



## ZONING BOARD OF APPEALS

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

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TELEPHONE  
(781) 431-1019 EXT. 2208

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ZBA 2019-23

Petition of FR Linden Square, Inc.  
185 Linden Street (Bank of America)

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, February 7, 2019, on the petition of FR Linden Square, Inc. requesting renewal of a Special Permit pursuant to the provisions of Section XIII, Section XIVG and Section XXV of the Zoning Bylaw to allow a portion of the premises at 185 Linden Street to be used as a two lane drive through facility, namely a 24-hour ATM facility on the inner lane and a drive through window on the outer lane, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in an Industrial District. The property is located in the Linden Square Corridor Overlay District.

On February 5, 2019, 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 Eric Gunn, CBRE, facility partners with Bank of America, tenant at 185 Linden Street. He said that the request is for renewal of a special permit. A Board member said that the special permit should be renewed for a term of three years instead of two years.

The Chairman said that some of the turns to get into the lanes are challenging. He asked if there have been any issues since the last renewal of the special permit. Mr. Gunn said that when the facility was first redone, they did notice some issues and shaved back some of the curbing as far as they could. He said that they had discussions with the landlord but they were not able to get the landscaping and curbing as simple as they would like it. He said that it can be a little more challenging for certain vehicles.

The Chairman asked if most people turn left when exiting. Mr. Gunn said that a few people turn right but most follow the correct path. He said that over time people have gotten used to the proper way to do it.

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

#### Statement of Facts

The subject property is located at 185 Linden Street, in an Industrial District and the Linden Square Corridor Overlay District, where business transacted from the vehicles of customers or patrons is a use not allowed by right.

The Petitioner is requesting renewal of a special permit pursuant to the provisions of Section XIII, Section XIVG and Section XXV of the Zoning Bylaw to allow a portion of the premises at 185 Linden Street to be used as a two lane drive through facility, namely a 24-hour ATM facility on the inner lane and a drive

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185 Linden Street (Bank of America)

through window on the outer lane, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in an Industrial District and the Linden Square Corridor Overlay District

On February 5, 2019, the Planning Board reviewed the petition and recommended that renewal of the special permit be approved.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the public hearing. A special permit is required pursuant to Section XIII of the Zoning Bylaw, as the requested use of the premises for a 24-hour drive-through and ATM facility is not a use allowed by right in an Industrial District.

It is the opinion of this Authority that the use of the Bank of America's two lane drive-through facility is in harmony with the general intent and purpose of the Zoning Bylaw and will meet the Special Use Permit Standards conditions, in accordance with Section XXV D of the Zoning Bylaw.

Therefore, renewal of special permit is granted, as voted unanimously by this Authority at the Public Hearing, to continue to use its premises as a two lane drive-through facility, namely a 24-hour ATM on the inner lane and a drive-through window on the outer lane, where business is transacted from the vehicles of customers or patrons, subject to the following condition:

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

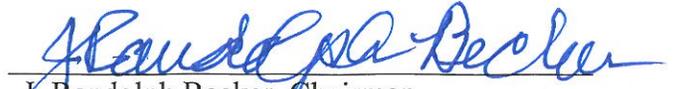
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
\_\_\_\_\_  
J. Randolph Becker, Chairman

  
\_\_\_\_\_  
Richard L. Seegel

  
\_\_\_\_\_  
Derek B. Redgate

ZBA            2019-23  
Applicant    FR Linden Square, Inc.  
Address      185 Linden Street (Bank of America)

**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

cc: Planning Board  
Inspector of Buildings  
lrm