



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: August 9, 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 September 26, 2017 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2017-27. **Petitioner:** Alexandria Real Estate Equities, Inc. **Owner:** ARE-MA Region 51, LLC. **Nature Of Appeal/Petition:** Application for Dimensional Variances, Special Permits and Modification of Board of Appeals Case No. 97-21. **Subject Matter:** Note that this is the same zoning relief that was requested and granted in Board of Appeals Case No. 2015-28. The property is located at 205, 225 and 231 Second Avenue. This site consisted of a 1 and 3 story office building (225 Second Avenue), a 1 story office building (231 Second Avenue), and a parking garage (205 Second Avenue). 205 Second Avenue is separated from 225 and 231 Second Avenue by a driveway easement. The proposed development is Phase 2 of a 2 Phase redevelopment of the property. Phase 1 involved renovations of the existing building on 225 Second Avenue. Phase 2, which has already commenced with the removal of parking underneath the building overhang at 225 Second Avenue, infill of this first floor area with new office space, and the demolition of the existing 1 story office building on 231 Second Avenue, will also involve the construction of a new 3 story office building on 231 Second Avenue with a raised two story connector bridge connecting it to 225 Second Avenue creating one building for zoning purposes. An addition of 1 level to the existing top floor of the parking garage on 205 Second Avenue is also proposed if needed due to a change in the proposed mix of laboratory space and office space resulting in an increase in the amount of required parking. The additional story would change the existing 3 story parking garage to a 4 story parking garage. **Location and Zoning District:** 205, 225 & 231 Second Avenue are located in a Commercial Zoning District. **Provisions Of Zoning Ordinance Involved:** §4.11, §5.42, §3.534(3)(b), §5.47, §5.8, and §7.2.

Specific Relief Sought:

1. Variances:

§4.11 requires a side yard setback of 15 feet and here the detached parking garage located at 205 Second Avenue which was built pursuant to Board of Appeals Case No. 97-21 has a southerly side yard of 1 foot and a northerly side yard of 6 feet.

§4.11 requires a rear yard setback of 25 feet and here the detached parking garage located at 205 Second Avenue which was built pursuant to Board of Appeals Case No. 97-21 has a rear yard of 7.5 feet.

§4.11 limits “Detached Garages” and “Accessory Buildings” to one (1) story and here the existing detached parking garage is 3 stories and a fourth story is being proposed.

§5.42 states that no paved area, excluding entrances and exits, shall extend within five feet of any lot or street line and here the existing parking area on the north side of 225 Second Avenue has paved area that continues directly to the lot line (driveway easement) with 211 Second Avenue.

§3.534(3)(b) provides that in surface parking areas that contain more than 20 parking spaces, that are subject to a City Council Special Permit for Intensity of Use, trees shall be provided at thirty-foot intervals and here more trees are provided than are required under §3.534(3)(b) but the spacing of said trees are subject to an Order of Conditions issued by the Conservation Commission and thus do not meet the precise thirty-foot interval requirement.

2. Special Permits:

§5.47 allows the Board of Appeals to grant a special permit for up to 50% of the parking spaces to be designed for small cars (compact cars) and here the existing detached parking garage and adjacent parking lot located on 205 Second Avenue provide 48% compact spaces pursuant to Board of Appeals Case No. 97-21. The proposed fourth level of the detached parking garage will provide standard size parking spaces which if built will result in reducing the percent of compact parking spaces to 34% for the entire detached parking garage and adjacent parking lot located on 205 Second Avenue.

§5.8 provides that when such off-street parking cannot be reasonably provided for on the Petitioner’s lot (in this instance 225-231 Second Avenue) the Board of Appeals may grant a special permit to provide parking on any land in the same Zoning District which is within a radius of 600 feet (here 205 Second Avenue). This relief was granted in Board of Appeals Case No. 97-21.

3. Modification:

§ 7.2 allows the Zoning Board of Appeals to modify previous Decisions.

Board of Appeals Case No. 97-21, dated October 7, 1997 and filed with the City Clerk on October 16, 1997 allowed the construction of a detached parking garage and adjacent parking lot over an existing parking lot on land known as 205 Second Avenue which parking is used as remote parking (§5.8) in relation to the office building at 225 Second Avenue. The use for parking included parking spaces for up to 50% compact cars (§5.47). The detached parking garage provided a northerly side yard of 6 feet, a southerly side yard of 1 foot and a rear yard of 7.5 feet.

This Petition proposes to modify Board of Appeals Case No. 97-21 by substituting new plans and making the conditions consistent with the zoning relief outlined above.

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.