



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181

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ZBA 96-68

Petition of Bank of Boston

185 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 BANK OF BOSTON 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 185 LINDEN STREET, in a Business District, to continue to contain two-drive through windows where business is transacted from the vehicles of customers or patrons; namely, an ATM facility and a pneumatic tube facility. This use is 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 Richard White from Bank of Boston, New England Real Estate Administration, who said that Bank of Boston occupies the other end of the building in which Baybank has its premises. The bank is asking for renewal of the Special Permit to continue to operate its two drive-through facilities under the same conditions as previously granted.

The Board asked if the Bank expected a change in signage due to the amalgamation of Baybank and Bank of Boston. Mr. White replied that there probably will be a change, but at present, the bank is requesting renewal of the Special Permit for the drive-through units.

No other person present had any comment on the petition.

Statement of Facts

The subject premises is located at the western end of the store block at 185 Linden Street, in a Business District, and is leased by Bank of Boston from William Diehl Realty Trust. The previous tenant, South Shore Bank, had instituted the two existing drive-through windows. In May, 1994, Bank of Boston moved its premises from 180 Linden Street to 185 Linden Street, and continued to use the drive-through windows established by South Shore Bank.

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In October, 1995, Bank of Boston came before the Board of Appeals for permission to reverse the positions of the ATM drive-through facility from the outer to the inner drive-through lane, eliminate the teller window, and to install a pneumatic tube drive-through system in the outer lane. This facility would be open from 8:30 a.m. to 4:30 p.m. on Monday through Saturday. The Board granted Bank of Boston a Special Permit (ZBA 95-61) to accomplish the transfer, and for the premises to continue to contain two drive-through facilities.

Bank of Boston is requesting renewal of the Special Permit to allow continued use of the two drive-through units, a use not allowed by right in a Business District.

The Planning Board reviewed the petition on September 17, 1996, and voted to recommend no objection to a one-year renewal.

Decision

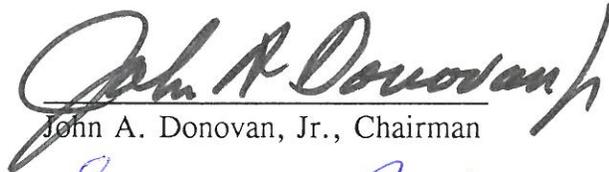
This Authority has made a careful study of the material submitted and the information presented at the hearing. A Special Permit is required pursuant to Section XI of the Zoning Bylaw, as a drive-through installation, where business is transacted from the vehicles of customers, in not a by-right use in a Business District.

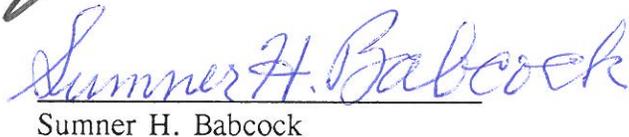
It is the opinion of this Authority that the use of the Bank of Boston's two drive-through facilities has not created a dangerous situation in the parking lot fronting the premises, and is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, a Special Permit is hereby granted to Bank of Boston, as voted unanimously by this Authority at the Public Hearing, to continue the use of its ATM and pneumatic tube drive-through facilities, 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
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