TOWN OF WELLESLEY
COMMONWEALTH OF MASSACHUSETTS

RULES AND REGULATIONS GOVERNING TAKEOUT FOOD LICENSES

Effective September 25, 2006

Local Licensing Authority: Wellesley Board of Selectmen

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Town of Wellesley
Rules and Regulations Governing Takeout Food Licenses

Protocol for issuing a Takeout Food License

The Town of Wellesley, through the Board of Selectmen, regulates the preparation and/or retail sale of food or beverage (Takeout Food) pursuant to Town Bylaw Article 49.2C Preparation and/or retail sale of food or beverage. 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 Takeout Food 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. No employee of the licensee shall consume any alcoholic beverage or unlawful controlled substance while on duty.

4. No licensee or employee of the licensee shall permit a patron to bring into the licensed premises any alcoholic beverage for consumption on the premises.

5. Deliveries between the hours of 11 p.m. and 5 a.m. are prohibited without specific permission.

Renewals

A Takeout Food 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

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 Takeout Food License

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

Wellesley Board of Selectmen

Katherine L. Babson, Jr., Chairman

Owen H. Dugan, Vice Chairman

Harriet S. Warshaw, Secretary

Vincent Juliani, Jr.

David J. Himmelberger

TOWN OF WELLESLEY
INSTRUCTIONS FOR APPLYING FOR A TAKEOUT FOOD LICENSE (TFL)

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 TFL 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* TFL 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* TFL 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 TFL 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 TFL will be issued. If the applicant fails to obtain a required approval at any point in the process, the issuance of the TFL 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 x201
Building Department, Lower Level of Town Hall, 525 Washington Street, (781) 431-1019 x228
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.234

TOWN OF WELLESLEY MASSACHUSETTS

TAKEOUT FOOD LICENSE APPLICATION

Date Applied:	Date Approved:	Date Issued:

Office Use Only	Fees Paid:	Tax Cert:	Resumes:	T&P Info:	Plan:	Interview:

The undersigned hereby applies for a Takeout Food License in accordance with the provisions of Town of Wellesley Bylaw, Article 49.2C.

(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: _____

Enclose Copy of Floor Plan

Size of Floor Space (square feet.): _____ 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)*

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

TAKEOUT FOOD 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 Takeout Food License will be approved until the applicant addresses all issues and/or concerns to the satisfaction of the Board of Selectmen; and no TFL will be issued until all required inspections have been conducted, permits granted, and final approvals given.

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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 TAKEOUT FOOD LICENSE

No Takeout Food 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., location was previously a Takeout Food operation):

- 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., increase in square footage dedicated to Takeout Food operation):

- 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., location was previously not a restaurant or Takeout Food operation):

- 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).

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; Massachusett: 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 most 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.*