



NOTICE OF PUBLICATION OF 2021 SPECIAL TOWN MEETING AMENDMENTS to the ZONING BYLAW

Posted March 14, 2022

The Town of Wellesley shall henceforth publish amendments to the Zoning bylaw by way of a pamphlet and post said pamphlet in each precinct and on the bulletin board of the Town Hall and on the website for the Town of Wellesley (www.wellesleyma.gov) (MGL Chapter 40 Section 32).

Zoning Bylaw Amendments – Special Town Meeting 2021.

Article 9, Motion 1 - ZBL Amendment - 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 by:

I. Amending Section 9B.B.2 to read in its entirety as:

2. 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; drive through windows where food or beverage is purchased by customers in vehicles are not allowed;

II. Amending Section 9C.A.3 to read in its entirety as:

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; drive through windows where food or beverage is purchased by customers in vehicles are not allowed;

III. Deleting Section 9C.A.13.I in its entirety;

IV. Amending Section 11.A.3 to read in its entirety as:

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.

and

V. Deleting Section 11.A.13.I in its entirety.

REVISED LANGUAGE

SECTION 9B. LOWER FALLS VILLAGE COMMERCIAL DISTRICT

A. Purpose

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To establish a commercial zoning district for Lower Falls that allows for commercial reinvestment and improvements, while protecting the quality of the immediately surrounding residential neighborhoods.

B. In the Lower Falls Village Commercial District, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Residence for more than two families, apartment house, apartment hotel, hotel or inn;
2. 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; drive through windows where food or beverage is purchased by customers in vehicles are not allowed;
3. Retail store having less than 10,000 square feet of floor area where all items for sale or rent are kept inside a building; including artisan shops for the creation of pottery, jewelry, clothing, sculpture, and similar artistic and craft activities;
4. Theater, hall, club, or other place of assembly;
5. Office, bank or other monetary institution; drive through windows where transactions are made by customers in vehicles are not allowed;
6. Public or semi-public building;
7. Such accessory uses as are customary in connection with any of the uses enumerated in clauses 1,2,3,4,5 and 6 are incidental thereto; such as the temporary parking of motor vehicles of customers and clients patronizing a use allowed in the district; drive through windows where business is conducted from vehicles shall not be considered as customary accessory use;
8. Any additional use for which a special permit may be obtained in a specific case, as hereinafter provided in Section 25 after the determination by the Special Permit Granting Authority that the proposed uses is similar to one or more of the uses specifically authorized by this section.
9. Any of the following uses upon granting of a special permit as provided in Section 25:
 - a. Sale or rental of tools and/or equipment involving outdoor storage.
 - b. Retail store having 10,000 or more square feet of floor area.
 - c. Registered Marijuana Dispensaries

C. Project Approval

The provisions of Section 16A shall apply.

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D. Off-street Parking

Off-street parking shall be provided in accordance with Section 21.

E. Floor Area Ratio

The maximum floor area ratio as defined in Section 1B shall be 0.30 except that the floor area ratio may be increased above 0.30 (but not in excess of 1.0) subject to the terms of a special permit granted by the Planning Board in accordance with the following:

1. A report shall have been received from the Design Review Board finding that:
 - a. the proposed project is consistent with the Wellesley Lower Falls Plan, Zoning, Urban Design and Landscape Guidelines ("Lower Falls Guidelines") adopted by the Planning Board which guidelines encourage retail activities at the street edge, pedestrian-oriented uses, improvement of building facades to enhance the pedestrian experience, improving the landscape and facilitating pedestrian access to and use of the river-front;
 - b. the proposed project is consistent with the design criteria listed in Section 22;
2. The proposed project shall provide and/or contribute toward pedestrian and bicycle amenities and shall, as applicable, accommodate pedestrian and bicycle circulation and safety in accordance with the Lower Falls Guidelines and nationally recognized and accepted standards;
3. The proposed project shall provide and/or contribute toward the improvement of pedestrian access to the river; and
4. The proposed project shall provide and/or contribute toward the creation of a village center, town green or mini-park to further enhance the pedestrian experience in Lower Falls.

REVISED LANGUAGE

SECTION 9C. WELLESLEY SQUARE COMMERCIAL DISTRICT.

A. In the Wellesley Square Commercial District, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence, General Residence or Educational Districts;
2. Residence for more than two families, apartment house, apartment hotel, hotel, or inn;
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,

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or other eating place; drive through windows where food or beverage is purchased by customers in vehicles are not allowed;

4. Retail store having less than 50,000 square feet of floor area where all items for sale or rent are kept inside a building.

Drive through windows where items or services are provided to customers in vehicles and retail stores having 50,000 or more square feet of floor area are not allowed except by special permit under clause 13. hereof;

5. Theater, hall, club or other place of assembly;
6. Office, bank or other monetary institution; drive through windows where transactions are made by customers in vehicles are not allowed except by special permit under clause 13. hereof;
7. Public or semi-public building;
8. Storage or parking of motor vehicles, gasoline filling station, motor vehicle repair shop, printing plant or telephone exchange; but not including auto body repair and painting shop or automated or mechanical car wash;
9. Veterinary hospital or other medical institution for the care of animals and in connection therewith a boarding kennel and pound, provided that all activities shall be within a building except for exercise runs which may be maintained outside a building as an accessory use thereto, provided that such runs shall not occupy a total area in excess of four hundred (400) square feet or be located within one hundred (100) feet of any business or residential use; and that approval has been received from the Director of Public Health of the Town, and a license has been secured in accordance with Section 137A, Chapter 140, of the Massachusetts General Laws as amended;
10. Light manufacturing of products, the major portion of which is to be sold at retail on the premises by the manufacturer to the consumer; provided that no light manufacturing shall be carried on in a Business District which is prohibited or not authorized in the Industrial Districts or which is prohibited in Section 16 and provided further, that the total floor space used for such light manufacturing on any one lot or on adjoining lots, if part of the same establishment, does not exceed an area of fifteen hundred square feet, unless a special permit is obtained as hereinafter provided in Section 25 for the use of an additional specified amount of floor space if the Special Permit Granting Authority finds that such additional floor space is reasonably necessary in the conduct of the business, and that the use of such additional floor space would not violate this Section or Section 16 hereof;
11. Such accessory uses as are customary in connection with any of the uses enumerated in clauses 1, 2, 3, 4, 5, 6, 7, 8, and 9, and are incidental thereto; such as the temporary parking of motor vehicles of customers and clients patronizing a use allowed in the district; drive through windows where business is conducted from vehicles shall not be considered as a customary accessory use;

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12. Any additional use for which a special permit may be obtained in a specific case, as hereinafter provided in Section 25 after the determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized by this Section.
13. Any of the following uses upon the granting of a special permit as provided in Section 25:
 - a. Automated or mechanical car wash;
 - b. Dry cleaning establishment where chemical solvents are used on the premises;
 - c. Motor vehicle sales;
 - d. Motor vehicle body repair and/or painting shop;
 - e. Sale or rental of trailers, boats or recreational vehicles;
 - f. Sale or rental of tools and/or equipment involving outdoor storage;
 - g. Retail sales where one or more items for sale or rent are kept outside a building;
 - h. Sale of products or items from trailers and vehicles
 - i. Drive through windows where business is transacted from the vehicles of customers or patrons;
 - j. Retail store having 50,000 or more square feet of floor area.
 - k. Registered Marijuana Dispensaries

B. Project Approval

The provisions of Section 16A shall apply.

C. Off-street Parking

Off-street parking shall be provided in accordance with Section 21.

D. Floor Area Ratio

The maximum floor area ratio as defined in Section 1B shall be the greater of 0.30 or the floor area of the building or buildings on a lot on March 22, 2004 said floor area to be certified by the applicant in conjunction with a project submission.

E. Inclusionary Zoning

The provisions of Section 16B shall apply.

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REVISED LANGUAGE

SECTION 11. BUSINESS DISTRICTS

A. In Business Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence, General Residence or Educational Districts;
2. Residence for more than two families, apartment house, apartment hotel, hotel, or inn;
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.
4. Retail store having less than 50,000 square feet of floor area where all items for sale or rent are kept inside a building.

Drive through windows where items or services are provided to customers in vehicles and retail stores having 50,000 or more square feet of floor area are not allowed except by special permit under clause 13. hereof;

5. Theater, hall, club or other place of assembly;
6. Office, bank or other monetary institution; drive through windows where transactions are made by customers in vehicles are not allowed except by special permit under clause 13. hereof;
7. Public or semi-public building;
8. Storage or parking of motor vehicles, gasoline filling station, motor vehicle repair shop, printing plant or telephone exchange; but not including auto body repair and painting shop or automated or mechanical car wash;
9. Veterinary hospital or other medical institution for the care of animals and in connection therewith a boarding kennel and pound, provided that all activities shall be within a building except for exercise runs which may be maintained outside a building as an accessory use thereto, provided that such runs shall not occupy a total area in excess of four hundred (400) square feet or be located within one hundred (100) feet of any business or residential use; and that approval has been received from the Director of Public Health of the Town, and a license has been secured in accordance with Section 137A, Chapter 140, of the Massachusetts General Laws as amended;
10. Light manufacturing of products, the major portion of which is to be sold at retail on the premises by the manufacturer to the consumer; provided that no light manufacturing shall be carried on in a Business District which is prohibited or not authorized in the Industrial Districts or which is prohibited in Section 16 and provided

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further, that the total floor space used for such light manufacturing on any one lot or on adjoining lots, if part of the same establishment, does not exceed an area of fifteen hundred square feet, unless a special permit is obtained as hereinafter provided in Section 25 for the use of an additional specified amount of floor space if the Special Permit Granting Authority finds that such additional floor space is reasonably necessary in the conduct of the business, and that the use of such additional floor space would not violate this Section or Section 16 hereof;

11. Such accessory uses as are customary in connection with any of the uses enumerated in clauses 1, 2, 3, 4, 5, 6, 7, 8, and 9, and are incidental thereto; such as the temporary parking of motor vehicles of customers and clients patronizing a use allowed in the district; drive through windows where business is conducted from vehicles shall not be considered as a customary accessory use;
12. Any additional use for which a special permit may be obtained in a specific case, as hereinafter provided in Section 25 after the determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized by this Section.
13. Any of the following uses upon the granting of a special permit as provided in Section 25:
 - a. Automated or mechanical car wash;
 - b. Dry cleaning establishment where chemical solvents are used on the premises;
 - c. Motor vehicle sales;
 - d. Motor vehicle body repair and/or painting shop;
 - e. Sale or rental of trailers, boats or recreational vehicles;
 - f. Sale or rental of tools and/or equipment involving outdoor storage;
 - g. Retail sales where one or more items for sale or rent are kept outside a building;
 - h. Sale of products or items from trailers and vehicles;
 - i. Drive through windows where business is transacted from the vehicles of customers or patrons;
 - j. Retail store having 50,000 or more square feet of floor area.
 - k. Registered Marijuana Dispensaries

B. Project Approval

The provisions of Section 16A shall apply.

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C. Off-street Parking

Off-street parking shall be provided in accordance with Section 21.

D. Floor Area Ratio

The maximum floor area ratio as defined in Section 1B shall be 0.30.

E. Inclusionary Zoning

The provisions of Section 16B shall apply.

Zoning Bylaws and Map so amended shall become effective as of the date of the town meeting vote on October 27, 2021.

Claims of invalidity of the amendments to the Zoning Bylaw by reason of any defect in the procedure of adoption or amendment may only be made within ninety (90) days of the date of posting, said posting date being March 14, 2022 and said deadline June 13, 2022. Copies of the Zoning Bylaws and Map may be obtained at the Town Clerk's Office, Town Hall, 525 Washington Street, Wellesley, MA 02482, or reviewed on-line at www.wellesleyma.gov.

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