

TOWN OF WELLESLEY



MASSACHUSETTS

**BOARD OF SELECTMEN**

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

MARJORIE R. FREIMAN, CHAIR  
ELLEN F. GIBBS, VICE CHAIR  
DAVID L. MURPHY, SECRETARY  
BARBARA D. SEARLE  
JACK MORGAN

FACSIMILE: (781) 239-1043  
TELEPHONE: (781) 431-1019 x2201  
[WWW.WELLESLEYMA.GOV](http://WWW.WELLESLEYMA.GOV)  
BLYTHE ROBINSON  
EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

**SELECTMEN'S MEETING**  
*TENTATIVE AGENDA*

Juliani Room, Town Hall

**6:30 P.M. Tuesday, January 17, 2017**

1. 6:30 Joint Meeting with the Planning Board to appoint a new member
2. 6:35 Citizen Speak
3. 6:45 Executive Director's Update
  - Minutes
  - Gifts
4. 7:00 Modification to Hours of Operation and Display Areas for Roche Bros. Beer and Wine License
5. 7:15 Discuss Proposed Demolition Delay Bylaw with Historical Commission
6. 7:40 Discuss Strategies to Address Recreational Marijuana
7. 8:00 Review and Sign Draft Warrant
8. 8:30 Review Draft Lower Falls Parking Garage RFI
9. 8:45 Old/New Business

Next Meeting Dates: Wednesday, January 18<sup>th</sup> (Unified Plan Precinct Meeting)  
Tuesday, January 24<sup>th</sup>  
Monday, January 30<sup>th</sup>



1/13/2017

Black regular agenda items

**Board of Selectmen Calendar – FY17**

<b>Date</b>	<b>Selectmen Meeting Items</b>	<b>Other Meeting Items</b>
1/18 Wednesday		UP – Precinct Meeting (A,B,G) Hardy School 7-9
1/23 Monday	No Meeting – Wellesley Club	
1/24 Tuesday	<b>Meeting</b> Police Officer Appointment Traffic Update -Wellesley College – No Parking – Dover - Brook/Benvenue - Brook/Amherst - Washington Street/Rt 9 Parking Spaces - Washington Street Spaces in front of Café Nerro CV Modification Public Hearing Granite Street – Classification and Confirmation	UP- Precinct Meeting (C,D) Warren Building Room 8 (7-9)
1/25 Wednesday		UP- Precinct Meeting (E,F,H) Great Hall (7-9)
1/30 Monday	<b>Meeting</b> David Himmelberger on Trash Citizen Petition Hearing CV Regulation modification Wayfinding - Planning	Terry Cunningham Reception Great Hall (4-6)
2/6 Monday	<b>Meeting</b>	
2/13 Monday	<b>Meeting</b> Energy Update – Allan Hebert	
2/20 Monday	Town Hall Closed	
2/27 Monday	<b>Meeting</b>	
3/6 Monday	<b>Meeting</b>	
3/13 Monday	No Meeting – Wellesley Club Town Affairs	
3/14 Tuesday	<b>Meeting</b>	
3/20 Monday	<b>Meeting</b>	

1/13/2017

Black regular agenda items

<i>Date</i>	<i>Selectmen Meeting Items</i>	<i>Other Meeting Items</i>
3/27 <i>Monday</i>	<b>ANNUAL TOWN MEETING BEGINS</b>	
3/28 <i>Tuesday</i>	<i>Annual Town Meeting</i>	
4/3 <i>Monday</i>	<i>Annual Town Meeting</i>	

**Notes**

*Quarterly updates*

- *Traffic Committee (Deputy Chief Pilecki)*
- *Facilities Maintenance (Joe McDonough)*

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BLYTHE C. ROBINSON  
EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

### MEMORANDUM

DATE: January 13, 2017  
TO: Board of Selectmen  
FROM: Blythe Robinson, Executive Director  
SUBJECT: January 17, 2017 – Agenda Background

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Below Please find background on each of the items presented for the meeting on Tuesday, January 17<sup>th</sup>.

1. Citizen Speak
2. Joint Meeting with the Planning Board - Motion to Appoint James Roberti  
The meeting will begin at 6:30 PM with a joint meeting with the Planning Board for the purpose of appointing Mr. Roberti to the Planning Board as a full member. Mr. Roberti has been an associate member of the Board since July of 2016 and would like to be appointed given the recent resignation of Jeanne Conroy from the Board. A letter from him and a copy of his resume are included in your packet for review.

#### MOTION TO CALL JOINT MEETING:

**Move** to convene a joint meeting with the Board of Selectmen and the Planning Board.

**Move** to elect Marjorie Freiman as chair of the joint meeting.

**Move** to elect Deborah Carpenter as secretary of the joint meeting.

#### MOTION TO APPOINT:

**Move** to appoint James L. Roberti to the Planning Board as a full member until the next Town Election scheduled for March 7, 2017.

#### MOTION TO DISSOLVE:

**Move** to dissolve the joint meeting of the Board of Selectmen and Planning Board.

3. Executive Director's Report  
Included in your packet is a short weekly report from me providing you with an overview of my schedule over the last week and other items that may be of interest to you. I will be prepared to bring up some of these items at the meeting on camera that may be of interest to the public. I will be interested to know if you like this format and would like it to continue. Two other items to be addressed are:

- Minutes – the minutes of meetings held on December 5<sup>TH</sup> and 12<sup>th</sup> are in your packet and ready for action to approve.

**MOTION:**

**Move** to approve the minutes of the Board of Selectmen meetings on December 5, 2016 and December 12, 2016.

- Acceptance of Gifts to the Council on Aging
  - The agenda packet includes an overview of gifts received by the Council on Aging made by residents for rides they took on the bus for which they are making a donation to the Town.

**MOTION:**

**Move** to approve donations to the Council on Aging in the following amounts:

- \$200 to the Volunteers Drivers Program
- \$290 to the General Gift Account
- \$10 to the COA Bus Fund
- \$728 to the Senior Lunch Program
- \$300 in Holiday Gifts
- \$60 in Gift Cards for Raffle Prizes
- \$1058 worth of medical equipment including: : blood pressure monitors, canes, raised toilet seats, transport chairs for Wellesley Seniors
- Acceptance of Gifts to the Fire Department
  - The Fire Department received a gift in the amount of \$100 from Abbott Wellesley Hills Learning Center.

**MOTION:**

**Move** to approve donations to the Fire Department in the following amount of \$100.

4. Modification of Hours of Operation and Display Areas for Roche Brothers Beer and Wine License

Roche Brothers has submitted an application to extend their hours within which to sell alcohol by 15 minutes each day that they are open. Jim Sperber will be attending the meeting and will review the proposal. As you will see from their submission, the purpose of this is to enable shoppers who entered the store shortly before closing time to be able to make their purchases within 15 minutes of the store closing. Roche Brothers is also requesting a modification to the display areas. Staff has reviewed this request, believes it is reasonable, and meets the Board's policy on the Retail Sale of Beer and Wine. There have been no issues with this license that we need to bring to your attention.

**MOTION:**

**Move** to approve the modification in hours for Roche Brothers to extend the closing time from 10:00 pm to 10:15 pm and to approve the revised display area map of the premises.

5. Discuss Proposed Demolition Delay Bylaw with Historical Commission

At the Board's request, the Historical Commission has been invited to the meeting to discuss the proposed demolition delay bylaw, for which a copy of the full text is in your packet. Please note that the warrant includes two articles regarding this topic, one to put in place the bylaw, and a second one intended to provide funding for a part-time position in the Planning Department to manage this work if the bylaw passes. The current version of the budget does not include any funding for the position at this time. This item does not require action by the Board at this time unless you wish to take a position as to whether you wish to support it or not.

6. Discussion of Recreational Marijuana

Included in the packet are materials on the passage of Ballot Question 4, which legalized the recreational use of Marijuana in Massachusetts. The law became effective on December 15, 2016. At the end of December, the Legislature delayed the opening of recreational marijuana stores by 6 months to July 2018. At present, residents can possess marijuana and grow marijuana, but cannot purchase recreational marijuana in a store. Town Counsel has been of the opinion that the Town place a moratorium on the allowance through zoning of recreational marijuana to give the Town time to study the issues and to determine whether the Board would like to place a question on a Town Ballot to prohibit recreational sale of marijuana. This agenda item is for discussion purposes, but please note under Article 30 of the Draft Warrant there is language seeking a moratorium at Town Meeting.

7. Review and Sign the Annual Town Meeting Warrant

Included in the packet is the most recent version of the warrant. Changes since last week's draft include removal of the articles pertaining to the HHU project and restoration of the war memorial as the Board directed. Staff has made other minor changes as recommended by Town Counsel, and has confirmed with all boards and petitioners that they wish the articles they submitted to go forward. If it is the boards' pleasure the warrant may be signed at this meeting, or could wait until the meeting on January 24<sup>th</sup>.

8. Review Draft Lower Falls Parking Garage RFI

In July of 2016, our office received a request from the Bill Roberts and George Levine, property owners in Lower Falls that the Town consider developing the River Street municipal parking lot into a parking garage. The garage could serve not only the restaurant but also other businesses in the area that are challenged at times with finding enough parking to support their needs. In October, the Board agreed to distribute an RFI when staff had an opportunity to draft a proposal. A draft has been provided that seeks information on development of the River Street parking lot, but also asks for creative solutions to parking in Lower Falls in a more general way. Staff would like to discuss this matter with you and determine whether this is a project, you would like us to pursue, and its priority in relation to other projects currently in process.

9. Old/New Business

Other Documents:

The Board will find documents the staff is not seeking action on, but is for informational purposes only. Please find the following:

- o Email from Joe McDonough on the exterior and interior studies proposed on the Town Hall and preliminary MAAB scope from McGinley Kelsow.
- o Newtown – Flyer for free event on the Sandy Hook Shootings (Alice Peisch will attend)





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MEMORANDUM

DATE: January 13, 2017  
TO: Board of Selectmen  
FROM: Blythe C. Robinson, Executive Director  
SUBJECT: Weekly Report

With this week's Friday night mail I am providing you with a weekly report. My intent with this memo is to give you highlights of the week in our office, topics you should be aware of, and happenings in the organization or community that you might be interested in. I would like your feedback on whether this is helpful or not, and any changes that you might like to see going forward. I'm sensitive to the fact that you are all very involved in aspects of the Town's work and get a lot of email, so this would be my way of letting you know what is going on for things that are not immediate in nature. For those I will plan to reach out to you immediately as is appropriate. I have encouraged Meghan and Terry to provide information, as well as other department heads so this report becomes a shared effort.

Thus, in no particular order of importance:

- We have confirmed the dates for the Annual Town Meeting and they are: March 27 & 28, and April 3, 4, 12, 24 and 25<sup>th</sup>. The Middle School is also holding April 10, 11 and 13 for now in case it is decided by all that those dates ought to be utilized.
- Please note that the FY 17/18 budget remains in deficit at this point by just over \$1.8 million. As we discussed last week, an important factor to balancing the budget is all boards and departments meeting the guidelines set out in the fall. We understand that the Advisory Committee is planning to hold their public hearing on the budget on February 1<sup>st</sup> and we may not have reached a balanced budget by that date.
- I have asked staff to undertake an effort to evaluate all of the items stored in Conference Room G and determine what should be saved and discarded so that the conference room has a more professional look to it for the various meetings held there. Joe McDonough has offered help from his staff to repaint the room as time allows. Please also know that Tom Harrington has offered the conference room in his office for meetings if need be, so that may offer you a good alternative at times that is close by.
- The HHU Committee met on Thursday night and one of the decisions they made was to eliminate the North 40 as an option to locate a school. It may be helpful for either Meghan or one of the Board members to give a full update at the meeting as to where this project stands as a result of what was discussed.

- The Parking Passport system is up and running! Staff was out in force with the nice weather on Wednesday affixing notices and we've started to see use of the system on Wednesday morning. We'll keep you up to speed on how that is going.
- You may recall from the Municipal Modernization Act that the law now allows the Board to designate one member to execute the weekly warrant on behalf of the board provided that the Board votes to do so under Section 57 of the MMA amended *M.G.L. c.41, §52*. I am suggesting that the Board consider adopting this for two reasons. First, warrants ought to be signed before payroll or accounts payable checks are issued. If the Board didn't have a meeting one week we would be unable to meet this timetable. Furthermore, a single board member may have more flexibility to stop in and review/sign the document during the week instead of doing so at a full meeting. I would like to discuss this with you on Monday night and if you are interested in doing so, we can add it for action at the next meeting.
- Our IT staff had a kickoff meeting this week with our new website vendor, CivicPlus. We are excited about the new features that will come with this change, and an improved experience for our community. The goal is to have the new site up and running by July 1<sup>st</sup>. On the topic of the website, please note that staff has posted all of the minutes of the Board which have been approved, through November 15, 2016.
- The Board of Assessor's approved a settlement at their meeting this week with Verizon on a number of outstanding appellate tax board cases involving valuations of central telephone equipment. These cases involved communities throughout the Commonwealth and caused towns and cities to maintain reserves in overlay to handle them. Our board deemed the settlement reasonable for the Town and the Department of Revenue has been notified.

**Board of Selectmen Meeting: December 5, 2016**  
**Present: Murphy, Freiman, Gibbs, Searle, Morgan**  
**Also Present: Larsen, Jop, Connolly**  
**Minutes Approved:**

**Warrants approved: #2017-020 in the amount of \$2,773,759.03**

**Meeting Called to Order: 7:00pm**

**Announcements:**

Ms. Freiman reminded viewers of the details of an upcoming visioning forum held by the Unified Plan consultant, STANTEC.

**1. Citizen Speak**

None

**2. Executive Director's Update**

**Eagle Scout Proclamation**

Mr. Larsen reviewed an Eagle Scout Proclamation for Benjamin David Lussier. Mr. Larsen briefly reviewed Mr. Lussier's Eagle Scout project.

The Board of Selectmen signed the Eagle Scout Proclamation.

**Gifts**

Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs, the Board voted (5-0) to accept gifts outlined in a memo from Gayle Thieme dated 11/17/16 in the amount of \$18 to the COA Bus fund.

Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs the Board voted (5-0) to accept the donations outlined in a memo from Fire Chief DeLorie to the Senior Citizens Dinner Fund in the amount of \$790.

**3. Open Annual Town Meeting (ATM) Warrant**

Ms. Freiman noted that ATM begins on Monday, March 27, 2017.

Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs the Board voted (5-0) to call the 2017 Annual Town Meeting and set the following dates:

- Open the Warrant – December 5, 2016
- Close the Warrant – Friday, December 30, 2016, 5:00pm
- Motions due to the Selectmen's Office – Friday, March 3, 2017, 5:00pm

- **Start of Annual Town Meeting – Monday, March 27, 2017, 7:00 pm, at the Wellesley Middle School**
- **Date for the 2017 Annual Town Election – Tuesday, March 7, 2017**

**4. FY16 Audit Results**

Members of the Audit Committee, Representatives from Powers and Sullivan and Sheryl Strother, Finance Director joined the Board. Mr. Petzing reviewed the FY16 audit results including items of significant interest.

**5. Selectmen FY18 Operating Budget**

Mr. Larsen reviewed a budget meeting with the various departments held on Saturday to review their department budget proposals. He also reviewed the upcoming budget proposals from remaining departments not reviewed on Saturday. He noted that the Board of Selectmen will need to appear before the Advisory Committee to discuss the balance of the Selectmen's budget. Mr. Larsen recapped where the department stands on elements of the budget. He noted that the Board would vote their preliminary budget submissions at next week's meeting, they will review questions and then vote a preliminary budget request and proceed to Advisory with a voted budget request.

The Board discussed the budget.

**6. BAA Invitational Entry Award**

Mr. Larsen noted that each year the town receives invitational entries into the Boston Marathon. This year the town received 22 invitational entries. Mr. Connolly reviewed a proposal in how the entries will be allocated to various charities. He noted that 15 charities applied for entries this year. He reviewed a list of recommended allocations with the Board.

**Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs, the Board voted (5-0) to approve the invitational entries as proposed by Deputy Director Connolly.**

**7. Brook Street Truck Exclusion**

Mr. Connolly noted that they had been working with residents of Brook Street on various traffic issues, one being a possible exclusion of large heavy trucks traveling down Brook Street. He noted that the street meets the exclusion percentages from MassDOT. He asked the Board for approval to submit a request to MassDOT to exclude trucks along Brook Street. Ms. Jop noted that if this is approved by MassDot it would only go into effect if adopted by the Board of Selectmen. The Board was supportive of this request.

**Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs, the Board voted (5-0) to authorize the application to MassDOT for the Heavy Commercial Vehicle Exclusion for Brook Street.**

**8. Police Chief Position**

Deputy Chief Jack Pilecki joined the Board. Ms. Freiman briefly reviewed the process since Chief Cunningham shared his intent to accept another position. Ms. Freiman noted that Deputy Chief Pilecki has expressed interest in assuming the Chief's position. The Board feels that with Deputy Chief Pilecki's experience with the department there is no reason to look for or at any exterior candidates. She noted that the Board would ask the Deputy Chief questions tonight, reflect throughout the week and make a decision at next week's meeting.

The Board interviewed Deputy Chief Pilecki.

**9. Finance Director Contract**

Mr. Larsen noted that the contract for the Finance Director needed to be renewed. He noted that he has discussed the matter with the incoming Executive Director, the Human Resources Director, Town Counsel, and the Finance Director and all are supportive of the current version of the contract. The contract provides for a salary of \$147,500 effective January 1, 2017 for three years. Mr. Larsen briefly reviewed the highlights of the contract. The Board was supportive of the contract.

**Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs, the Board voted (5-0) to authorize the Chair of the Board of Selectmen and the Executive Director to authorize a three-year contract with the Finance Director.**

**10. Old/New Business**

Ms. Gibbs noted that in light of Han's retirement the Board will need to replace him with a voting member of the HHU Master Planning Committee. The Board of Selectmen and School Committee recommended that the replacement be Assistant Executive Director, Meghan Jop. She noted that the School Committee would vote this change at their upcoming Board meeting.

Ms. Freiman noted that in Town Counsel's monthly newsletter there were several state issues listed including a successful ballot initiative to authorize legalization of marijuana as well as marijuana businesses. She noted that since no laws are currently in place it's difficult to assess what they will be responding to. Area towns have the opportunity to limit or prohibit the opening of marijuana related businesses in the Town. In order to do this, it would need to go on a ballot question and be submitted to voters. She noted that she would schedule a meeting with Tom Harrington, Michael Zehner, Kathy Nagle and Chief Cunningham come to share their thoughts so that the Board may decide how they would like to proceed.

Ms. Freiman proposed that the Board adopt an anti-hate pledge similar to the one adopted by the Town of Natick. The Board was supportive of adopting a pledge and opted to do so as an agenda item at the next meeting.

**The Board of Selectmen Meeting was adjourned at 9:12pm**

**Documents Presented:**

- Audit Committee FY16 Audit Results
- FY18 Selectmen's Operating Budget
- BAA Invitational Entries Allotment

**Board of Selectmen Meeting: December 12, 2016**

**Present: Murphy, Freiman, Gibbs, Searle, Morgan**

**Also Present: Larsen, Jop**

**Minutes Approved:**

**Warrants approved: #2017-021 in the amount of \$4,933,483.97, #2017-022 in the amount of \$4,535,412.40**

**Meeting Called to Order: 7:00pm**

**1. Citizen Speak**

None

**2. Executive Director's Update**

Minutes

**Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs the Board, voted (5-0) to approve the minutes of November 15, 2016.**

Lower Falls Holiday Parking

Mr. Larsen noted that it was brought to the Towns attention that the free holiday parking for shoppers in some areas of town was not extended to shoppers in the Lower Falls district. He asked the Board if they would like to extend this amenity to that area. The Board was supportive of the extension.

**Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs, the Board voted (5-0) to allow free parking for shoppers at 2-hour parking spaces on street and in municipal parking lots in Lower Falls from Tuesday, December 13, 2016-December 26, 2016. This free parking does not apply to any long term or all-day parking spaces used by commuters or employees.**

New Year's Eve Extension Requests

Mr. Larsen noted that office staff reached out to area restaurants to see who would like authorization to extend liquor service until 1am on New Year's Eve. He noted that four restaurants have expressed interest.

**Upon a motion made by Mr. Murphy and seconded by Ms. Gibbsm the Board voted (5-0) to approve the extension of liquor service until 1:00 am on New Year's Eve 2016 for:**

**Blue Ginger, 583 Washington Street**

**Alta Strada, 92 Central Street**

**The Local, 11 Forest Street**

**Juniper, 13 Central Street**

Mr. Larsen noted that as in years past the town has received a certificate of liability insurance from the Boston Athletic Association (BAA) in connection with the marathon. He noted that this year they reviewed the certificate with the Town's insurance provider MIIA. Based on MIIA's recommendations, the Town went back to the BAA and were successful in arranging for additional umbrella liability coverage in the amount of five million dollars.

