



# City of Waltham

COMMONWEALTH OF MASSACHUSETTS

## ZONING BOARD OF APPEALS

### LEGAL NOTICE

DATE FILED: April 13, 2022

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 May 24, 2022 AT 7:00 P.M. ON THE FOLLOWING:

**Case #:** 2022-16. **Petitioner / Owner:** DIV 455 TPR, LLC. **Nature of Application/ Petition:** Application for Dimensional Variances. **Subject Matter:** The Petitioner seeks variances from Article IV, Section 4.11, Section 4.12, Section 5.43 of the Waltham Zoning Ordinance (“WZO” ), to vary the height limitation, special permit FAR limitation, lot coverage limitation, minimum lot size, and setback minima set forth in Article IV, § 4.11, the minimum distance between buildings set forth in Article IV, § 4.12, the applicability of the requirement of one 3.5" diameter tree for every ten cars to a structured parking garage and underground parking set forth in Article V, § 5.43, and to vary the limitation on rooftop mechanical equipment of 25% set forth in Article IV, § 4.217. The Petitioner proposes to construct a five-story laboratory/office building with an accessory attached parking garage, and one level of underground parking (the “Project”). Due to the soil conditions on the site, the unusual shape of the lot, and undersized nature of the lot, strict compliance with the WZO’s dimensional requirements presents a hardship to the Petitioner. **Location and Zoning District:** 455 Totten Pond Road, Limited Commercial Zoning District. **Provisions of Zoning Ordinance Involved:** Section 4.11 sets forth the applicable height limitation, special permit FAR limitation, lot coverage limitation, minimum lot size and setback minima, Section 4.12 sets forth the minimum distance between buildings, Section 5.43 may be interpreted to require one tree for every ten cars in a garage, and Section 4.217 may be interpreted to limit the coverage of a rooftop with mechanical equipment to 25%. **Specific Relief Sought:** The Petitioner seeks a variance from Sections 4.11, 4.12, 4.217 and 5.43 of the Zoning Ordinance in order to construct a five-story laboratory/ office building with an accessory attached parking garage, and one level of underground parking. Due to unusual shape of the lot, the fact that the lot is undersized, and the soil conditions on the lot, constructing a building in strict compliance with the WZO would present a hardship. 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:** Michael Cotton, Mark Hickernell, John Sergi, Glenna Gelineau, Matthew Deveaux. **ASSOCIATE MEMBERS:** Edward McCarthy, Oscar LeBlanc, Marc Rudnick, Michael Squillante, Sarah Hankins.