allocated as follows:			
	Board of Selectmen - Administration			
122	Executive Director's Office	406,257	30,550	436,807
126	Sustainable Energy	0	15,033	15,033
199	Central Administrative Services	0	38,500	38,500
133	Finance Department	356,878	8,000	364,878
155	Network & Information Systems	460,950	215,563	676,513
145	Treasurer & Collector	262,222	123,863	386,085
195	Town Report	0	4,000	4,000
	Board of Selectmen - Human Services			
541	Council on Aging	219,226	137,533	356,759
183	Fair Housing Committee	0	200	200
543	Veterans' Services	0	107,261	107,261
542	Youth Commission	73,309	17,190	90,499
	Board of Selectmen - Other Services			
180	Housing Development Corporation	0	6,000	6,000
691	Historical Commission	0	750	750
690	Historical District Commission	0	250	250
693	Memorial Day	0	2,500	2,500
692	Celebrations Committee	0	4,700	4,700
176	Zoning Board of Appeals	48,587	7,115	55,702
	Board of Selectmen - Shared Services			
151	Law	0	300,000	300,000
945	Risk Management	0	479,000	479,000
135	Audit Committee	0	56,250	56,250
458	Street Lighting	0	225,300	225,300
	Subtotal - Board of Selectmen - General Government	**1,827,429**	**1,779,558**	**3,606,987**
	Other General Government			
	To the following Town boards and officials:			
161	Town Clerk/Election & Registration	226,880	48,090	274,970
141	Board of Assessors	248,776	82,770	331,546
175	Planning Board	220,191	42,600	262,791
185	Permanent Building Committee	15,074	6,450	21,524
152	Human Resources Board	273,227	18,803	292,030
131	Advisory Committee	8,782	14,000	22,782
132	Advisory Committee - Reserve Fund	0	175,000	175,000
	Subtotal - Other General Government	**992,930**	**387,713**	**1,380,643**
	GENERAL GOVERNMENT TOTAL	**2,820,359**	**2,167,271**	**4,987,630**

Funding Item	Personal Services	Expenses	Total Operations
FACILITIES MAINTENANCE - BOARD OF SELECTMEN			
To the Board of Selectmen for Facilities Maintenance, $3,465,927 for Personal Services and $ 2,900,368 for Expenses. And it is recommended that the sums be allocated as follows:			
192 Facilities Maintenance	3,465,927	2,900,368	6,366,295
FACILITIES MAINTENANCE TOTAL - BOARD OF SELECTMEN	**3,465,927**	**2,900,368**	**6,366,295**
PUBLIC SAFETY - BOARD OF SELECTMEN			
To the Board of Selectmen for Public Safety, $9,825,709 for Personal Services and $924,919 for Expenses. And it is recommended that the sums be allocated as follows:			
210 Police Department	4,716,181	630,094	5,346,275
299 Special School Police	99,950	2,926	102,876
220 Fire Department	4,570,007	262,749	4,832,756
241 Building Department	423,911	26,350	450,261
230 Emergency Medical Services	0	0	0
244 Sealer of Weights & Measures	15,660	2,800	18,460
492 Radio Master Box	0	0	0
PUBLIC SAFETY TOTAL - BOARD OF SELECTMEN	**9,825,709**	**924,919**	**10,750,628**
PUBLIC WORKS			
To the Board of Public Works, $3,995,942 for Personal Services and $2,525,782 for Expenses. And it is recommended that the sums be allocated as follows:			
410 Engineering	483,024	67,639	550,663
420 Highway	1,017,113	455,762	1,472,875
454 Fleet Maintenance	133,561	56,462	190,023
430 Park	1,070,589	287,770	1,358,359
440 Recycling & Disposal	948,486	1,269,693	2,218,179
450 Management	343,169	39,753	382,922
456 Winter Maintenance	0	348,703	348,703
PUBLIC WORKS TOTAL	**3,995,942**	**2,525,782**	**6,521,724**

Provided that the cash on hand in the RDF Baler and Compactors Major Repairs and Replacement Fund on June 30, 2013 be appropriated to the Board of Public Works for major repairs and replacement of the baler and the trash compactors and their attachments at the Recycling and Disposal Facility (major repair being defined as repairs or scheduled maintenance costing more than $5,000); and that expenditures from this fund may be made by the Board of Public Works for major repairs, but expenditures for equipment replacement shall be subject to Town Meeting Appropriation.

WELLESLEY FREE LIBRARY			
To the Trustees of the Wellesley Free Library:			
610 Library Trustees	1,593,711	458,557	2,052,268
620 Regional Services (Non-Tax Impact)	143,637	106,363	250,000
LIBRARY TOTAL	**1,737,348**	**564,920**	**2,302,268**
RECREATION			
To the Recreation Commission:			
630 Recreation Commission	297,937	20,000	317,937
RECREATION TOTAL	**297,937**	**20,000**	**317,937**
HEALTH			
To the Board of Health:			
510 Board of Health	343,684	68,540	412,224
523 Mental Health Services	0	215,691	215,691
HEALTH TOTAL	**343,684**	**284,231**	**627,915**

Funding Item	Personal Services	Expenses	Total Operations
NATURAL RESOURCES			
To the Natural Resources Commission:			
171 Natural Resources Commission	182,994	18,575	201,569
172 Morses Pond	11,745	148,670	160,415
NATURAL RESOURCES TOTAL	**194,739**	**167,245**	**361,984**
NON-SCHOOL TOTAL	**22,681,645**	**9,554,736**	**32,236,381**
WELLESLEY PUBLIC SCHOOLS			
To the School Committee, $52,764,096 in the aggregate for Personal Services and $ 7,369,062 for Expenses. And it is recommended that the sum be allocated as follows:			
320 Instruction	46,383,377	1,818,235	48,201,612
330 Administration	894,780	149,168	1,043,948
340 Operations	753,821	366,357	1,120,178
360 Special Tuition/Transportation/Inclusion	4,732,118	5,035,302	9,767,420
Subtotal	52,764,096	7,369,062	60,133,158
SCHOOL TOTAL	**52,764,096**	**7,369,062**	**60,133,158**
EMPLOYEE BENEFITS			
To the Board of Selectmen for the purposes indicated:			
914 Group Insurance	0	15,619,773	15,619,773
919 Other Post Empl. Benefits Liability Fund	0	3,000,000	3,000,000
910 Retirement Contribution	0	5,008,205	5,008,205
913 Unemployment Compensation	0	200,000	200,000
950 Compensated Absences	0	90,000	90,000
911 Non-Contributory Pensions	0	16,700	16,700
EMPLOYEE BENEFITS TOTAL	**0**	**23,934,678**	**23,934,678**
And further, that the balance on hand in the Workers' Compensation fund on June 30, 2013 and any interest earnings of the program, are appropriated for expenses related to the Workers' Compensation Program of the Town for Fiscal Year 2014.			
ALL PERSONAL SERVICES & EXPENSES	**75,445,741**	**40,858,476**	**116,304,217**

	Funding Item	Personal Services	Expenses	Total Operations
CAPITAL & DEBT				
To the following Town boards and officials for the purposes indicated:				
	Departmental Cash Capital			
400	Board of Public Works - Capital	0	1,524,000	1,524,000
300	School Committee - Capital	0	803,134	803,134
122	Board of Selectmen - Capital	0	206,457	206,457
161	Town Clerk - Capital	0	79,550	79,550
192	Facilities Maintenance - Capital	0	1,141,200	1,141,200
610	Library Trustees - Capital	0	40,000	40,000
171	Natural Resources Commission - Capital	0	75,000	75,000
	Subtotal - Cash Capital	**0**	**3,869,341**	**3,869,341**
To the Town Treasurer and Collector for:				
700	Current Inside Levy Debt Service - Issued	0	2,796,845	2,796,845
700	New Debt Service - Inside Levy	0	382,620	382,620
700	Current Outside Levy Debt Service -Issued	0	9,106,389	9,106,389
700	New Outside Levy Debt Service - Unissued	0	456,131	456,131
	Subtotal - Maturing Debt & Interest	**0**	**12,741,985**	**12,741,985**
	CAPITAL & DEBT TOTAL	**0**	**16,611,326**	**16,611,326**
RECEIPTS RESERVED FOR APPROPRIATION				
To the Board of Selectmen, to be taken from the Parking Meter Receipts Account:				
293	Traffic & Parking Operations	235,396	608,450	843,846
	RECEIPTS RESERVED TOTAL	**235,396**	**608,450**	**843,846**
	TOTAL APPROPRIATIONS - ARTICLE 8, MOTION 2			**$133,759,389**

To meet said appropriations transfer $126,457 from the Police Detail Account and transfer $12,000 from Parking Meter Receipts, and further, to authorize the Board of Assessors to use $2,866,108 to be taken from Free Cash, as certified as of July 1, 2012, to balance the budget.

Approved: _____

Date

_____

Moderator's Signature

Sponsor's Signature

Town of Wellesley **Massachusetts**

TOWN MEETING

ARTICLE: 10

MOTION: 1

Municipal Light Plant be authorized to expend the following sums:

Operating Budget*	
Operating Salaries	$ 969,517
Materials and Services	844,380
Health Insurance	281,649
FICA - Medicare	10,667
Contribution to Employee Retirement	208,687
Purchase Power	19,681,200
Transmission	4,368,700
Sub Total	**$ 26,364,800**
Capital Outlays	
Salaries	720,445
Services/Materials	1,679,520
Vehicles	239,885
Health Insurance	288,179
FICA - Medicare	7,926
Contribution to Employee Retirement	180,112
Sub Total	**3,116,067**
Payments That Benefit The Town:**	
Payment in Lieu of Taxes	1,000,000
Holiday Lights, Banners and Civic Events	40,000
Fiber Optic Network for Town	56,000
Total Benefits to Town	**1,096,000**
Emergency Contingencies	**750,000**
Total Fiscal Year 2014 Budget Request	**31,326,867**

To be paid for by electric revenues and retained earnings.

* Excludes depreciation expense in the amount of $3,027,000

** Town benefits do not include electric rate subsidization for: Municipal buildings ($118,803); Streetlights ($108,046) and Network and Information Support fees ($133,685).

ARTICLE: 11
MOTION: 1

That the sum of $8,030,848 be appropriated to the Water Enterprise Fund, to be expended as follows:

Salaries	$1,691,225
Expenses (incl. interest, and all non-op exp) 3,546,154	
OPEB (Other Post-Employment Benefits)	107,290
Depreciation	950,000
Capital Outlay	952,000
Debt	444,585
Emergency Reserve	339,594
Total Authorized Use of Funds	$8,030,848

And that $8,030,848 be raised as follows:

Department Receipts	$6,135,590
Depreciation	950,000
Retained Earnings	945,258
Total Sources of Funds	$8,030,848

ARTICLE: 12
MOTION: 1

That the sum of $8,739,675 be appropriated for the Sewer Enterprise Fund, to be expended as follows:

Salaries	$ 760,888
Expenses (incl. interest, and all non-op exp)	5,984,346
OPEB (Other Post-Employment Benefits)	45,982
Depreciation	404,600
Capital Outlay	705,000
Debt	353,402
Emergency Reserve	485,457
Total Authorized Use of Funds	$8,739,675

And that $8,739,675 be raised as follows:

Department Receipts	$7,790,156
Depreciation	404,600
Retained Earnings	544,919
Total Sources of Funds	$8,739,675

ARTICLE: 13
MOTION: 1

That the Town vote to renew and/or establish revolving funds, pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, for the following purposes:

Street Opening Maintenance, said funds to be expended under the direction of the Department of Public Works, annual expenditures not to exceed $200,000;

DPW Field Use, said funds to be expended under the direction of the Department of Public Works, annual expenditures not to exceed $200,000;

Turf Field Fund, said funds to be expended under the direction of the Department of Public Works, annual expenditures not to exceed $25,000;

Tree Bank, said funds to be expended under the direction of the Department of Public Works, annual expenditures not to exceed $75,000;

Council on Aging Bus Fund, said funds to be expended under the direction of the Council on Aging Department, annual expenditures not to exceed $110,000;

Council on Aging Social and Cultural Programs, said funds to be expended under the direction of the Council on Aging Department, annual expenditures not to exceed $70,000;

Building Department Document Fees, said funds to be expended under the direction of the Building Department, annual expenditures not to exceed $50,000;

Teen Center Program Revenues, said funds to be expended under the direction of the Recreation Department, annual expenditures not to exceed $40,000;

Recreation Summertime Revenues, said funds to be expended under the direction of the Recreation Department, annual expenditures not to exceed $20,000;

Recreation Scholarship Revenues, said funds to be expended under the direction of the Recreation Department, annual expenditures not to exceed $15,000;

Library room rental, said funds to be expended under the direction of the Library Department, annual expenditures not to exceed $20,000;

Branch Library Maintenance, said funds to be expended under the direction of the Library Department, annual expenditures not to exceed $8,000;

Brookside Community Gardens, said funds to be expended under the direction of the Natural Resources Department, annual expenditures not to exceed $5,000.

ARTICLE: 14
MOTION: 1

That the sum of $960,700 be appropriated to the Permanent Building Committee for the cost of engineering services, for construction, reconstruction, remodeling, rehabilitation and/or modernization of the HVAC systems of the Department of Public Works Park/Highway Building;

that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow $960,700 under Chapter 44 of the General Laws, or any other enabling authority;

that said sum shall be available upon this motion becoming final following dissolution of this Town Meeting; and that the Permanent Building Committee is authorized to take all action necessary to carry out this project.

ARTICLE: 15
MOTION: 1

That the sum of $400,000 be appropriated to the Board of Public Works for the Town's share of the cost of engineering services, for preparation of plans and specifications, for construction, reconstruction, and/or rehabilitation of street, sidewalk, wall, foundation, supporting structure and/or drainage construction related to the Wales Street Bridge and approaches thereto;

That to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow $400,000 under Chapter 44 of the General Laws, or any other enabling authority;

That the Board of Selectmen is authorized to enter into an agreement by and between the Town of Wellesley and the City of Newton pursuant to the provisions of Chapter 40, Section 4A of the General Laws for Wales Street Bridge Improvements; and

That the Board of Public Works is authorized to take all action necessary to carry out this project, and that said sum shall be available upon this motion becoming final following dissolution of this Town Meeting.

ARTICLE: 17
MOTION: 1

That the sum of $XXX,XXX be appropriated to the Permanent Building Committee for feasibility studies or design development of the following projects:

Feasibility Studies		
Fire Station #2	Floor Repair	?
Fire Station #2	HVAC Renovation	?
Sprague School – Oak Street Entry Plaza	Repair	?
Design Development		
Police Station	HVAC Renovation	$118,000
Warren Building	Multiple Repairs	*$70,630*
Middle School – Donizetti Entry Plaza	Repair	$42,000
Middle School – Auditorium Seating/Flooring	Repair/Replacement	$40,000
Sprague School – Roof	Replacement	$55,000
Hunnewell School	Roof Repairs	*$24,865*
District-wide Security	Upgrade	$183,000

that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow $XXX,XXX under Chapter 44 of the General Laws, or any other enabling authority; and that the Permanent Building Committee is authorized to take all action necessary to carry out this project.

*** Numbers underlined and in italics above are estimates**
***Final costs will be provided by email and hard copy at Town Meeting**

ARTICLE: 17
MOTION: 2

That the sum of $411,000 be appropriated to the Permanent Building Committee for telephone system replacement for the Wellesley School District; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow $411,000 under Chapter 44 of the General Laws, or any other enabling authority; and that the Permanent Building Committee is authorized to take all action necessary to carry out this project.

ARTICLE: 18
MOTION: 1

That the sum of $165,300 be appropriated to the Permanent Building Committee, in addition to the amount appropriated under Motion 2 of Article 20 of the Warrant for the 2009 Annual Town Meeting, for architectural, engineering and/or other services, for preparation of plans and specifications, for construction, reconstruction, remodeling, rehabilitation and/or design of the Tolles-Parsons Center (senior center) to be located at the Town owned site at 496 Washington Street (the former American Legion site) and for vehicular parking to be located on site or on other town controlled land; that to meet this appropriation said sum 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.

ARTICLE: 19
MOTION: 1

I. That the amount of $63,000 be appropriated to the Community Preservation Committee to be expended for any permissible administrative purpose under the Community Preservation Act, said appropriation to be funded entirely from unreserved balances on hand in the Community Preservation Fund;

And

II. That the following respective amounts from the annual Community Preservation Fund revenues received for fiscal year 2013 be reserved for the following community preservation categories:

- Open Space (including Recreation) $ 145,000
- Historic Resources $ 145,000
- Community Housing $ 145,000

and in the case of the Open Space Reserve and Historic Reserve categories, such reserved amounts shall be for future appropriation, and in the case of the Community Housing Reserve category, such reserved amount shall be made available to fund Community Housing appropriations authorized by this Town Meeting.

ARTICLE: 19
MOTION: 2

That $225,000 be appropriated to the Wellesley Housing Development Corporation, for the acquisition, creation, rehabilitation and support of community housing, said appropriation to be funded $145,000 from balances on hand in the Community Preservation Fund Community Housing Reserve and $80,000 from balances on hand in the undesignated Community Preservation Fund.

ARTICLE: 19
MOTION: 3

That $25,000 be appropriated to the Natural Resources Commission for the replacement of the Perrin Park Playground equipment, said appropriation to be funded entirely from balances on hand in the undesignated Community Preservation Fund.

ARTICLE: 20
MOTION: 1

That the sum of *$260,000* 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. *$130,000* to be taken from balances on hand in the Community Preservation Fund Historic Resources Reserve 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. *$130,000* 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.

ARTICLE: 22
MOTION: 1

Draft motion will be provided by email and hard copy at Town Meeting

ARTICLE: 23
MOTION: 1

That the Town hereby accepts, and abandons, as the case may be, the electric and other utility, roadway and vault easements identified on the document entitled "Easements for 2013 Annual Town Meeting Article 23", dated March 29, 2013, a copy of said document being on file in the Office of the Town Clerk.

ARTICLE: 24
MOTION: 1

That $271,700 is appropriated for the purpose of financing the construction and reconstruction of sewers and sewerage systems for inflow/infiltration purposes; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow $271,700 and issue bonds or notes therefore under Chapter 44 of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority and in connection therewith to enter into a loan agreement and financial assistance agreement with the Authority; and that the Board of Public Works is authorized to expend all funds available for the project and to take any other action necessary to carry out the project.

ARTICLE: 25
MOTION: 1

That the Town vote to acquire, by gift, the following three parcels of land abutting the existing Fuller Brook Park, commonly known and numbered as 17R, 11R, and 21R Seaver Street respectively, whose legal descriptions are as follows:

a) A certain parcel of land shown as Lot 2 on a plan entitled "Subdivision Plan of Land, 17 Seaver Street, Wellesley Ma. and Parcels to be Conveyed to the Town of Wellesley" by David J. Hickey, Jr., P.E., Town Engineer, Town of Wellesley, Department of Public Works, April 19, 2012, and recorded with the Norfolk County Registry of Deeds in Plan Book 616, Page 29 and further bounded and described as follows:

SOUTHEASTERLY	by remaining land of the Grantor, one hundred thirty three and 58/100 (133.58) feet,
SOUTHEASTERLY	by land of Philip G. Kenny, two (2.00) feet,
SOUTHWESTERLY	by Parcel A as shown on said plan, eighty four and 21/100 (84.21) feet,
WESTERLY	by land of the Town of Wellesley, ninety seven and 33/100 (97.33) feet,
NORTHWESTERLY	by land of the Town of Wellesley, nineteen and 10/100 (19.10) feet and seventeen and 59/100 (17.59) feet,
NORTHEASTERLY	by Parcel C as shown on said plan, ninety three and 57/100 (93.57) feet,

Containing about 12,652 square feet according to said plan, and currently known and numbered as 17R Seaver Street.

b) A certain parcel of land shown as Parcel C on a plan entitled "Subdivision Plan of Land, 17 Seaver Street, Wellesley Ma. and Parcels to be Conveyed to the Town of Wellesley" by David J. Hickey, Jr., P.E., Town Engineer, Town of Wellesley, Department of Public Works, April 19, 2012, and recorded with the Norfolk County Registry of Deeds in Plan Book 616, Page 29 and further bounded and described as follows:

NORTHWESTERLY	by land of the Town of Wellesley, one hundred twenty nine and 93/100 (129.93) feet,
NORTHEASTERLY	by land of the Town of Wellesley, forty and 42/100 (40.42) feet,
SOUTHEASTERLY	by land of Kurt F. Somerville and Kandra M. Chencus, (also known as Kendra M. Chencus), one hundred ten (110.00) feet,
SOUTHWESTERLY	by Lot 2 as shown on said plan, ninety three and 57/100 (93.57) feet,

Containing about 7,163 square feet according to said plan, and currently known and numbered as 11R Seaver Street.

c) A certain parcel of land shown as Parcel A on a plan entitled "Subdivision Plan of Land, 17 Seaver Street, Wellesley Ma. and Parcels to be Conveyed to the Town of Wellesley" by David J. Hickey, Jr., P.E., Town Engineer, Town of Wellesley, Department of Public Works, April 19,

2012, and recorded with the Norfolk County Registry of Deeds in Plan Book 616, Page 29 and further bounded and described as follows:

SOUTHWESTERLY	by land of the Town of Wellesley, forty seven and 28/100 (47.28)	feet,
NORTHWESTERLY	by land of the Town of Wellesley, one hundred sixty six and (166.66) feet,	66/100
NORTHEASTERLY	by Lot 2 as shown on said plan, eighty four and 21/100 (84.21)	feet,
SOUTHEASTERLY	by land of Philip G. Kenny, one hundred twenty five and 09/100 (125.09) feet,	
SOUTHEASTERLY	by land of the Town of Wellesley, thirty nine and 16/100 (39.16)	feet,

Containing about 10,852 square feet according to said plan, and currently known and numbered as 21R Seaver Street.

Said gifts being offered to the Town in the form of Release Deeds and therefore qualifying for the procedure set forth in G.L. c. 60, § 77C (deeds in lieu of foreclosure of said parcels for back taxes).

And that in connection herewith, this Town Meeting expresses the Town's appreciation to Babson College and the Grandchildren of Melvin L. and Mildred B. Morse for their generosity in making these gifts.

Said parcels to be held as general assets of the Town under the jurisdiction of the Board of Selectmen pending Town Meeting's future determination.

And further, that the Town vote to confirm its acquisition as voted above by hereby authorizing the Board of Selectmen to take the same by eminent domain.

ARTICLE: 26
MOTION: 1

That, pursuant to Section 10 of the Development Agreement dated as of June 3, 2005, as previously modified by a letter agreement dated as of February 13, 2006 and amended by the First Amendment to Development Agreement dated March 24, 2009 and subsequently approved by the 2009 Annual Town Meeting and further amended by the Second Amendment to Development dated April 14, 2010 and subsequently approved by the 2010 Annual Town Meeting relative to the Linden Square shopping area on Linden Street in Wellesley, the Town Meeting hereby approves the Third Amendment to Development Agreement, dated March 4, 2013, between the Town, acting by the Board of Selectmen, and FR Linden Square, Inc., as the owner, which (i) extends the outside date for extension of the lease of the VW Parcel set forth in Section 2(c) of the Development Agreement through December 31, 2033, and (ii) provides for an additional yearly payment by the owner to the Town of $20,000, all on the terms and conditions set forth in said Third Amendment.

Town of Wellesley **Massachusetts**

TOWN MEETING

ARTICLE: 27

MOTION: 1

That the Town vote to amend the Zoning Bylaw by striking from SECTION XVIII. AREA REGULATIONS. Subsection B. Alternative Area Regulations in Subdivisions of Ten Acres or More (Cluster Residential Developments) in its entirety and re-lettering the remaining portion of the Section to read as follows:

SECTION XVIII. AREA REGULATIONS.

For the purposes of this Section the Town of Wellesley is hereby divided into classes of area regulation districts as shown on the "Zoning Map of the Town of Wellesley, Massachusetts", prepared under the direction of the Planning Board, Scale 1" = 500', dated December 20, 2002, as amended, on file with the Town Clerk, which map together with all the boundary lines and designations thereon relating to such area regulations is hereby incorporated as part of this Section.

The classes of area regulation districts are respectively as indicated on said map:

1. Ten Thousand Foot Districts;
2. Fifteen Thousand Foot Districts;
3. Twenty Thousand Foot Districts;
4. Thirty Thousand Foot Districts;
5. Forty Thousand Foot Districts.

A. Dwelling and Club House Lots.

In Single Residence Districts, Single Residence Districts A, General Residence Districts, General Residence Districts A, Limited Residence Districts, Educational Districts, Educational Districts A, Educational Districts B, Administrative and Professional Districts and Limited Business Districts, there shall be provided for each dwelling or club house, hereafter constructed, a lot containing not less than 10,000 square feet, 15,000 square feet, 20,000 square feet, 30,000 square feet,

or 40,000 square feet according to the area requirement of the area regulation district in which such dwelling or club house is situated, and hereafter, no dwelling or club house shall be erected or placed on a lot containing less than such minimum area. In Business or Industrial Districts or in Business Districts A or Industrial Districts A, there shall be provided for each dwelling (including apartment houses and apartment hotels) or club house hereafter constructed or placed, a lot containing not less than 10,000 square feet.

Nothing contained in this Section shall prevent the construction or placing of any such building on any lot (1) in any of said Ten Thousand Foot, Fifteen Thousand Foot and Twenty Thousand Foot Districts containing a smaller area, if such lot on the effective date of the applicable provisions of this Zoning Bylaw originally establishing such districts did not adjoin other land of the same owner available for use in connection with said lot, (2) in any said Thirty Thousand Foot and Forty Thousand Foot Districts containing a smaller area, if such lot on May 1, 1953 did not adjoin other land of the same owner available for use in connection with said lot, or (3) in any Business or Industrial Districts or in Business Districts A or Industrial Districts A containing less than 10,000 square feet, if such lot on May 1, 1941 did not adjoin other land of the same owner available for use in connection with said lot.

This Section shall not apply to the lots shown on the subdivision plans approved by the Planning Board pursuant to the General Laws, Chapter 41, as amended, prior to May 1, 1953.

No lot on which a dwelling or club house is situated, whether heretofore or hereafter placed, shall be reduced in area, if such lot is smaller than is hereby prescribed, or if by such reduction it would be made smaller than is hereby prescribed, except in either case by taking by eminent domain or by a conveyance for a public purpose.

B. Ratio of Building to Lot Area.

In Single Residence and General Residence Districts, Single Residence Districts A, and General Residence Districts A, no building or addition to any building shall hereafter be placed on any lot of land which will result in the covering by buildings of more than the following specified maximum percentages of the area of such lot or maximum building coverage expressed in square feet:

For lots containing less than 10,000 square feet - 25 percent;

For lots containing at least 10,000 square feet but less than 20,000 square feet – the greater of 20 percent or 2,500 square feet;

For lots containing at least 20,000 square feet but less than 40,000 square feet – the greater of 18 percent or 4,000 square feet – but not more than 6,000 square feet; and

For lots containing at least 40,000 square feet - 15 percent;

In Educational Districts B, Limited Residence Districts, Limited Business Districts and Administrative and Professional Districts no building or addition to any building shall be placed on any lot of land which will result in the covering by buildings of more than (20%) of the area of such lot, provided, however, that if the only buildings at any time on a lot in any such district are those permitted by SECTION VI.1., SECTION VIIIA.1., SECTION IX.1., or SECTION X.1, then the limitations aforesaid shall be (25%) in lieu of (20%). In Educational, Business or Industrial Districts or in Educational Districts A, Educational Districts B, Business Districts A, or Industrial Districts A, no dwelling (including apartment houses and apartment hotels) or club house shall hereafter be erected or placed on any lot of land which will result in the covering by buildings of more than (25%) of the area of such lot.

C. Ratio of Families to Lot Area.

1. In General Residence Districts and General Residence Districts A there shall be provided for each dwelling hereafter constructed or placed therein a lot containing not less than 5,000 square feet for each family for whose habitation such building is designed or adapted or the minimum area required for lots in the area regulation district in which the building is located, which ever is greater.

   Except that town houses may be constructed at a ratio in accordance with and subject to the provisions of SECTION IV. GENERAL RESIDENCE DISTRICTS. A. 3.

2. In Educational, Business and Industrial Districts and in Educational Districts A, Educational Districts B, Lower Falls Village Commercial Districts, Wellesley Square Commercial District, Business Districts A and Industrial Districts A there shall be provided for each apartment house, apartment hotel, hotel, inn or town house, hereafter constructed or placed therein a lot containing not less than 2,500 square feet for each family for whose habitation such building is designed or adapted or the minimum area required for lots in the area regulation district in which the building is located, whichever is greater.

and by inserting a new SECTION XVIF. INNOVATIVE NEIGHBORHOOD DESIGN. to create optional cluster development opportunities for innovative design of small subdivisions having up to 4 lots, following XVIE. TREE PROTECTION AND PRESERVATION. to read as follows:

SECTION XVIF. INNOVATIVE NEIGHBORHOOD DESIGN

A. PURPOSE

To provide opportunities for innovative design of small subdivisions where such design shall achieve the following:

1. Allow for the preservation of small pockets of open space or cultural resources that are valuable to existing neighborhoods;
2. Preserve or provide better access to public lands or open space;
3. Provide opportunities for better site access and/or neighborhood circulation patterns than would otherwise be achievable through a standard design approach;
4. Encourage a less sprawling, less intense and more efficient and sustainable form of development that reduces impacts on the surrounding neighborhood, natural features and Town infrastructure.

B. DEFINITIONS

Yield Plan – A conceptual subdivision plan containing all of the elements required as part of the Subdivision Rules and Regulations that depicts the number of single family house lots that could reasonably be developed according to local, state and federal law.

C. ELIGIBILITY

The provisions of this Section are offered by the Town of Wellesley as an option for certain residential subdivisions. These provisions may only be used for residential subdivisions with the following characteristics:

1. The maximum potential residential yield of the parcel in question is up to 4 lots as demonstrated through the development of a Yield Plan;

2. The lot(s) are located in the following districts:

    a. Single Residence 15;
    b. Single Residence 20;
    c. Single Residence 30; and
    d. Single Residence 40.

3. A clearly identifiable amenity shall result from or shall be preserved through the development process including, but not limited to:

    a. Open space or other natural resources currently unprotected by local or state law;

b. Greenway corridors for trail networks or wildlife habitat;
c. Specimen trees or other vegetation integral to the character of the neighborhood;
d. Buffers or drainage ways to wetland or surface water resources;
e. Historic structures;
f. Archaeological or other culturally significant sites;
g. Private resident or public access to open space, institutional, or recreational amenities;
h. An easement beneficial to the Town, the Commonwealth of Massachusetts, or private entity for the provision of safety and/or utility access; and
i. Integration with the neighborhood streetscape and pattern of settlement.

4. Access and/or neighborhood circulation shall be improved through the use of alternative design due to:

   a. The location of driveways to neighboring properties;
   b. The geometry of existing roadways;
   c. Documented automotive traffic problems; and
   d. The presence of high levels of pedestrian traffic.

D. DETERMINATION OF YIELD

The total number of lots in a tract upon which an Innovative Neighborhood Design may be built shall be determined through the development of a Yield Plan as defined in this section of the Zoning Bylaw. A Yield Plan shall be provided to the Planning Board as part of the subdivision process in accordance with the procedures outlined in the *Rules and Regulations Governing the Subdivision of Land* and based on the minimum lot size requirements as specified in SECTION XVIII. AREA REGULATIONS, without regard to Lot Dimensions as defined in Subsection E. ALLOWABLE DESIGN FLEXIBILITY below.

E. ALLOWABLE DESIGN FLEXIBILITY

1. Lot Dimension. The following minimum yard and lot size dimensions shall apply to an Innovative Neighborhood Design.

TABLE 1

	SINGLE RESIDENCE DISTRICT			
	15,000	20,000	30,000	40,000
Minimum Lot Size	7,500 s.f.	10,000 s.f.	15,000 s.f.	20,000 s.f.
Minimum Frontage	50 ft.	50 ft.	50 ft.	50 ft.
Minimum Front Yard Width	50 ft.	50 ft.	50. ft.	50 ft.
Minimum Front Yard Depth (Setback)	30 ft.	30 ft.	30 ft.	30 ft.
Minimum Side Yard Width	15 ft.	20 ft.	20 ft.	20 ft.
Minimum Rear Yard Depth	15 ft.	20 ft.	20 ft.	20 ft.

Shared Driveways. Shared driveways may be constructed to access a maximum of two (2) residences and shall comply with the standards provided in Subsection F.4 below.

F. STANDARDS AND CRITERIA FOR REVIEW

1. Preservation or Access to Amenities. Site plans developed as part of the subdivision process shall demonstrate that preservation or access to any amenities that are identified pursuant to Subsection C.3 is accomplished through the site design and construction process. Site design practices shall include, as applicable:

   a. Avoidance and protection of sensitive resources that are to be preserved both during construction and after construction.
   b. Installation of natural boundaries or demarcation markers to ensure the protection of sensitive resources. Markers such as boulders, wooden fencing, and similar features may be used for this purpose.
   c. The recording of any easements or covenants required for the long term maintenance of any access ways or open space.

2. Neighborhood Integration. The proposed subdivision, including street, lot and open space layout, shall be integrated into the streetscape and pattern of settlement of the surrounding neighborhood to the fullest extent possible. Consideration shall be given to the need for vegetated buffers, screening, lighting, and other landscape design techniques. To the extent practicable this shall be based on the "Intent, Policy and Recommendations" specified in Part II. Design Criteria of the "Design Guidelines Handbook" adopted by the Design Review Board.

3. Circulation. Walkways, drives and parking shall be safe and convenient and, insofar as practicable, not detract from the use and enjoyment of adjacent properties and Town streets.

4. Shared Driveways.

   a. Shared driveways shall have a minimum surface width of sixteen (16) feet along that portion that is shared by more than one residence.
   b. No shared driveway shall be connected or attached to any other driveway, nor shall any common driveway be extended without prior approval of the Planning Board.
   c. Shared driveways shall be located within an easement which may allow space for installation of water lines and utilities as needed.
   d. Shared driveways shall not exceed three hundred (300) feet in length, measured from the street line to the end of the shared portion of the driveway.
   e. To provide better traffic safety and reduce the visual impacts of traffic on abutting properties, the Planning Board may require shared driveways to be set back from lot lines and/or screened with a buffer of trees and/or shrubs.
   f. Sight distances at the entrance of a shared driveway along the intersecting road shall be at least one hundred (100) feet along the intersected roadway or as far as the next intersection, whichever distance is shorter.

Town of Wellesley

Massachusetts

TOWN MEETING

ARTICLE: 28

MOTION: 1

That the Town vote to amend the Zoning Bylaw by inserting a new SECTION XVIG. NATURAL RESOURCE PROTECTION (NRP) DEVELOPMENT. to create by-right innovative, context sensitive design for subdivisions having 5 or more lots where such cluster design shall achieve the protection of primary and secondary conservation resources that are protected through local, state or federal law, following SECTION XVIF. INNOVATIVE NEIGHBORHOOD DESIGN. to read as follows:

SECTION XVIG. NATURAL RESOURCE PROTECTION (NRP) DEVELOPMENT

A. PURPOSE

To allow innovative, context sensitive design of large subdivisions as a matter of right where such design shall achieve the following:

1. To allow for greater flexibility and creativity in the design of residential developments.
2. To minimize the destruction of, and to encourage the permanent preservation of open space, wildlife habitat, recreational uses and other resources including aquifers, water bodies and wetlands, groundwater, historical, cultural and scenic areas.
3. To promote a less sprawling, less intense and more sustainable and efficient form of development that consumes less open land and conforms to existing topography and natural features.
4. To minimize the total amount of disturbance, grade changes and run-off on or from the site.
5. To facilitate the construction and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner.

B. DEFINITIONS

Primary Conservation Areas – Areas of a potential development site that are protected or where development is limited by federal, state or local law or private land use restrictions including, without limitation:

1. Easements (including, without limitation, easements or restrictions for conservation, preservations, agricultural use, aquifer protection or similar easements and restrictions) and similar covenants land use restrictions;
2. Wetlands, Isolated Wetlands, Bordering Vegetated Wetlands, and the 25-foot No-Disturbance Zone as defined in the Wellesley Wetlands Bylaw;
3. Vernal Pools as defined in the Wellesley Wetlands Bylaw;
4. 100 Year Flood Plain as defined by SECTION XIVB.FLOOD PLAIN OR WATERSHED DISTRICTS;
5. Wildlife habitat;
6. Steep slopes having a grade over 10% or as defined by federal or state law or regulation, whichever is the lesser grade; and
7. Lakes, ponds, rivers, streams, and brooks;

Secondary Conservation Areas – Areas of a potential development site that contain valuable natural or cultural resources including, but are not limited to:

1. Specimen trees;
2. Stone walls;
3. Significant geological features, including, without limitation, eskers, exposed ledge and significant boulders;
4. Mature woodlands;
5. Scenic and wet meadows;
6. Historical or archaeological sites; and
7. Portions of a site within a Scenic Road or Scenic Road Layout.

Yield Plan – A conceptual subdivision plan containing all of the elements required by the Subdivision Rules and Regulations that depicts the number of single family house lots that could reasonably be developed according to local, state and federal law.

C. APPLICABILITY

1. NRP Development is required as a matter of right for any property that would yield 5 or more residential lots. To determine yield, the Planning Board shall consider the following:

   a. The following formula shall be used for yield determination related to NRP Development:

      Where A = Total Property Area
      PCA = Area of primary conservation areas
      10% = Assumed infrastructure area such as roads, etc. In the formula below, this is expressed as the inverse (i.e., multiplying by 90%)

L = Minimum Lot Size per SECTION XVIII. AREA REGULATIONS, without regard to Subsection F. ALLOWABLE DESIGN FLEXIBILITY of this Section.

Y = Assumed number of residential units

$$\frac{(A-PCA) * 0.9}{L} = Y$$

b. Separate contiguous properties under common ownership, or contiguous properties that will otherwise be connected through future development activity, shall be considered in the aggregate when determining applicability through the yield calculation. The intent and requirements of this Section shall not be avoided by segmentation or any incremental approach to development.

c. Where a property owner believes that the property is encumbered by physical, legal or other unforeseen constraints that would reduce the property yield to below 5 lots, the property owner may develop a Yield Plan to demonstrate that the actual expected yield is below 5 lots and therefore NRP Development is not required. The Yield Plan shall contain the information required in the *Rules and Regulations Governing the Subdivision of Land* and shall be submitted to the Planning Board. The Planning Board's determination as to the accuracy of the Yield Plan shall be made at a regularly scheduled Planning Board meeting within 45 days of the submittal of an adequate Yield Plan. The determination of the Planning Board shall be used only to establish whether or not NRP Development is required and shall not be interpreted as approval of a subdivision or the vesting of any development yield on the property.

2. This Section does not apply to the construction of homes or businesses on individual lots that existed prior to the effective date of this Section of the bylaw.

3. A Special Permit application to the Planning Board is required for any subdivision that does not conform to the development requirements herein. In order to approve such Special Permit, the Planning Board must find that the proposed alternative plan advances the purposes of the NRP Development bylaw as well as or better than a plan that conforms to this Section. If the Planning Board determines that the land with the greatest natural resource value (as identified in the required materials) cannot be protected except by the use of a NRP Development plan, the Planning Board shall deny the Special Permit for the deviation and require the applicant to submit a plan that complies with the requirements of the NRP Development process. The Planning Board may impose conditions on the grant of any such Special Permit.

D. DESIGN STANDARDS

The following Design Standards shall apply to all plans for NRP Development and shall govern the development and design process:

1. Overall site design and development shall be performed in a manner that protects the conservation areas identified pursuant to the procedures established in the *Rules and Regulations Governing the Subdivision of Land*. Techniques to ensure adequate protection shall include, but shall not be limited to:

   a. Avoidance and protection of Primary and Secondary Conservation Areas that are to be preserved both during and after construction.

   b. Installation of natural boundaries or demarcation markers to ensure the protection of sensitive resources. Markers such as boulders, wooden fencing, and similar features may be used for this purpose.

   c. Proper selection, installation, and maintenance of erosion and sediment control practices during construction activities.

   d. Fencing used to protect trees during construction activities installed minimally to the drip line of the tree(s).

   e. The recording of any easements or covenants required for the long term maintenance of any access ways or open space as described in Subsection G.

   f. To keep storm water run-off from any parcel on such parcel to the fullest extent reasonably practical, employing low impact development techniques when practicable.

2. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill, to handle storm water run-off (if any) through low impact design techniques, and to preserve and enhance views and vistas on or off the subject parcel.

3. Dwellings shall be oriented and placed on lots in such a manner so as to promote visual interest, while preserving the neighborhood streetscape, if applicable.

4. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed

areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover.

5. All open space shall be set aside and/or designed to add to the visual amenities of the area through the siting of houses, the creation of "no-cut" buffers, low impact trail design, or other similar methods.

6. Open space parcels with public access shall have physical and legal access from a street of not less than 20 feet in width. Such access shall be demarcated by stone bounds to distinguish between the edge of the public access and amenities from private property.

7. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

8. Exterior lighting shall be only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties.

9. Shared driveways may be constructed to access a maximum of three (3) residences and shall comply with the following standards:

   a. Shared driveways shall have a minimum surface width of sixteen (16) feet along that portion that is shared by more than one residence.

   b. No shared driveway shall be connected or attached to any other driveway, nor shall any common driveway be extended without prior approval of the Planning Board.

   c. Shared driveways shall be located within an easement which may allow space for installation of water lines and utilities as needed.

   d. Shared driveways shall not exceed three hundred (300) feet in length, measured from the street line to the end of the shared portion of the driveway.

   e. To provide better traffic safety and reduce the visual impacts of traffic on abutting properties, the Planning Board may require shared driveways to be set back from lot lines and/or screened with a buffer of trees and/or shrubs.

   f. Sight distances at the entrance of a shared driveway along the intersecting road shall be at least one hundred (100) feet along the intersected roadway or as far as the next intersection, whichever distance is shorter.

E. DESIGN PROCESS

At the time of the application for NRP Development, applicants shall demonstrate to the Planning Board that the following design process was performed, in the order so prescribed, by a multidisciplinary team of qualified professionals to determine the layout of proposed streets, house lots, including designation of all common areas and open space.

1. Identifying Conservation Resources. Identify Primary and Secondary Conservation Areas. The Potentially Developable Area of the site shall consist of land outside identified Primary Conservation Areas to the extent required by this Section, and outside the Secondary Conservation Areas to the fullest extent practicable.

2. Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community within the subdivision.

3. Locating Streets and Trails. Layout streets in order to access the house lots. Trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

4. Lot Lines. Draw in the lot lines using assumed lot lines if the ownership is in condominium, cooperative or other similar form of common ownership.

F. ALLOWABLE DESIGN FLEXIBILITY

Dimensional Requirements. To facilitate the design process provided in Subsection E. above, the following housing and dimensional standards shall apply to NRP Development.

1. Housing Types. Only detached single family homes are allowed in NRP Development.

2. Lot Dimension. To facilitate the design process provided in Subsection E above, the following housing and dimensional standards shall apply to NRP Development.

Table 1.

	SINGLE RESIDENCE DISTRICT				
Area Regulation District	10,000 s.f.	15,000 s.f.	20,000 s.f	30,000 s.f.	40,000 s.f.
Minimum Lot Size	7,500 s.f.	7,500 s.f.	10,000 s.f.	15,000 s.f.	20,000 s.f.
Minimum Frontage	50 ft.	50 ft.	75 ft.	100 ft.	100 ft.
Minimum Front Yard Width	50 ft.	50 ft.	75 ft.	100 ft.	100 ft.
Minimum Front Yard Depth (Setback)	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Minimum Side Yard Width	15 ft.	15 ft.	20 ft.	20 ft.	25 ft.
Minimum Rear Yard Depth	15 ft.	15 ft.	20 ft.	25 ft.	30 ft.

3. Frontage and Setbacks. Lots having reduced area shall not have frontage on a street other than a street within the NRP Development.

4. Accessory Structures. Detached accessory structures over 100 square feet shall have a minimum side yard and rear yard setback of fifteen (15) feet.

G. OPEN SPACE

1. Minimum Open Space Requirement. A minimum of fifty percent (50%) of the site shall be protected open space. The percentage of this open space that may include wetland shall not exceed the percentage of wetland of the entire site under existing conditions.

2. Contiguous Open Space. Preserved open space shall be contiguous to the greatest extent practicable. Where noncontiguous pockets of open space are preferable to protect conservation areas, applicants shall attempt to connect these resources area to the greatest extent practicable through the use of trails and/or vegetated corridors. Open space will still be considered contiguous if it is separated by a shared driveway, roadway, or an accessory amenity (such as a barn, paved pathway or trail, or shed for the storage of recreational equipment).

3. Restrictions on Open Space. Any land required to be set aside as open space shall be permanently protected pursuant to Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts or a perpetual restriction under M.G.L. Chapter 184 Section 31-33. Unless conveyed to the Natural Resources Commission, the required

open space shall be subject to a permanent Conservation, Watershed, or Agricultural Preservation Restriction conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, or Department of Agricultural Resources in accordance with M.G.L. Chapter. 184 Section 31-33, approved by the Planning Board and the Board of Selectmen and held by the Town of Wellesley, the Commonwealth of Massachusetts, or a non-profit conservation organization qualified to hold conservation restrictions under M.G.L. Chapter 184, Section 31-33.

The restriction shall specify the prohibited and permitted uses of the restricted land, which would otherwise constitute impermissible development or use of the open space, consistent with the Allowable Use of the Open Space Subsection of this bylaw and any permits. The restriction may permit, but the Planning Board may not require, public access or access by residents of the development to the protected land.

4. Allowable Use of the Open Space. Open space used to satisfy the minimum open space requirement shall be perpetually kept in an open state, preserved exclusively for the purposes set forth herein and in the deed and/or in the restriction, and maintained in a manner which will ensure its suitability for its intended purposes. Proposed use(s) of the open space consistent with this Section shall be specified in the application. At the applicant's discretion, conservation restrictions may be placed on open space beyond the minimum amount required by this bylaw.

   a. The open space may be used for wildlife habitat, conservation, historic or cultural resource preservation, outdoor education, active or passive recreation, community gardens, or a combination of these uses, and shall be served by suitable access for such purposes.

   b. Open space may include paved and/or developed areas to be paved or built upon (preferably, and to the fullest extent possible, using permeable pavement and other means of retaining natural hydrology) for structures accessory to the dedicated use or uses of such open space (e.g.,. parking to facilitate public access for passive recreation, informational kiosks, pedestrian walks, ADA access features, and bike paths) so long as the conservation values of the open space are not compromised.

   c. Open space may include vegetated storm water management practices including swales, rain gardens, bio-retention facilities and constructed wetlands.

5. Ownership of the Open Space. At the Planning Board's determination, the open space may be owned by:

a. A private owner for agricultural, horticultural, forestry or any other purpose not inconsistent with the conservation restriction;

b. A non-profit organization or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of open space for any of the purposes set forth herein;

c. The Natural Resources Commission; or

d. A homeowners association (HOA) as defined herein owned jointly or in common by the owners of lots or units within the project. If a HOA is selected as the means of ownership, the following shall apply:

i. The documents organizing the HOA shall be drafted and approved by the Planning Board before final approval of the NRP Development, recorded prior to the issuance of building permits, comply with all applicable provisions of state law, and pass with conveyance of the lots or units in perpetuity. Each individual deed, and the deed, trust, or articles of incorporation, shall include language designed to effect these provisions.

ii. Membership must be mandatory for each property owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.

iii. The HOA must be responsible in perpetuity for liability insurance, property taxes, the maintenance of recreational and other facilities, private roads, and any shared driveways.

iv. The assessment levied by the HOA must be able to become a lien upon individual properties within the development.

v. The HOA must be able to adjust the assessment to meet changed needs.

vi. The applicant shall make a conditional grant to the Town, binding upon the HOA, of the fee interest to all open space to be conveyed to the HOA. Such offer may be accepted by the Town at the discretion of the Board of Selectmen, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any

future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

vii. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual property owners in the HOA and the dwelling units they each own.

viii. The Town of Wellesley legal counsel must find that the HOA documents presented satisfy the conditions above, and such other conditions as the Planning Board shall deem necessary.

e. Selection of an ownership option other than the Natural Resources Commission shall require the following:

i. The conveyance of a conservation restriction as outlined herein; and

ii. The granting of an access easement over such land sufficient to ensure its perpetual maintenance as specified in the conservation easement. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town of Wellesley may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. Pursuant to G.L. Chapter 40 Section 58, the Town may file a lien against the lot or lots to ensure payment for such maintenance. Pursuant to G.L. Chapter 40 Section 57, the Town may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.

ARTICLE: 29
MOTION: 1

That the Zoning Map be amended by establishing as a WELLESLEY SQUARE COMMERCIAL DISTRICT land now included within the EDUCATIONAL DISTRICT located at #40 Grove Street, #53 Grove Street and #576 Washington Street (Assessor's Parcels 112-37, 124-13 and 124-16) as shown on a plan entitled "Proposed Zoning Changes at Grove Street" by David Hickey, Town Engineer, dated March 15, 2013, a copy of which is on file at the Office of the Town Clerk;

ARTICLE: 30
MOTION: 1

That the Zoning Bylaw SECTION XVIII. AREA REGULATIONS. be amended to create a special permit process to allow for a reduction in the 2,500 square foot minimum lot area for residential dwelling units in the Wellesley Square Commercial District;

by adding a new paragraph 3. in Subsection C. Ratio of Building to Lot Area (as amended in Article 27, Motion 1) after the existing paragraph 2., to read as follows:

3. In the Wellesley Square Commercial District, the 2,500 square foot minimum lot area requirement per family for whose habitation such building is designed, set forth in C.2 above, may be reduced to no less than 1,800 square feet for each family for whose habitation such building is designed or adapted subject to the terms of a special permit granted by the Planning Board, acting as the Special Permit Granting Authority, in accordance with the following performance standards:

    a. A report shall have been received from the Design Review Board finding the proposed project is consistent with the design criteria listed in SECTION XXII.DESIGN REVIEW and that the project is an improvement of building facades to enhance the pedestrian experience and contribute toward the history and vitality of Wellesley Square; and

    b. All whole Assisted Units required to comply with SECTION XVIB. INCLUSIONARY ZONING. (excepting any fractional Assisted Unit) are to be constructed on the Development Area; and

    c. There shall be provided for each project a minimum open space (as defined under SECTION IA. DEFINITIONS.), equal to at least twenty percent (20%) of the Development Area; and

    d. There shall be provided for each unit parking for two vehicles.

