

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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SEP 26 A 8:04

ZBA 2003-67
Petition of Middlesex Savings Bank
180 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 18, 2003 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of 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 drive-through 24-hour Automatic Teller Machine (ATM), a use not allowed by right in said district.

On August 19, 2003, 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 of Administration, who requested that the Special Permit be granted under the same terms and conditions as are currently in effect.

The Board asked if the bank had received any complaints regarding the use of the drive-through ATM facility. Mr. Weisberg said there had been no complaints.

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 the 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 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 Special Permit has been renewed annually or biennially since that time. The petitioner is requesting renewal of the Special Permit pursuant to the same terms and conditions as are currently in effect.

A nine foot wide vehicle queue lane, 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 to adjacent parking areas. Pedestrian access to the bank is separated from the queue lane by railings and bollards.

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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.

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.

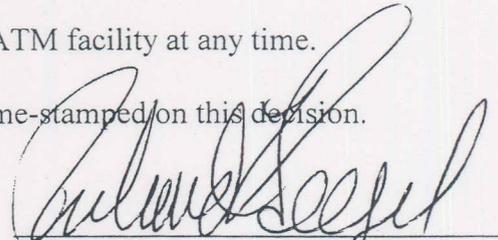
It is the opinion of this Authority that the ATM drive-through facility satisfies all Special Permit Use Standards pursuant to Section XXV-D of the Zoning Bylaw and that said use will be in harmony with the intent and purpose of the Zoning Bylaw.

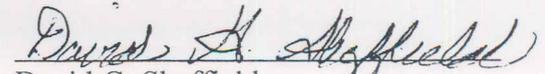
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the aforesaid use, subject to the following conditions:

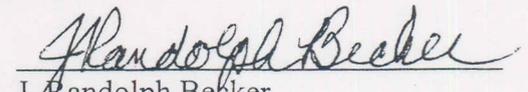
1. There shall be no advertising sign associated with the operation of the ATM at the subject location.
2. The panel that displays the "network plaques" above the ATM facility shall not be internally illuminated.
3. No more than four vehicles shall be queued for use of the ATM facility at any time.
4.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

Cc: Planning Board
Inspector of Buildings
edg


Richard L. Seegel, Chairman


David G. Sheffield


J. Randolph Becker

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TOWN OF WELLESLEY



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ZBA 2003-67

Applicant: Middlesex Savings Bank

Address: 180 Linden Street

Date: OCTOBER 17, 2003

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest:

Kathleen F. Nagle

Kathleen F. Nagle
Town Clerk