

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
Web: www.wellesleyma.govJ. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINO

ZBA 2009-82
Petition of Wellesley Realty Assoc.
978 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 5, 2009 at 7:30 p.m. Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of WELLESLEY REALTY LLC requesting a Special Permit pursuant to the provisions of Section XII and Section XXV of the Zoning Bylaw to allow a portion of its premises at 978 WORCESTER STREET to be used for a drive-through window where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business A district.

On October 20, 2009, 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 were Dean Behrend, Wellesley Realty Assoc. (the "Petitioner") and Jeffrey Dirk, Vanasse and Associates.

Mr. Behrend said that an exhaustive Traffic Study had been done on signage, travel lanes, queuing and menu boards.

Mr. Behrend said that there is a dedicated lane for queuing that goes along the southern part of the building and up along the eastern section against the building with five to six cars that make it to the menu board for a queue of 14 cars. He said that there is a double wide lane to allow the queue to travel around the building.

Mr. Behrend said that the travel lane will be outside of the queue lane. He said that lanes will be striped. The Board said that should be marked on the plans.

Mr. Behrend said that designated employee parking will be at the back of the office building. The Board confirmed that there will be no entrance at the back of the office building.

The Board said that a storage space for 14 vehicles in the queue should be sufficient. Mr. Behrend said that they modeled the study after the Dunkin Donuts on the other side of Route 9. The Board said that this drive-through would be located on the inbound side of Route 9, where there will be a lot more commuters in the morning.

Jeffrey Dirk said that there will be two travel lanes that are 12 feet each, for a total of 24 feet. He said that was done on purpose to allow flow of the travel lane around the queue.

Mr. Behrend said that there will be inside seating with parking at the front of the building.

The Board said that there should be signage at the entrance directing traffic in addition to the pavement markings. Mr. Behrend said that the signs have been approved and are shown on the plan.

Mr. Behrend said that the hours of operation will be from 5 a.m. to 9 p.m.

Mr. Behrend said that they expect to have the Dunkin Donuts opening in 60 days.

Mr. Behrend said that a post-development traffic analysis is a condition of the PSI. He said that they have to wait until the building is at least at 50 percent occupied so that they can get an accurate traffic study. He said that on-site queues will be part of the study. The Board said that it will need to see that study when the permit comes back for renewal.

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 978 Worcester Street, in a Business A District.

The Petitioner is requesting renewal of a Special Permit to allow it to use a portion of its premises to be used for a drive-through window where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business A district.

A Proposed Site Plan, dated 1/15/08, revised 3/5/08, 4/8/08, 6/9/08, 8/20/09, 12/10/08, 1/5/09, and Traffic Impact Assessment, dated 4/18/08, prepared by Jeffrey S. Dirk, P.E., PTOE, Vanasse & Associates, Inc. were submitted.

On October 29, 2008, the Planning Department Staff 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 XII of the Zoning Bylaw, as the requested use of the premises for a drive-through facility is not a use allowed by right in a Business A District.

It is the opinion of this Authority that the use of a portion of the premises at 978 Worcester Street to be used for a drive-through facility where business is transacted from the vehicles of customers or patrons 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 allow a portion of its premises to be used for a drive-through window where business is transacted from the vehicles of customers or patrons, subject to the following conditions:

1. This Special Permit shall expire two years from the date time-stamped on this decision.
2. The Post-Development Traffic Analysis that was required by the PSI Decision and On-Site Queuing Data shall be submitted to the Board before renewal of the Special Permit.
3. All signs and pavement markings shall be in accordance with Site Plan Approval, ZBA 2008-74.
4. The hours of operation shall be from 5:00 a.m. to 9:00 p.m.

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

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm