

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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ZBA 2002-21
Wellesley Co-Operative Bank
195-197 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 21, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of the WELLESLEY CO-OPERATIVE BANK requesting a Special Permit pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw to allow its premises at the eastern end of the building at 195 LINDEN STREET, in a Business District, to contain two drive-through windows where business is transacted from the vehicles of customers or patrons; namely, a drive-up teller window and a separate ATM machine. This use is not allowed by right in a Business District.

On March 4, 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 Leslie Shea, counsel for the petitioner, who was accompanied by Edwin Silver, President, Tom Fontaine, Executive Vice President and Scott Towne, project architect. Mr. Shea said the bank has offices at 40 Central Street, and is expanding its services to a second location on Linden Street, previously occupied by Baybank. Fleet Bank occupies the western end of the building.

Mr. Shea said that the bank would like permission to install a teller window and an ATM machine in the eastern wall of the building. It is anticipated that only one of the windows would be used at any one time, and that the facilities would be used by between seven to nine vehicles per hour, with a queuing lane of no more than three cars at any time. The ATM machine used by Baybank was bricked over. This window will be open and a second window will be installed.

The Board asked if the ATM would be a separate drive-through window. Mr. Shea said it would be. The use of the ATM would be mainly after hours and during the weekend.

The Board asked what the lighting would be after hours. Mr. Shea said there is existing lighting in the parking lot. Mr. Silver said there would be a light under the awning for safety reasons, which would be lit all night because the ATM is a 24-hour facility. The awning construction will shield the light spill from abutting properties.

The Board asked if the canopy was part of the submission package. Mr. Silver said they would bring the awning and signage package to the Design Review Board at a later time. The signage meets all the requirements of the Zoning Bylaw and would not need relief from the Board of Appeals.

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The Board asked what was the basis for the calculation as to the number of cars per hour, and if any consideration had been given to the traffic created by the use of the drive-through facilities at Fleet Bank.

Mr. Shea said they had used the figures for the Needham Co-Operative Bank, which has a comparative size. Mr. Towne added that they had spent a great deal of time counting the drive-through traffic at Fleet, Boston Federal and Middlesex Savings. Given that Wellesley Co-Operative is a smaller bank, he would be surprised if there were more than three vehicles queued at any one time.

The Board asked if the bank planned to reline the pavement to indicate the traffic lane for the windows. Mr. Silver said that Diehl's has agreed to paint any markings the bank requests. There is a fire lane and a loading area behind the building that will be repainted.

The Board asked if there was a wall separating Wellesley Volkswagen from the Diehl property. Mr. Silver said there is a line marking the separation. There is sufficient space for one lane of cars to pass the cars parked on the Wellesley Volkswagen property, but not sufficient space for a double lane for the bank and a third passing lane, which is the reason they would like to install both drive-through facilities on the eastern wall. Baybank had only an ATM window. They are requesting a 5 foot wide teller window in addition to the ATM window in order to provide an additional level of service.

No other person present had any comment on the petition.

Statement of Facts

The subject premises are located at 195-197 Linden Street, in a Business District. The property, which is owned by the William Diehl Realty Trust, consists of a block of stores in which Wellesley Co-Operative Bank leases space at the eastern end of the building, while the westerly end is occupied by Fleet Bank, which has two drive-through windows.

From 1991 through 1998, Baybank occupied the subject premises. A Special Permit to allow the single 24-hour ATM drive-through was granted in 1991 and renewed biennially until 1998. Wellesley Co-Operative Bank is opening a branch location on the premises and requests a Special Permit to allow the premises to be used for two drive-through installations: a teller window and a 24-hour ATM machine, a use not allowed by right in a Business District.

Queuing space along the eastern side of the building is sufficient for three cars. Access to the teller window and the ATM machine is made from the westerly end of the building parallel to the Fleet Bank outer tube facility. Traffic proceeds around the rear of the building to either window, and then into the parking lot.

The hours of operation of the teller window are 8 a.m. to 4 p.m. on Monday through Thursday, 8 a.m. to 6 p.m. on Friday and 9 a.m. to 1 p.m. on Saturday. The petitioner anticipates 7-9 vehicles per hour with each transaction taking approximately two to three minutes. The ATM machine will be a 24-hour facility.

The ATM machine window will be located 8 feet from the front corner of the building. The drive-through teller window will be located 7 feet behind the ATM window.

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A Site Plan, a Proposed Elevation dated 1/31/02, drawn by M. Pimental of DRL Associates, Inc., and photographs were submitted.

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On February 7, 2002, the Design Review Board reviewed the proposal, and recommended approval of the project.

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On March 12, 2002, the Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

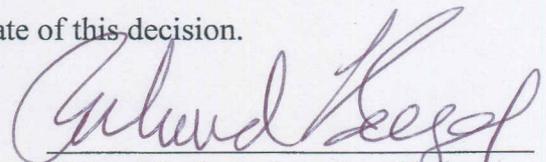
This Authority has made a careful study of the materials submitted and the information presented at the hearing. A Special Permit is required pursuant to Section XI of the Zoning Bylaw, as a drive-through installation where business is transacted from the vehicles of customers or patrons is not a by-right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

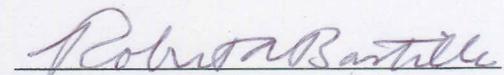
It is the opinion of this Authority that the traffic circulation pattern shall not create a dangerous situation in the parking lot fronting the premises, that precedent has been set for approval of a drive-through installation on the premises, and that the use of the premises to contain a Wellesley Co-Operative Bank 24-hour ATM facility and a drive-through teller window is in harmony with the general intent and purpose of the Zoning Bylaw.

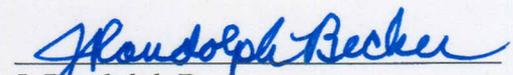
Therefore, a Special Permit is granted to Wellesley Co-Operative Bank, as voted unanimously by this Authority at the Public Hearing, for the use of its premises for two drive-through facilities, subject to the following conditions:

1. No canopy or signage shall be installed without review and approval by the Design Review Board, and, if necessary, by the Board of Appeals.
2. Prior to the use of any drive-through window on the premises, a directional sign stating "Do Not Enter" shall be installed at the left front corner of the building to prevent customers from entering the drive-through lane from the wrong direction.
3. This Special Permit shall expire one year 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.


Richard L. Seegel, Acting Chairman


Robert A. Bastille


J. Randolph Becker

Cc: Planning Board
Design Review Board
Inspector of Buildings
Edwin Silver, President