



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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OCT 28 10 57 AM '94

ZBA 94-69
Petition of Baybank
197 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 20, 1994 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 24-hour drive-up Automatic Teller Machine (ATM), a use not allowed by right in a Business District.

On October 3, 1994, 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, who said that the drive-up ATM provides a convenience for many customers, particularly the elderly, those with young children in the car, and the handicapped. He requested that the Board renew the Special Permit under the same conditions.

The Board asked if there had been any traffic problems associated with the ATM. Mr. Kasparian said that there were not any of which he was aware.

No other person 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, while the westerly end is occupied by Bank of Boston, which also has a drive-up teller window and an ATM.

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

Access to the ATM is made from the westerly end of the building parallel to the Bank of Boston ATM kiosk. Traffic proceeds around the rear of the building to the Baybank ATM,

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and then into the parking lot. A sign stating "Do Not Enter" is located on the front corner of the Baybank premises. An internally illuminated tri-color wall sign is located on the eastern facade of the building.

On October 11, 1994, the Planning Board reviewed the petition, and voted to recommend renewal of the Special Permit under the same conditions as previously granted.

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 dangerous situation in the parking lot fronting the premises, and that the use of the Baybank ATM is in harmony with the general intent and purpose of the Zoning Bylaw.

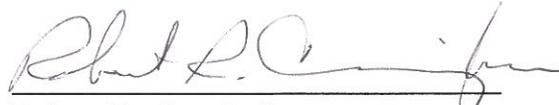
Therefore, a Special Permit is hereby granted to Baybank for the continued use of its 24-hour drive-up ATM facility, subject to the following condition:

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.

cc: Planning Board
Inspector of Buildings
edg


Kendall P. Bates, Acting Chairman


Robert R. Cunningham


William E. Polletta