

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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2002 MAR 19 10:22 AM

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ZBA 2002-19
Petition of Dunkin Donuts
951 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 28, 2002 in the Great Hall 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 and Section XXV of the Zoning Bylaw to continue to allow its premises at 951 WORCESTER STREET, in a Business District, to be used for a drive-through window where business is transacted from vehicles of customers or patrons, a use not allowed by right in a Business District.

On February 11, 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 William Donovan, owner of the premises, who requested renewal of the Special Permit.

The Board asked if there had been any changes in the past two years, particularly in regard to expansion of the drive-through menu and the number of accidents. Mr. Donovan replied that there have been no changes in the menu, but the accident rate has been lowered.

No other person present had any comment on 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. The petitioner is requesting renewal of a Special Permit to continue the use of the drive-through window at the rear of the Dunkin Donut premises.

The width of the drive-through lane is 10 feet, and eight vehicle queuing spaces have been provided which vary in length from 10 feet to 10 feet 4 inches. Peak use of the drive-through window is 40-45 cars per hour. The total time required to service each vehicle is between 30 and 90 seconds.

On February 26, 2002, the Planning Board reviewed the petition and had no objections to renewal of the Special Permit under the same terms and conditions as are currently in effect.

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Decision

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

It is the opinion of this Authority that the petitioner has met all of the Special Permit Use Standards enumerated in Section XXV of the Zoning Bylaw. Therefore, the 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 a.m. and 11 a.m., 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 a menu board visible to customers before a customer reaches the drive-through window.
2. 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

Kendall P. Bates, Chairman

Richard L. Seegel

Richard L. Seegel

J. Randolph Becker

J. Randolph Becker

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