TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2004-17
Petition of Needham Cooperative Bank
458 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 15, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of the NEEDHAM COOPERATIVE BANK 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 458 WASHINGTON STREET, in a Business District, to be used for a 24-hour drive-through ATM facility where business is transacted from the vehicles of customers or patrons, a use not allowed by right in a Business District.

On March 29, 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 Robert Day, President of the Needham Cooperative Bank. Mr. Day asked for renewal of the Special Permit to allow the operation of the 24-hour ATM facility at the Needham Co-op branch bank on Washington Street.

The Board stated that when it renewed the bank's Special Permit two years ago, it made a specific condition that arrows indicating one-way traffic flow from Washington Street to State Street be installed on the pavement. This condition has not been met.

Mr. Day asked for guidance as to specifics in regard to the arrows. The Board stated it wanted 2-3 foot wide arrows painted on the driveway entering the premises from Washington Street, which would have to be wide enough and long enough so that a person entering from Washington Street would be aware that the entrance is one-way. The arrows must go through the area where the ATM facility is located so that anyone entering from State Street would be aware that there is no exit onto Washington Street.

The Board stated that at the hearing two years ago, Mr. Day had explained there is two-way traffic on the State Street side. He also said there is a sign at the Washington Street entrance stating "one-way only". The sign does not currently exist at that location.

Mr. Day explained that the sign states "No Cutting Through". The Board stated that the sign should say "One Way Only" and must be visible from both sides of the driveway so that people entering from State Street would not attempt to exit onto Washington Street.

The Board voted unanimously to continue the hearing on the petition to the Public Hearing on May 27, 2004, in order to give the petitioner sufficient time to comply with the two conditions.

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Presenting the case at the Public Hearing held on May 27, 2004, was Leslie Shea, Counsel for the petitioner. Mr. Shea stated that the prior hearing on the petition had been continued in order to give the petitioner time to comply with the conditions contained in the decision granted two years ago (ZBA 2002-31. The Board had required that directional arrows indicating a one-way traffic flow from Washington Street to State Street be installed on the pavement of the premises and maintained in a visible condition, and that a "One Way Only" sign be prominently displayed at the entrance.

Mr. Shea submitted photographs of both the painted arrows on the pavement and the "One Way Only" sign installed on the right side of the building.

The Board expressed the opinion that both conditions had been met satisfactorily.

Statement of Facts

The subject premises are located at 458 Washington Street, at the corner of State Street, in a Business District. The petitioner is requesting renewal of a Special Permit to continue to allow the use of a drive-through window for a 24-hour ATM facility, located in front of an existing teller window, on the southwest wall of the premises.

The ATM window is intended primarily for use before and after banking hours and on weekends. An average of one vehicle every seven minutes, using either the teller window or the ATM facility, provides sufficient time and space so that backup does not occur. The island containing the kiosk is used only in emergencies.

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On April 13, 2004, the Planning Board reviewed the petition and had no objection to the granting of the renewal on the same terms and conditions as are currently in effect.

Decision

This Authority has made a careful study of the materials submitted and the information present at the Public Hearings. A Special Permit is required pursuant to Section XI of the Zoning Bylaw, as the requested use of the premises for a 24-hour drive-through ATM facility is not a use allowed by right in a Business District.

It is the opinion of this Authority that the traffic circulation pattern has not created a dangerous situation in regard to entering or exiting the lot. There is clear passage for vehicles along the southwest side of the premises. However, it is the opinion that one-way arrows painted on the pavement indicating a one-way traffic pattern for vehicles entering from Washington Street and existing onto State Street should be maintained in a visible condition; and that a "One Way Only" sign should be maintained on the southwest wall of the building.

Therefore, a Special Permit is granted to the Needham Cooperative Bank, as voted unanimously by this Authority at the Public Hearing held on May 27, 2004, for use of its 24-hour ATM drive-through and teller windows, subject to the following conditions:

1. Arrows indicating a one-way traffic flow from Washington Street to State Street shall be maintained in a clearly visible condition.

2. A sign stating "One Way Only" shall be maintained on the southwest wall of the building.

3. 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.

Richard L. Seegel, Chairman

Robert A. Bastille

J. Randolph Becker

Cc: Planning Board
Inspector of Buildings
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