



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 91-1
Petition of Baybank Norfolk
197 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 24, 1991 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of BAYBANK/NORFOLK requesting a Special Permit pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw to allow installation and use of a 24-hour Drive-up Automatic Teller Machine (ATM) at their premises located at 197 LINDEN STREET, in a Business District; a use not allowed by right in a Business District.

On January 7, 1991, the petitioner requested a hearing before this Board, and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Paul Gavin, Vice-President of Baybank, and Donald Lonigan of DRL & Associates, Inc., architect for the project. Mr. Lonigan described the project and the proposed traffic pattern. Cars would enter from the South Shore end of the building, proceed behind the building, and queue in a three-car stacking pattern at the side of the Baybank end of the building. Mr. Lonigan stated that there was sufficient space to allow for a free lane access to the right of the cars lined up for transactions.

Mr. Gavin stated that Baybank has determined from studies at other ATM locations, the most traffic at any one time at an ATM facility is three cars, which is the total proposed for this location. Baybank will post signage stating that cars beyond the point of the third car cannot stand.

Mr. Gavin said that although there is a walk-up ATM at this branch, Baybank is making the request for the drive-up ATM for customer convenience, security of customers at night, families with children in cars not wanting to leave children unattended, and handicapped persons.

John Frey, owner of Wellesley Volkswagon, expressed serious reservations about the ATM. He pointed out that according to a Plot Plan done by Diehl's, owners of the Baybank and Volkswagon property, the lot line is actually 12 feet 10 inches from the rear corner of the Baybank building, and not 18.5 feet as shown on the Baybank Plot Plan. He expressed the following concerns: 1). that traffic rounding the rear corner of the building could hit his customers' cars parked along the property line, if there were cars lined up for the Baybank ATM; 2) that traffic would continue behind the rear of his building to exit through his lot; and 3) that traffic attempting to pass cars queued for ATM transactions would trespass onto Volkswagon property, as, in his opinion, there is not sufficient lane width to prevent trespass from occurring. Mr. Frey added that if these concerns were realized, Volkswagon would be forced to build a hedge along the property line for protection.

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Statement of Facts

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The subject building is located at 197 Linden Street, in a Business District, on property which is owned by William Diehl Realty Trust, and leased by the petitioner. The building is occupied by South Shore Bank which has an existing drive-up teller window and ATM at the western end, and by Baybank Norfolk at the eastern end. The property to the east of the Baybank lot line is leased by Wellesley Volkswagon.

The petitioner is requesting a Special Permit for the installation and use of a drive-up 24-hour ATM facility at the eastern end of the building, to be located 11 feet from the front corner of the building, with standing space for three cars along the side of the building. No existing parking will be eliminated.

A Site Plan dated November 13, 1990, drawn by Anthony Dellorco, Professional Land Surveyor; a Floor Plan (A-1), dated 11/16/90 and Front and Side Elevations (A-2), dated 8/16/90, both drawn by DRL and Associates, Inc.; and photographs were submitted.

A letter dated October 10, 1990, signed by Beth A. Murphy, Trustee of William Diehl Realty Trust, owner of the property, stated that any agreement between Baybank Norfolk and Wellesley Volkswagon about the right of way around the building is the responsibility of Baybank Norfolk.

The Design Review Board reviewed the project on September 13, 1990, and approved the design of the facade alteration. However, the Design Review Board voiced concern about potential traffic flow and parking difficulties.

The Planning Board, on January 21, 1991, voted to offer no comment on the petition.

Decision

This Authority has made a careful study of the evidence presented. The installation and use of drive-through windows where business is transacted from the vehicles of customers or patrons requires a Special Permit pursuant to the provisions of Section XI of the Zoning Bylaw.

It is the opinion of this Authority that the installation and use of a drive-up 24-hour ATM facility at the Baybank branch at 197 Linden Street, in a Business District, is in harmony with the general intent and purpose of the Zoning Bylaw.

However, it is the opinion of this Authority that the existence of drive-up windows at both the eastern and western ends of a building, coupled with the pattern of traffic circulation and the limited visibility at the rear corner of the petitioner's building might render the use of the installation at this location less than ideal. This Authority is also cognizant of the expressed concerns of the directly affected abutter.

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Therefore, a Special Permit is granted to the petitioner for the installation of a drive-up 24-hour ATM facility, subject to construction in conformance with the Plot Plan and construction drawings submitted and noted in the foregoing Statement of Facts; and subject also to the following condition:

1. This Special Permit shall expire one year from the date of 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.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Robert R. Cunningham


William E. Polletta

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