

FOR THE
CITY OF WALTHAM
ZONING BOARD OF APPEALS

GENERAL HEARING

March 18, 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
Gordon LaSane
Edward McCarthy
John Sergi

Arlington Reporting Corporation
(339) 674-9100

Waltham Zoning Board of Appeals/3-18-2014/2

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A T T A C H M E N T S

Legal Notices: Case No. 2013-15

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P R O C E E D I N G S

BARBARA RANDO, CHAIR: Good evening.
The Zoning Board of Appeals for Tuesday, March 18,
2014 is called to order at 7:00 p.m.

Tonight we have one continued case
before us:

Case 2013-15, Frank and Michael
Valentino, 753-755 South Street. It is for a special
permit and variance.

The members sitting this evening on
the Valentino continued case are: Mr. Sergi, Mr.
Hickernell, Mr. LaSane, Mr. McCarthy, and I am
Barbara Rando, Chair.

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ACCEPTANCE OF MINUTES OF
FEBRUARY 25 AND MARCH 11, 2014 MEETINGS

BARBARA RANDO, CHAIR: The first
action this evening is for a motion to accept the
minutes of February 25th and March 11th, 2014

JOHN SERGI: So moved on both counts,
Madam Chair.

BARBARA RANDO, CHAIR: Motion by Mr.
Sergi.

Do I have a second?

GORDON LASANE: Second.

BARBARA RANDO, CHAIR: Second by Mr.
LaSane.

All in favor?

ALL BOARD MEMBERS: Aye.

BARBARA RANDO, CHAIR: Opposed?

(None opposed.)

BARBARA RANDO, CHAIR: The ayes have
it.

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PUBLIC HEARING

**Case Number 2013-15: Frank D. Valentino, Jr. and
Michael D. Valentino, 753-755 South Street**

BARBARA RANDO, CHAIR: Would the Clerk please read the petition in Case 2013-15, Valentino?

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 RICHARD DACEY: Thank you, Madam Chairperson, members of the Board. My name is Richard Dacey. I do represent the Petitioners this evening in this matter. I have Mr. Frank Valentino with me.

This matter has been continued until tonight. We did make a different set of plans, or order a different set of plans. And I'll give you the basis for that set. It has become increasingly apparent to the Petitioner that the variance and the side yard was a real impediment to progress here. So, the suggestion was that we think in terms of

1 altering the structure of the building by removing
2 the encroachment on the northerly side of the
3 building, literally by cutting the building back. As
4 you might well suspect, for an existing building that
5 is a bit of a task, but it's doable.

6 So, we had a set of plans drawn. We
7 expected them last week. Unfortunately, I wasn't
8 able to monitor the progress as well as I could have
9 for reasons that should be obvious to at least four
10 of you. But the plans did arrive yesterday. We took
11 them down to the Building Inspector's office. And,
12 there were a whole series of questions generated by
13 the plans.

14 The basic premise of the plan is to
15 remove the portion of the building on the northerly
16 side that currently encroaches into the side yard and
17 literally bring the building back into conformity
18 with the northerly side yard. This also anticipates
19 removing the third floor, both in the addition and in
20 the area over the original structure of the building.
21 So that with this latest alteration, the building
22 will conform to the current dimensional requirements
23 of the zoning ordinance.

24 As I said, it's a little complicated,

1 and the plans arrived yesterday. We spent an hour
2 with the Building Inspector. He had some comments.
3 He had some questions. And the plans, as a result,
4 need a rather significant revision to accommodate his
5 issues.

6 This is what prompted my request for a
7 continuance. I left the Building Inspector's office
8 and went up to your Clerk and told Pam that I would
9 be requesting a continuance, trying to give you as
10 much notice as I could of what was actually going to
11 happen. I also emailed her this morning and
12 hopefully that got circulated to you so this request
13 isn't a complete surprise.

14 I did copy the neighbors so that they
15 were at least aware of what my intention would be
16 tonight to ask for a continuance.

17 The question was, was it worth it to
18 bring Attorney Learned in tonight. And my suggestion
19 was no. I think it's probably more appropriate that
20 she see the revised plans and then base her comments
21 on that.

22 So, the purpose -- my true purpose
23 here this evening is A) to apologize that the plans
24 weren't ready in time for us to really work them

1 through, but B) to request a continuance to a date
2 that's convenient to the Board, with the
3 understanding that these plans will be reviewed by
4 the Building Inspector, submitted in time for you to
5 review them along with a revised proposed findings of
6 fact and proposed decision. And, hopefully, at the
7 next meeting it will be your discretion as to whether
8 or not you still think the Law Department's
9 involvement is necessary or whether this case is
10 carved back to a point where you're comfortable.

11 I think the case is a lot cleaner
12 without the variance and without the encroachment.
13 So, it's entirely your choice at that point. But it
14 didn't seem appropriate for us to be battling on
15 theoretics tonight where the plans are obviously
16 going to undergo a rather significant change, moving
17 the project towards a less intense and more
18 conforming structure.

19 So, we don't have a particular date in
20 mind. It's at your pleasure.

21 BARBARA RANDO, CHAIR: All right.
22 Does anyone have any questions of Attorney Dacey
23 before we get a date?

24 (No Board members have questions.)

1 All right. Are you thinking May,
2 Attorney Dacey?

3 ATTORNEY RICHARD DACEY: Any time.
4 May is fine. I'm away April 25th to May 2nd, but I'm
5 back any time after that.

6 BARBARA RANDO, CHAIR: I have May 6th
7 or 13th.

8 ATTORNEY RICHARD DACEY: Either one is
9 fine with me.

10 BARBARA RANDO, CHAIR: Which one, Mr.
11 McCarthy? Will you be traveling?

12 EDWARD MCCARTHY: End of May, so the
13 earlier the better I suppose so one could get it over
14 with.

15 BARBARA RANDO, CHAIR: All right. The
16 6th?

17 EDWARD MCCARTHY: Yeah, that would be
18 better.

19 BARBARA RANDO, CHAIR: So we will
20 continue Case 2013-15 to May 6, 2014.

21 ATTORNEY RICHARD DACEY: We will have
22 to sign an extension, I believe.

23 BARBARA RANDO, CHAIR: Right. What is
24 the extension time?

1 ATTORNEY RICHARD DACEY: I believe the
2 current date expires on April 18th or something like
3 that. Okay.

4 BARBARA RANDO, CHAIR: Let's make it
5 July.

6 EDWARD MCCARTHY: Hopefully it's warm
7 by then.

8 BARBARA RANDO, CHAIR: July 8th. July
9 8, 2014.

10 EDWARD MCCARTHY: Maybe the snow will
11 be gone by then.

12 BARBARA RANDO, CHAIR: All right. Do
13 I have a motion to continue Case 2013-15 to May 6th?

14 EDWARD MCCARTHY: So moved.

15 BARBARA RANDO, CHAIR: Motion by Mr.
16 McCarthy. Second?

17 JOHN SERGI: Second.

18 BARBARA RANDO, CHAIR: Second by Mr.
19 Sergi.

20 How do you vote, Mr. Sergi?

21 JOHN SERGI: Yes.

22 BARBARA RANDO, CHAIR: Mr. Hickernell?

23 MARK HICKERNELL: Yes.

24 BARBARA RANDO, CHAIR: Mr. LaSane?

1 GORDON LASANE: Yes.

2 BARBARA RANDO, CHAIR: Mr. McCarthy?

3 EDWARD MCCARTHY: Yes.

4 BARBARA RANDO, CHAIR: And the Chair
5 votes yes.

6 Do I have a motion to extend the time
7 on Case 2013-15 to July 8, 2014?

8 EDWARD MCCARTHY: So moved.

9 BARBARA RANDO, CHAIR: Mr. McCarthy,
10 motion. Second?

11 JOHN SERGI: Second.

12 BARBARA RANDO, CHAIR: By Mr. Sergi.
13 How do you vote, Mr. Sergi?

14 JOHN SERGI: Yes.

15 BARBARA RANDO, CHAIR: Mr. Hickernell?

16 MARK HICKERNELL: Yes.

17 BARBARA RANDO, CHAIR: Mr. LaSane?

18 GORDON LASANE: Yes.

19 BARBARA RANDO, CHAIR: Mr. McCarthy?

20 EDWARD MCCARTHY: Yes.

21 BARBARA RANDO, CHAIR: And the Chair
22 votes yes.

23 So, the case is continued to May 6th.
24 Same time, same place.

1 Thank you. One more motion is in
2 order.

3 JOHN SERGI: Motion to adjourn, Madam
4 Chair.

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

7 GORDON LASANE: Second.

8 BARBARA RANDO, CHAIR: Second by Mr.
9 LaSane.

10 All in favor?

11 ALL BOARD MEMBERS: Aye.

12 BARBARA RANDO, CHAIR: Opposed?

13 (None opposed.)

14 BARBARA RANDO, CHAIR: The ayes have
15 it. We are adjourned at 7:10. Thank you.

16 (Whereupon, the public hearing was
17 concluded at 7:10 p.m.)

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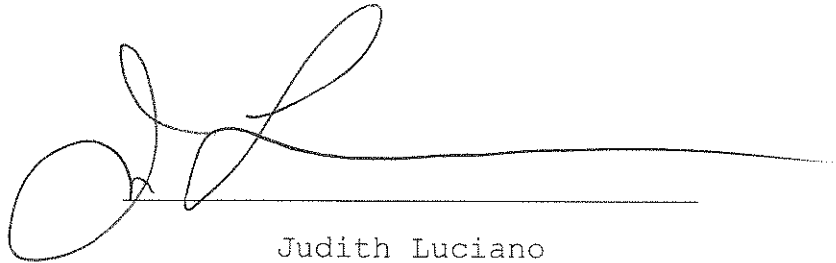
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Barbara Rando, Chair
4/1/14

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.



Judith Luciano

