

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2017-58
Petition of Bike Realty LLC
951 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 1, 2017 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of Bike Realty LLC requesting renewal of a Special Permit pursuant to the provisions of Section XI, Section XIVE and Section XXV of the Zoning Bylaw to continue to use a portion of the premises at 951 Worcester Street, in a Business District in a Water Supply Protection District, for a drive-through window where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business District.

On April 6, 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 were Joe Murray and Bill Donovan, Principal, Bike Realty LLC, the Petitioner.

Mr. Murray said that they did a significant remodel a few years ago. He said that the Board monitored the progress of the remodel and asked the Petitioner to come back after it was complete. He said that the operation is similar to what they have done over the past 25 years. The Chairman asked if there has been any backup onto Route 9 since the remodeling. Mr. Murray said that there has not. He said that everything is working out quite well. He said that they have not heard about concerns from any town departments. He said that they would like to have the special permit go for a reasonable length of time. He said that they have come back many times. The Chairman said that the Board has never granted a special permit for longer than three years for this type of an operation. He said that he had no objection to granting renewal of the special permit for three years.

There was no one present at the public hearing wished to speak to the petition.

Statement of Facts

The subject property is located at 951 Worcester Street, in a Business District, on a 12, 259 square foot lot.

The Petitioner is requesting renewal of a Special Permit pursuant to the provisions of Section XI, Section XIVE and Section XXV of the Zoning Bylaw to continue to use a portion of the premises at 951 Worcester Street, in a Business District, in a Water Supply Protection District, for a drive-through window where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business District.

On May 16, 2017, the Planning Board reviewed the petition and submitted a recommendation.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The use of a drive-through window in a Business District requires a Special Permit, as it is a use not allowed by right in a Business District.

It is the opinion of this Authority that the Petitioner has complied with all of the Special Permit Use Standards enumerated in Section XXV of the Zoning Bylaw. Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the use of a drive-through window, subject to the following condition:

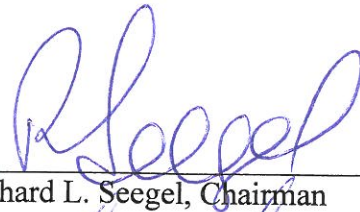
1. This Special Permit shall expire three years from the date time stamped on this decision.

1001 JUN 15 P 12:21
TOWN OF WORCESTER
PLANNING BOARD

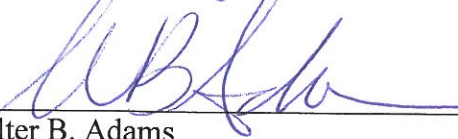
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1007 JUN 15 P 12:21
TOWN CLERK'S OFFICE
WILMINGTON, MA 01890

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



Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm