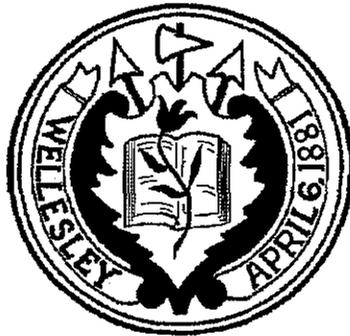


**TOWN OF WELLESLEY  
COMMONWEALTH OF MASSACHUSETTS**



**RULES AND REGULATIONS  
GOVERNING COMMON  
VICTUALLER LICENSES**

**Effective October 30, 2006**

**Local Licensing Authority: Wellesley Board of Selectmen**

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# **Town of Wellesley**

## **Rules and Regulations Governing Common Victualler Licenses**

### **Protocol for issuing a Common Victualler license**

Massachusetts General Law Chapter 140 governs the licensing of Common Victuallers, and designates the Board of Selectmen as the licensing authority within the Town of Wellesley. Before granting a license, the Board must determine if the public good requires it. In making this determination, the Board will consider the following:

- Traffic and pedestrian safety issues (see Required Traffic & Parking Information)
- Adequacy of parking (see Required Traffic & Parking Information)
- Sanitation arrangements and conditions (Health Department signoff required)
- Noise, odors or other disruptions to the surrounding neighborhood
- Zoning compliance (Building Department signoff required)
- Signage (Design Review Board signoff required)
- Fire safety (Fire Department signoff required)
- Any other public safety issues

### **Ongoing requirements**

Any person to whom a Common Victualler License is issued shall ensure that order and decorum is maintained in the licensed premises at all times, and shall cooperate in every respect with town officials including, but not limited to representatives of the Board of Selectmen, the Fire and Police Departments, and the Board of Health. The licensed premises shall be available at all times for inspection by said officials or any other department or official of the town so directed by the Board of Selectmen.

1. Licensees shall ensure that their premises are kept clean, neat and sanitary at all times.
2. A licensee who offers entertainment shall obtain a license from the Board of Selectmen, pursuant to the Town's Entertainment Regulations.
3. Unless otherwise authorized pursuant to a license duly issued by the Board of Selectmen, no employee of the licensee shall consume any alcoholic beverage or unlawful controlled substance while on duty, or during the eight-hour period preceding their tour of duty.
4. Deliveries between the hours of 11 p.m. and 5 a.m. are prohibited without specific permission.
5. Licensees who wish to sell alcoholic beverages shall obtain a license from the Board of Selectmen, pursuant to the Town's Rules & Regulations Governing Alcoholic Beverages.

### **Renewals**

A Common Victualler license is subject to annual renewal. When determining whether to renew a license, the Board of Selectmen will utilize the same criteria as set forth above. Renewal forms may be obtained from the Board of Selectmen. Renewal forms must update all previously filed statements and plans where appropriate. It is the responsibility of the

**TOWN OF WELLESLEY  
INSTRUCTIONS FOR APPLYING FOR A  
COMMON VICTUALLER LICENSE**

1. Fill-out and sign the application form and attachments.
2. Obtain all applicable initial plan reviews and/or preliminary approvals from the Building, Health, and Fire Departments, and the Design Review Board, before CVL application is submitted to the Selectmen's Office.
3. Deliver the completed and signed application form and attachments (e.g., tax certification, resumes, floor plan, and applicable parking & traffic information), along with a check for the application fee of \$50.00 payable to the Town of Wellesley, to the Selectmen's Office, on the third floor of Town Hall, Mon-Fri, 8:00 a.m.- 4:00 p.m..
4. A Personal Criminal Record Request Form (CORI) will be obtained by the Selectmen's Office from the Criminal History Systems Board. This CORI access is in regard to the screening of current and otherwise qualified prospective applicants.
5. After the application materials are received and reviewed for completeness, an interview will be scheduled with the Executive Director to discuss the applicant's plans. The applicant will then be required to appear before the Board of Selectmen during one of its regular public meetings. Staff in the Selectmen's Office will notify the applicant by telephone of the date and time of the interview.
6. The Board of Selectmen reserves the right to *postpone* CVL approval until all issues and concerns raised by the Board are addressed by the applicant to the Board's satisfaction; and the Board of Selectmen also reserves the right to *deny* CVL approval if the applicant fails to meet the application requirements, or does not/cannot resolve the issues and concerns raised by the Board.
7. Once the Board of Selectmen approves the CVL application, the applicant will need to obtain all required building, health, fire, and design review final approvals (i.e., permits, reviews, and/or inspections) before the CVL will be issued. If the applicant fails to obtain a required approval at any point in the process, the issuance of the CVL will be withheld until the issue or problem is resolved to the satisfaction of the appropriate approving authority.

*Specific questions should be addressed to:*

Selectmen's Office, 3rd Floor of Town Hall, 525 Washington Street, (781) 431-1019 x2201  
Building Department, Lower Level of Town Hall, 525 Washington Street, (781) 431-1019 x2228  
Health Department, Warren Building, 90 Washington Street, (781) 235-0135  
Fire Department, 457 Worcester Street, (781) 235-1300  
Design Review (Planning Dept.) Lower Level-Town Hall, 525 Washington Street (781) 431-1019 ext.2234



**COMMON VICTUALLER LICENSE APPLICATION**

Date Applied:	Date Approved:	Date Issued:
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<i>Office Use Only</i>	Fees Paid:	Tax Cert:	Resumes:	T&P Info:	Plan:	Interview:
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The undersigned hereby applies for a Common Victualler License in accordance with the provisions of Massachusetts General Law 140, Section 2.

(PLEASE TYPE OR PRINT CLEARLY)

Name of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

D.O.B: \_\_\_\_\_ S.S.N: \_\_\_\_\_ Dr. Lic #: \_\_\_\_\_ Fed. ID #: \_\_\_\_\_

Business Address: \_\_\_\_\_

Home Address: \_\_\_\_\_

Business Telephone: \_\_\_\_\_ Home Telephone: \_\_\_\_\_

Name & Location of Establishment: \_\_\_\_\_

Applying for: Common Victualler License only \_\_\_\_\_ Common Victualler & Liquor License \_\_\_\_\_

Common Victualler & Wine & Malt \_\_\_\_\_

**Enclose Copy of Floor Plan**

Size of Floor Space (square feet.): \_\_\_\_\_ Number of Seats: \_\_\_\_\_ Number of Employees: \_\_\_\_\_

*CHECK ONE (If you are unsure ask the Building Department)*

No Change of Use: \_\_\_\_\_ Partial Change of Use: \_\_\_\_\_ Full Change of Use: \_\_\_\_\_ New Use: \_\_\_\_\_

*(See attached details regarding Required Traffic & Parking Information.)*

PLAN REVIEW AND/OR PRELIMINARY APPROVAL *(Required Before Common Victualler License will be Approved)*

<i>Reviewing Department</i>	<i>Signature of Approving Authority</i>	<i>Date of Plan Review/Approval</i>
Building Department:		
Health Department:		
Fire Department:		
Design Review:		

**COMMON VICTUALLER LICENSE APPLICATION (continued)**

What will be the hours of operation? \_\_\_\_\_

Time(s) of Peak Customer Activity \_\_\_\_\_

Est. Number of Customers at Peak Time(s): \_\_\_\_\_ Est. Number of Employees at Peak Time(s): \_\_\_\_\_

What provisions have been made for trash removal? \_\_\_\_\_

How much parking is needed? \_\_\_\_\_

How will parking be provided? \_\_\_\_\_

What are delivery times? \_\_\_\_\_

I the undersigned state that the information provided in this application, and associated attachments, is true and accurate to the best of my knowledge:

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

*Note: No Common Victualler License will be approved until the applicant addresses all issues and/or concerns to the satisfaction of the Board of Selectmen; and no CVL will be issued until all required inspections have been conducted, permits granted, and final approvals given.*

**FOR OFFICE USE ONLY**

**FINAL PERMITS/APPROVALS GRANTED (Required Before CVL will be Issued)**

Approving Department	Yes	No	If "No," Reason Why	Date of Final Approval
Building Department:				
Health Department:				
Fire Department:				
Design Review:				

**TOWN OF WELLESLEY REQUIRED  
TRAFFIC & PARKING INFORMATION FOR  
COMMON VICTUALLER LICENSE**

No Common Victualler License will be approved until the applicant provides all applicable traffic and parking information listed below; and none will be approved until all issues and concerns have been addressed to the satisfaction of the Board of Selectmen.

**INFORMATION REQUIREMENTS**

**No Change of Use (e.g., restaurant to restaurant with no increase in seating, etc.):**

- Explanation on application form stating how much parking is needed, and how it will be provided;
- Letter of permission from owner if arrangements have been made to use a private parking lot (letter should state the conditions of the arrangement, i.e., number of spaces, time of use, length of agreement, and any restrictions).

**Partial Change of Use (e.g., addition of alcohol license; increase in seating, etc.)**

- Explanation on application form stating how much parking is needed, and how it will be provided;
- Letter of permission from owner if arrangements have been made to use a private parking lot (letter should state the conditions of the arrangement, i.e., number of spaces, time of use, length of agreement, and any restrictions);
- Site diagram showing building, location of parking, vehicular access, and pedestrian access;
- Explanation of how any negative impacts on current levels of traffic and parking will be mitigated.

**Full Change of Use or New Use (e.g., clothing store to restaurant, etc.):**

- Explanation on application form stating how much parking is needed, and how it will be provided;
- Letter of permission from owner if arrangements have been made to use a private parking lot (letter should state the conditions of the arrangement, i.e., number of spaces, time of use, length of agreement, and any restrictions);
- Site diagram showing building, location of parking, vehicular access, and pedestrian access;
- Traffic Impact Study and Site Parking Analysis, both to be done by a professional transportation engineer (see standards below);
- Comprehensive traffic and parking mitigation plans (3 copies each).

**Waiver**

The Board of Selectmen, at its discretion, may allow for a waiver of a Traffic Impact Study and Site Parking Analysis for **Full Change of Use or New Use** if the project meets the following criteria:

- The **New Use** Traffic Impact Study and Parking Analysis is provided as part of a Project of Significant Impact Special permit.
- The **Full Change of Use** is under 1200 square feet and is determined by the Town's transportation engineer that the proposed use will generate equal or fewer trips and require less parking than the most recent use being replaced. In granting the waiver, the Board of Selectmen may require the applicant to submit a monitoring report 3 months post opening for review.

**Standards for the Conduct of a Traffic Impact Study and Site Parking Analysis:**

- The professional transportation engineer will conduct any and all studies and analyses in accordance with industry standards as set forth by: United States Department of Transportation, Federal Highway Administration; Massachusetts Highway Department; Massachusetts Department of Environmental Protection Agency; and, Institute of Transportation Engineers. In cases where there are varying levels of standards, the transportation engineer will utilize those not commonly used, or mandated by law. Supporting data or documents should also be provided to quantify the use of a particular standard.
- For trip generation purposes where an establishment is not clearly defined in the ITE Trip Generation Manual, the transportation engineer shall collect sample data from at least 3 similar establishments, to calibrate the trip generation projection.

Notwithstanding the foregoing, the Board of Selectmen, at its discretion, may require a Traffic Impact Study or Site Parking Analysis in situations involving **No Change of Use** or **Partial Change of Use**. All studies, analyses, and plans may be evaluated by the Town's contracted transportation engineer.

**Selected Traffic & Transportation-Engineers\***

Hastings Murphy Assoc. 11 Lilac Circle, Wellesley	781-237-6761
Howard/Stein-Hudson Associates, Inc. 38 Chauncy Street, Boston	617-482-7080
Rizzo Assoc., Inc. Grant Street, Framingham	508-903-2000
VHB Vanasse Hangen Brustlin, Inc. 101 Walnut Street, Watertown	617-924-1770

*\* Provided for informational purposes only. The Town of Wellesley disclaims any responsibility for the selection of a Traffic & Transportation Engineer, or for the work performed by any of the firms listed.*

licensee to file for a renewal in a timely manner. Failure to renew prior to expiration shall result in a loss of license and any subsequent license request must then be treated as a completely new application.

**Suspension, revocation or modification of a Common Victualler license**

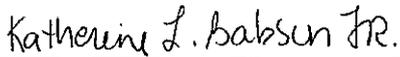
The Board of Selectmen may suspend, revoke or modify a Common Victualler License if, after a public hearing, the Board finds that these regulations have been violated.

**Applicability of General Laws**

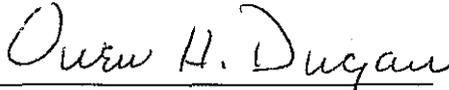
These regulations are promulgated by the licensing authority of the Town of Wellesley to be supplementary to, and not in substitution of, all General Laws of the Commonwealth of Massachusetts governing the licensing of Common Victuallers, including but not necessarily limited, to those laws set forth in MGL c.140. The licensing authority reserves the right to amend these regulations and unless an emergency situation requires immediate promulgation of further rules, regulations or amendments thereto, the licensing authority presently intends to give appropriate public notice to any such intent to amend.

Promulgated the thirtieth day of October, 2006, by the Board of Selectmen of the Town of Wellesley, Licensing Authority pursuant to law.

**Wellesley Board of Selectmen**



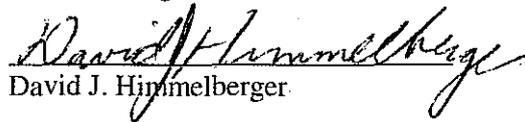
Katherine L. Babson Jr., Chairman



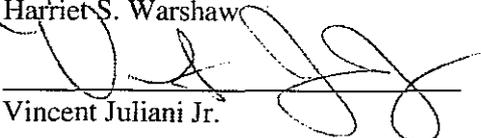
Owen H. Dugan, Vice Chairman



Harriet S. Warshaw



David J. Himmelberger

  
Vincent Juliani Jr.