



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-3  
Petition of Bertucci's  
380 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 13, 1994 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 nonconforming Floor Area Ratio, which is presently 42.24%, to a Floor Area Ratio of 43.81% due to the conversion of 200 square feet in the cellar to usable floor space at their nonconforming premises at 380 WASHINGTON STREET, in a Business District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Allowed Floor Area Ratio in a Business District is 30%.

On December 27, 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. Mr. Amato said that the increase in usable floor space is requested as Bertucci's cannot produce enough food for the number of customers under present conditions. They would like to add another oven and additional prep area in the basement. They would also like to put in a delivery area to provide take-out service. Take-out and limited delivery are offered now, but the operation is not well designed. There are two picture windows at the end of the building. One window would be removed and replaced with a door to be used as egress for delivery people. The basement area is currently dirt space beneath the dining room, and is within the building footprint.

Mr. Amato explained that the take-out area would also be in the basement. Presently, take-out is from the front door. Customers for take-out would walk down the stairs instead of through the front door. The Board noted that the access is very inconvenient. Mr. Amato said that the Operations and Construction Departments have a difference of opinion on the project.

No other person present had any comment on the petition.

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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 is leased by the petitioner for use as a restaurant. The present gross floor area of Bertucci's is 5,392 square feet, which includes 4,530 square feet on the first floor and 862 square feet on the lower level. The present floor area ratio is 42.24%.

The petitioner is requesting a Finding that the conversion of 200 square feet of cellar space to usable floor space, thereby increasing the nonconforming floor area ratio from 42.24% to 43.81%, or an increase of 1.57%. shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

An unsigned, undated Site Plan; Lower Level Take Out Area Plans/Details (A-1, A-2), dated 10/22/93, drawn by Douglas R. Annino, Registered Architect; photographs; and a letter of approval from the property owner, Wellplay Associates Limited Partnership, were submitted.

Decision

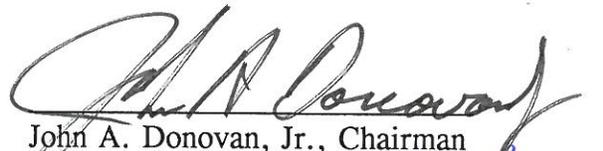
This Authority has made a careful study of the materials submitted and the information presented at the hearing. The floor area ratio of the subject premises does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

This Authority finds that the increase in the nonconforming floor area ratio, due to the conversion of 200 square feet of cellar space to usable floor area, from 42.24% to 43.81% is de minimus and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

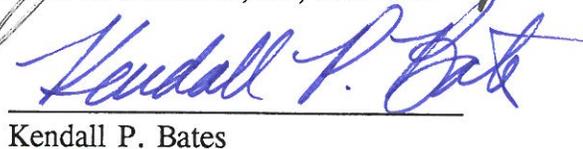
The Inspector of Buildings is hereby authorized to issue a permit for the conversion upon receipt and approval of an application and detailed construction plans.

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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