



**City of Waltham**  
COMMONWEALTH OF MASSACHUSETTS

**ZONING BOARD OF APPEALS**

**LEGAL NOTICE**

DATE FILED: June 9, 2014

THE ZONING BOARD OF APPEALS OF THE CITY OF WALTHAM WILL HOLD A PUBLIC HEARING IN THE GOVERNMENT CENTER, 119 SCHOOL STREET, WALTHAM, MA ON JULY 22, 2014 AT 7:00 P.M. ON THE FOLLOWING:

**Case #:** 2014-12. **Petitioner:** TPGN Corp. d//b/a Copper House Tavern. **Owner:** The LaCava Family, LLC. **Nature of Appeal:** Application for Dimensional Variances-Modification of prior Case. **Subject Matter:** The locus consists of three large parcels of land and an easement with an existing hotel and associated parking thereon. The Petitioner proposes to construct, use and maintain a one story deck consisting of 410 square feet and a stairway. This deck will be added onto the existing hotel and will be an extension of the existing deck. **Location and Zoning District:** 380 Winter Street, a/k/a 477 Totten Pond Road and 372 Winter Street, Limited Commercial Zoning District. **Provisions of Zoning Ordinance Involved:** §4.11.

**Specific Manner in Which Subject Matter Varies From Zoning Ordinance:**

1. **Variances:**

§4.11 requires a **side yard** setback of 100 feet. The new deck addition will have a westerly side yard setback of 45.50 feet at its closest point.

§4.11 requires a **rear yard** setback of 100 feet. The new deck addition will have a rear yard setback of 68.2 feet at its closest point.

§4.11 requires the **minimum open space** to be at least 25%. The existing open space of Parcel 1 on which the hotel and deck are located is 11.77%. The new deck addition of 410 square feet will result in the minimum open space on Parcel 1 being 11.38%.

2. **Modification:**

**Board of Appeals Case No. 2003-50, dated December 2, 2003** and filed with the City Clerk on December 12, 2003 allowed the modification and of five prior variances granted by the Board of Appeals, being: Case No. 67-33, Case No. 77-15, Case No. 81-20, Case No. 84-2 and Case No. 96-29. The 2003 modification unified all of these prior Cases and was granted subject to certain conditions. The present Petitioner and Owner now request this Board of Appeals to amend those conditions by:

- a. Striking condition Number 1 which states:

“All necessary permits shall be issued and work commenced within (1) year of the date of the filing of this decision with the City Clerk’s Office, and all work is to be completed within two (2) years of said filing date”

And replacing it with:

All necessary permits shall be issued and work commenced under this Case shall be in accordance with G.L. c. 40A, § 10; and

- b. Amending the Plans filed in that 2003 Case by addition of the following plans introduced as evidence during the hearing, and on file in the office of the Board of Appeals in this Case, being entitled:

“Request for Variance Copper House 380 Winter Street Waltham, Massachusetts (Middlesex County)”, dated April 21, 2014, consisting of six (6) sheets, as follows:

1. Cover Sheet;
2. Site Plan - Sheet L-0.1;
3. Abutters & Locus Plan - Sheet L-0.2;
4. Egress Plan - Sheet AE1.1;
5. Exterior Elevations Plan - Sheet A-3.1; and
6. Exterior Section Plan - Sheet A-3.3.

Further information and plans concerning this case may be viewed at the Zoning Board of Appeals’ Office, 119 School Street, Waltham, Massachusetts 02451; Hours: Monday - Friday 8:30-4:30. **MEMBERS:** Chair Barbara Rando, Michael Cotton, Mark Hickernell, John Sergi, Glenna Gelineau. **ASSOCIATE MEMBERS:** Edward McCarthy, Oscar LeBlanc, Marc Rudnick, Michael Squillante, Gordon LaSane.