

CITY OF WALTHAM
ZONING BOARD OF APPEALS

August 12, 2014

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, August 12, 2014, in the Public Meeting Room of the Arthur Clark Government Center, 119 School Street, Waltham, MA.

In attendance were Chair Barbara Rando, and members Mark Hickernell, Glenna Gelineau, Gordon LaSane, and John Sergi.

The Chair called the meeting to order at 7 P.M.

Mrs. Rando: We have one case before us tonight and that is for an extension of time and it is Case 2013-14, Inna Babayan 118-120 Willow Street.

I would like a motion to accept the minutes of July 29, 2014.

On motion of Mr. LaSane, seconded by Mr. Sergi, the board voted to accept the minutes of July 29, 2013.

Mrs. Rando: Will the clerk please read the petition in Case 2013-14?

The clerk then read the petition in Case No. 2013-14, Petitioners Yuri and Inna Babayan, Trustees of the 118-120 Willow Street Trust for a variance to convert the first

floor to a residential unit and construct a one story storage room in the rear of the property and have two tandem parking spaces on both the north and the south sides of the property. Location and Zoning District, 118-120 Willow Street, Business B. Zoning District.

Mrs. Rando: May we hear from the Petitioner or the Petitioner's representative, please?

Attorney Steven K. Parnagian, Parnagian & Marinelli, PC, 58 Winter Street, Boston, MA, came forward.

Mr. Parnagian: Good evening, I am here on behalf of the petitioners, Yuri and Inna Babayan, Trustees of the 118-120 Willow Street Realty Trust, Madam Chair and Members of the Board, this evening on a continued hearing. We were here a few weeks ago with respect to this request for a six month extension.

At that time, Madam Chairwoman was concerned that she had been out to the site, and the yard and the surroundings of the property were full of debris and that is not suitable within a residential zone and the board graciously continued this hearing to today to allow my client to remove that debris so that that would fit within the character of the neighborhood. In speaking with my client today, he told me that he did remove all the debris in the back yard and I think there were more than two cars parked on the left hand side of the property as Madam Chairwoman eluded the last time and that situation has also been rectified. So, we are here before you this evening to request a six month extension, a decision that was first issued by August 22nd of last year, that extension would bring us to

February 22nd of 2015. And that will allow us, we have applied to the City Council for a Special Permit to allow for the property to completely be used for residential purposes as opposed to the mixed use that it is right now. We have been before the council and the council had summer break and the matter has been referred to the Ordinance and Rules Committee and I have been in communication with Councilor Logan as well as the city's engineering department to address concerns that they had with respect to the curb cut that relates to the paved area on the right side of the property. And we believe that the recommendations of the town engineering department and the new plan which has been submitted to Mr. Chaisson yesterday and we're waiting for him to give us the approval on that and that should rectify that. That was the only objection that was part of the application filed with the city council, so we respectfully request the six month extension to February 22, 2015.

Mrs. Rando: Does anyone have any questions to ask of the attorney?

Mr. Sergi: What was the storage shed being used for in the back?

Mr. Parnagian: The storage shed was going to be used for storage related to the property. The way that the property is configured on the lot is, there's no garage. There's just two paved areas on the left hand and the right side and the back yard is quite small so they will be able to store matters relating to the property. It could be a lawnmower or whatever. It's 10 x 12. Its not that big. It's one story. It's not heated and it will be accessible just from the outside.

Mr. Sergi: So, it's for residential use?

Mr. Parnagian: Yes.

Mrs. Rando: Well, I made a site view tonight and I have to say that he certainly did not pick up all of the debris as you said. I found a lot of plumbing pieces, pipes, parts, plastic pieces. He made an effort. He certainly made an effort. He's allowed to have tandem parking, two cars on either side. On one side there were three cars. You would have thought that where he was coming before us tonight, he would have removed one of those three cars, but he didn't. If I had to grade him, I'd give him a C- on what he's done. And my fear is that, it certainly is not a back yard for a tenant and I can't see it as being a back yard for a tenant. And my fear is that, that extension is going to be for his plumbing work or his plumbing machinery or whatever they use. And I wasn't happy with that. He made an improvement, he did, but he certainly didn't kill himself.

Mr. Parnagian: May I ask, what side were the cars?

Mrs. Rando: The left hand side.

Ms. Gelineau: One was a van.

Mrs. Rando: Nothing on the right hand side.

Ms. Gelineau: There were two on the right when I went and three on the left.

Mr. Parnagian: Today?

Ms. Gelineau. Yes, and all along the street. Now I don't know if those were his, I can't say.

Mrs. Rando: My site view was about half an hour ago.

Ms Gelineau: I was there about quarter of five.

Mr. Sergi: I was there earlier. There were three cars parked on the left. There were none on the right.

Mr. Parnagian: He is aware. I have made him aware of the circumstances of what the board has approved. We still have to appear before the city council to get their permission with respect to the special permit, so that is an obstacle that we still have to overcome to use the property as intended and this decision which is by the board as well. So, it still is something that is quite tentative. It's not something that's permanent because we can't even apply for the building permit until we get approval from the city council. And I don't take the comments of the board lightly. I appreciate all of you going out to the site. I will bring it to the immediate attention of my client. I can't say whose cars they are, but they are there, so I am not going to disagree with you. Again, the extension just allows us to see if we can get approval from the city council.

Mrs. Rando: There is no one in the audience in favor or opposition or seeking information.

Do I have a motion to extend the time on Case 2013-14 to February 22, 2015?

Mr. Hickernell: So moved, Madam Chair. The variance has been granted. The request is due to the schedule of the city council as I understand it. So I make a motion to grant the extension.

Mr. Sergi, seconded the motion.

Mrs. Rando: How do you vote Mr. Sergi?

Mr. Sergi: I vote yes and I am disappointed at him not responding, and the only reason I voted yes is it is going to residential and I feel that that is a better purpose for that area.

Mrs. Rando: Mr. Hickernell?

Mr. Hickernell: I agree with Mr. Sergi and I vote yes.

Mrs. Rando: Ms. Gelineau?

Ms. Gelineau: Yes.

Mrs. Rando: Mr. LaSane?

Mr. LaSane: What are we voting for?

Mrs. Rando: To allow him six months to finish the job.

Mr. LaSane: And what is the vote so far?

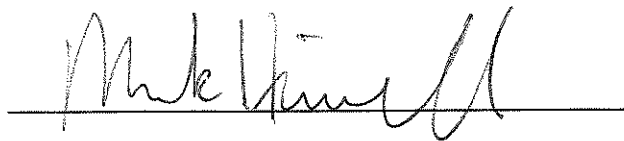
Mrs. Rando: Three yeses.

Mr. LaSane: Yes.

Mrs. Rando: Mr. LaSane votes yes, and the chair votes no. So it has been granted to February 22, 2015.

One more motion is in order.

On motion of Mr. Sergi, seconded by Mr. LaSane, the board voted to adjourn at 7:15 P.M.

A handwritten signature in black ink, appearing to read "Mike King", is written over a horizontal line. The signature is cursive and somewhat stylized.