

# TOWN OF WELLESLEY



## REPORT TO THE SPECIAL TOWN MEETING

8:00 PM  
MONDAY, DECEMBER 9, 2013  
KATHERINE L. BABSON, JR. AUDITORIUM  
WELLESLEY HIGH SCHOOL

by the  
ADVISORY COMMITTEE

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

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**TOWN OF WELLESLEY**



**ADVISORY COMMITTEE LETTER  
SPECIAL TOWN MEETING  
December 9, 2013 at 8:00 P.M.  
Katherine L. Babson, Jr. Auditorium  
Wellesley High School**

**TERM ENDS 2014**

Robert Capozzi  
Becky Epstein  
Marjorie Freiman, Chair  
Ann Marie Gross  
Deborah Robi

**TERM ENDS 2015**

Thomas Engels, Vice-Chair  
John Hussey  
Lucy Kapples, Secretary  
Andy Patten, Vice-Chair  
Ann Rappaport

**TERM ENDS 2016**

Mary Crown  
Tom Frisardi  
John Hartnett  
Mason Smith  
Scott Tarbox

To the Citizens of the Town of Wellesley:

November 25, 2013

A Special Town Meeting will convene on Monday, December 9, 2013, at 8:00 P.M. at the Wellesley High School Katherine L. Babson, Jr. Auditorium, 50 Rice Street. All residents are welcome to attend the meeting in person, or follow the proceedings on Wellesley Media Corporation's Government Channel (Comcast Channel 8, Verizon Channel 40). This letter presents the Advisory Committee's summary of the key item on the Warrant for the 8:00 Special Town Meeting.

Article 2 is a request by the Board of Selectmen (BOS) for a supplemental appropriation of \$308,855 from Free Cash to the Permanent Building Committee (PBC) to accomplish two objectives: (1) modify and update the application for a Special Permit as a Project of Significant Impact (PSI) with respect to the Tolles-Parsons Center (TPC), a stand-alone senior center; and (2) make necessary TPC project modifications to meet the Planning Board's (PB) statutory standard of making "specific and material changes" in order for the PB to reconsider the application for the Special Permit.

An appropriation was made at the 2013 Annual Town Meeting which was intended to carry BOS and PBC through the stages of permitting, design, preparation of construction documents and bidding, to enable them to return to the 2014 ATM with bids in hand to seek construction funding. In November 2013, the PB denied the application for the special permit. The BOS and PBC wish to address issues they understand to have led to that denial and present "specific and material changes" according to which the PB will agree to reconsider the project. The Article 2 supplemental appropriation request is to enable BOS and PBC to perform the work necessary to address those issues and re-present the project to the PB.

A comprehensive *Report to the Special Town Meeting* (the "Report") containing the Advisory Committee's recommendations and all related Reports to the 8:00 2013 Special Town Meeting will be mailed to all Town Meeting Members and to all Town departments. The Report will also be posted on the Town's website at [www.WellesleyMA.gov](http://www.WellesleyMA.gov). Copies of the Report will be available at the Town Clerk's Office and at the Wellesley Free Library no later than seven days prior to the meeting and any resident may request the Town Clerk to mail him or her a copy. If further recommendations are made by the Advisory Committee subsequent to the publication of the

Report and the opening of Special Town Meeting, a notice will be sent to TM Members by e-mail, and the new recommendations will be posted on the Town's website.

This letter and our Report provide comprehensive background information on the issue coming before Special Town Meeting. The Advisory Committee welcomes citizen input and suggestions. Our meetings are open to the public and always begin with a "Citizen Speak" session. Residents who wish to communicate via e-mail can reach us at [AdvisoryCommittee@WellesleyMA.gov](mailto:AdvisoryCommittee@WellesleyMA.gov).

Sincerely,  
Marjorie R. Freiman, Chair  
Advisory Committee

# INDEX TO WARRANT ARTICLES

ARTICLE	SUBJECT	PAGE
1.	Choose Moderator and Receive Reports .....	6
2.	Appropriation – Tolles-Parsons Center.....	6

## APPENDICES

A.	Town Meeting Acronyms.....	13
B.	Planning Board Decision.....	15
C.	Permanent Building Committee Reconsideration Request.....	32
D.	PSI Report from Planning Director.....	35
E.	Guidelines for Conduct of Wellesley Representative Town Meeting.....	44

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

**(Board of Selectmen)**

**Advisory expects no motion under this Article.**

**ARTICLE 2.** To see what sum of money the Town will raise and appropriate, or otherwise provide, in addition to the amounts voted under Motion 3 of Article 20 of the Warrant for the 2009 Annual Town Meeting and Motion 1 of Article 18 of the Warrant for the 2013 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 496 Washington Street (the former American Legion site) and for vehicular parking to be located on site or on other town controlled land or otherwise; to determine whether such sum shall be raised by taxation, through borrowing and/or transfer from available funds; or take any other action relative thereto.

**(Board of Selectmen)**

Through this Motion, the Board of Selectmen (BOS) requests a supplemental appropriation of \$308,855 from Free Cash to the Permanent Building Committee (PBC) to update the application for a Special Permit as a Project of Significant Impact (PSI) with regard to the Tolles-Parsons Center (TPC), and make any additional modifications to the proposed project that may be necessary to meet the statutory standard of making specific and material changes in the conditions upon which unfavorable action by the Planning Board (PB) was based. Following completion of the design, permitting and document preparation, the BOS hopes to return to a subsequent Town Meeting with bids-in-hand to seek funds for the final construction of the TPC. Some estimates below are preliminary; the exact total funding request will be provided at or before the December 9, 2013 8:00 PM Special Town Meeting.

### **Background**

The process of constructing the Tolles-Parsons Center began in 2005 with a gift from the estate of Mary Esther "Billie" Tolles of \$825,000 to found, construct and equip a free-standing senior center.<sup>1</sup> Town Meeting supported the TPC in 2008, appropriating \$50,000 for a feasibility study of the American Legion (AL) site at 496 Washington Street, and again in 2009 by appropriating \$600,000 for a detailed building design at this site. At the 2013 ATM, \$165,300 in additional design funds was appropriated to accommodate revised programming needs, as well as to develop plans for additional parking across the street at the police station. This appropriation was intended to take the TPC project through the permitting and design process, including the PSI process so the proponents (BOS and PBC) would be able to come to the 2014 ATM with construction documents and (ideally) bids in hand. If the TPC was supported at TM and by the voters of Wellesley, the intention was to fund the construction of TPC through a debt exclusion.

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<sup>1</sup> A comprehensive look at the history of the TPC project may be found in the *Report of the BOS and COA: Status of the TPC* (pages 193-202 of the 2013 Advisory Report). There are also two reports which explain in detail the rationale for a stand-alone senior center: the *Report of the Senior Study Committee for the 2009 ATM* (pages 80-81 of the 2009 Advisory Report), and the *Report of the Tolles-Parsons Review Committee* (pages 203-210 of the 2013 Advisory Report).

Wellesley has a well-established and unique PSI process, adopted at the 1990 ATM, which is intended to make sure that new projects whose floor areas exceed 10,000 square feet do not have adverse impacts on existing municipal services, roads or other municipal facilities in the Town. Although in many communities, town projects are exempt from their own general site plan permitting, Wellesley chooses to put its municipal projects through the PSI process, demonstrating that the Town adheres to the same guidelines that it imposes on private developers.<sup>2</sup> The PSI process is overseen by the Planning Board (PB) and the proponent submits a PSI application which includes a Municipal Systems Impact Analysis completed by the architect and engineering professionals to be reviewed by Town departments:

- Water by the Board of Public Works (BPW)
- Sewer by the BPW
- Storm drainage by the BPW
- Electrical service by the Municipal Light Board (MLB)
- Traffic, pedestrian and bicycle safety by the BOS (including peer review by the Town's traffic engineer)
- Fire protection and life safety by the Fire Chief
- Refuse disposal by the BPW

Written recommendations of the review departments are subsequently reviewed by the PB and the PSI Applicant before a public hearing, affording the Applicant an opportunity to revise the proposed project to meet the recommendations of the relevant departments. During the course of the PSI process, including the public hearing, the PB may propose specific design alternatives and/or negotiated improvements to municipal facilities in order to meet minimum service standards. Pursuant to Town Zoning Bylaw Section XVIA(C)(e), a special permit shall be granted if the project meets the minimum service standards.<sup>3</sup>

The TPC PSI Application was filed by the BOS and PBC (the "Applicant") on August 14, 2013. Prior to the first public hearing on September 23, 2013, the Applicant received questions and recommendations from PB and the various review departments. The Town's Report which summarizes the recommendations of the various Town boards (MLP, DPW, Engineering Department, Town traffic consultant, BOS, Fire Department) is found on page 35 of this Report. The Applicant responded to the inquiries and adopted the proposed recommendations. At the first public hearing, issues were raised by the PB regarding storm water drainage and traffic and parking. The PBC responded in writing to each of the inquiries and included memoranda from the PBC; Howard/Stein-Hudson (the project's traffic engineer); Kien Ho of Beta (the Town's traffic engineer); Jack Pilecki, Deputy Chief of Police; and Gayle Thieme, Director of Senior Services for the Council on Aging (COA). Additionally, on the morning of the second public hearing, further questions were submitted by the PB to which the PBC supplied responses prior to the beginning of the second hearing on October 21, 2013. These documents can all be found on the Planning Board's website at:

[http://www.wellesleyma.gov/Pages/WellesleyMA\\_Planning/reviews/TPC\\_PSI-1/TPC\\_Index](http://www.wellesleyma.gov/Pages/WellesleyMA_Planning/reviews/TPC_PSI-1/TPC_Index)

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<sup>2</sup> Recent PSI projects include the Wellesley Country Club Maintenance Facility, the Wellesley Country Club Pool, Babson College Freshman Dorm, and redevelopment of the Wellesley Inn.

<sup>3</sup> Minimum service standards are determined by the BPW in the case of water, sewer, refuse disposal and storm drainage, by the MLB in the case of electric service, and by the Fire Chief in the case of fire protection and life safety. Traffic, pedestrian and bicycle safety issues are reviewed by the BOS and the Town's traffic engineer. Traffic, pedestrian and bicycle safety standards are not to drop in service below the level of "C" (stable flow) as defined by the *Highway Capacity Manual* and the standards of the *Massachusetts Highway Project Development and Design Guide* must be followed.

On October 21, 2013, the PB voted 3-2 in favor of issuing the special permit subject to certain traffic and pedestrian safety conditions; however, the Town Zoning Bylaw XXV(C) requires a super-majority vote of 4-1. Since the necessary super-majority was not achieved, the Special Permit for TPC was denied; the written decision of the PB is on page 15 of this report. The PB also declined to reopen the Public hearing to allow the Applicant to remove the PSI from consideration without prejudicing future filings (and without triggering the two year waiting period for resubmission), an option under the Zoning Bylaw. The Applicant requested that the PB provide them with specific and detailed reasons for its denial of the application in a written request for reconsideration (see page 32 of this Report).

On November 4, 2013, PB filed the Decision denying the TPC special permit. The PB decision set forth in Appendix A on page 15 includes a list of the materials reviewed by the PB and a discussion section which includes a transcript of the proceedings and the decision. Pursuant to Zoning Bylaw Section XXV(C) and Massachusetts General Laws Chapter 40A, Section 17, one of the options available to the PBC and BOS is an appeal of the decision to the Superior Court or Land Court within 20 days of the filing of the decision. Otherwise, the applicant must wait two years to resubmit the project unless it presents "specific and material" changes to the project that are accepted by the PB.<sup>4</sup>

On November 13, 2013, the BOS voted 4-1 not to appeal the decision and BOS suggested to PB that the parties might now meet to discuss openly the next steps in getting the project back on track without fear of litigation. In addition, the BOS decided to convene this Special Town Meeting to request a supplemental appropriation of funds to the PBC to enable them to address the PB's concerns with the goal of mitigation and a favorable vote by the PB on the TPC Special Permit Application. Because of this delay, the BOS will not be able to come to 2014 ATM with a final project proposal but anticipates a request at a 2014 STM in the fall.

On November 18, 2013, the PB and BOS met in a joint session. The PB stated the following: (1) The PB would not reopen a hearing on the failed PSI nor would they participate in a Town Development Review Team (TDRT);<sup>5</sup> (2) By statute, the BOS and PBC had the option of coming back to the PB at any time with an altered project that PB agreed presented "specific and material" changes from the previous project; (3) The PB would be willing to offer the services of Planning Department staff to work through the issues and would be willing to hear from the BOS and PBC at future PB meetings to provide feedback on any proposals from the BOS and PBC; and (4) The PB would not guarantee that the outcome of further work would lead to an accepted project. At least two members of the PB stated that the AL site was not appropriate for the TPC.

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<sup>4</sup> Under Zoning Bylaw XXV(C), the PB would have to vote by a supermajority (4-1 or better) to support a resubmission within the two-year time frame.

<sup>5</sup> A TDRT is an informal group that brings together representatives from different Town boards and departments (including Town Counsel) who would be involved in a project to frame, discuss, and analyze issues, often in the early stage of project development. Examples of recent TDRTs include the redevelopments of Linden Square, Wellesley Inn, 27 Washington Street and 900 Worcester Street.

It also appeared that PB objections to the original PSI were limited to the following four issues:

- Storm water drainage on the site and whether a sustainable alternative to stormceptors<sup>6</sup> is possible;
- Traffic and parking on Atwood Street;
- Traffic, parking and pedestrian safety issues on Washington Street;
- The signalization and number of crosswalks on the segment of Washington Street in front of the proposed TPC site.

**Scope of Further Work**

With the goal of addressing PB’s objections to the TPC PSI, the PBC has made some very preliminary cost estimates of the work which they expect to be necessary to propose “specific and material” changes to the original TPC PSI submission. Advisory notes that the numbers provided in this Report may change before STM and that any proposals by PBC will be subject to PB review which may alter the way in which the funding is allocated.

The 2013 TPC design budget of \$756,300 was appropriated in two portions: (1) \$600,000 at the 2009 ATM; and (2) \$165,300 at the 2013 ATM.

The spending to date on the TPC Project is given in the following chart:

<b>Design Services</b>	<b>Amount Spent To Date</b>	<b>2013 Budget</b>	<b>Proposed Cost Adjustments</b>
Architectural and Engineering	\$353,796	\$539,523	\$152,270
Other Professional Services	82,558	122,000	96,300
Other Project-Related Expenses	36,394	64,323	20,000
Contingency	23,410	39,454	40,285
<b>Total Budget</b>	<b><u>\$496,158</u></b>	<b><u>\$765,300</u></b>	<b><u>\$308,855</u></b>

The remaining \$269,142 in the PBC budget was intended to bring the TPC project forward to TM, ideally with bids in hand, and includes encumbered funds for construction documents and bidding. The new appropriation of \$308,855 will enable the BOS and PBC to submit a new PSI which will work to answer PB issues with the previous PSI application. These funds will only be spent on a cash-flow basis, meaning that there will be specific phases with dollar values attached which will be check points in the spending process. The PBC and BOS are committed to stopping the project at any point along the process if it determines that the PB is unwilling to consider the project for resubmission under the “specific and material” Zoning Bylaw regulations or if the PB rejects the proposals to address the issues. The cash-flow projections will be available to Town Meeting members at or before STM and will be part of an Advisory supplementary report which will be e-mailed to all TMMs and will be available in hardcopy format at STM.

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<sup>6</sup> A Stormceptor is a subsurface infiltration system which is capable of removing sediment and oil from stormwater when used in accordance with the MA DEP Stormwater Policy Guidelines. The DPW typically uses Stormceptors for stormwater management (e.g., at the High School and Duck Pond) and recommended their use for the TPC project.

A further breakdown of the \$308,855 appropriation is found in the chart below:

Architectural and Engineering		
	New stormwater designs [1]	10,395
	PSI Resubmission [2]	28,875
	Architect (possible supplementary consultant) [3]	80,000
	Consultant services for meetings [4]	25,000
	CAD/sketches	8,000
		<b>\$152,270</b>
Other Professional Services		
	Traffic and parking studies (PBC consultants)	32,330
	Crosswalk and signal(s) (PBC consultants)	28,875
	Owner's Project Manager	28,100
	Traffic engineering costs	6,995
		<b>\$96,300</b>
Other Project Expenses		
	Town traffic engineer (Beta)	15,000
	PBC personal services and expenses	5,000
		<b>\$20,000</b>
Contingency (15%)		<b>\$40,285</b>
<b>Total Budget</b>		<b><u>\$308,855</u></b>

[1] Possibly including porous pavement and/or an on-site rain garden to supplement or replace the Stormceptors; [2] May not need the full amount if part of the original PSI application is allowed to be re-submitted without change; [3] Is not a part of the PSI resubmission; [4] PBC expects to meet with PB, neighbors, DPW, and Police in a series of ten meetings (budgeted at \$2,500 per meeting).

### Proposed TPC Project

The TPC design has a building footprint of 5,000 square feet. The building plan includes about 1161 square feet of office space for the Council on Aging (COA) on the first and second floors (approximately 23% of the TPC), a dining area, kitchen and a drop-in socialization/café area on the first floor and general meeting rooms on the second floor with movable partitions. The project includes 4,765 square feet of floor space on the first floor; 4,908 square feet on the second floor; and a 4,563 square foot finished basement for a total of 14,236 square feet. The TPC is expected to be able to accommodate 130-150 visitors per day.

### Advisory Considerations

Advisory unanimously agrees with the BOS that building an accessible, stand-alone senior center is a top Town priority. The Committee noted that Town Meeting has thoroughly discussed the TPC project at 2008, 2009, and 2013 Annual Town Meetings and voted by substantial majorities to support significant appropriations.<sup>7</sup> Advisory members are strongly supportive of the Town's senior population, believing that the needs of the seniors have often been overlooked and also recognizing that senior support has been critical for recent Town projects, including the new high school. While the senior population approaches the school population in size, the COA budget is a small fraction of spending on other Town priorities, with most COA programs carrying a direct cost to seniors.

The AL site has been the subject of much discussion by many Town boards and committees and many other possible sites have been evaluated in the course of the eight years that a senior

<sup>7</sup> In 2009, ATM appropriated \$600,000 for TPC design by a vote of 157-58-3. In 2013, ATM appropriated \$165,300 for further design refinement by a vote of 147-42-3.

center has been under consideration.<sup>8</sup> Two comments by seniors were particularly compelling: (1) Best practices for a building used by a senior population is to place it near to the source of public safety administration in the Town; the AL site's proximity to the Police Station is particularly advantageous in this regard; and (2) the current location of many of the Council on Aging (COA) programs is not sufficiently accessible for disabled or elderly visitors. Many Advisory members also feel that consideration of a new site for the TPC was outside of PB's purview when making a decision on the Special Permit application. Advisory strongly encourages the PB to work with the BOS and PBC to move the TPC forward at the AL site.

Advisory is mindful that the new appropriation of \$308,855 is a substantial amount of money to add to the TPC project with the understanding that: (1) the PB might refuse to allow a new PSI submission because they do not view it as possessing "specific and material" changes; and (2) even if the PBC and BOS were allowed to make a new PSI submission after the "specific and material" threshold was attained, there would be no guarantee that the PB would vote favorably on a second submission.

However, Advisory was reassured by PBC that the appropriation would be very carefully managed and spent, on a cash flow basis. PBC would establish project milestones, and funding to get to each of these milestones would be determined up front. At any point that the PBC and BOS felt that they would not be able to reach ultimate agreement with the PB, the project would be halted, PBC would settle contracts with its consultants, and the remaining funds would be turned back to the Town. Advisory was particularly appreciative of the transparent and forthright presentation by the BOS and PBC on the cost projections for further TPC planning.

The PBC Chair reiterated how seriously PBC took its fiduciary responsibility to the Town. He stated that the funds for supplemental architectural services and the 15% contingency would not be a part of the PSI process and would not be spent absent a successful PSI decision. More importantly, PBC noted that the project construction costs would escalate at approximately 4% per year so delaying the project would ultimately cost the Town more money. When asked about the likelihood of engaging with the PB on a new submission, the PBC Chair noted that the PB has been without a Planning Director since September 16, 2013, and he expected that the new Planning Director who will be starting work on December 2, 2013, would serve a useful role in helping the relevant boards collaborate. The PBC also stated it was their opinion that at least three things might qualify the TPC PSI resubmission as having "specific and material" changes: (1) inclusion of porous pavement and/or a rain garden on the TPC site; (2) revisiting the crosswalk/signalization issue to possibly include a single cross walk with a standard Hardy School-style red-yellow-green traffic signal; and/or (3) revising the total number of parking spaces needed for the TPC. He emphasized that these possibilities had not been reviewed by BOS or PB but that in his opinion, possible changes did exist that could be viewed as "specific and material."

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<sup>8</sup> Sites evaluated include Wellesley and Babson Colleges, and multiple reviews of potential renovations at the Wellesley Community Center were also considered.

Additionally, Advisory members pointed out that had the PB decided favorably on the TPC PSI, PB could have included with its decision a greater number of conditions<sup>9</sup> which the BOS and PBC would have had to meet. Complying with the list of conditions might be expected to cover substantially similar ground as the BOS and PBC is proposing for their potential TPC PSI re-submission. That is, some portion of the \$308,855 would likely have been spent in any case.

Because the BOS had not voted on this Motion by the time the Advisory Report went to press, Advisory was unable to make its formal recommendation to Town Meeting in this Report. However, a straw vote was taken and Advisory unanimously (12-0) supported moving the TPC project forward by appropriating these funds. The financial risk to the Town was acknowledged, but members felt that the PSI issues could and should be addressed in a collaborative process. The Temple Beth Elohim / Schofield School collaboration on parking was offered as a model of successful interaction between Town boards and neighbors.

As a final recommendation, Advisory asks the Town boards to work together collaboratively on the TPC project. They note that Wellesley's decentralized form of government can be very challenging at times, but that it usually leads to very successful projects, as construction of the new Wellesley High School has amply demonstrated. Bringing stakeholders together, hearing and responding to differing views in a respectful way, and maintaining transparency for the Town residents, are all aspects of a very powerful, long-standing Town process. Advisory believes that this process can bring the TPC project to a successful conclusion on behalf of the Town's seniors and for the benefit of the entire Town.

**Advisory will make its recommendation at Town Meeting.**

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<sup>9</sup> Examples of conditions placed on Special Permits include the Wellesley Square Density Special Permit, which was issued with nine Special Permit Conditions on July 22, 2013 as part of the Wellesley Inn redevelopment. The new WHS Special Permit was issued in April 27, 2009, with over 30 conditions including further traffic monitoring and parking studies, site circulation improvements, installation of a new pedestrian signal, construction of sidewalks, and the piloting of reduced bus fees for WHS students.

## APPENDIX A: TOWN MEETING ACRONYMS

AC	Advisory Committee
ADA	Americans with Disabilities Act
ANRAD	Abbreviated Notice of Resource Area Delineation
ATM	Annual Town Meeting
BOH	Board of Health
BOS	Board of Selectmen
BPW	Board of Public Works
CB	Circuit Breaker
CM	Construction Manager
CM@R	Construction Manager at-Risk
COA	Council on Aging
COLA	Cost of Living Adjustment
CPA	Community Preservation Act
CPC	Community Preservation Committee
CPI	Consumer Price Index
DCAMM	Division of Capital Asset Management and Maintenance
DOR	Department of Revenue
DPW	Department of Public Works
DRB	Design Review Board
ELL	English Language Learner
EV	Electronic Voting
FAPE	Free Appropriate Public Education
FAR	Floor Area Ratio
FBPCC	Fuller Brook Park Coordinating Committee
FF&E	Furniture, Fixtures and Equipment
FMD	Facilities Maintenance Department
FTE	Full-Time Equivalent
FY	Fiscal Year
GIS	Geographic Information Systems
HRB	Human Resources Board
HVAC	Heating, Ventilation and Air Conditioning
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Plan
LRE	Least Restrictive Environment
MAAB	Massachusetts Architectural Access Board
MGL	Massachusetts General Laws
MLP	Municipal Light Plant
MOU	Memorandum of Understanding
MSBA	Massachusetts School Building Authority

MWRA	Massachusetts Water Resources Authority
NIS	Network and Information Systems
NCD	Neighborhood Conservation District
NRC	Natural Resources Commission
OPEB	Other Post-Employment Benefits
OPM	Owner's Project Manager
OSRD	Open Space Residential Design
PB	Planning Board
PBC	Permanent Building Committee
PFTF	Playing Fields Task Force
PSI	Project of Significant Impact
RDF	Recycling and Disposal Facility
SC	School Committee
SEC	Sustainable Energy Committee
SFC	School Facilities Committee
SMMA	Symmes, Maini, McKee & Associates
SpEd	Special Education
SRD	Single Residence District
STM	Special Town Meeting
TDRT	Town Development Review Team
TM	Town Meeting
TMM	Town Meeting Member(s)
TPBC	Tolles-Parsons Building Committee
TPC	Tolles-Parsons Center
TWFP	Town-Wide Financial Plan
WCC	Wellesley Community Center
WCRS	Wellesley Contributory Retirement System
WFL	Wellesley Free Library
WHA	Wellesley Housing Authority
WHC	Wellesley Historical Commission
WHDC	Wellesley Housing Development Corporation
WHS	Wellesley High School, Wellesley Historical Society
WMS	Wellesley Middle School
WSHG	West Suburban Health Group
WPC	Wetlands Protection Committee
WPS	Wellesley Public Schools
WSCD	Wellesley Square Commercial District
ZBA	Zoning Board of Appeals

**APPENDIX B: PLANNING BOARD DECISION**

**PLANNING BOARD**

**TOWN OF WELLESLEY**

**MASSACHUSETTS**

Jeanne S. Conroy, Chairman  
Sara Preston, Vice Chairman  
Neal Glick  
Deborah Carpenter  
Catherine Johnson



Town Hall, 525 Washington Street  
Wellesley, MA 02482  
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**WELLESLEY PLANNING BOARD  
SPECIAL PERMIT DECISION AND DETAILED RECORD  
PROJECT OF SIGNIFICANT IMPACT #13-02  
496 AND 485 WASHINGTON STREET- TOLLES PARSONS CENTER**

The Wellesley Planning Board, acting as special permit granting authority under the provisions of the Zoning Bylaw, Section XVIA., part C, Project of Significant Impact (“PSI”), hereby certifies that the following is a detailed record of the proceedings regarding the application of the Wellesley Permanent Building Committee (hereinafter referred to as the “Applicant”) for approval of a PSI.

A definitive submission was made on August 14, 2013, in accordance with the Rules Relative to the Issuance of Special Permits for Projects of Significant Impact. The submission was sent to the Board of Selectmen, the Board of Public Works, the Municipal Light Plant and the Fire Chief for review. The impact reviews were received by the Planning Board as follows: Board of Selectmen: 9/23/13; Board of Public Works: 9/19/13; Municipal Light Plant: 8/29/13; Fire Chief: 9/3/13 and 9/17/13.

The Board opened the public hearing on September 23, 2013 and continued it until October 21, 2013. Each session of the hearing was digitally recorded with the file retained at the Planning Board Office. During the course of the public hearing the full submission package was available for public examination at the Town Hall, Planning Board Office and online at [www.wellesleyma.gov](http://www.wellesleyma.gov).

After comments were concluded on October 21, 2013, and with no objection from the applicant or anyone in the audience, the Planning Board moved, seconded and voted to close the public hearing. All sessions of the hearing were held in the Great Hall of Wellesley Town Hall, 525 Washington Street, Wellesley. Announcement of the date, time and place of all continued sessions was made at the end of the prior session.

Ms. Conroy, Ms. Johnson, Ms. Preston, Mr. Glick and Ms. Carpenter attended each session of the hearing.

**PROJECT DESCRIPTION**

The project involves the construction of a 14,500 sq. ft. senior center at 496 Washington Street with associated site improvements, including 34 parking spaces. The project will also include the expansion of parking at 485 Washington Street to add 29 parking spaces and associated landscaping, of which 22 spaces will be allocated to the proposed senior center and 7 will be allocated to the Police Station. The project also includes the installation of a HAWK signal to stop traffic on Washington Street for pedestrians seeking to cross the street from the Police Station parking to the Senior Center.

**MATERIALS REVIEWED BY THE BOARD**

Plans considered part of the application:

2013 NOV 4 2:45  
WELLESLEY MA 02482

- 8/7/13 Plans from Sterling Associates Incorporated
  - #LA100-Site Open Area Calculation
  - #LA200-Site Open Area Calculation
- 8/8/13 Plans from Howard/Stein-Hudson Associates, Inc.
  - Preliminary Submission, Locus Plan-#G-001, Pedestrian Signal Design and Sidewalk Improvements- Cover Sheet
  - #G-002-General Notes and Legend
  - #G-003-Construction Details
  - #G-004-Construction Details
  - #T-001-Traffic Plan
  - #C-001-Construction Plan
 Plans from Sterling Assoc., Inc./Westcott Site Services
  - #C-O-Site Relationship
  - #L100-Site Plan/Hardscape Plan
  - #L101-Lanscaping Plan
  - #L200-Expansion Parking Lot Size Plan/Hardscape Plan
  - #L201-Expansion Parking Lot Landscape Plan-Option 1
  - #L500-Landscaping Details
  - #C-1-Existing Conditions Plan
  - #C-2-Site Demolition
  - #C-3-Site Grading
  - #C-4-Site Utilities
  - #C-5-Site Lighting
  - #C-6-Existing Conditions Plan
  - #C-7-Site demo, Grading & Utilities
  - #C-8-Site Details
  - #C-9-Site Details
- 8/20/13 Plan from Sterling Assoc., Inc./Westcott Site Services, Turning Radius Illustrative
- 8/26/13 Plan from Acton Survey & Engineering, Re: Existing Conditions Plan for 485 Washington Street with Surveyor's original stamp
- 9/20/13 Plans from Howard/Stein-Hudson Associates, RE: Pedestrian Signal Design and Sidewalk Improvement Project
- 9/30/13 Plan from Sterling Assoc., Inc./Westcott Site Services, Sheet C101, Site Utilities – Site 1 revised

2013 NOV -4 P 2:51  
 TOWN ENGINEER'S OFFICE  
 WELLESLEY MA 02482

Documents considered part of the application:

- 7/23/13 Report from Howard/Stein-Hudson Associates to Town of Wellesley, Transportation Study, Appendix A
- 8/5/13 Report from Howard/Stein-Hudson Associates to Town of Wellesley, Transportation Study, Final Report
- 8/9/13 Email from Terri Tsagaris to Meghan Jop, Re: PSI Signature approval  
Letter from Richard Thuma, Bargmann, Hendrie & Archetype to Meghan Jop, Re: Tolles-Parsons Center PSI Submittal
- 8/12/13 Application-PSI Submittal from Sterling Associates Incorporated  
Letter of Transmittal from Judy Bennett, Sterling Associates Inc. to Kathy Mullaney, PBC, Re: PSI Submission documents  
Cover Letter from Sterling Associates, Site 1, PSI Submittal  
Cover Letter from Sterling Associates, Site 2, PSI Submittal
- 8/14/13 Letter from Ethan Parsons to Various Boards for PSI Review
- 8/20/13 Report from Westcott Site Services, re: Stormwater Report
- 8/29/13 Report from MLP-PSI Review  
Email-From Meghan Jop to Townsman/Legals, Re: legal notices
- 8/30/13 Report from Beta, Re: Transportation Study-Final Report Review

- 8/30/13 Memorandum from Howard/Stein-Hudson Associates to Kathy Mullaney, PBC, Re: Pedestrian Crossing Recommendations for Washington Street
- 9/2013 Report from Westcott Site Services-Site 1, Municipal Systems Impact Analysis  
Report from Westcott Site Services-Site 2, Municipal Systems Impact Analysis
- 9/3/13 Public Hearing Notice for Monday, September 23, 2013 Public Hearing sent to Abutters, Towns, Dept., Etc
- 9/3/13 Memo from Captain DiGiandomenico, Wellesley Fire Department – PSI Review
- 9/13/13 Memorandum from Howard/Stein-Hudson Associates to Kathy Mullaney, PBC, Re: Transportation Issues
- 9/16/13 Report from Sterling Associates, Re: Refuse Disposal
- 9/16/13 Review from Beta, Re: Transportation Issues Review
- 9/17/13 Report from Fire Dept.- PSI Review
- 9/19/13 Report from Meghan Jop, Planning Director, Re: Staff Report
- 9/19/13 Report from George Saraceno, DPW Engineering Division – PSI Review
- 9/23/13 Memo from Board of Selectmen, Unanimously vote to approve Transportation Study
- 9/23/13 Letter from Westcott Site Services to George Saraceno, DPW Engineering Division, responding to DPW Engineering Division 9/19/13 memo
- 9/27/13 Letter from Sterling Associates to George Saraceno, DPW Engineering Division, responding to DPW Engineering Division 9/19/13 memo
- 9/30/13 Letter from Westcott Site Services to George Saraceno, DPW Engineering Division, further responding to DPW Engineering Division 9/19/13 memo
- 10/4/13 Memo from Deputy Chief Jack Pilecki re: continued PSI Review
- 10/7/13 Memo from George Saraceno re: continued PSI Review
- 10/8/13 Memo from Gayle Thieme, Wellesley Council on Aging, to Planning Board re: concerns brought up during 9/23/13 public hearing
- 10/10/13 Memo from Howard/Stein-Hudson Associates to Kathy Mullany, PBC, re: transportation issues
- 10/15/13 Report from Westcott Site Services revising Site 1 Municipal Systems Impact Analysis
- 10/15/13 Report from Westcott Site Services revising Site 2 Municipal Systems Impact Analysis
- 10/16/13 Email from George Saraceno re: proposed water service connection and comments from DPW Water and Sewer Division
- 10/16/13 Transmittal from Matt King, Chair of PBC, to Meghan Jop, Planning Department
- 10/16/13 Letter from Kien Ho, BETA Engineering, to Hans Larsen, Wellesley Executive Director, re: transportation issues
- 10/16/13 Memo from Permanent Building Committee to Planning Board responding how project meets PSI minimum service standards
- 10/21/13 Memo from Terri Tsagaris, Board of Selectmen, to Planning Board responding to additional questions received as of 10/21/13

2013-09-24  
451  
PLANNING DEPARTMENT'S OFFICE  
WELLESLEY MA 02482

DISCUSSION

Public Hearing September 23, 7:45 P.M. - Great Hall, Town Hall

Present: Ms. Conroy, Ms. Preston, Ms. Carpenter, Mr. Glick and Ms. Johnson

Record:

Ms. Conroy opened the public hearing for the Tolles Parsons Senior Center and the additional parking area at 7:45 P.M.

Meghan Jop, former Planning Director and current Deputy Director for the Board of Selectmen, described the PSI zoning regulation. She explained that the PSI is a Special Permit, issued by the Planning Board, which looks at off-site impacts of projects that add a minimum of 10,000 sq. ft. of floor area. She said the Board receives and considers departmental reviews and recommendations, relative to infrastructural

capacity, building and life safety, pedestrian and bicycling safety, and vehicular impacts on intersections. She said that after the PSI Special Permit is issued, projects are reviewed under design review and site plan review. She described the site plan review process.

Presenting the application were Richard Thuma, project manager; Bill Sterling, architect; Richard Westcott, P.E.; Liz Peart and Robbie Burgess, Howard Stein Hudson (HSH); Matt King and Steve Langer, Permanent Building Committee; and Terri Tsagaris, a Selectman who had recused herself before hearings at the Board of Selectmen on the project due to her status as an advocate for the project.

Mr. Sterling described the project, which will consist of a senior center in a single building of nearly 15,000 sq. ft. at 496 Washington St. and an auxiliary parking lot at 485 Washington St.

Mr. Westcott described the water demand at 496 Washington St., which calls for a new four (4) inch sprinkler line and a new two (2) inch domestic line. He said the Water and Sewer Division didn't see a problem with the existing water pipe under Washington St. He said the Fire Department asked for a new hydrant, which is shown on the site plan. He explained that the existing building had sewer service, which connected to Atwood St. The sewer line was videotaped, and he learned it needs rehabilitation but provides sufficient capacity. Mr. Westcott described the storm drainage plan, which will utilize Stormceptor water quality devices as these are preferred by the Wellesley DPW and MA Department of Environmental Protection (MA DEP). He said that the plan is to reduce the volume of stormwater runoff. He said that the Wellesley MLP reviewed the demand generated by the proposed building and found that there is sufficient capacity. Mr. Westcott explained that the auxiliary parking lot will demand no sewer or water, but will cause the relocation of a hydrant. He said that there will be light fixtures but they will tie into the existing system, which provides sufficient capacity.

Ms. Peart of HSH described the study area, showing five (5) area intersections included in the analysis of potentially impacted intersections. She said that HSH consulted with Beta Group to define the parameters of the analysis. Ms. Peart explained the analytical process used to develop the traffic impact analysis. The analysis looks forward five (5) years, considers no-build and build scenarios, driveway intersections, and Wellesley's guidelines for "impacted intersections". She said that the analysis concludes there is no traffic impact associated with the project. Ms. Peart described the parking supply for the Senior Center, which includes the two (2) sites: thirty four (34) spaces at the site of the Senior Center and twenty two (22) spaces at the auxiliary parking lot. She said that the parking demand is based on the Council on Aging's (COA) proposed program and the Center's proposed hours of operation. She described how the peak demand for activities at St. Paul Church, namely its school activities and funerals, impacted the analysis. She said HSH examined sidewalk conditions, finding most are excellent. She showed walking paths between the two (2) sites and through Morton Park.

Mr. Burgess explained how HSH evaluated the pedestrian crossing conditions on Washington St. and considered different types of signalization. Such signalization methods included a full signal, yellow flashing, yellow and red flashing beacons, a hybrid pedestrian beacon and a HAWK (high intensity activated crosswalk). He explained how the HAWK would replace the flashing yellow to a solid red. He said the HAWK signal is a new industry standard, appropriate for the volume of pedestrians and vehicles on Washington St., across from 486 Washington St. Among the changes proposed for pedestrian improvements are eliminating the existing crosswalk at the police station, installing advance signage, and eliminating parking within a one hundred (100) foot approach. The plan is to retain the existing crosswalk and beacon at St. Paul Church. Mr. Burgess said that employees for the Senior Center will park at the auxiliary lot at 485 Washington St. and 496 Washington St. parking will primarily be for Senior Center visitors. He said the success of the HAWK signal will require some education, but the Federal Highway Administration has found the HAWK to be safer than a typical flashing signal. The HAWK stays dark when there is no demand for it. When there is demand, it is activated by pressing a button, and it flashes yellow, turns steady yellow and then steady red, stopping vehicles. After its cycle the HAWK flashes red and turns back to dark. The HAWK can be programmed so that there is a pause after a crossing, which enables vehicles to move through efficiently. Users of the HAWK see "don't walk", "walk", "don't walk"

and the signal uses an audible push button component. The proposed HAWK signal is post mounted, not overhead, thereby causing less visual impact and retaining good sight lines. Mr. Burgess said that the Senior Center is not expected to create many bicycle trips; however, a bike rack is proposed on site. He said that in sum, the Center is not projected to cause a significant impact, there will be adequate parking supply, no effect on parking on Washington St., and there will be a bicycle rack on site.

Mr. Sterling stated that life safety will be met by providing a fully sprinkled system, a fire alarm, evacuation plan and smoke detection. He said that a fire truck can access both sites. He said that refuse will be stored on site in containers, which will be emptied once a week by the DPW. There is an existing trash receptacle at the auxiliary parking lot that will remain.

Mr. Thuma stated the correct addresses of the project are 496 (center) and 485 (parking) Washington St. He added that the parking spaces are all compliant, 8' 6" wide, 18' deep, and there will be three (3) handicapped and four (4) compact spaces.

Ms. Johnson asked if there will be any handicapped spaces at the auxiliary parking lot.

Mr. Thuma said that there will be one (1) handicapped space at the auxiliary lot and that they might add a third on the center site.

Mr. Glick noted that Stormcepters need an operation and maintenance plan, which was not part of the submission, and said he was concerned about their long term maintenance.

Mr. Westcott said that they will submit an operation and maintenance plan during Site Plan Review. He added that the DPW prefers Stormcepters. Maintenance includes measuring sediment and then vacuuming it out when full.

Mr. Glick asked if Stormcepters have been used on other town projects, like the MLP's new building. He said maintenance has been neglected at other public buildings. He said he was not confident a system built around Stormcepters and underground infrastructure will be maintained. He cited other sustainability efforts in Town but noted that there appears to be no example of such efforts made at this public building, including utilization of less mechanical means of dealing with stormwater, noting that public buildings should set an example whenever practicable.

Mr. Westcott stated that the MA DEP considers this type of system to be a best management practice. He noted that other types of systems, including vegetated systems, also need maintenance.

Mr. Glick stated that if things are visible they are maintained better. He added that the design doesn't show innovation or take the Town in a sustainable direction while setting a positive example.

Ms. Preston stated that if the design had been brought by a private applicant, the Planning Board would not accept the proposed ratio of impervious surface to green area.

Mr. Westcott stated that during Site Plan Review all of the stormwater management design details might be adjusted and modified, adding that there might be areas where things could be done differently.

Mr. Glick stated that the Planning Board is charged with reviewing the stormwater impacts under the PSI review. He suggested reducing the amount of impervious surface in the proposed parking areas.

Ms. Johnson noted that this will be a Town building and that there is a facilities maintenance department, which was created expressly to correct past lack of maintenance.

Mr. Thuma stated that Stormcepters were requested by the DPW. He added that National Pollutant Discharge Elimination System (NPDES) regulations apply to this project.

Ms. Preston stated that the proposed project will reduce trips on Washington St. because nobody will use that section of Washington St. due to the associated impacts. She stated the real impact will be felt on Wellesley Ave., State St., and Kingsbury St. She stated that the proposed HAWK signals will slow traffic, no time of day is efficient, and that she could not see how trip counts alone could indicate that there won't be a significant traffic impact.

Ms. Conroy asked how the trip counts were collected.

Ms. Peart explained that they assumed one hundred and fifty (150) visitors and one hundred and fifty (150) vehicle trips for their highest daily demand.

Ms. Conroy asked if HSH collected that data.

Ms. Peart stated that HSH typically looks at the Institute of Transportation Engineers Trip General Manual but because there is a lack of data on senior centers, the COA provided its programming data.

Ms. Conroy stated that she was concerned about the omission of other special events that might generate trips, for example bridge, lectures, or other events that might bring in many more visitors.

Ms. Peart stated that they used a sample program that considered highest demand scenarios.

Mr. Glick asked if the analysis assumes all trips will be made in vehicles.

Ms. Peart stated that they assumed other types of trips, but they're trying not to overestimate those other trips.

Mr. Glick asked that if there will be one hundred and fifty (150) people, wouldn't that equal three hundred (300) total trips.

Ms. Peart stated that they counted for drop off activity, carpooling, and other modes, arriving at the one hundred and fifty (150).

Ms. Carpenter asked if they considered school activity.

Ms. Peart stated that they estimated for future trips, including St. Paul Church and School activity.

Ms. Johnson stated that she had a structural problem with the analysis, noting that motorists will make multiple trips through the Senior Center lot, looking for a space, and loop around to repeat or loop into the auxiliary lot if unsuccessful in finding a space.

Ms. Peart stated that the analysis looked at peak hours and found that the Senior Center will not generate new trips during the peak. She stated that the Senior Center's peak is late morning and the analysis overestimated the trips.

Ms. Johnson relayed her experience of moving in a car from Wellesley Ave. to State/Kingsbury at eleven (11) mph. She described how during a repaving of Washington St. fifteen (15) years ago, everyone found alternative ways north/south and that most motorists on Washington St. aren't local so educating them would be difficult.

Mr. Glick stated that this project will be taking a bad situation and not learning from it or improving it. He suggested that as a policy, the Town ought to try to reduce traffic on Washington St., not add to it.

2013 NOV -10 P 2:46  
WELLESLEY MA 02482

Ms. Peart stated that many trips generated by the proposed Senior Center are already using Washington St. She added that the visitors are Wellesley residents.

Ms. Johnson stated that the Senior Center concept was sold to Town Meeting as a hub, sending people out to other areas: library, classes, etc. She asked if there were any other examples of crosswalks connecting a main site and an auxiliary parking lot, necessitating a HAWK signal. She asked if there were any fully developed studies of HAWK signals similar to that proposed.

Mr. Burgess stated that HSH collected information about a HAWK signal near Boston College. He stated that it would be possible to monitor its effectiveness post construction.

Ms. Johnson asked if Wellesley would be a test community for the HAWK. She added that the responsibility of requiring monitoring falls on the Planning Board.

Mr. Burgess explained that it's possible to monitor and adjust the HAWK to ensure a good balance for efficient vehicle and pedestrian flow.

Ms. Johnson noted that they are proposing two (2) HAWK signals, three hundred and forty (340) feet apart, and that this would be a lot of possible stops in a short distance.

Ms. Conroy clarified that HSH recommends one HAWK but the Board of Selectmen recommend two (2).

Mr. Glick questioned the need for any HAWK signals. He noted that the parking in the auxiliary lot would be used by employees.

Ms. Peart stated that they are estimating five (5) employees will park at the auxiliary lot, leaving seventeen (17) spaces for visitors.

Mr. Glick suggested that because the demand is based solely on the COA projections it's not clear that the auxiliary parking is necessary. He asked if there are any possibilities of shared parking near the site, noting that the project might be an ideal candidate for shared parking, which the Board is actively considering in its review of off-street zoning requirements.

Ms. Peart stated that the parking supply on the Senior Center site will not meet the demand. She added that no parking spaces are available at St. Paul Church or in the vicinity, such as at the Town owned lot behind Needham Bank.

Ms. Tsagaris stated that there are no parking spaces available at St. Paul or elsewhere within the vicinity.

Ms. Conroy questioned the likelihood that Senior Center visitors will want to park at the auxiliary lot and walk to the center during January.

Ms. Peart stated that the expanded lot at the Police Department is still within six hundred (600) feet of the center. She suggested that off street parking is preferable to parking along Washington St.

Ms. Carpenter brought up that the Board of Selectmen recommended two (2) HAWK signals to avoid confusion caused by having two (2) different types of signals within a short distance.

Ms. Conroy asked the representative from St. Paul if he wished to speak. She also said she hoped someone from the COA would have been there to discuss the data they provided.

Fr. Arthur MacKay of St. Paul Church noted that he didn't see any mitigation proposed during their funerals, which typically happen during the morning, are increasing in frequency and come with short notice. He said there is a potential impact from double parking. During funerals he said intersections can

be blocked and police often need to provide assistance with traffic management. Sometimes guests of a second funeral may need to circle until the first clears out. He said the church performs about sixty (60) funerals a year, but seniors are increasing and there will be more funerals. He suggested cutting the amount of time allowed for parking on Washington St. He noted that the Board of Selectmen recommends two (2) HAWK lights and noted that as a former U.S. Army vision researcher and specialist and practicing optometrist, he learned many patients experience a “low vision” memory problem so two (2) different signals can be a problem. He recently observed that at the intersection in front of the church, two (2) families were trying to cross but cars didn’t stop. He suggested that if two (2) HAWK lights are a problem, one (1) HAWK and a different signal would be worse. He said he heard there will be no impacts but also no mention of the worst-case-scenario or “100-year flood event”.

Ms. Conroy asked if St. Paul School uses crossing guards.

Fr. MacKay noted that there are crossing guards but he does not see them working consistently.

Mr. Thuma requested an opportunity to respond to the Board at a future meeting.

Ms. Conroy suggested continuing the hearing.

The Board discussed a possible meeting date for the continued hearing. Ms. Preston suggested continuing it until October 21.

Robert Murphy asked for a chance to speak.

Ms. Conroy asked him to return October 21.

Mr. Thuma reminded the Planning Board that they have a tight schedule, which includes presenting the project to Town Meeting, and that the Planning Board’s decision is only a first step in permitting.

The Board agreed to continue the hearing to October 21.

Ms. Carpenter asked to see the COA data used by HSH for its analysis.

Ms. Johnson asked for a five (5) year trip count and impact projection from building occupancy.

Mr. Murphy protested the continuation of the hearing for one (1) month and the Board not permitting him to comment.

Ms. Preston moved to continue the public hearing until 7:30 P.M. on October 21. Ms. Carpenter seconded the motion. The motion passed unanimously (5-0).

Continued Public Hearing October 21, 2013 - Great Hall, Town Hall

Present: Ms. Conroy, Ms. Preston, Ms. Carpenter, Mr. Glick and Ms. Johnson

Record:

Ms. Conroy opened the continued public hearing at 7:45 P.M.

Ms. Tsagaris stated that the applicant submitted responses on October 16, and submitted responses from Howard Stein Hudson, a letter from the Deputy Chief of Police, a review letter from Beta Engineering, and a letter from the Director of the COA.

2013 NOV - 4 P 2:46  
WELLESLEY MA 02482

Ms. Conroy invited Robert Murphy to speak as there was insufficient time for him to do so at the previous meeting.

Mr. Murphy introduced himself as a Town Meeting member, resident of Precinct B and a parishioner and member of the parish council at St. Paul Church. Mr. Murphy stated that he was speaking as an interested citizen, not as a representative of the Church. He said the size and intensity of development on the site is inappropriate. He identified three (3) issues with the proposal: 1) automobile-related conflicts with funerals, 2) automobile-related conflicts with afternoon pickup of students at St. Paul Church, and 3) problems surrounding the proposed pedestrian signals.

Mr. Murphy suggested that the petitioner's report was flawed though he stated that he agrees Washington Street parking is available to all. He stated that not mentioning Atwood St. as an impacted street was an oversight. Page fifteen (15) of the HSH report says there is no parking on Atwood St. while there is actually substantial parking on Atwood St. There are thirty four (34) spaces on the proposed Senior Center site and fifty six (56) spaces required per the proponent's report, leaving the balance of spaces on the auxiliary lot. He said that there are fourteen (14) spaces on Washington St. from Wellesley Ave. to the site, thirteen (13) from the site to Morton Street, twenty one (21) one on the opposite side of the site and twenty (20) informal spaces at the site. The project proposes to reduce the number of parking spaces on Washington St. to forty one (41). He asked where the overflow cars will go. He doubts excess cars would go to the auxiliary lot, but rather will park on Washington St. Mr. Murphy stated that there will be impacts on funerals, of which there were fifty seven (57) during 2012. This number will grow. There is no way to predict attendance at funerals and there is little advance notice. He asked how coordination will take place between the Senior Center and the Church. A typical funeral occupies all spaces on Washington St. and large funerals might shut down the entire street. He suggested that vehicles would be detoured down Linden St. if heading west and Wellesley Ave. to Atwood St. or Seaver St. if heading east.

Ms. Conroy asked if the Church blocks or covers the spaces, and if so, how.

Mr. Murphy stated that the Church places courtesy signs on the curbs only. He said he strongly disagrees with the applicants' comment that there will be no impacts. He cited weekday afternoon early dismissal at St. Paul School as one time for potential conflicts. On October 15, 2013 he counted nine (9) cars parked heading eastbound and six (6) westbound with forty one (41) related to Washington Street. The proposal is to reduce from forty eight (48) to forty two (42) on Washington St., which would mean all spaces would be required for pickup. He said that the Senior Center committee said parents might need to park further away but this is a problem because parents might have other kids in the car. He asked how those parents would park further away. He said that they can't go to the auxiliary lot because those spaces are reserved for the Senior Center. Mr. Murphy said the HSH report says there is not enough traffic volume to warrant a HAWK signal but engineering judgment supports it, leaving the issue in midair. He asked why the applicants are proposing a HAWK instead of a usual signal, such as that in front of the Hardy School, suggesting that people recognize this type of signal.

Mr. Murphy said he is opposed to the project at this site. It's too large, too intense for the site, and poses an unreasonable and unnecessary risk to students and their caretakers as well as those visiting for funerals.

Mr. De Ruiter of Beta explained that HSH wrote its initial report in 2009. He said the traffic volumes have been updated with this application. He said Beta finds the report acceptable. He explained that the peak hour is different for the Senior Center than many other uses, the report added thirty five (35) trips to a typical peak, Beta recommends one (1) lane at the exit, and parking is sufficient for peak demand. He explained that the proponent proposes shifting the existing crosswalk at the Police Station one hundred and fifty (150) feet toward the Senior Center and installing a new HAWK at this relocated crosswalk. He stated that Beta finds the one (1) HAWK signal plus the existing signal in front of St. Paul Church to be acceptable, and this was their initial recommendation, and Beta also finds the two (2) HAWK lights acceptable, as recommended by the Board of Selectmen, though recommends waiting to monitor and evaluate whether the second HAWK would be warranted.

Ms. Conroy suggested there is a third alternative, which is installing only one (1) HAWK signal at one (1) crosswalk serving both St. Paul Church and the project.

Mr. De Ruiter stated Beta also finds this alternative, with one (1) HAWK, to be acceptable.

Ms. Conroy asked for clarification that Beta would support one (1) flashing yellow signal plus one (1) HAWK signal at the relocated crosswalk.

Mr. De Ruiter said yes and stated that Beta had originally recommended only one HAWK signal.

Ms. Conroy asked if one (1) HAWK signal would be better for efficient traffic flow.

Mr. De Ruiter said yes, as it would only stop traffic once.

Ms. Conroy noted that there are other crosswalks in the vicinity.

Mr. De Ruiter stated that the distance between the two (2) proposed signals is approximately three hundred (300) feet, which is why Beta proposed monitoring the flashing yellow signal before installing a second HAWK signal.

Ms. Conroy asked Mr. De Ruiter to comment on the Hardy School signal on Weston Road.

Mr. De Ruiter explained that it is a conventional green-yellow-red signal. He stated that there is a different standard for warranting that type of signal and the pedestrian volume is higher than for the HAWK.

Ms. Johnson asked if Beta and the Town are required to follow an industry standard.

Mr. De Ruiter stated that a signal should not be installed unless it is warranted. He said that this is a rule from the Manual of Uniform Traffic Control Devices.

Mr. Glick noted that the parking supply for a senior center wasn't covered by any book or regulation.

Ms. Preston said she didn't have a good understanding of where the crosswalk should be.

Ms. Conroy asked the members of the Board if anyone else agreed that there should be one (1) crosswalk rather than two (2).

Mr. Glick said that if he had to make a stark choice between one (1) or two (2) crosswalks he would choose one (1) and it would be near the middle. He added that he is not in favor of the HAWK crosswalk arrangement at all.

Mr. De Ruiter stated that there will be thirty five (35) new vehicles per hour, which won't impact any intersections. He stated that the PSI regulations define impacts as fifty (50) per hour at unsignalized intersections and twenty (20) per hour at signalized intersections.

Ms. Jop listed the intersections in the project area.

Ms. Johnson said that drivers don't turn left at unsignalized intersections across Washington St.

Ms. Carpenter asked if there will be only one (1) egress lane at the Senior Center site.

Mr. De Ruiter stated that there will be one (1) lane, which would allow right or left turns.

2013 NOV - 2:46  
TOWN ENGINEER'S OFFICE  
WELLESLEY MA 02482

Ms. Conroy asked Mr. De Ruiter if he thought Atwood St. would be impacted.

Mr. De Ruiter stated that Beta did not look at Atwood St.

Ms. Conroy stated she was surprised Beta did not look at Atwood St.

Ms. Jop said the study area is determined by the applicant and reviewed by Beta.

Ms. Conroy said she doubts Senior Center visitors would go to the auxiliary lot if spaces are available on Washington Street. She asked Mr. De Ruiter for his opinion.

Mr. De Ruiter said that the COA will work with visitors to get them to park at the auxiliary lot.

Mr. Glick said the COA has stated repeatedly in its written materials that it can only encourage people to park at the auxiliary lot.

Mr. De Ruiter suggested that people will park wherever they desire.

Ms. Preston asked Mr. De Ruiter if people choose to park closer to their destination or further away.

Mr. De Ruiter said that it depends on factors, including the age of the people parking.

Mr. Glick stated that he doesn't find the comparables utilized in the materials for other senior center sites relevant, noting that the conditions surrounding them are different. He pointed out that Malden and Newton are larger cities with much more urban areas than Wellesley and that Natick and Milton are not necessarily comparable.

Ms. Preston said she wants the Senior Center to be successful but she has many questions about where people are going to park.

Ms. Conroy asked if meters on Washington St. would deter visitors from parking there.

Mr. De Ruiter said that meters on Washington St. would encourage him to use the auxiliary lot.

Mr. King asked if Liz Peart from HSH could speak.

Ms. Peart said that engineering judgment comes into play on projects such as that proposed. For example, a stop sign installed where it's not warranted could lead to liability issues. She said that with trip generation, there is no standard for senior centers. She said that HSH believes it has come up with a good estimate for trip generation.

Ms. Conroy asked if the original recommendation was one (1) HAWK signal located where the Senior Center and St. Paul Church property lines meet.

Ms. Peart said that it was an original recommendation. She said that if there is only one (1) HAWK, the location at the property lines would be best.

Ms. Conroy asked if Ms. Peart recommended removing the other crosswalks.

Ms. Peart stated that locating the crosswalks is important to prevent jaywalking.

Ms. Conroy stated the location wouldn't change the distance people would have to walk.

Ms. Peart stated people might have to double back.

Ms. Johnson stated that the walkway from Morton Circle leads into the St. Paul Church crosswalk.

Ms. Peart stated that there are not significant pedestrian volumes at that point.

Mr. Glick asked if there was any thought given to traffic demand management. He said the site is problematic at certain hours of day due to street traffic and nearby uses. He stated that there are other methods of moving people to and from the site without generating parking demand.

Ms. Peart said their analysis reflects walking and shuttle use. She stated that carpooling also occurs.

Mr. Glick suggested less parking on site might encourage alternative modes of transportation, which might be provided by the COA.

Ms. Johnson mentioned a volunteer driver program. She asked if the proponent could reassess the model to include the effects of looping if one were to not find a parking space at the Senior Center site.

Ms. Peart stated that the study did address additional traffic for that activity. She said there would be a constant turnover of spaces. The impact to traffic is minor, even doubling the vehicle trips would lead to the same conclusion.

Ms. Jop mentioned that Gayle Thieme, COA Director, had written about existing modes.

Mr. Glick said that the transportation demand management examples he provided might only be one quarter (1/4) to one half (1/2) of what might need to be done.

Ms. Peart mentioned the MWRTA Route 8 bus serving Washington Street.

Ms. Johnson said the bus circuit takes one (1) hour.

Ms. Conroy invited Deputy Chief of Police Jack Pilecki to address questions.

Ms. Conroy asked Deputy Chief Pilecki if he thought people would actually go to the auxiliary parking lot and if there would be an impact on funerals and school drop off and pick up. She asked if there are any ways to prevent impacts.

Deputy Chief Pilecki said the funeral home puts out courtesy signs to keep spaces available. Funeral-related cars park heading east. He stated that most Senior Center visitors would come after funerals as funeral visitors would arrive before 10:00 A.M. Courtesy signs will already be placed on the curb. If Senior Center visitors take up all the spaces on Washington Street there would be nowhere for people picking up students at St. Paul School to park, but if this scenario did occur, there should be ways to mitigate the negative impacts. He suggested that the Police could enforce if people park for too long on this section of Washington St.

Ms. Johnson stated that Wellesley residents cut through neighborhoods to avoid busy areas on Washington St. She suggested people driving on Washington Street are probably not Wellesley residents and asked how the proponent and Police would educate people from out of town.

Deputy Chief Pilecki said the Police can monitor and educate and said the HAWK is the new signal type and there will be more used throughout Massachusetts.

Ms. Carpenter said she doesn't find any education issue with the HAWK because it ultimately ends in a red light and that it seems better than a flashing yellow signal.

Deputy Chief Pilecki said the violation of the flashing yellow occurs when someone drives through the crosswalk when the light is flashing and there's someone in the roadway. He said the HAWK should work better than the flashing yellow.

Mr. King asked what might be adequate mitigation.

Ms. Conroy asked how the proponent would keep Senior Center visitors from parking on Washington Street.

Mr. King said that the proponent can't keep people from parking in public parking spaces.

Ms. Conroy said the Deputy Chief suggested limiting parking time.

Mr. King said that the Board of Selectmen would make that decision as the overseers of street policies, not the Permanent Building Committee.

Ms. Tsagaris said the Board of Selectmen can monitor the parking situation and if there are problems the Board of Selectmen could entertain putting in thirty (30) minute parking restrictions or meters. She said that the Board of Selectmen must balance the interests of the Senior Center and St. Paul Church.

Mr. Glick asked why the applicant isn't suggesting using the Town-owned lot behind Needham Bank.

Ms. Tsagaris said the Board of Selectmen oversees the usage of that lot. Historically it was used by the Police Department, more recently by the Wellesley High School staff, and Captain Marden's. She said it's more convenient for Senior Center visitors to park at the Police Department.

Mr. Glick said that he heard the applicant state that a HAWK would cost \$250K and that this would likely far exceed any revenue gained by leasing the lot behind Needham Bank, but if the lot behind Needham Bank were used, rather than a new one at 485 Washington St., a HAWK wouldn't be needed.

Ms. Tsagaris said the lot behind Needham Bank would not cover the demand generated by the Senior Center. She said parking has always been the main obstacle for the Senior Center project to overcome. She said that other modes of alternative trips are employed today by the COA and in order to meet the off street parking regulations, parking must be within six hundred (600) feet of the site.

Mr. Glick said he was disappointed that there was no response to earlier questions about the drainage system. He said that subsurface infrastructure won't function properly if not maintained and that the Town Engineer has previously expressed doubts as to the future wisdom of relying on "underground swimming pools" for drainage. He also stated that the site apparently drains to multiple watersheds and was complex. He suggested that a public building should be innovative but this project uses no sustainable measures. Mr. Glick called the parking lot a sea of asphalt. He suggested that it might not comply with existing zoning requirements for landscaping parking areas and that the parking spaces were not broken up by vegetated islands or trees.

Mr. Westcott said earlier in the planning process the applicant considered low impact design methods. He said the Town Engineer prefers Stormcepters. At 496 Washington St. it might have been possible to do something low impact in the front yard but a rain garden might only treat approximately one half (1/2) of the site. He said a vacuum truck is used to clean Stormcepters and a rain garden requires very careful maintenance. He said there's no opportunity for porous pavement at the auxiliary lot and the MA DEP advises that it shouldn't be used for heavy duty high volume traffic areas.

Ms. Preston asked for clarification that there is insufficient space at either site for something low impact, other than Stormcepters.

Mr. Westcott said that is correct.

Mr. Glick said low impact stormwater management methods should be no more challenging than Stormceptors. He said he attended a few days ago an opening of a green alley project in Boston utilizing completely pervious pavement and that leads to a parking lot, so it clearly is a high volume traffic area. He noted that the opening was attended by and supported by representatives of the MA DEP, a U.S. Congressman and others.

Mr. King said there is a porous pavement bus loop at the High School and soon the basketball court should be porous. He said the porous pavement is used by vehicles and does require maintenance.

Ms. Conroy invited Gayle Thieme, COA Director, to address questions.

Ms. Carpenter asked how many visitors currently use alternative modes of transportation.

Ms. Thieme said the COA van provides approximately 4,500 one way rides annually. Rides to the COA are in the top three (3) of destinations. She said there is a volunteer driver program and the COA is among the top three (3) destinations for this program as well. Carpooling is common and the MBTA Ride bus is used frequently.

Ms. Carpenter asked if it's realistic to assume people will pass by available spaces on Washington Street on their way to the auxiliary lot.

Ms. Thieme said she trusts the visitors will use the auxiliary lot. She said that the COA's wellness program encourages people to park a little further in order to increase movement.

Ms. Jop recommended polling the audience to see who is in favor of and who is against the Senior Center.

Mr. Glick and Ms. Preston said this would not be informative. Mr. Glick stated that he would be more than willing to hear what anyone wants to say on the merits of the project, but that he did not consider a "plebiscite" appropriate.

Ms. Preston said the decision of the Planning Board is not for or against the Senior Center but about the project having certain impacts at this site. She said the consultants have said the sites aren't adequate for using low impact drainage techniques. The consultants have described the traffic impacts. She said learning whether the audience is in favor of the Senior Center or not is not informative.

Mr. Langer said the impact of the Planning Board action might be to stop the Center for at least two (2) years. He said that Mr. Westcott stated there's not sufficient space to do a rain garden to capture stormwater from the entire Senior Center site but clarified that a rain garden is not the preferred method of the DPW. He said the DPW & Engineering Departments specified using Stormceptors. He said the expert reports indicate PSI standards have been met and the PBC believes they have answered the PSI standards.

Mr. Glick suggested that the Planning Board would not be responsible for any delay if it votes against the application because of design flaws. That would be the applicant's responsibility and not the Board's. He noted that there had been ample opportunity for the applicant to address the Board's concerns, and that they had chosen not to. He stated that he takes exception to the notion that the Planning Board must accept the expert opinion without consideration. He stated the Planning Board is responsible for interpreting the expert opinion. He stated he raised the low impact stormwater management techniques as examples, did not specify any particular technique such as rain gardens during tonight's hearing, that there could be many such techniques and that it is the applicant, not he that is designing the project.

Ms. Preston moved to close the public hearing.

Ms. Conroy asked if the Applicant or anyone in the audience wished to comment on this motion. There were no comments.

Ms. Carpenter asked what was ultimately recommended in terms of the pedestrian signals.

Ms. Jop clarified that the Board of Selectmen recommended two (2) HAWK signals, one (1) at the existing crosswalk in front of St. Paul Church and one (1) at the relocated crosswalk from in front of the Police Department. The PBC proposed one (1) HAWK at the relocated crosswalk and preserving the flashing yellow signal in front of St. Paul Church.

Mr. Thuma said the proponent proposes to relocate the crosswalk from the Police Department to a location between the east drive of the proposed Senior Center and the Police Department driveway and install a HAWK signal, and leave the crosswalk at the St. Paul Church alone.

Ms. Conroy asked Ms. Peart if HSH's original proposal was for one (1) HAWK and eliminating other crosswalks.

Ms. Peart said one (1) HAWK was one of HSH's original proposals.

Mr. King clarified that installing one (1) HAWK and eliminating all other crosswalks was one of the early considerations.

Ms. Carpenter seconded the motion to close the public hearing. The motion passed unanimously (5-0).

The public hearing closed at approximately 9:30 P.M.

Ms. Conroy suggested voting in favor of the Special Permit with two (1) conditions, mainly because of concerns about pedestrian safety and a negative impact on traffic: condition one being that there be only one (1) crosswalk with a HAWK at the property line shared by St. Paul Church and 496 Washington St. and condition two being that some mitigation be required to be implemented in order to prevent Senior Center visitors from parking on Washington St.

Ms. Carpenter stated she would be in favor of the two (2) proposed conditions. She stated the project would be an asset to the Town. She said she would accept the pedestrian signalization as proposed by the applicant but would also be fine with a single HAWK. She stated she also agrees that there should be mitigation to prevent Senior Center visitors from parking on Washington St.

Ms. Carpenter moved to approve the PSI Special Permit with the conditions that there be only one (1) crosswalk with a HAWK signal at the property line shared by St. Paul Church and 496 Washington St. and that mitigation be implemented to prevent Senior Center visitors from parking on Washington St.

Ms. Preston seconded the motion.

Mr. Glick said more clarity is needed on what the parking mitigation would be. "Some" mitigation is too vague. He said he is in favor of the project but if it is to be on this site, there must be appropriate mitigation. He stated he reluctantly concluded that the suggested conditions don't do enough to mitigate the impacts. He stated that there are better ways to deal with drainage and parking lot issues and suggested that the application could be brought back in an acceptable manner.

Ms. Jop suggested rescinding the vote to close the public hearing and turning the application back to the PBC to come up with better ways to mitigate.

Mr. Glick said that they already voted to close the public hearing, the Board gave the proponent an opportunity to come up with better mitigation but they decided not to.

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WELLESLEY MA 02482

Ms. Jop stated that the project meets the drainage standard, as was verified by the DPW.

Ms. Preston stated that the Board asked the applicant for responses to the issues it identified at the first public hearing but no new information was provided.

Ms. Jop stated that the PSI Special Permit is not as discretionary as other special permits. The Bylaw says the Planning Board shall issue a Special Permit should the project meet the minimum service standards. Beta, Town staff, and HSH indicated the project doesn't trigger the impacted intersection threshold and that the application meets the minimum standards.

Ms. Conroy and Ms. Preston said they disagree with Ms. Jop.

Ms. Conroy said she thought Ms. Jop was explaining that under the case law it should only be in extraordinary circumstances that the Planning Board denies a Special Permit but that the Planning Board should rather impose conditions and negotiate improvements to mitigate negative impacts caused by the proposed project. Ms. Conroy asked if there would be four (4) votes with the additional mitigation mentioned earlier.

Mr. Glick said he would not vote in favor.

Ms. Conroy said she didn't think there would be any reason to reopen the hearing.

Mr. Glick said he resents the implication that he would be denying the project as his is only one (1) vote, and there are five (5) members.

Ms. Conroy asked for a vote on Ms. Carpenter's motion to approve the application with the two aforementioned conditions. Ms. Johnson, Ms. Carpenter and Ms. Conroy voted in favor of the motion. Mr. Glick and Ms. Preston voted against the motion. The motion, as it requires a supermajority, did not pass.

Close of Hearing: October 21, 2013 at approximately 9:30 P.M.

## DECISION

Chapter 40A of the Massachusetts General Laws, Section 9 stipulates that a special permit issued by a special permit granting authority requires a vote of at least four members of a five member board; therefore this special permit is not granted.

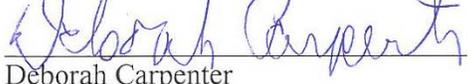
Appeals from this decision, if any, shall be made pursuant to general laws, Ch. 40A § 17, and shall be filed within 20 days after the date of the filing of this decision in the office of the Town Clerk.

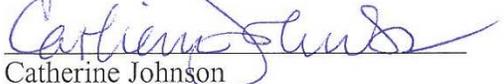
WELLESLEY PLANNING BOARD

  
Jeanine Conroy, Chairman

  
Sara Preston, Vice Chairman

  
Neal Glick

  
Deborah Carpenter

  
Catherine Johnson

**APPEALS FROM THIS DECISION, IF ANY AND TO THE EXTENT PERMITTED BY LAW, SHALL BE MADE PURSUANT TO GENERAL LAWS, CH. 40A § 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF THE FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.**

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WELLESLEY MA 02482

**APPENDIX B: PERMANENT BUILDING COMMITTEE RECONSIDERATION REQUEST**

TOWN OF WELLESLEY



MASSACHUSETTS

**Permanent Building Committee**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

MATTHEW L. KING, VICE CHAIRMAN  
STEPHEN T. LANGER  
SARAH J. NORWOOD  
ROBERT J. SHUPE  
ANDREW TO

TELEPHONE: (781) 431-1019 EXT. 2206/2237  
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KATHY MULLANEY, PROJECTS ADMINISTRATOR  
ANN COLLINS, ASSISTANT PROJECTS ADMINISTRATOR

October 28, 2013

VIA EMAIL

Jeanne Conroy  
Chair, Planning Board  
525 Washington Street  
Wellesley, MA 02482

Re: Tolles-Parsons Center  
Application for Special Permit for a Project of Significant Impact

Dear Jeanne:

The Permanent Building Committee (PBC or Applicant) is respectfully requesting that the Planning Board(PB) reconsider its decision on the Application for a Special Permit for a Project of Significant Impact for the Tolles-Parsons Center (the Project). Specifically, the Applicant is requesting an opportunity to meet with the PB at the earliest possible time to discuss the possible resolution of the issues related to the Application and, if the parties are able to reach a satisfactory resolution, for the PB to reconsider its prior vote and grant the special permit. In fact, the law encourages dialogue between the special permit granting authority and an applicant.

The PB has 14 days to file its decision with the Town Clerk "setting forth clearly the reason for its decision and its official actions", Town of Wellesley Zoning Bylaw Section XXV(C). As the filing deadline has not yet occurred and no written decision has been filed, this request for reconsideration is timely. Further, the Applicant is willing to agree to a deferral of the written decision until the parties have the opportunity for further discussion.

As you know, one of the options available to an Applicant that has been denied a special permit is an appeal to the superior court, Town of Wellesley Zoning ByLaw Section XXV(C) and M.G.L. c. 40A, section 17. The Applicant is reluctant to exercise this option given the cost of litigation to the Town and the hardship it will place on the Planning Board, the Applicant and other town departments and boards. Rather, prior to the issuance of the PB's final decision and before the expenditure of time and expenses for an appeal, the Applicant respectfully requests that the PB meet with the Applicant to discuss this matter and attempt to reach an appropriate resolution satisfactory to all parties.

**Reconsideration is appropriate because the PB did not articulate reasons for the denial.**

As set forth below, the Applicant has some significant concerns about the process utilized during the hearing, as well as the PB's vote. When the PB's vote to approve the special permit at the hearing failed to garner the necessary supermajority, the PB failed to articulate any reason for its decision or any instances in which the Applicant failed to meet the minimum service standards for a special permit to issue as set forth in Town of Wellesley Zoning Bylaw Section XXVIA(C)(e). The Bylaw is specific and unequivocal: the PB **shall** issue the special permit if the minimum service standards are met. To the PBC's knowledge, reports that were submitted and the presentations made by qualified and reputable experts supported the notion that all service standards had in fact been satisfied.

In order to fully understand the vote of the PB, the Applicant requests that the PB provide it with **specific and detailed** reasons for its failure to grant the application, and what the PB proposes the Applicant might do to satisfy the minimum service standards.

**Reconsideration is appropriate because PB may have acted outside the scope of its authority.**

Pursuant to the Town of Wellesley Zoning ByLaw Section XXVIA(C)(e), "the Planning Board **shall** grant a special permit provided the following minimum requirement service standards are met." The Bylaw defines the minimum service standards for Water, Sewer, Storm Drainage, Electric, Traffic, Pedestrian and Bicycle Safety, Fire Protection and Life Safety, and Refuse Disposal System. The Bylaw does not allow for any exceptions to the requirement that the special permit should be granted other than the failure of the Applicant to meet the minimum service standards.

As set forth in its Application, supportive documentation, written responses and presentations to the PB based on the expert opinion of qualified experts in the respective fields of civil engineering and parking and traffic management, and the approval of the proposals by the relevant town departments, the Applicant believes it met all of the minimum service standards. At the time the vote was taken, the PB failed to state any instances in which the Applicant did not meet the minimum standards, nor did it state any reasons for its failure to grant the application. While the PB "may propose specific design alternatives and/or off-site Negotiated Improvements to municipal facilities in order for the project to meet the minimum service standards" (Wellesley Zoning Bylaw Section XXVIA(C)(f)), the PB did not do so as they were unable to make any specific findings that the minimum service requirements were in fact not met. The Applicant is unaware of any precedent in which the PB can substitute its judgment in place of professional opinions without having its own professional or expert opinion to the contrary.

As set forth above, the PBC has significant concerns that the PB may have acted outside its statutory authority, and respectfully requests that the matter be reconsidered and a proper record made of the reasons for the PB's decision.

**Reconsideration is appropriate where the Applicant may be able to offer new information.**

The Applicant is willing to give additional consideration to storm water drainage issues on the site, the location and number of crosswalks and pedestrian activated signals and parking along Washington Street. The Applicant believes that it is in the best interest of the Town to discuss these matters and reach a mutually satisfactory resolution so that the Project may move forward in a timely manner.

We look forward to speaking with you about these issues. Please feel free to contact me with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Matt King". The signature is stylized and includes a small "km" monogram at the end.

Matt King  
Chair, Permanent Building Committee

cc: Town Counsel  
Ethan Parsons, Assistant Planning Director, Planning Board  
Hans Larsen, Executive Director of General Government Services  
Kathy Mullaney, Administrator, Permanent Building Committee  
Gayle Thieme, Director of Senior Services, Council on Aging  
Board of Selectmen  
Permanent Building Committee

## APPENDIX D: PSI REPORT FROM PLANNING DIRECTOR



PSI Staff Report  
Tolles-Parson Senior Center PSI-13-02

Report Date: September 19, 2013  
Prepared by: Meghan Jop, Planning Director

### GENERAL INFORMATION

**Owner:** Town of Wellesley, Board of Selectmen  
525 Washington Street  
Wellesley, MA 02482

**Applicant:** Permanent Building Committee

**Location:** Site 1 - 496 Washington Street, the former American Legion Site  
Site 2 - 485, 505-513 Washington Street, Expansion of the existing WPD Parking Lot

**Land Area:** Site 1- 29,435 square feet  
Site 2- ~ 26,000 square feet of disturbance

**Zoning:** Site 1 – Zoned General Residence  
Site 2 – Zoned Limited Residential

**Surrounding Land:** The surrounding uses to Site 1 include St. Paul’s Church, small businesses including dental offices and residential homes to the rear. The surrounding uses to Site 2 include the Wellesley Housing Authority land, Police Station, and parkland.

Documents associated with the staff review include the following:

1. Application for Project of Significant Impact submitted August 14, 2013 prepared by Richard Thuma of Bargmann Hendrie & Archetype, Inc., 300 A Street, Boston Ma 02210 dated August 9, 2013. Engineering submittals stamped by Richard Westcott of Westcott Site Services.
2. Project Descriptions for Site 1 and Site 2 prepared by William Sterling, Sterling Associates Incorporated dated August 5, 2013 and revised August 21, 2013
3. Wellesley Senior Center:  
Westcott Site Services, 60 Prospect Street, Waltham, MA stamped by Richard Westcott on 8/8/13 and further revised 4/19/13

<u>Drawing</u>	<u>Page</u>	<u>Date</u>	<u>Revised</u>
General Notes	C-0	8/8/13	
Existing Conditions- Site 1	C-1	8/8/13	7/21/09
Site Demolition	C-2	8/8/13	
Site Grading	C-3	8/8/13	
Site Utilities	C-4	8/8/13	
Site Lighting	C-5	8/8/13	
Existing Conditions – Site 2	C-6		
Site Demo, Grading & Utilities	C-7	8/8/13	
Site Details	C-8	8/8/13	

4. Site Landscaping prepared by Sterling Associates Incorporated, 19 Bishop Allen Drive, Cambridge, MA 02139 and stamped by William Sterling

Site Plan/Hardscape Plan	L100	8/7/13
Landscape Plan	L101	8/7/13
Site 2 Parking Lot Site Plan/Hardscape	L200	8/20/13
Site 2 Parking Lot Landscape Opt. 1	L201	8/20/13
Site 2 Parking Lot Landscape Opt. 2	L202	8/20/13
Landscape Details	L500	8/7/13

5. Tolles-Parsons Senior Center Transportation Study Final Report and Appendix, prepared by Howard/Stein-Hudson Associates, Inc. 38 Chauncy Street, Boston, MA 02111 dated August 5, 2013. Appendix dated July 25, 2013

### **Existing Conditions**

The project has two site components. Site 1, 496 Washington Street, the former American Legion Site, fronts Washington Street. The site abuts St. Paul's church to the west, properties on Atwood Road to the South, and a multi-family house to the east. Site 1 is currently vacant land.

Site 2 is located on 485 Washington Street, the Wellesley Police Station, and 503-505 Washington Street the entrance to the Wellesley Housing Authority land. The area is currently a parking lot, which is proposed to be expanded.

### **Proposed Project**

Site 1 construction consists of the construction of a 14,500 square foot building to be used as the Tolles-Parsons Senior Center (TPC) with associated site improvements including the construction of 34 on-site parking spaces.

Site 2 would modify the existing parking area at the Wellesley Police Station and Housing Authority apartments to expand the parking to add 29 new parking spaces, 22 of which would be dedicated from 8:00 am to 4:00pm for TPC use.

### **Staff Review Comments:**

The Projects of Significant Impact Bylaw mandates an assessment of the development impact on the Town's infrastructure. Under this provision, any new project, exceeding 10,000 square feet of floor area and building renovation exceeding 15,000 square feet for a change of use, will require a Special Permit from the Planning Board. After extensive review of the proposed development with other Town boards, departments and consultants the Planning Board is authorized to issue a Special Permit only if it deems that there are adequate municipal services available. Components reviewed are water, sewer, storm drainage, electric service, fire protection and life safety, traffic, pedestrian and bicycle safety and accommodations, and refuse disposal and recycling. Each infrastructure component, the proposed modification, and review comment from the applicable Board is described below.

**The Water, Sewer, Electric, Refuse, Fire, Pedestrian Safety, Stormwater reports were prepared by Westcott Site Services, 60 Prospect Street, Waltham, MA 02453**

### **Water :**

Site 1 The proposed project is anticipated to generate 1,838 gallons per day (gpd) on an average basis.

Site 1 proposes to be serviced from the existing 10" water main in Washington Street. A proposed 4" water service is proposed for fire protection and a new 2" service is proposed for domestic use.

Site 2 The parking lot expansion will have no water loads or services.

**Engineering:** The Engineering Department issued a recommendation on September 19, 2013 which states the project should have no adverse impact to the Town's water distribution system; however the Engineering Department would like information on the pipe capacity on Washington Street, and a comparison of data between the water consumption of the American Legion to the TPC.

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**Sewer:**

Site 1 The proposed project is anticipated to generate 5,900 gallons per day of sewer. The proposed project would be served by the existing sewer connection to Atwood Street. The applicants propose to clean the line out of root intrusions and to line the pipe in-situ to restore capacity.

Site 2 The parking lot expansion will have no sewer loads or services.

**Engineering:** The Engineering Department issued a recommendation on September 19, 2013 which states the following is needed to meet the minimum service standards:

1. Root cutting and a confirmatory video inspection prior to installing a liner for the entire length of the 6" clay sewer pipe from the manhole at 496 Washington Street to Atwood Road.
- 

**Electric:**

Site 1 The project as proposed will connect to the existing transformer located at 502 Washington Street (Church) and will create a secondary service to be extended under the Washington Street sidewalk to the TPC and add a new electric manhole on-site.

Site 2 The project proposes to connect additional parking lot lighting to the existing distribution system.

**MLP:** The Municipal Light Plant issued a recommendation on August 29, 2013, which indicates the existing electrical infrastructure has enough capacity to support the proposed electric service.

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**Storm Drainage:**

Site 1 The project site currently has no formal drainage system and water runs off the site to Washington Street and the abutters. The proposed project will install 4 underground storm water detention chambers and nearly all water from the site will be directed to the chambers. Runoff from the paved parking and drive areas will be directed through "Stormceptors" to capture Total Suspended Solids.

It is proposed that the largest underground chamber will be connected to the Washington Street drain system for overflow. The present calculations indicate the overflow pipe should not be needed up to the 100 year storm.

Site 2

The current parking lot has no formal drainage system and water runs off to the site to Washington Street and the abutters. The proposed project will install a new underground storm water detention chamber which has been sized to compensate for the additional paved area, so there will be no net increase in runoff for up to the 100 year storm event. Runoff from the paved parking and drive areas will be directed through a "Stormceptor" to capture Total Suspended Solids. The underground chamber will be connected to the Washington Street drain system for overflow.

**Engineering:**

The Engineering Department issued a recommendation on September 19, 2013, which recommends the following items be provided:

1. The stormwater drainage analysis report should be updated to add a table of contents, introduction, description of soil type and statement about the methodology used for the drainage analysis.
2. The stormwater analysis shall include the pre-development catchment area map and the post-development catchment area map with the labeled design points. The catchment areas must match the modeled areas in the HydroCAD analysis.
3. Provide the pre-development drainage calculations for the 2, 10, 25, and 100 year storm.
4. Provide an Operations and Maintenance Plan during Site Plan Review
5. A comparison of the pre-development and post-development runoff from the site should be provided.
6. Provide the amount of impervious area for both pre and post development for both Site 1 and Site 2.
7. Provide soil boring data for Site 2 and show on a site plan for the WPD expanded parking.

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**Traffic:**

The Zoning Bylaw defines a Roadway Impacted by Development Traffic as a roadway segment, including one or more approaches to an intersection, shall be considered as impacted if traversed by 20 or more vehicles related to the project in a single direction during any single hour and:

- a. A signalized intersection and Average Daily Traffic or Peak-Hour Traffic will increase by 5% or more; or
- b. Is an unsignalized intersection with a minor street approach with Peak-Hour Traffic of 50 or more vehicles; or
- c. Is substandard, as determined by the Town Engineer, in terms of structure, pavement surface, or other deficiencies; or
- d. Exhibits safety problems as identified by the Town Engineer, Town Traffic Engineer or other qualified professional as determined by the Planning Board.

Howard/Stein-Hudson, conducted the Traffic Study to evaluate the traffic component of the PSI. The Traffic Study indicates that the improvement project will create additional trips along Washington Street with between 100-150 weekday visitors. The location of the project is will interact with the St. Paul's School drop off/pick up along Washington Street and morning Funeral Services which occur approximately 60 times a year.

The traffic study for both Site 1 and Site 2 included the following roadways and intersections:

1. Washington Street/ State Street/Kingsbury Street (Signalized)
2. Washington Street/Wellesley Avenue/Brook Street (Signalized)
3. Washington Street/Central Street/Grove Street (Signalized)
4. Washington Street/Morton Street/WPD Driveway (Unsignalized)

The applicant's evaluation of the impacted roadway threshold of an increase of 20 vehicle trips during the peak hour at signalized intersections and a volume increase of 5%, and 50 vehicle trips at an unsignalized intersection, shows the project will not generate enough vehicle trips to require mitigation.

Proposed Conditions were projected out to the year 2018, representing a 5-year design build and a no build scenario. Under the no build scenario a background growth factor of 1 percent is added to existing vehicle trips.

The 2018 Build Conditions as compared to the No Build Conditions do not further degrade the Level of Service. The applicants state the peak hour traffic is not expected to impact the operation of any intersection or approach with the additional volume generated by the TPC.

Sight Lines - In review of sight lines there are no proposed improvements. The sight distant analysis indicates the exiting driveway has sufficient distance and sight lines for an approaching driver on Washington Street to see a vehicle pulling out of the driveway and react to avoid an accident.

New Signalized Crosswalk – To provide a safe walking environment between the WPD expanded lot (site 2) and the project area (site 1), relocation of the existing crosswalk in front of the police station is proposed with signalization. The initial proposal was to remove the crosswalk located at St. Paul's School and to create 1 Central Crosswalk to service the St. Paul population and the proposed TPC. After much review with Beta Engineering and the Board of Selectmen, two HAWK pedestrian signals are proposed which will provide an "ALL STOP" for vehicles in order to facilitate pedestrian crossing.

On-Street Parking – The applicant has conducted analysis of several scenarios to indicate with the 34 on-site parking spaces, and the proposed 22 parking spaces at the expanded WPD lot that the TPC will not impact the use of the on-street parking spaces along Washington Street.

**BETA:** Beta Engineering, the Town's traffic consultant, conducted a peer review of the project and submitted a memo to the Board of Selectmen on August 30, 2013. There was concern over sight lines exiting the property with the creation of a left and right turn lane exiting the site. Beta was of the opinion that one egress lane should be required to eliminate sight line disruptions.

Beta initial raised concerns over confusion between two different types of pedestrian signals. In Beta's follow up report dated September 16, 2013, it was recommended to design the 2 HAWK signals in a manner which minimizes the disruption of traffic flow along the corridor.

**Engineering:** The Engineering Department recommended the trash bin shed at 485 Washington Street be relocated to eliminate sight distance issues for the adjacent limited mobility parking spaces. During Site Plan the pedestrian signal design and sidewalk improvements are shown on the TPC Site Plan.

**Selectmen:** The Board of Selectmen has issued draft recommendations which will be voted at 6:35 pm on Monday September 23, 2013. Below are the draft recommendations:

The Board forwards the following recommended conditions:

1. Applicant shall install 2 HAWK Pedestrian Signals on Washington Street: one at the existing crosswalk at St. Paul's Church, and one at the new crosswalk proposed 340 feet east on Washington Street, which both shall provide adequate stop time for both young children and senior citizens to safely cross Washington Street. The HAWK signal design plans shall be submitted to the Town traffic consultant for review prior to implementation. The Applicant shall be responsible for the cost of the peer review of the design plans.
2. Post construction monitoring the two HAWK signals shall be conducted 6 months and 12 months after installation, monitoring must coincide with the school year for St. Paul's School for a period of 6 months, and shall include frequency of usage, review of stop time for pedestrian crossing, observed traffic delays/interruptions/queue, evaluation of whether additional traffic calming is needed, and evaluation of the operation along the corridor roadway between Wellesley Avenue and Kingsbury Street to consider if the two HAWK signals should be interconnected and coordinated with the existing signals at Wellesley Avenue and Kingsbury. The monitoring period shall include the peak TPC usage periods including special events, morning and evening commuting peak periods and St Paul's activities including school, funeral services and special events.
3. The Applicant shall provide appropriate, high visibility identification signage for the new HAWK signals for drivers and pedestrians.
4. The Applicant shall provide an educational program and campaign to educate the public (drivers and pedestrians) on the operation and visual cues of the new HAWK Signals.
5. The Council on Aging (COA) Staff shall only park in the 22 parking spaces designed for TPC use at the expanded Wellesley Police Department (WPD) Lot.
6. Signs shall be installed at both the TPC and the expanded WPD Lot to notify drivers that parking spaces are reserved for the TPC use on weekdays, between 8:00 a.m. and 4:00 p.m.
7. The Applicant shall prepare a Parking Management Plan that shall include use of the COA's website, literature distributed at the TPC, and email notifications to direct visitors to park at the TPC or the expanded WPD Lot and to minimize parking in the on-street parking spaces along Washington Street. The Parking Management Plan shall address how the COA will work cooperatively with St. Paul Church and School to communicate and coordinate use of on-street parking spaces for funeral services at the church and events at both facilities.

8. Enhanced crosswalk striping shall be considered at both crosswalks to improve safety for senior citizens and children crossing.
  9. Egress from the site shall be limited to one exit lane onto Washington Street, while allowing two lanes in width taper to one lane at the approach for internal circulation.
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**Refuse:**

- Site 1 Food waste and non-recyclable trash is to be stored in a 2 cubic yard metal storage container that will be emptied at least once a week by a private waste hauler. Recyclable materials will be stored in three 95 gallon plastic totes and will be picked up by the DPW on a weekly basis.
- Site 2 There is currently a trash container on Washington Street by the existing bus stop. This will be retained, but slightly relocated. Trash pick-up from the bin will continue to be handled as it currently is.

**Engineering:** The Engineering Department issued a recommendation on September 19, 2013, which indicates the minimum service standards are met.

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**Fire:**

- Site 1 The proposed project will have a sprinkler system for the entire building. A fire alarm system will also be installed. The building can be accessed by all 4 sides for fire and emergency services.
- Site 2 The proposed project will relocate an existing fire hydrant and the Fire Department has verified maneuverability within the site.
- Fire Dept.** The Wellesley Fire Department on September 17, 2013 recommended the installation of a 6" water service line for fire suppression rather than the 4" line proposed. The Fire Department would also like a new hydrant to be placed at the TPC site.
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**Zoning Bylaw Conformance**

**Section XVIA. Project Approval. (C) (3.) (e) states:**

**The Planning Board shall grant a special permit provided the following minimum service standards are met:**

**Water:** There shall be sufficient water capacity to meet the flow demands of the proposed use without causing municipal water flow characteristics off site to fall below the standards adopted by the Board of Public Works.

**Staff:** Minor plan revisions have been completed to show requested modifications to meet DPW standards, the project meets the minimum service standards.

**Sewer:** There shall be sufficient sewer capacity to meet the flow demands of the proposed use without causing surcharge in those sewer lines which serve the project and consistent with the standards adopted by the Board of Public Works.

**Staff:** Lining of the sewer line is required to meet the minimum service standards.

**Storm Drainage:** There shall be sufficient storm drainage capacity to meet the flow demands of the proposed development site without causing surcharge in those storm drainage lines which serve the project and consistent with the standards adopted by the Board of Public Works.

**Staff:** The Engineering Department requires additional information to complete their analysis. A revised storm drainage report shall be submitted, along with required details and plan updates.

**Electric:** There shall be sufficient electrical capacity to meet the peak service demands of the proposed use without causing the service in adjacent areas to fall below the standards adopted by the MLP.

**Staff:** The MLP has verified the proposed project meets the minimum service standards.

**Traffic, Pedestrian and Bicycle Safety:** The project proponents and Town's traffic consultants have verified the project does not generate any "Impacted Intersections" or "Roadways Impacted by Development Traffic". Clause 1 under traffic does not apply.

Clause 2 and 3:

With respect to unsignalized impacted intersections having fewer than 50 Peak Hour vehicle trips on any minor approach, the Applicant shall undertake an evaluation to identify any specific circumstances requiring further action or mitigation, which may be the subject of negotiated improvements at the discretion of the Planning Board.

Pedestrian and bicycle circulation shall be provided in accordance with recognized safety standards; provided in all cases sidewalks within a distance of 600 feet of the Project shall be provided and in addition sidewalk connections within such radius to surrounding neighborhoods and to public transportation shall be provided as required by the SPGA in a safe and convenient condition and consistent with standards of the Massachusetts Highway Project Development and Design Guide.

**Staff:** The Board of Selectmen has recommended improved pedestrian signalization with the installation of two HAWK signals. The signals would be placed on the sides of crosswalks and when activated would generate a complete stop of traffic with red signalization. Given the new technology being administered an educational program will have to be part of the installation requirements for both drivers and pedestrians.

The proposed project has tried to minimize the use of on-street parking spaces along Washington Street. Analysis has been conducted to evaluate "worst" case scenarios with large funeral being held simultaneously with the peak hour demand for the site and expanded parking area. A parking management plans is a recommended condition of the Board of Selectmen. The resulting traffic analysis and recommendations from Beta Engineering indicate the proposal would meet the minimum service standards with the completion of the recommended mitigation conditions.

**Fire Protection and Life Safety:** There shall be sufficient municipal fire alarm system capacity to meet the operating requirements of the proposed use under applicable codes, regulations and statutes enforced by the Fire Chief. There shall be off-site fire protection facilities serving the development site in the opinion of the Fire Chief meeting the needs of the project based on the intended use and occupancy including fire flow requirements, location of and access to fire hydrants and access for emergency

vehicles. The Fire Chief may require a comprehensive emergency plan which shall include an evacuation plan satisfactory to the Fire Chief and meeting the specifications and standards adopted by the Fire Chief.

**Staff:** The Fire Department has indicated the water line for fire suppression on Site 1 should be increased to a 6" line and a hydrant shall be installed to meet the minimum service standards.

**Refuse Disposal:** Refuse recycling and disposal system, consistent with the standards adopted by the Board of Public Works, shall be provided.

**Staff:** The minimum service standards for waste disposal have been met.

## **APPENDIX E: GUIDELINES FOR CONDUCT OF WELLESLEY REPRESENTATIVE TOWN MEETING**

### **I. INTRODUCTION**

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

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

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

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

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

### **II. PARTICIPANTS IN THE MEETING**

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

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

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

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

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

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

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

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

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

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

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

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

### III. MOTIONS

- A. Need for Motion** - Action by the Meeting is taken solely by a vote of the Meeting on a motion duly made at the Meeting.

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

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

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

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

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

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

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

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

#### **IV. DEBATE**

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

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

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

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

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

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

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

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

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

## V. VOTING METHOD

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

## VI. DEFINITIONS

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

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

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

**D. Ballot Vote**

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

## VII. ADJOURNMENT AND DISSOLUTION

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

## VIII. RECORD OF MEETING

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

## IX. REFERENCE TO TOWN MEETING RULES

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

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