



## ZONING BOARD OF APPEALS

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ZBA 2017-19

Petition of Federal Realty Trust  
195-197 Linden Street  
(Wellesley Bank)

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Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, March 2, 2017 on the petition of Federal Realty Trust 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 continue to use a portion of its premises at 195-197 Linden Street, in an Industrial District in the Linden Street Corridor Overlay District, as a drive-through teller window and a separate drive-through ATM machine, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in an Industrial District in the Linden Square Corridor Overlay District.

On January 24, 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 Tom Fontaine, President and CEO of Wellesley Bank. He said that the request is for renewal of the special permit for the drive-through at 195 Linden Street. He said that the drive-through was there before Wellesley Bank occupied the space in 2002. He said that it is an important part of their business. He said that there have been no problems, issues or accidents.

The Chairman said that the Planning Board discussed an issue concerning orientation of a do not enter sign at the corner of the building that is subject to a condition. Mr. Fontaine said that Federal Realty, not the Bank, has control of the sign. He said that a representative from Federal Realty is not present at the hearing. He said that there have not been any safety issues with people coming in the wrong way. The Board said that Wellesley Bank should revisit the sign issue with the Developer to see if it can be resolved.

The Board discussed concerns about a different business using the drive-through, should Wellesley Bank no longer be the tenant. The Board discussed inserting a condition that the drive-through be limited to a bank use.

The Chairman said that in the prior approval there was discussion about pavement striping. He said that he did not see pavement striping. Mr. Fontaine said that the striping referred to is a divider between the Bank and the Volkswagen property. He said that it all has been redone. He said that the way that they park the cars on the Volkswagen property, traffic cannot really stray too far.

The Board made the findings that the circulation patterns for motor vehicles which would result from the proposed use or structure which is the subject of the special permit will not create conditions that add to

traffic congestion or accident potential on the site or in the surrounding area, new driveways are not less than 50 feet from street intersections; and that new driveways have widths not less than the width of driveways specified in Section XXI of the Zoning Bylaw; vehicle queuing lanes, including those for drive through facilities, have a width equal to or greater than nine feet; and that vehicle storage capacity and separation are provided so that vehicles will not encroach onto sidewalk areas or designated fire lanes, or interfere with the travel or maneuvering of other vehicles into and out of parking spaces, driveways or within the public way, any modification of a premises resulting from the proposed use or structure which is the subject of the special permit is made compatible, to the extent required by the Special Permit Granting Authority with the existing natural and man-made features of the site and with the characteristics of the surrounding area, consideration is given to the protection of trees and other natural features, pedestrian and bicycle circulation is provided, in accordance with nationally recognized safety standards, separation, such as curbing, bollards or landscaped buffer areas is provided between pedestrian areas and all areas open to vehicular traffic, such as parking spaces, vehicle queuing lanes and driveways, the proposed use or activity is consistent with the provisions of Paragraphs A.

and B. of Section XVI. Restrictions Affecting All Districts, and any increase in: the number of vehicle trips, the number of employees or visitors, the number of parking spaces, the amount of energy used, or the volume of liquid or solid waste produced, likely to result from the proposed use or activity will not adversely affect the character of the site and its surrounding area.

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 195-197 Linden Street, in an Industrial District in the Linden Square Corridor Overlay District, where business transacted from the vehicles of customers or patrons is a use not allowed by right. The property, which is owned by Federal Realty Trust, consists of a block of stores in which Wellesley Bank leases space at the eastern end of the building.

From 1991 through 1998, Baybank occupied the premises. A special permit to allow the single 24-hour ATM drive-through was granted in 1991, and renewed biennially until 1998. Wellesley Co-operative Bank occupied the premises in 2002 and requested a Special Permit to allow the premises to be used for two drive-through installations: a teller window and a 24-hour ATM machine, which was a use not allowed by right in a Business District. The Board granted the special permit for one year (ZBA 2002-21). The Board renewed the special permit for two years (ZBA 2003-25, ZBA 2005-29, ZBA 2007-16, ZBA 2009-09, and ZBA 2011-13). The Petitioner is now requesting renewal of the special permit.

Queuing along the eastern side of the building is sufficient for three cars. Access to the teller window and the ATM machine is made from the westerly end of the building parallel to the Bank of America outer tube facility. The traffic proceeds around the rear of the building to either window, and then into the parking lot.

The hours of operation of the teller window are 8 am to 4 pm on Mondays through Thursdays; 8 am to 6 pm on Fridays, and 9 am to 1 pm on Saturdays. Seven to nine vehicles pass through per hour with each transaction taking two to three minutes. The ATM machine is a 24-hour facility, which is located 8 feet from the front of the building. The teller window is located 7 feet behind the ATM facility.



On March 1, 2017, the Planning Board reviewed the petition and recommended that renewal of the special permit be granted with conditions.

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 XIII and Section XIVG of the Zoning Bylaw, as a drive-through installation where business is transacted from the vehicles of customers or patrons is a use not allowed by right in an Industrial District in the Linden Square 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 fronting the premises, and that the use of the premises to contain a 24-hour ATM facility and a drive-through teller window is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, a special permit is granted to Wellesley Bank, 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. No canopy or signage requiring a special permit shall be installed without review and approval by the Design Review Board and the Board of Appeals.
2. The directional sign stating "Do Not Enter" shall be maintained at the left front corner of the building to prevent customers from entering the drive-through lanes from the wrong direction.

This special permit shall expire two years from the time date stamped on this decision.

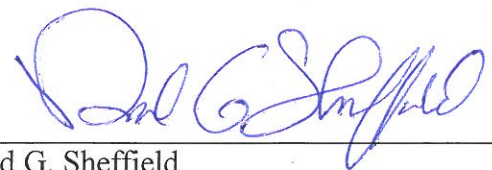
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195-197 Linden Street

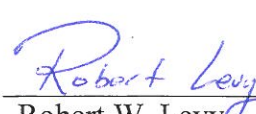
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



David G. Sheffield

 (signed by Victor Panak  
with authorization by Robert Levy)

Robert W. Levy



Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm