TOWN OF WELLESLEY

WARRANT
for the
SPECIAL TOWN MEETING
November 16, 2009

ADVISORY COMMITTEE PUBLIC HEARING (WARRANT ARTICLES)
October 15, 2009, 7:00 P.M. at Town Hall

PLANNING BOARD PUBLIC HEARING (WARRANT ARTICLES)
October 19, 2009, 7:30 P.M. at Town Hall

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2009 OCT -9 P 12: 53

Commonwealth of Massachusetts

Norfolk, ss.

To Terrence M. Cunningham, Chief of Police of the Town of Wellesley, in said County.

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 the

WELLESLEY MIDDLE SCHOOL AUDITORIUM
40 Kingsbury Street
November 16, 2009

at 7:30 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, and amendments thereto, and subject to the referendum provided thereby.

ARTICLE 1. To choose a Moderator to preside over said meeting.

(Board of Selectmen)

ARTICLE 2. To receive reports of Town officers, boards and committees and act thereon, and discharge presently authorized special committees; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 3. To see if the Town will vote to accept Chapter 64L, Section 2 of the Massachusetts General Laws authorizing the Town to impose a local option sales tax on restaurant meals; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 4. To see if the Town will vote to reduce, or appropriate from other sources, the sums of money appropriated under Article 8 of the Warrant for the 2009 Annual Town Meeting for the operation of the several Town departments in Fiscal Year 2010 in order to reflect mid-year reductions made in aid from the Commonwealth under Chapter 29, Section 9C of the Massachusetts General Laws; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 5. To see if the Town will amend the Zoning Bylaw by inserting a new section to regulate retaining walls following Section XXIIC. ANTENNAS. The proposed version (which is recognized to be subject to change before or at Town Meeting) currently reads as follows:

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2009 OCT -9 P 12:53

SECTION XXIID. RETAINING WALLS.

A. PURPOSE AND INTENT.

The Town of Wellesley adopts this section to accomplish and ensure the following:

1. To allow for the review of retaining walls of a size that may impact surrounding buildings, land, and uses;

2. To require the construction of retaining walls in a manner consistent with engineering and construction best practices; and

3. To lessen the impact of large retaining walls on abutting properties and the public by encouraging the use of landscaping and aesthetically pleasing design elements.

B. APPLICABILITY AND EXEMPTIONS

The regulations and requirements contained herein shall apply to all retaining walls erected in the Town of Wellesley, except the following:

1. Retaining walls that retain less than four (4) feet of unbalanced fill shall be exempt from the requirements of this section.

2. A terraced combination of walls, in which each separate wall retains less than four (4) feet of unbalanced fill and in which each successive wall is offset from the lower wall at least two times (2x) the height of the unbalanced fill retained by the lower wall, shall be exempt from the requirements of this section.

C. GENERAL PROVISIONS

1. Determining Retaining Wall Height - The height of a retaining wall shall be the distance from the grade at the front of the wall to the grade at the back of the wall at the same section. For walls that are not a constant height the largest of these measurements shall be used to determine the height of the wall.

For the purpose of determining the height of terraced retaining walls, walls determined to constitute separate walls shall be measured in the manner described above, independent of other walls. Multiple walls determined to constitute a single wall shall be measured from the grade at the front of the lowest wall to the grade at the back of the highest successive wall.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2009 OCT -9 P 12:53

2. Terracing - Terracing of retaining walls is allowed and encouraged. In a terraced retaining wall system, if a successive wall is offset from a lower wall at least two times (2x) the height of the unbalanced fill retained by the lower wall, the walls shall be considered as separate walls; if a successive wall is offset from a lower wall less than two times (2x) the height of the unbalanced fill retained by the lower wall, the walls shall be considered as a single wall.

3. Setback - No portion of a retaining wall over four (4) feet in height, subject to this section shall be within ten (10) feet of a property line.

4. Nonconforming Retaining Walls - Retaining walls constructed and/or permitted prior to the adoption of these regulations shall be allowed to remain in their existing state; however, significant changes or alterations

to such walls shall be made in conformity with these regulations. The repair and routine maintenance, as determined by the Inspector of Buildings, of nonconforming retaining walls shall be allowed without requiring conformity with these regulations.

5. Maximum Wall Height - No retaining wall shall exceed fifteen (15) feet in height.

D. DESIGN REVIEW AND PERMITTING

1. Design Review - Design Review shall be required for all retaining walls requiring a permit, as determined by the Inspector of Buildings, and retaining seven (7) feet or more of unbalanced fill. The Design Review Board shall review retaining walls under those criteria contained in Section XXII, *Design Review*, Part C., *Design Criteria*, of this Bylaw and shall submit an advisory recommendation to the Inspector of Buildings prior to the issuance of a permit.

2. Permitting - A permit shall be required, consistent with the requirements of the Town of Wellesley Building Department, for all retaining walls that retain four (4) or more feet of unbalanced fill.

E. SPECIAL PERMIT PROVISIONS

The Special Permit Granting Authority shall consider requests for special permits in accordance with this Section and Section XXV of the Zoning Bylaw.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02481
2009 OCT -9 P 12:5

1. Circumstances Under Which A Special Permit May Be Granted - The Special Permit Granting Authority may grant a Special Permit in the following situations:

   a. Retaining walls exceeding the maximum height as indicated in Subsection C., Paragraph 5., of this Section.

   b. Retaining walls not meeting the Setback requirements indicated in Subsection C., Paragraph 3., of this Section.

2. Required Findings - A Special Permit for a retaining wall may be issued provided the Special Permit Granting Authority finds:

   a. That the retaining wall is otherwise in compliance with the provisions of this Section;

   b. That the requested retaining wall will not adversely impact adjacent property or the public;

c. That the report of the Design Review Board has been received and the requested retaining wall is consistent that report and those criteria contained in Section XXII, *Design Review*, Part C., *Design Criteria*, of the Zoning Bylaw; and

d. That the proposed retaining wall is the minimum structure necessary to allow a subject property to be reasonably utilized.

and by amending SECTION IA. DEFINITIONS. of the Zoning Bylaw by adding a new definition for Retaining Wall to read substantially as follows:

> Retaining Wall - A wall or terraced combination of walls used at a grade change to hold soil and other earth material at a higher position. Retaining walls may be attached to or independent from other structures. The exposed side of a retaining wall shall be known as a "face". The area between a lower wall and a successive higher wall shall be known as a "terrace".

or take any other action relative thereto.

(Planning Board)

ARTICLE 6. To see if the Town will vote to amend the definition of "Trailer or Vehicle Signs" located in SECTION XXIIA. SIGNS AND IDENTIFICATION DEVICES. To classify "Trailer and Vehicle Signs" as a moving sign;

> by inserting the word "moving" after the words "shall be considered and regulated as a";
>
> and by inserting ", or not parked at the owner's primary residence," before the phrase "but is used merely or mainly for advertising purposes."

so that the definition will read substantially as follows:

> Trailer or Vehicle Signs – For the purposes of this Sign Bylaw a vehicle, motor vehicle or self-propelled vehicle shall be considered and regulated as a moving sign when or under such circumstances any such vehicle is not engaged in the usual business or work of the owner or lessee, or not parked at the owner's primary residence, but is used merely or mainly for advertising purposes.

or take any other action relative thereto.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2009 OCT -9

(Planning Board)

ARTICLE 7. To see if the Town will vote to authorize the Board of Selectmen to enter into one or more leases of certain parcels of town-owned land within the Cochituate Aqueduct; and/or to renew existing leases; on such terms and conditions, including dollar amounts, as said Board deems to be in the Town's interest; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 8. To see if the Town will vote to accept an easement granted to the Town for sidewalk purposes at 219 Washington Street as shown on a plan entitled "PLAN OF SIDEWALK EASEMENT AT 219 WASHINGTON STREET, WELLESLEY, MA" dated August 11, 2009, at no cost to the Town; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 9. To see if the Town will vote to acquire, by gift, deed, eminent domain or otherwise, a 756 sq. ft. parcel of land at the corner of Cartwright Road and Greenbough Lane, to be held for highway purposes, said parcel shown on a subdivision plan approved by the Planning Board on May 5, 1987 and filed in the Norfolk Registry of Deeds as Plan No. 666 of 1988 in Plan Book 369; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 10. To see if the Town will vote to accept the amendments to Chapter 59, Section 5K of the Massachusetts General Laws as authorized by Chapter 27, Section 24 of the Acts of 2009 allowing persons over the age of 60 to reduce their property tax liability in exchange for volunteer services, or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 11. To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to act on, waive or otherwise respond to the right of first refusal to purchase the Glen Grove Apartments at Grove Street as provided in a Comprehensive Permit issued by the Zoning Board of Appeals, filed with the Town Clerk on April 4, 1977; or take any other action relative 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 publishing a copy in a newspaper in the Town at least fourteen 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 9th day of October 2009.

Board of Selectmen

Barbara D. Searle

Barbara D. Searle

Katherine L. Babson, Jr.

Katherine L. Babson, Jr.

Gregory B. Mills

Gregory B. Mills

Owen H. Dugan

Owen H. Dugan

Terri Tsagaris

Terri Tsagaris

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2009 OCT -9 P 12:53

A true copy, _____

Attest: Terrence M. Cunningham, Chief of Police

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Wellesley, MA
October, 9, 2009

I have this date caused the within warrant to be served by posting two attested copies in two conspicuous places in the Town, i.e., the Town Hall and Wellesley Square, by publishing a copy in a newspaper in the Town, and by publishing a copy on the Town website at www.wellesleyma.gov on October 9, 2009.

_____
Terrence M. Cunningham, Chief of Police
Town of Wellesley

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2009 OCT -9 P 12:53