



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

FEB 12 8 52 AM '92

JOHN A. DONOVAN, JR., Chairman
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ZBA 92-4
Petition of Baybank
197 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 23, 1992 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 requesting renewal of a Special Permit pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw to allow continued use of a 24-hour Drive-up Automatic Teller Machine (ATM) at its premises at 197 LINDEN STREET, in a Business District. This use is not allowed by right in said District.

On January 6, 1992, the petitioner requested 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 Donald Lonigan, architect from DRL, who represented Baybank. Mr. Lonigan said that Baybank was requesting renewal of the special permit for the drive-up ATM facility which the Board had granted a year ago. He stated that the maximum queue has two to three cars which rarely happens.

The Board noted that the only directional signage existing at this time is on the parking lot pavement, and that if there were snow on the ground, it would not be visible.

No other person present had any comment on the petition.

Statement of Facts

The subject premises are located at 197 Linden Street, in a Business District, on property owned by William Diehl Realty Trust and leased by the petitioner. Baybank occupies space at the easterly end of the building. South Shore Bank, which has an existing drive-up teller window and ATM kiosk, occupies the westerly end of the building.

The petitioner is requesting renewal of a Special Permit to allow continued use of a 24-hour drive-up ATM facility located 11 feet from the front corner of the building at the easterly end. Standing space along the side of the building is sufficient for three cars.

Access to the ATM is made from the westerly side of the building parallel to the South Shore Bank drive-up kiosk. Yellow lettering stating "Entrance ATM Drive-Thru" and a directional arrow are located on the pavement in the area. Traffic proceeds around the rear of the building to the Baybank ATM located on the easterly wall. After completing a transaction, the customer proceeds into the parking lot. A sign stating "Do Not Enter" is located on the front corner of the Baybank premises, and yellow lettering on the pavement has the same message with a directional exit arrow.

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At present, no signage indicating the presence of the ATM facility is in place.

A Site Plan dated November 13, 1990, drawn by Needham Survey Associates; a site plan dated 6/12/90, revised 12/23/91, and elevations dated 8/16/90, drawn by DRL and Associates, Inc.; and photographs were submitted.

On January 14, 1992, the Planning Board reviewed the petition and voted to recommend that the special permit be renewed for an additional year.

Decision

This Authority has made a careful study of the materials submitted. A Special Permit is required pursuant to Section XI of the Zoning Bylaw as a drive-through installation where business is transacted from the vehicles of customers is not an allowed use by right in a Business District.

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

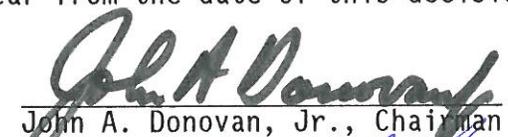
However, this Authority is of the opinion that due to the lack of signage for the ATM facility, the use of the ATM has been limited, making assessment of the adequacy of the traffic circulation pattern difficult and that a more accurate assessment as to safety of the traffic circulation pattern is predicated on the installation of the previously approved signage. This Authority is also concerned that the major directional signs to enter and exit the facility are located on the pavement and would not be visible were the pavement covered with snow.

Therefore, a Special Permit is granted to Baybank for the continued use of its 24-hour drive-up ATM facility subject to the following condition:

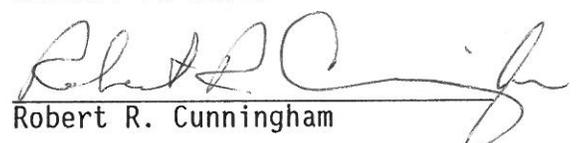
1. This Special Permit shall expire one year from the date of this decision.

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


Kendall P. Bates


Robert R. Cunningham

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