

Approved October 4, 2023

**Advisory Committee
Public Hearing and Meeting
Zoom Video Conference
Wednesday, September 27, 2023, 6:30 p.m.**

Those present from Advisory Committee included Madison Riley, Chair; Susan Clapham, Secretary; Wendy Paul, Vice Chair; Gail Sullivan, Vice Chair; Al Ferrer; Pete Pedersen; Christina Dougherty; Rani Elwy; David Prock; Tamara Sielecki; Hanna Bonin; Phil Jameson; Jay Prosnitz; Lucienne Ronco; and Donna Stoddard.

[September 27, 2023, Public Hearing and meeting video](#)

Madison Riley, Chair, opened the Public Hearing on the 2023 STM Warrant Articles at 6:30 p.m. A brief overview of the Public Hearing's procedures was provided. The purpose and process of the Public Hearing was described. The Public Hearing is for citizen input on the articles for Special Town Meeting. A description of the purpose and role of the Advisory Committee was provided. Advisory does not set priorities and policies for the town. Advisory's role during its Public Hearing is to listen to citizen input, but not to engage in dialogue. Advisory members may, however, ask questions for clarification.

Madison Riley, Chair, provided a summary of each of the STM Warrant articles and citizens were asked if they wished to speak to each article.

Article 5

Danna Greenberg, 45 Cottage Street – spoke in support of pickleball in general and expressed support for the funding of the feasibility study for pickle ball at Morses Pond parking lot.

Phil Gormley, 514 Washington Street – spoke in support of pickleball and provided a positive personal perspective on the benefits of pickleball. He endorsed all efforts to expand pickleball opportunities in Wellesley.

Erica Bisguier, 514 Washington Street – spoke in support of Article 5 and encouraged Advisory's support. Ms. Bisguier also provided a positive personal perspective on the benefits of pickleball.

Kenna Juliani, 9 Sylvester Terrace – expressed support and encouraged Advisory to support the funding for the feasibility study to provide an opportunity to continue to play pickleball in town.

Marla Lucas, 42 Avon Road – expressed gratitude that Wellesley is actively discussing how to add pickleball courts in town and expressed support for the construction of courts at Morses Pond.

Bruce Franco, 6 Wellesley Ave. – expressed support for Article 5 for the feasibility study of pickleball at Morses Pond. Mr. Franco also provided a positive personal perspective of the benefits of pickleball.

Kieran Brennan, 15 Pine Tree Road – spoke in support of Article 5 and the funding of the feasibility study. Mr. Brennan also provided a positive personal perspective of the benefits of pickleball.

Ashley Quates, 159 Benvenue Street – expressed support for Article 5 and spoke of the positive personal benefits of pickleball.

Joe Schott, 26 Halsey Ave. – spoke against the funding of the feasibility study for pickleball courts at Morses Pond because he felt there were other sites that should be considered and that there have been no

public forums on this, and it conflicts with the Morses Pond project. He also expressed fiscal concern with the feasibility study.

Article 13

Sheridan Kassirer, 21 Squirrel Road – spoke on behalf of Building a Better Wellesley in support of Article 13. Ms. Kassirer stated that the affordable housing built in Wellesley as a result of the inclusionary zoning bylaw has made an important impact in creating a diversity of housing stock. However, Ms. Kassirer felt that there is a need to ensure that future multifamily housing includes some level of affordable homes. Ms. Kassirer stated that the amendment has three (3) critical features: (1) It prepares Wellesley for complying with the MBTA communities’ legislation but including changes that trigger inclusionary zoning from a project of significant impact to a site plan review. Ms. Kassirer stated that without this zoning change, multifamily housing projects in MBTA districts will not have to include affordable housing. (2) It includes affordable housing in all multifamily housing projects. The amendment adds residential incentive overlays which is a popular tool with developers. These projects need to include affordable housing. (3) The amendment includes a provision to reserve 5% of units for those who are between the 80% of median income and market rate. It was felt this “moderate” income group is important to serve as there is a gap between those in the 80% of median income and market rate. Building A Better Wellesley strongly supports this article.

Deed McCollum, 6 Pickerel Terrace – spoke in support of this article and the amendment and asked for Advisory’s support because it builds on the success Wellesley has had with inclusionary zoning and the article expands on that success.

Article 14

Deed McCollum, 6 Pickerel Terrace – strongly supports this change to the ADU bylaw. The Wellesley ADU bylaw was passed by over 90% of Town Meeting members at the 2023 ATM. Ms. McCollum felt that the Planning Board spends a lot of their time with Large House Reviews (LHR) of a small number of homes. She expressed support for removing barriers to residents who want to have an ADU by exempting them from that LHR process.

Article 15

Martin Moore-Ede, 110 Hundreds Road – spoke about the importance of protecting the sanctity of open space and woodlands that exist at Centennial Park. Dr. Moore-Ede felt that any building or development that would encroach upon that area would be a serious loss to Wellesley. Dr. Moore-Ede spoke about his expertise and experience with the issue of light, circadian clocks, and sleep and health. He felt that there is no need to encroach on the woodland and that a zoning restriction would protect the space and protect the health of all Wellesley residents.

Michael Tobin, 45 Cottage Street – Spoke on behalf of the Conservation Land Trust. Mr. Tobin stated that everyone wants to help the Sisters of Charity but that as Town Meeting members it was felt there was a responsibility to the current and future generations of Wellesley residents. Mr. Tobin stated that the Planning Board did not support this article and the NRC has not yet voted on this article. He stated that over 390 residents across town have signed a letter asking for permanent conservation restrictions prior to granting the zoning relief. Mr. Tobin felt this was not a matter of private landowner’s rights because the applicant is asking for a zoning amendment that will increase their rights and most likely the value of the property. Mr. Tobin felt that the town has the right to request considerations such as permanent protections of the natural spaces. Mr. Tobin felt the existing protections are not adequate as they don’t protect the existing natural habitat from destruction by the next owner or future owners. Mr. Tobin stated that future state housing mandates and what future town boards or committees permit cannot be controlled. Mr. Tobin asked if the Dover Amendment could be invoked at this site by another religious organization. Mr. Tobin expressed concern over the lack of review of potential consequences. Mr. Tobin

asked Advisory not to support this article as he felt that Town Meeting has an obligation to consider current and future generations of Wellesley residents.

Pam Kubbins, 395 Linden Street – felt that there is an opportunity for a mutually beneficial outcome for both the Town and the Sisters of Charity. Ms. Kubbins stated that the Sisters of Charity have benefited from their special tax-exempt status as an education institution but that is their right. Ms. Kubbins felt that, since the Sisters are requesting a zoning change from the Town to allow them to sell to an unknown entity, that it is appropriate for the Town to ask for a favor in return: putting a permanent conservation easement on the property to protect the unspoiled natural land on both sides of the border.

Leslie Hanrahan, 5 Putney Road – spoke about a recent NRC meeting where land preservation options were discussed. Ms. Hanrahan stated that the only options that protect land in perpetuity are a development agreement or a conservation restriction and these could be developed quickly. Ms. Hanrahan felt that now is the time for the town to negotiate agreements. Ms. Hanrahan further stated that 125 Oakland is a 14-acre parcel of land abutting Centennial Park, which is the largest conservation district in Wellesley. Ms. Hanrahan stated that under the current zoning the value of the 14-acre parcel is estimated at about \$26 million (with the land assessed at \$7 million) and that the exact impact of the zoning amendment on the property value is unknown. She felt that the zoning amendment would likely increase the value significantly. Ms. Hanrahan stated there are 87 nursing home beds and 76 Level 4 rest home beds currently in operation; she felt it was unclear if the amendment intends to grandfather those two (2) uses or whether it allows additional new uses under the umbrella term of assisted elderly housing and independent elderly housing. Ms. Hanrahan further stated that 125 Oakland has significant wetlands and wetland buffer zones; wetlands protection bylaws, however, can permit development in buffer zones with mitigation. The removal of hillside and trees is allowed which could put the mature tree canopy at risk. Ms. Hanrahan stated that there is no bylaw in town that limits the amount of pavement on properties. She further stated that the development of a sales agreement allowing the proponents to stay does not obligate the proponents to stay. Ms. Hanrahan felt that this does not protect against rapid commercial development or other unintended consequences. Ms. Hanrahan referenced the Town's strategic plan that calls to increase the existing tree canopy, ponds, and wetlands on large tracts of private property. Ms. Hanrahan said that the Planning Board voted not to sponsor this amendment and residents have signed a letter asking for protection of environmental assets on the property. Ms. Hanrahan asked Advisory not to support Article 15 or any other zoning option until a development agreement or conservation restriction is implemented for the property.

Wendy Beck von Peccoz, 26 Oakland Circle – agreed with many of the previous comments and encouraged Advisory not to support Article 15 until conservation restrictions or development agreement are in place. Ms. Beck von Peccoz cited concerns with climate change and the impact of any significant building at 125 Oakland could have on the environment.

Vincent Codispot, 30 Oakland Street – presented a letter to the Sisters of Charity that was signed by 392 residents across town and forwarded to Advisory Committee today. The letter requests that the conservation restrictions or other vehicles be used to protect the existing open space in perpetuity. It was stated that it is important that any protection enacted by strong and carried through to the next owner because the buyer and any development plan are unknown at this time. Mr. Codispot thanked the Sisters of Charity attorney, David Himmelberger, for listening to the concerns of the community and for sharing the revised proposal. Mr. Codispot stated that the goals of allowing the Sisters to be financially able to age in place and continue their philanthropy are shared goals. It is believed that these goals can be achieved while preserving existing open space on the property which was felt to be an integral part of the largest conservation district in town. Mr. Codispot requested the following be codified in any agreement: language that clearly indicates that any future redevelopment occur with the existing developed footprint of the property; application of conservation restrictions or other vehicles that will protect existing open

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space in perpetuity; streamline the process for future sales; meet the needs and goals of the Sisters and solidify the Sisters' legacy of land conservation.

Bea Bezmalinovic, NRC, Chair – spoke on behalf of NRC. Ms. Bezmalinovic stated that the NRC did not have the opportunity as a board to discuss the new information provided by the applicant. However, as NRC is an abutter and is the board charged with the care and custody of the town's parks and conservation areas, the NRC wanted to underscore the importance of the forested areas that span Centennial Park and 125 Oakland. Ms. Bezmalinovic stated that Centennial Park is a part of an important ecological pathway that connects open spaces, including the Town forest to the north and Longfellow Pond. She further stated that Centennial Park is home to popular trails maintained by the Trails Committee. Concern was expressed that trail access and trail use might be affected by changes. The forested area is shared between the Sisters and Centennial Park and this area contributes to the Town's tree canopy and to the character of the open space. The Sisters of Charity's commitment to the environment was acknowledged as they have left nearly five (5) forested acres on the property for decades and they have allowed trail access across portions of their land. The NRC has not taken a position on the zoning amendment but has discussed a wide range of options and hopes to continue to explore options that protect the area that enhance both the Town's and the applicant's interests.

Eric Warasta, 122 Oakland Street, - spoke against Article 15 and asked Advisory not to support Article 15. Mr. Warasta requested that protections be in place to preserve valuable natural resources. Mr. Warasta felt that zoning changes could result in changes to Centennial Park. Mr. Warasta agreed with previous speakers and felt there were options that could be beneficial to the property owners and the Town.

Wendy Paul made, and Al Ferrer seconded a motion to close the Public Hearing.

