

**Board of Selectmen meeting: December 2, 2013**  
**Present: Babson, Searle, Gibbs, Tsagaris, McCauley**  
**Also present: Jop, Connolly, Robinson, Williams**

**Warrants approved: #2014-019 in the amount of \$1,355,406.04 and #2014-020 in the amount of \$3,723,867.11.**

Meeting called to order at 7:00pm.

Announcements: Ms. Babson announced the details of the Holiday Stroll and Tree lighting and invited all to join them this Sunday for this event. She also announced that there will be free parking starting Saturday and this will last until December 27, throughout Wellesley Square. Ms. Babson also updated the Board on an event attended by herself and Mr. McCauley for the ribbon cutting for new playground on Barton Road, which was provided by the Play to Dream Foundation. Ms. Babson noted that Special Town Meeting 1 and 2 will begin on December 9, 2013 and noted that two letters were sent to residents from the Advisory Committee and that the full Advisory Report was sent to Town Meeting Members. Ms. Babson concluded by announcing the Precinct Meeting schedule as well as the School tour schedule.

1. **Citizen Speak**

None

2. **Continuation of Tax Classification Hearing**

Ms. Gibbs called for the continuation of the Tax Classification Hearing. Board of Assessor members, Arthur Garrity, III, Chair, David Livingston, Steve Mahoney, and Donna McCabe, Chief Assessor joined the Board. Ms. Gibbs noted that last week the Board of Assessors gave their Tax Classification Hearing report and citizen input was solicited. She noted that tonight they planned to vote the tax classification for FY14. Ms. Gibbs noted that the Tax classification report was available in the Town Clerks office. Mr. Larsen clarified that the Board will vote the tax classification not the rate. Mr. Garrity noted that they feel their presentation addressed all of the basic elements. Mr. McCauley confirmed receipt of letter from Chamber of Commerce and asked if any other correspondence had been received. Ms. Gibbs reported the Board had received written comment from the Chamber in support of retaining the single tax rate. No other correspondence had been received. Ms. Babson encouraged residents to review the Assessors' report as it provides critical information.

**The Board voted (5-0) to adopt a residential factor of 1.0 for the purposes of determining the fiscal 2014 tax rate.**

Ms. Gibbs closed the FY14 Tax Classification Hearing.

**MLP Distributed Antenna System Plans**

Jim Taiclet, CEO of American Tower, Jeff Baker, Vice President of American Tower, Jack Stewart, Municipal Light Plant (MLP), Chair, and Richard Joyce, MLP Director joined the Board. Mr. Stewart reviewed the agreement between the MLP and American Tower for an expanded Distributed

Antenna System (DAS) for cell phone service in Town. Mr. Stewart noted this is a series of antennas placed on telephone poles, which will be provide improved cellular service to many in town. He noted that the DAS system will be built out in town over a period of time. He noted that American Tower is a global provider of such systems and this agreement represents a partnership with the MLP. This is a unique joint venture with the MLP, whereby American Tower and the MLP will share the revenue and cash flow. He thanked Mr. Taiclet and American Tower for this opportunity. Mr. Taiclet noted the interests of the two parties are aligned, which has been made possible by the Town's ownership of the power company. This will be very beneficial as all risks are equally shared. Mr. Taiclet discussed various facets of the collaboration. Today, the Town has a light cell coverage footprint and residents are not getting the coverage they need. Mr. Taiclet explained how a DAS system provides service to customers, in contrast with cell towers. Mr. McCauley questioned how the Town could help get carriers to offer their service through the new DAS system. Mr. Baker noted they are actively negotiating with two carriers. The signing of these agreements and the commencement of construction will have a positive impact on other carriers.

Ms. Babson thanked Mr. Stewart and Mr. Taiclet and their teams for their work in negotiating this deal.

### **Federal Realty – Request to modify Linden Square Development Agreement**

Steve Langer and Brian Donnelly, representing Federal Realty, joined the board. Mr. Langer noted that Mike Kelleher, Linden Square representative, couldn't be here tonight as he was ill. Mr. Donnelly updated the board on the status of the Volkswagen (VW) dealership lease. Last spring, Town Meeting approved the Third Amendment to the Linden Square Development Agreement, which allows Federal Realty to extend the VW lease for 20 years. The new lease terms have been agreed, and they are awaiting signatures from VW Corporate. Now that the lease has been finalized, the dealership will proceed with the design and permitting for their renovation of the site and building. Mr. Larsen displayed a rendering of the renovated building, and a plan for the reconstructed sidewalk, as provided by Mr. Langer. In response to a question regarding the other obligations implicit in the Third Amendment, Mr. Larsen explained Federal Realty was obligated to cease the loading/unloading of vehicles on Linden Street and eliminate use of the exterior loudspeaker system. Town Hall has received no complaints regarding these issues recently.

Mr. Donnelly asked the Board to consider a further amendment to allow more restaurant space for upscale dining. Two spaces on the South side of Linden Street, adjacent to the Ace Hardware have been vacant since the property was redeveloped. Federal Realty has explored every category of use for these spaces. Mr. Donnelly explained the limitations on restaurants contained in the original Development Agreement. The Board questioned how Qdoba fit within the limitations. The two vacant spaces are approximately 5600 and 5000 sq. ft. Mr. Donnelly believes potential restaurant tenants would also seek liquor licenses. Amendment of the Development Agreement would need Town Meeting approval. Mr. McCauley observed that there would be several levels of permitting related to new restaurants, e.g., in addition to amending the Development Agreement, a new restaurant would be required to obtain a CV license.

Colette Aufranc, 5 Hilltop Road, approached the Board. Ms. Aufranc noted the neighbors are interested to observe the Design Review process for the VW renovation, and they haven't met or heard from Federal Realty since this time last year. She noted that the intention to have a meeting

quarterly has “petered” out. She is not against the idea of more restaurants, but would be interested to understand the traffic impact. Ms. Babson noted that working with the neighbors is something that is expected by the Board. Ms. Searle noted it took some time to finalize the Third Amendment, and while the Board would like to encourage business, people would like to see something happen with the VW before approving further changes.

Mr. McCauley encouraged Federal Realty to meet with the neighbors ASAP, as this is critical to the Board’s determination. Ms. Babson observed that much work needs to be done to get this to Annual Town Meeting. Ms. Gibbs concurred that Federal Realty should communicate with the neighbors, and she also requested a timeline and plan from Federal to ensure everyone is on the same page. Ms. Jop noted that the proposed change may require changes to the PSI Special Permit as it will result in a change of use. The Board asked Federal Realty to come back with a definitive request encompassing the spaces in question, the type of restaurants in question, a timetable for meetings with the neighbors, a timetable for the VW project, and a proposed scope for the related traffic study. Mr. Langer said they will contact VHB, Traffic Engineers, to see what information they have and what can be ascertained regarding parking demand. Ms. Babson also asked that the staff summarize the key provisions of the existing Development Agreement, as amended.

### **Retail sale of beer and wine**

Ms. Babson noted that Ms. Jop had provided the Board with new and redlined version of the draft regulations. Mr. McCauley briefly summarized the changes and noted that Ms. Jop has also provided a comparison of the related fees charged by other communities. Ms. Jop observed the new draft incorporates the discussion points from last week as well as written comments received. She reviewed the fee schedule and proposed a recurring annual license fee of \$2,000. Ms. Babson suggested the initial license fee should be higher than for a renewal, given the greater level of effort required for an initial application. She noted a great deal of time is spent on initial license applications. Mr. McCauley agreed with the suggestion by Ms. Babson and suggested the transfer fee should be similar to the initial license fee, and that having a higher application fee seems appropriate. Mr. Larsen noted that renewals do not require nearly as much work as an initial application, i.e., while the initial license is a “loss leader” for the Town, subsequent renewals allow the Town to recover its upfront “investment” of time. After further discussion, the Board agreed to move forward with a \$2,000 annual fee for initial applications and renewals, and an application fee of \$500.

Ms. Babson questioned the difference between a drug store and a pharmacy. Mr. McCauley suggested adding the definition of pharmacy. Ms. Jop observed that a drug store may or may not sell prescription drugs. The Board instructed the staff to make the agreed changes and post the draft regulations on the Town website.

### **Preparations for December 9, 2013 Special Town Meeting**

Free Cash schedule – Mr. Larsen reviewed a revised version of the Free Cash Schedule that was included in the Advisory Book. He highlighted the changes. Assuming the use of \$2.25 million to help balance the FY15 budget, he projects the Town would end FY14 with approximately \$11.4 million of reserves, which represents 9.2% of revenue. Mr. Larsen reviewed how the borrowing will work for the Fiske & Schofield design work (Article 7, Motion 3 for the December 9<sup>th</sup> Special

Town Meeting). The related funds will be borrowed “inside the levy”, and this borrowing would be rolled into a subsequent debt exclusion for the actual construction work. Mr. McCauley pointed out the schedule reflects a conservative assumption in terms of the amount of Free Cash to be “generated” during FY14 (\$.5 million).

Ms. Babson noted the STM 2 write up by the Advisory Committee was very well written and it will be helpful to have people look at it, as it puts things in perspective.

### **Projects & Other Updates**

Wellesley Community Development – Ms. Babson encouraged everyone to drive around town and look at the new holiday lights.

At 8:52, the meeting was adjourned.

### **Documents presented**

- **Rendering of proposed VW reconstruction**
- **Sidewalk set up rendering**
- **Free Cash schedule**