



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181

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ZBA 96-65
Petition of Baybank, N.A.
197 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 19, 1996 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, N.A. 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 September 3, 1996, 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 Daniel Klasnick, a Baybank attorney, who said that he was before the Board to ask for renewal of Baybank's Special Permit to continue to operate the drive-through ATM facility. It is the bank's position that the use of the drive-through is in harmony with the Zoning Bylaw, as the drive-through facility provides convenient access to its banking services.

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. The property, which is owned by the William Diehl Realty Trust, consists of a block of stores, in which Baybank leases space at the eastern end of the building, while the westerly end is occupied by Bank of Boston, which has two drive-through windows.

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 outer pneumatic tube facility. Traffic proceeds around the rear of the building to the Baybank ATM, and then into the parking lot. A sign stating "Do Not Enter" is located on the front

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corner of the Baybank premises. An internally illuminated tri-color wall sign is located on the eastern facade of the building.

On September 17, 1996, the Planning Board voted to recommend no objection to renewal on the same terms and conditions as are currently in effect.

Decision

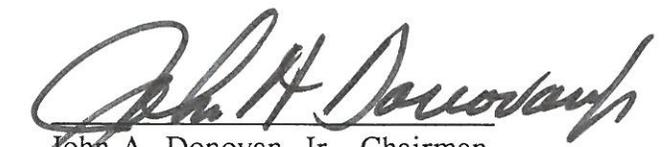
This Authority has made a careful study of the material submitted and the information presented at the hearing. A Special Permit is required pursuant to Section XI of the Zoning Bylaw, as a drive-through installation, where business is transacted from the vehicles of customers, is not a by-right use 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 premises to contain a Baybank ATM facility is in harmony with the general intent and purpose of the Zoning Bylaw.

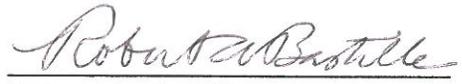
Therefore, a Special Permit is hereby granted to Baybank, as unanimously voted by this Authority at the Public Hearing, for the continued use of its 24-hour drive-through ATM facility, subject to the following condition:

- 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.


John A. Donovan, Jr., Chairman


Sumner H. Babcock


Robert A. Bastille

cc: Planning Board
Inspector of Buildings
edg

TRANSPORTATION BAY

MASSACHUSETTS

S 45° 35' 00" W
260.96
Wall
Retaining
Conc.

NEW LEFT TURN DIRECTIONAL MTD @ 4'-0" FINISH GRADE

ONE WAY
LOADING AREA

ONE WAY

1 STORY CONCRETE & BRICK
NO. 185-195

Q A.T.M.

Walkway

Covered

DRIVE-UP ATM LANE
DRIVE-UP FILLER LANE

31.2
32.2

18.5

CONC. CURBING

12' WIDE

3

2

1

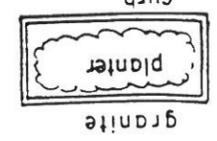
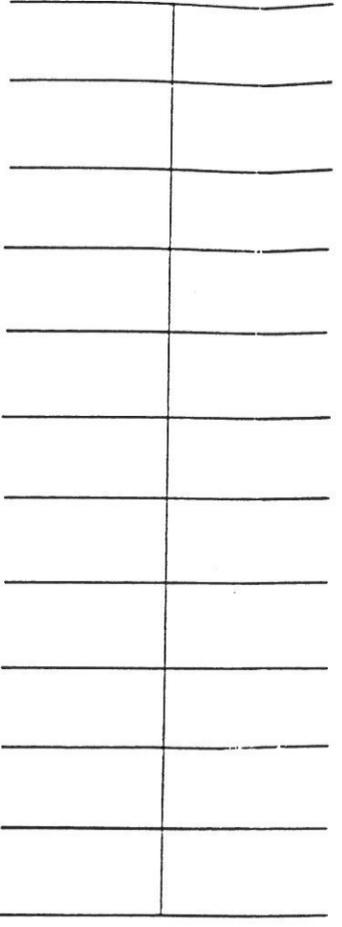
11'0"

conc. planter

27.9

204.93

115.8



322.00

light pole N 54

planter

brick sidewalk

granite

planter

brick sidewalk

curb

conc.

LINDEN

(50.00 WIDE - PUBLIC)