

Approved January 12, 2022

**Advisory Committee Meeting
Zoom Video Conference
Wednesday, January 5, 2022, 6:30 p.m.**

Those present from Advisory Committee included Shawn Baker, Tom Cunningham, Jake Erhard, Jenn Fallon, Neal Goins, John Lanza, Jeff Levitan, Corinne Monahan, Doug Smith, Susan Clapham, Al Ferrer, Wendy Paul, Pete Pedersen, Madison Riley, Patti Quigley.

Neal Goins called the meeting to order at 6:30 pm and introduced members of Advisory in attendance.

Citizen Speak

There was no one present for Citizen Speak.

Planning Board – 2022 ATM Warrant Articles

Don McCauley, Director, Planning Department; Catherine Johnson, Chair, Planning Board; Kathleen Woodward, Vice Chair, Planning Board; Tom Taylor, Planning Board; Patty Mallet, Planning Board; James Roberti, Planning Board; Eric Arbeene, Senior Planner, Planning Department; Doug Mansfield, Director, Wellesley Friendly Aid; Peter Johannsen, Vice President, Wellesley Friend Aid were present.

Overview of the Planning Board and Department provided. Introduction of department staff and board provided. The Planning Department/Board's 2022 ATM Warrant articles were presented and explained.

Article A – Amend Zoning Bylaw for General Residence Districts to permit certain uses in a defined area – overview was presented.

Questions/Comments

- A comment was made that it would be helpful to have a discussion of both this article and the next one as there are questions related to both articles and this article directly affects the second Article.
- A question was asked whether Planning considered rezoning the area as a business district instead of a general residence district.
 - Planning does not think it is appropriate to be a business district and prefers permitting different professional or educational uses within this particular General Residence district.
- Is communication with the individuals in the district required?
 - Sometimes Planning asks everyone and sometimes we do not. It depends on the nature of the change. The scope of this is limited.
- Is this an example of “spot zoning”?
 - This is area zoning and not spot zoning. These changes only function in the area presented.
- A comment was made that it needs to be clear that this is a specific change to a specific area and not a general change to all general residence districts.
- A comment was made that in looking at the map of the whole area it looks like the whole area is the business district. Why not allow these properties to be zoned business?
 - We can outline on the map the properties we are speaking about in this Article and Article B. The whole area is not a Business district. The zoning map of Wellesley looks like a big jigsaw puzzle. One side of street can be zoned one way and the other side zoned another way. We are not changing the district of the UUA, we are seeking to define better use to give that area a more professional basis than what general residence

allows. We did not do this in totality for all general residence districts because many two-family units are in General Residence districts and we do not want the potential to remove housing units and allow owners to rent to non-housing uses.

- What are the parking restrictions and is parking allowed on the street?
 - The regulations within the General Residence district are to provide parking for home occupation or use. We wanted to make sure there was adequate parking. There is no restriction to parking on the street.
- Are there definitions of the businesses because this does feel like spot zoning?
 - There are not within the definitions section but there are professional definitions. Under the Business district bylaws, there are businesses allowed that are not allowed in the General Residence district. If this is made a business district it allows more intense higher use businesses. General Residence is less intense and creates a buffer. The owners of those properties are not looking to expand the uses in a general way. We are looking for gentle changes without changing the characteristics of that area of town. This was nudging towards uses that are consistent with the character of that area while allowing some uses that we would not normally have in a General Residence district.
- A comment was made that the Town is having difficulty attracting businesses and this feels like it is creating potholes in the business district.
 - UUA is happy with the way things are proceeding right now. There are buildings in the area that are not business.
- A comment was made that it is important to preserve the character of the area and a question was asked about the logic of why here and not elsewhere in town. Why are we accommodating this group and not others and are there other places where there will be a “me too” follow-up? And why are we making accommodations for a non-profit owner and not for private owners of two-family homes?
 - One thing of concern to the town is affordable housing. This property is privately owned by a 501(c)(3) organization and is not owned by the Town. It is for the benefit for the Town to have the UUA lease office space for a professional therapist office for a mission that is aligned with the mission of the church. Space in the church is used for education and forums. We are enabling that. General Residence districts are a small area of town and we do not want to make this for all General Residence districts as we want to preserve the areas of Town that are more affordable. General Residence was to be a buffer between Single Residence district and Business district. We need to find a way to mildly increase uses within this General Residence district.
- Are there other non-profit owners that would want this and is this precedent setting?
 - There are not many churches/non-profits that sit within a General Residence district. Many sit within a Single Residence district. It is a case-by-case as to the types of district these entities are located.
- Upon a sale would it revert to the original use?
 - No
- A comment was made that this feels like spot zoning and discomfort was expressed that other properties will not have the same advantages.
 - We are changing the permitted use in a specific area rather than a spot. It is addressing a group need. Wellesley Hills does not have an overlay as other districts do.
- This is a trapezoid that has 3 properties and professional is a broad word. Could that include professional use such as a pawn shop?
 - It applies uses for everything between Grantland Road extension and Cliff Road. There are uses which are not allowed. It is gentler rather than discreet and allows for special uses.
- What are the pluses and minuses?

- It reduces the need for special permits. The special permit process regarding professional uses protects the neighbors but it is very cumbersome and risks denial. It incurs costs and uncertainty that something will be allowed.
- Originally this was proposed to apply to any General Residence district properties with frontage on Worcester and Washington Street but it was thought this would be harmful for the Town's need for affordable housing. This allows for a gentle approach.
- Have there been any changes to a district to allow professional use like this in the past?
 - Over the last two years there have been map changes. These are uses that we are adding.

Article B – Rezoning 219 and 229 Washington Street from Single Residence to General Residence – Wellesley Friendly Aid society owns both properties.

Questions/Discussion

- Are these properties currently zoned Single Residence and is the proposal to change to General Residence at which time they would fall under Article A if passed? In this Article are we not just adding uses but changing the use?
 - Yes, currently if the properties burnt down, the property could only be rebuilt with a single dwelling unit. At one point the contemplated suitable usage for this area was multi-family units. This provides for a backup residential plan so the property could be re-built with multi-family housing. This creates a buffer and allows for the possibility of multi-family units.
- Does the Friendly Aid want to create a source of revenue?
 - Friendly Aid is trying to replace sources of revenue. We are trying to move cooperatively within the existing structures. This is a long-term process and adaptation.
- Who owns 229 Washington?
 - The structure is owned by the Wellesley Historical Society and it was moved from another location and houses the Tollhouse. Friendly Aid is the property owner.
- Does this allow Friendly Aid to rent to a for-profit entity?
 - Yes, there is difficulty renting to for-profit due to restrictions in the Single Residence district.
- Why is there difficulty renting to non-profits?
 - For-profit entities need to obtain a special permit so they are not willing to rent space. Friendly Aid would like a larger group to rent space to such as professional/educational organizations whose use is compatible with what Friendly Aid is already doing in the space.

Article C – Amend Bylaw for Flood Plain Districts – State and FEMA related

Discussion/questions

- What are the impacts to Wellesley?
 - We can follow up with Town Counsel to get that summary prepared. We do not have the opportunity to say no as this is a directive through FEMA, which is in the process of updating flood plain maps. It is also through the Commonwealth and the Attorney General, which updated Model Flood Plain bylaws in 2020.
- What is the enforcement and cost to the Town?
 - If the flood plain area is expanded, the cost of insurance is usually absorbed by the property owner.
- A comment was made that it would be helpful to hear from Town Counsel on this.
- Are there going to be any surprises with Town owned property?

- Most properties will already be partially in a Flood Plain District and this just changes the lines. Wetlands is distance from a water source. Flood Plain is elevation from sea level. Much of the Flood Plain abuts the Charles River.
- Do we know the costs to the Town for Town property and any increase in DPW to do more work?
 - This will not affect the work DPW does. Any Town buildings that might be affected by this are covered under insurance in the Town.
- Will people get a chance to incrementally increase costs on insurance?
 - That is between an individual and their insurance company.
- What will be the communication to the Town residents?
 - In the past the Select Board and Engineering reached out to impacted individual property owners.

