



City of Waltham
COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: July 27, 2011

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 TUESDAY, **SEPTEMBER 13, 2011** AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2011-15. Petitioner(s)/Owner(s): Home Properties Gardencrest, LLC. **Nature of Appeal/Petition:** Application for Special Permit. **Subject Matter:** The locus consists of a large parcel of land containing approximately 544,290 square feet of land area situated on Middlesex Circle, which is a section of the Gardencrest Apartment complex. There are 11 apartment buildings on the locus along with accessory buildings and uses including maintenance sheds, a swimming pool and a cabana, all of which were built in the 1970's. The Petitioner now proposes to update the cabana by bringing it into ADA compliance along with interior refurbishing, new siding and new roof, to update the swimming pool by realigning and retiling it, and to build a new accessory building which will contain management offices and recreation facilities for its tenants. The management office/recreation building will meet all of the requirements of the Zoning Ordinance including associated parking. **Location and Zoning District:** 20, 22, 24 & 26 Middlesex Circle, 28, 30 & 32 Middlesex Circle, 34 & 37 Middlesex Circle and 27, 31 & 33 Middlesex Circle. The locus is situated in a Residence C Zoning District. **Provisions of Zoning Ordinance Involved:** Sections 3.722 and 3.7222. **Specific Manner in Which Subject Matter Varies From Zoning Ordinance:** The land area, apartment buildings, parking and the accessory uses and accessory structures are nonconforming, in that at the time they were constructed and building permits were issued (from 1968 to 1971) they met all the requirements of the then Zoning Ordinance, but due to subsequent changes in the Zoning Ordinance they no longer conform to it. Among the changes is that the FAR of the locus is 0.517 and the FAR allowed by right in the Residence C District is presently 0.20. §3.722 states that where the building permits were issued prior to 1987, and nonconformities exist, and the FAR is above the FAR allowed by right in the District, then pursuant to §3.7222 the nonconforming structures, uses, buildings and land may be enlarged to an extent not exceeding 10% of the ground floor area of the nonconforming building(s) or land area when a special permit has been granted by the Board of Appeals. Here the ground floor area of the 11 apartment buildings is 88,704 square feet and the ground floor area of the cabana is 1,214 square feet, for a total of 89,918 square feet. 10% of this is 8,992 square feet. The proposed management office/recreation building will consist of a total of 3,348 square feet, which is far less than the allowed 8,992 square feet. 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.