

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN  
ROBERT W. LEVY, VICE CHAIRMAN  
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LENORE R. MAHONEY  
Executive Secretary  
Telephone  
(781) 431-1019 Ext. 2208

WALTER B. ADAMS  
DEREK B. REDGATE  
PETER COVO

Date: 11/23/26ZBA: 2026-11

Petition for:	Residential Fee	Commercial & Municipal Fee
Variance	_____ \$200	_____
Special Permit	_____ \$200	_____ \$500
Special Permit/Findings	_____ \$200	_____
Special Permit Renewals	<u>X</u> _____ \$150	_____
Signs	_____	_____ \$300
Site Plan Approval without PSI	_____	_____ \$2,000 & Fire Department Consulting Fee
Site Plan Approval with PSI	_____	_____ \$3,500
Appeals	_____ \$200	_____ \$300
Comprehensive Permit	_____	_____ \$750
Publication & Mailing Fees/All Petitions	<u>X</u> _____ \$25	_____ \$25
Petitioner assumes all costs for Peer Review		

Property Location: 188 Linden StreetZoning District: Bus. + LSCOD

Property located in a: Historic District ☐ Yes ☒ No  
Wetlands Protection Area ☐ ☒  
Water Supply Protection District ☐ ☒

Prior Zoning Decisions: Special Permit/Finding: Variance: \_\_\_\_\_Applicable Section(s) of the Zoning Bylaw: Sections 2.10, 3.3, and 6.3Explanation of Request: Renew Drive-Through Special Permit

## Requested Relief:

\_\_\_\_\_ Lot Area \_\_\_\_\_ Front Yard Depth (Street Setback)  
\_\_\_\_\_ Lot Coverage \_\_\_\_\_ Side Yard Width (Side Line Setback)  
\_\_\_\_\_ Frontage \_\_\_\_\_ Rear Yard Depth (Rear Line Setback)  
\_\_\_\_\_ Front Yard Width \_\_\_\_\_ Other \_\_\_\_\_

OWNER OF PROPERTY/PETITIONER: FR Linden Square LLCMAILING ADDRESS: 909 Rose Ave., Suite 200, N. Bethesda, MD 20852PHONE: WORK: 301-998-8100

HOME: \_\_\_\_\_

SIGNATURE OF OWNER: By: Rebecca D. WalkerName: Rebecca D. Walker, VP, Head of Legal - Real EstateAGENT FOR PETITIONER (PLEASE PRINT): CVS Pharmacy, Inc.MAILING ADDRESS: 1 CVS Drive, Woonsocket, RI 02895PHONE: WORK: 401-765-1500

HOME: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

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RICHARD L. SEEGL

ZBA 2023-15

Petition of FR Linden Square Inc.  
188 Linden Street (CVS Pharmacy)

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 6 2023 at 7:30 pm, on the petition of FR Linden Square, Inc. requesting renewal of a Special Permit pursuant to the provisions of Section 2.10, Section 3.3 and Section 6.3 of the Zoning Bylaw to allow CVS Pharmacy to continue to use a portion of the premises at 188 Linden Street for the purpose of a two lane drive-through facility that consists of a drive-through window and one pneumatic tube facility, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in the Linden Street Corridor Overlay District and a Business District.

On March 9, 2023, 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 Brian Levey, Esq., representing CVS Pharmacy. Mr. Levey said that the request is to renew the special permit for the drive through at 188 Linden Street. He said that he conferred with the store manager, who confirmed that the drive-through is in good physical condition. He said that no problems with vehicular or pedestrian traffic were reported.

A Board member said that the second lane does not appear to be in use. He asked if there is any necessity to keep maintaining it. Mr. Levey said that the amount of traffic that comes through the store varies greatly, particularly during COVID when the second lane was in constant use. He said that CVS would not be looking to close it. He said that should there be another health crisis, it would be good to have the lane in place.

Mr. Levey said that the hours of operation will not change.

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

Statement of Facts

The subject property is located at 188 Linden Street, in the Linden Street Corridor Overlay District and a Business District, where business transacted from the vehicles of customers or patrons is a use not allowed by right. The property is owned by FR Linden Square Inc. and is occupied by CVS Pharmacy. The drive-through facility consists of two lanes, one lane having direct access along the building for hand-to-hand prescription service and an outer lane having a pneumatic tube facility for prescription drop off service. Access to the drive-throughs is made from the southeasterly end of the building.

The Development Agreement limits the hours of operation of the drive-through facilities to 10:00 pm.

On April 5, 2023, the Planning Board reviewed the petition and recommended that renewal of the special permit be granted, subject to the same conditions as previously imposed.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. A Special Permit is required pursuant to Section 2.10, Section 3.3 and Section 6.3 of the Zoning Bylaw, as a drive-through facility where business is transacted from the vehicles of customers or patrons, is not a use allowed by right in the Linden Street Corridor Overlay District and a Business District.

It is the opinion of this Authority that the traffic circulation pattern shall not create a dangerous situation in the parking lot, and that the use of the premises to contain a 2-lane drive-through facility for direct access along the building for hand-to-hand prescription service and an outer lane having a pneumatic tube facility for prescription drop off service is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, renewal of a Special Permit is granted to FR Linden Square Inc., as voted unanimously by this Authority at the Public Hearing, for the use of its premises for the drive-through facility, subject to the following conditions:

1. Drive-through facility lights shall be turned off at the earlier of 10:00 pm. or the close of business.
2. There shall be a "Right Turn Only" sign after the pickup and drop off area.
3. Canopy lighting shall be recessed in the soffit of the canopy.
4. Any additional signage shall be subject to review by the Board of Appeals

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

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