

Advisory Committee
Special Session
March 7, 2015
Kingsbury Room, Police Department

Andy Patten called the meeting of the Wellesley Advisory Committee to order at 8:00 a.m. Those present included Mary Crown, Tom Frisardi, Chad Harris, John Hartnett, Lucy Kapples, Michael Mastrianni, Ann Rappaport, Sara Raveret, Mason Smith, Scott Tarbox and Kathleen Woodward.

Citizen Speak

No one wished to speak at this time.

ATM Planning Article Discussion and Vote

John Hartnett presented the overview. The articles are primarily aimed at recodification altering the layout of the bylaws and not intended to make major changes to the bylaws themselves.

Some members of Advisory felt the Bylaw should be amended in one comprehensive change using the assistance of a consultant rather than attempt to start making changes in a piecemeal fashion.

Article 27 – Recodification of Preamble

This Article would recodify the Zoning Bylaws by deleting the Preamble and replacing it with a section titled Section 1, *General Provisions* which would include mention of the State statute MGL Chapter 40A, Section 5 and MGL Chapter 40, Section 32 which constitutes the Preamble language and delete Section XXVI, *Adoption/Amendment Procedures*, Section XXVII, *Existing Bylaws Not Repealed* and Section XXVIII, *Invalidity* and incorporate them into the new Section 1, *General Provisions*.

Advisory is divided on whether a piecemeal or recodification in whole is the better route for updating the Zoning Bylaws. Some felt it was better to go ahead and change what can be done now until recodification can be done at a later date, possibly 2017 or beyond. However, many felt there might be unintended consequences which may or may not be remedied. They feel this project is too important to do improperly.

Kathleen Woodward made a motion Advisory recommend favorable action on Article 27.

Disposition: The motion was seconded by John Hartnett and approved by a show of hands, 6-5.

Article 28 – Recodification of Definitions

This Article would recodify Section 1A, *Definitions* and move it so the section follows Section 1, *General Provisions*. A new subsection would be added following the section header which would establish rules on meanings and use of some basic terms and constructions. No changes or additions to the definitions are included. This is intended to create a consistent format to allow for definition amendments in the future.

Some Advisory members felt this process might validate the definitions as they currently are listed. Also, some felt this recodification did not need to be completed separately from a major whole recodification at a later date.

John Hartnett made a motion Advisory recommend favorable action on Article 28.

Disposition: The motion was seconded by Ann Rappaport and defeated by a show of hands, 3-8.

Article 29 – Clarification of Zoning Districts/Overlay Districts

This Article seeks to clarify the Town's Zoning Districts, both general and overlay, to indicate there are five separate Residence Districts (SR-10, SR-15, SR-20, SR-30 and SR-40) as is currently depicted on the Zoning Map. In addition, a provision to address those properties that are split-zoned (located in two or more zoning districts). There currently is no provision in the Zoning Bylaw for these types of properties. This will provide consistency between the Bylaw and the Zoning Map.

Upon review, some Advisory felt this item should be reviewed and perhaps broken down into three motions: recodification, alignment of map and split district regulation. An informal straw vote of each showed all would be approved, although recodification was not unanimous.

Tom Frisardi made a motion Advisory recommend favorable action on Article 29.

Disposition: The motion was seconded by Ann Rappaport and approved by a show of hands, 7-3-1 abstain.

Article 30 – Zoning Map

This Article seeks to provide consistency between the Zoning Bylaws and Zoning Map by making reference to the Single Residence Zoning Districts (as proposed in Article 29). This Article is dependent on passage of Article 29. No change in content is intended, only to ensure consistency with the five districts depicted as Single Residence Districts as mentioned in the Bylaw. Further clarification may be done as a part of any future recodification.

Tom Frisardi made a motion Advisory recommend favorable action on Article 30.

Disposition: The motion was seconded by Michael Mastrianni and approved by a show of hands, 11-0.

Article 31 – Outdoor Dining

This Article would amend the Zoning Bylaw to specify that outdoor dining is approved per special permit in the Wellesley Square Commercial and Business zoning districts as it is allowed in other areas of Town.

Advisory agrees with the need to amend the Bylaw, but some question whether the additional seating outside would have an impact on the number of parking spaces currently mandated in the Bylaws.

Tom Frisardi made a motion Advisory recommend favorable action on Article 31.

Disposition: The motion was seconded by Ann Rappaport and approved by a show of hands, 11-0.

Article 32 - Driveways

This Article would amend Section XIX, *Yard Regulations*, to add a minimum of five foot side setback for driveways on lots for one-family or two-family residences. This would apply to new driveways or new portions of existing driveways. All current driveways would be grandfathered and would remain exempt until removal or changes are made.

Some Advisory members felt this item was not fully vetted and more time should be allowed before this was presented to ATM. Some questioned if the setbacks should reflect the lot size and this was not addressed in the amendment. The language was too vague and did not include surface changing issues or common driveway situations.

Ann Rappaport made a motion Advisory recommend favorable action on Article 32.

Disposition: The motion was seconded by Michael Mastrianni and defeated by a show of hands, 2-8-1 abstain.

Article 33 – Window Signs

This Article seeks to amend the Sign Bylaw by regulating illuminated signs located inside a building within one foot of the glass. Currently, only signs attached to the glass, both inside and out, are regulated. Some internally lighted signs are currently prohibited, and this seeks to prohibit these types which are within one foot of the window. Exemptions could be reviewed and allowed after review of the ZBA and DRB by special permit.

Advisory feels this clarification is needed, but recommends the board also consider future and emerging technologies and the possible impact on this bylaw. A complete definition of a window sign may also be needed.

Tom Frisardi made a motion Advisory recommend favorable action on Article 33.

Disposition: The motion was seconded by Michael Mastrianni and approved by a show of hands, 11-0.

Article 34 – Historic Signs

This Article seeks to amend the Sign Bylaw to approve historical signs authorized by the Wellesley Historical Commission which contain historical information be exempt from regulation. The current regulation states signs should not be larger than 1 x 1 foot, but the historical signs are slightly larger at 1 ½ x 1 ½ feet.

Advisory is in agreement with the proposed amendment especially since the Wellesley Historical Commission is allowing properties built more than 100 years ago to be designated as historical properties and this will increase the number of these types of signs in Town.

Tom Frisardi made a motion Advisory recommend favorable action on Article 34.

Disposition: The motion was seconded by Ann Rappaport and approved by a show of hands, 11-0.

Discussion Article 8

Due to time constraints, this item was removed from the agenda with no objections.

Old Business/New Business

The Chair reviewed the items that will be reviewed at the next meeting and advised Advisory to review those write-ups and any supplemental reports before the meeting.

The Advisory Committee will meet in special session on Tuesday, March 10, 2015 at 7:00 p.m. in the Kingsbury Room of the Police Station.

The Advisory Committee will meet in regular session at 7:00 p.m. on March 11, 2015 in the Juliani Room of Town Hall.

Mr. Patten adjourned the meeting at 12:20 p.m. with no objections.