



## ZONING BOARD OF APPEALS

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2020 APR 16 PM 1:58

ZBA 2020-20  
Petition of FR Linden Square Inc.  
180 Linden Street (CVS Pharmacy)

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, April 2 2020 at 7:30 pm, on the petition of FR Linden Square, Inc. requesting renewal of a Special Permit pursuant to the provisions of Section 11, Section 14G and Section 25 of the Zoning Bylaw to allow CVS Pharmacy to use a portion of the premises at 180 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 11, 2020, 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 the applicant, CVS Pharmacy, Inc. He said that the request is for renewal of a special permit for a drive-through that has been in operation since 2010. He said that previous renewals of the special permit were approved. He said that because of the current public health crisis, he did not have an opportunity to visit the store site but did speak with the store manager, who assured him that the drive through has been operating properly and there were no vehicular or pedestrian issues associated with its operation. The Chairman said that he could attest that the drive through is operating properly during the current public health crisis. He said that he has no problem with renewal of the special permit.

A Board member discussed the conditions of the previous permit. Mr. Levey said that his client had no objections to the existing conditions. The Board members agreed that extension of the special permit to three years would be appropriate.

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

Statement of Facts

The subject property is located at 180 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.

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

On April 2, 2020, 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 11, Section 14G and Section 25 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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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  
Richard L. Seegel, Acting Chairman

David G. Sheffield  
David G. Sheffield

Derek B. Redgate  
Derek B. Redgate

ZBA            2020-20  
Applicant    FR Linden Square Inc.  
Address      180 Linden Street (CVS)

**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