



# City of Waltham

COMMONWEALTH OF MASSACHUSETTS

## ZONING BOARD OF APPEALS

### LEGAL NOTICE

DATE FILED: April 29, 2013

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 June 11, 2013 AT 7:00 P.M. ON THE FOLLOWING:

**Case #:** 2013-10. **Petitioner:** 200 Moody Street, LLC. c/o The Nelson Companies, Ltd. **Nature of Appeal:** Application for Variance. **Subject Matter:** The locus at 210 Moody Street, formerly known as 200-226 Moody Street consists of 12,345± square feet of land. The Petitioner proposes to demolish the existing building and to construct, use and maintain a multi-level mixed use building thereon. Retail use shall be provided on the first floor and sixteen (16) residential units shall be situated on the second, third and fourth floors. **Location and Zoning District:** 210 Moody Street, formerly known as 200-226 Moody Street; Business C Zoning District. **Provisions of Zoning Ordinance Involved:** Article IX, Section 9.14, Article IV, Section 4.11 and Article III, Section 3.537. **Specific Manner in Which Subject Matter Varies From Zoning Ordinance:** (1) §9.14 states that where the number of residential units exceeds 10 and the development requires a special permit, then the Petitioner shall provide affordable housing by one or more of the methods cited under §9.14. The Petitioner appeared before the City of Waltham Municipal Affordable Housing Trust and they recommended that the Petitioner pay a cash contribution to the City of Waltham Municipal Affordable Housing Trust Fund. Here, the Petitioner is proposing to construct more than ten units and requires a Special Permit. In this instance the Petitioner proposes to pay \$100,000.00 and request a total waiver of any other obligations of this section. (2-3) Footnote 13 in §4.12 states that in the Business C Zoning District no new structure may be constructed within 10 feet of a public pedestrian way of at least five feet in width if said pedestrian public way is used for access to a parking area, public open space or public building. Here, a new structure shall be constructed within 0 feet of a public pedestrian way, the Embassy Park, on the south and east side of the building. (4) §4.11 provides that no open space is required for lots situated in a Business C Zoning District. §3.537 of the Ordinance provides however that when seeking a special permit for intensity of use, there is a base requirement of 15% to open space, which increases proportionally with a special permit request (FAR). 37.5% of open space is required with the proposed increase in floor area ratio. Here, the Petitioner proposes to have 23.13% of open space. (5) In Case #10-24, the Zoning Board of Appeals granted zoning relief, variances, to construct, use and maintain a new structure on the locus. Here, the Petitioner seeks to modify said case and the plans filed therewith to conform with this Petition and the plans filed herewith. The Petitioner also confirms these variances as they have been extended

by the Permit Extension Act and remain in effect pursuant thereto. 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.