

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2002-85
Petition of Fleet National Bank
185 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 19, 2002 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of FLEET NATIONAL BANK requesting renewal of a Special Permit pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw to allow its premises at 185 LINDEN STREET, in a Business District, to continue to contain two drive-through facilities; namely a 24 hour ATM facility in the inner lane and a pneumatic tube facility in the outer lane, where business is transacted from the vehicles of customers or patrons, a use not allowed by right in a Business District.

On September 3, 2002, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Roland Spoffard, representing Fleet National Bank, who said the bank is requesting renewal of the Special Permit under the same terms for two more years.

The Board commented that there was an issue about the internal illumination of the wall sign that had been raised at the hearing two years ago. The sign permit had been up for renewal several years ago, but no one had appeared at the hearing, and the permit had expired. The Board asked if the sign was internally illuminated.

Mr. Spoffard said he believed it was internally illuminated, although the sign is not lit at night.

The Board noted that the Planning Board had no objections to the renewal of the Special Permit for the drive-through windows.

No other person present had any comment on the petition.

Statement of Facts

The subject premises is located at the western end of a store block at 185 Linden Street, in a Business District, and is leased by Fleet National Bank from the William Diehl Realty Trust. Originally, the South Shore Bank, a prior Tenant, installed the two existing drive-through windows. In 1995, BankBoston assumed tenancy in this location and continued the use of the drive-through windows. In 1995, BankBoston requested permission to reverse the position of the ATM drive-through facility from the

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outer to the inner drive-through lane, eliminate the teller window and install a pneumatic tube drive-through system in the outer lane, which was allowed by the Board of Appeals. Fleet National Bank assumed the tenancy of the premises in 2000 and requested renewal of the Special Permit, which was granted in October 2000.

Fleet National Bank is again requesting renewal of the Special Permit to continue the use of the two drive-through windows, a use not allowed by right in a Business District.

On September 10, 2002, the Planning Board reviewed the petition and had no objection to renewal under the same terms and conditions.

The Executive Secretary checked with the Building Department and found a sign permit issued in March, 2000 for an externally illuminated logo wall sign and reported this information to Mr. Spoffard, who said that two years ago Fleet had removed the bulbs from the sign, so there is no illumination. Although the permit allows the sign to be externally illuminated, Fleet will continue to keep it unlit.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. A Special Permit is required pursuant to Section XI of the Zoning Bylaw, as a drive-through installation where business is transacted from the vehicles of customers or patrons is not a by-right use in a Business District.

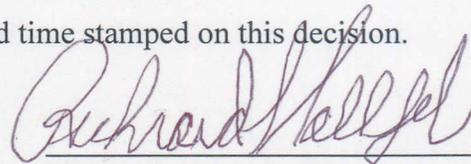
It is the opinion of this Authority that the use of Fleet National Bank's two drive-through facilities has not created a dangerous situation in the parking lot fronting the premises, and is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, a Special Permit is granted to Fleet National Bank, as voted unanimously by this Authority at the Public Hearing, to continue the use of its ATM and pneumatic tube drive-through facilities, subject to the following condition:

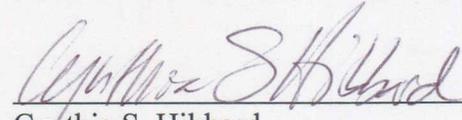
1. This Special Permit shall expire two years from the dated time stamped on this decision.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

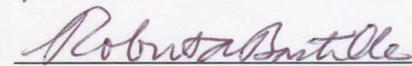
Cc: Planning Board
Inspector of Buildings
edg



Richard L. Seegel, Chairman



Cynthia S. Hibbard



Robert A. Bastille