

**ZONING BOARD OF APPEALS**

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ZBA 2011-13
Petition of Wellesley Bank
195-197 Linden Street

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, March 10, 2011 on the petition of WELLESLEY BANK requesting renewal of a Special Permit pursuant to the provisions of Section XIII and Section XXV of the Zoning Bylaw to allow it to continue to use a portion of its premises at 195-197 LINDEN STREET, in an Industrial District, as a drive-through teller window and a 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 an Industrial District.

Record Owner of Property: FR Linden Square, Inc.

On February 22, 2011, 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 Thomas Fontaine, President, Wellesley Bank (the "Petitioner"). He said that the request was for renewal of the Special Permit for the drive-through on Linden Street. He said that it is a vital part of the Bank's business operation.

The Board said that there is no signage to direct vehicles to the Wellesley Bank drive-through. The Board suggested that Mr. Fontaine call the landlord to have a sign put on the wall between the pizza kitchen and the drive-throughs that reads, "Wellesley Bank" with a directional arrow. Mr. Fontaine said that there used to be a sign there but it disappeared during the redevelopment.

The Board said that the Planning Board was concerned about vehicles being stopped in the right of way around the back of the building. The Board said that there is also a delivery area there for the Mexican restaurant.

Mr. Fontaine said that he will have to get permission from the owner to put up a sign on their land. The Board said that it will send a letter to Federal Realty Property Trust to request signs and pavement striping. The Board said that it will inform Federal Realty Property Trust that after this renewal, the Board will not permit further renewals if the striping and recommended sign are not implemented.

Mr. Fontaine said that he heard that Federal Realty has been reluctant to do anything between this property and the Volkswagen Dealership until they move forward with Phase 3 of the project. He said that there used to be striping for the drive-through.

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 195-197 Linden Street, in an Industrial District, where business transacted from the vehicles of customers or patrons is a use not allowed by right. The property, which is owned by FR Linden Square, Inc., 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.

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, which was 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, ZBA 2005-29, ZBA 2007-16 and ZBA 2009-09). 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 Mondays through Thursdays; 8 a.m. to 6 p.m. on Fridays, and 9 a.m. to 1 p.m. on Saturdays. 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.

On March 8, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be granted with conditions.

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 a drive-through installation where business is transacted from the vehicles of customers or patrons is a use not allowed by right in an Industrial 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 requiring a Special Permit shall be installed without review and approval by the Design Review Board, and 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 time date stamped on this decision.

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

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings