



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: May 3, 2021

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 22, 2021 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2021-17. **Petitioner/ Owner:** ARE- Winter Street Property, LLC. **Nature of Application/ Petition:** Application for Variance – Dimensional. **Subject Matter:** The Petitioner seeks a variance from Article IV, Section 4.11 of the Waltham Zoning Ordinance (“WZO”), which allows a maximum building height of 40 feet in the Limited Commercial Zoning District. The Petitioner’s building is the former Boston Sports Club and Celtics Training facility, which at the time of construction, the owner availed itself of Section 4.12(18) of the WZO, which allows a maximum building height of 45 feet of the FAR if a building is less than .25, a condition the building met when constructed. Now, the Petitioner wishes to convert the building to Research Laboratory, including Light Manufacturing, and General Manufacturing uses and to fill in the second and third floors above the former basketball courts and open areas (the “Project”). The Project will not increase the height or change the footprint of the building, but it will increase the FAR to 0.34. Accordingly, once the second and third floors are filled in, the building will no longer comply with Section 4.12(18) of the Zoning Ordinance and a variance will be required in order to maintain the existing building height of 85 feet when the default formula for calculating height under the WZO applies. **Location and Zoning District:** 840 Winter Street, Limited Commercial Zoning District. **Provisions of Zoning Ordinance Involved:** Sections 4.11 and 4.12(18). **Specific Relief Sought:** The Petitioner seeks a variance from Section 4.11 of the Zoning Ordinance in order to maintain the building’s existing height and footprint. The existing building was authorized by a 1998 special permit as a sports complex consisting of several basketball courts which are open to the second and third floors of the building. When the Petitioner fills in the second and third floors as part of its Project, the FAR will increase to 0.34 and the building’s height will no longer be in compliance with the Zoning Ordinance. Compliance with the Zoning Ordinance would require excavating and burying one floor of the building at substantial cost. No changes to the height or footprint are proposed. 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.