

TOWN OF WELLESLEY



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**WARRANT  
for the  
ANNUAL TOWN MEETING**

**ADVISORY COMMITTEE PUBLIC HEARING (WARRANT ARTICLES)**  
February 2, 2022

**PLANNING BOARD PUBLIC ZONING HEARING**  
January 24, 2022

Commonwealth of Massachusetts  
Norfolk, ss.

To any Constable of the Town of Wellesley in the County of Norfolk,

**GREETINGS:**

In the name of the Commonwealth aforesaid, you are hereby required to notify the qualified Town Meeting Members of said Town of Wellesley to meet in the

**Wellesley Middle School Auditorium  
50 Kingsbury Street  
Monday, March 28, 2022**

at 7:00 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, as amended, and subject to referendum as provided therein:

**ARTICLE 1.** To receive and act on the reports of Town officers, boards and committees, including the Annual Town Report, the Report to this Town Meeting of the Advisory Committee, and the Report of the Community Preservation Committee, and to discharge presently authorized special committees, or to take any other action in relation thereto.

**(Select Board)**

**ARTICLE 2.** To receive the Reports of the Select Board on the Town-Wide Financial Plan and Five-Year Capital Budget Program in accordance with Sections 19.5.2 and 19.16 of the General Bylaws, or to take any other action in relation thereto.

**(Select Board)**

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APPROPRIATIONS – OPERATING AND OUTLAY

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**ARTICLE 3.** To see if the Town will vote to act on certain articles set forth in this warrant by a single vote, pursuant to a consent agenda, or to take any other action in relation thereto.

(Select Board)

**ARTICLE 4.** To see if the Town will vote to amend Article 31 of the General Bylaws by making changes to the Classification and Salary Plans, appearing in the Appendix to the General Bylaws, established under Sections 31.1 and 31.6, respectively, and which constitutes part of said Bylaws, relating to the establishment of new classifications, reclassifications of current positions, and the deletion of classifications, or to take any other action in relation thereto.

(Human Resources Board)

**ARTICLE 5.** To see if the Town will vote to amend Article 31 of the General Bylaws by making changes to Schedule A, entitled "Job Classifications by Groups," and Schedule B, entitled "Salary Plan – Pay Schedule," copies of which are available for inspection at the Human Resources Department, and to authorize the Town to raise and appropriate, transfer from available funds, or borrow a sum of money for the purposes of complying with said Schedule B, as so amended, or to take any other action in relation thereto.

(Human Resources Board)

**ARTICLE 6.** To see if the Town will vote to fix the salary and compensation of the Town Clerk, as provided by Section 108 of Chapter 41 of the General Laws, or to take any other action in relation thereto.

(Select Board)

**ARTICLE 7.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to supplement or reduce appropriations approved by the 2021 Annual Town Meeting, or to take any other action in relation thereto.

(Select Board)

**ARTICLE 8.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the following:

- 1) The operation and expenses of certain Town departments, including capital outlay, maturing debt and interest, and the provision of a Reserve Fund;
- 2) Extraordinary maintenance, special capital projects and other capital outlay items for the several Town departments;

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3) Such purposes as may be voted contingent upon passage by the voters of referendum questions as authorized by Section 21C(g) of Chapter 59 of the General Laws,

and further to authorize the Board of Assessors to use any monies paid to the Town from the Wellesley Municipal Light Plant as an estimated receipt when computing the Fiscal Year 2022 Tax Rate, or to take any other action in relation thereto.

**(Select Board)**

**ARTICLE 9.** To see if the Town will vote pursuant to Section 53E1/2 of Chapter 44 of the Massachusetts General Laws, as amended by Section 86 of Chapter 218 of the Acts of 2016, to set the limit on the total amount that may be spent from each revolving fund for Fiscal Year 2023 as follows:

- a. Street Opening Maintenance Fund: \$225,000.00
- b. DPW Field Use Fund: \$200,000.00
- c. Turf Field Fund: \$150,000.00
- d. Tree Bank Fund: \$75,000.00
- e. Baler, Compactors, and other RDF Equipment Repair Fund: \$50,000.00
- f. Council on Aging Social and Cultural Programs Fund: \$140,000.00
- g. Teen Center Program Revenues Fund: \$50,000.00
- h. Library Room Rental Fund: \$35,000.00
- i. Lost/Damaged Library Materials Replacement Fund: \$20,000.00
- j. Brookside Community Gardens Fund: \$3,000.00
- k. Weston Road Gardens Fund: \$7,000.00
- l. Library Copier Fees Fund: \$20,000.00
- m. Cultural Council Revenues Fund: \$6,500.00

or to take any other action in relation thereto.

**(Select Board)**

**ARTICLE 10.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to the Special Injury Leave Indemnity Fund established under Article 9 of the 2017 Annual Town Meeting, or to take any other action in relation thereto.

(Select Board)

**ARTICLE 11.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to the Special Education Reserve Fund established by the vote taken under Article 10 at the 2017 Annual Town Meeting to pay, without further appropriation, for unanticipated or unbudgeted costs of special education, out-of-district tuition or transportation, or to take any other action in relation thereto.

(Select Board)

**ARTICLE 12.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to the Baler Stabilization Fund established by the vote taken under Article 10 at the 2016 Annual Town Meeting for replacement of the Recycling and Disposal Facility (RDF) Baler, RDF Compactors, and other RDF equipment, or to take any other action in relation thereto.

(Board of Public Works)

**ARTICLE 13.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money, to be expended under the direction of the Board of Public Works for the purposes of operating and managing the Water Program, or to take any other action in relation thereto.

(Board of Public Works)

**ARTICLE 14.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money, to be expended under the direction of the Board of Public Works for the purposes of operating and managing the Sewer Program, or to take any other action in relation thereto.

(Board of Public Works)

**ARTICLE 15.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended under the direction of the Municipal Light Board for purposes of operating and managing the Municipal Light Plant, or to take any other action in relation thereto.

(Municipal Light Board)

## APPROPRIATIONS – SPECIAL CAPITAL PROJECTS

**ARTICLE 16.** To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2023 Community Preservation Budget, to appropriate or reserve for future appropriation, from FY 2023 Community Preservation Fund annual revenues and reserves, sums of money to meet the

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administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year beginning July 1, 2022, to make debt service payments, and to undertake community preservation projects as recommended by the Community Preservation Committee, and which recommendations may involve the transfer or borrowing of funds and expenditures, or to take any other action in relation thereto.

(Community Preservation Committee)

**ARTICLE 17.** To see if the Town will vote to raise and appropriate or transfer from available funds, to be expended under the direction of the Select Board, for all costs related to the leasing of office space for the purposes of housing the Town's Land Use Departments (Planning, Building Department, Zoning Board of Appeals, Natural Resources Commission) and the relocation of the Land Use Departments to said office space, as part of the Town Hall Interior Renovation project, and which costs shall include, but not be limited to, architectural and engineering designs, plans and other specifications, bid documents, permitting, and any associated costs in connection therewith and, or to take any other action in relation thereto.

(Select Board)

**ARTICLE 18.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended under the direction of the Police Department, for engineering designs, bid documents, installation, construction, reconstruction, rehabilitation, and repair of the Wellesley Communications Center radio antenna, tower erection and grounding ice bridge installation, construction of a new concrete pad, and removal of existing antenna, including all costs incidental and related thereto; for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, or to take any other action in relation thereto.

(Select Board)

**ARTICLE 19.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended under the direction of the Board of Public Works, for engineering designs, bid documents, construction, reconstruction, rehabilitation, and repair of Walnut Street, including street, sidewalk and/or drainage repairs and improvements, including all costs incidental and related thereto; for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, or to take any other action in relation thereto.

(Board of Public Works)

**ARTICLE 20.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended under the direction of the Board of Public Works, for engineering designs, bid documents, construction,

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reconstruction, rehabilitation, and repair of the Middle School Parking Lots, including street, sidewalk and/or drainage repairs and improvements, including all costs incidental and related thereto; for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, or to take any other action in relation thereto.

**(School Committee/Board of Public Works)**

**ARTICLE 21.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended under the direction of the Facilities Management Department, for engineering designs, bid documents, construction, reconstruction, replacement, and retrofitting of light fixtures with light emitting diode (LED) fixtures at the High School, for energy conservation purposes, including all costs incidental and related thereto; for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, or to take any other action in relation thereto.

**(Select Board/School Committee)**

#### **AUTHORIZATIONS**

**ARTICLE 22.** To see if the Town will raise and appropriate, transfer from available funds, or borrow a sum of money to be expended under the discretion of the Board of Public Works for water and/or sewer line rehabilitation, and for any equipment or services connected therewith, or to take any other action in relation thereto.

**(Board of Public Works)**

**ARTICLE 23.** To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 53F 1/2 to establish an Enterprise Fund for a Stormwater Utility commencing on July 1, 2022; or act or do anything in relation thereto; and to see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money, to be expended under the direction of the Board of Public Works for the purposes of operating and managing the Stormwater Program, or to take any other action in relation thereto.

**(Board of Public Works)**

**ARTICLE 24.** To see if the Town will vote to establish a Study Committee to be appointed by the Select Board or the Moderator, or a combination of both, charged with reviewing the operations of Town Meeting through the study of the Town Meeting Guidelines, Town Bylaws, and Chapter 202 of the Acts of 1932, as amended, identifying needed revisions and modifications, including to the term of the Moderator, and reporting back to a subsequent Town Meeting, or take any other action in relation thereto.

(Select Board)

**ARTICLE 25.** To see if the Town will vote to add, modify, or delete certain personnel policies and procedures for Town employees not covered by collective bargaining agreements, or authorize the Human Resources Board to do the same, in accordance with Article 30.10 of the Town Bylaws Personnel Policies Nonunion Employees, or to take any other action in relation thereto.

(Human Resources Board)

**ARTICLE 26.** To see if the Town will vote to appropriate the sum of money received from the Commonwealth Transportation Infrastructure Fund ("Fund") pursuant to St. 2016, c. 187, § 8(c)(i) for calendar year 2019 and 2020, to address the impact of transportation network services on municipal roads, bridges and other transportation network services in the Town including the complete streets program established in Section 1 of Chapter 901 of the General Laws and other programs that support alternative modes of transportation, or to take any other action in relation thereto.

(Select Board)

**ARTICLE 27.** To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation authorizing said Board, as the local licensing authority, to issue Special Temporary (One Day) licenses for the sale of wine and malt beverages only or all alcoholic beverages to for-profit enterprises conducting an indoor or outdoor activity or enterprise pursuant under Section 14 of Chapter 138; as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition;

AN ACT AUTHORIZING THE TOWN OF WELLESLEY TO GRANT CERTAIN LICENSES FOR THE TEMPORARY SALE OF ALCOHOLIC BEVERAGES

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. Section 1 of Chapter 635 of the Acts of 1982 is hereby amended by inserting before the last clause in the paragraph, the following: "and, pursuant to Section 14 of Chapter 138, special temporary licenses to the responsible manager of any indoor or outdoor activity or enterprise for the sale of wine and malt beverages only".

SECTION 2. This act shall take effect upon its passage.

Or take any other action in relation thereto.

(Select Board)

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## AMEND GENERAL BYLAW

**ARTICLE 28.** To see if the Town will vote to amend General Bylaw Article 49.19 Possession and Use of Alcoholic Beverages, to permit the consumption of alcohol within public rights of way (streets, parking areas, and sidewalks) or town owned grounds, and in connection with a liquor license issued by the Select Board, as the licensing authority, pursuant to G.L. c. 138, Chapter 635 of the Acts of 1982, or Chapter 25 of the Acts of 2012; or take any other action in relation thereto.

(Select Board)

**ARTICLE 29.** To see if the Town will vote to amend Article 12. Climate Action Committee of the General Bylaws and such other Articles, as needed, to change the reporting structure for the Sustainability Director from the Climate Action Committee to the Executive Director of General Government Services; or take any other action in relation thereto.

(Climate Action Committee/ Select Board)

**ARTICLE 30.** To see if the Town will vote to amend Article 35. Housing Authority of the General Bylaws to reduce the number of elected officials to three (3), and to add provisions for a tenant of the Housing Authority to be appointed by the Select Board; or take any other action in relation thereto.

(Housing Authority)

**ARTICLE 31.** To see if the Town will vote to amend Article 52. Bylaw, Rule or Regulation Violations, Non-Criminal Disposition of the General Bylaws by adding a new provision under Section 52.B.1 to establish a non-criminal disposition for individuals who use Town resources for private gain; or take any other action in relation thereto.

(Recreation Commission)

**ARTICLE 32.** To see if the Town will vote to amend the General Bylaws Article 19. Select Board as follows:

1. Delete from Section 19.7 Appointments the position Inspector of Wires, Inspector of Buildings, and Inspector of Gas and Plumbing, and renumber said section accordingly;
2. Revise Section 19.17 Weekly Warrants to authorize the Executive Director to approve all bills before payment by the Treasurer, and to similarly update any

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additional reference to the Select Board approving Weekly Warrants in other sections, including, but not limited to Section 19.46 Payment of Town Funds;

3. Delete Section 19.20 House Numbers in its entirety and renumber the remainder of the section; and
4. Insert in Section 19.33 Staff the position of "Assistant Executive Director" and the "Sustainability Director" as principal staff;

Or take any other action in relation thereto.

(Select Board)

#### **AMEND ZONING BYLAW**

**ARTICLE 33.** To see if the Town will vote to amend the Zoning Bylaw by amending Article 1B. DEFINITIONS and Article 14B. FLOOD PLAIN OR WATERSHED PROTECTION DISTRICTS to conform with FEMA Map updates and adopt, as appropriate, certain provisions of the Massachusetts 2020 Model Floodplain Bylaws, by:

1. Amending or adding definitions in Section 1B DEFINITIONS, as follows:

Federal Emergency Management Agency (FEMA) – An agency of the United States Federal Government that administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

Flood – A temporary rise in river, stream or brook flow that results in its water overtopping its banks and inundating Floodway areas adjacent to the channel.

Flood Insurance Rate Map (FIRM) – An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study Report (FIS Report) – A report which examines, evaluates, and determines flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Flood Plain District – An area subject to danger of periodic flooding, the limits of which are determined by the Special Flood Hazard Area.

Flood Plain Management – the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

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Floodwater Storage Capacity – The quantity of water which can be held within the flood plain of a wetland.

Floodway – The channel of a river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use – A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register of Historic Places;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

Natural River Channel – A water course with a definite bed and banks to confine and conduct the average flow.

Recreational Vehicle – A vehicle which is:

- (a) Built on a single chassis;

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- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway – See Floodway.

Special Flood Hazard Area – The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

Watershed Protection District – An area bordering a brook, stream or other water body, the limits of which are determined by a horizontal distance.

2. Amending Section 14B FLOOD PLAIN OR WATERSHED PROTECTION DISTRICTS, in its entirety, to read as follows:

**SECTION 14B. FLOOD PLAIN OR WATERSHED PROTECTION DISTRICTS**

**A. Purposes**

The purposes of Flood Plain Districts or Watershed Protection Districts are to:

1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5. Eliminate costs associated with the response and cleanup of flooding conditions;
6. Reduce damage to public and private property resulting from flooding waters.

**B. Definitions**

For the purposes of this Section the following terms shall be defined as follows:

Development – Any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling,

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grading, paving, excavation or drilling operations or storage of equipment or materials.

**New Construction** – Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.

**Start of Construction** – the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** – a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**Substantial Repair of a Foundation** – when work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

**Variance** – a grant of relief by a community from the terms of a flood plain management regulation.

**Violation** – the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

C. Flood Plain District

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1. District Boundaries and Base Flood Elevation Data

- a. The Flood Plain District is herein established as an overlay district. The District includes all Special Flood Hazard Areas within the Town designated as Zone A, AE, AH, AO, A99, V, or VE on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town are panel numbers 25021C0004E, 25021C0008E, 25021C0009E, 25021C0012E, 25021C0014E, 25021C0016E, 25021C0017E, 25021C0018E, 25021C0028E, and 25021C0036E. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM dated July 17, 2012 and further defined by Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Inspector of Buildings, Conservation Commission and Wetlands Protection Committee.
- b. Base Flood Elevation Data. In Zones A and AE, along watercourses that have not had a regulatory Floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

D. Watershed Protection District

1. District Boundaries
2. The Watershed Protection District is herein established as an overlay district.

E. Regulations and Restrictions

1. General Restrictions:

- a. In Flood Plain or Watershed Protection Districts, except as provided in Section 14B.E.4 below, no new building or structure shall be constructed or used in whole or in part, and no existing building or structure lying wholly within a designated Flood Plain or Watershed Protection District shall be altered, enlarged, reconstructed or used in a manner which would increase ground coverage within the Flood Plain or Watershed Protection District; no dumping of trash, rubbish garbage, junk or other waste materials shall be permitted; no filling, dumping, excavating, removal or transfer of gravel, sand, loam, or other material which will restrict flood water flow or reduce the flood water storage capacity shall be permitted, except the surfacing or resurfacing of any existing parking area.

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- b. The Town requires a permit for all proposed construction or other development in the Flood Plain District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, and paving.
- c. All development in the Flood Plain or Watershed Protection District, including structural and non-structural activities, must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and the following:
  - i. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
  - ii. Wetlands Protection Regulations, Department of Environmental Protection (310 CMR 10.00);
  - iii. Inland Wetlands Restriction, Department of Environmental Protection (310 CMR 13.00); and
  - iv. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection (310 CMR 15, Title 5).
- d. The portion of any lot delineated as being within a Flood Plain or Watershed Protection District may be used to meet the area and yard requirements for the district in which the remainder of the lot is situated.

## 2. Floodway Encroachment

- a. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

## 3. Assure That All Necessary Permits Are Obtained

- a. Wellesley's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits and must submit the completed checklist demonstrating that all necessary permits have been acquired.

## 4. Permitted Uses

- a. The following uses of low flood damage potential and causing no obstructions to flood flows shall be permitted provided they are permitted in

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the underlying district and they do not require structures, excavation, fill, or storage of materials or equipment:

- i. Farming, grazing, and horticulture;
- ii. Forestry and nursery uses;
- iii. Conservation of water, plants, wildlife; and
- iv. Wildlife management areas, foot, bicycle, and/or horse paths.

b. The Special Permit Granting Authority may give permission, as hereinafter provided in Section 25 and subject to the provisions of Section 14B.F.5 below, for the following uses within Flood Plain or Watershed Protection Districts:

- i. Any use, otherwise permitted by the underlying zoning district within which the land is situated;
- ii. Construction, operation and maintenance of dams and other water control devices including temporary alteration of the water level for emergency purposes;
- iii. Bridges and like structures permitting passages between lands of the same owner, provided that such bridges and structures shall be constructed, maintained and used at the expense and risk of such owner;
- iv. Driveways and walkways ancillary to uses otherwise permitted by this Section;
- v. Recreation, including golf courses, municipal, county or state parks (but not an amusement park), boating, fishing or any non-commercial open air recreation use;
- vi. Structures ancillary to farms, truck gardens, nurseries, orchards, tree farms and golf courses.

## 5. Project Approval

The provisions of Section 16A shall apply.

- a. Plans submitted in accordance with Section 16A shall make adequate provision for:
  - i. The protection, preservation and maintenance of the water table and water recharge areas;

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- ii. The preservation of the natural river channel plus sufficient width of overbank areas for the passage of flood flows;
- iii. The retention of existing flood carrying capacity;
- iv. The design of proposed construction in a manner which ensures anchoring to prevent flotation, collapse and/or excessive movement of structures; and
- v. The design of public utilities including sewer, water, gas and electrical systems in a manner which will minimize or eliminate flood damage.

b. Base flood elevation data for subdivision proposals

- i. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

c. All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

- i. Such proposals minimize flood damage;
- ii. Public utilities and facilities are located and constructed so as to minimize flood damage; and
- iii. Adequate drainage is provided.

d. AO and AH zones drainage requirements

- i. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

e. Unnumbered A Zones

- i. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

f. Recreational vehicles

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2:00pm CK

- i. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

## 6. Variances from Flood Plain District Requirements

A variance may be granted for flood plain management purposes only.

- a. A variance from this floodplain bylaw must meet the requirements set out by State law and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or cause fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.
- b. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

## 7. State Building Code Appeals Board Variance

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.

## 8. Notice

- a. The Town shall issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that 1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) such construction below the base flood level increases risks to life and property.
- b. Such notification shall be maintained with the record of all variance actions for the referenced development in the Flood Plain District.

## F. Abrogation and Greater Restrictions

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

## G. Designation of Community Floodplain Administrator

Received 1/25/22  
2:00PM CK

The Town hereby designates the position of Planning Director to be the official floodplain administrator for the Town.

#### H. Watercourse Alterations or Relocations in Riverine Areas

In a riverine situation, the Community Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, 8<sup>th</sup> floor  
Boston, MA 02114
- NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6<sup>th</sup> Floor  
Boston, MA 02110

#### I. Requirement to Submit New Technical Data.

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief  
99 High St., 6<sup>th</sup> floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator  
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114;

or take any other action in relation thereto.

**(Planning Board)**

**ARTICLE 34.** To see if the Town will vote to amend provisions of the Zoning Bylaw relating to the definition of Child Care Facility by:

#### 1. Amending definitions in Section 1B DEFINITIONS, as follows:

Received 1/25/22  
2:00pm  
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Child Care Facility means a "child care center" or a "school age child care program" as those terms are defined in G.L. c.15D Section 1A.

Home Occupation – A non-residential use of a dwelling unit, by the resident or residents, for gainful employment, that is subordinate but compatible to residential use. The term Home Occupation shall include a "family child care home" as defined in G.L. c.15D Section 1A., for not more than six children, including participating children living in the residence, where the provider is licensed by the Department of Early Education and Care under G.L. c. 15D.

2. Deleting the definition of "Child Care Use", in its entirety, from Section 1B DEFINITIONS and Section 14J SMART GROWTH OVERLAY DISTRICT; and
3. Deleting the words "Child Care Use" wherever they appear in Section 14J SMART GROWTH OVERLAY DISTRICT and Section 14.J.1 WELLESLEY PARK SMART GROWTH OVERLAY DISTRICT and replacing them with the words "Child Care Facility";

or take any other action in relation thereto.

(Planning Board)

**ARTICLE 35.** To see if the Town will vote to amend provisions of the Zoning Bylaw relating to the definition of Town House by:

1. Amending and inserting definitions in Section 1B DEFINITIONS, as follows:

Duplex – A building containing two Dwelling Units joined side by side [or front to back] sharing a common wall for all or substantially all of its height and depth; that is in which no part of one Dwelling Unit is over any other part of the other Dwelling Unit. A duplex shall be considered as one principal building occupying one lot for the purposes of determining yard requirements.

Town House – A One-Unit Dwelling constructed in a group of three or more attached Dwelling Units in which each Dwelling Unit extends from foundation to roof and with a yard or public way on not less than two sides.

Townhouse Structure – A row of at least three One-Unit Dwellings whose sidewalls are separated from each other Dwelling Units by a fire separation wall or walls, and where each Dwelling Unit has its own at-grade access.

Two Unit Dwelling – A building, including a Duplex, containing two, and no more than two, Dwelling Units.

2. Amending Section 4.A.3, as follows:
3. Townhouse Structure of three or more Town Houses subject to the following:

	CATEGORY A CONVENTIONAL UNITS (with or without assisted units not qualifying as Category B)	CATEGORY B CONVENTIONAL & 25% ASSISTED UNITS*	CATEGORY C 100% ASSISTED UNITS*
<b>MAXIMUM RESIDENTIAL DENSITY (sq. ft. of lot size per Unit)</b>	7,000	6,000	5,000
<b>MINIMUM LOT OR BLDG. SITE (sq. ft.)</b>	21,000	18,000	15,000
<b>MINIMUM OPEN SPACE</b>	65%	65%	65%
<b>MAXIMUM LOT COVERAGE BY BUILDING</b>	20%	20%	20%
<b>MAXIMUM BLDG. HEIGHT (feet)</b>	40	40	40
<b>MINIMUM LOT FRONTAGE (feet)</b>	120	100	100
<b>MINIMUM BLDG. SETBACKS (ft. from property boundary lines)</b>			
<b>FRONT (STREET SETBACK)</b>	35	30	30
<b>SIDES AND REAR</b>			
<b>ABUTTING SINGLE RESIDENCE ZONING</b>	35	30	
<b>ABUTTING OTHER ZONING</b>	25	20	
<b>MINIMUM BLDG. SEPARATION (feet)</b>	30	30	
<b>MINIMUM &amp; MAXIMUM LENGTH OF ROW (Town Houses units)</b>	3-6	3-8	3-8

\*To qualify for Category B a minimum of 25% of the dwelling units or 1 unit, whichever is greater, shall be assisted units. To qualify for Category C 100% of the units shall be assisted.

Off-street Parking shall be provided in accordance with Section 21.

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or take any other action in relation thereto.

(Planning Board)

**ARTICLE 36.** To see if the Town will vote to amend the Zoning Bylaw by modifying Section 4. GENERAL RESIDENCE DISTRICTS by inserting new Sections 4.A.6 and 4.A.7 as follows:

6. For any land with frontage on Washington Street or Worcester Street east of Cliff Road and west of Grantland Road Extension the following additional uses are permitted:

- A. Offices used for professional, administrative, and clerical purposes subject to Section 4.A.7.
- B. Classrooms operated by for-profit or not-for-profit educational organizations, including after-school and supplemental subject-matter courses subject to Section 4.A.7.
- C. Meeting spaces for use by for-profit or not-for-profit social organizations subject to Section 4.A.7.
- D. The temporary open surface parking of passenger cars of employees, customers or guests of establishments which constitute a use permitted by this Zoning Bylaw in the district (a) in which such land is situated or, (b) on which it abuts or from which it is separated by a way, provided said cars are not serviced or held for sale or lease on such land.

7. For buildings used for purposes allowed under Section 4.A.6.A, 4.A.6.B, or 4.A.6.C, except as may be allowed by Special Permit in accordance with Section 25. SPECIAL PERMIT GRANTING AUTHORITY,

- i. No sign advertising with respect to such uses shall be displayed on the property except in accordance with Section 22A of this Zoning Bylaw;
- ii. There shall be no outdoor storage of products or materials;
- iii. There shall be no change in the outside appearance of the premises, including buildings and grounds, that is not in keeping with the residential character and appearance, provided that such restriction shall not apply to any repair of any building in existence as of July 1, 2022;
- iv. There shall be provision for parking on the premises so that no vehicle will be required to park on any street. Except with respect to any parking areas in existence as of July 1, 2022, the required parking area shall retain the character of the residential neighborhood. No

enlargement of the width of the driveway or other alteration of the driveway setback shall be allowed in order to meet this requirement.

Or take any other action in relation thereto.

(Planning Board)

**ARTICLE 37.** To see if the Town will vote to amend the Zoning Map of the Town of Wellesley by rezoning 219 Washington Street (Parcel 63-1) and 229 Washington Street (Parcel 63-1-A) from the Single Residence District to the General Residence District; or take any other action in relation thereto.

(Planning Board)

**ARTICLE 38.** To see if the Town will vote to amend the Zoning Bylaw by adding new sustainability provisions as follows:

1. Amending Section 1.C Purpose to add a new Section 1.C.12 as follows:

12. To reduce emissions of greenhouse gases and to encourage the use of sustainable building and land use practices.

2. Amending 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:

Received 1/25/22.

2:00pm

CK

#### 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.

3. Adding a new Section 22.C.6 to expand the Design Review Standards to include review of sustainable design, as follows:

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

4. Inserting a new definition in Section 1B DEFINITIONS, as follows:

Heat Pump – Means a Cold Climate Air-Source Heat Pump which is listed by the Massachusetts Clean Energy Center at [https://goclean.masscec.com/wp-content/uploads/2021/01/MassCEC\\_ASHP\\_GUIDE.pdf](https://goclean.masscec.com/wp-content/uploads/2021/01/MassCEC_ASHP_GUIDE.pdf) or, if such listing is discontinued, a successor or comparable listing as confirmed by the Planning Department.

5. Amending the fourth sentence of the Section 19.B to read in its entirety as follows:

Heating, ventilation, air conditioning, swimming pool, electric generating, or other noise emitting equipment shall not be located in required setback areas except for Heat Pumps which are attached to and do not extend more than two feet from the wall of the building (but may not be attached to any part of bay windows) or are ground mounted and do not extend more than four feet from the foundation of the building, including any pad on which the Heat Pump is mounted. Plans and installation of sound reduction and/or visual screening may be required if, in the opinion of the Inspector of Buildings abutters may be affected.

or take any other action in relation thereto.

(Planning Board)

#### ARTICLE 39. To see if the Town will vote to amend the Zoning Bylaw by:

1. Adding a new Section 16H. ACCESSORY DWELLING UNITS, as follows:

##### 16H. ACCESSORY DWELLING UNITS

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. An Accessory Dwelling Unit shall not be owned separately than the Principal Dwelling with which the Accessory Dwelling Unit is associated. A Building with an Accessory Dwelling Unit may not be divided into condominiums, even if owned by the same person or entity.

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 the State Fire Code, and any applicable health regulations, including having a separate entrance sufficient to meet requirements for safe egress.
- ii. Remain subordinate in appearance to the Principal Dwelling including:
  - (A) Any detached Accessory Dwelling Unit or modifications to the exterior of the existing One-Unit Dwelling to accommodate the Accessory Dwelling Unit must match the style and architecture of the Principal Dwelling, including siding, roof pitch, trim, windows, and doors.
  - (B) Exterior doors of the Accessory Dwelling Unit shall not be on any building elevation which presents to a public street or private way, except that Accessory Dwelling Units which are built in detached structures existing as of the date of adoption of this Section 16H may have exterior doors in a building elevation presenting to a public street or private way.
  - (C) Exterior staircases must not be visible from a public way and shall be designed to complement the Principal Dwelling.
  - (D) Construction of an Accessory Dwelling Unit shall not increase the height of the structure beyond the height of the Principal Dwelling prior to construction of the Accessory Dwelling Unit.
- iii. An Accessory Dwelling Unit may be detached from the Principal Dwelling, but any detached Accessory Dwelling Unit may be located only

in the Rear Yard and/or Side Yard of the principal dwelling or in a building on the lot which existed prior to the adoption of this Section 16H.

- iv. (A) Contain at least 250 square 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 Principal Dwelling, not including the Accessory Dwelling Unit, or basement, garage, or unenclosed deck or patio areas, and (B) otherwise meet the requirements of the definition of "Accessory Dwelling Unit" in Section 1A of Chapter 40A of the General Laws.
- v. 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 Property Owner shall record in the Registry of Deeds a notice, in a form approved by the Planning Board, stating that the property includes an Accessory Dwelling Unit in accordance with the provisions of the Zoning Bylaw.

- ii. The ADU Property Owner must reside in either the Principal Dwelling or the Accessory Dwelling Unit on the lot for at least 184 days of each calendar year. The ADU Property Owner may not lease the Owner Unit for any duration during periods when the ADU Property Owner is not residing in the Owner Unit.

The minimum leasing term for the unit that is not occupied by the ADU Property Owner shall be the greater of 30 days or such other period governing short term rentals which may be set forth from time to time in the Town Bylaws. The Accessory Dwelling Unit may not be leased more than once in any 30-day period.

- iv. There shall be no pickup or delivery of products and/or articles at the premises that is not customary in a residential area.
- v. The Accessory Dwelling Unit may not be used for a Home Occupation.

**E. Permitting Requirements**

- i. Any person or entity applying for building and occupancy permits under the State Building Code for a building which will include an Accessory Dwelling Unit shall state in the application that the project proposes to include an Accessory Dwelling Unit. The Inspector of Buildings shall not issue a building permit for construction of such building or issue a certificate of occupancy for such building until the Planning Department, in accordance with Rules and Regulations adopted by the Planning Department, certifies that the building is in compliance with the provisions of Section 16H.D.

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- ii. All detached Accessory Dwelling Units and all Accessory Dwelling Units which are constructed as part of other accessory structures on a property, including carriage houses, barns, or detached garages, will require a Special Permit to be issued by the Zoning Board of Appeals as Special Permit Granting Authority in accordance with Section 25.
- iii. The ADU Property Owner must submit an annual certification to the Planning Department, in a form determined by the Planning Board, that the Accessory Dwelling Unit has been constructed and is owned and operated in compliance with all provisions of the Zoning Bylaw.
- iv. Notice of Sale of the property containing the Accessory Dwelling Unit must be provided to the Planning Department.
- v. If the Accessory Dwelling Unit 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.

Rules and Regulations. The Planning Board shall adopt and may from time to time amend Rules and Regulations to implement this Section 16H.

Effective Date

- i. This Section 16H shall apply to all building permits issued after September 1, 2022, for alteration of existing One-Unit Dwellings or construction of new One-Unit Dwellings.
- ii. Any One-Unit Dwelling which was constructed prior to the date of adoption of this Section 16H and contains a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling shall be brought into compliance with this Section 16H and if building permits for such work are issued prior to December 31, 2024, and associated construction completed by December 31, 2025, shall not be subject to penalties otherwise applicable to correction of non-conforming structures.

2. Adding or amending definitions in Section 1B. DEFINITIONS, as follows:

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) complies with the

requirements of Section 16H, and (iii) complies with the definition of "Accessory Dwelling Unit" in Section 1A of chapter 40A of the General Laws.

ADU Property 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 their 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.

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

Principal Dwelling– for any lot with an Accessory Dwelling Unit, the "Principal Dwelling" means the portions of the Dwelling other than the Accessory Dwelling Unit.

3. Amend Section 1B DEFINITIONS by amending the following definitions as follows:

One-Unit Dwelling – a detached Dwelling containing not more than one Dwelling Unit, provided that the existence of an Accessory Dwelling Unit on a lot shall not cause the Dwelling to have more than one Dwelling Unit for purposes of this Zoning Bylaw.

Rear Yard - An area, on the same lot with the building, measured from the rear line of the lot to the building, extending the full width of the lot, and unoccupied above ground level except by covered basement entrances not over four feet in height and not over 35 square feet in area, bay windows that do not have a foundation and do not extend more than two feet from the wall of the building, uncovered steps, eaves projecting not more than 2 feet from the wall of the building, covered or uncovered, enclosed or unenclosed, entrance porches on the first floor which do not exceed a total area of 50 square feet, attached chimneys projecting not more than 2 feet from the wall of the building, stair landings not over 25 square feet in area, and Accessory Dwelling Units built in accordance with Section 16H.

Side Yard - An area, on the same lot with the building, measured from the side line of the lot to the building, extending from the Front Yard to the Rear Yard, and unoccupied above ground level except by covered basement entrances not over four feet in height and not over 35 square feet in area, bay windows that do not have a foundation and do not extend more than two feet from the wall of the building, uncovered steps, eaves projecting not more than 2 feet from the wall of the building, attached chimneys projecting not more than 2 feet from the wall of the building and unenclosed, covered or uncovered stair landings not over 25 square feet in area, and Accessory Dwelling Units built in accordance with Section 16H.

4. Adding a new Section 2.A.1A, as follows:

1A. Accessory Dwelling Unit.

An Accessory Dwelling Unit is allowed as an accessory use to any One-Unit Dwelling provided, and for so long as, such Accessory Dwelling Unit satisfies and complies with the provisions of Section 16H. No more than one Accessory Dwelling Unit is allowed for any One-Unit Dwelling. Accessory Dwelling Units are not allowed in Two Family Dwellings, Town Houses, or other buildings with multiple Dwelling Units.

5. Adding a new Section 17.B.3 as follows:

3. Accessory Dwelling Units.

Construction of an Accessory Dwelling Unit on a non-conforming lot or to a non-conforming building in a Single Residence District or General Residence District does not require review by the Zoning Board of Appeals if such construction does not increase the footprint 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 30 square feet nor project more than five feet from the face of the building.

6. Adding the following sentence to the end of the first paragraph of Section 18.A:

~~For purposes of this Section 18 a Principal Dwelling and an Accessory Dwelling Unit shall be considered to be one Dwelling Unit. The creation of an Accessory Dwelling Unit shall not change the classification of a lot or building for purposes of this Section 18.~~ ;

Or take any other action in relation thereto.

(Planning Board)

**ARTICLE 40.** To see if the Town will vote to amend the Zoning Bylaw to create new provisions for a Commercial Gun Shop as follows:

1. Adding a new definition in Section 1B DEFINITIONS, as follows:

Commercial Gun Shop – Any commercial establishment engaging in whole or in part in the business of a Gunsmith, or the manufacture, sale, or lease to the public of any Weapon, Machine Gun, Ammunition, Bump Stock, Large Capacity Feeding Device, Stun Gun, or Trigger Crank, as such terms are defined in G.L.c.140, § 121.

2. Adding a new Section 11.A.13.I in Section 11. BUSINESS DISTRICTS, as follows:

I. Commercial Gun Shop

3. Adding a new Section 13.A.11.d in Section 13. INDUSTRIAL DISTRICTS, as follows:

d. Commercial Gun Shop

4. Adding a new Section 25.B.7 in Section 25. SPECIAL PERMIT GRANTING AUTHORITY as follows:

7. Commercial Gun Shops

a. Purpose - The purpose of this subsection is to regulate the siting, design, placement, security, safety, monitoring, and modifications of Commercial Gun Shops within the Town to ensure that such uses are operated in a manner consistent with the overall health, welfare and safety of the Town and to minimize the adverse impacts of Commercial Gun Shops on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said Commercial Gun Shops.

b. Compatibility with State and Federal Laws and Regulations – The Zoning Bylaw provisions pertaining to Commercial Gun Shops are not intended to supersede federal or state laws or regulations except to the extent that any such laws or regulations allow a community to adopt standards more stringent than the minimum standards provided in such laws and regulations.

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i. Applicability and Authority

i. Applicability:

(1) No Commercial Gun Shop use shall commence unless permitted by the issuance of a special permit as authorized by this Section and subsection.

(2) No special permit for a Commercial Gun Shop use shall be issued unless the use is located in one of the zoning districts established within the Zoning Bylaw specifically authorizing such use.

(3) The establishment and operation of Commercial Gun Shops shall be subject to continued compliance with all special permits, including any conditions thereof, the provisions of this Section and subsection, any other applicable

requirements of the Zoning Bylaw, and local and state laws and regulations.

- ii. Authority: The Special Permit Granting Authority is empowered to review and take action on special permit applications for Commercial Gun Shops consistent with the procedures established in Section 25.C.; the Special Permit Granting Authority may deny, grant, or grant with conditions all such applications.
- d. General Regulations - All Commercial Gun Shops shall be subject to the following conditions and limitations:
  - i. Location:
    - (1) No special permit for a Commercial Gun Shop shall be granted where such use would be located within 500 feet of a:
      - a. Public or private elementary school, middle school, or high school;
      - b. Child Care Facility, including family daycare homes, daycare centers, and/or nursery schools; or
      - c. Any establishment catering to or providing services primarily intended for minors, as determined by the Special Permit Granting Authority.
    - (2) The 500 foot distance shall be measured in a straight line from the nearest point of the structure within which the Commercial Gun Shop would operate (from the nearest point of the exterior of the tenant space if the Commercial Gun Shop is located in a structure occupied by multiple tenant spaces), to the nearest point of any property on which a public or private elementary school, middle school, or high school is located, or to the nearest point of any structure containing or associated with other uses noted above.
    - (3) The commencement of one or more of the above uses within 500 feet of a proposed Commercial Gun Shop location during the review of a special permit application for a Commercial Gun Shop (beginning on the date of submittal), following the issuance of a special permit, or following the commencement of the Commercial Gun Shop use shall not invalidate the Commercial Gun Shop use, the special permit issued therefor, or the ability to renew any unexpired or unrevoked special permit.

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ii. Configuration and Operation:

- (1) A Commercial Gun Shop shall be located in, and conduct all operations within, an enclosed building; this shall not prohibit operations involving the delivery or receiving of permitted goods and products, which may involve transfer to or from a motor-vehicle outside of an associated building.
- (2) All publicly accessible entrances shall be visible from a public way.
- (3) Drive-through windows and/or any interactions or sales to customers within vehicles are prohibited.
- (4) No Commercial Gun Shop shall be located inside a building containing residential dwelling units, including transient housing, group housing, hotels, motels, lodging houses, and/or dormitories.
- (5) The hours of operation of Commercial Gun Shops shall be set by the Special Permit Granting Authority, but in no event shall a Commercial Gun Shop be open to the public, performing deliveries, and/or otherwise operating between the hours of 8:00 PM and 8:00 AM; there shall be no exemptions to the prohibited hours of operation for emergencies.
- (6) No person under the age of eighteen (18) shall be permitted on the premises of the Commercial Gun Shop unless he or she is a qualified patient or primary caregiver or is accompanied by a parent or legal guardian.

iii. Signage:

- (1) All signs associated with Commercial Gun Shops shall comply with Section 22A.
- (2) All special permit applications for Commercial Gun Shops shall include a proposed exterior sign package, which may be included as a condition of issuance of the special permit.
- (3) Temporary Signs and Standard Informational Signs, as defined in Section 22A shall be prohibited.

iv. Security:

- (1) Commercial Gun Shops shall provide the Wellesley Police

Department, Inspector of Buildings and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment; this information shall be updated when staff of the Commercial Gun Shop changes.

- (2) No operator and/or employee of a Commercial Gun Shop shall have been convicted of any felony under state or federal law.
- (3) Trash dumpsters shall be locked and enclosed by a screening enclosure so as not to be accessible to the public.
- (4) The exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times during business hours; all light fixtures shall have full cut off shields.
- (5) The Commercial Gun Shop shall be equipped with, and the operators of such Commercial Gun Shop shall maintain in working order at all times, burglary/robbery alarms.

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- (6) A video surveillance system shall be installed and maintained which shall monitor all parking lot areas, main building entrances and exits, and any and all transaction areas for the sale of merchandise.

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#### Procedures and Findings

i. Procedures: In addition to the procedures established in Section 25.C., special permits issued for Commercial Gun Shops shall be:

- (1) Limited to the current applicant and shall lapse if the permit holder ceases operation of the Commercial Gun Shop; and
- (2) Renewed annually.

ii. Findings: In addition to determining compliance with the above General Regulations, all other applicable Sections of the Zoning Bylaw, and the applicable Special Use Permit Standards contained in Section 25.D., the Special Permit Granting Authority in their review of any special permit application for a Commercial Gun Shop shall find that the proposed Commercial Gun Shop:

- (1) Meets all other applicable requirements of the Zoning Bylaw

and the permitting requirements of all applicable agencies of the Commonwealth of Massachusetts and the Town, and will otherwise comply with all applicable state and local laws and regulations;

- (2) Is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- (3) Provides adequate security measures to ensure that no individual participants will pose a threat to the health or safety of other individuals; and
- (4) Adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the Commercial Gun Shop.

or take any other action in relation thereto.

### **(Planning Board)**

**ARTICLE 41.** To see if the Town will vote to amend the Zoning Bylaw to clarify the existing outdoor lighting provisions by Section 16G.D to read in its entirety as follows:

## Applicability

The provisions of this Section shall apply to the following project types:

Major Construction Projects and Minor Construction Projects; and

2. Externally Illuminated Signs requiring Design Review and/or a Special Permit, as required and defined by Section 22A.

Where the provisions of this Section 16G are more specific and/or more restrictive with respect to lighting associated with an applicable project type for which other standards may exist within the Zoning Bylaw, the regulations contained in this Section shall take precedence.

With respect to any building or structure which is constructed or renovated as part of a Major Construction Project or a Minor Construction Project, all exterior luminaires of such building or structure shall be brought into compliance with this Section 16G.

The provisions of this Section shall not apply to:

- (a) One-Unit or Two-Unit Dwellings or to structures or uses accessory to such dwellings.
- (b) the ordinary maintenance, repair, and/or replacement of luminaires not approved as part of and/or associated with the installation of Externally Illuminated Signs; and
- (c) the installation of new luminaires on properties not subject to one or more of the aforementioned project types following the effective date of this Section.

or take any other action in relation thereto.

(Planning Board)

**ARTICLE 42.** To see if the Town will vote to amend the Zoning Bylaw to clarify the existing Sign Bylaw provisions by inserting in Table 22A.1 the words ", whichever is less." at the end of the text in the cell in such table for Wall Signs, Maximum Area, Commercial Districts Fronting Streets other than Worcester Street and Commercial Districts Fronting Worcester Street, so that the text in such cell shall read in its entirety as follows:

Additional signs allowed per additional public entrances and additional signs allowed for building occupied by more than 1 Business Establishment, shall not exceed 25 sq. ft. or 10% of the area of the wall to which attached, whichever is less.

or take any other action in relation thereto.

(Planning Board)

**ARTICLE 43.** To see if the Town will vote to amend the Zoning Bylaw to reorder and renumber existing sections substantially as follows:

## SECTION 1. GENERAL PROVISIONS

SECTION 1.1	General Provisions (formerly Section 1)
SECTION 1.2	Establishment of Districts (formerly Section 1A)
SECTION 1.3	Definitions (formerly Section 1B)
SECTION 1.4	Restrictions Affecting All Districts (formerly Section 16)

## SECTION 2. DISTRICTS

SECTION 2.1	Single Residence Districts (formerly Section 2)
SECTION 2.1.1	Single Residence Districts A (formerly Section 3)

SECTION 2.2	General Residence Districts (formerly Section 4)
SECTION 2.2.1	General Residence Districts A (formerly Section 5)
SECTION 2.3	Town House Districts (formerly Section 3A)
SECTION 2.4	Multi-Unit Residence Districts (formerly Section 5A)
SECTION 2.5	Limited Residence Districts (formerly Section 6)
SECTION 2.6	Limited Apartment Districts (formerly Section 6A)
SECTION 2.7	Educational Districts (formerly Section 7)
SECTION 2.7.1	Educational Districts A (formerly Section 8)
SECTION 2.7.2	Educational Districts B (formerly Section 8A)
SECTION 2.8	Planned Development Districts (formerly Section 9A)
SECTION 2.9	Administrative and Professional Districts (formerly Section 9)
SECTION 2.10	Business Districts (formerly Section 11)
SECTION 2.10.1	Business Districts A (formerly Section 12)
SECTION 2.10.2	Limited Business Districts (formerly Section 10)
SECTION 2.11	Lower Falls Village Commercial District (formerly Section 9B)
SECTION 2.12	Wellesley Square Commercial District (formerly Section 9C)
SECTION 2.13	Industrial Districts (formerly Section 13)
SECTION 2.13.1	Industrial Districts A (formerly Section 14)
SECTION 2.14	Transportation Districts (formerly Section 14A)
SECTION 2.15	Parks, Recreation, and Conservation Districts (formerly Section 14C)

### SECTION 3. OVERLAY DISTRICTS

SECTION 3.1	Historic Districts (formerly Section 14D)
SECTION 3.2	Residential Incentive Overlay (RIO) (formerly Section 14F)
SECTION 3.3	Linden Street Corridor Overlay District (LSCOD) (formerly Section 14G)
SECTION 3.4	Large-Scale Solar Overlay District (formerly Section 14H)
SECTION 3.5	Commercial Recreational Overlay District (formerly Section 14I)
SECTION 3.6	Smart Growth Overlay Districts (formerly Section 14J)
SECTION 3.6.1	Wellesley Park Smart Growth Overlay District (formerly Section 14J.1)
SECTION 3.7	Flood Plain or Watershed Protection Districts (formerly Section 14B)
SECTION 3.8	Water Supply Protection Districts (formerly Section 14E)

### SECTION 4. RESERVED

### SECTION 5. REGULATORY

SECTION 5.1	Pre-existing, Non-conforming Uses, Structures, and Lots (formerly Section 17)
SECTION 5.2	Area Regulations (formerly Section 18)
SECTION 5.3	Yard Regulations (formerly Section 19)
SECTION 5.4	Heights of Buildings and Structures (formerly Section 20)

SECTION 5.5	Design Review (formerly Section 22)
SECTION 5.6	Project Approval (formerly Section 16A)
SECTION 5.7	Inclusionary Zoning (formerly Section 16B)
SECTION 5.8	Drainage Review (formerly Section 16C)
SECTION 5.9	Large House Review (formerly Section 16D)
SECTION 5.10	Tree Protection & Preservation (formerly Section 16E)
SECTION 5.11	Natural Resource Protection Development (formerly Section 16F)
SECTION 5.12	Outdoor Lighting (formerly Section 16G)
SECTION 5.13	Accessory Dwelling Units (ATM 2022)
SECTION 5.14	Retaining Walls (formerly Section 22D)
SECTION 5.15	Swimming Pools (formerly Section 22B)
SECTION 5.16	Reserved
SECTION 5.17	Off-Street Parking (formerly Section 21)
SECTION 5.18	Signs (formerly Section 22A)
SECTION 5.19	Public Service Corporations (formerly Section 15)
SECTION 5.20	Antennas (formerly Section 22C)

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## SECTION 6. PROCEDURAL

SECTION 6.1	Enforcement and Penalties (formerly Section 23)
SECTION 6.2	Permit Granting Authority (formerly Section 24)
SECTION 6.3	Special Permit Granting Authority (formerly Section 25)
SECTION 6.4	Notice of Public Hearings (formerly Section 26)
SECTION 6.5	Interpretation (formerly Section 27)

And to amend the Zoning Bylaw to correct all section references therein to conform to the section references in the preceding reorganization; or take any other action in relation thereto.

(Planning Board)

## CITIZEN PETITIONS

**ARTICLE 44.** That the Town advises the Wellesley School Committee and the Superintendent of the Wellesley Public Schools that Academic Excellence shall take priority over all other programs, policies, and initiatives with regard to curriculum, text book selection, staffing, and budgeting; and that it shall expend all funds in a manner that reflects this priority in all schools and school programs with the goal to restore Wellesley High School to its historical top five ranking of all public high schools in the state of Massachusetts as determined by the US News and World Report annual high school ranking. For the purpose of this motion, Academic Excellence is generally defined by both an educational philosophy along with specific measurable benchmarks to establish a culture that prioritizes core subjects and permeates every classroom, department and school. Such benchmarks shall include but are not limited to raising performance and outcomes of the following:

- MCAS Exam Results

- National exams ranking
- The number of AP courses available and AP Course Enrollment
- SAT and ACT Exam Results
- No. of WPS seniors enrolling in college

(Citizen Petition)

**ARTICLE 45.** To see if the Town will vote to amend the existing Zoning Map of the Town of Wellesley to remove from the Single Family Residence 15 Zoning District and designate certain parcels of land located on the southerly side of Worcester Street known and numbered as 130 Worcester Street, 136 Worcester Street, 140 Worcester Street and 140R Worcester Street and specifically identified as Assessor's Map 7 Parcel 39, Assessor's Map 10 Parcel 2, Assessor's Map 10 Parcel 3, and Assessor's Map 10 Paree 4, respectively, intending to describe that land contained in that certain deeds recorded in the Norfolk Registry of Deeds in Book 8492, Page 736, Norfolk Registry District of the Land Court as Land Court Document No. 575037 on Certificate No. 131768, and Norfolk Registry of Deeds Book 38810, Page 233 as within the ~~Single Family Residence~~ ~~15~~ ~~Multi-Family~~ ~~Residence~~ ~~Zoning~~ ~~District~~ ~~or~~ ~~act~~ ~~on~~ ~~anything~~ ~~related~~ ~~thereto~~.

(Citizen Petition)

## GENERAL

**ARTICLE 46.** To see if the Town will vote to rescind authorized and unissued loans, to authorize the transfer of unused proceeds from previously issued loans to one or more eligible appropriations, and/or to amend existing borrowing authorizations on unissued debt in order to allow the use of premiums for project costs and to reduce the amount of the borrowing so authorized in accordance with Section 20 of Chapter 44 of the Massachusetts General Laws, as amended by Section 67 of Chapter 218 of the Acts of 2016, or to take any other action in relation thereto.

(Select Board)

**ARTICLE 47.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money, to be expended under the direction of the Select Board, for the purpose of paying expenses related to the settlement of claims, actions, and proceedings against the Town, or to take any other action in relation thereto.

(Select Board)

**ARTICLE 48.** To see if the Town will vote to authorize the Select Board, on behalf of the Town, to dispose of tangible Town property having a value in excess of \$10,000.00 (TEN THOUSAND DOLLARS), on such terms as it may deem advisable, or to take any other action in relation thereto.

(Select Board)

**ARTICLE 49.** To see if the Town will vote to authorize the Select Board to appoint one or more of its members as a fire engineer, or to take any other action in relation thereto.

(Select Board)

And you are directed to serve this warrant by posting attested copies in not less than two conspicuous places in the Town, i.e., the Town Hall and Police Station, and by causing this warrant to be posted to the Town of Wellesley website ([www.wellesleyma.gov](http://www.wellesleyma.gov)) at least seven 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 24, January 2022.

Thomas H. Ulfelder

Thomas H. Ulfelder, Chair

Lise M. Olney

Lise M. Olney, Vice Chair

Elizabeth Sullivan Woods

Elizabeth Sullivan Woods, Secretary

Colette E. Aufranc

Ann-Mara S. Lanza

A true copy,

Attest: Philip M. Julin

Constable, Town of Wellesley

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