



ZONING BOARD OF APPEALS

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

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ZBA 2016-82
 Petition of Straly Realty Corp.
 339 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 6, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Straly Realty Corp. requesting 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 September 21, 2016, 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 Laurence Shind, Esq., representing Straly Realty Corp., the Petitioner, and Gaby Cruze, Manager, Caffe Nero.

Mr. Shind said that Caffe Nero has been open for a month. He said that the request is for a special permit for outdoor seating. He said that Caffe Nero is a European style coffee house that was founded 20 years ago in England. He said that there are 700 stores worldwide and this is the seventh store in Massachusetts. He said the Caffe Nero serves freshly roasted espresso, freshly brewed coffee, pastry and paninis. He said that it is located in the former Wellesley Hills train station where they opened the ceilings and walls. He said that it is open from 6 am to 9 pm daily. He said that there is seating for 50 inside and they would like to have seating for up to 14 outside for seasonal use. He said that many customers are train commuters and this will give them a comfortable place to wait for the train.

The Board confirmed that food is picked up by customers inside and brought outside. Mr. Cruze said that the only outdoor service is to clean up.

The Chairman said that the application speaks to 14 seats but the drawing only shows 11. Mr. Shind said that the twelfth seat is for handicapped use and is hard to see. He said that there are two new benches at the back but no tables.

The Board asked where the fence that is shown on the west elevation is on the plans. Mr. Cruze said that there is no fence there. He said that he was not sure if there is a plan to have one there.

The Board said that it appears that they will be bringing the pavement out further from the restaurant. Mr. Cruze said that nothing has changed. He said that it is existing pavement. He said that the town requested that they cut back the brush.

The Chairman asked if the walk will be wide enough to go around the building and down the stairs to get to the train. He confirmed that the straight part that is closest to the tree is still there. Mr. Cruze said that nothing was done on the outside.

A Board member confirmed that everything is within the footprint of the property. Mr. Shind said that it is. He said that they had a survey done recently.

The Board confirmed that the request is just for the seating, not the fence.

The Chairman said that this property is surrounded by places where people do not live. He said that lights being on is not so much of an issue. He said that no plot plan was submitted, so it was hard to fit the drawings together.

Mr. Cruze said that the benches at the back are an attraction for families on the weekends. He said that kids sit and watch the trains go by.

Mr. Cruze said that Caffe Nero opens at 5:30 am and closes at 9 pm.

The Board confirmed that the outdoor seating will be seasonal.

A Board member said that he was concerned about policing of litter without wait service. He said that, as the train comes, people may leave their cups on the tables. Mr. Cruze said that the staff will clean up outside. The Board member said that the Board may require some sort of refuse container. Mr. Cruze said that they do have one outside. A Board member asked if the serving pieces are recyclable. He asked if there will be containers for trash and recyclables. Mr. Cruze said that the can add a recycle container out there. He said that the baristas come out to make sure that the premises look clean. He said that guests use china inside the café and can choose china or disposable for outside.

The Chairman said that the Board would adopt the findings that were submitted by Mr. Shind with respect to the special permit use standards as evidence that they are met.

The Chairman said that he thought it would be a good idea to insert a condition that the permit will expire after one year to give the Board the opportunity to review how it is working out.

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

Statement of Facts

The Petitioner is requesting 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.

Letter of Authorization, dated 8/23/16, Letter to ZBA, dated 8/23/16, from Laurence D. Shind, Esq., regarding Special Permit Application, Proposed First Floor Design Layout, dated 10/16/15, prepared by Caffe Nero, West Exterior Elevation and a photograph were submitted.

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On October 6, 2016, 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. 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. This Special Permit shall expire one year from the date time stamped on this decision.

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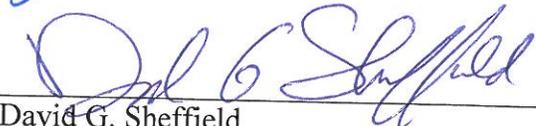
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman

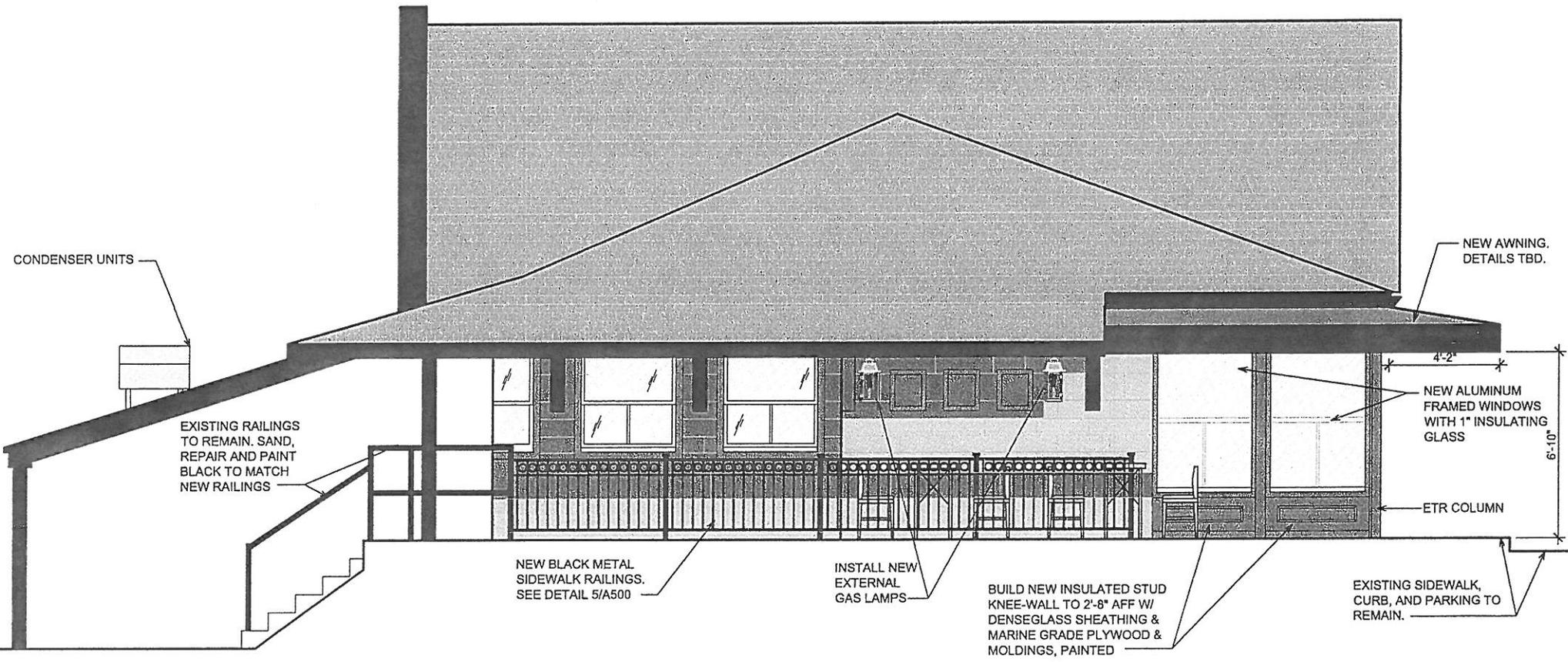


David G. Sheffield



Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm



WEST EXTERIOR ELEVATION

1/4" = 1'-0"