



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-14
Petition of Dunkin' Donuts
951 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 25, 1993 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 a Special Permit pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw to allow the premises at 951 WORCESTER STREET, in a Business District, to be used for a drive-through window where business is transacted from the vehicles of customers or patrons, a use not allowed by right in a Business District.

On February 8, 1993, the petitioner requested 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 Jim Smith of New England Designs, who was accompanied by William Donovan, co-owner of the property. Mr. Smith said that the drive-through is mainly for the convenience of handicapped and those with children in the car. Queuing for 8 cars has been provided, but statistics show that if patrons see more than 5-6 cars in line, they will not enter the line. The owners are confident that there will be no pile-up of cars in the parking lot. Aside from trucks, all other vehicles can make the turn at the rear of the drive-through lane.

Mr. Smith said that the new parking plan is an improvement over the existing plan as curbing and planting will be added, and the traffic patterns and parking spaces will be better defined.

The Board noted that the petitioner had included State land in the parking plan, and that they could not authorize continued use of the MDC property, although the situation has existed for many years.

Mr. Donovan said that he understood from speaking to Judith Nicholson, Director of Natural Resources Commission, that the MDC may be returning the aqueduct property to the Town in the future. He has a standing offer to lease a portion of that property from the Town, if and when it becomes available.

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The Board asked whether the cars parking in spaces 1-4 could potentially be backing out onto Worcester Street. Mr. Smith responded that the parking spaces are located about 30 feet from the street.

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, a company which owns the existing "Mr. Donuts" shop. The "Mr. Donuts" chain has been purchased by Dunkin' Donuts, which has a more extensive take-out menu than the existing donut shop. The petitioners are requesting a Special Permit to use the premises for a drive-through window for food service, a use not allowed by right in a Business District.

According to the information submitted, peak use of the drive-through window will be 40-45 cars per hour. The total time required to service each vehicle from order taking to food distribution is 90 seconds.

Eight vehicle queuing spaces have been provided varying in length from 10 feet to 10 feet 4 inches. The width of the drive-through lane is designated as 12.5 feet. However, at present, approximately 2.5 feet of the portion of the lane running parallel to the eastern lot line, is located on property owned by the MDC.

Eleven parking spaces have been provided to meet the requirements of Section XXI of the Zoning Bylaw. Four spaces exist on the eastern end of the property, but encroach onto MDC property; five spaces are located in front of the building; and two spaces are located at the northwest corner of the property.

A Site Plan dated January 30, 1993, drawn by James G. Moore, Registered Professional Land Surveyor; Proposed Floor Plan dated 2/12/91, revised 11/3/92; and photographs were submitted.

On February 17, 1993, the Planning Board reviewed the petition and voted to strongly recommend that the Special Permit be denied as it appears as though the proposed configuration of the drive-through and site parking plan present conditions that would add to traffic congestion and accident potential on the site and surrounding area.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. The requested use of the premises for a drive-through window 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.

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This Authority finds that the Special Use Permit Standards enumerated in Section XXV of the Zoning Bylaw are met as follows:

1. **Vehicular Circulation** - Although the proposed drive-through window will add to the on-site traffic flow, it is the opinion of this Authority that the entrance and egress traffic patterns in relation to the parking spaces remain the same, and that the addition of the drive-through lane will not add to traffic congestion or accident potential on site or on Worcester Street.

2. **Driveways** - There are no new driveways to be constructed in regard to this project. It is the opinion of this Authority that the existing driveways will be better defined by use of raised bituminous planting areas.

3. **Vehicle Queuing Lanes** - The width of the vehicle queuing lanes is greater than the required width of nine feet, even with the elimination of that part of the lane currently on MDC property. Vehicle storage has been provided for 8 vehicles with an allowance of a minimum of 10 feet per vehicle. It is the opinion of this Authority that the drive-through lane will not encroach onto sidewalk areas or interfere with the travel or maneuvering of other vehicles into and out of parking spaces, driveways or within the public ways.

4. **Compatibility with Surroundings** - It is the opinion of this Authority that the proposed drive-through window and drive-through lane will not alter the existing natural or man-made features of the site or of the surrounding area.

5. **Pedestrian Safety** - It is the opinion of this Authority that pedestrian safety will be enhanced due to the installation of additional sidewalk to a minimum depth of five feet in front of the building. Concrete bollards will be constructed between the new sidewalk and the five parking spaces in front of the building to further ensure pedestrian safety.

6. **Noxious Uses** - There will be no noxious uses as a result of the drive-through window or drive-through lane. The proposed use is consistent with the provisions of Paragraphs A and B of Section XVI.

7. **Intensity of Use** - The use of a drive-through window will increase both the number of vehicle trips and the number of patrons. However, it is the opinion of this Authority that neither of these increases will adversely affect the character of the site and its surrounding area.

Therefore, it is the opinion of this Authority that the use of the premises for a drive-through window is in harmony with the general intent and purpose of the Zoning Bylaw and can be allowed.

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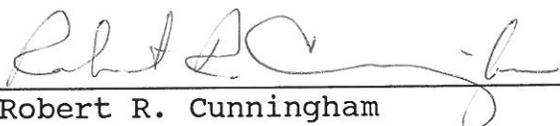
A Special Permit for the requested use of the premises for a drive-through window pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw subject to the following conditions:

1. A revised Site Plan showing the following must be submitted to the office of the Zoning Board of Appeals prior to the issuance of a building permit:
 - a. Parking spaces 1-4 to be located solely on property owned by Donovan Services with the dimensions of said parking spaces clearly delineated.
 - b. The location of the eastern side of the drive-through lane to be solely on the property owned by Donovan Services with the new dimensions of said drive-through lane clearly delineated.
2. The location and demarcation of the drive-through lane shall be indicated on the pavement of the premises.
3. A traffic sign, not to exceed 4 feet in area, indicating that trucks are not allowed to use the drive-through lane, shall be erected and its location shall be indicated on the aforementioned Site Plan.
4. 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, Acting Chairman


Robert R. Cunningham


William E. Polletta

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