

## **TOWN OF WELLESLEY**



### **Planning Board Book of Policies and Procedures**

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# WELLESLEY PLANNING BOARD BOOK OF POLICIES AND PROCEDURES

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## **Introduction**

The Wellesley Planning Board, hereinafter referred to as "The Board" consists of five members each of whom is elected at large for a five year term on a staggered basis. An Associate Member is appointed at a joint meeting of The Board and Board of Selectmen, and serves a two year term. The Associate Member is called upon to participate and vote on matters requiring a "super majority" when an elected member is unable to vote. The Board, which is not paid, is supported by a full time staff and maintains offices in the lower level of Town Hall, 525 Washington Street, Wellesley. The office is open to the public Monday through Friday, except holidays, from 8:00 a.m. to 4:00 p.m. and during regular and special meetings of the Board.

The Board's responsibilities are outlined in Article **45.3. General Duties**. The Board shall have the powers and duties of planning boards under the General Laws. These include:

- a) Controlling subdivision development in accordance with the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in Wellesley;
- b) Making careful studies of the resources, possibilities, and needs of the Town and preparing therefrom a comprehensive plan for the Town in accordance with M.G.L c. 41, §81D, Massachusetts General Laws;
- c) Studying and recommending changes in the Town Zoning Bylaw and Zoning Map;
- d) Appointing members of the Design Review Board;
- e) Determining the adequacy of unaccepted ways in accordance with Section XIX. Yard Regulations. of the Zoning Bylaw;
- f) Considering applications under the Scenic Road Act;
- g) Considering applications for Projects of Significant Impact in accordance with Section XVIA. Project Approval. of the Zoning Bylaw.

## **1.0      Purpose**

This Book of Policies and Procedures is developed under the authority granted to the Board by Article 5.4 of the Town Bylaws which states:

"Each board, the Director of Financial Services, the Town Clerk, and the persons named in Article 23 are encouraged to put their policies and procedures into written form, to keep their policies and procedures in a usefully organized and up-to-date book, and make the book available to the public during regular business hours. Boards which do not have offices shall keep their books of policies and procedures in the office of the Town Clerk."

The Board's Book of Policies and Procedures is intended to provide a source of ready reference to interested citizens, to assure the orderly conduct of business at the meetings of the Board, to provide the most efficient use of the Board and staff's time, and to facilitate the decision making process of the Board.

Should any provisions contained in this document conflict with the Provisions of Chapter 39, Sections 23A, 23B, and 23C, of the General Laws as amended (commonly referred to

as the Open Meeting Law), or to Chapter 41, Sections 81A - GG or to 40A as amended, those chapters shall govern.

## **2.0 List of Services Provided by the Wellesley Planning Board**

### **2.1. Responsibilities Delegated by State Statute**

1. Master Planning: preparation and periodic updating of the Comprehensive Plan, special plans, studies and long-range plans.
2. Preparation of Zoning Bylaw and Zoning Map amendments, preparation of recommendations on rezoning requests.
3. Administration of the Subdivision Control Law regarding the subdivision of land.
4. Administration of the Subdivision Control Law regarding other property changes which do not qualify for subdivision approval.
5. Preparation of recommendations on low and moderate income housing proposals submitted per MGL Chapter 40B.
6. Administration of Chapter 121A in connection with certain development proposals.
7. Administration of the Scenic Road Law.
8. Naming or renaming private ways.

### **2.2. Responsibilities Delegated by Zoning or Town Bylaws**

1. Conduct hearings and issue decisions for Large House Review.
2. Conduct public hearings and issue decisions for Project of Significant Impact and Inclusionary Zoning Special Permits.
3. Conduct a joint public hearing and issue a recommendation for the establishment of new Neighborhood Conservation Districts.
4. Preparation of recommendations for Special Permits, Variances and Appeals.
5. Preparation of recommendations for new conservation districts.
6. Preparation of recommendations on street acceptance.
7. Preparation of Annual Report of Board activities.
8. Administer Tree Bylaw Bonds (delegated to staff)

### **2.3. Responsibilities Delegated by Administrative Decision or Custom**

1. Preparation and updating of street maps and zoning maps which are available for purchase from the Town Clerk.
2. Provision of assistance and guidance to the Design Review Board.
3. Provision of assistance and guidance to the Historic District Commission.
4. Provision of assistance and guidance to Neighborhood Conservation District Commission(s).
5. Preparation of regulations to ensure continuation of the federal flood insurance program in the Town.
6. Administration of staff and department expenditures.

## **3.0 General Procedures**

### **3.1. Meeting Schedule and Calendar**

Prior to the commencement of a new fiscal year, the Board shall adopt a meeting calendar for the upcoming year announcing its regularly scheduled meeting and hearing dates. Regular meetings and public hearings of the Board shall be held on the first and third Monday evenings of each month or as selected by the Chair with the concurrence of a majority of the Board.

### **3.2. Regular Meetings and Public Hearings**

The Chair shall preside at each meeting; when absent, the Vice Chair shall preside; in the absence of both, the Secretary shall preside. Regular Meetings shall be limited to approximately three hours. It shall be the responsibility of the Chair or presiding officer to conduct each meeting and allot time for the various agenda items with a view toward conducting the business of the Board within a three hour time limit. The Chair shall start the meeting at the start time if a quorum is present. The arrival time of late members shall be noted in the minutes, and those arriving late will be responsible for catching up without interrupting the flow of the meeting.

### **3.3 Conduct of Meetings**

At the opening of a meeting or public hearing, a summary of the question or issue shall be stated. Comments shall be limited to the agenda item or subject advertised. The Chair shall first call for statements from the proponents. Persons in attendance wishing to speak shall be given an opportunity to comment. Statements shall be clear and brief. The Chair may allow questions by the Board,

or the public at the end of the presentation of each individual, and may allow time for rebuttals.

It shall be made clear to those present at a meeting or hearing that all questions and comments must be directed through the Chair only after being recognized by the Chair.

All persons recognized shall approach the hearing table or microphone in order to facilitate proper audio recording of comments. Before commenting on the matter before the hearing each person shall give his/her name and address. Individuals who have a personal or financial interest with respect to a matter should frankly disclose their interest before speaking. The Chair may rule redundant statements out of order and may set a reasonable time limit on statements. A "sign-in sheet" and the use of a microphone may be declared mandatory to allow persons to speak. In order to give all a fair opportunity to speak, no one who has addressed the Board or proponent on any particular item shall speak again, until all others wishing to speak have done so.

The Chair shall assure an orderly meeting or hearing and shall take necessary steps to maintain the order and decorum of the meeting or hearing at all times. The Chair shall reserve the right to terminate the discussion or hearing in the event the debate becomes unruly, unmanageable, or of excessive length. Unruly, profane, or abusive language or behavior shall not be tolerated.

### **3.4     Agenda**

An agenda for each regular meeting or public hearing shall be prepared by the Planning Director in consultation with the Chair. Any Board member may request that an item be placed on the agenda for consideration. Citizens wishing to meet with the Board should first confer with the Staff as outlined under "Appointments with the Planning Board" below. All new applications for review must meet the submittal deadlines as outlined in Appendix A, which shall be updated on an annual basis.

The Planning Director shall provide the Board with a summary of available, relevant information on each subject to be discussed. Zoning Board of Appeal (ZBA) Cases shall be placed on an agenda for discussion prior to the Public Hearing date. "Plans Thought Not to Require Approval" shall be placed on the agenda to conform to time limits of the Massachusetts General Laws. The reason for submission of each plan should be stated by its sponsor.

The Staff shall endeavor to mail the agenda and meeting materials to each member no later than the Wednesday preceding the regular Monday meeting. The agenda shall be posted with the Town Clerk's Office no later than the Wednesday preceding the regular Monday meeting. Urgent matters may be placed on the agenda at the discretion of the Planning Director or the Chair and an updated agenda shall be sent to the Town Clerk. The agenda shall indicate the subjects to be discussed and the parties interested. The Chair may deviate from the agenda with the concurrence of a majority of the Board members.

### **3.5 Appointments with the Planning Board**

Board meetings are posted and are usually held the first and third Monday of each month. Citizens wishing to meet with the full Board at a regularly scheduled meeting may do so; however, it is the policy of the Board that the Planning Director shall request sufficient information and work with citizens and interested groups when possible to alleviate the necessity for a personal meeting with the Board. If a meeting is deemed necessary by the Planning Director in consultation with the Chair the following procedure shall be applicable:

Persons requesting such a meeting shall contact the Planning Department Office during regular office hours as far in advance as possible but not later than 12:00 p.m., noon, on the Tuesday prior to the regularly scheduled Board meeting which they wish to attend. Requests received after that time shall be scheduled for subsequent meetings unless deferral of such meeting is not in the best interests of the Town and/or the Board. The Planning Director shall allocate sufficient time for each appointment, to be scheduled as appropriate with regard to other items on the agenda to adequately address the subject.

Persons appearing at the Board Meeting without an appointment who wish to bring a matter before the Board may be given time, at the discretion of the Chair.

The Planning Director shall have the authority and responsibility to obtain such information as deemed necessary to provide the Board with an understanding of the subject to be discussed.

### **3.6. Minutes - Preparation**

The Planning Director or his/her designee shall be responsible for the preparation of minutes of meetings and public hearings. For each agenda item, the minutes shall include a title and/or description of the agenda item being discussed, a list of materials provided to the Board relevant to the agenda item, a summary of the key discussion points, and a record of all motions and votes taken by the Board related to the agenda item. Meetings or portions of meetings may be audio or audio/video recorded.

### **3.7. Interface with other Town Boards**

It is the policy of the Board to inform other Town agencies of Board projects. This shall be done by exchange of minutes and informational memoranda and by participation at periodic interdepartmental meetings.

### **3.8. Motions, Seconds, Votes**

The Board shall make its decisions on all matters requiring a vote by majority votes of seconded motions. The Board shall make its decisions on special permits by super majority votes of seconded motions.

**3.8.1. Adjudicatory Hearing – Absent Member.  
(Adopted Article 31 -- 2007 ATM)**

A member of any town board holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he/she examined all evidence received at the missed session, which evidence shall include an audio or audio-visual recording of the missed session or a transcript of such audio or audio-video recording. The written certification shall be part of the record of the hearing. Nothing herein shall change, replace, negate or otherwise supersede applicable quorum requirements.

**3.9. Citizen Involvement/Citizen Participation/Media**

Article 6.13 of the Town Bylaws requires that each Board shall establish a procedure whereby members of the public are allowed to comment to the Board at each open meeting on matters within the jurisdiction of the Board. In addition to setting aside an adequate amount of time at each regular meeting under the "Appointments" provision, the Chair shall recognize members of the audience during regular and special meetings at his/her discretion and time permitting. Periodic press releases and informational memoranda on Board projects and activities shall be made available to the local press and for general distribution.

**3.10. Election of Chairman, Vice Chairman, Secretary - Reorganization.**

The Board, after the conclusion of the Annual Town Meeting, but prior to July 1<sup>st</sup>, shall elect or re-elect by majority vote of the members present, a Chair, a Vice Chair, and a Secretary for the succeeding year.

**3.11. Planning Board Officer Resignation or Vacancy**

At its first regular meeting after the resignation of the Chair, Vice Chair, or Secretary, the Board shall elect a member to fill the vacancy. The Board, by a four-fifths vote, may declare the position of Chair, Vice Chair or Secretary vacant. Such vacancy shall be filled in the manner provided for filling vacancies caused by resignations from that position.

**3.12. Subcommittees**

The Board may from time to time as the need arises establish subcommittees of its members to consider specific topics or review special studies and report back to the full Board. The meetings and deliberations of the subcommittees shall be open to the public. The Town Clerk shall be notified of subcommittee meetings in accordance with applicable requirements.

### **3.13. Study Committees**

The Board may establish study committees consisting of residents of the Town to make special studies or investigate special topics within the general jurisdiction of the Board. The study committee shall report in writing to the Board periodically or within a specified time as requested by the Chair.

## **4. Statutory Responsibilities**

### **4.1. Comprehensive Plan – M.G.L. c.41 §81D**

The Comprehensive Plan is the official master plan for the Town. The Comprehensive Plan is a statement, through text, maps, and illustrations that is designed as a tool for decision making regarding the long-term physical development of the Town. The Comprehensive Plan shall be internally consistent in its policies, forecasts and standards. The Comprehensive Plan is the single document which affirmatively states to the community and the region the overall development objectives of the Town of Wellesley in regards to land use, housing, economic, environmental, cultural and social policies. It is the policy of the Board to include participation by other governmental agencies, town organizations and citizens. The format and content of the Plan shall conform to the requirements of M.G.L. c. 41 §81D.

Such plan shall be made, and may be added to or changed from time to time, by a majority vote of the Board and shall be public record. The Board shall, upon completion of any plan or report, or any change or amendment to a plan or report produced under this section, furnish a copy of such plan or report or amendment thereto, to the Department of Housing and Community Development.

#### **4.1.1. Requirements of M.G.L. c.41 §81D:**

1. Goals and policies statement which identifies the goals and policies of the municipality for its future growth and development. The Town shall conduct an interactive public process, to determine community values, goals and to identify patterns of development that will be consistent with these goals.
2. Land use plan element which identifies present land use and designates the proposed distribution, location and inter-relationship of public and private land uses. This element shall relate the proposed standards of population density and building intensity to the capacity of land available or planned facilities and services. A land use plan map illustrating the land use policies of the municipality shall be included.
3. Housing element which identifies and analyzes existing and forecasted housing needs and objectives including programs for the preservation, improvement and development of housing. This element shall identify policies and strategies to provide a balance of local housing opportunities for all citizens.

4. Economic development element which identifies policies and strategies for the expansion or stabilization of the local economic base and the promotion of employment opportunities.
5. Natural and cultural resources element which provides an inventory of the significant natural, cultural and historic resource areas of the Town, and policies and strategies for the protection and management of such areas.
6. Open space and recreation element which provides an inventory of recreational and resources and open space areas of the Town, and policies and strategies for the management and protection of such resources and areas.
7. Services and facilities element which identifies and analyzes existing and forecasted needs for facilities and services used by the public.
8. Circulation element which provides an inventory of existing and proposed circulation and transportation systems.
9. Implementation program element which defines and schedules the specific Town actions necessary to achieve the objectives of each element of the Comprehensive Plan. Scheduled expansion or replacement of public facilities or circulation system components and the anticipated costs and revenues associated with accomplishment of such activities shall be detailed in this element. This element shall specify the process by which the Town's regulatory structures shall be amended so as to be consistent with the Comprehensive Plan.

#### **4.2. Special Studies – M.G.L. c.41 §81C**

Municipal Planning Legislation authorizes the Board to make studies and plans of the resources, possibilities and needs of the Town, and to submit the results with any recommendations to the Board of Selectmen and to the Department of Housing and Community Development

The special studies may or may not be treated as components of the Town's master plan (Comprehensive Plan) and its updating process.

#### **4.3. Housing Plan - M.G.L. c.41 §81D**

Municipal Planning Legislation authorizes the Board to consult with the Housing Authority and/ or the Wellesley Housing Development Corporation to promote the development of affordable housing through new construction or conversion, to designate rehabilitation, re-development, neighborhood improvement and/or urban renewal areas.

#### **4.4. Inclusionary Zoning**

Pursuant to action taken at the 2005 and 2006 Annual Town Meetings all projects triggering the Project of Significant Impact process within the Business, Business A, Industrial, Industrial A and Wellesley Square Commercial Districts shall have an obligation to provide for affordable housing in accordance with Section XIVB. of the Zoning Bylaw. This section is administered by the Board. The affordable housing required for these projects must be developed by the applicant in accordance with the requirements and the standards of the Wellesley Housing Development Corporation.

#### **4.5. Zoning**

The Zoning Act (M.G.L. c.40A) provides the legal basis for zoning by a Massachusetts city or town. The basic purpose of the Wellesley Zoning Bylaw is outlined in its preamble.

"To lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population, to encourage housing for persons of all income of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space, and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town, including consideration of the recommendations of the Comprehensive Plan for the Town; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives."

All of the requirements of Chapter 40A pertaining to public notice, public hearing, Report of the Board and adoption by two-thirds vote of Town Meeting pertain to all proposed Zoning Bylaw and Zoning Map amendments.

##### **4.5.1 Zoning Bylaw Amendments Sponsored by Board**

Board members, the Planning Director, other Town agencies, the Regional Planning Agency (MAPC), the property owner or private citizens of Wellesley may suggest amendments to the Zoning Bylaw for consideration by the Board. The Board shall consider the subject and at the same or another open meeting determine by vote whether to sponsor any amendment at a subsequent Town Meeting. The decision on sponsorship by the Board is made in view of the intent and purpose of the article, its relationship to the recommendations of the Comprehensive Plan, other Board goals and policies; staff's work load, and the best interests of the Town. If the Board decides to sponsor any amendment, the Planning Director will prepare a draft of the Article for Board review after consulting with Town Counsel, the Board of Selectmen, the Building Inspector and others as appropriate. The substance of the article as approved by Board vote is then submitted to the Selectmen for inclusion in

the Town Meeting Warrant. After a Public Hearing, the Board votes on the form of the motion to Town Meeting, which shall not be less restrictive nor more inclusive than the Public Hearing proposal, and prepares recommendations in the form of a report, for inclusion in the "Report to Town Meeting." This report is mailed to each household in the Town prior to the Town Meeting.

#### **4.5.2 Zoning Bylaw Amendments Sponsored by Others**

An amendment to the Zoning Bylaw may be requested by the Board of Selectmen, the ZBA, registered voters by petition, a property owner whose land is to be affected, or the Metropolitan Area Planning Council.

The sponsor may request a meeting or meetings with the Board prior to or after the required public hearing to discuss any proposed amendment. It is the policy of the Board to request at least one meeting with the sponsor prior to the public hearing and to notify any known opponents, or representatives of opponents of an amendment, that it will be discussed at a particular meeting. After the required public hearing the Board shall, at an open meeting, vote on a recommended course of action. The Board shall use the same criteria in evaluating these Zoning Bylaw amendment proposals as it uses for reviewing Board sponsored amendments. The sponsor assumes all responsibility for the preparation and submission of the article for the Warrant and presentations at Board meetings, public hearings and at Town Meeting. The Planning Director, as his/her time permits, is authorized to assist sponsors of Zoning Bylaw amendments in preparation of articles, motions or materials for presentation.

The Board's written report is prepared, reviewed by the Board and submitted for inclusion in the "Report to Town Meeting".

#### **4.5.3 Zoning Map Amendments Sponsored by Board**

The decision on sponsorship of Zoning Map amendments is based on the same criteria used to evaluate Zoning Bylaw amendments. The updated Wellesley Comprehensive Plan and its Land Use Goals and its Policies Map provide the primary guidance in the development and preparation of Zoning Map amendments.

The Comprehensive Plan is not the only justification for Zoning Map amendments. Special studies of specific areas of the Town are prepared from time to time, and lead to proposals for Zoning Map amendments.

The Planning Director works closely with the Town Engineer to prepare the necessary plans for Zoning Map amendments. Plan complexity and Engineering Department workload often necessitate allowing more preparation time for Zoning Map amendments than for Zoning Bylaw amendments. Other staff responsibilities are the same for Zoning Bylaw text amendments sponsored by the Board (see item 1 (a) above).

#### **4.5.4 Zoning Map Amendments Sponsored by Others**

Amendments to the Zoning Map may be requested by the same agencies and individuals as are authorized to request Zoning Bylaw amendments. The same procedures and criteria that are used in evaluating Zoning Bylaw amendments are used in evaluating Zoning Map amendments.

When the amendment is sponsored by a Town Agency the required plans are prepared by the Town Engineer. When the amendment sponsor is not a Town Agency, the responsibility for preparation of a satisfactory plan rests with the sponsor. The sponsor also has the full responsibility for the preparation and presentation of the article at Board meetings, public hearings and at Town Meeting. The Planning Director, as his/her time permits, is authorized to assist sponsors of zoning map amendments in preparation of articles, motions or materials for presentation. The sponsor may request a meeting or meetings with the Board prior to or after the required public hearing to discuss the proposed amendment. It is the policy of the Board to request at least one meeting with the sponsor prior to the public hearing and to notify any known opponents, or representatives of opponents of an amendment, that it will be discussed at a particular meeting.

#### **4.6. Updating the Zoning Map/Printing the Zoning Map.**

The Zoning Map is produced and maintained by the Geographic Information Systems Division (GIS). The Planning Department works closely with GIS both in terms of updating the map and verifying its accuracy through records on file. Copies of the Official Zoning Map are on display for use by the public during regular business hours at the offices of the Planning Department, Building Department and Town Clerk. The Town Clerk sells reduced size prints of the Map, and copies are available on the Town's website for viewing.

#### **4.7 Certification Materials for Attorney General.**

The Staff shall assist the Town Clerk in assembling materials for submission to the Attorney General for certification of Town Bylaw, Zoning Bylaw and Zoning Map changes.

#### **4.8. Review of Zoning Board of Appeal Petitions**

##### **4.8.1 Variances and Appeals.**

Section XXIV. "Permit Granting Authority" of the Wellesley Zoning Bylaw and appropriate sections of the State Zoning Act authorize the ZBA to hear and decide on appeals by persons aggrieved by any action or inaction of an administrative official (usually the Building Inspector) and/or requests for variances from the provisions of the Zoning Bylaw.

The Board shall be notified by the ZBA 14 days prior to the hearing as required by Section XXIV of the Zoning Bylaw. Additional information such as plans, copies of the application form, or letter of intent from the applicant or other information constituting the public record of a petition shall be made available by the ZBA for examination and/or copying.

The Planning Director will gather available information and distribute it to Board members prior to a regular meeting. A review form containing the recommendations of the Planning Director or designee shall be included with the information.

The Board, at an open meeting, will review the materials distributed with the Planning Director's recommendations and formulate recommendations to be forwarded to the ZBA. It is the policy of the Board to deliver recommendations to the ZBA prior to that Board's public hearing.

#### **4.8.2 Special Permits.**

Section XXV. "Special Permit Granting Authority" of the Zoning Bylaw and Section 14 of the State Zoning Act authorize the ZBA to hear and decide on requests for special permits. Only special permits that are specifically designated in the Zoning Bylaw are authorized to be granted based on specific criteria and/or standards outlined in the Zoning Bylaw.

The Special Permit Granting authority is required to refer a petition for a special permit to the Board (among other Town Agencies) within 7 days of submission.

The Board has 35 days to make its recommendations to the Special Permit Granting Authority; failure to make a comment within the 35 day limit is deemed to constitute lack of opposition.

After referral of a petition for a special permit, the Planning Director or designee will review available material and develop a draft recommendation for consideration by the Board. The material will be distributed to Board members prior to a regular meeting.

The Board, at an open meeting, reviews the materials distributed, the Planning Director's recommendations, and formulates its recommendations to be forwarded to the Special Permit Granting Authority. In some instances, the Board will make no recommendation on a special permit request. It is the policy of the Board to deliver recommendations to the Special Permit Granting Authority prior to that Board's public hearing.

#### **4.8.3 Repetitive Petitions**

The State Zoning Act provides that the consent of all but one of the members of the Board (in the case of a five member Board) is required

prior to favorable action by the Permit Granting Authority or the Special Permit Granting Authority or the Special Permit Granting authority if the petition has been unfavorably acted upon within the previous two years. The Board must give notice to interested parties of the time and place when the question of giving such consent will be considered. The statute is not clear about the precise point during the repetitive petition process that the consent of the Board should be considered. It is the policy of the Board that the process of Board consent be coordinated with the ZBA.

#### **4.8.4 Attendance at Zoning Board of Appeals Hearings.**

The Board shall from time to time assign one of its members to attend ZBA Hearings to represent the Board.

The Board member shall indicate that he or she is acting as a representative of the Board, and if so, shall read any correspondence from the Board or make other comments as directed by the Board, pertaining to cases at the hearing that the Board wishes to become part of the ZBA case record.

### **4.9. Subdivision Control (M.G.L. c. 41 §81K - §GG)**

#### **4.9.1. Establishing Rules and Regulations (M.G.L. c. 41 §81Q)**

The Board adopts and amends its Subdivision Rules and Regulations after the required notice and public hearing.

The rules and regulations prescribe the size, form, contents, style and number of copies of plans and the procedure for submission and approval. Specific standards for location, construction, width and grades of proposed ways and the installation of municipal services are provided. M.G.L. c.41 §81Q allows for the rules and regulations to require a turn-around at the terminus of dead end streets; underground electric and telephone services in new streets; and only one dwelling building on each lot.

The Statute requires that the Board give consideration to the prospective character of each subdivision; whether residential, business or industrial uses are proposed, the anticipated amount of travel on the various ways and make adjustments to the requirements accordingly.

The rules and regulations may not require referral of a plan to any other board or person prior to submission to the Board. The rules and regulations may not relate to the size, shape, width, frontage or use of lots within a subdivision or to the buildings which may be constructed, except in the context of requiring compliance with the Zoning Bylaw.

#### **4.9.2 Submittal**

The procedure for submission of subdivision plans and the required

content, form, and number of copies of preliminary and definitive subdivision plans is included in the Subdivision Rules and Regulations. Prior to accepting an application for subdivision approval, the Planning Director shall review the application form and the plan for completeness.

Subdivision plans submitted are assigned a file number as follows:

P.B. (Planning Board) - 11 (year of submission) G. (Precinct) - 4 (Chronological number of subdivisions filed in precinct G in 2011). The file number precedes the name of the street.

#### **4.9.3. Bonds (M.G.L. c. 41 §81U)**

The Board shall request the Town Engineer to make an estimate of the cost of completing the public use aspects of a subdivision. The cost estimate received from the Town Engineer is used as a guide for the Board to determine the amount of the bond and any reduction thereof.

#### **4.9.4. Inspections**

The Staff shall make subdivision inspections of work progress as necessary. The Planning Director is authorized to request the assistance of the Town Engineer in supervising and reporting on subdivision construction. All communications and direction to the subdivision developer or to other town agencies shall be made by the Planning Director in the name of the Board or by the Board Chair.

No change from approved subdivision plans shall be permitted or directed without a majority vote of the Board at a regular or special meeting and shall be confirmed in writing.

### **4.10. Plans Thought Not to Require Approval (M.G.L. c. 41 §81L, §81P)**

The procedure for submission of Plans Thought Not to Require Approval and the required content, form and number of copies is included in the Subdivision Rules and Regulations.

Prior to accepting an application for certification of a plan, the Planning Director shall review the application form and the plan for completeness.

Plans Thought Not to Require Approval are assigned a file number as follows:

PBC (Planning Board Certification) - 11 (year of submission).  
12 (chronological number of plans submitted in 2011).

Decisions on Plans Thought Not to Require Approval shall be made at an open meeting by a majority vote of the Board.

#### **4.11. Scenic Roads (M.G.L. c.40 §15C)**

The Board, among other Town agencies, may recommend Town Meeting designate a road that is not a numbered route or a state highway as a Scenic Road.

Scenic Road status provides that any repair, maintenance, reconstruction or paving work done within the right of way shall not include the cutting or removal of trees or the tearing down or destruction of stone walls or portions thereof, except with the prior written consent of the Board after a duly advertised public hearing.

##### **5.11.1. Scenic Road Rules and Regulation.**

The Board shall publish rules and regulations governing the submission of requests for alteration of scenic roads.

##### **5.11.2 Public Hearings**

Public Hearings held pursuant to the provisions of the Scenic Road Act shall be conducted by the Board with notification published twice in a newspaper with local distribution, the last publication appearing not less than seven days prior to the hearing. All abutters to the scenic road shall be notified by mail. The applicant shall bear the cost of the hearing notification.

#### **4.12. Low and Moderate Income Housing (M.G.L. c.40B §20-§23)**

##### **5.12.1. Review of Requests for Comprehensive Permits**

Comprehensive Permit Projects (40B Projects) are intended to encourage the construction of low and moderate income housing in the Commonwealth. Chapter 40B allows a project to "override" local zoning provisions and densities in communities that do not have at least 10% of their total housing stock as subsidized units for low and moderate income persons. Subsidized units are any housing units, subsidized by the federal or state government under any program, which are built or operated by any public agency or any non-profit or limited dividend corporation.

The Board shall review requests for Comprehensive Permits that are presented to the ZBA. The Board review shall be conducted at an open meeting.

The applicant may schedule an appointment or appointments with the Board to discuss the Comprehensive Permit request. It is the policy of the Board to make reasonable efforts to notify interested parties of any Board meeting at which the request is to be discussed.

The Planning Director shall draft a report on a Comprehensive Permit request for review by the Board. The report shall include a review of the

proposal and an analysis of its relationship to the recommendations of the Comprehensive Plan and any other relevant studies done by Town Agencies. Changes to the report shall be made by majority vote of the Board. The report shall be sent to the ZBA, to the applicant and other interested parties.

#### **4.13. Public Records (Massachusetts Freedom of Information Act.)**

1. The Board Regular Meeting, Public Hearing and Special Meeting Minutes and Agendas are kept digitally and hard copies are retained by year in books at the Planning Department Office. Copies of minutes and agendas from 2006 to the present date can be found online at:  
[www.wellesleyma.gov/pages/wellesleyma\\_planning/index](http://www.wellesleyma.gov/pages/wellesleyma_planning/index) .
2. Internal memoranda or emails between staff and the Board are considered as public documents.
3. All other information, correspondence or documents, on file at the Planning Department Office are public records with the exception of personnel files and records of duly called executive sessions and materials held in conjunction with matters being or to be litigated. These latter materials will be released and become public records after litigation has been concluded.
4. The Public Records of the Board are available for inspection during regular business hours.

Planning Department staff may charge \$.25 per page for photocopies. The actual cost incurred may be charged for records “not susceptible to ordinary means of reproduction” such as computer records, or oversized documents.

In addition the actual cost to search for, copy and re-file records may be charged. The charge will be based on the prorated hourly rate of the lowest paid employee capable of performing the task. Staff may waive the fees but are not required to do so. When requested, prior to a records search Planning Department staff will provide a written, good faith estimate of the cost (itemized if appropriate) where it is expected to exceed \$10.

### **5.0. Responsibilities under Local Bylaws.**

#### **5.1. Design Review Board**

Section XXII. Design Review, of the Zoning Bylaw provides that the Board shall appoint the members of the Design Review Board.

### **5.1.1. Vacancies**

Vacancies on the Design Review Board caused by resignation or for another reason shall be filled as soon as possible after the Board is notified of the vacancy.

### **5.1.2 Re-appointments**

Once every two years, after the Annual Town Meeting, the Chair of the Board shall direct that a letter be sent to every Design Review Board member asking if the member is interested in continuing to serve on the Design Review Board unless a majority of the Board determines that one or more members not be asked to continue on the Design Review Board. Those members so asked and expressing an interest in continuing their membership on the Design Review Board shall be re-appointed at the next Regular Board Meeting. Those not wishing to serve shall be replaced as provided under "Vacancies."

### **5.1.3. Reports**

The Design Review Board shall review all requests for Special Permits submitted to the Special Permit Granting Authority under applicable sections of the Zoning Bylaw and all applications for Large House Review. The Design Review Board shall also review requests for Major and Minor Construction projects, Signs, works of art, ornaments, or decoration to be placed on any public way, on town lands, or on or in Town buildings.

The findings of the Design Review Board shall be incorporated in the recommendations of the Board to the Special Permit Granting Authority and may be incorporated into the Large House Review Decision issued by the Board. If the Board has made no comment on a Special Permit request, the findings of the Design Review Board shall be sent to the Special Permit Granting Authority under a transmittal letter from the Planning Director. All other project findings shall be incorporated into a recommendation to the Inspector of Buildings or applicable Town board.

### **5.1.4. Staff Responsibilities**

The Planning Director is authorized to assist the Design Review Board, or to appoint the staff to assist the Design Review Board, in carrying out its responsibilities under the Zoning Bylaw.

### **5.1.5. Design Review Board Records.**

The Agendas, Minutes, Correspondence and other records of the Design Review Board shall be kept at the Planning Department Office and can be found online at [www.wellesleyma.gov/pages/wellesleyma\\_design/index](http://www.wellesleyma.gov/pages/wellesleyma_design/index).

## **5.2. Projects of Significant Impact**

Adopted at the 1990 Annual Town Meeting, the Project of Significant Impact bylaw mandates an assessment of the development impact on the Town's infrastructure. Under this bylaw, any new project exceeding 10,000 square feet of floor area and building renovation exceeding 15,000 square feet for a change of use, will require a Special Permit from the Board. Single and two-family buildings are exempt.

The Board is authorized to issue a Special Permit if it deems that there are adequate municipal services available (e.g. water, sewer, storm water drains, electrical capacity and affected street capacity to handle the additional traffic caused by the project). A component of this bylaw permits an applicant to propose off-site improvements (e.g. street and sidewalk improvements, new storm water drainage systems) to mitigate the negative impact on existing services to insure that the development does not overburden the roads and other municipal facilities. The cost of necessary mitigation is borne by the applicant.

## **5.3. Large House Review**

Adopted at the 2007 Special Town Meeting, the Large House Review bylaw is a comprehensive review of pre-construction and post-construction large single family dwellings which meet applicable TLAG (Total Living Area plus Garage) thresholds set based upon the minimum area regulations for the Single Residence District (e.g. 10,000, 15,000, 20,000). Under this provision, any applicable building project triggering review shall meet separately with the Board and Design Review Board to discuss the applicability of the Standards and Criteria for Review. The Board is authorized to approve the Large House Review if it deems that the Standards and Criteria for Review have been satisfied. The Standards and Criteria for Review include the preservation of landscape, scale of buildings, lighting, open space, and drainage.

## **5.4 Planning Board Special Permits**

### **5.4.1. Lower Falls Village Commercial District**

The Board is authorized to consider requests for special permits to increase the Floor Area Ratio above 0.30 up to a maximum of 1.0 in accordance with requirements specified in Section IXB of the Zoning Bylaw.

### **5.4.2. Residential Incentive Overlay District**

A special permit is required from the Board in conjunction with all projects employing any of the development options of this district.

### **5.4.3. Linden Street Corridor Overlay District**

The Board is authorized to consider requests for special permits to

increase the Floor Area Ratio above 0.30 up to a maximum of 0.35 in accordance with requirements specified in Section XIVG of the Zoning Bylaw.

#### **5.4.4 Inclusionary Zoning**

The Board is authorized to consider requests for special permits to allow for required assisted units to be located on land within the Town other than on the project site and/or to allow for a cash contribution to be made to the affordable housing trust fund account established by the Wellesley Housing Development Corporation for the cost of a unit or a fractional percentage of an assisted unit in accordance with requirements specified in Section XVIB of the Zoning Bylaw.

#### **5.5. Annual Report (Chapter 41 Section 81C M.G.L.)**

The Municipal Planning Act requires that the Board report annually to the Town Meeting, giving information regarding the condition of the Town and any plans or proposals for its development and estimates of the cost thereof. Copies of the annual report are furnished to the Department of Community Affairs and the Metropolitan Area Planning Council and incorporated in the annual reports of the Town.

The Board has traditionally included in its annual report a record of the actions taken which serve to implement the recommendations of the Comprehensive Plan.

#### **5.6. Community Preservation Committee**

Article 18A of the Town Bylaw provides that the Board shall appoint one of its members to the Community Preservation Committee to serve to a term of three years.

#### **5.7 Neighborhood Conservation Districts**

Adopted at the 2007 Annual Town Meeting, Article 46A of the Town Bylaw allows for the creation of Neighborhood Conservation Districts (NCD) to be established. NCD's are an option for neighbors to organize, take initiative, and persuade their neighbors in a grassroots manner to create a mechanism for review of specific exterior changes to homes in their neighborhood. The Board is an integral part of the NCD process and is required to designate a person to represent the Board as part of the NCD study committee, to take part in a joint hearing with the Historical Commission in review and approval of proposed NCD's, and is required to designate a person to represent the Board on an established NCD Commission. The Board in considering the establishment of a NCD shall consider whether the area as a whole constitutes a recognizable neighborhood which has a distinctive character; the area contains buildings, structures, or settings that are significant to the architectural, aesthetic, cultural, political, economic or social

history of Wellesley; or the area has generally cohesive features, such as the scale size, type of construction, materials or style of its buildings and structures, or land use patterns and landscaping.

#### **5.7.1. Vacancies**

Vacancies on an established NCD Commission caused by resignation or for another reason shall be filled as soon as possible after the Board is notified of the vacancy.

#### **5.7.2 Re-appointments**

Once every two years, after the Annual Town Meeting, the Chair of the Board shall direct that a letter be sent to the NCD Commission, Planning Board Designee, asking if the member is interested in continuing to serve on NCD Commission, unless a majority of the Board determines that the member not be asked to continue on the NCD Commission. The member so asked and expressing an interest in continuing their membership on the NCD Commission shall be re-appointed at the next Regular Board Meeting. Those not wishing to serve shall be replaced as provided under "Vacancies."

### **6.0 Responsibilities Delegated by Administrative Decision.**

#### **6.1. Flood Insurance Responsibility.**

The Board of Selectmen designates the Board as the Town Agency with the responsibility to maintain contact with the Federal Insurance Administration and to seek to preserve the Town's eligibility under the Federal Insurance Program.

#### **6.2. Street Maps**

The Street Map is produced and maintained by the Geographic Information Systems Division (GIS). The Planning Department works closely with GIS both in terms of updating the map and verifying its accuracy through records on file. Copies of the Official Street Map are on display for use by the public during regular business hours at the offices of the Planning Department, Building Department and Town Clerk. The Town Clerk sells reduced size prints of the Map.

#### **6.3. Street Acceptance.**

The Board of Selectmen requests Board comment on streets to be recommended for acceptance by the Town Meeting.

The Board formulates its recommendations at an open meeting based on:

1. The condition of the way;

2. The adequacy of any outstanding subdivision bond to complete the work if the street work is not complete at that time.

It is the policy of the Board that subdivision ways should become public ways and that private ways should be improved to Town standards, as set forth in the Subdivision Rules and Regulations, and become public ways.

#### **6.4. Municipal Parking Lots.**

The Board periodically reviews the capacity and usage of municipal parking lots and makes recommendations to the Board of Selectmen regarding changes in existing lots and acquisition and construction of new lots. The Board recommendations to the Board of Selectmen may include, but are not limited to, layout, landscaping, metering and entrance/exit location.

### **7.0 Adoption/Amendment**

These Rules and Regulations are may not be inclusive of all applicable laws, bylaws, or provisions under the purview of the Board. Nothing in these Rules and Regulations preempts more restrictive state or local regulations or requirements.

This book of procedures may be amended form time to time by a majority vote of the Board at a Regular Meeting as an agenda item.

Adopted at its Regular Meeting of July 7th, 1980.

Amended by vote of the Board at its Regular Meeting of 4/13/81.

Amended by vote of the Board at a Public Hearing on 11/7/11

Amended by vote of the Board at its Regular Meeting of 8/18/2025.

WELLESLEY PLANNING BOARD