ARTICLE: 31
MOTION: 1

That the Zoning Bylaw SECTION XXIIA. SIGNS. be amended to modify the required setback for Standard Informational Signs;

by striking in its entirety from subsection K. LOCATION, CONSTRUCTION AND DESIGN STANDARDS. paragraph 1. Setback. and replacing it with a new paragraph 1. Setback to read as follows:

Setback. Unless a more restrictive setback is specified otherwise in this Section, all Ground Signs, whether permanent or temporary, shall be set back at least fifteen (15) feet from the nearest property line, whether or not said line abuts a public or private street or way; except Standard Informational Signs which may be located anywhere on the lot, but shall not create a traffic safety hazard by blocking visibility of traffic on a public street from a driveway and shall not overhang a public sidewalk.

ARTICLE: 32
MOTION: 1

That the Town vote to amend the Zoning Bylaw by inserting a new SECTION XVIH. TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS. to define and establish a temporary moratorium on the location of "medical marijuana treatment centers", for the purposes of providing an orderly period of time for the Town to complete a comprehensive analysis and study of authorizing, regulating, or locating such facilities with the Town of Wellesley; to be inserted following XVIG. NATURAL RESOURCE PROTECTION (NRP) DEVELOPMENT. and to read as follows:

SECTION XIVH. TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS.

A. INTENT AND PURPOSE

By vote of the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law is effective as of January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Regulations promulgated by the State Department of Public Health are expected to provide guidance in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulations will not be released prior to Annual Town Meeting and given the complex legal, planning, and public safety issues the Town of Wellesley has determined time is needed to conduct a comprehensive study to review, evaluate and consider possible amendment(s) to the current provisions of the Zoning Bylaw, as well as to address the potential impact of the State regulations on zoning town-wide regarding regulation of medical marijuana and Medical Marijuana Treatment Centers. A temporary moratorium on the use of land and structures in the Town of Wellesley for Medical Marijuana Treatment Centers will allow for sufficient time to engage the residents in a comprehensive planning process to address whether such use will be permitted in any district and if so under what conditions and limitations the effects such structures and uses would have in the Town of Wellesley and to enact bylaws in a manner consistent with sound land use planning goals and objectives to be discussed during the moratorium period.

B. DEFINITIONS

For the purposes of Section XIVH, the following definitions shall apply.

Medical Marijuana Treatment Center – Not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

C. APPLICABILITY OF TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town of Wellesley hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. For so long as this temporary moratorium remains in effect, no Medical Marijuana Treatment Center or structure appurtenant or accessory to Medical Marijuana Treatment Center shall be constructed, nor shall any building permit, special permit, variance or site plan approval decision for any such facility be issued in the Town of Wellesley. Unless extended, modified or rescinded by a subsequent action of Town Meeting, the provisions of this temporary moratorium shall be in effect from April 1, 2013 to June 30, 2014.

ARTICLE: 33
MOTION: 1

That the Town votes to amend Article 49 Police Regulations by adding a new Section 49.19A. Consumption of Marijuana Prohibited. to read as follows:

49.19A. Consumption of Marijuana Prohibited. 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 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. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under General Laws Chapter 94C, Section 32L.

ARTICLE: **34**
MOTION: **1**

That the Town votes to amend **Article 49. Police Regulations**, **Section 49.2C Preparation and/or retail sale of food or beverage.** by removing from section (a) "A fee of $50.00 shall be charged for said license." and replacing it with "The fee for such license shall **be** determined from time to time by the Selectmen after a public hearing."

Section 49.2C will now read:

(a) The Board of Selectmen may grant licenses to persons whose principal business is to prepare and sell food or beverage at retail who are not otherwise licensed as a common victualler. No person who is eligible for such license shall conduct such business without being so licensed. This bylaw shall not require the Selectmen to grant said license if, in their opinion, the public good does not require it. For these purposes, in determining whether the public good is served, the Selectmen shall ascertain whether the traveling public will be inconvenienced in its use of the public ways and sidewalks, whether the business has sufficient parking, and whether the public safety is protected. The fee for such license shall be determined from time to timeby the Board of Selectmen after a public hearing.

ARTICLE: **35**
MOTION: **1**

That the Town votes to amend the Town Bylaws, Article 14. Permanent Building Committee, Section 14.9. Supervision of Project Construction, Sections 14.9.a. & 14.9.c. so that the amended sections would read as follows:

a. The Committee, **at its discretion,** may elect to supervise the construction of any project for which the Town incurs bonded debt.

c. Subject to clause (a) above, any proposing board at its discretion may elect to supervise the construction of any other project involving any one building and estimated to cost less than **$100,000.**

ARTICLE: **45**
MOTION: **1**

That the Town authorize the Selectmen to appoint one or more of their number **as** fire engineers.

ARTICLE: 22
MOTION: 1

MOTION. That the Board of Selectmen is hereby authorized to petition the General Court for special home rule legislation which, together with or independently of c. 267 of the Acts of 2002, will authorize the appropriate state agency to convey to the Town the most westerly section of the Cochituate Aqueduct, beginning at the Wellesley-Natick corporate boundary and running generally southeasterly to station 157 + 75, approximately 25 feet south of Dedman's Brook waster weir (as already authorized by said c. 267), but will further authorize the following:

(a) To authorize approximately 11,000 sq. ft. of said Aqueduct to be leased by the Town (in form of a lease or in the alternative a lease with an option to purchase) to the owner of the commercial land now owned by Bike Realty LLC, or its Nominee, which abuts the Aqueduct and Route 9, for the expansion of its existing parking lot, provided the Town commits to dedicate a 11,000 sq. ft town-owned parcel of land to open space, consistent with the Article 97 Land Disposition Policy of the Executive Office of Energy and Environmental Affairs; or alternatively, provide an acceptable payment in lieu of such commitment if agreed to under the "exceptional circumstances" of said Policy; or alternatively

(b) To authorize the Commonwealth to convey the 11,000 sq. ft parcel referenced above directly to the owner of the abutting commercial property referenced above and the balance of said section of the Aqueduct to the Town; and

(c) In either case, to ensure that the full and fair market value thereof of the Aqueduct parcel(s), including the 11,000 sq. ft referenced above, be made by the owner of the commercial land so that the transfer of all title shall be at said owner's cost, with no net cost to the Town; and

(d) To resolve future ownership of, and the parties' rights and obligations pertaining to, the existing weir, weir house structure and the portion of the existing Aqueduct pipe running beneath the surface of Route 9.

And further that the Board of Selectmen is hereby authorized to determine in its sole discretion the form of petition to be filed, and once its filed, to decide on any subsequent revisions or modifications as said Board may deem best in its opinion to achieve the Town's acquisition of all or (a portion) of the most westerly portion of the Cochituate Aqueduct parcel under such circumstances and subject to such conditions as said Board determines.