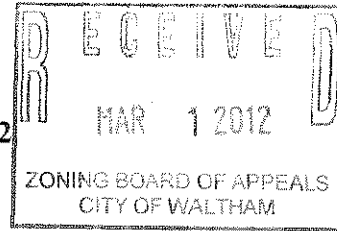


Law Office of  
**DEBORAH A. SAWIN**  
564 Main Street  
Waltham, Massachusetts 02452  
(781) 894-9200  
(781) 894-8329 (fax)



February 29, 2012

Mrs. Barbara Rando,  
Chairperson  
Board of Appeals  
City of Waltham  
119 School Street  
Waltham, MA 02451

HAND DELIVERED

Re: Motion to Extend Time  
633 Moody Street, Waltham, MA

Dear Mrs. Rando:

Attached please find Petitioners Motion to Extend the time for completion of the work contemplated by a Petition to Amend Variances granted by the Board of Appeals on March 16, 2010.

Please let me know a convenient date for presentation of the Motion to the Board.

Should you have any questions regarding the above please do not hesitate to contact me.  
Thank you for your assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Deborah A. Sawin". The signature is fluid and cursive.

Deborah A. Sawin

DAS/ras  
Enclosures

**CITY OF WALTHAM**

**BOARD OF APPEALS**

\_\_\_\_\_  
PETITION OF )  
 )  
CHURCH OF GOD, INC. )  
 )  
 )  
To Amend a Variance )  
Previously Granted by the )  
Board of Appeals )

CASE NO. 2010-02

**MOTION TO EXTEND TIME**

Now comes the Petitioner in the above entitled matter and requests that this Board extend the time by which the Petitioner must complete construction of the alterations to the Church for one (1) year to March 25, 2013.

As reasons therefore the Petitioner states as follows:

1. The Board of Appeals granted a petition to Amend Variances on March 16, 2012;
2. After the expiration of the appeal period, the decision was recorded with the Middlesex South District Registry of Deeds in Book 54624, Page 313 (See Exhibit 1 attached);
3. The Petition authorized the removal of a shed and the installation of an enclosure for a lift and staircase needed to provide handicap access to the basement floor of the Church;
4. The renovations were also to include the installation of handicap bathrooms;
5. On or about January 24, 2011, the Petitioner applied for permits to begin the construction and on June 29, 2011, Permit No. P201141460 was issued for a portion of the egress and accessibility (Exhibit 2);
6. On or about March 17, 2011, a second permit (Permit No. P201141010) was issued for the renovation of the existing toilets and for HP accessibility and installation of the wheelchair lift (Exhibit 3);
7. On or about March 25, 2011, a third permit was issued (Permit No. Q201140152) for plumbing in connection with the handicap bathrooms (Exhibit 4);
8. On August 15, 2011, the building suffered extensive damage as a result of a fire and construction was suspended pending an investigation of the cause of the fire and for resolution of an insurance claim;

9. Since the fire the Petitioner has worked with the Fire Department in connection with an investigation of the cause of the fire and has also worked with its Insurance Company on a claim for damage;
10. On or about August 17, 2011, a permit was pulled for the installation of temporary smoke detectors as required by the Fire Department (Exhibit 5);
11. On or about August 23, 2011, a permit was pulled for gas tests (Permit No. X201240012)(Exhibit 6);
12. On or about September 6, 2011, a permit was issued for the demolition of fire damage to the first floor (Permit No. P201240297)(Exhibit 7);
13. All issues with the Fire Department and the Insurance Company have now been resolved; and
14. The Petitioner has now resumed work at the Property as authorized by the Amended Variance but will be unable to complete the work with the two (2) year deadline.

As a result of the foregoing the Petitioner requests an extension of the time for completion of the work for an additional one (1) year to March 25, 2013.

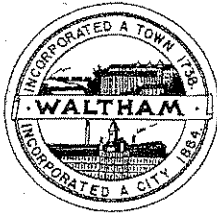
Respectfully submitted,  
Church of God, Inc.  
By its attorney,

Dated: February 29, 2012



---

DEBORAH A. SAWIN



# The City of Waltham ZONING BOARD OF APPEALS



Bk: 54624 Pg: 313 Doc: DECIS  
Page: 1 of 3 04/30/2010 03:25 PM

## NOTICE OF DECISION

CASE NUMBER: #2010-02

NAME OF PETITIONER/OWNER: Church of God, Inc.

NAME OF PETITIONER/OWNER: Waltham Brothers Group, LLC

LOCATION OF PROPERTY: Moody Street, 633 deed: 49153-212

DATE OF HEARING(S): March 16, 2010

DATE OF DECISION: March 16, 2010

DATE OF FILING OF DECISION WITH CITY CLERK: March 25, 2010

DATE OF NOTIFICATION TO BUILDING INSPECTOR: March 25, 2010

FINAL DATE FOR FILING OF APPEAL FROM THIS DECISION: April 14, 2010

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws Chapter 40A. All plans referred to in the decision have been filed with the Planning Board and with the City Clerk.

## DECISION

GRANTED XX  
DENIED \_\_\_\_\_

## ROLL CALL

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Barbara Rando	X		Edward T. McCarthy, Jr.		
Michael J. Cotton			Oscar L. LeBlanc		
Bruce Morris			Glenna Gelineau	X	
Mark A. Hickernell	X		Marc S. Rudnick		
John Sergi	X		Michael R. Squillante	X	

RECORDED  
2010 MAR 25 P 2:42  
CITY OF WALTHAM  
OFFICE OF THE CITY CLERK

635 MOODY ST, WALTHAM

Law Office Of  
Deborah A Sawin  
564 Main St  
Waltham, MA 02452

119 SCHOOL STREET • WALTHAM, MASSACHUSETTS 02451  
TELEPHONE: (781) 314-3330 • FAX: (781) 314-3341

49153/212

## PETITION

**Case #:** 2010-02. **Petitioner:** Church of God, Inc. **Owner:** Waltham Brothers Group, LLC. **Nature of Appeal/Petition:** Application to Amend Variance, or alternatively, for a determination that the dimensional requirements imposed by the Ordinance, as applied to the proposed addition, are not reasonable under G.L. c.40A, §3. **Subject Matter:** Petitioner, a MA non-profit, religious corporation, proposes to remove the existing attached shed and to replace it with an enclosure for a lift and staircase which will provide handicap access to the basement floor of the church. **Location and Zoning District:** Moody Street, 633; Business A Zoning District. **Provisions of Zoning Ordinance Involved:** Section 3.71. **Specific Manner in Which Subject Matter Varies From Zoning Ordinance:** Article 3.71 requires use of land in accordance with the provisions of the Ordinance. A variance was granted for the Property in 1964 which allowed a deviation from dimensional requirements. The within Petition seeks to alter the exterior of the building from that which was allowed in 1964. The current proposal conforms to the dimensional requirements of the Ordinance.

### **ON MOTION DULY MADE AND SECONDED THE BOARD ADOPTED THE FOLLOWING FINDINGS OF FACT:**

The Board of Appeals of the City of Waltham makes the following Findings of Fact after hearing on the above-captioned Petition to Amend Variances:

1. This Board of Appeals having met all legal prerequisites by proper publications and posting as provided in Massachusetts General Laws, Chapter 40A, Section 11, and having also notified by mail all parties in interest and having heard all the evidence is now empowered to exercise the power to grant or deny the relief sought by the Petitioner;
2. The locus is known as and numbered 633 Moody Street and is located in a Business A Zoning District;
3. The Building Card shows construction of a three family residential dwelling on the Property in 1953, which was converted, by right, to a four family in 1954;
4. The Board of Appeals granted a variance to allow a reduced front yard setback in conjunction with a conversion/renovation of the property for use as a funeral home in 1964;
5. The Board of Appeals allowed further relief in 2006 by determining that parking requirements imposed by the Ordinance were unreasonable as applied to a religious use of the Property;
6. The Petitioner is a non-profit charitable corporation operating as Waltham Church of God;
7. Petitioner seeks to alter prior decisions by requesting a change to the structure to allow for installation of a lift and a staircase which will provide full handicap access;
8. The proposed addition will replace an existing shed and will not create a need for new zoning relief;

9. Twelve parking spaces will continue to be provided as required by the 2006 ZBA decision but the configuration will be slightly different and a handicap parking space will now be provided;
10. Petitioner seeks to install a lift and a compliant staircase which will make all floors of the church space accessible;
11. As no new zoning relief is requested or required, the neighbors will not be adversely affected;
12. No relief is requested which alters or expands upon the relief previously granted; and
13. The Property will be improved by meeting current Building Code and Handicap Access Code requirements.

