



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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ZBA 97-11
Dunkin Donuts
951 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 27, 1997 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 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 February 10, 1997, 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 of Donovan Services, owner of Dunkin Donuts. Mr. Donovan said that he was requesting renewal of the Special Permit to allow the drive-through window, which they have had for the past three years.

The Board read into the record the recommendation from the Planning Board, which stated that at certain times, cars queuing for the drive-through extend onto Worcester Street creating a hazardous situation. The Board had been informed that the problem occurs mainly between 7:30 and 8:30 a.m., and also felt this was a dangerous situation which should be corrected.

Mr. Donovan said that they were aware that this is the busiest hour for Dunkin Donuts. They did not know of the Planning Board's concerns, but are constantly aware of a potential queuing problem at their drive-through locations. To the best of his knowledge, there have been few instances of back-up at the Worcester Street location. The average time of service is one car per every 30 seconds, with queuing space for 8 or 9 cars.

Mr. Donovan said that in order to eliminate any back-up problems, they would be willing to limit the menu items served from 6 a.m. to 11 a.m. so that customers could get coffee and only one or two items, rather than large orders which hold up the line for two to three minutes. The limited menu has been used successfully at other locations where the traffic flow is heavier and the queuing space is less than that available at the Worcester Street location. A sign can be placed on one of the menu board panels stating "between the hours of 6 a.m. to 11 a.m., only limited items will be sold", with a list of those items. Mr.

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Donovan agreed that this sign would be installed immediately.

The Board agreed that because of the back-up problem, the Special Permit would be issued for only one year to make certain that the problem has been eliminated, and that the decision would contain a condition that between the hours of 6 a.m. to 11 a.m., only a limited menu shall be available to drive-through customers, and that notice of this limited menu with the restricted hours shall be posted at the drive-through location.

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 Dunkin Donut premises.

The width of the drive-through lane is ten feet and eight vehicle queuing spaces have been provided varying in length from 10 feet to 10 feet four inches. Peak use of the drive-through window is 40-45 cars per hour. The total time required to service each vehicle is between 30 and 90 seconds.

On February 25, 1997, the Planning Board reviewed the petition and stated that it is aware that at certain times cars queuing for the drive through extend out onto Worcester Street creating a hazardous condition. This is not consistent with Section XXV D.3. of the Zoning Bylaw which prohibits such encroachments into the public way. The Planning Board has considered alternatives to this situation: a) increasing vehicle storage on the property; b) closing the drive-through or restricting the hours of operation. Since there is no opportunity to increase vehicle storage on the property, and the closing of the drive-through should be considered as an alternative only if other methods of correction fail, it is recommended that the hours of the drive-through be curtailed when the offending queuing occurs. If the situation is not corrected through the cooperation of the applicant, consideration should be given to closing the drive-through.

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 all of the Special Use Permit Standards enumerated in Section XXV of the Zoning Bylaw have been met, with the exception of Section XXV D.3.

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Vehicle Queuing Lanes, and that the petitioner has assured the Board that compliance with this section of the Zoning Bylaw will be forthcoming immediately.

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

1. Between the hours of 6 a.m. to 11 a.m., only a limited menu shall be available to drive-through window customers. A notice of this limited menu and the aforesaid hours shall be posted on a menu board visible to customers before a customer reaches the drive-through window.
2. This Special Permit shall expire one year 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.

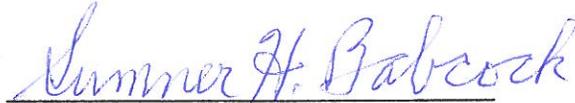
cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates
Kendall P. Bates, Acting Chairman



William E. Polletta
William E. Polletta



Sumner H. Babcock
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