

TOWN OF WELLESLEY



17018 JAN 30 A.D. 57

**WARRANT  
for the  
ANNUAL TOWN MEETING**

ELECTION – March 6, 2018  
BUSINESS MEETING – March 26, 2018

ADVISORY COMMITTEE PUBLIC HEARING (WARRANT ARTICLES)  
January 31, 2018, 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 6, 2018:

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 Tolles Parsons Center, 500 Washington 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 |
| Moderator                              | One              | One Year    |
| Natural Resources Commission           | Two              | Three Years |
| Planning Board                         | One              | Five Years  |
|  | One              | Three Years |
| Recreation Commission                  | Two              | Three Years |
|  | One              | One Year    |
| School Committee                       | Two              | Three Years |
| Trustees of the Wellesley Free Library | Two              | Three Years |
| Town Clerk                             | One              | 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 26, 2018**

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

**ARTICLE 1.** 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 at \$91,423.00, 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 2017 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 certain 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 2019 Tax Rate, or to take any other action in relation thereto.

(Board of Selectmen)

**ARTICLE 9.** To see if the Town will vote pursuant to Section 53E1/2 of Chapter 44 of the Massachusetts General Laws, as amended by Section 86 of Chapter 218 of the Acts of 2016, to:

(1) amend Article 55 of the Town Bylaws to remove the Building Department Document Fees Fund, Recreation Summertime Revenues Fund, and Recreation Scholarship Revenues Fund by deleting Subsections 55.1.g, 55.1.i and 55.1.j and renumbering remaining subsections accordingly;

and

(2) set the limit on the total amount that may be spent from each revolving fund for Fiscal Year 2019 as follows:

- a. Street Opening Maintenance Fund: \$225,000.00
- b. DPW Field Use Fund: \$200,000.00
- c. Turf Field Fund: \$25,000.00
- d. Tree Bank Fund: \$75,000.00
- e. Baler, Compacters and other RDF Equipment Repair Fund: \$20,000.00
- f. Council on Aging Social and Cultural Programs Fund: \$140,000.00
- g. Teen Center Program Revenues Fund: \$40,000.00
- h. Library Room Rental Fund: \$35,000.00
- i. Lost/Damaged Library Materials Replacement Fund: \$15,000.00
- j. Brookside Community Gardens Fund: \$3,000.00
- k. Weston Road Gardens Fund: \$7,000.00
- l. Library Copier Fees Fund: \$20,000.00

or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 10.** To see if the Town will vote to transfer the sum of \$170,000.00 (ONE HUNDRED SEVENTY THOUSAND DOLLARS) from available funds presently held in the Building Department Document Fees Revolving Fund to be expended under the direction of the IT Department, for the purpose of purchasing, installing, upgrading, and implementing of electronic permitting software and for any associated costs, said funds to be made available for expenditure upon the adjournment of Town Meeting; or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 11.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to the Special Education Reserve Fund established by the vote taken under Article 10 at the 2017 Annual Town Meeting 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 12.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$9,362,072.00 (NINE MILLION THREE HUNDRED SIXTY-TWO THOUSAND SEVENTY-TWO DOLLARS), or any other sum, to be expended under the direction of the Board of Public Works for the purposes of operating and managing the Water Program as follows:

|   |                |
|---|----------------|
| Salaries                                      | \$ 1,849,377   |
| Expenses (incl. interest, and all non-op exp) | 4,177,198      |
| OPEB (Other Post-Employment Benefits)         | 38,500         |
| Depreciation                                  | 885,000        |
| Capital Outlay                                | 1,130,000      |
| Debt  | 813,440        |
| Emergency Reserve                             | <u>468,557</u> |
| Total Authorized Use of Funds                 | \$9,362,072    |

And that \$9,362,072 be raised as follows:

|                        |                  |
|------------------------|------------------|
| Department Receipts    | \$6,748,935      |
| Depreciation           | 885,000          |
| Retained Earnings      | <u>1,728,137</u> |
| Total Sources of Funds | \$9,362,072      |

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 the sum of \$9,251,081 (NINE MILLION TWO HUNDRED FIFTY-ONE THOUSAND EIGHTY-ONE DOLLARS) to be expended under the direction of the Board of Public Works for the purposes of operating and managing the Sewer Program, as follows:

|   |                |
|---|----------------|
| Salaries                                      | \$ 842,196     |
| Expenses (incl. interest, and all non-op exp) | 6,603,818      |
| OPEB (Other Post-Employment Benefits)         | 16,500         |
| Depreciation                                  | 432,000        |
| Capital Outlay                                | 620,000        |
| Debt  | 282,298        |
| Emergency Reserve                             | <u>454,269</u> |
| Total Authorized Use of Funds                 | \$9,251,081    |

And that \$9,251,081 be raised as follows:

|                        |                |
|------------------------|----------------|
| Department Receipts    | \$8,307,739    |
| Depreciation           | 432,000        |
| Retained Earnings      | <u>511,342</u> |
| Total Sources of Funds | \$9,251,081    |

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 the sum of \$37,651,400 (THIRTY-SEVEN MILLION SIX HUNDRED FIFTY-ONE THOUSAND FOUR HUNDRED DOLLARS) to be expended under the direction of the Municipal Light Board for purposes of operating and managing the Municipal Light Plant, as follows:

**Operating Budget:\***

|                                     |                   |
|-------------------------------------|-------------------|
| Operating Salaries                  | \$1,147,700       |
| Materials and Services              | 843,400           |
| Health Insurance                    | 223,300           |
| FICA - Medicare                     | 14,000            |
| Contribution to Employee Retirement | 231,200           |
| Purchase Power                      | 24,097,600        |
| Transmission                        | <u>5,700,000</u>  |
| <b>Sub Total</b>                    | <b>32,257,200</b> |

**Capital Outlays:**

|                                     |                  |
|-------------------------------------|------------------|
| Salaries                            | 544,800          |
| Services/Materials                  | 2,229,600        |
| Vehicles                            | 120,000          |
| Health Insurance                    | 267,500          |
| FICA - Medicare                     | 11,000           |
| Contribution to Employee Retirement | <u>449,200</u>   |
| <b>Sub Total</b>                    | <b>3,622,100</b> |

**Payments That Benefit The Town:\*\***

|  |                  |
|--|------------------|
| Payment in Lieu of Taxes                 | 1,000,000        |
| Holiday Lights, Banners and Civic Events | 44,000           |
| Fiber Optic Network for Town             | <u>83,000</u>    |
| <b>Total Benefits to Town</b>            | <b>1,127,000</b> |

|                                |                       |
|--------------------------------|-----------------------|
| <b>Emergency Contingencies</b> | <b><u>645,100</u></b> |
|--------------------------------|-----------------------|

|  |                            |
|--|----------------------------|
| <b>Total Fiscal Year 2019 Budget Request</b> | <b><u>\$37,651,400</u></b> |
|--|----------------------------|

To be paid for by electric revenues and retained earnings.

\* Excludes depreciation expense in the amount of  
\* \$3,750,000.

\*\* Town benefits do not include electric rate subsidization for:  
 Municipal buildings (\$128,900); LED Retrofit savings (\$120,000) and  
 Information Technology Support fees (\$43,000).

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 hear and act on the report of the Community Preservation Committee on the Fiscal Year 2019 Community Preservation Budget, to appropriate or reserve for future appropriation, from FY 2019 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, 2018, to make debt service payments, and to undertake community preservation projects as recommended by the Community Preservation Committee, as follows:

|   | <u>Open Space</u> | <u>Historical</u> | <u>Housing</u> | <u>Undesignated</u> |
|---|-------------------|-------------------|----------------|---------------------|
| <b>Reserve revenues for Specific Purpose and Administrative</b> |                   | \$160,000         | \$160,000      | (\$65,000)          |

| <b>Appropriations from Reserves</b>  | <u>Open Space</u> | <u>Historical</u> | <u>Housing</u> | <u>Undesignated</u> |
|--|-------------------|-------------------|----------------|---------------------|
| Morses Pond beachfront and bath-house study  | (\$40,000)        |                   |                |                     |
| DPW reconstruction of tennis courts at Sprague Field/MS  |                   |                   |                | (\$150,000)         |
| Phase II HS Track and Field Restoration-installation of bathroom facilities                        |                   |                   |                | (\$175,000)         |
| NRC-Construction of vernal pool boardwalk and observation area                                     | (\$50,000)        |                   |                |                     |
| NRC-Gas leak detection equipment and training  | (\$2,500)         |                   |                |                     |
| NRC-Construction of fish ladder at Fuller Brook  | (\$5,000)         |                   |                |                     |
| NRC-Phase I of duck pond bridge  | (\$38,500)        |                   |                |                     |
| Planning Department- Sub-Area Land Use Study and Plan  |                   |                   | (\$25,000)     |                     |
| Wellesley Historical Society- Continuation of business, club and organization archiving project ** |                   | (\$36,000)        |                |                     |
| FMD/WHC-Fells Branch Roof Replacement  |                   | (\$31,000)        |                |                     |
| Softball Field Improvement Committee - Improvements to   |                   |                   |                | (\$500,000)         |

|  |                    |                   |                    |                    |
|--|--------------------|-------------------|--------------------|--------------------|
| landscaping, drainage and safety at two softball fields in town**  |                    |                   |                    |                    |
| Wellesley Housing Authority-Analysis of Wellesley Housing Authority Sites at Barton Road and Morton Circle/Washington Street |                    |                   |                    | (\$200,000)        |
| <b>TOTAL</b>   | <b>(\$136,000)</b> | <b>(\$67,000)</b> | <b>(\$225,000)</b> | <b>(\$825,000)</b> |

\*\* These projects have not yet been voted on by the CPC

North 40 Debt service \$550,244 appropriated from Open space reserve and Undesignated funds and applied to Article 8 Omnibus Budget

or to take any other action in relation thereto.

**(Community Preservation Committee)**

**ARTICLE 16.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$125,000.00 (ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS), or any other sum, to be expended under the direction of the Facilities Management Department to obtain one or more feasibility studies for four Middle School projects which include: (1) exterior façade repairs, (2) replacement of the HVAC system, (3) replacement of interior doors and (4) replacement of kitchen equipment; and for any other services in connection therewith and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount; or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 17.** To see if the Town will vote to raise and appropriate, transfer from available funds, including Community Preservation Funds, or borrow \$525,000.00 (FIVE HUNDRED TWENTY-FIVE THOUSAND DOLLARS), or any other sum, to be expended under the direction of the Board of Public works for design, architectural and engineering services, bid documents, construction services and associated costs related to the construction of the High School track and field facility including: (a) construction and installation of appurtenant structures and site enhancements; and (b) professional or other services in connection therewith; said funds to be raised as follows:

- \$175,000.00 (ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS) transferred from Gifts;
- \$175,000.00 (ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS) from Community Preservation Undesignated Reserves as approved pursuant to Article 15 of the Warrant; and,
- and the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$175,000 (ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS) in accordance with Chapter 44, Sections 7(1), of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount.

or to take any other action in relation thereto.

**(Playing Fields Task Force/School Committee)**

**ARTICLE 18.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow \$2,000,000.00 (TWO MILLION DOLLARS), or any other sum, to be expended under the direction of the Board of Public Works, for engineering designs, bid documents, construction services and associated costs related to the construction, reconstruction, rehabilitation, and repair of Grove Street, including street, sidewalk and/or drainage repairs and improvements and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount; or take any other action in relation thereto.

**(Board of Public Works)**

**ARTICLE 19.** To see if the Town will vote to raise and appropriate, transfer from available funds, accept gifts, or borrow a sum or sums of money, to be expended under the direction of the Facilities Management Department/Permanent Building Committee for architectural and engineering plans, specifications and other services in connection with the reconstruction, remodeling, rehabilitation and/or renovation of the Wellesley Free Library located at 530 Washington Street, including any necessary site work and, for the

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

(Board of Library Trustees)

**ARTICLE 20.** To see if the Town will vote to raise and appropriate, transfer from available funds, accept gifts, or borrow the sum of \$350,000.00 (THREE HUNDRED FIFTY THOUSAND DOLLARS), or any other sum, to be expended under the direction of the Board of Library Trustees and Facilities Management Department for design, architectural and engineering services, bid documents, construction services and associated costs related to the purchase and installation of an Automated Materials Handler for the Wellesley Free Library located at 530 Washington Street, including building, site work and installation and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount; or take any other action in relation thereto.

(Board of Library Trustees)

**ARTICLE 21.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$391,575.00 (THREE HUNDRED NINETY ONE THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS), or any other sum, to be expended under the direction of the Permanent Building Committee, for architectural and engineering designs, plans and other specifications and any associated costs related to the replacement of the Middle School Steam Pipe system, and for any other services in connection therewith and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the

amount to be borrowed to pay such cost by a like amount; or to take any other action in relation thereto.

(School Committee)

**ARTICLE 22.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum or sums to be expended under the direction of the Permanent Building Committee, for architectural and engineering designs, bid documents, construction services and associated costs related to the rehabilitation, restoration and repair of the Town Hall exterior including handicap accessibility accommodations and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount; or take any other action in relation thereto.

(Board of Selectmen)

## STREET ACCEPTANCE

**ARTICLE 23.** 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 the sum of \$195,000.00 (ONE HUNDRED NINETY-FIVE THOUSAND DOLLARS), or any other sum therefor, to be expended under the direction of the Board of Selectmen, for the cost of engineering services, for preparation of plans and specifications, and for reconstruction, of Granite Street, and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount; or take any other action in relation thereto.

(Board of Selectmen)

## AUTHORIZATIONS

**ARTICLE 24.** To hear the report of the Board of Public Works that certain easements for utilities are no longer required for public purposes, and to see if the Town will vote, pursuant to Chapter 40, Section 15 of the *Massachusetts General Laws*, to authorize the Board of Public Works to make the required declaration to abandon those easements for utilities, crossing 111 and 115 Westgate, Wellesley, MA, as described herein, without charge for said declaration. The easements for utilities to be abandoned are more fully described as follows:

Perpetual rights and easements to construct, inspect, repair, renew, replace, operate and maintain (a) covered main sewers and drains with connecting sewers and drains with their manholes, embankments, walls, culverts and appurtenances and (b) covered water mains and pipes incidental thereto and other appurtenances reasonably necessary for the maintenance of a water supply in, through and under Westgate, a private way shown on a subdivision plan of land entitled "Subdivision plan of a portion of WESTGATE in WELLESLEY, MASS. owned by RALPH O. Porter, Inc." prepared by Gleason Engineering Company, dated November 20, 1959, approved by the Planning Board on December 28, 1959, said plan being recorded at the Registry of Deeds for Norfolk County as Plan Number 119 of 1960, the portions of Norwich Road and Oakridge Road, private ways, shown as approved on said plan and two (2) strips of land twenty (20) feet wide bounded and described as follows:

- (1) A strip constituting portions of lots 137 and 138, with street addresses of 115 and 111 Westgate, respectively, as shown on said plan of land, with said strip running southwesterly from the southwesterly side line of said Westgate to other land of Ralph O. Porter, Inc., the southeasterly boundary line of which commences at a point in said side line at the boundary line between said lots; and
- (2) A strip running from the northeasterly side line of said Westgate northeasterly and easterly through lot 132 on said plan, southeasterly across the rear portions of lots 132 and 133 on said plan and southerly across a portion of the rear of said lot 133 and across land of Ralph O. Porter, Inc. abutting lot 134 on said plan; the northwesterly side line of the first portion of said strip being the boundary line between lots 131 and 132, the northeasterly side line of the third portion of said strip being the northeasterly side line of lots 132 and 133 and the westerly side line of the last portion of said strip being the easterly side line of lot 134.

Said described abandonment being the area appearing and described in a Conveyance of Easements for Utilities granted by Ralph O. Porter, Inc., a Massachusetts corporation having a usual place of business in Wellesley, Norfolk County, Massachusetts, to the Town of Wellesley, recorded in the Registry of Deeds for Norfolk County at Book 3810, Page 367, and shown as "20' Easement" on said plan.

or take any other action in relation thereto.

**(Board of Public Works)**

**ARTICLE 25.** To see if the Town will authorize the Contributory Retirement Board to increase the maximum base on which the cost-of-living increase is calculated for retirees and beneficiaries of the Wellesley Contributory Retirement System by \$1,000 each July 1 for the next 3 years resulting in a base change from \$15,000 to \$16,000 effective July 1, 2018, from \$16,000 to \$17,000 effective July 1, 2019, and from \$17,000 to \$18,000 effective July 1, 2020.

or take any other action in relation thereto.

**(Contributory Retirement Board)**

**ARTICLE 26.** To see if the Town will vote to: (1) accept the provisions of Sections 22A, 22B and 22C of Chapter 40 of the Massachusetts General Laws, as amended by Sections 25 through 30 of Chapter 218 of the Acts of 2016, and to create a parking meter special revenue fund pursuant thereto for the reservation of parking meter receipts; and (2) to transfer a sum of money from parking meter receipts received by the Town from July 1, 2017, until March 26, 2018, to the parking meter special revenue fund; or take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 27.** To see if the Town will vote to authorize the Board of Selectmen to purge and forgive all unpaid and uncollectible parking fees assessed on or before January 1, 2010 totaling \$163,765.00 (ONE HUNDRED SIXTY-THREE THOUSAND SEVEN HUNDRED SIXTY-FIVE DOLLARS), or take any other action in relation thereto.

**(Board of Selectmen)**

#### **AMEND ZONING BYLAW**

**ARTICLE 28.** To see if the Town will vote to amend Sections IA. and XVI. of the Zoning Bylaws to prohibit marijuana establishments other than Registered Marijuana Dispensaries by:

(a) Inserting into Section IA, "Definitions", in appropriate alphabetical order, the following:

**Marijuana Establishment:** A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, craft marijuana cultivator cooperative, 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.

(b) Inserting into Section XVI., "Restrictions Affecting All Districts", at the end of the Section, the following:

I. For a Marijuana Establishment.

or take any other action in relation thereto.

(Board of Selectmen)

**ARTICLE 29.** To amend the Zoning Map to rezone properties owned by the Natural Resources Commission.

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

- a. To rezone the parcel located at 215 Grove Street and commonly known as Problem Rock (Assessor's Parcel ID# 115-34), totaling approximately 5,302 square feet, from the Single Residence District and 40,000 Square Foot Area Regulations District to the Parks, Recreation, and Conservation District;
- b. To rezone the parcel located at 99 Turner Road and commonly known as Morses Pond Beach (Assessor's Parcel ID# 184-1), totaling approximately 216,232 square feet, from the Single Residence District and 15,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;
- c. To rezone the parcel located at 16 R Brookdale Avenue and commonly known as Sinoff Gift (Assessor's Parcel ID# 190-111), totaling approximately 19,200 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;
- d. To rezone the parcel located at 5 R Dale Street and commonly known as Bird Island Sanctuary (Assessor's Parcel ID# 192-27), totaling approximately 44,752 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;
- e. To rezone the parcel located at 47 R Russell Road and commonly known as Pine Point (Assessor's Parcel ID# 192-30), totaling approximately 36,930 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;
- f. To rezone the parcel located at 1000 Worcester Street and commonly known as Morses Pond (Assessor's Parcel ID# 193-10), totaling approximately 4,879,842 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District and the Business District to the Parks, Recreation, and Conservation District;
- g. To rezone the parcel located at 9 R Cedar Street and commonly known as Schofield Tennis Courts (Assessor's Parcel ID# 28-81), totaling approximately 42,008 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;

- h. To rezone the parcel located at 94 Washington Street commonly known as Warren Park (Assessor's Parcel ID# 43-71), totaling approximately 163,350 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;
- i. To rezone the parcel located along Forest Street and commonly known as Sawyer Park (Assessor's Parcel ID# 48-5), totaling approximately 71,447 square feet, from the Single Residence District and 20,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;
- j. To rezone the parcel located at 41 Hillside Road and commonly known as Yotz Meadow (Assessor's Parcel ID# 52-26), totaling approximately 58,330 square feet, from the Single Residence District and 15,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;
- k. To rezone the parcel located at 30 The Waterway and commonly known as The Waterway (Assessor's Parcel ID# 52-65), totaling approximately 77,551 square feet, from the Single Residence District and 15,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;
- l. To rezone the parcel located along Abbott Road and commonly known as Peabody Park South (Assessor's Parcel ID# 56-27), totaling approximately 16,170 square feet, from the Single Residence District and 20,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;
- m. To rezone the parcel located along Croton Street and commonly known as Indian Springs Park (Assessor's Parcel ID# 62-33), totaling approximately 72,897 square feet, from the Single Residence District and 15,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;
- n. To rezone the parcel located along Glen Road and commonly known as Farms Station Pond (Assessor's Parcel ID# 62-6), totaling approximately 71,797 square feet, from the Single Residence District and 15,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;
- o. To rezone the parcel located at 60 Croton Street commonly known as Farms Station Pond South (Assessor's Parcel ID# 62-7), totaling approximately 138,322 square feet, from the Single Residence District and 15,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;
- p. To rezone the parcel located at 212 Washington Street commonly known as Ware Park (Assessor's Parcel ID# 63-39), totaling approximately 9,951 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;
- q. To rezone the parcel located at 55 Rice Street commonly known as Hunnewell Field or Fuller Brook Park (Assessor's Parcel ID# 87-21), totaling approximately

1,102,331 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;

- r. To rezone the parcel located at 10 Greenwood Road commonly known as Devil's Slide (Assessor's Parcel ID# 85-41), totaling approximately 12,527 square feet, from the Single Residence District and 20,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District;

or take any other action in relation thereto.

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

**ARTICLE 30.** To see if the Town will vote to amend the Zoning Map of the Town of Wellesley, Massachusetts by rezoning the following properties, or parts thereof, as follows:

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

- a. To rezone a parcel located at 12 Shelley Road (Assessor's Parcel ID# 22-26-B), totaling approximately 10,010 square feet, to the Single Residence District and 10,000 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 Single Residence District and 15,000 Square Foot Area Regulation District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- b. To rezone portions of two (2) parcels located along Grove Street and Benvenue Street (Assessor's Parcel ID# 113-36, 102-53), the area to be rezoned totaling approximately 33,865 square feet, to the Education 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;
- c. To rezone a portion of a parcel located along Comeau Street (Assessor's Parcel ID# 24-70), the area to be rezoned totaling approximately 14,130 square feet, to the Parks, Recreation, and 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 15,000 Square Foot Area Regulation District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- d. To rezone portions of a parcel located 231 Forest Street (Assessor's Parcel ID# 67-22), the area to be rezoned totaling approximately 25,190 square feet, to the Single Residence District and 30,000 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 Education A District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;

- e. To rezone portions of a parcel located at 231 Forest Street (Assessor's Parcel ID# 67-22), the area to be rezoned totaling approximately 27,446 square feet, to the Education A 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 30,000 Square Foot Area Regulation District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- f. To rezone a portion of a parcel located at 231 Forest Street (Assessor's Parcel ID# 67-22), the area to be rezoned totaling approximately 30,238 square feet, to the Education A 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 Education District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- g. To rezone a portion of a parcel located at 231 Forest Street (Assessor's Parcel ID# 67-22), the area to be rezoned totaling approximately 13,635 square feet, to the Education 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 Education A District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- h. To rezone a portion of a parcel located at 231 Forest Street (Assessor's Parcel ID# 67-22), the area to be rezoned totaling approximately 14,197 square feet, to the Education 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 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 portions of a parcel located at 150 Worcester Street (Assessor's Parcel ID# 10-69), the area to be rezoned totaling approximately 61,785 square feet, to the Parks, Recreation, and 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 15,000 Square Foot Area Regulation District;
- j. To rezone a portion of a parcel located at 40 Oakland Street (Assessor's Parcel ID# 45-3), the area to be rezoned totaling approximately 136,803 square feet, to the Education 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;

- k. To rezone portions of two (2) parcels located along Hollis Street and Oakencroft Road (Assessor's Parcel ID# 123-14, 123-15), the area to be rezoned totaling approximately 4,339 square feet, to the General Residence 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 10,000 Square Foot Area Regulation District;
- l. To rezone portions of thirteen (13) parcels located along Oakencroft Road, High Meadow Circle, Pleasant Street, and Oak Street (Assessor's Parcel ID# 136-51, 136-49, 136-48, 136-38, 136-38-D, 136-34, 136-33, 136-32, 135-19, 135-20, 135-42, 135-45, 135-43), the area to be rezoned totaling approximately 50,191 square feet, to the Single Residence District and 10,000 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 General Residence District;

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:

- m. To rezone a portion of a parcel located at 20-30 Municipal Way (Assessor's Parcel ID# 63-16), the area to be rezoned totaling approximately 97,343 square feet, from the Business District, an error depicted on the current Zoning Map, to the Single Residence District and 15,000 Square Foot Area Regulation District, in accordance with the last prior action of Town Meeting with respect to the zoning of this area;
- n. To rezone a parcel located at 30 Thackeray Road (Assessor's Parcel ID# 22-33), totaling approximately 23,200 square feet, from the 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 15,000 Square Foot Area Regulation District, in accordance with the last prior action of Town Meeting with respect to the zoning of this parcel; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- o. To rezone portions of two (2) parcels located along Worcester Street (Assessor's Parcel ID# 15-11, 15-14), the area to be rezoned totaling approximately 20,316 square feet, from the Single Residence District and 15,000 Square Foot Area Regulation District, an error depicted on the current Zoning Map, to the Business District, in accordance with the last prior action of Town Meeting with respect to the zoning of this area; this change would not affect the parcels' location in the Water Supply Protection District overlay district;
- p. To rezone a portion of a parcel located at 125 Oakland Street (Assessor's Parcel ID# 46-1), the area to be rezoned totaling approximately 79,753 square feet, from the Single Residence District and 30,000 Square Foot Area Regulation District, an error depicted on the current Zoning Map, to the Education District, in accordance with the last prior action of Town Meeting with respect to the zoning of this area; this change would not affect the parcel's location in the Water Supply Protection District overlay district;

- q. To rezone a portion of a parcel located at 162-200 Linden Street (Assessor's Parcel ID# 123-40), the area to be rezoned totaling approximately 38,266 square feet, from the Industrial District, an error depicted on the current Zoning Map, to the Business District, in accordance with the last prior action of Town Meeting with respect to the zoning of this area; this change would not affect the parcel's location in the Linden Street Corridor Overlay District overlay district;
- r. To rezone portions of three (3) parcels located along Linden Street (Assessor's Parcel ID# 110-1, 110-2, 110-3), the area to be rezoned totaling approximately 16,626 square feet, from the Industrial District, an error depicted on the current Zoning Map, to the Business District, in accordance with the last prior action of Town Meeting with respect to the zoning of this area;
- s. To rezone a portion of a parcel located along Linden Street (Assessor's Parcel ID# 123-84), the area to be rezoned totaling approximately 11,282 square feet, from the Business District, an error depicted on the current Zoning Map, to the Transportation District, in accordance with the last prior action of Town Meeting with respect to the zoning of this area;
- t. To rezone portions of six (6) parcels located along Bow Street, Prospect Street, and River Street (Assessor's Parcel ID# 35-58, 35-69, 35-70, 35-71, 28-23, 27-8), the area to be rezoned totaling approximately 12,069 square feet, from the Industrial A 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 this area;
- u. To rezone portions of two (2) parcels located along Pleasant Street and Oak Street (Assessor's Parcel ID# 135-43, 122-39), the area to be rezoned totaling approximately 6,419 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District, an error depicted on the current Zoning Map, to the General Residence District, in accordance with the last prior action of Town Meeting with respect to the zoning of this area;

To rezone the following properties, or portions thereof, 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:

- v. To rezone a portion of a parcel located along Washington Street (Assessor's Parcel ID# 153-3), the area to be rezoned totaling approximately 446,256 square feet, from the Single Residence District and 40,000 Square Foot Area Regulation District, an error depicted on the current Zoning Map, and/or from the Single Residence District and 20,000 Square Foot Area Regulation District, as previously adopted by the Town, to the Parks, Recreation, and Conservation District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- w. To rezone a portion of a parcel located at 5 Oak Street (Assessor's Parcel ID# 123-34), the area to be rezoned totaling approximately 2,183 square feet, from the

Industrial District, an error depicted on the current Zoning Map, and/or from the Business District, as previously adopted by the Town, to the General Residence District;

To rezone the following properties, as specified:

- x. To rezone a portion of a parcel located at 214 Worcester Street (Assessor's Parcel ID# 15-14), the area to be rezoned totaling approximately 4,747 square feet, from the Single Residence District and 15,000 Square Foot Area Regulation District to the Business District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- y. To rezone a portion of a parcel located at 78 Benvenue Street (Assessor's Parcel ID# 102-53), the area to be rezoned totaling approximately 165,558 square feet, from the Single Residence District and 20,000 Square Foot Area Regulation District to the Education District;
- z. To rezone a portion of a parcel located at 125 Oakland Street (Assessor's Parcel ID# 46-1), the area to be rezoned totaling approximately 166,013 square feet, from the Single Residence District and 30,000 Square Foot Area Regulation District to the Education District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- aa. To rezone a portion of a parcel located along Washington Street (Assessor's Parcel ID# 153-3), the area to be rezoned totaling approximately 70,977 square feet, from the Single Residence District and 40,000 Square Foot Area Regulation District to the Parks, Recreation, and Conservation District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- bb. To rezone portions of two (2) parcels located along Oak Street (Assessor's Parcel ID# 123-34, 123-35), the area to be rezoned totaling approximately 4,890 square feet, from the Industrial District to the General Residence District;
- cc. To rezone a parcel located at 172-178 Linden Street and a portion of a parcel located at 162-200 Linden Street (Assessor's Parcel ID# 123-42, 123-40), the area to be rezoned totaling approximately 371,226 square feet, from the Industrial District to the Business District; this change would not affect the parcels' location in the Linden Street Corridor Overlay District overlay district;
- dd. To rezone portions of two (2) parcels located along Washington Street and River Street (Assessor's Parcel ID# 34-11, 34-2), the area to be rezoned totaling approximately 1,759 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Industrial A District;
- ee. To rezone a portion of a parcel located at 40 Oakland Street (Assessor's Parcel ID# 45-3), the area to be rezoned totaling approximately 139,554 square feet, from the Single Residence District and 30,000 Square Foot Area Regulation District to the Education District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;

ff. To rezone a portion of a parcel located at 36 Pleasant Street (Assessor's Parcel ID# 135-19), the area to be rezoned totaling approximately 15,656 square feet, from the General Residence District to the Single Residence District and 10,000 Square Foot Area Regulation District.

or take any action relative thereto.

(Planning Board)

**ARTICLE 31.** 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. Amendments to be effective as of July 1, 2018:

## 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.

**Foot-candle** - A unit that measures light illumination on a surface or area that is one foot from a uniform point source.

**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..

**Illuminance** - The luminous flux per unit area at any point on a surface exposed to incident light. Measured in foot-candles or lux.

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

**Light Trespass** - The shining or spillage of direct light produced by a luminaire beyond the boundaries of the lot or parcel on which the luminaire it is located, or beyond the boundaries of multiple lots or parcels under common ownership.

**Lumen** - A unit that measures light energy generated by a light source. For the purposes of this Section, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

**Luminance** - The intensity of light emitted from a surface per unit area in a given direction; measured in candela per meter squared ( $cd/m^2$ ).

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

**Lux** - A unit that measures light illumination on a surface or area that is one meter from a uniform point source. On a photometric plan, the lux measurement is often converted from meters to feet and referred to in terms of foot-candles.

**Sky Glow** - The diffuse luminance of the night sky derived from artificial lighting, apart from discrete natural light sources such as the Moon and stars. It is the most commonly noticed aspect of light pollution.

#### **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 Projects 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. Externally illuminated signs requiring Design Review and/or a Special Permit, 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.

The provisions of this Section shall not apply to the ordinary maintenance, repair, and/or replacement of luminaires not approved as part of and/or associated with one or more of the aforementioned project types; furthermore, the provisions of this Section shall not apply to the installation of new luminaires on properties not subject to one or more of the aforementioned project types following the effective date of this Section.

## **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, at a minimum, lamp type (light emitting diode, metal halide, compact fluorescent, high pressure sodium), lumen output, correlated color temperature ("CCT"), and photometric data showing light distribution and polar plots;
3. A photometric plan showing the intensity of illumination expressed in foot-candles and/or lux at ground level within the interior of the property and at the property boundaries, except that such plans shall not be required for externally illuminated signs; and
4. 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. All luminaires shall be fully shielded.
2. For single family residential uses, the correlated color temperature ("CCT") of any lamp shall not exceed 3,000K; for all other uses, the CCT of any lamp shall not exceed 4,000K.

3. Wall-Mounted Fixtures: Luminaires attached to the exterior of a building or structure, including those to light signs, shall be mounted no higher than fifteen (15) feet above grade and shall be fully shielded.
4. Ground-Mounted Fixtures: Luminaires mounted on the ground, including on poles or attached to Ground Signs, 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.
5. Illuminance Levels and Light Trespass Limitations: Exterior lighting shall not exceed the illuminance levels (measured horizontally on the ground) or exceed the light trespass limits specified below in Table XVIG.1.; Table XVIG.1 shall not apply to externally illuminated signs; however, luminaires associated with such signs shall not have lamps which produce more than 60 watts and/or 800-900 lumens.

**TABLE XVIG.1, LIGHTING LEVELS AND LIGHT TRESPASS LIMITATIONS**

| Use   | Maximum Illuminance (foot-candles/lux) | Maximum Light Trespass* (foot-candles/lux) |
|---|--|--|
| <b>Single Family Residential Uses</b>           | 5/50                                   | 0.5/5                                      |
| <b>Outdoor Recreation and Sports Facilities</b> | 75/800                                 | 1.0/10                                     |
| <b>All Other Uses</b>                           | 10/100                                 |  |

\*The maximum foot-candles/lux allowable at all property lines, including property lines along a public or private street or way, except property lines between lots under common ownership.

#### G. EXEMPT AND PROHIBITED

1. Exempt: The following luminaires or lighting conditions shall be exempt from regulation under this Section:
  - a. Luminaires associated with security/emergency call boxes;
  - b. Luminaires located greater than 1,000 feet from a property line not in common ownership; and
  - c. Seasonal lighting of a temporary nature.
2. Prohibited: The following luminaires or lighting conditions shall be prohibited in conjunction with the project types identified in subsection D. of this Section:
  - a. Luminaires mounted to or otherwise attached to any trees or similar vegetation; and
  - b. Searchlights for commercial purposes.

## H. SPECIAL PERMITS

1. Outdoor Lighting Associated with Major Construction Projects, Minor Construction Projects, and Signs: In the case of such projects which incorporate one or more outdoor luminaires not meeting the requirements of subsection F., General Regulations, or not otherwise exempt, the Zoning Board of Appeals may grant a Special Permit, per Section XXV, Special Permit Granting Authority.
2. Outdoor Lighting Associated with Large House Review: In the case of such projects which incorporate one or more outdoor luminaires not meeting the requirements of subsection F., General Regulations, or not otherwise exempt, 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, or does not negatively impact, community ambiance and character; or
  - c. The proposed lighting does not produce unacceptable light trespass, glare, sky glow, or compromise the privacy of abutting property owners.

or take any other action in relation thereto.

**(Planning Board)**

## AMEND TOWN BYLAWS

**ARTICLE 32.** To see if the Town will vote to amend the General Bylaws in order to clean-up said Bylaws, to improve consistency of language and style throughout, and to bring the Bylaws into conformance with existing practice by:

1. Deleting Section 2.5, Remote Participation, in its entirety and reserving said Section 2.5 for future provisions;
2. Combining Sections 2.4 and 6.20 by: (i) deleting Section 6.20 in its entirety; and (ii) inserting at the end of Section 2.4 the sentence "In addition to posting by the Town Clerk, the agenda for each meeting shall be posted on the Town's website.;"
3. Deleting Section 4.6, Annual Report of Contracts, in its entirety;

4. Amending Section 5.2, Copies of Policies and Procedures, by: (i) inserting after the words "shall make available," the word "electronic"; (ii) inserting before the words "Reasonable fees" the words "To the extent permitted by the General Laws" and inserting at the end of the second sentence the words "if paper copies are requested"; so that Section 5.2 reads as follows:
  - a. **5.2. Copies of Policies and Procedures.** Each Board, the Department of Financial Services, the Town Clerk, and the persons named in Article 23 shall make available electronic copies of any of their written policies and procedures to the public upon request. To the extent permitted by the General Laws, reasonable fees may be charged for the cost of reproduction if paper copies are requested.
5. Amending Section 5.6.b.iii.5 by deleting the extra word "the" following "Whether the";
6. Amending Section 6.5, Advisory Committees, by adding to the end of such section, the sentence "Advisory committee members may assist and advise the appointing board, but shall not vote or otherwise participate as full members of the board.;"
7. Amending Section 11.4, Investigatory and Review Powers, by deleting the first sentence thereof in its entirety;
8. Amending Article 12 by removing the bold font from section headings throughout;
9. Amending Section 12.3 by inserting a hyphen between the words "Town" and "wide" in the last sentence thereof;
10. Amending section 18.3 by deleting the word "effects" after the words "in any way that" in the second sentence thereof and replacing it with the word "affects";
11. Amending the list of appointments set forth in Section 19.7, Appointments, by: (i) deleting existing item 10, Director of Veterans Services and renumbering subsequent items as appropriate; (ii) deleting the words "Civil Defense Director" from existing item 15 and replacing them with "Emergency Management Director"; (iii) amending existing item 17 by inserting after the words "Inspector of Gas" the words "and Plumbing"; (iv) deleting the word "dog" from existing item 23 and replacing it with the words "Animal Control"; (v) deleting the words "Wellesley Cable Access Board (three members)" from existing item 26 and replacing them with the words "Wellesley Media Corporation (three members)"; (vi) adding a new item 27, "Sustainable Energy Committee (four members)"; (vii) adding a new item 28, "Retirement Board (one member)"; and (viii) adding a new item 29, "Veterans Advisory Board";
12. Amending Section 19.11, Legal Actions and Settlements, by adding the word "Meeting" after the word "Town" in the final sentence thereof;

13. Amending Section 19.33, Staff, by: (i) deleting the word "Maintenance" after the word "Facilities" in the first sentence and inserting, in place thereof, the word "Management"; and (ii) deleting the words "Network and Information Systems" in the first sentence and inserting in place thereof the acronym "IT";
14. Amending Section 19.42, by inserting a space between the comma and the section symbol in the first sentence;
15. Amending Section 19.43, by: (i) inserting a hyphen between the words "three" and "year" in the first sentence thereof; and (ii) deleting from Section 19.43.a, the words "Department of Public Works" and inserting in place thereof the words "Municipal Light Plant";
16. Deleting Article 20, Telecommunications Advisory Committee, in its entirety and reserving said Article 20 for future provisions;
17. Amending Article 20A, Wellesley Cable Access Corporation, by deleting the words "Wellesley Cable Access Corporation" in each place they appear and inserting in place thereof the words "Wellesley Media Corporation";
18. Amending Section 22.3 by deleting the words "fire fighting" and replacing them with the word "firefighting";
19. Amending Section 23.1 by: (i) inserting after the words "Inspector of Gas" the words "and Plumbing"; and (ii) deleting the final sentence thereof;
20. Amending Article 24, Facilities Maintenance Department, by replacing the words "Facilities Maintenance" anywhere they appear in the Article with the words "Facilities Management";
21. Amending Section 26.3, Duties, by inserting after subsection h., a new subsection i. as follows: "Have the power to make non-substantive corrections for the purpose of addressing formatting, ordering, numbering, alphabetization, and cross-reference errors within the Town's bylaws.;"
22. Amending Article 35 by deleting the words "Community Affairs" in each place they appear and inserting in place thereof the words "Housing and Community Development";
23. Amending Section 38.3, General Duties, by: (i) deleting the struck-through words "These include controlling and managing the public schools of the Town"; and (ii) deleting the word "Maintenance" and inserting in place thereof the word "Management";
24. Amending Section 39.3, Director, by: (i) deleting the word "Selectmen" and inserting in place thereof the words "Executive Director"; and (ii) deleting the words "The Director shall hold office at the discretion of the Selectmen."

25. Amending Section 39.5, Veterans' Grave Officer, by: (i) deleting the words "preferably a veteran" and the preceding comma; and (ii) inserting after the first sentence a new sentence as follows: "The veterans' grave officer shall be a veteran as defined by *M.G.L. c. 4, § 43.*";
26. Amending Section 40.1, Membership, by: (i) deleting the word "seven" and inserting in place thereof the word "five"; and (ii) deleting the words "provided one each shall be appointed by the Council on Aging, the Chief of Police, the Recreation Commission and the School committee, respectively" and the preceding comma;
27. Amending Article 42 by deleting the words "Assistant Assessor" in each place they appear and inserting in place thereof the words "Chief Assessor";
28. Amending Section 44.6 by deleting the number "45" from the fourth paragraph and inserting in place thereof the number "21";
29. Amending Section 45.5, Annual Report, by deleting the words "Division of Community Services of the Massachusetts Department of Community Affairs" and inserting in place thereof the words "Massachusetts Department of Housing and Community Development";
30. Amending Section 46A.2 by: (i) within the definition of "Guidelines," inserting the word "District" before the word "Commission"; and (ii) deleting the comma following the word "time";
31. Amending Section C (2) of Article 46C by inserting a hyphen between the words "two" and "year";
32. Amending the heading for Section 49.9A by adding after the word "Firearm" the words "and Air Guns";
33. Amending Section 49.2 by capitalizing the word "Vicualler" in each place it appears;
34. Amending Article 49 by deleting the words "fire fighting" in each place they appear and inserting in place thereof the word "firefighting"; and,
35. Amending Article 49 by deleting Sections 49.24 through 49.26, inclusive, and renumbering subsequent sections accordingly.

A redlined copy of the General Bylaw showing said amendments shall be made available on the Town's website for inspection.

or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 33.** To see if the Town will vote to amend the Town Bylaws Article 47 Animal Control Regulations, by deleting the Article in its entirety and replacing it to read as follows:

**ARTICLE 47. ANIMAL CONTROL REGULATIONS**

**47.1.** Purpose. Pursuant to the authority set forth in G.L. c. 140, §§ 136A-174E, inclusive, and any other relevant statutes and regulations issued pursuant thereto, this section is adopted by the Town for the control and regulation of dogs within the Town.

**47.2.** Definitions. The definitions of words and terms set forth G.L. c. 140, § 136A are incorporated into Article 47 and shall be applicable herein.

**47.3.** Administration.

- a. The Board of Selectmen shall annually appoint an Animal Control Officer who shall be responsible for the enforcement of this bylaw and the General Laws relating to the regulation of animals.
- b. For purposes of this bylaw and G.L. c. 140, § 157, the Executive Director shall be the Hearing Authority.

**47.4** Registration and License Requirements for Dogs.

- a. In accordance with G.L. c. 140, § 137, the owner or keeper of a dog six months of age or older, while residing in the Town of Wellesley, shall obtain a license (either individual or kennel) for the dog from the Town Clerk, which shall be affixed to the dog's collar. To obtain or renew a license, each dog owner or keeper shall annually present proof of a current rabies vaccination or a certification of exemption from the vaccination requirement, pursuant to G.L. c. 140, § 137(b) and 145B.
- b. All dogs within the Town shall be licensed and registered and the fees for such license and registration shall be established by the Town Meeting from time to time in accordance with G.L. c. 140, § 139. Fees for the issuance of licenses for dogs shall be:

|    |  |         |
|----|--|---------|
| 1) | Males and Females:   | \$20    |
| 2) | Neutered Males and Spayed Females:   | \$12    |
| 3) | Service Animals as defined by the Americans with Disabilities Act or regulations promulgated thereunder: | No fee. |
| 4) | Kennels with 4-6 Dogs:   | \$75    |
| 5) | Kennels with 7-10 Dogs:  | \$100   |
| 6) | Kennels with 11 or more Dogs:  | \$150   |

- c. Dog owners and keepers shall renew each dog license annually. The annual licensing period runs from April 1 through March 31.

d. Kennels. All kennels within the Town of Wellesley shall be licensed, operated, maintained and regulated in accordance with G.L. c. 140, §§ 137A-137D and any other applicable statute or regulation.

47.5. Policies and Procedures. The Selectmen shall from time to time adopt and publish such policies and procedures as they deem necessary to enforce the intent and purpose of this Bylaw.

47.6. Conduct of Dogs.

- a. Nuisance and Dangerous Behavior. No dog owner or keeper shall permit the dog to become or remain a nuisance dog or a dangerous dog, as those terms are defined and used in G.L. c. 140, §§ 136A and 157.
- b. Leash Law. When not on the private property of its owner or keeper, or on private property with express permission of that property's owner, a dog shall be on a leash of not more than seven (7) feet.
- c. Dogs on Town Property. Any dog on the street or sidewalk in the Town of Wellesley shall be on a leash of not more than seven (7) feet. Any dog, while on any other property owned or controlled by the Town of Wellesley, shall remain under the control of its owner or keeper in the manner prescribed by the regulations promulgated by the board, commission or officer having authority or control of said property.
- d. Service Animals. The provisions of Articles 47.6.b and 47.6.c shall not apply to any properly trained assistance or service animal while performing its duties.

47.7. Animal Control Officer.

- a. Complaint Investigation. The Animal Control Officer shall investigate all written complaints arising within the Town pertaining to violations of Article 47 and of G.L. c. 140, §§ 136A-174E and any relevant state or local regulations.
- b. Issuance of Temporary Restraint Orders. The Animal Control Officer may issue a Temporary Restraint Order to the owner or keeper of any dog that is alleged to be a nuisance dog or a dangerous dog and is awaiting a decision under Article 47.8. A Temporary Restraint Order shall be in force for no more than thirty (30) days unless the Animal Control Officer renews it in writing for a subsequent thirty (30) day periods. The Animal Control Officer may rescind or stop renewing the order when, in the Animal Control Officer's judgment, restraint is no longer required. The Animal Control Officer's order shall expire upon receipt of a decision from the Board of Selectmen on the nuisance dog or dangerous dog hearing.
- c. Issuance of Temporary Confinement Order. The Animal Control Officer may make arrangements for the temporary housing of any dog that requires such temporary housing, and may issue an Order of Temporary Confinement

authorizing such temporary housing. The housing may be at local veterinary clinics, or at dog kennels within the Town or neighboring towns, and shall be at the dog owner's or keeper's expense.

d. Record Keeping. The Animal Control Officer shall keep accurate, detailed records of the confinement and disposition of all dogs held in custody, all bite cases reported, and the results of investigations. The Animal Control Officer shall maintain a telephone log of all calls received regarding dogs and submit a monthly report summarizing the log to the Board of Selectmen.

47.8. **Nuisance or Dangerous Dog Hearings.** Any person may file a complaint in writing to the Board of Selectmen that a dog owned or kept in the Town is a nuisance dog or a dangerous dog. All such complaints shall be investigated and addressed in accordance with G.L. c. 140 § 157.

47.9. **Violations and Penalties.**

- a. The failure of the owner or keeper of any dog or pet to comply with this bylaw or with any order of the Animal Control Officer or the Board of Selectmen shall be a violation of this bylaw.
- b. The failure of the owner or keeper of any dog to comply with the registration and license requirements provided in this Article 47 and in G.L. c. 140, §§ 136A-174E shall be in violation of this bylaw.
- c. In addition to any other remedy provided by law, this Article may be enforced by the Animal Control Officer, or any police officer of the Town, or the Board of Selectmen, through any means available in law or equity, including but not limited to criminal indictment in accordance with G.L. c. 40, § 21, noncriminal disposition in accordance with G.L. c. 40, § 21D and the Article 52.1, "Non-Criminal Disposition, as may be amended from time to time. When enforced in accordance with G.L. c. 40, § 21, the maximum penalty shall be \$300 and each day a violation exists shall constitute a separate violation.
- d. If the Animal Control Officer confines a dog and the dog owner or keeper does not pay all fees directly to the kennel or veterinary clinic, then the dog's owner or keeper shall be required to reimburse the Town for any expenses incurred in boarding that dog. If the dog has not been licensed, the owner or keeper shall obtain a license and pay any applicable fine before the dog can be released.
- e. Violation of Nuisance Dog or Dangerous Dog Order. An owner or keeper of a dog who fails to comply with an order of the Selectmen or district court issued pursuant to G.L. c. 140, § 157A shall be punished as provided in that statute;

or take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 34.** To see if the Town will vote to amend Article 49.19 of the Town Bylaws to allow the consumption of alcohol in Town buildings, but not public school buildings, by temporary license issued by the Board of Selectmen to a nonprofit organization, pursuant to Chapter 138 of the Massachusetts General Laws and Chapter 635 of the Acts of 1982, by deleting said Article in its entirety and replacing it with the following:

49.19. Possession and Use of Alcoholic Beverages. Drinking or possession of any alcoholic beverage, as defined in Chapter 138 of the Massachusetts General Laws, while in or upon any Wellesley Public School building or grounds, or Town owned grounds, is prohibited. Drinking or possession of any alcoholic beverage while in a Town building is prohibited, except insofar as may be allowed by temporary license issued by the Board of Selectmen to a nonprofit organization pursuant to Chapter 138 of the Massachusetts General Laws and Chapter 635 of the Acts of 1982.

No person shall consume any alcoholic beverage, as defined above, on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the Town of Wellesley; and no person shall consume any alcoholic beverages, in, on, or upon any private land or place without the consent of the owner or person in control of such private land or place.

Any person who violates this section may be arrested by a police officer without a warrant.

All alcoholic beverages being used in violation of this sentence may be seized and held until final adjudication of the charge against any such person or persons has been made by the Court.

Whoever violates the provisions of this section shall be punished by a fine not exceeding fifty dollars (\$50) for such offense.

or take any other action in relation thereto.

(Board of Selectmen)

**ARTICLE 35.** To see if the Town will vote to amend the General Bylaws by deleting Article 52 in its entirety and replacing it to read as follows:

**ARTICLE 52. Bylaw, Rule or Regulation Violations, Non-Criminal Disposition**

A. Criminal complaint. Whoever violates any provision of these bylaws may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation or offense brought in such manner shall be three hundred dollars (\$300).

B. Noncriminal disposition. Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as

provided in MGL C. 40, § 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following bylaws and sections of bylaws are to be included within the scope of this subsection, that the specific penalties, as listed herein, shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such section. Each day on which any violations exist shall be deemed to be a separate offense.

(1) General provisions subject to enforcement under *M.G.L. c. 40, § 21D*:

- (a) Consumption of Marijuana (Article 49.19A).
  - [1] Enforcement agents: police officers.
  - [2] Fine schedule: first and subsequent offenses, three hundred dollars (\$300).
- (b) Regulation of Utility Poles Bylaw (Article 49.11A).
  - [1] Enforcement agents: Board of Selectmen.
  - [2] Fine schedule: first and subsequent offenses, three hundred dollars (\$300).
- (c) Water Supply Restrictions (Article 49.12b).
  - [1] Enforcement agents: police officers.
  - [2] Fine schedule: first offense, fifty dollars (\$50); second and subsequent offenses, one hundred dollars (\$100).
- (d) Mechanical Protection Devices (Article 49.28).
  - [1] Enforcement agents: Board of Fire Engineers and Board of Selectmen.
  - [2] Fine schedule: first and subsequent offenses, twenty dollars (\$20).
- (e) Temporary and Transient Vendor Bylaw (Article 49.33).
  - [1] Enforcement agents: Board of Selectmen.
  - [2] Fine schedule: first offense, one hundred fifty dollars (\$150); second and subsequent offenses, three hundred dollars (\$300).
- (f) Police Regulations (Article 49) not otherwise specified herein.
  - [1] Enforcement agents: police officers.
  - [2] Fine schedule: first and subsequent offenses, fifty dollars (\$50).
- (g) Animal Control (Article 47).
  - [1] Enforcement agents: Animal Control Officer.
  - [2] Fine schedule:
    - i. For violations of the requirements proof of a current rabies vaccination or a certification of exemption from the

vaccination requirement: first and subsequent offenses, one hundred dollars (\$100).

- ii. For violations of the licensing requirements of individual dogs: fifty dollars (\$50) for each unlicensed dog.
- iii. For violations of Articles 47.6.b and 47.6.c: first offense, fifty dollars (\$50); second offense, one hundred dollars (\$100); third and subsequent offenses, three hundred dollars (\$300).
- iv. All other violations of Article 47, not described in i. through iii., above: first offense, one hundred dollars (\$100); second offense, two hundred dollars (\$200); third and subsequent offenses, three hundred dollars (\$300).

(2) Rules and regulations of the Board of Health subject to enforcement under *M.G.L. c. 40, § 21D*:

(a) Abrasive Blasting Regulations (Chapter XVII).

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first offense, two hundred dollars (\$200); second and subsequent offenses, three hundred dollars (\$300).

(b) Animal Regulations (Chapter XVI) – keeping a feral animal.

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first and subsequent offenses, fifty dollars (\$50).

(c) Animal Regulations (Chapter XVI) – general.

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first and subsequent offenses, twenty-five dollars (\$25).

(d) Food Service Regulations (Chapter I) - general.

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first offense, fifty dollars (\$50); second offense, one hundred dollars (\$100); third offence, two hundred dollars (\$200); fourth and subsequent offenses, three hundred dollars (\$300).

(e) Food Service Regulations (Chapter I) – Remodeling without a permit.

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).

(f) Food Service Regulations – Addition of food service operation.

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first and subsequent offenses, one hundred fifty dollars (\$150).

(g) Housing Regulations (Chapter II) – General.

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first and subsequent offenses, one hundred fifty dollars (\$150).

(h) Nuisance Regulations (Chapter III).

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first offense, fifty dollars (\$50); second offense, one hundred dollars (\$100); third offence, two hundred dollars (\$200); fourth and subsequent offenses, three hundred dollars (\$300).

(i) Pool Regulations (Chapter XII).

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).

(j) Rubbish Regulations (Chapter VI).

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).

(k) Hazardous Waste Regulations.

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).

(l) Tobacco Regulations (Chapter XVIII).

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first offense, one hundred dollars (\$100); second offence, two hundred dollars (\$200); third and subsequent offenses, three hundred dollars (\$300).

(m) Sewage Regulations (Chapter V) - general.

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first offense, one hundred dollars (\$100); second offence, two hundred dollars (\$200); third and subsequent offenses, three hundred dollars (\$300).

(n) Sewage Regulations (Chapter V) – Installing well without a permit.

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).

(o) Sewage Regulations (Chapter V) – Installing well without an installer's permit.

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).

(p) Sewage Regulations (Chapter V) – Use of unauthorized chemicals.

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).

(q) Operation without a required permit or license.

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first offense, two hundred dollars (\$200); subsequent days on which the violation continues, fifty dollars (\$50).

(r) Well drilling without a permit (Chapter X).

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first offense and subsequent offenses, three hundred dollars (\$300).

(s) Illegal Dumping (Chapter VII).

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first offense and subsequent offenses, three hundred dollars (\$300).

(t) Disposal of Refuse Violations (Chapter VI).

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first offense and subsequent offenses, two hundred dollars (\$200).

(u) Lead Paint Removal Violations (Chapter XV).

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first offense and subsequent offenses, one hundred dollars (\$100).

(v) Body Art (Chapter XIX).

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first offense and subsequent offenses, one hundred dollars (\$100).

(w) Plastic Bag Bylaw (Article 34.5C).

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first offense, fifty dollars (\$50); second and subsequent offenses, one hundred dollars (\$100).

(x) Rules and regulations of the Board of Health - not otherwise specified herein.

- [1] Enforcement agents: Board of Health agents.
- [2] Fine schedule: first offense, twenty-five dollars (\$25); second offense, fifty dollars (\$50); third and subsequent offenses, one hundred dollars (\$100).

or take any other action in relation thereto.

**(Board of Selectmen)**

## **CITIZEN PETITIONS**

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

- A. To rezone the parcel located at 170-184 Worcester Street (Assessor's Parcel ID# 15-1), totaling approximately 32,986 square feet, from the Business District and Single Residence District and 15,000 Square Foot Area Regulation District to the Business District in its entirety;
- B. To rezone the parcel located at 7 Burke Lane (Assessor's Parcel ID# 10-43), totaling approximately 19,116 square feet, from the Business District and Single Residence District and 15,000 Square Foot Area Regulation District to the Single Residence District A in its entirety;

Or, take any action relative thereto.

**(Citizen Petition)**

**ARTICLE 37.** To appropriate the sum of \$15,000 (FIFTEEN THOUSAND DOLLARS) per fiscal year to the Town Clerk for the installation, maintenance, and operation of an electronic voting system to be used in all Town Meeting sessions. That the Town Clerk is authorized to take all action necessary to carry out this project, and that said sum shall be available upon this motion becoming final following dissolution of this Town Meeting.

**(Citizen Petition)**

## **GENERAL**

**ARTICLE 38.** To see if the Town will vote to rescind authorized and unissued loans, to authorize the transfer of unused proceeds from previously issued loans to one or more eligible appropriations, and/or 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, as follows:

- 1) Amounts to be rescinded:

| <i>Town Meeting Vote</i>      | <i>Project</i>          | <i>Total Debt Authorization</i> | <i>Amount to be Rescinded</i> |
|-------------------------------|-------------------------|---------------------------------|-------------------------------|
| Art. 15, March 27, 2014, ATM  | Fuller Brook            | \$970,205.00                    | \$169,039.54                  |
| Art. 21, March 21, 2012, ATM  | Bacon Street            | \$480,000.00                    | \$380,000.00                  |
| Art. 5, October 27, 2014, STM | MiddleSchool<br>Windows | \$4,909,300.00                  | \$28,325.00                   |
| Art. 16, March 27, 2014 ATM   | Police/Fire HVAC        | \$1,403,280.00                  | \$18,280.00                   |

2) Unused proceeds to be transferred and to rescind a like amount of debt in project to be supplemented:

| <i>Town Meeting Vote</i> | <i>Original Project</i> | <i>Amount to be Transferred</i> | <i>Project to be Supplemented</i> | <i>Town Meeting Vote</i> |
|--------------------------|-------------------------|---------------------------------|-----------------------------------|--------------------------|
| Art. 15, 2014 ATM        | Fuller Brook            | \$100,000.00                    | Cliff Road                        | Art. 20, 2017 ATM        |
| Art. 21, 2012 ATM        | Bacon Street            | \$63,983.69                     | Cliff Road                        | Art. 20, 2017 ATM        |
| Art. 5, 10/20/08 STM     | High School             | \$230,243.82                    | Tolles-Parson                     | Art. 24.1, 2016 ATM      |
| Art. 2.1, 6/13/12 STM    | St. James               | \$473,766.95                    | Tolles-Parson                     | Art. 24.1, 2016 ATM      |
| Art. 4, 6/13/12 STM      | Morse Pond              | \$66,924.69                     | School Security                   | Art. 18, 2017 ATM        |

or to take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 39.** 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 (ONE MILLION DOLLARS), 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 40.** 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 41.** 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 (TEN THOUSAND DOLLARS), on such terms as it may deem advisable, or to take any other action in relation thereto.

**(Board of Selectmen)**

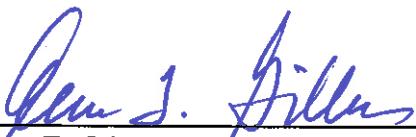
**ARTICLE 42.** To see if the Town will vote to authorize the Board of Selectmen to appoint one or more of its members as a fire engineer, or to take any other action in relation thereto.

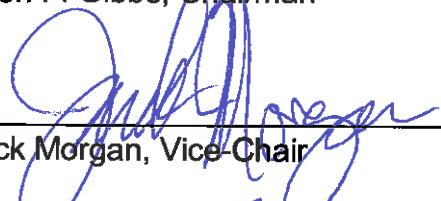
**(Board of Selectmen)**

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.

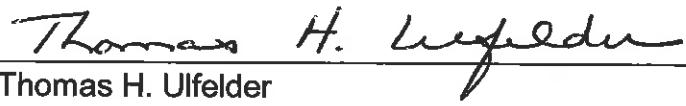
Hereof fail not and make due return of this Warrant and your doings thereon unto the Town Clerk at or before the time of holding said meeting.

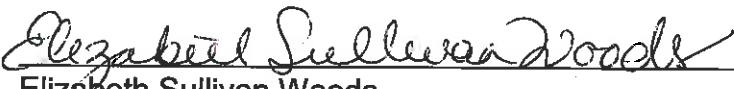
Given under our hands this 29<sup>th</sup> January 2018.

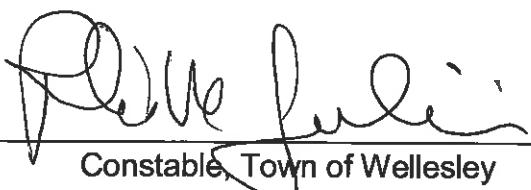
  
Ellen F. Gibbs, Chairman

  
Jack Morgan, Vice-Chair

  
Marjorie R. Freiman, Secretary

  
Thomas H. Ulfelder

  
Elizabeth Sullivan Woods

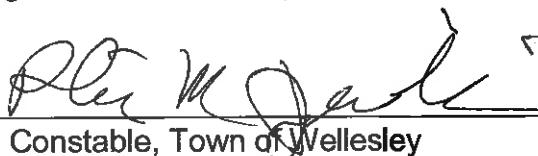
A true copy,   
Attest: Constable, Town of Wellesley

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Wellesley, MA January 30, 2018

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



\_\_\_\_\_  
Constable, Town of Wellesley