



FEB 12 8 54 AM '92

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
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ZBA 92-6
Petition of South Shore Bank
35 Washington Street

Pursuant to due notice the Special Permit Granting Authority held a Public Hearing on Thursday, January 23, 1992 at 8:05 p.m. in the Selectmen's Meeting Room (Conference Room B) in the Town Hall, 525 Washington Street, Wellesley, on the petition of SOUTH SHORE BANK requesting a Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the structural change to the building which houses the pre-existing nonconforming drive-through window at its premises at 35 WASHINGTON STREET, in a Business District, shall not be substantially more detrimental to the neighborhood than the existing location of the nonconforming use. Said change in structure shall consist of removing the existing drive-through window and replacing it with a new drive-through window approximately 6 feet by 3 feet in approximately the same location flush with the existing wall.

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 Edward Donlon, attorney for the bank, who was accompanied by John Staniunas, architect, and Richard White, representing South Shore Bank. Mr. Donlon said that the bank proposes to eliminate the existing drive-up teller window and relocate it in almost the same place, but flush to the building. Mr. Donlon stated that the bank is presenting this petition under protest, as it is of the opinion that a Finding is not required as the nonconforming use is not being altered and the building is conforming.

Kate Leach, 17 Ledyard Street, asked why the window was being changed, and if the change would result in additional traffic. She said that the drive-up window constitutes a hazard for the neighborhood, as customers driving north on Route 16 swing wide at the corner of Columbia Road and then wide again on Columbia Road to ease access to the bank facilities.

Mr. Donlon responded that the use would not increase as there would still be only one teller. The Board noted that increased ease of use might result in increased traffic. Mr. White stated that the new window was proposed for customers' convenience as the existing window is over 20 years old and is outdated. The bank does not expect any increase in traffic. He further stated that as the new window would be 2 feet farther into the building, cars approaching the window would not be as likely to swing wide in making this turn.

Mr. Staniunas added that the entrance on Columbia Street has been in place for 33 years, and there has never been an accident. The turning radius of 23 feet is more than adequate. The Board noted that not only did the neighborhood consider the turning radius to be inadequate, but the Planning Board had expressed the same opinion.

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Statement of Facts RECEIVED
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The subject premises are located at 35 Washington Street, in a Business District, on property owned by Wellesley Office Trust and leased by South Shore Bank. A pre-existing nonconforming drive-through teller window is located on the western side of the building. The use of this drive-through window, which has existed since 1933, became a Special Permit use rather than an allowed use in a Business District, due to a change in Section XI of the Zoning Bylaw enacted by Town Meeting in 1989.

The petitioner is requesting a Finding pursuant to Section XVII of the Zoning Bylaw that the relocation of the pre-existing nonconforming drive-through teller window shall not be substantially more detrimental to the neighborhood than the existing use. Said relocation shall consist of removing the existing drive-through window and installing a new 3 foot by 6 foot window approximately two feet toward the rear of the building and setting it flush with the exterior wall.

A Plot Plan dated July 3, 1991, drawn by John Hurney, Registered Land Surveyor; elevations and floor plans dated 5/14/91, revised 1/2/92, drawn by John Stanionas; and photographs were submitted.

On January 14, 1992, the Planning Board reviewed the petition and expressed the opinion that the existence of the drive-through window creates traffic problems and hazards on site, on Columbia Street, and on Washington Street; and that the turning radius from Columbia Street is inadequate. However, the Planning Board stated that the relocation of the drive-through window itself was not substantially more detrimental to the neighborhood than the existing use.

Decision

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

The subject drive-through window is a pre-existing nonconforming use, as noted in the foregoing Statement of Facts. The petitioner is requesting a Finding that the relocation of said drive-through window shall not be substantially more detrimental to the neighborhood than the existing drive-through window.

It is the finding of this Authority that the removal of the pre-existing nonconforming drive-through window and its relocation, as noted in the foregoing Statement of Facts, in and of itself, shall not be more detrimental to the neighborhood than the existing drive-through window.

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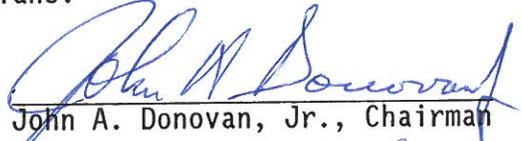
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The Inspector of Buildings is hereby authorized to issue a permit for the construction in conformance with the plot plan and construction drawings submitted and noted in the foregoing Statement of Facts, upon his receipt and approval of a building application and detailed construction plans.

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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