

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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ZBA 2019-37  
Petition of FR Linden Square, Inc.  
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 7, 2019 on the petition of FR Linden Square Inc. requesting renewal of a Special Permit pursuant to the provisions of Section XIII, Section XIVG and Section XXV of the Zoning Bylaw to continue to allow the use of a portion of the premises at 195-197 Linden Street, (Wellesley Bank), in an Industrial District and 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.

On February 1, 2019, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing was Thomas Fontaine, President, Wellesley Bank, tenant at 195-197 Linden Street. He said that the request is for renewal of a special permit to continue to allow the use of the drive up window at their office location at 195-197 Linden Street.

The Board said that the application was not signed but a letter of authorization was submitted. The Board said that the previous approval was granted to Wellesley Bank. The Executive Secretary said that the Norfolk County Registry of Deeds asked that the petitioner be the owner of the property.

A Board member confirmed that there have been no issues with the drive through facility.

The Chairman discussed renewing the special permit for a period of three years.

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 FR Linden Square, Inc., 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

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Bank, now called Wellesley 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, ZBA 2011-13, ZBA 2017-19). 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 February 28, 2019, the Planning Board reviewed the petition and recommended that renewal of the special permit be granted.

### 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 FR Linden Square, Inc., 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.

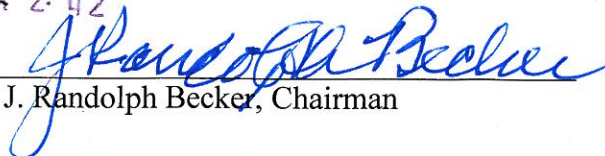
This special permit shall expire three years from the time date stamped on this decision.

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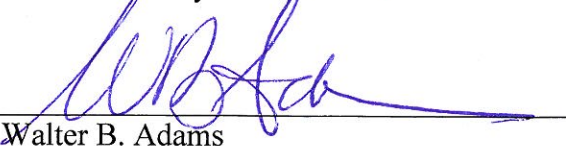
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
J. Randolph Becker, Chairman

  
Robert W. Levy

  
Walter B. Adams

ZBA 2019-37  
Applicant FR Linden Square, Inc.  
Address 195-197 Linden Street (Wellesley Bank)

**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