



## ZONING BOARD OF APPEALS

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ZBA 2010-76  
Petition of Dunkin Donuts  
951 Worcester Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 7, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of DUNKIN DONUTS requesting renewal of a Special Permit pursuant to the provisions of Section XI, XIVE and Section XXV of the Zoning Bylaw to continue to allow its premises at 951 WORCESTER STREET, in a Business District and a Water Supply Protection District, to be used for a drive-through window where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business District.

Property Owner: Donovan Services, Inc.

On August 30, 2010, 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 William Donovan, who said that he was representing Donovan Services, Inc. (the "Petitioner"), the owner of the Dunkin Donuts at 951 Worcester Street. Also present was Jeffrey Dirk, P.E., PTOE, Vanasse & Associates, Inc.

Mr. Dirk submitted a summary of the updated Traffic Study and the prior Traffic Study that showed what had changed since the last assessment.

Mr. Dirk reviewed the Weekday Conditions. He said that they measured the traffic entering and exiting the property, queuing within the site and parking demands. He said that traffic volume has increased since 2008. He said that parking demand has remained relatively consistent. He said that although the traffic counts have gone up, the queue has come down. He said that was the result of some of the recommendations from the 2008 assessment. He said that one of the efficiency changes was to add staff.

Mr. Dirk reviewed the Saturday Conditions. He said that there has been a reduction in traffic volume. He said that the parking and queuing counts were down. The Board said that the traffic count was done in August when a lot of people are out of town.

Mr. Dirk said that the updated Existing Conditions Layout Plan reflects some changes since the 2008 study. He said that on-site striping has been changed to increase the parking supply. He said that they increased the number of parking spaces from eight to eleven to accommodate peak parking demands.

Mr. Dirk said that two spaces were striped parallel to Route 9. He said that one space was added closest to the exit for the drive-through. He said that they were concerned in 2008 about the exit to the drive-through area. He said that adding a space there provided additional parking plus more definition for vehicles exiting the drive-through.

The Board said that it was concerned about the three parking spaces shown adjacent to the entrance. The Board said that it was concerned about cars parked there backing out into traffic coming onto the site. Mr. Donovan said that the spaces closest to the entrance are where the employees park. He said that there is some on-site parking and some off-site parking for employees.

Mr. Donovan said that there are seven to eight employees. He said that they are hoping to open another Dunkin Donuts across the street where there is the potential for 14 additional parking spaces. Mr. Dirk said that there are proposed pedestrian crossing improvements for Route 9. Mr. Donovan said that they also have an agreement with a bank for employee parking.

Mr. Dirk said that additional regulatory signs and pavement markings were provided to better regulate the traffic flow.

Mr. Dirk said that Vanasse & Associates' conclusion was that the recommended changes were implemented and have resulted in improvements on-site in terms of accommodating vehicles in marked spaces as well as vehicles in the queue.

The Board asked if there was any data for Route 9 or Route 128 to indicate whether there are changes in traffic volume or whether the comparison is the result of picking two random days. Mr. Dirk said that they have done traffic counts on Route 9 and on both sides of Route 128. He said that they looked back to 2004 and 2006 and found that the numbers are either the same or have decreased.

Mr. Dirk discussed measuring sight distances for the condition when trucks are parked in the spaces that are adjacent to Route 9. He said that the wide edge line gives better visibility. He said that traffic can nose out onto Route 9 without getting into the travel lane.

Mr. Donovan said that he has been in contact with the Town about acquiring the adjacent Aqueduct property. He said that laws regulating municipal and private property prevented the original proposal from going through. He said that they are now pursuing an alternative proposal to acquire the land because he would prefer to have the menu restriction lifted.

The Board asked about the impact on traffic if the new Dunkin Donuts is opened across Route 9. Mr. Donovan said that they are hoping that a loss of business at this site will be less than 25 percent. He said that there is a lot of local traffic that uses the 951 Worcester Street store.

The Board said that in 2008 it was hopeful that the purchase of the Aqueduct land would happen and the issues with traffic on Route 9 would go away. The Board said that traffic data that was submitted for this petition show that conditions seem to have improved because of changes that were made.

The Board said that it was concerned about the changes going on Route 9 eastbound with the proposed CVS and the approved project at 978 Worcester Street. The Board said that it would be comfortable with

granting the renewal of the Special Permit for one year to see what effects the changes across Route 9 will have on traffic.

There was no present at the Public Hearing who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 951 Worcester Street, in a Business District, on a 12, 255 square foot lot and is owned by Donovan Services, Inc.

The Petitioner is requesting renewal of a Special Permit to continue the use of the drive-through window at the rear of the premises, which is a use not allowed by right in a Business District.

The width of the drive-through lane is 10 feet, and 8 vehicle queuing spaces, varying in length from 10 feet to 10 feet 4 inches, have been provided.

On September 14, 2010, the Planning Board reviewed the petition and recommended that the Special Permit be granted with conditions.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The use of a drive-through window in a Business District requires a Special Permit, as it is a use not allowed by right in a Business District.

It is the opinion of this Authority that the Petitioner has complied with all of the Special Permit Use Standards enumerated in Section XXV of the Zoning Bylaw. Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. Between the hours of 6 am and 10 am, only a limited menu shall be available to drive-through window customers. A notice of this limited menu and the aforesaid hours shall be posted on signs that are visible to customers before the customer reaches the drive-through window.
2. The Petitioner shall continue to pursue acquisition of the Aqueduct land shown on Conceptual Parking and Access Improvement Plan, Alternative 2.
3. Traffic data shall be submitted with the application for subsequent renewal of this Special Permit.
4. This Special Permit shall expire one year from the date 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.

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J. Randolph Becker, Acting Chairman

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Robert W. Levy

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
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