TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-2
Petition of Baybank
197 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 28, 1993 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at 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 its premises at 197 LINDEN STREET, in a Business District, to continue to be used for a Drive-up Automatic Teller Machine (ATM), a use which is not allowed by right in a Business District.

On January 11, 1993, 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 Joseph Kasparian, Baybank Vice President. Mr. Kasparian said that Baybank would appreciate being allowed to continue the use of the ATM as it is a very important part of the bank's business. There have been no traffic problems in the parking lot related to the use of the ATM. The renewal is requested on the same basis as the past year.

Mr. Kaspararian asked if the permission could be granted on a permanent basis. The Board responded that it would be difficult to grant such a request.

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 store block. The westerly end of the building is occupied by the South Shore Bank, which also has a drive-up teller window and an ATM.

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

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Access to the ATM is made from the westerly end of the building parallel to the South Shore Bank ATM kiosk. Yellow lettering stating "Entrance ATM Drive-Thru" and a directional arrow are located on the pavement. Traffic proceeds around the rear of the building to the Baybank ATM located on the easterly wall, and then 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. An internally illuminated tri-color wall sign identifying the ATM facility is located on the eastern facade of the building.

On January 26, 1993, the Planning Board reviewed the petition and voted to offer no objection to renewal of the special permit if granted for a period of two years.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. 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 a by-right use in a Business District.

It is the opinion of this Authority that the traffic circulation pattern has not created a problem in the parking lot fronting the premises, nor has lack of visibility of pavement directional arrows and instructions during the winter months proven to create a hazardous condition in said parking lot. However, as a drive-through facility is not a by-right use in a Business District, it is the opinion of this Authority that this Special Permit should continue to be granted on a renewable, rather than a permanent, basis.

Therefore, a Special Permit is hereby 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 two years 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.

Kendall P. Bates

Kendall P. Bates, Acting Chairman

Sumner H. Babcock

Sumner H. Babcock

William E. Polletta

William E. Polletta

cc: Planning Board
edg Inspector of Buildings