

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2018-20

Petition of FR Linden Square Inc.
180 Linden Street (CVS Pharmacy)

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 5 2018 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of FR Linden Square, Inc. requesting renewal of a Special Permit pursuant to the provisions of Section XIVG and Section XXV of the Zoning to allow CVS Pharmacy to use a portion of the premises at 180 Linden Street for the purpose of a two lane drive-through facility that consists of a drive-through window and one pneumatic tube facility, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in the Linden Street Corridor Overlay District.

On March 12, 2018, 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, Esq., representing CVS, Inc. He said that the request is for renewal of a drive through special permit. He said that he has been to the site to inspect the drive-through and has spoken with the Store Manager and the District Manager and they report no issues with pedestrian or vehicular traffic in and around the area of the drive-through. He said that the Petitioner is requesting a two year extension.

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 and an Industrial 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 pm.

On April 5, 2018, the Planning Board reviewed the petition and recommended that renewal of the special permit be granted, subject to the same or similar conditions as previously imposed.

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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 FR Linden Square Inc., as voted unanimously by this Authority at the Public Hearing, for the use of its premises for the drive-through facility, subject to the following conditions:

1. Drive-through facility lights shall be turned off at the earlier of 10:00 pm. 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.

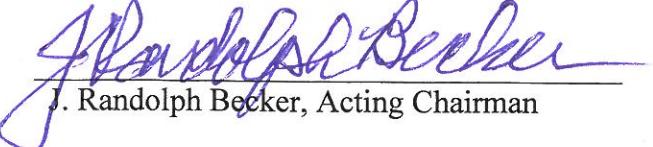
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


J. Randolph Becker, Acting Chairman


Robert W. Levy


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm