

**ZONING BOARD OF APPEALS**

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ZBA 2008-75

Petition of Middlesex Savings Bank
200 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 11, 2008 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of MIDDLESEX SAVINGS BANK requesting renewal of a Special Permit pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw to allow its premises, at 200 LINDEN STREET, to continue to be used as a two-drive through facility, namely, a 24-hour ATM facility on the outer lane and a drive-through window on the inner 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 October 20, 2008, 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 Sharlene Harris, who said that she was present at the hearing to renew the Special Permit to operate the drive-through lane at Middlesex Savings Bank's (the "Petitioner") branch location at 200 Linden Street.

The Board asked if the lights are shut off at a certain hour. Ms. Harris said that they shut off whenever the lane is not in operation. She said that the driveup lane operates from 8 a.m. to 4 p.m., Monday through Wednesday, 8 a.m. to 6 p.m. on Thursday and Friday, and 8:30 a.m. to 12:30 p.m. on Saturday.

The Board said that it would add a condition that the lights must be shut off by 8 p.m.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 200 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 renewal of a Special Permit to allow its premises to continue to be used as a two drive-through facility, namely a 24-hour ATM facility on the outer lane and a drive-through window on the inner lane, where business is transacted from the vehicles of customers or patrons.

ZBA 2006-66
Petition of Middlesex Savings Bank
200 Linden Street

On November 3, 2008 The Planning Board reviewed the petition and had no objection to approval of the request on the same terms and conditions as are currently in effect.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the two drive-through facility consisting of a 24-hour ATM and a drive-through window satisfies all Special Permit Use Standards pursuant to Section XXV-D of the Zoning Bylaw and that said use will be in harmony with the intent and purpose of the Zoning Bylaw.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the aforesaid use, subject to the following condition:

- Lights at the drive-through facility must be shut off by 8:00 p.m.

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

ZBA 2008-75
Petition of Middlesex Savings Bank
200 Linden Street

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

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm