

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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TELEPHONE
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ZBA 2019-85
Petition of Straly Realty Corp.
339 Washington Street

2019 NOV 21 P 3:15 PM
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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 Straly Realty Corp requesting renewal of a Special Permit pursuant to the provisions of Section 12 and Section 25 of the Zoning Bylaw for accessory use for outdoor dining at 339 Washington Street, which is a use not allowed by right in a Business A District.

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.

Present at the public hearing was Laurence Shind, Esq., representing Straly Realty Corp., the Petitioner. Mr. Shind said that the request is for renewal of a special permit for outdoor seating at Caffe Nero at 339 Washington Street. He said that the Board granted an original one year permit which was renewed for two years. He said that they are seeking another renewal. He said that there has been no change to the operation since the last approval. He asked that the Board consider granting renewal of the special permit for longer than two years.

A Board member said that the current conditions include something about a temporary sign. Mr. Shind said that the sign is not currently there. He said that the sign was there on a short term basis.

The Chairman said that the parking does not work. He said that he went there on three occasions and on each occasion there were five cars parked there. He said that only one of the five cars actually pulled forward enough so that the bumper overhung the curb. He said that on one occasion a Chevy Suburban parked in the last spot and a car had to back up to get out of the parking lot because they either could not or did not feel confident about getting through. He said that whether parking is part of this approval or not, something has to be done about it. He suggested marking the last space as compact with signage to indicate that. Mr. Shind said that the parking is owned by the town. He said that his client's property only goes to the edge of the curbing. A Board member said that there was a condition that the last parking space be redesigned as a compact parking space but there is nothing in the lot that indicates that.

The Chairman discussed the Planning Board recommendation. Catherine Johnson, Planning Board, said that a new business, Stretch Medicine, just opened on Central Street. She said that for a week and a half they set up a large tent awning on the patio, moving the tables back towards the tracks. She said that they also put a noncompliant 2 foot by 10 foot vertical sign where the post boxes are at the sidewalk. She said that they were asked and did remove the sign but the awning stayed. She said that it was a sort of sublet

of the space and a nice way to introduce the business to the community but it created congestion. A Board member said that the patio should only be used by patrons of the business.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The Petitioner is requesting renewal of a Special Permit pursuant to the provisions of Section 12 and Section 25 of the Zoning Bylaw for accessory use for outdoor dining for 14 seats, at 339 Washington Street, which is a use not allowed by right in a Business A District.

On November 5, 2019, the Planning Board reviewed the petition and recommended that the Special Permit be granted with the same or similar conditions are previously imposed.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. Accessory use for outdoor dining is not allowed by right in a Business A. District.

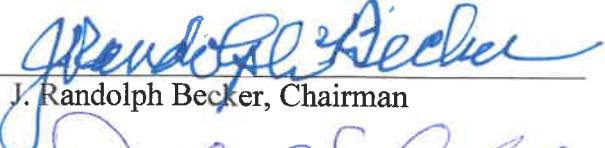
It is the opinion of this Authority that accessory use for outdoor dining for 14 seats at 339 Washington Street, in a Business A District, is similar to one or more of the uses specifically authorized by Section 12 of the Zoning Bylaw.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for accessory use for outdoor dining for 14 seats at 339 Washington Street, subject to the following conditions:

1. The outdoor area shall be kept free of litter and debris.
2. A permanent sign shall be placed on the building or in the front window to designate a compact space at the last parking space on the left facing the building.
3. The last parking space on the left facing the building shall be re-designated as a compact car space to avoid traffic tie ups for people using the mail boxes.
4. Use of the patio is restricted to patrons only.
5. This Special Permit shall expire three years from the date time stamped on this decision.

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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

2019 NOV 21 P 3:55
TOWN CLERK'S OFFICE
WELLESLEY, MA 02481
MC 111

ZBA 2019-85
Applicant Straly Realty Corp.
Address 339 Washington Street

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