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WELLESLEY, MA 02181**ZONING BOARD OF APPEALS**TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992
1998 MAR 18 10:42JOHN A. DONOVAN
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EXECUTIVE SECRETARY
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ROBERT A. BASTILLE
CYNTHIA S. HIBBARDZBA 98-12
Petition of Dunkin Donuts
951 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 26, 1998 at 8 p.m. in the Great Hall 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 continue to allow its premises at 951 WORCESTER STREET, in a Business District, 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 3, 1998, 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 requested renewal of the Special Permit.

The Board stated that the Planning Board had recommended renewal of the Special Permit, as the traffic queueing problem appeared to be solved.

Mr. Donovan said that he had made changes including redoing the parking lot and restricting the take-out menu and size of orders during peak hours. In response to a Board member's comment that he had recently seen a back-up onto Route 9, Mr. Donovan explained that this rarely occurs, but when it does, it is not a function of the drive-through window. The problem is created by vehicles backing out of parking spaces and not being able to immediately access Route 9.

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.

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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 vehicles is between 30 and 90 seconds.

On February 10, 1998, the Planning Board reviewed the petition and recommended approval of the request on the same terms and conditions as are currently in effect.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public 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 Permit Use Standards enumerated in Section XXV of the Zoning Bylaw have been met. Therefore, the Special Permit is hereby granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. Between the hours of 6 a.m. and 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.

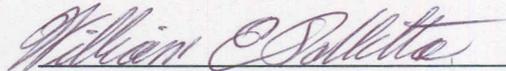
1. This Special Permit shall expire two years from the date of this decision.

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.

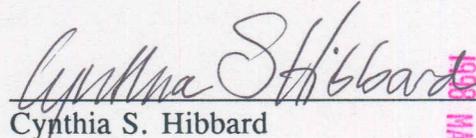
cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Acting Chairman



William E. Polletta



Cynthia S. Hibbard

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