

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN  
ROBERT W. LEVY, VICE CHAIRMAN  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2022 MAR 17 PM 4:00  
WALTER B. ADAMS  
DEREK B. REDGATE  
RICHARD L. GEEGEL

ZBA 2022-16

Petition of Federal Realty

185 Linden Street (Bank of America)

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, March 3, 2022, on the petition of FR Linden Square, Inc. requesting renewal of a Special Permit pursuant to the provisions of Section 13, Section 14G and Section 25 of the Zoning Bylaw to allow a portion of the premises at 185 Linden Street (Bank of America) 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 Street Corridor Overlay District.

On January 12, 2022, 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 Eric Gunn, CBRE, Facility Partner with Bank of America. He said that the request is for renewal of the special permit for two drive up lanes that operate 24 hours at 185 Linden Street, in the Linden Square Development. He said that there have been no changes to vehicle circulation or queuing lanes.

A Board member discussed increased pickup activity at restaurants during Covid. He said that in some instances cars blocked the entrance. Mr. Gunn said that he did not get any calls about that specifically. He said that things have opened up over time and seem to be getting closer to normal. He said the problem was the result of people waiting in abnormal situations.

Mr. Gunn discussed circulation on the site. He said that they worked with the landlord when the area was redesigned to open it up a bit and it seems to be working well. He said that there is probably not much more that they can do without getting the landlord involved.

A Board member said that the Planning Board recommended signage for no right turn. The Board discussed improved signage.

David Himmelberger, Esq., said that the Board granted approval for additional construction at the California Pizza Kitchen building for outdoor seating that will extend further out between the two buildings. He said that will make it more difficult to make a right turn. He said that there is a left arrow on the concrete retaining wall as you exit the ATM to take you around the back of the building to the Cambridge Trust drive-through and the exit.

No member of the public 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 13, Section 14G and Section 25 of the Zoning Bylaw to allow a portion of the premises at 185 Linden Street (Bank of America) 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.

On February 25, 2022, 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 13 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.


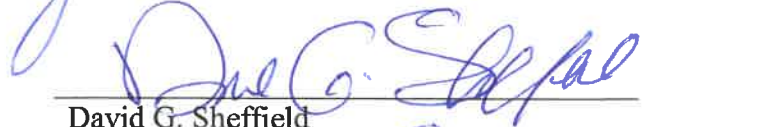

It is the opinion of this Authority that the use of the Bank of America's two lane drive-through facility is in harmony with the general intent and purpose of the Zoning Bylaw and will meet the Special Use Permit Standards conditions, in accordance with Section 25 of the Zoning Bylaw.

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 conditions:

1. This Special Permit shall expire three years from the time date stamped on this decision.
2. The Petition shall investigate the possibility of installing a left turn only sign.

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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  
  
David G. Sheffield  
  
Richard L. Seegel

ZBA                    2022-16  
Applicant        Federal Realty  
Address           185 Linden Street

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2022 MAR 17 PM 4:00

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

RECEIPT  
Printed: April 26, 2022 @ 11:19:21  
Norfolk Registry of Deeds  
William P O'Donnell  
Register

Trans#: 42423 Oper: LAUSTIN  
Book: 40489 Page: 466 Inst#: 36207  
Ct1#: 318 Rec: 4-26-2022 @ 11:19:20a  
WELL 185 LINDEN 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 106.00

BK 40489 Pg 466 #36207  
04-26-2022 @ 11:19a



MASSACHUSETTS

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