Roll Call Vote

- Wendy Paul - yes
- Al Ferrer - yes
- Pete Pedersen - yes
- Christina Dougherty - yes
- Rani Elwy - yes
- David Prock – yes
- Tamara Sielecki - yes
- Gail Sullivan -yes
- Hanna Bonin - yes
- Phil Jameson - yes
- Jay Prosnitz - yes
- Lucienne Ronco - yes
- Donna Stoddard - yes
- Susan Clapham – yes

The Public Hearing was closed at 7:47 p.m. by roll call vote, 14 to 0.

Advisory Committee Meeting

Madison Riley, Chair, called the meeting to order at 7:47 p.m. Vice Chair Wendy Paul took roll call of members of Advisory in attendance.

Also in attendance were Barbara McMahon, Chair, Community Preservation Committee (CPC); Allan Port, CPC; David Himmelberger, Himmelberger Law; Krista Thibault, Director of Finance, Sisters of

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Charity; Mary Anne Foster, Sisters of Charity; and Sister Margaret Mary Fitzpatrick, Congregational Leader, Sisters of Charity.

Special Town Meeting Warrant Article 5 – Community Preservation Committee Community Preservation Fund

A brief introduction to the Community Preservation Committee was provided. The two appropriations CPC is recommending for Town Meeting approval were presented. The first is \$65,000 for the development of a strategic housing plan and the second is \$25,000 for a feasibility study of pickleball courts at the Morses Pond parking lot.

Motion 1 – Strategic Housing Plan

The Town completed a Housing Production Plan five (5) years ago; it was a five (5) year plan and was a roadmap to help the town proactively plan and develop affordable housing to meet the required 10% affordable housing inventory. The Town has achieved that goal. However, housing continues to be a pressure point for communities across the state. The housing task force discussed the needs of the Town and the need for a diversity of housing options, including senior housing; housing for the “missing middle”; and housing for those who work in town. The housing task force would like to build on what has already been learned from the housing production plan and from the Housing Development Corporation’s market study, and identify strategies for the development of a diversity of housing. CPC has a reserve fund designated for housing, and it would like to spend that money in a productive way. The new strategic housing plan will also help identify partners for the potential redevelopment of Barton Road. Town staff have been in communication with the consultants who helped the Town with the housing production plan and who have been helping other communities with this type of plan. The request for \$65,000 would come from CPA undesignated funds and will be available at the close of Special Town Meeting if approved. The Wellesley Housing Development Corporation will contribute \$10,000 to the project. It is expected that this plan will last longer than five (5) years as it might take longer than five (5) years to complete.

Questions Motion 1

- How was the amount of \$65,000 determined?
 - Total cost is estimated to be \$75,000 and that is based on consulting with the two (2) groups that helped with the Housing Production Plan; it is also based on the experiences of some of the other communities who have developed similar strategic housing plans.
- Accessibility is included as a topic of study, but in the past, there have been challenges with that. How will the new strategic housing plan address the accessibility issues?
 - Wellesley Housing Authority (WHA) properties have accessibility issues. Some of that is being addressed with 40R money. There is a push for additional state funding for existing WHA units. One focus of the study will be to look at accessible senior housing. Accessibility is a big topic and there are many ways to address it and there are many needs.
- How old is the plan for the re-development of Barton Road?
 - There is no plan for the re-development of Barton Road. A few years ago, CPA funds were appropriated to look at Morton Circle and Barton Road properties. The Town did not take the next step. The WHA needs to take the next steps. There is no master plan. It is hoped that the strategic housing plan will be able to build on what was learned through the study of the Morton Circle and Barton Road properties.
- Can you plan beyond five (5) years and what is the intention?
 - The Housing Production Plan is designed to be a five (5) year plan and follows state guidelines from the Department of Housing and Community Development. In discussions about the strategic housing plan, it needs to look out farther partially because

it takes so long to get a plan approved and through the process. The goal is to develop a plan that will last twice as long or longer.

- Will the budget cover a ten (10) year plan?
 - Yes, the Town Executive Director and Planning Director believe that \$75,000 is sufficient.
- Do we have someone identified who can do the study or is it still to be an RFP?
 - There will be an RFP, but the Executive Director and Planning Director are familiar with groups who can do this type of study.

Motion 2 – Feasibility study of pickleball courts at Morses Pond parking lot

Various boards have been looking at options for outside pickleball courts. It was felt that a feasibility study was needed to get answers and information because of the questions being raised. Recreation proposed the feasibility study and BPW voted to support Recreation's request. NRC abuts the proposed site. CPC thinks a feasibility study is necessary to gather information. CPC voted in favor (8 to 1) of conducting this study to gather information before determining the location of pickleball courts. However, CPC wants to make sure that the Morses Pond bath house project will not be negatively impacted. The feasibility study is not a commitment or guarantee that pickleball courts will be constructed on the Morses Pond parking lot.

Questions Motion 2

- Is there any sense of the impact on or delay in the process for the Morses Pond project?
 - Pickleball courts could be an enhancement and could be an issue. CPC would like to hear consultants' thoughts on this. The Recreation Commission would like to view it as two (2) different projects, but there would need to be coordination on it. We don't know yet the impact to parking. A delay in the bathhouse and beachfront project is not wanted.
- A comment was made that a feasibility study is helpful. Why is it not a broader feasibility study?
 - There has been a lot of investigation into good sites and there is not a lot of open space in town. People continuing to look for other sites.
- Support for pickleball was expressed. Concern was expressed about the timing of this: it feels rushed. Concern was expressed that CPC funds have already paid for a study about the parking needs and that it feels like there is a conflict between CPC funding the feasibility study and the possibility that the pickleball courts potentially taking 30 to 35 parking spaces.
 - Weston and Sampson is the consultant for the bathhouse and beachfront project. CPA funds are being used for their work; it is not clear that they said there was inadequate parking at Morse Pond. CPC is very concerned about the impact of this on the bathhouse and beachfront project. The feasibility study is a long way from approving anything being constructed on the parking lot. It's just one space in town that seems possible. The goal is to see if it will work and will it work with what's being planned for the bathhouse and beachfront project.
- Could the feasibility study be done after the project for the bathhouse/beachfront is completed?
 - Parking and traffic will be a significant part of the feasibility study. If the feasibility study shows that it can't be done because of the other project, it is likely it won't be done.
- Have we looked at colleges for space?
 - There are conversations with Babson regarding the rink lot and with Mass Bay. So far none of this is viable. There is an expense to using commercial spaces. CPC doesn't create the projects. This project was brought to CPC by Recreation with the support of DPW. The request is funding for a feasibility study to look at one place.
- Is there a standard for distance in terms of where pickleball courts are located that the Town wants to achieve or is that determined by feasibility study?

- Understanding the impact of the sound created by pickleball play is part of the feasibility study. We are going to learn that.
- A comment was made that as the town gets more developed, there are not many places that are not near homes. It was felt that ultimately it is not going to be an outdoor solution and that there might not be a public solution for the courts. The feasibility study gives us options. But it was felt that we need to think more broadly.
- Has the Town thought about total capacity and rationalization? Are we thinking about total need and rationalization in terms of what is feasible and what we are trying to get to.
 - A stated goal in that way is not known. NRC recently completed a field utilization study and looked at the courts, but the focus was on rectangular fields. There is a bit of pressure between the needs of tennis players and pickleball players and there is an attempt to take the demand off the existing courts.
- A request was made to expand this feasibility study to look at the feasibility of other locations, given the potential for an increased need in the future, and that this might take the pressure off the opponents of the Morses Pond location.
 - More conversations with Recreation would be needed. Recreation has the data about use through its court reservations. There is a lot of demand, there is demand at certain times of the day, and that is part of the issue.
- Request was made to consider future construction on Weston Road because traffic is very congested on Weston Road.

Special Town Meeting Warrant Article 15 – Amend Educational Districts – Sisters of Charity

David Himmelberger, Esq., representing Sisters of Charity, presented the proposed zoning amendment through a Power Point presentation.

The history of Sisters of Charity was presented by Krista Thibault. The property at 125 Oakland is home to a 76-bed Level 4 facility; an 84-bed skilled nursing and rehabilitation facility; assisted living and independent senior housing dwellings; and various congregational offices. The property is home to 57 senior retired sisters. There are approximately 56 sisters across the US who will retire in the coming years. The Sisters of Charity have been divesting their properties and institutional holdings over the last several decades since the last sister entered in the 1980. With an average age of 83 and 186 sisters worldwide, the Sisters are planning for completion of the congregation. Operations at 125 Oakland are already being overseen by a hired management company. However, final governance and financial responsibilities still rest with the Sisters. Five (5) years ago the Sisters began working with the Planning Department; at the time it was suggested to add a residential incentive overlay to the property. The Sisters heard residents' comments at that time and have adjusted the zoning request and are now presenting another modified request. Ultimately the Sisters' purpose has remained unchanged. The Sisters want the current operations at 125 Oakland Street – the nursing facilities, assisted living, and independent senior housing -- to continue under a new owner operator, either as a for-profit or not-for-profit organization. The congregation has a responsibility to look after its members to the end of their days. In addition, the funds will be used for the mission and will be donated to organizations the Sisters partner with to provide education and social services to women, youth, and children, the sick and aging.

The congregational leader of the Sisters of Charity of St. Vincent de Paul, Halifax Nova Scotia, Margaret Mary Fitzpatrick, spoke of the mission and purpose and history of the Sisters of Charity. The current reality for the Sisters is that they need to sell the Wellesley campus to support the aging sisters, most of whom receive Medicaid. It was felt that the past actions of the Sisters should be a strong indicator of present and future plans. Sister Fitzpatrick said there is no hidden agenda or development project waiting to happen; this is a zoning bylaw change request. The Sisters will continue to live in the building and nothing will happen to the building. The Sisters cannot afford to wait until the spring. The Sisters

planned to sell the property several years ago, but the global pandemic stalled the plans. In addition, Wellesley residents have benefitted from the facility. Support was requested for the zoning amendment to allow the Sisters and future owners to operate the senior housing and nursing facilities currently in place.

The amendment is requesting an addition to Section 2.7 (the educational district provision) of the zoning bylaw by specifically adding, as a permitted use, assisted elderly housing, independent elderly housing, nursing home, and/or skilled nursing facility and related services so long as such uses existed in buildings or facilities on March 1, 2023, and provided that no expansion of such existing use, buildings, or facilities shall be allowed, absent the issuance of a special permit as here and after provided in Section 6.3 of the zoning bylaw.

The current educational district uses which are allowed as “of right” were reviewed. The Sisters operate with a religious exemption from the bylaw. They can’t sell their property to either a not-for-profit or a for-profit because those entities could not operate the facilities under the current zoning bylaws.

The special permit was added to the amendment at the suggestion of an attorney representing some of the neighbors. The special permit process is administered by the Zoning Board of Appeals (ZBA) and considers and addresses six (6) or seven (7) criteria. There is no plan to expand or to take down the building and build a new one. There is no plan to sell this property and move to another location. The Sisters want to sell the property to allow themselves to age in place in the existing facilities. In addition, there many Wellesley residents have received care in these facilities. The Sisters are not only seeking to continue to care for themselves but also for other residents of the Town. It was felt that this is an appropriate request narrowly targeted to the existing uses on site as of March 1, with the additional safeguard that there shall never be any expansion of the existing use, buildings, or facilities without the issuance of a special permit under Wellesley zoning bylaws.

Jay Prosnitz recused himself from the discussion on Article 15 because he is a former chair of the Trails Committee; his committee voted in support of the Friends of Brookside and therefore taken a position on Article 15.

Questions

- Is there some protection for the Sisters that they will not be ousted by the new owners?
 - This protection will be part of the sale. They have advisors who will assist them and who will help them so that they are not evicted and can continue to age in place.
- Why is it a problem to put in a conservation easement?
 - A conservation restriction takes time to complete – months or longer -- and cannot be done in a matter of days. The primary rationale to place a conservation restriction on a property is to take advantage of tax benefits a property owner would receive from a conservation restriction. It is possible that a future for-profit owner might want to take advantage of this. There is no financial benefit to the Sisters of doing it now and it would devalue the property. Approximately 35% of the property is within a wetlands buffer primarily on the eastern side of the property between the buildings and Oakland Street. A prospective builder must go through the NRC if they want to build within the wetlands buffer. Currently the existing parcel is a large oval encircled by walkways, parking areas, and driveway. That area comprises 35% of the lot. Current zoning bylaws provide in the educational district, regardless of who is operating, that no building footprint can exceed 25%. Sisters do not believe that there will be expansion. If the Town wishes to impose requirements on large parcels of land, then Town could do that. The Town knows how to protect land if it wishes to, but it was felt that this seems like an unfair opportunity to take advantage of the necessity that the Sisters must sell the property.

- A comment was made that there are limitations within educational district. Concern was expressed about the buffer and wildlife, and ecology; if something could be stated that this is not going to be damaged, it might help make people comfortable. If nothing is going to change, a new developer might want to make changes to make it economical now and in the future. What will happen in the future when the Sisters are not in control? What type of buyer is anticipated who would not make any changes?
 - It's not that the operations aren't viable; it's that the Sisters need the funds to pay for the Sisters to stay there. They would no longer be paying staff or overhead costs. Selling it would allow Sisters to focus on the care of the Sisters or the payment of the per diem rather than all the other capital expenses that come with operating a big property.
 - Another operator would come in to operate the building; they are not necessarily going to develop the building. The Sisters are not in this business to run things. The operator may have efficiencies to make it a better running operation.
- Has there been a valuation of the nursing home and housing facility to determine what it's worth to a buyer beyond the real estate assessment?
 - The Sisters are actively seeking a buyer; however, they don't want to divulge to buyers what they think it's worth. They have financial advisors taking care of this.
- Do you believe you have buyers?
 - Yes.
- With the current bylaw, could the new operator be either for profit or not for profit?
 - With the existing bylaw, a for-profit operator may not operate the facilities there. If a not-for-profit buyer could be found, they would have to go through a special permit process again with the ZBA in order to operate. This adds a level of delay to a potential sale to a not-for-profit and this is the reason to remove the impediment for a sale to a not-for-profit or for-profit entity.
- The majority of nursing homes are for profit. Would it be better for a for-profit to purchase the property?
 - If the amendment goes through, then it doesn't matter if the buyer is a for-profit or not-for-profit organization. If there is no bylaw change, then the universe of potential buyers shrinks, and the only buyer is a not-for-profit.
- How similar is this to the church property that became a sports center?
 - The Town purchased the Catholic church property on Route 9 with purpose of executing a 99-year ground lease with the current operator. A better analogy would be if Archdiocese had sought rezoning to sell it to a for-profit operator as opposed to selling it to the Town. The Sisters property is different because they are looking at continued use.
- How many beds are in total? How many other kinds of housing units?
 - Currently licensed for an 84-bed skilled nursing and rehab facility-- the Elizabeth Seton residence -- and a 76-bed Level 4 rest home -- the Marillac residence. They also have independent housing units for sisters who are not in skilled nursing or the Level 4 facility. There are about 200 beds in total, which includes the independent units.
- What is the impact to other properties? Are there other towns where they used this to protect this use?
 - It is not known if there are assisted elder housing and skilled nursing that exist in educational districts in other towns.
- A question was asked about the limitations that currently exist in an educational district and whether there was something that could make people less concerned about the environmental impact. A building can't be more than 25% of the property in an educational district. The current buildings are about half of that 25%.
 - The restriction on footprint for the educational district is found not in the educational district of the zoning bylaw but in section 5.2 which speaks of area regulations where

limitations are set out for virtually all districts. For example, in a single-family residence district, there are building footprint limitations based on the size of the lot. In the educational district, no dwelling apartment house, clubhouse, etc., shall be erected or placed on any lot of land which would result in the covering by buildings of more than 25% of the area of the lot. The 25% of the lot footprint limitation is found in Section 5.2 of the zoning bylaws, not in the educational district definition.

- Although there is a 25% limitation on building footprint, currently the developed area of the property is about 35%. It's larger than what could be developed by footprint. The developed area referred to as an oval is circumscribed by walkways and driveways.
- There was additional discussion and review of the site map contained in the PowerPoint presentation regarding the existing building coverage on the lot. The buildings and walkways are about 35% of the lot.
- If a new owner wanted to build additional buildings, would it be possible to do so and still be within the 25%?
 - The developed area is the flat area. The entire right third is wetlands buffer, and the entire back left corner is a wooded hillside. But there are no plans to build additional buildings.
- Understanding for the community responsibility for the Sisters was expressed. However, concern was also expressed about the future when the Sisters are no longer there. Have there been any thoughts around future buyers? Has there been a discussion about breaking off a piece of land that Wellesley could buy.
 - The Sisters have looked at all the options and they have been trying to do this since 2017. There is an urgency now that wasn't there five (5) years ago.
- The Sisters' care, stewardship, and maintenance of the property was acknowledged.
- It was noted that the language says that the use of the buildings will not be expanded. However, given the importance of the land, why not include the word land in in that language?
 - It was felt that making use of the land in some other manner would be an expansion of use which is covered.
- Is it possible to be more specific about the zoning request, where one might "up zone" the parking lots, but also protect the zoning of the land, the trees, and the wetlands, etc., by not rezoning the entire 14 acres?
 - If the Town wants to up zone or down zone-specific areas across Town, they we should do that, but the Sisters are advocating for the amendment they've presented.

Special Town Meeting Warrant Article 11 – Wetlands Committee memo Amend Wetlands Bylaw and Non-Criminal Disposition for Wetlands Violations

A summary of the Wetlands Committee memo was provided. This bylaw change corrects a typo in a previous approved bylaw.

Minutes Approval

Al Ferrer made, and Gail Sullivan seconded a motion to approve the September 20, 2023, minutes.

Roll Call Vote

Wendy Paul - yes

Al Ferrer - yes

Pete Pedersen - yes

Christina Dougherty - yes

Rani Elwy - abstain

David Prock – abstain

Tamara Sielecki - yes

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Gail Sullivan -yes
Hanna Bonin – yes
Phil Jameson - yes
Jay Prosnitz - abstain
Lucienne Ronco - abstain
Donna Stoddard - yes
Susan Clapham – yes

September 20, 2023, minutes were approved, 10 to 0 with 4 abstentions.

Rani Elwy made, and Christina Dougherty seconded a motion to adjourn.

A roll call vote was taken, and the meeting was unanimously adjourned at 10:03 p.m., 14 to 0.

Meeting Materials [September 27, 2023, meeting materials](#)

- Article 15, Sisters of Charity Presentation 2023-09-27
- CPC – Short Form Application – Strategic Housing Plan
- CPC - Communication regarding Pickleball Courts at Morses Pond
- CPC- Feasibility Study for Pickleball at Morses Pond 2023
- CPC- Supplement to Short Form application for Strategic Housing Plan
- Draft AC Minutes 092023
- Pickle Ball Proposal – background for Advisory
- WPC bylaw changes MEMO FinalwAttachmentsv2