



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-14
Petition of Dunkin Donuts
951 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 16, 1995 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 DUNKIN DONUTS 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 951 WORCESTER STREET, in a Business District, to continue to be used for a drive-through window where business is transacted from vehicles of customers or patrons; a use not allowed by right in a Business District.

On January 30, 1995, the petitioner filed a request for 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 William Donovan, owner of Dunkin Donuts, who asked for a renewal of the Special Permit, and stated that there had been no changes.

The Board noted that the Planning Board had commented that the handicap parking spaces on the site are not marked, and that if the Special Permit were to be extended, the marking of the spaces should be added as a condition.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 951 Worcester Street, in a Business District, on a 12,255 square foot lot, and is owned by Donovan Services. The petitioner is requesting renewal of a Special Permit to continue the use of a drive-through window at the rear of the premises.

The width of the drive-through lane is ten feet, and eight vehicle queueing spaces have been provided varying in length from 10 feet to 10 feet 4 inches. Peak use of the drive-through window is 40-45 cars per hour. The total time required to service each vehicle is 90 seconds

On February 7, 1995, the Planning Board reviewed the petition and voted to recommend that the Special Permit be renewed under the same conditions as the previous Special Permit. The Planning Board noted that it appears that the handicapped parking spaces on the lot are not marked.

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Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The use of a drive-through window in a Business District requires a Special Permit pursuant to Section XI of the Zoning Bylaw, as it is not a use allowed by right in a Business District.

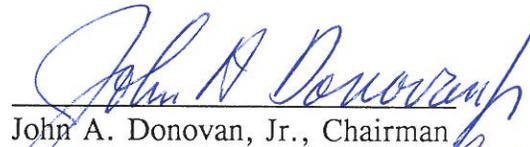
It is the opinion of this Authority that the Special Use Permit Standards enumerated in Section XXV of the Zoning Bylaw have been met, and that the use of the premises for a drive-through window is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, the Special Permit is hereby granted for the drive-through window use, subject to the following conditions:

1. The handicap parking space, designated as #9 on the Site Plan dated 3/16/93, prepared by Jim Smith of New England Design, shall be properly marked. A photograph of the properly marked parking space shall be submitted to the office of the Board of Appeals within 30 days of the date of this decision.
2. 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.

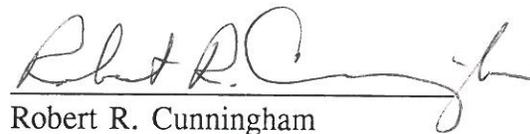
cc: Planning Board
Inspector of Buildings
edg



John A. Donovan, Jr., Chairman



Kendall P. Bates



Robert R. Cunningham

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