



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: June 1, 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 July 19, 2022 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2022-24. **Petitioner:** ALPPHOP Manager LLC. **Owner:** NWALP PHOP Property Owner LLC. **Nature of Application/ Petition:** Application Variances – Dimensional and for Modification of prior Special Permit. **Subject Matter:** The locus contains 217,8687± sq. ft. (approximately 5 acres) located between Totten Pond Road and Prospect Hill Lane, within a Limited Commercial Revitalization Area Overlay District (LCRA). The Petitioner proposes to raze the existing structure and construct, use, and maintain a life sciences office/ research laboratory building, an allowed use in the LCRA Overlay District. The proposed structure requires variances from the FAR, setbacks, height, open space and parking limits of the Zoning Ordinance. Case #2008-42 contained a condition that use of the premises is in accord with the filed plans. The Petitioner requests to modify said plans by substituting the new plans for 460 Totten Pond Road. Section 7.2 of the Waltham Zoning Ordinance gives the Board of Appeals the power to grant these variances. **Location and Zoning District:** 460 Totten Pond Road; Limited Commercial Revitalization Area Overlay District (LCRA). **Provisions of Zoning Ordinance Involved:** §3.537, §4.11, §4.12(5), §4.217, §5.21, §5.43, §7.2, §8.651, §8.652 (b), §8.652(c), §8.652 (d), §8.661, §8.663 (a), §8.663(c), §8.663(d).

Specific Relief Sought:

FAR: §8.651 states that in connection with granting a Limited Commercial Revitalization Area Overlay District special permit the City Council may increase the Floor Area Ratio to 1.2. Here the proposed building has a FAR of 2.08 if optional public service space is added.

Setbacks: §8.652(b) and 8.663(a) states that in connection with granting a Limited Commercial Revitalization Area Overlay District special permit the City Council may adjust the minimal front yard setback requirement to no less than 50 feet rather than the 150 feet required in §4.12(5). Here the proposed front setback (northerly) is 31 feet and the main entrance to the building is on the easterly side and not facing an existing way or open space as required by §4.12(5).

§8.663(c) states that a Limited Commercial Revitalization Area Overlay District special permit shall not include any lot that abuts a conservation recreation zone or is within 500 feet of any conservation recreation zone. Here the lot is 318± feet from the CR Zoning District.

§8.663(d) states that any portion of a parking structure which is constructed below the existing grade, so as not to be visible from any abutting property or any public or private way, must be setback at least 15 feet from any front, side or rear lot line. Here while the subsurface parking structure has front and side compliance the rear only has a minimum setback of 0 feet from the rear (southerly) property line.

Height: §8.652 (c) and (d) and §8.661 state that no structure built as a result of a Limited Commercial Revitalization Area Overlay District special permit shall be higher than 75 feet or six stories, whichever is less. Here the proposed height is 129 feet and seven stories to the top of the roof and 159 feet to the top of the mechanical penthouse, which contains mechanical units serving the building and not occupiable space. §4.217 typically excludes the penthouse from height but in this case it is being included in the height calculation since it exceeds the 25% coverage allowed under §4.217.

Open Space: §3.537 states that Applicants requesting a special permit for increased intensity of use shall provide designs that have site area set aside as open space. For special permit in Limited Commercial District the minimum required open space is 25% and increases by 2.143% for each 0.1 increase in FAR. Maximum required open space is 40%. Here the calculation yields a requirement for the maximum amount of open space, 40%, however the proposed design designates 24.2% of the site as open space.

Parking: §5.21 states that there shall be 1 parking space per 300 sq. ft. for office. If the proposed building were all office space, then 1,557 parking spaces would be required. The Petitioner is proposing an office and life sciences research laboratory mix, requiring considerably less parking than all office use. The Petitioner proposes to provide 1,144 spaces which is sufficient for a mix including approximately 60% office space. (The optional public service space reduces the parking space count by 19 spaces. The 1,144 spaces is the minimum including this option.) §5.43 states that trees with a minimum size of 3 ½ inches in diameter shall be provided at the rate of one for every 10 cars. Here there is no surface parking and therefore no trees are required, however, the lot will be appropriately landscaped nonetheless.

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.