



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-23
Petition of Bertucci's
380 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 25, 1993 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of BERTUCCI'S requesting a Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the increase in the nonconformity of the Floor Area Ratio from 41.91 percent to 42.19 percent due to the addition of a vestibule approximately 5 feet by 7 feet, at their pre-existing nonconforming premises at 380 WASHINGTON STREET, in a Business District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 8, 1993, the petitioner requested a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Vincent Amato, representing Bertucci's, who said that they would like to install a vestibule to increase energy conservation and customer satisfaction. Without a vestibule, the opening of the front door results in heat loss and drafts.

The Board noted that the Design Review Board review had included mention of both the vestibule and roof screening. Mr. Amato presented a sketch of the proposed screening on the front and rear portions of the building roof, which would conceal the roof units with the exception of part of the smokestacks. He said that the screening will be composed of wooden rails and ballisters, and that Bertucci's will be responsible for the cost of the screening.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming building is located at 380 Washington Street, in a Business District, on a 12,763 square foot lot. The property is owned by Wellplay Associates Limited Partnership, and leased by the petitioner for use as a restaurant. The present gross floor area of Bertucci's is 5350 square feet, with a nonconforming floor area ratio of 41.91 percent.

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The petitioner is requesting a Finding to allow construction of a 5 foot by 7 foot vestibule. The proposed addition will result in a floor area ratio of 42.19 percent, or an increase of .28 percent.

The petitioner has agreed to install wooden rail and ballister roof screening at a height of 5 feet on the front and rear portions of the roof.

A Site Plan prepared by D'Agostino Izzo Quirk Architects; elevations, floor plan and foundation plan dated February 25, 1993, drawn by Annino Associates; a plan of the vestibule, facade sketch of the vestibule; and photographs were submitted. A letter of approval from the property owner was included in the submission.

On February 11, 1993, the Design Review Board reviewed the vestibule and roof screen and voted to approve both projects with the understanding that construction of the roof screening would commence in a forthright manner. The plans "Proposed Roof Screen", including Rear Elevation, Side Elevation and Roof Plan, dated 1/14/93, drawn by Annino Associates were attached to the letter of recommendation.

On March 15, 1993, the Planning Board reviewed the petition and voted to offer no objection to the requested vestibule addition if the rooftop screening is complete before a Building Permit is issued for the vestibule structure.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject premises do not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

This Authority finds that the increase in the nonconforming floor area ratio from addition of the proposed 35 square foot vestibule from 41.91 percent to 42.19 percent, due to the addition of a 35 square foot vestibule, is de minimus and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The Inspector of Building is hereby authorized to issue a permit for construction upon receipt and approval of an application and detailed construction plans if, prior to issuance of said permit, the roof screening, agreed upon by Bertucci's, has been installed according to the submitted plans.

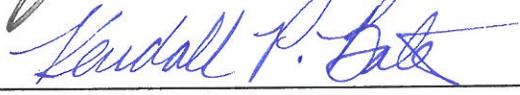
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

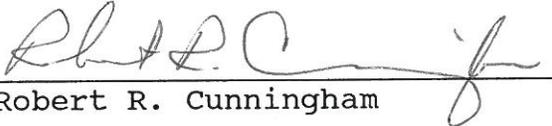
cc: Planning Board
Inspector of Buildings
edg



John A. Donovan, Jr., Chairman



Kendall P. Bates



Robert R. Cunningham

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