

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2022-21

Petition of FR Linden Square, Inc.
195-197 Linden Street (Cambridge Trust)

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 3, 2022 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, 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 continue to allow the use of a portion of the premises at 195-197 Linden Street (Cambridge Trust), in an Industrial District and the Linden Street Corridor Overlay District, as a drive-through teller window and a separate drive-through ATM machine, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right.

On January 27, 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 Tom Fontaine, representing Cambridge Trust, who said that the request is for a three year renewal of the special permit for the drive up window at their location in Linden Square. He said that nothing has changed since the last approval.

A Board member said that the approach to the drive through is visually difficult with the dumpsters. Mr. Fontaine said that Cambridge Trust does not have control of the dumpsters. A Board member said that the Board should address that issue the next time that Federal Realty comes before the Board.

A Board member said that the sign on the wall for Cambridge Trust is small and it hard to see because of the mural.

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

Statement of Facts

The subject property is located at 195-197 Linden Street, in an Industrial District in the Linden Square Corridor Overly District, where business transacted from the vehicles of customers or patrons is a use not allowed by right. The property consists of a block of stores in which Cambridge Bank leases space at the eastern end of the building.

From 1991 through 1998, Baybank occupied the premises. A special permit to allow the single 24-hour ATM drive-through was granted in 1991, and renewed biennially until 1998. Wellesley Co-operative Bank, now called Wellesley Bank, occupied the premises in 2002 and requested a Special Permit to allow the premises to be used for two drive-through installations: a teller window and a 24-hour ATM machine, which was a use not allowed by right in a Business District. The Board granted the special permit for one year (ZBA 2002-21). The Board renewed the special permit for two years (ZBA 2003-25, ZBA 2005-29, ZBA 2007-16, ZBA 2009-09, ZBA 2011-13, ZBA 2017-19 & ZBA 2019-37). The Petitioner is now requesting renewal of the special permit.

Queuing along the eastern side of the building is sufficient for three cars. Access to the teller window and the ATM machine is made from the westerly end of the building parallel to the Bank of America outer tube facility. The traffic proceeds around the rear of the building to either window, and then into the parking lot.

The hours of operation of the teller window are 8 am to 4 pm on Mondays through Thursdays; 8 am to 6 pm on Fridays, and 9 am to 1 pm on Saturdays. Seven to nine vehicles pass through per hour with each transaction taking two to three minutes. The ATM machine is a 24-hour facility, which is located 8 feet from the front of the building. The teller window is located 7 feet behind the ATM facility.

On February 25, 2022, the Planning Board reviewed the petition and recommended that renewal of the special permit be granted.

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 13 and Section 14G of the Zoning Bylaw, as a drive-through installation where business is transacted from the vehicles of customers or patrons is a use not allowed by right in an Industrial District in the Linden Square Corridor Overlay District.

It is the opinion of this Authority that the traffic circulation pattern shall not create a dangerous situation in the parking lot fronting the premises, and that the use of the premises to contain a 24-hour ATM facility and a drive-through teller window is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, 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 two drive-through facilities, subject to the following conditions:

1. No canopy or signage requiring a special permit shall be installed without review and approval by the Design Review Board and the Board of Appeals.
2. The directional sign stating "Do Not Enter" shall be maintained at the left front corner of the building to prevent customers from entering the drive-through lanes from the wrong direction.

This special permit shall expire three years from the time date 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.


J. Randolph Becker, Chairman


David G. Sheffield


Richard L. Seegel

ZBA 2022-21
Applicant FR Linden Square, Inc.
Address 195-197 Linden Street

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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