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TOWN OF WELLESLEY



**WARRANT
for the
SPECIAL TOWN MEETING**

ADVISORY COMMITTEE PUBLIC HEARING (WARRANT ARTICLES)

September 18, 2024, 6:30 P.M. Kingsbury Room,
Wellesley Police Station, 485 Washington Street

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 High School Auditorium
50 Rice Street
Monday, October 21, 2024**

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. To receive and act on the reports of Town officers, boards and committees, including the Report to this Special Town Meeting of the Advisory Committee, and to discharge presently authorized special committees, or to take any other action in relation thereto.

(Select Board)

APPROPRIATIONS

ARTICLE 2. To see if the Town will vote to act on certain articles set forth in this warrant by a single vote, pursuant to a consent agenda, or to take any other action in relation thereto.

(Select Board)

ARTICLE 3. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended under the direction of the

Permanent Building Committee, for architectural designs, engineering services, bid documents, and bidding support for the construction, reconstruction, replacement, and retrofitting of the Warren Building HVAC and associated improvements, located at 90 Washington Street, including all costs incidental and related thereto; and for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Select Board, 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, or to take any other action in relation thereto.

(Permanent Building Committee/Select Board)

ARTICLE 4. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended under the direction of the Board of Public Works, for engineering services, bid documents, construction, reconstruction, rehabilitation, and/or modernization of the DPW Fuel Depot at 20-30 Municipal Way including all costs incidental and related thereto; and for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Select Board, 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, or to take any other action in relation thereto.

(Board of Public Works)

ARTICLE 5. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$132,358.00, or any other sum of money, for the purpose of funding a proposed agreement between the Town and International Association of Fire Fighters, Local 1795, to address claims brought under the Fair Labor Standards Act of 1938, as amended; or to take any other action in relation thereto.

(Select Board)

ARTICLE 6. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to acquire by purchase, gift, or eminent domain, for municipal purposes, on such terms and conditions as the Select Board deem acceptable, a portion of the parcels of land commonly referred to as 2 Linden Street (Assessor's Parcel ID 136-2) and 139 Weston Road (Assessor's parcel ID 149-87), containing approximately 3,647 square feet, as shown on a plan entitled "Exhibit A Proposed 8' Taking Intersection Weston Rd. & Linden St., Wellesley, Massachusetts, prepared by David Hickey, Town Engineer, dated August 16, 2024, a copy of which is on file in the Office of the Town Clerk; or to take any other action in relation thereto.

(Select Board)

ARTICLE 7. To see if the Town will vote to hear a report from the Community Preservation Committee and appropriate or reserve for future appropriation, from Fiscal Year 2025 Community Preservation Fund annual revenues and reserves, sums of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year beginning July 1, 2024, to make

debt service payments, and to undertake community preservation projects as recommended by the Community Preservation Committee, and which recommendations may involve the transfer or borrowing of funds and expenditures, or to take any other action in relation thereto.

(Community Preservation Committee)

ARTICLE 8. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended under the direction of the Board of Public Works to supplement the funding for the design, construction, equipping, and furnishing of parking lot improvements at the Wellesley Police Station and the payment of all costs incidental or related thereto; or to take any other action in relation thereto.

(Select Board)

ARTICLE 9. To see if the Town will vote to rescind authorized and unissued loans, authorize the transfer of unused proceeds from previously issued loans to one or more eligible appropriations, or amend existing borrowing authorizations on unissued debt in order to allow the use of premiums for project costs and to reduce the amount of the borrowing so authorized in accordance with Section 20 of Chapter 44 of the Massachusetts General Laws, as amended by Section 67 of Chapter 218 of the Acts of 2016, or to take any other action in relation thereto.

(Select Board)

Authorizations

ARTICLE 10. To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 54(b) to allow Town trust funds to be invested in accordance with the Massachusetts Prudent Investor Act of Chapter 203C of the General Laws, the so-called "Prudent Investment Rule"; or to take any other action in relation thereto.

(Select Board)

ARTICLE 11. To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 54, and, in accordance therewith, establishing \$10,000.00 (TEN THOUSAND DOLLARS) as the minimum value of personal property subject to taxation; or to take any other action in relation thereto.

(Board of Assessors)

ARTICLE 12. To see if the Town will vote to establish a Local Cultural Council pursuant to Massachusetts General Laws Chapter 10, Section 58; or to take any other action in relation thereto.

(Select Board)

ARTICLE 13. To see if the Town will vote to approve an amendment to the Development Agreement for Linden Square dated June 3, 2005, between the Town of Wellesley and Lindwell SC, Inc., Lindwell OP, Inc., and Lindwell Realty Trust; the Development Agreement was originally authorized by Town Meeting on June 13, 2005,

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the Fifth Amendment allows for the continued use and operation of the VW parcel, as defined in the Development Agreement, as a car dealership and repair facility until December 31, 2033; or to take any other action in relation thereto.

(Select Board)

ARTICLE 14. To see if the Town will vote to authorize the Select Board to accept an access easement over the property located at 16 Stearns Road (Assessor's Parcel ID 122-19), with said easement to be used for the purpose of allowing vehicles, including public, municipal, and private service vehicles, to turn around within the site, as shown on a plan entitled "Sketch Plan Showing Access Easement - #16 Stearns Road Wellesley, Mass." or to take any other action in relation thereto.

(Select Board)

Zoning Amendments

ARTICLE 15. To see if the Town will vote to amend the Zoning Bylaw to achieve compliance with the provisions of M.G.L. c.40A Section 3A Multi-Family Zoning as-of-right in MBTA Communities, with such amendments including insertions and deletions indicated by **bold** and ~~striketrough~~ text respectively below, by:

- I. Amending Section 3.6.1. Wellesley Park Smart Growth Overlay District, subsection D. Dimensional and Other Requirements, at Parts (1) and (6) to allow for the provision of multi-family dwelling units on all lots in the District and to eliminate the cumulative height cap in the District, as follows:

D. Dimensional and Other Requirements

Buildings and Development Lots within the Wellesley Park Overlay District shall be subject to the following requirements:

1. Density

Development of the following uses within the Wellesley Park Overlay District shall be limited, as follows:

a. Multi-Family Dwellings: no more than eight hundred fifty (850) total Dwelling Units or twenty (20) units per acre based on the entire area of the District, whichever is greater; **provided however that a minimum of fifteen (15) units per acre shall be permitted on each parcel within the District regardless of whether the preceding total unit or aggregate density maximums have been achieved;**

b. Small-Scale Retail Establishments: not to exceed a total of 19,500 gross square feet; and

c. Offices and Office-High Tech: not to exceed a total of 700,000 gross square feet;

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6. Height

The maximum height of buildings and structures in a Development Project in the Wellesley Park Overlay District shall be eighty-five (85) feet., and the aggregate height of all buildings in the Wellesley Park Overlay District shall not exceed five hundred and seventy-five (575) feet based on the maximum height of each individual building. Independent parking structures shall not be included in the calculation of aggregate height.

For the purposes of Development Projects within the Wellesley Park Overlay District, building or structure height shall be the distance between average finished grade adjacent to the building, exclusive of basements, and the ceiling of the upper-most occupied space in the building in the case of flat roofs and, in the case of buildings with pitched roofs, at the point at which such ceiling intersects with the exterior portion of the building. The calculation of building height shall not apply to roof tanks and their supports, roof decks, parapets, ventilating, air conditioning and similar building service equipment, chimneys, railings, skylights, mechanical penthouses, and other similar features of buildings which are in no way designed or used for living purposes nor the portion of the pitched roof above the intersection of the ceiling of the upper-most heated space and the exterior of the building.

- II. Amending Section 5.6. Project Approval, subsection C. Applicability and Procedure, Part 2 Site Plan Review, to provide that MBTA Community Projects are subject to site plan review and that such site plan approval is not a special permit, as follows:

2. Site Plan Review

In addition to Design Review in accordance with the preceding section, Major Construction Projects and Projects of Significant Impact, and **MBTA Community Projects** are subject to Site Plan Review, as follows:

- a. The applicant shall submit to the Zoning Board of Appeals ("ZBA") plans and other submission materials in accordance with the procedures for **Site Plan Review Special Permits** adopted by the ZBA pursuant to Section 6.3.C.3 of this Zoning Bylaw. Within seven (7) days from the date of its submission to the ZBA, copies of the complete application as submitted shall be referred by the ZBA to the Board of Health, Planning Board, Design Review Board, Town Engineer, Wetlands Protection Committee, Municipal Light Plant, Fire Chief, Police Chief and any other Town agencies or boards designated by the ZBA, for review and preparation of written recommendations to the ZBA, Building Inspector and the applicant prior to the required public hearing. Said written recommendations shall be attached to and become part of the application.
- b. **Site Plan Review for MBTA Community Projects by the ZBA pursuant to Section 5.6 of this Zoning Bylaw shall be for the**

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purpose of ensuring that such projects conform to the standards outlined for Special Use Permits in Section 6.3.D., provided however that approval hereunder shall be limited to the imposition of reasonable conditions necessary to ensure compliance with said criteria.

Approval under this section shall not be unreasonably withheld, provided that an application may be denied where identified extraordinary adverse impacts from such MBTA Community Projects cannot be effectively conditioned or mitigated.

- c. ~~b.~~ No decision shall be made by the ZBA in connection with any application until the above referenced written recommendations have been received or thirty-five (35) days shall have elapsed after such referral of the application without a recommendation being received. The ZBA may modify such plans to meet the requirements of this Section, and as modified, approve the same, or may disapprove the plans. No building permit or parking plan permit shall be issued by the Building Inspector without the written approval of plans as herein above provided.

- III. Amend Section 6.3. Special Permit Granting Authority, subsection B. Project Approval, Part 3 Project Approval, to provide that MBTA Community Projects are subject to site plan review, but that site plan review is not a special permit, as follows:

3. Project Approval

The Special Permit Granting Authority is empowered to review and approve plans in accordance with the requirements of Section 5.6 and this Section 6.3. **The ZBA shall, after public hearing, adopt rules and regulations and/or procedures for the administration of Site Plan Review required by Section 5.6.C.2.b., and shall file a copy of the same in the office of the Town Clerk.** ~~The provisions of Section 6.3.C of this section shall apply to the review and approval of plans for Major Construction Projects.~~ The approval of plans by the Special Permit Granting Authority in accordance with Section 5.6 shall constitute the granting of a special permit, **except in the case of MBTA Community Projects.**

or to take any other action in relation thereto.

(Planning Board/Select Board)

ARTICLE 16. To see if the Town will vote to amend the Zoning Map by adding to the Residential Incentive Overlay District the properties located at:

- 6-14 Washington Court (Assessor's Parcel ID 34-15), the area to be rezoned totaling approximately 46,457 square feet in area;

or to take any other action in relation thereto.

(Planning Board)

ARTICLE 17. To see if the Town will vote to amend the Zoning Map by adding to the Residential Incentive Overlay District the properties located at:

- 35-37 Walnut Street (Assessor's Parcel ID 27-19), 47 Walnut Street (Assessor's Parcel ID 27-18), and 49 Walnut Street (Assessor's Parcel ID 27-17) the area to be rezoned totaling approximately 155,375 square feet (3.57 acres) in area;

or to take any other action in relation thereto.

(Planning Board)

Citizen Petitions

ARTICLE 18. The petition requests an amendment to the Demolition By-Laws. Specifically, I [Robert Mahoney] am calling for a change in the 12 month delay when a 125 year old property or older receives a Preferably Preserved designation. The delay would be 36 months for homes built in the 19th century (1900 and earlier). This is to recognize the distinct historical meaning of these homes if they meet the Preferably Preserved criteria and are 125+ years old. It also creates sufficient time to consider all of the preferable alternatives. Most recent construction under the current 1949 Rule would still have the 12 month delay.

(Citizen Petition)

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And you are directed to serve this warrant by posting attested copies in not less than two conspicuous places in the Town, i.e., the Town Hall and Police Station, and by causing this warrant to be posted to the Town of Wellesley website (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 27th of August 2024.

Colette E. Aufranc
Colette E. Aufranc, Chair

Marjorie R. Freiman
Marjorie R. Freiman, Vice-Chair

Thomas H. Ulfelder
Thomas H. Ulfelder, Secretary

Elizabeth Sullivan Woods
Elizabeth Sullivan Woods

Lise M. Olney
Lise M. Olney

A true copy, Robert Ulfelder
Attest: Constable, Town of Wellesley

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COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Wellesley, MA August 28, 2024

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 Police Station, and by causing the warrant and said request to be posted to the Town of Wellesley website.



Constable, Town of Wellesley

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COMMONWEALTH OF MASSACHUSETTS

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Norfolk, ss.

Wellesley, MA

2024 AUG 28 PM 12: 58

On _____, 2024, I caused a true copy of the Warrant for the
_____ Town Meeting to be posted to the Town of Wellesley's website in
accordance with Section 8.10 of the Town's General Bylaws.

Stephanie Hawkinson, Public Information Officer
Town of Wellesley

_____, 2024