



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: January 22, 2018

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 MARCH 13, 2018 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2018-02. **Petitioner:** Mighty Squirrel, LLC. **Owner:** DBC I, Inc. **Nature of Appeal/Petition:** Alter a non-conforming parking area. And determination of similar use under §3.252, appeal of permit denial and amendment to prior decision. **Subject Matter:** The locus consists of a large parcel of land known and numbered as 411 Waverley Oaks Road. The Locus property has a large retail-commercial building situated thereon. The Petitioners are proposing to occupy part of the building, consisting of approximately 22,750 square feet of floor area. The Petitioner proposes to manufacture beer or operate a brewery and tavern or a “tap room”. **Location and Zoning District:** 411 Waverley Oaks Road; Commercial Zoning District. **Provisions Of Zoning Ordinance Involved:** Articles III and VII, Sections 3.252, 3.230, 3.7222, 7.31, 7.32. **Specific Relief Sought:** (1) §3.252 defines general manufacturing as that the use of land or buildings for baking plants, bottling works, paper box manufacturing, ... manufacture and assembly of consumer products, ...all forms of light non-nuisance manufacturing and any other use not listed but deemed similar in character by the Board of Appeals. Beer brewing and bottling is not listed in the full definition of general manufacturing under §3.252, however the Petitioner contends that it is similar in character to the processes defined in §3.252. The Petitioner is therefore requesting a determination from the Board of Appeals that a brewery or the production, brewing, manufacturing, bottling and distribution of beer is similar in character to uses stated in §3.252. (2) §3.7222 and the General Laws, Chapter 40A, §6 allow a pre-existing non-conforming use or structure to be altered when a special permit is issued for such alteration. The Petitioners are proposing to construct, use and maintain outdoor seasonal seats adjacent to a tavern or tap room at the locus. Seventy-eight (78) seasonal seats are proposed which results in a requirement of (14) additional parking spaces. The locus presently has 458 parking spaces which does not meet the current requirements under the Ordinance and is therefore considered a non-conforming parking lot. The Petitioners propose to alter, use and maintain an altered parking lot by converting existing parking spaces into compact car spaces and adding new standard spaces to the locus. The altered parking lot shall add fourteen (14) parking spaces for a total of 472 parking spaces to meet the parking requirements for the outdoor seasonal seats. (3) In the Notice of Decision decided on October 27, 2015, Case # 2015-20, the Zoning Board of Appeals granted certain zoning relief for the locus property at 411 Waverley Oaks Road. The granting of a special permit also contained certain conditions on the construction and use of the locus. The

Petitioners now seek to amend so much of the Decision in Case #2015-20 by deleting the plans referenced at Condition No. 2 (b) and (c) and inserting therein that the construction and use of the locus shall be condition on the plans filed herewith. 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.