

**ZONING BOARD OF APPEALS**

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ZBA 2017-10
Petition of Nea Zichni LLC
870 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 2, 2017 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of Nea Zichni, LLC requesting renewal of a Special Permit pursuant to the provisions of Section XI, XIVE and Section XXV of the Zoning Bylaw to use a portion of the premises for the purpose of selling coffee and fountain drinks, at 870 Worcester Street, in a Business District and a Water Supply Protection District.

On January 3, 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.

DISMISSED WITHOUT PREJUDICE

Presenting the case at the hearing was Laurence Shind, Esq., representing Nea Zichni, LLC, the Petitioner.

Mr. Shind said that the request is for renewal of a special permit to allow selling of coffee and fountain drinks at 870 Worcester Street. He said that it is just shy of two years since the Board last issued a special permit. He said that nothing has changed. He said that they would like to maintain the use.

The Chairman said that the Board is of the opinion that a special permit is not needed. He said that the Planning Board brought it to the Board's attention and he agrees that the gas station is there as a matter of right and selling soda and coffee is a customary accessory use to the by right use.

A Board member said that he concurred with the Chairman. He said that there may be a point where it stops being an accessory use but in this particular situation they are not asking to expand in any way.

A Board member said that there are other similar uses in town that the Board can use to compare as a customary accessory use.

The Chairman said that Mr. Shind may want to put something on record for the Building Inspector because the special permit will expire. He said that the Board does not think that a special permit is required.

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

March 5, 2020

The Chairman said that the issue was resolved with the Building Inspector.

The Board voted unanimously to dismiss the petition without prejudice.