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TOWN CLERK'S RECORD
OF THE NOVEMBER 6, 2007 SPECIAL TOWN MEETING

November 6, 2007
Wellesley Middle School

November 7, 2007

In pursuance of a Warrant dated September 21, 2007, the duly elected Town Meeting Members proceeded as follows:

The Moderator, Heather B. Sawitsky, called the Special Town Meeting to order at 7:31 P.M. The Moderator declared a quorum present.

The meeting was held under the provisions of Chapter 202 of the Acts of 1932 as amended. The checklist of Town Meeting Members showed there were 218 members present. Only 121 were needed for a quorum.

The duly elected Town Meeting Members were segregated from the other voters of the Town by occupying the front section in the auditorium, and were in the charge of a detail of police. Entrance to the enclosure was through one door, and each Town Meeting Member was checked from the official list of members before being admitted to the enclosure. Members of the public were seated in the rear section of the auditorium.

The following were seated within this area by permission of the Moderator, but did not vote: Hans Larsen, Executive Director, Terrance J. Connolly, Assistant Director, General Government; Christopher Chan, Planning Board, Richard H. Brown, Planning Board, Director, Meghan Jop, Planning, Staff; Ken Baer, Peter Corey, Katy Gibson, Steve Hansen, Rusty Kellogg, Susan Lange, Dave Mooney, Steve Sykes, Advisory Committee; Janice Coduri, Library, Director; Neal Seaborn, NRC, Chair, Janet Bowser, NRC, Director.

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Jackie Hatch, assisted by Dona Kemp, Jack Morgan, Christine Kehoe, Bob White, Elaine Putnam and Ogden Nackony.

The Moderator expressed appreciation for the services of Town Meeting Members Suzy Littlefield and Amy Axelrod as microphone runners for tonight's session.

The Moderator expressed appreciation to the attendance checkers for the Annual Town Meeting: Paul Carter, Joe Hanlon, Gail Fleischer, and James Corscadden.

The Moderator announced the potential dates of the Special Town Meeting: November 6, 7, and 13, 14 as needed.

The Moderator stated that to her knowledge no motions would be offered under Articles 1, 5, 14, 15, 16, 17, 18.

The Moderator reviewed the rules and regulations for the Conduct of the Town Meeting and the power and duties of the Moderator in connection with the conduct of the meeting.

The Moderator informed the meeting that unless objections were raised, the meeting would dispense with the reading of the Warrant. No objections were raised and the meeting proceeded.

Town Clerk Kathleen Nagle introduced the newly elected and appointed Town Meeting members filling vacancies created by prior resignations. The new Town Meeting members rose for swearing in: Corinne Monahan, A; Thomas Brown, B; Michael Montalbano, E; Phil Carens, F; and Linda Kenerson, Scott Renner, Peter Solomon, G. These members will serve until the next annual town election in March 2008.

Town Clerk Kathleen Nagle read the return of the warrant for this Special Town Meeting.

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

No motion offered.

ARTICLE 2. To receive reports of Town officers and committees and act thereon, and discharge presently authorized special committees; or take any other action relative thereto.

The Reports of the Advisory Committee and the School Building Committee were accepted and placed on file.

ARTICLE 3. To see if the Town will vote to establish a comprehensive site plan review procedure for large single family houses to be applicable no sooner than January 1, 2008 by amending the Zoning Bylaw by adding a new SECTION XVID. LARGE HOUSE REVIEW. The proposed version (which is recognized to be subject to change before or at Town Meeting) currently reads as follows:

SECTION XVID. LARGE HOUSE REVIEW

A. PURPOSE

This Section is adopted by the Town to provide pre-construction and post-construction site plan review of single family dwellings which meet the applicability standards set forth below.

B. DEFINITIONS

Total Living Area plus Garage Space - This term includes:

- (i) all finished area above ground calculated by using the outside measurements of the dwelling expressed in square feet and in accordance with the methodology used by the Board of Assessors; and
- (ii) Garage space and storage buildings in excess of 600 sq ft.; and
- (iii) Basement areas multiplied by a fraction, the numerator of which is the external above ground surface of basement walls and the denominator of which is the total surface (both above and below ground) of external basement walls, provided that if such fraction is less than .25, then the basement areas shall not be included.

C. APPLICABILITY

The provisions of this Section shall apply to all building permits issued after January 1, 2008 for new single family dwellings where the Total Living Area plus Garage Space of the dwelling, after completion, exceeds:

3,600 square feet for dwellings within the 10,000 Square Foot Area Regulation District;

4,300 square feet for dwellings within the 15,000 Square Foot Area Regulation District;

5,900 square feet for dwellings within the 20,000 Square Foot Area Regulation District; and

7,200 square feet for dwellings within the 30,000 and 40,000 Square Foot Area Regulation Districts.

The provisions of this section shall also apply to all building permits issued after January 1, 2008 for alteration of single family dwellings where the alteration will increase the Total Living Area Plus Garage Space of the dwelling in question by more than 300 square feet, and the Total Living Area Plus Garage Space of the dwelling, after completion of the project, will exceed the applicable threshold, as listed above.

Notwithstanding the foregoing, this section shall not apply to changes to non-conforming single-family dwellings which are subject to a Finding in accordance with Section 6 of Chapter 40A M.G.L and SECTION XVII of this Zoning Bylaw.

D. PROCEDURE

1. General. Applicants for single family residential dwellings which are subject to this Section shall submit the information described below to the Planning Director and shall not be entitled to issuance of a building permit unless and until the dwelling is approved in accordance with this Section.
2. Submission of Plans. The applicant for a single family residential dwelling subject to this Section shall provide 20 copies of the following information to the Planning Board and the Design Review Board through the Planning Director:
 - a. a site plan showing existing site conditions, all buildings, trees over 6" caliper, and significant natural features;
 - b. photographs of the site showing existing buildings and natural features on the site and surrounding contiguous lots,
 - c. plans of the existing and, if available, former buildings on the site which have been demolished during the previous five years ;
 - d. proposed site conditions showing proposed building on the site, driveway location and utilities;
 - e. proposed building elevations for each side of the proposed dwelling;
 - f. proposed grading, depicted by one foot contours, and proposed drainage structures such as catch basins, roof drains, dry wells;
 - g. landscape plan showing tree removal and planting, other major landscaping elements;
 - h. provisions for sedimentation and erosion control if existing slopes in excess of 15% are to be disturbed.
3. Waivers. The Planning Board may, in any particular case where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest, waive strict compliance with its Rules and Regulations and with the requirements contained in this section. In a preliminary meeting with a prospective site plan approval applicant under this

section, the Planning Board may make a determination that proposed construction, or aspects of the construction are de-minimus and may waive appropriate provisions of this section to expedite and simplify the site plan approval process for the applicant, but any such waivers must be made in writing.

4. Review and Timing. The Planning Board and Design Review Board shall each meet separately with the applicant not fewer than 10 days after receipt of the submission to discuss the project. Although a public hearing is not required notice of the Planning Board meeting shall be sent by mail, postage prepaid, to the abutters and abutters to the abutters within 300 feet of the property line of the applicant, as they appear on the most recent applicable tax list. Owners of land directly opposite the applicant on any public or private street or way shall be considered abutters under this Section. Written or oral comments from abutters may be received and considered at the discretion of the Chairman of the Planning Board. The Design Review Board shall prepare comments and recommendations as it deems appropriate and shall submit these to the Planning Board. The Planning Board shall prepare its decision and provide it to the applicant within 90 days of the submission and the Building Inspector and Zoning Board of Appeals as may be appropriate. The Planning Board may seek the recommendations of other Town Departments depending on the nature of the application. If the Planning Board has not issued its decision within 90 days of receipt of the submission from the applicant, the project, as described in the submission, shall be deemed approved. The 90-day time limit may be extended by written agreement between the Planning Board and the applicant, signed by, or on behalf of, the applicant.
5. Approval. The Planning Board, based upon the recommendations of the Design Review Board, shall determine whether the Standards and Criteria for Review set forth below have been satisfied. If the Planning Board finds that the criteria have been satisfied it shall approve the project as set forth in the submissions, provided that it may approve the project subject to conditions or plan modifications specified by the Planning Board in writing. A construction mitigation plan may be required if the site warrants erosion and sedimentation control measures. If the Planning Board finds that the criteria have not been satisfied, it shall disapprove the project, but state in writing the basis for its decision.
6. Issuance of Building Permit and Certificate of Occupancy. The Building Inspector shall not issue a building permit unless and until the project is approved by the Planning Board or is deemed approved in accordance with this Section. The Building Inspector shall verify compliance with all required conditions or plan modifications prior to the issuance of a Certificate of Occupancy. The Building Inspector shall inform the Planning Director and the applicant of any failure to comply with conditions of site plan approval or plan modifications pursuant to this section.

E. STANDARDS AND CRITERIA FOR REVIEW

1. Preservation of Landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing any grade changes and vegetation and soil removal. Unique natural areas, topographic features such as ledge outcrops; significant trees and landscaping; and historic features shall be saved or enhanced insofar as practicable. Management of storm water shall be provided so as to minimize the impact on Town streets and abutting properties.
2. Relation of Buildings to Environment. All new construction shall be sited and implemented in a manner that is in harmony and scale with other structures in its immediate vicinity to preserve the characteristics of existing

neighborhoods. Structures shall be arranged insofar as practicable to avoid casting shadows onto abutting property.

3. Building Design and Landscaping. Proposed development shall be in harmony with the prevailing character and scale of the buildings in the neighborhood and the Town through the use of appropriate scale, massing, building materials, screening, lighting and other architectural techniques. Variation in detail, form, and siting shall be used to provide visual interest and to relate harmoniously to the surrounding neighborhood. Exterior lighting shall be only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties. Consideration shall be given to the need for vegetated buffers.
4. Open Space. Open space shall be as extensive as is practicable and designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties.
5. Circulation. Walkways, drives and parking shall be safe and convenient and, insofar as practicable, not detract from the use and enjoyment of adjacent properties and Town streets.

F. FEES

Any applicant seeking site plan approval under this section shall submit an application and pay such fees as shall be determined by the Planning Board, to cover any expenses connected with a public hearing and review of plans, including but not limited to the costs of any engineering or planning consulting services necessary for review purposes.

G. RULES AND REGULATIONS

The Planning Board may promulgate or amend Rules and Regulations which pertain to the site plan approval process under this section so long as the Rules and Regulations conform to this Section XVID of the Zoning By-law. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

H. APPEALS

An applicant may appeal the conditions or plan modifications to the Zoning Board of Appeals in accordance with SECTION XXIV. PERMIT GRANTING AUTHORITY.

and by adding to SECTION XXIV. PERMIT GRANTING AUTHORITY a new subparagraph B. 4. to read substantially as follows:

4. To hear and decide appeals from decisions of the Planning Board pursuant to SECTION XVID. LARGE HOUSE REVIEW., H. APPEALS.

Any further proposed version(s) adopted by the Planning Board to be on file in the office of the Planning Board; or take any other action relative thereto.

Thomas Frisardi, Precinct E, Chairman of the Planning Board offered the motion under this article and spoke in support of the motion. Mr. Frisardi introduced Mr. Ken Hurd, Planning Board member from Lincoln MA who also spoke in support of the motion. David Himmelberger, Precinct B, Board of Selectmen; Heidi Gross, Precinct C Planning Board also spoke in support of the motion.

The meeting recessed at 8:53 for a short break. The meeting resumed at 9:10pm.

Margaret Metzger, Precinct E, Chairman of the Advisory Committee addressed the body as to the role of Advisory Committee and its favorable recommendation on the motion under Article 3 being discussed.

After significant discussion there was a request for a ballot vote, which was supported by more than 20 members of the Town Meeting, and it was

VOTED, by ballot vote 170 yes/42 no/1 abstention, that the Zoning Bylaw be amended by adding a new SECTION XVID. LARGE HOUSE REVIEW. to be applicable as of January 1, 2008, said section to be inserted immediately following SECTION XVIC., DRAINAGE REVIEW., to read as follows:

SECTION XVID. LARGE HOUSE REVIEW

A. PURPOSE

This Section is adopted by the Town to provide pre-construction and post-construction plan review of single family dwellings which meet the applicability standards set forth below.

B. DEFINITIONS

Total Living Area plus Garage Space - This term includes:

- (i) all finished area above ground calculated by using the outside measurements of the dwelling expressed in square feet and in accordance with the methodology used by the Board of Assessors; and
- (ii) Garage space and storage buildings in excess of 600 sq ft.; and
- (iii) Basement areas multiplied by a fraction, the numerator of which is the external above ground surface of basement walls and the denominator of which is the total surface (both above and below ground) of external basement walls, provided that if such fraction is less than .25, then the basement areas shall not be included.

C. APPLICABILITY

The provisions of this Section shall apply to all building permits issued after January 1, 2008 for new single family dwellings where the Total Living Area plus Garage Space of the dwelling, after completion, exceeds:

3,600 square feet for dwellings within the Single Residence 10,000 Square Foot Area Regulation District;

4,300 square feet for dwellings within the Single Residence 15,000 Square Foot Area Regulation District;

5,900 square feet for dwellings within the Single Residence 20,000 Square Foot Area Regulation District ; and

7,200 square feet for dwellings within the Single Residence 30,000 and 40,000 Square Foot Area Regulation Districts.

The provisions of this section shall also apply to all building permits issued after January 1, 2008 for alteration of single family dwellings where the alteration will increase the Total Living Area Plus Garage Space of the dwelling in question by more than 10%, and the Total Living Area Plus Garage Space of the dwelling, after completion of the project, will exceed the applicable threshold, as listed above.

Notwithstanding the foregoing, this section shall not apply to:

1. changes to non-conforming single-family dwellings which are subject to a Finding in accordance with Section 6 of Chapter 40A M.G.L and SECTION

XVII. PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS., of this Zoning Bylaw, and

2. the reconstruction of pre-existing, non-conforming buildings, damaged or destroyed by accidental cause, including fire, or otherwise damaged or destroyed without the consent of the owner, in accordance with SECTION XVII. PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS., C. DISASTER REBUILD.

D. PROCEDURE

1. General. Any applicant for a single family residential dwelling which is subject to this Section shall submit the information described below to the Planning Board and the Design Review Board through the Planning Director and shall not be entitled to issuance of a building permit unless and until the dwelling is approved in accordance with this Section.
2. Submission of Plans. The applicant for a single family residential dwelling subject to this Section shall provide 20 copies of the following information to the Planning Board and the Design Review Board through the Planning Director:
 - a. a site plan showing existing site conditions, all buildings, trees over 6" caliper, and significant natural features (for these purposes, a significant natural feature includes drainage courses, large boulders, ledge outcroppings, rare or endangered species, historic or ancient walls, fences and similar elements);
 - b. photographs of the site showing existing buildings and natural features on the site and surrounding contiguous lots;
 - c. plans of the existing and, if available, former buildings on the site which have been demolished during the previous five years ;
 - d. proposed site conditions showing proposed building on the site, driveway location and utilities;
 - e. proposed building elevations for each side of the proposed dwelling;
 - f. proposed grading, depicted by one foot contours, and proposed drainage structures such as catch basins, roof drains, dry wells;
 - g. landscape plan showing tree removal and planting, and other major landscaping elements (for these purposes major landscaping elements include size and type of plant materials, driveways, walks, patios and courtyards, walls, fences, water features, and landforms);
 - h. provisions for sedimentation and erosion control if existing slopes in excess of 15% are to be disturbed.
3. Waivers. The Planning Board may, in any particular case where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest, waive strict compliance with the requirements contained in this Section and with the Rules and Regulations adopted by it under this Section if it finds that the proposed construction, or certain aspects of the construction are de minimus based on the Standards and Criteria contained in Part E of this Section. Waiver requests must be made in writing and shall be addressed in a preliminary meeting between the Planning Board and the prospective applicant, held not later than 21 days after receipt of the waiver request. An applicant who makes a waiver request shall not submit his application until after meeting with the Planning Board on the waiver request.

4. Review and Timing. The Planning Board and Design Review Board shall each meet separately with the applicant to discuss the applicability of the Standards and Criteria set forth in Part E of this Section not fewer than 21 days after receipt of the submission to discuss the project. Although a public hearing is not required, notice of the Planning Board meeting shall be sent by mail, postage prepaid, to the abutters and abutters to the abutters within 300 feet of the property line of the applicant, as they appear on the most recent applicable tax list. Owners of land directly opposite the applicant on any public or private street or way shall be considered abutters under this Section. Written comments from abutters will be received and considered, and oral comments will be considered only at the discretion of the Chairs of the each Board. The Design Review Board shall prepare comments and recommendations as it deems appropriate and shall submit these to the Planning Board. The Planning Board shall prepare its decision and provide it to the applicant within 90 days of the submission as well as to the Building Inspector and Zoning Board of Appeals as may be appropriate. The Planning Board may seek the recommendations of other Town Departments depending on the nature of the application. If the Planning Board has not issued its decision within 90 days of receipt of the submission from the applicant, the project, as described in the submission, shall be deemed approved. The 90-day time limit may be extended by written agreement between the Planning Board and the applicant, signed by, or on behalf of, the applicant.

5. Approval. The Planning Board shall determine whether the Standards and Criteria for Review set forth below have been satisfied. In reaching its decision, the Planning Board shall consider the recommendations of the Design Review Board and all other materials submitted to the Planning Board. If the Planning Board finds that the Standards and Criteria for Review have been satisfied, it shall approve the project as set forth in the submissions, provided that it may approve the project subject to conditions or plan modifications specified by the Planning Board in writing. A construction mitigation plan may be required if the site warrants erosion and sedimentation control measures. If the Planning Board finds that the Standards and Criteria for Review have not been satisfied, it shall disapprove the project, and shall state in writing the basis for its decision.

6. Issuance of Building Permit and Certificate of Occupancy. The Building Inspector shall not issue a building permit unless and until the project is approved by the Planning Board or is deemed approved in accordance with this Section. The Building Inspector shall verify compliance with all required conditions or plan modifications prior to the issuance of a Certificate of Occupancy. The Building Inspector shall inform the Planning Director and the applicant of any failure to comply with conditions of plan approval or plan modifications pursuant to this section.

E. STANDARDS AND CRITERIA FOR REVIEW

1. Preservation of Landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing any grade changes and vegetation and soil removal. Unique natural areas, topographic features such as ledge outcrops, significant trees and landscaping, and historic features shall be saved or enhanced insofar as practicable. Management of storm water shall be provided so as to minimize the impact on Town streets and abutting properties.

2. Scale of Buildings. All new construction shall be sited and implemented in a manner that is consistent with the scale of other structures in its vicinity through the use of appropriate massing, screening, lighting and other architectural techniques such as variation in detail, form and siting. Consideration shall be given to the need for vegetated buffers. To the extent practicable this shall be based on the “Intent, Policy and Recommendations”

specified in Part II. Design Criteria. of the “Design Guidelines Handbook” adopted by the Design Review Board and otherwise applying good architectural and aesthetic principles. Structures shall be arranged insofar as practicable to avoid casting shadows onto abutting property.

3. Lighting. Exterior lighting shall be only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties.
4. Open Space. Open space shall be as extensive as is practicable and designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties. To the extent practicable this shall be based on the “Intent, Policy and Recommendations” specified in Part II. Design Criteria. of the “Design Guidelines Handbook” adopted by the Design Review Board
5. Circulation. Walkways, drives and parking shall be safe and convenient and, insofar as practicable, not detract from the use and enjoyment of adjacent properties and Town streets.

F. FEES

Any applicant seeking plan approval under this section shall submit an application and pay such fees as shall be determined by the Planning Board, to cover any expenses connected with public notice and review of plans, including but not limited to the costs of any engineering or planning consulting services necessary for review purposes.

G. RULES AND REGULATIONS

The Planning Board may promulgate or amend Rules and Regulations which pertain to the plan approval process under this section so long as the Rules and Regulations conform to this SECTION XVID. LARGE HOUSE REVIEW of the Zoning By-law. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

H. APPEALS

An applicant, or any person receiving notice under paragraph D., 4. above, may appeal the conditions or plan modifications to the Zoning Board of Appeals in accordance with SECTION XXIV. PERMIT GRANTING AUTHORITY.

and by adding to SECTION XXIV. PERMIT GRANTING AUTHORITY a new subparagraph B. 4. to read as follows:

4. To hear and decide appeals from decisions of the Planning Board pursuant to SECTION XVID. LARGE HOUSE REVIEW, H. APPEALS.

The moderator suggested adjournment. The Meeting adjourned at 11:42 pm.

Attest:

Kathleen F. Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



November 7, 2007
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from November 6, 2007 to November 7, 2007 at 7:30 p.m. at the Wellesley Middle School was posted on the screen in the Hall during the recess of the meeting on November 6, 2007 and was announced by the Moderator and posted on the screen in the Hall at the recommencement of the meeting on November 6, 2007. The notice was also emailed to Town Meeting Members and posted in Town Hall at the office of the Town Clerk on November 7, 2007.

Attest:

Kathleen F. Nagle
Town Clerk

TOWN CLERK'S RECORD
OF ADJOURNED SESSION OF NOVEMBER 6, 2007 SPECIAL TOWN MEETING



November 7, 2007
Wellesley Middle School

November 8, 2007

An adjourned session of the Special Town meeting from November 6, 2007 was held this evening at the Wellesley Middle School Auditorium, 90 Kingsbury Street. The Moderator, Heather B. Sawitsky, called the meeting to order at 7:36 P.M. The Moderator declared a quorum present.

The meeting was held under the provisions of Chapter 202 of the Acts of 1932 as amended. The checklist of Town Meeting Members showed there were 207 members present. Only 121 were needed for a quorum.

The duly elected Town Meeting Members were segregated from the other voters of the Town by occupying the front section in the auditorium, and were in the charge of a detail of police. Entrance to the enclosure was through one door, and each Town Meeting Member was checked from the official list of members before being admitted to the enclosure. Members of the public were seated in the rear section of the auditorium.

The following were seated within this area by permission of the Moderator, but did not vote: Hans Larsen, Executive Director, Terrance J. Connolly, Assistant Director, General Government; Christopher Chan, Planning Board, Richard H. Brown, Planning Board, Director, Meghan Jop, Planning, Staff; Ken Baer, Peter Corey, Katy Gibson, Steve Hansen, Rusty Kellogg, Susan Lange, Dave Mooney, Steve Sykes, Advisory Committee; Susan Adler, Human Resources Director; Kevin Rooney, Fire Chief, Rick DeLorie, Deputy Fire Chief; William Brooks, deputy Police Chief; Dave Walsh, Gail Kingsley, Article 16 Guests of BOS; Ken Ho, Guest of Planning.

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Donna Kemp, Polly Smith, Jack Morgan, Bob White, Elaine Putnam and Ogden Nackony.

The moderator announced there will be no motion under Article 16 related to the Tolles gift due to negotiations completed today between the Board of Selectmen and the Estate.

Harriet Warshaw, Precinct E, Board of Selectmen gave an oral report from the Senior Study Committee. The Board of Selectmen and the Trustees of the Estate of Billie Tolles have agreed that the town will disclaim the bequest of the estate provided that the trustees have agreed to redirect this bequest to the Wellesley Community Center. This redirection is intended to carry out the intent of the donor to provide certain facilities to meet the needs of Senior Citizens of the community. In the event this particular partnership is not successful in providing a plan prior to the Annual Town Meeting of 2008, the Board of Selectmen will revive a study of the feasibility of using the American Legion site on Washington Street for said purposes.

ARTICLE 4. To see if the Town will vote to substantially modify, revise and rename its site plan review provisions to become project approval provisions by striking from the Zoning Bylaw SECTION XVIA. SITE PLAN APPROVAL.; and substituting SECTION XVIA. PROJECT APPROVAL. The proposed version (which is recognized to be subject to change before or at Town Meeting) currently reads as follows:

SECTION XVIA. PROJECT APPROVAL.

A. SCOPE AND PURPOSE.

Minor Construction Projects (as herein defined) and Major Construction Projects (as herein defined) are subject to comprehensive review in accordance with the terms of this section. This section shall not apply to construction, alteration, enlargement or reconstruction of one-family or two-family dwellings or structures accessory thereto, unless such one-family or two-family dwelling is located in a Flood Plain or Watershed Protection District.

This section shall be interpreted so as to:

1. Insure compliance with the Zoning Bylaws of the Town of Wellesley;
2. Protect the safety, convenience and welfare of the public;
3. Minimize additional congestion in public and private ways;
4. Insure adequate provision for water, sewerage and drainage;
5. Insure compliance with the provisions of SECTION XVI. RESTRICTIONS AFFECTING ALL DISTRICTS.;
6. Insure compliance with the provisions of SECTION XXI. OFF-STREET PARKING.; and
7. Insure compliance with the provisions of SECTION XXII. DESIGN REVIEW.

B. Part 1 PRINICIPAL DEFINITIONS.

Construction Project - shall mean projects subject to review under this Section XVIA, and shall include phased or segmented projects where a series of two or more projects on a single parcel, lot or development area, for which building permits are filed within a three-year period are, in the opinion of the Inspector of Buildings, components or segments of a single project.

Major Construction Project – shall mean any construction project which involves a change in the outside appearance of a building or buildings or premises, and includes one or more of the following:

1. construction of twenty-five hundred (2,500) or more square feet gross floor area;
2. an increase in gross floor area by fifty (50) percent or more which results in a gross floor area of at least twenty-five hundred (2,500) square feet;
3. grading or regrading of land to planned elevations, and/or removal or disturbance of the existing vegetative cover, over an area of five thousand (5,000) or more square feet;
4. any activities regulated or restricted under SECTION XIVB. FLOOD PLAIN OR WATERSHED PROTECTION DISTRICTS.; or
5. any activities regulated under SECTION XIVE, WATER SUPPLY PROTECTION DISTRICTS.

Minor Construction Project shall mean any construction project, not included within the definition of a major construction project, which involves either or both of the following:

1. a change in the outside appearance of a building or premises, visible from a public or private street or way, requiring a building permit;
2. construction, enlargement or alteration of a parking or storage area requiring a parking plan permit. Alteration, as used in the preceding phrase, includes installation, removal or relocation of any curbing, landscaping or traffic channelization island, driveway, storm drainage, lighting or similar facilities but does not include resurfacing, striping or restriping pavement markings on existing parking or storage areas.

Project of Significant Impact (PSI) means any construction project having an aggregate total of:

1. newly constructed floor area of 10,000 or more square feet; or
2. renovated, altered and/or replacement floor area of 15,000 or more square feet in a building having 15,000 or more square feet of ground coverage to provide for a use which is different from the existing use as determined by the Commonwealth of Massachusetts Property Type Classification Codes (April 1991 edition).

B. PART 2 ADDITIONAL DEFINITIONS FOR TRAFFIC REVIEWS

Annual Average Daily Traffic (AADT) – The total yearly volume of automobiles and trucks divided by the number of days in the year.

Average Daily Traffic (ADT) - The calculation of averaged traffic volumes in a time period greater than one day and less than one year. Usually ADT is determined based on a representative (no holidays or unusual weather related circumstances) 7 day week.

Design Hourly Volume (DHV) – The one-hour volume in the design year selected for determining the highway design (typically the worst-case weekday morning or evening peak hour or the 30th highest hour of the year).

K-Factor (K) – The percent of daily traffic (ADT) that occurs during the peak hour (PH).

Level of Service – A quantitative measure of traffic congestion identified by a declining letter scale (A-F) promulgated by the Institute of Transportation Engineers (ITE) and used by the Massachusetts Highway Department (MHD), traffic engineers and traffic planning professionals.

Peak-Hour Traffic (PH) – The highest number of vehicles passing over a section of highway during 60 consecutive minutes. The term T(PH) may be used to designate the PH for truck traffic only.

Peak-Hour Factor (PHF) – a ratio of the total volume occurring during the peak hour to the maximum rate of flow during a given time period within the peak hour (typically 15 minutes duration).

Roadway Impacted by Development Traffic – 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 it:

- a. is a signalized intersection and ADT or PH will increase by 5% or more; or
- b. is an unsignalized intersection with a minor street approach PH of 50 or more vehicles; or
- c. is substandard 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.

C. APPLICABILITY AND PROCEDURE.

1. Design Review. Minor Construction Projects, Major Construction Projects, and Projects of Significant Impact are subject to Design Review, as follows:

Plans and other submission materials as specified on the “Application for Design Review” along with the completed application shall be submitted to the Design Review Board for its written advisory design recommendations in accordance with SECTION XXII. Within twenty-one (21) days of submission, copies of the written design recommendations shall be sent by the Design Review Board to the Building Inspector, Planning Board and the applicant. No building permit or parking plan permit shall be issued by the Building Inspector within this twenty-one (21) day period unless the required written recommendations are received.

2. Site Plan Review. In addition to Design Review in accordance with the preceding section, Major Construction Projects and Projects of Significant Impact are subject to Site Plan Review, as follows:
 - a. The applicant shall submit to the Zoning Board of Appeals (“ZBA”) plans and other submission materials in accordance with the procedures for Special Permits adopted by the ZBA pursuant to SECTION XXV of this Zoning Bylaw. Within seven (7) days from the date of its submission to the ZBA, copies of the complete application as submitted shall be referred by the ZBA to the Board of Health, Planning Board, Design Review Board, Town Engineer, Wetlands Protection Committee, and any other Town agencies or boards designated by the ZBA, for review and preparation of written recommendations to the ZBA, Building Inspector and the applicant prior to the required public hearing. Said written recommendations shall be attached to and become part of the application.
 - b. No decision shall be made by the ZBA in connection with any application until the above referenced written recommendations have been received or thirty-five (35) days shall have elapsed after such referral of the application without a recommendation being received. The ZBA may modify such plans to meet the requirements of this Section, and as modified, approve the same, or may disapprove the plans. No building permit or parking plan permit shall

be issued by the Building Inspector without the written approval of plans as herein above provided.

3. Special Permit for Projects of Significant Impact. In addition to Design Review and Site Plain Review in accordance with the preceding sections, Projects of Significant Impact (PSI), require a Special Permit issued by the Planning Board, as follows:
 - a. The applicant shall submit to the Planning Board a Municipal Systems Impact Analysis, prepared by professional engineers registered in the Commonwealth of Massachusetts, and identifying the impact of the Construction Project on water, sewer, storm drainage, electric, traffic, intersections, sidewalks and footways, building occupant life safety, refuse disposal and recycling. The water, sewer, and storm drainage portions shall be prepared by engineers having expertise in civil engineering; the electric portion shall be prepared by engineers having expertise in electrical engineering; the traffic and pedestrian safety and bicycle safety portions shall be prepared by engineers having expertise in traffic and transportation engineering.
 - b. The intent of the analysis is to determine the impact on the Town's existing capital infrastructure in order to assess costs of providing or upgrading Town public facilities which will benefit a PSI.
 - c. The Municipal Systems Impact Analysis shall include:
 - 1) Utility Capacity

including water, sewer, storm drain and electric distribution systems before construction and at expected occupancy date;
 - 2) Traffic

identification of existing traffic and anticipated traffic at time of full project occupancy at existing and proposed roadway segments and intersections, existing and proposed site connections to the street system, and streets bordering, supporting, and connecting the development including:
 - a) vehicle speed;
 - b) 85th percentile vehicle speed;
 - c) sight distances;
 - d) existing safety records including accident data;
 - e) description of existing traffic controls;
 - f) Annual Average Daily Traffic;
 - g) Average Daily Traffic
 - h) Peak-Hour Traffic (morning, afternoon and other peak(s));
 - i) Peak-Hour Factor;
 - j) Design Hourly Volume;
 - k) K- Factor;
 - l) Levels of Service (LOS);
 - m) Project generated traffic and its distribution;
 - n) Volume to Capacity Ratio;
 - o) Average Delay;
 - p) Average and 95th Percentile Queue Lengths;
 - q) Roadways Impacted by Development Traffic;
 - r) Delay and Gap Study (when deemed necessary by the Town's traffic engineering consultant); and
 - s) Data Calibration.

Evaluations shall be made in accordance with the current MHD Design Guide, the elements listed above and standards adopted by the Board of Selectmen.

identification of roadways impacted by development traffic;

estimated traffic impacts of the proposed development in terms of the amount of morning and afternoon peak hour and total daily traffic generated by the development on streets bordering the development area; sight lines from access connections; proposed changes to traffic controls; and projected levels of service of intersections identified in item 3. above and at points of connection of the development area to the street system;

3) Pedestrian and Bicycle Safety

possible hazardous pedestrian and bicycle crossings; a detailed identification of gaps in the sidewalk network and identification of cracking, deterioration, heaving, sinking, shifting, patching and missing sections and intrusion or encroachment of vegetation and other obstructions into the sidewalk area within a walking distance of 600 feet from the development area and along walking routes to the nearest public transportation station(s) or boarding point(s) if such facilities exists within one mile of the development site; identification of sidewalk links or connections to surrounding neighborhoods. Pedestrian crosswalks, traffic control devices and traffic calming measures will be part of the safety analysis.

4) Building Occupant Life Safety

identification of proposed use and occupancy and characteristics of the occupants, building contents, equipment and materials on site; identification of possible hazards and hazard scenarios; proposed comprehensive emergency plan which shall include an evacuation plan and a shelter-in-place plan; anticipated impact on municipal fire alarm systems;

5) Refuse Disposal and Recycling

anticipated impact on the Town's refuse disposal and recycling system.

d. 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 Office of the Board of Selectmen for the traffic and pedestrian safety element). Review departments are not required to hold a public hearing for this purpose. Review departments may employ outside consultant assistance as deemed necessary.

e. 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; including sidewalks within a walking distance of 600 feet of the Project and any 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. There shall be developed and

submitted to the Fire Chief 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.

- f. Following 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.
- g. The Planning Board is authorized to incorporate these design alternatives and improvements as conditions in special permit PSI approval.
- h. The applicant shall bear all of the costs of design work and construction of all Negotiated Improvements and shall be responsible for implementation of the Negotiated Improvements and special permit approval conditions. All work proposed to improve or upgrade Town utilities or facilities shall be done according to the specifications adopted by the Board of Public Works, except that electric work shall be done according to the specifications adopted by the Municipal Light Board. The applicant shall also bear the cost of review of plans and of periodic inspections of such work during construction and shall be charged in accordance with procedural requirements to be adopted and from time to time amended by the Planning Board after a public hearing.

Post development traffic counts, funded by the Applicant, may be required in the discretion of the Planning Board, at reasonable intervals over a period not to exceed twelve (12) months, and commencing no sooner than three months after commencement of Project operation. The purpose of this monitoring is to review the accuracy of PSI traffic projections. If at least two consecutive traffic counts no less than six months apart reflect that site-related daily traffic is more than 10 percent (10%) above the projected volume, then the Applicant shall undertake an evaluation to identify any specific circumstances requiring further action or mitigation.

- i. Upon the granting of a special permit by the Planning Board for a PSI the applicant is authorized to apply for site plan approval under the procedure in SECTION XVIA for Major Construction Project Approval. Planning Board review of PSI application shall not substitute for Major Construction Project approval. No application shall be made for Major Construction Project approval for a PSI prior to the granting of a special permit by the Planning Board.

and by striking all references contained within the Zoning Bylaw to SECTION XVIA. SITE PLAN APPROVAL and substituting reference to SECTION XVIA. PROJECT APPROVAL.;

Any further proposed version(s) adopted by the Planning Board to be on file in the office of the Planning Board; or take any other action relative thereto.

Rosemary Donahue, Precinct E, Planning Board member offered the following motion and spoke in support of the motion:

VOTED, by declared voice vote 2/3 required, that the Zoning Bylaw be amended by striking the existing SECTION XVIA. SITE PLAN APPROVAL.; and by

substituting in its place a new SECTION XVIA. PROJECT APPROVAL.; to read as follows:

SECTION XVIA. PROJECT APPROVAL.

A. SCOPE AND PURPOSE.

Minor Construction Projects (as herein defined) and Major Construction Projects (as herein defined) are subject to comprehensive review in accordance with the terms of this section. This section shall not apply to construction, alteration, enlargement or reconstruction of one-family or two-family dwellings or structures accessory thereto, unless such one-family or two-family dwelling is located in a Flood Plain or Watershed Protection District.

This section shall be interpreted so as to:

1. Ensure compliance with the Zoning Bylaws of the Town of Wellesley;
2. Protect the safety, convenience and welfare of the public;
3. Minimize additional congestion in public and private ways;
4. Ensure adequate provision for water, sewerage and drainage;
5. Ensure compliance with the provisions of SECTION XVI. RESTRICTIONS AFFECTING ALL DISTRICTS.;
6. Ensure compliance with the provisions of SECTION XXI. OFF-STREET PARKING.; and
7. Ensure compliance with the provisions of SECTION XXII. DESIGN REVIEW.

B. Part 1 PRINCIPAL DEFINITIONS.

Construction Project - shall mean projects subject to review under this Section XVIA, and shall include phased or segmented projects where a series of two or more projects on a single parcel, lot or development area, for which application for building permits are filed within a three-year period are, in the opinion of the Inspector of Buildings, components or segments of a single project.

Major Construction Project – shall mean any construction project which involves a change in the outside appearance of a building or buildings or premises, and includes one or more of the following:

1. construction of twenty-five hundred (2,500) or more square feet gross floor area;
2. an increase in gross floor area by fifty (50) percent or more which results in a gross floor area of at least twenty-five hundred (2,500) square feet;
3. grading or regrading of land to planned elevations, and/or removal or disturbance of the existing vegetative cover, over an area of five thousand (5,000) or more square feet;
4. any activities regulated or restricted under SECTION XIVB. FLOOD PLAIN OR WATERSHED PROTECTION DISTRICTS.; or
5. any activities regulated under SECTION XIVE, WATER SUPPLY PROTECTION DISTRICTS.

Minor Construction Project shall mean any construction project, not included within the definition of a major construction project, which involves either or both of the following:

1. a change in the outside appearance of a building or premises visible from a public or private street or way, requiring a building permit;
2. construction, enlargement or alteration of a parking or storage area requiring a parking plan permit. Alteration, as used in the preceding phrase, includes installation, removal or relocation of any curbing, landscaping or traffic channelization island, driveway, storm drainage, lighting or similar facilities but does not include resurfacing, striping or restriping pavement markings on existing parking or storage areas.

Project of Significant Impact (PSI) means any construction project having an aggregate total of:

1. newly constructed floor area of 10,000 or more square feet; or
2. renovated, altered and/or replacement floor area of 15,000 or more square feet in a building having 15,000 or more square feet of ground coverage to provide for a use which is different from the existing use as determined by the Commonwealth of Massachusetts Property Type Classification Codes (April 1991 edition).

B. PART 2 ADDITIONAL DEFINITIONS FOR TRAFFIC REVIEWS

Annual Average Daily Traffic (AADT) – The total yearly volume of automobiles and trucks divided by the number of days in the year.

Average Daily Traffic (ADT) - The calculation of averaged traffic volumes in a time period greater than one day and less than one year. Usually ADT is determined based on a representative (no holidays or unusual weather related circumstances) 7 day week.

Design Hourly Volume (DHV) – The one-hour volume in the design year selected for determining the highway design (typically the worst-case weekday morning or evening peak hour or the 30th highest hour of the year).

K-Factor (K) – The percent of Average Daily Traffic (ADT) that occurs during the peak hour (PH).

Level of Service – A quantitative measure of traffic congestion identified by a declining letter scale (A-F) promulgated by the Institute of Transportation Engineers (ITE) and used by the Massachusetts Highway Department (MHD), traffic engineers and traffic planning professionals.

Peak-Hour Traffic (PH) – The highest number of vehicles passing over a section of highway during 60 consecutive minutes. The term T(PH) may be used to designate the PH for truck traffic only.

Peak-Hour Factor (PHF) – a ratio of the total volume occurring during the peak hour to the maximum rate of flow during a given time period within the peak hour (typically 15 minutes duration).

Roadway Impacted by Development Traffic – 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 it:

- a. is a signalized intersection and ADT or PH will increase by 5% or more; or
- b. is an unsignalized intersection with a minor street approach PH 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.

C. **APPLICABILITY AND PROCEDURE.**

- 1. Design Review. Minor Construction Projects, Major Construction Projects, and Projects of Significant Impact are subject to Design Review, as follows:

Plans and other submission materials as specified on the “Application for Design Review” along with the completed application shall be submitted to the Design Review Board for its written advisory design recommendations in accordance with SECTION XXII. Within twenty-one (21) days of submission, copies of the written design recommendations shall be sent by the Design Review Board to the Building Inspector, Planning Board and the applicant. No building permit or parking plan permit shall be issued by the Building Inspector within this twenty-one (21) day period unless the required written recommendations are received.

- 2. Site Plan Review. In addition to Design Review in accordance with the preceding section, Major Construction Projects and Projects of Significant Impact are subject to Site Plan Review, as follows:

- a. The applicant shall submit to the Zoning Board of Appeals (“ZBA”) plans and other submission materials in accordance with the procedures for Special Permits adopted by the ZBA pursuant to SECTION XXV of this Zoning Bylaw. Within seven (7) days from the date of its submission to the ZBA, copies of the complete application as submitted shall be referred by the ZBA to the Board of Health, Planning Board, Design Review Board, Town Engineer, Wetlands Protection Committee, Municipal Light Plant, Fire Chief, Police Chief and any other Town agencies or boards designated by the ZBA, for review and preparation of written recommendations to the ZBA, Building Inspector and the applicant prior to the required public hearing. Said written recommendations shall be attached to and become part of the application.

- b. No decision shall be made by the ZBA in connection with any application until the above referenced written recommendations have been received or thirty-five (35) days shall have elapsed after such referral of the application without a recommendation being received. The ZBA may modify such plans to meet the requirements of this Section, and as modified, approve the same, or may disapprove the plans. No building permit or parking plan permit shall be issued by the Building Inspector without the written approval of plans as herein above provided.

- 3. Special Permit for Projects of Significant Impact. In addition to Design Review and Site Plan Review in accordance with the preceding sections, Projects of Significant Impact (PSI), shall require a Special Permit issued by the Planning Board, as follows:

- a. The applicant shall submit to the Planning Board a Municipal Systems Impact Analysis (MSIA), prepared by professional engineers registered in the Commonwealth of Massachusetts, and identifying the impact of the Construction Project on water, sewer, storm drainage, electric, traffic, intersections, sidewalks and footways, building occupant life safety, refuse disposal and recycling. The water, sewer, and storm drainage portions of the MSIA shall be prepared by engineers having expertise in civil engineering; the electric portion shall be prepared by engineers having expertise in electrical engineering; the traffic and pedestrian safety and bicycle safety portions shall be prepared by engineers having expertise in traffic and transportation engineering.

b. The intent of the analysis is to determine the impact on the Town's existing capital infrastructure in order to assess costs of providing or upgrading Town public facilities which will benefit a PSI.

c. The Municipal Systems Impact Analysis shall include:

1) Utility Capacity

including water, sewer, storm drain and electric distribution systems before construction and at expected occupancy date;

2) Traffic

identification of existing traffic and anticipated traffic at time of full project occupancy at existing and proposed roadway segments and intersections, existing and proposed site connections to the street system, and streets bordering, supporting, and connecting the development including:

- a) vehicle speed;
- b) 85th percentile vehicle speed;
- c) sight distances;
- d) existing safety records including accident data;
- e) description of existing traffic controls;
- f) Annual Average Daily Traffic;
- g) Average Daily Traffic
- h) Peak-Hour Traffic (morning, afternoon and other peak(s));
- i) Peak-Hour Factor;
- j) Design Hourly Volume;
- k) K- Factor;
- l) Levels of Service (LOS);
- m) Project generated traffic and its distribution;
- n) Volume to Capacity Ratio;
- o) Average Delay;
- p) Average and 95th Percentile Queue Lengths;
- q) Roadways Impacted by Development Traffic;
- r) Delay and Gap Study (when deemed necessary by the Town's traffic engineering consultant); and
- s) Data Calibration.

Evaluations shall be made in accordance with the current MHD Design Guide, the elements listed above and standards adopted by the Board of Selectmen.

identification of roadways impacted by development traffic;

estimated traffic impacts of the proposed development in terms of the amount of morning and afternoon peak hour and total daily traffic generated by the development on streets bordering the development area; sight lines from access connections; proposed changes to traffic controls; and projected levels of service of intersections identified in item 3. above and at points of connection of the development area to the street system;

3) Pedestrian and Bicycle Safety

possible hazardous pedestrian and bicycle crossings; a detailed identification of gaps in the sidewalk network and identification of cracking, deterioration, heaving, sinking, shifting, patching and missing sections and intrusion or encroachment of vegetation and other obstructions into the sidewalk area within a walking distance of 600 feet from the development area and along walking routes to

the nearest public transportation station(s) or boarding point(s) if such facilities exists within one mile of the development site; identification of sidewalk links or connections to surrounding neighborhoods. Pedestrian crosswalks, traffic control devices and traffic calming measures will be part of the safety analysis.

4) Building Occupant Life Safety

identification of proposed use and occupancy and characteristics of the occupants, building contents, equipment and materials on site; identification of possible hazards and hazard scenarios and anticipated impact on municipal fire alarm systems. The Fire Chief may require a comprehensive emergency plan which shall include an evacuation plan.

5) Refuse Disposal and Recycling

anticipated impact on the Town's refuse disposal and recycling system.

d. 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). The Board of Selectmen shall solicit the recommendations of the Chief of Police. The report of the Board of Selectmen to the Planning Board shall include the recommendations of the Chief of Police or verification that the Chief offered no comment. Review departments are not required to hold a public hearing for this purpose. Review departments may employ outside consultant assistance as deemed necessary.

e. 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.

- f. Following 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.
- g. The Planning Board is authorized to incorporate these design alternatives and improvements as conditions in special permit PSI approval.

- h. The applicant shall bear all of the costs of design work and construction of all Negotiated Improvements and shall be responsible for implementation of the Negotiated Improvements and special permit approval conditions. All work proposed to improve or upgrade Town utilities or facilities shall be done according to the specifications adopted by the Board of Public Works, except that electric work shall be done according to the specifications adopted by the Municipal Light Board. The applicant shall also bear the cost of review of plans and of periodic inspections of such work during construction.

Post development traffic counts, funded by the Applicant, may be required in the discretion of the Planning Board, at reasonable intervals over a period not to exceed twelve (12) months, and commencing no sooner than three months after commencement of Project operation. The purpose of this monitoring is to review the accuracy of PSI traffic projections. If at least two consecutive traffic counts no less than six months apart reflect that site-related daily traffic is more than 10 percent (10%) above the projected volume, then the Applicant shall undertake an evaluation to identify any specific circumstances requiring further action or mitigation.

- i. Upon the granting of a special permit by the Planning Board for a PSI the applicant is authorized to apply for site plan approval under the procedure in SECTION XVIA for Major Construction Project Approval. Planning Board review of PSI application shall not substitute for Major Construction Project approval. No application shall be made for Major Construction Project approval for a PSI prior to the granting of a special permit by the Planning Board.

and by striking all references contained within the Zoning Bylaw to SECTION XVIA. SITE PLAN APPROVAL and substituting reference to SECTION XVIA. PROJECT APPROVAL.

ARTICLE 5. 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 paragraph H. The proposed version (which is recognized to be subject to change before or at Town Meeting) currently reads as follows:

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;

Any further proposed version(s) adopted by the Planning Board to be on file in the office of the Planning Board; or take any other action relative thereto.

No Motion offered.

ARTICLE 6. To see if the Town will vote to update the off-street parking requirements including the purpose paragraph, create a new protocol for determining parking requirements, including the concepts of shared parking and mitigation payments into a municipal parking fund by striking the existing SECTION XXI. OFF-STREET PARKING. and replacing it with a new SECTION XXI. The proposed version (which is recognized to be subject to change before or at Town Meeting) currently reads as follows:

SECTION XXI. OFF-STREET PARKING.

Part A. PURPOSE.

It is the intent of this Section that any use of land involving the arrival, departure, parking or storage of motor vehicles upon such land be so designed and operated as to assure that all structures and land uses shall have sufficient off-street automobile parking to meet the needs of persons employed at, or making use of, such structures or land uses. It is recognized, however, that the layout of the Town's commercial villages (Wellesley Square, Wellesley Hills Square and Lower Falls Village) encourages pedestrian movement from shop to shop. The creation of new parking lots may be detrimental to the pedestrian-friendly character of these areas. The negative effects of additional parking can be lessened by encouraging parking structures; shared parking; and increased amenities for pedestrians and bicyclists.

Part B. DEFINITIONS.

As used herein the following words and phrases shall have and include the following respective meanings:

Bicycle facility – improvements to accommodate or encourage bicycling, including provision of parking facilities, maps, and signs.

Driveway - An area on a lot, in addition to parking and maneuvering spaces and aisles, which is designed or used to provide for the passage of motor vehicles to and from a street or way.

Maneuvering space - An area in a parking area which (1) is immediately adjacent to a parking space, (2) is used for and/or is necessary for turning, backing, or driving forward a motor vehicle into such parking space but (3) is not used for the parking or storage of motor vehicles.

Maneuvering aisle - A maneuvering space which serves two or more parking spaces, such as the area between two rows of parking spaces.

Motor vehicle - Any vehicle for which registration is required in order to travel legally on Massachusetts highways.

Parking area - An area either used or required for parking of five or more motor vehicles not for sale or including rental, necessary maneuvering space, but not including parking on a lot for the passenger cars of residents and guests of a one or two-family dwelling on said lot.

Parking space - An area exclusive of maneuvering area and driveway for the parking of one motor vehicle.

Parking structure - a deck or multi level structure that provides two or more levels of parking for motor vehicles.

Passenger car - A motor vehicle designed for private passenger use.

Restaurant, Fast Food – restaurant where customers order from a menu board while standing at a counter and pay for food before consuming it.

Restaurant, Sit Down - restaurant where customers, while seated, order from wait staff personnel and typically pay after the meal has been consumed. Take away food sales may not exceed 30% of total food sales.

Service area - An off-street space or berth on the same lot with a building or contiguous to a building or buildings, used for maneuvering and/or temporary parking of motor vehicles or storage containers employed in providing the pickup and delivery of goods and services to such building or buildings.

Shared parking – joint use of a parking area by the guests, tenants, visitors, customers, and/or employees of more than one use, business or owner where peak parking demand occurs on different days or different times of the day.

Stacked parking – the parking of cars, one in back of another such that one or more vehicles may have to be moved by an attendant in order that another vehicle may exit the lot.

Storage area - An area either used or required for the parking of motor vehicles held for sale or rental.

Use - The purpose for which land or building is employed, arranged, designed, or intended or for which the land or building is occupied or maintained.

Part C. APPLICABILITY.

No new building or structure shall be constructed or used, in whole or in part, and no building, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used unless there is provided off-street parking in accordance with the following conditions:

1. A plan submitted in accordance with Part E of this Section, shall have been approved by the Inspector of Buildings or the Special Permit Granting Authority as provided in SECTION XVIA.
2. No existing required off-street parking spaces shall be eliminated by the replacement or enlargement of an existing building or structure, unless replaced by spaces provided in accordance with this Section.
3. Enlargements or alterations which result in an increase in the ground coverage or the usable floor area of a building or structure shall require additional off-street parking spaces in accordance with the provisions of this Section, but only to the extent that such increase exceeds 5% of the ground coverage or 15% of the floor area existing on March 27, 1950; and provided that property included in a Business or Industrial District on March 31, 1982 shall require additional off-street parking spaces in accordance with the provisions of this paragraph 3. only for any ground coverage or floor area in excess of that in existence on March 31, 1982; and provided, further, that property included in a Business District A., Industrial District A. or Educational District A. on April 4, 1983 shall require additional off-street parking spaces in accordance with the provisions of this Section for floor area in excess of that in existence on April 4, 1983, provided, however, that said properties shall not be rendered non-conforming by reason of having less than the required amount of parking based on floor area existing on April 4, 1983.
4. Changes in the use of existing buildings or structures, or parts thereof or of land shall require additional off-street parking spaces in accordance with the provisions of this Section, but only to the extent that such change comprises 2,500 or more square feet of floor area.
5. Repair or reconstruction of pre-existing non-conforming buildings shall be governed by the provisions of SECTION XVII.
6. Provided, the requirements of Part D. Subpart 2 shall not apply to projects for which a Project of Significant Impact application was filed prior to January 18, 2007, for which projects the off-street parking requirements shall continue to be those applicable at the time of filing.

Part D. REGULATIONS AND RESTRICTIONS.

Subpart 1. General Provisions

No parking or storage area (whether required by this Bylaw or otherwise subject to Subpart 3. of this Section) shall be constructed or altered; no building permit for the erection, enlargement or alteration comprising 2,500 or more square feet of floor area of any building for which a parking or storage area would be required by this Bylaw shall be issued; and the uses to which a lot is put shall not be changed to a use or uses requiring different parking requirements from those applicable to the former use; unless in each case a permit has been issued in accordance with the provisions of Part E. of this Section based on an Off-Street Parking or Storage Plan which shows such parking or storage areas and/or the parking or storage areas associated with such buildings or changed uses. Said Off-street Parking or Storage Plan shall include:

- a. The quantity, location, and dimensions of all driveways, maneuvering spaces and aisles, parking spaces, storage areas, and drainage facilities;
- b. The location, size and type of materials for surface paving, curbing or wheel stops, trees, screening and lighting;
- c. The location of all buildings and lot lines from which the parking lot must be set back, and
- d. Such other information as the Building Inspector may reasonably require.

The plan shall be a drawing at a scale of 1 inch equals 20 feet or 1 inch equals 40 feet or at such other scale as the Building Inspector may direct.

Where necessary for the administration of this Section, the Building Inspector may require that the owner, operator or occupant of a lot or any building thereon, furnish a statement as to the number of employees customarily working at any one time on the premises. The Building Inspector may, at any reasonable time, enter upon a lot or into any building thereon, in order to make such determinations as are necessary for the administration of this Section.

No parking or storage area at any time existing shall be discontinued or altered (except in accordance with a permit or a special permit issued pursuant to Part E.) if the requirements of this SECTION XXI. would not thereafter be satisfied with respect to the property theretofore served by such area.

Where off-street parking or storage is furnished in connection with two or more uses the requirements shall be the sum of the requirements for the several uses.

Areas required to be kept open and unoccupied by buildings under SECTION XVIIIIC., RATIO OF BUILDING TO LOT AREA, and SECTION XIX., YARD REGULATIONS. may be used to satisfy the provisions of this Section.

Nothing herein shall be construed to prohibit the owner of a parking or storage area from restricting the use thereof to his customers, employees or other invitees, nor from charging a reasonable fee for the use thereof.

Subpart 2. Required Parking.

Except where a special permit is granted pursuant to Part E of this Section, off-street parking shall be provided for uses (excluding single and two family and public housing for the elderly) according to the following table.

| OFF-STREET PARKING REQUIREMENTS | |
|---|--|
| USE | MINIMUM NUMBER OF PARKING SPACES |
| Hotel, inn, lodging house. | One space per two guest rooms. |
| Restaurant, sit down (with or without liquor license) | One space for each 100 sq. ft.* of area in which food is served |
| Restaurant, fast food (no liquor license) | Two spaces for each 100 sq. ft. ¹ of area in which food is served |

| | |
|---|--|
| Building used for administrative, clerical, statistical & professional offices, and other similar uses. | 3.2 spaces per 1,000 sq. ft. of floor area of buildings. ^{2, 3} |
| Any building where the principal use is motor vehicle sales or service. | One space per employee and one space per motor vehicle (not for sale or rental) owned, operated or associated with the establishment and one space per 100 sq. ft. ¹ of area occupied by buildings. |
| Any building used for physical education or physical recreation purpose. | One space for every 3 permanent spectator seats, which shall include folding bleachers that are attached to buildings, but not less than one space per 1,000 sq. ft. of floor area of buildings. ² |
| Any allowed use with or without a special permit in the Lower Falls Village Commercial District | 3.2 spaces per 1,000 sq. ft. ¹ of first floor area of buildings. ² two spaces per 1,000 sq. ft. ¹ of upper floor space in excess of 4,000 sq. ft. ^{2, 4, 5} |
| Assisted Elderly Living, Independent Elderly Housing. | 0.65 spaces per dwelling unit. |
| Conventional Multi Family Housing | 2 spaces per dwelling unit. |
| Nursing Home and/or Skilled Nursing Facility. | 1 space for 5 nursing home beds. |
| Town Houses, Apartments and other multi-family. | Two spaces for each dwelling unit. |
| Any residential use in the Linden Street Corridor Overlay District | 2.5 spaces per one, two or three or more bedroom unit. |
| Any business or commercial purpose. | 5 spaces for each 1,000 square feet of ground coverage of buildings ¹ , but not less than 3.2 spaces per 1,000 square feet of floor area of buildings. ² |

^{1.} Computed to the nearest ten square feet.

^{2.} Floor area shall be the sum of the horizontal areas of the several floors (including basement) of a building to the nearest 100 square feet, except that such floor area as is provided for deck parking or other in building parking shall be counted for required parking space and not in figuring floor area for which parking must be provided. For the purpose of computing the requirements, the area shall be measured from the exterior surface of the exterior walls.

^{3.} No parking facilities other than those for transient motor vehicles shall be located between the principal building and the principal street line.

^{4.} If any portion of a parcel is within 600 feet of any portion of a public parking area or areas, having individually or jointly 50 or more parking spaces, off-street parking shall be provided at a ratio of 2.5 spaces per 1,000 gross square feet of commercial floor area, excluding uninhabitable basement areas.

^{5.} Notwithstanding any other applicable use/parking requirement in Part D. Subpart 2 other than hotel, restaurant or residential use requirements.

Subpart 3. Development Standards.

Each parking area hereafter devoted to the off-street parking of fifteen (15) or more vehicles regardless of whether said parking area is required by this Bylaw, shall comply with the standards as hereinafter set forth:

a. Design Standards.

- (i) Parking spaces for the exclusive use of handicapped individuals shall be provided in accordance with the Rules and Regulations of the Architectural Barriers Board. Other parking spaces and maneuvering aisles shall have the minimum dimensions set forth in the following table:

**MINIMUM PARKING SPACE AND AISLE DIMENSIONS
FOR PARKING AREAS (in feet)**

| Angle of Parking Space | Width of Parking Space | Depth of Parking Space | Width of Maneuver Aisle |
|------------------------|------------------------|------------------------|-------------------------|
| 61° - 90° | 8'6" | 18' | 24' |
| 46° - 60° | 8'6" | 18' | 18' |
| 45° | 8'6" | 18' | 15' |
| Parallel | 8'0" | 22' | 12' |

- (ii) The number of driveways permitting entrance to and for exit from a lot shall be limited to two per street line. Driveways shall be located so as to minimize conflict with traffic on public streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic.
- (iii) The width of a driveway for one-way traffic shall be not less than twelve (12) feet as measured at its narrowest point. The width of a driveway for two-way use shall be a minimum of eighteen (18) feet and a maximum of twenty-four (24) feet, as measured at its narrowest point.
- (iv) All parking areas shall be so arranged and designed that the only means of access and egress to and from such areas shall be by driveways meeting the requirements of this Section.
- (v) Driveways shall be arranged for the free flow of vehicles at all times, and all maneuvering spaces and aisles shall be so designated that all vehicles may exit from and enter into a public street by being driven in a forward direction.
- (vi) On any parking area in any District, all paved portions of all parking spaces and maneuvering aisles shall be set back five (5) feet from any wall of a building, and five (5) feet from any private or public way, or any lot line of any land in residential districts or used for residential, conservation or park purposes.
- (vii) Each required off-street parking space shall be designed so that any motor vehicle may proceed to and from said space without requiring the moving of any other vehicle or by passing over any other parking space, except where the parking area is attended or limited to employees.

b. Construction Standards.

- (i) All required parking spaces, maneuvering aisles, and driveways shall have a durable, dustless, all-weather surface, such as bituminous concrete or cement concrete, and shall provide for a satisfactory disposal of surface water by grading and drainage in such a manner that no surface water shall drain onto any public way or onto any lot in other ownership and such surfaces shall be well maintained.

- (ii) Parking areas in all Districts shall be provided with curbing, wheel stops, or other devices to prevent motor vehicles from being parked or driven within required setback areas or onto the required landscaped open space.
- (iii) In any parking area the surface shall be painted, marked or otherwise delineated so that each parking space is apparent.

c. Landscaping Standards.

- (i) For an outdoor parking area containing twenty (20) or more parking spaces, there shall be planted at least one tree for every ten (10) parking spaces on any side of the perimeter of such parking area that abuts the side line of a private or public way, or abuts the lot line of land in residential districts or land used for residential purposes.
- (ii) In any outdoor parking area a landscaped open space having an area of not less than 10% of the outdoor parking area on the lot shall be provided. A minimum of one half of the required landscaped open space shall be located in the interior of the parking area.
- (iii) Trees required by the provisions of this Section shall be at least two (2) inches in diameter at a height of five (5) feet at the time of planting and shall be of a species characterized by rapid growth and by suitability and hardiness for location in a parking lot. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this Section.

d. Screening Standards.

Any parking, storage or service area which abuts residential districts or uses shall be screened from such residential districts or uses and any parking area shall be screened from a public or private way in accordance with the following requirements:

- (i) Materials - plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or a wall shall be constructed, to form the screen. Where a grill or open-work fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this Section.
- (ii) Height - screening shall be at least five (5) feet in height. Plant materials when planted, may be not less than 3 1/2 feet in height if of a species or variety which shall attain the required height and width within three (3) years of planting. Height shall be measured from the finished grade.
- (iii) Width - screening shall be in a strip of landscaped open space at least five (5) feet wide, and so located as not to conflict with any corner visibility requirements or any other Bylaws of the Town.
- (iv) Maintenance - all required plant materials shall be maintained in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained in good repair and presentable appearance and whenever necessary they shall be repaired or replaced.
- (v) Lighting - all artificial lighting used to illuminate a parking or storage area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property.

Part E. ADMINISTRATION.

Subpart 1. Permits.

The owner of a lot, or the operator or occupant thereof with the consent of the owner, shall apply for a permit accompanied by a plan complying with the provisions of Part D. Subpart 1:

- a) for the construction, enlargement, or alteration of a parking or storage area;
- b) for the erection, enlargement or substantial alteration of any building for which parking would be required by this Bylaw; or
- c) for a change in the use or uses that would require different requirements from those applicable to the former use.

The Building Inspector shall determine whether such plan is in compliance with the provisions of this Bylaw and if so he shall issue a permit therefore. If the Building Inspector determines that the plan is not in compliance with this Bylaw he shall deny the application in writing setting forth his grounds for denial.

The fee for such permit shall be determined from time to time by the Selectmen.

Subpart 2. Special Permits.

A person who is required to file a parking plan and to obtain a permit pursuant to Part E, Subpart 1, may, instead, apply to the Planning Board acting as Special Permit Granting Authority for a special permit in accordance with Section XXV of the Zoning Bylaw and the requirements of this Subpart.

The process of applying for, reviewing and issuing special permits under this Subpart shall be as provided under Section XXV of the Zoning Bylaw, except as follows:

- a) Contents of Application. In addition to the information required under Section XXV, the application shall include:
 - (i) a plan conforming to the requirements of Part D, Subpart 1, for all on-site parking;
 - (ii) a statement of the proposed square footage devoted to each use in the project and other relevant information sufficient for the Planning Board to determine the required parking spaces under the table in Part D, Subpart 2;
 - (iii) a description of existing and proposed on-street and off-street parking and the availability of public transportation within a 600 foot walking distance from the principal pedestrian entrance, plans for shuttle service, valet parking, shared parking, and/or stacked parking, parking structures, pedestrian usage and bicycle facilities giving details on planned implementation of same; and
 - (iv) a description of all proposed alternative parking arrangements.
- b) Planning Board Review. The Planning Board shall review the application and issue its decision in accordance with Section XXV of the Zoning Bylaw. The Board may request reviews by the Town Engineer, the Town Traffic Consultant, and others as it may deem necessary, in making this determination. The cost of review shall be the responsibility of the applicant.
- c) Criteria for Issuance of a Special Permit. The Planning Board acting as Special Permit Granting Authority may issue a special permit approving a

parking plan with less on-site parking than would normally be required under Part D, Subpart 2, if the Board determines that one or more of the following alternatives have been employed to satisfy the parking needs of the project in question:

- (i) off-site parking that is accessible to and within a walking distance of 600 feet from a normal pedestrian entrance to the building in question, provided that the applicant has a right to use any off-site parking that is located on private property;
- (ii) a Transportation Demand Management (TDM) program, approved by the Town's Traffic Engineering Consultant, to reduce parking demand or, a determination by the Town's Traffic Engineering Consultant that the estimated parking demand is less that would otherwise be required; and
- (iii) payment of a cash contribution to the Municipal Parking Fund in an amount equal to the cost to the Town of providing additional or improved municipal parking to meet the needs of the applicant's project.

Moneys contributed to the Municipal Parking Fund shall be used at the direction of the Board of Selectmen to augment and improve municipal parking facilities in conjunction with the project generating the cash contribution.;

Any further proposed version(s) adopted by the Planning Board to be on file in the office of the Planning Board; or take any other action relative thereto.

Thomas Frisardi, Precinct E, Chairman of the Planning Board offered the following motion. Chris Chan, member of the Planning Board spoke in support of the motion which

FAILED by a standing counted vote 95-101, the required 2/3 vote was not achieved, that the Zoning Bylaw be amended by striking the existing SECTION XXI. OFF-STREET PARKING. and by substituting in its place a new SECTION XXI as stated in the above article.

ARTICLE 7. To see if the Town will vote to modify the definition of "Floor Area Ratio" by requiring Assisted Units to be located within the same development as the project rather than requiring them to be on the same lot; and by moving the definition of "Development Area" from the its present location within the Site Plan Approval section to the Definitions section. The proposed version (which is recognized to be subject to change before or at Town Meeting) currently reads as follows:

by amending the Zoning Bylaw SECTION IA. DEFINITIONS. by striking from the last sentence of the definition of "Floor Area Ratio" the word "lot" and by inserting in its place the words "development area".

The floor area devoted to dwelling units developed in accordance with and under the provisions of SECTION XVIB. INCLUSIONARY ZONING., shall not be considered as floor area for the purposes of the calculation of Floor Area Ratio provided that Assisted Units sufficient to satisfy SECTION XVIB. are provided on the same Development Area.

and by adding the definition of "Development Area"

Development Area

A parcel or contiguous parcels which are under one ownership.

and by deleting the definition of “Development Area” from SECTION XVIA. SITE PLAN APPROVAL. B. DEFINITIONS.;

Any further proposed version(s) adopted by the Planning Board to be on file in the office of the Planning Board; or take any other action relative thereto.

Donald McCauley, Precinct A, member of the Planning Board, offered the following motion and spoke in support thereof, which was

VOTED, unanimously, 2/3 required, that the Zoning Bylaw be amended by striking from the last sentence of the definition of “Floor Area Ratio” as it appears in SECTION IA. DEFINITIONS., the word “lot” and by inserting in its place the words “development area” so that the sentence will read as follows:

The floor area devoted to dwelling units developed in accordance with and under the provisions of SECTION XVIB. INCLUSIONARY ZONING. shall not be considered as floor area for the purposes of the calculation of Floor Area Ratio provided that Assisted Units sufficient to satisfy SECTION XVIB. are provided on the same Development Area.

and by moving the definition of “Development Area” from SECTION XVIA. SITE PLAN APPROVAL., B. DEFINITIONS. to SECTION IA. DEFINITIONS. , with no change in wording. The definition reads as follows:

Development Area

A parcel or contiguous parcels which are under one ownership.

ARTICLE 8. To see if the Town will vote to eliminate setback requirements for residential uses in Commercial Districts by amending the Zoning Bylaw by striking the tenth paragraph of Part B. REQUIREMENTS. of SECTION XIX. YARD REGULATIONS. and by adding in its place a new paragraph. The proposed version (which is recognized to be subject to change before or at Town Meeting) currently reads as follows:

This Section shall not apply to lots in districts zoned as Lower Falls Village Commercial, Wellesley Square Commercial District, Business, Business A, Industrial, or Industrial A except for the requirements for front yards. In the Lower Falls Village Commercial District and Wellesley Square Commercial District there shall be a minimum front yard depth of 5 feet and a maximum front yard depth of 10 feet. There shall be no front yard depth requirement for property currently zoned as a Business District which was in existence on April 1, 1939, and fronting on Washington Street, Church Street, Central Street, Grove Street, Spring Street, Cross Street, or that part of Weston Road between Central Street and Cross Street.;

Any further proposed version(s) adopted by the Planning Board to be on file in the office of the Planning Board; or take any other action relative thereto.

Donald McCauley, Precinct A, member of the Planning Board, offered the following motion and spoke in support thereof, which was

VOTED, unanimously, 2/3 required, that the Zoning Bylaw be amended by striking the tenth paragraph of Part B. REQUIREMENTS. of SECTION XIX. YARD REGULATIONS. and by substituting the following:

This Section shall not apply to lots in districts zoned as Lower Falls Village Commercial, Wellesley Square Commercial District, Business, Business A, Industrial, or Industrial A, except for the requirements for front yards. In the Lower Falls Village Commercial District and Wellesley Square Commercial District there shall be a minimum front yard depth of 5 feet. There shall be no front yard depth requirement for property included in a Business District on April 1, 1939, and fronting on Washington Street, Church Street, Central Street, Grove

The Moderator declared a break at 9:15 pm. The meeting reconvened at 9:35 pm.

ARTICLE 11. To see if the Town will vote to authorize the Board of Selectmen and Board of Library Trustees to enter into leases for portions of the Fells and Hills library branches with the Wellesley Children’s Community Center, Inc., and to appropriate the revenue from said leases for library purposes; said leases being on file in the offices of said Boards; or take any other action relative thereto.

Michael Piper-Smyer, Precinct G, Library Trustee, offered the flowing motion and spoke in support thereof, which was

VOTED, by declared voice vote, that the Town vote to authorize the Board of Selectmen and Board of Library Trustees to execute leases with the Wellesley Community Children’s Center for portions of the Hills and Fells Branch Libraries not presently being required for Town purposes through fiscal year 2010, said leases being dated October 15, 2007 (Hills branch library) and July 9, 2007, amended October 15, 2007 (Fells branch library) respectively, upon such terms and conditions as the Board of Selectmen and Board of Library Trustees deem to be in the best interest of the Town.

ARTICLE 12. To see what sum of money the Town will raise and appropriate, or otherwise provide, for the purpose of funding the acquisition of a telephone switch at the Police Department; to determine whether said sum shall be raised by a transfer from the Police Detail Account; or take any other action relative thereto.

Greg Mills, Precinct D, Board of Selectmen, offered the following motion and spoke in support thereof, which was

VOTED, unanimously, that the sum of \$25,000 be appropriated to the Board of Selectmen for the purpose of replacing the telephone system at the Police Station; said sum to be raised by a transfer from the Police Detail Account and added to the amounts appropriated to the Board of Selectmen under Motion 1 of Article 8 of the Warrant for the 2007 Annual Town Meeting and allocated as follows:

| | | |
|-----|------------------------------|----------|
| 122 | Board of Selectmen – Capital | \$25,000 |
|-----|------------------------------|----------|

ARTICLE 13. To see if the Town will vote to acquire by purchase, eminent domain, or otherwise, the real property commonly known and referred to as 53, 55, and 57 Seaver Street, for the purpose of expanding the high school grounds; to raise and appropriate, or otherwise provide, a sum of money for said purpose and to determine whether such sum shall be raised by taxation, borrowing and/or by transfer from available funds; said property being further identified as follows: 53 Seaver Street: Parcel No. 10 on Assessor’s Map No. 76, now or formerly owned by Philip G. Kenny and Kerri A. Kenny, see deed recorded in Norfolk Registry of Deeds Book 22838, Page 88; 55 Seaver Street: Parcel No. 9 on Assessor’s Map No. 76, now or formerly owned by Robert J. Chicoski and Susan S. Chicoski, see deed recorded in Norfolk Registry of Deeds Book 12734, Page 219; 57 Seaver Street: Parcel No. 7 on Assessor’s Map No. 76, now or formerly owned by Christian B. Aall, see Certificate of Title No. 166360 and deed recorded in Norfolk Registry of Deeds Book 20209, Page 107; or take any other action relative thereto.

Katherine L. Babson, Jr., Precinct E, Board of Selectmen and School Building Committee, offered the following motion and spoke in support thereof, which was

VOTED, by declared voice vote 2/3 required, that the sum of \$3,609,500 be appropriated for the purpose of financing the acquisition, by purchase, eminent domain or otherwise, of the parcels of property commonly known and referred to as 53, 55 and 57

Seaver Street, for the purpose of expanding the high school grounds, said properties being further identified as follows:

- a) 53 Seaver Street, Parcel No. 10 on Assessor's Map No. 76, now or formerly owned by Philip G. Kenny and Kerri A. Kenny, see deed recorded in Norfolk Registry of Deeds Book 22838, Page 88. Of the sum being appropriated, \$1,080,000.00 is allocated to this property.
- b) 55 Seaver Street, Parcel No. 9 on Assessor's Map No. 76, now or formerly owned by Robert J. Chicoski and Susan S. Chicoski, see deed recorded in Norfolk Registry of Deeds, Book 12734, Page 219. Of the sum being appropriated, \$964,000.00 is allocated to this property.
- c) 57 Seaver Street, Parcel No. 7 on Assessor's Map No. 76, now or formerly owned by Christian B. Aall, see Certificate of Title No. 166360 and deed recorded in Norfolk Registry of Deeds Book 20209, Page 107. Of the sum being appropriated, \$1,565,500.00 is allocated to this property.

That to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$3,609,500 under Chapter 44 of the General Laws, or any other enabling authority.

The Board of Selectmen is hereby further authorized to take any other action necessary to carry out the acquisition of the above identified parcels of property, including implementing the terms of the purchase and sale agreements dated October 10, 2007, and including, further without limitation, the authority, once the acquisition by purchase has been completed, to order a taking of said parcels under the power of eminent domain for the purpose of clearing any presently unknown defects in title.

Said parcels to be held for school purposes under the jurisdiction of the School Committee.

ARTICLE 14. To see what sum of money the Town will raise and appropriate, or otherwise provide, for the purpose of studying and/or designing options for the Sprague Field Athletic Complex; or take any other action relative thereto.

No motion offered.

ARTICLE 15. To see what sum of money the Town will raise and appropriate, or otherwise provide, for the design and construction of modular classrooms at Wellesley High School; 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.

No motion offered.

ARTICLE 16. 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 would 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; the Board of Selectmen being requested to report the results of said study to the 2008 Annual Town Meeting; or take any other action relative thereto.

No motion offered.

ARTICLE 17. To see if the Town will vote to amend the Zoning Bylaw and the Zoning Map by establishing either as a General Residence District or a Multi-Family

Residence District, land now in a Single Residence District. The land is comprised of two parcels shown on Assessors Sheet Map 43, including Parcel 76, also known as 65 Washington Street; and Parcel 78, also known as 1 Hillside Road. The two parcels are further described in deeds recorded at the Norfolk County Registry of Deeds at Book 23167, page 2; and Book 23631, Page 329 respectively. Said lots containing a total of approximately 31,417 square feet; or take any other action relative thereto.

No motion offered.

ARTICLE 18. To see how the Town will vote to raise money appropriated under any of the above articles; or take any other action relative thereto.

No motion offered.

The Motion to dissolve this town meeting was **VOTED unanimously**. The Meeting dissolved at 11:07 pm.

Attest:

Kathleen F. Nagle
Town Clerk