

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

RICHARD L. SEEGEL, CHAIRMAN  
CYNTHIA S. HIBBARD, VICE CHAIRMAN  
DAVID G. SHEFFIELD

ELLEN D. GORDON  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 208

ROBERT A. BASTILLE  
J. RANDOLPH BECKER  
ROBERT W. LEVY

ZBA 2004-7  
Petition of Dunkin Donuts  
951 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 12, 2004 at 7:30 p.m. 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 the vehicles of customers or patrons, a use not allowed by right in a Business District.

On January 22, 2004, 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 Dunkin Donuts facility, who asked for a renewal of the Special Permit.

Mrs. Hibbard said that she was at Dunkin Donuts that morning between 8:15 and 8:45 a.m. During that period, she noticed that the queue line had backed up onto Worcester Street several times. She commented that the service is very quick and the back-ups do not last long. However, there were 4-5 back-ups onto Route 9 during that period, which is probably a frequent occurrence.

Mr. Donovan said that is the busiest period of the morning. Over the years, they have made many technical improvements, which have lessened the back-up. They have also limited the menu at the drive-through window.

Mrs. Hibbard said that was a condition of a prior approval, but when she was on the site, there was no sign stating "limited menu" before the drive-through window. Mr. Donovan said there is a menu at the window. Mrs. Hibbard reiterated that there should be a sign stating that only a limited menu is available at the window. Mr. Donovan agreed to replace the "Limited Menu" sign that was a condition of the original permit.

Mrs. Hibbard asked what would constitute a limited menu. Mr. Donovan said that sandwiches are sold inside, but not through the drive-through window. Specialty drinks have been added to the menu.

Mr. Donovan said the problem of back-up arises when, during the peak period between 8 and 9 a.m., 20 or more cars visit the premises at the same time. The Wellesley store has been a challenge since it opened.

RECEIVED  
D  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
FEB 25 A 8:09

ZBA 2004-7  
Petition of Dunkin Donuts  
951 Worcester Street

Mr. Levy asked how many cars would create a back-up onto Route 9. Mr. Donovan said that if over 10 cars arrive at the site at the same time, a back-up would be created. He is attempting to lease some land from the Town on the abutting Aqueduct, which would help to relieve the problem.

Mr. Levy asked if there had been any incidence of traffic accidents due to the back-up. Mr. Donovan said he was not aware of any.

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, William Donovan, is requesting renewal of a Special Permit to continue the use of the drive-through window at the rear of the premises, which is not a use allowed by right in a Business District.

The width of the drive-through lane is 10 feet, and 8 vehicle queuing spaces, varying in length from 10 feet to 10 feet 4 inches, have been provided. 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 16, 2004, the Planning Board reviewed the petition, and had no objection to renewal of the Special Permit under 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. 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 not a use allowed by right in a Business District.

It is the opinion of this Authority that the petitioner has complied with all the Special Permit Use Standards enumerated in Section XXV of the Zoning Bylaw. Therefore, a 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. A drawing of the new menu board stating that only a limited menu is available and the hours during which this limitation is imposed, shall be submitted to the office of the Board of Appeals within 60 days of the date time stamped on this decision. The location of the menu board shall also be shown on the drawing.
3. This Special Permit shall expire two years from the date time stamped on this decision.

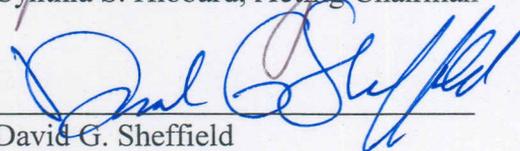
RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02452  
2004 FEB 25 A 10:30

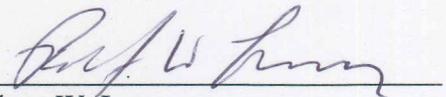
ZBA 2004-7  
Petition of Dunkin Donuts  
951 Worcester Street

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

  
Cynthia S. Hibbard, Acting Chairman

  
David G. Sheffield

  
Robert W. Levy

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2004 FEB 25 A 8:09