

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2012-24
Petition of CVS Pharmacy
180 Linden Street

Record Owner of Property: FR Linden Square Inc.

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 5 2012 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of MA CVS PHARMACY, LLC #8437 requesting renewal of a Special Permit pursuant to the provisions of Section XIII, Section XIVG and Section XXV of the Zoning Bylaw to allow it to use its premises at 180 LINDEN STREET for a two lane drive-through facility, namely a drive-through window and one pneumatic tube facility for CVS Pharmacy, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in an Industrial A District and the Linden Street Corridor Overlay District.

On March 20, 2012, 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 Brian Levey, who said that he was representing MA CVS Pharmacy, LLC. Mr. Levey said that the request is for renewal of the Special Permit for the drive-through. He said that it is the third request for a two-year renewal. He said that the drive-through complies with all of the conditions. He said that he spoke with the Store Manager and there have not been any issues with respect to vehicular/pedestrian traffic.

Mr. Levey said that all of the required signs are in place.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 180 Linden Street, in the Linden Street Corridor Overlay District, where business transacted from the vehicles of customers or patrons is a use not allowed by right. The property is owned by FR Linden Square Inc. and is occupied by CVS Pharmacy. The drive-through facility will consist of two lanes, one lane having direct access along the building for hand-to-hand prescription service and an outer lane having a pneumatic tube facility for prescription drop off service. Access to the drive-throughs is made from the southeasterly end of the building.

The Development Agreement limits the hours of operation of the drive-through facilities to 10:00 p.m.

On April 4, 2012, the Planning Board reviewed the petition and recommended that no action be taken on the petition.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. A Special Permit is required pursuant to Section XI, Section XIVG and Section XXV of the Zoning Bylaw, as a drive-through facility where business is transacted from the vehicles of customers or patrons, is not a use allowed by right in the Linden Street Corridor Overlay District.

It is the opinion of this Authority that the traffic circulation pattern shall not create a dangerous situation in the parking lot, and that the use of the premises to contain a 2-lane drive-through facility for direct access along the building for hand-to-hand prescription service and an outer lane having a pneumatic tube facility for prescription drop off service is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, a Special Permit is granted to MA CVS Pharmacy LLC, as voted unanimously by this Authority at the Public Hearing, for the use of its premises for two drive-through facilities, subject to the following conditions:

1. Drive-through facility lights shall be turned off at the earlier of 10:00 p.m. or the close of business.
2. There shall be a "Right Turn Only" sign after the pickup and drop off area.
3. Canopy lighting shall be recessed in the soffit of the canopy.
4. Any additional signage shall be subject to review by the Board of Appeals

This Special Permit shall expire two years from the date time stamped on this decision.

ZBA 2010-23
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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.

Richard L. Seegel, Chairman

J. Randolph Becker

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm