

**WELLESLEY PLANNING BOARD
NOTICE OF ZONING PUBLIC HEARING
ANNUAL TOWN MEETING**

**MONDAY, FEBRUARY 5, 2024, 6:30 PM
REMOTE MEETING**

<https://www.wellesleymedia.org/live-streaming.html>

The online meeting will also be streaming live and will be telecast live on Comcast channel 8 and Verizon channel 40. The meeting will also be recorded and available for later viewing on Wellesley Media.

If you would like to participate on this topic, an agenda will be posted prior to the meeting with the remote information.

In accordance with M.G.L., Chapter 40A, Section 5, and Section 6.4 of the Zoning Bylaws of the Town of Wellesley, Massachusetts, notice is hereby provided that the Planning Board will hold a public hearing to begin at 6:30 p.m. on Monday, February 5, 2024, on the following proposed amendments to the Zoning Bylaw and Zoning Map proposed to be considered at the 2024 Annual Town Meeting:

ARTICLE 42: DESIGN REVIEW BOARD

To see if the Town will amend the Town's General Bylaw by amending Article 46 Design Review Board to:

- I. Include a new subsection 46.2 Terms and to renumber the subsequent sections, as follows:

ARTICLE 46. DESIGN REVIEW BOARD

46.1. Membership. In accordance with Section 22 DESIGN REVIEW of the Zoning Bylaw, the Town shall have a Design Review Board (for purposes of this Article 46, the "Board"), appointed by the Planning Board to consist of five members and up to three alternate members.

46.2 Terms. Regular members will each serve for a term of three years. When the Board is first established, the Planning Board shall at first appoint three members who will serve for a term of three years, two members who will serve for a term of two years, and two alternate members who will serve for a term of one year.

46.3. General Duties. The Board shall have the powers and duties granted in Section 22 of the Zoning Bylaw, including the reviewing of requests for special permits on the basis of the design criteria specified therein.

46.4. Design Review. The Board shall review the design, placement, and artistic appropriateness of any structure or portion thereof, work of art, ornament, or decoration to be placed on any public way, on Town lands other than cemeteries, or on or in Town buildings. The Board may use the design criteria established in Part C. Design Criteria of Section 22 DESIGN REVIEW of the Zoning Bylaw.

No such structure or portion thereof, work of art, ornament or decoration shall be constructed, installed, altered, or removed, and no payment shall be paid on account of any such work until:

- a. The Board has received plans for the work to be done, and
- b. The Board, Officer, or Official undertaking the work has received a written report on the work from the Board, or thirty days have passed after the plans for the work were submitted to the Board.

46.5. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all Boards, except as it is specifically directed by law or a provision of these or the Zoning Bylaw to act otherwise.

Or take any other action in relation thereto.

- II. Correct typographical errors regarding Section numbers, where strikethrough text indicates deletions and insertions are shown in bold:

ARTICLE 46. DESIGN REVIEW BOARD

46.1. Membership. In accordance with ~~Section 22~~ **Section 5.5** DESIGN REVIEW of the Zoning Bylaw, the Town shall have a Design Review Board (for purposes of this Article 46, the "Board"), appointed by the Planning Board to consist of five members and up to three alternate members.

46.2. General Duties. The Board shall have the powers and duties granted in ~~Section 22~~ **Section 5.5** of the Zoning Bylaw, including the reviewing of requests for special permits on the basis of the design criteria specified therein.

46.3. Design Review. The Board shall review the design, placement, and artistic appropriateness of any structure or portion thereof, work of art, ornament, or decoration to be placed on any public way, on Town lands other than cemeteries, or on or in Town buildings. The Board may use the design criteria established in Part C. Design Criteria of ~~Section 22~~ **Section 5.5** DESIGN REVIEW of the Zoning Bylaw. No such structure or portion thereof, work of art, ornament or decoration shall be constructed, installed, altered, or removed, and no payment shall be paid on account of any such work until:

- a. The Board has received plans for the work to be done, and
- b. The Board, Officer, or Official undertaking the work has received a written report on the work from the Board, or thirty days have passed after the plans for the work were submitted to the Board.

46.4 General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all Boards, except as it is specifically directed by law or a provision of these or the Zoning Bylaw to act otherwise.

Or take any other action in relation thereto.

ARTICLE 44: MBTA COMMUNITY ZONING

To see if the Town will vote to amend the Zoning Bylaw to achieve compliance with the provisions of M.G.L. c.40A § 3A Multi-Family Zoning as-of-right in MBTA Communities by:

- I. Amend Section 1.3 Definitions to add the following definition:

MBTA Community Project – a Construction Project located within Wellesley Square Commercial, Business, Business A, Industrial, and Industrial A Districts that complies with MGL c. 40A, Section 3A that allows for the construction or renovation of multi-family housing "as of right" with a minimum gross density of 15 units per acre, no age restrictions, and is located within ½ mile of an MBTA Commuter Rail station; said project will be exempt from the Project of Significant Impact (PSI).

- II. Amend Section 1.3 Definitions, definition of Major Construction project to add a new third provision for a MBTA Community Project and to renumber the subsequent provisions to read as follows, where strikethrough text indicates a deletion and insertions are shown in bold:

Major Construction Project – shall mean any Construction Project which involves a change in the outside appearance of a building or buildings or premises, and includes one or more of the following:

1. construction of twenty-five hundred (2,500) or more square feet gross floor area;
2. an increase in gross floor area by fifty (50) percent or more

or take any other action in relation thereto.

3. any project meeting the definition of an MBTA Community Project;

3. 4. grading or regrading of land to planned elevations, and/or removal or disturbance of the existing vegetative cover, over an area of five thousand (5,000) or more square feet;

4: 5. any activities regulated or restricted under Section 3.7; or

5: 6. any activities regulated under Section 3.8

- III. Amend Section 5.7 Inclusionary Zoning subsection B. Applicability to add a third Major Construction Project provision for a MBTA Community Project to read as follows where insertion is shown in bold:

SECTION 5.7 INCLUSIONARY ZONING

B. Applicability

The provisions of this section shall apply to all projects requiring approval as Major Construction Projects involving (1) construction of twenty-five hundred (2,500) or more square feet gross floor area or (2) an increase in gross floor area by fifty (50) percent or more which results in a gross floor area of at least twenty-five hundred (2,500) square feet or (3) any project meeting the definition of an "MBTA Community Project" in Business Districts, Business Districts A, Industrial Districts, Industrial Districts A, Wellesley Square Commercial District, Residential Incentive Overlay Districts, and Lower Falls Village Commercial District and to subdivisions on sites having a development potential under current zoning of five or more lots for One-Unit Dwellings.

Or take any other action in relation thereto.

ARTICLE 45: SECTION 5.3 YARD REGULATIONS

To see if the Town will amend the Zoning Bylaw to amend Section 5.3 Yard Regulations subsection B Requirements to include buildings or structures placed below a lot, as follows:

SECTION 5.3 YARD REGULATIONS

B. Requirements

There shall be provided for every building or structure hereafter erected or placed upon or below a lot at least the minimum frontage, minimum Front Yard width, minimum Front Yard depth (setback), minimum Side Yard width and minimum Rear Yard depth requirements hereinafter set forth; and there shall be not more than one dwelling erected on any lot. Such minimum Front Yard width shall be provided for the entire depth of the Front Yard.

Or take any other action in relation thereto.

ARTICLE 46: ZONING MAP CHANGES

To see if the Town will vote to amend the Zoning Map to rezone properties to the Residential Incentive Overlay District located at:

- 192 Worcester Street (Assessor's Parcel ID# 15-2), 194 Worcester Street (Assessor's Parcel ID# 15-3) and 150 Cedar Street (Assessor's Parcel ID# 15-6), the area to be rezoned totaling approximately 62,737 square feet in area, into the Residential Incentive Overlay District.

Or take any other action in relation thereto.

PLANNING ARTICLE 47: AMENDMENTS TO SECTION 2.1 SINGLE RESIDENCE DISTRICTS

To see if Town Meeting will vote to amend its Zoning Bylaws Section 2.1 Single Residence Districts, by adding a provision in Paragraph A. Permitted Uses, adding:

12. Use of land for access, and utilities to service any Assisted Elderly Living, Independent Elderly Housing, Nursing Homes or Skilled Nursing Facilities (hereinafter referred to as any "Senior Housing Project") on directly abutting property in an adjacent municipality, shall be allowed, subject to the following:

- a. the Senior Housing Project must be either allowed as of right or receive any necessary zoning relief in the zoning district in the other municipality in which the abutting property is located.
- b. The Minimum Lot Area in the Single Residence District in which such access and utilities are provided shall be four (4) acres.
- c. Not less than 50% of the Lot Area in the Single Residence District shall be restricted from further development by means of a Conservation Restriction under M.G.L. c. 184, Secs. 31-33, or another appropriate deed restriction; provided, that the uses described in clause "f" below and other uses generally consistent with conservation restrictions may be permitted.
- d. Use of the land located in the Single Residence District for access shall include any vehicular and pedestrian access necessary to service the Senior Housing Project to and from any public way located within the Town.
- e. Any access driveway shall meet the requirements of Section 5.17.D.3 of this Bylaw.
- f. Use of the land located in the Single Residence District for utilities shall include any necessary utilities that may be provided in or by the Town, including without limitation, water, sewer, storm water, electrical, telecommunications and facilities and improvements related thereto (such as, by way of example only, electrical transformers).
- g. Permitted signage shall be in accordance with signs for Institutional Uses as set forth on Table 22A.1.
- h. Provided that all of the foregoing requirements are met, notwithstanding Sections 2.1.B and 2.1.C below, the provisions of Sections 5.5 [Design Review], 5.6 [Project Approval] and 5.7 [Inclusionary Zoning] shall not apply to such use of the land in the Single Residence District solely for access and utilities for any Senior Housing Project in another municipality.

or take any other action in amending or enacting new zoning bylaws in relation thereto.

ARTICLE 48: SECTION NUMBER REFERENCE CORRECTIONS

To see if the Town will vote to amend the Zoning Bylaw to correct typographical errors regarding Section numbers, where strikethrough text indicates deletions and insertions are shown in bold:

- I. Amend Section 2.8.A.f.ii to read as follows:

The design, construction and screening of off-street parking, except that provided within underground garages or elevated parking structures, shall be in accordance with the provisions of ~~SECTION 21~~ **SECTION 5.17**

- II. Amend Section 2.11.E.1.b. to read as follows:

The proposed project is consistent with the design criteria listed in ~~Section 22~~ **Section 5.5**

- III. Amend Section 2.15.C. to read as follows:

The provisions of ~~Section XIVA~~ **Section 5.6**, Project Approval, shall apply to properties and uses in the Parks, Recreation, and Conservation Districts.

- IV. Amend Section 3.6.B. "Assisted Units" to read as follows:

Assisted Units" – shall have the same meaning as defined in Section 13 Section 2.13 to the extent that such definition means housing that is affordable to and occupied by Eligible Households and that such definition is not materially inconsistent with, and is nonetheless subject to, the definitions of Affordable Housing in the 40R Guidelines and Affordable under the Governing Laws.

- V. Amend Section 5.10.F.1. to read as follows:

Demolition and/or construction activity (as identified under Section 16E.D.1 Section 5.10.D.1) on a property on which a Protected Tree is located is prohibited unless required Tree protection and/or mitigation measures will be taken as set forth in this subsection.

- VI. Amend Section 5.10.F.2.b.ii. to read as follows:

Contribution to the Tree Bank Fund: The Select Board shall establish a Tree Bank Fund contribution schedule, such schedule to be based on the DBH of Protected Tree(s) to be removed, impact on Town infrastructure, and other environmental impacts associated with the removal of the Tree. The schedule may also take into account the aggregate DBH of Protected Trees to be removed. The applicant shall make such contribution to the Tree Bank Fund for the removal of a Protected Tree, not already mitigated for, per ~~Section 16E.F.2.b.i~~ **Section 5.10.F.2.b.i.** such contributions shall be deposited to the Tree Bank Fund.

- VII. Amend Section 5.10.F.3.a. to read as follows:

Tree Protection & Mitigation Plan Submittal: Prior to the issuance of a permit in connection with one or more of the circumstances set forth in ~~Section 16E.D.1~~ **Section 5.10.D.1**, on property on which a Protected Tree is located or was located within twelve (12) months prior to application, the owner of the property shall submit a Tree Protection & Mitigation Plan to the Building Department along with the applicable application.

If a permit requiring the submittal of a Tree Protection & Mitigation Plan was issued for a property within twelve (12) months prior to application for one or more of the circumstances set forth in Section 5.10.D.1., the submittal of a Tree Protection & Mitigation Plan shall not be required for subsequent permits unless any information required under ~~Section 16E.F.3.b~~ **Section 5.10.F.3.b.** is changed or altered.

- VIII. Amend Section 5.13.C.v. to read as follows:

Subject to the provisions of ~~Sections 17~~ **Section 5.1** and ~~25 6.3~~, comply with all area and yard regulation applicable to the lot on which it is located.

- IX. Amend Section 5.18.F.1. to read as follows:

Sign Permit Required. Unless a Sign Permit is specifically not required by the standards of this Section, it shall be unlawful for any person to erect or replace a sign without first having obtained a Sign Permit. Refer to ~~Table 22A.1~~ **Table 5.18.1** to determine if a Sign Permit is required for a specific sign type.

- X. Amend Section 5.18.I.2.a. to read as follows:

Any sign not specifically identified in ~~Table 22A.1~~ **Table 5.18.1**, Signage Allowances Based on Zoning District or Use, as allowed or any sign not allowed by the issuance of a Special Permit;

- XI. Amend Section 5.18.L.4.b. to read as follows:

Time: Lots or Business Establishments upon which a Temporary Sign and/or temporary Window Sign is allowed, per ~~Table 22A.1~~ **Table 5.18.1**, Signage Allowances Based on Zoning District or Use, shall be limited to display such signs for a period not exceeding thirty (30) days with no more than three (3) such thirty (30) day periods permitted per calendar year. Thirty (30) day periods may be utilized consecutively.

- XII. Amend Section 5.18.M. to read as follows:

If not otherwise stated, any sign not specifically allowed in a zoning district or for a specific use as provided herein shall be prohibited, except as otherwise provided for under this Section. The following table (~~Table 22A.1~~ **Table 5.18.1**, Signage Allowances Based on Zoning District or Use) provides standards governing signs within specific zoning districts or for specific uses. Specific uses shall be allowed signage as indicated for such use rather than based on the zoning district of such use, unless the signage allowances of the zoning district are less restrictive than those indicated for the specific use. Signs for which a permit is not required shall meet all other provisions of this Section applicable to the subject sign.

- XIII. Amend Section 5.18 tables titled "Table 22A.1, Signage Allowances Based on Zoning District or Use" to read as follows:

~~Table 22A.1~~ **Table 5.18.1**, Signage Allowances Based on Zoning District or Use

- XIV. Amend Section 3.2.K to read as follows:

Signs shall comply with the sign requirements of Section 5.18. For the purposes of ~~Table 22A.1~~ **Table 5.18.1** of Section 5.18, RIO projects shall comply with the signage allowances of Commercial Districts Fronting Streets Other Than Worcester Street, except that RIO projects located in underlying Single Residence or General Residence zoning districts shall comply with the following or take any other action in relation thereto.

ARTICLE 49: DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD) REFERENCE CORRECTIONS

To see if the Town will vote to amend the Zoning Bylaw to strike all references to "the Massachusetts Department of Housing and Community Development" to be replaced with "the Executive Office of Housing and Livable Communities" and to strike all references to "DHCD" to be replaced with "EOHLC".

ARTICLE 51: AMEND MINOR CONSTRUCTION DEFINITION

To see if the Town will vote to amend the Zoning Bylaw to exempt certain projects visible only from the interior ways of college campuses from the design review process set forth in Sections 5.5 and 5.6 of the Zoning Bylaw by adding a clause to the first numbered paragraph in the definition of "Minor Construction Project" in Section 1.3 so that the definition will read as follows:

Minor Construction Project shall mean any Construction Project, not included within the definition of a Major Construction Project, which involves either or both of the following:

1. a change in the outside appearance of a building or premises visible from a public or private street or way other than a street or way that is fully encompassed within a parcel of 100 or more acres in size held in single ownership in an educational district, requiring a building permit;
2. construction, enlargement or alteration of a parking or storage area requiring a parking plan permit. Alteration as used in the preceding phrase, includes installation, removal or relocation of any curbing, landscaping or traffic channelization island, driveway, storm drainage, lighting or similar facilities but does not include resurfacing, striping or restriping pavement markings on existing parking or storage areas.

Or take any other action in relation thereto.

Eric Arbeene
Planning Director
(WT-1/18 & 1/25)