

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
888 WORCESTER STREET • SUITE 160 • 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

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JAN 18 PM 12:09
MA 02482

ZBA 2024-01
Petition of FR Linden Square, LLC
182 Linden Street (Citizens Bank)

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, January 4, 2024 at 7:30 pm, on the petition of FR Linden Square, Inc. requesting renewal of a Special Permit pursuant to the provisions of Section 2.10, Section 3.3 and Section 6.3 of the Zoning Bylaw to allow a portion of its premises at 182 Linden Street (Citizens Bank) to continue to be used as a three lane drive-through facility, namely one drive-through manned teller facility, one drive-through pneumatic tube facility, and one bypass lane, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business District and the Linden Street Corridor Overlay District.

On December 4, 2024, 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 William Squires, Esq., Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., representing Citizens Bank.

Mr. Squires said that the request is to renew the existing special permit to continue the use of a three-lane drive-through facility at the bank branch located at 182 Linden Street. He said that the property is located in a Business District and the Linden Street Corridor Overlay District. He said that the use is permitted by special permit pursuant to Section 2.10 and Section 6.3 D of the Zoning Bylaw. He said that no changes are proposed. He said that a change to signage was approved by the Board last month.

Mr. Squires said that he spoke with the branch manager between Christmas and New Year's and was told that there were no safety issues reported. He said that when a neighbor expressed concerns about the brightness of the ATM machine, the brightness was adjusted with a software update.

A Board member discussed Condition #3 of the approved decision. He questioned whether pedestrian access only after 10 pm was intended for access to an ATM machine in the building or for employee and service company access only. Mr. Squires said that the public only have access to the drive-up ATM after business hours.

The Chairman discussed eliminating Condition #3. He said that the intent is that the drive-through ATM cannot be used after 10 pm. A Board member said that if elimination of Condition #3 conflicts in any way with the Master Permit, the Petitioner can come back before the Zoning Board for modification. Mr. Squires said that the bank would have no objection to eliminating Condition #3.

Board members discussed Condition #2 of the approved decision. A Board member asked if the bank operates the pneumatic equipment as late as 8 pm. Mr. Squires said that it appears that the hours are typically until 4 pm. He said that the bank branch hours are 9 am to 4 pm, Monday through Friday, 9 am to 2 pm on Saturday, and closed on Sunday. The Board member suggested modification of Condition #2 so that the use of the pneumatic tube matches the hours of operation of the bank. The Chairman suggested that the restriction be the earlier of closing of the branch or 8 pm. He said that some banks are open on Thursday nights.

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

Statement of Facts

The subject property is located at 182 Linden Street, in a Business District and the Linden Street Corridor Overlay 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 Citizens Bank. The three-lane drive-through facility consists of one drive-through manned teller facility, one drive-through pneumatic tube facility, and one bypass lane. Access to the teller window and the pneumatic tube facility is made from the northwesterly end of the building.

The hours of operation of the outside pneumatic equipment at the drive-through facilities will be limited to 8 am to the earlier of closing of the bank or 8 pm and the drive-up ATM shall operate no later than 10 pm, as the Development Agreement limits the hours of operation of the drive-through facilities to 10 pm.

On December 19, 2023, 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 hearing. A Special Permit is required pursuant to Section 2.10, Section 3.3 and Section 6.3 of the Zoning Bylaw, as a drive-through installation where business is transacted from the vehicles of customers or patrons, is not a use allowed by right in a Business District and the Linden Street 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, and that the use of the premises to contain a three-lane drive-through facility consisting of one drive-through manned teller facility, one drive-through pneumatic tube facility, and one bypass lane, is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the use of a portion of its premises as a three-lane drive-through facility consisting of one drive-through

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manned teller facility, one drive-through pneumatic tube facility and one bypass lane, subject to the following conditions:

1. Signage shall be subject to review by the Board of Appeals.
2. The hours of operation of the outside pneumatic equipment shall be limited to 8 am to the earlier of closing of the bank or 8 pm and the drive-up ATM shall operate not later than 10 pm.

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.

Robert W. Levy (L.M.)
Robert W. Levy, Acting Chairman

Walter B. Adams (L.M.)
Walter B. Adams

Derek B. Redgate (L.M.)
Derek B. Redgate

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Applicant FR Linden Square, LLC
Address 182 Linden Street (Citizens Bank)

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

HAND TO
LAND COURT

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NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
A N
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WILLIAM P. O'DORNELL, REGISTER

Doc# 1-534-077 03-29-2024 9:00
Ctf# 173254
Norfolk County Land Court

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