

## REPORT OF THE PLANNING BOARD

In accordance with the provisions of Section 26, *Notice of Public Hearings*, of the Zoning Bylaws, and Chapter 40A of the General Laws of the Commonwealth of Massachusetts, the Planning Board convened a duly advertised public hearing for the consideration of banning the use of land in Wellesley for the purpose of gun shops or stores on Monday, June 7, 2021; and, on proposed amendments to the Zoning Bylaws on Outdoor Dining for Restaurants, Accessory Dwelling Units, Sustainable Zoning Working Group Proposals, Definitions of Town House and Two-Unit Dwellings, and FEMA Map updates on July 19, 2021; and then continued these duly advertised public hearings on July 19, 2021 (Gun Shops/Stores) and on August 16, 2021, and September 13, 2021 (all proposed amendments as listed). The Planning Board closed the public hearings for Outdoor Dining for Restaurants, Accessory Dwelling Units, Sustainable Zoning Working Group Proposals, Definitions of Town House and Two-Unit Dwellings, and FEMA Map updates on September 13, 2021. Only the Outdoor Dining for Restaurants, as contained in the Warrant for the October 25, 2021 Special Town Meeting (Article 9) will proceed to a Town Meeting vote. The Planning Board continued the duly advertised public hearing for the proposed amendment banning the use of land in Wellesley for Gun Shops/Stores to September 20, 2021 and then to October 4, 2021. Following the close of the public hearings on September 16, 2021 and on October 4, 2021, as further required by the Zoning Bylaws and General Laws of the Commonwealth of Massachusetts, the Planning Board produced this Report with recommendations on the article for consideration (Article 9) by Town Meeting.

**Article 9 – Amend the Zoning Bylaws to permit outdoor dining in certain business and commercial districts without requiring a Special Permit and to make certain other changes to the provisions for dining in business and commercial districts as follows:**

- **Amend Section 9B.B.2 (Lower Falls Village Commercial District) to delete the requirement for a Special Permit for restaurants, tea rooms, cafes, or other eating places; and substitute by right Zoning.**
- **Amend Section 9C.A.3 (Wellesley Square Commercial District) to delete the requirement for a Special Permit for restaurants, tea rooms, cafes, or other eating places; and substitute by right Zoning.**
- **Amend Section 11.A.3 (Business Districts) to read in its entirety:**

**3. Restaurant, tea room, café, or other eating place for the sale of any food or beverage, and outside dining area accessory to any such restaurant, tea room, café, or other eating place. (Delete Section 11.A.13.1 in its entirety.**

**Final Recommendation – Adoption.  
(Planning Board voted 5-0 on September 20, 2021)**

Article 9 was initiated and is sponsored by the Planning Board.

In Article 9, the Planning Board seeks to simplify the zoning requirements for outdoor dining. Currently, if a restaurant owner wishes to seat patrons outside of the establishment, the owner is required to obtain a Special Permit. This regulation is in addition to the Common Victualler license and other Town licensing that needs approval from the Select Board.

Outdoor dining increased in use and popularity because of Covid-19 restrictions. The Governor's Emergency Orders allowed and encouraged outdoor dining, but these orders are set to expire in April 2022. As outdoor dining is now popular, supports the restaurant economy, and revitalizes the various business districts in Town, the Planning Board believes that streamlining the permitting process at Special Town Meeting is critical and opportune. It will facilitate outdoor dining in the late spring and summer of 2022 while waiting for action at the 2022 Annual Town Meeting will not.

The Planning Board also appreciates the opportunity with this Article to ask Town Meeting to approve minor amendments to the language of Sections 9B, 9C, and 11 of the Zoning Bylaws so our Business Districts use the same verbiage for parallel constructs.

The Planning Board acknowledges that changing the Zoning Bylaws to shift from a use allowed by Special Permit to a "by right" use addresses only part of the permitting and licensing process, namely, land use. Outdoor dining would be allowed by right on the owner's property only. The Town (Select Board) retains the right to license use within the Right of Way (ROW), whether that is the five-foot sidewalk adjacent to the curb or part of the street itself. The Town (Select Board) also issues the Common Victualler's or CV license, which defines the regulations pertaining to alcohol consumption. The Select Board has a Restaurant Task Force that comprises the Select Board, Building, Police, Fire, and Health Departments that oversees implementation of the regulations.

Therefore, believing that amending the Zoning Bylaws will be beneficial to residents and the business community, and knowing that the licensing process for restaurant establishments will have simplified Zoning requirements but continue the vigilant Town policies for licensing of restaurants, the Planning Board supports the amendment proposed under Article 9 by a unanimous vote of 5-0.

#### CITIZENS PETITION REGARDING 307 AND 309 WASHINGTON STREET

On August 16, 2021 the Planning Board received from the Executive Director on behalf of the Select Board a Citizens Petition proposing rezoning of 307 and 309 Washington Street to include the properties in the Town's Business District. The Properties are currently in the General Residence District.

In accordance with the provisions of Section 26, *Notice of Public Hearings*, of the Zoning Bylaws, and Chapter 40A of the General Laws of the Commonwealth of Massachusetts, the Planning Board convened a duly advertised public hearing for the consideration of banning the use of land in Wellesley for the purpose of gun shops or stores on Monday, September 13, which was subsequently continued to September 20, 2021, October 4, 2021, and October 18, 2021.

As of the writing of this report, the Planning Board has not yet closed the public hearing or prepared a report on the Citizens Petition. The Planning Board will provide a supplemental report to Town Meeting concerning the Citizens Petition.