

## SECTION 5.14. RETAINING WALLS

### A. Purpose and Intent

The Town of Wellesley adopts this section to accomplish and ensure the following:

1. To allow for the review of retaining walls of a size that may impact surrounding buildings, land, and uses;
2. To require the construction of retaining walls in a manner consistent with engineering and construction best practices; and
3. To lessen the impact of large retaining walls on abutting properties and the public by encouraging the use of landscaping and aesthetically pleasing design elements.

### B. Applicability and Exemptions

The regulations and requirements contained herein shall apply to all retaining walls erected in the Town of Wellesley, except the following:

1. Retaining walls that retain less than four (4) feet of unbalanced fill shall be exempt from the requirements of this section.
2. A terraced combination of walls, in which each separate wall retains less than four (4) feet of unbalanced fill and in which each successive wall is separated by a distance at least two times (2x) the height of the highest wall.

### C. General Provisions

1. Determining Retaining Wall Height - The height of a retaining wall shall be the distance from the grade at the base of the face of the wall, exclusive of any fill, to the grade at the back of the wall at the same section. For walls that are not a constant height the largest of these measurements shall be used to determine the height of the wall.

For the purpose of determining the height of terraced retaining walls, walls determined to constitute separate walls shall be measured in the manner described above, independent of other walls. Multiple walls determined to constitute a single wall shall be measured from the grade at the front of the lowest wall to the grade at the back of the highest successive wall.

2. Terracing - Terracing of retaining walls is allowed and encouraged. In a terraced retaining wall system, if two (2) retaining walls are separated by a distance at least two times (2x) the height of the higher of the two (2) walls, the walls shall be considered as separate walls; if two (2) retaining walls are separated by a distance less than two times (2x) the height of the higher of the two (2) walls, the walls shall be considered as a single wall.

3. Setback - Retaining walls four (4) feet or greater in height shall not be located within ten (10) feet of a property line, with the exception that portions of such walls which are less than four (4) feet in height shall not be subject to such requirement. No wall shall encroach on the required setback as required herein, except by a Special Permit issued in accordance with Section 5.14.E.
4. Height Limitation - No retaining wall shall exceed fifteen (15) feet in height, except by a Special Permit issued in accordance with Section 5.14.E.
5. Nonconforming Retaining Walls - Retaining walls constructed and/or permitted prior to the adoption of these regulations shall be allowed to remain in their existing state; however, significant changes or alterations to such walls shall be made in conformity with these regulations. The repair and routine maintenance, as determined by the Inspector of Buildings, of nonconforming retaining walls shall be allowed without requiring conformity with these regulations.

#### D. Design Review and Permitting

1. Design Review - Design Review shall be required for all retaining walls requiring a permit, as determined by the Inspector of Buildings, and retaining seven (7) feet or more of unbalanced fill. The Design Review Board shall review retaining walls in accordance with Section 5.5, and shall consider such requests under those criteria contained in Section 5.5.C. The Design Review Board shall submit an advisory recommendation to the Inspector of Buildings prior to the issuance of a permit.
2. Permitting - A permit shall be required, consistent with the requirements of the Town of Wellesley Building Department, for all retaining walls that retain four (4) or more feet of unbalanced fill.

#### E. Special Permit Provisions

The Special Permit Granting Authority shall consider requests for special permits in accordance with this Section and Section 6.3 of the Zoning Bylaw.

1. Circumstances Under Which A Special Permit May Be Granted - The Special Permit Granting Authority may grant a Special Permit in the following situations:
  - a. Retaining walls not meeting the Setback requirements indicated in Section 5.14.C.3.
  - b. Retaining walls greater than fifteen (15) feet in height as indicated in Section 5.14.C.4.
2. Required Findings - A Special Permit for a retaining wall may be issued provided the Special Permit Granting Authority finds:
  - a. That the retaining wall is otherwise in compliance with the provisions of this Section;

- b. That the requested retaining wall will not adversely impact adjacent property or the public;
- c. That the report of the Design Review Board has been received and the requested retaining wall is consistent with that report and those criteria contained in Section 5.5.C. of the Zoning Bylaw; and
- d. That the proposed retaining wall is the minimum structure necessary to allow a subject property to be reasonably utilized.

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