

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2005-29

Petition of Wellesley Co-operative Bank
195-197 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 24, 2005 at 7:00 p.m. in the Planning Board Office, at the Town Hall, 525 Washington Street, Wellesley, on the petition of WELLESLEY CO-OPERATIVE BANK, requesting renewal of 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 195-197 LINDEN STREET, in a Business District, to contain a drive-through teller window and a separate drive-through ATM machine, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business District.

On March 9, 2005, 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 Tom Fontaine, President of Wellesley Co-operative Bank, who said that they wish to renew the Special Permit for the ATM and drive through windows. Mr. Fontaine said that nothing has changed over the past two years.

The Board asked if traffic circulation had changed. Mr. Fontaine said that it has not.

The Board asked if there have been any issues with the dumpsters at the back of the building or snow removal. Mr. Fontaine said that there were none that he was aware of. He said that the new landlord seems to be sensitive to keeping the area clean.

The Board asked if the landlord is responsible for snow removal. Mr. Fontaine said that the landlord is responsible for snow removal for the whole parking lot on that side of the street.

The Board asked if traffic has increased. Mr. Fontaine said that business is good but there have not been any traffic problems. He said that their customers generally come into the bank.

The Board asked if the light near the "Do Not Enter" sign is a security light. The Board asked if that was in place at the time of construction of the ATM. Mr. Fontaine said that he believes that it is. He said that all of the exterior lights were there prior to their moving in.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 195-197 Linden Street, in a Business District, where business transacted from the vehicles of customers or patrons is a use not allowed by right. The property, which is owned by the Lindwell Realty Trust c/o Eastern Development LLC, 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 of the building is occupied by Bank of America, which has two drive-through windows.

From 1991 through 1998, Baybank occupied the 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 occupied the premises in 2002, and requested 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. The Board granted the Special Permit for one year (ZBA 2002-21). The Board renewed the Special Permit for two years (ZBA 2003-25). The petitioner is now requesting renewal of the Special Permit.

Queuing 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 Bank of America outer tube facility. The 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. Seven to nine vehicles pass through per hour with each transaction taking two to three minutes. The ATM machine is a 24-hour facility, which is located 8 feet from the front of the building. The teller window is located 7 feet behind the ATM facility.

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 use allowed by right 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, and that the use of the premises to contain a 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.

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2. The directional sign stating "Do Not Enter" shall be maintained at the left front corner of the building to prevent customers from entering the drive-through lanes from the wrong direction.

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 G. Sheffield

Cc: Planning Board
Inspector of Buildings
lrm

Randy Becker