



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: February 21, 2023

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 April 11, 2023 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2023-06. **Petitioner/ Owner:** MICOL, LLC. **Nature of Appeal/Petition:** Variances. **Subject Matter:** Petitioner proposes to demolish the existing building and to construct, use and maintain a hotel with a restaurant, a banquet hall and parking thereon. The building shall also contain an owner's residence. **Location and Zoning District:** 210 Moody Street, Business C Zoning District. **Provisions of Zoning Ordinance Involved:** §3.537, §4.11, §4.12(9) §4.12(13), §4.241 and §5.91. **Specific Relief Sought:**

1. §4.11 states that buildings in a Business C Zoning District shall have a rear yard setback of 25 feet. Here, the proposed setback shall be 0 feet.
2. §4.11 states that the City Council may grant a special permit for intensity of use for a maximum Floor Area Ratio of 2.5. Here, the Petitioner proposes a FAR of 3.45.
3. §4.11 states that buildings in a Business C District shall have a maximum zoning height of 65 feet. Here, the proposed height shall be 67 feet.
4. §4.241 states that where the side of a building in a business district abuts a conservation-recreation zoning district, there shall be provided on such lot, in the less restricted district, a side yard of one-half (1/2) the height of the building or 25 feet, whichever is greater. Here, the lot and its side yard to the north abuts a Conservation-Recreation Zoning District. Half the height of the proposed building is 33.5 feet, which is greater than 25 feet, therefore a 33.5-foot side yard is required. Here a side yard of 0 feet is proposed.
5. §4.12(13) states that in a business C Zoning District no new structure may be constructed within 10 feet of a public pedestrian way of at least five feet in width if said public way is used for access to a parking area, public open space, or public building. Here, a new structure shall be constructed within 0 feet of a public way on the north, south and east sides of building.
6. (a) §4.12(9) refers to §3.537 for required open space when seeking a special permit for intensity of use.
(b) §3.537 states that when seeking a special permit for intensity of use in the Business C District there is a base requirement of 15% open space which increases proportionally with the requested increase in FAR, with a maximum requirement of 37.5%. The increased FAR for this project would require the maximum open space of 37.5%. Here, the Petitioner proposes to have 0% open space.

7. §5.91 states that any building erected in a Business District for commercial purposes shall be designed to provide an area at least 70 feet x 12 feet immediately adjacent to the building for off-street loading and unloading of motor vehicles delivering or receiving goods. Here, the Petitioner proposes to use the street parking on Moody Street directly in front of the building during the off-hours for loading and unloading.

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:** Mark Hickernell, John Sergi, Glenna Gelineau, Matthew Deveaux. **ASSOCIATE MEMBERS:** Edward McCarthy, Oscar LeBlanc, Sarah Hankins, Joseph Attardo.