

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

2001 SEP 26 A 8:25

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ZBA 2001-72

Petition of Middlesex Savings Bank
180 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 13, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of the MIDDLESEX SAVINGS BANK requesting renewal of a Special Permit pursuant to the provisions of Section XIII and Section XXV of the Zoning Bylaw to allow its premises at 180 LINDEN STREET, in an Industrial District, to continue to be used for a 24-hour Automatic Teller Machine (ATM), a use not allowed by right in said district.

On August 27, 2001, 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 Bruce Weisberg, Vice President for Administration & Security Officer, representing the Middlesex Savings Bank. Mr. Weisberg requested renewal of the Special Permit under the same terms and conditions for two more years.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 180 Linden Street, in an Industrial District. The property is owned by F. Diehl & Sons, and leased by Middlesex Savings Bank. Prior to 1994, the premises were leased by Bank of Boston and contained a pre-existing drive-through teller window. In 1994, Shawmut Bank leased the premises and was granted a Special Permit to convert the teller drive-through window to an ATM drive-through facility. In 1996, Middlesex Savings Bank leased the premises and was granted a Special Permit to continue to allow the existence of the 24-hour drive-through ATM facility, a use not allowed by right in an Industrial District. The petitioner is requesting renewal of the Special Permit, originally granted in 1996.

A vehicle queue lane with a width of 9 feet, which can contain four cars before extending to a length perpendicular to the sidewalk, is located in front of the building. There is a parallel parking lane, so that vehicles are able to bypass the ATM facility to gain access to the street or adjacent parking areas. Pedestrian access to the bank is separated from the queue lane by railings and bollards.

On September 4, 2001, the Planning Board reviewed the petition and had no objection to renewal of the Special Permit on the same terms and conditions as are currently in effect, and assuming that there has been no material change in the underlying circumstances and characteristics of the petition and use.

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Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. Middlesex Savings Bank is requesting renewal of a Special Permit to allow its premises at 180 Linden Street to be used for a drive-through 24-hour ATM facility.

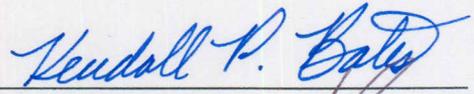
It is the opinion of this Authority that the ATM drive-through facility satisfies all Special Permit Standards pursuant to Section XXV-D of the Zoning Bylaw, and that said use will be in harmony with the intent and purpose of the Zoning Bylaw.

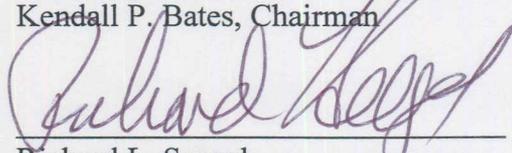
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the aforesaid use, subject to the following conditions:

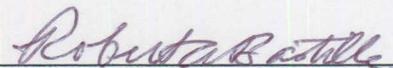
1. There shall be no advertising sign associated with the operation of the ATM at the subject location.
2. The panel that displays the "network plaques" above the ATM facility shall not be internally illuminated.
3. No more than four vehicles shall be queued for the use of the ATM facility at any time.
4. This Special Permit shall expire two years from the date of 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


Kendall P. Bates, Chairman


Richard L. Seegel


Robert A. Bastille