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 Catherine Johnson, Vice Chair
 Harriet Warshaw, Secretary
 Jeanne S. Conroy
 Sara Preston



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Michael Zehner, AICP
 Planning Director

PROJECT OF SIGNIFICANT IMPACT SPECIAL PERMIT DECISION

Application:	Project of Significant Impact Special Permit Application for Tolles-Parsons Senior Center (2015 Reapplication)
Subject Property:	494 & 496 Washington Street (PID 111-17 & 111-18)
Applicant:	Board of Selectmen and Permanent Building Committee
Property Owner:	Town of Wellesley
Request/Project Description:	A Project of Significant Impact (“PSI”) Special Permit application for the development of the Tolles-Parsons Senior Center, a municipal/public use, with a total newly constructed floor area of 12,894 square feet. Per Section XVIA of the Zoning Bylaw, a PSI special permit is required since the newly constructed floor area for the project exceeds 9,999 square feet.

REQUIREMENTS: REAPPLICATION OF PREVIOUSLY DENIED APPLICATION & PSI SPECIAL PERMIT

Reapplication of Previously Denied Application

The project Applicants have reapplied for a Project of Significant Impact Special Permit for the Tolles-Parsons Senior Center, to be located at 494 and 496 Washington Street. A previous PSI special permit for the project (located solely on the property known as 496 Washington Street) was considered by the Board in 2013 (PSI-13-02), but a motion to approve the special permit, made at the Board’s October 21, 2013 meeting, failed to receive the required four (4) affirmative votes of the five (5) member Board, therefore resulting in the denial of the petition.

The current application was submitted in May 2015; since the Applicants were seeking a favorable action on the special permit within two (2) years after the date of the final unfavorable action, the Planning Board first needed to consent to the acceptance of the reapplication, and then as Special Permit Granting Authority determine that there had been specific and material changes in the conditions upon which the previous unfavorable action was based and describe such changes in the record of its proceedings. Following a public hearing on June 1, 2015, the Planning Board consented to the acceptance of the reapplication. Subsequently, the Board held a public hearing on June 1, 2015 to determine whether the reapplication demonstrated specific and material changes in the conditions upon which the previous denial was based. The hearing was closed on June 1, 2015 and the Board continued consideration of the question until their meeting on June 15, 2015.

At the June 15, 2015 meeting, the Board members discussed their opinions regarding the requisite finding, whether the reapplication demonstrates specific and material changes in the conditions upon which the previous unfavorable action was based. A motion was made and seconded making such a finding, and the motion received four (4) affirmative votes, allowing for the consideration of this PSI Special Permit application by the Board. The Board's decision documenting this finding and the vote was filed with the Town Clerk on June 23, 2015.

PSI Special Permit

Per Section XVIA, *Project Approval*, of the Zoning Bylaw, “No decision shall be made by the Planning Board acting as Special Permit Granting Authority (SPGA) in connection with any properly completed application until it has been referred to, reviewed and approved by the four review departments (Department of Public Works for the water, sewer, storm drain, refuse and recycling elements; Municipal Light Plant for the electric element, Fire Department for fire alarm, fire protection and life safety element and the Board of Selectmen for the traffic and pedestrian safety element).”

Furthermore, the “Planning Board shall grant a special permit provided the following minimum service standards are met:

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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 Municipal Light Board.
- 5) Traffic, Pedestrian and Bicycle Safety With respect to all signalized impacted intersections, and any unsignalized impacted intersections having 50 or more PH vehicle trips on any minor approach, there shall be no degradation in the overall level of service designation to a level below the level of “C” and, if an impacted intersection is projected to operate at an overall level of service lower than “C” in a design year no-build alternative, then the proposed development shall not degrade the level of service designation below the projected design year no-build levels; and With respect to unsignalized impacted intersections having fewer than 50 PH 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. For purposes of

clause 1 above, the “overall level of service” for an unsignalized impacted intersection shall be considered to be the worst of the individual levels of service for each of the minor movements. Pedestrian and bicycle circulation shall be provided in accordance with recognized safety standards; provided in all cases sidewalks within a walking 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 Special Permit Granting Authority in a safe and convenient condition and consistent with standards of the Massachusetts Highway Project Development and Design Guide.

6) 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.

7) Refuse Disposal System - Refuse recycling and disposal systems, consistent with the standards adopted by the Board of Public Works, shall be provided.”

Finally, based upon and following the review of the Municipal Systems Analysis, “applicants for PSI approval or the Planning Board may propose specific design alternatives and/or off-site Negotiated Improvements to municipal facilities to meet minimum service standards,” and the “Planning Board is authorized to incorporate these design alternatives and improvements as conditions in special permit PSI approval.”

PUBLIC HEARING

Pursuant to due notice, the Town of Wellesley Planning Board (“the Planning Board”), acting as Special Permit Granting Authority under the provisions of the Zoning Bylaw, Section XVIA., Part C, Project of Significant Impact (“PSI”), opened a duly advertised public hearing on July 20, 2015, which was continued until August 3, 2015, and then again continued until August 24, 2015. All sessions of the public hearing were held in the Great Hall of the Wellesley Town Hall, 525 Washington Street, Wellesley, MA 02482

After comments were concluded on August 24, 2015, Ms. Preston made a motion to close the public hearing. Ms. Warshaw seconded the motion. The Board voted 5 to 0 to close the public hearing.

Ms. Carpenter, Ms. Johnson, Ms. Conroy, and Ms. Preston were present at all sessions of the public hearing on the application. Ms. Warshaw was not present for the session of the public hearing held on July 20, 2015; however, pursuant to M.G.L. ch. 39, §23D and §6.8A of the Town Bylaws, Ms. Warshaw has certified that she has examined all of the evidence received at the hearing session that was missed, including a video recording of the missed hearing session.

The sessions of the public hearing were digitally recorded, with copies of the recordings retained at the Planning Department.

APPLICATION SUBMITTAL DOCUMENTS AND PLANS

The reapplication was initiated on May 6, 2015 with a letter from Barbara Searle (Chair, Board of Selectmen) and Matt King (Chair, Permanent Building Committee) requesting the Planning Board's reconsideration of the application. Ms. Searle and Mr. King noted in the letter that the documents and materials submitted and associated with an identical reapplication on October 14, 2014 (submitted at that time in accordance with the *Rules Relative to the Issuance of Special Permits*, adopted by the Planning Board on September 18, 1990 and revised March 10, 2008) should be considered to constitute this reapplication.

1. Tolles-Parsons Senior Center Project of Significant Impact Submission, received October 14, 2014:
 - a. Cover Letter from Board of Selectmen and Permanent Building Committee, dated October 14, 2014;
 - b. Project Description, prepared by Catlin + Petrovick Architects, PC;
 - c. Application Form for Review of Project of Significant Impact;
 - d. Zoning Summary;
 - e. Municipal Systems Impact Analysis, prepared by DeVellis Zrein Inc., dated October 14, 2014;
 - f. Drainage Report and Stormwater Management Plan, prepared by DeVellis Zrein Inc., dated October 14, 2014;
 - g. Existing Conditions Plan C0, prepared by Precision Land Surveying, Inc., dated July 16, 2014;
 - h. Site Photometric Plan C0.0, dated October 14, 2014;
 - i. Layout and Materials Plan C-1, dated October 14, 2014;
 - j. Grading and Utilities Plan C-2, dated October 14, 2014;
 - k. Planting Plan C-3, dated October 14, 2014;
 - l. Site Detail Sheet C-4, dated October 14, 2014;
 - m. Site Detail Sheet C-5, dated October 14, 2014;

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- n. Domestic Water Service Calcs, prepared by VAV International Inc., dated October 8, 2014;
 - o. Fire Protection Narrative Report, prepared by VAV International Inc.; and
 - p. Abutters list and site aerial
2. Tolles-Parsons Senior Center Transportation Study, prepared by Howard/Stein-Hudson Associates, Inc., dated October 14, 2014;
 3. Tolles-Parsons Senior Center Transportation Study Appendix, prepared by Howard/Stein-Hudson Associates, Inc., dated October 14, 2014;
 4. Letter from Matt King (Chair, Permanent Building Committee) and Barbara Searle (Chair, Board of Selectmen), dated October 28, 2014;
 5. Memo from HSH responding to comments from BETA, dated October 29, 2014;
 6. Letter from Catlin + Petrovick Architects, PC providing supplementary information regarding impacts to municipal systems, dated November 24, 2014;
 7. Letter from Barbara Searle (Chair, Board of Selectmen) and Matt King (Chair, Permanent Building Committee), dated May 6, 2015, reapplying for PSI Special Permit;
 8. PowerPoint presentation titled "Tolles-Parsons Senior Center Project of Significant Impact," dated June 1, 2015; and
 9. PowerPoint presentation titled "Tolles-Parsons Center Project of Significant Impact," dated July 20, 2015 (presented at the July 20 session of the public hearing).
 10. Memo to the Planning Board from the Board of Selectmen, dated July 29, 2015;
 11. Memo from Howard/Stein-Hudson, dated July 29, 2015;
 12. PowerPoint presentation from Howard/Stein-Hudson titled "Traffic Sidewalks and Walkways Bicycles;"
 13. Letter from Miguel Lessing, on behalf of the Council on Aging, dated August 12, 2015;
 14. Letter from Gayle Thieme, Director of Senior Services, dated August 17, 2015; and
 15. Memorandum from Howard/Stein-Hudson, dated August 19, 2015

COMMENTS, REPORTS, RECOMMENDATIONS, AND PREVIOUS DECISIONS

The following applicable documents were received from the Town's Review Departments, the Planning Department, and members of the public, several in conjunction with the identical reapplication made on October 14, 2015:

1. Staff Report prepared by Michael Zehner on August 20, 2015 for the August 24, 2015 Planning Board meeting;
2. Questions from Catherine Johnson, dated August 12, 2015;
3. Staff Report prepared by Michael Zehner on July 30, 2015 for the August 3, 2015 Planning Board meeting;
4. Email from Michael Zehner submitting questions to PSI Applicants from Sara Preston, dated July 22, 2015;
5. Questions to PSI Applicants from Catherine Johnson, dated July 28, 2015; and
6. PowerPoint presentation titled "Tolles-Parsons Center Project of Significant Impact," dated July 20, 2015 (presented at the July 20 session of the public hearing);
7. Letter from Tom Kealy to the Planning Board, dated July 22, 2015;
8. Staff Report prepared by Michael Zehner on July 16, 2015 for the July 20, 2015 Planning Board meeting;
9. Letter from Robert H. Murphy to the Planning Board, dated July 15, 2015 (read into the record at the July 20 session of the public hearing);
10. Email communications between Randall & Lydia Barrett (22 Atwood Street) and Kathy Mullaney, dated July 7, 2015;
11. Memorandum from Kien Ho, BETA, dated June 29, 2015;
12. Planning Board Decision Regarding Specific and Material Changes in the Conditions Upon Which the Denial of the Previous Application Was Based, filed with the Town Clerk on June 23, 2015;
13. Memorandum from Deputy Chief Jack Pilecki, Wellesley Police Department, dated June 11, 2015;
14. Staff Report prepared by Michael Zehner on May 28, 2015 for the June 1, 2015 Planning Board meeting;
15. Memorandum from George Saraceno, Dept. of Public Works - Engineering Division, dated May 28, 2015;

16. Email from Dick Joyce, Municipal Light Plant, dated May 12, 2015;
17. Wellesley Planning Board Decision Regarding Specific and Material Changes in the Conditions Upon Which the Denial of the Previous Application Was Based, dated "Received - Town Clerk's Office Wellesley MA 02482 - 2014 DEC 19";
18. Department of Public Works Review Comments, dated November 25, 2014;
19. MLP Recommendation, dated November 21, 2014;
20. Fire Department Recommendation, dated November 20, 2014;
21. Police Chief Recommendation, dated November 20, 2014;
22. Board of Selectmen Recommendation, dated November 12, 2014;
23. M.G.L., Chapter 40A, Zoning, Section 16, Final unfavorable decisions by permit granting authorities; reconsideration; withdrawal of petitions for variance or applications for special permit;
24. www.masscases.com brief of John H. Shalby & another vs. Board of Appeal of Norwood & another. 6 Mass. App. Ct. 521 (1978);
25. Brief of Ranney v. Board of Appeals of Nantucket, 11 Mass. App. Ct. 112 (1981);
26. BETA Traffic Peer Review Comments, dated October 17, 2014;
27. Wellesley Planning Board Special Permit Decision and Detailed Record - Project of Significant Impact #13-02 - 496 and 485 Washington Street - Tolles Parsons Center, dated "Received - Town Clerk's Office Wellesley MA 02482 - 2013 NOV 4"; and
28. Plans for PSI-13-02, including Site Plan/Hardscape Plan, Site Utilities Plan, and Landscape Plan

FINDINGS & VOTE

Per Section XVIA, Project Approval, of the Zoning Bylaw, the "Planning Board shall grant a special permit provided" certain specific minimum service standards pertaining to water, sewer, storm drainage, electric, traffic, pedestrian and bicycle safety, fire protection and life safety, and the refuse disposal system are met ("the findings").

Following the close of the public hearing on August 24, 2015, the Board members discussed their opinions regarding the requisite findings. Following discussion amongst the Board, Ms. Carpenter asked for a motion. Ms. Johnson made a motion to approve the requested PSI Special Permit based upon the aforementioned *Application Submittal Documents and Plans*,

Comments, Reports, and Recommendations, and Previous Decisions, information received at the public hearing sessions, and the following findings:

1. With the requirement of certain conditions (1, 2, 3, 4, and 7) to ensure development in a manner consistent with the submitted plans and materials, and with confirmation and approval of the Department of Public Works, the project meets the minimum service standard with respect to WATER service, as specified in Section XVIA, Project Approval, C., 3., e.;
2. With the requirement of certain conditions (1, 2, 3, 4, and 7) to ensure development in a manner consistent with the submitted plans and materials, and with confirmation and approval of the Department of Public Works, the project meets the minimum service standard with respect to SEWER service, as specified in Section XVIA, Project Approval, C., 3., e.;
3. With the requirement of conditions (1, 2, 3, 4, and 7) to ensure development in a manner consistent with the submitted plans and materials, and with confirmation and approval of the Department of Public Works, the project meets the minimum service standard with respect to STORM DRAINAGE service, as specified in Section XVIA, Project Approval, C., 3., e.;
4. With the requirement of conditions (1, 2, 5, and 7) to ensure development in a manner consistent with the submitted plans and materials, and with confirmation and approval of the Municipal Light Plant, the project meets the minimum service standard with respect to ELECTRIC service, as specified in Section XVIA, Project Approval, C., 3., e.;
5. With the requirement of conditions (1, 2, 6, 7, and 8) to ensure development in a manner consistent with the submitted plans and materials, and a conditions requiring specific improvements related to traffic, pedestrian, and bicycle safety (6), and with confirmation and approval of the Board of Selectmen, the project meets the minimum service standard with respect to TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY, as specified in Section XVIA, Project Approval, C., 3., e.;
6. With the requirement of conditions (1, 2, and 7) to ensure development in a manner consistent with the submitted plans and materials, and confirmation and approval of the Fire Department, the project meets the minimum service standard with respect to FIRE PROTECTION AND LIFE SAFETY service, as specified in Section XVIA, Project Approval, C., 3., e.; and
7. With the requirement of conditions (1, 2, 3, 4, and 7) to ensure development in a manner consistent with the submitted plans and materials, and confirmation and approval of the Fire Department, the project meets the minimum service standard with respect to the REFUSE DISPOSAL SYSTEM, as specified in Section XVIA, Project Approval, C., 3., e.

And, with the incorporation of the following conditions to ensure the provision of the minimum service standards and the permanence of noted findings:

1. The owner/developer shall construct all improvements in substantial accordance with the following plans and documents, except where modifications are required in accordance with other required conditions:
 - a. Tolles-Parsons Senior Center Project of Significant Impact Submission, received October 14, 2014:
 - i. Cover Letter from Board of Selectmen and Permanent Building Committee, dated October 14, 2014;
 - ii. Project Description, prepared by Catlin + Petrovick Architects, PC;
 - iii. Application Form for Review of Project of Significant Impact;
 - iv. Zoning Summary;
 - v. Municipal Systems Impact Analysis, prepared by DeVellis Zrein Inc., dated October 14, 2014;
 - vi. Drainage Report and Stormwater Management Plan, prepared by DeVellis Zrein Inc., dated October 14, 2014;
 - vii. Existing Conditions Plan C0, prepared by Precision Land Surveying, Inc., dated July 16, 2014;
 - viii. Site Photometric Plan C0.0, dated October 14, 2014;
 - ix. Layout and Materials Plan C-1, dated October 14, 2014;
 - x. Grading and Utilities Plan C-2, dated October 14, 2014;
 - xi. Planting Plan C-3, dated October 14, 2014;
 - xii. Site Detail Sheet C-4, dated October 14, 2014;
 - xiii. Site Detail Sheet C-5, dated October 14, 2014 ;
 - xiv. Domestic Water Service Calcs, prepared by VAV International Inc., dated October 8, 2014;
 - xv. Fire Protection Narrative Report, prepared by VAV International Inc.; and
 - xvi. Abutters list and site aerial

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- b. Tolles-Parsons Senior Center Transportation Study, prepared by Howard/Stein-Hudson Associates, Inc., dated October 14, 2014;
 - c. Tolles-Parsons Senior Center Transportation Study Appendix, prepared by Howard/Stein-Hudson Associates, Inc., dated October 14, 2014;
 - d. Letter from Matt King (Chair, Permanent Building Committee) and Barbara Searle (Chair, Board of Selectmen), dated October 28, 2014;
 - e. Memo from HSH responding to comments from BETA, dated October 29, 2014;
 - f. Letter from Catlin + Petrovick Architects, PC providing supplementary information regarding impacts to municipal systems, dated November 24, 2014;
 - g. Letter from Barbara Searle (Chair, Board of Selectmen) and Matt King (Chair, Permanent Building Committee), dated May 6, 2015, reapplying for PSI Special Permit;
 - h. PowerPoint presentation titled “Tolles-Parsons Senior Center Project of Significant Impact,” dated June 1, 2015; and
 - i. PowerPoint presentation titled “Tolles-Parsons Center Project of Significant Impact,” dated July 20, 2015 (presented at the July 20 session of the public hearing).
 - j. Memo to the Planning Board from the Board of Selectmen, dated July 29, 2015;
 - k. Memo from Howard/Stein-Hudson, dated July 29, 2015;
 - l. PowerPoint presentation from Howard/Stein-Hudson titled “Traffic Sidewalks and Walkways Bicycles;”
 - m. Letter from Miguel Lessing, on behalf of the Council on Aging, dated August 12, 2015;
 - n. Letter from Gayle Thieme, Director of Senior Services, dated August 17, 2015; and
 - o. Memorandum from Howard/Stein-Hudson, dated August 19, 2015
2. Modifications or material changes to the Project shall be presented to the Planning Board for review. The Planning Board shall determine whether such changes generate an intensification of use. If such changes generate an intensification of use, the owner/developer shall prepare and submit to the Planning Board a report or reports, prepared by engineers who meet the requirements of the Zoning Bylaw for preparation of Municipal Service Impact Analysis, showing whether the minimum service standards continue to be met. If any such report shows that one or more of the service standards are not met, based on additional impact generated by the Project owing to the material change or intensification of use, or if any required negotiated improvements or

conditions cannot be completed, the owner/developer shall meet with the Planning Board to negotiate reasonable additional or alternative mitigation measures. This requirement shall not be interpreted as waiving any provision of the Project of Significant Impact process.

3. Prior to the issuance of Site Plan Review approval by the Zoning Board of Appeals, or the issuance of permits by the Building Department, the Department of Public Works shall confirm their approval of all planned work associated with the municipal water system, sewer system, storm drainage system, and refuse disposal system, both on and off-site. Prior to the issuance of a Certificate of Occupancy, the Department of Public Works shall confirm that all work has been completed to the Department's satisfaction.
4. Within four (4) months following the issuance of a Certificate of Occupancy, the owner/developer shall submit to the Department of Public Works as-built plans for all applicable utilities and systems installed.
5. All work regarding the municipal electric system, both on and off-site, shall be completed to the satisfaction of the Municipal Light Plant prior to the issuance of a Certificate of Occupancy.
6. The owner/developer shall be required to make the following improvements or modifications within the public right-of-way of Washington Street. Prior to installation or modification, the Board of Selectmen (or their staff designee) shall approve the specifications for these features. Prior to the issuance of a Certificate of Occupancy, the Board of Selectmen (or their staff designee) shall confirm that such improvements have been installed as approved.
 - a. Replacement of the existing sidewalk along the property's frontage;
 - b. Removal of four (4) on-street parking spaces; and
 - c. Upgrade the signalized crosswalk on Washington Street in proximity to the site to a type similar to the signalized crosswalk on Weston Road at the intersection with Turner Road and Avon Road.
7. Prior to the issuance of any permits from the Building Department and prior to the issuance of a Certificate of Occupancy, the Planning Director shall be responsible for determining the compliance of the project, and any plans therefor, with the PSI special permit and these conditions. During the course of construction, the Planning Director shall have access to the project site with reasonable notice to and permission granted by the owner/developer.
8. A post development traffic report shall be prepared by the Applicant, to be submitted no later than eighteen (18) months following the issuance of a Certificate of Occupancy for the project. The traffic study shall provide traffic counts at 3 months, 6 months, 9 months, and 12 months after issuance of the Certificate of Occupancy and include crash data along the section of Washington Street between the Washington Street/Wellesley

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Avenue and Washington Street/Kingsbury Street/State Street intersections during the same time period. If at least two (2) consecutive traffic counts no less than six months apart reflect that site-related traffic is more than 10 percent (10%) above the projected volume, or the number of crashes increases by 5%, then the Applicant shall undertake an evaluation to identify any specific circumstances requiring further action or mitigation. The report shall be presented to and reviewed by the Planning Board, who may hire a peer reviewer with the costs borne by the Applicant.

Ms. Warshaw seconded the motion. Ms. Carpenter called for a vote on the motion. The Board voted 4 - 1 on the motion (S. Preston opposed). The motion received four (4) affirmative votes. Ms. Carpenter confirmed that with four (4) affirmative votes the application was approved.

APPEALS

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.

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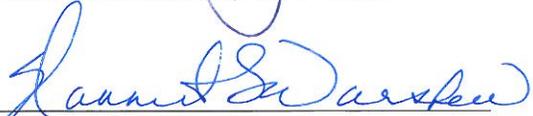
WELLESLEY PLANNING BOARD



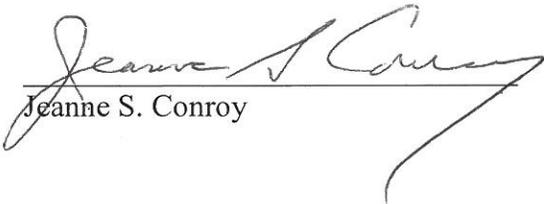
L. Deborah Carpenter, Chair



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Jeanne S. Conroy

Sara Preston

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Negotiated Improvements and/or Special Permit Conditions acknowledged and agreed to by property owner.

By: _____
Duly Authorized Representative