



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

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WILLIAM E. POLLETTA
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JAN 4 9 40 AM '91

ZBA 90-88
Petition of CGI Companies
21-35 Grove Street/572 Washington Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, December 20, 1990 at 8:15 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, on the petition of CGI COMPANIES requesting a Finding pursuant to the provisions of Section XVII and Section XXIV-D of the Zoning Bylaw that the expansion of and structural change to the pre-existing nonconforming structure at 21-35 GROVE STREET/572 WASHINGTON STREET, in a Business District, shall not be more detrimental to the neighborhood than the existing nonconforming structure. Said expansion shall consist of two temporary awning structures for seasonal use, one 12 feet by 50 feet, and one 12 feet by 36 feet consisting of rigid vinyl laced onto steel frames and supported by 9 posts which will be face mounted with slip fittings into the concrete sidewalk. The building is a pre-existing nonconforming structure as it has a floor area ratio exceeding .30 in a Business District. Said awnings would result in a seasonal expansion of the floor area and use of the premises.

On December 4, 1990, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was David Yennaco of Morgan Industries, the contractor for the construction and installation of the awnings. Mr. Yennaco said that in response to comments from the Design Review Board, the width of the awnings had been reduced from 14 to 12 feet, and that the awning had been split into two sections of 36 feet and 50 feet, rather than the original single expanse. He added that the whole structure will be installed in the spring and, removed and stored in the fall by Morgan Industries.

No other person present had any comment on the petition.

Statement of Facts

The pre-existing nonconforming building is located at 21-35 Grove Street/572 Washington Street, in a Business District, on a 13,500 square foot lot. The frontage of the lot from 21-35 Grove Street includes a concrete sidewalk at a depth of approximately 15 feet. The building was constructed in 1929. It has a floor area of 37,317 square feet and a floor area ratio of 2.75, which exceeds the floor area ratio of .30 presently allowed in a Business District.

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The petitioner is requesting a Finding that the seasonal expansion of said floor area by the construction of two awning structures, one 12 feet by 36 feet, and one 12 feet by 50 feet, across the front of the building from 21 to 35 Grove Street, shall not be more detrimental to the neighborhood than the existing use and structure. The awnings would be constructed of rigid vinyl laced onto steel frames and supported by nine poles which will be face mounted with slip fittings into the concrete sidewalk. The awning structures will be installed in the spring and removed in the fall by Morgan Industries, who will store the structures. The awnings will provide cover and shade for outdoor seating during the warmer months.

A Plot Plan dated October 3, 1990, drawn by John P. Hurney, Registered Land Surveyor; Elevations and Sections dated June 21, 1990, drawn by D. Huntington of Design Partnership Architects; and photographs were submitted.

The Design Review Board had preliminary reviews of the project on May 24, and August 23, 1990, and a final review on September 13, 1990. At the final review, the Design Review Board voted to approve the revised design reducing the width of the awnings from 14 to 12 feet and separating the single awning into two separate sections. The Board also recommended that the proposed bubble-shaped awning over the arched entryway between the two buildings be eliminated.

The Planning Board, on December 17, 1990, voted to offer no objection to the request.

Decision

This Authority has made a careful study of the evidence presented. A Finding that the proposed awning structures are not more detrimental to the neighborhood than the existing use and structure of the pre-existing nonconforming building is necessary as the use of the awnings would result in a seasonal expansion of the floor area of a building that is presently nonconforming as to its floor area ratio.

It is the opinion of this Authority that the propopsed awning structures will not be more detrimental to the neighborhood than the existing use and structure of the pre-existing nonconforming building, and may be allowed subject to construction in accordance with the Plot Plan and drawings submitted and referenced in the foregoing Statement of Facts and subject to the following conditions:

1. There shall be no outdoor storage of products or materials during the period when the awning structures have been removed.
2. That reapplication for a Finding shall be made one year from the date of this decision.

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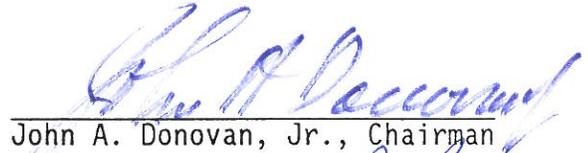
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Therefore, the Inspector of Buildings is hereby authorized to issue a permit for said construction upon his receipt and approval of a building application and construction plans.

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.

cc: Planning Board
Inspector of Buildings
edg

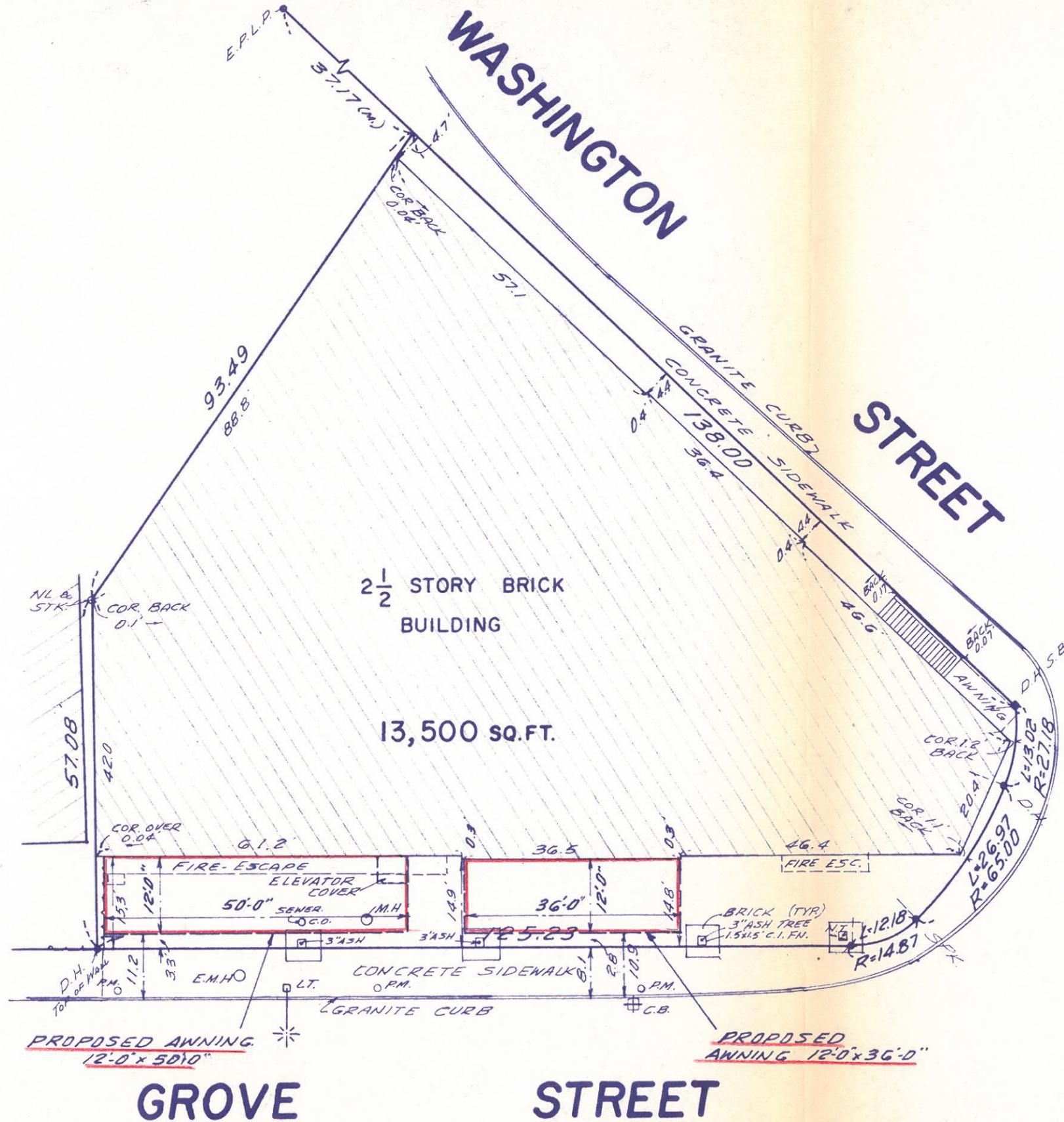
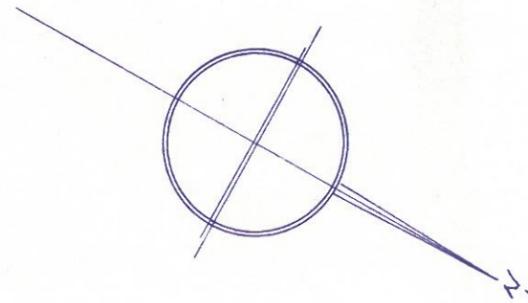

John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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DEED REF: NORFOLK COUNTY REGISTRY OF DEEDS: BK. 575, PG. 179, CERT. NO. 114,979
 L.C. PLAN: 11699A-2, DTD. AUG. 16, 1926,
 REC. BK. 53, PG. 163.



**PLOT PLAN
 OF LAND IN
 WELLESLEY, MASS.**

SCALE 1 IN. = 20 FT. OCT. 3, 1990
 BARNES ENGINEERING COMPANY, INC.
 411 LEXINGTON ST. AUBURNDALE, MASS.



I CERTIFY THAT THIS BUILDING IS LOCATED AS SHOWN ABOVE.

John P. Hurney