

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 2017-90
Petition of Straly Realty Corp.
339 Washington Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 2, 2017, 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 XII and Section XXV 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, 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.

Presenting the case at the hearing was Laurence Shind, Esq., representing Straly Realty Corp., the Petitioner. Mr. Shind said that there has been no change to the seating plan since last year. He said that there have been no issues or complaints. He said that the Petitioner continues to police the area to make sure that everything is properly disposed of and that the tables are clean. He said that the request is for renewal of the special permit, with an additional request that it be extended for a longer period of time.

The Chairman said that he was concerned about the area that cars drive through to get to the mail boxes. He said that it is hard to get through there because cars that are parked do not fully pull up as far as they can. He said that it can be difficult for people who do not move around easily and do drive up to the mail boxes. He said that he would like to see some temporary signage in the front window requesting that all of the cars pull forward as far as possible. The Board discussed inserting a condition that the end space that is closest to the mail boxes be reconfigured and signed for compact cars only.

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 XII and Section XXV 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 October 31, 2017, 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 XII 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:

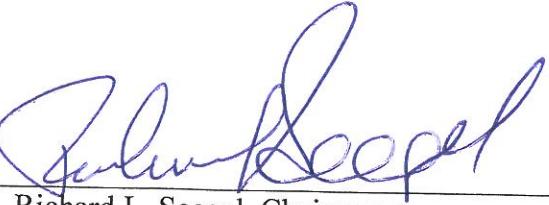
1. The outdoor area shall be kept free of litter and debris.
2. A temporary sign shall be placed in the front window for a period of two months with language that requests that people pull forward as far as they can in the parking spaces.
3. The last parking space on the left facing the building shall be re-designated as a compact car space to avoid traffic tie ups for people using the mail boxes.
4. This Special Permit shall expire two years from the date time stamped on this decision.

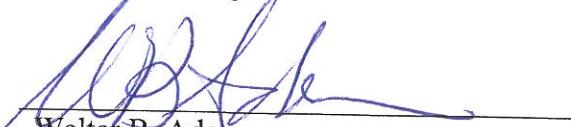
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339 Washington Street

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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.


Richard L. Seegel, Chairman


Walter B. Adams


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm