

STANDISH ROAD NCD STUDY COMMITTEE
MEETING
WEDNESDAY APRIL 8, 2015, 7:00 P.M.
WELLESLEY COMMUNITY CENTER – GARDEN ROOM

MINUTES

Study Committee present: Naomi Cameron, Catherine Johnson, Gerry Murphy, Michael Scholl

Also present: Town Counsel Tom Harrington; Jan Albrecht, Patrick Doyle, Shelly Griswold, Jaclyn Harris, Sherri Horn, Kim Lysaght, Tim Lysaght, Pamela Martin, Andy Patten, Lynne Uhl, Rebecca Liley Wagner, Kim Whittemore

1. Call to Order

Ms. Johnson called the meeting to order at 7:00 p.m.

2. Presentation by Town Counsel

Tom Harrington, Town Counsel for the Town of Wellesley, addressed the Study Committee on the process as a official committee and the Open Meeting Law.

He asked whether the Committee had been sworn in by the Town Clerk; and, learning that the members of the Committee had not yet received letters of appointment [needed prior to swearing in], asked the Chair to check with the Town Clerk to ascertain whether the Committee is expected to be sworn in.

Mr. Harrington said that the law ensures that Town business is transparent, even at the cost of some expediency. The Study Committee are public employees; his office is there to protect Town employees. Mr. Harrington may be approached directly by any of the Committee who have ethics concerns, which are kept confidential; otherwise inquiries (i.e., process questions) come to him via the Chair.

Open Meeting Law applies to all public bodies that have been constituted by a Town Board. It covers all “deliberation”, including communication among a quorum (in the case of the Standish Road NCD Study Committee, three or more people) in meetings, orally or in writing (including email). Logistics such as scheduling and agenda items are not considered deliberation. Two members may communicate at any time, but not follow up with a call to another person; emails should not be forwarded. Reports can be distributed and marked up individually before a meeting, but not discussed. A quorum can have a site visit, but deliberation can’t take place until an open meeting. There are circumstances where Committees can be in Executive Session, but that this is unlikely to apply to us, as our work is merely to produce a report. If a quorum of the Study Committee attends another Board’s meeting, it is prudent to post this as one of our meeting at well.

Meetings must be posted 48 hours ahead, not including weekends and holidays, with information so people are reasonably advised of what topics are to be discussed. An Executive Session would also have to be posted.

Minutes require date, time, place and members present. It needn't be a transcript, but should convey the flavor of the discussion. For example, the minutes might cite specific properties or say the Committee "looked at procedures/requirements." There is significant latitude. They should list any documents that have been received, but there is no requirement to attach them to the minutes. These documents remain part of our public record. Since the Study Committee will dissolve when the Report is submitted to the Historical Commission, unless the Historical Commission votes to continue the Committee's existence through the Town Meeting process, there will have to be an understanding of where the documents reside afterwards. Any votes need to be recorded, with numbers (e.g., 5-0, 4-0, etc.)

Errors to minutes can be corrected by re-opening, amending, re-voting; the revised minutes would replace those posted on the Planning department website. There is no rule about how quickly minutes are written/approved/posted. Other rules apply for Executive Session minutes; which are held. Those are released when the topic is no longer timely.

In answer to several citizen questions on the presentation, Mr. Harrington said that attendees are entitled to observe deliberations, but the Committee shares information/documents at its pleasure. Documents must be available within 10 days of written request. While an "overview" of the proceedings may not feel like enough for those who were unable to attend, the law only requires a "reasonable reflection" of what was discussed. Citizens are entitled to challenge minutes in a letter; corrections can be made, which would go into the file at the next meeting. Letters can be sent to the Committee; they are listed as documents at the end of the minutes and are placed in the file; they are not necessarily attached to the minutes. It is easiest to bring a paper copy of a letter to the meeting. It is legal to record a meeting only if cleared with the Chair ahead and if it won't disrupt the proceedings.

A Public Hearing has different requirements than a meeting. There needs to be two weeks notice, listing in the Townsman and on-line. Note: The Joint Public Hearing about the Standish Road NCD would be a public hearing; after the hearing is closed, the Historical Commission and Planning Board would vote within their Joint Public Meeting.

3. Consideration of email from resident.

The Chair acknowledged that the Committee had been copied on a widely distributed email to the Town from the Friends, who were concerned about the timing of meetings (particularly a meeting scheduled for Good Friday/Passover/school holiday, for which the Chair extended apologies for offending anyone, noting that as soon as the Committee noticed the error, the

meeting posting was removed and a substitute meeting was posted to a different day. The email also suggested that there are alternatives to an NCD, particularly changing the thresholds for Large House Review.

This discussion prompted several questions from the residents. To clarify the work of the Committee:

The timeline for the work of the Study Committee is 12 months, from January 20, 2015 until January 19, 2016 with the option for the Historical Commission to extend the Committee's work for an additional twelve months.

The report is not a complicated document, but is created "one the shoulders" of the Denton Road NCD Study Committee Report. It probably will be complete before twelve months.

The report elements include: the rationale, the process, the guidelines, and when review is triggered (less regulation than for Denton Road). Also, there is a proposed Bylaw text and appendices that include maps, inventory/photo of houses, etc.

After the report is complete and before the warrant for the appropriate Town Meeting is closed, there would be a second round of signatures for residents in the District to opt in, with all owners of a property signing. The Study Report will be distributed to all neighbors, even those outside the District.

The governing Bylaw would be 46C (modeled on 46B). This would require a majority vote for passage.

An NCD (Neighborhood Conservation District) is a term that confuses some people because they infer that a neighborhood is synonymous with a district. A neighborhood may be a street or group of streets or other natural area, but a district is a political construct that sits on top of the neighborhood. It is not zoning.

It was clarified that the boundaries of an NCD can shrink or grow until the warrant is closed but that the intent is not to shrink or grow the NCD "to make it work." The Study Group has not made any decision.

Neighbors' input: it would be preferable to put this energy into a town-wide solution, addressing large houses, small houses, drainage, etc. as part of the permitting process. The Study Committee suggested that this is a "both/and" suggestion: zoning changes might be looked at by the Planning Board but might take three to five years (with town-wide input) but that zoning relies on numeric limits and thresholds while an NCD would protect the character of the neighborhood. The last Comprehensive Plan supported the establishment of NCDs, allowing District residents "home rule". Wellesley's new comprehensive plan hopefully will be ready by 2017.

Discussion about the NCD Commission (not the Study Committee): A resident expressed concern that five people can have veto power of a design if a trigger is met and fear that it can be arbitrary, based on taste. The Study Committee said that it crafts guidelines for concepts like having an addition that is harmonious with the original house; that the purpose of the guidelines is to allow for individuality. The Commission does not work in secret. The process involves Public Hearings and a property owner can work with the Commission before official submittal for guidance.

The Committee reiterated that an NCD is mostly meant to dissuade speculative building without regard for the character and scale of the existing houses. It may not be enough neighborhood protection for an owner to say that he/she wouldn't sell to a builder as proxies are often used to buy houses anonymously for the builders. Also, for conforming lots, neighbors have no input.

There was a review of the composition of the NCD Commission. Appointees are by the Historical Commission with one designee and alternate by the Historical Commission, one designee by the Planning Board, three designees and one alternate who are residents. The process is by self-selection, with vetting by the Historical Commission.

In response to a question about the Information Session, the Committee said it will be April 29 at 7:00 p.m., place TBD. It will be posted as an NCD Study Committee meeting because there will be a quorum of the Committee present. Invitations will be hand-delivered to the whole neighborhood. Attendees will include some residents of Denton Road and, if possible, the Town's Planning Director. All attendees are invited to speak.

5. Minutes

Two sets of Minutes were approved:

April 6, 2015, with a 3-0-1 vote. One member abstained because he was not present at the 4/6/15 meeting.

March 24, 2015, with a 4-0 vote.

6. Citizen speak

One resident said that the webpage doesn't include the latest version of the proposed triggers.

The Advisory Chair said that it might be educational to invite the Study Committee to one of their public meetings, but possibly not until the new class joins, after July 1. It also might be possible that a liaison will be named to follow this process.

The meeting was adjourned at 8:55 p.m.

Documents:

4/3/15 Email from Friends.

