TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2015-09
Petition of Nea Zichni LLC
870 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 5, 2015 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of NEA ZICHNI, LLC requesting renewal of a Special Permit pursuant to the provisions of Section XI, Section XIVE, and Section XXV of the Zoning Bylaw to use a portion of the premises for the purpose of selling coffee and fountain drinks, at 870 WORCESTER STREET, in a Business District and a Water Supply Protection District.

On January 20, 2015, 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 Larry Shind, Esq. and Periklis Koutsouris, Principal, Nea Zichni, LLC (the Petitioner). Mr. Shind said that they are seeking renewal of special permit that was issued by the Board in 2010 to the prior owner of the Wellesley Mart gas station. He said that that permit allowed for the sale of coffee and fountain drinks in the convenience store located at the gas station. He said that the current permit expires on February 15, 2015. He said that the new owner is interested in continuing this service. He said that they have not been made aware of any issues with the current permit.

The Board said that at the previous hearing there were questions about queuing and parking spaces. Mr. Shind said that said that there is plenty of queuing space at the pumps. Mr. Koutsouris said that there are six spaces at the pumps and four at the left of the building. He said that it is not a very busy place. He said that he or an assistant will assist traffic if they see a queuing problem. He said that the station has longer hoses that go to both sides of the pump that helps to minimize the impact on the traffic.

The Board confirmed that this is primarily a destination for gas sales, not for coffee or fountain drinks. Mr. Koutsouris said that they do not average more than 10 coffees a day. He said that having it is part of keeping a nice environment to accommodate the public. He said that it helps him compete with major corporations in other cities down the street.

The Board said that the last permit required that all necessary permits be obtained from the Board of Health. Mr. Koutsouris said that he has spoken with the Board of Health and he has the permits. He said that the only problem was a mistake that the permit was issued under the old owner's name.

The Board asked if the plan is to maintain the current service with no expansions in the coffee service. Mr. Koutsouris said that he would like to run promotions occasionally for free coffee with a fill up. He said that he has not made a decision yet whether he will do that. He said that there is a Dunkin Donuts

down the street so he will probably not sell a lot of coffee. He said that he has an automated coffee machine. He said that he does not expect to profit from it. He said that the intention is for the station to be one stop for his customers.

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

Statement of Facts

The subject property is located at 870 Worcester Street, in a Business District and a Water Supply Protection District.

The Petitioner is requesting a Special Permit to use a portion of the premises for the purpose of selling coffee and fountain drinks.

On January 29, 2015, the Planning Department Staff reviewed the petition and recommended that the petition be granted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that use of a portion of the premises for the purpose of selling coffee and fountain drinks in a Business District and a Water Supply Protection District is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, renewal of a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for use of a portion of the premises for the purpose of selling coffee and fountain drinks, at 870 Worcester Street, in a Business District and a Water Supply Protection District, subject to the following conditions:

1. All necessary permits shall be obtained from the Board of Health.
2. There shall be no advertising or promotion of the beverages.
3. All products shall be sold inside of the store.
4. The permit shall expire in two years.

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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

David G. Sheffield

Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm