



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

Via Email: mjop@wellesleyma.gov

March 28, 2025

Meghan Jop, Executive Director
Town of Wellesley
525 Washington Street
Wellesley, MA 02482

Re: Wellesley – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Jop,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Wellesley's zoning amendments related to Section 3A of the Zoning Act (collectively, "District"). After careful review and analysis, EOHLC has determined that Wellesley is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Wellesley to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Wellesley for the MBTA Communities Catalyst Fund, which was announced by Governor Healey in [June](#). You can learn more about the program at the web page [MBTA Communities Catalyst Fund](#), which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov.

Wellesley is designated as Commuter Rail community with 9,282 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,392 units. At least ninety percent (90%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **112.2 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,628 units**.
3. The gross density of the District is estimated at **17.3 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.

6. The Town's zoning contains some special permit requirements that may hinder "as of right" development of multi-family housing. Please see below for details on this finding.
7. At least **ninety percent (90%)** of the required District land area and estimated unit capacity is within transit station areas.
8. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
9. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	Submitted	Determined
Land area (acres)	50	112.2	112.2
Multi-family unit capacity (units)	1,392	1,628	1,628
Gross density (units per acre)	15	14.5	17.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies from the submitted gross density metric**:

- The gross density submitted on Wellesley's application does not meet Section 3A's gross density requirement, as EOHLC has not allowed for rounding. EOHLC acknowledges that the Town removed the unit capacities of 162-200 Linden Street and 161-231 Linden Street, located in the "Wellesley Square Linden" subdistrict, due to a restrictive Development Agreement (DA) already in place. EOHLC removed these parcels from the density denominator within the compliance model, and recalculated the District's gross density at 17.3 units per acre. Since the parcels are nevertheless in the District, and could be developed with multi-family housing if the DA is modified or extinguished in the future, the parcels may contribute towards land area and contiguity requirements.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Wellesley's zoning ordinance lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.
- Section 5.14 requires a special permit for retaining walls over 4 feet high within lot setbacks and any retaining wall over fifteen (15) feet in height. This requirement could require a special permit for many development proposals, as retaining walls are often part of routine site work for multi-family housing. EOHLC cautions Wellesley against requiring compliance with this provision for otherwise as of right multi-family housing and further recommends exempting

otherwise as of right multi-family housing developments within Section 3A districts from this provision in Wellesley's zoning bylaw.

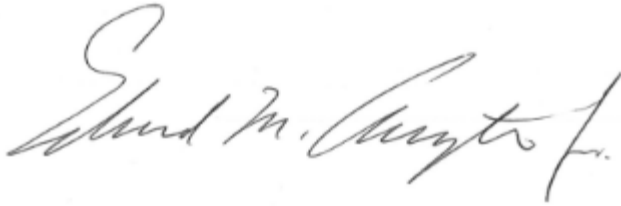
- Section 3.6.1 of Wellesley's zoning bylaw, titled Wellesley Park Smart Growth Overlay, was submitted showing an 850 unit cap for the district overall with an amendment approved by Wellesley's Town Meeting in September of 2024 allowing for continued development within the district above the unit cap at a maximum density of 15 units per acre. This determination accepts the Town's inclusion of 850 units as the capacity for the district, as long as the Town retains its amendment allowing development at fifteen units per acre regardless of the overall cap.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.
- This determination relies on an interpretation of Floor Area Ratio (FAR) discussed with Wellesley's staff as it relates to the Wellesley Park Smart Growth Overlay. It is understood that, if housing is constructed with the Park, the construction of housing is exempt from the FAR limit imposed on other types of development within the Park.
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.
- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.
- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Wellesley's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

A handwritten signature in dark ink, reading "Edward M. Augustus, Jr." in a cursive script.

Edward M. Augustus, Jr.
Secretary

cc: Senator Cynthia Creem, Cynthia.Creem@masenate.gov
Representative Alice Peisch, Alice.Peisch@mahouse.gov
Eric Arbeene, Town of Wellesley, earbeene@wellesleyma.gov