**THEREFORE, THE ZONING BOARD OF APPEALS FOR THE CITY OF WALTHAM AFTER DUE DELIBERATION, ON A MOTION DULY MADE AND SECONDED, VOTED UNANIMOUSLY:**

To amend the decisions issued by the Board of Appeals in 1964 (Case #64-26) and in 2006 (Case # 06-27), by allowing use of the Property in accordance with the following plans:

1. "Abutter Radius Plan (300') for Variance/Special Permit Applications", dated 22 October 2009, by Ron Natoli, P.L.S.;
2. "633 Moody Street, Waltham, Mass, Waltham Brothers Group, LLC", dated 22 Sept. 2009, by Ron Natoli, P.L.S.; and
3. "Code Compliance Renovations: Waltham Church of God 633 Moody Street, Waltham, MA 02453", dated 26 May 2009 and prepared by JFF Design, 24 Warwick Avenue, Waltham, MA.

Except as modified herein, the terms and conditions of the prior approvals shall remain in full force and effect; and

Any and all necessary permits shall be issued within one (1) year of the date of the filing of this decision with the City Clerk of Waltham and all work shall be completed within two (2) years of said filing date.

  
Barbara Randó, Chair

DATE: 3/24/10

A True Copy Attest:  


In accordance with the provisions of MGL, Chapter 40A Section II, I hereby certify that this decision and any authorized signature are true copies of the original and that 20 days have elapsed from the filing date of the decision and no appeal has been filed in the office.

Attest:  
  
Rosario C. Malone, City Clerk

Date

4-15-2010

# City of Waltham



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### Permit Information

Type / Category	Building Department	Building Permit
Application No./Date	A201140941	01/24/2011
Permit No./Date	P201141460	06/29/2011
Certificate No./Date		
Total Fee	\$0	
<b>Purpose / Notes &amp; Comment / Work Description</b>		
EGRESS AND ACCESSIBILITY UPGRADE & PUBLIC/ACCESSIBLE TOILET ROOM ALTERATIONS. EGRESS & ACCESSIBLE LIFT ADDITION		

### Linked Names

<b>Construction Supervisor</b>	DOUGLAS AREVALO 48 FULLER ST EVERETT, MA 02149
<b>Home Improvement Contractor</b>	DSC PAINTING AND CONSTRUCTION DOUGLAS AREVALO 50 FULLER ST EVERETT, MA 02149
<b>Owner name</b>	WALTHAM BROTHERS GROUP, LLC. 633 MOODY ST. WALTHAM MA 02453

### Permit Activity Information

Type / Category	Started	Completed	Status
Application Accepted	01/24/2011	01/24/2011	Yes
Plan Review	06/29/2011	06/29/2011	Yes
Zoning Review	06/29/2011	06/29/2011	Yes
Building Review	06/29/2011	06/29/2011	Yes
Site Review	06/29/2011	06/29/2011	Yes
Issue Permit	06/29/2011	06/29/2011	Yes

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# City of Waltham



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### Permit Information

Type / Category	Building Department	Building Permit
Application No./Date	A201141062	03/16/2011
Permit No./Date	P201141010	03/17/2011
Certificate No./Date		
Total Fee	\$0	
<b>Purpose / Notes &amp; Comment / Work Description</b>		
RENOVATION OF EXISTING TOILETS FOR HP ACCESSIBILITY & INSTALATION OF WHEELCHAIR LIFT & EXISTING LOADING DOCK. INSTALL PLATFORM AT LOADING DOCK & DOOR FOR LEVEL TRANSITION		

### Linked Names

<b>Architect</b>	JOSEPH F FOURNIER JR 24 WARWICK AVE WALTHAM, MA 02454
<b>Owner name</b>	WALTHAM CHURCH OF GOD 633 -37 MOODY ST WALTHAM, MA 02453
<b>Construction Supervisor</b>	DOUGLAS AREVALO 48 FULLER ST EVERETT, MA 02149
<b>Home Improvement Contractor</b>	DSC PAINTING AND CONSTRUCTION DOUGLAS AREVALO 50 FULLER ST EVERETT, MA 02149

### Permit Activity Information

Type / Category	Started	Completed	Status
Application Accepted	03/15/2011	03/16/2011	Yes
Plan Review	03/17/2011	03/17/2011	Yes
Zoning Review	03/17/2011	03/17/2011	Yes
Building Review	03/17/2011	03/17/2011	Yes
Site Review	03/17/2011	03/17/2011	Yes
Issue Permit	03/17/2011	03/17/2011	Yes

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### Permit Information

Type / Category	Building Department	Plumbing
Application No./Date	Q000000870	06/13/2011
Permit No./Date	Q201140152	03/25/2011
Certificate No./Date		
Total Fee	\$220	
Purpose / Notes & Comment / Work Description		
633 MOODY ST -- 9 TOILETS, 6 LAVS, 2 URINALS AND 1 FLOOR DRAIN		

### Linked Names

Owner name	WALTHAM BROTHERS GROUP, LLC. 633 MOODY ST. WALTHAM MA 02453
Applicant name	GILL PLUMBING CO JOHN P GILL 499 WALLNUT St LYNN MA 01905

### Permit Activity Information

Type / Category	Started	Completed	Status
Application Accepted	03/25/2011	03/25/2011	Yes
Plan Review	03/25/2011	03/25/2011	N/A
Code Review	03/25/2011	03/25/2011	N/A
Issue Permit	03/25/2011	03/25/2011	Yes
Rough Plumbing Inspection	03/25/2011	03/25/2011	No

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# City of Waltham



## Online Permit Information

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### Permit Information

Type / Category	Wires Department	Electrical Permit
Application No./Date	A200933485	08/17/2011
Permit No./Date	W000033252	08/17/2011
Certificate No./Date		
Total Fee	\$25	
Purpose / Notes & Comment / Work Description		
INSTALL TEMP SMOKE DETECTORS PER FIRE DEPT.		

### Linked Names

Electrician	TOM DURKIN ELECTRIC 3 RUSSELL STREET #2 WALTHAM, MA 02453
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### Permit Activity Information

Type / Category	Started	Completed	Status
Application Accepted	08/17/2011	08/17/2011	Yes
Issue Electrical Permit	08/17/2011	08/17/2011	Yes

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### Permit Information

Type / Category	Building Department	Plumbing
Application No./Date	X000000339	08/23/2011
Permit No./Date	X201240012	08/23/2011
Certificate No./Date	X201240012	08/23/2011
Total Fee	\$55	
Purpose / Notes & Comment / Work Description		
633 MOODY ST -- THREE GAS TESTS		

### Linked Names

Owner name	WALTHAM BROTHERS GROUP, LLC. 633 MOODY ST. WALTHAM MA 02453
Applicant name	GILL PLUMBING CO JOHN P GILL 499 WALLNUT St LYNN MA 01905

### Permit Activity Information

Type / Category	Started	Completed	Status
Application Accepted	08/23/2011	08/23/2011	Yes
Plan Review	08/23/2011	08/23/2011	N/A
Code Review	08/23/2011	08/23/2011	N/A
Issue Permit	08/23/2011	08/23/2011	Yes
Rough Gas Inspection	08/23/2011	08/23/2011	N/A
Final Gas Inspection	08/23/2011	08/23/2011	Yes

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### Permit Information

Type / Category	Building Department	Building Permit
Application No./Date	A201240292	08/31/2011
Permit No./Date	P201240297	09/06/2011
Certificate No./Date		
Total Fee	\$0	
Purpose / Notes & Comment / Work Description		
DEMOLITION OF FIRE DAMAGE TO FIRST FLOOR		

### Linked Names

Construction Supervisor	DOUGLAS AREVALO 48 FULLER ST EVERETT, MA 02149
Home Improvement Contractor	DSC CONSTRUCTION 48 FULLER ST EVERETT, MA 02149
Owner name	WALTHAM BROTHERS GROUP, LLC. 633 MOODY ST. WALTHAM MA 02453

### Permit Activity Information

Type / Category	Started	Completed	Status
Application Accepted	08/31/2011	08/31/2011	Yes
Plan Review	09/06/2011	09/06/2011	Yes
Zoning Review	09/06/2011	09/06/2011	Yes
Building Review	09/06/2011	09/06/2011	Yes
Site Review	09/06/2011	09/06/2011	Yes
Issue Permit	09/06/2011	09/06/2011	Yes

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