



ZONING BOARD OF APPEALS

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

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ZBA 2015-37
 Petition of Bike Realty
 951 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 7, 2015 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of BIKE REALTY requesting renewal of a Special Permit pursuant to the provisions of Section III, Section XI, Section XIVE and Section XXV of the Zoning Bylaw to continue to allow a portion of its premises at 951 WORCESTER STREET, in a Business District, a Residence A District and a Water Supply Protection District, to be used for a drive-through window where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right.

On April 21, 2015, 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 were Joe Murray, representing Dunkin Donuts and Bill Donovan, Bike Realty.

Mr. Murray said that the Petitioner came before the Board about a year ago requesting that the condition restricting the menu be lifted. He said that the Board granted the petition, subject to the condition that the special permit would expire in one year. He said that the request is to continue to operate without restrictions.

The Board asked about queuing with the new site layout. Mr. Murray said that queuing has improved significantly. He said that they no longer have people backing into each other because parking for the drive through is now completely separated from the queue. He said that the queue is not backing out onto Route 9.

The Board said that it would grant a two-year renewal of the special permit.

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

Statement of Facts

The subject property is located at 951 Worcester Street, in a Business District, a Residence A District and a Water Supply Protection District, on a 12, 259 square foot lot owned by Bike Realty LLC.

The Petitioner is requesting renewal of a Special Permit pursuant to the provisions of Section XI, Section XIVE and Section XXV of the Zoning Bylaw to continue to allow a portion of its premises in a Business

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District, to be used for a drive-through window where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right.

On May 4, 2015, the Planning Board reviewed the petition and recommended that the special permit be granted.

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 Business District requires a Special Permit, as it is a use not allowed by right in a Business District.

It is the opinion of this Authority that the Petitioner has complied with all of the Special Permit Use Standards enumerated in Section XXV 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 two years from the date time stamped on this decision.

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ZBA 2015-37
Petition of Bike Realty
951 Worcester 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


Robert W. Levy


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm