



## TOWN OF WELLESLEY

## MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2019-08  
Petition of Wellesley Place, LLC  
978 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 10, 2019 at 7:30 p.m. Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Wellesley Place LLC requesting renewal of a Special Permit pursuant to the provisions of Section XII and Section XXV of the Zoning Bylaw to allow a portion of the premises at 978 Worcester Street to be used 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 A District.

On December 6, 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 were Brendan Carr, 978 Worcester Street, LLC, and Joe Murray, representing Dunkin Donuts.

The Chairman asked if there have been any traffic or queue problems in relation to the window. Mr. Carr said that the peak of the queue usually goes to the first bend around to the back but goes quickly. Mr. Murray said that Dunkin Donuts' peak business hours are earlier than the businesses of some of the other tenants in the building.

A Board member said that there is mixed use at the back of the site. He asked if there have been any reported instances of conflicts with pedestrian traffic at the back. Mr. Carr said that there have been no conflicts to his knowledge. He said that because of the turns that you have to make on the site, the speed is low.

The Chairman asked if business is brisk. Mr. Murray said that business has been going well and Dunkin Donuts has a good relationship with the landlord.

The Chairman read the conditions that are in effect. He confirmed that the hours of operation will remain at 5 am to 9 pm.

A Board member asked if the sign will be replaced. Mr. Murray said that Dunkin Donuts is hoping to replace the sign this year with one that is similar to what they have across the street with halo lighting.

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 978 Worcester Street, in a Business A District.

The Petitioner is requesting a Special Permit to allow it to use a portion of its premises to be used 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 A district.

On January 9, 2019, the Planning Board reviewed the petition and recommended that renewal of the Special Permit be granted, as requested.

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 XII of the Zoning Bylaw, as the requested use of the premises for a drive-through facility is not a use allowed by right in a Business A District.

It is the opinion of this Authority that the use of a portion of the premises at 978 Worcester Street to be used for a drive-through facility where business is transacted from the vehicles of customers or patrons is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to allow a portion of its premises to be used for a drive-through window where business is transacted from the vehicles of customers or patrons, subject to the following conditions:

1. This Special Permit shall expire on the earlier of three years from the date time-stamped on this decision or the date of full occupancy of the site.
2. The hours of operation shall be from 5 am to 9 pm.

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WELLESLEY, MA 02481  
2019 JAN 24 P 3:07

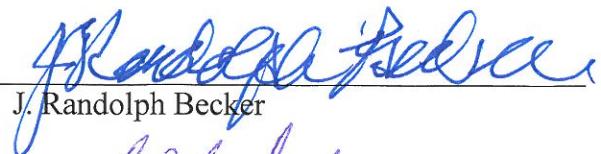
ZBA 2019-08  
Petition of Wellesley Place, LLC  
978 Worcester Street

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.

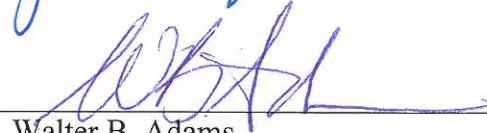
ZBA 2019-08  
Applicant Wellesley Place, LLC  
Address 978 Worcester Street



David G. Sheffield, Acting Chairman



J. Randolph Becker



Walter B. Adams

2019 JAN 24 P 3:17

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**NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK**

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm