



**NOTICE OF PUBLICATION OF 2025 ANNUAL TOWN MEETING AMENDMENTS
TO THE ZONING BYLAW**
Office of the Attorney General
Posted July 29, 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).

Zoning Bylaw Amendments (ATM 2025)

- **Article 34.2 – Amend Zoning Bylaw Sections 3.6.B, 5.7.D.2, and 5.7.F.4 Housing Development Corporation – Select Board**
- **Article 38.1 – Amend Zoning Bylaw Section 1.4 Restrictions Affecting All Districts – Planning Board**
- **Article 39.1 – Amend Zoning Bylaw Section 3.7 Flood Plain – Planning Board**
- **Article 40.1 – Amend Zoning Bylaw Section 5.13 Accessory Dwelling Units – Planning Board**

ARTICLE 34.2.

Amend Zoning Bylaw Sections 3.6.B, 5.7.D.2, and 5.7.F.4 Housing Development Corporation – Select Board

Voted April 14, 2025

Attorney General's Decision July 25, 2025

That the Town vote to amend the Zoning Bylaw to reflect the adoption of the Affordable Housing Trust by:

1. Deleting the term “Housing Development Corporation” from the definition of “Administering Agency” in Section 3.6.B, and inserting, in place thereof, the term “Affordable Housing Trust,” as follows, where strikethrough text indicates deletions and insertions are shown in bold:

Administering Agency - The ~~Wellesley Housing Development Corporation~~
Affordable Housing Trust or its designee, subject to the approval of the Department, which shall have the power to monitor and to enforce compliance with the provisions of this Bylaw related to Assisted Units, including but not limited to computation of rental and sales prices; income eligibility of households applying for Assisted Units; administration of an approved housing marketing and resident selection plan; and recording

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and enforcement of an Affordable Housing Restriction for each Assisted Unit in the District.

2. Amending Section 5.7.D.2 to remove reference to the Wellesley Housing Development Corporation as follows, where strikethrough text indicates deletions and insertions are shown in bold:

A cash contribution may be made to the **Affordable Housing Trust Fund account established by the Wellesley Housing Development Corporation pursuant to Chapter 311 of the Acts of 1998 Affordable Housing Trust** as a payment-in-lieu of providing the required ratio of Assisted Units on the project site. Moneys so deposited with in such trust fund account shall only be used to provide Assisted Units within the Town according to the required ratio for that project; and/or

3. Deleting the term "Housing Development Corporation" from Section 5.7.F.4 and inserting, in place thereof, the term "Affordable Housing Trust" as follows, where strikethrough text indicates deletions and insertions are shown in bold;

Tenants or purchasers, as the case may be, shall be selected for the Assisted Units by, and in accordance with the procedures of, the ~~Wellesley Housing Development Corporation Affordable Housing Trust~~.

ARTICLE 38.1

Amend Zoning Bylaw Section 1.4 Restrictions Affecting All Districts – Planning Board

Voted April 15, 2025

Attorney General's Decision July 25, 2025

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That the Town vote to amend the Zoning Bylaw Section 1.4 Restrictions Affecting All Districts, subsections C, G, H, and I, to allow mobile homes as provided in G.L. c. 40A § 3 and to re-alphabetize certain sections to correct a scrivener's error as follows, where strikethrough text indicates deletions and insertions are shown in bold:

SECTION 1.4 RESTRICTIONS AFFECTING ALL DISTRICTS

Any other provision of this Bylaw notwithstanding, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, in any part of the Town:

C. For the parking, keeping or storing of a mobile home or house trailer, **except as provided in G.L. c. 40A, § 3.**

G. For the sale or distribution of any materials and any and all entertainment which is "obscene" within the meaning of that term as defined in G. L. Chapter 272, Section 31.

G.H. For games of chance or similar entertainment or amusement, operated either live or through audio or video broadcast or closed circuit transmission, except at an establishment licensed to sell all alcoholic beverages or wine and malt beverages only.

H.I. For a Marijuana Establishment.

ARTICLE 39.1.

Amend Zoning Bylaw Section 3.7 Flood Plain – Planning Board

Voted April 15, 2025

Attorney General's Decision July 25, 2025

That the Town vote to amend the Zoning Bylaw Section 3.7 Flood Plain or Watershed Protection Districts subsections B, C, E, H, I and add a new subsection J to add additional definitions, update FIRM and FIS reports, update floodway encroachment language, delete outdated agency addresses, and add a disclaimer of liability to comply with the state's Model Bylaw as follows, where strikethrough text indicates deletions and insertions are shown in bold:

SECTION 3.7 FLOOD PLAIN OR WATERSHED PROTECTION DISTRICTS

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

Floodway – **The channel of the 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 – means 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 – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. 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 to qualify as a registered historic district;
3. 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

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

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.

Recreational Vehicle – means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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.

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

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 25021C0004EF, 25021C0008EF, 25021C0009EF, 25021C0012EF, 25021C0014EF, 25021C0016EF, 25021C0017EF, 25021C0018EF, 25021C0028EF, and 25021C0036EF. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM dated ~~July 17, July 8, 2012~~ and further defined by Norfolk County Flood Insurance Study (FIS) report dated ~~July 17 July 8, 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.

E. Regulations and Restrictions

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.
- b. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM or Flood Boundary & Floodway Map

encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

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, 8th floor~~
~~Boston, MA 02114~~
- **NFIP Program Specialist**
Federal Emergency Management Agency, Region I
~~99 High Street, 6th Floor~~
~~Boston, MA 02110~~

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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:

- **NFIP State Coordinator**
Massachusetts Department of Conservation and Recreation
- **NFIP Program Specialist**
Federal Emergency Management Agency, Region 1

~~FEMA Region I Risk Analysis Branch Chief~~
~~99 High St., 6th floor, Boston, MA 02110~~

~~And copy of notification to:~~

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

J. Disclaimer of Liability

The degree of flood protection required by this Zoning Bylaw is considered reasonable but does not imply total flood protection.

ARTICLE 40.1.

Amend Zoning Bylaw Section 5.13 Accessory Dwelling Units – Planning Board

Voted April 15, 2025

Attorney General's Decision July 29, 2025

That the Town vote to amend the Zoning Bylaw Section 5.13 Accessory Dwelling Units, subsections D and E to comply with recent amendments to Mass. General Law Chapter 40A relating to accessory dwelling units, inserted by Sections 7 and 8 of Chapter 150 of the Acts of 2024, also known as the *Affordable Homes Act*, removing language related to the owner occupancy requirement and the special permit requirement for detached accessory dwelling units to read as follows, where strikethrough text indicates deletions and insertions are shown in bold:

SECTION 5.13 ACCESSORY DWELLING UNITS

D. Operational Requirements

- i. ~~The ADU Property Owner record 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 subject to 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.~~
- iii. ii. 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. iii. There shall be no pickup or delivery of products and/or articles at the premises that is not customary in a residential area.
- v. iv. 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 5.13.D
- ii. ~~All detached Accessory Dwelling Units and all Accessory Dwelling Units which are constructed as part of other accessory structures on a property, including~~

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~~—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 6.3.~~

iii. ii. The ~~ADU Property Owner record 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. iii. Notice of Sale of the property containing the Accessory Dwelling Unit must be provided to the Planning Department.

v. iv. 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.

Zoning Bylaws so amended shall become effective as of the date of the town meeting votes unless otherwise specified in the article.

Claims of invalidity of the amendments to the Town Bylaws or Zoning Bylaw 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 29, 2025 and said deadline October 27, 2025. Copies of the Zoning Bylaws and Map may be obtained at the Town Clerk's Office, Town Hall, 525 Washington Street, Wellesley, MA 02482, or reviewed on-line at www.wellesleyma.gov.

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