

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ROBERT W. LEVY, VICE CHAIRMAN  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
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22 MAR 17 PM 4:00

ZBA 2022-05

Petition of Wellesley Place LLC  
978 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 6, 2022 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Wellesley Place LLC requesting renewal of a Special Permit pursuant to the provisions of Section 12 and Section 25 of the Zoning Bylaw to allow a portion of the premises at 978 Worcester Street 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 in a Business A District.

On December 1, 2021, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

At the request of the Petitioner, the Board voted to continue the petition to February 3, 2022.

### February 3, 2022

As it did not have quorum for this matter, the Board voted unanimously to continue the petition to March 3, 2022.

### March 3, 2022

Present at the public hearing were Joe Murray, representing Dunkin Donuts and Michael Carr, Manager, Wellesley Place LLC.

The Chairman said that the Board received correspondence from one of the tenants at 978 Worcester Street. Mr. Murray said that they met with Kerri Bass, Practice Manager, Wellesley Hills Primary Care, who is the upstairs tenant. He said that there was a situation last fall when Dunkin Donuts was short of help due to Covid. He said that it caused the line to back up more than usual. He said that they have taken care of the problem since then. He said that they will keep the lobby open at all times, which is important during peak hours. He said that they were able to secure more parking for Dunkin Donuts and the upstairs tenant.

Mr. Carr said that there are six parking spaces that have never used in the five years that the building has been open. He said that they will put up signs that designate those spaces for employee parking at the back of the building. He said that they gave Dunkin Donuts two more spaces in the garage for a total of ten spaces where they had eight before. He said that they met with Kerri Bass and she was happy with the result.

Mr. Murray said that most of the people who work at Wellesley Hill Primary Care are regular customers at Dunkin Donuts. He said that things have levelled out after the bump in the road in the fall, staffing has improved and they are back on track.

Mr. Murray said that they learned that there can be a large gap between cars. He said that they have gone out and encouraged people to move forward, which has tightened up the lane. He said that they now have more people at the window making sure that it is operating at the right speed.

A Board member asked if it would be helpful to put some markings in the drive through lane between spaces 58 and 59, indicating that cars should not block the entrance to the building. Mr. Murray said that they can mark it with stripes. A Board member suggested that it be indicated as a pedestrian area and marked as a crosswalk so that cars do not park at the entrance to the back door.

Mr. Murray asked for a three year renewal of the special permit. A Board member confirmed that the building is currently at full occupancy.

No member of the public wished to speak to the petition.

Statement of Facts

The subject property is located at 978 Worcester Street, in a Business A District.

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The Petitioner is requesting a Special Permit to allow it to use a portion of its premises 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 in a Business A district.

On January 5, 2022, the Planning Board Staff reviewed the petition and recommended that renewal of the special permit be granted, subject to the same terms and conditions.

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 12 of the Zoning Bylaw, as the requested use of the premises for a drive-through facility is not a use allowed by right in a Business A District.

It is the opinion of this Authority that the use of a portion of the premises at 978 Worcester Street to be used for a drive-through facility where business is transacted from the vehicles of customers or patrons is in harmony with the general intent and purpose of the Zoning Bylaw.

ZBA 2022-05  
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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to allow a portion of its premises to be used for a drive-through window where business is transacted from the vehicles of customers or patrons, subject to the following conditions:

1. This Special Permit shall expire three years from the date time-stamped on this decision.
2. The hours of operation shall be from 5 am to 9 pm.
3. There shall be signage or striping on the pavement to indicate entrances to the building.

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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.

ZBA 2022-05  
Applicant Wellesley Place LLC  
Address 978 Worcester Street

*J. Randolph Becker*  
J. Randolph Becker, Chairman

*David G. Sheffield*  
David G. Sheffield

*Richard L. Seegel*  
Richard L. Seegel

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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

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R E C E I P T  
Printed: May 23, 2022 @ 11:32:58  
Norfolk Registry of Deeds  
William P O'Donnell  
Register

Trans#: 51882 Oper: CHRISCHRIS

=====  
Book: 40556 Page: 493 Inst#: 45022  
Ct1#: 263 Rec: 5-23-2022 @ 11:32:58a  
WELL 978 WORCESTER STREET

DOC	DESCRIPTION	TRANS AMT
DECISION		
10.00	rec fee	10.00
50.00	Surcharge	50.00
5.00	Tech. Surcharge	5.00
	Postage/Handling Fee	1.00
	State Fee \$40.00	40.00
	Total fees:	106.00

\*\*\* Total charges: 106.00

CASH PMT PAYMENT -CASH	120.00
Overpayment amount:	14.00
REF CASH REFUND -CASH	14.00

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Permit Granting Authority held a Public Hearing on Thursday, January Meeting Room, 525 Washington Street, Wellesley, on the petition of renewal of a Special Permit pursuant to the provisions of Section 12 and allow a portion of the premises at 978 Worcester Street to be used for a business is transacted from the vehicles of customers or patrons, which is a less A District.

er filed a request for a hearing before this Authority, and thereafter, due mailing and publication.

Board voted to continue the petition to February 3, 2022.

matter, the Board voted unanimously to continue the petition to March

Joe Murray, representing Dunkin Donuts and Michael Carr, Manager,