

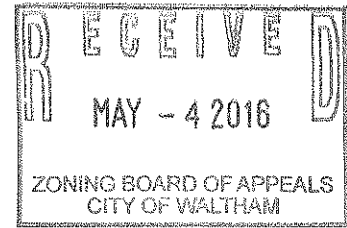


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May 4, 2016

Ms. Barbara Rando, Chair
Members of the City of Waltham
Zoning Board of Appeals
c/o Pam Doucette
119 School Street
Waltham, MA 02451

Re: Case No.: 2014-05
7-9 Alder Street, 7-9R Alder Street, 550, 560 and 570 Moody Street; and
10 Myrtle Street;

Dear Chairwoman Rando:

Please be advised that the undersigned represents LJB, LLC ("LJB"). On behalf of LJB, I respectfully request that the Waltham Zoning Board of Appeals (the "Board") grant a six (6) month extension with respect to the above-referenced zoning approval. A true and accurate copy of the Board's written decision is annexed hereto for your convenience. As you will note, the Decision is set to expire May 20, 2016. As grounds, LJB had previously experienced issues surrounding the architectural designs, construction budget and financing; all of which have now been resolved. As such, and in accordance with the Waltham Zoning Code and Section 10 of G.L. c. 40A, I respectfully request a six (6) month extension to November 20, 2016. If you have any questions or need anything additional please do not hesitate to telephone or email me. Thank you.

Very truly yours,

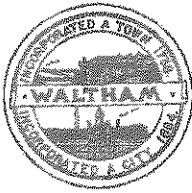
Bret J. Francis, Esq.

BJF/mof
Enclosure
cc: LJB, LLC

HJMR.JM.LJB.zba004.doc

310 Washington Street, Suite 201
Wellesley, MA 02481

5 Campbell Street
Woburn, MA 01801



The City of Waltham
ZONING BOARD OF APPEALS

**NOTICE OF DECISION
ON EXTENSION OF TIME**

CASE NUMBER: 2014-05
NAME OF PETITIONER(s)/OWNER(s): LJB, LLC
LOCATION OF PROPERTY: 7-9 Alder Street; 7-9R Alder Street; 550, 560 and 570
Moody Street; and 10 Myrtle Street
DATE OF EXTENSION HEARING: November 10, 2015
DATE OF DECISION: November 10, 2015
DATE OF FILING OF DECISION WITH CITY CLERK: November 16, 2015
DATE OF NOTIFICATION TO BUILDING INSPECTOR: November 16, 2015
FINAL DATE FOR FILING OF APPEAL FROM THIS DECISION: December 6, 2015

Appeals, if any, shall be made pursuant to Section 17 of the General Laws of Massachusetts Chapter 40A. All plans referred to in the decision have been filed with the Planning Board and with the City Clerk.

DECISION

GRANTED XX Extension of Time
DENIED _____

ROLL CALL

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Barbara Rando	X		Edward T. McCarthy, Jr.		
Michael J. Cotton			Oscar L. LeBlanc		
Mark A. Hickernell	X		Marc S. Rudnick		
John Sergi	X		Michael R. Squillante		
Glenna Gelineau	X		Gordon LaSane		

PETITION

Case #: 2014-05. **Petitioner:** LJB, LLC. **Nature of Appeal:** Various requests for Variances and Special Permit. **Subject Matter:** To allow for the demolition and construction of office, commercial and residential Buildings on five (5) newly created lots. **Location and Zoning District:** 7-9 Alder Street; 7-9R Alder Street; 11 Alder Street; 550, 560 and 570 Moody Street; and 10 Myrtle Street. Business A Zoning District. **Provisions of Zoning Ordinance Involved:** Art. IV, §4.11, §4.12(12) and §4.12(15); Art. V, §5.21, §5.42, §5.43, §5.47 and §5.91; Art. III, §3.533.

Specific Manner in Which Subject Matter Varies From Zoning Ordinance:

- a. Art. IV, §§ 4.11 and 4.241: Lots 4 and 5, as shown on petitioner's Site Plan dated January 24, 2014 and submitted herewith; each contain a six (6) unit residential building that abuts a residential district thereby requiring a side yard of 25' or ½ the height of the building, whichever dimension is greater. Here, there currently exists a side yard of 10.2' on Lot 4 and 10.5' on Lot 5 where they abut the residential lot. Lot 2, as shown, contains a mix of retail and residential use has a side yard of 1.9' to the northern edge and 0' on its southern edge where 10' is required;
- b. Art. IV, §4.11: The front yard requirement for each lot is 10'. Lots 1, 2 and 3, which front Moody Street as shown on petitioner's Site Plan dated January 24, 2014 and submitted herewith, have front yard setbacks of 6.2' on Lot 1, 2.0' on Lot 2, and 1.5' on Lot 3;
- c. Art. IV, §4.11: The Dimensional Table allows for six (6) residential units per acre. Pursuant to petitioner's Site Plan dated January 24, 2014 and submitted herewith, Lots 2, 4 and 5 each contain 6,381 sq. ft., 7,442 sq. ft. and 7,261 sq. ft. of land respectively. Petitioner proposes four (4) residential units on Lot 2 and six (6) units each on Lots 4 and 5. Although relief is sought for the additional units; there is no increase in the intensity (i.e., number of units) currently existing at the Project;
- d. Art. IV, §4.11: The Dimensional Table allows for a maximum lot coverage of thirty (30%) percent for lots with residential uses. Relief is sought for Lot 2, containing a mixed use building thereon, and which has a lot coverage of fifty one point eight (51.8%) percent;
- e. Art. IV, §4.11: The Dimensional Table requires fifteen (15%) percent of minimum open space. Relief is sought for Lot 2, containing a mixed use building thereon, and which has open space of six (6%) percent;
- f. Art. V, §5.21: In accordance with §5.21 and its footnotes, two (2) parking spaces are required for each dwelling unit; and 1 parking space per 300 sq. ft. of gross floor area. As a result, and as shown on petitioner's Site Plan dated January 24, 2014 and submitted herewith, Lot 1 contains 2,925 sq. ft. of office space requiring ten (10) spaces; Lot 2 which contains a mix use of retail and residential space requires twenty five (25) spaces; Lot 3 which contains a mix use of retail and commercial space requires twenty nine (29) spaces; Lots 4 and 5 each contain six (6) residential units each require twelve (12) parking spaces each. Petitioner proposes six (6) parking spaces on Lot 1, ten (10) on Lot 2, seven (7) on Lot 3 and four (4) spaces each on Lots 4 and 5. Thirty one (31) parking spaces are proposed on the entire Project where there currently exists twenty (20) parking spaces;
- g. Art. V, §5.42: In accordance with §5.42 no paved area, excluding entrances and exits shall extend within five (5') feet of any lot or street line. Additionally, an area equal to forty (40)

square feet per car space shall be provided on which snow cleared from parking areas may be placed, but said area may be provided in whole or in part by the five feet referred to above or other yard space. Pursuant to petitioner's Site Plan dated January 24, 2014 and submitted herewith, relief from the 5' requirement is required for the parking contained on Lot 2 where it extends to the lot lines between Lots 1 and 3; however, the 5' buffer is maintained on Lots 1 and 3 where they abut the streets. Lastly, although Lots 4 and 5 are exempt from the snow removal requirement, and Petitioner proposes full snow removal from the Project area, six hundred and twenty two (622) sq. feet of coverage to the right and left of the dumpsters as shown on Lots 4 and 5 of petitioner's Site Plan is provided;

- h. Art. V, §5.43: In accordance with §5.43 trees with a minimum size of 3.5" in diameter shall be provided at the rate of one for every ten (10) cars. Pursuant to petitioner's Site Plan dated January 24, 2014 and submitted herewith, only Lot 2 will contain ten (10) parking spaces thereby requiring one qualifying (1) tree. Petitioner proposes four (4) such tree; however due to the design each tree falls on every other lot except Lot 2 where it is required;
- i. Art. V, §5.47: In accordance with §5.47 up to twenty five (25%) percent of the parking spaces may be designed for small cars and that the Board of Appeals may grant a special permit allowing up to fifty (50%) percent of small car parking spaces. Pursuant to petitioner's Site Plan dated January 24, 2014 and submitted herewith, Lot 1 has six (6) parking spaces of which three (3) (50%) are for small cars, Lot 2 has ten (10) parking spaces of which five (5) (50%) are for small cars and Lot 3 has seven (7) parking spaces of which three (3) (42%) are for small cars; however of the total thirty one (31) parking spaces on the entire Project, only eleven (11) or thirty five (35%) percent are for small cars;
- j. Art. V, §5.91: In accordance with §5.91 any building erected for commercial purposes shall be designed in such a way as to provide for an area comprising not less than seventy (70) by twelve (12) immediately adjacent to the building for off-street loading and unloading. Pursuant to petitioner's Site Plan dated January 24, 2014 and submitted herewith, petitioners propose to use the access street behind Lots 1, 2 and 3 to service the loading and unloading of goods at Lots 1 and 3 during its business hours;
- k. Art. III, §3.533: In accordance with §3.533 requires designs that have been prepared for the adequate disposal of sewerage, refuse, other waste, drainage and surface water. Pursuant to petitioner's Site Plan dated January 24, 2014 and submitted herewith, petitioner proposes housing two (2) dumpsters for the entire Project to be situated on Lots 4 and 5 respectively.

ON MOTION DULY MADE AND SECONDED THE BOARD ADOPTED THE FOLLOWING FINDINGS OF FACT:

The Board of Appeals granted petition for ZBA Case #2014-05 on May 20, 2014 and filed with the City Clerk on May 30, 2014. By letter dated March 3, 2015, the Petitioner requested a six month extension of time. Extension was granted to November 20, 2015. By letter dated October 30, 2015, the Petitioner requested a further six month extension time month to May 20, 2016

The Petitioner has stated that it will not be able to exercise its rights under this decision by November 20, 2015 due to issues surrounding the Architectural designs of the project, which have delayed the project.

The Petitioner requests that the Zoning Board of Appeals grant an extension of time, of six (6) months, for the petition.

ON MOTION DULY MADE AND SECONDED THE BOARD VOTED UNANIMOUSLY (4 to 0) TO GRANT PETITIONER THIS EXTENSION, SUBJECT TO THE FOLLOWING:

This Board extends the time in which the Petitioner must commence construction by six months, to May 20, 2016.



Mark Hickernell, Clerk

DATE: 16 November 2015