

WELLESLEY PLANNING BOARD
NOTICE OF ZONING PUBLIC HEARING
FALL SPECIAL TOWN MEETING
MONDAY, JULY 19, 2021, 6:30 PM
REMOTE MEETING

Residents can view the meeting from the link above (<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.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86069404478?pwd=SnpydIhiVjB0Y0dBaWNUWVF4clordz09>

Passcode: 610993 Webinar ID: 860 6940 4478

Or One tap mobile:

US: +13126266799,,86069404478#,,,,*610993# or
+16465588656,,86069404478#,,,,*610993#

Or Telephone:

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US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1
669 900 9128 or +1 253 215 8782

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In accordance with M.G.L., Chapter 40A, Section 5, and Section 26 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, July 19, 2021 on the following proposed amendments to the Zoning Bylaw and Zoning Map proposed to be considered at the 2021 Fall Special Town Meeting:

1. Amend Section 14B FLOOD PLAIN OR WATERSHED PROTECTION DISTRICTS to remain in compliance with the requirements of the National Flood Insurance Program and the Massachusetts Flood Hazard Management Program. FEMA is in the process of issuing an updated Flood Insurance Rate Map for Norfolk County and references to the latest map, as well as other amendments relating to development in floodplains.
2. Amend Section 1B. DEFINITIONS and Section 4. GENERAL RESIDENCE DISTRICTS to permit the construction of two-unit Town Houses in the General Residence District.
3. Amend Section 16A. PROJECT APPROVAL to include review of Greenhouse Gas Emissions by:
 - a. Amending Section 16A.C.3.a and Section 16A.C.3.b to read as follows:

- a. The applicant shall submit to the Planning Board a Municipal Systems Impact Analysis (MSIA), prepared by professional engineers registered in the Commonwealth of Massachusetts, and identifying the impact of the Construction Project on water, sewer, storm drainage, electric, traffic, intersections, sidewalks and footways, building occupant life safety, refuse disposal and recycling, and greenhouse gas emissions. The water, sewer, and storm drainage portions of the MSIA shall be prepared by engineers having expertise in civil engineering; the electric portion shall be prepared by engineers having expertise in electrical engineering; the traffic and pedestrian safety and bicycle safety portions shall be prepared by engineers having expertise in traffic and transportation engineering; and the greenhouse gas emissions portion shall be prepared by engineers having expertise in energy performance and efficiency.
- b. The intent of the analysis is to determine the impact on the Town's existing capital infrastructure in order to assess costs of providing or upgrading Town public facilities which will benefit a PSI and compatibility with the Town's greenhouse gas emissions reduction goals.

b. Amending Section 16A.C.3.c to add a new subsection vi as follows:

vi. Greenhouse Gas Emissions

identification of proposed energy consumption and emissions including analysis of measures taken to meet the Town's greenhouse gas emissions reduction goals.

or take any other action in relation thereto.

4. Amend Section 22. DESIGN REVIEW to expand the Design Review Standards to include review of sustainable design by adding a new Section 22.C.6 as follows:

6. Sustainable Design- Proposed development shall promote meeting the Town's greenhouse gas emissions reduction goals.

or take any other action in relation thereto.

5. Amend the Zoning Bylaw to amend requirements for outdoor dining for restaurants in business and commercial districts.

6. Amend the Zoning Bylaw to allow creation of Accessory Dwelling Units by

1. Amend Section 1B DEFINITIONS by inserting or amending the following definitions:

Accessory Dwelling Unit or ADU - a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to the requirements of Section 2.A.1A of the By-Law.

ADU Owner - shall mean a person who holds record title to a property containing an Accessory Dwelling Unit directly or indirectly and for whom the property is such Owner's principal residence. Indirect ownership includes but is not limited to a beneficiary of a trust holding record title to the property and a majority owner of the voting stock of a corporation or the membership units of a limited liability company holding record title to the property.

Main Dwelling Unit – for lots which have an Accessory Dwelling Unit, the “Main Dwelling Unit” means the portions of the One-Unit Dwelling other than the Accessory Dwelling Unit.

One-Unit Dwelling - A detached dwelling containing not more than one Dwelling Unit and an Accessory Dwelling Unit.

Owner Unit –with respect to lots containing an Accessory Dwelling Unit, means either the Main Dwelling Unit or the Accessory Dwelling Unit, whichever is occupied by the ADU Owner.

2. Amend Section 2 SINGLE RESIDENCE DISTRICTS by adding a new Section 2.A.1A as follows:

1A. Accessory Dwelling Unit

For a lot containing One Dwelling Unit, one additional Dwelling Unit may be constructed in addition to the One-Unit Dwelling provided, and for so long as, the additional unit satisfies and complies with the provisions of this Section 1A.

a. Purpose

The purposes of providing for Accessory Dwelling Units include:

- i. To facilitate housing production, diversity, and affordability in the Town's neighborhoods;
- ii. To allow older adults and households with disabled persons to remain in the Town and to better accommodate young families;
- iii. To use energy, water, and materials more efficiently by increasing the housing supply through concentrated, small scale development; and
- iv. To preserve historic homes, carriage houses, and barns by providing greater flexibility to homeowners

b. Ownership. There shall not be any difference in record title of the Accessory Dwelling Unit than for the Main Dwelling Unit.

c. Physical Requirements: The Accessory Dwelling Unit shall:

- i. Satisfy the requirements to be a Dwelling Unit as set forth in this Zoning Bylaw, the State Building Code and health regulations.
- ii. Remain subordinate in utility and appearance to the Main Dwelling Unit, provided that the Accessory Dwelling Unit may be detached from the Main Dwelling Unit.

- iii. Contain at least 250square feet of gross floor area and no more than the lesser of (i) 900 sq. ft. of gross floor area or (ii) 50% of the gross floor area of the Main Dwelling Unit, not including basement, garage, or deck areas and otherwise meet the requirements of the definition of "Accessory Dwelling Unit" in Section 1A of chapter 40A of the General Laws;
- iv. Subject to the provisions of Sections 17 and 25, comply with all area and yard regulations applicable to the lot on which it is located.

d. Operational Requirements

- i. The ADU Owner shall record in the Registry of Deeds a notice, in a form approved by the Planning Board, stating that the property includes an ADU subject to the provisions of the Zoning Bylaw.
- ii. The ADU Owner must reside in either the Main Dwelling Unit or the Accessory Dwelling Unit on the lot for at least 180 days of each calendar year. The ADU Owner may not lease the Owner's Unit for any duration during periods when the Owner is not residing in the Owner Unit.
- iii. The minimum leasing term for the unit that is not occupied by the ADU Owner shall be 30 days. (For example, if the Accessory Dwelling Unit is occupied by the ADU Owner, the minimum leasing term of the Main Dwelling Unit Dwelling shall also be 30 days.)
- iv. There shall be no pickup or delivery of products and/or articles at the premises that is not customary in a residential area.

e. Permitting Requirements

- i. When applying for building and occupancy permits under the State Building Code, the ADU shall advise the Building Inspector that the project contains an ADU. The Building Inspector shall not issue a building permit for construction of an ADU or issue a certificate of occupancy for an ADU until the Planning Department certifies that the ADU Owner is in compliance with the provisions of Section 2.A.1A.d.
- ii. The ADU Owner must submit an annual certification to the Planning Department, in a form determined by the Planning Board, that the ADU has been constructed and is owned and operated in compliance with all provisions of the Zoning Bylaw.
- iii. Notice of Sale of the property containing the ADU must be provided to the Planning Department.
- iv. If the ADU has been built or is being operated in violation of the provisions of this Section the Inspector of Buildings may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating.

4. Add a new Section 17.B.3 as follows:

3. Accessory Dwelling Units.

Construction of an Accessory Dwelling Unit to an existing building on a non-conforming lot or to an existing non-conforming building, does not require review by the Zoning Board of Appeals if such construction does not increase the footprint or the height of the existing structures on the lot other than as necessary for the construction of a separate entrance for the ADU, provided that any entrance porch does not exceed 50 square feet nor projects more than five feet from the face of the building.

5. Amend Section 18.A by add the following sentence to the end of the first paragraph of Section 18.A:

“For purposes of this Section 18 a Main Dwelling Unit and an Accessory Dwelling Unit shall be considered to be one Dwelling Unit.”

or take any other action in relation thereto.

Don McCauley
Planning Director
(WT-7/1 & 7/8)

