

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-31

Petition of Lindwell SC, Inc., Lindwell OP, Inc., and Lindwell Realty Trust
CVS Pharmacy
188 Linden Street

Petition of LINDWELL SC, INC., LINDWELL OP, INC., LINDWELL REALTY TRUST requesting a Special Permit pursuant to the provisions of Section XI, Section XIVG and Section XXV of the Zoning Bylaw to allow it to use the premises at 188 LINDEN STREET to be used as a two lane drive-through facility, namely a drive-through window and 1 pneumatic tube facility for CVS Pharmacy where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in the Linden Street Corridor Overlay District.

On March 9, 2006, 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 Christopher Lovett, Vanasse, Hangen, Brustlin (VHB), who said that the facility will consist of two drive-through lanes for CVS Pharmacy. He said that there will be direct access along the building for hand-to-hand prescription service and that the outer lane is to drop off prescriptions. He said that VHB does a lot of business with CVS and they have found that typically there is a five-car queue. He said that between the two lanes, there is more than adequate stacking distance to contain the vehicles in the drive-through lanes.

The Board asked if it is customary to have a drop off and a pickup window. Mr. Lovett said that it is.

The Board asked how the driver determines which lane to choose. Mr. Lovett said that there will be signs to direct them.

The Board asked if the drop off on the right will be a pneumatic tube facility. Mr. Lovett said that it will be.

The Board asked about the hours of operation. Jim Lamp, Eastern Development, said that is controlled by the hours in the Development Agreement. Stephen Langer, representative Counsel for the applicant, said that the Town Bylaws allow operation until 11:00 p.m. but the Development Agreement limits it to 10:00 p.m.

The Board asked if the lights will be turned off at 10:00 p.m. Tim Sullivan, Eastern Development, said that there may be security lighting that needs to stay on until all of the employees have left the premises. He said that the lights may stay on until 11:00 p.m. since Roche Brothers closes at 10:00 p.m. He said that the lights will not remain on all night.

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The Board said that there should be a "Right Turn Only" sign after the pickup and drop off area. Mr. Lamp said that Eastern Development would agree to that.

The Board asked about lighting for the canopy. Mr. Sullivan said that the lights will be recessed in the ceiling.

The Board asked if the signs for the CVS drive-through will be included in the sign package. Mr. Sullivan said that they will be.

The Planning Board stated that it had no objection to granting the special permit request. The Board further stated that the parking lot circulation allows for safe ingress and egress of the drive-through. The Board recommended that illumination for signage for the drive-through windows be turned off when the business is not open to the public.

Statement of Facts

The subject property is located at 188 Linden Street, in the Linden Street Corridor Overlay District, where business transacted from the vehicles of customers or patrons is a use not allowed by right. The property is owned by Lindwell SC, Inc., Lindwell OP, Inc., and Lindwell Realty Trust and will be occupied by CVS Pharmacy. The drive-through facility will consist of two lanes, one lane having direct access along the building for hand-to-hand prescription service and that the outer lane having a pneumatic tube facility for prescription drop off service.

Access to the drive-throughs is made from the southeasterly end of the building.

The Development Agreement limits the hours of operation of the drive-through facilities to 10:00 p.m.

CVS Drive Through Layout Plan, dated February 28, 2006, drawn by Vanasse Hangen Brustlin, Inc., was submitted.

On March 22, 2006, the Design Review Board approved the exterior design of the drive-throughs.

On April 10, 2006, the Planning Board reviewed the petition and had no objection to granting 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 and Section XIVG 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 the Linden Street Corridor Overlay District.

It is the opinion of this Authority that the traffic circulation pattern shall not create a dangerous situation in the parking lot, and that the use of the premises to contain a 2-lane drive through facility for direct access along the building for hand-to-hand prescription service and an outer lane having a pneumatic tube facility for prescription drop off service is in harmony with the general intent and purpose of the Zoning Bylaw.

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Therefore, a Special Permit is granted to Lindwell SC, Inc., Lindwell OP, Inc., and Lindwell Realty Trust, 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. Drive-through lights will be turned off at 11:00 p.m.
2. There will be a "Right Turn Only" sign after the pickup and drop off area.
3. Canopy lighting will be recessed in the ceiling.
4. Signage shall be subject to review by the Board of Appeals

This Special Permit shall expire two years from the date time stamped on this decision.

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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

David G. Sheffield

J. Randolph Becker

cc: Planning Board
Inspector of Buildings
lrm