Article D – Definitions – Update to Child Care and Child Care facilities definitions. Wellesley has outdated definitions for childcare and childcare facilities in that they refer to a repealed State statute. This is a correction to refer to the current State statute.

Discussion/Questions

- Does this affect anyone’s business in childcare and do they need to get a new permit?
 - This allows them to continue to operate. Right now, the language references a repealed statute. This change will validate what people are doing. We are not looking to restrict or adversely impact anyone’s business.
- What is Smart growth?
 - This is the 40R district on Williams Street that John Hancock is developing. In reviewing that project, the Attorney General noted the issue as there are childcare facilities allowed in that district.
- Did the previous statute separate home daycare?
 - We are seeking to confirm that and we want to make sure it is apples to apples.
- The intent is to not to change the substance or impact but to put it on firmer definitional foundation?
 - Yes it is to comply with the State definition, which we are required to comply with.

Article E – Amend the definition of Town House in General Residence Districts to permit two-unit dwellings

Discussion/Questions

- Does the same density/zoning apply for 3 townhouses for a lot that normally only a duplex could be built and does this change the density?
 - It depends. Townhouses require 5,000 square feet of land unless doing with the import of affordability. There are allowances if a property is in the Subsidized Housing Inventory (SHI). For market rate units, you are subject to the 5,000 square foot limit so it does not affect density at that point.
- Are duplexes only allowed in General Residence Districts?
 - Yes
- Was there any intent to exclude a two-unit side by side town house or was this an accident?
 - Part is the correlation with the building code. Yes we believe that there was a deliberate attempt to only allow over under two-family buildings. It was a policy choice in the past and it is felt to be outdated.

Article F – Sustainability (4 Motions): to include a sustainability goal in the bylaw; to require a greenhouse gas emission study in any application for a project of significant impact; to amend the Design Review standards to include a review of sustainable design; and to change the Yard Regulations to facilitate the installation of heat pumps.

Questions/Discussion

- Is the location of the heat pumps in line with the manufacturing and placement of heat pumps and what if there are changes in later heat pumps?
 - Yes it is in line with the manufacturing of the equipment. The building inspector can request that a project go to the ZBA.
- Are you asking for site plans?
 - Planning is creating the situation so no one else must ask for it. We are trying to look at the existing structure to determine the location and we are coming from the house out and will maintain proximity.
- Why are you putting these things in place but then not having metrics for measurement?
 - The Climate Action Committee (CAC) is still working on the metrics. Planning may come back for the metrics. We are putting this in the design process to make sure it's considered.
- Has Planning talked with PBC or ZBA as they would be executing these bylaws?
 - Project of Significant Impact (PSI) process is headed by the Planning Board. The other is the criteria of the Design Review Board (DRB) who has been part of the sustainable working group.
 - The Planning Board is the clearing house for other departments and combines into one over all decision. The CAC was the driver of this and of the working group.
- Is there compensation or incentives for sustainable buildings?
 - An individual owner would have to choose. Incentives could be next iteration of this.
- Does the homeowner pay for the specialized engineer?
 - PSI is a commercial project – never a homeowner project.
 - DRB is currently looking at completing new design guidelines for sustainable designs.
- This is evolutionary and things are aspirational, what is the cost of enforcing all of this on the Town?
 - The feasibility of enforcement has been part of the thinking of the Planning Board and department and the sustainable working group and we are using existing processes for this. PSI has been in place and we are using that for now. We are building on existing processes rather than adding new ones.
- How can I promote the Town's GHG goals if I am doing an expansion?
 - The Town's GHG are being set and that will be clearly defined and they need to be adopted by the Town. The DRB will have standards completed and there will be guidelines that people will need to follow. However, we cannot impose a hard and fast rule regarding the fuel that homes burn.
- Does the Planning department look ten years into the future?
 - Yes every ten years we look at the master plan and the 2018 Unified Plan gives us goals. The best way to protect the climate is to build smaller and build less rather than extend.
- A comment was made that it feels strange to be changing a law for something that is aspirational. It was felt to be more natural to come back after the CAC goals are established.
 - We have a town wide GHG emission goal and Town Meeting adopted the climate action goals. We feel we have the mandate to do this and feel we are being responsive to what Town Meeting has been adopted.
- Do you anticipate any resource limitations in working with CAC on PSI?
 - We don't anticipate it.

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- CAC plans are just plans and they don't have the authority but the Planning Board can enforce what is being put into the CAC plan. It was felt that more teeth should be put into Motion 4. Planning can demand what is needed in Town such as a new commercial requirement of Net Zero.
 - We hope that the State legislature will have an energy code.
- A comment was made that Motion 1 is to include sustainability in the bylaw but that word does not appear in the text.
- A comment was made about Motion 2 and the metrics that are needed and it would be interesting to know what other towns are doing.
- In Motion 4, if there is no reason to think that heat pumps require more space then this is just giving preference to heat pumps over A/C and other heating units?
 - That is partially the intent. Heat pump measure is on efficiency not on the noise.
- The standards developed by the industry are cited in DRB guidelines.

Minutes Approval/Liaison Reports/Administrative Items

Liaison Reports

Schools/Susan Clapham and Jenn Fallon – an update of the December 14th meeting was provided; the swing space task force is working on the swing space plan; 2022-23 academic calendar was approved; January 11th the capital budget will be presented; February 1st is the public hearing on the budget; and School Committee will present the budget on February 9th to Advisory; the Select Board did not advance the lights to a town wide vote, approval of these are still with NRC; the budget book will be received soon from the schools and the liaisons will participate in the budget meetings.

FMD/Madison Riley – FMD is discussing two items. One is the five-year lease for office space for land use departments and the second is two large projects that are part of the cash capital budget that are now being considered being pulled from cash capital to stay within budget guidelines. These may be separate articles. These are the LED lights at the high school and the roof and façade of the fire station.

Recreation/Wendy Paul – there will be a public hearings regarding use of Morses Pond and the sports courts. Public forums are January 26, February 2, March 2, and March 8; 7 – 9 p.m.

DPW/Pete Pedersen – budget numbers have been finalized; PFAS and Enterprise funds will be discussed at the next BPW meeting.

Coming attractions

- January 12 – Recreation, Human Resources, Natural Resources Commissions, Community Preservation Committee
- January 19 – Planning, FMD Capital Budget, Citizens Petition – Zoning,

Minutes

Jenn Fallon made and Madison Riley seconded a motion to approve the December 22, 2021 minutes

Roll Call Vote

Jennifer Fallon – yes
John Lanza – yes
Corinne Monahan - yes
Patti Quigley - yes
Tom Cunningham – yes
Jake Erhard – yes
Jeff Levitan - abstain
Doug Smith – yes
Susan Clapham - yes

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Al Ferrer - yes
Wendy Paul – yes
Pete Pedersen - yes
Madison Riley – yes
Shawn Baker – yes

December 22, 2021 minutes were approved, 13 to 0.

Adjourn

Corinne Monahan made and Susan Clapham seconded a motion to adjourn the meeting.

Roll Call Vote

Jennifer Fallon – yes
John Lanza – yes
Corinne Monahan - yes
Patti Quigley – yes
Tom Cunningham – yes
Jake Erhard – yes
Jeff Levitan - yes
Doug Smith – yes
Susan Clapham - yes
Al Ferrer - yes
Wendy Paul – yes
Pete Pedersen - yes
Madison Riley – yes
Shawn Baker – yes

Meeting adjourned at 10:03 p.m. 14 to 0.

Documents Reviewed (link to website documents)

<https://wellesleyma.gov/DocumentCenter/Index/1349>

- Article B – Letter from Wellesley Friendly Aid
- Article C – MA Model Bylaw
- Article C – 2.1 Floodplains
- Article C – Revised Flood Plain Provisions 12/21/21 compared to existing provisions
- Article D – General Law – Part I, Title II, Chapter 15D, Section 1A
- Article D – 2.1 Definition of Child Care Facility
- Article E – 2.1 Town House
- Article F – 2.1 Sustainability
- Planning ATM 2022 Warrant Articles 12/21/21 Draft
- Article D – AG approval of STM Articles 6/5/19
- Articles A – E – Proposed Revisions to ZBL Section 4, 12/21/21 draft compared to ATM 2021
- Draft AC Minutes 12/22/12