



NOTICE OF PUBLICATION OF 2025 ANNUAL TOWN MEETING AMENDMENTS TO THE GENERAL TOWN BYLAW

Office of the Attorney General

Posted July 25, 2025

The Town of Wellesley shall henceforth publish amendments to the Town Bylaw and Zoning bylaw by way of a pamphlet and post said pamphlet in each precinct and on the bulletin board of the Town Hall and on the website for the Town of Wellesley (www.wellesleyma.gov) (MGL Chapter 40 Section 32).

General Town Bylaw Amendments (ATM 2025)

- Article 9.1. Amend Article 55 Revolving Funds Bylaw to add New Recreation Commission Fund – Recreation Commission and Select Board.
- Article 34.1. Amend General Bylaw Article 20 to establish Affordable Housing Trust – Wellesley Housing Development Corporation, Select Board and Planning Board.
- Article 35.1. Establish Customer Opt-In for Single- Service Ware and Single Servicing Packaged Condiments – Climate Action Committee.
- Article 36.1. Amend Article 49.12, Restrictions of Use of the Town's Water Supply – Board of Public Works.
- Article 37.1. Establish Town Bylaw for Cultural Council – Select Board.

ARTICLE 9.1

Amend Article 55 Revolving Funds Bylaw to add New Recreation Commission Fund – Recreation Commission and Select Board.

Voted April 7, 2025.

That the Town vote to take the following actions:

1. Revoke acceptance of G.L. c. 44, § 53D, thereby dissolving the Recreation Department self-supporting service revolving fund established under said Section 53D, effective June 30, 2025;
2. Establish a new Recreation Department Revolving Fund, as recommended by the Select Board, for the Recreation Department in accordance with G.L. c. 44, § 53E 1/2, effective July 1, 2025;
3. Amend Article 55 of the General Bylaws by inserting a new subpart (n) into Section 55.1, as follows:
 - n. **Recreation Department Revolving Fund.** Funds held in the Recreation Department Revolving Fund shall be expended for Recreation Department programs under the direction of the Recreation Director. Receipts credited to this fund shall include user fees from Recreation Department programs.
4. Pursuant to G.L. c. 44, § 53E 1/2, set the limit on the total amount that may be spent from the Recreation Department Revolving Fund for fiscal year 2026 at \$2,000,000.00 (TWO MILLION DOLLARS);
5. On July 1, 2025, transfer \$400,000.00 (FOUR HUNDRED THOUSAND DOLLARS) from Certified Free Cash, to Recreation Department - Programming, to be expended under the direction of the Recreation Director, and which transfer shall be a one-time transfer.

ARTICLE 34.1.

Amend General Bylaw Article 20 to establish Affordable Housing Trust – Wellesley Housing Development Corporation, Select Board and Planning Board.

Voted April 14, 2025.

That the Town take the following actions:

1. Vote to accept the provisions of Chapter 44, Section 55C of the Massachusetts General Laws and to establish a trust to be known as the Wellesley Affordable Housing Trust, whose purpose shall be to

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provide for the creation and preservation of housing that is affordable in the Town of Wellesley for the benefit of low- and moderate-income households;

2. Vote to amend the General Bylaws of the Town by inserting a new Article 20 to be entitled "Wellesley Affordable Housing Trust," as follows:

Article 20. Wellesley Affordable Housing Trust

20.1 There shall be a Board of Trustees (Trustees) of the Wellesley Affordable Housing Trust composed of one *ex officio* non-voting member and seven voting members. The Executive Director or the Executive Director's designee shall serve as the *ex officio* non-voting member. The voting members shall include a member of the Select Board (designated by the Select Board) and six Wellesley residents appointed by the Select Board. One of the six Wellesley residents may be a tenant who resides in subsidized housing units as defined by G.L. c. 40B, receives state- or federally-sponsored rental subsidies, or lives in workforce housing.

The Select Board shall appoint at least five Trustees with complimentary skills and expertise from the following areas to the extent possible: affordable housing/affordable housing advocacy (including consideration of a member of Wellesley Housing Authority), development and construction, law, real estate, banking, finance, and social services.

The Select Board shall appoint the Trustees for terms not to exceed two years, except that three of the initial trustee appointments shall be for a term of one year. Trustees may be re-appointed at the discretion of the Select Board. Vacancies shall be filled by the Select Board for the remainder of the unexpired term. Any Trustee may be removed by the Select Board for cause after the opportunity of a hearing.

20.2 The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Wellesley Affordable Housing Trust to be recorded with the Norfolk Registry of Deeds and filed with the Norfolk Registry District of the Land Court.

20.3 The powers of the Trustees, all of which shall be carried on in furtherance of the purposes set forth in G. L. c. 44, § 55C, shall include the following:

- To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any ordinance or bylaw or any general or special law or any other source, including money from G. L. c. 44B;
- By a two-thirds vote of the Trustees present at a meeting, to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- By a two-thirds vote of Trustees present at a meeting, to lease any real property for such consideration and on such terms as appropriately related to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Trustees deem advisable notwithstanding the length of any such lease or contract;
- To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the Trust;
- To employ advisors and agents, such as accountants, appraisers and lawyers as the Trustees deem necessary;
- To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable;
- To apportion receipts and charges between incomes and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or

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certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

- i. To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;
- j. To carry property for accounting purposes other than acquisition date values;
- k. To make distributions or divisions of principal in kind;
- l. To compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Trustees may deem appropriate;
- m. To manage or improve real property;
- n. To hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate; and
- o. To extend the time for payment of any obligation to the Trust.

20.4 With the approval of the Select Board, the powers of the Trustees, which shall be carried on in furtherance of the purposes set forth in G. L. c. 44, § 55C, shall also include the following:

- a. To borrow money on such terms and conditions and from such sources as the Trustees deem advisable, and/or to mortgage and pledge Trust assets as collateral;
- b. To sell, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as appropriately related to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Trustees deem advisable notwithstanding the length of any such contract; and
- c. To abandon any property which the Trustees determine not to be worth retaining.

20.5 The Trustees shall develop an action plan which includes the Trustees' priorities for their work for the coming three to five (3-5) years, in furtherance of the objectives as set forth in this Bylaw, as well as a plan to coordinate their work with other boards, committees, and commissions in Wellesley which address the issue of housing. The action plan shall be updated as appropriate, and a new action plan shall be developed within five years of each previously approved plan.

20.6 The Town Treasurer shall be the custodian of Trust's funds and shall maintain separate accounts and records for such funds. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust Fund. In accordance with G.L. c. 44, § 55C, the books and records of the Trust shall be audited annually by an independent auditor, appointed by the Trustees, in accordance with accepted accounting practices. Upon receipt of the audit by the Trustees, a copy shall be provided forthwith to the Select Board, and upon request, to the Advisory Committee.

3. Authorize the Select Board, on behalf of the Town, to petition the General Court for passage of a special law substantially as provided below. The General Court may make clerical or editorial changes in form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court. The Select Board is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

An Act Authorizing the Town of Wellesley to Dissolve its Housing Development Corporation

SECTION 1. Notwithstanding section 5 of chapter 311 of the acts of 1998, or any other general or special law, all property and funds held by the Housing Development Corporation of the town of Wellesley established under said act of 1998 are hereby transferred to the Municipal Affordable Housing Trust Fund of the town of Wellesley established pursuant to section 55C of chapter 44 of the General Laws and shall be managed, disposed of or expended in accordance with said section 55C of said chapter 44 and any applicable by-law of the town of Wellesley.

SECTION 2. Chapter 311 of the acts of 1998 is hereby repealed.

SECTION 3. This act shall take effect upon the posting or publication by the town clerk in accordance with section 32 of chapter 40 of the General Laws of an amendment to the general by-laws of the town of Wellesley establishing an affordable housing trust in the town pursuant to said section 55C of said chapter 44.

ARTICLE 35.1.

Establish Customer Opt-In for Single- Service Ware and Single Servicing Packaged Condiments – Climate Action Committee.

Voted April 14, 2025.

That this Town Meeting vote to amend the Town's General Bylaws for the purposes of reducing the amount of certain Single-Use Articles in the Town as following:

1. Amend Article 34 of the Town's General Bylaw by inserting a new Article 34.5D, as follows:

34.5D CUSTOMER OPT-IN FOR SINGLE-USE SERVICE WARE AND SINGLE-SERVING PACKAGED CONDIMENTS

Section I Purpose

The purpose of this Bylaw is to reduce single-use service ware and single-serving packaged condiments. For the health and welfare of our community and in accordance with the sustainability goals of Wellesley's Climate Action Plan, this bylaw serves a public purpose to minimize the impact of single-use items on the environment by advancing solid waste reduction and reducing the carbon footprint of Wellesley's businesses and residents.

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Section II Definitions

- a. "Condiment" means a single-use packet containing relishes, spices, sauces, confections, or seasonings, that requires no additional preparation by the Consumer, and that is used with food or beverages, including, but not limited to, creamer, ketchup, mustard, mayonnaise, soy sauce, wasabi, sauerkraut, salsa, syrup, jam, jelly, salad dressings, salt, sugar, sugar substitutes, pepper, and chili pepper.
- b. "Consumer" and "Customer" shall mean the individual purchasing Prepared Food for consumption by themselves or others, or where the Prepared Food is provided for free, the individual who will be collecting the Prepared Food for consumption by themselves or others.
- c. "Director" means the Director of Community and Public Health of the Town of Wellesley.
- d. "Food Service Establishment" shall mean any establishment which is required by state law to be licensed by the Board of Health in accordance with the provisions of the State Sanitary Code, Chapter X "Minimum Sanitation Standards for Food Service Establishments," in order to prepare and serve food to the general public.
- e. "Online Food Ordering Platform" means a website or mobile application through which a Consumer can place an order for pick-up or delivery of Prepared Food. Such platforms include those operated directly by a Food Service Establishment, by companies that provide delivery of Prepared Food to Consumers from Food Service Establishments, and by online food ordering systems that connect Consumers to a Food Service Establishment directly.
- f. "Prepared Food" means food or beverages that are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, poured, or otherwise prepared (collectively "prepared") in a Food Service Establishment for individual Customers or Consumers. Prepared Food does not include raw eggs or raw, butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.
- g. "Single-Use" means designed to be used once and then discarded and not designed for repeated use and sanitizing.
- h. "Single-Use Articles" means all types of items provided alongside Prepared Food that are intended for a Single-Use, including, but not limited to, Utensils, Condiments, napkins, straws, stirrers, splash sticks, cocktail sticks, toothpicks, cup sleeves, cup trays, and food trays.

i. "Utensil" means a food contact implement including but not limited to forks, spoons, knives, sporks, chopsticks, tongs, or other instruments used to serve food or to eat food.

Section III Regulated Conduct

a. Selection of Single-Use Articles:

1. A Food Service Establishment shall require Customers to specify which Single-Use Articles they want included with their Prepared Food when selecting or ordering Prepared Food in person or on the telephone. Food Service Establishments using an Online Food Ordering Platform shall provide the option to Customers to request Single-Use Articles with a Prepared Food order, when the Online Food Ordering Platform includes selection of Single-Use Articles as a feature.
2. As an alternative to Section III.a, Food Service Establishments may have Single-Use Articles available at self-service stations or on dining tables for the Customer to select and use.

b. Providing of Single-Use Articles: Food Service Establishments shall not include a Single-Use Article with Prepared Food when the Customer does not request inclusion of such Single-Use Article, or, where applicable, the Online Food Ordering Platform used by the Food Service Establishment does not include a feature for Customers to indicate their preference for inclusion of Single-Use Articles.

c. No Bundling Single-Use Articles: Single-Use Articles provided by Food Service Establishments for use by Customers shall not be bundled or packaged in a manner that prohibits a Customer from taking only the type of Single-Use Article desired without also having to take additional Single-Use Articles. For purposes of this bylaw, each type of Condiment and each type of Utensil shall be considered a separate Single-Use Article, meaning that a Consumer requesting a fork shall not be provided a package containing a fork, knife and spoon.

Section IV Enforcement

- a. The Board of Health and its Health Agent shall have the authority to administer and enforce this bylaw.
- b. The Health Agent may issue citations under the non-criminal disposition procedure set forth in G.L. c. 40, §21D, Article 52 and as specified herein. Each day on which a violation occurs shall constitute a separate offense.
 1. First through third violation: Written warnings
 2. Fourth violation: \$50
 3. Fifth and each subsequent violation: \$100

Section V Exemptions

Any Food Service Establishment may seek an exemption from the requirements of this bylaw by filing a request in writing with the Director. The request must identify the requested exemption and explain why compliance would cause undue hardship. The Director may waive any specific requirement of this bylaw for an individual Food Service Establishment for a period of not more than one year. A Food Service Establishment granted a waiver must re-apply at least 60 (sixty) days prior to the end of the one-year exemption period and demonstrate continued undue hardship if the Food Service Establishment wishes to have the exemption extended. The Director's decision to grant or deny an exemption or to grant or deny an extension of a previously issued exemption shall be in writing and shall be final.

Section VI Effective Date

This bylaw shall take effect on January 1, 2026.

Section VII Regulations

The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this bylaw.

Section VIII Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

And

2. Amend Article 52 of the General Bylaw by (i) inserting a new Article 52.B.2x, as follows:
 - x. Customer Opt-In for Single-Use Service Ware and Single-Serving Packaged Condiments (Article 34.5D)
 - [1] Enforcement agents: Board of Health agents.
 - [2] Fine schedule: first - third offense, written warning; fourth offense, fifty dollars (\$50); fifth and subsequent offenses, one hundred dollars (\$100)

and (ii) re-lettering the remaining sections, accordingly.

ARTICLE 36.1.

Amend Article 49.12, Restrictions of Use of the Town's Water Supply – Board of Public Works.
Voted April 15, 2025.

That the Town amend Article 49.12b.5.b of the General Bylaws as follows, where strikethrough text indicates deletions and insertions are shown in bold:

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b. Alternate Day Outdoor Water Use. ~~Outdoor water use by water users with odd numbered addresses is restricted to Tuesdays, Thursdays and Saturdays. Outdoor water use by water users with even numbered addresses is restricted to Wednesdays, Fridays and Sundays.~~ **Outdoor Watering Days:** ~~Outdoor watering is permitted three or fewer days per week, with the days to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.~~

ARTICLE 37.1.

Establish Town Bylaw for Cultural Council – Select Board.
Voted April 15, 2025.

That the Town the General Bylaws by adding a new Article 46D.Cultural Council to read as follows:

ARTICLE 46D. CULTURAL COUNCIL

46D.1. Membership. The Town shall have a Cultural Council (for purposes of this Article 46D, the "Council"), consisting of at least five, but not more than 22 residents appointed by the Select Board.

46D.2. Term. Members of the Council shall be appointed for staggered terms of three years and any such member shall not be appointed to more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.

46D.3 General Duties. The Council shall have the powers and duties of local cultural councils under the General Laws, inclusive of G.L. c. 10, § 58, and which include, but are not limited to, the following:

- a. The Council shall determine the distribution of arts lottery funds or other funds that may be allocable to them;
- b. The Council may conduct other activities to promote and encourage the arts;
- c. The Council may enter into contracts, subject to approval of Town Counsel as to form;
- d. The Council may accept grants, contributions, gifts, bequests, devices, and other donations from all sources, including governmental bodies; and
- e. The Council shall annually elect a chair, secretary and treasurer.

46D.4. General Provisions. The Council shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all Boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

Town Bylaws so amended shall become effective July 25, 2025 the date of this publication.

Claims of invalidity of the amendments to the Town Bylaws by reason of any defect in the procedure of adoption or amendment may only be made within ninety (90) days of the date of posting, said posting date being July 25, 2025 and said deadline October 23, 2025.