

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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ZBA 2007-16  
Petition of Wellesley Bank  
195-197 Linden Street

Petition of WELLESLEY 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 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 19, 2007, 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 Les Shea, who said that he was representing the Wellesley Bank (the "Petitioner"). Tom Fontaine, President, Wellesley Bank, was also present.

Mr. Shea said that the Petitioner was requesting the second renewal of the Special Permit for the drive-up teller station and drive up ATM.

The Board said that there was a condition in Special Permit ZBA 2005-29 requiring that directional signs saying, "Do Not Enter", be maintained at the left front corner of the building. Mr. Fontaine said that it is posted low on the building. He said that it is also painted on the pavement. The Board said that the pavement markings must be repainted and the small "Do Not Enter" sign should be upgraded to be more visible. The Board said that the Special Permit is granted with the understanding that the sign and markings will be taken care of.

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 Federal Realty Trust, consists of a block of stores in which Wellesley 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.

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On March 27, 2007, the Planning Board reviewed the petition and had no objection to granting the request.

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 and ZBA 2005-29). 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 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 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.
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.

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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.

cc: Planning Board  
Inspector of Buildings  
lrm

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Richard L. Seegel, Chairman

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Cynthia S Hibbard

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David G. Sheffield