



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: February 10, 2017

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 April 4, 2017 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2017-07. **Petitioner /Owner:** Brandeis University, a Massachusetts Educational Corporation. **Nature of Application/Petition:** Appeal from Decision of Building Inspector under G.L. c. 40A, §3. **Subject Matter:** Brandeis University is a nonprofit educational corporation organized under Chapter 180 of the Massachusetts General Laws. The Locus is a large parcel of land known and numbered as 415 South Street, also known as Brandeis University (Upper Campus). The Petitioner proposes to raze a portion of the existing Usen Castle complex and in its place construct, use, and maintain a new residence hall thereon a portion of the Locus. **Location and Zoning District:** 415 South Street. The Locus is situated in a Residence A3 Zoning District. **Provisions of Zoning Ordinance Involved:** §4.12 (11) (a), §4.12 (11) (e), §5.21, and §5.2 et seq.

Specific Relief Sought:

Setbacks:

§4.12 (11) (a) states that the minimum setback for all structures (educational buildings) shall be 75 feet. Here the proposed residence hall will be setback approximately 70 feet from the nearest property line, a pump station owned by the City of Waltham.

§4.12 (11) (e) states that buildings and structures up to five stories but not more than 60 feet in height shall be allowed given a 450 foot setback from all residential property lines. Here the proposed residence hall will be four stories and the actual building height will be 52 feet. The “side/rear yard” of the proposed residence hall will be setback approximately 232 feet from the nearest residential property line and the “front yard setback” will be approximately 431 feet from South Street.

Parking:

The proposed residence hall requires 164 off-street parking spaces (lodging houses – one parking space per rented bed) pursuant to §5.21 - Table of Off-Street Parking Requirements.

However, when taking into account the proposed residence hall, all of the existing structures on the Locus, and the uses associated therewith, §5.2 et seq. would require the Petitioner to provide 10,572 parking spaces on the Locus. Here the Petitioner proposes to provide 1,663 parking spaces.

THE DOVER AMENDMENT G.L. c. 40A §3

Setbacks:

The Petitioner contends that the setback requirements of §4.12 (11) (a) and §4.12 (11) (e) as applied to this proposed residence hall are not reasonable under G.L. c. 40A, §3.

Therefore, the Petitioner respectfully requests that the Board of Appeals make a determination and declare that the setback requirements of §4.12 (11) (a) and §4.12 (11) (e) to be unreasonable as applied to said residence hall as proposed by the Petitioner, and to set such provisions of the Zoning Ordinance aside pursuant to G.L. c. 40A, §3.

Parking:

The Petitioner further contends that the parking requirement imposed by §5.21 and §5.2 et seq. as applied to the Locus, is not reasonable under G.L. c. 40A, §3.

Therefore, the Petitioner respectfully requests that the Board of Appeals make a determination and declare that the off-street parking requirements imposed by §5.21 and §5.2 et seq. to be unreasonable as applied to the Locus, and to set such provisions of the Zoning Ordinance 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, Sarah Hankins.