**3. Sustainable Energy Committee (SEC) Update**

SEC Members Ellen Korpi, Marybeth Martello, and Laura Olton joined the Board. Ms. Korpi noted that Town Meeting had previously set a goal to reduce emissions by 25% by the year 2020. The SEC tracks this estimate and reports to Town Meeting. At the last report the reduction was 10.6%. Ms. Korpi discussed the SEC's working relationships as well as major initiatives and emissions. Ms. Martello discussed three initiatives they are currently working on including ground mounted solar zoning, power to choose, and food waste reduction at Bates School.

**4. Council on Aging (COA)**

Council on Aging members Diane Campbell, Linda Clifford, Tom Keeley and COA Director Gayle Thieme joined the Board. Ms. Thieme discussed some of the activities of the COA throughout the year as well as the current work plan, goals, and the COA mission. Ms. Clifford reviewed the COA FY18 Budget request.

Ms. Campbell noted that she would like to bring the name of two active participants of the COA who have expressed interest in participating on the Board. Ms. Campbell requested that the Board appoint Barbara Offenhartz and Jacqueline Mahoney and briefly reviewed their backgrounds.

**Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs, the Board voted (5-0) to appoint Jacqueline Mahoney and Barbara Offenhartz to the Council on Aging for a two-year term to expire June 30, 2018.**

**5. Building Department FY18 Operating Budget**

Michael Grant, Building Inspector, joined the Board. Mr. Grant reviewed the highlights of his departments FY18 Operating Budget followed by questions from the Board. He further discussed the current challenges his department is facing with regards to staffing and volume of permits.

**6. Police Chief Position**

Ms. Freiman briefly reviewed the previous meeting discussion regarding the Police Chief position. She noted that having decided that Deputy Chief Pilecki was an excellent internal candidate the Board determined it did not see a reason to do an external search. The Board



briefly expressed their thoughts on this issue. Chief of Police, Terrence Cunningham joined the Board. Chief Cunningham expressed his support and confidence in Deputy Chief Pilecki's ability to provide excellent policing services.

**Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs, the Board voted (5-0) to appoint Francis J. Pilecki as Chief of Police, immediately following the retirement date of Chief Terrence Cunningham, and pending successful contract negotiations.**

Deputy Chief Pilecki expressed his gratitude to the Board for this appointment.

**7. Board of Selectmen FY18 Operating Budget**

Sheryl Strother, Finance Director joined the Board. Mr. Larsen briefly recapped the changes to the current version of the FY18 operating budget. He distributed the latest version of the cash capital submissions and noted that the cash capital elements have not changed since they were presented to the Board at a previous meeting.

**Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs, the Board voted (5-0) to approve the Fiscal 2018 Operating and Cash Capital Budgets totaling \$56,098,589 which excludes the debt service portion.**

**Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs, the Board voted (5-0) to approve a non-tax impact traffic and parking operations and cash capital budget of \$1,410,951.00.**

**8. HHU Master Plan Committee Appointment**

Ms. Gibbs reviewed the discussion from last week's meeting, in which she discussed the need for a replacement voting member to serve in Hans' place on the HHU committee. It was suggested then to appoint Assistant Executive Director, Meghan Jop to be his replacement.

**Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs the Board voted (5-0) to appoint Meghan Jop to the Hardy, Hunnewell, and Upham Master Plan Committee to replace Hans Larsen.**

**9. Records Access Officer (RAO) Appointment**

Ms. Freiman noted that they need to appoint a RAO in light of the change in state public records laws.

Mr. Larsen discussed an idea that has come up at various website refresh meetings around the idea of hiring a webmaster/communication specialist. He described the need for this position and what the responsibility of this person would be.

**Upon a motion made by Mr. Murphy and seconded by Ms. Gibbs the Board voted (5-0) to appoint the following individuals to serve as Records Access Officers:**

**Meghan C. Jop, Assistant Executive Director**

**Judith Belliveau, Assistant Superintendent for Finance and Operations**

**Lieutenant Marie Cleary, Wellesley Police Department**

**Ron Alexander**, Wellesley Resident approached the Board. Mr. Alexander noted that he has significant experience making public records requests in the Town of Wellesley and has run into many problems. He discussed some of the issues with the law as it is and what it might become. He asked that the Board appoint a central RAO.

**10. Wellesley Anti-Hate Pledge**

Ms. Freiman briefly reviewed the discussion from the last meeting regarding a Wellesley Anti-Hate Pledge. They submitted comments throughout the week to Ms. Jop and came up with a statement. Ms. Freiman read the following statement:

**The Wellesley Board of Selectmen reaffirms its position that Wellesley is a Town that highly values diversity, dignity and respect for all individuals. Wellesley strives to be a welcoming town; therefore, the Board opposes expressions of hate, intolerance and discrimination. The Board encourages the entire Wellesley community to continue to exhibit caring and supportive actions in support of our diversity.**

Ms. Freiman asked that this be put up on the website and circulated to departments.

**Upon a motion made by Mr. Murphy and seconded by Ms. Gibb, the Board voted (5-0) adopt the expression of support for diversity as read.**

**11. Old/New Business**

The Board reviewed their calendar.

**The Board of Selectmen Meeting was adjourned at 9:12pm**

**Documents Presented:**

- Sustainable Energy Committee Update

The following donations were made to the Wellesley Council on Aging and must be accepted by the Board of Selectmen:

Updated 1/12/17

The following non-monetary donations were made to the COA:

Name	Value of Donation	Description of Goods Donated
Anonymous	\$300.00	Holiday Gifts: new clothing, books, toiletries for Wellesley Seniors
Anonymous	\$1,058.00	New Medical Equipment: blood pressure monitors, canes, raised toilet seats, transport chairs for Wellesley Seniors
Anonymous	\$60.00	Robert's Hair Salon Gift Certificate – Raffle Prize for Wellesley Senior

Total value of non-monetary goods donated to COA = \$1,418.00

**The following gifts have been made to the Wellesley Council on Aging and must be accepted by the Board of Selectmen:**

These donations have been made to the Wellesley Council on Aging specifically for the COA bus service. When the COA bus is used for local day trips, participants are encouraged to make small donations to support the COA Transportation program.

Account # 29054139-483000-COABU

Updated 12/29/16

Sylvia Cordova	\$10.00
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Total donations to COA BUS = \$10.00

The following donations were made to the Wellesley Council on Aging and must be accepted by the Board of Selectmen:

Updated 12/29/16

The following donations were specific to the COA Volunteer Drivers Program: (deposited to COA account: 29054139-483000-CADRV)

John & Catherine Maiona	\$200.00
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**Total donations for Volunteer Drivers Program = \$200.00**

The following gifts have been made to the Wellesley Council on Aging and must be accepted by the Board of Selectmen:

GIFTS TO THE GENERAL COA GIFT ACCOUNT (29054150-483000)

Updated 12/29/16

Donation from:	Amount(s) / comments regarding gift
Zhongde Han	\$25.00 – General COA Donation
Elizabeth and David Zahniser	\$40.00 – General COA Donation
Elaine Freedman	\$25.00 – General COA Donation
Sajida Khudairi	\$100.00 – General COA Donation
	<b>Total General Donation Gifts Received = \$190.00</b>

**Total Donations Listed for General Gift Account = \$190.00**

The following gifts have been made to the Wellesley Council on Aging and must be accepted by the Board of Selectmen:

GIFTS TO THE GENERAL COA GIFT ACCOUNT (29054150-483000)

Updated 1/12/17

Donation from:	Amount(s) / comments regarding gift
Donations Received from FWCOA:	
Friends of Wellesley Council on Aging	\$728.00 – Donation specific to December Senior Lunch Program
	Total Gifts Received from FWCOA = \$728.00
Donation Received from Carolyn Pruyne	\$100.00– General COA Donation
	Total General Donation Gifts Received = \$828.00

Total Donations Listed for General Gift Account = \$828.00

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM.

ABBOTT WELLESLEY HILLS CHILDREN'S  
LEARNING CENTER, INC.  
28 ABBOTT ROAD  
WELLESLEY, MA 02481-7519

1505

5-10/110

DATE 12-23-16

PAY TO THE ORDER OF Wellesley Fire Department \$ 100.00

One hundred & 00/100 DOLLARS

Bank of America

FOR Donation

Jawhney

⑈001505⑈ ⑆011000138⑆ 004647343663⑈

to our friends in Wellesley Hills  
Fire Department.

May this holiday bring you  
peace, love, and joy.

Thank you for Year Round  
Support

from: Josie Sawhney  
Abbott Learning Center  
28 Abbott Road Wellesley Hills





Roche Bros. Supermarkets  
70 Hastings Street  
Wellesley Hills, MA  
02481-5439  
781-235-9400  
Fax: 781-235-3153

December 22, 2016

Board of Selectmen's Office  
Town of Wellesley  
525 Washington Street  
3<sup>rd</sup> Floor  
Wellesley, MA 02482  
Attn: Meghan Jop

Re: Roche Bros. -184 Linden Street - License No. 134400040  
Change of Hours

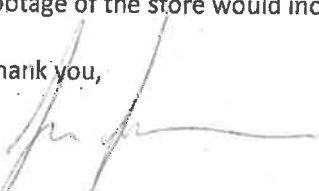
Dear Board of Selectmen,

Enclosed herewith please find Corporate Vote of RBSBW, Inc. authorizing the change of liquor sales hours. Roche Bros. is seeking to change its liquor sale hours on Monday through Saturday from 8:00AM - 10PM to 8:00AM to 10:15PM, and on Sundays from 10:00AM - 9:00PM to 10:00AM to 9:15PM. Roche Bros. is requesting the change to accommodate customers who have entered the store prior to closing time, but who have not completed the sales transactions at the registers prior to 10:00PM on Monday through Friday, or prior to 9:00 PM on Sundays.

Additionally, Roche Bros. is requesting minor changes to the liquor sales display areas and the liquor storage area. Specifically, we request a change in location of four (4) of the existing display areas, as well as adding five (5) display areas, which would increase the liquor sales square footage area from 1291 SF to 1339 SF. Additionally, we request an increase in the liquor storage area from 238 SF to 310 SF. The proposed changes are shown on the enclosed floor plan.

With the requested changes, the percentage of the liquor sales and storage areas to the total square footage of the store would increase to 3.3% (1,339 SF of 49,999 SF).

Thank you,

  
James Sperber  
Director of Real Estate  
Roche Bros. Supermarkets Co.

cc. Steve Valeri  
Kevin O'Brien  
David Ordway



**RBSBW, INC.**

December 22, 2016


At a meeting of the Board of Directors of RBSBW, Inc., held at 70 Hastings Street, Wellesley, Massachusetts on December 22, 2016, it was duly voted that the Corporation change the sale hours on Sundays for the Section 15, Wine and Malt License for the Roche Bros. Supermarket store premises in the town of Wellesley, located at 184 Linden Street, Wellesley, Massachusetts.

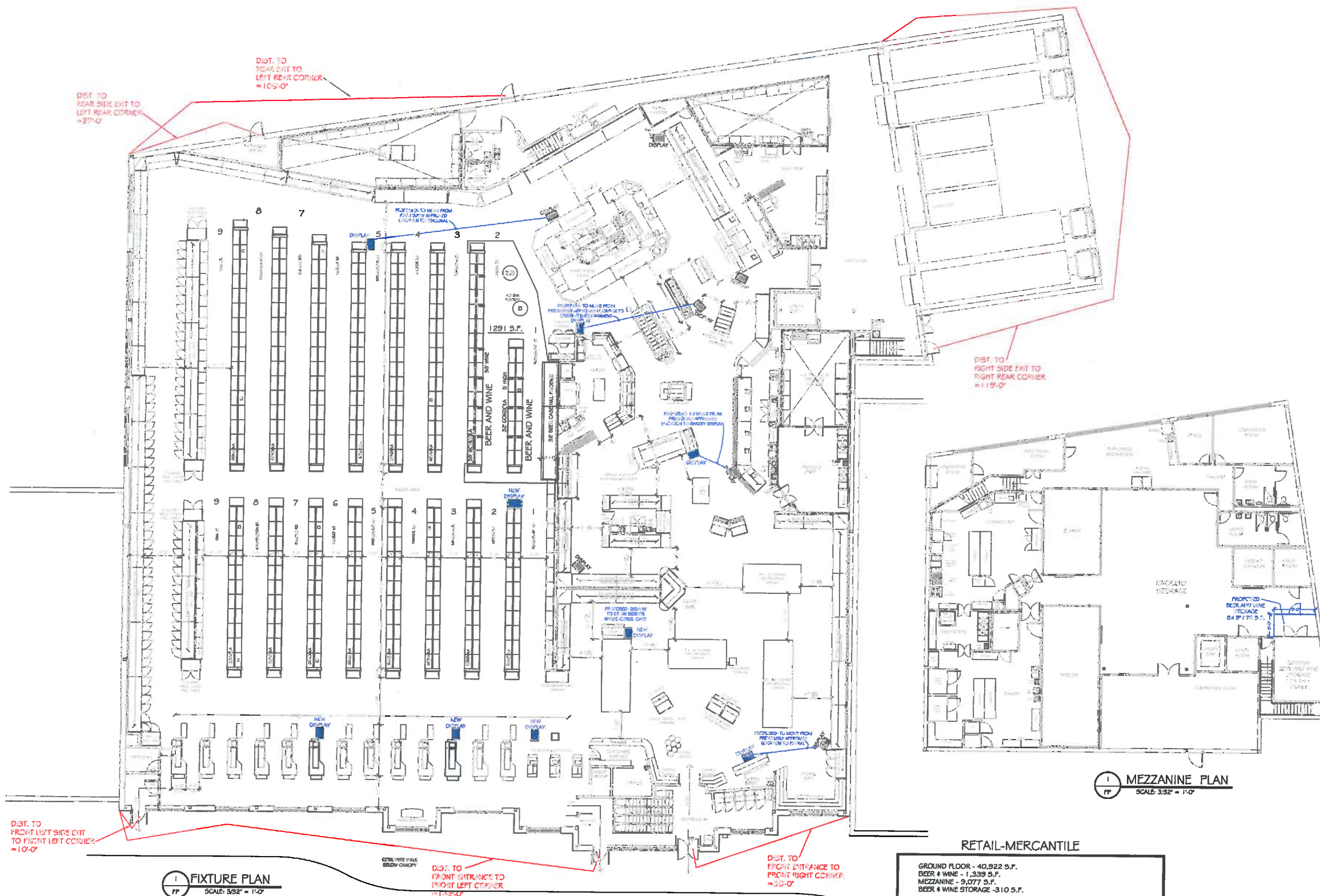
"VOTED: To authorize Kevin Barner to sign the Petition for Change of Hours in the name of RBSBW, Inc., and to request that the Monday – Saturday sale hours change from 8:00AM – 10:00PM to 8:00AM – 10:15 PM, and Sunday sale hours change from 10:00AM – 9:00PM to 10:00AM – 9:15 PM, and execute on its behalf any necessary papers, and to do all things required relative to the granting of the change of license."

This is to certify that a majority of the directors of RBSBW, Inc. a Corporation duly organized under the laws of Massachusetts are residents of the Commonwealth of Massachusetts and citizens of the United States.

A True Copy  
Attest

**RBSBW, INC.:**

  
By: Kevin Barner  
Its: Treasure/Clerk



1. PROPOSED BEER & WINE DEPARTMENT IMPROVEMENTS.
- ADD 8' X 9' - (72 S.F.) FENCED SECURITY STORAGE AREA TO EXISTING STORAGE FOR BEER & WINE ON MEZZANINE.
  - ADD 5- NEW BEER & WINE DISPLAYS (48 S.F.) AS SHOWN.
  - MOVE 4 APPROVED EXISTING BEER & WINE DISPLAYS TO NEW LOCATIONS AS SHOWN.

**Roche Bros.**  
70 Hastings St.  
Wellesley, Mass. 02481  
Tel: (781) 285-9400 Fax: (781) 694-5323

Scale: 3/32"  
Date: 12/13/16  
Drawn: L.S.  
Checked: D.S.  
Project No.:

R-1  
Revisions:

Drawing Title: PROPOSED BEER AND WINE DEPARTMENT  
Project: ROCHE BROS. WELLESLEY, MA.

Drawing Number:  
DWG-1  
P-1  
1 of 1







The Official Website of the Treasurer and Receiver General of Massachusetts

## Treasurer Deborah B. Goldberg

Home > Frequently Asked Questions

### Frequently Asked Questions

#### When did the law take effect?

The law took effect on December 15, 2016.

#### What aspects of the law took effect on December 15th?

Although licenses for cultivation, manufacture, testing and retail sales will not be issued until July of 2018, certain personal use provisions allowed for persons 21 years or older went into effect on December 15, 2016. That includes the possession of up to 1 ounce of marijuana, of which 5 grams may be marijuana concentrate, as well as the home growth provisions which allow possessing up to 10 ounces of marijuana in your primary residence and 6 plants per resident, but no more than 12 plants per household. For more specific information, please refer to Massachusetts General Laws, chapter 94G ("Chapter 94G").

#### Where can I grow my plants?

Plants can only be grown or processed in your primary residence in a locked or secured location. And, you cannot grow the plants in a place in your residence where someone can see them from a public space with the use of binoculars, aircraft, or other optical aids.

#### When will the Cannabis Control Commission be appointed?

Chapter 94G requires the Treasurer to appoint the Cannabis Control Commission ("CCC") by September 1, 2017.

#### Will there be employment opportunities with the Cannabis Control Commission?

Once appointed, the CCC will need to fill key positions. Information about employment opportunities will be posted publicly at a later date.

#### When will regulations be issued?

Chapter 94G requires the CCC to promulgate regulations by March 15, 2018.

#### When can I apply for a license?

Applications are currently not available. Applications will become available after the appointment of the CCC. Chapter 94G requires that the CCC accept certain license applications by April 1, 2018.

#### What kind of licenses can I apply for?

Applications for a retail, manufacturer, cultivator, or testing facility license will be available.

#### How much will it cost to apply for a license?

The CCC, once appointed, will decide what fee(s) will be charged when applying for a particular license. However, Chapter 94G limits the amount that can be charged to a maximum of 1) \$3,000 for an initial application; 2) \$15,000 for recreational marijuana retail license; 3) \$15,000 for recreational marijuana manufacturer license; 4) \$15,000 for recreational marijuana cultivator license; and 5) \$10,000 for recreational marijuana testing facility license.

#### Can I smoke or consume recreational marijuana/marijuana products in public?

In general, no, you cannot smoke recreational marijuana in a place where you are prohibited from smoking tobacco and you cannot consume recreational marijuana in a public place. Chapter 94G contains an exception for certain marijuana establishments.

#### Can I drive with recreational marijuana in my car?

In general, you cannot have an open container of recreational marijuana/marijuana product in the passenger area of your car while on the road or at a place where the public has access. Also, Chapter 94G does not change the existing penalties for operating a car, etc. if you are impaired by marijuana/marijuana product and you cannot consume marijuana while operating a car, etc. For specific information, see Chapter 94G.

#### Can I smoke or consume recreational marijuana/marijuana edibles at work?

In general, your employer still has the authority to limit your consumption of marijuana in the workplace. See Chapter 94G for specific information.

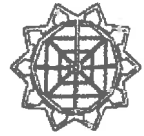
#### Will this new law impact my medical marijuana registration?

At this time, no. It is anticipated that this new law will not impact medical marijuana, which is a separate program overseen by the Department of Public Health.

#### Why have some of the original ballot initiative deadlines been changed?

Effective December 30, 2016, the Governor signed into law a bill extending by 6 months some of the deadlines contained in the original ballot initiative. For example, the deadlines for the appointment of the Cannabis Control Commission and the Cannabis Advisory Board, and acceptance of license applications were extended. As noted above, however, certain provisions went into effect on December 15, 2016 as planned under the ballot initiative.

**DISCLAIMER:** The above questions and answers are provided for general information only and not intended to be legal advice. Individuals should review M.G.L. c. 94G and seek separate legal advice regarding their specific circumstances. Please also note that the answers to the FAQs are subject to change and based upon the current language of M.G.L. c. 94G. This site will be updated regularly and users should return to this site periodically for newly submitted questions and associated answers and/or updates.



**MASSACHUSETTS  
MUNICIPAL  
ASSOCIATION**

ONE WINTHROP SQUARE, BOSTON, MA 02110  
617-426-7272 • 800-882-1498 • fax 617-695-1314 • [www.mma.org](http://www.mma.org)

1/9/17  
meeting

November 30, 2016

His Excellency Charles D. Baker  
Governor of the Commonwealth  
State House, Room 360  
Boston, MA 02133

The Hon. Robert A. DeLeo  
Speaker of the House  
State House, Room 356  
Boston, MA 02133

The Hon. Stanley C. Rosenberg  
Senate President  
State House, Room 332  
Boston, MA 02133

Dear Governor Baker, Speaker DeLeo, and President Rosenberg,

With the passage of Question 4, Massachusetts became one of just eight states that have legalized the recreational use of marijuana. Because of our population and our prime location in the center of a compact geographic region, our state will soon become the commercial marijuana industry's east coast base. The growing industry will certainly use Massachusetts as the retail platform for Rhode Island, Connecticut, New York, Vermont and New Hampshire.

Cities and towns have a responsibility to ensure that the new law is implemented locally in a manner that protects the public interest, including addressing public health and public safety concerns, and ensuring that the roll-out does not negatively impact residents, other businesses, neighborhoods, economic development plans, or other important considerations. As such, municipal officials are scrambling to get information and plan their own policy responses. This will be very difficult in the short term, as there are many unanswered questions and many significant flaws in the new law.

It is important to recognize that Question 4 prevailed and the issue of whether or not to legalize the recreational use of marijuana has been settled. Yet it is also clear that the new law has several significant drafting flaws that require fixing in order to prevent negative outcomes. Just as the Legislature and governor acted in 1981 to amend Proposition 2½ to make it workable, we believe it is both appropriate and necessary for state lawmakers to take action to address the shortcomings in Question 4. Doing so would benefit the public interest and every community.

While there are many smaller details that warrant attention, the major problems that must be fixed are: 1) deadlines that are too short to give state and local officials enough time to prepare for and administer the law; 2) the preemption and loss of local control; 3) the unregulated "home grow" provisions that could foster a new black market for marijuana sales; and 4) the inadequate tax revenues written into the statute.

**An Unrealistic Timeline**

Question 4 sets an unrealistic deadline, instructing the state to construct the entire regulatory framework for the commercial marijuana industry by January 1, 2018. That is too little time to recruit and appoint a first-ever 3-person Cannabis Control Commission (CCC) and give the rookie commissioners the time to build a brand-new state agency, recruit and hire agency staff, draft initial versions of all regulations, solicit input from all stakeholders, promulgate final regulations, and provide enough lead-time for a rational roll-out that protects the public interest. If the state fails to meet the January 1 deadline, the industry has written Question 4 in such a way that the commercial industry would arise in a mostly unregulated environment, because medical marijuana operators would *automatically* be licensed as commercial agents for recreational marijuana, giving them a near-monopoly in the marketplace.

We respectfully ask you to act swiftly to extend these deadlines and give the state and municipalities more time to get the regulatory framework in place and adopt reasonable rules to govern this new commercial industry.

In the meantime, we request passage of statutory authority to allow cities and towns to enact a moratorium on new commercial marijuana facilities until the Cannabis Control Commission has promulgated regulations governing the industry. Because the deadline for regulations comes *after* the CCC is instructed to begin processing applications and licenses for commercial facilities, local governments will begin to see applications for commercial facilities before they know the full extent of the regulations under which those facilities will be operating.

#### **Unwise Preemption of Local Control**

A second major concern is the preemption of local control. The new law prevents cities and towns from making local decisions on whether to allow commercial retail sales in their municipalities. Here it is clear that the marijuana industry lobbyists learned a lesson from Colorado, the first state to legalize recreational use. The Colorado law allows local governing bodies to ban retail sales in their communities – and 70 percent of their cities and towns have enacted such a ban. Question 4 makes it impossible for selectmen, mayors, councils or Town Meetings to make this decision. Instead, communities are only allowed to enact a ban if ten percent of local residents who voted in the last state election sign a petition to place a question on the ballot, and voters approve the question at a *state* general election in 2018 or later. This means the earliest that communities can even consider a ban will be nearly a year *after* commercial sales become legal – it is hard to imagine that this industry-friendly loophole was unintentional.

Further, Question 4 includes language that would allow the CCC to preempt or disallow any local zoning rule, ordinance or regulation that is inconsistent with their wishes – a concern made even more serious because the “advisory board” in the law is actually a pro-industry panel dominated by commercial marijuana interests.

We respectfully ask you to act swiftly to restore decision-making authority to municipal governing bodies on the question of commercial bans, and clarify that the CCC cannot override local zoning decisions and ordinances on the location and operation of locally permitted commercial facilities, including recreational marijuana. The broad preemption language must be eliminated.

#### **An Unregulated Non-Commercial Market**

Starting on December 15, the home cultivation of marijuana will be allowed through a totally unregulated “home grow” provision, which will allow individuals to cultivate up to twelve plants at any one time. Calculating the street value, that’s \$60,000 worth of marijuana, and based on reasonable processing estimates, the twelve plants could yield approximately 12,000 joints, or thousands of “servings” of marijuana-infused edibles.

Local and state law enforcement officials are gravely concerned about the home grow language in the new law – the sheer volume of home grown marijuana will certainly incentivize a burgeoning black market that will hit the street at least a year before official, regulated commercial sales become lawful, creating a source of sales that could easily reach school-aged children and teenagers.

We respectfully ask you to delay the home grow provisions, and develop a structure to appropriately regulate and monitor this activity to safeguard public safety and health, and protect neighborhoods, residents and youth.



**Inadequate Revenues**

Another major concern is the rock-bottom excise revenue that would be generated by Question 4, where it is again clear that the marijuana industry learned a lesson from earlier experiences in Colorado and Washington state. In addition to state sales taxes, the Colorado law imposes a 25 percent tax on marijuana, and cities and towns can enact their own local sales taxes of up to 8 percent. The state of Washington imposes a 37 percent excise tax, and cities and towns can collect their own local sales tax of up to 3.4 percent.

Here in Massachusetts, the commercial interests behind Question 4 set the state marijuana excise tax at just 3.75 percent, and capped the local-option marijuana excise tax at only 2 percent. These would be the lowest rates in the nation.

Given the significant new burden of regulating and monitoring a new commercial industry (which will deal in a controlled substance that is still illegal under federal law), the state and local revenue rates are unreasonably low and damaging to public budgets. The state excise will clearly fall short, and we urge you to increase the state tax so that, at a minimum, resources will be available to provide statewide training of police officers and fund the CCC and other state agency needs. Further, cities and towns will have new responsibilities in areas of public safety, public health, zoning, permitting and licensing. At 2 percent, the local revenue in Question 4 will fall far short of local needs.

We respectfully ask you to increase the allowable state and local tax rates to bring them in line with Colorado and Washington and other "first-wave" legalization states. We recommend that cities and towns be authorized to implement, on a local-option basis, an excise of between 2 to 6 percent, to be determined by vote of the local governing body.

**An Independent Advisory Board is Necessary**

We urge you to improve the make-up of the Cannabis Advisory Board to make it a truly independent entity, instead of the industry-dominated panel that it is under Question 4. It is striking that the ballot question was written to give commercial marijuana interests control of a board that will be so heavily involved in regulating the industry. We respectfully ask that a municipal representative be added to the board, as well as a representative from municipal police chiefs and a seat representing local boards of health. We believe the addition of these perspectives is vital to ensure that local public safety and health concerns are considered when crafting the regulations.

**Summary**

Cities and towns have a responsibility to implement the new law in a manner that protects the public interest, yet communities will not be able to fulfill this responsibility unless the significant flaws detailed in this letter are addressed. Just as the Legislature and governor acted in 1981 to amend Proposition 2½ to make it workable, we respectfully ask the Commonwealth to take action to address the shortcomings in Question 4. Doing so would benefit the public interest and every community.

Thank you very much for your consideration. If you have any questions or wish to receive additional information, please do not hesitate to have your offices contact me or MMA Legislative Director John Robertson at (617) 426-7272 at any time.

Sincerely,



Geoffrey C. Beckwith  
Executive Director & CEO

**PRESIDENT**

**Henry C. Luthin**  
*First Asst. Corporation Counsel*  
*City of Boston*

**VICE PRESIDENT**

**Angela D. Atchue**  
*Special Asst. Corporation Counsel*  
*City of Boston*

**EXECUTIVE DIRECTOR**

**James B. Lampke**  
*Town Counsel, Hull*

**EXECUTIVE COMMITTEE**

**Kathleen Colleary**  
*Chief, Municipal Finance Law*  
*Department of Revenue*

**Ellen Callahan Doucette**  
*City Solicitor, Woburn*

**Matthew Gray Feher**  
*Special Municipal Counsel*

**John D. Finnegan**  
*Special Municipal Counsel*

**John Goldrosen**  
*Municipal Counsel*

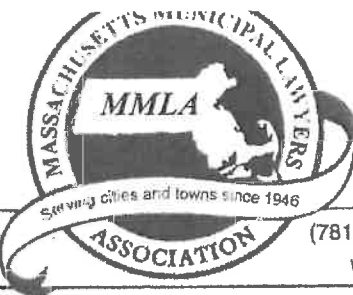
**Margaret J. Hurley**  
*Director, Attorney General's*  
*Municipal Law Unit*

**Peter L. Mello**  
*Asst. Town Counsel, Framingham*  
*& Special Municipal Counsel*

**Brandon H. Moss**  
*Town Counsel,*  
*Bedford, Mendon*

**Donald V. Rides, Jr.**  
*City Solicitor, Marlborough*

**James S. Timmins**  
*City Solicitor, Quincy*



115 North Street, Suite 3; Hingham, MA 02043  
Exec. Dir. email: [jlampke@massmunilaw.org](mailto:jlampke@massmunilaw.org)

(781) 749-9922 Fax (781) 749-9923  
website: [www.massmunilaw.org](http://www.massmunilaw.org)

December 1, 2016

**His Excellency Charlie Baker**  
**Governor**  
**The State House, Room 280**  
**Boston, MA 02133**

**The Honorable Stanley C. Rosenberg**  
**Senate President**  
**The State House, Room 332**  
**Boston, MA 02133**

**The Honorable Robert A. DeLeo**  
**Speaker of the House of Representatives**  
**The State House, Room 356**  
**Boston, MA 02133**

**Re: Recreational Marijuana Law – Local Control**

**Dear Governor Baker, President Rosenberg, and Speaker DeLeo:**

I am writing on behalf of the Massachusetts Municipal Lawyers Association, the oldest and largest bar association with a membership of lawyers who represent the cities and towns in the Commonwealth. We want to bring to your attention certain provisions of the recently passed initiative petition which legalizes recreational and commercial marijuana. While there are numerous parts of the law which may warrant some re-tooling, we want to focus on those provisions which appear in Section 3 of Chapter 94G, local control of marijuana establishments.

**Section 3 (a) reads as follows:**

- (a) A city or town may adopt ordinances and by-laws that impose reasonable safeguards on the operation of marijuana establishments, provided they are not unreasonably impracticable and are not in conflict with this

chapter or with regulations made pursuant to this chapter and that: ....

(2) limit the number of marijuana establishments in the city or town, **except that a city or town may only adopt an ordinance or by-law by a vote of the voters** of that city or town if the ordinance or by-law:...(emphasis supplied)

The law then goes on to specify the types of ordinances and by-laws which may only be adopted "by vote of the voters". These categories of ordinances and by-laws are: an ordinance or by-law that prohibits the operation of one or more types of marijuana establishment; an ordinance or by-law that limits the number of marijuana retailers to fewer than 20% of the number of licenses issued within the city or town for the retail sale of alcoholic beverages not to be drunk on the premises; an ordinance which limits the number of any type of marijuana establishment to fewer than the number of medical marijuana treatment medical marijuana treatment centers registered to engage in the same type of activity in the city or town. Any ordinance which would seek to regulate the number or type of marijuana establishment beyond a certain limit, or which would seek to prohibit such establishments, may only be adopted by a "vote of the voters."

There is confusion as to what a "vote of the voters" means. Does this require that such a by-law or an ordinance be put to the voters at a municipal election or at a special election? If so, there are a number of issues to consider.

First, a by-law in a town and an ordinance in a city is adopted pursuant to the town or city charter, which in most cases requires enactment by the legislative body – town meeting or city council. In my experience, there is no authorization in a town or city charter for adoption of an ordinance or by-law by voters.

Second, in most if not all cases, a law which authorizes a local ballot measure contains the form in which the measure is to be placed on the ballot. For example, MGL C. 59, § 21C, authorizing an over-ride of the limitation on taxes which may be assessed by the municipality, is very clear. The section contains the form of the ballot question:

"Shall the (city/town) of \_\_\_\_ be allowed to assess an additional \$ \_\_\_\_ in real estate and personal

property taxes for the fiscal year beginning July  
first, nineteen hundred and \_\_\_\_?

YES \_\_\_\_ NO \_\_\_\_".

As an alternative reading requiring a local referendum on a particular by-law or ordinance, the language of Section 3 (a) (2) could be read to require the voters to authorize the local legislative body to adopt such a by-law or ordinance, or to have such a by-law or ordinance which has been enacted by the local legislative body to receive the affirmative vote of the voters before it goes into effect.

Without legislative clarification of this section, town counsel and city solicitors are in the position of advising their clients on how the city or town will be able to limit marijuana establishments and not run the real risk of a court challenge to any action which may be taken.

The second section of Chapter 94G, § 3 has to do with paragraph (b). This paragraph reads:

(b) The city council of a city and the board of selectmen of a town shall, upon the filing with the city or town clerk of a petition (i) signed by not fewer than 10 per cent of the number of voters of such city or town voting at the state election preceding the filing of the petition and (ii) conforming to the provisions of the General Laws relating to initiative petitions at the municipal level, request that the question of whether to allow, in such city or town, the sale of marijuana and marijuana products for consumption on the premises where sold be submitted to the voters of such city or town at the next biennial state election. **If a majority of the votes cast in the city or town are not in favor of allowing the consumption of marijuana or marijuana products on the premises where sold, such city or town shall be taken to have not authorized the consumption of marijuana and marijuana products on the premises where sold.**  
(emphasis supplied)

Paragraph (b) is clear in how to get a question before the voters. But the effect of the outcome of the election is puzzling. Presumably, if a majority of votes cast are in favor of allowing the consumption of marijuana and its products on the premises where sold, such shall be allowed. This is not stated, but the intent is clear. However, the language in paragraph (b) that if a majority of votes are not in favor of on-premises consumption then the "city or town shall be taken not to have authorized" on-premises consumption. This begs the question of whether the city or town is "taken to have authorized" on-premises consumption if there is no ballot question. Paragraph (b) creates ambiguity relating to on-premises consumption without the failure of a ballot question seeking to authorize it.

Since towns will be preparing warrants for town meeting in short order, our members are in need of some clarity so as to properly advise their municipal clients. In addition, town elections will be held in the spring of 2017. This adds to the urgency of the need for clarification of these sections. We respectfully ask that the General Court and the Executive address these issues in a timely manner.

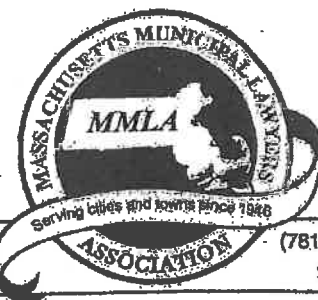
Very truly yours,



Henry C. Luthin  
President

Massachusetts Municipal Lawyers  
Association

cc: Her Honor Karyn Polito, Lt. Governor  
The Honorable Maura Healy, Attorney General  
The Honorable Deborah D. Goldberg, Treasurer and Receiver General  
The Honorable William Francis Galvin, Secretary of the  
Commonwealth



115 North Street, Suite 3; Hingham, MA 02043  
Exec. Dir. email: jlampke@massmunilaw.org

(781) 749-9922 Fax (781) 749-9923  
website: www.massmunilaw.org

**“THE REGULATION AND TAXATION OF MARIJUANA ACT”:**

**What Municipalities Need to Know  
AN INFORMATIONAL MEMO FROM THE  
MASSACHUSETTS MUNICIPAL LAWYERS ASSOCIATION**

The “Regulation and Taxation of Marijuana Act” (“Act”), which was approved by the voters at the November 2016 state election, adds several new provisions to existing statutes and enacts new statutes, related to the licensing and taxation of marijuana production and sales. (Although this has been popularly referred to as allowing “recreational” use of marijuana, the term “recreational” is not used in the Act.)

The Act adds a new **Chapter 94G** to the General Laws, entitled “Regulation of the Use and Distribution of Marijuana Not Medically Prescribed.” The following summarizes the key provisions of Chapter 94G that particularly affect the extent of municipal authority to regulate the siting and operation of **marijuana establishments** (“MEs”) that will produce and sell marijuana products, as well as the possession and use of marijuana in public buildings and places, use by municipal employees, and the personal use and cultivation of marijuana.

**When Do Provisions of the Act Take Effect?**

Unless the Legislature changes the dates, the Act legalizes (with restrictions) the personal use and cultivation of marijuana, as of December 15, 2016. The licensing process for MEs is scheduled to begin on October 1, 2017. To prepare for the implementation of the Act, municipalities need to understand, and respond to, several provisions of the Act, especially those that affect:

- Zoning Bylaws and Ordinances
- Local Excise Taxes
- Regulation of Marijuana Use in Public Spaces and by Municipal Employees

**What Agency Will Issue Licenses to ME’s?**

Unlike the licensing of alcohol sales, licenses for MEs will be issued by a state agency, not by municipalities. The Act establishes a Cannabis Control Commission (“CCC”), to be appointed by the State Treasurer, which will largely control the licensing of MEs other than

medical marijuana treatment centers (“MMTCs”). MMTCs will remain under the control of the Department of Public Health.

#### **May Municipalities Regulate the Operation of MEs?**

Under Section 3 of Chapter 94G, municipalities may adopt ordinances/bylaws for MEs that impose “reasonable safeguards” on the time, place, and manner of operation of an ME, as long as the requirements are not “unreasonably impracticable,” and not in conflict with Chapter 94G or CCC regulations. An “unreasonably impracticable” requirement is one that subjects an ME licensee to “unreasonable risk” or “require such a high investment of risk, money, time, or any other resource or asset that a reasonably prudent businessperson would not operate” an ME.

#### **May Municipal Zoning Ordinances and Bylaws Regulate or Prohibit MEs?**

A zoning ordinance or bylaw may limit the location of MEs. However, such an ordinance/bylaw may not prohibit an ME “in any area in which a MMTC is registered to engage in the same type of activity.”

Further, an ordinance/bylaw that limits the number of MEs in the municipality requires a “vote of the voters” if the ordinance/bylaw would:

- (a) Prohibit one or more types of MEs;
- (b) Limit the number of marijuana retailers to fewer than 20% of the number of licenses issued in the municipality for the retail sale of alcoholic beverages; or,
- (c) Limit the number of MEs to fewer than the number of registered MMTCs registered to engage in the same type of activity in the municipality.

It is unclear what procedure is to be followed to implement the requirement for a “vote of the voters” or, indeed, whether that requirement for the adoption of an ordinance/bylaw is consistent with other statutes that apply to municipalities.

Section 3 also provides for a municipal referendum, to be held at a biennial state election, on whether to allow or prohibit the consumption of marijuana products on the premises where they are sold. If there is a majority vote not to allow such businesses, the municipality “shall be taken to have not authorized” such consumption.

### **What Effect Will Local Zoning Provisions Have on State Licensing of MEs?**

Under Chapter 94G, when the CCC receives an ME license application, it may not issue the license if the municipality in which the ME is to be located informs the CCC that the ME is not in compliance with an ordinance/bylaw that (i) is in effect at the time of the application, and (ii) that complies with the provisions of Chapter 94G.

Since Chapter 94G directs the CCC to begin accepting ME applications by October 1, 2017, municipalities should have ordinances/bylaws that control ME locations (and that comply with the limitations discussed above) in effect before that date, in order to have an effect on CCC licensing.

### **What Other Controls May Municipalities Impose on Marijuana Production and Sales?**

Under Chapter 94G, municipalities will have authority to:

- Restrict the licensed cultivation, processing and manufacturing of marijuana that is a public nuisance.
- Establish reasonable restrictions on public signs related to marijuana establishments.
- Establish civil penalties for ordinance/by-law violations.

Municipalities may not prohibit the transportation of marijuana or marijuana products, or impose requirements that make such transportation “unreasonably impracticable.”

### **May Municipalities Impose Excise Taxes and Fees on MEs?**

Under the Act, municipalities, as a local option, may impose a local excise tax of up to 2% on the sales of marijuana and marijuana products (other than medical marijuana). (The Act also imposes a state excise tax of 3.75%.) The Act does not specify the procedure for adopting the local excise tax. Presumably this would require action by the municipal legislative body (i.e., town meeting or the town/city council).

Chapter 94G provides that municipalities may have agreements with MEs for the payment of a fee to the municipality, but the fee must be “directly proportional and reasonably related to the costs imposed” on the municipality by the operation of the ME. It is not clear whether this provision would affect “host community agreements” that have already been executed with MMTCs.



### **How Might Chapter 94G Affect Municipal Authorization of MMTCs?**

Although MMTCs are not directly affected by Chapter 94G, municipalities should be aware that the licensing of MMTCs in the municipality will affect municipal regulation of MEs.

As noted above, under Chapter 94G, a zoning ordinance/bylaw may not prohibit an ME “in any area in which an MMTC is registered to engage in the same type of activity.” Therefore, approval of an MMTC may limit the future regulation of ME’s within the same “area.” (While ambiguous, this term might be interpreted to mean the zoning district where the MMTC is allowed).

Further, Chapter 94G directs the CCC to give licensing priority to MMTCs that wish to establish a related ME. If a municipality wishes to ensure that an MMTC (or a for-profit affiliate) does not undertake the sale or production of non-medical marijuana, this should be the subject of a contractual agreement between the municipality and the MMTC.

### **May Municipalities Regulate Marijuana Use in Public Places and by Municipal Employees?**

Under Chapter 94G, a municipality may:

- Regulate or prohibit possession or consumption in a public building.
- Prohibit smoking in public places or where tobacco smoking is otherwise prohibited.
- Enforce municipal workplace policies restricting consumption of marijuana by municipal employees.

Section 2(d) of Chapter 94G provides that the possession or consumption of marijuana may be prohibited or otherwise regulated “within a building owned, leased or occupied by the commonwealth, a political subdivision of the commonwealth or an agency of the commonwealth or a political subdivision of the commonwealth.” However, a provision of the same section that applies to all property states that “a lease agreement shall not prohibit a tenant from consuming marijuana by means other than smoking on or in property in which the tenant resides unless failing to do so would cause the landlord to violate a federal law or regulation.” Therefore, the effect of the Act on the use of non-smoking marijuana products in public housing may need to be clarified.

### **How Does Chapter 94G Affect the Personal Use and Cultivation of Marijuana Products?**

Municipal officials should be aware of the following provisions of Chapter 94G that affect personal possession and use.

Chapter 94G allows the possession, use, purchasing, processing, and manufacturing of one ounce or less of marijuana. Within his or her “primary residence,” a person may possess up to ten ounces of marijuana, and may possess, cultivate, or process not more than 6 plants for personal use, “so long as not more than 12 plants are cultivated on the premises at once”.

Chapter 94G does not affect existing penalties for operating a motor vehicle while impaired by marijuana use. Further, the statute does not permit either the transfer of marijuana products to a person under 21 years of age or the possession, use, or sale of marijuana by such persons.

Issue date: 12.1.16 This is an informational publication of MMLA and is not intended as legal advice, which requires consultation with an attorney. Consult with your local municipal attorney for legal advice and guidance. © Massachusetts Municipal Lawyers Association, Inc. 115 North Street, Suite 3, Hingham, MA 02043 781-749-9922 [www.massmunilaw.org](http://www.massmunilaw.org)  
[jlampke@massmunilaw.org](mailto:jlampke@massmunilaw.org)

2017 Annual Town Meeting Warrant Articles			
	Description	Sponsor	Motions Expected
1	Choose Moderator & Receive Reports	BOS	
2	Town-Wide Financial Plan & Five Year Capital Budget Program	BOS	
	<b>Appropriations - Operating and Outlay</b>		
3	Consent Agenda - Simply Majority vs 2/3	BOS	
4	Amend Job Classification Plan	HR	
5	Amend Salary Plan - Pay Schedule (including union contract settlements)	HR	
6	Set Salary of Elected Official	BOS	
7	FY17 Budget Supplemental Appropriations	BOS	
8	Omnibus Budget and Capital (FY18)	BOS	
9	Special Injury Leave Indemnity Fund	BOS	
10	Special Education Reserve Fund	BOS	
11	Authorize one or more new Revolving Funds*	BOS	
	* New Equipment Replacement Revolving Fund		
	* Copier Fund Library		
12	Water Program	BPW	
12	Sewer Program	BPW	
14	Electric Program	WMLP	
	<b>Appropriations - Special Capital Projects</b>		
15	LED Streetlight Project	WMLP	
16	Community Preservation Fund Appropriations	CPC	
17	Design Funds - Town Hall Envelope Restoration Project	BOS	
18	School Security Project Construction (2 Projects- Need funds FY17)	SCH	
19	Reconstruction of Cliff Road	BPW	
20	Fire Station Floor	BOS	
21	Hunnewell Field Maintenance/Restroom Facility Project	BPW	
	<b>Street Acceptance</b>		
22	Granite Street	BOS	
	<b>Authorizations</b>		
23	Senior Center - Appropriation of Available Funds, Rescinding of Debt Associated with Tolles Parsons Project, Naming Tolles Parsons Center	COA/BOS	
24	Accept/Abandon Easements	BPW	
25	900 Worcester Street Lease and related zoning changes	BOS	
26	Fourth Amendment to Linden Square Development Agreement	BOS	
27	Transfer Inclusionary Zoning Funds to WHDC (978 Worcester & 576 Washington)	BOS	
28	Property Acquisitions at WHS and Schofield School	BOS	
29	OPEB - Amend Special Legislation - Ch. 88 of the Acts of 2004	BOS	
	<b>Amend Zoning Bylaw</b>		
30	Recreational Marijuana	BOS	
31	As of Right Solar Zoning (Green Communities)	SEC	
32	Large House Review TLAG Definition Amendments	PB	
33	Educational District Amendments	PB	
34	Rezoning of NRC Properties - Phase 2	PB	
35	Amendment of Conservation Districts Bylaw	PB	
36	Zoning Map Corrections	PB	
37	Outdoor Lighting Bylaw	PB	
	<b>Amend Town/General Bylaws</b>		
38	Article 14 - Permanent Building Committee / 14.9	PBC	
39	Article 46C - Historic Preservation Demolition Review	HC	
40	Historic Preservation Demolition Review administration	HC	
	<b>Citizen Petitions</b>		
41	Amend TBL Outdoor Trash Placement	Citizen	
42	Amend ZBL - Prevent Mansionization	Citizen	
	<b>General</b>		
43	Rescind or Transfer Debt; Appropriate Premiums	BOS	
44	Indemnify Town Employees/Officials	BOS	
45	Expenses Incurred Prior to July 1, 2016	BOS	
46	Settle Claims	BOS	
47	Disposal of Property	BOS	
48	Appoint Fire Engineers	BOS	

\* Consent Agenda



**TOWN OF WELLESLEY**



**WARRANT  
for the  
ANNUAL TOWN MEETING**

ELECTION – March 7, 2017  
BUSINESS MEETING – March 27, 2017

ADVISORY COMMITTEE PUBLIC HEARING (WARRANT ARTICLES)  
February 01, 2017, 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 voters of said Town of Wellesley to meet in their respective voting places on March 7, 2017:

The voters of Precinct A, in Katharine Lee Bates School, 116 Elmwood Road;

The voters of Precinct B, in Isaac Sprague School, 401 School Street;

The voters of Precinct C, in Ernest F. Upham School, 35 Wynnewood Street;

The voters of Precinct D, in Otho L. Schofield School, 27 Cedar Street;

The voters of Precinct E, in Joseph E. Fiske School, 45 Hastings Street;

The voters of Precinct F, in Dana Hall School, Shipley Center, 142 Grove Street;

The voters of Precinct G, in Wellesley Free Library, 530 Washington Street;

The voters of Precinct H, in Wellesley High School, 50 Rice Street.

at 7:00 A.M., at which time the polls in said precincts will be opened and remain open continuously until 8:00 P.M. of said day when they will be closed, during which time aforesaid qualified voters of said Town may bring in their ballots to the Election Officers, duly appointed and sworn for said precincts of said Town of Wellesley, in said meetings so assembled for the following:

To cast their votes in the Town Election for the election of candidates for the following offices:

<u>OFFICE</u>	<u>VACANCIES</u>	<u>TERM</u>
Board of Assessors	One	Three Years
Board of Health	One	Three Years
Board of Public Works	One	Three Years
Board of Selectmen	Two	Three Years
Housing Authority	One	Four Years
Moderator	One	One Year
Natural Resources Commission	Two	Three Years
Planning Board	One	Five Years
	One	One Year
Recreation Commission	One	Three Years
School Committee	Two	Three Years
Trustees of the Wellesley Free Library	Two	Three Years

and for **TOWN MEETING MEMBERS**, under the provisions of Chapter 202 of the Acts of 1932, as amended.

You are further required to notify the qualified Town Meeting Members of said Town of Wellesley to meet in the

**Wellesley Middle School Auditorium  
50 Kingsbury Street  
Monday, March 27, 2017**

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 choose a Moderator to preside over said meeting and to receive and act on the reports of Town officers, boards and committees, including the Annual Town Report, the Report to this Town Meeting of the Advisory Committee, and the Report of the Community Preservation Committee, and to discharge presently authorized special committees, or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 2.** To receive the Reports of the Board of Selectmen on the Town-Wide Financial Plan and Five-Year Capital Budget Program in accordance with Sections 19.5.2 and 19.16 of the Town Bylaws, or to take any other action in relation thereto.

**(Board of Selectmen)**

#### **APPROPRIATIONS – OPERATING AND OUTLAY**

**ARTICLE 3.** To see if the Town will vote to take action 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.

**(Board of Selectmen)**

**ARTICLE 4.** To see if the Town will vote to amend ARTICLE 31 of the Town Bylaws by making changes to the appendix to the Classification and Salary Plans established under Sections 31.1 and 31.6 respectively, which constitutes part of said Bylaws, relating to the establishment of new classifications, reclassifications of current positions, and the deletion of classifications, or to take any other action in relation thereto.

**(Human Resources Board)**

**ARTICLE 5.** To see if the Town will vote to amend ARTICLE 31 of the Town Bylaws by making changes to Schedule A, entitled "Job Classifications by Groups," and Schedule B, entitled "Salary Plan – Pay Schedule," copies of which are available for inspection at the Human Resources Department, and to authorize the Town to raise and appropriate, transfer from available funds, or borrow a sum of money for the purposes of complying with said Schedule B, as so amended, or to take any other action in relation thereto.

**(Human Resources Board)**

**ARTICLE 6.** To see if the Town will vote to fix the salary and compensation of the Town Clerk, as provided by Section 108 of Chapter 41 of the General Laws, or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 7.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to supplement or reduce appropriations approved by the 2016 Annual Town Meeting, or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 8.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the following:

- 1) The operation and expenses of the several Town departments, including capital outlay, maturing debt and interest, and the provision of a Reserve Fund;
- 2) Extraordinary maintenance, special capital projects and other capital outlay items for the several Town departments;
- 3) Such purposes as may be voted contingent upon passage by the voters of referendum questions as authorized by Section 21c(g) of Chapter 59 of the General Laws,

and further to authorize the Board of Assessors to use any monies paid to the Town from the Wellesley Municipal Light Plant as an estimated receipt when computing the Fiscal Year 2018 Tax Rate, or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 9.** To see if the Town will vote to accept the provisions of Section 111F of Chapter 41 of the Massachusetts General Laws, as amended by Section 60 of Chapter 218 of the Acts of 2016, and to establish a Special Injury Leave Indemnity fund for the payment of injury leave compensation and medical bills, and to transfer funds from the Special Purpose Municipal Stabilization Fund for Injured on Duty to the Special Injury Leave Indemnity Fund, or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 10.** To see if the Town will vote to accept the provisions of Section 13E of Chapter 40 of the Massachusetts General Laws, added by Section 24 of Chapter 218 of the Acts of 2016, authorizing the School Department to establish a reserve fund to be utilized in upcoming fiscal years to pay, without further appropriation, for unanticipated or unbudgeted costs of special education, out-of-district tuition or transportation, or to take any other action in relation thereto.

**(Board of Selectmen)**



**ARTICLE 11.** To see if the Town will vote to amend the Town Bylaw by adopting a new Article for the purpose of establishing revolving funds in accordance with Section 53E1/2 of Chapter 44 of the Massachusetts General Laws, as amended by Section 86 of Chapter 218 of the Acts of 2016, and to set the limit on the total amount that may be spent from each revolving fund for Fiscal Year 2018, or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 12.** 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 the purposes of operating and managing the Water Program, or to take any other action in relation thereto.

**(Board of Public Works)**

**ARTICLE 13.** 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 the purposes of operating and managing the Sewer Program, or to take any other action in relation thereto.

**(Board of Public Works)**

**ARTICLE 14.** 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 Municipal Light Board for purposes of operating and managing the Municipal Light Plant, or to take any other action in relation thereto.

**(Municipal Light Board)**

#### **APPROPRIATIONS – SPECIAL CAPITAL PROJECTS**

**ARTICLE 15.** 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 Municipal Light Board for the LED Streetlights Project, or to take any other action in relation thereto.

**(Municipal Light Board)**

**ARTICLE 16.** To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2018 Community Preservation Budget, to appropriate or reserve for future appropriation, from FY 2018 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, 2017, to make debt service

payments, and to undertake community preservation projects as recommended by the Community Preservation Committee, or to take any other action in relation thereto.

**(Community Preservation Committee)**

**ARTICLE 17.** 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 planning and design funds for the town hall exterior restoration project; or take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 18.** 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 construction, reconstruction, remodeling, rehabilitation or modernization of School District buildings, structures and land area including any necessary site work, and for any other services in connection therewith, to enhance security throughout the Wellesley Public School District; or to take any other action in relation thereto.

**(School Committee)**

**ARTICLE 19.** To see if the Town will vote to raise and appropriate, transfer from available funds, or accept gifts, or borrow a sum of money, to be expended under the direction of the Facilities Maintenance Department for the preservation, construction, reconstruction and/or rehabilitation of the Fire Station Floor; or take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 20.** 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 the purpose of street, sidewalk and/or drainage construction, rehabilitation and/or reconstruction of Cliff Road; or take any other action in relation thereto.

**(Board of Public Works)**

**ARTICLE 21.** 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 the cost for engineering services, for preparation of plans and specifications, for construction, reconstruction, remodeling, rehabilitation and/or modernization of the Hunnewell Field Maintenance/Restroom Facility; or take any other action in relation thereto.

**(Board of Public Works)**

**STREET ACCEPTANCE**

**ARTICLE 22.** To see if the Town will vote to accept as a public way (with betterments) the following street as laid out by the Board of Selectmen: Granite Street; to raise and appropriate money, transfer from available funds, or borrow a sum of money therefor, to be expended under the direction of the Board of Selectmen, or take any other action in relation thereto.

**(Board of Selectmen)**

### **AUTHORIZATIONS**

**ARTICLE 23.** To see if the Town will vote to approve the following actions related to the senior center:

- (1) To transfer from the Board of Selectmen Gift Account to the Permanent Building Committee all gifts received by the Town for use at the Senior Center;
- (2) To transfer available funds to reduce previously authorized borrowing;
- (3) To name the senior center "Tolles Parsons Center" in accordance with Article 5.5 of the Town Bylaws Naming of Public Assets.;

or take any other action in relation thereto.

**(Council on Aging)**

**ARTICLE 24.** To see if the Town will vote to grant, accept and/or abandon one or more easements, including but not limited to utility and drainage easements, at one or more locations in the Town; the proposed list being available for inspection in the Town Clerk's office; or take any other action in relation thereto.

**(Board of Public Works)**

**ARTICLE 25.** To see if the Town will vote to:

- (1) authorize the Board of Selectmen to enter into one or more leases of certain parcels of town-owned land located at 900 Worcester Street for the purposes of constructing a recreational facility on such terms and conditions, including dollar amounts, as said Board deems to be in the Town's interest; and
- (2) amend the Zoning Bylaw by adding a new section, Commercial Recreation Overlay District, for the same parcel of land, or take any other action in relation thereto.
- (3) amend the Zoning Map of the Town of Wellesley, Massachusetts by overlaying the new Commercial Recreation Overlay District on the parcel located at 900 Worcester Street (Assessor's Parcel ID# 192-10) totaling approximately 341,802 square feet, or take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 26.** To see if the Town will vote to approve amendments, as recommended by the Board of Selectmen, 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, authorized by Town Meeting on June 13, 2005, as amended, relative to the addition of two restaurants provided that the two such new restaurants shall not exceed 6,000 square feet of floor area in the aggregate; or take any other action in relation thereto.

(Board of Selectmen)

**ARTICLE 27.** To see if the Town will vote to transfer to the Wellesley Housing Development Corporation the following sums of money totaling \$280,184.50:

1. \$99,560.00 now held by the Town pursuant to the actions of the Planning Board, on July 22, 2013, and deposited by Wellesley Grove, LLC, the developer of 576 Washington Street (former Wellesley Inn) for the purposes of satisfying obligations to provide fractional units of affordable housing as part of the development as per Section XVIB. Inclusionary Zoning, of the Zoning Bylaw, and
2. \$180,624.50 now held by the Town pursuant to the actions of the Planning Board on September 27, 2010, deposited by Appian Corp. and Wellesley Place, LLC, the developers of 978 Worcester Street (former Wellesley Motor Inn) for the purposes of satisfying obligations to provide fractional units of affordable housing as part of the development as per Section XVIB. Inclusionary Zoning, of the Zoning Bylaw;

or to take any action in relation thereto.

(Board of Selectmen)

**ARTICLE 28:** To see if the Town will vote to acquire by purchase, gift or eminent domain, the following parcels of land on the high school grounds (parcels 1 and 2) and the Schofield school grounds (parcel 3):

Parcel 1, a rectangular lot of about 8,000 sq. ft. situated along the southwesterly boundary of a town-owned parcel of land abutting Seaver Street (sometimes known as the "Selectmen's Parcel"), shown as Lot 166 on an August 13, 1853 plan by Swan and Straw, recorded at the Norfolk County Registry of Deeds Plan Book 222 Page 1, the last known owner of record of which is the Babson Building Co. by deed dated December 7, 1921 and recorded in Book 1504, Page 256; said parcel being currently assessed as Lot 88-66 with owner "unknown" (for historical reference, said parcel was prepared for taking by eminent domain under Article 36 of the warrant for the 1938 Annual Town Meeting, but no action was taken);

Parcel 2, a triangular lot of about 2,770 sq. ft. situated completely within the boundaries of the Wellesley High School land; the last known owner of which is believed to have been Margaret J. Rollins, as referenced by Land Court Plan #5809A1, filed in 1916; said parcel being currently assessed as a part of Lot 76-11, the Wellesley High School land;

Parcel 3, a rectangular lot of about 34,350 sq. ft. situated along the northwesterly boundary of the Schofield School land; said parcel being comprised of portions of Lots 7+8 as shown on a July, 1905 plan by Arthur P. French recorded at the Norfolk County Registry of Deeds as Plan Book 61, Plan 2905; the last known owner of said parcel being Frank Curry, who died on March 2, 1934; said parcel being currently assessed as Lot 28-82 with owner "unknown";

And to transfer the care, custody and control of said parcels to the School Committee; or take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 29.** To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for a special act amending Chapter 88 of the Acts of 2004, authorizing the Town to establish a Group Insurance Liability Trust; to authorize the Contributory Retirement Board to execute a trust agreement establishing an Other Post-Employments Benefits ("OPEB") Trust for the benefit of the Town's retired employees and the eligible surviving spouses or dependents of deceased employees; and to authorize the Contributory Retirement Board to transfer all funds and assets from the Group Insurance Liability Trust Fund to the OPEB Trust, or take any other action in relation thereto.

**(Board of Selectmen)**

## **AMEND ZONING BYLAW**

**ARTICLE 30.** To see if the Town will vote to amend the Zoning Bylaw by adopting new Section XXII.E. Temporary Moratorium on Marijuana Establishments, to read as follows:

A. Purpose. By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, manufacture, processing, distribution, sale, possession, testing and use of marijuana. The law provides that it is effective on December 15, 2016, and that a new state agency, the Cannabis Control Commission (CCC), is required to issue regulations regarding implementation by September 15, 2017.

The regulation of such Marijuana Establishments raises novel and complex legal, planning, and public safety issues. The Town needs time to consider and address these issues, as well as the potential impact of the forthcoming Cannabis Control Commission regulations, by means of a comprehensive planning process to consider amending the Zoning Bylaw to regulate Marijuana Establishments. The temporary moratorium provided in Section XXII.E. is intended to allow sufficient time for the Town to engage in such a planning process and to adopt suitable Zoning Bylaw provisions in a manner consistent with sound land-use planning objectives.

B. Definition. As used in Section 5.6.6, the term "Marijuana Establishment" shall mean a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business, subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a Registered Marijuana Dispensary shall not be deemed to be a Marijuana Establishment.

C. Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures as a Marijuana Establishment. The moratorium shall be in effect through August 31, 2018, unless extended, continued, or modified as a subsequent Town Meeting. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of Marijuana Establishments and other related land uses and structures, consider the Cannabis Control Commission regulations regarding Marijuana Establishments when they are issued, and shall consider adopting new provisions of the Zoning Bylaw governing the location, operation and effects of Marijuana Establishments for consideration by the 2018 Annual Town Meeting.

or take any other action in relation thereto.

(Board of Selectmen)

**ARTICLE 31.** To see if the Town will vote to amend the Zoning Bylaw and Zoning Map to allow for the installation of large-scale ground-mounted solar photovoltaic installations within the Town of Wellesley by amending Section IA. Definitions and by adding a new Section XIVH. Large Scale Solar Overlay District to read substantially as follows:

**1. Amend Section IA, Definitions, of the Zoning Bylaw by adding the following term and definition:**

Large-Scale Ground-Mounted Solar Photovoltaic Installation - A solar photovoltaic system that is structurally mounted on the ground (i.e. not roof-mounted) and has a minimum output of electric power production in Direct Current (i.e. Rated Nameplate Capacity) of 250 kW DC.

**2. Amend the Zoning Bylaw by adding the following new Section XIVH:**

#### SECTION XIVH. LARGE-SCALE SOLAR OVERLAY DISTRICT

##### A. Purpose

The purpose of this bylaw is to establish an overlay zoning district which allows for the creation of Large-Scale Ground-Mounted Solar Photovoltaic Installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.

## B. Applicability

The district shall be shown on the Zoning Map of the Town of Wellesley, Massachusetts and shall be considered as overlaying other existing zoning districts. This overlay zoning district shall not prohibit the development of uses or property consistent with the applicable underlying/base zoning district.

## C. Use Regulations

In the Large-Scale Solar Overlay District, the following specified uses may be allowed, as prescribed; such uses may be allowed in conjunction with other uses of the property:

### 1. Permitted Uses

- a. Large-Scale Ground-Mounted Solar Photovoltaic Installation; such use shall be subject to the following requirements:

- i. Setback/Yard Requirements:

Front yard: The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a lot located in the Conservation District or Single Residence District zoning district, the front yard shall not be less than 50 feet.

Side yard: Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a lot located in the Conservation District or Single Residence District zoning district, the side yard shall not be less than 50 feet.

Rear yard: The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a lot located in the Conservation District or Single Residence District zoning district, the rear yard shall not be less than 50 feet.

- ii. Accessory Structures:

All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

- iii. Lighting:

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

iv. Signage:

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Section XXIIA, Signs, of the Zoning Bylaw, as required. At a minimum, signage shall be required identifying the owner of the facility and providing a 24-hour emergency contact phone number.

v. Utility Connections:

All utility connections from the solar photovoltaic installation must be placed underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

vi. Emergency Services:

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

vii. Land Clearing, Soil Erosion and Habitat Impacts:

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

viii. Monitoring and Maintenance:

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical



Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

ix. Abandonment or Decommissioning

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Zoning Board of Appeals by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

D. Project Approval

For the purposes of Section XVIA, Project Approval, the construction of a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be considered to be a Major Construction Project, and therefore subject to Site Plan Review as specified in Section XVIA. Further, all material modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall require approval by the Zoning Board of Appeals.

In addition to other requirements, applications for Site Plan Review for a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall meet the following requirements; the Zoning Board of Appeals may waive any of these requirements as it deems appropriate:

1. General: All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
2. Required Documents: Pursuant to the site plan review process, the project proponent shall provide the following documents:
  - a. A site plan showing:

- i. Property lines and physical features, including roads, for the project site;
  - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
  - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
  - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
  - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
  - vi. Name, address, and contact information for proposed system installer;
  - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and
  - viii. The name, contact information and signature of any agents representing the project proponent.
- b. Documentation of actual or prospective access and control of the project sufficient to allow for construction and operation of the proposed solar photovoltaic installation.
- c. An operation and maintenance plan, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
- d. Proof of liability insurance.
- e. A public outreach plan, including a project development timeline, which indicates how the project proponent will inform abutters and the community.
- f. For interconnected customer-owned generators, evidence that the Wellesley Municipal Light Plant has been informed of the owner or operator's intent to install the facility; off-grid systems are exempt from this requirement.

and by amending the Zoning Map of the Town of Wellesley, Massachusetts by overlaying the new Large-Scale Solar Overlay District on the parcel of land located at the Route 9

and 128 Cloverleaf on Worcester Street (Assessor's Parcel ID# 4-6) totaling approximately 235,028 square feet;

or take any other action in relation thereto.

**(Sustainable Energy Committee)**

**ARTICLE 32:** To see if the Town will vote to amend Section XVID, Large House Review, of the Zoning Bylaw to modify the definition of Total Living Area plus Garage Space ("TLAG") and to remove an exemption under subsection C., as follows. These amendments to be effective as of July 1, 2017:

- **By amending Section XVID.B., *Definitions*, by deleting the definition of Total Living Area plus Garage Space in its entirety, and replacing it with the following:**

Total Living Area plus Garage Space - This term includes:

- (i) The sum of the floor area(s) of the above-grade floors, including portions of attics, in structures used as one-family dwellings and detached accessory structures related to such use on a lot, measured from the exterior face of the exterior walls;
- (ii) Floor area(s) of portions of attic(s) with an interior roofline height of 5 ft. or greater;

Figure 1. Attic TLAG Illustration – Gable Roof

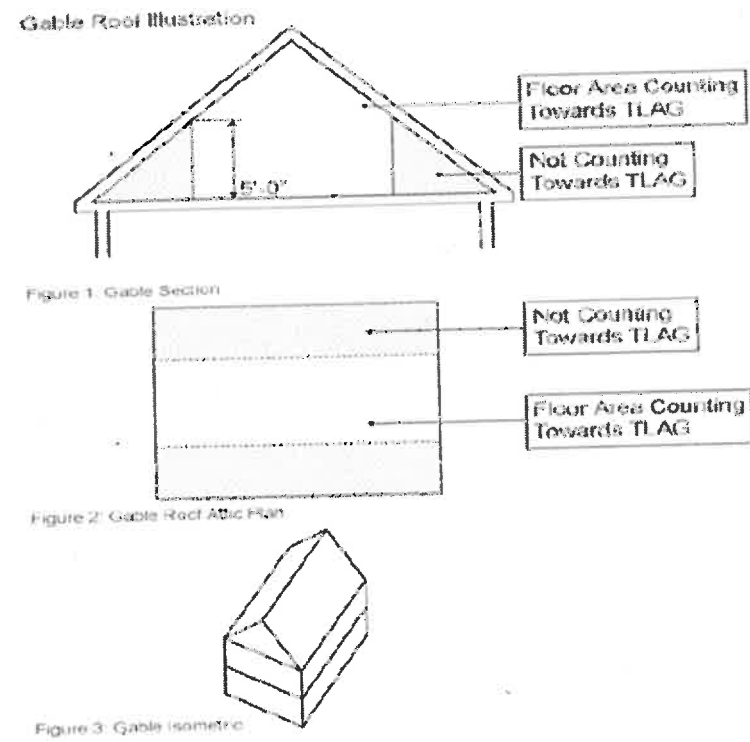
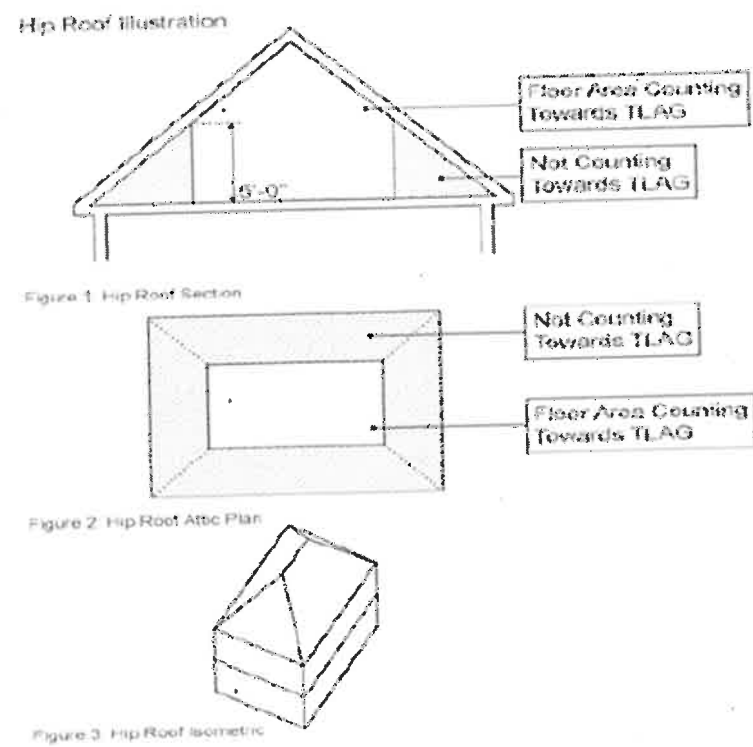


Figure 2. Attic TLAG Illustration – Hip Roof



- (iii) Floor area of garage and storage space, whether as part of a one-family dwelling or in detached accessory structures; and
- (iv) Basement area multiplied by a fraction, the numerator of which is the external above ground surface of basement walls and the denominator of which is the total surface (both above and below ground) of external basement walls, provided that if such fraction is less than .25, then the basement areas shall not be included.

Calculations shall be determined in accordance with the Rules and Regulations adopted by the Planning Board.

- **By deleting item 3. from Section XVID.C., *Applicability*, renumbering existing item 4. As new item 3. To account for said deletion, and placing a semicolon at the end of items 1. in place of the existing comma, and “; and” at the end of item 2. In place of the existing period.**

or take any other action relative thereto.

**(Planning Board)**

**ARTICLE 33:** To see if the Town will vote to amend Section VII, Educational Districts, of the Zoning Bylaw to alter those uses allowed in the Educational Districts, Educational Districts A, and Educational Districts B, as follows:

- **By deleting items 1. through 4. from Section VII.A., and inserting in their place the following:**

1. Permitted Uses

- a. Educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a non-profit educational corporation, including, but not limited to, classrooms, libraries, auditoriums, educational buildings, dormitories, recreational and sports fields and facilities, and other such accessory uses as are customary
- b. One-Family Dwellings, Two-Family Dwellings, Town Houses, and Multi-Family Dwellings for the housing of faculty, staff and/or employees of the educational institution and such accessory uses as are customary; provided, however, that Town Houses shall conform in all respects, with the exception of off-street parking, to the provisions of SECTION IIIA. TOWN HOUSE DISTRICTS, A., 2., and Multi-Family Dwellings shall conform in all respects, with the exception of off-street parking, to the provisions of SECTION VIA. LIMITED APARTMENT DISTRICTS A., 3.
- c. Religious purposes;

- d. Child Care Facility (defined to mean a "day care center" or a "school age child care program," as those terms are defined in Section 9 of Chapter 28A M.G.L.) as stipulated in Section II, Single Residence Districts, A.3A., a thru h.; and
- e. Club, except a club the chief activity of which is a service customarily carried on as a business;

## 2. Uses Requiring a Special Permit

The following additional uses may be allowed if a special permit is obtained as hereinafter provided in Section XXV, Special Permit Granting Authority:

- a. Public or semi-public institution of a philanthropic, charitable, or religious character;
- b. Municipally owned or operated public parking lot or other public use;
- c. Off-street parking as a non-accessory use, as stipulated in Section II, Single Residence Districts, A.8., j., (i). thru (v);
- d. Use by the Town of a building, structure or land for its Municipal Light Plant or its Water Works Plant; and
- e. Such accessory uses as are customary in connection with any of the above uses and which are incidental to such uses.

or take any other action relative thereto.

### (Planning Board)

**ARTICLE 34:** To see if the Town will vote to amend the Zoning Map of the Town of Wellesley, Massachusetts by rezoning the following properties, as follows:

- a. To rezone the parcel located at 5 Grove Street and commonly known as Post Office Park (Assessor's Parcel ID# 123-86), totaling approximately 11,826 square feet, from the Wellesley Square Commercial District to the Conservation District;
- b. To rezone the parcel located at the intersection of Washington Street and Central Street and commonly known as Flag Pole Park (assessor's Parcel ID# 124-84), totaling approximately 7,902 square feet, from the Single Residence District and 10,000 Square Foot Area Regulations District to the Conservation District;
- c. To rezone the parcel located at the intersection of Grove Street, Central Street, and Railroad Avenue and commonly known as Central Park (Assessor's Parcel ID# 124-98), totaling approximately 16,052 square feet, from the Wellesley Square Commercial District to the Conservation District;

- d. To rezone the parcel located at the end of Fisher Avenue and commonly known as McKinnon Playground (Assessor's Parcel ID# 171-12), totaling approximately 3.91 acres, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- e. To rezone the parcel located at 340 R Weston Road and commonly known as Overbrook Reservation (Assessor's Parcel ID# 181-106), totaling approximately 10.29 acres, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- f. To rezone the parcel located at 50 Thomas Road and commonly known as Perrin Park (Assessor's Parcel ID# 191-76), totaling approximately 5.68 acres, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- g. To rezone the parcel located at 929 Worcester Street and commonly known as Baird Marsh (Assessor's Parcel ID# 192-19), totaling approximately 5.29 acres, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- h. To rezone the parcel located at 15 Upson Road and commonly known as Caspe Memorial (Assessor's Parcel ID# 198-6), totaling approximately 7,886 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- i. To rezone the parcel located along High Ledge Avenue and Overbrook Drive and commonly known as Overbrook Park East (Assessor's Parcel ID# 203-85), totaling approximately 31,135 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- j. To rezone the parcel located at 80 Overlook Drive and commonly known as Overbrook Park West (Assessor's Parcel ID# 204-18), totaling approximately 18,171 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- k. To rezone the parcel located at the intersection of Cedar Street and Charles Street commonly known as Ouellet Playground (Assessor's Parcel ID# 21-65), totaling approximately 1.06 acres, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- l. To rezone the parcel located at 5 Madison Road and commonly known as the Rosemary Town Forest Trailhead (Assessor's Parcel ID# 23-3), totaling approximately 5,033 square feet, from the Single Residence District and 15,000 Square Foot Area Regulation District to the Conservation District;
- m. To rezone the parcel located along Hillside Road and commonly known as Indian Springs Park East (Assessor's Parcel ID# 52-40), totaling approximately 3.82 acres, from the Single Residence District and 15,000 Square Foot Area Regulation District to the Conservation District;

- n. To rezone the parcel located along Croton Street and commonly known as Indian Springs Park West (Assessor's Parcel ID# 62-4), totaling approximately 1.43 acres, from the Single Residence District and 15,000 Square Foot Area Regulation District to the Conservation District;
- o. To rezone the parcel located at 40 Colburn Road and commonly known as Brown Park (Assessor's Parcel ID# 73-52), totaling approximately 2.95 acres, from the Single Residence District and 20,000 Square Foot Area Regulation District to the Conservation District;
- p. To rezone the parcel located at 35 Laurel Avenue and commonly known as Shaw Common (Assessor's Parcel ID# 75-37), totaling approximately 20,670 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- q. To rezone the parcel located at the intersection of Great Plain Avenue and Brook Street and commonly known as Fuller Brook Land (Assessor's Parcel ID# 78-17), totaling approximately 5.45 acres, from the Single Residence District and 20,000 Square Foot Area Regulation District to the Conservation District;

or take any other action relative thereto.

**(Planning Board and Natural Resources Commission)**

**ARTICLE 35:** To see if the Town will vote to amend Section XIVC, Conservation Districts, of the Zoning Bylaw as follows:

- By changing the title of the District and Section from "Section XIVC. *Conservation Districts.*" to "Section XIVC. *Parks, Recreation, and Conservation Districts.*"
- By deleting Section XIVC.A. and Section XIVC.B in their entirety and inserting in their place the following:

A. Purpose and Intent

The Parks, Recreation, and Conservation district is intended to encompass land devoted to parks, recreation, and conservation uses, and closely related uses.

B. Use Regulations

Within the Parks, Recreation, and Conservation district, no land and/or structure shall be used for any purpose except as follows. Any use not specifically designated as a permitted use or as a use allowed by a special permit or with Town Meeting approval, shall be prohibited:

1. Permitted Uses



- a. Conservation of soil, water, plants and wildlife, including wildlife management shelters;
- b. Outdoor passive and active recreation, including play and sporting areas, nature study, boating, fishing, foot bridges, plank walks, foot paths and bicycle paths. Play areas may include playgrounds and play structures; sporting areas may include goals, fences, dugouts, and other similar structures commonly associated with outdoor sports;
- c. Dams and other water control devices, including temporary alteration of the water level for agricultural, emergency or maintenance purposes, or for the propagation of fish;
- d. Forestry, grazing, farming, nurseries, truck gardening and harvesting of crops, and non-residential buildings or structures used only in conjunction with harvesting or storage of crops raised on the premises; and
- e. Lawns, flower or vegetable gardens.

## 2. Uses Requiring a Special Permit

The following additional uses may be allowed if a special permit is obtained as hereinafter provided in Section XXV, Special Permit Granting Authority:

- a. Driveways and parking areas, as defined by Section XXI, Off-Street Parking;
- b. Dams, excavations, or changes in watercourses to create ponds, pools for swimming, fishing, wildlife or other recreational or agricultural uses, scenic features, or for drainage improvements; and
- c. Municipal and public uses other than permitted park, recreation, and conservation uses.

## C. Project Approval

The provisions of Section XVIA, Project Approval, shall apply to properties and uses in the Parks, Recreation, and Conservation Districts.

or take any action relative thereto.

**(Planning Board)**

**ARTICLE 36:** To see if the Town will vote to amend the Zoning Map of the Town of Wellesley, Massachusetts by rezoning the following properties, as follows:

To rezone the following properties, or parts thereof, from the Zoning Districts erroneously designated when the Town adopted the current digital Zoning Map to the Zoning Districts last designated by Town Meeting, as specified:

- a. To rezone the parcel located at 119 Crest Road (Assessor's Parcel ID# 123-4), totaling approximately 7,705 square feet, from the General Residence District and Single Residence District and 10,000 Square Foot Area Regulation District, an error depicted on the current Zoning Map, to the Single Residence District and 10,000 Square Foot Area Regulation District in its entirety, in accordance with the last prior action of Town Meeting with respect to the zoning of this parcel;
- b. To rezone the parcel located at 402 Washington Street (Assessor's Parcel ID# 86-3), totaling approximately 6,810 square feet, from the General Residence District and Business District, an error depicted on the current Zoning Map, to the Business District in its entirety, in accordance with the last prior action of Town Meeting with respect to the zoning of this parcel;
- c. To rezone seven (7) parcels, or portions thereof, along Eaton Court (Assessor's Parcel ID# 64-29, 64-30, 64-31, 64-32, 64-33, 64-34, 64-35), the area to be rezoned totaling approximately 19,417 square feet, from the Single Residence District and 20,000 Square Foot Area Regulation District, an error depicted on the current Zoning Map, to the Single Residence District and 10,000 Square Foot Area Regulation District, in accordance with the last prior action of Town Meeting with respect to the zoning of these parcels;
- d. To rezone a portion of the parcel located at 888-892 Worcester Street (Assessor's Parcel ID# 182-40), the area to be rezoned totaling approximately 22,438 square feet, from the Administrative and Professional District, an error depicted on the current zoning map, to the Single Residence District and 10,000 Square Foot Area Regulation District, in accordance with the last prior action of Town Meeting with respect to the underlying zoning of this area; this change would not affect the parcel's location in the Water Supply Protection District overlay district; and
- e. To rezone the parcel located at 15 Weston Road (Assessor's Parcel ID# 124-46), the area to be rezoned totaling approximately 6,106 square feet, from the Town House District, an error depicted on the current zoning map, to the Single Residence District and 10,000 Square Foot Area Regulation District, in accordance with the last prior action of Town Meeting with respect to the underlying zoning of this area; this change would not affect the parcel's location in the Historic District overlay district.

To rezone the following properties, so as to formally adopt and accept certain inadvertent errors associated with the switch to the current digital Zoning Map, as specified:

- f. To rezone a portion of the parcel located at 1 Westgate (Assessor's Parcel ID# 156-21), the area to be rezoned totaling approximately 9,963 square feet, to the Conservation District, as shown on the current Zoning Map, notwithstanding that the last prior action of Town Meeting with respect to the underlying zoning of this area had placed it in the Single Residence District and 20,000 Square Foot Area Regulation District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- g. To rezone two (2) parcels located along White Oak Road (Assessor's Parcel ID# 94-17-A, 94-17), the area to be rezoned totaling approximately 47,996 square feet, to the Single Residence District and 20,000 Square Foot Area Regulation District, as shown on the current Zoning Map, notwithstanding that the last prior action of Town Meeting with respect to the underlying zoning of this area had placed it in the Conservation District;
- h. To rezone three (3) parcels along Falmouth Road and Yarmouth Road (Assessor's Parcel ID# 144-17, 145-49, 145-31), the area of parcels to be rezoned totaling approximately 97,459 square feet, to the Single Residence District and 30,000 Square Foot Area Regulation District in their entirety, as shown on the current Zoning Map, notwithstanding that the last prior action of Town Meeting with respect to the underlying zoning of these parcels had placed them in the Single Residence District and 20,000 Square Foot Area Regulation District and 30,000 Square Foot Area Regulation District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- i. To rezone two (2) parcels along Falmouth Road and Yarmouth Road (Assessor's Parcel ID# 145-47, 145-32), the area of the parcels to be rezoned totaling approximately 55,602 square feet, to the Single Residence District and 20,000 Square Foot Area Regulation District in their entirety, as shown on the current Zoning Map, notwithstanding that the last prior action of Town Meeting with respect to the underlying zoning of these parcels had placed them in the Single Residence District and 20,000 Square Foot Area Regulation District and 30,000 Square Foot Area Regulation District; this change would not affect the parcel's location in the Water Supply Protection District overlay district; and
- j. To rezone two (2) parcels on Washington Street and Schaller Street (Assessor's Parcel ID# 177-13, 177-5) and a portion of a parcel on Schaller Street (Assessor's Parcel ID# 177-14), the area to be rezoned totaling approximately 56,036 square feet, to the Single Residence District and 40,000 Square Foot Area Regulation District, as shown on the current Zoning Map, notwithstanding that the last prior action of Town Meeting had placed these parcels, or portions thereof, in the Single Residence District and 15,000 Square Foot Area Regulation District and 40,000 Square Foot Area Regulation District.

To rezone the following properties from Zoning Districts as erroneously shown on the current Zoning Map and/or Zoning Districts as previously intended by the Town to Zoning Districts as specified:

- k. To rezone three (3) parcels located along Schaller Street (Assessor's Parcel ID# 177-4, 177-4-A, 177-16), the area of the parcels to be rezoned totaling approximately 56,094 square feet, from the Single Residence District and 40,000 Square Foot Area Regulation District, an error depicted on the current Zoning Map, to the Single Residence District and 15,000 Square Foot Area Regulation District in their entirety, a change that is more consistent with the previous intent of Town Meeting;

or take any action relative thereto.

**(Planning Board)**

**ARTICLE 37:** To amend the Zoning Bylaw by adding a new section, Section XVIG, Outdoor Lighting, to regulate the installation and use of outdoor lighting in association with certain projects.

To see if the Town will vote to amend the Zoning Bylaw by adopting new Section XVIG, Outdoor Lighting, to regulate the installation and use of outdoor lighting in association with certain projects, as follows. This amendment to be effective as of July 1, 2017:

**SECTION XVIG. OUTDOOR LIGHTING**

**A. TITLE**

The Section shall hereafter be known and cited as the "Town of Wellesley Outdoor Lighting Bylaw" or "Outdoor Lighting Bylaw."

**B. PURPOSE AND INTENT**

The purpose of this Section is to enhance public safety by providing for adequate and appropriate outdoor lighting, protect community character, promote energy conservation, protect against light trespass and glare, protect the privacy of residents, and minimize sky glow.

**C. DEFINITIONS**

**Cutoff Angle** - The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

**Direct Light** - Light emitted from the lamp, off the reflector or reflector diffuser or through the refractor or diffuser lens, of a luminaire.

**Fixture** - The assembly that houses a lamp or lamps and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens, or diffuser lens.

Footcandle - A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

Fully Shielded Luminaire - A lamp and fixture assembly designed with a cutoff angle of 90 degrees or less so that no direct light is emitted above a horizontal plane.

Glare - Light emitted from a luminaire with an intensity great enough to produce annoyance, discomfort, or a reduction in a viewer's ability to see.

Height of Luminaire - The vertical distance from the finished grade of the ground directly below to the lowest direct-light-emitting part of the luminaire.

Lamp - The component of a luminaire that produces the actual light.

Light Trespass - The shining of direct light produced by a luminaire beyond the boundaries of the lot or parcel on which it is located.

Lumen - A measure of light energy generated by a light source. One foot candle is one lumen per square foot. For the purposes of this Section, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

Luminaire - A complete lighting system, including a lamp or lamps and a fixture.

Sky Glow - Brightening of the night sky

#### D. APPLICABILITY

The provisions of this Section shall apply to the following project types which include the proposed installation of one or more outdoor luminaires for exterior lighting:

1. Major Construction Project and Minor Construction Projects, as defined by Section XVIA, Project Approval;
2. The construction of new single family dwellings or alterations of single family dwellings which require Large House Review, as required by Section XVID, Large House Review; and
3. Design Review and/or Special Permit applications for externally illuminated signs, as required and defined by Section XXIIA, Signs.

Where these regulations are more specific and/or more restrictive with respect to lighting associated with an applicable project type for which other standards may exist within the Zoning Bylaw, the regulations contained in this Section shall take precedence.

#### E. ADMINISTRATION

For the project types subject to the provisions of this Section, the following information shall be submitted, except to the extent as such information may be waived by the Design Review Board, Planning Board, or Zoning Board of Appeals, as applicable:

1. Information identifying the location, orientation, height, and type of outdoor luminaires to be installed;
2. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
3. Information identifying the type of lamp, such as light emitting diode ("LED"), metal halide, compact fluorescent, high pressure sodium, and the associated Color Rendering Index (CRI) of the lamp;
4. A photometric plan showing the intensity of illumination expressed in foot-candles at ground level within the interior of the property and at the property boundaries; and
5. Sufficient evidence to confirm that all proposed outdoor luminaires and lighting conditions comply with subsection F., General Regulations, of this Section.

#### F. GENERAL REGULATIONS

All exterior luminaires and/or the outdoor lighting conditions associated with the project types subject to the provisions of this Section, shall comply with the following regulations, unless otherwise specified:

1. **Wall-Mounted Fixtures:** Luminaires attached to the exterior of a building or structure shall be mounted no higher than fifteen (15) feet above grade and shall be fully shielded.
2. **Ground-Mounted Fixtures:** Luminaires mounted on the ground, including on poles, shall have a height no greater than ten (10) feet when associated with a single family use, and a height no greater than twenty (20) feet when associated with all other uses; such luminaires shall be fully shielded.
3. **Lighting Levels and Light Trespass Limitations:** Exterior lighting shall not exceed the following levels on the ground or exceed the light trespass limits specified:

TABLE XVID.1, LIGHTING LEVELS AND LIGHT TRESPASS LIMITATIONS		
Use	Maximum Footcandles	Maximum Light Trespass*
Single Family Residential Uses	5	0.5

All Other Uses	30	1.0
*The maximum footcandles allowable at all property lines, including property lines along a public or private street or way.		

4. Prohibited: Luminaires shall be prohibited from being mounted to or otherwise attached to any trees or similar vegetation.

#### G. SPECIAL PERMITS

1. Major Construction Projects, Minor Construction Projects, and Signs: In the case of such projects which incorporate one more outdoor luminaires not meeting the requirements of paragraph F., General Regulations, the Zoning Board of Appeals may grant a Special Permit, per Section XXV, Special Permit Granting Authority.
2. Large House Review: In the case of such projects which incorporate one more outdoor luminaires not meeting the requirements of paragraph F., General Regulations, the Planning Board may grant a Special Permit, per Section XXV, Special Permit Granting Authority, in conjunction with the consideration of an application under Section XVID, Large House Review.
3. Standards: In addition to those standards specified in Section XXV, Special Permit Granting Authority, in considering the issuance of a Special Permit from the requirements of this Section, the applicable Special Permit Granting Authority shall make a finding that one or more of the following conditions are met:
  - a. The proposed lighting is necessary to enhance public safety;
  - b. The proposed lighting enhances community character or does not negatively impact community character; or
  - c. The proposed lighting does not establish conditions which involve unacceptable light trespass, glare, sky glow, or compromise the privacy of abutting property owners.

or take any action relative thereto.

#### AMEND TOWN BYLAW

**ARTICLE 38.** To see if the Town will vote to amend the Town Bylaws Article 14 Permanent Building Committee, **Section 14.9. Supervision of Project Construction.** section (c) to read as follows:

*Subject to clause (a) above, any proposing board at its discretion may elect to*

*supervise the construction of any other project involving any one building and estimated to cost less than \$500,000.*

The proposed bylaw amendments to be available for inspection in the Town Clerk's office; or take any other action in relation thereto.

**(Permanent Building Committee)**

**ARTICLE 39.** To see if the Town will vote to amend the Town Bylaws by adopting a new Article 46C, Historic Preservation Demolition Review, in order to allow the Historical Commission to review certain eligible buildings prior to their demolition and, after public hearing, to potentially impose a 12-month delay on the demolition thereof, as follows:

**Historic Preservation Demolition Review**

**A. PURPOSE**

This Article is adopted by the Town to assure the preservation and enhancement of the Town of Wellesley's historical and cultural heritage by preserving, rehabilitating or restoring whenever possible, buildings that have distinctive architectural features or historical associations that contribute to the historic fabric of the Town.

**B. DEFINITIONS**

For the purposes of this Article, the following words and phrases have the definitions set forth next to them:

**"Application":** An application to the Commission for a Demolition review determination of a Building in accordance with the provisions of this Article that shall include the following information supplied by the Owner: (i) the name of each Owner (including of the underlying property, if different from the Owner of the Building), (ii) the address of the Building, (iii) an indication whether the Owner is seeking a full or partial Demolition, (iv) the earliest date that the Owner believes the Building, or any part thereof, was constructed, and (v), if the Owner is seeking a partial Demolition, non-certified plans and drawings showing such proposed partial Demolition.

**"Article":** This Article 46C of the Town Bylaws.

**"Building":** Any combination of materials forming a shelter for persons, animals or property located in the Town of Wellesley that is larger than 100 square feet.

**"Change of Control":** As defined in Section D(6)(c).

**"Commission":** The Wellesley Historical Commission.

**"Commission Staff":** The person(s) regularly providing staff services for the Commission who the Commission has designated to perform tasks for the purposes of this Article and who shall be located in Town Hall. All communication with the Commission shall, unless otherwise specified in writing by the Commission, be done through the Commission Staff.

**"Delay Period":** As defined in Section D(3)(b).

**"Demolition" or "Demolish(ed)":** With respect to a Building regardless of whether another Building is constructed within the original footprint of such Building, the (i) pulling down, razing or destruction of the entire Building or (ii) the removal or envelopment of 50% or more of the existing exterior structure of the Building as determined in Section D(2), provided that, any non-structural changes to the siding or roofing of a Building shall not constitute a Demolition for purposes of this Article.

**"Demolition Permit":** Any permit issued by the Inspector of Buildings that is required by the State Building Code and which authorizes the Demolition of a Building (excluding



interior Demolition) regardless of whether such permit is called a demolition permit, alteration permit, building permit, etc.

**"Effective Date":** July 1, 2017.

**"Eligibility Notice":** As defined in Section D(2).

**"Eligible Building":** Any Building that requires a Demolition Permit in order to be Demolished that was built, in whole or in part, prior to December 31, 1949. Notwithstanding the foregoing, accessory Buildings are not considered Eligible Buildings for purposes of this Article.

The determination of what constitutes a Building's date of construction shall be made by the Commission Staff using any combination of records generally available to the public, including but not limited to, Board of Assessor's records (e.g., property record cards), Building Department records (e.g., building permits), applicable Registry of Deeds (e.g., deeds), and the Wellesley Townsman archives.

**"Inspector of Buildings":** The Town of Wellesley's Inspector of Buildings.

**"Owner":** With respect to a Building that is the subject of this Article, the owner(s) of record, determined to be the last grantee(s) of record on file with the applicable Registry of Deeds.

**"Preferably Preserved":** A Building should be preferably preserved if it is an Eligible Building, the Demolition of which that is proposed in the Application would be detrimental to the historical or architectural heritage of the Town because such Building is (i) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America, (ii) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of Buildings, or (iii) located within one hundred fifty (150) feet of the boundary line of any federal or local historic district and contextually similar to the Buildings located in the adjacent federal or local historic district.

**"Preservation Determination":** As defined in Section D(3)(b).

**"Public Hearing":** As defined in Section D(4).

**"Submission Date":** As defined in Section D(1).

**"Waiver Hearing":** As defined in Section D(4)(a).

#### **C. APPLICABILITY AND INTERPRETATION**

(1) Applicability. Commencing on the Effective Date, no Demolition Permit for an Eligible Building shall be issued by the Inspector of Buildings without first complying with the provisions of this Article. After complying with the provisions of this Article, any request to the Inspector of Buildings for a Demolition Permit shall, along with all other documents required by the Inspector of Buildings, be accompanied by the Eligibility Notice and/or the Preservation Determination.

(2) Damage and Reconstruction. Subject to Section G, this Article does not apply to the reconstruction of a Building that was damaged or destroyed by fire, storm, or other disaster, provided that (a) such damage or destruction is not caused by the owner or his agents or representatives' negligence or willful misconduct, including but not limited to, with respect to securing the Building, and (b) such reconstruction is commenced within two (2) years from the date of the damage or destruction and is conducted at a commercially reasonable pace. This exception shall be limited to reconstruction of only that portion of the Building damaged by such catastrophic event. Time incurred in

resolving an appeal or other court action or insurance claim shall not be counted as part of the two year limit.

(3) Validity of Commission's Determination. A Preservation Determination shall remain valid, if Preferably Preserved, for two years after the expiration of the Delay Period, or if not Preferably Preserved, for two years after the Preservation Determination. While valid, the Inspector of Buildings may act upon a request for a Demolition Permit without regard to the provisions of this Article.

#### **D. PROCEDURE**

(1) Application. An Owner seeking to Demolish a Building shall first file an Application with the Commission Staff. The Commission Staff will date stamp the Application (the "**Submission Date**") and provide the Owner with a stamped acknowledgement copy of the first page of the Application.

##### (2) Determination if an Eligible Building

a. Determination. Within fifteen (15) days after the Submission Date, the Commission Staff shall make a determination as to whether the Building is or is not an Eligible Building and shall send written notice of such determination to the Owner (the "**Eligibility Notice**").

b. Appeal. The determination made in the Eligibility Notice may be appealed by the Owner to the Commission by filing a written notice of appeal with the Commission within twenty (20) days after the date of the Eligibility Notice. The Owner shall include all relevant reasons and documentation supporting its appeal. The Commission shall schedule a Public Hearing for a date not later than forty-five (45) days after the Commission's receipt of the notice of appeal. Within fifteen (15) days following the conclusion of such hearing, the Commission shall provide written notice of its determination to the Owner.

##### (3) Determination if Preferably Preserved

a. Documentation Requirements. Upon the Owner's receipt of the Eligibility Notice that indicates that the Building is an Eligible Building and the exhaustion of the appeal process provided for in Section D(2)(b) above, the Owner shall provide the Commission with the following additional information:

i. in the case of a partial Demolition, plans showing the use or development of the site after such Demolition, if known, and a statement identifying all zoning variances and/or special permits which may be required in order to implement the proposed use or development, if known; and

ii. in the case of any Demolition, photographs of all existing façade elevations of the Building.

b. Hearing and Determination. Within forty-five (45) days following the Commission's receipt of the documentation required pursuant to Section D(3)(a) above,

the Commission shall hold a Public Hearing and make a determination as to whether or not the Building should be Preferably Preserved (the "**Preservation Determination**"). If the Commission determines that the Building should be Preferably Preserved, then no Demolition Permit with respect to such Building shall be issued until twelve (12) months after the date of the Preservation Determination (the "**Delay Period**"), provided that, the length of the Delay Period may be reduced pursuant to Section D(5) below. If the Owner does not provide to the Commission all documentation required by Section D(3)(a) above within ninety (90) days of (i) the Owner's receipt of the Eligibility Notice or (ii) if the Owner has elected to appeal pursuant to Section D(2)(b) above, the conclusion of any appeal period, then the Application shall be automatically withdrawn.

c. Continuances. The Commission and the Owner may mutually agree to continue any hearing at which the Commission is to make the Preservation Determination. Any such continuances shall automatically extend the time for the Commission to make the Preservation Determination and all associated dates that fall thereafter.

d. Notice of Preservation Determination. Within fifteen (15) days of making the Preservation Determination, the Commission shall send written notice of such determination to the Owner.

e. Appeal. The determination made in the Preservation Notice may be appealed by the Owner to any court of competent jurisdiction in the Commonwealth of Massachusetts.

(4) Reduction in Length of Delay Period (Waiver Process)

a. Earlier Issuance. After a Delay Period has been imposed, an Owner may apply to the Commission for a reduction of the Delay Period. Within forty-five (45) days following the Commission's receipt of such request, the Commission shall schedule a Public Hearing and make a determination as to whether or not to reduce or modify the Delay Period (the "**Waiver Hearing**"). At the Waiver Hearing, the Commission may consider whether the Owner has:

i. made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the Building who is willing to preserve, rehabilitate or restore the Building; or

ii. agreed to accept a Demolition Permit on specified conditions approved by the Commission. If the specified conditions involve approved plans and elevations, then no Demolition Permit shall be issued by the Inspector of Buildings unless the Owner provides to the Inspector of Buildings a complete set of plans and elevation drawings which have been signed and stamped by the Commission.

b. Moratorium; Notice. Any matters to be discussed at the Waiver Hearing may not be raised or discussed at the earlier Public Hearing during which the Preservation Determination is made. The Waiver Hearing shall remain open until closed by the Commission. Within fifteen (15) days after the Commission has closed the Waiver Hearing, the Commission shall provide to the Owner written notice of its determination or

a summary of the Owner and the Commission's agreed-upon plans with respect to the Delay Period and the Building.

(5) Hearing Notice Requirements. Public notice of all Commission hearings conducted in accordance with this Article (each, a "**Public Hearing**") shall provide the date, place and time of the Public Hearing and the address of the Building. With respect to each such notice, the Commission shall, at least fourteen (14) days prior to the date of the Public Hearing, (i) advertise once in a newspaper of general local circulation, (ii) post it with the Town Clerk and (iii) send it by regular United States Postal Service mail to the Owner and to the owners of all abutting properties of the Building. The Commission may also send such notice to other property owners deemed by the Commission to be materially affected by the Application.

(6) Transferability

a. Requirement to Submit New Application. Once a Building is deemed Preferably Preserved, if, prior to the expiration of the Delay Period, ownership (whether of record, legal, beneficial or otherwise) in the Building or underlying property is transferred, directly or indirectly, in whole or in part, by the Owner to any other person, irrespective of whether the Owner retains any ownership interest therein or rights thereto, the transferee must submit a new Application pursuant to the procedures of this Article. During the period that such new Application is under review by the Commission, the existing Delay Period shall remain in effect. If the Commission determines that the Building is Preferably Preserved, a new Delay Period shall be implemented for the full twelve (12) months, commencing on the date that the Commission makes such new Preservation Determination; the previously-existing Delay Period shall thereafter immediately terminate.

b. Owner. For purposes of Section D(6)(a) above, a transfer shall be deemed to occur upon a Change of Control of the Owner. "**Change of Control**" means, regardless of the form thereof, consummation of (i) the dissolution or liquidation of the Owner, (ii) the sale of all or substantially all of the assets of the Owner on a consolidated basis, (iii) a merger, reorganization or consolidation in which the outstanding equity interests of the Owner are converted into or exchanged for securities of the successor entity and the holders of the Owner's outstanding voting power immediately prior to such transaction do not own a majority of the outstanding voting power of the successor entity immediately upon completion of such transaction, (iv) the sale or other transfer of all or a majority of the outstanding equity or beneficial interests (or such other amount necessary to control the Owner) of the Owner or (v) any other transaction in which the holders of the Owner's outstanding voting power immediately prior to such transaction do not hold at least a majority of the outstanding voting power (or such other amount necessary to control the Owner) of the Owner or the successor entity immediately upon completion of the transaction.

**E. EMERGENCY DEMOLITION**

If the Inspector of Buildings determines that a Building poses an imminent threat to public health and safety and that immediate Demolition of the Building is warranted, the Inspector of Buildings may issue a Demolition Permit without requiring compliance with the provisions of this Article. Whenever the Inspector of Buildings issues a Demolition

Permit under the provisions of this Section E, it shall prepare and file with the Commission a written report describing the Demolition of the Building and the basis of its decision to issue such Demolition Permit.

**F. NON-COMPLIANCE**

Anyone who effects, or begins to effect, a Demolition of an Eligible Building without first complying fully with the provisions of this Article shall be subject to a fine of not more than three hundred dollars (\$300.00) for each day in violation of this Article.

In addition, unless a Demolition Permit issued in accordance with this Article is obtained and unless the Demolition Permit is fully complied with, including full compliance with plans and elevation drawings signed and stamped by the Commission, the Inspector of Buildings may elect, and the Commission may request the Inspector of Buildings to, (1) issue a stop work order halting all work on the Building unless and until the Commission notifies the Inspector of Buildings in writing that the Owner has appeared before the Commission to address such non-compliance, and the Commission has accepted the Owner's plans to remediate such non-compliance; (2) refuse to issue any certificates of occupancy, temporary or final, until any non-compliance has been remediated; and/or (3) refuse to issue any permit required by the State Building Code pertaining to any property on which an Eligible Building has been Demolished, or such Demolition was commenced, for a period of two (2) years from the date of such Demolition, provided that this provision shall not prevent the Inspector of Buildings from issuing any permit required to insure the safety of persons and property. The Inspector of Buildings shall give prompt written notice to the Commission of any action taken or refused to be taken pursuant to this Section F. Notwithstanding the first two paragraphs of this Section F, upon a determination by the Commission that reuse of the property in accordance with building plans prepared by the Owner and submitted to the Commission (and all other relevant Town boards and departments) will substantially benefit the Town, the neighborhood in which the Building is situated, and will provide compensation for the loss of the historic elements of the Building either through reconstruction of the lost historic elements or significant enhancement of the remaining historic elements of the Building or the surrounding neighborhood, the Commission may waive the fine, in whole or in part, and/or the Inspector of Buildings' ban on issuance of any permits as provided for in this Section F, in order to allow for the construction or reconstruction of a Building or architectural elements as approved by the Commission. An Owner receiving such a waiver of the fine and/or ban shall execute a binding agreement with the Commission enforceable against all of the Owner's heirs, assigns and successors in interest to insure that any reuse of site undertaken during the two-year ban shall be implemented in accordance with the plans, terms and conditions approved by the Commission. Any reuse of the site undertaken during the two-year ban which fails to comply with the terms of the Commission's approval granted under this Section F shall also permit reinstitution of the fine for non-compliance with this Article.

**G. SECURING BUILDINGS**

(1) Rebuttable Presumption. If a Building has been determined by the Commission Staff (or Commission on appeal) to be (a) an Eligible Building and is subsequently destroyed (in whole or in part) by fire or other cause before a Preservation Determination is made, or (b) Preferably Preserved and is subsequently destroyed (in whole or in part) by fire or other cause before the expiration of the Delay Period, then in each such case a rebuttable presumption shall arise that the Owner voluntarily Demolished the Building without complying with the provisions of this Article.

(2) Non-Issuance of Permits. If the rebuttable presumption has arisen, the Inspector of Buildings shall not issue any permit required under the State Building Code pertaining to the Building, with respect to Section G(1)(a) above, for a period of two (2) years from the date of such destruction, and with respect to Section G(1)(b) above, until the end of the Delay Period.

(3) Exceptions. Notwithstanding anything to the contrary in this Section G, the Inspector of Buildings may issue any permit required under the State Building Code pertaining to the Building (a) as may be necessary to secure public safety or health or (b) if the Owner has provided satisfactory evidence to the Inspector of Buildings that such Owner took reasonable steps to secure the Building against fire or other loss or that the cause of the destruction was not otherwise due to the Owner's negligence or willful misconduct.

#### **H. BUILDINGS LOCATED IN LOCAL HISTORIC DISTRICTS**

The provisions of this Article shall not apply to any Building located in a local historic district established pursuant to M.G.L. C. 40C and subject to regulation by the local historic district commission under the provision of Section XIVD of the Zoning Bylaws.

#### **I. SEVERABILITY**

In case any section, paragraph, or part of this Article is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph, or part of this Article shall continue in full force and effect.

#### **J. ENFORCEMENT**

The Commission is authorized to institute any and all actions and proceedings, in law or in equity, in any court of competent jurisdiction, as it deems necessary and appropriate to obtain compliance with the requirements of this Article.

#### **K. FEES**

Any Owner whose Application is subject to this Article shall pay such fees as shall be determined by the Commission.

#### **L. RULES AND REGULATIONS**

The Commission may promulgate or amend Rules and Regulations ("**Rules**") which pertain to this Article, and shall file a copy of the Rules in the office of the Town Clerk. The adoption or amendment of Rules shall be after a Public Hearing to receive comments on the proposed or amended Rules.

; or to take any other action in relation thereto.

**(Historical Commission)**

**ARTICLE 40:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to allow the Planning Department to hire a 0.5 FTE part-time staff person, without benefits, to allow the Department to assist the Historical Commission in administering Article 46C, Historic Preservation Demolition Review, of the Town Bylaws; or to take any other action in relation thereto.

**(Historical Commission)**

#### **CITIZEN PETITIONS**

**ARTICLE 41.** To see if the Town will vote to amend its By-laws to prohibit the placement out doors of trash and trash receptacles visible from any public or private way unless the trash or trash receptacles are located within 3 feet of the property owner's building or garage, and further that The trash and trash receptacles are removed from view from all public and private ways within 30 hours after first being placed outside. The foregoing regulated activity shall not apply to construction trash or debris resulting from construction for which a building has issued and is in force, nor for dumpsters containing 10 or more cubic yards capacity so long as the dumpsters are not on site for more than 30 days. Any person violating this bylaw shall be liable to the Town in the amount of \$50.00 for the first violation and \$100 for each subsequent violation.

**(Citizen Petition)**

**ARTICLE 42.** To see if the Town will vote to amend the Zoning Bylaws of the Town of Wellesley, Massachusetts (hereinafter referred to as "Zoning Bylaw") to make changes thereto to minimize or reduce the impact of so-called "mansionization" of the Town due to large numbers of "tear-downs," whereby existing single family dwellings are torn down and replaced with much larger homes, often times out of character with the surrounding dwellings and neighborhood, by a mixture of one or more revisions to, among other provisions of the Zoning Bylaw, the Ratio of Building to Lot Area as provided in SECTION XVIII, AREA REGULATIONS, the Minimum Frontage, Minimum Front Yard Width, Minimum Front Yard Depth, Minimum Side Yard Width and Minimum Rear Yard Depth, all as provided in SECTION XIX, YARD REGULATIONS, the Height limitations as provided in SECTION XX, HEIGHTS OF BUILDINGS OR STRUCTURES, and various provisions of SECTION XXIV, LARGE HOUSE REVIEW.

In addition, and without limiting the generality of the foregoing or the following, it is contemplated that amendments to any of the foregoing Sections of the Bylaw may require concurrent revisions to one or more of the following sections: SECTION IA, DEFINITIONS, SECTION XVIA, PROJECT APPROVAL, SECTION XVII, PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS, SECTION XXII, DESIGN REVIEW, SECTION XXIIB, SWIMMING POOLS, SECTION XXIID, RETAINING WALLS, and SECTION XXIV, PERMIT GRANTING AUTHORITY and any other relevant or impacted Sections of the Zoning Bylaw as it may be necessary or advisable to be amend in connection the proposed amendments contemplated by the foregoing, or as a result thereof.

**(Citizen Petition)**

**GENERAL**

**ARTICLE 43.** To see if the Town will vote to rescind any authorized and unissued loans, including those identified in the list available for inspection at the office of the Town Clerk, to authorize the transfer of unused proceeds from previously issued loans to one or more eligible appropriations, to amend existing borrowing authorizations on unissued debt authorized prior to November 7, 2016, 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.

**(Board of Selectmen)**

**ARTICLE 44.** To see if the Town will vote, as authorized by Section 9 of Chapter 258 of the General Laws, to indemnify Town Board members, officers, officials and employees from personal financial loss, all damages and expenses, including legal fees and costs, if any, in an amount not to exceed \$1,000,000, arising out of any claim, action, award, compromise, settlement or judgment by reason of an intentional tort, or by reason of any act or omission that constitutes a violation of the civil rights of any person under any federal or state law, if such employee or official, at the time of such intentional tort or such act or omission, was acting within the scope of his official duties or employment, and to raise and appropriate, transfer from available funds, or borrow a sum of money therefor, or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 45.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for expenses incurred by Town Departments prior to July 1, 2016, or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 46.** 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 Selectmen, for the purpose of paying expenses related to the settlement of claims, actions and proceedings against the Town, or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 47.** To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to dispose of tangible Town property having a value in excess of \$10,000, on such terms as it may deem advisable, or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 48.** To see if the Town will vote to authorize the Board of Selectmen to appoint one or more of its members as a fire engineer, or to take any other action in relation thereto.

**(Board of Selectmen)**



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 to the Town of Wellesley website ([www.wellesleyma.gov](http://www.wellesleyma.gov)) at least seven 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 17<sup>th</sup> of January 2017.

\_\_\_\_\_  
Marjorie R. Freiman, Chairman

\_\_\_\_\_  
Ellen F. Gibbs, Vice-Chair

\_\_\_\_\_  
David L. Murphy, Secretary

\_\_\_\_\_  
Barbara D. Searle

\_\_\_\_\_  
Jack Morgan

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

Attest: Constable, Town of Wellesley

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Wellesley, MA January \_\_\_\_, 2017

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.

---

Constable, Town of Wellesley

**Town of Wellesley  
Board of Selectmen  
Request for Information: Lower Falls Parking Garage  
January 11, 2017**

**1.0 Introduction**

The Wellesley Board of Selectmen (“the Board”) is seeking information on potential ideas and creative solutions to construct a parking garage facility or mixed-use parking garage facility at the River Street Municipal Parking Lot (“the Parking Lot”), located off Washington Street and River Street, to enhance the availability of off-street parking for the Wellesley Lower Falls Commercial District. The Town is also interested in additional conceptual designs for parking enhancements and/or parking garage facilities in other locations in Lower Falls and is amenable to creative solutions to parking.

The goal of this RFI is to provide the Board and community the opportunity to envision the potential benefit to entering into a public-private partnership for the development of the Parking Lot site or the development of parking elsewhere in Lower Falls.

All respondents will have an opportunity to meet with the Board and explain the benefits of their recommended physical structure and site plan, operating practices, and programming plans. The Board plans to use the responses to inform their ideas for public parking in Lower Falls at the Parking Lot or other suitable sites and may include certain components in a future RFP(s).

Respondents also may communicate with members of the Board during an open meeting or by email following the procedure discussed in Section 6.0, below.

**2.0 Background**

The Town of Wellesley Lower Falls Commercial District has developed over time by its history, design, and zoning to encourage the development of a pedestrian-friendly, small-scale commercial center, while protecting the character and quality of life of immediately adjacent residential neighborhoods. The Lower Falls Commercial District has been in transition over the past 10 years and has seen tremendous investment in several commercial properties. Commercial property owners recently approached the Board and asked the Town to consider the construction of a garage to assist with the current parking demand. The Town is interested to find a balance between parking, traffic, and maintenance of the pedestrian-friendly character of Lower Falls and therefore seeks information on alternatives.

The Wellesley Board of Selectmen (“the Board”) is seeking information from qualified private sector firms on public-private partnership opportunities that meet the demand for parking and which may also address other Town priorities. The Town is open to a breadth of solutions and provides guidance in this RFI as to particular areas of interest. The Town may consider a possible public-private construction of a parking garage facility or mixed-use parking garage facility at the River Street Municipal Parking Lot (“the Parking

Lot”), located off Washington Street and River Street, to enhance the availability of off-street parking for the Wellesley Lower Falls Commercial District.

### **3.0 Scope of Services**

A. The scope of services required by the Town in connection with this request for information should include the following:

1. Preparation of conceptual design for the site or sites proposed, including conceptual front and side elevations.
2. A proposed conceptual parking garage design that shall increase the number of current parking spaces of the Parking Lot, and include additional parking inventory based on the proposed use of any non-parking elements of a mixed-use facility. Affordable housing is a welcomed component in the design.
3. Preliminary cost estimates for the construction of the proposed facility and estimated lease back financial terms for the Town.
4. A cursory financial summary of the parking garage facility in terms of initial cost to construct, timeline, operating costs, and potential revenues, including revenues from possible commercial space.
5. A cursory traffic impact study to determine net benefits of the parking to the Washington Street corridor, River Street, Mica Lane, and adjoining unsignalized intersections. Consideration of the impact to traffic circulation and flow on both Washington Street and River Street is critical.
6. The Town encourages additional conceptual designs for optional parking enhancements not specific to the Parking Lot may be submitted. Such concepts shall be creative in using other sites in within the Lower Falls Commercial District and shall focus on parking solutions not specifically identified in this request. Any optional parking enhancement submission shall have a letter of consent from the property owner with the submittal.

B. Relevant Studies and Plans

1. Wellesley Zoning Bylaw – Lower Falls Commercial District  
[www.wellesleyma.gov/Pages/WellesleyMA\\_Planning/ZoningBylaw](http://www.wellesleyma.gov/Pages/WellesleyMA_Planning/ZoningBylaw)
2. Wellesley Lower Falls – Zoning, Urban Design, & Landscape Guidelines  
[www.wellesleyma.gov/Pages/WellesleyMA\\_Planning/reports/Lowerzone.pdf](http://www.wellesleyma.gov/Pages/WellesleyMA_Planning/reports/Lowerzone.pdf)
3. Wellesley Comprehensive Plan  
[http://www.wellesleyma.gov/Pages/WellesleyMA\\_Planning/draftfinal](http://www.wellesleyma.gov/Pages/WellesleyMA_Planning/draftfinal)

The Board agrees to meet with any Respondent. Meetings will be open to the public.

#### **7.0 Questions**

Questions regarding this RFI will be accepted by e-mail to [mjop@wellesleyma.gov](mailto:mjop@wellesleyma.gov) or during a public meeting. Responses to inquiries and clarification questions are public records and will be provided electronically to all interested parties

#### **8.0 RFI Limitations**

THIS IS A REQUEST FOR INFORMATION only. The information provided in the RFI is subject to change and is not binding on the Town. The Town has not made a commitment to procure any of the items discussed, and release of this RFI should not be construed as such a commitment or as authorization to incur cost for which reimbursement would be required or sought. All submissions become Town property and will not be returned.

APPENDIX A

GIS  
will do better maps

Physical Characteristics Date: July 1, 2016

Parcel Information:

Location: 25 River St.  
Parcel ID: 34-25- -  
Class: 930-Municipal-Selectmen-vacant  
Type: Vacant Land  
Lot Size: 30,099  
Census: 0  
Zoning: LFVCD-Lower Falls Village Commercial District  
Survey #: 0

Owner Information

Name: Town of Wellesley

Address: 525 Washington St. Wellesley, MA 02482

Notes: River Street Parking Lot old "spring property" bk#5178 & pg#254 as of 11/14/75

Print This Page

FY2017 Tax Rate for Wellesley, MA \$11.79  
Assessment Valuation Date: January 1, 2016

Assessed Values		Assessment History	
	2017 Market Value	Year	Total Value
Land	\$619,000	2017	\$619,000
		2016	\$608,000
		2015	\$609,000
Building	\$0	2015	\$609,000
		2014	\$601,000
		2013	\$563,000
Other	\$0	2012	\$563,000
		2011	\$552,000
		2010	\$591,000
Total	\$619,000	2009	\$626,000
		2008	\$626,000
		2007	\$626,000
		2006	\$1,000
		2005	\$1,000
		2004	\$0
		2003	\$0
		2002	\$0
		2001	\$234,000
		2000	\$174,000
		1999	\$0

Other Improvements

Code	Type	Qty	Year	Length	Width	Grade	Condition	Adj
					none			

Notes:

Land Description

Topography	Utilities	Street	Paved	Landlocked	No View	Average
Level	Public	Road	Public	Sidewalk	No Landscaping	
				Gas	No	

Market

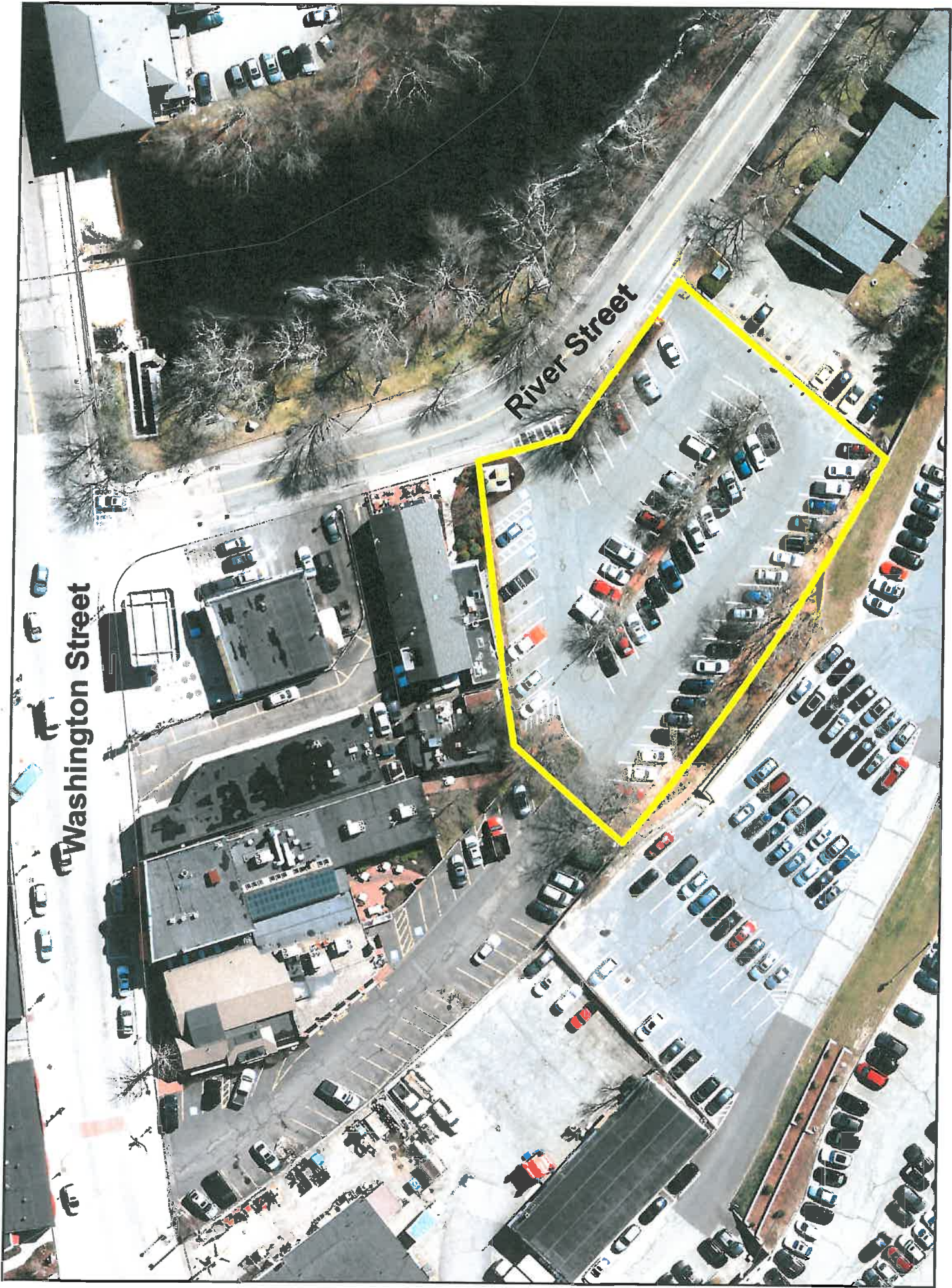
Type	Description	Zone	Nhbd	Area	Infl	Traffic
1	Primary Site	LFVCD-Lower Falls Village Commercial District	104	30099	1	M5

Sales Information

Date	Price	Vol	Page	Seller	Valid Code
11/14/1975	\$0	5178	254	276	none
11/30/1965	\$0	4312			none

Print This Page





River Street Municipal Lot



## APPENDIX B

**Jop, Meghan**

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**From:** Marjorie Freiman  
**Sent:** Wednesday, January 11, 2017 10:11 AM  
**To:** McDonough, Joseph; Robinson, Blythe; Ellen Gibbs  
**Cc:** Jop, Meghan  
**Subject:** Re: Suggestion to reconsider timing of both parts of TH project

Thank you, Joe, this is very helpful. The possibility of delay variances provides a great deal of flexibility and I'm relieved to hear that you don't foresee extra or double work. No doubt you were on top of this, just wanted to make sure the warrant article was broad enough to include anything you might need this year.

Meghan, may I please ask you to include Joe's two emails in our FNM for the other members of the board?

Thank you,  
Marjorie

*Marjorie R. Freiman, Chair  
Wellesley Board of Selectmen*

*Kindly use this email address for all Town of Wellesley correspondence.*

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**From:** McDonough, Joseph  
**Sent:** Monday, January 9, 2017 4:18:32 PM  
**To:** Marjorie Freiman; Larsen, Hans; Robinson, Blythe  
**Cc:** Jop, Meghan; Murray, Joseph  
**Subject:** RE: Suggestion to reconsider timing of both parts of TH project

Marjorie, Hans and Blythe,  
Joe Murray and I just had a very informative conference call with Wendall Kalsow, principal with McGinley Kalsow and Associates. We wanted to try to get a better handle on the MAAB/accessibility upgrades that will be required as part of the Envelope Project. Here are the key points of our discussion:

- **Conceptual Accessibility Report:** I asked Wendall to propose a one-day walkthrough of the building with a letter report that identifies the scope of possible accessibility upgrades, for the purpose of developing an initial "order of magnitude" scope of work. This work will cost about \$2k or less and will be done within the next few weeks. It will give us some very preliminary information (with associated caveats) that we can make use of before the formal MAAB Study begins on July 1<sup>st</sup>, which we can use in our upcoming meeting with Advisory.
- **Variance:** Wendall sees the potential MAAB building upgrades that might be required by the Envelope Project as falling into one of three categories:
  1. **Outright Variances:** These would be for items such as exterior ramps to the two main entrances, which we feel confident we can obtain
  2. **Time Variances:** Wendall has obtained time variances (delayed implantation of required upgrades) of up to 5 years on previous projects that MKA has presented to MAAB and knows of one for a church project that was a 7 year variance. We would likely seek to utilize this approach for any MAAB requirements that are difficult to achieve as part of the Envelope Project and/or which may result in "do-over" work because of future interior renovations (resulting from Space Study).
  3. **Readily Achievable Upgrades:** Wendall feels there will be a dozen or more of these short-term improvements that we can do as part of the Envelope Project at moderate costs and/or which most likely will not result in re-do work.

As a result of this information I feel we do have a better grasp on the what may be required w/r to accessibility upgrades, and that we have a rational basis for addressing them in both the Envelope Project and the Space Study. I'll share the results of the conceptual report as soon as I receive it from MKA. Please let me know if you have any questions.

Joe

**Joseph F. McDonough, P.E.**  
Facilities Director  
Town of Wellesley  
888 Worcester Street, Suite 370  
Wellesley, MA 02482  
(781) 489-4254 Direct  
(781) 489-4266 Fax  
[jmcdonough@wellesleyma.gov](mailto:jmcdonough@wellesleyma.gov)

**From:** McDonough, Joseph  
**Sent:** Sunday, January 08, 2017 4:08 PM  
**To:** Marjorie Freiman <[mfreiman@wellesleyma.gov](mailto:mfreiman@wellesleyma.gov)>; Ellen Gibbs <[egibbs@wellesleyma.gov](mailto:egibbs@wellesleyma.gov)>; Barbara Searle <[bsearle@wellesleyma.gov](mailto:bsearle@wellesleyma.gov)>; David Murphy <[dmurphy@wellesleyma.gov](mailto:dmurphy@wellesleyma.gov)>; Jack Morgan <[jmorgan@wellesleyma.gov](mailto:jmorgan@wellesleyma.gov)>  
**Cc:** Larsen, Hans <[hlarsen@wellesleyma.gov](mailto:hlarsen@wellesleyma.gov)>; Robinson, Blythe <[brobinson@wellesleyma.gov](mailto:brobinson@wellesleyma.gov)>; Jop, Meghan <[mjop@wellesleyma.gov](mailto:mjop@wellesleyma.gov)>  
**Subject:** RE: Suggestion to reconsider timing of both parts of TH project

Hi Marjorie and All,

The Space (Interior) Utilization Study is included as part of my FY18 cash-capital budget as a \$100,000 project, and I'm expecting it to be approved at ATM, unless the Board feels otherwise. The slide below is from my 10/27/16 presentation to the BOS, and I think it best shows the intricacies of coordinating the two projects. This is the same slide I showed PBC on Thursday night to remind them that we had put a lot of thought into coordinating the two projects (they'd seen it previously too in our presentation to them). Conceding that either project could fall off schedule, this schedule will to address concerns about re-doing work or duplicative work. The critical date in this schedule is November 15, 2017. At this point, we're assuming that:

1. Space Utilization Study: *Preferred conceptual floor plan layouts* would be developed by a separate architect (or possibly MKA if they are selected for the work) to the point where by 11/15/17 we will know the areas within Town Hall that would undergo renovations.
2. Envelope Project: MKA will have spent the past 4-1/2 months preparing the MAAB study and will have gone to the Access Board seeking formal variances on certain items – most notably will likely be exterior ramps for the two main entry doors. The MAAB Study and Schematic design will also have identified other *potential* interior upgrades that may be required *inside* the building, such as door widening, counter height adjustments, bathroom modifications, etc. At this point, MKA would then review the *preferred conceptual floor plan layouts* prepared under the Space Utilization Study, and identify any potential conflicts on those plans with the MAAB study.

My expectation is that we would try to incorporate all of the MAAB required interior upgrades that will not likely be impacted by the proposed work shown on the preferred concept plans in the Space Study. For those items that might result in a re-do, such as an MAAB bathroom upgrade, when the Space Study shows the this bathroom being relocated, we will work with the Access Board to seek a formal/informal approval to not have to perform this work as part of the Envelope Project.

I think it will be important to identify not only the makeup of the team that will select the architect for the Space Utilization Study, but also to put together a team of TH employees, BOS representative(s) and perhaps representatives from a few other key boards that meet in Town Hall to work with the architect during the study. This group should be tasked with helping determine which groups should stay at TH and which could go elsewhere. Based on my knowledge of the building's (interior) deficiencies, lack of suitable space and lack of available parking, combined with the expected very high square foot cost of renovating a nationally listed historic building, it may actually be less expensive or perhaps a wash to building a new "Municipal Services" building to accommodate many of the TH departments. I know this was considered years ago when the new MLP and DPW buildings were being built, and I think it still makes sense. Possible locations for a new building include the former location of the old MLP/DPW admin building on Municipal Way, and possibly even North 40. The Municipal Way site offers the added benefit of utilizing the old Cable Substation. A new building could be designed to accommodate many of the departments on the ground level, as well as HR, Retirement and even FMD. We'll need to think about these things when I prepare the RFP for the Space Study, so that we're all on the same page w/r to what we want the architect to look at.

I can understand why there are so many questions on these two projects and how they relate to each other (not simple), so I'd be happy to meet and discuss in more detail if anyone would like.

Thanks,  
Joe

## Coordinated Project Schedules

### Space Utilization Study

- 5/1/17: Start RFP
- 7/1/17: Start Study
- 9/1/17: Programming Complete
- 10/1/17: Concept Floor Plans Developed
- 11/15/17: *Preferred Alternatives Identified*
- 12/31/17: Study Completed

### Envelope Design

- 7/1/17: Start final design MAAB study
- 8/1/17: MAAB Study completed and variances applied for
- 11/1/17: Variance decision received
- 11/15/17: *Review Pref. A against MAAB requirements. Design MA upgrades.*
- 2/15/18: Bids-in-hand

Town Hall Projects

**From:** Marjorie Freiman

**Sent:** Sunday, January 08, 2017 10:59 AM

**To:** Ellen Gibbs <[egibbs@wellesleyma.gov](mailto:egibbs@wellesleyma.gov)>; Barbara Searle <[bsearle@wellesleyma.gov](mailto:bsearle@wellesleyma.gov)>; David Murphy <[dmurphy@wellesleyma.gov](mailto:dmurphy@wellesleyma.gov)>; Jack Morgan <[jmorgan@wellesleyma.gov](mailto:jmorgan@wellesleyma.gov)>

**Cc:** Larsen, Hans <[hlarsen@wellesleyma.gov](mailto:hlarsen@wellesleyma.gov)>; Robinson, Blythe <[brobinson@wellesleyma.gov](mailto:brobinson@wellesleyma.gov)>; Jop, Meghan <[mjop@wellesleyma.gov](mailto:mjop@wellesleyma.gov)>; McDonough, Joseph <[jmcdonough@wellesleyma.gov](mailto:jmcdonough@wellesleyma.gov)>

**Subject:** Suggestion to reconsider timing of both parts of TH project

I was at the PBC meeting on Thursday night when Joe presented the TH envelope project to PBC. He explained about the 30% threshold triggering the AAB requirements and the ensuing discussion suggested to me that we might want to put the interior utilization study back on the table for discussion.

Assuming we meet the threshold and the AAB requirements are triggered, we would know what would need to change inside. We would also have to consider whether those changes could be delayed by some kind of delay variance until the utilization study was complete and we knew what we would need to do in the future, or we'd have to do the work as part of the envelope project. Raising existing counters, widening doors, and making other required changes could potentially result in duplicate work if the usage of the altered space were to ultimately change, and we wouldn't want to do the work twice.

I know it's additional money, but I'm thinking we may want to revisit the idea of figuring out what we'd do with the interior, whether and which departments might move, swing space, etc. at the same time as the envelope/AAB designs.

Thoughts?

Marjorie

*Marjorie R. Freiman, Chair  
Wellesley Board of Selectmen*

*Kindly use this email address for all Town of Wellesley correspondence.*



McGinley Kalsow  
& Associates, Inc.  
ARCHITECTS & PRESERVATION PLANNERS

January 10, 2017

Mr. Joseph F. McDonough PE  
Facilities Director  
Town of Wellesley Facilities Maintenance Department  
888 Worcester Street, Suite 370  
Wellesley, MA 02482

Re: Wellesley Town Hall  
Preliminary MAAB Assessment 1787.01

Dear Mr. McDonough,

Based on our conversation on January 9, 2017, we would like to make this proposal to you to conduct a preliminary MAAB assessment of the Wellesley Town Hall. The purpose of this assessment is to determine the magnitude of upgrades and/or variance items which are likely to be required by the proposed exterior repair and restoration program. The goal is to identify major MAAB items and classify them into three groups.

1. Major items which are technologically infeasible, such as making the two ambulatory entrances accessible, and for which a variance will be requested.
2. General interior items which should be incorporated into the future comprehensive interior renovation and restoration. For these items, it is logical to request a time variance.
3. Interior items which are readily fixable, such as adding an automatic door opener where adjoining clearances are not adequate. These items can be incorporated into the exterior envelope project.

The goal of this preliminary MAAB assessment is to help determine the schedule of the proposed exterior envelope repair and restoration project.

We have estimated 12 hours from the Principal-in-Charge and 5 CAD hours from an architectural designer to complete this preliminary MAAB assessment for a cost of \$2820, with \$100 for reimbursable expenses.

As an optional additional service, we would like to suggest adding a meeting with Thomas Hopkins, Executive Director of the MAAB to review accessibility issues at the Town Hall and to get his sense of the Board's position on some of the issues. This would provide some additional confidence as the town makes a decision regarding the scheduling of work at the Town Hall. The cost for preparation and attendance at this meeting is \$800.

Please do not hesitate to call me with any questions or comments. We look forward to working with you again on this historic building.

Sincerely,

Wendall C. Kalsow AIA, LEED Green Assoc.  
President

McGinley Kalsow & Associates, Inc.

---

ACCEPTANCE

Town of Wellesley



Signature

JOSEPH F. McDONOUGH, FACILITIES DIRECTOR  
Printed Name and Title

1/10/17  
Date

Circle:    Basic    **OR**    Basic + Optional Services

# WELLESLEY FMD PURCHASING REQUISITION FORM

Fiscal Year: 2017	Date Submitted: 1/10/2017	Has been ordered/scheduled <input checked="" type="checkbox"/>
Work Order #	Date Required: 1/12/2017	Send PO to vendor
MUNIS Project # FA018		Send PO to manager <input checked="" type="checkbox"/>

All information must be entered for new vendors.

Is there a W9? ☒ yes

Vendor Name: Mr. Wendall Kalsow

Address: 324 Broadway

City/State/Zip: Somerville MA 02145

Phone Number: 617-625-8901 Fax:

Email (needed to send PO): Wendall Kalsow [wendall@mcginleykalsow.com]

Applicable Procurement Statute	Bates	Ship to:	Charge to:	FD HQ	Ship to:	Charge to:
Chapter 30B (Supplies & services)	Fiske			FD Central		
	Hardy			Library		
	Hunnewell			Library-Fells		
Chapter 149 (Building Construction)	Schofield			Library- Hills		
	Sprague			Morse Pond		
	Upham			Police		
Chapter 30 (Site/public works)	Middle School			Town Hall	X	X
	High School			Warren		
	Preschool			Blanket PO		NO
Chapter 7 (Design)	FMD Office			PICK UP BY (name)		
X	Freight Method/Terms:					
Is insurance on file?						

Quantity	Price per	(case, box, each)	Catalog #/Item Description
1	\$2,920.00	per quote	Preliminary MAAB Assessment
1	\$800.00	per quote	Meeting with MAAB Exec. Dir.
	<b>\$3,720 Total</b>		

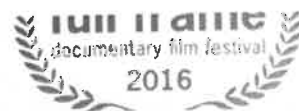
OFFICE USE ONLY (Managers please mark which account you want this purchase charged to):		
OBJECT	DESCRIPTION	MANAGER CHECK WHICH ACCOUNT CHARGED
524010	Building Maintenance	
524030	Equipment Maintenance	
524090	Other Contracted Services	\$1,620: 01192201, 524090
524091	Other Contracted Services (Custodian)	
527030	Equipment Rental/Lease	
527031	Equipment Service/Repair (Custodian)	
543010	Building M&R Supplies	
543060	Custodial M&R Supplies	
OTHER	Capital Project (include project #)	\$2,100: FA013, 01192915, 524010

Manager's Signature

Director's Signature







"HAUNTINGLY BEAUTIFUL" "BREATHTAKING"  
*VARIETY* *Hollywood REPORTER*  
"POWERFUL AND ILLUMINATING"  
*The New York Times*



What remains after all is lost?

# NEWTOWN

ANIMORAMA KA SHYDER PRODUCTIONS AND CHOMO COLE PRODUCTIONS IN ASSOCIATION WITH TRANSFORM FILMS AND ITVS PRESENT  
A PRODUCTION BY KIM A. SHYDER AND MARIA CHOMO COLE  
EDITED BY GAUTIER RHODES DIRECTOR OF PHOTOGRAPHY DENEK WILSEBACH SUPERVISING COMPOSER ELLIOTT  
EXECUTIVE PRODUCERS NICK STUART CAROLANNE DOLAN REGINA K. SCULLY MADA DANIEL EXECUTIVE PRODUCERS FOR ITVS SALLY JO FITCH AND LOTS YUSTEN  
A CO-PRODUCTION OF INDEPENDENT TELEVISION SERVICE (ITSVS) WITH FUNDING PROVIDED BY THE CORPORATION FOR PUBLIC BROADCASTING  
PRODUCED BY MARIA CHOMO COLE DIRECTED AND PRODUCED BY KIM A. SHYDER

WWW.NEWTOWNFILM.COM





**TOWN OF WELLESLEY POLICE DEPARTMENT**

WELLESLEY, MA 02482  
Telephone 781-235-1212

TERRENCE M. CUNNINGHAM  
Chief of Police

**MEMORANDUM**

**TO:** DETECTIVE CHRIS CONNELLY  
**FROM:** TERRENCE M. CUNNINGHAM  
CHIEF OF POLICE  
**SUBJECT:** COMMENDATION FROM CHIEF PETER MCGOWAN  
DOVER POLICE DEPARTMENT  
**DATE:** JANUARY 11, 2017

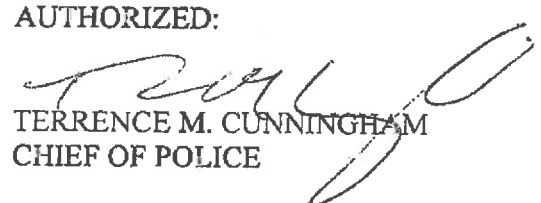
I was pleased to receive a letter sent to me by Chief McGowan of the Dover Police Department. In his letter, he explained that you responded to Dover to assist with the investigation of several residential break-ins.

He went on to say you were prompt, professional, knowledgeable and thorough. Chief McGowan wanted to let you know that it was a pleasure to have your assistance.

The comments of Chief McGowan 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:

  
TERRENCE M. CUNNINGHAM  
CHIEF OF POLICE

cc: Board of Selectmen  
Bulletin Board  
Personnel File

# DOVER POLICE DEPARTMENT

3 WALPOLE STREET  
P.O. BOX 192  
DOVER, MASSACHUSETTS 02030



PETER A. MCGOWAN  
POLICE CHIEF



TEL (508) 785-1130  
FAX (508) 785-0633

January 3, 2017

Chief Terrence Cunningham  
Wellesley Police Department  
485 Washington St  
Wellesley, MA 02482

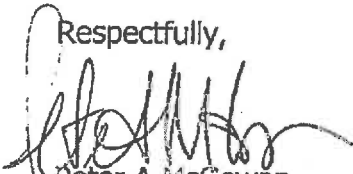
Dear Chief Cunningham:

Over the week between Christmas and New Year's Day, the Dover Police experienced a series of residential break-ins in one neighborhood. Two were discovered on December 28<sup>th</sup>, and a third on the 29<sup>th</sup>.

On the evening of December 28<sup>th</sup>, Detective Connelly from your department responded to Dover to assist with the investigation. He was prompt, professional, knowledgeable and thorough. He provided members of my department with tips and information as he went along, and even sent over a complete folder of evidence he had collected while at the scene of the break. It was a pleasure to have his assistance, and I commend you for the decision to put this officer into your Detective Bureau. It is obviously where he belongs.

Best wishes to you and your department for a safe and healthy 2017.

Respectfully,



Peter A. McGowan  
Chief of Police



**TOWN OF WELLESLEY POLICE DEPARTMENT**

WELLESLEY, MA 02482  
Telephone 781-235-1212

TERRENCE M. CUNNINGHAM  
Chief of Police

**MEMORANDUM**

**TO:** SPECIAL OFFICER CHUCK LAWRY  
SPECIAL OFFICER BOB YEAGLE

**FROM:** TERRENCE M. CUNNINGHAM  
CHIEF OF POLICE

**SUBJECT:** COMMENDATION FROM ELLEN R. GORDON, PRESIDENT  
TOOTSIE ROLL INDUSTRIES, INC.

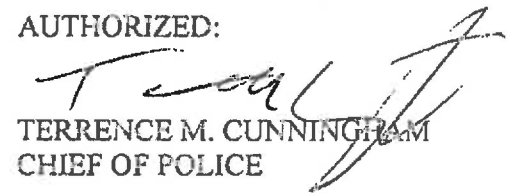
**DATE:** JANUARY 11, 2017

I was pleased to see a copy of a letter which was sent to me by Ms. Ellen R. Gordon thanking you for the detail you worked at her residence on Halloween night. She said that with over 1218 trick-or-treaters she experienced no problems. Your helpfulness demonstrated superior service provided by the Wellesley Police Department.

The comments of Ms. Gordon 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:

  
TERRENCE M. CUNNINGHAM  
CHIEF OF POLICE

cc: Board of Selectmen  
Bulletin Board  
Personnel File

## **Tootsie Roll Industries, Inc.**

7401 SOUTH CIGERO AVENUE • CHICAGO ILLINOIS 60629 • (773) 838-3400  
FAX 773/838-3534

November 15, 2016

Mr. Terrence M. Cunningham  
Chief of Police  
Wellesley Police Department  
485 Washington Street  
Wellesley, MA 02482

Dear Chief Cunningham,

Please express my sincere thanks to Officers Chuck Lawry & Bob Yeagle who worked as off-duty detail at my residence, as well as Officer Lew Messina who monitored traffic in the neighborhood, on Halloween night. We had 1218 trick-or-treaters visit us that day. With the help of your officers the evening went very well and we experienced no problems.

Additionally, I appreciate the kind support and help that is always provided to us by Deputy Chief Jack Pilecki.

Your officer's helpfulness demonstrates what I have come to experience as a consistent level of superior service provided by the members of the Wellesley Police Department.

Sincerely,  
TOOTSIE ROLL INDUSTRIES, INC.

*Ellen R. Gordon*

Ellen R. Gordon  
Chairman & Chief Executive Officer

ERG:mw



**TOWN OF WELLESLEY POLICE DEPARTMENT**

WELLESLEY, MA 02482

Telephone 781-235-1212

TERRENCE M. CUNNINGHAM

Chief of Police

**MEMORANDUM**

**TO:** OFFICER TRAVIS DIXON  
OFFICER EVAN ROSENBERG

**FROM:** TERRENCE M. CUNNINGHAM  
CHIEF OF POLICE

**SUBJECT:** COMMENDATION FROM GARY CANAVAN  
WELLESLEY HOUSING AUTHORITY

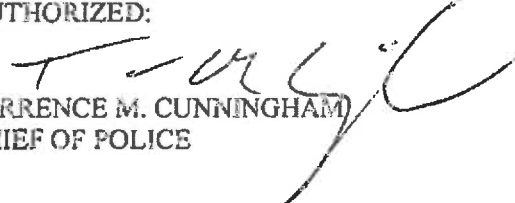
**DATE:** JANUARY 11, 2017

I was pleased to receive a letter which was sent to me by Gary Canavan, Resident Services Coordinator of the Wellesley Housing. He wanted to thank you for all the help you gave to the Wellesley Housing Authority Holiday party. He stated how you went out of your way to be generous with your time and effort which resulted in a fun-filled party for the families.

The comments of Gary Canavan 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:

  
TERRENCE M. CUNNINGHAM  
CHIEF OF POLICE

cc: Board of Selectmen  
Bulletin Board  
Personnel File



109 Barton Road  
Wellesley MA 02481



TEL. (781) 235-0223  
FAX. (781) 239-0802

*Wellesley Housing Authority*

Chief of Police  
Wellesley Police Department  
485 Washington Street  
Wellesley, MA 02482

Sir,

I am writing to express my thanks for the generous help and support received from your officers and staff. During this past Christmas the residents of the Wellesley Housing Authority were the recipients of a fun filled holiday party and gifts which brightened their holiday. Officers Travis Dixon and Evan Rosenberg went out of their way to be generous with their time and efforts which reflects the nature and spirit of the entire force. I again thank you and your department on behalf of the Wellesley Housing Authority families.

A handwritten signature in dark ink, appearing to read 'Gary H. Canavan', is written over a horizontal line.

Gary Canavan  
Resident Services Coordinator  
Wellesley Housing Authority