



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: October 2, 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 DECEMBER 2, 2014 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2014-27. **Petitioner/Owner:** The Salvation Army of Massachusetts Incorporated. **Nature of Appeal:** Appeal from decision of the Building Inspector pursuant to G.L. c. 40A, § 3. **Subject Matter:** The Salvation Army of Massachusetts Incorporated is a Massachusetts religious corporation organized under Chapter 180 of the Massachusetts General Laws. The Petitioner proposes to unite all the existing lots and to construct, use and occupy an addition to its existing Church structure. The existing Church structure and associated parking is located on 33 Myrtle Street and 25-27 Myrtle Street. The addition will be located on part of 33 Myrtle Street and 142 Ash Street. **Location and Zoning District:** 33 Myrtle Street, 25-27 Myrtle Street and 142 Ash Street are located in a Residence B Zoning District. **Provisions of Zoning Ordinance Involved:** § 4.11 and § 5.21. **Specific Manner in Which Subject Matter Varies From Zoning Ordinance:**

1. § 4.11 requires a front yard setback of 15 feet and the existing front yard setback of the Church structure is 10.3 feet.
2. § 4.11 requires a side yard setback of 10 feet and the existing easterly side yard setback of the Church structure is 4.9 feet.
3. § 4.11 requires a rear yard of 30 feet and the proposed rear yard setback of the addition to the Church structure from Ash Street will be 16.3 feet.
4. § 4.11 allows up to 30% lot coverage and the proposed lot coverage will be 40.7%.
5. § 5.21 requires a total of 140 parking spaces and the proposed parking lot area will contain 18 parking spaces.

THE DOVER AMENDMENT G.L. c. 40A §3

The Dover Amendment states in pertinent part that:

No zoning ordinance or by-law shall ... prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased ... by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

Therefore, the Petitioner respectfully requests, that this Board of Appeals makes a determination and declare such Zoning Ordinance to be unreasonable as applied to the setbacks, lot coverage and parking requirements proposed by The Salvation Army of Massachusetts Incorporated, and to set such requirements aside pursuant to G.L. c. 40A, §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.