01/16/2008
Final

TOWN OF WELLESLEY

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WARRANT
for the
ANNUAL TOWN MEETING

ELECTION – March 4, 2008
BUSINESS MEETING – March 31, 2008

ADVISORY COMMITTEE PUBLIC HEARING (WARRANT ARTICLES)
January 30, 2008, 7:00 P.M. at Town Hall – Great Hall

PLANNING BOARD PUBLIC HEARING (WARRANT ARTICLES)
February 4, 2008, 7:30 P.M. at Town Hall – Great Hall

Commonwealth of Massachusetts

Norfolk, ss.

To Terrence M. Cunningham, Chief of Police of the Town of Wellesley, in said County.

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify the qualified voters of said Town of Wellesley to meet in their respective voting places on March 4, 2008:

The voters of Precinct A, in Katharine Lee Bates School, 116 Elmwood Road;

The voters of Precinct B, in Isaac Sprague School, 401 School Street;

The voters of Precinct C, in Ernest F. Upham School, 35 Wynnewood Street;

The voters of Precinct D, in Otho L. Schofield School, 27 Cedar Street;

The voters of Precinct E, in Joseph E. Fiske School, 45 Hastings Street;

The voters of Precinct F, in Wellesley Senior High School, 50 Rice Street;

The voters of Precinct G, in Hunnewell School, 28 Cameron Street;

at 7:00 A.M., at which time the polls in said precincts will be opened and remain open continuously until 8:00 P.M. of said day when they will be closed, during which time aforesaid qualified voters of said Town may bring in their ballots to the Election Officers, duly appointed and sworn for said precincts of said Town of Wellesley, in said meetings so assembled for the following:

To cast their votes in the Town Election for the election of candidates for the following offices:

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OFFICE	VACANCIES	TERM
Moderator	One	One Year
Board of Selectmen	Two	Three Years
Board of Public Works	One	Three Years
Board of Assessors	One	Three Years
Board of Health	One	Three Years
Trustees of Wellesley Free Library	Two One	Three Years Two Years
Natural Resources Commission	Two	Three Years
Planning Board	One One	Five Years Three Years
School Committee	Two	Three Years
Recreation Commission	One	Three Years
Housing Authority	One One	Five Years Three Years

and for **TOWN MEETING MEMBERS**, under the provision of Chapter 202 of the Acts of 1932, as amended.

You are further required to notify the qualified Town Meeting Members of said Town of Wellesley to meet in the

WELLESLEY MIDDLE SCHOOL AUDITORIUM
Monday, March 31, 2008

at 7:30 P.M. at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with Chapter 202 of the Acts of 1932, as amended and subject to referendum provided thereby.

ARTICLE 1. To choose a Moderator to preside over said meeting.

(Board of Selectmen)

ARTICLE 2. To receive reports of town officers and committees, including the Annual Town Report, the Report to this Town Meeting of the Advisory Committee, and the Reports of the Board of Selectmen on the Five Year Capital Budget Program and the Town-Wide Financial Plan pursuant to Town Bylaw Sections 19.5.2 and 19.16 respectively; and discharge presently authorized special committees; or take any other action relative thereto.

(Board of Selectmen)

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REVENUE ARTICLES

ARTICLE 3. To see what action the Town will take relative to revenue as follows:

a) Establish new and/or amend current fees or other charges for services and programs provided to the public;

b) Vote to authorize the Board of Assessors to use any monies paid to the Town from the Wellesley Municipal Light Plant as an estimated receipt when computing the Fiscal Year 2009 Tax Rate;

or take any other action relative thereto.

(Board of Selectmen)

APPROPRIATIONS – OPERATING AND OUTLAY

ARTICLE 4. To see if the Town will vote to amend ARTICLE 31 of the Town Bylaws by making changes in Schedule A entitled "Job Classifications by Groups" which constitutes part of said Bylaws; or take any other action relative thereto.

(Human Resources Board)

ARTICLE 5. To see if the Town will vote to amend ARTICLE 31 of the Town Bylaws by making changes in Schedule B entitled "Salary Plan – Pay Schedule" established under Section 31.6, which constitutes part of said Bylaws; to raise and appropriate, or otherwise provide, money therefor; or take any other action relative thereto.

(Human Resources Board)

ARTICLE 6. To see if the Town will vote to amend ARTICLES 30 and 31 of the Town Bylaws by making changes in the appendix to the Classification and Salary Plans established under Sections 31.1 and 31.6 respectively, and by making changes relative to the procedure for amending the Classification Plan; the proposed changes to said appendix and procedure (which are recognized to be subject to change before or at town meeting) being on file in the Human Resources Department; or take any other action relative thereto.

(Human Resources Board)

ARTICLE 7. To see what sums of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, or borrowing, to supplement appropriations previously approved by the 2007 Annual Town Meeting; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 8. To see what sums of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, or borrowing, for the following:

(a) for the operation of the several Town departments, including capital outlay, maturing debt and interest, and to provide for a Reserve Fund;

(b) for extraordinary maintenance, special capital projects and other capital outlay items for the several Town departments;

(c) for such purposes as may be voted contingent upon passage by the voters of referendum questions as authorized by the General Laws Chapter 59, Section 21c (m), as amended;

or take any other action relative thereto.

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(Board of Selectmen)

ARTICLE 9. To see what action the Town will take to fix the salary and compensation of all elected officials of the Town as provided by the General Laws Chapter 41, Section 108 as amended; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 10. To see what sum of money the Town will raise and appropriate, or otherwise provide, for the Stabilization Fund pursuant to the provisions of Section 5B of Chapter 40 of the General Laws, as amended; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 11. To see what sum of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, to the Municipal Light Board for the Municipal Light Plant; or take any other action relative thereto.

(Municipal Light Board)

ARTICLE 12. To see what sum of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, to the Board of Public Works for the Water Program; or take any other action relative thereto.

(Board of Public Works)

ARTICLE 13. To see what sum of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, to the Board of Public Works for the Sewer Program; or take any other action relative thereto.

(Board of Public Works)

ARTICLE 14. To see if the Town will vote pursuant to Sections 53E1/2 and 53D of Chapter 44 of the General Laws, as amended, to authorize/reauthorize the establishment of one or more revolving fund(s) for the purpose of funding the activities of certain departments of the Town; or take any other action relative thereto.

(Board of Selectmen)

APPROPRIATIONS – SPECIAL CAPITAL PROJECTS

ARTICLE 15. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Board of Selectmen for implementing a redesign of the Linden Street/Weston Road intersection, including a pedestrian activated traffic signal at said location; and for any equipment or services in connection therewith; to determine whether such sums shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

(Board of Selectmen)

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ARTICLE 16. To see what sum of money the Town will raise and appropriate, or otherwise provide, for architectural, engineering and/or other services for plans and specifications for a new DPW office facility; and for the construction, reconstruction, remodeling, rehabilitation and/or modernization of the same; and for other services in connection therewith; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

(Board of Public Works)

ARTICLE 17. To see what sum of money the Town will raise and appropriate, or otherwise provide, for architectural, engineering and/or other services for plans and specifications for a new High School building or for the reconstruction, remodeling, and/or addition to the existing High School, to accommodate the classroom and/or administrative needs of the School Department and/or other educational needs of the Town; and for the construction, reconstruction, remodeling, rehabilitation and/or modernization of the same; and for other services in connection therewith; to determine whether such sum shall be raised by taxation, through borrowing or otherwise; and to authorize the Selectmen to petition the Commonwealth of Massachusetts for a construction or other grant in connection thereto, if available, under the provisions of Chapter 70B of the General Laws as amended by Chapter 208 of the Acts of 2004 and regulations promulgated thereunder, or other authority; or take any other action relative thereto.

(School Building Committee)

ARTICLE 18. To see if the Town will vote to establish a "School Facility Maintenance Trust" dedicated to the preventative maintenance and upkeep of the Town's school facilities, thus making the Town eligible to apply for and receive cash grants from the Massachusetts School Building Authority pursuant to the regulations governing said Authority; to raise and appropriate, or otherwise provide, a sum of money therefor, including a transfer from available funds; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 19. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Board of Selectmen as the first year local match for the Suburban Mobility Program through the Boston Metropolitan Planning Organization, or for the study of the Town's public transportation requirements, including the appointment of a study committee relative thereto; to determine whether such sums shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 20. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the School Committee (a) for the preservation, construction, reconstruction and/or rehabilitation of Sprague Field, (b) for appurtenant structures and site enhancements, and (c) for professional or other services in connection therewith; to determine whether such sums shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

(School Committee)

ARTICLE 21. To see if the Town will vote to acquire by gift, purchase, or otherwise, the Wellesley Country Club clubhouse building, including without limitation a portion, or all, of said building and/or its contents; to provide a new site for the building either on existing town-owned land or to acquire an entirely new site either by gift, purchase, eminent domain or otherwise, and to relocate the gifted portion of the building to the new site; to appropriate a sum of money for such purposes, including without limitation the careful dismantling, storage and reconstruction of the gifted portion of the building; to select a town board or committee to have jurisdiction over any new site chosen and vote to transfer jurisdiction thereof to the board or committee selected; or take any other action relative thereto.

(Historical Commission)

ARTICLE 22. To act on the report of the Community Preservation Committee on the fiscal year 2009 community preservation budget and, pursuant to the provisions of General Laws Chapter 44B, to appropriate or reserve for later appropriation monies from Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year; or take any other action relative thereto.

(Community Preservation Committee)

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STREET ACCEPTANCES/EASEMENTS

ARTICLE 23. To see if the Town will respond to the proposal to reconfigure Bethel Road by voting to abandon all or a portion of the accepted way, and/or to accept a new portion (currently on adjacent private property) as a public way (with or without betterments), and to authorize one or more easements to be granted by the private property owner to the Town (and/or vice versa) in connection therewith, all as shown on a layout plan entitled "Bethel Road Abandonment, Acceptance and Easement Plan" drawn by Precision Land Surveying, Inc., dated January 11, 2008; to raise and appropriate money therefor; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 24. To see if the Town will vote to grant, accept and/or abandon one or more easements, including but not limited to utility and drainage easements, at one or more locations in the Town; or take any other action relative thereto.

(Board of Public Works)

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AUTHORIZATIONS

ARTICLE 25. To see if the Town will vote to confirm town ownership of the following parcels of land on the high school grounds (parcels 1,2 & 3) and the Schofield school grounds (parcel 4) by authorizing acquisition by purchase, eminent domain, gift or otherwise:

Parcel 1, a rectangular lot of about 8,000 sq. ft. situated along the southwesterly boundary of a town-owned parcel of land abutting Seaver Street (sometimes known as the "Selectmen's Parcel"), shown as Lot 166 on an August 13, 1853 plan by Swan and Straw, recorded at the Norfolk County Registry of Deeds in the beginning of Book 222, the last known owner of record of which is the Babson Building Co. by deed dated December 7, 1921 and recorded in Book 1504, Page 256; said parcel being currently assessed as Lot 88-66 with owner "unknown" (for historical reference, said parcel was prepared for taking by eminent domain under Article 36 of the warrant for the 1938 Annual Town Meeting, but no action was taken);

Parcel 2, a triangular lot of about 2,770 sq. ft. situated completely within the boundaries of the Wellesley High School land; the last known owner of which is believed to have been Margaret J. Rollins, as referenced by Land Court Plan #5809A1, filed in 1916; said parcel being currently assessed as a part of Lot 76-11, the Wellesley High School land;

Parcel 3, a portion of Peck Avenue westerly of Seaver Street, shown on an August 13, 1853 plan by Swan and Straw, recorded at the Norfolk County Registry of Deeds in the beginning of Book 222. Lot 3 is the only remaining portion of Peck Avenue (westerly of Seaver St.) where the rights to use said road are not exclusive to the Town; and

Parcel 4, a rectangular lot of about 34,350 sq. ft. situated along the northwesterly boundary of the Schofield School land; said parcel being comprised of portions of Lots 7+8 as shown on a July, 1905 plan by Arthur P. French recorded at the Norfolk County Registry of Deeds as Plan Book 70, Plan 3376; the last known owner of said parcel being Frank Curry, who died on March 2, 1934; said parcel being currently assessed as Lot 28-82 with owner "unknown";

And to transfer and confirm, as the case may be, that said parcels are under the jurisdiction of the School Committee; to appropriate the sum of one dollar ($1.00) for each acquisition; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 26. To see if the Town will adopt a town-wide Naming Rights Policy governing the authority in the several town boards, committees, commissions, to "name" town assets, including without limitation whether any such naming shall be subject to town meeting approval in any particular future case; copies of the current version of a proposed Naming Rights Policy being on file in the Office of the Board of Selectmen (said version being recognized as subject to change before or at town meeting); to amend the Town Bylaws Article 5. Policies and Procedures, to include said Naming Rights Policy as adopted; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 27. To see if the Town will vote to request that the Selectmen, Council on Aging and other town officials continue to study the feasibility of the Town accepting the conditional gift of approximately $825,000 offered by the terms of the Mary Esther ("Billie") Tolles Charitable Foundation, which sum may need to be supplemented by the Town through appropriation, gifts, bonding and/or other possible methods of raising money sufficient for the purpose, which gift is conditioned on the "founding, constructing and equipping [of] a senior center...on land or in a building provided for that purpose by the Town...and shall include but not be limited to offices for the Wellesley Council on Aging and the Wellesley Friends of Senior Neighbors, Inc., kitchen and dining facilities, classrooms, meeting rooms, recreational areas and the like. The name of the Center shall be 'The Tolles-Parsons Senior Center' and shall be dedicated in the memory of Mary Esther Tolles and Evelyn L. Parsons, M.D...."; to raise and appropriate, or otherwise provide, a sum of money for the same; to accept as a gift a sum of money offered by the trustees of said foundation for such a study; the Board of Selectmen being requested to report the results of said study to a subsequent Town Meeting; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 28. To see if the Town will vote to authorize the Moderator to appoint a Green Ribbon Study Committee of not more than nine members whose focus shall be to recommend a town-wide sustainability plan and policies, and to make its recommendations to a subsequent Town Meeting; or take any other action relative thereto.

(Board of Selectmen)

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AMEND ZONING BYLAW

ARTICLE 29. To see if the Town will vote to exempt from zoning density limitations Assisted Units provided in accordance with the provisions of the Town's inclusionary zoning requirements by amending the Zoning Bylaw by adding to SECTION XVIB. INCLUSIONARY ZONING a new paragraph H, to read substantially as follows (said proposed version being subject to change before or at town meeting):

H. EXEMPTION FROM RESIDENTIAL DENSITY LIMITS

Assisted Units provided in accordance with the provisions of this SECTION XVIB, INCLUSIONARY ZONING, shall be exempt from residential density limits contained in this Zoning Bylaw provided, however, this exemption shall be limited to 20% of the total number of units on the development area. Projects under a Comprehensive Permit (Ch 40B M.G.L.) are not so limited.;

copies of any new version being proposed to be on file at the Office of the Planning Board; or take any other action relative thereto.

(Planning Board)

ARTICLE 30. To see if the Town will vote to amend the Zoning Bylaw SECTION XVID. LARGE HOUSE REVIEW to alter, modify or correct language specifically responsive to any requirements or suggestions made by the Office of the Attorney General; any such requirements or suggestions, and the zoning bylaw amendments being proposed in response to them (as the same may be subject to change before or at town meeting) being on file in the Office of the Planning Board; or take any other action relative thereto.

(Planning Board)

AMEND TOWN BYLAW

ARTICLE 31. To see if the Town will accept the recommendations of the Town Bylaw Study Committee to improve the Town's requirements regarding the Date for Annual Town Election, Notice of Town Election, Notice of Town Meeting, and Advisory Committee Report by amending Article 8. Town Meeting, Sections 8.2, 8.3, and 8.10 and Article 11. Advisory Committee, Section 11.8 of the Town Bylaws, and/or other appropriate bylaws, the study committee's current proposed version of the bylaw amendments being on file in the office of the Board of Selectmen (it being recognized said version(s) may be changed before or at town meeting); or take any other action relative thereto.

(Town Bylaw Study Committee)

ARTICLE 32. To see if the Town will vote (a) to direct that the care and maintenance of all Town buildings (including school houses, pursuant to the authority in G.L. c. 71, § 68, but excepting buildings under the jurisdiction of the Department of Public Works and the Municipal Light Plant) shall be under the general charge of the Town's Building Facilities Administrator, who shall report to the Executive Director of General Government Services; (b) to amend the Town Bylaws as appropriate to accomplish the proper implementation of said directive; the proposed version of said Bylaw amendments (which are recognized to be subject to change before or at Town Meeting) being on file in the office of the Board of Selectmen; and (c) to raise and appropriate, or otherwise provide, a sum of money for said purpose; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 33. To see if the Town will vote to establish the creation of the Denton Road Neighborhood Conservation District by amending the Town Bylaw to establish a new Article 46B, to read substantially as follows (said proposed version being subject to change before or at town meeting):

1. PURPOSE OF THE DENTON ROAD NEIGHBORHOOD CONSERVATION DISTRICT

   (a) This Bylaw enables the establishment of the Denton Road Neighborhood Conservation District (NCD) in the Town of Wellesley for the following purposes:

      (i) To recognize that the Denton Road Neighborhood, which dates back to the 1800's and which contains a variety of homes clustered along a tree-shaded, U-shaped street, is a distinctive neighborhood that contributes significantly to the diversity and character of Wellesley.

      (ii) To promote conservation and preservation of its existing Buildings and Structures; to encourage compatible new construction that will complement existing Buildings, Structures, Settings and overall neighborhood character; and to foster appropriate reuse of and upgrades to Buildings and Structures.

      (iii) To provide residents and property owners with the opportunity to participate in planning the future of their neighborhood.

   (b) This Bylaw will enable changing the Buildings, Structures, and Settings of Denton Road to meet the needs of current and future owners, without sacrificing the neighborhood's attractive qualities.

   (c) The NCD designation acknowledges Denton Road's distinctive architectural, aesthetic, historical, cultural, and social role in the development of the Town of Wellesley's character.

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2. BOUNDARIES OF THE DENTON ROAD NCD

The Denton Road NCD shall be comprised of 31 properties and shall be bounded by 10 Denton Road on the East and 75 Denton Road on the West. Of the 31 properties bounded by the NCD, the following properties fronting Denton Road have chosen to be in the NCD: 9, 10, 11, 14, 15, 16, 19, 24, 28, 29, 31, 32, 44, 46, 48, 55, 56, 60 #1, 60 #2, 60 #3, 61, 65, 71, 72, and 75. Six properties have opted out of the NCD: 39, 40, 52, 58, 62, and 66 Denton Road.

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3. THE DENTON ROAD NCD COMMISSION

(a) Membership of the Commission shall be in accordance with Article 46A, Section 4, Neighborhood Conservation District Commissions.

(b) To the extent possible, members of the Commission shall represent the diverse interests of residents in the District.

4. REVIEW AUTHORITY OF THE DENTON ROAD NCD COMMISSION

(a) The authority of the Denton Road NCD Commission shall extend to the review of all Construction, Demolition, or Alteration of exterior features on a property within the District visible from a public way, unless otherwise specified in this Bylaw, and review will follow the procedures described in Article 46 A, Section 5, Review of Construction and/or Alterations.

(b) As described in Article 46 A, Section 5 (d) (vii), the NCD Commission shall meet periodically with the Property Owners in the NCD for the purpose of determining whether or not the District's Guidelines are still appropriate, and shall send a report to the Historical Commission containing their findings. The first of these meetings shall occur within two years from the date of the District's designation as an NCD, and subsequent meetings shall occur at no less than five year intervals thereafter, unless said 5 year interval is changed by a majority vote of the Property Owners after the first two years.

(c) Recommendations for amendments to the District, including Guidelines, governance, procedural changes and geographical boundaries, must be approved by a majority of the District's Property Owners and the amendment procedures described in Article 46A, Section 3 (i) must be followed. Proposed changes approved by the Historical Commission and Planning Board must be approved by a majority vote of Town Meeting.

5. DETERMINATIONS BY THE DENTON ROAD NCD COMMISSION

Except as otherwise provided in Article 46 A or this Bylaw and its Guidelines, no Building, Structure, or Setting within the District shall be Constructed, Demolished, or Altered in any way unless the NCD Commission has first issued a Certificate of Compatibility, a Certificate of Hardship, or a Certificate of Non-Applicability.

(a) Exempt from review

(i) Temporary Structures.
(ii) Interior Alterations.
(iii) Storm windows, storm doors and screens.
(iv) Colors.
(v) Accessory Structures of less than 120 square feet of floor area and less than 15 feet in height.
(vii) Skylights and solar panels parallel to, and in close contact with, the plane of a roof.
(viii) Exterior features of a Building or Structure and its Setting not visible from a public way or other area open to public access.
(ix) The ordinary maintenance, repair or replacement in kind of Exterior Architectural Features and/or changes made to meet the requirements deemed necessary by the Building Inspector for public safety because of an unsafe or dangerous condition.
(x) Fences four feet high or less and their equal height entry gates.
(xi) Handicapped-accessible ramps or other features.
(xii) Replacement of window(s) similar in size and style.
(xiii) Similar or in kind replacement of plant material.

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(b) Subject to Review

All Construction, Alterations, or Demolition not exempted from review in 5 (a) are subject to review by the NCD Commission, and the Commission's determinations are binding. These determinations may contain conditions necessary to fulfill the terms of Section 7 of this Bylaw. Included are the following:

(i) Construction of a new Building or Structure.
(ii) Demolition of an existing Building or Structure.
(iii) Alteration or Construction of an Addition to an existing Building or Structure which requires a building permit.
(iv) Alteration of the existing landscape by removal of significant shrubbery or trees over 8" in diameter.
(v) Alteration of any of the grading on the property.
(vi) Construction of a retaining wall.
(vii) Installation of (a) fence(s) or other built landscape feature(s) higher than four feet.
(viii) Addition of paving or creation of a new driveway.
(ix) Terraces, walks and sidewalks.
(x) Permanent exterior lighting.
(xi) Changing the siding material or trim on an existing Building or Structure.
(xii) Replacement of windows differing in size or style from those existing.

6. THE REVIEW PROCESS

(a) Per description in Article 46 A, Section 5 (d), any person wishing to perform Construction, Alterations, or Demolition that require review shall first file an application with the NCD Commission for a Certificate of Compatibility, Certificate of Hardship, or Certificate of Non-Applicability in such form as the NCD Commission may reasonably determine. Materials required for a building permit and other information as may be reasonably deemed necessary by the NCD Commission to enable it to make a determination on the application may be requested of the applicant. The Commission, at its discretion, may waive certain required submission documents or steps in the review process. The date of the filing of an application shall be the date of the receipt of the application by the NCD Commission

(b) The Commission shall hold a Public Hearing within 45 days of the filing of a complete application for a Certificate of Compatibility, a Certificate of Hardship, or a Certificate of Non-Applicability, following the steps outlined in Article 46 A, Section 5 (d).

(c) If the NCD Commission fails to make a determination within 60 days after the close of the public hearing, or after any further time the applicant, in writing, may allow the NCD Commission, a Certificate of Compatibility shall be deemed granted, and the NCD Commission shall issue a Certificate of Compatibility.

(d) The NCD Commission shall file with the Building Inspector, Zoning Board of Appeals, Planning Board, and Historical Commission a copy of all Certificates of Compatibility, Certificates of Non-Applicability, Certificates of Hardship, and determinations of disapproval.

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7. CRITERIA FOR NCD COMMISSION DETERMINATIONS

(a) Specific Criteria for the Denton Road NCD

The following objectives are to be sought in considering applications for Certificates of Compatibility or Certificates of Hardship:

(i) Conserving the diversity of styles and historic architectural character of the neighborhood, including the existing size and massing of abutting Buildings and Structures, as well as others elsewhere in the District.

(ii) Conserving the District's pattern of wood frame architecture.

(iii) Allowing for architectural diversity and individualized alterations while preserving the traditional scale of the Buildings and Structures.

(iv) Encouraging the retention of mature landscape materials and the planting of trees and greenery to enhance the landscape amenities of the neighborhood.

(v) Preserving the existing grade, location and setback of Buildings and Structures to maintain the sightlines of the street.

(vi) Encouraging the separation of properties by means of landscape planting rather than fencing.

(b) General Conservation Standards

All applications shall be considered with regard to the potential adverse effects of the Construction, Alteration or Demolition of an existing Building, Structure, or Setting on the abutters, the immediate streetscape, and the District as a whole. Consideration will also be given to:

(i) The architectural or historical significance of the Building, Structure, or Setting, if any.

(ii) The physical characteristics of the site, including, but not limited to, existing topography and vegetation.

(iii) The use, if possible, of energy-conserving materials and techniques.

(c) Design Guidelines

In addition to (a) and (b) above, the Commission shall base its decisions on the following specific factors when considering Applications for Compatibility or Hardship:

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(i) Construction of a new Building or Structure

Review of the design of a new Building or Structure or addition to an existing Building or Structure shall be made with regard to the general compatibility of the building with its surroundings, and the following elements of the proposal shall be among those considered:

1. Site layout.
2. Volume and dimensions of the Building or Structure.
3. Provision for open space and landscaping.
4. The scale and massing of the Building or Structure in relation to its surroundings.
5. Provisions for driveways and parking.
6. The effect on the water table or subsoil conditions of adjacent properties.

(ii) Alterations to an existing Building, Structure or Setting

Review of proposed Alterations or additions to an existing Building, Structure or Setting and of all features not exempted from review in 5 (a) shall be made with regard to the following factors:

1. The architectural or historical significance of the Building or Structure to be altered. The extent to which the integrity of the original design or style has been retained or previously diminished.

2. The potential adverse effect of the Alteration of, or proposed addition to the existing Building or Structure on the neighboring properties, the immediate streetscape and on the District as a whole.

(d) Demolition Guidelines

In evaluating an application to demolish a Building or Structure, the Commission shall review and consider the following factors:

(i) The architectural or historical significance of the Building or Structure of which any portion is to be demolished, giving consideration to its possible eligibility for listing on the National Register of Historic Places.
(ii) The physical condition of the Building or Structure and its subsoil conditions, if applicable.
(iii) A claim of substantial hardship, financial or otherwise.
(iv) The design of any replacement Building(s) or Structure(s).

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8. JUDICIAL REVIEW, ENFORCEMENT AND LAPSE

Procedures to be followed shall be in accordance with Article 46A, Section 7.

9. EXISTING BYLAWS NOT REPEALED

See Article 46A, Section 8;

Copies of any new version being proposed to be on file in the office of the Planning Board; or take any other action relative thereto.

(Historical Commission)

GENERAL

ARTICLE 34. To see what action the Town will take on the authorized and unissued loans including those identified in the list of same on file in the offices of the Board of Selectmen and Town Clerk; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 35. To see if the Town will vote, as authorized by Section 9 of Chapter 258 of the General Laws, to indemnify Town Board members, officers, officials and employees from personal financial loss and expenses, including legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, action, award, compromise, settlement or judgment by reason of an intentional tort, or by reason of any act or omission which constitutes a violation of the civil rights of any person under any federal or state law, if such employee or official is acting within the scope of his official duties or employment; and to raise and appropriate or otherwise provide money victullar; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 36. To see what sum of money the Town will raise and appropriate, or otherwise provide, for expenses incurred by Town departments prior to July 1, 2008; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 37. To see what sum of money the Town will authorize the Board of Selectmen to pay in settlement of claims, actions and proceedings against the Town; to raise and appropriate or otherwise provide monies therefor; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 38. To see what action the Town will take to authorize the disposal of tangible Town property having a value in excess of $10,000; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 39. To see if the Town will authorize the Board of Selectmen to appoint one or more of their number as fire engineer; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 40. To see how the Town will vote to raise money appropriated under any of the above articles; or take any other action relative thereto.

(Board of Selectmen)

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2008 JAN 18 A 8: 35

And you are directed to serve this Warrant by posting attested copies in not less than two conspicuous places in the Town and by publishing a copy in a newspaper in the Town at least seven days before the date on which the meeting is to be held.

Hereof fail not and make due return of this Warrant and your doings thereon unto the Town Clerk at or before the time of holding said meeting.

Given under our hands this 17th of January, 2008

Owen H. Dugan, Chairman

Gregory B. Mills, Vice Chairman

Katherine L. Babson, Jr., Secretary

David J. Himmelberger

Harriet S. Warshaw,

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2008 JAN 18 A 9: 35

A true copy,
Attest: Terrence M. Cunningham
Chief of Police

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss. Wellesley, MA January 23, 2008

I have this date caused the within warrant to be served by posting two copies in two conspicuous places in the Town, i.e., the Town Hall and Wellesley Square, and printing the warrant in *The Wellesley Townsman* on January 24, 2008.

Terrence M. Cunningham, Chief of Police
Town of Wellesley