



**City of Waltham**  
COMMONWEALTH OF MASSACHUSETTS

**ZONING BOARD OF APPEALS**

**LEGAL NOTICE**

DATE FILED: May 12, 2020

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 23, 2020 AT 7:00 P.M. ON THE FOLLOWING:

**Case #:** 2020-11. **Petitioner/ Owner:** DBC I, Inc. **Nature of Application/ Petition:** Application for Special Permit – Alter a non-conforming structure. **Subject Matter:** The locus consists of a large parcel of land with an existing commercial building situated thereon. Petitioner proposes to construct, use and maintain a renovated façade to a portion of the existing building. The renovation shall include the replacing of the existing exterior wall to create the new façade. **Location and Zoning District:** 411 Waverley Oaks Road; Commercial Zoning District. **Provisions of Zoning Ordinance Involved:** Articles III and VII, §3.7222, §3.72241, §3.72251, §7.2. **Specific Relief Sought:**

(1) § 3.72251 states that existing nonconforming commercial structures may be altered or rehabilitated as a matter of right if said alteration does not exceed the floor area ratio (FAR) of the existing structure. The Petitioners are proposing to construct, use and maintain a renovated façade to a portion of the existing structure. The removing and replacing of the existing exterior wall with the new façade wall will increase the floor area of the structure by 60 square feet in the middle third of the existing building and 150+/- square feet to the final third of the building. The minimal increase in floor area shall not increase the FAR of the building.

(2) § 3.7222 allows a pre-existing nonconforming structure to be altered in that use to an extent not exceeding 10 % of the ground floor area of the building when a special permit is issued for such alteration. The Petitioners are proposing to construct, use and maintain a renovated façade to a portion of the existing structure. The removing and replacing of the existing exterior wall with the new facade wall will increase the floor area of the structure by 60 square feet in the middle third of the existing building. This is Phase 2 of the exterior wall renovation. Phase 1 was completed with the construction of the brewery. In a final phase (Phase 3), the Petitioner intends to renovate the final third of the building by removing and replacing the existing exterior wall with a new facade. This final phase of the renovation of the exterior wall of the structure shall add approximately 150 square feet of floor area. The combined increase of floor area, 210 square feet, is less than 10 % of the ground floor area of the building (103,426 square feet) or 0.2 %.

(3) § 3.7222 and Massachusetts General Laws, Chapter 40A § 6 allow a pre-existing nonconforming use or structure to be altered when a special permit is issued for

such alteration. The Petitioners are proposing to construct, use and maintain a renovated facade to a portion of the existing structure. The removing and replacing of the existing exterior wall with the new facade wall will increase the floor area of the structure by 60 square feet in the middle third of the building and 150 +/- square feet in the final third of the building. One parking space is required for each 300 square feet of floor area. Here, we are adding 210 +/- square feet of floor area. The locus presently has 472 parking spaces which does not meet the current requirements under the Ordinance and is therefore considered a nonconforming parking lot. No additional parking is proposed.

(4) 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 Waverly Oaks Road. The granting of a special permit also contained certain conditions on the construction and use of the locus. Case # 2015-20 was previously amended in Case # 2018-20. The Petitioners now seek to amend so much of the Decision in Case #2015-20 by adding the Site Plan filed herewith. The construction and use of the middle third and final third of the building shall be as shown therein. The parking plan referenced in Case #2018-02 shall remain unchanged.

(5) In the Notice of Decision decided on March 20, 2018, Case #2018-02, the Zoning Board of Appeals granted certain zoning relief for the locus property at 411 Waverly 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 #2018-02 by adding the Site Plan filed herewith. The construction and use of the middle third and final third of the building shall be as shown therein. The parking plan referenced in Case #2018-02 shall remain unchanged.

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.

- NOTE: if Stay-at-home order is still in effect at time of hearing the Board will meet remotely through Zoom. Please check city website for updates <https://www.city.waltham.ma.us/>