TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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ZBA 2004-71
Petition of Bank of America
185 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 14, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of BANK OF AMERICA, requesting a Special Permit pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw to allow it to continue to use its premises at 185 LINDEN STREET, in a Business District, to be used as a two drive-through facility, namely, a 24-hour ATM facility on the inner lane and a drive thru window on the outer lane, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business District.

On September 27, 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 Marco Rancourt, Property Management Team Leader, Trammell Crow Company, New England.

The Board asked if there were any changes in conditions. Mr. Rancourt responded that Bank of America bought Fleet Bank.

The Board asked if the sign would be changed. Mr. Rancourt said that the sign would be changed mid-December. The Board said that a Special Permit may be required.

The Board discussed renewal of a Special Permit under new owners and determined that the Special Permit is passed along with the property as a successive interest.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 185 Linden Street, in a Business District, where business transacted from the vehicles of customers or patrons is a use not allowed by right.

The petitioner is requesting a Special Permit to allow its new premises to be used as a two drive-thru facility, namely a 24-hour ATM facility on the inner lane and a drive-thru window on the outer lane, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business District.

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On October 6, 2004, 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 the requested use of the premises for a 24-hour drive thru and ATM facility is not a use allowed by right in a Business District.

Therefore, a Special Permit is granted to Bank of America, as voted unanimously by this Authority, to use its premises as a two drive-thru facility, namely, a 24-hour ATM facility on the inner lane and a drive-thru window on the outer lane, where business is transacted from the vehicles of customers or patrons, subject to the following condition:

1. 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.

Cynthia S. Hibbard, Acting Chairman

David S. Sheffield

Robert W. Levy

Cc: Planning Board
Inspector of Buildings
lrm

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