

Approved October 25, 2023

**Advisory Committee Meeting
Zoom Video Conference
Wednesday, October 19, 2023, 6:30 p.m.**

Madison Riley, Chair, called the meeting to order at 6:30 p.m. Vice Chair, Gail Sullivan, took roll call of members of Advisory in attendance.

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.

Also in attendance were Eric Arbeene, Director, Planning Department; Tom Taylor, Chair, Planning Board (PB); Kathleen Woodward, PB; Marc Charney, PB; Patty Mallet, PB.

Citizen Speak

Michael Tobin, 45 Cottage Street – urged Advisory to vote against Article 15, citing concerns about the lack of protections against developing the land by a new owner and stated that alternatives had been offered.

Mary Ann Cluggish – felt that there had not been enough time for due diligence and felt there was no information about the proposed development at 125 Oakland. Ms. Cluggish felt that this should wait until ATM to allow time for a thorough examination by other boards and would allow the attorneys to negotiate an agreement. Ms. Cluggish urged Advisory to vote unfavorable action on Article 15.

Leslie Hanrahan, 5 Putney Road – felt that Article 15 grants expansive development rights to future owners and cited examples of the expansion she felt could happen under a new owner. Ms. Hanrahan felt that permanent protections should be negotiated with the current owner and not the future owner. Ms. Hanrahan urged Advisory to vote no on Article 15.

Deb Codispot, 130 Oakland St. – stated that the property owners are asking for a zoning change from the town and felt the town should amend the zoning request to preserve the natural areas of the property. Ms. Codispot felt that the special permit does not offer protection.

Denny Nackoney, Chair of Trails Committee –speaking on behalf of the Trails Committee, reflected on the history and beauty of the Centennial land. Mr. Nackoney stated that the Trails Committee supports a conservation restriction around the perimeter of the property to protect the use and enjoyment of Centennial Park. The Trails Committee also supports constraints for the sale to a for-profit, including retaining the existing wooded areas and setbacks; restricting new building heights; restricting nine (9) porous pavement areas; and establishing a formal trail easement for the two (2) existing reservation trail section.

Bea Beزالinovic, Chair of the NRC – speaking on behalf of NRC regarding the follow-up on the letter that was sent to Advisory to acknowledge that Section 6.3 Special Use permits will require consideration of environmental consequences. Concern was expressed regarding the removal of part or all of the forested area taken in advance of development which would obviate the need to adhere to a tree protection bylaw and would be independent of the triggers of a special permit. Ms. Beزالinovic acknowledged that the special permit is a process, but it is not a guarantee. Ms. Beزالinovic stated the NRC has not taken a public position on other developments in town but that the NRC has been trying to put together a comprehensive, actionable plan that could address concerns across multiple sites, but the plan is not yet

completely developed. Ms. Bezmalinovic urged Advisory to consider whether other options such as conservation zoning, conservation restriction, or additional language in a development agreement could be incorporated and still meet the needs of the Sisters of Charity and allow them to move forward.

Maureen Febiger, Crescent Street – expressed concern that Article 15 amends a bylaw for one owner without restrictions currently in place in the educational zone. Ms. Febiger felt this was an example of spot zoning by amending the zoning for one owner. Ms. Febiger expressed support for the Conservation Land Trust experience and for their offer to the Sisters.

David Himmelberger, attorney representing the Sisters of Charity – stated there is no proposed development; the existing buildings are in great condition and were recently renovated so there is no need for reconstruction; the offer to purchase by the Conservation Land Trust is not an offer, but a wish. He stated that there cannot be meaningful discussion because the offer fails to include the amount of land and is contingent upon funds being raised to pay for the land. Mr. Himmelberger stated that the Planning Board voted unanimously to support Article 15 and the Sisters accepted the proposal of the residents' attorney that no expansion of uses, buildings, or facilities could be made without a Section 6.3 Special Permit. The special permit process requires a comprehensive review of future expansion and requires a finding after a public hearing that each of seven (7) criteria have been met, including compatibility with the surrounding areas. Mr. Himmelberger felt that the denigration of this process does a disservice to the integrity of the ZBA. He felt the consideration for future protection of natural resources on private property should be a townwide review and future zoning. Mr. Himmelberger felt if the Town wants to require new protections of resources on private property, then it should begin a comprehensive approach, leading to revised bylaws that considers all private property including the larger forests at Babson College and Wellesley College. Mr. Himmelberger felt it was unreasonable to impose the requested constraints where the only change being sought is to be able to transfer ownership of an existing use to a non-religious entity, not to create new uses. Mr. Himmelberger felt it was unfair to rewrite the terms of the Sisters sale of Centennial Park to the Town as, with that sale, the Sisters lost control over their undeveloped land at 125 Oakland Street. Mr. Himmelberger requested Advisory's support of Article 15.

Article 13 – Inclusionary Zoning

The Planning Department and Planning Board presented Article 13 which is an amendment to Section 5.7, the inclusionary zoning bylaw.

Article 13, Motion 1

Questions

- What makes a Project of Significant Impact?
 - A newly constructed floor area of 10,000 sf or more or renovation of 15,000 sf or more. The Project of Significant Impact (PSI) requires a special permit which the state sees as a barrier to the development of housing. As Wellesley moves forward to comply with MBTA Communities zoning, PSI requirements need to be removed from the inclusionary housing bylaw so that the Town can continue to develop affordable housing in areas that fall within the MBTA communities. The projects which formerly would have had to meet the PSI requirement will now be considered "Major Construction Projects." With a PSI requirement, affordable housing units could not be built in MBTA communities and the Town's inclusionary zoning requires affordable units in new housing developments.
- Are they supposed to be multiple districts or one?
 - Currently the inclusionary zoning bylaw covers the Business, Business A, Industrial, Industrial A and the Wellesley Square commercial district. As part of this amendment, Planning is expanding the districts to include Lower Falls district and the Residential Overlay district.
- Is the MBTA Communities law one district or multiple districts?

- It is a minimum of one district. Planning will bring a comprehensive approach to the MBTA Communities law to Annual Town Meeting. It is up to the town to decide how many districts to include. The MBTA Communities law doesn't require affordable housing, but this change is necessary to make sure developers include affordable housing units in their projects so that the town does not fall below the 10% subsidized housing inventory (SHI) threshold.
- Where is the need to prepare for affordable housing if the MBTA Communities law doesn't require affordable housing?
 - Wellesley's Unified Plan and Housing Production Plan call for affordable housing and the town would like to provide and create affordable housing. There is an incredible need for affordable housing in the town and in the region. The Planning Board and other boards believe that this is the change the Town needs to make so the developers who build in these districts continue to create affordable housing. If the change is not made, then developers won't comply.
 - The state has told each town how much land and how many units they think are within a half mile of the train station. Wellesley's number is 1,392 units. It is Planning's job to make sure the Town has enough land in as many districts as is needed. The units are undefined as to the level or value of housing. The state assumes a community will create some affordable housing in the mix, but they don't explicitly mandate it.
 - The state is not requiring Wellesley to build these numbers of units, but the state wants communities to be ready with zoning and to be more welcoming to affordable housing by eliminating special permits like the PSI.
- A question was asked about the change in wording from "significant impact" to "major construction" and whether it applied to single-family residential homes.
 - This does not apply to single-family residential homes.
- Clarification was requested about the juxtaposition of the affordable housing requirement with the MBTA Communities law. Concern was also expressed about the conflict with conservation goals and overall congestion.
 - By the end of 2024 the town must comply with the MBTA Communities law.
- What is it we are complying with and what is the penalty if we don't comply?
 - For developers or builders, projects should be allowed without special permits or restrictions or hurdles for affordable housing. This is why the PSI is being removed as it is seen as a special permit and therefore restricts building housing.
 - If the town does not comply with the law by the end of 2024, the town will lose grant money and could be subject to fair housing penalties according to the attorney general's advisory statement.
 - As a town, we have decided that we want to make sure that affordable housing is built and that is why we are making this change to the inclusionary zoning bylaw.
 - The MBTA Communities law wants housing built or zoned for housing to be built. For example, currently in Wellesley a 10-unit development would have 2 affordable units because of the inclusionary zoning bylaw. However, if the PSI requirement is not removed from the existing inclusionary bylaw, then the affordable units could not be built in the MBTA Communities zoning district or districts. Therefore, building housing is restricted by the PSI which is seen as a special permit and a barrier to building housing.
 - If we don't have inclusionary zoning for the districts, then it will be difficult to stay ahead of the 10% SHI threshold. We are currently at 10.7%. Each unit of housing added to the total number of units in town requires a higher number of affordable units to meet or exceed the 10% threshold. If we don't stay ahead of the 10%, then we are subject to 40B developments that can bypass all zoning requirements.
- Did The Nines go through PSI?

- The Nines is a 40R.
- If we change from PSI to a general project, does that take the oversight of the impact of traffic and other implications from a large project? Or is there still oversight under a general project such as how it impacts schools, police, fire, etc.
 - PSI does not look at schools. It reviews infrastructure. Projects will still be subject to site plan review which evaluates the site impacts of a project. But the effect of projects on considerations such as their impact on fire department services, traffic, etc., will not be looked at.
- A comment was made that this type of review is important, and concern expressed about taking it away.
 - The PSI needs to be removed from the districts identified because that state does not allow a special permit and the PSI is a special permit. A project will still go through site plan review, so it's not like these things are being ignored.
- Clarification was provided that if we don't comply with the law, the Town loses money.
 - In addition, the Town might be subject to civil enforcement action and ineligible for several grants; there is liability risk under federal and state fair housing laws.
- A comment was made that if this motion passes, a developer who wants to build in an MBTA district will no longer need a PSI, but they will need permission for major construction. What are the differences between PSI and major construction requirements?
 - The PSI looks at infrastructure and the site plan review looks at the impacts on the site such as circulation, nature, landscaping, and the buildings. The site plan review is site focused. The ZBA completes the site plan review, not the Planning Board. The ZBA does involve the DPW to look at transportation and water and sewer. The ZBA can change things and decline aspects of a plan. The ZBA is experienced in site plan reviews.
- How are the other 177 communities addressing this and why was this specifically chosen?
 - Each community is approaching it differently as their zoning bylaws are different. For example, some communities might not allow a certain density in some districts. The only change the Planning Board is recommending is to remove the special permit (PSI) to the site plan review or to the major construction project. Usually, communities want to work with the bylaws in place instead of creating new bylaws. The MBTA Communities law requires a density of 15 units per acre. In Wellesley the districts mentioned allow for a density of 17 units per acre to be developed; this has been in place for 50 years. Wellesley is working with the bylaws that are in place. It is difficult to compare communities because all the zoning bylaws are different.
 - If we change this special permit (PSI) to the site plan review requirement, the town will have gone a long way in complying with the state law in the districts around the train stations that will work for us and meet the requirements of the law.
- What are the other requirements the state requires to allow development in the town as we meet the MBTA requirements and does the town retain any rights?
 - The MBTA districts have not been adopted but the Planning Board plans to recommend adding the districts being discussed to the MBTA districts. The plan will be presented at Annual Town Meeting in the spring.
 - It was also noted that the MBTA Communities requires Wellesley to have 1,392 units; there are 850 existing units, and this leaves 542 units for the rest of the town to be built.
 - The Planning Board is responsible for defining the zoning bylaws and it is up to the Planning Board to define the density required and the setbacks, etc. The Planning Board does not approve projects.
- Do we still have the right to regulate noise, traffic, water usage, fire protection?

- The project would need to go to the ZBA, and they would use the seven (7) special permit standards mentioned earlier. The building inspector enforces the building code.
- Concern was expressed over the loss of rights of the town to regulate building because of the impact to traffic and water usage with the modification to the bylaw and the removal of the PSI.
 - The Planning Board would not be involved; the ZBA would manage this and ask questions. The density, the setbacks, and the heights of buildings have already been defined in the bylaws for each district. Those bylaws are not being removed.
 - The Linden Street project started as a 40B because the town was below the 10% SHI threshold. It did not end up as a 40B because the Select Board stepped in and negotiated a deal to shrink the project.
 - Inclusionary zoning aims to make certain that we stay ahead of the 10% SHI number and that the town does not go below that 10% number. If we fail to stay ahead of the 10% SHI number, projects could be built through the 40B provisions, and would not be compelled to follow local zoning requirements.
- What will be coming to Annual Town Meeting related to the MBTA Communities law?
 - The definition of the MBTA districts and the zoning. The PSI portion is being addressed now. Planning has an idea of the districts, and the Town has submitted a compliance plan, but the plan will go to Annual Town Meeting for approval.
- A comment was made that there is nothing about an affordable requirement?
 - The inclusionary zoning bylaw was adopted by the town and is a way to develop affordable housing to comply with Chapter 40B. It is not a state mandate. This was done to make sure we keep track of 40Bs and make sure that if the town doesn't like a 40B, it can deny it because the town has exceeded the 10% threshold.
- Where is the town today in terms of acres as it relates to meeting the MBTA Communities law?
 - That is for Annual Town Meeting. The Planning Board will come with the districts and where they are located.
 - The density is defined in the bylaws to meet the required 1,392 number of units. In the spring we will be wrapping those districts into the MBTA districts.
 - If we don't fix the PSI (special permit) now and the by-right versus a special permit, then the town will not be compliant with the law, and we will not be able to meet the goals set by the MBTA Communities.
- Clarification was requested about the removal of the PSI for projects.
 - The PSI would be removed for housing projects but would still be in place for commercial projects.
- A request was made to understand the penalties of non-compliance; frustration with the congestion in town was expressed and it was suggested that people might be willing to pay more in taxes if there were a loss in grant monies.
 - The loss of grant monies is only one penalty. The other penalties are that the town would be subject to civil enforcement, risk liability under federal enforcement, and risk liability under federal and fair housing laws. There are 15 grant programs that would be at risk.
- A question was asked about the project at 489 Worcester Street and whether that would count?
 - It is not in one of the districts that is likely to be related to MBTA Communities. It is currently in a single residence district. It all depends on how it goes to permit. Of the 1,392 units the town already has 850 units. The number the town is focusing on is 542 additional units.
- How would the 489 Worcester Street project change under this motion?
 - Under a site plan review, there is a checklist: site plan, plot plan, drainage plan, landscape plan, etc. It focuses on the conditions in and around the site. PSI looks at things that are off the site. Traffic and parking would be evaluated as part of the site.

- A comment was made that there is not much choice about eliminating the PSI as there are consequences of having the PSI which is seen as a special permit. Inclusionary zoning is not mandatory. We are responding to a state law which pulls in 2 directions: maintain the 10% SHI and comply with the MBTA Communities law.
 - The MBTA Communities law is zoning, and the Planning Board is proposing allowing inclusionary zoning to continue in these districts by removing the PSI, which is seen as a special permit. This ensures that affordable housing continues to be built in these districts. This is just one step in the process. The Planning Board voted 4 to 0 in support of this motion.
- Clarification was provided that if a developer wants to build in an MBTA Communities district that will be defined at Annual Town Meeting, they will not have to go through the PSI because that is seen by the state as a special permit and a barrier to building housing. But the project would go through site plan review that is approved and overseen by the ZBA. This amendment expands the number of districts in town for the inclusionary zoning.
- How many projects have had a PSI?
 - There were nine (9) projects with a PSI and none of those projects triggered the inclusionary zoning bylaw.
- A comment was made that removing the PSI will not have a large impact and it won't impact buildings outside of these districts.
- What are the two (2) districts being added?
 - Residential Incentive Overlay (RIO) – of which there are three (3) districts and the Lower Falls development district. All of these are very industrial commercial areas. The larger part of town is single residence districts, and these are not being added.

Article 13, Motion 2. Changing the requirement to 15% of units be affordable to households earning 80% AMI and 5% of units be affordable to households earning greater than 80% and no greater than 140% AMI, with the intention that this creates an additional step of affordability.

Questions

- Questions were asked as to why 5% was chosen and not a higher percentage? Concern was expressed about providing housing to those who work in town.
 - It is a conservative approach, and the town does not want to fall under the 10% SHI threshold. The 5% moderate income units do not count towards the SHI.
 - The examples used were for town salaries. This change would not set aside units for town employees.
- Is there a state average for affordable housing?
 - It varies by town and each town approaches affordable housing differently. For example, a developer might prefer a town with infrastructure in place over a town that does not have anything in place.
- Is there a federal or state mandate to have affordable housing?
 - The state has a law, Chapter 40B, that requires each town to have 10% of its housing as affordable housing. If a town does not have 10% of its housing as affordable, a developer can override zoning bylaws. Wellesley decided that it would like 20% inclusionary zoning for new developments. However, the inclusionary zoning does not cover every district in town.
- Clarification was requested whether the two (2) motions go together.
 - They are both changes to the inclusionary zoning bylaw. One expands the number of districts and removes the PSI (special permit) to comply with the MBTA Communities law and the second is changing the percentages of the affordable housing units to include 5% moderate income housing.

- Could a lottery be held for town employees? If we have met the 10%, then why can't the split be 10% and 10%?
 - There are lotteries for affordable units and preference given to town residents and employees for the 80% of median income units. But the lottery cannot be restricted to town employees.
 - The percentages are an experiment. It's possible that, if 10% of new units were affordable, that the town would fall under the 10% SHI threshold, since new housing in other districts is not subject to the inclusionary zoning bylaw. The 10% SHI is based on the percentage of all housing units in town. At 5% for moderate-income housing, we will see what the demand is for the units; and many future owners/renters could be town employees.
- A comment was made expressing support for this change as it is important to have more affordable housing for a range of income levels. It was felt this is moving in the right direction but that housing in Wellesley is expensive.
 - It is challenging in Wellesley due to the cost of housing.
- A suggestion was made that since the question on why 5% was chosen came up in another meeting, it would be good to have an explanation for Town Meeting.
- Clarification was requested about renters who initially qualify for a unit at 80% of median income; if their income goes up and they then earn more than 80% of median income, they are no longer eligible and must move out. Will this provide them with a place to move to?
 - In lotteries, a percentage of units is set aside for residents. If someone is up against the 80%, they are not turned out on the street the next month. There is an annual re-certification process.
- A comment was made that Town Meeting will want to know if there are people in town who want this, so it is important to explain why 5% and that you are planning to evaluate it.
- A comment was made that the governor put forward an Affordable Housing bill for \$4 billion and, if passed, it will provide significant financing for moderate- and low-income housing and this may be a way of supporting increasing housing options.
 - A recommendation was made to read the Globe Spotlight series on housing and zoning.
- Support was expressed for this amendment as it is a step towards addressing the "missing middle," but the middle is a bit ambiguous because of the high cost of housing in Wellesley. Was there any discussion on keeping the 20% at 80% of median income and adding the 5% on top?
 - The 20% inclusion is a high number compared to other towns. It is a balance. If the percentage is too high, then developers will not want to develop because it's not profitable. The units sold at market rate make up for the 20% which are held as "affordable" units.
- Is there unintentional affordability if a unit is offered at below market rent?
 - That is called naturally occurring affordable housing. The unit would not count towards the 10% SHI. To count towards the 10% SHI, the unit needs to be subsidized at 80% of the area median income.
- If someone qualifies for an affordable unit, and they later earn 120% of median income, do they go back into the lottery or can they stay in their affordable unit?
 - It depends on where the unit is located. These bylaw changes are applicable to new developments.
- Has Planning evaluated the resulting increase in market-rate housing in the areas with an increase in the number of affordable housing units? A further comment was made that developers won't want to earn less money.
 - We have not done studies. Developers say if there are affordable units, then the price of the other units needs to be higher. The market is the market and will find its own level,

based on supply and demand. We aren't equipped to either pay for research or do research.

- Concern was expressed that having affordable units will increase housing prices overall.
 - The percentage of affordable units is not being increased. We are proposing that 5% of the affordable units can be a little higher in sales price or rent so there will be a slight relief for the developers. Currently 20% of the affordable units are for those earning 80% of median income.
 - The inclusionary zoning has been in place since 2004. As part of this zoning, 20% of the units need to be affordable and the other 80% can be whatever the market dictates.
- Are there statistics on the number of units owned or rented by town employees?
 - There are no statistics. It's common to have 70% of the affordable units set aside for residents or employees. Then it's opened up to the region. Housing is a regional problem. The town is trying to do what is mandated through the Unified Plan.

Discuss and Vote 2023 STM Warrant Articles

Article 13, Motion 1

Susan Clapham made, and Christina Dougherty seconded a motion for favorable action on Article 13, Motion 1, as proposed by the Planning Board, that the Town vote to amend the Zoning Bylaw Section 5.7 INCLUSIONARY ZONING APPLICABILITY from projects requiring approval as Projects of Significant Impact (PSI) to projects requiring approval as Major Construction Projects and adding two new zoning districts that will be subject to the bylaw; the Residential Incentive Overlay District and the Lower Falls Village Commercial District, as set forth in the Article and the Motion.

Discussion

- Concern was expressed about the motion and about things that can or cannot be done that were felt to be important. It was felt there were things that were not clear and not considered.
- Confusion was expressed and it was felt to be a big decision to get rid of PSI and move to something different. A request was made to push this to ATM.
- A comment was made that this is required under Massachusetts State law to be able to uphold the MBTA Communities law and the PSI is not often utilized. It was further commented that the two districts being added are more commercial and denser, so it won't impact a lot of housing. Support was expressed for the amendment.
- Support was expressed. It was commented that the PSI needs to be removed for compliance with MBTA Communities law and it makes sense to add other districts for inclusionary zoning. It was felt that the site plan review is sufficient even in the absence of PSI
- Concern was expressed about not having the maps.
- It was clarified that the removal of the PSI was for MBTA Communities housing decisions. Other building projects such as lab space, the tennis facility at Wellesley Country Club, and the college projects will still be subject to PSI.
- Concern was expressed about eliminating fire and police reviews.
- Concern was expressed about the urgency to do this at STM rather than at ATM.
 - Planning feels the need for this tool when talking to developers on new projects. It was felt this should be done sooner. It needs to be done before the end of next year.
- A comment was made that these issues are clear enough to go through Town Meeting now. These are the first steps, and it will free up Planning to focus on the other pieces. It was further commented that it would be helpful to look at data from other communities. Support was expressed.

Approved October 25, 2023

Roll Call Vote

Wendy Paul - yes
Al Ferrer – yes
Pete Pedersen - yes
Christina Dougherty - yes
Rani Elwy - yes
David Prock – no
Tamara Sielecki - no
Gail Sullivan -yes
Hanna Bonin – yes
Phil Jameson - yes
Jay Prosnitz - yes
Lucienne Ronco - yes
Donna Stoddard - yes
Susan Clapham – yes

Advisory recommends favorable action on Article 13, Motion 1, 12 to 2.

Article 13, Motion 2

Susan Clapham made, and Gail Sullivan seconded a motion for favorable action on Article 13, Motion 2, as proposed by the Planning Board, that that the Town vote to amend the provisions Zoning Bylaw Section 5.7 INCLUSIONARY ZONING to allow for a mix of affordability by altering the bylaw requirements as set forth in the Article and the Motion.

Discussion

- Support was expressed and a comment was made that the case studies were a helpful context in thinking about town employees.
- Clarification was requested that this is less than what is currently being done.
 - The number of units set aside will remain at 20%. Instead of the entire 20% being in one category, it's in two categories.

Roll Call Vote

Wendy Paul - yes
Al Ferrer – yes
Pete Pedersen- abstain
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

Advisory recommends favorable action on Article 13, Motion 2, 14 to 0.

Article 15

Susan Clapham made, and Phil Jameson seconded a motion for favorable action on Article 15, Motion 1, that the Town vote to amend the Zoning Bylaws defining Educational Districts, to allow the additional permitted use for assisted elderly housing, independent elderly housing, nursing home, and/or skilled nursing facilities, as set forth in the article and the motion.

Discussion

- No support for this amendment was expressed. It was commented that the land is too important and there is too much ambiguity post-sale. Trust in the Sisters was expressed, but there is concern about the future.
- Gratitude and appreciation of Sisters for their stewardship of 125 Oakland Street and their contributions to the town were expressed. It was further stated that the Sisters' desire to sell their property while aging in place with financial security was understood. The urgency to sell is understood. It was further stated that it was understood that the Wellesley Conservation Land Trust offer was not specific enough for the Sisters to evaluate. It was felt that it would be good to have this be a specific offer. It was felt that even though the Sisters have been in discussions with the Select Board and Planning for 5 years, the NRC and the Wellesley Conservation Land Trust were not involved, so this is new to many people. Advisory Committee received an outpouring of letters urging Advisory not to support this article as currently written. It was felt that the town is in a unique position where the Sisters could be asked to make accommodations like a conservation restriction on the sale of their property because they are in turn asking for a zoning change which will benefit them. It was felt if the sisters and the town boards are willing, there are ways to pass the zoning changes at ATM that would allow for a sale by the Sisters and provide for a process of establishing and paying for a conservation restriction on the property. It was understood that if the funds aren't raised within a specific timeframe, then the new owner would have no obligation to put a CR on the property. It was felt that this zoning change should be rejected for STM while exploring this specific conservation option at ATM.
- Prior to the meeting, clarification from Town Counsel was requested regarding how much more restrictive a conservation restriction is versus a special permit. The special permit would allow building if all the criteria were met and the ZBA voted unanimously, whereas with a conservation restriction the land would fundamentally remain unchanged. Therefore, it was felt that a CR is needed.
- Appreciation for the NRC and for the citizen input was expressed.
- It was felt that it is not fair to make the Sisters wait to put the protection on the trees after they sold the town property to create Centennial Park.
- A comment was made that this was an incredibly challenging issue as the analysis is difficult to process when there is a level of inherent bias. However, it was strongly believed that in the best interests of the town, there should be protections in place for when the parcel is sold.
- A comment was made that although comments were heard, it was from 400 residents out of a town of 29,000 residents. It was felt that people speak up when they object and not necessarily when they are for something. It was felt that a lot of concerns were hypotheticals of what might happen.
- Several Advisory members expressed agreement with the previous comments, concerns, and suggestions.
- It was felt that it would be good for the town if the Sisters were able to age in place and carry on their mission while getting out of the operations of the facilities. Trust in the Sisters was expressed. It was felt that agreement could be reached where a broader group of potential buyers could be found. The importance of Centennial to the community and environment was acknowledged. It was felt that the tree canopy, wetlands, and access to trails on the Sisters property should be protected. As the NRC and other experts have said, the by-right amendment

Approved October 25, 2023

with a special permit is inadequate in protecting the open spaces. It was felt there was too much space between the objectives of the proponents and opponents. It was felt that we can come closer to meeting everyone's goals with a little more time. It was understood that this is not a financial crisis situation, so perhaps with more time to understand a possible conservation restriction or a right of first refusal or other options suggested by the Land Trust, it might be possible to come to an agreement that benefits everyone.

Roll Call Vote

Wendy Paul - no
Al Ferrer - no
Pete Pedersen - no
Christina Dougherty - no
Rani Elwy - no
David Prock – yes
Tamara Sielecki - yes
Gail Sullivan - no
Hanna Bonin - no
Phil Jameson - no
Jay Prosnitz - recused
Lucienne Ronco - no
Donna Stoddard - no
Susan Clapham – no

Advisory recommends unfavorable action on Article 15, 11 to 2, with 1 recusal.

Minutes Approval

Jay Prosnitz made, and Al Ferrer seconded a motion to approve the October 11, 2023, minutes.

Roll Call Vote

Wendy Paul - yes
Al Ferrer – yes
Pete Pedersen- abstain
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

October 11, 2023, minutes were approved, 13 to 0 with 1 abstention.

Liaison Updates

Schools/Rani Elwy – Overview of Schools will be provided next week; the strategic plan was discussed at a recent meeting which is important as it will guide the fiscal planning; MCAS results were discussed, and schools regained in the scores and all schools met or exceeded MCAS achievements; the learning gaps from the pandemic are closing and there has been academic progress across all grades. Schools are

Approved October 25, 2023

addressing other issues such as chronic absenteeism which may be related to feeling connected and belonging. The projection on enrollment shows 74 students fewer than was projected. Budget guidelines from the town are in process. As of now the Schools are projecting a FY25 increase of 4.24%.

- After next week's School presentation, Advisory will be asked to give thought and consideration into questions about the school budget. The plan is to submit questions early so the Schools have a chance to respond and provide information.

HR/Al Ferrer – the search for the HR director continues and there will be an additional interview with one of the candidates. A decision should be made by the first week of November. HR Board agreed to request a compensation study. There is another study to look at the reasons people are leaving town employment.

Planning/Jay Prosnitz– Planning heard a presentation on 489 Worcester Street. The developers made some changes to the multi-story structure, and they are still planning 48 units. Extra tree screening towards the back of the property is planned; the entrances and exits are being reworked; and the property will have underground parking. A traffic study will also be completed over the next 4 to 6 weeks.

CPC/Phil Jameson – There will be a new Recreation proposal to CPC for an expanded feasibility study for pickleball. For ATM, CPC is discussing providing funds for the Wellesley Historical Society at 323 Washington Street to renovate the building.

DPW/Pete Pedersen – an update from the recent DPW meeting was provided. Pickleball was discussed. The big issue for ATM is a placeholder for \$8 million for the MWRA interconnection.

BOH/Christina Dougherty– an update from the recent BOH meeting was provided. The social worker and sanitarian position are still open. There is money coming from the state from the opioid use settlement. It is anticipated there will be an ATM warrant article for the spending of those funds, which are to be used for treatment and prevention. The proposed memory care assisted living facility on 200 Pond Road was also discussed. The BOH has an FDA grant, and they will be offering flu clinics and will be looking at other vaccines they might offer.

MLP/Tamara Sielecki– there will be a director change at MLP, due to the retirement of the current director.

Pete Pedersen made, and Christina Dougherty seconded a motion to adjourn.

Roll Call Vote

Wendy Paul - absent

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

A roll call vote was taken, and the meeting was unanimously adjourned at 9:50 p.m., 13 to 0.

Meeting Materials [October 19, 2023, meeting materials](#)

- Draft 10/11/23 minutes
- Article 13 STM Presentation 10.19.2023 V2