



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: June 6, 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 July 10, 2018 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2018-20. **Petitioner/Owner:** Marc Resnick, Trustee, Seventy Hall Street Realty Trust. **Nature of Appeal/Petition:** Appeal from Decision of Inspector of Buildings. **Subject Matter:** The locus consists of a parcel containing +/- .169 acres of land, with two buildings located on it. Petitioner is appealing a Cease and Desist Order from the Inspector of Buildings wherein the Inspector alleges a violation of City of Waltham Zoning Ordinance, Article 7, Section 7.41 & 7.431. **Location and Zoning District:** 64-70 Hall Street; Residence B Zoning District. **Provisions of Zoning Ordinance Involved:** Section 7.41 & 7.431 and G.L. c.40A, §7. **Specific Relief Sought:** Petitioner seeks to overturn Cease and desist order issued by Inspector of Buildings on May 18, 2018. As grounds therefore, Petitioner states that the property has been two buildings, one a four to eight (4-8) unit building and the other a three to four (3-4) unit, for more than ten years. The City of Waltham has been aware of this since at least 2004, when the buildings were assessed as over eight (8) units instead of four to eight (4-8) as they were previously. Further, the building was inspected in 2015 by the City of Waltham and a Certificate of Inspection for nine (9) units was provided to the previous owner. Pursuant to G. L. c. 40A, §7, "... no action, criminal or civil, the effect or purpose of which is to compel the removal, alteration, or relocation of any structure by reason of any alleged violation of the provisions of this chapter, or any ordinance or by-law adopted thereunder... shall be maintained unless such action, suit or proceeding is commenced and notice thereof recorded in the registry of deeds for each county or district in which the land lies within ten years next after the commencement of the alleged violation." As the conversion occurred more than ten years ago, the cease and desist is void and the structures are lawfully non-conforming. 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.