

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2017-09
Petition of Federal Realty
185 Linden Street

2017 FEB 16
P.M.

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, February 2, 2017, on the petition of Federal Realty requesting renewal of a Special Permit pursuant to the provisions of Section XIII, Section XIVG and Section XXV of the Zoning Bylaw to allow a portion of the premises at 185 Linden Street to be used as a two lane drive through facility, namely a 24-hour ATM facility on the inner lane and a drive through window on the outer lane, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in an Industrial District. The property is located in the Linden Square Corridor Overlay District.

On January 3, 2017, 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 Eric Gunn, CBRE, facility partner with Bank of America. He said that the request is to renew the special permit for the drive through/ATM.

The Chairman asked if both lanes are used. Mr. Gunn said that they are not being used in the same way as they previously were. He said that the bank has gone to a drive-up ATM. He said that the vacuum tubes are still there but are not being used. He said that they would like to maintain the right to it.

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 185 Linden Street, in an Industrial District and the Linden Square Corridor Overlay District, where business transacted from the vehicles of customers or patrons is a use not allowed by right.

The Petitioner is requesting renewal of a special permit to allow it to continue to use a portion of its premises as a two lane drive-through facility, namely, a 24-hour ATM facility on the inner lane and a drive-through window on the outer lane, where business is transacted from the vehicles of customers or patrons.

On January 17, 2017, the Planning Board reviewed the petition and recommended that renewal of the Special Permit be granted.

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Decision

This Authority has made a careful study of the materials submitted and the information presented at the public hearing. A special permit is required pursuant to Section XIII of the Zoning Bylaw, as the requested use of the premises for a 24-hour drive-through and ATM facility is not a use allowed by right in an Industrial District.

It is the opinion of this Authority that the use of the Bank of America's two lane drive-through facility is in harmony with the general intent and purpose of the Zoning Bylaw with respect to Vehicular Circulation, Driveways, Vehicle Queuing Lanes, Compatibility with Surroundings, Pedestrian Safety, Noxious Uses and Intensity of Uses.

Therefore, renewal of special permit is granted, as voted unanimously by this Authority at the Public Hearing, to continue to use its premises as a two lane drive-through facility, namely a 24-hour ATM on the inner lane and a drive-through window on the outer lane, where business is transacted from the vehicles of customers or patrons, subject to the following condition:

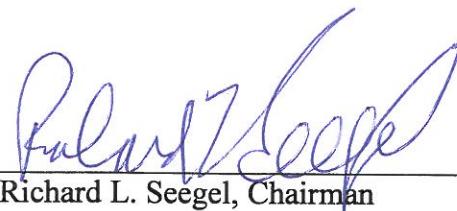
- This Special Permit shall expire two years from the time date stamped on this decision.

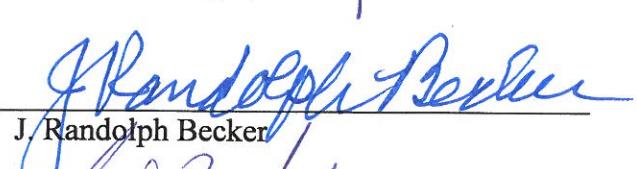
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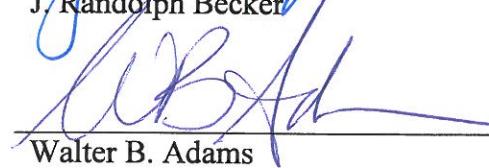
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Petition of Federal Realty
(Bank of America)
185 Linden Street

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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


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm