

TOWN OF WELLESLEY



SUPPLEMENTAL REPORT TO THE ANNUAL TOWN MEETING

MONDAY, MARCH 28, 2022
7:00 P.M.

by the
ADVISORY COMMITTEE
PLANNING BOARD

Please read this Report and bring it with you to Town Meeting.

For more information and updates, please visit www.wellesleyma.gov.

This page intentionally left blank

TOWN OF WELLESLEY



ADVISORY COMMITTEE

TERM ENDS 2022

Jennifer Fallon
Neal Goins, Chair
Corinne Monahan
Patti Quigley, Vice Chair

TERM ENDS 2023

Shawn Baker, Secretary
Tom Cunningham, Vice Chair
Jake Erhard
Jeff Levitan
Doug Smith

TERM ENDS 2024

Susan Clapham
Al Ferrer
Wendy Paul
Pete Pedersen
Madison Riley

To the Town Meeting Members of the Town of Wellesley:

March 25, 2022

The material on the following pages reflects new information and/or updates relating to the 2022 Annual Town Meeting, including re-votes by the Advisory Committee, which have occurred since the printing of the Advisory Report. This Supplemental Report should be read in conjunction with the main Advisory Report. Please note that the Chair letter of the Advisory Report refers to an extension of the Moderator's term from one to five years. In fact, the proposed extension is from one to **three** years. In addition, below there is an errata page covering corrections to the vote count and typos for some of the Articles in the original Advisory Report.

There are two articles covered in this Supplemental Report:

1. **Updates for Article 19:** Reflecting an increase in the project costs and Advisory's re-vote
2. **Updates for Article 25:** Advisory's re-vote on non-substantive policy changes that occurred after Advisory voted

This Supplemental Report also contains the Planning Board's Report to Annual Town Meeting.

Finally, Advisory has become aware that the inclusion of quotes in the Advisory Report for seven of the articles has been seen by some as potentially distracting from the substance and importance of those Articles. That was certainly not the intent, and Advisory regrets giving any impression to the contrary.

Neal Goins, Chair
Advisory Committee

**CORRECTIONS to
2022 Reports to Annual Town Meeting**

Incorrect Advisory votes were recorded in the Advisory Committee's 2022 Reports to Annual Town Meeting. The correct votes are noted below:

Article 13

- **Advisory Report:** Advisory recommends favorable action, 13 to 0.
- **Corrected:** Advisory recommends favorable action, 11 to 0.

Article 33

- **Advisory Report:** Advisory recommends favorable action, 13 to 0.
- **Corrected:** Advisory recommends favorable action, 14 to 0.

Article 34

- **Advisory Report:** Advisory recommends favorable action, 13 to 0.
- **Corrected:** Advisory recommends favorable action, 14 to 0.

Article 36

- **Advisory Report:** Advisory recommends favorable action, 10 to 2.
- **Corrected:** Advisory recommends favorable action, 11 to 2.

Article 37

- **Advisory Report:** Advisory recommends favorable action, 10 to 2.
- **Corrected:** Advisory recommends favorable action, 11 to 2.

Article 41

- **Advisory Report:** Advisory recommends favorable action, 13 to 0.
- **Corrected:** Advisory recommends favorable action, 14 to 0.

Article 42

- **Advisory Report:** Advisory recommends favorable action, 13 to 0.
- **Corrected:** Advisory recommends favorable action, 14 to 0.

Article 43

- **Advisory Report:** Advisory recommends favorable action, 13 to 0.
- **Corrected:** Advisory recommends favorable action, 14 to 0.

Article 46

- **Advisory Report:** *Vote missing*
- **Corrected:** Advisory recommends favorable action, 11 to 0.

Also, please note the following corrections:

Article 21, page 111, correction:

- Reduce electricity use by **\$181,000**/year by FY25

Article 37, page 140, change Wellesley Farms to Wellesley Hills.

Article 46, page 164:

- **Advisory Report Chart:**

Town Meeting Vote	Project	Total Debt Authorized	Amt to be Rescinded	Comment
STM Oct 2020, Art 6.1	Main Library Reno	\$2,863,408	\$ 440,000	Project Complete
STM Oct 2018, Art 2	Hardy MSAB	\$ 735,000	\$ 218,723	MSBA Reimbursement
STM2 Oct 2021, Art 6	PFAS	\$1,500,000	\$1,500,000	ARPA Funds Received
ATM 2019, Art 19	MS Piping Construction	\$2,800,000	\$ 88,950	Project Complete

- **Corrected:**

Town Meeting Vote	Project	Total Debt Authorized	Amt to be Rescinded	Comment
STM Oct 2020, Art 6.1	Main Library Reno	\$2,863,408	\$ 440,000	Gift Received
STM Oct 2018, Art 2	Hardy MSAB	\$ 735,000	\$ 218,723	MSBA Reimbursement
STM2 Oct 2021, Art 6	PFAS	\$1,500,000	\$1,500,000	ARPA Funds Received
ATM 2019, Art 19	MS Piping Construction	\$2,800,000	\$ 88,950	Project Complete

ARTICLE 19. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended under the direction of the Board of Public Works, for engineering designs, bid documents, construction, reconstruction, rehabilitation, and repair of Walnut Street, including street, sidewalk and/or drainage repairs and improvements, including all costs incidental and related thereto; for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, or to take any other action in relation thereto.

(Board of Public Works)

After the publication of the Advisory Report, the Board of Public Works (BPW) advised that its estimate of the costs for the Walnut Street project had increased from \$2.45 million to \$3.3 million. The Department of Public Works (DPW) noted that the prior estimate was received in 2018, and presented revised estimates as reflected in the table below. Final amounts are not expected to be known until bids are opened after Town Meeting at the end of April 2021. As the increase is significant, Advisory rescinded its prior vote, and discussed and re-voted with the new amounts.

Item	2018	2022	Variance
Roadway	\$1,416,000	\$1,611,344	\$195,344
Drainage	\$236,180	\$414,912	\$178,732
Sidewalk	\$330,000	\$430,555	\$100,555
ADA Ramps	\$38,500	\$67,985	\$29,485
Police Details	\$21,600	\$183,600	\$162,000
Pole Relocations	\$0	\$30,000	\$30,000
Subtotal	\$2,042,280	\$2,738,396	\$696,116
Contingency	\$408,456	\$561,604	\$153,148
TOTAL	\$2,450,736	\$3,300,000	\$849,264

Advisory Considerations

Advisory agreed that, in current market conditions, the changed amounts from the earlier version as detailed above are appropriate, and also understands that recent experience with the Grove Street project indicates Police Details costs will be higher than originally anticipated. With this re-vote of Article 19, Advisory remains unanimously supportive of the BPW's proposed Walnut Street project, despite the expected cost increases. Advisory appreciates the efforts of the Board of Public Works and the Department of Public Works. As noted, final costs of the Walnut Street project will only be known when final bids are received, so Advisory is basing its recommendation based on the information available now.

Advisory recommends favorable action, 13 to 0.

ARTICLE 25. To see if the Town will vote to add, modify, or delete certain personnel policies and procedures for Town employees not covered by collective bargaining agreements, or authorize the Human Resources Board to do the same, in accordance with Article 30.10 of the Town Bylaws Personnel Policies Nonunion Employees, or to take any other action in relation thereto.

(Human Resources Board)

Subsequent to the publication of the Advisory Report, the Human Resources Board determined they had posted an incorrect version of the proposed updated Human Resources policies that Advisory then used in their vote for Article 25.

The changes are:

Holidays with Pay: corrected a formatting error and added “Indigenous People’s Day” to Columbus Day.

Sick Leave: retitled the policy to “Sick Leave” from “Payment Due to Absence on Account of Illness”.

Workplace Violence: re-deleted the definitions sections and accepted Town Counsel’s redline edits.

Drug Free Workplace: deleted “pending review” language as reviewed and approved by Town Counsel.

Employee Work Performance: corrected a formatting error.

Standards of Conduct and Disciplinary Policy: corrected a formatting error and omitted disciplinary procedures from previous draft.

Remote Work Policy: corrected a formatting error.

All the above changes are non-substantive; they correct formatting errors, accept redline edits, or update names for clarity or enhanced specificity. Full text physical copies of the policies are available and on file at the Town Clerk’s office and through this link: <https://wellesleyma.gov/211/Human-Resources>.

Advisory Considerations

Advisory agreed that the changes noted from the earlier version of the Human Resources policies do not impact the intent or substance of the revised policies. The re-vote was taken in the interest of a transparent process and in consideration of Human Resource policies’ significance for our Town employees. With this re-vote of Article 25, Advisory remains unanimously supportive of the Human Resources Board updated policies as presented and appreciates their efforts.

Advisory recommends favorable action, 13 to 0.

**REPORT OF THE PLANNING BOARD
ANNUAL TOWN MEETING 2022**

In accordance with the provisions of Section 26, *Notice of Public Hearings*, of the Zoning Bylaw, and Chapter 40A of the General Laws of the Commonwealth of Massachusetts, the Planning Board convened duly advertised public hearings on:

(i) Monday January 24, 2022, on a proposed Citizen Petition amendment to rezone 130, 136, 140, and 140R Worcester Street (Article 45) which was continued to Monday February 7, 2022; and

(ii) Monday, March 7, 2022, on the proposed amendments to the Zoning Bylaw as contained in the Warrant for the March 28, 2022, Annual Town Meeting (Articles 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43).

Following closing the public hearing on the Citizens Petition and as further required by the Zoning Bylaw and General Laws of the Commonwealth of Massachusetts, the Planning Board voted on the Citizens Petition at the February 7, 2022, meeting opposing Article 45.

Following closing the public hearing on Articles 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43, and as further required by the Zoning Bylaw and General Laws of the Commonwealth of Massachusetts, the Planning Board voted at the March 7, 2022, meeting approving Articles 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43.

The Planning Board also notes that earlier versions of certain articles had been previously proposed for the Fall 2022 Special Town Meeting and public hearings had been held on them prior to that Special Town Meeting. In addition, in advance of the issuance of the Warrant for the Annual Town Meeting the Planning Board published notice of certain articles (referred to at that time as Articles A-K) and held a hearing on them on January 24, 2022.

ARTICLE 33 – Flood Plains

**Final Recommendation – Adoption
(Planning Board voted 5-0)**

Article 33 is sponsored by the Planning Board. It seeks to amend Article 1B. DEFINITIONS and Article 14B. FLOOD PLAIN OR WATERSHED PROTECTION DISTRICTS of the Zoning Bylaw to adopt certain provisions of the Massachusetts 2020 Model Floodplain Bylaws.

The language of the amendments was prepared by Town Counsel who describes the purpose and scope of the amendments as follows:

“The purpose of the changes to the Floodplain Bylaw is to bring the Town into conformity with the requirements of FEMA’s National Flood Insurance Program (NFIP), as administered by the Massachusetts Flood Hazard Management Program (FHMP).

FEMA periodically updates its flood maps, which delineate the various zones of flood risk within communities. When a flood map is updated, a community must have local floodplain regulations that conform with NFIP regulations in order for that community to have access to federal flood insurance. Massachusetts has incorporated many of the NFIP requirements into state law, including in the Building Code and the Wetlands Protection Act. However, because state law does

not cover all aspects of the federal flood insurance regulations, the FHMP has published a set of model bylaws which towns are required to adopt by the time their FEMA flood maps are next updated. Norfolk County communities are due for a final, updated map in late 2022 or early 2023. This means the Town must bring its floodplain bylaws into conformity with the FHMP model by that time.

The proposed, amended Floodplain Bylaw makes the following significant changes to the current Section 14B:

- It includes specific definitions required by the state’s model bylaws.
- It would require a permit for all development of any kind in the Floodplain Overlay District.
- It would require that subdivision proposals include technical data on base flood elevations for developable parcels.
- It would require that all projects make adequate provisions to maintain existing flood carrying capacity and minimize flood risk.
- Within certain zones designated on the FEMA flood map, the Bylaw would impose certain drainage requirements or entirely prohibit encroachment that would result in any increase in flood levels within the community during the occurrence of the base flood (“100-year flood”) discharge.
- The proposed Bylaw imposes standards and notice requirements for the granting of a variance within the Floodplain Overlay District.

The proposed amended Bylaw references the Town’s currently effective FEMA flood map. When the new maps are finalized within the next year and the Town receives a Letter of Final Determination, it will need to make another, simple update to the Bylaw to reference the new maps.

The proposed Bylaw is intended to bolster protection from flood damage for Town and to ensure that property owners have the opportunity to purchase federal flood insurance through the NFIP. If the Town fails to adopt floodplain regulations that conform to the state’s model bylaws before the effective date of the new FEMA flood maps, it will likely not be eligible to continue participating in the NFIP.”

The Planning Board believes that it is essential that the Town remain in compliance with federal and state requirements and so recommends approval of the Article.

Article 34 – Definition of Child Care Facility

Final Recommendation – Adoption (Planning Board voted 5-0)

Article 34 is initiated and sponsored by the Planning Board. It proposes to amend the Zoning Bylaw to update the definition of Child Care Facility to reference Massachusetts General Laws Chapter 15D. Currently the definition of Child Care Facility references Mass. General Laws Chapter 28A which was repealed in 2008. The terms in Chapter 15A are effectively indistinguishable from the terms in the former Chapter 28A. Making the change also complies with a recommendation of the Massachusetts Attorney General when she approved the Town’s adoption of Sections 14J and 14J.1 of the Zoning Bylaw. The article also replaces the definition

of “Child Care Use” with the term Child Care Facility to avoid using duplicate terms for the same subject.

The Planning Board believes that this Article is a necessary update and correction to the Zoning Bylaw and recommends approval.

Article 35 – Town Houses

Final Recommendation – Adoption (Planning Board votes 5-0)

Article 35 is initiated and sponsored by the Planning Board to address certain issues relating to the definition of Town Houses and to allow Duplexes within the General Residence District.

First, the Inspector of Buildings advised the Planning Board that the current definition of Town House in the Zoning Bylaw did not match the definition of Town House in the Building Code and he requested that the term be brought into compliance with the Building Code. To that end, the current definition of Town House is proposed to be replaced with a new definition consistent with the Building Code that a Town House is one dwelling unit in a group of three or more dwelling units.

Second, the Planning Board has received various requests to allow the construction of Duplexes in the General Residence District. Duplexes are town house like structures which are a pair of side-by-side dwelling units sharing a common vertical wall. The current definition of Two Unit Dwelling excludes these types of units with the result that they cannot be constructed in the General Residence District. The Planning Board believes that it is appropriate to allow Duplexes in the General Residence District to expand the variety of housing in the Town and to respond to preferences for construction of Duplexes. To achieve this the article adopts a definition of Duplex and amends the definition of Two Unit Dwelling to allow Duplexes in the General Residence District.

The Planning Board believes that this Article makes required corrections to the Zoning Bylaw, provides for a desired type of housing in the General Residence District which will enhance housing choices in the Town and so recommends approval.

Article 36 – Additional Uses in a Portion of the General Residence District

Final Recommendation – Adoption (Planning Board votes 5-0)

Article 36 is sponsored by the Planning Board following discussion of a Citizens Petition at Special Town Meeting held in October 2021. The Citizens Petition sought to rezone the properties at 307 and 309 Washington Street (owned by the Unitarian Universalist Society of Wellesley Hills) from the General Residence District to the Business District. At the Special Town Meeting the Planning Board objected to rezoning the property to the Business District and advised Town Meeting that it would review the issue for this Annual Town Meeting.

The Article will amend the General Residence District to allow additional uses in the General Residence District in Wellesley Hills along Washington Street and Worcester Street between Cliff Road and Grantland Road Extension (next to the Hills Library). The additional uses would allow professional service firms to have offices, for profit educational organizations to run classrooms,

use of meeting space by non-profit and for-profit entities, and use of parking areas by employees or customers of adjoining properties. The uses are subject to limitations on signage, outdoor storage, and changes to buildings.

Consideration was given to allowing the uses along other areas of Washington Street but after discussion the Planning Board was concerned about unintended impacts on available housing and other neighborhoods, so the affected area is the Wellesley Hills commercial district.

The Planning Board believes that the proposed changes are responsive to the concerns of the initial Citizens Petition and will allow better use of existing structures consistent with maintaining the General Residence district while recognizing the commercial character of Wellesley Hills.

Article 37 – Rezoning of 219 and 229 Washington Street to General Residence District

Final Recommendation – Adoption (Planning Board votes 5-0)

Article 37 is sponsored by the Planning Board in response to a request from the Wellesley Friendly Aid Association. It will rezone the parcels at 219 and 229 Washington Street from the Single Residence District to the General Residence District. Both parcels are owned by Wellesley Friendly Aid. Neighboring parcels are the Hills Congregational Church, the Hills Library, and the DPW Building.

Neither property is currently used for single family housing but for other uses allowed in the Single Residence District, such as semi-public institution of a philanthropic character. 219 Washington Street is the headquarters of Wellesley Friendly Aid and the rear building was used for many years by the Wellesley Community Center. The buildings on this lot have long been leased to a variety of non-profit entities. 229 Washington Street is leased to the Wellesley Historical Society on a long-term lease and is the location of the Society's Dadmun-McNamara House and Tollhouse Shop.

If Article 36 is adopted these parcels would be included in the area covered by Article 36 allowing the uses described in Article 36. If Article 36 is not adopted rezoning the property to the General Residence District will still allow Two Unit Dwellings, Duplexes (if Article 35 is adopted), and Town Houses.

The Planning Board believes that rezoning the parcels to the General Residence District is consistent with the long-established uses of the parcels and will serve, as a General Residence property, as a buffer between business districts in Wellesley Hills and the Single Residential districts on Washington Street east of Route 9.

Article 38 – Sustainability

Final Recommendation on Motions 1, 3, and 4 – Adoption (Planning Board votes 5-0)

This Article is proposed by the Planning Board to update the Zoning Bylaw to assist in sustainable development in the Town, including meeting the Town's climate action goals. The Article is divided into 4 separate motions.

Motion 1

Motion 1 will add encouraging sustainability and reduction of greenhouse gas emissions to the list of purposes in Section 1. GENERAL PROVISIONS. As with the existing purposes already mentioned in Section 1.C it is worded broadly to identify objectives of the Zoning Bylaw. Like the existing purposes it does not in itself create specific obligations but will work with other sections of the Zoning Bylaw to advance the goals of the Town.

The Planning Board believes that this amendment to Section 1.C is an important addition to the objectives of the Zoning Bylaw and so recommends approval.

Motion 2

Motion 2 would amend Section 16A. PROJECT APPROVAL to add review of potential greenhouse gas emissions to the reviews required for Projects of Significant Impact. Projects of Significant Impact are projects which add new construction of 10,000 or more sq. ft. of area or alters more than 15,000 sq. ft. of an existing building. They are the largest development projects in the Town. Typically, the Town reviews one or two per year.

The Planning Board believes that the Town's adoption of goals to reduce greenhouse gas emissions makes such emissions, like water supply, a limited good and so part of the Town's infrastructure. The proposed article requires a description of energy supplies and usage, much of which is part of project development. Adding this to the PSI process will lead to discussion between the Town and project owners to understand the impact of a project. Over time, definitive standards can be adopted as the Town continues to advance its Climate Action Plan. Until then, the Planning Board believes this Article represents an important step in collaboratively acting to meet the Town's emission goals.

Due to continued discussion with multiple Town Officials, Departments and other stakeholders of the complex issues involved, the Planning Board decided at its meeting on March 21, 2022, to not move this particular motion at Annual Town Meeting in order to allow further discussion and development of the issue and then present this subject at the next Town Meeting.

Motion 3

Motion 3 amends Section 22. DESIGN REVIEW to add a sixth criteria, Sustainable Design and reduction of greenhouse gas emissions, to the standards for Design Review. As part of the Town's permitting processes, the Design Review Board conducts a review of Projects of Significant Impact, Major Construction Projects, Minor Construction Projects, Signs, and Large House Review. It applies the standards in Section 22 when it reviews projects. The Design Review Board believes, and the Planning Board agrees, that ongoing evolution of architectural and construction practices require that sustainability be an integrated part of design review and so should be part of the Town's criteria for Design Review. The Planning Board recommends approval of Motion 3.

Motion 4

Motion 4 adds a definition of Heat Pump to Section 1B. DEFINITIONS and amends Section 19. YARD REGULATIONS to modify the setback requirements for installation of Cold Climate Air-Source Heat Pumps. Currently Section 19.B creates setback requirements for installation of

heating, ventilation, air conditioning, and other noise emitting equipment. The purpose of these requirements is to reduce the noise impact of such equipment on adjoining properties.

Installation of heat pumps is an important part of the Town's Climate Action Plan as they operate more efficiently than conventional HVAC equipment. However, many residents have advised the Planning Board that the setback requirements for noise emitting equipment frustrate the installation of heat pumps by requiring property surveys to confirm the location of the heat pumps relative to property lines and such surveys are both expensive and time consuming to obtain. The Planning Board also understands that these heat pumps are quieter than traditional HVAC equipment.

Motion 4 seeks to balance the traditional objectives of Section 19's restriction on the placement of noise emitting equipment with the goal of facilitating the Town's climate action goals to install more heat pumps in the Town. The motion will allow heat pumps to be located up to four feet from building foundations even if that would intrude into the side or rear setbacks.

The Planning Board recommends approval of Motion 4 as it believes it is an appropriate means of facilitating the installation of heat pumps while continuing to address concerns about the placement of noise emitting equipment.

Article 39 – Accessory Dwelling Units

Final Recommendation – Adoption (Planning Board votes 5-0)

Article 39 is proposed by the Planning Board to add a new Section 16H. ACCESSORY DWELLING UNITS to the Zoning Bylaw and make associated changes to definitions and other portions of the Zoning Bylaw. If adopted, Article 39 will permit the creation of Accessory Dwelling Units as part of One-Unit Dwellings in the Town.

An Accessory Dwelling Unit (also referred to as an ADU) is a small apartment or housing unit on the same lot as a One-Unit Dwelling and are frequently referred to as “in-law apartments” or “au-pair suites”, though occupancy is not necessarily restricted to family members. ADUs can be attached or detached from the principal residence. They are owned, bought, and sold together with the primary residence on the lot, and at least one of the units on the property (either the ADU or the “primary residence”) must be owner-occupied.

Currently, ADUs are not allowed in the Single Residence Districts of the Town. The Town's Housing Production Plan focuses on allowing ADUs as an important means of increasing housing and improving diversity of housing in the Town. The Commonwealth of Massachusetts has also focused on the creation of ADUs as a means of addressing critical housing shortages in the Commonwealth and so addressed them in Housing Choice Legislation enacted in 2021. The language of Article 39 conforms with the description of ADUs in that legislation. As authorized by the legislation, approval of Article 39 will only require a majority of Town Meeting rather than the 2/3 vote otherwise required for zoning matters.

The Planning Board believes that adoption of Article 39 will, among other benefits:

- facilitate low-impact, sustainable housing production, diversity, and affordability in the Town's neighborhoods that don't require expansions of Town infrastructure.
- allow older adults to remain in Wellesley by providing a potential income stream.

- better accommodate adult children and people with disabilities.
- use energy, water, materials, and the Town's infrastructure more efficiently by increasing the Town's housing supply through focused, small-scale development.
- preserve historic homes, carriage houses, and barns by providing an alternative option to a tear down.
- accommodate evolving lifestyles and multi-generational living as average family sizes continue to decrease and non-traditional living arrangements become more common.

The Planning Board has received comments from residents that the Zoning Bylaw be amended to allow ADUs for the reasons stated above. The Planning Board however recognizes that some residents are concerned that ADUs, by increasing density, may adversely impact existing neighborhoods. The Planning Board believes that ADUs will not adversely impact existing neighborhoods and Article 39 contains many requirements to lessen any potential adverse impacts, including:

- requiring that the owner live on site either in the principal residence or the ADU
- limiting the size of ADUs to 900 sq. ft.
- having minimum periods for renting units
- design requirements that ADUs be subordinate to the principal dwelling
- special permits for creation of detached ADUs

In addition, ADUs will be subject to the requirements of the Zoning Bylaw, such as setbacks, and the State Building Code.

FAQs providing additional information on ADUs and Article 39 are available on the Planning Department webpages at: [Article-39 Accessory-Dwelling-Units-FAQs](#).

The Planning Board believes that allowing ADUs as part of One-Unit Dwellings is an important part of meeting the Town's and the Commonwealth's Housing Policies as well as an important adaptation to needs of many Town residents, and so recommends approval of Article 39.

Article 40 – Commercial Gun Shops

Final Recommendation – Adoption (Planning Board votes 5-0)

Article 40 amends Section 25. SPECIAL PERMIT GRANTING AUTHORITY and other provisions of the Zoning Bylaw and is proposed by the Planning Board to regulate the location and operation of Commercial Gun Shops in the Town. The Planning Board reviewed this issue after gun shops were proposed or opened in neighboring towns and concerns were raised by residents.

Currently the Zoning Bylaw would allow gun shops to be located in any area of the Town where retail activity is allowed. The Planning Board believes that health and safety issues related to this activity require further definition of their location and operation.

Article 43 would allow gun shops only in Business and Industrial Districts and at certain minimum distances from schools, child care facilities, and other establishments providing services to minors. Article 43 also creates requirements for access, signage, and security. It will be administered through Special Permits issued by the Zoning Board of Appeals.

The treatment of Commercial Gun Shops will be much the same as the Town currently follows for Adult Uses and Registered Marijuana Dispensaries. It is consistent with bylaws restricting location of gun shops adopted by other municipalities, including Newton and Dedham. It does not ban gun shops and does not restrict ownership, use, or private sale of guns.

The Planning Board believes that Article 43 proactively addresses an important issue in a responsible manner and so recommends approval.

Article 41 – Outdoor Lighting Bylaw

Final Recommendation – Adoption (Planning Board votes 5-0)

Article 41 is proposed by the Planning Board to amend Section 16G. OUTDOOR LIGHTING Part D Applicability. Article 41 does not change the types of projects subject to the Outdoor Lighting Bylaw but does provide that if a project is subject to the bylaw as a Minor Construction Project or a Major Construction Project that all external lights on the building must be updated to comply with the lighting bylaw, not just the lights on the portion of the building changed by the proposed project. The Planning Board noted that certain Construction Projects have not updated lighting on portions of the building where work was not performed, resulting in substantial glare still emanating from the project. It should be noted that Minor Construction Projects can be quite substantial, including a gut-rehab of an existing building but is classified as “Minor” because there is no increase in gross floor area.

The Planning Board believes that Article 41 clarifies an important part of the Outdoor Lighting Bylaw and so recommends approval of Article 41.

Article 42 – Signs

Final Recommendation – Adoption (Planning Board votes 5-0)

This Article amends Table 22.A.1 contained in Section 22A. SIGNS. This table details dimensional requirements for signs. In all places, except one, size limits are set forth as a certain amount of square feet or a certain percentage of the building facade, “whichever is less”. In one place regarding additional signs on a building, the words “whichever is less” are omitted, creating confusion in the application of the Sign Bylaw as well as the unintended result that an additional sign can be larger than a primary sign. Article 42 inserts the words “whichever is less” into this location.

The Planning Board regards this as a housekeeping measure to correct an unintended omission in the Sign Bylaw and so recommends approval of Article 42.

Article 43 – Reorganization of Zoning Bylaw

Final Recommendation – Adoption (Planning Board votes 5-0)

Article 43 is part of the Planning Board’s multi-year effort to update and recodify the Zoning Bylaw to meet an important goal of the Town’s Unified Plan. In previous years the Zoning Bylaw has been modified to (i) update the numbering of Sections to replace Roman numerals with Arabic

numerals, and (ii) to consolidate definitions in Section 1B. Article 43 will reorganize the Zoning Bylaw and correct internal references to conform to the new structure.

For many years the Zoning Bylaw has grown by the addition of new sections generally as part of Section 14 or 16. This has increasingly made it harder to read and search the bylaw. The organization proposed by Article 43 will group topics and sections in a more orderly way consistent with current practices and will make it easier to accommodate future changes in the bylaw. It does not make substantive changes to the provisions of the Zoning Bylaw.

The Planning Board believes that Article 43 is an unglamorous but necessary and helpful step in creating a more usable Zoning Bylaw and so recommends approval.

Article 45 – Citizens Petition to Rezone 130, 136, 140, and 140R Worcester Street

Final Recommendation – Do Not Adopt (Planning Board votes 0 in favor and 5 opposed on approval of the petitioned rezoning)

On December 21, 2021, the Planning Board received from the Executive Director on behalf of the Select Board a Citizens Petition signed by 22 residents of the Town. The text of the Petition is:

“To see if the Town will vote to amend the existing Zoning Map of the Town of Wellesley to remove from the Single Family Residence 15 Zoning District and designate certain parcels of land located on the southerly side of Worcester Street known and numbered as 130 Worcester Street, 136 Worcester Street, 140 Worcester Street and 140R Worcester Street and specifically identified as Assessor’s Map 7 Parcel 39, Assessor’s Map 10 Parcel 2, Assessor’s Map 10 Parcel 3, and Assessor’s Map 10 Parcel 4, respectively, intending to describe that land contained in that certain deeds recorded in the Norfolk County Registry of Deeds in Book 8492, Page 736, Norfolk Registry District of the Land Court as Land Court Document No. 575037 on Certificate No. 131768, and Norfolk Registry of Deeds Book 38810, Page 233 as within the Multi-Family Residence Zoning District or act on anything related thereto.”

130 Worcester Street, 136 Worcester Street, 140 Worcester Street, and 140R Worcester Street (the “Properties”) are located south of Worcester Street (Route 9), just west of the Interstate 95 and Route 9 interchange between Dearborn Street and Willow Street. 130, 136 and 140R Worcester Street abut the town-owned “McLean Street Property” (Parcel 10-69) to the south and west which is in the Parks, Recreation, and Conservation District. The four Properties currently are zoned as part of the Single Residence 15 District.

Prior to the continuation of the public hearing on the Citizen’s petition on February 7, 2022, the petitioners advised the Town that they now have other plans for the subject properties and will not bring a motion on this petition to Town Meeting.

The Planning Board has the following concerns:

- The site being isolated from the nearby neighborhoods on Willow Street and Dearborn Street as there are no sidewalks on Worcester Street (Route 9) to safely access those areas. Also of concern was that the site is not near the amenities offered by a town center or other multi-family housing.
- Impacts that development would have on wetland areas located on and around the subject properties.

- The lack of affordable housing units that would be developed as a result of this zoning change as compared to a Chapter 40B project, where at a minimum 20% of the units would be affordable.
- The lack of information and plans provided by the petitioner. The petitioner did not appear before the Planning Board to present the petition or answer any questions.
- Traffic concerns with access to and egress from the properties from Worcester Street.

For the reasons stated above, the Planning Board believes that the site is not a suitable location to be rezoned from Single-Family Residence 15 to Multi-Family Residence. While the petitioner does not plan to make a motion to move the article forward, the Planning Board noted that it would have not supported the article.