

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2019-84

Petition of John Hancock Financial
55 William Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 7, 2019, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of John Hancock Financial requesting renewal of a Special Permit pursuant to the provisions of Section 9 A.2, Section 14 B, Section 14 J and Section 25 of the Zoning Bylaw for accessory use for an existing restaurant that consists of 12 tables and 48 chairs for general seating outdoors, at 55 William Street, which is a use not allowed by right in an Administrative and Professional District but may be authorized after determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized in the bylaw. The property is located in a Flood Plain and the Smart Growth Overlay Districts.

On October 11, 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.

There was no present at the public hearing representing John Hancock Financial, the Petitioner.

A Board member said that the special permit expired in September but the Petitioner filed for extension before its expiration.

The Chairman said that a condition should be added that the outdoor area shall be kept free of litter and debris.

A Board member read a description of the operation that was the subject of the special permit for the benefit of the public at the hearing. There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

On June 19, 2014, the Zoning Board of Appeals granted a Special Permit for accessory use for an existing restaurant consisting of 12 tables and 48 chairs for general seating outdoors.

The Petitioner is requesting renewal of a Special Permit that was previously granted pursuant to the provisions of Section 9 A.2, Section 14 B, and Section 25 of the Zoning Bylaw for accessory use for an existing restaurant that consists of 12 tables and 48 chairs for general seating outdoors, which is a use not allowed by right in an Administrative and Professional District and a Flood Plain District but may be

2019 NOV 21 P 1:15
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authorized after determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized in the bylaw.

On November 5, 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. Accessory use for an existing restaurant that consists of 12 tables and 48 chairs for general seating outdoors, at 55 William Street, is a use not allowed by right in an Administrative and Professional District and a Flood Plain District but may be authorized after determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized in the bylaw.

It is the opinion of this Authority that accessory use for an existing restaurant that consist of 12 tables and 48 chairs for general seating outdoors is similar to one or more of the uses specifically authorized by Section 9 and Section 14 B of the Zoning Bylaw.


Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for accessory use for an existing restaurant that consists of 12 tables and 48 chairs for general seating outdoors, subject to the following conditions:

1. There shall be no outdoor cooking.
2. The outdoor area shall be kept free of litter and debris.
3. This Special Permit shall expire three years from the date time stamped on this decision.

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2019 NOV 21 P 3:45

ZBA 2019-84
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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


David G. Sheffield


Robert W. Levy

ZBA 2019-84
Applicant John Hancock Financial
Address 55 William Street

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2019 NOV 21 P 3:35

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