

NOTICE OF PUBLICATION OF ATM 2016 AMENDMENTS to the TOWN BYLAW AND ZONING BYLAW

The Town of Wellesley shall henceforth publish amendments to the Town Bylaw and Zoning bylaw by way of a pamphlet and post said pamphlet in each precinct and on the bulletin board of the Town Hall and on the website for the Town of Wellesley (www.wellesleyma.gov) (MGL Chapter 40 Section 32).

Town Bylaw Amendments

- Article 33 (ATM 2016) amending Town Bylaw Article 34.5c. Single use plastic bag reduction
- Article 34 (ATM 2016) amending Town Bylaw Article 14 Permanent Building Committee (14.6 Notification; 14.11 Design review board)

Zoning bylaw Amendments

- Article 28 (ATM 2016) amending Zoning Map at 10 locations (Public lands to be Conservation District)

Article 33 (ATM 2016)

34.5C. Single-Use Plastic Check-Out Bag Reduction.

Section I Findings and Purpose

Plastic check-out bags have a significant impact on the marine and terrestrial environment, including but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environments; 3) clogging storm drainage systems; 4) creating a burden for solid waste disposal and recycling facilities; 5) requiring the use of non-renewable fossil-fuel in their composition. Studies have shown that even alternative “compostable” or “biodegradable” bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic check-out bags.

The purpose of this Bylaw is to protect the Town’s unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed in the Town of Wellesley and to promote the use of reusable bags.

Section II Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- a. "Check-out bag" shall mean a bag provided by a store to a customer at the point of sale. Check-out bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.
- b. "Department" shall mean the Wellesley Health Department.
- c. "Health Agent" shall mean the Health Agent for the Wellesley Board of Health or his/her designee.
- d. "Recyclable paper bag" shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.
- e. "Reusable Check-out bag" shall mean a sewn bag with stitched handles that is specifically designed for multiple reuse and that (1) can carry 25 pounds over a distance of 300 feet; (2) is machine washable; and, (3) is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.
- f. "Retail Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.
- g. "Thin-Film, Single-Use Plastic Check-Out Bags" shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

Section III Regulated Conduct

- a. No Retail Establishment in the Town of Wellesley shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers.
- b. If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following:
 1. Recyclable paper bag; or
 2. Reusable Check-Out bag.

Section IV Exemption: Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this bylaw.

Section V Enforcement

- a. The Board of Health and its Health Agent shall have the authority to administer and enforce this bylaw.
- b. For the first violation, the enforcing authority, upon a determination that a violation has occurred, shall issue a written warning notice to the establishment specifying the violation.
- c. The following penalties shall apply:
 1. A fine of \$50 shall apply for the first violation following the issuance of a written warning notice.
 2. A fine of \$100 shall apply for the second violation and each additional violation of this by-law after the issuance of a written warning notice.
- d. Fines shall be cumulative and each day on which a violation occurs shall constitute a separate offense.

Section VI Effective Date

- a. This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or on January 1, 2017, whichever is later for Retail Establishments with a floor area equal to or exceeding 3,500 square feet or with at least two (2) locations under the same name within the Town of Wellesley that total 3,500 square feet or more. This ordinance shall take effect one (1) year after passage for Retail Establishments less than 3,500 square feet. The Director may exempt a Retail Establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Director that (1) the requirements of this section would cause undue hardship; or (2) a Retail Establishment requires additional time in order to draw down an existing inventory of thin-film, single-use check-out plastic bags.

Section VII Regulations

- a. The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this bylaw.

Section VIII Severability

- a. If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

Article 34 ATM 2016

Article 14. Permanent Building Committee be amended by:

(1) amending 14.6. Financial Requirements and Notifications, by changing the notification to the Committee from at least 90 days to 120 days so the section as amended reads:

14.6. Financial Requirements and Notification. Any board which intends to propose a project to Town Meeting shall provide information regarding the project goals and the financial requirements of the project to the Committee at least 120 days in advance of the Town Meeting at which funding of any kind for the project will be requested. This information shall be simultaneously submitted to the Advisory Committee in accordance with Section 11.12. The Committee shall review the information provided to determine whether the sums requested are reasonable with respect to the financial requirements of the project and shall report to Town Meeting thereon.

(2) and by amending 14.11. Design Review Board, by striking the words “a board submits a project” and by adding “design funds have been appropriated” so the section as amended reads:

14.11. Design Review Board. Whenever design funds have been appropriated to the Committee, the Committee shall notify the Design Review Board of the project and the project shall not proceed except in compliance with Section 46.3.

Article 28 ATM 2016 – Modification of Zoning Map

That the Zoning Map be amended by removing the following parcels, or portions thereof as applicable, from the Single Residence District, Educational District, 10,000 Square Foot Area Regulation District, and 20,000 Square Foot Area Regulation District, as applicable, and establishing the parcels within the Conservation District, as shown on the attached Exhibits 1-B, 2-B, 3-B, 4-B, 5-B, 6-B, 7-B, 8-B, 9-B, and 10-B:

- a. A parcel located at 515 Washington Street and commonly known as Morton Park (Assessor’s Parcel ID # 111-10), totaling approximately 2.1 acres, the boundaries of which are shown on the attached Exhibit 1-A;
- b. A parcel located along Cartwright Road and Kenilworth Road and commonly known as Beebe Meadow (Assessor’s Parcel ID # 102-36), totaling approximately 6.82 acres, the boundaries of which are shown on the attached Exhibit 2-A;
- c. A parcel located along Washington Street, Wellesley Avenue, and Brook Street and commonly known as Simons Park (Assessor’s Parcel ID # 111-26), totaling approximately 3.7 acres, the boundaries of which are shown on the attached Exhibit 3-A;

- d. A parcel located at 291 Washington Street and commonly known as Elm and/or Clock Tower Park (Assessor's Parcel ID # 74-58), totaling approximately 1.35 acres, the boundaries of which are shown on the attached Exhibit 4-A;
- e. Three (3) parcels located between Cedar Brook Road and Woodside Avenue, and Woodside Avenue and Mayo Road, and commonly known as Reeds Pond and Bogle Brook (Assessor's Parcel ID # 199-27, 190-108, and 190-109), the parcels totaling approximately 10.8 acres, the boundaries of which are shown on the attached Exhibit 5-A;
- f. Two (2) parcels located along Elmwood Road and commonly known as Kelly Memorial Park (Assessor's Parcel ID # 170-84 and 169-72), the parcels totaling approximately 19.76 acres, the boundaries of which are shown on the attached Exhibit 6-A;
- g. Two (2) parcels located between Hundreds Circle and Cliff Road and commonly known as Rockridge Pond (Assessor's Parcel ID # 83-13 and 95-33), the parcels totaling approximately 5.11 acres, the boundaries of which are shown on the attached Exhibit 7-A;
- h. Eight (8) parcels located between Dover Road and Cottage Street, Cottage Street and Grove Street, Grove Street and Cameron Street, Cameron Street and Brook Street, and Brook Street and Wellesley Avenue, and along Wellesley Avenue and Great Plain Avenue (Assessor's Parcel ID # 113-37, 112-40, 112-39, 112-38, 99-111, 88-33, 88-61, and 77-38), and two (2) portions of a parcel between Wellesley Avenue and State Street/Smith Street (Assessor's Parcel ID # 87-21, Part 1 and Part 2 only as identified on Exhibit 8-A), and commonly known as Fuller Brook Park, the parcels totaling approximately 30.09 acres, the boundaries of which are shown on the attached Exhibit 8-A;
- i. A parcel located along Washington Street and commonly known as Hunnewell Field and Reidy Field (Assessor's Parcel ID # 98-1), totaling approximately 18.78 acres, the boundaries of which are shown on the attached Exhibit 9-A; and
- j. Seven (7) parcels located between Seaver Street and Forest Street, Forest Street and Caroline Street, Caroline Street and Abbott Road, Abbott Road and Seaward Road, and Seaward Road and Maugus Avenue, and commonly known as the Parkway, Caroline Brook, and Phillips Park (Assessor's Parcel ID # 76-75, 76-16, 65-61, 65-62, 65-63, 64-70, and 64-5), the parcels totaling approximately 11.36 acres, the boundaries of which are shown on the attached Exhibit 10-A.

All exhibits are dated February 23, 2016 and prepared by the Wellesley Planning Department; copies are on file at the Office of the Town Clerk.

Claims of invalidity of the amendments to the Town Bylaws or Zoning Bylaw by reason of any defect in the procedure of adoption or amendment may only be made within ninety (90) days of the date of posting, said posting date being August 2, 2016 and said deadline being **October 31, 2016**. Copies of the Town Bylaws may be examined and

obtained at the Town Clerk's Office, Town Hall, 525 Washington Street, Wellesley, MA 02482, or reviewed on-line at www.wellesleyma.gov .

Town Bylaws so amended shall become effective October 31, 2016 and Zoning Bylaws so amended shall become effective as of the date of the town meeting vote April 12, 2016

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