

**ZONING BOARD OF APPEALS**

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

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ZBA 2006-81
Petition of Bank of America
185 Linden Street

Petition of BANK OF AMERICA requesting renewal of a Special Permit pursuant to the provisions of Section XIII and XXV of Zoning Bylaw to allow it to continue to use a portion of its premises, at 185 LINDEN STREET, as a two lane drive-through facility, namely, a 24-hour ATM facility on the inner lane and a drive-through 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 an Industrial District.

On November 20, 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 Richard Fraser, Property Manager, Trammell Crow Company. Mr. Fraser said that he is representing Bank of America (the "Petitioner"), who is requesting renewal of a Special Permit for continued operation of a two lane drive-through facility at 185 Linden Street.

The Board asked if there have been any problems with vehicle circulation or with queuing at the covered walkway at the front of the facility since the Special Permit was issued in 2004. Mr. Fraser said that there have been no problems that he is aware of. He said that he visits the location frequently.

The Board asked if there has been a change in volume of traffic since the last application. Mr. Fraser said that there has been no significant change.

Statement of Facts

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

The Petitioner is requesting renewal of a Special Permit to allow it to continue to use a portion of its premises, as a two lane drive-through facility, namely, a 24-hour ATM facility on the inner lane and a drive-through window on the outer lane, where business is transacted from the vehicles of customers or patrons.

On November 28, 2006, the Planning Board reviewed the petition and had no objection to granting the request based on the understanding that conditions have not changed from the time of the last renewal.

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 XIII of the Zoning Bylaw, as the requested use of the premises for a 24-hour drive-through and ATM facility is not a use allowed by right in an Industrial District.

It is the opinion of this Authority that the use of the Bank of America's two lane drive-through facility is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to continue to use its premises as a two drive-through facility, namely, a 24-hour ATM facility on the inner lane and a drive-through 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.

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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.

J. Randolph Becker, Acting Chairman

Robert W. Levy

Robert C. Sechrest

cc: Planning Board
Inspector of Buildings
lrm