



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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ZBA 97-35
Petition of Fleet Bank
277 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 22, 1997 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of FLEET BANK requesting a Special Permit pursuant to the provisions of Section XI and Section XXV to allow its premises at 277 LINDEN STREET, in a Business District, to contain a free-standing ATM drive-through installation where business is transacted from vehicles of customers or patrons, a use not allowed by right in a Business District.

On May 5, 1997, 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 Lee Hohenschau, project architect, who was accompanied by David Howe, representing Fleet Bank, and Dr. Aliapoulios, the property owner. Using an enlarged site plan, Mr. Hohenschau point out the existing building and the location of Fleet Bank within the building. Fleet Bank proposes to install a landscaped island with a drive-up ATM to the right of the end of the building. The existing landscaped island would be shortened to enable traffic to drive around the parking lot and queue. The entrance would be widened at Linden Street. Landscaping would be added at the rear of the building. The number of compact spaces would remain the same. The total number of parking spaces meets the zoning requirements.

The Board read the Planning Board's recommendation to strongly oppose the granting of the request, as the plan is not workable, nor is it consistent with the Zoning Bylaw, as the vehicles in the queue will adversely effect vehicles in the lot, and will pre-empt critically needed parking spaces.

Mr. Hohenschau responded that the number of parking spaces does meet zoning requirements. There is no deficiency. Most of the traffic which parks in front of the retail stores is in-and-out traffic. The parking on the right is primarily employee parking, which is separate from the retail parking. None of the ATM traffic is in the area of the retail traffic.

Mr. Howe stated that the ATM rarely has more than two cars in the queue. The business is spread out during the day. There is an ATM in the bank vestibule, but people prefer not to get out of their cars, especially at night. There are no Fleet Bank ATMs in Wellesley.

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There was a drive-through ATM at the Shawmut Bank, but when the two banks merged, that facility was closed, and customers have requested an ATM at the present location.

The Board said that the ATM would constitute an excessive use of the area, which is already difficult to negotiate, and that widening the entrance would not help the situation as the traffic would still be entering and exiting from the same curb cut.

Donna McGlone, 244 Linden Street, presented letters in opposition from 5 tenants at 277 Linden Street. She also presented photographs taken at 11 a.m. and 2 p.m. on the day of the hearing, which showed the existing maneuvering problems in the lot, the spaces to be eliminated, and the total utilization of the lot.

Jack Hester, 4 Donizetti Street, expressed opposition to the project. He said that traffic has been a concern from the time the building was constructed. At that time, the owner assured him that the building would be a low traffic one. This project would involve elimination of eight parking spaces in a lot that is presently at capacity all day. The ATM would only create an additional traffic hazard.

Mr. Hester added that although one side of Linden Street is commercial, the other side is residential, and that the rights of property owners should be respected.

Cliff Gerald, a tenant at 277 Linden Street, opposed the petition. He said that the parking area is overutilized now. People park in the fire lane, and cannot back out of existing spaces now. It is dangerous to walk through the lot. Elimination of eight more spaces will not improve the situation in which there is already a shortage of spaces.

Dr. Aliapoulis said that the lot is occupied, but not to the extent that people have said. Mr. Howe stated that there would be no adverse impact due to the ATM.

The Board expressed concern about the proposed reduction of parking spaces. When the original petition for site plan approval for the building was before the Board, the Board felt that the size of the building was the maximum that should be on the lot. The Site Plan Approval had a certain number of parking spaces which cannot be reduced. The property is over-utilized right now, and any elimination of spaces and/or additional activity would make the situation worse.

Statement of Facts

The subject property is located at 277 Linden Street, in a Business District, and is owned by Meneiaos A. Aliapoulis, M.D. In 1983, Dr. Aliapoulis was granted Site Plan Approval (ZBA 83-41) to construct a two-story commercial building approximately 60 feet by 144 feet with a gross floor area of approximately 17,369 square feet. Associated landscaping and 65 parking spaces were included in the plan. There are five store fronts on the first floor and

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two offices on the second floor of the building.

Fleet Bank leases the space which is second from the right end of the building. The bank is requesting a Special Permit to use the parking lot to construct a landscaped island in which an ATM drive-through facility would be installed.

A Site Plan/Parking Scheme dated 4/2/97, drawn by William Honenschau, Registered Architect; Elevations of the ATM drawn by Acme Wiley Corporation; and a Traffic Impact & Access Study dated November, 1996, prepared by Dermot J. Kelly & Associates, Inc. were submitted.

On March 27, 1997, the Design Review Board reviewed the proposal and voted to accept the modified plan under the condition that the landscaping and parking meet site plan approval.

On May 20, 1997, the Planning Board reviewed the petition and voted to strongly oppose the granting of the request for reasons stated at the Public Hearing.

Decision

This Authority has made a careful study of the materials submitted and the information provided at the hearing. The petitioner is requesting to be allowed to use the parking lot at 277 Linden Street, in a Business District, to install a drive-through ATM facility, a use not allowed by right in a Business District.

It is the opinion of this Authority that the proposed ATM facility does not meet the Special Use Permit Standards listed in Section XXV-D of the Zoning Bylaw as follows:

1. Vehicular Circulation - The proposed circulation pattern for motor vehicles which would result from the proposed use or structure which is the subject of the special permit creates conditions that will add to traffic congestion and accident potential on the site.
3. Vehicle Queueing Lanes - Although the width of the queueing lane is satisfactory, and vehicle storage capacity and separation are provided so that vehicles will not encroach onto sidewalk areas or designated fire lanes, the queueing lanes will interfere with the travel and maneuvering of other vehicles into and out of parking spaces, as all vehicles parked in the area of the queueing lane will have to back into the queueing lane in order to access the traffic lane.
5. Pedestrian Safety - There is no safe way for a pedestrian to cross the parking lot, as there is no designated walkway.
7. The increase in the number of vehicle trips likely to result from the proposed use will adversely affect the character of the site and its surrounding area.

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Furthermore, it is the opinion of this Authority that Fleet Bank cannot amend a Site Plan Approval granted to the owner of the property by eliminating eight parking spaces and shortening an existing landscaped island.

For all the aforesaid reasons, this Authority voted unanimously at the Public Hearing to deny this petition, which is not in harmony with the intent and purpose of the Zoning Bylaw. This petition is hereby dismissed.

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
Richard Frazer, Fleet Bank
edg



John A. Donovan, Jr., Chairman


Kendall P. Bates



William E. Polletta

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