

CITY OF WALTHAM
ZONING BOARD OF APPEALS

January 15, 2013

The Zoning Board of Appeals held a public hearing at 7:00 P.M., Tuesday, January 15, 2013 in the Public Meeting Room of the Arthur Clark Government Center, 119 School Street, Waltham, MA. In attendance were Chair Barbara Rando and members Glenna Gelineau, Mark Hickernell, John Sergi and Michael Squillante.

The chair called the meeting to order at 7:00 P.M.

Mrs. Rando: Tonight we have one new case before us, Case 2012-29 Manoj Kamal and Rachel E. Learned, 9 Wimbledon Circle.

The first action this evening is for a motion to accept the minutes of the meeting of January 8, 2013.

On motion of Mr. Sergi. seconded by Ms. Gelineau, the board voted to accept the minutes of January 8, 2013.

Will the clerk please read the petition in Case 2012-29?

The clerk then read the petition of Manoj Kamal and Rachel E. Learned in an application to amend a prior variance (2008-04) to allow the construction of an addition to the single family residence and to modify the existing deck and landscaping and to add a pool. No new variances will be required. Location and Zoning District: 9 Wimbledon Circle, Residence A-2 Zoning District.

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

Mrs. Rando: Before you speak Ms. Sawin, I would like to say that I do know one of the petitioners and she has worked for one issue with my husband but that does not influence my decision tonight.

Deborah A. Sawin, Esquire, 564 Main Street, Waltham, the petitioner's representative came forward.

Ms. Sawin: I am here tonight representing the petitioners who are here with me and their children also. I submitted electronically copies of the brief. I do have copies to distribute to the board. (Ms. Sawin gave each member a copy of her brief. Ms. Sawin then read her brief into the record. She also went over exhibits, photos and renderings with the board.)

Ms. Sawin: The petitioners did speak with all of their neighbors before they decided to proceed with this petition. They also have a letter that they addressed to the board outlining who they spoke with and what their responses were. No one expressed any opposition to what they propose. All of the neighbors whose property is outlined in green (referring to the abutter's plan) have signed a letter in support of the petition. You will note that there are a couple here, 85, 71 and 72 Sherbourn Place that did not sign the petition. The petitioners did speak with all of these people. They have no objections to their proposal. Wished them luck. Two of them said that they don't like to sign things so they didn't want to sign and the third person they spoke with by phone said that he had no objection to it but that he did not have time to spend more time with them to look at the particular plans and to sign the petition. So, no one expressed any opposition. Everyone wished them well. So the neighbors clearly don't think that this proposal would cause them any detriment.

Mrs. Rando: Is it 71 that has agreed but not 77?

Ms. Sawin: 71, they spoke with, 72 they spoke with and 85 they spoke with and they are

not in opposition but they didn't want to sign anything. (Ms. Sawin then submitted the original letter and petition to the board.)

So the proposal itself doesn't require new variances and it would be in keeping with the existing housing there and with the topography of this particular lot and including the fact that the neighbors don't have any opposition to the proposal, we would ask the board for its consideration of the proposal to amend the prior variance to allow use of the property in conformance with this plan that was submitted tonight and also to amend the language of the condition to allow the prior landscaping to be altered but in a way that still protects the intent of the board which was to preserve the open space and privacy between the two lots.

Mrs. Rando: Are there any questions from board members?

Mr. Sergi: It's pretty straightforward, but the only question I have is, where is the filter going to be for the pool? Is it going to be enclosed?

Ms. Learned: There will be a fence and bushes in front of it right behind the pool.

Ms. Sawin: There's a shed there now that's probably going to have to be removed.

Mrs. Rando: Is there anyone in the audience that is seeking information? Seeing none, is there anybody in favor? (5 people raised their hands in favor.) Is there anyone in opposition? Seeing none, you may continue with your proposed findings of fact.

Ms. Sawin: I did previously submit to the board a Proposed Findings of Fact and a Proposed Decision and I included copies in the back of the brief packet tonight. Would you like me to read the findings?

On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to waive the reading of the Proposed Findings of Fact since they have been on file in the Legal Department.

With regard to the Proposed Decision, in a similar fashion, on motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to waive the reading of the Proposed Decision.

Mrs. Rando: I am ready for a motion.

On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted that the Proposed Findings of Fact become the Findings of the Board.

The roll being called: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. Squillante, yes and Mrs. Rando, yes.

With regard to the Proposed Decision, on motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted that the Proposed Decision become the Decision of the Board.

The roll being called: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. Squillante, yes and Mrs. Rando, yes.

There being no further business, on motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to adjourn at 7:20 P.M.


Barbara Rando Chair
2/5/13