

Article 37 General Bylaws Amendment: Light Trespass

RECOMMENDED the Town refer the article back to the Select Board for further study.

COMMENT: The Warrant Committee generally supports the establishment of thoughtful regulations regarding light trespass. We believe that such rules are important to protect the quality of life for our neighbors and to preserve the inherent beauty of our town.

Despite our general support for thoughtful light trespass rules, the Warrant Committee feels the changes from the version printed in the Warrant to the version presented to the Committee on April 30 are significant enough to require printing in the Warrant for full consideration by the Town's residents and Town Meeting Members. Additionally, the Warrant Committee feels the article may benefit from further clarification, in particular around enforcement and what standards and practices would be applied to determine if a light trespass was observed by the Select Board or its designee. We welcome the Select Board to refine the article in such a manner so Town residents have more certainty on what is acceptable exterior lighting.

As a recap, the process that has led to this article at this meeting has included requests from residents to address this issue. Recently we have seen:

- An Article printed in the February 2025 Special Town Meeting Warrant*
- Revision of the Article in a green sheet for the February 2025 Special Town Meeting and the Article pulled back for further consideration*
- A revised version printed in the Warrant for this meeting - the 2025 Annual Town Meeting*
- A public hearing with the Select Board on April 8, 2025*
- The presentation of an article to the Warrant Committee on April 30, 2025*

There was no resident objection at the public hearing on April 8 for such a bylaw to be passed by the Town.

As a result of the public hearing on April 8, several changes were incorporated into the proposal presented to the Warrant Committee on April 30, expanding the proposal from two (2) pages to five (5). At that same April 30 meeting, the Warrant Committee heard from someone who works with lighting professionals who suggested additional changes.

Although a number of conditions were identified, some conditions were not defined (i.e., excessive glare, etc.) nor the tolerance levels (what angle is allowed). Without the level of detail needed to make a determination, the Article, as written, can be enforced in a very open-ended, subjective manner, given the lack of exceptions for situations or definitions for the conditions mentioned above.

It would be prudent to specify measurement standards and devices required to determine a light trespass. It was suggested that a specific light meter be purchased by the Town for inspections of light trespass. Lumens and footcandles were reviewed as were property boundaries and how to determine the actual calculation for light trespass. A sample of the Wellesley Outdoor Lighting Zoning Bylaw was also shown which included graphics to illustrate what is acceptable and what is not acceptable in that Town. These additions would be beneficial to include in the bylaw for the residents, property owners, and investigators to know how light trespass will be determined.

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There is also no appeal process contemplated should a property owner have reason to believe that the determination is inaccurate or misguided. As such, the Warrant Committee recommends the Select Board consider adding an appeal process given monetary fines are involved and the potential purchase and replacement of fixtures by home/property owners. Because this bylaw would impact every resident of town, and considerable improvements have been recently made without much time for thorough review and incorporation into the Warrant, we recommend that Town Meeting send this article back to the Select Board for action and resubmission to the upcoming June meeting or if additional time is needed, the fall Special Town Meeting.

Should the Select Board make these updates and resubmit the article for consideration, the Warrant Committee would readily review and look forward to recommending thoughtful regulation here. The Warrant Committee thanks current and former members of the Select Board for their work on this issue.