



FOR THE
CITY OF WALTHAM
ZONING BOARD OF APPEALS

GENERAL HEARING

February 25, 2014

7:00 P.M.

at

Public Meeting Room, First Floor
Arthur Clark Government Center
119 School Street
Waltham, Massachusetts 02451

Barbara Rando, Chair
Mark Hickernell, Clerk
Glenna Gelineau
Gordon LaSane
John Sergi

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Waltham Zoning Board of Appeals/2-25-2014/2

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A T T A C H M E N T S

Legal Notices: Case No. 2013-09
Case No. 2014-01

Case No. 2013-29:
Brief
Proposed Findings of Fact
Proposed Decision

Case No. 2014-01:
Brief
Proposed Findings of Fact
Proposed Decision
Exhibits

1 P R O C E E D I N G S

2 BARBARA RANDO, CHAIR: Good evening.
3 Thank you for coming. The Zoning Board of Appeals
4 for Tuesday, February 25, 2014 is called to order at
5 7:00 p.m.

6 Tonight we have one continued case and
7 one new case before us.

8 Case 2013-29, Gore Place Society, 52
9 Gore Street, and that's for a variance.

10 Case 2014-01, Kelly Cole and Christine
11 Gaynor, 5 Shade Street, for a special permit.

12 The members sitting this evening are:
13 Mr. Sergi, Mr. Hickernell, Ms. Gelineau, Mr. LaSane,
14 and I am Barbara Rando, Chair.

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PUBLIC HEARING

Case Number 2013-29: Gore Place Society, 52 Gore Street

BARBARA RANDO, CHAIR: Would the Clerk please read the petition in Case 2013-29, Gore Place? That is the continued case.

MARK HICKERNELL: (The Clerk reads the notice for the above-mentioned Case into the record. See Attached.)

BARBARA RANDO, CHAIR: Thank you.

May we hear from the Petitioner or the Petitioner's representative please?

ATTORNEY MICHAEL CONNORS: Yes. Good evening, Madam Chair, members of the Board of Appeals. My name is Michael Connors. I'm an attorney with Connors and Connors with offices at 6 Lexington Street here in Waltham. I'm here tonight on behalf of our client, Gore Place Society.

Gore Place Society proposes to relocate and renovate the existing Carriage House on the locus that dates back to 1793. The relocation brings the Carriage House closer to the main house where it originally was located prior to the widening

1 of Gore Street in the 1960s. The renovations include
2 an addition to the back of the Carriage House which
3 allows for improvements to the historical integrity
4 of the interior layout, while also providing
5 additional rest rooms, catering space, and storage
6 space to improve the experience of visitors and
7 guests.

8 The locus consists of a parcel of land
9 containing approximately 16.11 acres in Waltham with
10 a main house and a Carriage House situated thereon.
11 The locus is situated at 52 Gore Street and is
12 located in a Residence A-3 Zoning District.

13 The Petitioner, Gore Place Society, is
14 a Massachusetts nonprofit. According to their
15 website, "Gore Place, the Federal period, historic
16 house and estate of Massachusetts Governor
17 Christopher Gore, includes a small farm with sheep,
18 goats and poultry. The elegantly furnished mansion
19 has been called 'the Monticello of the North' and
20 architectural historians consider it to be the most
21 significant Federal Period mansion in New England."

22 The Petitioner's application to the
23 City of Waltham's Community Preservation Committee,
24 which is included in the brief material, included the

1 following information regarding the history of the
2 locus.

3 Gore Place is a national historic
4 landmark. All the historical buildings at Gore Place
5 provide a concrete reminder of the history of our
6 nation and our community. The buildings are
7 important artifacts and also house an important
8 artifact, a collection of 18th and early 19th century
9 objects and documents that tell the story of Gore's
10 life in Waltham.

11 The Carriage House, which is the
12 subject of this petition, has objects that illustrate
13 the story of early transportation in America and
14 nearby Post Road, Main Street, two carriages,
15 including Gore's Phaeton and the early sleigh.

16 The building is a unique historic
17 venue not found elsewhere in Waltham. Its large open
18 interior, adjacent parking, accessible entrance and
19 bathrooms, and garden location make it useful space.
20 It is used regularly from April to October to support
21 a wide variety of museum programs such as tours,
22 classroom activities, concerts, farm dinners, family
23 events, outdoor scavenger hunts, and Halloween
24 hayride.

1 Both mansion and Carriage House are
2 also used for public programs, particularly free or
3 low-cost space for organizations such as community
4 meetings, the chamber of commerce, rotary, the local
5 cultural council, Project Literacy, children's book
6 drive, Boston area cleaners, Food for Free, WCI Work,
7 and the art exhibition for mentally disabled clients.

8 This is an important structure for the
9 community. The preservation and improved interior
10 provided by this project will make it even more
11 useful for the community.

12 And that is Exhibit A in the brief
13 materials.

14 On December 26th, the City Council, in
15 Order 31849, which is Exhibit B in your materials,
16 approved the recommendation to the CPC to grant Gore
17 Place Society \$250,000 towards the relocation and
18 renovation of this 1793 Carriage House. Their
19 application included letters of support from Mayor
20 Jeannette A. McCarthy, the Waltham Historic
21 Commission, the Massachusetts Historical Commission,
22 as well as John W. Cox from the History Department of
23 Waltham High School.

24 In order for Gore Place Society to be

1 able to relocate and renovate the existing Carriage
2 House as proposed, they'll need three variances, one
3 for the location of the Carriage House and two for
4 the height of the Carriage House.

5 The variances requested are as stated
6 from the Table 4.11 of Table of Dimensional
7 Regulations states that front yard setbacks for
8 accessory buildings, which is the Carriage House, are
9 "as required by district."

10 4.221 requires that accessory
11 buildings in Residential Zoning Districts, we're in a
12 Residence A-3, be located in the rear yard, and here
13 the Carriage House is proposed to be located in one
14 of the three front yards of this corner lot. So it's
15 unique in that it's a corner lot and fronts on Gore
16 Road and Main Street.

17 4.223 limits the height of accessory
18 buildings to one story. And this is defined -- the
19 word "story" is defined in the ordinance as 15 feet
20 in height. And, here, the Carriage House is proposed
21 to be two stories. Once again, this is the height of
22 the existing Carriage House, 39.34 feet.

23 These three variances are minor
24 derogations to the zoning ordinance considering the

1 importance of the historic structures on the large
2 corner lot to the community.

3 Thus, for all the above reasons, Gore
4 Place Society would respectfully request that this
5 Board of Appeals grant the variances to give the
6 historical 1793 Carriage House and property as a
7 whole a new life to better serve the community, as a
8 place to gather and learn about Waltham and America's
9 rich history.

10 Madam Chair, members of the Board, as
11 you are aware, I provided the Board with a brief
12 addressing the legal requirements for these variances
13 two weeks prior to the original hearing date, January
14 28th. In that this Board is familiar with Gore
15 Place, is it the Board's wish that I continue with
16 the presentation of the brief or are there specific
17 questions that you'd like us to address at this time?

18 BARBARA RANDO, CHAIR: I will ask the
19 Board, but I believe that most of them have had time
20 to really read and digest it.

21 JOHN SERGI: Yes, we have, Madam
22 Chair.

23 BARBARA RANDO, CHAIR: Do you need for
24 him to continue with his brief?

1 JOHN SERGI: No.

2 MARK HICKERNELL: No.

3 BARBARA RANDO, CHAIR: Do you need him
4 to continue with his brief?

5 GLENNA GELINEAU: No.

6 GORDON LASANE: No.

7 BARBARA RANDO, CHAIR: I do have a
8 couple of questions though, if you don't mind.

9 ATTORNEY MICHAEL CONNORS: Great.

10 BARBARA RANDO, CHAIR: The applicant
11 received funding from the CPA, correct?

12 ATTORNEY MICHAEL CONNORS: Correct.

13 BARBARA RANDO, CHAIR: Okay. For the
14 specific act of moving and renovating the Carriage
15 House? Is that also correct?

16 ATTORNEY MICHAEL CONNORS: Right.
17 It's CPA money from the CPC, and that is approved by
18 the City Council. So that is --

19 BARBARA RANDO, CHAIR: Now, to get
20 that CPA money, the City Council had to approve it,
21 correct?

22 ATTORNEY MICHAEL CONNORS: Correct.

23 BARBARA RANDO, CHAIR: They wouldn't
24 have gotten the money if the City Council didn't

1 approve it.

2 ATTORNEY MICHAEL CONNORS: Correct.

3 BARBARA RANDO, CHAIR: So, therefore,
4 the City Council knew that this building was going to
5 be just not improved, but it was going to be moved?

6 ATTORNEY MICHAEL CONNORS: Correct.

7 BARBARA RANDO, CHAIR: Okay.

8 ATTORNEY MICHAEL CONNORS: The whole
9 reason for going through this is the current location
10 doesn't work.

11 BARBARA RANDO, CHAIR: Right.

12 ATTORNEY MICHAEL CONNORS: It's a low
13 area of the site that's wet. They can't go
14 underneath to dig a basement out.

15 BARBARA RANDO, CHAIR: But I thought
16 that the Gore Estate, being a national landmark, a
17 historical property, that it has to meet guidelines,
18 certain guidelines. And I thought in the Historical
19 Law of 1966 that you could repair, restore, add on,
20 but I didn't think you could move a historical
21 landmark. I thought you could not move it because
22 there could be damage to it. And I'm very surprised
23 to hear, unless I'm wrong -- I may be wrong -- but I
24 thought I read in the 1966 law that a historical

1 landmark on the Registry could not be moved because
2 of possible damage, which makes sense to me.

3 Now, you went in front of the
4 Historical Society, and Ms. Emberley, who was the
5 Chairman at the time, did state they were moving it
6 because of water damage. But Mr. Cox, in his letter,
7 wrote it as a history teacher who takes children down
8 there on field trips. And I'm not saying that this
9 addition is not needed. I think that it is needed.
10 They need the rest rooms. They need the catering
11 section that you're going to put in. And I think it
12 would be great for the City of Waltham.

13 My question is, if there are certain I
14 don't know if it's federal or national guidelines
15 that have to be set, and that once it is done it has
16 to meet the Secretary of the Interior's approval,
17 what happens -- what happens if everything's done and
18 she finds out that it's moved? Because in some of
19 these letters, like Mr. Cox, it never says "moving."
20 It says improving, adding, correcting, but it doesn't
21 say moving. And there's a couple of other ones. I
22 think the Mayor's also doesn't state that they're
23 moving the building. And I want to make sure that
24 everyone knows that this building is being moved from

1 one place to another.

2 ATTORNEY MICHAEL CONNORS: I mean I
3 think that's clear. As you stated, Angie Emberley,
4 the former Chair of the Historic Commission, included
5 that in her letter. It was definitely part of the
6 presentation to the CPC. That's the purpose of them
7 going about this at this location.

8 As far as whether you can move
9 historical buildings, historical buildings do have to
10 be moved from time-to-time, often in cases that to
11 make sure that they are preserved for a number of
12 reasons.

13 BARBARA RANDO, CHAIR: Can you give me
14 one for example?

15 ATTORNEY MICHAEL CONNORS: Susan
16 Robertson from the Gore Place Society.

17 BARBARA RANDO, CHAIR: Hi. Oh, you're
18 helpful to be here tonight. Good.

19 SUSAN ROBERTSON: You certainly can
20 pick up and move historic buildings. That's not an
21 issue. This building was already moved once, so it's
22 perfectly all right that we put it back closer to
23 where it was. It was moved in 1965 in order to widen
24 Gore Street.

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1 BARBARA RANDO, CHAIR: Oh!

2 SUSAN ROBERTSON: There was a Raytheon
3 factory and the City deemed that they needed to have
4 a much wider street to have a mass exodus at 3:15 in
5 the afternoon Monday through Friday. And so they
6 simply took by eminent domain several acres of our
7 property so that they could widen the street. And,
8 in doing so, they gave Gore Place \$10,000 to help
9 move the Carriage House to the corner. So, because
10 it's been moved that makes it a little less sticky
11 about moving it again. But we certainly can pick up
12 and move historic buildings. We do it all the time.

13 BARBARA RANDO, CHAIR: Thank you.

14 SUSAN ROBERTSON: But you do have to
15 do it -- you're correct -- under the standards set by
16 the Secretary of the Interior. Absolutely.

17 BARBARA RANDO, CHAIR: All right.
18 Thank you for your help. I appreciate that. I do.
19 And, as I said before, I think that it is necessary
20 and it's going to be great for the City of Waltham to
21 have the extra rest rooms and that extra room. But I
22 want it done the right way so that, in the end, if it
23 didn't, what would happen if she didn't give her
24 approval? What would have happened? Or he.

1 SUSAN ROBERTSON: In 1965, they put
2 the Carriage House in about the worst location they
3 could pick. They put it at a low point --

4 BARBARA RANDO, CHAIR: I read that.

5 SUSAN ROBERTSON: -- where all that
6 water rains into that building. So, on a very rainy
7 spring, if you open up the little floor doors and
8 look down, you can see water flowing right there.
9 It's come up about nine feet. And, of course, the
10 water tank is floating sideways and everything else.
11 But what that water has done is it's rotted the
12 underside of the building. So, if we don't do
13 something, the building is just going to slowly keel
14 over one day.

15 BARBARA RANDO, CHAIR: That would be a
16 shame.

17 SUSAN ROBERTSON: Yes, it would be.

18 BARBARA RANDO, CHAIR: Well, as I
19 stated, I had all these letters from different people
20 that I could have sat back and said, "Well, so-and-so
21 wants it, and this one wants it, and that one wants
22 it, well, then it's fine." But I wanted to make sure
23 that we didn't do something that was going to come
24 back and bite us in the end and have the Secretary of

1 the Interior say, "Sorry, you didn't follow our
2 guidelines," or whatever.

3 SUSAN ROBERTSON: We certainly would
4 not. And our architect absolutely adheres to that.
5 And the CPC knew it was going to be moved.

6 BARBARA RANDO, CHAIR: And, therefore,
7 the City Council did, too?

8 SUSAN ROBERTSON: Yes.

9 BARBARA RANDO, CHAIR: Great. Thank
10 you so much. Good that she was here tonight,
11 Attorney Connors.

12 ATTORNEY MICHAEL CONNORS: It's always
13 nice to have someone from the Petitioner. As I think
14 was mentioned, I did include the taking in the brief.
15 It was the next exhibit there, Exhibit D.

16 BARBARA RANDO, CHAIR: From the water.
17 Mr. Sergi, do you have any questions
18 at this time?

19 JOHN SERGI: No, I don't, Madam Chair.

20 BARBARA RANDO, CHAIR: Mr. Hickernell?

21 MARK HICKERNELL: No.

22 BARBARA RANDO, CHAIR: Ms. Gelineau?

23 GLENNA GELINEAU: No.

24 BARBARA RANDO, CHAIR: Mr. LaSane?

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1 GORDON LASANE: I'm fine.

2 BARBARA RANDO, CHAIR: All right. You
3 may continue with the proposed finding of fact.

4 ATTORNEY MICHAEL CONNORS: Okay. Once
5 again, I had filed this beforehand. Would you like
6 me to read the finding of fact at this time?

7 BARBARA RANDO, CHAIR: Would anyone
8 like to make a motion to waive the reading of the
9 finding of fact?

10 JOHN SERGI: Madam Chair, I make a
11 motion that we waive the reading of the finding of
12 facts since it's been on file for a period of time.

13 BARBARA RANDO, CHAIR: I have a motion
14 by Mr. Sergi. Do I have a second?

15 GLENNA GELINEAU: I'll second.

16 BARBARA RANDO, CHAIR: Second by Ms.
17 Gelineau.

18 All in favor?

19 ALL BOARD MEMBERS: Aye.

20 BARBARA RANDO, CHAIR: Opposed?

21 (None opposed.)

22 BARBARA RANDO, CHAIR: The ayes have
23 it.

24 You may continue with your proposed

1 decision.

2 JOHN SERGI: In a similar fashion,
3 Madam Chair, I propose that we waive the reading of
4 the decision since it's been on file.

5 BARBARA RANDO, CHAIR: Motion by Mr.
6 Sergi. Do I have a second?

7 GLENNA GELINEAU: I'll second it.

8 BARBARA RANDO, CHAIR: Second by Ms.
9 Gelineau.

10 AUDIENCE: I just have one question.
11 Was the audience --

12 BARBARA RANDO, CHAIR: I will ask.

13 AUDIENCE: Okay. That will be after.
14 Thank you.

15 BARBARA RANDO, CHAIR: All in favor?

16 ALL BOARD MEMBERS: Aye.

17 BARBARA RANDO, CHAIR: Opposed?

18 (None opposed.)

19 BARBARA RANDO, CHAIR: The ayes have
20 it.

21 Is there anyone in the audience in
22 favor of this petition that would like to stand and
23 be counted or like to speak at the microphone?

24 Sir, give your name and address for

1 the record, please.

2 STUART WOODWARD: My name is Stuart
3 Woodward. I'm a resident and a business owner here
4 in Waltham. We live probably about a half a mile
5 from Gore Place. And I also have a photography
6 studio here in Waltham so I have done events at Gore.
7 And it's a well run organization. We walk there
8 every weekend practically and it's a fantastic gem
9 for this community. So anything we can do to enhance
10 or preserve Gore Place I would be all in favor of and
11 I think this is one of those things. Thank you.

12 BARBARA RANDO, CHAIR: Thank you very
13 much.

14 Anyone else in favor? Your name and
15 address for the record, please?

16 DR. DEBORAH HADLEY: I'm Dr. Deborah
17 Hadley, 51 Gore Street. We are literally the next
18 door neighbors. We love this place, best thing about
19 Waltham. And I think it will just add to our town
20 and I think our street will be better for making it
21 more historical. And if I don't mind if it's moved,
22 I don't see why the rest of the town would.

23 BARBARA RANDO, CHAIR: Thank you very
24 much. Anyone else?

1 Is there anyone in opposition that
2 would like to stand?

3 (No response.)

4 Anyone seeking information that would
5 like questions answered?

6 Seeing none.

7 All right.

8 COUNCILOR GARY MARCHESE: May I speak?

9 BARBARA RANDO, CHAIR: Yes, go right
10 up.

11 COUNCILOR GARY MARCHESE: I didn't
12 know exactly where to speak. Sorry.

13 BARBARA RANDO, CHAIR: That's okay.

14 COUNCILOR GARY MARCHESE: Madam Chair,
15 Members of the Board, Gary Marchese, Ward 5 City
16 Councilor.

17 I am torn really about the project.
18 You know, the Gore Estate is a gem, as Stuart said,
19 in the City. It's wonderful. And the moving itself
20 of the Carriage House is really not why I'm here and
21 why I'm objecting. We understand why it's being
22 moved. I mean, for the most part, it's being moved
23 closer to where its original location was, although
24 not exactly. It is being moved closer to the street;

1 therefore, it's closer to the neighbors on Gore
2 Street. And I wouldn't be here if it wasn't for some
3 of the neighbors who have asked me to come and speak
4 on their behalf. I know Dr. Hadley's here, and she's
5 at 51 Gore. And, due respect to her, there's other
6 neighbors, just a bit down from her, who are
7 objecting to the Petitioner for the main reason that
8 in the spring and summer the Gore Society sponsors
9 and receives obviously revenue from dozens and dozens
10 of events at the site.

11 If they were having the events in the
12 Carriage House, which apparently is going to be
13 enclosed and going to have an HVAC system, that
14 wouldn't even be a problem. But that's not the
15 history of what's been happening at the site over the
16 last say five years. You know, if we keep talking
17 history, that's fine. But the historical use has
18 been changed because, for whatever reason -- and the
19 Petitioners can address that -- but what's happening
20 now is it's become almost like a retail site,
21 especially with the tent. The tent is why I'm here
22 for the most part.

23 The tent is a problem. The tent is a
24 large structure that's taken down in the fall and put

1 back up in the spring. The neighbors -- it's funny,
2 I get a call. I receive a call every spring when the
3 tent goes up, "The tent's up. The tent goes up."
4 And what that means is there's going to be dozens and
5 dozens of activities, outdoor activities, on
6 Saturdays and Sundays mostly, sometimes in the
7 evenings, involving loud music, parties, not museum
8 events. What happens is they have bar mitzvahs.
9 They have graduations. They have weddings. They
10 have -- it becomes a party tent.

11 Now, Susan knows this. Mrs. Robertson
12 knows this. I've had many conversations with her
13 about it. She's addressed some of the concerns, not
14 all of them. I mean some of them she's just unable
15 to stop the event, for example, and I don't expect
16 her to stop the event, but she has curtailed some of
17 the length of the events. But what happens is when
18 you have a tent that's open on the sides, and it's
19 the middle of the summer, and there's no HVAC, and
20 you have loud music, and you have a wedding with
21 young couples, that music resonates throughout the
22 neighborhood. And I've got neighbors across the
23 street that are objecting to the parties.

24 What I see happening here is that

1 they're using the historic nature of the move to
2 enhance those activities. I mean that's not
3 historic.

4 Now, I know they need revenue. I
5 understand that. And, again, I would not be here if
6 the tent was moved further to the east. And, you
7 know, it's showing on the plan, as a location on the
8 Petitioner's plan, I'm a little concerned that if the
9 plan is approved the tent's going to be there
10 forever. It's moveable. It's not a permanent
11 structure. You know, keep in mind you've got an
12 accessory building, which is the Carriage House,
13 which is historic. You've got an accessory to the
14 accessory building, which is this 20x54-foot addition
15 that is going to be basically used not just for
16 bathrooms but for the catering use that they're
17 enhancing on the site. And, again, I know what
18 they're doing. They're trying to get revenue to
19 support their society, which is wonderful. But
20 sometimes they're doing it at the expense of the
21 neighbors, and their peace of mind, and the quiet
22 enjoyment of their home.

23 Again, all due respect to Dr. Hadley,
24 there are neighbors that don't appreciate what's

1 going on there in the spring, summer, and fall. As
2 we speak this evening, there's three requests for
3 one-day liquor licenses downstairs for this site.
4 That's going to happen from now until October.
5 That's what we're going to see.

6 And, you know, what do I have to do?
7 Do I have to come here, you know, at a Licensing
8 Commission hearing and object to the one-day liquor
9 license, which they've got dozens of them every year
10 now? This didn't happen five years ago. This is not
11 the historic, you know, Gore Society that I'm used
12 to, that I grew up with. This is different.

13 So, if you're going to add an
14 accessory building to accessory building, and then
15 use that building to enhance a retail use, I'm not
16 sure that meets the requirement of an historic use.

17 So, that's my complaint. If this tent
18 had been moved to the west -- to the east, I'm sorry
19 -- I would not be here this evening. The tent --
20 it's kind of ironic, they're spending hundreds of
21 thousands of dollars to move a Carriage House and
22 they refuse to move a tent.

23 So, I don't get it. I hope they have
24 some, you know, patience with the neighbors who are

1 not here, but were here last time at the last
2 meeting. They asked me to come here this evening.
3 And, really, and I'm not really upset. I'm not. I
4 love the Gore Society. They're a wonderful group.
5 They have to respect the neighborhood. And to me the
6 use on the weekends, and the evenings, and parties
7 are not respectful of the neighbors. So that's why
8 I'm here.

9 BARBARA RANDO, CHAIR: Could you tell
10 me, are they objecting to the children and the
11 activities that go on?

12 COUNCILOR GARY MARCHESE: Of course
13 not.

14 BARBARA RANDO, CHAIR: Or just the
15 weddings and the -- it's the liquor being served and
16 --

17 COUNCILOR GARY MARCHESE: It's the
18 party tent. It's become a party tent.

19 BARBARA RANDO, CHAIR: The party tent.

20 COUNCILOR GARY MARCHESE: You know,
21 it's nice to -- it's nice to hear the museum
22 activities, you know, the other innocuous activities
23 that go on.

24 BARBARA RANDO, CHAIR: Hayrides, the

1 movies and things they do not mind?

2 COUNCILOR GARY MARCHESE: Wonderful.
3 Beautiful. I mean absolutely the non-alcoholic
4 activities, beautiful. When you introduce alcohol
5 and one-day liquor licenses, you're introducing
6 trouble. And that's what's happening at the site.

7 GORDON LASANE: Councilor, in your
8 opening, you mentioned this has been going on for
9 five or six years?

10 COUNCILOR GARY MARCHESE: Yeah.

11 GORDON LASANE: In those intervening
12 years, have neighbors been in discussion with the
13 folks at Gore around remediation or these changes?

14 COUNCILOR GARY MARCHESE: Okay. Yeah.
15 Yeah.

16 GORDON LASANE: What's come of those
17 conversations?

18 COUNCILOR GARY MARCHESE: Okay.
19 What's happened is I mean there's really probably
20 four, three or four families that have been affected
21 mostly. And there is a division on the street. I
22 mean some of the families don't mind, as you can see
23 this evening, and some mind a lot. They've asked me
24 to be their go-to person, you know, with the Gore

1 Society. They've asked me to deal with the Gore
2 Society. They prefer to do it through me and they've
3 done this for the last few years.

4 I have to admit, over the last say two
5 or three years, it's been a bit of a nuisance, more
6 of a nuisance than before. It's proliferating is
7 what I'm seeing. And I'm not exaggerating, but I get
8 a lot of complaints as a City Councilor. In the
9 summers, this is my number one complaint.

10 GORDON LASANE: So, I'm really not
11 clear though.

12 COUNCILOR GARY MARCHESE: What have
13 they done?

14 GORDON LASANE: Have you been meeting
15 with the Gore folks?

16 COUNCILOR GARY MARCHESE: Of course,
17 yeah. Mrs. Robertson and I have met many times.

18 GORDON LASANE: And how would you
19 characterize --

20 COUNCILOR GARY MARCHESE: Okay.

21 GORDON LASANE: I mean is it a
22 negotiation? Is it --

23 COUNCILOR GARY MARCHESE: Yeah, I mean
24 they haven't moved the tent. Let's put it that way.

1 Okay? They haven't moved the tent, but they've done
2 other things. I think they've curtailed the length
3 of their partying on Sundays. Instead of say 10,
4 they're stopping maybe at 9; or Saturdays, I think
5 they're stopping earlier in the evening rather than
6 going later in the night. That doesn't stop the
7 parties from 12 to 7 on a Saturday and a Sunday. I
8 mean just think of it. You're on your porch. It's
9 12:00 in the afternoon, 1:00 in the afternoon, to
10 7:00 p.m. That doesn't stop that. But, yes, they've
11 addressed that.

12 They've had a police officer there
13 occasionally when we've made a complaint. They've
14 had a police officer on site. That's helped. Susan
15 --

16 BARBARA RANDO, CHAIR: Don't they have
17 to have a police officer if there's a wedding or if
18 there's liquor being served?

19 COUNCILOR GARY MARCHESE: I hope so.
20 I mean maybe that's part of their licensing
21 requirements. I'm not positive. But it's a private
22 party. I don't know if they'd need a police officer
23 on site for a private party.

24 But they have addressed -- Mrs.

1 Robertson's addressed some of the concerns. She's
2 tried. And I think she discharged one of her social
3 directors. They have a social director, by the way,
4 of course, I mean to book all these parties. They
5 have a social director that was let go a couple of
6 years ago. The new director is hopefully better.
7 This summer we'll see. Last summer was, you know,
8 again, there were more events than the summer before.
9 And that's what we're seeing.

10 MARK HICKERNELL: Councilor, are you
11 suggesting that the reason stated in the position for
12 moving the Carriage House are a pretext for simply
13 making better parties at Gore Place?

14 COUNCILOR GARY MARCHESE: You'd need
15 to ask them that.

16 MARK HICKERNELL: No, I'm asking you.
17 Are you suggesting that?

18 COUNCILOR GARY MARCHESE: Not really.
19 I mean here's what I'm suggesting. They're moving
20 the Carriage House closer to the historic location of
21 the Carriage House --

22 MARK HICKERNELL: Because it's
23 rotting.

24 COUNCILOR GARY MARCHESE: -- which is

1 fine. They're adding an addition, which is enhancing
2 the business use of the property to me. I mean if
3 they were just putting bathrooms in to, you know, for
4 the Carriage House and for the guests, that's fine.
5 But they're not. They're putting catering space in
6 the accessory building to the accessory building.

7 If you look at their original
8 location, or the one that they're moving from, I
9 don't think they could put that addition on that back
10 of that Carriage House where it's located now.

11 They're affecting the parking, too, at
12 the site. The parking, the gravel area where the
13 Carriage House is relocating, is actually where the
14 parking is now. I don't know if the entrance is
15 going to change now to where everybody is used to
16 coming in for the events. That might have to go to
17 Colonial Ave. And, again, you might need to ask that
18 of the Petitioners. I don't see a traffic flow
19 within the parking area which is changing
20 dramatically because of the relocation of the
21 carriage house. You've got an entrance that might be
22 blocked now from entering the parking area because of
23 the Carriage House relocation. I don't know what
24 they're intending to do for the parking area.

1 You know, and, again, I'm a little
2 concerned that they're putting the tent on this plan
3 that, if you approve, it sounds like they're going to
4 have carte blanche permission to keep that tent at
5 that location, which I don't prefer.

6 MARK HICKERNELL: But there's nothing
7 in their petition other than the diagram showing
8 where the tent is, addressing the tent.

9 COUNCILOR GARY MARCHESE: I under --

10 MARK HICKERNELL: I mean this isn't a
11 tent petition.

12 COUNCILOR GARY MARCHESE: Exactly.
13 No, I understand that. I know in City Council we
14 sometimes don't want references to buildings, or
15 accessory buildings, or items that we don't approve
16 on a plan. That's all I'm saying. I don't know if
17 that's part of your deliberation or not.

18 BARBARA RANDO, CHAIR: Any other
19 questions?

20 Seeing none.

21 COUNCILOR GARY MARCHESE: Thank you,
22 members.

23 BARBARA RANDO, CHAIR: I was wondering
24 if you wouldn't mind coming up to the -- Mrs.

1 Robertson. Is this Ms. Robertson from the Gore?

2 ATTORNEY MICHAEL CONNORS: I can speak
3 to some of those if you have specific questions.

4 BARBARA RANDO, CHAIR: Well, I'd like
5 to know why the tent wouldn't or couldn't be moved
6 more to the east like the Councilor had mentioned.

7 ATTORNEY MICHAEL CONNORS: Well, I
8 think what was brought up at the beginning of -- it
9 seems like the Ward Councilor stepped out -- at the
10 beginning of his statements, he said there's a
11 meeting going on downstairs. And that meeting is the
12 License Commission. Now, for every event they have
13 in the tent that serves alcohol, which seemed to be
14 his concern, they have individual discussions about
15 that. And that seems to be the proper venue for
16 that. As Board Member Clerk Hickernell pointed out,
17 the petition is dealing with this Carriage House.
18 And the reason it's being moved was stated, and has
19 gone through review by a number of different parties,
20 including the City Council, where this didn't seem to
21 be an issue.

22 BARBARA RANDO, CHAIR: But it is also
23 on the plan, as he stated.

24 ATTORNEY MICHAEL CONNORS: At any time

1 the License Commission can enforce new items there.
2 I mean they always want to be --

3 BARBARA RANDO, CHAIR: Well, I would
4 like to know why it can't be moved. Can you answer
5 that question?

6 ATTORNEY MICHAEL CONNORS: The tent?
7 The site --

8 BARBARA RANDO, CHAIR: Why can't the
9 tent be moved more to the east to make them happy?

10 ATTORNEY MICHAEL CONNORS: One of the
11 reasons that the Carriage House is being moved is
12 it's being moved back to its historic --

13 BARBARA RANDO, CHAIR: The tent.

14 ATTORNEY MICHAEL CONNORS: But they
15 all kind of flow together. Do you see how the site
16 flows? I mean it wouldn't do any good. They also
17 own 27 acres in Watertown, but it wouldn't do any
18 good if it was away from the historic house.

19 You know, the parking is in front
20 here. I'm sure you've been to an event there. And
21 you can walk over. You know, sometimes they have
22 parking in the grass there for larger events. My
23 little sister's graduation from high school was held
24 there.

1 BARBARA RANDO, CHAIR: Yeah.

2 ATTORNEY MICHAEL CONNORS: This is the
3 type of thing. Obviously, when these events aren't
4 going on, you know, I'm sure the neighbors would
5 agree that it's very nice to have a quiet neighbor
6 and obviously an architectural gem to look at.

7 You know, so I think there's some give
8 and takes here. And I think those discussions have
9 happened, as he -- as I think the Ward Councilor
10 mentioned. Susan Robertson's available. There's
11 always someone from Gore available for these
12 discussions. They have made some different changes,
13 as he mentioned, voluntarily shutting down some of
14 the events earlier. But, once again, this is
15 something that is constantly being checked over by --
16 they receive noise permits from the Police
17 Department. The License Commission is the main venue
18 where this should be discussed. And it really
19 doesn't pertain to the petition here.

20 BARBARA RANDO, CHAIR: How many
21 weddings, and bar mitzvahs, and different parties
22 where there's alcohol do you have during the summer?

23 SUSAN ROBERTSON: There's probably
24 about 12. And the three petitions that are

1 downstairs tonight are all inside the mansion. They
2 have nothing to do with outside.

3 And the advantage to putting the
4 accessory building on the back of the Carriage House
5 with bathrooms and a kitchen is we get to put the
6 Carriage House back to the way it was in the Gore
7 era, we get to remove the little kitchenette that's
8 there, and we get to put it out back. It actually
9 has nothing to do with the tent at all.

10 We actually have two historic
11 carriages and one sleigh. We want to be able to
12 display them and talk about the Post Road in an
13 exhibit. We will do that exactly where the old
14 kitchen and the bathrooms are now. So, if we took
15 the kitchens and the bathroom out of the Carriage
16 House, we would have no place for people to use the
17 bathroom. So we had to figure out some other way to
18 put a bathroom in there, not used by the tent, simply
19 used by the people in the Carriage House.

20 It's also true that Mr. Marchese had
21 talked to me. But, actually, the two people --
22 apparently, there's one home in particular -- has not
23 ever spoken to me.

24 ATTORNEY MICHAEL CONNORS: They're not

1 present here, so I don't know.

2 BARBARA RANDO, CHAIR: How far would
3 you agree in moving the tent where it would not be an
4 inconvenience to the Carriage House, to the --

5 ATTORNEY MICHAEL CONNORS: The tent's
6 not part of the --

7 BARBARA RANDO, CHAIR: The tent seems
8 to be the issue --

9 ATTORNEY MICHAEL CONNORS: The tent's
10 not part of the petition here tonight. So --

11 BARBARA RANDO, CHAIR: -- with the
12 neighbors.

13 ATTORNEY MICHAEL CONNORS: I mean I --

14 BARBARA RANDO, CHAIR: But would you
15 make it a condition that if we agree to give you this
16 that the tent would be moved and that there would
17 probably be a policeman at every function where there
18 is liquor served?

19 ATTORNEY MICHAEL CONNORS: I mean as
20 far as the police officer being there, the License
21 Commission makes that determination based on the
22 event. And that's under their purview. And I think
23 the License Commission does a tremendous job in doing
24 that and in deciding when to have police officers

1 down there. I don't think in a decision like this
2 that would be a proper place to be putting such a
3 condition.

4 And as far as the tent goes and the
5 flow of noise or anything, I mean moving the Carriage
6 House over here seems to block the noise that he's
7 talking about that may be coming from the tent.

8 BARBARA RANDO, CHAIR: But if
9 something as simple as moving the tent a little bit
10 further than where it is would make the neighbors
11 happy, why wouldn't you do it? As far as the
12 children, I like hearing happy children laughing and
13 the hayrides and whatever. That makes me happy. But
14 I can't see why you wouldn't make that a condition
15 that you would move it.

16 GREG BOWMAN: Madam Chair, have you
17 been on the site recently?

18 BARBARA RANDO, CHAIR: Many times with
19 my grandchildren.

20 STENOGRAPHER: Would you identify
21 yourself for the record, please?

22 GREG BOWMAN: My name is Greg Bowman.
23 I live at 51 Gore Street. So I live right across the
24 street.

1 BARBARA RANDO, CHAIR: Did you get
2 that?

3 STENOGRAPHER: Not really.

4 GREG BOWMAN: Greg Bowman, 51 Gore
5 Street.

6 STENOGRAPHER: The name?

7 GREG BOWMAN: Greg Bowman, B-o-w-m-a-
8 n.

9 If you look at the site, you have --
10 where that tent is -- you have trees and gardens
11 between the tent and my house. And with the move of
12 the building, you'd also have that between the tent.

13 On the other side, you also have
14 mature trees, and behind the tent you have what is
15 developing into an orchard, all which -- you know,
16 the orchard is consistent with the use of the site.
17 And then if you start moving further a field, you
18 have a stream there. And then you're moving into the
19 Watertown patch.

20 So, for that type of event tent, it's
21 better to have something that is there, it's
22 consistent, and in a particular condition, rather
23 than something that's put up and put down every time
24 somebody has a party because we used to have that.

1 So the tent that's there is far better than whatever
2 things people would bring in for parties prior to.

3 And as far as a place to really move
4 it, I don't really see it.

5 BARBARA RANDO, CHAIR: Then why is it
6 bothering the neighbors?

7 GREG BOWMAN: I don't know. The one
8 complaint about a wedding that I personally have
9 heard from one of my neighbors wasn't an event that
10 was held at the Gore Place. It was held at another
11 one of my neighbor's houses. And, you know, part of
12 that was I think just whether or not the music being
13 played was their kind of music.

14 You know, it's like the most invasive
15 thing that happens at that site throughout the year
16 for me is graduation.

17 BARBARA RANDO, CHAIR: And that no
18 longer goes on there.

19 GREG BOWMAN: Which I'm really sad
20 about because as invasive as it was, what a joyous
21 event.

22 BARBARA RANDO, CHAIR: It was.

23 GREG BOWMAN: And people were behaved.

24 You had a lot of ruckus going on. But, you know,

1 it's a site that's not only used for historical
2 purposes. It's not a dead museum. It's an active
3 site that people use. All right? You have people
4 who wander through the site to look at the change of
5 the seasons. You have people who sit there and have
6 picnics. It's a great site to have. I wish I had
7 more time to use it and I live across the street from
8 it.

9 Why somebody really gets bugged about
10 that tent or bugged about somebody having a wedding
11 or an event are the same folks unhappy about the gas
12 station at the corner or they're unhappy about BJ's.

13 BARBARA RANDO, CHAIR: The Councilor
14 said he gets more calls in the summertime for the
15 tent than any other calls he gets. I'm just
16 wondering why.

17 GREG BOWMAN: You know I'm not sure.
18 I'm not sure.

19 BARBARA RANDO, CHAIR: I wish I knew.

20 GREG BOWMAN: He's also talking about
21 it being one or two neighbors. So it doesn't sound
22 like a lot of people. We do not have central air
23 conditioning in my house. During the summer, the
24 windows are open. If there's a party or an event,

1 certainly I get a chance to hear it. It doesn't go
2 past my bedtime, and I never see *Saturday Night Live*.
3 I'm in bed before that. You know, it's not really
4 that invasive. I am perplexed that there would be a
5 complaint made about the sound. But the use of the
6 site is responsible. The location of that tent I
7 think is really if you walk the site yourself, I
8 doubt you could find a better place for it.

9 BARBARA RANDO, CHAIR: Thank you.

10 Attorney Connors, what about the
11 parking and the entrance issue that he brought up?

12 ATTORNEY MICHAEL CONNORS: I wouldn't
13 think that they are new issues. They show on the
14 plan. The Carriage House is going back, as Susan
15 Robertson stated, back to closer to its historical
16 location.

17 As to his comments about building out
18 for retail, as shown on the plans, it's removing the
19 bathrooms and it says future stables at the front.
20 So, yes, it does by moving the Carriage House closer
21 to where it originally was, they put parking where it
22 had originally been. So that shift is shifting how
23 the traffic flows there for these very few events
24 that are held, you know, during the year. So, yes,

1 it does change that.

2 BARBARA RANDO, CHAIR: All right. Any
3 other questions from Board members? Any other
4 concerns?

5 JOHN SERGI: No, Madam Chair. I look
6 at the petition as being one of historical
7 importance, moving an historical building to a
8 location where it could preserve the building.

9 I also know the reputation of Ms.
10 Robertson in the City. I know she would be very
11 concerned with the neighbors. So I'd be very
12 surprised if she doesn't react to a complaint when
13 it's lodged. And I would just ask that you be
14 sensitive to that issue, which I'm sure you are. And
15 I don't view the tent as being part of our decision
16 here tonight.

17 That's all I have to say.

18 BARBARA RANDO, CHAIR: All right.
19 Anyone else? Then I'm ready to entertain a motion on
20 the proposed finding of fact.

21 JOHN SERGI: Well, I'll make a motion
22 that the proposed finding of fact become the Board's
23 finding of fact.

24 BARBARA RANDO, CHAIR: I have a motion

1 by Mr. Sergi. Do I have a second?

2 GORDON LASANE: Second.

3 BARBARA RANDO, CHAIR: Second by Mr.
4 LaSane.

5 How do you vote on the proposed
6 finding of fact?

7 JOHN SERGI: Yes.

8 BARBARA RANDO, CHAIR: Mr. Sergi, yes.

9 Mr. Hickernell:

10 MARK HICKERNELL: Yes.

11 BARBARA RANDO, CHAIR: Ms. Gelineau?

12 GLENNA GELINEAU: Yes.

13 BARBARA RANDO, CHAIR: Mr. LaSane?

14 GORDON LASANE: Yes.

15 BARBARA RANDO, CHAIR: And the Chair
16 votes yes.

17 Do I have a motion on the decision?

18 JOHN SERGI: I'll make a motion that
19 the decision -- the proposed decision becomes the
20 Board's decision.

21 BARBARA RANDO, CHAIR: Motion by Mr.
22 Sergi. Do I have a second?

23 GORDON LASANE: Second.

24 BARBARA RANDO, CHAIR: Second by Mr.

1 LaSane.
2 How do you vote, Mr. Sergi?
3 JOHN SERGI: Yes.
4 BARBARA RANDO, CHAIR: Mr. Hickernell:
5 MARK HICKERNELL: Yes.
6 BARBARA RANDO, CHAIR: Ms. Gelineau?
7 GLENN GELINEAU: Yes.
8 BARBARA RANDO, CHAIR: Mr. LaSane?
9 GORDON LASANE: Yes.
10 BARBARA RANDO, CHAIR: And the Chair
11 votes yes. It is granted.
12 ATTORNEY MICHAEL CONNORS: Thank you
13 very much.
14 BARBARA RANDO, CHAIR: Just watch out
15 for the neighbors please. Thank you.
16 SUSAN ROBERTSON: Thank you very much.
17 //
18 //
19 //
20 //
21 //
22 //
23 //
24 //

1 **Case Number 2014-01: Kelly Cole and Christine**
2 **Gaynor, 5 Shade Street**

3
4 BARBARA RANDO, CHAIR: Would the Clerk
5 please read the petition in 2014-01, Kelly Cole and
6 Christine Gaynor, 5 Shade Street?

7 MARK HICKERNELL: (The Clerk reads the
8 notice for the above-mentioned Case into the record.
9 See Attached.)

10 BARBARA RANDO, CHAIR: Thank you.
11 May we hear from the Petitioner or the
12 Petitioner's representative please?

13 ATTORNEY DEBORAH SAWIN: Good evening,
14 Madam Chairperson, members of the Board. My name is
15 Deborah Sawin. I'm an attorney in Waltham with an
16 office at 564 Main Street. I'm here tonight
17 representing Kelly Cole and Christine Gaynor and
18 their three children, although they're not here
19 tonight, who own and live at the property at 5 Shade
20 Street.

21 I do have a brief and a packet of
22 exhibits that I can contribute to the Board.

23 BARBARA RANDO, CHAIR: Please do.

24 You may continue.

1 ATTORNEY DEBORAH SAWIN: The brief and
2 the packet of exhibits that I distributed and
3 previously filed with the Board sets out the basis
4 for this Board's jurisdiction to hear the special
5 permit case, that jurisdiction coming from Mass.
6 General Laws Chapter 40A in sections 3.73 -- 7.3 and
7 3.722 of the zoning ordinance.

8 I've also submitted two plans to the
9 board, an abutters' plan and some elevation
10 renderings of the property to highlight what it is
11 the petitioners propose to do.

12 The kids are growing. The family is
13 growing. They are in need of more living area. They
14 love their house and their neighborhood and would
15 very much be able to stay here. But, in order to do
16 so, they need to provide some additional living area.
17 They proposed this renovation in order to achieve
18 that goal.

19 The Petitioners are here tonight to
20 ask the Board for a special permit which will allow
21 them to do two things. First, they would like to
22 raise the roof. They have a one-and-a-half story
23 house with a shed dormer. They would like to convert
24 this into a full second story and then half story for

1 some attic space.

2 Currently, the limited second floor
3 that they have is just two bedrooms and no bathrooms.
4 The proposal would allow them to create three
5 bedrooms on the second floor and a bath on the second
6 floor, and then a bath and some open space for
7 storage, recreation in the half-story on the third
8 floor, in the attic basically.

9 The second way that they would like to
10 gain more space is by enlarging the family room
11 between the house and the garage. You can see from
12 the abutters' plan, the plan you have, this space
13 here where the garage connects to the house, this
14 small area, is currently their family room. By
15 enlarging it about eight feet, they would be able to
16 pick up about 93 square feet of living space, which I
17 had it all prepared to tell you it was about one-
18 sixth the size of the hearing room downstairs. So,
19 it's not a very big space. To us, it doesn't seem
20 like a very big space. But picking up that much area
21 on the first floor in the area where they all
22 congregate, it provides a significant difference to
23 the family.

24 I have some pictures of the property,

1 which I hope you can see from where you are.
2 Basically, the significant part about the pictures is
3 that they show the slope of the existing roof. So
4 the back portion of that roof comes right down and
5 there really is no usable space on the back half of
6 the second floor.

7 You can also see the area where the
8 house and the garage is, and the addition -- the
9 family room is set back from the house.

10 BARBARA RANDO, CHAIR: Could you push
11 it a little? Because of the glare I can't see that
12 picture.

13 ATTORNEY DEBORAH SAWIN: Closer?

14 BARBARA RANDO, CHAIR: No, no, just --
15 perfect.

16 ATTORNEY DEBORAH SAWIN: You can also
17 tell that these pictures were taken in the fall and
18 not recently, which seems like it was long, long ago,
19 which it was long, long ago.

20 The renderings that we have and that
21 we submitted to the Board probably are the most help
22 in terms of being able to see what they want to do.

23 So you can see from this side view in
24 particular, they have a short roof in the front,

1 where they have the two bedrooms, sloping ceiling.
2 So now they're going to raise that part of the roof
3 and then add the half-story attic on the top of it.
4 So that's really what it will look like from the
5 side, and then what it will look like from the front.
6 And then it's less drastic to see, but on the other
7 side the same thing from the other side and the back.
8 So it will come up in the back and come up a little
9 bit in the front.

10 The appearance of the front, as you
11 can see in this picture, really will not change that
12 dramatically. It's just going to come up a little
13 bit higher. A half-story is what would be visible
14 from the front of the street.

15 The expansion of the family room is
16 going to be a single-story addition. You can see
17 here. So this is the existing. This is the
18 proposed. So, visually, it will come out, but it
19 will still be set back from the façade of the house
20 and the garage. So it's still going to look like a
21 setback single-story room. So, aesthetically, that
22 view is also not going to change from what their
23 neighbors or anyone driving by would be able to see.

24 In order to make these renovations,

1 the Petitioners need a special permit. A special
2 permit is required because the house and the property
3 is legally nonconforming, which is the first
4 requirement of the special permit process.

5 This house was built pursuant to a
6 permit in 1951. It was by right at that time. They
7 didn't require any variances. Since that time, there
8 have been changes in the ordinance made to the
9 dimensional requirements, including the lot area, lot
10 front yard, the side yard, and the rear yard
11 setbacks. All are detailed in the block on the
12 abutters' plan. So, we'd asked Bibbo and Associates
13 to set out what all the required and existing so that
14 we can see where all the deficiencies currently are
15 that make it legally nonconforming.

16 Having said that, that there are
17 deficiencies, it is a corner lot, and the front,
18 side, rear, you can understand why it is that they're
19 proposing it's mostly to go up. That's where they
20 need the space. That's the type of space that they
21 need and it makes the most sense on this lot.

22 The second special permit requirement
23 is that the proposed use be conforming. As this will
24 remain a single-family dwelling, it will remain a

1 conforming use in this Residence A-3 zoning district.

2 The third requirement is that the
3 alteration cannot be more than 10 percent of the
4 ground floor area of the building of the land used.
5 Again, most of the addition is up so we're not
6 expanding out to either side. The increase that we
7 will have will come in two places. One is in a one-
8 foot overhang in the back on the second story. And
9 then the other one is in the front in the expansion
10 of the family room. The combined new ground floor
11 area will be a total of 131 square feet, which
12 represents 8.7 percent of the ground floor area of
13 the building that is currently being used. This 8.7
14 percent, therefore, is within the 10 percent
15 permitted by the ordinance. And, again, all of the
16 supporting data for this can be seen in the detail
17 block section of the abutters' plan.

18 The final requirement is a
19 determination which must be made by this Board as to
20 whether or not the proposed renovation and change
21 will be substantially more detrimental to the
22 neighborhood than the nonconforming which currently
23 exists. And the Petitioners do not think that it
24 will.

1 The abutters' plan shows that there
2 are several other properties in the neighborhood
3 which are also currently legally nonconforming, and
4 which have similarly sized houses in terms -- and
5 properties in terms of area and the area of the lot
6 that they cover. And, in fact, after the proposed
7 renovation, the lot coverage will remain under the
8 maximum permitted by the ordinance. The ordinance
9 would allow 25 percent coverage, and we would be at
10 24.5 percent.

11 In terms of the new appearance of the
12 house, the height and the overall size are in keeping
13 with other development within area and within the
14 height limits set forth in the ordinance. So, we are
15 not requesting any variance, nor will there be any
16 deviation from the height permitted under the
17 ordinance.

18 The family room will fill some, but
19 not all, the space between the house and the garage.
20 Aesthetically, the appearance will not change very
21 much as the family room will still be set back
22 approximately four feet from the front line of the
23 house -- from the front of the house and the garage.
24 So it will still appear to be an offset room as it is

1 now. And as this addition is between two parts of
2 the existing structure, it will come no closer to
3 either of the side yard neighbors or the rear yard
4 neighbor, and it will not any closer to the neighbor
5 in the front than the existing distance and setback
6 of the house and the garage.

7 Similarly, although the roof will be
8 higher, higher than it is currently, it will be to a
9 conforming height and it will not be out of character
10 for this neighborhood.

11 I believe in the brief I've identified
12 at least six other properties in the neighborhood
13 which are of similar size and development in terms of
14 how the houses have been expanded and built.

15 And I know this Board is always
16 concerned with what the neighbors think. I'm going
17 to hesitate a little bit because I know some of them
18 are there. But the Petitioners did speak with many
19 of their neighbors, all of the direct neighbors. No
20 one has objected to the renovation, and most were
21 willing to sign a letter in support of the Petition.
22 I submitted the copies of the letters are included in
23 the packet of exhibits. They were submitted to the
24 Clerk, the original of those letters. All of the

1 direct abutters, which are the copies highlighted in
2 green there, have signed a letter in support of the
3 petition.

4 To conclude, the scope of the
5 Petitioner's proposal is relatively small and would
6 provide much needed additional living area in really
7 the only viable place, which is up. It will remain a
8 single-family dwelling. The addition will not
9 overburden the lot as the new lot coverage will be
10 under the 25 percent limitation. The type and the
11 style of the proposed addition will be in keeping and
12 consistent with other development in the
13 neighborhood. And the size will be within the 10
14 percent special permit limit set by the ordinance.

15 And, therefore, the Petitioners
16 believe that they have met all of the special permit
17 criteria of the ordinance, and respectfully request
18 that the petition be granted.

19 BARBARA RANDO, CHAIR: This lot was
20 approved with the Small Lot Opinion, was it not?

21 ATTORNEY DEBORAH SAWIN: This lot was
22 approved for Small Lot Opinion, that's correct.

23 BARBARA RANDO, CHAIR: And the house
24 next door to the right, do they not have a second

1 story on it?

2 KELLY COLE: They do, yes.

3 BARBARA RANDO, CHAIR: Well, this
4 house with the addition --

5 CHRISTINE GAYNOR: Facing the street
6 to the right of us on Shade Street?

7 ATTORNEY DEBORAH SAWIN: Because
8 you're on a corner.

9 CHRISTINE GAYNOR: Because we're on a
10 corner. So you're saying the adjacent neighbor?

11 BARBARA RANDO, CHAIR: Right.

12 CHRISTINE GAYNOR: No second story on
13 that home.

14 BARBARA RANDO, CHAIR: Now what about
15 the one on the other side corner?

16 CHRISTINE GAYNOR: Directly opposite,
17 well, we're on a corner so there's two. One does,
18 one doesn't.

19 BARBARA RANDO, CHAIR: Because I know
20 we've approved many homes up in that area for second
21 stories because they're all made in a small --

22 CHRISTINE GAYNOR: We're on the
23 corner. So I would say four of the six immediate --

24 BARBARA RANDO, CHAIR: Do you want

1 their names?

2 STENOGRAPHER: I sure do.

3 BARBARA RANDO, CHAIR: Would you give
4 your name and address for the Stenographer.

5 KELLY COLE: Kelly Cole, 5 Shade
6 Street.

7 CHRISTINE GAYNOR: And Christine
8 Gaynor, 5 Shade Street.

9 STENOGRAPHER: Thank you.

10 BARBARA RANDO, CHAIR: Is this like
11 having a first, second floor and then you have an
12 attic? Is that what you consider -- I mean it's not
13 like it's an actual -- well, it is a third floor.

14 ATTORNEY DEBORAH SAWIN: It's a half-
15 story. It's a half-story.

16 BARBARA RANDO, CHAIR: It's a half-
17 story. Have we done that before? Are there many
18 homes that we've allowed in the neighborhood?

19 ATTORNEY DEBORAH SAWIN: There are six
20 that I've identified that have half-story --

21 BARBARA RANDO, CHAIR: I remember.
22 Right. Right. There are a lot up in that area.

23 ATTORNEY DEBORAH SAWIN: Right.

24 BARBARA RANDO, CHAIR: All around

1 Northeast School that have come in before us.

2 ATTORNEY DEBORAH SAWIN: They're a
3 little bit farther outside the 300-foot area, but,
4 yes.

5 BARBARA RANDO, CHAIR: Right.

6 ATTORNEY DEBORAH SAWIN: Yes.

7 BARBARA RANDO, CHAIR: Right, in that
8 whole section of Trapelo Road.

9 ATTORNEY DEBORAH SAWIN: Because
10 that's a conforming size in that area. We're not
11 requesting anything over and above what the ordinance
12 allows --

13 BARBARA RANDO, CHAIR: Allows.

14 ATTORNEY DEBORAH SAWIN: -- in terms
15 of height or the number of stories.

16 BARBARA RANDO, CHAIR: And the ground
17 coverage is under the 25 percent.

18 ATTORNEY DEBORAH SAWIN: That's
19 correct.

20 BARBARA RANDO, CHAIR: Okay. Any
21 questions from the Board members?

22 JOHN SERGI: Just some clarifications.
23 The driveway is not going to change or is it?

24 ATTORNEY DEBORAH SAWIN: The driveway

1 is not going to change.

2 JOHN SERGI: No, it's going to be
3 here. And the materials used the house construction
4 is going to coincide with what's been done in the
5 neighborhood, clapboard type thing, or vinyl siding?

6 KELLY COLE: Yes. Yeah, Currently, we
7 have vinyl siding. It will be vinyl siding again. I
8 think it's the same shingle, roof shingles, that --

9 CHRISTINE GAYNOR: -- are on there
10 now.

11 KELLY COLE: And so nothing out of the
12 ordinary, if that's your question.

13 JOHN SERGI: Okay. So it will fit
14 nicely in the neighborhood.

15 CHRISTINE GAYNOR: Yes.

16 JOHN SERGI: Very nice. That's all,
17 Madam Chair.

18 BARBARA RANDO, CHAIR: Mr. Hickernell?

19 MARK HICKERNELL: Just, counselor, in
20 the future, if you're going to use the phrase "raise
21 the roof" in your presentation, you're going to have
22 to do that. Other than that --

23 ATTORNEY DEBORAH SAWIN: I will take
24 note of that.

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1 MARK HICKERNELL: No questions.

2 BARBARA RANDO, CHAIR: Ms. Gelineau?

3 GLENNA GELINEAU: No.

4 BARBARA RANDO, CHAIR: Mr. LaSane, any
5 questions?

6 GORDON LASANE: No.

7 BARBARA RANDO, CHAIR: Is there anyone
8 in the audience in favor of this petition that would
9 like to stand and be counted?

10 Do you want to come up to the
11 microphone and give your name and address for the
12 record, please?

13 WAYNE DUPREZ: Hi, I'm Wayne Duprez,
14 34 Alderwood Road.

15 STENOGRAPHER: Spell your last name.

16 WAYNE DUPREZ: Duprez, D-u-p-r-e-z.

17 STENOGRAPHER: Thank you.

18 BARBARA RANDO, CHAIR: Is your
19 signature on this?

20 WAYNE DUPREZ: Yes. I'm a back
21 neighbor. We share 100 feet, about 100 feet. I'm
22 here to explore the proposal. The house that they
23 propose is much more attractive than the house they
24 currently live in. The addition, the second story

1 which was put on was not up to par with the rest of
2 the second stories that have been put on since then.
3 It was kind of a ton of wasted space. The whole back
4 of the house was a big slope, attic space I guess.

5 So the proposal is very nice. Good
6 neighbors. They've done nothing but improve the
7 property since they bought it. I'm just sitting here
8 thinking, gee, it's probably one of the best kept
9 yards in the neighborhoods.

10 BARBARA RANDO, CHAIR: Oh, that's nice
11 of you.

12 WAYNE DUPREZ: No offense to my other
13 neighbors. So I'm very supportive. I see no reason
14 that anyone should object.

15 BARBARA RANDO, CHAIR: Thank you.
16 Anyone else? Would you like to stand and talk about
17 Mr. Duprez's house?

18 JOHN DEMPSEY: Good evening. My name
19 is John Dempsey. I live at 3 Alderwood Road.

20 STENOGRAPHER: Spell your last name.

21 JOHN DEMPSEY: D-e-m-p-s-e-y. And
22 I've been a resident there for 42 years. And I've
23 seen a lot of changes come and go. And I have to
24 admit, they've done an awful lot of good work for the

1 neighborhood. They have three beautiful children.
2 And with that addition, it would make them much more
3 comfortable. I look forward to seeing them every day
4 in the summer going off to the soccer fields. And,
5 like I say, Ray had the same thing, they've improved
6 that property. And I don't think it would hurt
7 anybody in the neighborhood. So that's about all.
8 I'm 100 percent behind it. Thank you.

9 BARBARA RANDO, CHAIR: Thank you.
10 Anyone else?

11 GLENNA GELINEAU: I want to live in
12 your neighborhood.

13 TOM BORDENCA: Hi. My name's Tom
14 Bordenca. And I live diagonally across from my
15 neighbors here, 15 Alderwood Road.

16 Yeah, I have a hard time keeping up
17 with my property because of them. They do a
18 beautiful job. I've watched their children grow up,
19 their three little ones. And looking forward to
20 hopefully they're going to stay with us. Great
21 neighborhood. They've done a lot of work on it.
22 Yeah, they're good. We want to keep them.

23 BARBARA RANDO, CHAIR: Thank you.
24 Anyone else?

1 JOHN TEDESCO: My name is John
2 Tedesco. I live at 19 Alderwood Road, which is
3 diagonally across from the property. So I look out
4 my living room window, that's the first thing I see.
5 And, as everyone else has said, the property is very
6 well maintained. They've made improvements. We've
7 only been there for seven years, but I don't see any
8 reason to object to it. I think it will actually
9 improve the look of the house. It has kind of a
10 strange shape now. But, as I said, the property is
11 very well maintained. And I don't see anything to
12 object to. Thank you.

13 BARBARA RANDO, CHAIR: Thank you.
14 Anyone else?

15 (No response.)

16 Seeing none, anyone in opposition?

17 (No response.)

18 Seeing none, anyone seeking
19 information?

20 (No response.)

21 Seeing none, you may continue with
22 your proposed --

23 ATTORNEY DEBORAH SAWIN: Madam
24 Chairperson, I had filed with the Board a proposed

1 finding of fact and a proposed decision for you. So
2 you should --

3 BARBARA RANDO, CHAIR: Has everyone
4 read the proposed finding of facts.

5 JOHN SERGI: Yes, we have, Madam
6 Chair. I make a motion that we waive the reading of
7 the proposed finding of fact.

8 BARBARA RANDO, CHAIR: I have a motion
9 to waive the reading. Do I have a second?

10 GLENNA GELINEAU: I'll second.

11 BARBARA RANDO, CHAIR: Second by Ms.
12 Gelineau.

13 All in favor?

14 ALL BOARD MEMBERS: Aye.

15 BARBARA RANDO, CHAIR: Opposed?

16 (None opposed.)

17 BARBARA RANDO, CHAIR: The ayes have
18 it.

19 You may continue with your proposed
20 decision.

21 JOHN SERGI: In a similar fashion,
22 Madam Chair, I make the motion that we waive the
23 reading of the decision since it's been on file.

24 BARBARA RANDO, CHAIR: Motion by Mr.

1 Sergi. Do I have a second?

2 GLENN GELINEAU: Second.

3 BARBARA RANDO, CHAIR: Second by Ms.

4 Gelineau.

5 All in favor?

6 ALL BOARD MEMBERS: Aye.

7 BARBARA RANDO, CHAIR: Opposed?

8 (None opposed.)

9 BARBARA RANDO, CHAIR: The ayes have

10 it.

11 I'm ready to entertain a motion on the

12 proposed finding of facts.

13 JOHN SERGI: I make a motion that the

14 proposed finding of facts become the Board's finding

15 of facts, Madam Chair.

16 BARBARA RANDO, CHAIR: Motion by Mr.

17 Sergi. Second?

18 GLENN GELINEAU: I'll second.

19 BARBARA RANDO, CHAIR: Second by Ms.

20 Gelineau.

21 How do you vote, Mr. Sergi?

22 JOHN SERGI: Yes.

23 BARBARA RANDO, CHAIR: Mr. Hickernell?

24 MARK HICKERNELL: Yes.

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1 BARBARA RANDO, CHAIR: Ms. Gelineau?
2 GLENNA GELINEAU: Yes.
3 BARBARA RANDO, CHAIR: Mr. LaSane?
4 GORDON LASANE: Yes.
5 BARBARA RANDO, CHAIR: And the Chair
6 votes yes.
7 Do I have a motion on the decision?
8 JOHN SERGI: I make a motion that the
9 proposed decision become the Board's decision.
10 BARBARA RANDO, CHAIR: Motion by Mr.
11 Sergi. Second by?
12 GLENNA GELINEAU: I'll second.
13 BARBARA RANDO, CHAIR: Ms. Gelineau.
14 How do you vote, Mr. Sergi?
15 JOHN SERGI: Yes.
16 BARBARA RANDO, CHAIR: Mr. Hickernell?
17 MARK HICKERNELL: Yes.
18 BARBARA RANDO, CHAIR: Ms. Gelineau?
19 GLENNA GELINEAU: Yes.
20 BARBARA RANDO, CHAIR: Mr. LaSane?
21 GORDON LASANE: Yes.
22 BARBARA RANDO, CHAIR: And the Chair
23 votes yes. So the case is granted.
24 There's just one question that I have.

1 Will there be a basketball hoop in the back yard?

2 KELLY COLE: In the front yard.

3 BARBARA RANDO, CHAIR: In the front
4 yard. She happens to be the assistant coach at
5 Harvard University. That's why I'm asking her that.

6 KELLY COLE: Basketball coach.

7 BARBARA RANDO, CHAIR: Basketball
8 coach. All right. Well, it was granted. Good luck.

9 (Applause.)

10 JOHN SERGI: Motion to adjourn, Madam
11 Chair.

12 MR. HICKERNELL: Second.

13 BARBARA RANDO, CHAIR: Sorry. One
14 more motion came up. All in favor?

15 ALL BOARD MEMBERS: Aye.

16 BARBARA RANDO, CHAIR: Opposed?

17 (No Board Members opposed.)

18 BARBARA RANDO, CHAIR: We are
19 adjourned at 8:15.

20 (Whereupon, the public hearing was
21 concluded at 8:15 p.m.)

22 //

23 //

24 //

Barbara Rando, Chair

3/8/14

C E R T I F I C A T E

I, Judith Luciano, do hereby certify that
the foregoing record is a true and accurate
transcription of the proceedings in the above-
captioned matter to the best of my skill and ability.

A handwritten signature in cursive script, appearing to read 'J. Luciano', is written over a horizontal line. The signature is fluid and stylized, with a large loop at the beginning and a long, sweeping tail that extends to the right.

Judith Luciano

