

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2020-33

Petition of Bike Realty, LLC  
951 Worcester Street

11/17/2020  
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Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, August 13, 2020 at 7:30 pm, on the petition of Bike Realty, LLC requesting renewal of a Special Permit pursuant to the provisions of Section 3, Section 11, Section 14E and Section 25 of the Zoning Bylaw to continue to use a portion of the premises for a drive-through window where business is transacted from the vehicles of customers or patrons, at 951 Worcester Street, in a Single Residence District A, a Business District and a Water Supply Protection District, which is a use not allowed by right.

On March 16, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for August 13, 2020.

Present at the public hearing was Joe Murray, representing Bike Realty, LLC, the Petitioner. He said that he has come before the Board every three years to renew the drive-thru special permit for 951 Worcester Street. He said that their company also operates the Dunkin Donuts at that location. He asked that the special permit be renewed for three more years.

The Board discussed prior issues with traffic and menu restrictions. Mr. Murray said that when they rebuilt the property they were able to reconfigure the drive-thru and that allowed them to go back to a full menu. He reviewed the history of the site.

A Board member asked if there have been any issues with traffic backing up onto Route 9. Mr. Murray said that there have been no problems since they made the changes to the site.

There was no member of the public who wished to speak to the petition.

### Statement of Facts

The subject property is located at 951 Worcester Street, in a Single Residence District A, a Business District and a Water Supply Protection District.

The Petitioner is requesting renewal of a Special Permit pursuant to the provisions of Section 3, Section 11, Section 14E and Section 25 of the Zoning Bylaw to continue to use a portion of the premises for a drive-through window where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right.

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On August 12, 2020, the Planning Board reviewed the petition and recommended that the Special Permit be renewed.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The use of a drive-through window in a Single Residence A and a Business District requires a Special Permit, as it is a use not allowed by right.

It is the opinion of this Authority that the Petitioner has complied with all of the Special Permit Use Standards enumerated in Section 25 of the Zoning Bylaw. Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the use of a drive-through window, subject to the following condition:

1. This Special Permit shall expire three years from the date time stamped on this decision.

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2020-33

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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

12/10/2013 CL 12357

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 (l.m.)  
J. Randolph Becker, Chairman

Robert W. Levy (l.m.)  
Robert W. Levy

Derek B. Redgate (l.m.)  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm

