

**ZONING BOARD OF APPEALS**

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TELEPHONE
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ZBA 2017-46

Petition of Peet's Operating Company, Inc.
9 Central Street

Record Owner of Property: 9 Central LLC

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 20, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Peet's Operating Company, Inc. requesting a Special Permit pursuant to the provisions of Section IXC and Section XXV of the Zoning Bylaw for installation of two tables and eight chairs to be used for outdoor seating at 9 Central Street, in the Wellesley Square Commercial District.

On March 30, 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 Tara Carpenter, Certified Training Manager, Peet's Coffee, Boston, Massachusetts and Store Manager, Wellesley. She said that the request is to put two tables outdoors in front of the store. She said that they will remove the benches that are currently there. She said that this is something that their customers have been asking for over the years. She said that they had someone come out to look at the property because there were some concerns about ADA compliance with the tables there. She said that the existing benches are 13 inches wide. She said that the tables will be an additional eight to nine inches. She said that they will not take up a lot of extra room where the patio currently sits. She said that the tables would be located closer to the door but not in the range where it would affect people going in and out of the store. She said that they will not interfere with the ADA ramp. She displayed the location of the tables and their proximity to the handicapped ramp on the plan. She said that they will use moveable metal chairs. The Board said that ADA and State Regulations require a four foot pathway for accessibility.

The Chairman said that safety is an issue. He said that he would have preferred that the plan was done by an engineer. He said that the plan does not indicate the distance from a parking space to the table and chairs. He said that the plan does not indicate whether there will be parking spaces to absorb a car going the wrong way.

A Board member said that, based on the photograph, it appears that two or three adults can sit on the existing benches. He said that it seems that there will be an increase in the seating in that area. He said that the plan shows removal of the two benches and replacement with two tables with four chairs. He said that the curb should be better dimensioned. He said that it appears to be six inches. He said that the curb by itself would not stop a vehicle if somebody put their transmission into forward rather than reverse

when leaving. He said that Peet's should evaluate whether there is a way to create some sort of a bollard type barrier. He asked if Peet's is the owner of the property. Ms. Carpenter said that they do not own the building. The Board said that Peet's should speak with the owners about the barrier. Ms. Carpenter said that the owners told Peet's that they should deal directly with the Board.

The Board asked about table service. Ms. Carpenter said that the customers will bring the food out themselves.

The Chairman said that he had some concerns about trash. He asked how often the tables will be bussed. Ms. Carpenter said that they will be bussed every 15 to 30 minutes. The Chairman asked if there will be a separate recycling receptacle. Ms. Carpenter said that is something that they can do. She said that they currently recycle in the store. She said that the bins are at the back. She said that the patio furniture will be stored inside the store at night. She said that during weather events, the patio furniture will be put to the side of the store in a closed gated area. She said that they currently have umbrellas outside on 50 to seventy-five pound weights to shade people. A Board member said that an umbrella flying in high wind is more dangerous than chairs flying around. Ms. Carpenter said that they are weighted and are brought in if there is bad weather.

There was no one present at the public hearing who wished to speak to the petition.

The Board said that the hearing would be continued until June to give the Petitioner time to get more professional plans together that describes the space between the handicapped ramp and the other issues that the Board had discussed at the hearing. A Board member said that a bollard is a good idea. He said that a detail of the bollard should be included in the plans. The Board said that the bollard will have to be discussed with the landlord. The Board said that the Petitioner should bring information about the table and chairs that shows that they are heavy enough to resist the wind concerns that have been raised.

The Board voted unanimously to continue the hearing to June 1, 2017.

There was no one present at the public hearing on June 1 2017 who wished to speak to the petition.

March 5, 2020

The Chairman said that, as there had been no further action on the petition, the petition would be dismissed without prejudice.

The Board voted unanimously to dismiss the petition without prejudice.