

TOWN OF WELLESLEY



MASSACHUSETTS

## BOARD OF SELECTMEN

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

ELLEN F. GIBBS, CHAIR  
JACK MORGAN, VICE CHAIR  
MARJORIE R. FREIMAN, SECRETARY  
ELIZABETH SULLIVAN WOODS  
THOMAS H. ULFELDER

FACSIMILE: (781) 239-1043  
TELEPHONE: (781) 431-1019 x2201

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BLYTHE C. ROBINSON  
EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

### SELECTMEN'S MEETING

#### *TENTATIVE AGENDA*

Wellesley Town Hall – Juliani Room

**7:00 P.M. Monday, March 12, 2018**

1. 7:00 Citizen Speak
2. 7:05 Executive Director's Update
  - Approval of Minutes
  - One Day License – Babson College
3. 7:10 New Era Fund – Naming of Rooms at Tolles Parsons Center
4. 7:15 No.7 West - CV/Alcohol License (165 Linden)
5. 7:35 Discuss Route 9/Kingsbury Street Project – Installation of Guard Rails
6. 7:55 Review Eligibility Concerns 818-822 Worcester Street
7. 8:15 Approve Release of an RFP for the Redevelopment of the Tailby and Railroad Commuter Lot Parcels
8. 8:30 Sign Special Town Meeting Warrant for April 9<sup>th</sup>
9. 8:40 Discuss Opening a Warrant for a Special Town Meeting – School Projects
10. 8:55 New Business and Correspondence

Next Meeting Dates: Monday, March 19, 2018 7:00 pm  
Monday, March 26, 2018 6:00 pm



## **MOTIONS- MARCH 12, 2018**

2. **MOVE** that the Board approve the minutes of February 6, 20 & 26, 2018.
  
2. **MOVE** that the Board vote to approve a one-day license to Babson College for the Babson Latin Entrepreneurship Form in the Park Manor West FME Workshop on April 6<sup>th</sup>.
  
3. **MOVE** to approve a request from the New Era Fund to (1) Name the American Legion Post 472 Activity Rooms in the Tolles Parsons Center (TPC), and (2) Place in the TPC a Remembrance Plaque in Honor of the Legion and Wellesley Veterans and an Inaugural Donors Plaque.
  
4. **MOVE** to approve both a Common Victualler and an On-Premises All Alcohol License to No. 7 West, LLC through December 31, 2018 and to name Mr. Michael S. Spencer as Manager.
  
6. **MOVE** that the Board supports MassDOT's plan install guard rail on the north side of the Route 9/Kingsbury Street intersection. The Board does not support the south side guard rail solution, and requests that MassDOT not approve a change order to construct it.

7. **MOVE** to approve RFP for the redevelopment of the Tailby and Railroad Commuter Lot parcels and authorize staff to distribute it on the Town's behalf pending final sign off from Town Counsel.
  
8. **MOVE** to execute the warrant for a Special Town Meeting to be held on April 9, 2018.

3/9/2018

Black regular agenda items

**Board of Selectmen Calendar – FY17**

<b>Date</b>	<b>Selectmen Meeting Items</b>	<b>Other Meeting Items</b>
3/19 Monday	<b>Meeting</b> Joint Meeting - BOS/PB - Adopt Unified Plan Vote on remaining ATM Articles Library Projects Softball Field (CPC Funds) Approve 40B Eligibility Ltr - 818/822 Worcester St Review Draft 40B Eligibility Ltr - 16 Stearns Road Approve License Extension 254 Washington Street Change in Manager for Babson College Smith and Wollensky Entertainment License Approve Pavement Marking Contract Extension Diversity Program w/WOW?+	
3/26 Monday	<b>ATM Starts</b> Approve Eligibility Letter - 16 Stearns Road	
3/27 Tuesday	<b>ATM</b>	
4/2 Monday	<b>ATM</b> <b>STM?</b>	
4/3 Tuesday	<b>ATM</b>	
4/9 Monday	<b>ATM</b>	
4/10 Tuesday	<b>ATM</b>	
4/16 Monday	<b>TOWN HALL CLOSED (Patriots Day)</b>	
4/23 Monday	<b>ATM (If Needed)</b> Discuss Complete Streets Policy Youth Commission Appointment(?)	
4/24 Tuesday	<b>ATM (If Needed)</b>	
4/30 Monday	<b>ATM (If Needed)</b>	
5/7 Monday	<b>Meeting</b>	
5/14 Monday	<b>Meeting</b>	
5/21 Monday	<b>Meeting</b> <b>STM?</b>	
5/28 Monday	<b>TOWN HALL CLOSED (Memorial Day)</b>	
6/4 Monday	<b>Meeting</b>	
6/11 Monday	<b>Meeting</b>	

3/9/2018

Black regular agenda items

<b><i>Date</i></b>	<b><i>Selectmen Meeting Items</i></b>	<b><i>Other Meeting Items</i></b>
<i>6/18 Monday</i>	<b>Meeting</b>	
<i>6/25 Monday</i>	<b>Meeting</b>	
<i>7/2 Monday</i>	<b>Meeting</b>	
<i>7/4 Wednesday</i>	<b>TOWN HALL CLOSED (INDEPENDENCE DAY)</b>	
<i>7/9 Monday</i>	<b>Meeting</b>	
<i>7/16 Monday</i>	<b>Meeting</b>	
<i>7/23 Monday</i>	<b>Meeting</b>	
<i>7/30</i>	<b>Meeting</b>	

**Notes**

*Quarterly updates*

- *Traffic Committee (Deputy Chief Pilecki)*
- *Facilities Maintenance (Joe McDonough)*
- *Wellesley Club Dates 1/22/18, 3/5/18*

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Our regularly scheduled meeting will begin at 7:00 PM on Monday in the Juliani Room.

### 1. Citizen Speak



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EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

### MEMORANDUM

DATE: March 9, 2018  
TO: Board of Selectmen  
FROM: Blythe C. Robinson, Executive Director  
SUBJECT: Weekly Report

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Below are various activities of our office and various departments that I would like to bring to your attention.

- The MLP submitted the final SolSmart application last week, and sent us a final version this week. The application noted 380 points for Wellesley, when only 200 are required to reach the gold status. So hopefully even if they don't fully agree with our assessment we'll still earn the top honors.
- Two weeks ago a resident had stopped into our office looking to volunteer her time and inquired specifically about the building department. I spoke with Mike Grant and we also conferred with Lenore Mahoney. It turns out that she had a definite need for someone to scan ZBA plans into a digital format, and our volunteer has signed on for that and started this week. We may still be able to get her help in the building department, but we're gratefully keeping her busy at present.
- I spoke with Kathy Nagle on Wednesday morning regarding voting at TPC. Evidently it went well from her perspective. The only issue is finding space to store the equipment that is needed for the elections, which staff will work on resolving.
- Dave Hickey met with one of the residents regarding the south side proposed guard rail along the Route 9/Kingsbury intersection on Thursday. Several others were scheduled to come but the weather was not so cooperative! In your packet you'll see a letter from one, and we have this as an agenda item to go over the staff recommendation that we do

not want MassDOT to install the jersey barrier type guardrail they are proposing for the south side.

- Although the contract for electronic permitting will not be executed until the funds are approved at Town Meeting, staff is already at work on implementation. IT and the Building Department began weekly meetings to begin the transition process, with a goal of going live in that office by July 1<sup>st</sup>. Separately we're working through issues such as revenue deposits, payment of credit card fees and other important topics. The plan is to roll out permitting in the building department first, followed by other land use departments, and then Selectmen's Office, Town Clerk, Fire and Board of Health.
- The Town Hall interior space utilization and visioning process kicked off on Wednesday. The group plans to meet every other Wednesday through this project.
- There are a number of items in your FNM correspondence I would like to point out:
  - We received the official approval from the MAAB for variances to Town Hall
  - An interesting survey by area towns regarding stipends and health insurance for Selectmen
  - Formal notice of the fee increase for Town Counsel beginning in July (which we have accounted for in the budget)
  - Notice that some of our car dealerships are not in compliance with the "Lemon Law" that we have referred to the police department for follow-up
  - An anonymous complaint regarding an arrest and the Police Dept. response
  - Correspondence from a retiree about lack of communication from the HR Director regarding prescription costs. I've spoken to him about this and he informs me that his office has spoken with the retiree, although he has not personally
  - Tom Ulfelder and I attended the PBC meeting last night at which the budget for the Library project was discussed and that is attached. The PBC recommended some changes to the design budget and we should have an updated number by Monday. I anticipate it will be between \$277,000 - \$300,000. As for construction there was consensus that the "summer slam" third option was the best, but that it was unlikely it could actually be done over the summer. The Library Trustee Chair told the PBC the Library intends to ask for the design funds at this ATM, and construction funding next year at the 2019 ATM. If they aren't ready to construct over the summer, then perhaps they would be able to do so in the fall. We have indicated to the Trustees that the BOS would discuss this at our March 19<sup>th</sup> meeting. Rose Mary Donahue was at the meeting from Advisory last night, but it is unclear whether Advisory will discuss this on the 14<sup>th</sup> or the 21<sup>st</sup>.
- We understand that 135 Great Plain Avenue will file on Monday to begin the Comprehensive permit process for that 40B project.

## 2. Executive Director's Update

- Approval of Minutes – There are three sets of minutes ready for your review and approval. They include the minutes of February 6, 20 and 26, 2018.

**MOVE** that the Board approve the minutes of February 6, 20 & 26, 2018.



1 **Board of Selectmen Meeting: February 6, 2018**

2 **Present: Gibbs, Freiman, Ulfelder, Sullivan Woods, Morgan**

3 **Also Present: Robinson, Jop**

4 **Minutes Approved:**

5  
6 **Warrants approved: 2018-030 in the amount of \$5,269,141.83**

7  
8  
9 **Meeting Documents:**

- 10 1. Agenda  
11 2. Agenda Background Memorandum  
12 3. BOS Calendar  
13 4. Debt Policy Draft  
14 5. Debt Policy Limits  
15 6. North 40 Materials  
16 7. Executive Director's Weekly Report  
17 8. Minutes of the December 11<sup>th</sup>, 2017 Meeting  
18 9. Minutes of the December 18<sup>th</sup>, 2017 Meeting  
19 10. Minutes of the January 23<sup>rd</sup>, 2018 Meeting  
20 11. Cathryn Meagher Resume  
21 12. Retirement Board 12.31.17 Report  
22 13. Verizon Annual Complaint Filing  
23 14. Other Correspondence – MWRA Support Letter  
24 15. Other Correspondence - LWV  
25 16. Eligibility Period Schedule of Deliverables

26  
27  
28 **1. Call to Order**

29  
30 Ms. Gibbs called the meeting to order at 7:00 pm in the Juliani Room. Ms. Gibbs noted the Board would  
31 convene the executive session in the Great Hall with the School Committee.

32  
33 **2. Executive Session**

34 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board was polled all aye (Sullivan**  
35 **Woods – Aye, Morgan – Aye, Gibbs- Aye, Freiman – Aye, Ulfelder-Aye) to enter into Executive**  
36 **Session under M.G.L. c 30A, §21A, Purpose #6 to discuss the purchase of real estate, as the Chair has**  
37 **declared that an open meeting would have a detrimental effect on the negotiating position of the**  
38 **Town. Furthermore, that Town Counsel Tom Harrington, Blythe Robinson, Meghan Jop,**  
39 **Superintendent David Lussier, Assistant Superintendent Judy Belliveau and the School Committee**  
40 **be invited to participate in the meeting. And further, to convene in open session after exiting the**  
41 **executive session for the purpose of discussing the matters as posted on the agenda.**

42  
43 The Board entered into executive session at 7:02 pm. See executive session minutes.

44  
45 The Board reconvened in open session at 7:25 pm.

46  
47 **3. Joint meeting with School Committee to Discuss HHU Projects**

48 The Board joined the School Committee meeting in Great Hall. Present for the School Committee were  
49 Michael D’Ortenzio, Jr., Sharon Gray, Matt Kelley, Anthony Bent, and Melissa Martin joined by David  
50 Lussier, Superintendent and Judy Belliveau Assistant Superintendent.

51 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the boards unanimously voted (10-0)**  
52 **to open a joint meeting.**

53 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the boards unanimously voted (10-0)**  
54 **to appoint Ellen Gibbs as Chair of the joint meeting.**

55 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the boards unanimously voted (10-0)**  
56 **to appoint Michael D’Ortenzio as the Secretary of the joint meeting.**

57 Mr. D’Ortenzio asked Ms. Gray to give an overview of where the Town is with regards to the HHU process.  
58 Ms. Gray gave a brief presentation on the background on the HHU Master Plan process. Following the  
59 HHU Master Plan Committee’s issuance of a report and recommendations, the School Committee voted to  
60 support the position. The proposal was for the town to build two schools until such time as the enrollment  
61 exceeds 2350 students on a trending basis. Each school constructed should have 19 sections. Following the  
62 issuance of the report, and prior to issuance of an RFQ for the proof of concept and feasibility of the HHU  
63 schools, the Town was invited into the MSBA process in December. Ms. Gray noted the Town will not  
64 continue to submit statements of interest for the Hunnewell School. She noted the school enrollment is  
65 currently at 2,209 students, with a forecast to continue to decline. Ms. Gray indicated the School Committee  
66 is watching the 40B developments with interest as it pertains to the school enrollment.

67  
68 Mr. Morgan noted the Selectmen also adopted the same position on the HHU Master Plan.

69  
70 Ms. Gray stated the School Committee wants to continue the feasibility as initially conceived, but with two  
71 processes. The MSBA process will be used to evaluate the Hardy and Upham sites, and the Hunnewell  
72 project will be a standalone project.

73  
74 Mr. Kelley reviewed the MSBA process for the Upham and Hardy Schools. He stated the Town in  
75 partnership with the OPM and designer will work through feasibility together. The MSBA will not run the  
76 project. The Town will run our own project in partnership with the MSBA which will require additional  
77 administrative steps. Mr. Kelley reviewed the required approvals from the MSBA board to confirm work  
78 done. There are 8 phases of a project with the MSBA including eligibility, forming team, feasibility,  
79 schematic design. Our start date is in April for the eligibility period which requires a generic compliance  
80 certification. To comply the Town will look at the charge and membership of the SBC. The most notable  
81 component of the MSBA process is securing funding for the feasibility and schematic design. The securing  
82 of funding will occur prior to securing an OPM and designer. The plan moving forward is to have the SBC  
83 determine an estimate of what the cost of the feasibility and schematic design will be, and to seek an  
84 appropriation from Town Meeting. The Town will then form a project team. The Town has to be committed  
85 to project with funding for schematic design. The Town ultimately will need approval from the MSBA to  
86 exit feasibility and move to schematic design, but the funding must have already been approved.

87  
88 Mr. Kelley indicated the Town is currently trying to complete the first phase. Phase 2 is to select the project  
89 team. The Town participates in the selections, but does not have full control over the final decisions. The  
90 request for services for the designer sets out the scope of work desired in feasibility. The scope of work that  
91 was created as part of the former RFQ is largely the scope the Town would like to continue. The MSBA  
92 will want to insure every option has been considered for the construction of the building at various sites.  
93 The Town will have to identify the pros and cons of each site. How much the Town will need to study

94 different options remains to be determined. The end result is to have a comprehensive list of options for the  
95 MSBA to consider.

96  
97 The boards briefly discussed swing space, and when it is considered. Mr. Kelley noted swing space is not  
98 reimbursed by the MSBA. At the end of the feasibility the Town will have a schematic design that needs to  
99 be approved by the MSBA. Assuming approval, the Town will start the schematic design. Mr. Kelley  
100 detailed the required approvals.

101  
102 Mr. Ulfelder noted the MSBA has engaged the SEC Administrator noting that sustainable design is  
103 important in the process. Mr. Kelley stated there is up to 2% additional funding for meeting sustainable  
104 building site features.

105  
106 Mr. Morgan stated the SBC is recommending a Special Town Meeting within the Annual Town Meeting  
107 to seek funds to move forward. Mr. Morgan stated the SBC is comfortable that they can produce a  
108 reasonable number to defend with Advisory and Town Meeting.

109  
110 Dr. Lussier urged the Town to begin the process given the length of time needed and the current conditions  
111 of the schools.

112  
113 Several of the Selectmen noted they wanted to consider further the timing of the Special Town Meeting.

114  
115 Ms. Gray asked if there was consensus to move forward with a Special Town Meeting in the spring.

116  
117 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the boards voted (10-0) to support a**  
118 **request for a spring Special Town Meeting comprised of appropriations for the Upham and Hardy**  
119 **schools.**

120  
121 The boards discussed the Hunnewell School process. Ms. Gray asked the boards to consider whether to  
122 decouple the Hunnewell School from the process. Ms. Gray stated the School Committee has discussed this  
123 and was inclined to support moving forward. The SBC discussed in detail moving forward with feasibility,  
124 and the professional architects and builders on the SBC reached a quick conclusion that the Town should  
125 go ahead with the feasibility study on the school because it will not expire. The current estimate for the  
126 Hunnewell School feasibility is \$1 million. A separate appropriation would be required at Town Meeting.

127  
128 Ms. Sullivan Woods questioned the financial timeline given the significant capital projects proposed for  
129 this year. Ms. Robinson stated financial services has reviewed the project debt scenarios, and it is possible.  
130 Ms. Robinson noted a basic model has been built, however until the Town has specifics on potential start  
131 dates, the Town will not have specific debt numbers.

132  
133 The boards briefly discussed St. Paul's school as a swing space option. Dr. Lussier noted SMMA is  
134 currently doing a cost estimate on bringing the building up to code. Many of the board members were  
135 concerned over the potential cost of bringing the building up to code.

136  
137  
138 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the boards voted (10-0) to support a**  
139 **request for a spring Special Town Meeting comprised of appropriations for the rebuilding or**  
140 **replacement of the Hunnewell School.**

141  
142 **Upon a motion by Mr. D'Ortenzio and seconded by Mr. Morgan, the boards voted (10-0) to dissolve**  
143 **the joint meeting.**

144

145 **4. Citizen Speak**

146 The Board reconvened their meeting in the Juliani Room.

147 There was no one present for Citizen Speak.

148 **5. Discuss Proposed Debt Policy**

149 Ms. Robinson gave an overview of the proposed Debt Policy and reviewed the current proposed debt  
150 percentage range. Ms. Robinson noted the policy may require the Board to set a specific number in the debt  
151 range for the guidelines. Ms. Robinson further reviewed additions to the policy from the last read by the  
152 Board. Ms. Robinson reviewed the past debt trends and the forecasted debt based on the five year capital  
153 plan. She noted as currently modeled the Town would be over a 7% threshold in out years with a 4%  
154 borrowing rate.

155  
156 Ms. Sullivan Woods asked to go through the assumptions on the debt. Mr. Robinson reviewed the current  
157 debt funding schedule. The overall take away is that requests in the out years would go above the limits of  
158 the policy. To smooth out the curve in the Town Wide Financial Plan on debt it hinges upon staying within  
159 a specific debt range. The debt range will also give predictability in our operating budgets.

160  
161 Mr. Morgan was supportive of compressing the debt range. Ms. Freiman was also supportive of reducing  
162 the range, but not setting a guideline. Ms. Freiman noted the Debt Policy should not further deplete the  
163 town reserves.

164  
165 Ms. Sullivan Woods was concerned that compressing the range reduces the Town's flexibility on projects.  
166 Ms. Sullivan Woods was concerned that narrowing the range now is difficult because the Board does not  
167 have a clear understanding of what projects would have to be reconfigured. Ms. Robinson noted the Town  
168 is trending in a position that is responsible without raising taxes.

169  
170 Mr. Ulfelder stated the range should be a valid range year over year, and unless a project is an emergency  
171 it should wait until allowed in the debt schedule.

172  
173 The Board discussed an appropriate range and asked Ms. Robinson to revise the draft. The majority of the  
174 Board was inclined to support a range of 6.2% to 6.8%.

175  
176 **6. Discuss North 40 Process Next Steps**

177 Ms. Freiman gave the Board a brief update on a proposed process for moving forward with a North 40  
178 Committee. Ms. Freiman noted she convened a meeting with staff and boards including representatives  
179 from the Selectmen, Planning Board, Natural Resources Commission, Advisory, Recreation Committee,  
180 Facilities Maintenance Department, School Committee, and CPC. In future phases, the working group will  
181 include the Trails Committee, the Playing Fields Task Force, the Department of Public Works, Wellesley  
182 College, representatives of abutting neighborhoods, and Wellesley Housing Development Corporation.

183  
184 Ms. Freiman noted the group was in agreement on next steps include delineating the land subject to the  
185 conservation restriction and determining allowed uses. The plan is to have two public forums in the fall.  
186 The first forum will be to recap the previous North 40 process and findings, and the second public forum  
187 will be to discuss what residents would like to see for future uses. Ms. Freiman stated she intends for there  
188 to be an application for public participation on the new committee and there will be an RFP drafted for a  
189 consultant to assist with the process.

190

191 Mr. Morgan encouraged Ms. Freiman to look at the 50% open space requirement and the proportional  
192 share to the purchase with CPC funding. The Board was inclined to begin the process and to draft the  
193 application for residents interested in joining the committee as soon as possible.  
194

195 **7. Executive Director's Update**

196 Ms. Robinson gave a brief update noting she has hired a new Executive Assistant who will begin on  
197 February 26. Ms. Robinson noted in review of the Board's Policy Handbooks, we would like to reorganize  
198 and update them with all current policies. She asked the Board to return their existing policy books. Minutes  
199

200 Minutes

201  
202 The Board reviewed the minutes of December 11 and 18, 2017 and January 23, 2018. Mr. Morgan stated  
203 he was not present for the January 23<sup>rd</sup> meeting and abstained from voting.  
204

205 Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) approved the minutes  
206 of December 11 and December 18, 2017.  
207

208 Upon a motion by Ms. Freiman and seconded by Ms. Sullivan Woods, the Board voted (4-0, with Mr.  
209 Morgan abstaining) to approve the minutes of January 23, 2018.  
210

211 **8. New Business and Correspondence**

212  
213 None.  
214

215 **At 9:37 pm the meeting was adjourned.**  
216  
217  
218  
219



1 **Board of Selectmen Meeting: February 20, 2018**  
2 **Present: Gibbs, Morgan, Freiman, Sullivan Woods, Ulfelder**  
3 **Also Present: Robinson, Jop**  
4 **Minutes Approved: January 10 & January 29, 2018**

5  
6 **Warrants approved: 2018-032 in the amount of \$4,652,512.27**

7  
8 **Meeting Documents:**

- 9 1. Meeting Agenda
- 10 2. Draft Motions
- 11 3. BOS Calendar
- 12 4. Executive Director's Weekly Report
- 13 5. Review Draft – RFP for Redevelopment of the Tailby & Railroad Commuter Lots
- 14 6. Article 35 - Draft Alcohol Regulations
- 15 7. Advisory Book Write up - Aged Parking Ticket Penalties
- 16 8. Parking Tickets – Summary of Outstanding Fines & Penalties
- 17 9. Breakdown of Parking Ticket Collections Prior to 2010
- 18 10. Draft Town-Wide Financial Plan
- 19 11. Minutes of the February 20, 2018 Meeting
- 20 12. Minutes of January 10, 2018
- 21 13. Minutes of January 29, 2018
- 22 14. Babson College
- 23 15. Acceptance of Gift
- 24 16. Request for One Day Liquor License – Babson College
- 25 17. Request for One Day Liquor License – Babson College
- 26 18. Request for One Day Liquor License – Babson College
- 27 19. Gifts – New Era Fund to COA (2)
- 28 20. Gifts to the COA – General
- 29 21. West Suburban Health District Audit – FY17
- 30 22. FY18 Work Plan – January 2018
- 31 23. Memo to State Delegation – FY19 State Budget Requests
- 32 24. Memo from the State – 911 Grants
- 33 25. Draft Invitation to Retirement Party for Kathy Nagle

34  
35 **1. Citizen Speak**

36  
37 None.

38 **2. Discuss Potential Acquisition of Real Estate**

39 Ms. Gibbs read a statement from the Board regarding the Town's interest in acquiring 818, 822 & 826  
40 Worcester Street. All three parcels are adjacent to Hardy School. The Board believes that the purchase of  
41 these properties will substantially improve the long-term usefulness of the site the Town by providing for  
42 a means of access and egress directly from Route 9 as well as well over an acre of land. Mr. Morgan  
43 discussed the process with the MSBA for deciding whether a new school will be built in the next few  
44 years at the Hardy site or the Upham site. He noted that whether or not the new school is built at the  
45 Hardy site, acquisition of these parcels will substantially improve the value of that site for future school  
46 and municipal use. Attorney Brian Levey asked for permission to speak on behalf of his client Mr. Jay  
47 Derenzo. He told the Board that Mr. Derenzo has a purchase & sale agreement on the 818-822 properties  
48 and is pursuing the construction of a 40B development on the site. He further noted that Mr. Derenzo

49 objects to the Town's plan as it would deprive him of the opportunity to pursue the development he has  
50 proposed, and he does not believe the Town's records indicate that the Hardy School will be redeveloped.

51

52 **3. Review Draft RFP for the Redevelopment of the Tailby and Railroad Avenue Commuter Lots**

53 Ms. Jop gave an overview of the request for proposals and the process for this project. She noted that it  
54 largely follows the process the Town used when it put out an RFP for the redevelopment of 900 Worcester  
55 Street. She pointed out that it is written in broad terms to let the market dictate the development  
56 opportunities. Following the meeting she will post the draft on the Town's website for public comment.  
57 Mr. Ulfelder complimented Ms. Jop & Mr. Zehner on the draft and asked if the Board could get  
58 neighborhood input, and asked about getting a balance as to the optimal density and the uses of the  
59 properties. Ms. Freiman concurred and pointed out that it would be ideal if this development could better  
60 link the upper and lower sections of Wellesley Square as well. Staff will bring the document back for final  
61 approval after soliciting additional feedback and making some changes suggested by the Board.

62 **4. Discuss ATM Warrant Articles**

63

64 • **Article 6 – Town Clerk Salary**

65 Ms. Freiman provided a background on the reasoning for this article, indicating this is the only elected  
66 position that receives a full-time salary. Further, the amount indicated is a 2% increase over FY18, and  
67 historically the salary for the position has followed the same increases provided to Series 50/60 employees  
68 recommended by the HR Board. Mr. Ulfelder asked if the staff had surveyed other towns and how much  
69 vacation the position receives. Ms. Robinson indicated that as the Town Clerk is an elected position, he/she  
70 is not subject to vacation provisions applicable to other Town staff. Ms. Robinson also indicated that HR  
71 has surveyed other Towns in the past and our salary is competitive. **Article 32 – General Bylaw**  
72 **Amendments**

73 Ms. Freiman provided a background on the changes proposed in the general bylaws and how the  
74 recommendation contained in the Advisory Committee report was developed (by category of  
75 change). If the Board follows this outline in crafting the motions there would be five, and the  
76 changes that are substantive for which there might be some discussion would be in the last motion.  
77 These include the Director of Veteran's Services to be appointed by the Executive Director rather  
78 than the Board, the size of the Youth Commission and how those appointments are recommended,  
79 etc. Ms. Sullivan Woods asked about the change of title for the Plumbing and Gas Inspector now  
80 being one title. Ms. Robinson answered that it is one person that performs both aspects of the job  
81 and that is standard across the Commonwealth.

82 • **Article 35 – Draft Alcohol Regulations – Alcohol in Town Buildings**

83 Ms. Sullivan Woods gave an overview of this article and the draft regulations which involves  
84 moving forward to lift the restriction on issuing one-day licenses within non-school town buildings.  
85 She said she has discussed this with the MLP and DPW. One issue that came up is that the Board  
86 should be able to give Town Meeting a sense of how it would review and issue special licenses.  
87 The proposed regulations are an initial draft, with incremental requirements that the Board may  
88 consider implementing if Town Meeting approves the article. She further noted that Town Counsel  
89 has taken a first look and raised two issues that would be good to discuss. The first is how the  
90 Board views nonprofit organizations, specifically, does the Board want to limit this to non-profit  
91 charities or all non-profit organizations? Second, are there some further guardrails the Board wants

92 to put around these regulations? Ms. Sullivan Woods reviewed the current draft of the proposed  
93 policies with Chief Pilecki and he is comfortable with them.

94  
95 Mr. Morgan added that in the process of review many people have raised questions regarding the  
96 regulations as a whole. Town Counsel has also noted that the Town currently operates under a  
97 Special Act instead of M.G.L. c.138 and should the Town consider adoption of that. The Board  
98 agreed that the broader discussion should be put on the work plan for next fiscal year after the  
99 resolution of the narrower question of alcohol in town buildings.

100 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan the Board voted (5-0) to bring a motion**  
101 **under Article 6 on the Annual Town Meeting warrant.**

102 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan the Board voted (5-0) to bring motions**  
103 **under Article 32 regarding amendments to the Town's General Bylaws on the annual town meeting**  
104 **warrant.**

105 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan the Board voted (5-0) to bring a motion**  
106 **under Article 35 regarding the allowance of alcohol to be served in Town buildings on the annual**  
107 **town meeting warrant.**

108 **5. Discuss Purging of Aged Parking Ticket Penalties**

109 Ms. Robinson told the Board that Town counsel has reviewed the proposal. She noted that the short  
110 spreadsheet in the agenda packet shows those tickets that can go to collection and those that cannot. The  
111 Board will be asking Town meeting to purge \$163,765 (base fines) and the Board will consider whether to  
112 purge the accumulated penalties, which are \$366,300 for this period. Ms. Freiman asked whether the act  
113 of registering a car or paying something to the RMV is the only way to collect parking tickets. Ms.  
114 Robinson responded that inability to reregister a car or obtain a driver's license renewal until payment is  
115 made to the Town is the primary method; however, the Town also sends out regular delinquent notices that  
116 have been effective as well. Ms. Sullivan Woods asked if the Board should wait to vote to purge the  
117 penalties until Town Meeting makes a decision. It was agreed that the Board should wait.

118  
119 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan the Board voted (5-0) to bring a motion**  
120 **under Article 27 regarding the purging of unpaid parking fees assess on or before January 1, 2010.**

121  
122 **6. Discuss Draft Town-Wide Financial Plan**

123  
124 Ms. Robinson reviewed the current draft of the TWFP noting that in the three-year look ahead the use of  
125 funds has not been modified to meet the new debt policy recently adopted. Mr. Morgan noted that the  
126 operating percentages do not include provisions for the UP and continues to show a 3.5% guideline for  
127 school operating budgets. He asked that the Board note the pattern, but indicate that the BOS is not  
128 endorsing the percentages as guidelines. Ms. Freiman suggested some revisions that clarified this point.  
129 Ms. Sullivan Woods suggested an operating budget model of a flat 3% increase. Other Selectmen found  
130 this idea to have merit, but were not ready to move ahead with the suggestion at this time; the Board needs  
131 to have more dialogue on this before making such a change. The Board will take up the document for  
132 approval at their next meeting.

133  
134 **7. Executive Director's Update**

135

136 Ms. Robinson noted for the Board that two sets of minutes from January meetings were ready for approval.  
137 Further that there were requests for three one-day licenses from Babson College that staff recommends for  
138 approval, as well as a number of donations and gifts to the Council on Aging that need to be accepted.

139 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan the Board voted (5-0) to approve the**  
140 **minutes of the January 10 and January 29, 2018 meetings.**

141 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan the Board voted (5-0) to approve a**  
142 **one-day license to Babson College for the Black Affinity Conference on February 24<sup>th</sup> in Knight**  
143 **Auditorium, Old Money Post reception on March 7<sup>th</sup> in the Sandra Sorenson Rehearsal Studio and**  
144 **the India Symposium on March 10<sup>th</sup> in Olin Hall.**

145 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan the Board voted (5-0) to accept various**  
146 **gifts for the Wellesley Council on Aging to include:**

- 147
- 148 ❖ **New Era Fund - \$649 for various periodical subscriptions**
- 149 ❖ **New Era Fund - \$700 for design and printing of the October grand opening brochure**
- 150 ❖ **New Era Fund - \$1,502.40 – outdoor benches for the Tolles Parsons Center**
- 151 ❖ **Friends of the COA - \$1,001.00 for the January Senior Lunch Program**
- 152

153 **8. Adopt Chapter 32B, Section 19**

154

155 Ms. Robinson gave a brief update on the union negotiations on healthcare, noting that the team is making  
156 slow steady progress. The Town will meet with the unions again on the 26<sup>th</sup> and that our informal process  
157 requires that all 11 unions agree on the proposal. Further, that while the group is feeling confident, the  
158 Town has made it clear that it is the 11<sup>th</sup> hour and the Town needs to complete the process. The unions have  
159 indicated they are all on board, thus our hope is to reach consensus on the 26<sup>th</sup>. Having said that, the Town  
160 needs to take every step it can to come to a resolution. She reminded the Board that this section of the law  
161 allows a Town to negotiate with a group of unions but not all of them. Such a group must represent the  
162 majority of employees as well as the retirees. The unions have proactively reached out to the state to say  
163 they want to decide on the retirement representative should that be the course the Town needs to take. Ms.  
164 Robinson is hoping this will not be required, but indicated the need for a plan to move forward; thus, she  
165 told the board she was asking them to accept this section of the law in case the Town needs to exercise it.

166

167 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan the Board voted (5-0) to adopt**  
168 **Massachusetts G.L. Chapter 32B, §19.**

169

170 **9. New Business and Correspondence**

171

172 None.

173

174 The meeting was adjourned at 8:37 PM.

175  
176

1 **Board of Selectmen Meeting: February 26, 2018**  
2 **Present: Gibbs, Freiman, Sullivan Woods, Morgan**  
3 **Also Present: Robinson, Jop**  
4 **Minutes Approved: None**

5  
6 **Warrants approved: 2018-033 in the amount of \$4,159,881.38**  
7

8 **Meeting Documents:**

- 9 1. Agenda
- 10 2. BOS Calendar
- 11 3. Agenda Background Memo
- 12 4. Recommendation from Chief of Police for Mark Carrasquillo
- 13 5. Resume of Mark Carrasquillo
- 14 6. Recommendation from Chief of Police for Scott Showstead
- 15 7. Resume of Scott Showstead
- 16 8. Roche Brothers request to change manager of record
- 17 9. ABCC form for Roche Brothers
- 18 10. Power Point Presentation of Pete Jones
- 19 11. Electronic Voting Survey from Pete Jones
- 20 12. Background email correspondence regarding electronic voting
- 21 13. FY2019 Budget Request
- 22 14. Memo from Meghan Jop regarding units at 978 Worcester Street
- 23 15. Town-Wide Financial Plan
- 24 16. Special Town Meeting checklist
- 25 17. Application for one-day license from Citizens Bank
- 26 18. Email regarding a donation from the Wellesley High School Cross Country Team
- 27 19. Memo from FMD – TPC sewer line issues
- 28 20. Animal Control Report – January 2018
- 29 21. Letter from Louise Areano – Complaint re: 7 Sunnyside Avenue

30

31 **1. Call to Order and Citizen Speak**

32 Ms. Gibbs, Chair, called the Board of Selectmen meeting to order at 7:00 PM. Ms. Gibbs made several  
33 announcements. First, that the League of Women Voters is having a “Meet Up” at the Hills Branch Library  
34 on March 10<sup>th</sup>, and also holding Candidates Night on March 1<sup>st</sup>. Also that they will have two informational  
35 meetings about the Annual Town Meeting, which will be held at the Police Station on March 22<sup>nd</sup> and 25<sup>th</sup>.

36 Citizen’s Speak

37 None.

38 **2. Police Department Appointments**

39 Chief Pilecki reviewed the process for hiring and promotion including the exam, assessment, and interview  
40 process. Chief Pilecki reviewed the education and professional accomplishments of both candidates. Both  
41 candidates were asked to make statements with respect to their interest in the new positions. All members  
42 of the Board posed questions to the candidates related to the positions to which they are being promoted.

43 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to promote**  
44 **Sergeant Scott Showstead to Lieutenant.**

45 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to promote**  
46 **Officer Mark Carrasquillo to Sergeant.**

47 **3. Discuss Request from Roche Brothers for Change of Manager of Record from Sean Connor**  
48 **to Stephen Hohmann.**

49 Mr. Sperber, counsel for Roche Brothers, reviewed the process of manager rotations within its stores. Mr.  
50 Hohmann reviewed his background with the Roche Brothers organization. There were no questions or  
51 comments from the Board.

52 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to change the**  
53 **Manager of Record for Roche Brothers Supermarkets from Sean Connor to Stephen Hohmann.**

54 **4. Presentation by Pete Jones – ATM Article 37 Citizen Petition**

55 Mr. Jones introduced himself and his background in technology. Mr. Jones presented his PowerPoint  
56 presentation related to the use of electronic voting machines/technology for Town Meetings. Mr. Jones  
57 detailed the use of the technology and described the options for leasing or purchasing the equipment. He  
58 also noted that the technology offers detailed accuracy versus other methods of counting votes. Mr. Jones  
59 provided to the Board a supplementary document: Electronic Voting Survey of other Massachusetts towns  
60 that use electronic voting technology. The document references the vendor, format, and whether or not the  
61 machinery is purchased or leased. The document further offered comments from town clerks and/or  
62 moderators regarding their experience with electronic voting. Mr. Jones had been made aware that the  
63 Towns General Bylaws will need to be updated before electronic voting could be implemented and he  
64 amended his motion from requesting the Board vote on the approval of \$15,000 per year for the installation  
65 and operation of electronic voting to a motion for the formation of a committee to study the implementation  
66 and use of electronic voting at town meetings.

67 The board asked several questions of Mr. Jones. Ms. Gibbs asked approximately how often the equipment  
68 technology will change and how that would relate to purchasing versus leasing equipment. Mr. Jones  
69 explained that technology can change often and that would be a benefit to leasing. Mr. Jones stated that  
70 vendors appear to be flexible in the length of leases they offer. Ms. Gibbs asked about further electronic  
71 voting research that had been done by prior moderators. Mr. Jones had not been in contact with the previous  
72 moderator. Mr. Morgan is supportive of moving to electronic voting and stated he believes Town Meeting  
73 members would benefit from the technology and the transparency the technology would provide. Mr.  
74 Morgan asked for clarification on the motion; for funding or for bylaw changes and a committee. Mr. Jones  
75 informed the Board he has changed his motion to no longer requesting funds but instead to focus on bylaws  
76 and the formation of a committee to review technology. Mr. Ulfelder stated he believes town meeting  
77 members will benefit from the use of electronic voting, providing better discipline and accuracy. Ms.  
78 Sullivan Woods expressed concerns that some members will be reluctant to use the technology and  
79 requested they be engaged regarding the use and type of technology. Mr. Jones stated that the technology  
80 allows for a time limit for a member to change their vote; at the end of the time (30 seconds) the final vote  
81 is registered. Mr. Jones stated he has found that vendors provide a wide range of technology. Mr. Jones  
82 informed the Board that the machinery can be adjusted if a motion is amended. Mr. Jones confirmed that  
83 the votes cannot be seen until the vote is finalized. All members are in support of the motion.

84 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to support a**  
85 **motion under article 37 regarding a citizen’s petition to form a committee to study electronic voting**  
86 **at town meetings.**

87 **5. Discuss Status of FY19 Budget & Health Insurance Budget**

88 Ms. Robinson provided updates regarding the FY19 budget. Ms. Robinson attended the final negotiating  
89 session between the Town and the unions and an agreement was reached regarding health insurance. The  
90 current budget was updated to reflect the new health insurance information. The unions have agreed to two  
91 types of deductible plans that will provide employees with more choices. This agreement will be more cost  
92 effective for the town as premiums will be changing going forward for FY19 and the responsibility of the  
93 Town will become incrementally smaller over the next few fiscal years.

94 Ms. Robinson informed the Board that the updated budget includes funding for a new position for FMD.  
95 Ms. Robinson explained the new position will be dedicated to the two elementary school projects that will  
96 significantly increase the FMD workload. Mr. Morgan agreed that FMD is in need of additional personnel  
97 given the current workload and future projects. Ms. Freiman sought clarification that FMD’s workload  
98 would continue at a level that would fully engage a new FTE for the next several years, and Ms. Robinson  
99 indicated that it would.

100 Ms. Robinson explained that the current draft of the budget does not include \$10,000 for the Board of  
101 Health to return mental health services to an FY17 level, but does provide for the requested funding for the  
102 Board of Health Environmental Health per diem hours. It does not include the request the BOH made for  
103 per diem Social Worker hours. Ms. Sullivan Woods expressed that she doesn’t think a cut to mental health  
104 funding should occur. Ms. Freiman concurred that she is supportive of keeping the \$10,000 in the Board of  
105 Health budget. Ms. Gibbs is prepared to balance the budget given minor adjustment to revenues. Mr.  
106 Morgan asked to have a full and frank discussion with the Board of Health early in the FY20 budget process  
107 on organizing objectives of the Board of Health and the Board of Selectman; with that, he supported adding  
108 the funding back to the budget. Mr. Ulfelder agreed with Mr. Morgan that a discussion needs to take place  
109 about how services are provided. All Board members showed support for building the funds back into the  
110 budget. Mr. Tarlin and Ms. Simon from the Board of Health expressed their thanks to the Board for  
111 recognizing the need for the \$10,000 to be added to their budget.

112 **Upon a motion by Ms. Freiman seconded by Mr. Morgan, the Board voted (5-0) to approve the FY19**  
113 **budget as amended to include an additional \$10,000 for the Board of Health for mental health**  
114 **services.**

115 **6. WHDC – Increase Affordable Units at 978 Worcester Street**

116 Ms. Jop provided background information of the proposed units at the property. The Town has been looking  
117 at the subsidized housing inventory closely as it works to reach the 10% threshold. Subsequent review of  
118 the inventory noted that 978 Worcester Street would be unique as it is a 36-unit rental housing development  
119 site that currently has only seven units counting as affordable housing. The 7 units are included based on  
120 zoning; which mandates only 20% of the total number of units have to be affordable. If the property had  
121 25% of its total units as affordable, all 36 units could be counted as affordable housing. The Wellesley  
122 Housing Development Corp., approached the owners to “buy down” the cost of two additional units on the  
123 property. This buy-down would be achieved by the Town paying the difference in rent between affordable  
124 units and market units for a period of 30 years, compensating the owners for reducing the current rental  
125 level in perpetuity. Mr. Kenney of WHDC further explained the purchase of the additional two units will  
126 allow the Town to count all 36 units on the property as affordable housing; an addition of 29 units to the

127 Town's subsidized housing inventory. Mr. Kenney explained how the purchase offer was approached and  
128 finalized with the property owner. WHDC is requesting \$650,000 of CPC funds for the cost of purchasing  
129 the units; \$640,000 for the purchase and \$10,000 for attorney fees and closing costs. The Board expressed  
130 support for the proposal.

131 **Upon a motion by Ms. Freiman seconded by Mr. Morgan, the Board voted (5-0) to approve allowing**  
132 **Wellesley Housing Development Corp., to expend \$650,000; \$640,000 sale price and \$10,000 for**  
133 **closing costs and legal fees; of CPC funds appropriated to the Wellesley Housing Development**  
134 **Corporation for affordable housing purposes to buy down 2 market rate 2-bedroom rental units at**  
135 **978 Worcester Street from Wellesley Place LLC, and to designate those units as affordable units in**  
136 **perpetuity. Said authorization is subject to Town Counsel review and approval of all documents**  
137 **necessary to place all 36 units located at 978 Worcester Street on the Town's Subsidized housing**  
138 **inventory.**

139 **7. Approve Final Town-wide Financial Plan**

140 Ms. Robinson reviewed changes and updates to the current draft. Mr. Morgan noted there hadn't been a  
141 discussion about the capital plan adjustments. Mr. Morgan asked about the growth assumptions that had  
142 not been changed. Mr. Morgan would like to see a sentence or two added to the "looking ahead" section  
143 that the Board will go through the process to both shape FY 20 operating/capital budget to reflect emerging  
144 priorities to achieve a balanced budget. Mr. Ulfelder requested that the language regarding the need for an  
145 override in the next two years be strengthened from the word "tempered". All members agreed on changes  
146 to language to reflect their position of avoiding overrides.

147 **Upon motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve the**  
148 **Town-wide Financial Plan as amended with updates from this meeting.**

149

150 **8. Open a Warrant for a Special Town meeting**

151 Ms. Jop reviewed the need for a Special Town Meeting in order for the town to move forward with the  
152 potential acquisition of 818-826 Worcester Street. The closing date for the warrant will be set at Friday,  
153 March 2<sup>nd</sup>. Special Town Meeting will be held April 9, 2018.

154 **Upon a motion by MS. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to call a Special**  
155 **Town Meeting and set the following dates:**

156

- 157 • Open the Warrant – February 26, 2018
- 158 • Close the Warrant – Friday, March 2, 2018, 5:00pm
- 159 • Motions due to the Selectmen's Office – Friday, March 23, 2018, 5:00pm
- 160 • Start of Annual Town Meeting – Monday, April 9, 2018, 7:00 pm, at the Wellesley Middle  
161 School

162

163 **9. Executive Director's Update**

164 Ms. Robinson reviewed the one-day license information for Citizens Bank as well as the gift received from  
165 the Wellesley High School cross country team for the installation of a bench.

166 Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve a  
167 one-day license to Citizen's Bank on March 7<sup>th</sup>, 2018 at the Bank's branch at 390 Washington Street  
168 to hold a reception for the Julie Fund.

169 Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to accept a gift  
170 of \$1,290 from the Wellesley High School 2017 Cross Country Team for the installation of a bench  
171 on the path between Rice Street and the practice football field.

172 **10. New Business and Correspondence**

173 Mr. Ulfelder and Ms. Jop discussed by-laws that existed with respect to a complaint received regarding a  
174 boat at a personal residence.

175 **Meeting was adjourned at 9:13 p.m.**



- One Day License – Babson College

Included in your packet is an application from Babson College for a one-day license to hold the “Babson Latin Entrepreneurship Forum” on Friday, April 6<sup>th</sup> in the Park Manor West FME Workshop. They anticipate 100 attendees for the event and have met all of the usual requirements of the Town for the license.

**MOVE** that the Board vote to approve a one-day license to Babson College for the Babson Latin Entrepreneurship Form in the Park Manor West FME Workshop on April 6<sup>th</sup>.





# TOWN OF WELLESLEY

## Application for Special License(s)

Date of Application: 02/27/18

Date of Event: 04/06/18

A special License is a temporary license issued pursuant to Chapter 635 of the Acts of 1982 to the responsible manager of any nonprofit organization conducting any indoor or outdoor activity or enterprise for the sale of alcoholic beverages.

Application fee for one or more applications filed on the same date: **\$25.00**

Fee for each license issued: **\$50.00**

Make checks payable to: Town of Wellesley

The undersigned hereby applies for a Special License for:

All Alcoholic Beverages

**Wine and Malt Beverages Only**

### APPLICANT INFORMATION

Name of Non-Profit Organization: Babson College

Address: 231 Forest Street, Babson Park, Wellesley, MA 02457-0310

Name of Event Manager: Molly Joyce Address: Babson College

Assistant Event Manager: \_\_\_\_\_ Address: Babson College

### EVENT INFORMATION

Event Name & Description (If multiple events; See Attachment1): Babson Latin Entrepreneurship Forum

Event Contact: Kate Buckman

Event Date: 04/06/18

Event Location: Park Manor West FME Workshop

Occupancy: 100 Estimated Attendance: 100 Indoor Outdoor (circle one)

An 8X11" floor plan of the premises to be licensed must be submitted along with the application showing the exact location within the event area where alcoholic beverages will

Name of catering service responsible for service of alcoholic beverages:

Chartwells

Name

Babson College Campus

Address

Describe steps you have taken to ensure that the employees of the catering service or the individuals listed above have completed an alcoholic beverage server-training program or similar in-house training.

All servers must be TIPS trained and certified. Evidence of training must be provided prior to event.

Describe security precautions or police details if any:

Babson College Public Safety Officers are assigned to each event in accordance with the College's long-standing practice. The number of officers assigned to a particular event fluctuates based upon the number of anticipated attendees. Access to event location is controlled consistent with College policies based upon the type of event, the location and the number of anticipated attendees.

Babson College

Kate Buckman

Printed Name of Applicant

Its Dir. Grad Student Affairs Babson College



Applicant's Signature

2/27/18

Date

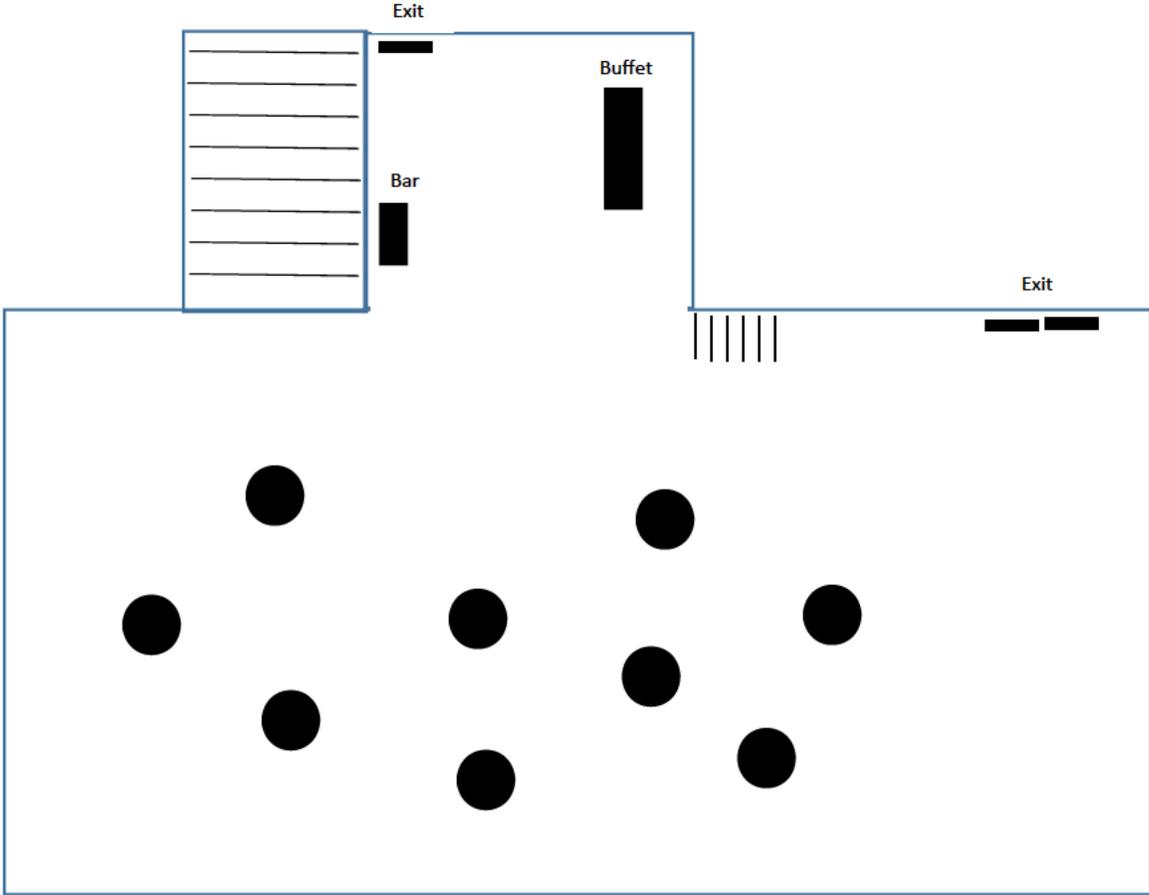
RETURN COMPLETED APPLICATION, FLOOR PLAN AND CHECK FOR FEES TO:

BOARD OF SELECTMEN  
525 Washington Street  
Wellesley, MA 02482  
781-431-1019 ext 2204

ATTACHMENT 1

Name of Event/Date                      Location                      Floor Plan Number

1. Babson Latin Entrepreneurship Forum    PMW FME Workshop    1
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.



**3. New Era Fund – Naming of Rooms at Tolles Parsons Center**

Enclosed with your packet is a memo from the New Era Fund requesting permission from the Board to (1) Name the American Legion Post 472 Activity Rooms in the Tolles Parsons Center (TPC), and (2) Place in the TPC a Remembrance Plaque in Honor of the Legion and Wellesley Veterans and an Inaugural Donors Plaque. This request originated in December with a request that acknowledgement be made of the fact that the TPC stands on land which was formerly the site of the American Legion Post, and the role veterans have played in Wellesley. Also enclosed are mock ups of the proposed plaques.

**MOVE** to approve a request from the New Era Fund to (1) Name the American Legion Post 472 Activity Rooms in the Tolles Parsons Center (TPC), and (2) Place in the TPC a Remembrance Plaque in Honor of the Legion and Wellesley Veterans and an Inaugural Donors Plaque.



## **Request by the New Era Fund to the Town of Wellesley Board of Selectmen for Permission to (1) Name the American Legion Post 472 Activity Rooms in the Tolles Parsons Center (TPC), and (2) Place in the TPC a Remembrance Plaque in Honor of the Legion and Wellesley Veterans and an Inaugural Donors Plaque**

---

On June 5, 2017 and December 11, 2017 the New Era Fund brought before this Board Petitions to name certain rooms in the TPC to acknowledge the lifetime efforts and very generous donations to the Fund from various Wellesley individuals and businesses.

At the meeting on December 11 representatives of American Legion Post 472 reminded all in attendance that the land upon which the TPC is located was formerly the site of American Legion Post 472, and requested that the contributions of the Legion Post and the service of Wellesley veterans be appropriately honored and acknowledged in the TPC. To that end, the New Era Fund respectfully requests that two connected activity rooms on the 2<sup>nd</sup> floor of the TPC be named the American Legion Post 472 Activity Rooms.

In further remembrance the New Era Fund respectfully requests that a plaque with the following inscription be approved for the vestibule area on the 1<sup>st</sup> floor of the TPC:

The Tolles Parsons Center stands on the site of the former home of American Legion Post 472. The citizens of Wellesley honor the donation of the original Legion building to the Town, which allowed for the Tolles Parsons Center to become a reality.

In addition the New Era Fund respectfully requests approval of a plaque to be placed in the vestibule of the TPC which contains the names of inaugural donors to the New Era Fund at various levels of giving of \$1,000 and over. (See attached)



# The Tolles Parsons Center

stands on the former site of the home of the

American Legion Post 472. The citizens

of Wellesley honor the generous donation

of the original Legion building to the Town,

which allowed for the Tolles Parsons Center

to become a reality.

We acknowledge with deep gratitude the following leadership donors for their philanthropy which has helped to establish the Tolles Parsons Center and programming for senior residents that optimize the quality of life while enabling connections that inspire a spirit of community across the generations in Wellesley.

## FOUNDING BENEFACTOR

Billie Tolles

## BENEFACTOR

The Andrew Pelczar Family  
In Honor of Andrew Pelczar

## FOUNDERS

Susan Hurwitz & Miguel Lessing

Wellesley Bank Charitable Foundation

Sue & Fred Wright \*\*\*

## AMBASSADORS

Anonymous (1)  
Elizabeth T. & Rusty Kellogg \*\*  
Dottie & Phil Laughlin

Betty Lee  
In Honor of her parents  
Mary's Troops

Priscilla & Tony Parker \*\*  
Cynthia & Bill Sibold \*

## SUSTAINERS

Katherine L. Babson, Jr. \*\*  
Jean Boyle \*  
Carolyn Cohen

Mary Ann Figoni  
Newton-Wellesley Hospital  
Barbara Searle \*\*

Almira Simons Trust  
Harriet & Mel Warshaw  
Wellesley High School, Class of 2018

## DIRECTORS

Babson College  
Deborah & \_\_\_\_ Brede  
Beverly & Peter Godfrey \*  
Lisa & Michael Heyison  
Laura & Robert Hockett

Susan Kagan Lange & Julian Lange  
In Honor of Charles & Rosalie Crevo  
& Family  
Neumann Real Estate  
In Honor of Tony Parker

Susan & Matt Ryan  
Dwin & John Schuler  
Eileen & James Stokes  
Ruth VonKelsch

## STEWARDS

Marlene Allen  
Anonymous  
Joan Archer & Robert Merriam  
The David & Kathleen Baum Family Fnd.  
and Romany Pulver  
Betsy & Karl Baumann \*  
Bear Charitable Foundation  
Sandra Budson  
Diane Campbell  
Barbara Peacock-Coady & Joseph Coady  
Crosier Family  
Dana Hall School \*\*  
Virginia Ferko & Mark Cohen  
Elaine Elliot  
Jackie & Blair Hendrix  
Constance Hood

Barbara & Bernie Horan  
Libby & Gerry Hume  
Kahn Family Charitable Foundation  
Cathryn Kato & Daryl Lapp  
Kathy & John Kaufmann  
Shirley & Chris Kelly  
Cathy & Fred Keuthen  
Xiaotian Liu  
Vincent M. Love  
In Honor of Rosa Love  
Lee Mades & Lore Schneider  
Margaret & Louis Metzger  
Jack Morgan  
Maryanne Miller \*\*  
William Murphy \*  
Needham Bank  
Suzanne Newman

Kim & Ernie Parizeau  
Joan Patten \*  
Roger's Piano  
Susan & Frank Pinto  
Premier Dental Group/Wellesley  
Carolyn H. Pruyn  
Heather & Kitt Sawitski  
Soheila & Bahram Shafai  
Betty Szeto  
Tina Wang  
In Honor of her parents  
Rosemary & Michael Waterman  
In Honor of Maureen Lyons Olson  
Wellesley Dental Group – Drs. Ali & Ali  
Karen & Robert White  
J. David Wimberly

### MANY OTHER FRIENDS AND SUPPORTERS

\* Donation made in honor of Mary Bowers

\*\* Donation made in honor of Dwin & John Schuler

\*\*\* Donation made in honor of Mary Bowers and Dwin & John Schuler

**4. No.7 West - CV/Alcohol License (165 Linden)**

Included in your packet are a Common Victualler and All Alcohol Beverages license applications for a new restaurant called No. 7 West that proposes to open at 181 Linden Street. Per the development agreement this would be the new restaurant that is to be added to the South side commercial space on Linden Street, and will be replacing the Glow Miniture Golf that is in the space presently. The restaurant is being proposed by the owners of The Cottage as a 156-seat establishment, with 15 bar seats, which is in conformance with the recent change to our alcohol regulations allowing up to 10% of the seats in the bar. Attorney Adam Barnosky and Mr. John Wolfe will be present at the meeting Monday night to review the application and answer any questions. Staff has asked for the proposed manager Michael Spencer to attend. Staff have reviewed both applications and found them to comply with the Town and State regulations, and recommends approval of both.

**MOVE** to approve both a Common Victualler and an On-Premises All Alcohol License to No. 7 West, LLC through December 31, 2018 and to name Mr. Michael S. Spencer as Manager.



Received  
2/12/18  
@ 12:55pm

Adam R. Barnosky, Esq.  
arb@riw.com  
Direct Dial: 617.570.3519

February 12, 2018

**VIA COURIER**

Attn: Meghan Jop  
Board of Selectmen  
Wellesley Town Hall  
525 Washington Street  
Wellesley, MA 02482

**Re: Application for M.G.L.c 138 Sec. 12 All Alcoholic Beverages License  
No. 7 West, LLC - 181 Linden Street, Wellesley, MA 02482**

Dear Ms. Jop:

I write on behalf of No. 7 West, LLC regarding its application for a M.G.L.c 138 Sec. 12 All Alcoholic Beverages License (the "Application") for use at 181 Linden Street, Wellesley, MA 02482. In support of the Application and pursuant to the rules and regulations of the Town of Wellesley and the Alcoholic Beverages Control Commission, kindly find the following information and documents enclosed:

1. Application for a Retail Alcoholic Beverages License;
2. Applicant's Statement;
3. Table of Organization;
4. Beneficial Interest Forms (Organization);
  - a. Laura A. Wolfe Revocable Trust
  - b. Wolfe Management, Inc.
  - c. Cenntian, LLC
5. Beneficial Interest Forms (Individual);
  - a. John Wolfe
  - b. Laura Wolfe
  - c. John Vertel
  - d. Ann Vertel
  - e. David Pope
  - f. John Jeffries
  - g. Lenore Walsh
  - h. Michael Spencer
6. CORI Request Forms;
  - a. John Wolfe
  - b. Laura Wolfe
  - c. John Vertel
  - d. Ann Vertel
  - e. David Pope

Letter to M. Jop; Wellesley Board of Selectmen

February 12, 2018

Page Two

- f. John Jeffries
  - g. Lenore Walsh
  - h. Michael Spencer
7. Members' Consent to Action (Corporate Vote);
  8. Manager's Proof of Citizenship (U.S. Passport of M. Spencer);
  9. Floor Plan;
  10. Certificate of Organization (No. 7 West, LLC);
  11. Pledge Documents (The Provident Bank);
  12. Lease Agreement; and
  13. Check in the amount of \$100.00, payable to the Town of Wellesley.

Kindly be in touch when this matter is scheduled before the Board of Selectmen and when the anticipated date of legal advertising is available.

Please be in contact at my above telephone number if you have any questions or if any further information is required.

I thank you in advance for your assistance.

Best Regards,

RUBERTO, ISRAEL & WEINER. PC.



By: Adam R. Barnosky, Esq.

Enclosure

cc: No. 7 West, LLC

## Jop, Meghan

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**From:** Adam R. Barnosky <arb@riw.com>  
**Sent:** Tuesday, February 20, 2018 12:36 PM  
**To:** Jop, Meghan  
**Cc:** 'John Wolfe'  
**Subject:** RE: Application Update - No. 7 West, LLC  
**Attachments:** Chef's Table - Updated Floor Plan (00687008xA4627).pdf

Hi Meghan –

Please see the updated floor plan for No. 7 West, LLC, showing a total of 155 seats, with 15 seats at the bar (in compliance with local regulations and as detailed below).

Have you been able to confirm 3/12/18 as the hearing date?

Thank you,

Adam

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Adam Barnosky, Esq.  
255 State Street, 7th Floor | Boston, MA 02109  
Direct: 617.570.3519 | Cell: 617.686.6556  
e-mail: [arb@riw.com](mailto:arb@riw.com) | [twitter](#)  
[www.riw.com](http://www.riw.com)



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**From:** Jop, Meghan [<mailto:mjop@wellesley.ma.gov>]  
**Sent:** Wednesday, February 14, 2018 11:29 AM  
**To:** Adam R. Barnosky  
**Subject:** RE: Application Update - No. 7 West, LLC

Adam,  
Thank you for the updated sheet. I will discuss with the executive director, and get back to you on a date.  
Meghan

---

**From:** Adam R. Barnosky [<mailto:arb@riw.com>]  
**Sent:** Wednesday, February 14, 2018 11:00 AM  
**To:** Jop, Meghan <[mjop@wellesley.ma.gov](mailto:mjop@wellesley.ma.gov)>  
**Subject:** Application Update - No. 7 West, LLC

Hi Meghan:

As discussed, I am providing an update to the application materials for No. 7 West, LLC, based upon our conversation yesterday.

1. **Address of Premises:** 165 Linden Street (not 181 or 161, as may be stated on the CV application and floor plan).

2. **Deliveries:** Between the hours of 7:30am and 11:30am, which is consistent with the terms of the lease agreement with FR Linden Square Inc (See Exhibit D).
3. **Bar Seating:** The bar seating will be reduced from 16 to 15 seats, which will decrease the total seating from 156 to 155 We will provide an updated floor plan when available. See the attached update license application.

As discussed, the anticipated hearing date is **Monday, March 12, 2018**. When this date is confirmed, please let me know.

In addition, be in touch if the town requires any further information for the legal advertisement. You confirmed that the town will send out the notices to abutters and this is not a requirement of the applicant.

Thanks again for all of your assistance.

Adam

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Adam Barnosky, Esq.  
255 State Street, 7th Floor | Boston, MA 02109  
Direct: 617.570.3519 | Cell: 617.686.6556  
e-mail: [arb@riw.com](mailto:arb@riw.com) | [twitter](#)  
[www.riw.com](http://www.riw.com)



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The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**APPLICATION FOR A RETAIL ALCOHOLIC BEVERAGES LICENSE**

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

**1. NAME OF PROPOSED LICENSEE** (Business Contact)

This is the corporation or LLC which will hold the license, not the individual submitting this application. If you are applying for this license as a sole proprietor, not an LLC, corporation or other legal entity, you may enter your personal name here.

**2. RETAIL APPLICATION INFORMATION**

There are two ways to obtain an alcoholic beverages license in the Commonwealth of Massachusetts, either by obtaining an existing license through a transfer or by applying for a new license.

Are you applying for a new license  New  Transfer or the transfer of an existing license?

If transferring, please indicate the current ABCC license number you are seeking to obtain:

If applying for a new license, are you applying for this license pursuant to special legislation?

If transferring, by what method is the license being transferred?

Yes  No Chapter  Acts of

**3. LICENSE INFORMATION / QUOTA CHECK**

City/Town

On/Off-Premises

TYPE

CATEGORY

CLASS

**4. APPLICATION CONTACT**

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name:  Middle:  Last Name:

Title:  Primary Phone:

Email:

**5. OWNERSHIP**

Please list all individuals or entities with a direct or indirect, beneficial or financial interest in this license.

An individual or entity has a direct beneficial interest in a license when the individual or entity owns or controls any part of the license. For example, if John Smith owns Smith LLC, a licensee, John Smith has a direct beneficial interest in the license.

An individual or entity has an indirect beneficial interest if the individual or entity has 1) any ownership interest in the license through an intermediary, no matter how removed from direct ownership, 2) any form of control over part of a license no matter how attenuated, or 3) otherwise benefits in any way from the license's operation. For Example, Jane Doe owns Doe Holding Company Inc., which is a shareholder of Doe LLC, the license holder. Jane Doe has an indirect interest in the license.

- A. All individuals listed below are required to complete a [Beneficial Interest Contact - Individual](#) form.
- B. All entities listed below are required to complete a [Beneficial Interest Contact - Organization](#) form.
- C. Any individual with any ownership in this license and/or the proposed manager of record must complete a [CORI Release Form](#).

Name	Title / Position	% Owned	Other Beneficial Interest
Laura A. Wolfe Revocable Trust	LLC Member <input type="text"/>	82%	
Wolfe Management, Inc.	LLC Manager <input type="text"/>	3%	

For additional space, please use next page

**APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE**

**5. OWNERSHIP** (continued)

Name	Title / Position	% Owned	Other Beneficial interest
Cenntian LLC	LLC Member <input checked="" type="checkbox"/>	4%	
Lenore Walsh	LLC Member <input checked="" type="checkbox"/>	2%	
John D. Jeffries	LLC Member <input checked="" type="checkbox"/>	2%	
David A. Pope	LLC Member <input checked="" type="checkbox"/>	2%	
Michael S. Spencer	LLC Member <input checked="" type="checkbox"/>	5%	

**6. PREMISES INFORMATION**

Please enter the address where the alcoholic beverages are sold.

**Premises Address**

Street Number:  Street Name:  Unit:   
 Street City/Town:  State:  Zip Code:   
 Country:

**Description of Premises**

Please provide a complete description of the premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage.

Floor Number	Square Footage	Number of Rooms	Patio/Deck/Outdoor Area Total Square Footage
1st	4,403	5	<input type="text" value="0"/>
			Indoor Area Total Square Footage <input type="text" value="4,403"/>
			Number of Entrances <input type="text" value="2"/>
			Number of Exits <input type="text" value="2"/>
			Proposed Seating Capacity <input type="text" value="155"/>
			Proposed Occupancy <input type="text" value="200"/>

**Occupancy of Premises**

Please complete all fields in this section. Documentation showing proof of legal occupancy of the premises is required.

Please indicate by what right the applicant has to occupy the premises  Landlord Name   
 Lease Beginning Term  Landlord Phone   
 Lease Ending Term  Landlord Address   
 Rent per Month   
 Rent per Year

If leasing or renting the premises, a signed copy of the lease is required.

If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.

Please indicate if the terms of the lease include payments based on the sale of alcohol:  Yes  No

**APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE**

**7. BUSINESS CONTACT**

The Business Contact is the proposed licensee. If you are applying as a Sole Proprietor (the license will be held by an individual, not a business), you should use your own name as the entity name.

*\* Please see last page of application for required documents based on Legal Structure \**

Entity Name:  FEIN:

DBA:  Fax Number:

Primary Phone:  Email:

Alternative Phone:  Legal Structure of Entity

**Business Address (Corporate Headquarters)**

Check here if your Business Address is the same as your Premises Address

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**Mailing Address**

Check here if your Mailing Address is the same as your Premises Address

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

Is the Entity a Massachusetts Corporation?  Yes  No

If no, is the Entity registered to do business in Massachusetts?  Yes  No

If no, state of incorporation

**Other Beneficial Interest**

Does the proposed licensee have a beneficial interest in any other Massachusetts Alcoholic Beverages Licenses?  Yes  No *If yes, please complete the following table.*

Name of License	Type of License	License Number	Premises Address
n/a	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>		

**Prior Disciplinary Action:**

Has any alcoholic beverages license owned by the proposed licensee ever been disciplined for an alcohol related violation?

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

**APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE**

**8. MANAGER CONTACT**

The Manager Contact is required and is the individual who will have day-to-day, operational control over the liquor license.

Salutation  First Name  Middle Name  Last Name  Suffix

Social Security Number  Date of Birth

Primary Phone:  Email:

Mobile Phone:  Place of Employment

Alternative Phone:  Fax Number

**Citizenship / Residency / Background Information of Proposed Manager**

Are you a U.S. Citizen?  Yes  No

Do you have direct, indirect, or financial interest in this license?  Yes  No

Have you ever been convicted of a state, federal, or military crime?  Yes  No  
*If yes, attach an affidavit that lists your convictions with an explanation for each*

If yes, percentage of interest

Have you ever been Manager of Record of a license to sell alcoholic beverages?  Yes  No

If yes, please indicate type of Interest (check all that apply):

Officer  Sole Proprietor  
 Stockholder  LLC Manager  
 LLC Member  Director  
 Partner  Landlord  
 Contractual  Revenue Sharing  
 Management Agreement  Other

If yes, please list the licenses for which you are the current or proposed manager:

Please indicate how many hours per week you intend to be on the licensed premises

**Employment Information of Proposed Manager**

Please provide your employment history for the *past 10 years*

Date(s)	Position	Employer	Address	Phone
Dec 2012-Present	Managing Director	Wolfe Management Inc	61 Pleasant St #99, Newburyport, MA	978.363.1167
Jun 2010-Dec 2012	General Manager	Pizzeria Unos	238 Indian Brook Rd, Dover, NH	603.749.2200
Nov 2000-Jun 2010	Regional Mgr	Bugaboo Creek Steakhouse	Now defunct	

**Prior Disciplinary Action of Proposed Manager**

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

**APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE**

**9. FINANCIAL INFORMATION**

Please provide information about associated costs of this license.

**Associated Costs**

A. Purchase Price for Building/Land	0
B. Purchase Price for any Business Assets	\$705,000
C. Costs of Renovations/Construction	\$733,750
D. Purchase Price of Inventory	\$35,000
E. Initial Start-Up Costs	\$234,079
F. Other (Please specify)	
<b>G. Total Cost (Add lines A-F)</b>	<b>\$1,707,829</b>

Please note, the total amount of **Cash Investment** (top right table) plus the total amount of **Financing** (bottom right table) must be equal to or greater than the **Total Cost** (line G above).

Please provide information about the sources of cash and/or financing for this transaction

**Source of Cash Investment**

Name of Contributor	Amount of Contribution
L Wolfe Trust	\$485,000
Wolfe Management Inc	\$15,000
<b>Total:</b>	<b>\$500,000</b>

**Source of Financing**

Name of Lender	Amount	Does the lender hold an interest in any MA alcoholic beverages licenses?	If yes, please provide ABCC license number of lender
Provident Bank	1,300,000	Yes	00088-RS-0796
			02769-RS-0796
			00027-RS-1344
<b>Total:</b>	<b>\$1,300,000</b>		

**10. PLEDGE INFORMATION**

Are you seeking approval for a pledge?  Yes  No

Please indicate what you are seeking to pledge (check all that apply)

License  Stock / Beneficial Interest  Inventory

To whom is the pledge is being made:

Does the lender have a beneficial interest in this license?  Yes  No

Does the lease require a pledge of this license?  Yes  No

**APPLICANT'S STATEMENT**

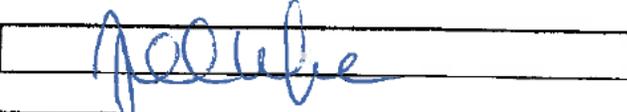
I, **JOHN WOLFE** the:  sole proprietor;  partner;  corporate principal;  LLC/LLP member  
Authorized Signatory

of **NO. 7 WEST, LLC**, hereby submit this application for **M.G.L.c. 138 Sec. 12 All Alcoholic Beverages License**  
Name of the Entity/Corporation Transaction(s) you are applying for

(hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature: 

Date: **2/2/18**

Title: **Authorized Representative, No. 7 West, LLC**



COMMON VICTUALLER LICENSE APPLICATION

Date Applied:	Date Approved:	Date Issued:
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Office Use Only	Fees Paid:	Tax Cert:	Resumes:	T&P Info:	Plan:	Interview:
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The undersigned hereby applies for a Common Victualler License in accordance with the provisions of Massachusetts General Law 140, Section 2.

(PLEASE TYPE OR PRINT CLEARLY)

Name of Applicant: No 7 West, LLC Date: 2/6/18

D.O.B: \_\_\_\_\_ S.S.N: \_\_\_\_\_ Dr. Lic #: \_\_\_\_\_ Fed. ID #: 32-0552765

Business Address: 181 Linden Street, Wellesley, MA 02482

Home Address: \_\_\_\_\_

Business Telephone: 978.363.1167 Home Telephone: \_\_\_\_\_

Name & Location of Establishment: Name TBD, location Linden Square

Applying for: Common Victualler License only \_\_\_\_\_ Common Victualler & Liquor License

Common Victualler & Wine & Malt \_\_\_\_\_

**Enclose Copy of Floor Plan**

Size of Floor Space (square feet.): 4463 Number of Seats: 156 Number of Employees: 60

*CHECK ONE (If you are unsure ask the Building Department)*

No Change of Use: \_\_\_\_\_ Partial Change of Use: \_\_\_\_\_ Full Change of Use:  New Use: \_\_\_\_\_

(See attached details regarding Required Traffic & Parking Information.)

PLAN REVIEW AND/OR PRELIMINARY APPROVAL (Required Before Common Victualler License will be Approved)

Reviewing Department	Signature of Approving Authority	Date of Plan Review/Approval
Building Department:	<i>[Signature]</i>	<u>2/9/18</u>
Health Department:	<i>[Signature]</i>	<u>2/6/18</u>
Fire Department:	<i>[Signature]</i>	<u>2/6/18</u>
Design Review:		

**COMMON VICTUALLER LICENSE APPLICATION (continued)**

What will be the hours of operation? Mon - Th 11:30 - 11, Fri, Sat 11:30 - 11, Sun 11:30 - 9

Time(s) of Peak Customer Activity Fri, Sat 6:30 - 9:30

Est. Number of Customers at Peak Time(s): 175 Est. Number of Employees at Peak Time(s): 45

What provisions have been made for trash removal? Landlord installing dumpsters behind space

How much parking is needed? Town has approval retention in this space, parking available @ mall shopping area

How will parking be provided? Mall

What are delivery times? Mornings til 11:30

I the undersigned state that the information provided in this application, and associated attachments, is true and accurate to the best of my knowledge:

Signature: [Signature] Printed Name: John Walk Date: 2/6/18

*Note: No Common Victualler License will be approved until the applicant addresses all issues and/or concerns to the satisfaction of the Board of Selectmen; and no CVL will be issued until all required inspections have been conducted, permits granted, and final approvals given.*

**FOR OFFICE USE ONLY**

**FINAL PERMITS/APPROVALS GRANTED (Required Before CVL will be Issued)**

Approving Department	Yes	No	If "No," Reason Why	Date of Final Approval
Building Department:				
Health Department:				
Fire Department:				
Design Review:				

## **5. Discuss Route 9/Kingsbury Street Project – Installation of Guard Rails**

From my recent weekly reports, you are aware that MassDOT has reversed course from their decision late last year when they informed us that the guard rail that had been planned for the north side of Route 9 in this area could not be built. We believe they received pressure to find a solution regardless, which they have done. That new plan calls for traditional guard rail to be installed right next to the curb line on the north side, as well as also installing a system on the south side between Donizetti and Kingsbury Streets. Our engineering staff have reviewed those plans and are generally comfortable with the proposal for the north side as long as the construction techniques will not damage the Town's water main and other utilities that we believe include street lights. As to the south side, because of all of the utility conflicts in the area, they are essentially proposing to install Jersey barriers which we are quite concerned about for a myriad of reasons. The two major concerns we have are that this 42" high solid structure will create sight line challenges for both drivers and abutters that could lead to accidents, and snow removal will also be impacted, as snow will have nowhere to go but into the few driveways between the installed barriers. We understand that the pressure MassDOT has been under is so significant they may actually go ahead even if the Town expresses it does not want it.

Dave Hickey, Mike Pakstis, Meghan and I met with Rep. Peisch this week to discuss this with her, and explain the situation, for which she wishes to help. Dave had set up meetings with several of the abutters, but due to the snow storm on Thursday was only able to meet with one. Included in your packet is a letter he obtained from one resident, and he has spoken to all affected. They have universally expressed concerns with sight distance, increased snow impacts and the esthetic / property degradation concerns. I told all of the abutters 3 things; that I would forward the latest plans and details of what is proposed when I get it from MassDOT, that I would take their concerns to the next selectman's meeting, and I would keep them informed of developments to help us obtain a reasonable outcome.

Dave Hickey and Deputy Chief Whittmore intend to be at the meeting Monday night to review the design with the Board, and they will recommend that the Board take a position that we support the north side guard rail, but not the south. Mr. Hickey is preparing a PowerPoint presentation that may not be ready in time for the FNM, and will be distributed to you as soon as it is ahead of the meeting.

**MOVE** that the Board supports MassDOT's plan install guard rail on the north side of the Route 9/Kingsbury Street intersection. The Board does not support the south side guard rail solution, and requests that MassDOT not approve a change order to construct it.



Mr. David Hickey, Jr., P.E.  
Town Engineer  
Town of Wellesley  
20 Municipal Way  
Wellesley, Massachusetts 02481

March 8, 2018

**Re: Proposed Jersey Barrier (or Guardrail) on Eastbound Side of Route 9 (MassDOT Route 9 Construction Project)**

Dear Mr. Hickey,

I am responding to your letter notifying me of changes to the MassDOT Route 9 Construction Project, namely, the proposed installation of a "jersey barrier" in front of my home at 642 Worcester Street, Wellesley, on the eastbound side of Route 9. My understanding is that this proposal is due to a concern with safety of pedestrians, particularly children, on their way to the Middle School on Kingsbury Street, which is around the corner from my house. My understanding is that a guard rail has already been approved for the west bound side of Route 9, and this letter is solely in reference to the east bound proposal.

I am strongly opposed to the proposed "jersey barrier", as well as any guardrail, or other structure, being placed in front of my house (and other homes on the east bound side of Route 9) for the following reasons:

- 1. The proposed "jersey barrier" (or guardrail) is completely unnecessary for safety reasons:** Under the current Construction Project, several additional traffic lights were added to Route 9, including one at the intersection of Donizetti Street and Route 9, so that there are now *two lights within 100 yards on the eastbound side*, as there was already another traffic light at the intersection of Route 9 and Kingsbury Street. There is also an enlarged crosswalk and a crossing guard at Route 9 and Kingsbury, who escorts children across the street. More importantly, the sidewalk on the eastbound side of Route 9 between Donizetti and Kingsbury is almost never used by pedestrians, as there are only two houses between those streets (one of which is mine) and neither have any children. In the almost 30 years that I have resided at the property, I have seen less than 5 pedestrians per year use that section of the sidewalk. I have never seen a child, with or without an adult, use that section of the sidewalk. The children who live north of Route 9 (on the west bound side of Route 9) that use the crosswalk at the intersection of Route 9 and Kingsbury on their way to the Middle School, walk there on the west bound side of Route 9, where a new guardrail will be placed. Safety of pedestrians has already been improved with the enlarged crosswalk and the crossing guard, and will be further improved by the guardrail on the west bound side. A "jersey" or other barrier or guardrail on the eastbound side of Route 9 is completely unnecessary for safety purposes in the proposed area. .
- 2. The proposed "jersey barrier" (or guardrail) is discriminatory and unfair:** The proposal is to put the "jersey barrier", a permanent cement barrier, in a residential area. There are no barriers of this kind in Wellesley or any of the surrounding towns, and they seem to be the type only used

in construction zones, not as a permanent fixture in front of someone's house. In fact, there are none of these "jersey barriers" on all of Route 9 for many miles in both directions (and maybe all of Route 9), and certainly not in front of any homes. The only places where there are even guardrails on Route 9 in residential areas are where there are significant inclines right off the roadway, which is not the case on the east bound side of Route 9 between Donizetti and Kingsbury, as the ground is level. It would be completely discriminatory and unfair to put these in front of just a few homes on Route 9, particularly when it is unnecessary for safety or any other reason.

3. **The proposed "jersey barrier" (or guardrail) would be unsightly:** As mentioned above, the proposal is to put these unsightly, concrete "jersey barriers" in a residential area, which includes several homes that were built in the 1800's (including mine) and that are recognized by the Wellesley Historical Commission. Also, Route 9 is a main gateway to Wellesley, and the addition of these barriers would significantly detract from the appeal of this area. Wellesley is a very beautiful city and the residents, including me, want to keep it that way. These "jersey barriers" are for construction zones and have no place in a residential neighborhood.
4. **The proposed "jersey barriers" would be dangerous:** As I and several of my neighbors have to drive out onto Route 9 each day, these "jersey barriers" would obstruct the view and make it much more dangerous for us to pull out of our respective driveways.

I do not believe that residents of Wellesley would want these "jersey barriers" in the city, and particularly not in front of homes. I intend to speak with my neighbors about this matter. I do wish I had received more advance notice of this proposal, so I would have had more time to contact neighbors.

Sincerely,



Helen Robichaud

**6. Review Eligibility Concerns 818-822 Worcester Street**

As we have done a number of times this year, the Town must submit a letter to MassHousing outlining the Town's position and concerns for the 40B project that has been proposed for 818-822 Worcester Street. The letter is due back to that entity by March 21<sup>st</sup>. Despite the fact that we have begun the process to acquire these parcels, a letter needs to be submitted, a draft of which is enclosed with your packet. We recommend that the Board review the letter at this meeting, and then approve the final version at our meeting next week. Staff has not notified abutters for a broader discussion of this item given the circumstances, but can do so should for finalization of the letter at the March 19 meeting. A joint meeting with the Planning Board is scheduled for next week where we could finalize this letter and review the initial draft letter for 16 Stearns Road that is due April 9. Revised Plans for 16 Stearns have been placed online at : <http://www.wellesleyma.gov/DocumentCenter/View/9448>

**NO MOTION**



TOWN OF WELLESLEY



MASSACHUSETTS

## BOARD OF SELECTMEN

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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BLYTHE C. ROBINSON  
EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

March 20, 2018

Katherine Miller  
MassHousing  
One Beacon Street  
Boston, MA 02108

RE: 818-822 Worcester Street, Wellesley, MA Site Eligibility Response

Dear Ms. Miller:

On behalf of the Town of Wellesley (“the Town”) Board of Selectmen and Planning Board, please find the following comments with respect to the *Comprehensive Permit Site Approval Application* recently submitted by 818-822 Worcester Street, LLC for the construction of a 28-unit residential housing structure on approximately 1.12 acres of land in Wellesley.

### **Town Acquisition**

The Town would like to notify MassHousing that the Board of Selectmen has initiated the process to acquire these parcels, 818-822, through negotiations and/or eminent domain for municipal purposes. The Town has been studying the reconstruction of three elementary schools for the past 7 years, including the abutting property Hardy School. The Town has been considering acquisition of these properties, along with 826 Worcester Street, for some time and given the pending 40B has determined they must proceed at this time. A Special Town Meeting has been called for April 9, 2018. Should Town Meeting **not** vote to appropriate the funds and to authorize the Board of Selectmen to proceed with the acquisition, the Town offers the following comments on the project.

### **Site Constraints**

The Town has the site as having an area of 48,688 square feet and is entirely within the Single Residence District 10, which requires a 10,000 square foot minimum lot size. The proposed development has a gross floor area of 43,247 square feet, a Floor Area Ratio of 0.89, and height greater than 55 feet. The density for this project is 25 units per acre, not the 18.18 as indicated in the application. The proposed project will render over 54% of the site impervious, and retains 46% of the site as “open space,” which the applicant purports to be usable. The Town disagrees with the usable nature of the space given a significant green space area is at the entrance to the site along Route 9 between the entrance and exit of the site.

### **Density and Proximity to Other Affordable Housing Developments and Projects**

The property is zoned Single Residence District - 10,000 Square Foot Minimum Area District, which has a maximum density under the Zoning Bylaw of 4.36 units per acre. The density for this project is five (5) times the density of the abutting neighborhoods. The proposed structure is 2,662 square feet smaller than

the elementary school to the rear, which is located on 7.5 acres. The size and density of the structure is completely out of character with the abutting properties and residential neighborhood.

This project is within close proximity, 700 feet, from the Wellesley Housing Authority senior affordable housing at 315 Weston Road (32 Units), 1500 feet from Fells Hollow 55+ 40B at Route 9 and Russell Road (28 Units), and within approximately 3,000 feet to the developer's other proposed projects at 680 Worcester Street (revised proposal anticipated) and 16 Stearns Road (28 Units). The project is also within approximately 3,300 feet from the proposed 40B at 148 Weston Road (55 Units), and less than a mile to the 90 unit 40B project proposed at Delanson Circle.

The Town is concerned that this particular neighborhood or small group of contiguous neighborhoods (Fells/College Heights/Weston Road) has become a magnet for 40B projects. The Town is in favor of affordable housing, but would prefer that its affordable housing developments be better distributed throughout Town and throughout the Town's Elementary School districts as opposed to siting all new projects in this one part of Town and within only one or two Elementary School districts. The Town firmly believes that such a dense cluster of projects is not in the best interest of the current and future residents of the above described developments.

### **Water Supply Protection District**

The project site is located within the Town of Wellesley Water Supply Protection District. The Water Supply Protection District intent is to protect the public health, safety, and welfare of the residents by preventing contamination of and preserving the quantity of ground and surface water that provides existing or potential water supply for the Town's residents. This particular area of town requires recharge on-site through vegetated surfaces. Given the amount of impervious cover on the site, dry wells or leaching basins with grease and sediment traps will likely be required.

### **Traffic**

The proposal includes direct ingress and egress from Route 9. Route 9, however, only allows for vehicles to access the site heading eastbound. Exiting the site, all vehicles must continue eastbound and make turnarounds through either the neighborhood at Woodbine Road or further down at Oak Street to alter course. Returning to the site from a westbound direction would require turnarounds at the Weston Road interchange which is a heavily congested area, particular during morning and pm school arrival and dismissal times. The access to the site is easily passed by, and the town would encourage MassDOT to consider requiring the installation of a deceleration lane for vehicles accessing the site from Route 9 due to the 50 mph speed limit and limited turning radius onto the decent size driveway. The driveway location is in direct conflict with the 826 Worcester Street properties sole driveway access and should try to be relocated further to the east to reduce the conflict.

### **Fire**

The Fire Department raises concern that access to all sides of the building is limited based on this design. The height of the covered parking is unknown, and likely will not allow for fire access to the far corner of the structure. Given the existing utility configuration discussed below, the Fire Department further raises questions as to whether adequate water supply and pressure is available for the structure at this location.

### **Utilities**

An existing water line and sewer line are present in Worcester Street. MassDOT will commence repaving Route 9 in the spring/fall of 2018 and the Town anticipates there will be a moratorium on cutting into the pavement. 818-822 properties have a common tie in to a sewer line that runs through Town (School Department) property at Hardy School with an 8" line that connects to a 12" line in Hickory Road. There is no easement present, and modification to that line could significantly disrupt the Hardy School play areas and would require Town and School Committee approval.

### **Abutting Properties**

Two primary residential abutters are significantly impacted by the proposed structure. The proposed structure has been setback from the road, but encroaches significantly on the rear yard of the 826 Worcester Street abutters. The five story building with balconies surrounding the structure invade on personal space of the abutters at 814, 826, and 830 Worcester Streets. The parking lot has been located directly against the west property line of 814 with a minimal setback of approximately 4-5 feet. The approximate 55-foot-tall building (could be taller) is too confrontational with the abutting single family homes whose ridge heights are approximately 30 feet or less in height.

The design, which is far better than best efforts by the developer, is still largely out of context for the neighborhood which is an eclectic mix of 2 story Colonials and Capes.

To the south of the properties, the abutting land is owned by the School Department and abuts the current school's playground. The change in topography towards the school and the location of the building, will make the structure appear as though it is approximately 6 stories in height from the Hardy School play yard.

### **Proposed Parking**

The parking for the site includes 52 parking spaces or 1.86 spaces per unit. The proposal does include visitor parking spaces and an area for deliveries which is critical since **on-street parking along Worcester Street is prohibited**.

### **Public Transportation**

The Route 9 site has limited public transportation access. The MetroWest Regional Transit Authority has the Route 8 commuter bus, which will be modifying its route in the fall and will no longer serve the Weston Road Corridor. The MetroWest Regional Transit Authority does operate the Route 1 bus along Route 9 with a limited schedule Monday through Friday. In summary, while there are limited public transit options in the vicinity of the proposed project.

### **Landscape**

The existing site is largely cleared of trees, except along the perimeter of the site. Particularly to the rear, significant trees are present to create a screen and noise abatement to the Hardy School site. The project will eliminate existing trees along the property line with 814 Worcester Street and current plans show a row of arbor vitae. Given the close proximity of the parking lot along the entire length of the 814 Worcester Street property line, more care should be taken in improving the landscape buffer. This is also true along the property line of 826 Worcester Street.

### **Wellesley's Progress on Affordable Housing**

As you are more than aware, the Town has recently been inundated with 40B Site Eligibility notices. The Town has not met its 10% threshold, but would like to convey the efforts it has made to increase the Town's affordable housing inventory. The Town of Wellesley has been making steady progress over the last 15 years in increasing the Subsidized Housing Inventory. On November 21, 2017 the Board of Selectmen, Planning Board, and Wellesley Housing Development Corporation approved the hiring of two housing consultants to conduct research, create a needs assessment analysis, and develop a Housing Production Plan to assist the Town in expanding its range of housing, including affordable, suitable for elder residents and those who wish to downsize and remain in Town, accessible to members of the local workforce, and more. We anticipate this plan to be complete September, 2018. The Town has also passed a number of zoning provisions to assist with affordable housing as redevelopment opportunities in Wellesley's commercial districts occur. The Town as of October 18, 2017 is at 6.33% of its 10% goal, with upwards of 36 units in the process of being added to the Subsidized Housing Inventory within the next several months. Below are the Town's actions that have supported development of affordable housing:

- The 2007-2017 Comprehensive Plan was adopted in 2007 with actions for affordable housing.

- The Inclusionary Zoning Bylaw (IZB) was adopted in 2004 which requires residential projects in commercial districts to provide 20% affordable housing, and commercial projects over 10,000 square feet to provide 2% affordable housing (1 unit for every 50,000 square feet constructed).
- 2004: the Town's Community Preservation Committee funded \$65,000 in addition to HUD funds to create a DMR house at 4 Marshall Road (SHI).
- 2005: the IZB was modified to require subdivisions having more than 5 lots to comply with the Bylaw at 20% threshold.
- 2007: the definition of Floor Area Ratio in the Zoning Bylaw was modified to exclude affordable units developed under the IZB from being included in the FAR to increase density and increase opportunities for affordable housing units in commercial districts.
- 2007: the Linden Square project was completed, wherein 7 affordable housing units were created under the IZB (Units have recently been found to be missing from the Town's SHI, but are being added now).
- 2007/2008: permitting began for projects at 978 Washington Street and the former Wellesley Inn site at 576 Washington Street in Wellesley Square; these projects were delayed due to the recession, but both have now been completed, resulting in 7 SHI-eligible units at 978 Worcester and 5 SHI-eligible units at 576 Washington Street. Both projects were developed under the Town's Zoning and subject to the IZB; 978 Worcester St. also resulted in payment in-lieu funds for 1 unit.
- 2009: the permitting of a CVS resulted in the payment of in-lieu funds under the IZB.
- 2011: a 40B project was approved at 65-71 Washington Street resulting in 1 SHI-eligible unit.
- 2012: a project was permitted at 27 Washington Street, resulting in the development of 82 SHI-eligible units, as well as 7 assisted living units not SHI-eligible but permanently deed restricted to be affordable.
- 2012: the Wellesley Housing Development Corporation purchased a two-family dwelling at Peck Ave and a single-family dwelling at 6 Mellon Road, renovating the homes and creating 3 affordable units; at this time the Town also purchased 9 Highland Road, although it is not on SHI, but it is affordable due to deed restriction not complying with DHCD requirements (Must wait to add on resale per DHCD).
- 2013/2014: a 40B project was approved at 139 Linden Street and added two SHI units in October 2017.
- 2013: Wellesley Square Zoning District was amended to create a special permit to increase density; this benefited and allowed the previously stalled Wellesley Inn project to proceed.
- 2016: the Planning Board approved a Definitive Subdivision plan for 135 Great Plain Ave. that included a payment in-lieu for 2.4 units.
- 2016 to present: the Town is developing a new Comprehensive Plan; known as the Unified Plan, the Plan is combining typical land use planning with all aspects of the Town's government to serve as a master strategic plan for the Town. The Plan is expected to be adopted in the spring 2018. [www.wellesleyunifiedplan.com](http://www.wellesleyunifiedplan.com)
- March 2018: the Planning Board is seeking FY19 funds to develop a sub-area study and plan, with additional funds to be provided from the Community Preservation Committee, with a focus on development/redevelopment opportunities in a defined area to support the development of additional affordable housing.

For reference, 40B projects currently in Comprehensive Permit Review are:

1. Delanson Circle (90 Units)
2. 148 Weston Road (55 Units)
3. 135 Great Plain Avenue (44 Units) - MassHousing

40B Projects currently in Site Eligibility

1. 16 Stearns Road (24 Units)- MassHousing

Other 40B projects being considered in Wellesley:

1. 136 Worcester Street (44 Units)
2. 680 Worcester Street (Previous proposed 20 Units) - MassHousing

Based on all of the reasons articulated above, the proposed development is poorly designed and too intense for a site that is just over an acre in size. There is no doubt that more affordable housing opportunities are necessary in the Town of Wellesley, but such opportunities should be more respectful of existing neighborhoods and land uses, as well as the eventual residents of the development. This proposal creates a significant aesthetic concern, significant conflict with the driveway of 826 Worcester Street, poses potential risks to the local groundwater supply, and must be denied at this level of density.

Sincerely,

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Ellen F. Gibbs, Chair

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Jack Morgan, Vice Chair

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Marjorie R. Freiman

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Beth Sullivan Woods

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Thomas Ulfelder



7. **Approve Release of an RFP for the Redevelopment of the Tailby and Railroad Commuter Lot Parcels**

Enclosed is what we propose to be the final version of this request for proposals to redevelop these parcels. It incorporates the comments made by the board at the last meeting. We have not received much input from any other sources. Staff met with the Wellesley Square Merchants Association on Wednesday morning, who were supportive of the proposal with concerns largely focused on maintaining parking during and post construction. We would like to move ahead to advertise this as the proposed development on Linden Street has paused in the comprehensive permit process while the developer makes some adjustments to the plan. The revised draft has been sent to Town Counsel, and should the Board determine it is ready to move forward, we should verify Town Counsel has no additional comments.

**MOVE** to approve RFP for the redevelopment of the Tailby and Railroad Commuter Lot parcels and authorize staff to distribute it on the Town's behalf pending final sign off from Town Counsel.



TOWN OF WELLESLEY

REQUEST FOR PROPOSALS

GROUND LEASE OF PROPERTY LOCATED AT  
TAILBY PARKING LOT – 103 LINDEN STREET  
AND  
RAILROAD PARKING LOT – 7 GROVE STREET  
WELLESLEY, MASSACHUSETTS

AND THE DEVELOPMENT THEREON OF  
AFFORDABLE AND MARKET RATE HOUSING

**Date Issued:** ~~February XX~~ March 21, 2018

**Due Date for Responses:** ~~Tuesday, June 5~~ Friday, May 25, 2018 Applications will be accepted no later than NOON, at Wellesley Selectmen's Office, 525 Washington Street Wellesley, Massachusetts 02482, Attention: Tailby and Railroad Redevelopment

**LATE PROPOSALS WILL NOT BE ACCEPTED.**

This Request for Proposals was developed in accordance with the requirements of Massachusetts General Laws Chapter 30B, Section 16.

## 1. Request for Proposals

### ~~1.1~~ *Introductory Instructions*

The Town of Wellesley (the “Town”), acting by and through its Board of Selectmen is issuing this Request for Proposals (“RFP”) to invite proposals from qualified developers to enter into one or more long-term leases (preferably one) to develop the Town of Wellesley Tailby (103 Linden Street) and Railroad (7 Grove Street) Commuter Parking Lots located in Wellesley, Massachusetts (the “Properties”) and the development thereon of affordable and market rate housing that will be owned and operated by the selected developer(s) (the “Facility”).

The preparation of the RFP response shall be at the expense of the respondent. It is the sole responsibility of the respondent to fully examine this RFP’s attachments and referenced documents. Questions shall be addressed in writing to the Board of Selectmen, c/o Meghan Jop, Assistant Executive Director, 525 Washington Street, Wellesley, Massachusetts 02482 by ~~April 15, 2018 or emailed to :mjop@wellesleyma.gov.~~ ~~13, 2018 or emailed to:~~ ~~mjop@wellesleyma.gov.~~ Answers to timely submitted questions will be in writing and the questions and answers will be shared with all those on record as having received a copy of the RFP.

All respondents are strongly encouraged to visit the Properties before submitting a proposal. The site will be delivered “as is”, without any warranty or representations by the Town with regard to existing conditions.

Each respondent must submit one proposal package clearly marked “Town of Wellesley, Tailby and Railroad Parking Lot Development Proposal” on the outside of the envelope. Each envelope shall contain two sealed envelopes, one marked “Town of Wellesley, Tailby and Railroad Parking Lot Lease and Development Proposal – Technical Proposal” and the other marked “Town of Wellesley, Tailby and Railroad Parking Lot Lease and Development Proposal – Price Proposal”. Respondents shall provide one (1) original, ten (10) paper copies, and one (1) electronic copy of the Price Proposal, and one (1) original, ten (10) paper copies, and one (1) electronic copy of the Technical Proposal. All proposals shall be delivered to:

Board of Selectmen’s Office  
c/o Meghan Jop  
525 Washington Street  
Wellesley, MA 02482

All proposals must be submitted by NOON on ~~June 5~~ ~~May 25~~, 2018 (the “Proposal Due Date”) when they become the property of the Town and are subject to applicable Public Record Laws. **Late proposals will not be accepted.** Postmarks will not be considered. It is the responsibility of the respondent to ensure timely delivery of proposals.

Respondents to the RFP will be able to correct or modify their proposals before the Proposal Due Date. Each modification package must contain two sealed envelopes. The outside of the package and each sealed envelope shall be marked with the respondent’s name and address and “Town of Wellesley, Tailby and Railroad Parking Lot Development Lease and Development Proposal, Modification # \_\_\_\_”. The first sealed envelope shall also be marked “Price Proposal” and the second sealed envelope shall also be marked “Technical Proposal”. Each modification package must be numbered in sequence. Respondents must submit one (1)

original, ten (10) paper copies, and one (1) electronic copy of any modifications or corrections to the above contact person and address prior to the RFP deadline. Respondents may also withdraw their proposals at any time during the application and selection process.

The Town makes no representations or warranties, expressed or implied, as to the accuracy and/or completeness of the information provided in this RFP. Prospective developers will be expected to undertake their own review and analyses concerning physical conditions, environmental conditions, applicable zoning, required permits and approvals, reuse potentials, and other development, ownership and legal considerations (including, but not limited to, any applicable public construction and/or fair wage laws).

All Proposals shall be deemed to be public record within the meaning of M.G.L. Chapter 4, Section 7(26) after the Proposal Due Date.

If necessary, the Town will issue addenda to all respondents on record as having requested a copy of this RFP. Addenda will be mailed, faxed or emailed to all such respondents. However, it is the respondents' responsibility to ensure that they are in receipt of all addenda. No addenda will be issued later than May 4 April 20, 2018

After the Proposal Due Date, a respondent may not change any provision of their proposal that, in the sole opinion of the Town, may be prejudicial to the interests of the Town or fair competition. Minor informalities will be waived or the respondent will be allowed to correct them. If a mistake and the intended proposals are clearly evident on the face of the proposal document, the mistake will be corrected to reflect the intended correct proposal and the respondent will be notified in writing before the anticipated Q&A meeting.

Technical and Price Proposals must be signed as follows: (1) if the respondent is an individual, by him/her personally; (2) if the respondent is a partnership, by the name of the partnership followed by the signature of each general partner; and (3) if the respondent is a corporation, by the authorized officer together with a clerk's certificate.

The Town reserves the right to reject any and all proposals or to cancel the RFP as it determines to be in the best interest of the Town.

For more details on the Request for Proposals Submission and Selection Process see Section 5 of this RFP.

## **1.2 Introduction to the Project**

### **TOWN OF WELLESLEY**

The Town was incorporated in 1881 and is located in Norfolk County, approximately 10 miles west of Boston. It is bordered by Natick on the west, Weston and Newton on the north and northeast, Needham on the east and southeast, and Dover on the south.

In recent years, the Town of Wellesley has made a commitment to improving the amount of affordable housing located in the Town. Since 2004, the Town has adopted an Inclusionary Zoning Bylaw, adopted the *2007-2017 Comprehensive Plan* (with numerous goals and objectives pertaining to the provision of affordable housing and diverse housing options), amended and adopted several Zoning regulations to support increased residential density and the development of affordable housing, and supported projects resulting in the development of

approximately 130 SHI-eligible units. Despite these efforts, the Town's Subsidized Housing Inventory (SHI) remains below the 10% goal at approximately 6.3%. This has resulted in the recent proposal of several 40B projects, many of which are considered less than ideal in terms of their location and design. Accordingly, the Town seeks to take proactive efforts to guide the development of affordable housing to appropriate sites that complement the integrity of the Town's character, while also working to meet one or more 40B certification thresholds to protect the Town from future "unfriendly" 40Bs. The development of the Tailby and Railroad lots would do just this, allowing for many beneficial objectives to meet, while reducing the likelihood of development of 40B projects that are less ideal in terms of design and location.

### ***HISTORY OF PAST EFFORTS***

The Town has considered various concepts for the redevelopment of the Properties since the 1970s. As noted in the 2004 RFP for the *Tailby Lot Feasibility Study*, released on September 7, 2004, "since at least 1973, various Town boards have suggested that the Tailby Lot might be decked over to increase its parking capacity and to accommodate housing." The following is a list, perhaps not exhaustive, of the Town and/or Planning Board's previous efforts in considering alternatives for the Properties ([all materials can be viewed here LINK](#)) For various reasons, actions to execute prior plans did not move forward.

#### 1972: Wellesley Square Study 1972: Wellesley Square Study

Referenced the Railroad Lot, with "difficult access" and "lack of visibility" noted as resulting in a "level of utilization substantially less than that which would be anticipated considering...proximity to commercial establishments."

#### 1981: Comprehensive Plan 1981: Comprehensive Plan

- "In addition to the above, several lots, notably the lot at Church and Waban Streets (Fraser Lot) and the Railroad lot at Crest Road and Central Street, suffer from difficult access from Central Street and lack of visibility, resulting in a level of utilization substantially less than that which would be anticipated considering their proximity to commercial establishments."
- "Another alternative would be to relocate the Wellesley Square railroad station to the vicinity of Weston Road and build a parking facility on town owned land at that location. This would permit some of the parking spaces now used by commuters to be made available to Wellesley Square shoppers and employees."

#### 1997: Wellesley Square Forum; Report of the Wellesley Square Forum 1997: Wellesley Square Forum; Report of the Wellesley Square Forum

- Forum participants referenced a need for the "Tailby lot's improvement (multi-level, over RR tracks, and better access)."
- With regard to parking improvements, the Report indicated:

*"Decking the Tailby lot would provide a large infusion of spaces but at a high cost/space. Eventually it may be required, and is a logical development. Somewhat centrally located with*

*respect to the present station, Town Hall and the shops, the Tailby lot could be decked with minimum visual impact, being essentially below grade. However it is a considerable distance from all but the station. Linking the lot to the stores will require some innovative thinking and public/private collaboration, perhaps involving existing properties on Crest Road, or air rights over the railroad. As has been previously suggested, the Tailby lot could serve as part of a link between the Linden Street shopping area and Wellesley Square, however the question remains are the distances too great for shoppers? It appears to make more sense for all day parking, employees and commuters. If the Town were to undertake construction of decked parking at this site then consideration should be given to a parking structure with office or residences above.”*

- The Report included a goal that consideration be given to the “re-use of Grove/Railroad Avenue area,” with the sketch to the right included depicting a building located on the Railroad lot and pedestrian connectivity across the MBTA tracks.

1998: Wellesley Square Action Plan  
1998: Wellesley Square Action Plan

- References made to expanded and redeveloped parking for Tailby Lot and Railroad Lot, especially in support of improvements to Post Office Square.
- Recommendations specific to the Tailby Lot:

Support Parking for Post Office Square

*The Tailby Lot is now used for all-day parking for commuter rail passengers, many of whom are from towns surrounding Wellesley. As such, it does not now contribute to the support of or the vitality of Wellesley Square. To support Post Office Square development, consideration should be given to converting up to 50% of the parking spaces at the Tailby Lot to short-term parking spaces. This may be accomplished by signage, parking fee rate structure, or the use of a resident parking sticker program. The consequence of this policy shift would be to discourage out-of-town all day parking commuters from using the Tailby Lot, thereby substituting usage to patrons of Wellesley Square and Post Office Square businesses.*

Co-development of Tailby Lot for Housing

*There has been discussion in the past of developing the Tailby Lot This discussion has taken two forms: 1) construct a parking deck. and 2) construct development (i.e., housing) with additional parking on a deck. Either one of these concepts would be supportive of Post Office Square development but not absolutely necessary for it.*

*A new parking deck without development of Post Office Square would make little sense since the additional parking provided by the new deck would only serve additional rail commuters who contribute little to the life of the Square. (The lot is too distant from existing Wellesley Square businesses to be used by their patrons.) If Post Office Square were developed, however, a new Tailby Deck would be close enough to serve that new development*

*Alternatively, new housing at the Tailby Lot site would be supportive the Square's vitality in that it would add another close-in residential community to the Square that would help*

support Wellesley Square businesses. In any case, development of this parcel could enhance the views and character of Wellesley square.

2000: Recommendations for Organizing a Wellesley Square Partnership

2000: Recommendations for Organizing a Wellesley Square Partnership

- “Identify real estate opportunities among those recommended in previous studies, and explore methods to implement these projects (Post Office Square, Tailby Lot, Wellesley Inn, and others)”
- “Identify appropriate [parking] improvements to the Tailby lot and pursue these improvements”

2002: Linden Street Corridor Master Plan

2002: Linden Street Corridor Master Plan

- References made to difficulty of residential development of Tailby Lot due to Limited Residential District zoning.
- Recommendations specific to the Tailby Lot:-

*This municipal lot was evaluated for opportunities to expand the number of spaces and use of the site to meet other community objectives. Two alternative conceptual designs were developed for the Tailby Lot which are shown in **Figures 9A and B below**.*

*The first alternative **[depicted in Figure 9A]** is to construct a new deck over the existing parking lot. An asset to decking is the existing grade difference between Crest Road and the surface of the Tailby lot. This provides an excellent opportunity for the deck to fit into the existing landscape with minimal aesthetic impact. Additionally, the new signal recently installed on Crest Road could include a phase in the future for a new entrance to a decked structure. This would provide complete external access to both levels without internal ramping, maximizing the use of space. This alternative could provide a total of 406 parking spaces.*

*The second alternative **[depicted in Figure 9B]** includes a new parking deck and 18 housing units at the street level off Crest Road. This would reduce the number of total available parking spaces to 343, which would still provide a gain of 135 new spaces. Additionally, the new housing units could be constructed by the Town and provide affordable housing opportunities to local residents. The sale or rent of these units could also be used to offset the cost of constructing the new parking deck.*

*During the planning process a number of concerns were raised regarding the current use of the Tailby Lot that should be addressed in the short-term. A common issue raised was the number of commuters from out of town using spaces in the lot. A recent study conducted by the Town estimated that non-residents use over half of the spaces on a daily basis. Some possible short-term approaches are as follows:*

- ⊖ *Revise the parking rate structure by increasing the fee for commuter parking. The current parking rate is only \$2 per day and could be raised to \$4 or higher, while still being attractive for commuter use.*
- ⊖ *Change the timing of a number of spaces in the parking lot to two hours to accommodate local parking needs generated by Town Hall, Wellesley Square and Linden Street.*
- ⊖ *Rope off a percentage of the spaces until after commuting hours.*
- ⊖ *Establish a resident sticker program for the Tailby Lot and allocate a sufficient number of parking spaces at a reasonable cost to local commuters.*

2003: Post Office Square Framework Plan

2003: Post Office Square Framework Plan

Re-envisioned the Railroad Lot as part of the reconfiguration concept for Post Office Square. It was noted that the concept anticipated a new deck at the Tailby Lot to accommodate lost parking.

2004-2005: Tailby Lot Feasibility Study

2004-2005: Tailby Lot Feasibility Study

- The intent of the 2004 Study was to “...develop and evaluate the feasibility of several alternative plans to implement those ideas [to increase parking capacity and accommodate housing].”
- Seven (7) development concepts were considered as part of this Study, with two *over-under* development approaches (D1 and D2) being determined to be financially feasible. “The over-under approach places housing and open space on a structured platform above an expanded parking deck, concealing the parking from Crest Road and the housing. This creates highly desirable housing units with associated open space and covered parking, in scale with the existing neighborhood and in character with the Town center. The housing is buffered from the railroad tracks by its higher elevation, starting approximately 18 feet above the tracks. Residents, by and large, will not see the train.”
- The Final Report for the Study concluded that the “scope of the Phase II Study [to “refine the concept plan for an “over-under” development, testing unit types and mixes as well as open space and garage configurations”] should be expanded to include the Post Office Square Lot (i.e. Railroad Lot) because consideration of both parcels together will lead to integrated solutions for the commuter rail station, Wellesley Square parking, additional housing, and enhancement of retail frontage along Central Street. Studying Tailby and Post Office Square together is likely to produce creative solutions for unifying Wellesley Square and rectifying existing parking and planning deficiencies.”

2007-2017 Comprehensive Plan

2007-2017 Comprehensive Plan

- The Tailby Lot is referenced as an appropriate site under the following action:

***Focus efforts to create more diverse housing types and affordable housing by attracting rental developments to identified sites in Wellesley.*** In order to create sufficient numbers of affordable units to meet the state ten percent affordable housing goal and to create more diversity of housing in Wellesley, the Town must work to bring rental developments with a substantial number of units to the few identified sites where most residents agree this kind of housing would complement local character.

- Recommended Action:

***Provide additional parking in Wellesley Square by including a parking deck in mixed-use redevelopment plans for the area.*** The Tailby lot could be the site of a new parking structure that would serve new development and the existing commercial area.

## **2. The Properties**

### **2.1 Site Information**

The Properties are bounded by Railroad Avenue, Central Street, Crest Road, and Linden Street. The Properties are separated by the MBTA's Framingham/Worcester Line, and the Wellesley Square Commuter Rail Station is accessed, almost exclusively, from the Properties. The Tailby Lot has an approximate lot area of 83,075 square feet (1.9 acres). The Railroad Lot has an approximate lot area of 38,753 square feet (0.89 acres). Combined, the Properties have an approximate total area of 121,828 square feet (2.79 acres). The Properties are currently used as off-street parking lots, with 222 spaces at the Tailby Lot (all-day parking; no overnight) and 71 spaces at the Railroad Lot (55 4-hour spaces, 16 10-hour spaces). The Railroad Lot abuts parkland to the east, under the control of the Wellesley Natural Resources Commission. The parkland has the Station Oak, a Champion Tree that must be protected.

### **2.2 Neighborhood Description**

The Properties are a meeting point between a historic neighborhood known as the College Heights area, and two separated, but related, commercial districts: Wellesley Square and Linden Square. The development of this area is critical in improving the transition between the three areas.

The College Heights area is an important evolutionary subdivision in Wellesley, and reflects an early period in the town's suburban development beginning in the third quarter of the 19th century (prior to Wellesley's incorporation in 1881). Gradual expansion of this residential area, as late as the 1920s and 1930s, paralleled new commercial and institutional development (and redevelopment) at nearby Wellesley Square. Retaining integrity of location, design, setting, materials, workmanship, feeling, and association, the College Heights area as a district meets Criteria A and C of the National Register on the local level. Many residents find the hilly, eclectic style charming and with close proximity to Wellesley Square, Linden Square and the MBTA Commuter line. Predominant historic architectural style for the area is Colonial Revival.

The Wellesley Square Commercial District includes the Railroad Lot and begins on the east side of Crest Road. It is the Town's premiere local shopping area for its pedestrian friendly atmosphere and groupings of both independent and chain retailers. Housing has recently been increased in the Wellesley Square District with the construction of the Belclare which

includes 25 market rate, and 5 affordable units. The District is surrounded by residential properties and is also a focal connection point to Wellesley College's Campus. Wellesley Square Merchants rely heavily on both customer and merchant parking at both the Tailby and Railroad parking lots.

The Linden Street Corridor is comprised of both office and retail. Office developments are largely located at One Hollis Street, 141 Linden Street and 148 Linden Street. In 2007, the historic service area was substantially upgraded with a 274,000 square foot commercial development of Linden Square which is located on both the north and south sides of Linden Street. The Linden Square development houses Roche Bros. Supermarket, which is one of three main food retailers in Wellesley (the others being Fells Market and Whole Foods).

### **2.3 Utilities and Infrastructure**

It is anticipated that the Facility will be connected to the Town's water, sewer and electric utilities. It will be the developer's responsibility to determine whether or not it will have to upgrade any or all such utilities to adequately service the facility or facilities on the Property.

The Tailby Lot is currently accessed by vehicles from Linden Street, and the Railroad Lot is accessed from Railroad Avenue and Grove Street. As part of the Project of Significant Impact Special Permit process, traffic impacts related to the project will be considered; projects determined to have a negative impact on traffic and/or the level of service of intersections may be required to make improvements to mitigate such impacts. Regardless of the permitting process, the Town expects traffic mitigation to be necessary, likely including the addition of one or more traffic signals. Consideration should be given to a four-way intersection at the intersection of Crest and Linden Street, and to intersection and circulation improvements at the Railroad Avenue/Crest Road/Central Street intersection.

Respondents should also anticipate coordination with the MBTA with regard to the project's relationship to the rail line and the Wellesley Square Station. Accessibility and aesthetic improvements to the Station are a desired outcome of any project.

### **2.4 Zoning**

The following summary of the provisions of the Wellesley Zoning Bylaws (the "Zoning Bylaws") is for informational purposes only. It should not be relied upon without independent verification by any proposed developer, and does not reflect any changes in zoning or alternative permitting that a developer may determine to be necessary or desirable in connection with any proposed development. Respondents should consider whether it will be necessary or desirable to rezone the property and/or amend certain provisions of the Zoning Bylaw (e.g. setbacks/yards, building height, floor area ratio, ratio of building to lot area, etc...), and if so, then respondents should identify in the proposal zoning changes that are considered necessary or desirable to accommodate the proposed development. In particular, respondents must identify which, if any changes are necessary for their completion of the proposed development. The Town can provide no assurance that any such changes will in fact be agreed by the Board of Selectmen or Planning Board or enacted by the required two thirds vote of Town Meeting.

The Zoning Bylaw and sections referenced below may be accessed here:

<http://wellesleyma.gov/281/Zoning-Bylaws-Map>

### Tailby Lot

The Tailby Lot is zoned Limited Residence District and is not subject to any overlay zoning districts. For use and dimensional requirements specific to the Limited Residence District, respondents should consult Section VI, *Limited Residence Districts*, of the Zoning Bylaw.

### Railroad Lot

The Railroad Lot is zoned Wellesley Square Commercial District and is not subject to any overlay zoning districts. For use and dimensional requirements specific to the Wellesley Square Commercial District, respondents should consult Section IXC, *Wellesley Square Commercial District*, of the Zoning Bylaw.

### MBTA Rail Line

The MBTA Rail Line is zoned Transportation District and is not subject to any overlay zoning districts. For use and dimensional requirements specific to the Transportation District, respondents should consult Section XIVA, *Transportation Districts*, of the Zoning Bylaw.

### General

1. For **general restrictions**, respondents should consult Section XVI, *Restrictions Affecting All Districts*, of the Zoning Bylaw.
2. For **permitting requirements**, respondents should consult Section XVIA, *Project Approval*, of the Zoning Bylaw. Unless alternative permitting is sought, it is anticipated that any project would require a Project of Significant Special Permit, and be considered a Major Construction Project requiring Site Plan Review. Additionally, **Design Review** would be a requirement for any Major Construction Project; respondents should consult Section XXII, *Design Review*, of the Zoning Bylaw.
3. The project may be subject to the Inclusionary Zoning Bylaw, **required to provide a certain number/percentage of affordable units**. Respondents should consult Section XVIB, *Inclusionary Zoning*, of the Zoning Bylaw.
4. For **area regulations, including allowances for residential density in the Wellesley Square Commercial District**, respondents should consult Section XVIII, *Area Regulations*, of the Zoning Bylaw.
5. For **yard regulations (setbacks)**, respondents should consult Section XIX, *Yard Regulations*, of the Zoning Bylaw.
6. For **height restrictions**, respondents should consult Section XX, *Height of Buildings or Structures*, of the Zoning Bylaw.
7. For **parking requirements**, including parking lot design specifications, respondents should consult Section XXI, *Off-Street Parking*, of the Zoning Bylaw.
8. Due to site topography, one or more **retaining walls** may be necessary. Respondents should consult Section XXIID, *Retaining Walls*, of the Zoning Bylaw.

## 2.5 *Anticipated Permitting Requirements*

The following summary of permits that may be required under the Zoning Bylaw for a project on the Properties is for informational purposes only. It should not be relied upon without independent verification by any proposed developer.

- **Project of Significant Impact (PSI) Permit:** A PSI Special Permit from the Planning Board will be required for newly constructed floor area of 10,000 or more square feet. The applicant will be expected to describe project impacts to Water, Sewer, Storm Drainage, Electric, Traffic, Pedestrian, Bicycle, Fire Protection, Life Safety, and Refuse Disposal systems and infrastructure, and generally demonstrate that there are no negative impacts to such systems and infrastructure, or such negative impacts will be mitigated through improvements.
- **Major Construction Project/Site Plan Review:** Site Plan Review from the Zoning Board of Appeals will be required for (a) the construction of 2,500 or more square feet of gross floor area; (b) the grading or regrading of land, and/or removal or disturbance of the existing vegetative cover, over an area of 5,000 or more square feet; (c) any activities regulated under the Flood Plain District; and/or (d) any activities regulated under the Water Supply Protection District.

## 3. **Development Guidelines**

The Development Guidelines presented in this section reflect the development objectives and desire of the Town to promote the development of an affordable housing development that will meet the needs of the Town.

### 3.1 *Programmatic and Use Preferences*

The objectives of this RFP are to evaluate redevelopment opportunities of two underutilized parking lot sites at a key location within the Town for a housing project that maintains or increases the existing parking supply, provides architecturally compatible design to the surrounding area for market and affordable housing at a sufficient density to support the project, with considerations for public amenities (i.e. visual and performance art space, meeting space, etc...), improvements to ADA accessibility to the Wellesley Square MBTA Commuter line platforms, and transition between Linden Street, College Heights neighborhood, and Wellesley Square.

### 3.2 *Preferred Objectives*

- 1- To creatively preserve and protect the Town interests in consistent and orderly growth within the Linden Street corridor while maintaining the character of the abutting single-family neighborhoods;

To improve the geometry and traffic flow of the Linden Street and Crest Road intersection and access/egress to the Tailby Lot;

To improve the geometry and traffic flow of the Railroad Avenue, Central Street, Washington Street intersection and access/egress to the Railroad Lot;

2. To ensure the development of underutilized properties that are better-suited for denser development, as opposed to properties that are less-suited for such development and are more consistent with single family residential patterns;

To create a development to meet the Town's permitting standards while recognizing the importance of compatible and sustainable design to the Town and future residents of the project;

To effectively incorporate housing into the commercial districts to create a mixed-use environment with residents who will support local businesses, while maintaining the diverse array of existing independent businesses that serve the daily needs of Wellesley residents;

3. To provide for more Subsidized Housing Inventory-eligible affordable housing options within the Town, and thereby achieve progress towards the 10% statutory minima;

4. To provide for more diverse housing options within the Town, especially for seniors and middle-income households (i.e. household incomes between 80% of AMI and 110% of AMI);

5. To enhance and increase the amount of and access to parking serving the Linden Street and Wellesley Square areas;

6. To improve public access to and functionality of the Wellesley Square Commuter Rail Station, including ADA accessibility to the train;

7. To enhance the economic vitality of the Wellesley Square and Linden Street areas, by creating a transitional development; and and link between the Upper Wellesley Square, Lower Wellesley Square, Linden Street Corridor, Town Hall, and adjoining parkland;

8. To enhance public amenities by providing community space for meetings and/or visual and performance art-;

To enhance and maintain the historic integrity of the adjoining transition zones including Wellesley Square, Town Hall, and the College Heights neighborhood;

To create an effective project that can work cooperatively with local merchant associations and the Chamber of Commerce; and

9. To improve existing and generate new revenue sources for the Town (i.e. parking and/or lease payments), along with new tax growth.

### **3.3 Preferred Design Objectives**

At a minimum, consideration should be given to architectural and site design features that unify the project with the character of both the Linden Street area and Wellesley Square; additionally, sustainable features should be incorporated into both the building and site design.

### **3.4 Permit and Construction Expectations**

The Town expects that the selected respondent or respondents will, upon execution of a long-term ground lease, undertake and complete pre-development activities and start construction within the time periods and in accordance with the terms and conditions negotiated. In the event that two or more respondents are selected to lease and develop portions of the Property, the Town will require that the respondents execute a cooperation agreement or memorandum of understanding in form and substance acceptable to the Town, describing how the developers will work with one another to construct and operate their facilities in harmony with all other uses on the Properties.

**3.5 Insurance**

The selected developer will be required to carry insurance as negotiated in the lease, however the Town shall require the following types of insurance at similar limits:

Type	Amount	Term
Builder’s Risk Insurance	Completed value of project	During construction
Casualty Insurance	Completed value of project	Post construction, for the Term of Lease
Liability Insurance	\$1,000,000 per occurrence \$3,000,000 aggregate	Term of Lease
Personal Property Insurance	100% of full insurable replacement	Term of Lease
Automobile Liability Insurance	\$1,000,000	Term of Lease
Umbrella Liability	\$2,000,000 per occurrence \$2,000,000 aggregate	Preconstruction through Term of Lease
Insurance Carried by Contractors	\$1,000,000 per occurrence \$3,000,000 aggregate Workers Compensation Employer’s Liability - \$500,000 Automobile - \$1,000,000 Umbrella - \$2,000,000	Construction of Facility
Insurance Carried by Architects and Engineers	\$1,000,000 per occurrence \$3,000,000 aggregate	Planning and Construction of Facility

**3.6 Financial Proposal & Business Terms**

The selected developer(s) may be required to provide payment and performance bonds, a guarantee or equivalent, naming the Town as dual obligee, in the full amount of the cost of construction of all buildings, structures and site improvements. If required, these bonds or equivalent will be released when the development is complete, on the terms and conditions set forth in the lease. Developers should assume that the Property will be conveyed “as-is” without any representations with regard to its condition (including, without limitation, environmental condition). In addition, a forfeitable deposit shall be required when the lease has been signed. This deposit shall be held during the permitting and construction process and will be applied to the rent payment when the project is complete. Respondents should indicate the amount of deposit they consider reasonable given their level of confidence in their ability to complete the project.

#### **4. Developer Submission Requirements**

##### **4.1 Submission Process**

The Request for Proposals application package will be available starting at 9:00 A.M. on **Thursday, March 8~~22~~, 2018** at the Selectmen’s Office, 525 Washington Street Wellesley, MA 02482 and online at <https://www.wellesleyma.gov/Bids.aspx> -

Completed copies of the RFP application must be submitted in a sealed envelope clearly marked “Town of Wellesley, Tailby and Railroad Parking Lot Lease and Development Proposal” on the outside of the envelope. One (1) original, ten (10) copies and one (1) electronic copy of the complete proposal must be received by NOON on **June 5~~May 25~~, 2018**, at the same location addressed to:

Board of Selectmen’s Office  
c/o Meghan Jop  
525 Washington Street  
Wellesley, MA 02482

##### **Late proposals will not be accepted.**

Upon review, if any items are missing and/or incomplete, the Town may reject the application. Additionally, submission of proposals shall be deemed to incorporate the permission of the respondent for the Town to make any inquiries concerning the respondent as considered necessary by the Town to fully review qualifications.

##### **4.2 Site Visit**

A site visit is scheduled for **March 22~~29~~, 2018 at 10:00 am**. Participants shall meet at the entrance to the Railroad Lot on Railroad Avenue.

##### **4.3 Technical Proposal Submission Enclosures**

The Town is interested in receiving proposals that satisfy the Development Guidelines and other requirements set forth in this RFP from any individual, company, firm, partnership, group or organization capable of leasing all or a portion of the Property from the Town and developing affordable and market rate housing. Proposals not providing evidence of ALL of

the following items will be considered non-responsive and will not be given further consideration:

#### 4.3.1 The Development Team

The proposal must include a detailed description of all members of the development team, including the following information:

- ~~1.~~ The name, address and telephone number of the developer, the name of any representative authorized to act on his/her behalf, the name of the contact to which all correspondence should be addressed, and the names and primary responsibilities of each individual on the development team.
- ~~2.~~ If the developer is not an individual doing business under his/her name, a description of the firm and status of the organization (e.g., whether a for-profit, not-for-profit or charitable institution, a general or limited partnership, a corporation, LLC, LLP, business association, or joint venture) and the jurisdictions in which it is registered to do business.
- ~~3.~~ The nature of the entity to enter into a lease.
4. A description of the general skills and nature of the operation of the developer and the development team.
- ~~5.~~ Identification of all principals, partners, co-venturers or sub-developers participating in the development, and the nature and share of the participants' ownership in and compensation from the project.
- ~~6.~~ If the respondent proposes to lease one of the two Properties, a statement indicating whether or not the respondent is willing to partner with any other respondent(s) offering to lease and develop the remaining portion of the Properties. Developers should also provide a statement indicating whether or not the developer has participated in a similar partnership with another developer in the past.
- ~~7.~~ The developer will be expected to either oversee directly, or subcontract the management and operations of the Facility for the tenure of the lease.
- ~~8.~~ Identification of the development team, such as architects, engineers, landscape designers, development consultants, and facility operators, including subcontractors. Background information, including firm resumes and resumes for principals and employees expected to be assigned to the project, should be provided.
- ~~9.~~ A summary of first, the developer's, and secondly, the development team's experience, collectively and individually, and with similar projects. Particular attention should be given to demonstrate experience with projects of a similar scale and complexity. Developers should demonstrate the ability to perform in accordance with their proposal, including the ability to pursue and carry out permitting, financing, marketing, design and construction, and to complete the project in a competent and timely manner.

10. A summary of the past housing development and/or management and operation experience. Respondents should include a narrative that describes similar projects and explains why and how that experience is relevant to the proposed development project.
11. Identification of current and prospective projects that could impact this project.
12. Description of the organizational structure of the development team and a plan for the maintenance of effective communications between the Town and the development team during all phases of the project.
13. Confirmation that no local, state or federal taxes are due and outstanding for the development team or any constituent thereof.
14. A disclosure of whether or not the developer and/or any of the developer's principals, partners, co-ventures and/or subcontractors participating in the proposal or the project has been dismissed or disqualified from a bid or contract within the past five years, and if yes, the reason(s) why.
15. A disclosure of any conditions (bankruptcy or other financial problems, pending litigation, planned office closures, impending merger) that may affect the developer's ability to perform contractually. If a joint venture, a disclosure is required for each partner in the joint venture.
16. Information regarding any legal or administrative actions past, pending or threatened that could relate to the conduct of the developer's (or its principals' or any affiliates') business and/or any of those entities' compliance with laws and other governmental requirements.
17. Descriptions of any procedures that relate to developer's ability to control costs and keep a project within budget.
18. References: The names, addresses, telephone and fax numbers and email addresses of at least three business references whom we may contact regarding the developer's business experience. For each, identify the property or properties about which the individual is informed. References may include building owners, architects, engineers, subcontractors, and other building or development professionals with whom you have worked.
19. Resumes or brochures.
20. Description of Project capital structure (total project budget and amounts of equity and construction financing).
- ~~21. Identify source of equity and prospective sources of construction financing covered in item #6 under Section 4.3.2.~~

#### 4.3.2 Development Concept

The proposal must include a detailed description of the development concept including but not limited to:

1. An indication of whether or not the respondent proposes to lease both the Tailby Parcel and the Railroad Parcel or only one of the parcels;
2. Proposed use(s) for the Property, projected total square footage, and square footage by use, number, and type of facilities; information on parking, amenities, etc.
3. Discussion of the physical plan and architectural character of the project and how the various programmatic and physical elements of the development will relate to one another.
4. Discussion of environmental impacts, including but not limited to lighting, noise and traffic, during the construction and operating phases of the project. Mitigation should be proposed as necessary and appropriate. Also include a plan/process for phasing the construction to not displace (if possible) any public parking.
5. Description of the benefits and detrimental impacts of the project to the surrounding area and to the Town of Wellesley including, without limitation, discussion of:
  - a. Any Town services that will be required;
  - b. A description of any other community benefits associated with the Facility; and
  - c. Analysis of the ways in which the proposal satisfies the Development Guidelines in Section 3 of this RFP.
6. A detailed description of the manner in which the construction and operation of the Facility will be financed, including, but not limited to, approximate amount of equity and construction financing (separately identified), identification of investors, banks, mortgage companies, real estate investment trusts or other financial institutions providing financing, the extent to which the Facility or income derived from the Facility's operation will be used to secure financing and the nature of the security.
7. The proposal must include a Management Plan for the ongoing management and operation of the Facility, including proposed operators/managers and their experience.
8. A 20-year operating pro forma highlighting the key assumptions that demonstrates the projects financial viability. The pro forma should include debt service and property taxes, capital improvements and lease payments to the Town.
9. Parking and traffic management, and pedestrian and bicycle safety are key concerns for the development on this site, therefore, details underlying assumptions of the needs by use for different hours of the day as well as the traffic mitigation and parking plan are expected. Given the constraints of the site, including the MBTA, the Developer is encouraged to propose creative solutions to traffic and parking for the proposed uses, and to include details of any solutions, including contingencies and conditions for implementing those solutions.

### 4.3.3 Preliminary Plans

The proposal must include one or more plans, at 1"-20' or 1"-40' engineering scale, identifying the proposed parking layout and numbers of parking spaces, building layout, entries, major landscaping features, etc. All other plans submitted shall be at a scale that allows ease of review. The proposal should also include architectural plans for the Facility, with elevations, exterior renderings, and floor plans. Renderings should include views from Washington

Street, Central Street, Linden Street, and Crest Road, during the day and night, as well as perspectives of the project from upper Crest Road (north of Linden Street), Oakencroft Road, and Hollis Street. The plans should also contain information about materials proposed to be used and should highlight sustainable features, such as renewable or energy efficiency aspects, low-impact development, and/or LEED certification or considerations.

#### 4.3.4 Implementation Plan and Project Timetable

The proposal must include a description of how the development concept will be implemented, including but not limited to:

1. Detailed development schedule for all elements of the plan, including key permitting, financing, construction and operational milestones and projected completion/occupancy timeframes.
2. Outline of required land use, environmental, operational and other governmental or regulatory approvals, including land use, zoning, development and environmental permits. The developer should provide a schedule for securing approvals as part of the proposal. The developer should note zoning variances or by-law amendments, special permits or modifications required, and should factor time into the proposed schedule for securing same.

#### 4.3.5 Required Forms

All proposals shall include the following required forms:

- Disclosure of Beneficial Interests Form—M.G.L. c.7C, 38 (see Appendix A)
- Statement of Tax Compliance Form – M.G.L. c. 62C, 49A (see Appendix B)
- Certificate of Non-Collusion Form (see Appendix C)
- Minimum Evaluation Criteria Form (see Appendix D)
- Price Proposal Form (See Appendix E)

#### 4.3.5 Project Financing & Financial Analysis

The proposal must include:

1. Sufficient information to demonstrate the developer’s ability to obtain financing for the project in accordance with its schedule.
2. A description of the entity funding predevelopment costs associated with the project, and demonstration of its capacity to fund such costs.
3. A financial plan, presenting a detailed description of all “sources and uses” of funds as well as a statement and plan for financing the development.
4. A financial plan of operations, including a debt amortization schedule, a depreciation schedule and a 20-year projection of the Facility including plan of replacing equipment within

the Facility. Detailed revenue assumptions (e.g. rental rates or sales prices for both market and affordable units.) must be provided.

~~5.~~ The Town will not make any financial or other commitments to investors, lenders, or donators to the project, including without limitation any guarantees of debt or security interest in the Properties.

The financial analysis provided in this section must be sufficient to demonstrate the financial feasibility of the proposal and the timeframe within which the project will be completed.

#### **4.3.6 Financial Qualifications**

The proposal must include evidence of the financial status of the developer, demonstrating the financial strength to carry out the proposed development, including construction, management and operation of the facility. This shall include current financial statements for three (3) years from the developer. Also, provide the name, address, telephone and fax numbers, and email addresses of a contact at one or more financial institutions that are familiar with your current financial status and past experience. Provide contacts for lenders on all projects carried out within the last five years, including all current projects.

#### **4.4 Prices Proposal Submission Enclosures**

The Lease with the Town shall be negotiated if the Board of Selectmen selects a respondent proposal. Price Proposal Form (Appendix E) submissions shall include preferences and alternative lease payment proposals. Alternatives should maximize the value of rental payments to the Town over the term of the proposed Lease. Developers should expect to pay all real estate taxes, assessments, rates, charges, license or permit fees, municipal liens, levies, excises, or imposts, whether general or special, or ordinary or extraordinary, of every name, nature of kind whatever, including all government charges of whatever name, nature or kind which may be levied, assessed, charged or imposed, or which may become a lien or charge on the Properties in addition to the lease payments.

### **5. Review and Selection Process**

All proposals will be reviewed under the Comparative Evaluation Criteria listed in 5.2, below. Each criterion will be assigned a rating of Very Advantageous, Advantageous, Non-Advantageous and Unacceptable, as described in the Comparative Evaluation Chart found in said Section 5.2. Respondents may be asked for an interview and oral presentation to the Town. The information gathered from any such interviews and/or oral presentations shall also be evaluated based on the Comparative Evaluation Criteria. After all of the ratings have been compiled, the Town will determine the most advantageous proposal or proposals (in the event that the Town elects to lease portions of the Properties to more than one developer) from one or more responsible and responsive respondents, who also meet the Minimum Evaluation Criteria, taking into consideration the overall financial benefit to the Town and all evaluation criteria set forth in the RFP.

It is anticipated that all respondents will be notified of the results of the selection process in writing within ~~60~~45 days of the submission deadline.

The Town will review proposals and may select one or more developer(s) with whom to negotiate a ground lease agreement. If the Town and selected developer or developers are unable to come to agreement after a reasonable period of time on the terms and conditions for proceeding with the Facility or Facilities, the Town may proceed to the next highest ranked finalist and ask that party to negotiate until an agreement is reached with a satisfactory developer or developers, or until the Town terminates the process. The selected proposal and the Lease will be presented to Wellesley Annual Town Meeting (ATM) or a Special Town Meeting (STM) for a vote, and there is no guaranty that ATM will vote in favor of the project.

### 5.1 *Minimum Evaluation Criteria*

All applications must meet the Minimum Evaluation Criteria specified below and shall include with their Technical Proposal a completed Minimum Evaluation Criteria Form found in Appendix D:

- a) One (1) original, ten (10) complete copies and one (1) complete electronic copy of the application with all required enclosures described in Section 4.3 and 4.4, above, must be submitted.
- b) Respondents must propose to build an affordable housing complex with public and private parking on the Properties.
- c) — Project submission must include information and details necessary for the Board of Selectmen to have confidence the proposed plan can withstand the scrutiny associated with any necessary zoning changes and/or permitting, and the Developer can obtain necessary permits within 18 months after the selection date, or an agreed upon date if zoning modifications are required. If zoning modifications are required, the project submission must include the proposed zoning change and a plan for presentation of that proposed change to a Wellesley Annual Town Meeting or Special Town Meeting.
- d) All traffic and stormwater/drainage required for permitting must be clearly identified, with respondent to be solely responsible for all costs and expenses in connection with such work.
- e) Project must provide significant clearly identified benefits to the Town and its residents.
- f) Project financial plans must have sufficiently clear assumptions and specificity for the Town to have confidence the proposed plan can withstand the scrutiny of Town Meeting.
- g) Respondent must identify major issues to any Criteria in the Comparative Evaluation set forth in Section 5.2.1 below and proposed revisions in response.

**FAILURE TO MEET THESE MINIMUM EVALUATION CRITERIA WILL RESULT IN THE REJECTION OF THE APPLICATION.**

### 5.2 *Comparative Evaluation Criteria*

All responses will be evaluated and ranked based on Comparative Evaluation Criteria that are summarized below. With these criteria the Town will be able to look at the relative merits of the proposals and ensure it meets the Minimum Evaluation Criteria.

<b>Comparative Evaluation Criteria</b>			
<b>Criteria</b>	<b>Rating Scale</b>		
<b>A1 - A4: Advantages to the Town</b>			
A1	Affordable Housing Units that will add to the Town's Subsidized Housing Inventory	Very Advantageous	All proposed housing units are eligible for the Town's SHI
		Advantageous	More than 25% of the proposed units are eligible for the Town's SHI
		Non-Advantageous	Less than 25% of the proposed units are eligible for the Town's SHI
		Unacceptable	No units qualify for the Town's SHI
A2	Compensation for the land lease.	Very Advantageous	Benefits to Town are significantly above the market rate expectation.
		Advantageous	Benefits to Town are above the market rate expectation.
		Non-Advantageous	Benefits to the Town meet the market rate expectation.
		Unacceptable	Benefits below market rate.
A3	Existing Commercial and Commuter Parking spaces are maintained at the completion of the project.	Very Advantageous	An increase in parking for Commercial and Commuter Parking is created
		Advantageous	Existing parking spaces are maintained.
		Non-Advantageous	A reduction in parking spaces for Commercial and Commuter Parking
		Unacceptable	Reduction in parking spaces for Commercial and Commuter Parking in excess of 15%.
A4	Amenities are included in the proposed Facility and can be accessible or rented to the public (e.g. visual and performance art space, public meeting rooms, community space, youth gathering space)	Very Advantageous	One or more amenities provided and accessible for use by the public.
		Advantageous	One amenity provided and accessible for use by the public.
		Non-Advantageous	Amenities provided, but only accessible by residents
		Unacceptable	No amenities for accessible to the public provided.
<b>P1 - P7: Permitability</b>			

Comparative Evaluation Criteria			
Criteria	Rating Scale		
P1	Lighting - Outdoor Lighting	Very Advantageous	Uses newest technologies to maximize use of dark sky lighting programs, with minimal impact on abutters. Minimize impact during all hours of darkness.
		Advantageous	Reasonable use of dark sky lighting programs and acceptable impact on abutters. Minimize impact during all hours of darkness.
		Non-Advantageous	Some use of dark sky lighting programs and some impact on abutters. Minimize impact after 10PM.
		Unacceptable	Minimal use of dark sky lighting programs and maximum impact on abutters
P2	Neighborhood impact - Potential noise  Noise is more troublesome late at night through early in the morning. Noise includes things such as trash pickup, car doors closing, talking, mechanical systems.	Very Advantageous	Site noise that would impact the neighbors especially during the evening, night and morning hours (including the weekends) is fully mitigated.
		Advantageous	Site noise that would impact the neighbors during the late night or early morning hours (including the weekends) is fully mitigated.
		Non-Advantageous	Site noise to be no greater than current Route 9 site noise.
		Unacceptable	Significant noise that would impact the neighbors.
P3	Parking - Parking shall be based on best practices and/or proposed zoning to accommodate resident parking, in addition to Commercial and Commuter Parking	Very Advantageous	125% of required parking during peak hours located on property, including visitor and loading parking
		Advantageous	100% of required parking during peak hours located on property, including visitor and loading parking.
		Non-Advantageous	Most required parking during peak hours located on property, with minimal visitor and loading parking
		Unacceptable	Unable to accommodate peak parking on site.

Comparative Evaluation Criteria			
Criteria	Rating Scale		
P4	<p>Traffic - Traffic considerations shall be based <u>geometric improvements to adjacent intersections</u>, on the site study <del>as well as, and on meeting</del> requirements resulting from respondent's consideration of the Project of Significant Impact (PSI) Special Permit analyses.</p>	Very Advantageous	Project proposes clear and sufficient mitigation for anticipated traffic impacts on Linden Street, Crest Rd, Washington Street, and Central Street. Neighborhood streets and plans to manage process and fund 100% of the cost.
		Advantageous	Project proposes clear and sufficient mitigation for anticipated traffic impacts on Linden Street, Crest Rd, Washington Street, and Central Street. Neighborhood streets and plans to manage process and fund 100% of the cost.
		Non-Advantageous	Project generally states will mitigate anticipated traffic impacts on Linden Street, Crest Rd, Washington Street, and Central Street. Neighborhood streets and plans to manage process and fund 100% of the cost.
		Unacceptable	Project does not include mitigation of expected traffic impact on Linden Street, Crest Rd, Washington Street, and Central Street and neighborhood streets and /or funds less than 100% of the cost.
P5	<p>Pedestrian Safety and Circulation (including bicycles). Consideration of requirements resulting from the Project of Significant Impact (PSI) Special Permit analyses.</p>	Very Advantageous	<p>Project promotes bicycle and pedestrian access to and on the site. Project effectively designs pedestrian sidewalks on main roadways and internal to the site, in particular through the parking lot and around the building perimeter.</p> <p>Project has a bike rack.</p> <p>Project effectively connects or leads to alternative paths such as the aqueduct trail or Fuller Brook Park</p>

Comparative Evaluation Criteria			
Criteria	Rating Scale		
		Advantageous	Project promotes bicycle and pedestrian access to and on the site. Project effectively designs pedestrian sidewalks along main roadways and internal to the site, in particular through the parking lot and around the building perimeter. Project has a bike rack.
		Non-Advantageous	Project provides some bicycle and pedestrian access to and on the site.
		Unacceptable	Project does not support bicycle and pedestrian access to and around the site.
P6	Design elements and integration of facility with surrounding abutters and neighborhood.	Very Advantageous	Facility respects abutters' views, leverages existing natural topography and trees, provides walkways around and through site and will work with the abutters on effective mitigation. Facility has high curb appeal from Linden St., Crest Road, and Washington Street.
		Advantageous	Facility respects abutters' views and will work with abutters on mitigation. Facility uses <b>some</b> of the existing natural topography and trees to mitigate impact, provides walkways around and through site Facility has high curb appeal from Linden Street and Washington Street
		Non-Advantageous	Is a stand-alone facility with little curb appeal, and with minimal mitigation of impact on neighbors.
		Unacceptable	Doesn't meet PSI requirement
P7	Zoning needs clear	Very Advantageous	No zoning variance, bylaw or map changes required. Variance, bylaw, or map change expectations clear in requested exhibit
		Advantageous	Variance, bylaw, or map change expectations clear in requested exhibit

Comparative Evaluation Criteria			
Criteria	Rating Scale		
		Non-Advantageous	Variance, bylaw, or map change expectations clear in separate paragraph in response
		Unacceptable	Variance, bylaw, or map change expectations not clearly stated in either an exhibit or a separate paragraph
Q1 - Q3: Developer Qualifications			
Q1	Experience of Developer	Very Advantageous	Developer has designed and built a significant number of facilities, in close proximity to the MBTA rail line, that were successful that were similar to the Town's goals and expectations.
		Advantageous	Developer designed and built some facilities that were successful that were similar to the Town's goals and expectations.
		Non-Advantageous	Developer has designed and built some facilities that were successful that had different goals from the Town's.
		Unacceptable	Developer has a minimal number of projects developing similar types of facilities.
Q2	Experience of Property Manager	Very Advantageous	Property Manager has a significant number of years operating similar types of facilities that match the Town's goals for this site
		Advantageous	Property Manager has a reasonable number of years operating similar types of facilities that match those project's goals and quality expectations
		Non-Advantageous	Property Manager has some years operating similar types of facilities that have survived multiple business cycles.
		Unacceptable	Property Manager has a minimal number of years operating similar types of facilities.
Q3	Town Management of Development - The town does not	Very Advantageous	No Town management of project, and one point of contact for developer.

Comparative Evaluation Criteria			
Criteria	Rating Scale		
	intend to be involved with the development of the project or with managing the relationship between multiple developers of different use facilities. Preference will be given to a single organization that develops the entire site as well as a single organization that manages sub-developer(s).	Advantageous	No Town management of project, and one point of contact with developer, but sub-developer(s) engaged for portion(s) of the project
		Non-Advantageous	Two or more points of contact for the Town with distinct areas of responsibility for elements of the project for each.
		Unacceptable	Town oversight and management required.
F1 - F3: Project Financials			
F1	Financials – Project equity; construction loan	Very Advantageous	Sources of project equity identified and conservative equity investment plan.
		Advantageous	Sources of project equity identified and sufficient equity investment plan.
		Non-Advantageous	Sources of project equity unknown but demonstrated ability to raise equity on other projects
		Unacceptable	Sources of project equity unknown and little or no prior record of raising comparable amount of equity on other projects
F2	Financials – Financial feasibility, including construction and operation.	Very Advantageous	Pro Forma for the project give confidence the project can be capitalized within the time required to obtain permits, operate highly profitably and be able to maintain a high quality development.
		Advantageous	Pro Forma for the project make the project appear able to be capitalized within the time required to obtain permits, operate sufficiently profitably while maintaining the development.

<b>Comparative Evaluation Criteria</b>			
<b>Criteria</b>	<b>Rating Scale</b>		
		Non-Advantageous	Pro Forma require favorable assumptions for the project to be capitalized within the time required to obtain permits, be successful and to allow for high quality maintenance.
		Unacceptable	Pro Forma seem insufficient for the project to be capitalized within the time required to obtain permits and support the project and its expected maintenance over the life of the project.
F3	Budget and Pro Forma assumptions	Very Advantageous	Reasonable revenue, expense, and project cost assumptions clearly listed with explained adjustments in future operating pro forma projections
		Advantageous	Reasonable revenue, expense, and project cost assumptions clearly listed with explained fixed growth rate in future operating pro form assumptions
		Non-Advantageous	Some Revenue Assumptions listed and used in future pro forma
		Unacceptable	Minimal revenue assumptions provided leaving questions about cost to customers and therefore reasonableness of occupancy rates / members / users and revenue projections
<b>D1 - D2: Development Design</b>			
D1	Sustainability and energy efficiency  (Town related)	Very Advantageous	Project uses the current best practices for energy and water efficiency, recycled materials, is committed to alternative sources of energy and other aspects of sustainability, and incorporates LEED considerations.
		Advantageous	Project uses many of the current best practices for energy and water efficiency and recycled materials, is committed to alternative sources of energy and other aspects of sustainability, and reflects some LEED considerations.

Comparative Evaluation Criteria			
Criteria	Rating Scale		
		Non-Advantageous	Project uses some of the current best practices for energy and water efficiency and recycled materials, is committed to alternative sources of energy and other aspects of sustainability, and reflects a limited consideration of LEED.
		Unacceptable	Project does not use the current best practices for energy and water efficiency and recycled materials, reflects little consideration of alternative sources of energy and other aspects of sustainability and/or LEED.
D2	Synergy of facilities on the site and their uses.	Very Advantageous	Proposed uses fit together and make highly efficient use of the site as well as shared uses of common facilities.
		Advantageous	Proposed uses fit reasonably together and make less efficient use of the site as well as shared uses of common facilities.
		Non-Advantageous	Proposed uses fit together less efficiently and there is minimum shared space.
		Unacceptable	Combined uses are independent and there is no shared space.

### **5.3 Conditions, Terms, and Limitations**

**This Request for Proposals is subject to the specific conditions, terms and limitations stated below:**

**5.3.1** The Property is to be conveyed by lease “as is” without any representations with regard to its condition.

**5.3.2** The Facility shall conform to, and be subject to, the provisions of all other applicable laws, regulations, and ordinances of Federal, State, Regional and Town authorities having jurisdiction.

**5.3.3** Valid permits and approvals, as required by Town, Regional, State and Federal agencies, shall be obtained by the developer/contractor prior to commencing work.

**5.3.4** The selection of one or more developers will depend on satisfying the additional documentation and review requirements described in this RFP and will be subject to the Comparative Evaluation Criteria described in Section 5.2 of the RFP.

**5.3.5** No transaction will be consummated if any principal of any selected developer is in arrears or in default upon any debt, lease, contract or obligation, including without limitation, real estate taxes and any other municipal liens or charges to any local, state, or Federal authority, including the Town of Wellesley, or to any other party. The Town reserves the right reject any proposal by any such developer.

**5.3.6** The Town is not obligated to pay, nor shall in fact pay, any costs or losses incurred by any developer at any time including the cost of responding to the RFP.

**5.3.7** This RFP does not represent any obligation or agreement whatsoever on the part of the Town.

**5.3.8** Selection of one or more developers’ proposal(s) will not create any rights on the developers’ part, including, without limitation, rights of enforcement, equity or reimbursement, until all related documents are fully executed and approved by the Town.

**5.3.9** The most advantageous proposal or proposals from one or more responsive and responsible respondent(s), taking into account consideration price and all other evaluation criteria set forth in the RFP, will be selected. The Town reserves the right to reject any and all proposals if it determines that it is in the best interest of the Town to do so. All decisions are at the sole and absolute discretion of the Town.

**5.3.10** All determinations as to the completeness or compliance of any proposals, or as to the eligibility or qualification of any developer, will be within the sole discretion of the Town.

**5.3.11** This RFP, and any agreement resulting therefrom, are subject to all applicable laws, rules and regulations promulgated by any Federal, State, regional or municipal authority having jurisdiction over the subject matter thereof.

### **5.4 Schedule of Appendices**

- Appendix A - Disclosure of Beneficial Interests Form (MGL c. 7C, 38)
- Appendix B - Statement of Tax Compliance Form (MGL c.62C, 49A)
- Appendix C - Certificate of Non Collusion Form
- Appendix D - Minimum Evaluation Criteria Form
- Appendix E - Price Proposal Form

**5.5 RFP Dates of Note**

March <del>8<sup>22</sup></del> , 2018	RFP Application Package available at 12:00 pm at Selectmen's Office and online.
March <del>22<sup>29</sup></del> , 2018	Site Visit scheduled at 10:00 am Railroad Parking Lot
April 15, 2018	Last day to submit questions in writing via mail or email to the Town
<del>June 5</del> <u>May 25</u> , 2018	RFP Submittal Deadline at 12:00 pm at Selectmen's Office
June 18-22, 2018	Anticipated dates for interviews
July <del>30, 2016</del> <u>9, 2018</u>	Anticipated notice to respondents on the selection process.

APPENDIX A  
DISCLOSURE STATEMENT FOR  
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY M.G.L. c.  
7C, s. 38 (formerly M.G.L. c. 7, s. 40J)  
INSTRUCTION SHEET

**NOTE:** The Division of Capital Asset Management and Maintenance (DCAMM) shall have no responsibility for insuring that the Disclosure Statement has been properly completed as required by law. Acceptance by DCAMM of a Disclosure Statement for filing does not constitute DCAMM's approval of this Disclosure Statement or the information contained therein. Please carefully read M.G.L. c. 7C, s. 38 which is reprinted in Section 8 of this Disclosure Statement.

**Section (1):** Identify the real property, including its street address, and city or town. If there is no street address then identify the property in some other manner such as the nearest cross street and its tax assessors' parcel number.

**Section (2):** Identify the type of transaction to which this Disclosure Statement pertains --such as a sale, purchase, lease, etc.

**Section (3):** Insert the exact legal name of the Public Agency participating in this Transaction with the Disclosing Party. The Public Agency may be a Department of the Commonwealth of Massachusetts, or some other public entity. Please do not abbreviate.

**Section (4):** Insert the exact legal name of the Disclosing Party. Indicate whether the Disclosing Party is an individual, tenants in common, tenants by the entirety, corporation, general partnership, limited partnership, LLC, or other entity. If the Disclosing Party is the trustees of a trust then identify the trustees by name, indicate that they are trustees, and add the name of the trust.

**Section (5):** Indicate the role of the Disclosing Party in the transaction by checking one of the blanks. If the Disclosing Party's role in the transaction is not covered by one of the listed roles then describe the role in words.

**Section (6):** List the names and addresses of **every** legal entity and **every** natural person that has or will have a **direct or indirect** beneficial interest in the real property. The only exceptions are those stated in the first paragraph of the statute that is reprinted in Section 8 of this Disclosure Statement. If the Disclosing Party is another public entity such as a city or town, insert "inhabitants of the (name of public entity)." If the Disclosing Party is a non-profit with no individual persons having any beneficial interest then indicate the purpose or type of the non-profit entity. If additional space is needed, please attach a separate sheet and incorporate it by reference into Section 6.

**Section (7):** Write "none" in the blank if none of the persons mentioned in Section 6 is employed by DCAMM. Otherwise list any parties disclosed in Section 6 that are employees of DCAMM.

**Section (8):** The individual signing this statement on behalf of the Disclosing Party acknowledges that he/she has read the included provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts.

**Section (9):** Make sure that this Disclosure Statement is signed by the correct person. If the Disclosing Party is a corporation, please make sure that this Disclosure Statement is signed by a duly authorized officer of the corporation as required by the statute reprinted in Section 8 of this Disclosure Statement.

This completed and signed Disclosure Statement should be mailed or otherwise delivered to:

Deputy Commissioner for Real Estate

Division of Capital Asset Management and Maintenance



a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time- shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.

Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

(9) This Disclosure Statement is hereby signed under penalties of perjury.

\_\_\_\_\_  
PRINT NAME OF DISCLOSING PARTY (from Section 4, above)

\_\_\_\_\_  
AUTHORIZED SIGNATURE of DISCLOSING PARTY

\_\_\_\_\_  
DATE (MM / DD / YYYY) PRINT NAME & TITLE of AUTHORIZED SIGNER

\_\_\_\_\_

APPENDIX B

CERTIFICATE OF TAX  
COMPLIANCE

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

\_\_\_\_\_  
*Social Security Number or*

\_\_\_\_\_  
*Signature of Individual or*

*Federal Identification Number*

*Corporate Name*

\_\_\_\_\_  
*Corporate Officer  
(if applicable)*

\_\_\_\_\_

APPENDIX C

CERTIFICATE OF NON-COLLUSION: REQUIRED FORM

The undersigned certifies under the penalties of perjury that this bid or bid has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business partnership, corporation, union, committee, club or other organization, entity or group of individuals.

\_\_\_\_\_  
Signature of person submitting contract/bid      Date

\_\_\_\_\_  
Name of Business



APPENDIX D

MINIMUM EVALUATION CRITERIA FORM

(1) Has the Respondent submitted one (1) original, twenty (20) complete copies and one (1) complete electronic copy of the application with all required enclosures described in Section 4.3 and 4.4?

Yes \_\_\_\_\_ No \_\_\_\_\_

(2) Has the Respondent proposed to build an affordable housing complex with public and private parking on the Properties?

Yes \_\_\_\_\_ No \_\_\_\_\_

(3) Does the Respondent's submission include information and details necessary for the Board of Selectmen to have confidence that (a) the proposed plan can withstand the scrutiny of the Town's approval process (including without limitation, PSI Special Permit and Major Construction Project/Site Plan Review, and Wetlands review and/or other permitting), and (b) the Developer can obtain necessary permits within 18 months after the selection date, or an agreed upon date if zoning modifications are required? If zoning modifications are required, does the Respondent's submission include the proposed zoning change and a plan for presentation of that proposed change to a Wellesley Annual Town Meeting or Special Town Meeting?

Yes \_\_\_\_\_ No \_\_\_\_\_

(4) Does the Respondent's submission clearly identify all traffic and stormwater/drainage required for permitting must be clearly identified, with respondent to be solely responsible for all costs and expenses in connection with such work?

Yes \_\_\_\_\_ No \_\_\_\_\_

(5) Does the Respondent's proposed project provide significant clearly identified benefits to the Town and its residents?

Yes \_\_\_\_\_ No \_\_\_\_\_

(6) Do the Respondent's project financial plans have clear assumptions and specificity that will allow the Town to have confidence the proposed plan can withstand the scrutiny of Town Meeting?

Yes \_\_\_\_\_ No \_\_\_\_\_

APPENDIX E

PRICE PROPOSAL SUBMISSION FORM

Please identify the following.:

Term: Please include initial term proposal, along with term extension provisions.

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Rent: Please include the proposed annual base rent, escalation rent, and/or other rent payments proposed. For escalation rent, please discuss the proposed escalation schedule including proposed percentage increases and the rationale for said increases.

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Parking Fees: Please include the proposed cost share proposal to insure the Town does not lose revenue on the existing commuter lot funds received. Please include how any revenue lost as part of construction would be handled.

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Taxes: Be advised that all applicable taxes and fees will be assessed to the project, please identify how these may impact the proposed rents.

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**8. Sign Special Town Meeting Warrant for April 9<sup>th</sup>**

Included in your packet is the proposed warrant for the Special Town Meeting. This has been drafted so that all three parcels which the Town would like to acquire can be discussed as one article. Once the negotiations are concluded we would be in a position to create separate motions for #818/822 and #826 Worcester Street. Town Counsel has reviewed the warrant and approves it to form, and has reviewed it with Bond Counsel who is in agreement as to the language.

**MOVE** to execute the warrant for a Special Town Meeting to be held on April 9, 2018.



TOWN OF WELLESLEY



MASSACHUSETTS

**WARRANT  
for the  
SPECIAL TOWN MEETING  
April 9, 2018**

**ADVISORY COMMITTEE PUBLIC HEARING (WARRANT ARTICLES)  
March, 14, 7:00 P.M. at Town Hall**

Commonwealth of Massachusetts  
Norfolk, ss.

To any Constable of the Town of Wellesley in the County of Norfolk,

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify the qualified Town Meeting Members of said Town of Wellesley to meet in the

**Wellesley Middle School Auditorium  
50 Kingsbury Street  
APRIL 9, 2018**

at 7:00 P.M. at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members, in accordance with Chapter 202 of the Acts of 1932, as amended, and subject to referendum as provided therein:

**ARTICLE 1  
Board of Selectmen  
Town Reports**

To see if the Town will vote to choose a Moderator to preside over said meeting and to receive reports of town officers, boards and committees, including the Report of the Advisory Committee; or take any other action in relation thereto.

**ARTICLE 2**  
**Board of Selectmen**  
**818 – 822 Worcester Street**

To see if the Town will vote to appropriate a sum of money to acquire by purchase, gift or eminent domain, or otherwise, for general municipal purposes, the following parcels of land:

Parcel 1: the real property commonly known and referred to as 818 Worcester Street, said property currently being assessed as Parcel No. 159-74, see deed recorded in Norfolk Registry of Deeds Book 32385, Page 82;

Parcel 2: the real property commonly known and referred to as 822 Worcester Street, said property currently being assessed as Parcel No. 159-75, see deed recorded in Norfolk Registry of Deeds Book 26213, Page 341;

Parcel 3: the real property commonly known and referred to as 826 Worcester Street, currently assessed as Parcel No. 171-76, see deed recorded in Norfolk Registry of Deeds Book 28602, Page 260;

and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount; or to take any other action in relation thereto.

And you are directed to serve this warrant by posting attested copies in not less than two conspicuous places in the Town and by causing this warrant to be posted on the Town of Wellesley website ([www.wellesleyma.gov](http://www.wellesleyma.gov)) at least fourteen days before the date on which the meeting is to be held.

Hereof fail not and make due return of this Warrant and your doings thereon unto the Town Clerk at or before the time of holding said meeting.

Given under our hands this 12th day of March 2018.

Board of Selectmen

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Ellen F. Gibbs, Chair

---

Jack Morgan, Vice-Chair

---

Marjorie R. Freiman, Secretary

---

Elizabeth Sullivan Woods

---

Thomas H. Ulfelder

A true copy, \_\_\_\_\_

Attest: Constable, Town of Wellesley

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Wellesley, MA March \_\_\_\_, 2018

I have this date caused the within warrant to be served by posting two copies in two conspicuous places in the Town, *i.e.*, the Town Hall and Wellesley Square, and causing the warrant to be posted to the Town of Wellesley website.

**9. Discuss Opening a Warrant for a Special Town Meeting – School Projects**

As you know, we have plans for a second special town meeting to be held this spring in order to take up funding for the Upham/Hardy and Hunnewell School projects. On Wednesday we convened a meeting between the new Moderator, Town Clerk, Town Counsel, the Advisory Chair, two members each from the School Committee and Board as well as staff to discuss the various upcoming town meetings. Besides discussing the logistics of the annual meeting, we also debated the timing of the second special meeting for the above purpose. The consensus of the group was to try to hold the meeting on May 16 & 17 (Wednesday and Thursday), with an option for a third night if it is needed on May 21<sup>st</sup>. Other dates in May have been rejected due to wanting enough time to prepare for the meeting and availability of the Moderator. We also rejected June 4/5 due to availability of the Town Clerk, and would prefer to not go as late as June 11/12. May 21 & 23 are also possible, though the Moderator would like to make plans to be away at that time.

With all of that in mind, attached is a draft calendar of the steps necessary to hold a special on May 16/17. We'd like to review it with the Board at the meeting so we can develop some consensus on the actual dates.

**NO MOTION**



## Special Town Meeting Checklist

### Date of Special Town Meeting - 05/16/2018 7:00 PM - Wellesley Middle School

Day of Week	Date	Action
Friday	03/30/18	Legal Ad submitted to Wellesley Townsman for 04/05/18 printing
Monday	04/02/18	Warrant Opened
Wednesday	04/04/17	Notice to be received by all governmental departments of the date the STM Warrant will be closed and all articles to be included in the Warrant to be filed with the Selectmen's Office (TBL 19.52)
Thursday	04/05/18	Notice indicating Special Town Meeting Warrant Closing Date printed in the Townsman (TBL 19.52) include time/place and availability of warrant
Friday	04/06/18	STM Warrant Closed - Articles to be included in the Warrant for the Special Town Meeting to be in the Selectmen's Office (TBL 8.12; 19.52) - Submitted to Town Clerk for signature verification 100 registered voters required
Tuesday	04/17/18	Warrant for STM signed by Board of Selectmen
Wednesday	04/18/18	Transmit Warrant to Town Meeting Members and Advisory Committee (TBL 19.53).
Wednesday	04/18/18	Warrant Signed and Posted by Constable - Phil Juliani 617-799-5482
Wednesday		Advisory Committee Public Hearing
Friday	04/13/18	Submit Notice to <i>Townsman</i> for 04/19/18 publication
Thursday	04/19/18	Publish Time/Place of Meeting and availability of warrant on website in <i>Townsman</i> (TBL 8.10)
Friday	04/27/18	Copies of each motion to be made under the Articles of the Warrant are due to the Selectmen's Office (TBL 8.13)
Monday	05/07/18	Mailing Motions to Town Meeting Members
Wednesday	05/16/18	Special Town Meeting Session 1 - Wellesley Middle School 7:00PM

### Town Bylaw References

<b>8.10</b>	<p><b>8.10 Notice of Town Meeting.</b> Notice of each Town Meeting, whether Annual or Special, shall be given by the Selectmen by publishing a copy of the notice in a newspaper generally circulated in the Town at least seven days before the date on which the Annual Town Meeting, and at least 14 days before the date on which the Special Town Meeting, is to commence. Said notice shall state the time and place of the meeting and that the full text of the warrant shall be published on the Town's website and be available from the Selectmen's office. Additionally, the Selectmen shall post attested copies of the warrant for that Meeting in no less than two conspicuous places in the Town including but not limited to the Town Hall and Wellesley Square and shall make the warrant available on the Town's website. <i>(Amended ATM 2008, Approved by Attorney General 7/8/2008, Effective 10/20/2008)</i></p>
<b>8.11</b>	<p><b>8.11. Calling Special Meeting.</b> The Selectmen shall call a Special Town Meeting upon request in writing of 200 registered voters. The meeting shall commence not later than 45 days after receipt of such request, in accordance with Chapter 39, Section 10 of the General Laws. The Selectmen may also call a Special Town Meeting on their own initiative.</p>

# Special Town Meeting Checklist

8.12	<b>8.12. Warrant Articles.</b> The Selectmen shall insert in the warrant all subjects requested of them in writing by: a. any board, b. any official, c. ten or more registered voters, for an Annual Town Meeting, and d. 100 or more registered voters, for a Special Town Meeting. The Selectmen may also insert subjects on their own initiative, and e. those persons or boards authorized by Chapter 40A, Section 5 of the General Laws to initiate adoption of or changes in Zoning Bylaws.
8.13	<b>8.13. Motions.</b> The Selectmen shall include, in the notice given under Section 8.10. a date by which motions to be offered to the Town Meeting must be submitted to the Selectmen. The Selectmen shall forward copies of motions to the Advisory Committee, Town Counsel, and any other board, officer or official they deem appropriate.
11.13	<b>11.13. Notice of Request for Other Appropriations.</b> For any appropriation other than those involving collective bargaining or covered by Sections 11.11. and 11.12. the requesting board, official or officer shall file written notice thereof, including the amount to be requested and its purpose, with the Advisory Committee and the Board of Selectmen at least 14 days before the session of the Town Meeting at which such appropriation will be acted upon. In the event of emergency requiring immediate consideration, this provision may be waived by the Town Meeting but only upon the advice of the Advisory Committee that it has duly considered the request.
19.51	<b>19.51. Town Meeting.</b> The Selectmen are responsible for calling all Town Meetings and shall take such actions as are required by law or by Article 8 of these bylaws relative to Town Meeting.
19.52	<b>19.52. Closing of Warrant.</b> The Selectmen shall, by notice to each board and by notice in a newspaper generally circulated in the Town, specify the date when the warrant for any Town Meeting shall close.
19.53	<b>19.53. Copies of Warrant.</b> The Selectmen, after drawing a warrant for a Town Meeting, shall transmit as soon as possible a copy of the same to each member of the Advisory Committee and to each Town Meeting Member.
19.54	<b>19.54. Copies of Motions.</b> The Selectmen shall distribute copies of all draft motions received by them to the Moderator, Advisory Committee, Town Counsel, and to any board which in its opinion is likely to have an interest in the motion, so that they may communicate with the author of the motion as far in advance of the meeting as possible. Copies of such drafts shall also be available for public inspection at the Selectmen's office and at the Wellesley Free Library.

**10. New Business and Correspondence** - Other Documents: The Board will find documents the staff are not seeking action on, but is for informational purposes only. Please find the following:

- ❖ Commendation for Officer Derrick Popovski
- ❖ Commendation for Officer Mark Knapp
- ❖ Town Hall MAAB approval
- ❖ BOS Comprehensive Health Insurance Survey 02/28/18
- ❖ Notice of rate changes from Miyares Harrington
- ❖ OCABR lemon law compliance audit outcomes
- ❖ Anonymous citizen complaint
- ❖ Police Department response to the anonymous citizen complaint
- ❖ Letter to Human Resources Director
- ❖ Animal Control Report
- ❖ Library interior renovation budget scenarios





# TOWN OF WELLESLEY POLICE DEPARTMENT

WELLESLEY, MA 02482  
Telephone 781-235-1212

JACK PILECKI  
Chief of Police

## MEMORANDUM

**TO:** OFFICER DERRICK POPOVSKI

**FROM:** JACK PILECKI  
CHIEF OF POLICE

**SUBJECT:** COMMENDATION FROM JOHN J. SCHLITTLER  
CHIEF OF POLICE, NEEDHAM POLICE DEPARTMENT

**DATE:** FEBRUARY 27, 2018

I was pleased to see a copy of a letter which was sent to me by Chief John J. Schlittler of the Needham Police Department. He stated you were assigned to a security/traffic post in relation to a homicide investigation that was on-going in their town on February 10, 2018. He went on to say that you were "stationed at that location for a long period of time in unfavorable weather conditions and did so without complaint."

The comments of Chief Schlittler are indicative of the level of professional services provided by the Wellesley Police Department and it is a reflection of your personal commitment.

A copy of this correspondence will be maintained in your department personnel file.

AUTHORIZED:

A handwritten signature in black ink, appearing to read "Jack Pilecki".

JACK PILECKI  
CHIEF OF POLICE

cc: Board of Selectmen  
Bulletin Board  
Personnel File



## Needham Police Department

99 School Street  
Needham, MA 02492  
Telephone (781) 455-7570  
Fax (781) 453-9496



**John J. Schlittler**  
Chief of Police  
781-455-7570, ext. 217  
jschlittler@needhamma.gov

TO: Chief Jack Pilecki  
FROM: Chief John Schlittler  
SUBJECT: Officer Derrick Popovski  
DATE: February 22, 2018

Chief Pilecki,

I am writing to express my gratitude for the assistance that Officer Derrick Popovski provided to the Needham Police on February 10, 2018. Officer Popovski unfortunately was assigned to a security/traffic post in relation to homicide investigation that was on-going. Officer Popovski was stationed at this location for long period of time in unfavorable weather and did so without without complaint.

Please extend my sincere gratitude to Officer Popovski for his attention to duty and professionalism during a very challenging time in the Town of Needham.

Respectfully,

A handwritten signature in blue ink, appearing to read "John J. Schlittler".

John J. Schlittler  
Chief of Police



## TOWN OF WELLESLEY

WELLESLEY, MA 02482  
Telephone 781-235-1212

## POLICE DEPARTMENT

JACK PILECKI  
Chief of Police

**TO:** OFFICER MARK KNAPP  
**FROM:** CHIEF JACK PILECKI  
**SUBJECT:** LETTER OF COMMENDATION  
**DATE:** MARCH 06, 2018

---

I recently received a very positive email from Wellesley College Police Department Sergeant Trabucco, speaking highly of the way you handled a call for an intoxicated female at one of the college dormitories during the early morning hours in late February 2018.

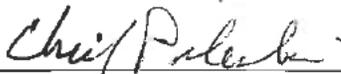
Although no call is routine, you were initially dispatched to Wellesley College to assist the Wellesley Fire and Medics with an intoxicated student. A call you have answered many times during the course of your career. However, this call took a turn and soon it was apparent that a standard medical transport was becoming a more complex call for service.

According to Sgt. Trabucco, this intoxicated student was "unruly" and refused medical treatment. You remained on scene for nearly 90 minutes speaking with this student, listening to her irrational demands and disrespectful tone. All the time, you remained "extremely patient and professional". Sgt. Trabucco lauded your ability to advocate on her behalf and finally convince her that it was in her best interest to be transported to the hospital for an evaluation.

Your patience, professionalism and willingness to do what was best for this student, despite her unruly and belligerent attitude is a testament to your dedication to community policing and is to be commended. This case clearly demonstrates our mission to provide much more than just 'traditional' policing to our community.

A copy of this commendation will be maintained in your personnel file.

AUTHORIZED:

  
\_\_\_\_\_  
JACK PILECKI  
CHIEF OF POLICE





CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT Governor

JAY ASH  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts  
Division of Professional Licensure  
Office of Public Safety and Inspections  
Architectural Access Board

1 Ashburton Place, Rm 1310 • Boston • Massachusetts • 02108  
V: 617-727-0660 • www.mass.gov/dpl/aab • Fax: 617-727-0665

JOHN C. CHAPMAN  
UNDERSECRETARY OF  
CONSUMER AFFAIRS AND  
BUSINESS REGULATION

CHARLES BORSTEL  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

THOMAS HOPKINS  
EXECUTIVE DIRECTOR

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

ARCHITECTURAL ACCESS BOARD  
Docket No. V17-322

\_\_\_\_\_  
*In re* )  
 )  
Wellesley Town Hall )  
525 Washington Street )  
Wellesley )  
\_\_\_\_\_ )

BOARD DECISION

Procedural History

This matter comes before the Architectural Access Board (“Board”) as a variance application received on December 15, 2017, pursuant to 521 CMR<sup>1</sup> 4.00, submitted by Wendall C. Kalsow, AIA, authorized representative of the Town of Wellesley (“Petitioner”). The Petitioner seeks variances from the requirements of the following sections of 521 CMR: 25.1 (entrances); 25.3 (vestibules); and 27.1 (stairs).

The Petitioner also seeks additional time to ensure full compliance with the requirements of the following sections of 521 CMR: 6.3 (wheelchair turning space); 20.2 (accessible route, location); 20.3 (accessible route, width); 20.7 (headroom); 22.2 (walkway width); 23.4.3 (parking space); 26.1.1 (accessible route); 26.5 (width); 26.6.3 (pull side clearance); 26.6.4 (push side clearance); 26.10 (thresholds); 29.2.3 (level changes); 30.1 (toilet rooms); 30.6.1 (accessible toilet stall); and 30.7.1 (accessible toilet stall).<sup>2</sup>

The Board reviewed the application administratively during its January 8, 2018 meeting. At that time, it voted to calendar the matter for a hearing on February 5, 2018. Notice of the hearing was issued on January 11, 2018.

The hearing was held in accordance with M.G.L. c. 30A, §§ 10 and 11; 801 CMR 1.02 *et seq.*; and 521 CMR 4.00. All interested parties were provided with an opportunity to testify and present evidence to the Board. The following individuals appeared on the Petitioner’s behalf: Mr. Kalsow; Milton Castan of MKA

<sup>1</sup> I.e. the Code of Massachusetts Regulations.

<sup>2</sup> As noted in the application form and the architect’s narrative.

Architects; and Stephen Gagosian, design construction manager of the Wellesley Facilities Management Department. The witnesses were sworn in by the Board Chair. The instant decision now memorializes the votes taken at that time.

### Applicable Laws & Regulations

Pursuant to 521 CMR 3.3.2, “[i]f the work performed, including the exempted work, amounts to 30% or more of the *full and fair cash value* (see **521 CMR 5**[]) of the *building* the entire *building* is required to comply with 521 CMR.”

Per 521 CMR 3.9, a “*historic building or facility* that is listed or is eligible for listing in the National or State Register of Historic Places or is designated as historic under appropriate state or local laws may be granted a *variance* by the *Board* to allow alternate accessibility. If a variance is requested on the basis of historical significance, then consultation with the Massachusetts Historical Commission is required in order to determine whether a building or facility is eligible for listing or listed in the National or State Register of Historic Places. The Massachusetts Historical Commission may request a copy of the proposed variance request and supporting documentation to substantiate the variance request and its effect on historic resources. A written statement from the Massachusetts Historical Commission is required with the application for variance.”

521 CMR 6.3 states that the “space required for a wheelchair to make a 180-degree turn is a *clear space* of 60 inches (60” = 1524mm) diameter ... or a T-shaped space.”

521 CMR 20.2 requires that, “[w]ithin the boundary of the *site*, an *accessible route(s)* shall be provided from *accessible parking*, *accessible passenger loading zones*, and public streets or *sidewalks* to the *accessible building entrance* they serve. The *accessible route(s)* shall coincide with the route for the general public.”

Per 521 CMR 20.3, “[a]n *accessible route* shall have a minimum *clear width* of 36 inches (36” = 914mm) except at doors and at opening less than 24 inches (24” = 610mm) deep where it shall comply with **521 CMR 26.00: DOORS AND DOORWAYS.**”

521 CMR 20.7 requires that “[w]alks, halls, corridors, passageways, aisles, or other circulation *spaces* shall have a minimum of 80 inches (80” = 2032mm) *clear headroom*. ... If vertical clearance of an area adjoining an *accessible route* is reduced to less than 80 inches (80” = 2032mm), a barrier shall be provided to warn blind or visually-impaired persons of the reduced headroom.”

Pursuant to 521 CMR 22.2, the “[w]idth of *walkways* shall be not less than 48 inches (48” = 1219mm), excluding curb stones. An unobstructed path of travel shall be provided which is at least 36 inches (36” = 914mm) *clear*, excluding curb stones.”

With respect to parking spaces, 521 CMR 23.4.3 requires that they “shall be *level* with surface slopes not exceeding 1:50 (2%) in all directions.”

521 CMR 25.1 states that “[a]ll public *entrances(s)* of a *building* or tenancy in a *building* shall be *accessible*. Public *entrances* are any *entrances* that are not solely service *entrances*, loading *entrances*, or *entrances* restricted to employee use only.”

Vestibules are addressed in 521 CMR 25.3 which states that, “[b]etween any two hinged or pivoted doors, there shall be a minimum of 48 inches (48” = 1219mm) plus the width of any door swinging into the space.”

Per 521 CMR 26.1, “[a]ll doors and openings along *accessible routes* shall comply with the following requirements [:] Gates, including ticket gates, shall also comply with 521 CMR 26.00.” 521 CMR 26.1.1.

Regarding door width, 521 CMR 26.5 requires that “[a]ll doorways and opening that are required to be *accessible* shall have a *clear* opening of not less than 32 inches (32” = 813mm). *Clear* opening of a door is measured from the face of the stop on the latch side to the face of the door when the door is open 90 degrees. For door types such as bifold, accordion, and pocket, the *clear* opening is measured when the door is in its most fully open position.”

Also pertaining to doorway requirements, 521 CMR 26.6.3 mandates that “[p]ull side clearance shall comply with the following: a. A minimum of 18 inches (18” = 457mm) of *clear floor space* shall be provided on the latch, pull side of the door when the *clear floor space* in front of the door is a minimum of 60 inches (60” = 1524mm). ... b. A minimum of 42 inches (42” = 10667mm [sic]) of *clear floor space* shall be provided on the latch, pull side of the door when the *clear floor space* in front of the door is more than 54 inches (54” = 1372mm) but less than 60 inches (60” = 1524mm). ... c. A minimum of 24 inches (24” = 610mm) of *clear floor space* shall be provided on the latch, pull side of the door when the *clear floor space* in front of the door is a minimum of 54 inches (54” = 1372mm) and the door has a closer.”

Regarding door opening force, the “maximum force for pushing or pulling open a door shall be as follows: ... these forces apply only to opening the door, not to the effort required to retract latch bolts or disengage other devices that may hold the door in a closed position. a. exterior hinged doors: 15 lbs.; b. interior hinged doors: five lbs.; c. sliding or folding doors: five lbs.” 521 CMR 26.8.1.

Doorway thresholds are addressed in 521 CMR 26.10 which requires that “[t]hresholds shall not exceed ½ inch (½” = 13mm) in height and shall be beveled on both sides with a slope no greater than one-in-two (1:2) (50%).” 521 CMR 26.10.1.

Pursuant to 521 CMR 27.1, “[a]ll stairs are required to comply with [the requirements of 521 CMR 27.00].”

With respect to floor surfaces, 521 CMR 29.2.3 requires that “[c]hanges in *level* greater than ½ inch (½” = 13mm) are not allowed unless a *ramp*, *walkway*, or means of vertical access complying with 521 CMR is provided.”

521 CMR 30.1 requires that “[e]ach public toilet room provided on a *site* or in a *building* shall comply with 521 CMR. a. In each adult public toilet room, at least one water closet and one sink in each location shall be *accessible* to persons in wheelchairs, or a separate *accessible* unisex toilet room shall be provided at each location. Adult water closets shall comply with the provisions of **521 CMR 30.1 through 30.13.**”

Per 521 CMR 30.6.1, “[s]tandard *accessible* toilet stalls shall be at least 60 inches (60” = 1524mm) wide and 72 inches (72” = 1829mm) deep. ... Arrangements shown for standard *accessible* toilet stalls may be reversed to allow either a left- or right-hand approach. Water closets in *accessible* stalls shall be located on the 60 inch (60” = 1524mm) wall and shall comply with **521 CMR 30.7, Water closets**. a. *Accessible* toilet stalls shall have a door that swings out or slides and has a 32 inch (32” = 813mm) clear opening. b. The stall door shall have an automatic self-closing hinge device, a pull device on both sides of the door to assist in closing and opening the

door, and a lock located approximately 36 inches (36" = 914mm) above the floor that does not require tight grasping, pinching, or twisting of the wrist to operate. c. There shall be 18 inches (18" = 457mm) of clear space on the latch pull side of the door. d. A coat hook shall be provided at a maximum height of 54 inches (54" = 1372mm) above the floor."

Finally, 521 CMR 30.7.1 requires that "[c]lear floor space for water closets not in stalls shall comply with **Fig. 30d**. Clear floor space may be arranged to allow either a left-handed or right-handed approach to the water closet."

### Exhibits

The following documentation was entered into evidence:

- Exhibit 1: Board Packet AAB 1-55, including the Application for Variance, correspondence, narrative, photographs and plans.
- Exhibit 2: January 30, 2018 letter to the Board from the Wellesley Facilities Management Department, signed by Joseph Murray, project manager.
- Exhibit 3: Email correspondence from Paul Spooner, Executive Director of the MetroWest Center for Independent Living, to the Board, dated February 1, 2018.

### Factual Findings

The following findings of fact and conclusions of law are supported by substantial evidence, based on the credited testimony of the witnesses, documents admitted into evidence and AAB records. M.G.L. c. 30A, § 11(2), § 14(7).

- 1) Wellesley Town Hall is a three and half story building constructed between 1883 and 1887. The building serves as the main building for town government offices and activities. Exhibit 1, AAB 1.<sup>3</sup>
- 2) The building is listed on the National Register of Historic Places and on the State Register of Historic Places. AAB 8.
- 3) The building has an area of 24,135 ft<sup>2</sup>. AAB 1. Each full floor has an area of 6,845 ft<sup>2</sup> and the half floor has an area of 3,600 ft<sup>2</sup>. AAB 7.
- 4) There is a second floor auditorium used as open office space and meeting area. There is a first floor meeting room used for select and other town meetings. Ibid.
- 5) The building has an assessed value of \$12,950,000. AAB 1, 9.
- 6) The current project will address renovation and restoration of exterior masonry, roofing and windows as well as accessibility improvements. AAB 7.
- 7) The anticipated cost of construction for the first Phase of the project is \$4,100,000. AAB 1, 9.

### Discussion

The Board's jurisdiction is established pursuant to 521 CMR 3.3.2 which states that, "[i]f the work performed, including the exempted work, amounts to 30% or more of the *full and fair cash value* (see **521 CMR 5**[]) of the *building* the entire *building* is required to comply with 521 CMR." The Phase 1 renovations are anticipated to cost \$4,100,000 which is significantly more than 30% of the full and fair cash value of the building (30% of \$12,950,000 = \$3,885,000). Thus, the entire facility is required to comply with the applicable sections of 521 CMR. The Petitioner admits that the proposed work will exceed 30% of the building's assessed value and, therefore, will require full compliance with 521 CMR.

<sup>3</sup> Hereafter, page designations including "AAB" are all considered part of Exhibit #1.

However, pursuant to 521 CMR 4.1, an "owner or an owner's representative or tenant who thinks that full compliance with 521 CMR is *impracticable* may apply to the *Board* for a *variance* from 521 CMR." Impracticability is defined to mean either that compliance with 521 CMR "would be technologically unfeasible" or that it would "result in excessive and unreasonable costs without any substantial benefit to persons with disabilities." 521 CMR 5.00.

The Petitioner seeks a permanent variance for three items and significant additional time (i.e. five years) to ensure the facility's compliance for various other items which will ultimately be fully compliant. The Petitioner expects to perform the related work in two consecutive phases.

### Phase 1

Phase 1 includes exterior envelope repair and restoration, including accessibility upgrades with an anticipated completion date of November 2019. The Petitioner will ultimately ensure full accessibility and intends to provide remediation during construction as described below.

- A. The ground floor entrance to the Building Department does not currently have the push-side clearance required by 521 CMR 26.6.4. During construction, the door will be kept in the open position whenever the Building Department is open for business.
- B. The transaction counter in the Assessor's Office on the first floor is 41.5" high. Similarly, the transaction counter in the Treasurer's Office on the first floor is 44", that in the Human Resources office on the second floor is 42" high and that in the Selectmen's Office on the third floor is 43.5" high. These heights violate the requirements of 521 CMR 7.2.2. The Petitioner will lower portions of each counter to 36" during construction.
- C. The door between the lobby and the selectmen's meeting room on the first floor has a 1.25" high threshold, contrary to the requirements of 521 CMR 26.10. The threshold will be reduced to a ½" maximum rise.
- D. The door leading into the Assessor's Office requires excessive force to open. To ensure compliance with 521 CMR 26.8.1, the in-floor closer will be replaced or eliminated.
- E. The doors to the men's and women's rooms on the first floor do not have the pull-side clearance required by 521 CMR 26.6.3. The Petitioner will equip them with automatic door openers.
- F. The door from the second floor hall into stair no. 1 is located in a 9" recess; this violates 521 CMR 26.6.2. Other doors located in recesses include: (1) the door to the Human Resources Office on the second floor and the door between the central lobby and the selectmen's meeting room on the third floor (these do not have the required pull-side clearance); and (2) the door to the Financial Services Office on the third floor and the third floor selectmen's office door (they do not have the required push-side clearance). The Petitioner will install automatic operators with electric strikes to modify these doors.

### Phase 2

The second portion of the project will focus on interior and site improvements following completion of Phase 1. Given that full compliance with the requirements of 521 CMR is required at the completion of Phase 1, the Petitioner requests time variances to begin on November 1, 2019 (when the Phase 1 exterior repairs and restoration project is completed). Phase 2 is anticipated to run until either May 2022 or the autumn of 2024, depending on whether the facility is vacant or partially occupied during the renovations, respectively. This request relates to the following current deficiencies.

- A. The wheelchair turning space is insufficient to comply with 521 CMR 6.3 in the aisle to the Parking Office on the ground floor. There is also no turnaround area in the first floor Assessor's Office where the current door restricts the ability to relocate the counter and where the service area is 43.5" wide. Additionally, the first floor Veteran's Office is too small to allow for adequate wheelchair turning space.
- B. The Zoning Board of Appeals Office on the ground floor is too small to allow access to the front desk, in violation of 521 CMR 20.2. Currently, the Zoning Officer meets with any individual who cannot access that office at an accessible conference room.
- C. As noted above, the aisle to the Parking Office, which has insufficient wheelchair turning space, also violates 521 CMR 20.3 in that it is only 35.5" wide. Also, the single user unisex bathroom on the ground floor has an aisle that is 33 ¾" wide between structural walls.
- D. 521 CMR 20.7 is implicated with respect to two items: (1) the arched door leading to the Retiree's Office on the second floor is 71.5" at its highest point and 68" high at the door jamb; (2) the brick arches in the ground floor lobby have a clear height of 63" (the Petitioner intends to ultimately lower the floor in this area by 7").
- E. The existing walkway at the west elevation and the west side of the south elevation is approximately 38" wide (as opposed to the required 48" per 521 CMR 22.2).
- F. Three existing parking spaces exceed the 1:50 (2%) slope required by 521 CMR 23.4.3.
- G. The Retiree's Office, discussed above in "D", also includes a corridor 34" wide by 28" in depth. The route is not accessible per 521 CMR 26.1.1. Additionally, because the door's width is only 30.75", it violates 521 CMR 26.5.
- H. Two existing conditions violate 521 CMR 26.6.3 (pull-side clearance): (1) the 33" wide door at the end of the aisle leading to the single user unisex bathroom on the ground floor; and (2) the entry door to the Veteran's Office on the first floor.
- I. The interior edge of the granite threshold and exterior concrete walkway at the building's north entry is 1" above the interior tile floor, in violation of 521 CMR 26.10. The Petitioner intends to taper the threshold during the exterior project. However, because the ground floor elevation may change, it argues that a permanent remediation must await completion of the renovations.
- J. Floors may not have a level change greater than ½" per 521 CMR 29.2.3. Three locations violate the requirement: (1) the entry corridor between the Planning Department and the Natural Resources Offices on the ground floor has a slope of approximately 9.5" in 13' (the slope increases by the door); (2) there is a change in elevation of approximately 3" near the door to the Zoning Board of Appeals Office; and (3) selectmen's conference room G on the third floor is 3.5" lower than average on that floor and has a 15" long ramp.
- K. The building includes two bathrooms that are not accessible as required by 521 CMR 30.1. These are the second floor men's and women's room – the Petitioner contends that they cannot be rendered accessible without impacting the areas above and below them.
- L. Similarly, the first floor men's room has a toilet stall width of 59.5" (rather than 60") and 54.5" in depth (rather than 72"); further, the first floor women's room has a stall width of 62.5" but a depth of only 57". These violate the dimensional requirements of 521 CMR 30.6.1.

With respect to all the above conditions, the Petitioner acknowledges that they are not compliant. It intends to ensure their subsequent compliance but, because the renovations create a significant degree of uncertainty as to how other portions of the project will develop, it contends that additional time will provide it the flexibility needed to address them in a methodical manner.

## Permanent Variances

The Petitioner requests that the Board grant it permanent variances with respect to three particular conditions.

The west entrance to the building includes seven risers from the ground level walkways to the porch and an additional riser to the entrance door. The total rise is approximately 5'3" and the vestibule has a distance of 4'6" between two swinging doors. Also, the south entrance has six risers with a total rise of approximately 3'8". In both cases, the Petitioner argues that it is technologically unfeasible to make these entrance accessible per 521 CMR 25.1 (and per 25.3 regarding the west entrance vestibule) without negatively impacting the historic and visual character of the entrances. Rather, the north entrance is fully accessible, convenient and available to persons with disabilities; it is equidistant from the three accessible parking spaces at the west entrance and is closer to the parking area than the south entrance.

Also, the stairs at the west end of the building are winding and are located in turrets. The north stair connects the ground floor to the balcony and the south stair connects the first floor to the second floor and balcony. These stairs violate the requirements of 521 CMR 27 in that the treads are not uniform. However, the Petitioner notes that the balcony is unoccupied space and argues that compliance is technologically unfeasible due to the turrets' physical constraints and the nature of circular stairs generally. It intends to replace the handrails at these stairs so that they are accessible. The Petitioner indicates that there is an accessible interior stair within the building available to those requiring it. It also notes that the building qualifies as historic per 521 CMR 3.9.

## Analysis

Full compliance with 521 CMR is not required until completion of Phase 1 and the Board commends the Petitioner on its comprehensive presentation and plan to ensure compliance for most aspects and areas of the building by the project's full conclusion. Its evidence includes detailed summaries, thorough plans for compliant construction as well as specific analyses of the project goals and the facility's current constraints. Mr. Kalsow provided informed and consistent testimony to support the documentation and is deemed to have credibly established that the Petitioner has included extensive provisions to otherwise ensure accessibility, including reasonable accommodations during Phase 1. He and the documentary evidence also demonstrate the difficulty it would present were the Petitioner required to ensure full accessibility at the conclusion of the Phase 1 portion of the project.

Furthermore, the Board notes that the Wellesley Building Department and Facilities Management Department have both indicated their support of the claim that the three permanent variances are needed due to technological unfeasibility. Additionally, the MetroWest Center for Independent Living supports the variances, taking into consideration the historic nature of the building. The Board therefore finds substantial credible evidence, pursuant to 521 CMR 4.1 and 5, of impracticability in this regard, thus warranting the requested variances.

Conclusion and Order

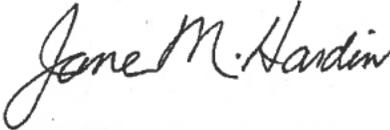
In light of all of the foregoing, the Board voted as follows:

- to **GRANT** a variance from the requirements of 521 CMR 25.1, 25.3 and 27.1 to allow continued use of the noncompliant (entrance and turret) stairways and vestibule on the **CONDITIONS** that all stairway handrails are made compliant and that the Petitioner posts signage directing visitors and staff to the accessible entrance and stairway.
  
- to **GRANT** the Petitioner additional time to ensure full compliance with respect to the other outstanding noncompliant conditions. The Petitioner shall have **THREE YEARS** beginning with the substantial completion of Phase 1.<sup>4</sup> If necessary, the Petitioner may thereafter submit a request for additional time by submitting a timely application to the Board for its review. This grant of additional time is **CONDITIONED** on the Petitioner submitting written progress reports to the Board every six months beginning on November 1, 2018.

A true copy attest, dated: February 14, 2018

**ARCHITECTURAL ACCESS BOARD**

By: \_\_\_\_\_  
Walter White, Chair (Not Present)

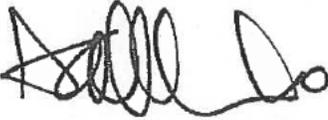
  
\_\_\_\_\_  
Jane Hardin, Vice Chair

  
\_\_\_\_\_  
Raymond Glazier, Executive Office of Elder Affairs Designee

  
\_\_\_\_\_  
Evan Bjorkland, Massachusetts Office on Disability Designee

  
\_\_\_\_\_  
Andrew Bedar, Member

  
\_\_\_\_\_  
Patricia Mendez, Member

  
\_\_\_\_\_  
Dawn Guarriello, Member

  
\_\_\_\_\_  
Harold Rhodes, Member

A complete administrative record is on file at the office of the Architectural Access Board.

This constitutes a final order of the Architectural Access Board. In accordance with M.G.L. c. 30A, §14 and M.G.L. c. 22, §13A, any person aggrieved by this decision may appeal to the Superior Court of the Commonwealth of Massachusetts within thirty (30) days of receipt of this decision.

<sup>4</sup> The Petitioner shall submit a copy of the Certificate of Substantial Completion to the Board as soon as available.

Town	Compensation		Chair	Board Member	Eligible for Health Insurance		Notes
	Yes	No			Yes	No	
Needham	Yes		\$1,800	\$1,500		Yes	
Lexington	No					No	
Wellesely	No					No	
Sharon	Yes		\$500	\$400		No	
Natick	No					No	
Weston	No					No	
Dover	Yes		\$200	\$150/\$100		No	Clerk=\$150/ Other Board Member \$100
Arlington	Yes		\$3,500	\$3,000		No	New Arlington BOS members are not eligible for health insurance. Those BOS members in office prior to the change remain eligible.
Foxborough							No Response at this time
Dedham							No Response at this time
Westwood	Yes		\$2,000	\$2,000		Yes	However the GIC has informed Westwood that to be eligible for health insurance the members need to be contributing to retirement and that has been redefined to require a stipend of more than \$5,000.





J. Raymond Miyares   Thomas J. Harrington   Christopher H. Heep   Donna M. Brewer   Jennie M. Merrill  
Rebekah Lacey   Ivria Glass Fried   Eric Reustle   Blake M. Mensing   Katherine E. Stock

February 26, 2018

Blythe Robinson  
Executive Director  
Town of Wellesely  
Town Hall – 3<sup>rd</sup> Floor  
525 Washington Street  
Wellesley, MA 02482

Dear Blythe:

As you know, Miyares and Harrington LLP places great importance on giving personal, direct and responsive legal counsel to the clients that we serve. We offer competitive rates, the personal service of our firm's attorneys, and diligent attention to our client's needs.

We have recently completed a review of our firm's billing rates, and are writing to alert you to an adjustment that we plan to put into effect on July 1, 2018. As of that date, our hourly billing rates will be \$205 for the professional services of our firm's partners and counsel, \$185 for staff attorneys, \$115 for law clerks, \$75 for paralegals assisting in the provision of such services. Our travel rates for travel outside of Wellesley will be \$140 for partners and counsel, \$135 for staff attorneys and \$40 for law clerks and paralegals. These are among the most competitive rates charged by any firm concentrating in our practice areas.

As in the past, we will not charge for administrative and secretarial time, but other expenses or disbursements (filing and photocopying fees, certified and express mail) are not included in the hourly rate and will be billed at cost (without any mark-up). There is no charge for telephone calls, faxes or regular postage. Nor do we bill for overhead charges or on-line research expenses.

If you have any questions or concerns about this new rate structure, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas J. Harrington', written over a horizontal line.

Thomas J. Harrington





**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**COMMONWEALTH OF MASSACHUSETTS**  
**Office of Consumer Affairs and Business Regulation**  
501 Boylston Street, Suite 5100, Boston, MA 02116  
(617) 973-8700 FAX (617) 973-8799  
[www.mass.gov/consumer](http://www.mass.gov/consumer)

**JAY ASH**  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

**JOHN C. CHAPMAN**  
UNDERSECRETARY

February 21, 2018

Licensing Authority  
Town of Wellesley  
525 Washington Street  
1<sup>st</sup> Floor  
Wellesley, MA 02482

RE: Recent Audit of Dealerships

Dear Sir or Madam:

Our Office of Consumer Affairs and Business Regulation (OCABR) recently conducted an audit of dealerships throughout the state to assess compliance with Massachusetts law pertaining to Lemon Law stickers.

As you are aware, car dealers are required to affix yellow "Lemon Law" notices on the windows of new vehicles displayed for sale, and in the case of used vehicles displayed for sale, to affix yellow "Used Vehicle Warranty Law" notices on the windows or dashboards. These requirements are set forth in Massachusetts General Laws, Chapter 90, § 7N ½ and 7N ¼, and its corresponding regulation, 201 CMR 11.00.

We have included the results of the dealerships which were audited in your municipality. For any dealership that had less than 100% compliance, we ask that you, as the licensing authority, take appropriate action to protect your local consumers and mandate the dealership's compliance with this law.

Thank you for your attention to this important matter. If you have any questions, kindly contact Lisa Weber, the Lemon Law Arbitration Program Coordinator at our Office at [lisa.weber@state.ma.us](mailto:lisa.weber@state.ma.us) or 617-973-8733.

Sincerely,

Joanne F. Campo  
Deputy General Counsel

Enclosure



**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**COMMONWEALTH OF MASSACHUSETTS**  
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**JAY ASH**  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

**JOHN C. CHAPMAN**  
UNDERSECRETARY

February 8, 2018

General Manager  
Wellesley Toyota  
234 Worcester Street  
Wellesley, MA 02481

**RE: Lemon Law Sticker Audit**

Dear General Manager,

Our Office of Consumer Affairs and Business Regulation (OCABR) recently conducted an audit to assess compliance with Massachusetts law. As you are aware, car dealers are required to affix yellow "Lemon Law" notices on the windows of new vehicles displayed for sale, and in the case of used vehicles displayed for sale, to affix yellow "Used Vehicle Warranty Law" notices on the windows or dashboards. These requirements are set forth in Massachusetts General Laws, Chapter 90, § 7N ½ and 7N ¼, and 201 CMR 11.00.

We are writing to inform you that your dealership was recently documented as being **noncompliant and in violation of the law**. You are legally obligated to take immediate and appropriate steps to ensure that you are in full 100% compliance with state law and that you maintain compliance throughout your tenure as a licensed car dealership. We have forwarded a copy of this letter to your municipal licensing authority for their review of the status of your licensure.

If you have any questions, please do not hesitate to contact Lisa Weber, our Lemon Law Program Coordinator, at (617) 973 – 8733 or [lisa.weber@state.ma.us](mailto:lisa.weber@state.ma.us).

Thank you for your attention to this matter.

Sincerely,

Joanne Campo  
Deputy General Counsel



CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

**COMMONWEALTH OF MASSACHUSETTS**  
**Office of Consumer Affairs and Business Regulation**  
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JAY ASH  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

JOHN C. CHAPMAN  
UNDERSECRETARY

February 8, 2018

General Manager  
Wellesley Volkswagen  
231 Linden Street  
Wellesley, MA 02482

**RE: Lemon Law Sticker Audit**

Dear General Manager,

Our Office of Consumer Affairs and Business Regulation (OCABR) recently conducted an audit to assess compliance with Massachusetts law. As you are aware, car dealers are required to affix yellow "Lemon Law" notices on the windows of new vehicles displayed for sale, and in the case of used vehicles displayed for sale, to affix yellow "Used Vehicle Warranty Law" notices on the windows or dashboards. These requirements are set forth in Massachusetts General Laws, Chapter 90, § 7N ½ and 7N ¼, and 201 CMR 11.00.

We are writing to inform you that your dealership was recently documented as being **noncompliant and in violation of the law**. You are legally obligated to take immediate and appropriate steps to ensure that you are in full 100% compliance with state law and that you maintain compliance throughout your tenure as a licensed car dealership. We have forwarded a copy of this letter to your municipal licensing authority for their review of the status of your licensure.

If you have any questions, please do not hesitate to contact Lisa Weber, our Lemon Law Program Coordinator, at (617) 973 – 8733 or [lisa.weber@state.ma.us](mailto:lisa.weber@state.ma.us).

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Joanne F. Campo".

Joanne Campo  
Deputy General Counsel



**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**COMMONWEALTH OF MASSACHUSETTS**  
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**JAY ASH**  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

**JOHN C. CHAPMAN**  
UNDERSECRETARY

February 8, 2018

Sam Lee  
Volvo of Wellesley  
962 Worcester Street  
Wellesley, MA 02482

**RE: Lemon Law Sticker Audit**

Dear Sam Lee,

Our Office of Consumer Affairs and Business Regulation (OCABR) recently conducted an audit to assess compliance with Massachusetts law. As you are aware, car dealers are required to affix yellow "Lemon Law" notices on the windows of new vehicles displayed for sale, and in the case of used vehicles displayed for sale, to affix yellow "Used Vehicle Warranty Law" notices on the windows or dashboards. These requirements are set forth in Massachusetts General Laws, Chapter 90, § 7N ½ and 7N ¼, and 201 CMR 11.00.

We are very pleased to inform you that your dealership was recently documented as having a 100% compliance rate. On behalf of Undersecretary, John Chapman, I write to thank and commend you for your effort in complying with state law and demonstrating best business practices throughout the tenure of your license. In recognition of your compliance, we are also notifying your municipal licensing authority of your excellent effort and sending them a copy of this letter.

If you have any questions or concerns, please do not hesitate to contact Lisa Weber, our Lemon Law Program Coordinator, at (617) 973 – 8733 or [lisa.weber@state.ma.us](mailto:lisa.weber@state.ma.us).

Thank you for your attention to this matter.

Sincerely,

Joanne Campo  
Deputy General Counsel

February 26th, 2018

Chief, Board of Selectman and Channel 7 news,

When I found out that Stephen Aparicio was put in jail I got upset. I spoke to a family friend who is a police Sergeant. We spoke for a while about this. He told me to speak with someone in your command rank but I don't feel comfortable doing that. I always hear how minorities are put in jail for doing the same things that white Americans do but the white Americans don't get put in jail. The first time I feel like I experienced this is when Stephen was arrested by your officers. One of the officers literally came into Stephens house and gave the other drunk kids a chance to leave.

I am bothered because at other high school parties where there was beer other friends didn't get taken to jail. They have gotten in trouble at school and only one got a letter from a probation officer. Some friends even crashed into a pole in Wellesley because he was drinking and he didn't get arrested a few months ago. Stephen is a nice kid. His status as a minority seems to be the reason he was arrested. Just because he is poorer than we are and because he is a minority does not mean that he should just get arrested. I think it is unfair that Stephen had to hear the officers boss talk negatively about his mom during this too. I am speaking up for someone who won't speak up for himself. I was told that if someone complains it will get looked into so I am sending this letter.

Concerned citizen





## TOWN OF WELLESLEY

WELLESLEY, MA 02482  
Telephone 781-235-1212

## POLICE DEPARTMENT

JACK PILECKI  
Chief of Police

**TO:** CHIEF JACK PILECKI  
**FROM:** DEPUTY CHIEF SCOTT WHITTEMORE  
**SUBJECT:** ANONYMOUS CITIZEN COMPLAINT  
**DATE:** MARCH 5, 2018

---

Chief:

Per your instructions, I investigated an anonymous citizen complaint that was received by the Board of Selectmen regarding the arrest of Stephen Aparicio (juvenile). I followed the Wellesley Police Department's Policy 4.01 on Internal Affairs. In this case, I personally conducted the investigation.

### **INCIDENT SUMMARY:**

The incident in question (18-10-AR) occurred on February 16, 2018 at 291 Linden Street. The officers involved were Officers DeBernardi, Dixon, and (then) Sergeant Scott Showstead. A summary of the incident is that the officers were investigating a call to the 781-235-1212 business line in which people could be heard to be arguing (potential domestic). Dispatchers were able to learn the cell phone number, which came back to Cristina Aparicio from 231 Linden Street. There is a history of calls for service for Cristina, including violent domestics that have occurred in Wellesley in the past. In 2008, Cristina was arrested by me for stabbing a male during a domestic fight on Cedar Street.

Officers were aware of this extensive history and responded to 291 Linden Street, where a teenager opened the door for Officer Dixon and let him in. Officer Dixon noted the presence of several teenagers and empty beer cans as he walked in, although none of the people seemed intoxicated or looked to be drinking. The resident, 17 year old Stephen Aparicio, came forward to speak with the officers. As they explained why they were there, they could easily detect that he had been drinking. He admitted that he had been drinking to the officers as well.

The officers determined that Cristina, Stephen's mother, was out for the evening and not in the home. They were able to call her on the phone to ensure she was okay, and learned that she was almost back to the house. Officers determined that she had been in a verbal argument with her

boyfriend, and had intentionally called the department's business line due to an argument she was having. She reported that no actual criminal domestic took place.

Officers noted the names of the approximately 10 youths that were present. None showed any evidence of having been consuming alcohol. All were allowed to leave once their names were taken.

Cristina arrived home and was visibly intoxicated. The situation was explained to her regarding what had transpired. Stephen was then arrested for furnishing alcohol and transported to the station for booking. Cristina was present for this, and subsequently went to the police station to pick up her son once he was bailed.

The following day Officer Dixon contacted all of the parents of the youths that were at the party and the situation was explained to them, along with the fact that officers determined that the youths did not display indications that they had been drinking. The officers did learn that there may have been another group of youths that had been drinking at the house prior to the arrival of the police.

In her contact with the Wellesley Police Department during this incident, Cristina alternated between being upset at her son, upset at the police, and calm. Her behavior was described by officers as 'erratic' and intoxicated.

This ends the summary of the incident.

#### **COMPLAINT:**

The complaint, made via a typewritten letter, is somewhat vague in nature. It alleges that Stephen was arrested based on his race (Hispanic) and that because of this, he was treated unfairly. The complaint also states that the 'boss' of the officers spoke negatively of Cristina in front of Stephen.

The complaint also makes comparisons to other alleged events in which suspects were not arrested by Wellesley officers or parties where white suspects were allowed to leave. One reference talks about a motor vehicle crash in which the driver hit a pole, but wasn't arrested. There are no other specific complaints.

#### **INVESTIGATION:**

I reviewed the arrest report filed by the officers regarding this incident. Lieutenant Showstead, Officer Dixon and Officer DeBernardi all filed separate reports to me about the incident. The focus was on the arrest decision for Stephen, and Lieutenant Showstead's verbal statements at the scene.

The involved officers were also interviewed by me regarding the incident.

A check of the Wellesley Police log from September 2017 to the present shows that there were two crashes involving a car into a pole with juveniles involved. One was in September of 2017 at 15 Lowell Road. The operator was charged with various non arrestable charges, and was not intoxicated.

The second incident was in January of 2018, in which a car struck a pole at 55 Albion Road sometime during the overnight hours. The car was not discovered until the morning (6AM), and

the operator admitted to having friends in the car that were smoking marijuana at the time of the crash. The operator was charged with various non arrestable motor vehicle crimes. However, the officers were unable to determine if he had been drinking given the extended amount of time between the crash happening and being reported (over 4 hours).

In both cases, it would not have been appropriate or legal to make an arrest.

### **FINDINGS:**

All of the involved officers reported that they followed the Wellesley Police Department's Youth Alcohol Policy. This policy states, in part, that the host of a party involving minor, shall be arrested (preferred response) and the other youths names should be taken, and parents contacted. This is exactly what happened. As you are aware, this has been a very longstanding policy within the department, and has been very successful in reducing large youth alcohol parties.

It should also be noted that Stephen has already had contact with this department in 2016 while possessing alcohol. While officers were investigating a suicidal female at Morses Pond during the late evening hours, they came into contact with Stephen and other youths with a backpack full of beer. The encounter was noted in a report, and Stephen was allowed to leave with his friends at the time as they did not appear intoxicated.

The second part of the complaint, that 'negative' language towards Cristina was used by Lt. Showstead, cannot be sustained. All of the officers reported that Cristina was visibly intoxicated, and alternated between being mad and upset at the officers and her son. She herself arrived at the scene after being in a heated argument with her boyfriend, to the point that she felt it necessary to call the Wellesley Police Department. She did not voice any concerns about the treatment by the Wellesley Police Department.

There do not appear to be any violations of department policy or procedure, and no decisions appear to be made based on the suspect's race.

### **ADDITIONAL FINDINGS:**

Stephen and his mother were given a court date of February 22 to appear in Juvenile Court. He did not make this court date, and a default warrant was issued for his arrest. It should also be noted that officers stopped Stephen in the early morning hours on Weston Road at Route 9 on foot with another youth on the same day he supposed to be in court. Both indicated that they were coming from a home in the 400 block of Weston Road where numerous youth alcohol parties have occurred. Stephen did not appear to be intoxicated at that time.

Lt. Showstead and other officers were made aware that Stephen had an arrest warrant on the weekend following his default. Lt. Showstead asked Officer Rosenberg to make contact with Stephen to clear up the warrant so he wouldn't have to be arrested again. Officer Rosenberg made contact and the situation was cleared up without an arrest taking place. This transpired before a complaint regarding this incident was made.

### **CONCLUSION:**

There is no basis for this complaint that I can find. The officers were more than justified in responding to the house, and were more than justified to enter and conduct an investigation. As it happens, the officers were actually let in to the house by a youth at the party. The Wellesley

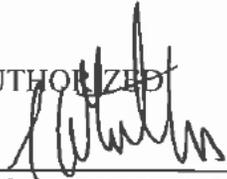
Police Department's policy regarding Youth and Alcohol was exactly followed, and there is no evidence that anyone was rude or made negative comments.

Stephen had even been given a pass on a previous alcohol related event he was involved with that was familiar to the officers and in the department's in house computer system. The officers and sergeant involved even went out of their way to make sure that Stephen cleared up his warrant and chose to go an informal route of notification to avoid another arrest.

I recommend that this complaint be closed with the finding of unfounded.

Attached please find the officers statements, complaint, in house history of the people involved, and the arrest report.

AUTHORIZED



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SCOTT WHITTEMORE  
DEPUTY CHIEF OF POLICE

cc: File

February 26th, 2018

Chief, Board of Selectman and Channel 7 news,

When I found out that Stephen Aparicio was put in jail I got upset. I spoke to a family friend who is a police Sergeant. We spoke for a while about this. He told me to speak with someone in your command rank but I don't feel comfortable doing that. I always hear how minorities are put in jail for doing the same things that white Americans do but the white Americans don't get put in jail. The first time I feel like I experienced this is when Stephen was arrested by your officers. One of the officers literally came into Stephens house and gave the other drunk kids a chance to leave.

I am bothered because at other high school parties where there was beer other friends didn't get taken to jail. They have gotten in trouble at school and only one got a letter from a probation officer. Some friends even crashed into a pole in Wellesley because he was drinking and he didn't get arrested a few months ago. Stephen is a nice kid. His status as a minority seems to be the reason he was arrested. Just because he is poorer than we are and because he is a minority does not mean that he should just get arrested. I think it is unfair that Stephen had to hear the officers boss talk negatively about his mom during this too. I am speaking up for someone who won't speak up for himself. I was told that if someone complains it will get looked into so I am sending this letter.

Concerned citizen



## TOWN OF WELLESLEY

WELLESLEY, MA 02482  
Telephone 781-235-1212

## POLICE DEPARTMENT

JACK PILECKI  
Chief of Police

To: Deputy Chief Whittemore

From: Lieutenant Showstead

Date: 03/02/18

RE: Citizen Complain regarding Arrest 18-10-AR

---

On 02/16/18 I was working an extra shift as the Patrol Supervisor. Just after 2300 hrs the Wellesley ECC received an open line call from the telephone of Christina Aparicio. They could hear a verbal argument on the open line. The dispatchers were familiar with Ms. Aparicio and were aware that her current residence was located at 291 Linden Street. As they were unable to make verbal contact over the phone, the ECC dispatched units to 291 Linden Street for a possible domestic dispute.

Officer Dixon was the first one on scene, followed by Officer DeBernari and me. Officer Dixon entered the residence in an attempt to locate anyone in distress or a dispute. Once inside he observed numerous high school aged youths and empty beer cans strewn about. He did not observe anyone who was actively drinking or in possession of alcohol. Officer Dixon noted the names of individuals he interacted with and allowed them to leave after observing no signs of intoxication. He was unable to locate anyone in distress or that had been in an altercation. He did locate a resident of the home, Stephen Aparicio, who was in possession of an alcoholic beverage, admitted to drinking alcoholic beverages and apologized for the gathering.

I observed several youths leaving in an orderly manner upon my arrival. None of the youths appeared to be intoxicated or showed obvious signs of drinking alcoholic beverages. These youths were allowed to leave the area. Upon meeting with Officer Dixon inside the home he informed me that there were no signs of an altercation at the house, but that it appeared the 17 year old resident, Stephen Aparicio, was hosting a party with alcohol present. He informed me that Stephen had admitted to drinking and inviting some people over.

We asked Stephen where his mother was and he said that she had gone out to a club in Boston. Officer Dixon and Stephen then attempted to contact his mother and were eventually able to reach her by mobile phone. Ms. Aparicio said that she was on her way home and would be there shortly.

When Ms. Aparicio arrived home it was evident that she had consumed alcoholic beverages while out. Her behavior was erratic, at times calm and reasonable and at other times yelling and ranting. She yelled at us and at Stephen, as well as someone she called on the phone. We explained that Stephen was going to be placed under

arrest for hosting a party with alcoholic beverages, that we would try to get the process done quickly and that Ms. Aperichio could then come and pick up Stephen at the police station. Ms. Aperichio then yelled and screamed at him for what he had done, saying that it was his entire fault. When Officer Dixon and Officer DeBernardi walked Stephen to the cruiser, Ms. Aperichio followed them while filming Stephen with her mobile phone and yelling to him that, "this is what happens."

We explained the process to Stephen and he was booked and released in under an hour. The following day the parents of the other minors who were identified at the party were contacted by Officer Dixon. Each parent was notified that their child had been present at a gathering where alcohol was present, but that no visible signs of intoxication were noted.

The above actions were taken in accordance with the Wellesley Youth Alcohol Policy which states:

"If the Wellesley Police Department is called, or it responds to a location where a home has been left to the supervision of a minor child, and there is a gathering in which alcohol is present, the preferred response of the Wellesley Police Department will be the arrest and prosecution of the host of the gathering, for violating the alcoholic beverages laws and bylaws, or other violations of the law.

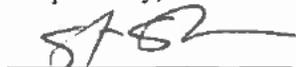
Additionally, the Wellesley Police Department will attempt to identify the other participants of the party, and whether they are in possession, or carrying upon their person or whether they have been transporting alcoholic beverages. Further, officers will make an assessment of those present who have been consuming alcoholic beverages. The preferred response will... include the notification of parents of the participants."

Stephen was due to appear in juvenile court on Thursday 02/22/18 due to his arrest. Neither Stephen nor his mother appeared in court that day, even though a promissory note to do so had been signed upon his release from the police department. On 02/23/18 I learned that a warrant had been issued for Stephen's arrest because he defaulted on his court date. Although the warrant authorized the department to arrest Stephen for his default, I did not think that was appropriate in this case. Instead, I directed Officer Rosenberg to stop by Stephen's house and notify him in person that he had missed his court date, had a warrant issued for his arrest and needed to appear in juvenile court on Monday to clear up the matter. Officer Rosenberg was able to make contact and the warrant was cleared on 02/26/18.

I am not sure what the complainant is referring to in regards to the statement alleging that, "Stephen had to hear the boss talk negatively about his mom during this too." Ms. Aparicio's behavior during the incident was not appropriate or helpful. She was erratic, loud, disruptive, and made disparaging remarks towards Stephen. In fact, Stephen was very respectful and cooperative. Both myself and the other officers present felt the antics Ms. Aparicio directed towards him were over the top and inappropriate. So much so, that we tried to minimize the situation when talking to Stephen, who was clearly upset and emotional about everything.

I do not believe that Officer Dixon, Officer DeBernardi, or I made any statements that were inappropriate regarding Ms. Aparicio. We spoke with her firmly at times on scene, when necessary to confront her loud and erratic behavior. We expressed compassion towards Stephen, trying to minimize the hurtful behavior his mother directed at him and making the arrest process as fast, smooth and as unthreatening as possible. Talking firmly with Ms. Aparicio or talking with Stephen about his mother's behavior towards him, in an attempt to mitigate the negative impact on him, are the only instances where something said in front of Stephen could have been construed in any way to be "talk negatively about his mom." I do not believe that anything inappropriate was done in either of these instances.

Respectfully,



Scott Showstead  
Lieutenant



## TOWN OF WELLESLEY

WELLESLEY, MA 02482  
Telephone 781-235-1212

## POLICE DEPARTMENT

JACK PILECKI  
Chief of Police

To: Deputy Chief Scott Whittemore

From: Officer Mark DeBernardi

Date: 03/02/2018

Subj: Citizen Complaint

---

Sir,

I am writing to you in response to the citizen complaint I received regarding the arrest of Stephen Aparicio on February 16<sup>th</sup>, 2018 (18-10-AR). It should go without saying but the implication that race was a factor in Mr. Aparicio's arrest is incorrect and baseless. Mr. Aparicio was arrested in accordance with the Wellesley Police Department's Youth Alcohol Policy. Section 4 of the policy states:

If the Wellesley Police Department is called, or it responds to a location where a home has been left to the supervision of a minor child, and there is a gathering in which alcohol is present, the preferred response of the Wellesley Police Department will be the arrest and prosecution of the host of the gathering, for violating the alcoholic beverages laws and bylaws, or other violations of the law.

My decision to place Mr. Aparicio under arrest was made in accordance with the policy. The youths referred to who were "given a chance to leave" as the complaint states, were identified by Officer Dixon, who also contacted their parents. No one else I interacted with, aside from Mr. Aparicio, displayed any signs of intoxication. I did not observe anyone other than Mr. Aparicio holding an alcohol container. Additionally it should be noted that at the time we arrived on scene, the initial call was for a report of a verbal argument between a male and a female in progress. Officer Dixon, upon entry, told the crowd in the front room to disperse while attempting to identify if there was a domestic issue in progress. Allowing people to leave at that time was not an implication that they would face no repercussions for being in attendance at a youth alcohol party.

In addition to the offense that had been committed that night by Mr. Aparicio, our department has dealt with him before. He also stated to me that he drinks there all the time.

Based on the policy and procedures, the evidence of the crime and the circumstances of the situation, I placed Mr. Aparicio under arrest.

Respectfully submitted,

Officer Mark DeBernardi #110

---

Signature



## TOWN OF WELLESLEY

WELLESLEY, MA 02482  
Telephone 781-235-1212

## POLICE DEPARTMENT

TERRENCE M. CUNNINGHAM  
Chief of Police

To: Deputy Chief Whittemore  
From: Officer Travis Dixon  
Date: 03/02/2018  
Subj: Citizen Complaint (18-10-AR)

---

Sir,

I am writing you in reference to arrest 18-10-AR made on February 16, 2018 by Officer DeBernardi. I was the first officer on scene to this call. The call came in to the Wellesley Police Department business line and dispatch believed there was a verbal argument between a female and male on the other end of the phone.

Upon arrival to the home I could hear loud music and people being very loud. I made several attempts to knock on the door until I banged very loudly and someone finally opened the door and stepped back, leaving the door wide open, letting me in to the home. I could see approximately twelve teenagers playing video games and listening to music in the front living room area of the home. At this time I was still trying to verify that everyone inside of the home was safe and that no one needed police assistance. I told them to shut off the music and asked who the homeowner was and if everyone was ok. I did not see anyone with alcohol in their hands when I entered the home but there were numerous beer cans around the room and a large trash barrel filled with many empty beer cans.

Due to the number of people inside of the front room and the fact that none of the teenagers appeared intoxicated or in possession of alcohol I told them to start leaving. Kids began to yell out for "Stephen" and stated it was his house. Mr. Stephen Aparicio emerged from a back bedroom and told me it was his house. Stephen appeared upset and apologetic. I could smell a strong odor of alcoholic beverage emanating from him and his person. Stephen admitted he had been drinking and appeared intoxicated. Stephen also had an unopened beer can in his pocket. Stephen was placed under arrest. Stephen was in violation of the Wellesley Police Department Youth Alcohol Policy as stated below:

**GENERAL POLICY CONCERNED WITH YOUTH AND ALCOHOL:** (Effective November 15, 1999) "If the Wellesley Police Department is called, or it responds to a location where a home has been left to the supervision of a minor child, and there is a gathering in which alcohol is present, the preferred response of the Wellesley Police Department will be the arrest and prosecution of the host of the gathering, for violating the alcoholic beverages laws and bylaws, or other violations of the law."

The teenagers, who were told to leave initially, were identified and their parents were notified and made aware that they had been present during an underage drinking party. This is also covered by the Youth Alcohol policy:

"Additionally, the Wellesley Police Department will attempt to identify the other participants of the party,... and include the notification of parents of the participants."

I spoke to Stephen and his mother a few days after the arrest in the front lobby of the police station. I told Stephen that he seemed like a great kid and told him that if he ever needed to talk or needed anything to not hesitate to contact me. I also told Stephen that he can always reach out to Officer Rosenberg the School Resource Officer if he needs anything as well.

Respectfully submitted,

Officer Travis Dixon #102

Signature

A handwritten signature in black ink, appearing to be "Travis Dixon #102", written over a horizontal line. The signature is stylized and includes the number "#102" at the end.



March 2, 2018

Mr. Scott Szczebak

Human Resources Director

Town of Wellesley

525 Washington Street

Wellesley, MA 02482

Dear Mr. Szczebak:

In the last 3 weeks I have telephoned you twice and left messages for a return call regarding our medical insurance prescription plan. To date I have not had the courtesy of a return call.

My question is the increased copayments on various medications we take. The copayments have not only doubled, in some cases they are 4 times the amount we were paying in 2017.

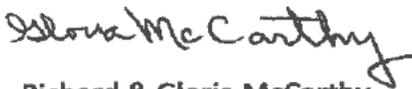
I called Blue Cross Medex and they told me it was not their doing.

If this occurred during negotiations for our insurance through the Town of Wellesley, then courtesy would have been to send retirees a letter informing them of this so those of us on a fixed income would know.

It has been 4 years since we received a Social Security increase because it goes out the other door in increased Medicare premiums. It has been several years since my husband received a pension raise from the Town of Wellesley. It is becoming very difficult living on a fixed income.

At this time I would just like a simple answer to my question.

Sincerely,



Richard & Gloria McCarthy

19 Lakeview Gardens Apt 902

Natick, MA 01760

508-653-2139

Cc: Town of Wellesley, Board of Selectmen



cc: Lt. Cleary  
B. Robinson

## Wellesley Animal Control Monthly Report February 2018

2/14/18 I completed the online Conflict of Interest Law (see attached).

2/28/18 I participated in the Animal Control Officer Asso. of Mass. Conference call.

The number of wildlife calls continued as Feb. is breeding season. A lot of reports about wandering coyotes and the smell of skunks. There were also calls for sick raccoons but they had all wandered back into woods so I was unable to locate them. There was no known exposure to the sick animals. Late winter is when we see an increase in distemper and other illnesses as the animals immune systems are weakened over the winter and now that mating season has started the animals are interacting and spreading any illness that might be around.

### Breakdown of enforcement

69 Warnings (41 unvaccinated, 26 unlicensed)

14 Citations (10 unvaccinated, 0 unlicensed)

3 Follow up letters unpaid fines

0 Request for Court hearings

After no response to follow up letters on unpaid fines I send the information to court to request hearings.

A volunteer continues to take photos for the pet of week in the *The Wellesley Townsman*. This helps to keep in mind that owners of lost pets should report them lost thus helping us get more returned to the owners. She also posts adoptable pets on petfinder.com and a student uploads video of each cat.

I continue to get comfortable with the new town web site and make changes to the animal control web page to keep residents updated and animal issues.

### ON my own time

I continue working with Linkup Education Network and their SafePeopleSafePets program. 2/19 I participated on a conference call meeting. I also met with Fox 25 Boston and they filmed and aired a piece for the need for more foster homes for pets when the family enters a domestic violence shelter. I continue to coordinate

intake and foster care for the program. There are currently 7 cats and 3 dogs in foster care.

Feb 4 I worked with Unleashed by Petco on Linden Street for their adoption event. I used my camper as a mobile adoption center and set up an information table to answer questions from the public.

2/9 I meet with 8<sup>th</sup> graders from Dover Country Day school. The students learned about cat behavior and how Animal Control and the shelter work together to save more stray pets. The students then spent time volunteering at the shelter organizing supplies and socializing some cats.

Wellesley Animal Control Monthly Report

Number of calls received daily: FEB. 2018

1. <u>1</u>	7. <u>    </u>	13. <u>7</u>	19. <u>    </u>	25. <u>    </u>
2. <u>4</u>	8. <u>    </u>	14. <u>9</u>	20. <u>21</u>	26. <u>16</u>
3. <u>    </u>	9. <u>8</u>	15. <u>    </u>	21. <u>5</u>	27. <u>19</u>
4. <u>    </u>	10. <u>    </u>	16. <u>    </u>	22. <u>9</u>	28. <u>8</u>
5. <u>8</u>	11. <u>    </u>	17. <u>    </u>	23. <u>10</u>	29. <del><u>    </u></del>
6. <u>11</u>	12. <u>13</u>	18. <u>    </u>	24. <u>    </u>	30. <del><u>    </u></del>
				31. <del><u>    </u></del>

Average calls per day: 9-10

Total Calls this year: 282

Type of Calls

- 12 Lost/Found Dogs
- 11 Lost/Found Cats
- 11 Cat nuisance
- 10 Cat rabies vaccination
- 6 Dog rabies vaccination
- 3 Licensing
- 27 Wildlife
- 7 Dead animal
- 1 Adoptions
- 46 other

Anonymous 39

Violation calls

- 14 Loose/uncontrolled
- Bite
- 1 Bark
- Other

Total Violation calls this year: 115

Month of: FEB. 2018

35 Total incidents investigated

13 Loose/Uncontrolled  
 \_\_\_\_\_ Bite  
 \_\_\_\_\_ Bark  
18 Wild  
4 Cat  
 \_\_\_\_\_ Other

Off Duty calls  
 Police Responded 24

14 Loose/Uncontrolled  
 \_\_\_\_\_ Bite  
 \_\_\_\_\_ Bark  
10 Wild  
 \_\_\_\_\_ Cat  
 \_\_\_\_\_ Other

Report filed/Assistance given 5  
 Gone on arrival/Quiet 19

83 Total actions taken

69 Warning

2 Loose  
26 Unlicensed  
41 Unvaccinated

4 \$50.00 Loose  
 \_\_\_\_\_ \$25.00 Unlicensed  
10 \$50.00 unvaccinated

\_\_\_\_\_ Total Animals Picked Up

Dog      Cat      Domestic      Wild

\_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
2      2      \_\_\_\_\_      2

\_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      3

2      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

\_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      10

4      \_\_\_\_\_      \_\_\_\_\_      3

\_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

\_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

\_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      2

\_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      10

\_\_\_\_\_      2      \_\_\_\_\_      \_\_\_\_\_

On Hand Begining

Hospital

Truck

Station

Dead on arrival

\*\*\*\*\*

Returned to owner/wildlife released

Adopted

Transferred to humane Shelter

Euthanized

Deceased-unclaimed

On hand end



**Certificate of Completion**  
**Conflict of Interest Law**

**Sue Webb**

Animal Control Officer  
Police Department  
Town of Wellesley

**has completed the Conflict of Interest Law  
online training program on**

**2/14/2018**



Print  
Certificate

Return to Data Form



PBC Project Budget	Library Utilization			Library Utilization			Library Utilization		
	Design	Construction	Total	Design	Construction	Total	Design	Construction	Total
<b>Construction</b>									
Primary Contractor	\$ -	\$ 2,742,845.00	\$ 2,742,845.00	\$ -	\$ 1,709,845.00	\$ 1,709,845.00	\$ -	\$ 1,559,845.00	\$ 1,559,845.00
Phasing and/or Pricing Premium		\$ 300,000.00	\$ 300,000.00		\$ 300,000.00	\$ 300,000.00		\$ 150,000.00	\$ 150,000.00
<b>Total Construction</b>		\$ 3,042,845.00	\$ 3,042,845.00		\$ 2,009,845.00	\$ 2,009,845.00		\$ 1,709,845.00	\$ 1,709,845.00
<b>Custodial OT Charges</b>		\$ -	\$ -		\$ -	\$ -		\$ -	\$ -
<b>Legal</b>		\$ 15,000.00	\$ 15,000.00		\$ 15,000.00	\$ 15,000.00		\$ 15,000.00	\$ 15,000.00
<b>IT Labor &amp; Materials</b>		\$ 3,000.00	\$ 3,000.00		\$ 3,000.00	\$ 3,000.00		\$ 3,000.00	\$ 3,000.00
<b>Architect &amp; Other Prof Services</b>		\$ 15,000.00	\$ 15,000.00		\$ 15,000.00	\$ 15,000.00		\$ 15,000.00	\$ 15,000.00
Architects and Engineers	\$ 90,000.00	\$ 77,000.00	\$ 167,000.00	\$ 90,000.00	\$ 77,000.00	\$ 167,000.00	\$ 90,000.00	\$ 77,000.00	\$ 167,000.00
Destructive Testing	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 5,000.00
Presentations (3)	\$ 4,500.00	\$ -	\$ 4,500.00	\$ 4,500.00	\$ -	\$ 4,500.00	\$ 4,500.00	\$ -	\$ 4,500.00
Cost Estimates (3)	\$ 20,000.00	\$ -	\$ 20,000.00	\$ 20,000.00	\$ -	\$ 20,000.00	\$ 20,000.00	\$ -	\$ 20,000.00
Reimbursables	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00
FF&E Planning	\$ 49,300.00	\$ 8,700.00	\$ 58,000.00	\$ 49,300.00	\$ 8,700.00	\$ 58,000.00	\$ 49,300.00	\$ 8,700.00	\$ 58,000.00
<b>Total Architectural &amp; Engineering</b>	\$ 178,800.00	\$ 95,700.00	\$ 274,500.00	\$ 178,800.00	\$ 95,700.00	\$ 274,500.00	\$ 178,800.00	\$ 95,700.00	\$ 274,500.00
<b>Owner's Project Manager</b>									
Owner's Project Manager	\$ 40,000.00	\$ 160,000.00	\$ 200,000.00	\$ 40,000.00	\$ 160,000.00	\$ 200,000.00	\$ 40,000.00	\$ 160,000.00	\$ 200,000.00
Clerk of the Works	\$ -	\$ 160,000.00	\$ 160,000.00	\$ -	\$ 160,000.00	\$ 160,000.00	\$ -	\$ 160,000.00	\$ 160,000.00
<b>Total OPM Services</b>	\$ 40,000.00	\$ 320,000.00	\$ 360,000.00	\$ 40,000.00	\$ 320,000.00	\$ 360,000.00	\$ 40,000.00	\$ 320,000.00	\$ 360,000.00
<b>Other Professional Services</b>									
Commissioning	\$ -	\$ 10,000.00	\$ 10,000.00	\$ -	\$ 10,000.00	\$ 10,000.00	\$ -	\$ 10,000.00	\$ 10,000.00
Acoustical Consultant	\$ 10,000.00	\$ -	\$ 10,000.00	\$ 10,000.00	\$ -	\$ 10,000.00	\$ 10,000.00	\$ -	\$ 10,000.00
Fire Prevention Review	\$ 1,500.00	\$ 500.00	\$ 2,000.00	\$ 1,500.00	\$ 500.00	\$ 2,000.00	\$ 1,500.00	\$ 500.00	\$ 2,000.00
<b>Total Other Professional Services</b>	\$ 11,500.00	\$ 10,500.00	\$ 22,000.00	\$ 11,500.00	\$ 10,500.00	\$ 22,000.00	\$ 11,500.00	\$ 10,500.00	\$ 22,000.00
<b>Other General Supplies</b>									
Printing	\$ 1,000.00	\$ -	\$ 1,000.00	\$ 1,000.00	\$ -	\$ 1,000.00	\$ 1,000.00	\$ -	\$ 1,000.00
Bid Docs Online	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 5,000.00
PBC Expense	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00
Submittal Exchange	\$ 3,000.00	\$ 6,000.00	\$ 9,000.00	\$ 3,000.00	\$ 6,000.00	\$ 9,000.00	\$ 3,000.00	\$ 6,000.00	\$ 9,000.00
Owner Fit Out Allowance	\$ -	\$ 10,000.00	\$ 10,000.00	\$ -	\$ 10,000.00	\$ 10,000.00	\$ -	\$ 10,000.00	\$ 10,000.00
Builder's Risk	\$ -	\$ 25,000.00	\$ 25,000.00	\$ -	\$ 25,000.00	\$ 25,000.00	\$ -	\$ 25,000.00	\$ 25,000.00
<b>Total Other General Supplies</b>	\$ 10,000.00	\$ 42,000.00	\$ 52,000.00	\$ 10,000.00	\$ 42,000.00	\$ 52,000.00	\$ 10,000.00	\$ 42,000.00	\$ 52,000.00
<b>Signage</b>									
Signage	\$ -	\$ 2,000.00	\$ 2,000.00	\$ -	\$ 2,000.00	\$ 2,000.00	\$ -	\$ 2,000.00	\$ 2,000.00
<b>Contingency</b>									
Hard Cost Contingency (15% of construction costs)	\$ -	\$ 306,426.75	\$ 306,426.75	\$ -	\$ 301,476.75	\$ 301,476.75	\$ -	\$ 256,476.75	\$ 256,476.75
Soft Cost Contingency (15% of Arch & OPM)	\$ 34,845.00	\$ 64,380.00	\$ 99,225.00	\$ 34,845.00	\$ 64,380.00	\$ 99,225.00	\$ 34,845.00	\$ 64,380.00	\$ 99,225.00
<b>Total Contingency</b>	\$ 34,845.00	\$ 370,806.75	\$ 405,651.75	\$ 34,845.00	\$ 365,856.75	\$ 400,701.75	\$ 34,845.00	\$ 320,856.75	\$ 355,701.75
<b>FF&amp;E</b>									
FF&E	\$ -	\$ 820,948.00	\$ 820,948.00	\$ -	\$ 820,948.00	\$ 820,948.00	\$ -	\$ 820,948.00	\$ 820,948.00
<b>Total Budget</b>	\$ 277,145.00	\$ 3,737,799.75	\$ 4,014,944.75	\$ 277,145.00	\$ 3,699,849.75	\$ 3,977,004.75	\$ 277,145.00	\$ 3,354,849.75	\$ 3,631,994.75