

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

November 18, 2014

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, November 18, 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 Michael Cotton, Glenna Gelineau, Mark Hickernell, Gordon LaSane and Marc Rudnick.

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

Mrs Rando: Tonight we have four cases before us. The first case is Case 2013-21, Svetlana Sharapova, 120 Seminole Avenue, and this is for a one year review. The second case is Case No. 2014-21, Pasquale Torcasio, 41 Williams Street, and Case 2014-24, Ohnemus Nominee Trust, Walter E. Ohnemus III and Patricia Jodi Ohnemus, Trustees, 32 Cowasset Lane, and Case 2014-28, Anthony J. and Louis J. Antico, Prospect Hill Road.

The first action this evening is for a motion to accept the minutes of October 28, 2014.

On motion of Mr. LaSane seconded by Mr. Cotton, the board voted to accept the minutes of October 28, 2014.

Mrs. Rando: Will the clerk please read the Petition in Case No. 2013-21?

Members sitting on this case: Mr. LaSane, Mr. Rudnick, Mrs. Rando, Mr. Cotton and Ms. Gelineau.

The clerk then read the Petition of Svetlana Sharapova in an application for a Special Permit, Customary Home Occupation to permit the petitioner to use a portion of her home at 120 Seminole Avenue, not to exceed twenty-five percent thereof to operate a one person aesthetics business.

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

Ms. Svetlana Sharapova, 120 Seminole Avenue came forward.

Ms. Sharapova: I own the home with my husband, Aleksandr Sharapova, and I applied and got a permit last year in October to run the business of that nature. I do facials and facial treatments and some nail services too. I started to run business in the Spring and everything goes smoothly. This is my next door neighbor. Melissa Chan, and people mostly approve.

Mrs. Rando: Have you had any problems with parking?

Ms. Sharapova: No, because I couldn't work too many hours, despite the fact that I asked for many hours, but I have to take care of the family, complicated. Therefore, thank you very much, it's very important that I run business from my home and I can help my old parents and parents of my husband.

Mrs. Rando: Does the church still allow you to park in their parking lot?

Ms. Sharapova: I actually found a better solution.

Mrs. Rando: Does that mean that they stopped you?

Ms. Sharapova: No. It means that I thank them but I park across the street from my house at 111, my new neighbor Mary Barr, and I brought a letter from her. We just help each other.

Mrs. Rando: Would you like to read it?

Ms. Sharapova read the letter into the record as follows:

“My name is Mary Barr and I reside at 111 Seminole Avenue, Waltham, MA. I own the place of my residence along with a substantial sized paved parking which is part of my property. It easily fits at least four cars and I hardly ever have to use more than two of those spots. Approximately one year ago, I approached my neighbor Lana Sharapova who resides at 120 Seminole Avenue, upon hearing of her need of parking space. I have offered her to use all the left side of my property for parking 24/7. We are in good standing with one another as neighbors and I can provide this for her.

Respectfully,

Mary Barr”

Mrs. Rando: I will say you have very good neighbors.

Ms. Sharapova: Well, it's the nature of my business. You take care of people and people appreciate that.

Mrs. Rando: I haven't heard any complaints from the building inspector or from the law department. I'd like the board to know.

So, at this time, is there anyone in the audience that is in favor of this petition?

(Three people raised their hands in favor.)

Is there anyone in opposition? Seeing none, is there anyone seeking information? Seeing none, I am ready to entertain a motion to allow Ms. Sharapova to continue working at her home. Do I have a motion?

On motion of Mr. LaSane, seconded by Ms. Gelineau - - -

Mrs. Rando: Is there any discussion on this before we vote. Does anybody have any questions? (There were none.) Now, before we vote, do we want Ms. Sharapova to come back, or do you feel that she has proven that she is a good neighbor and that she hasn't caused any inconvenience for anyone.

Ms. Gelineau: I think she's fine.

Mr. LaSane: I think she has demonstrated her competence.

Mrs. Rando: I do, too.

All the board members were in agreement.

Roll call: Mr. LaSane, yes; Mr. Rudnick, yes; Ms. Gelineau, yes; Mr. Cotton, yes and Mrs. Rando, yes.

Mrs. Rando: We are going to take a two minute recess at this time.

The members sitting on the following case were: Mr. LaSane, Mr. Hickernell, Ms. Gelineau and Mrs. Rando.

Mrs. Rando: Will the clerk please read the petition in Case 2014-21?

The clerk then read the Petition of Pasquale Torcasio in an application for a variance for existing lot area to allow the construction and use of a commercial building on the property known as 41 Williams Street. Said building to be constructed on a legal non-conforming lot containing 6,932 square feet. The lot and proposed building meet all other requirements of the Zoning Ordinance. The existing non-conforming residential building shall be taken down and the new building will be used for commercial purposes, including storage of materials and parking of vehicles. Location and Zoning District: 41 Williams Street; Commercial Zoning District.

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

Philip B. McCourt, Jr., Esquire, 15 Church Street, Waltham came forward.

Mr. McCourt: This matter was continued from the November 18th meeting. However, it came to my attention that one of the members who was sitting on the board isn't present today. Being prudent, we felt that we wanted a full board of the five members to hear the case. So we filed later this afternoon with Pam Doucette in relation to requesting a continuance and, if necessary, to extend the time to act on it. I am not sure what that date is. So whatever date would be available to you but if it could be after December 9th, that would be helpful.

Mrs. Rando: Okay. I think your hundred days is December 6th. I think the date could be December 16th if people could make it. We would have to extend it.

Mr. McCourt: That would be more than acceptable.

Mrs. Rando: Do I have a motion to have Case No. 2014-21 continued to December 16th?

On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to continue Case No. 2014-21 to December 16th.

Roll call: Mr. LaSane, yes; Mr. Hickernell, yes; Ms. Gelineau, yes and Mrs. Rando, yes.

Mrs. Rando: Now, do I have a motion to extend the time to February 17.

On motion of Ms. Gelineau, seconded by Mr. Hickernell, the board voted to extend the time to act on this matter to February 17, 2015.

Roll call: Mr. LaSane, yes; Mr. Hickernell, yes; Ms. Gelineau, yes and Mrs. Rando, yes.

The members sitting on the following case were Mr. LaSane, Mr. Hickernell, Mr Rudnick; Ms. Gelineau, yes and Mrs. Rando.

Mrs. Rando: Will the clerk please read the petition in Case No. 2014-24?

The clerk then read the Petition of The 32 Cowasset Lane Nominee Trust; Walter E. Ohnemus III and Patricia Jodi Ohnemus, Trustees for a Variance - setbacks and lot area.

The locus consists of a parcel of land known as Lot B a/k/a 48-Bef Cowasset Lane, and 32 Cowasset Lane; Residence A-2 Zoning District.

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

Joseph M. Connors, Jr., Esquire, 404 Main Street, Waltham, the petitioners representative came forward.

Mr. Connors: I have a letter here tonight, Madam Chair for the board. I just want to pass that out. The petitioners are not here with me this evening. One of the parents of one of the petitioners is very ill and lives out of state so they needed to be out of state. So they were just not prepared to go forward with the petition tonight, so we respectfully ask for a continuance.

Mrs. Rando: Are there any questions from board members regarding the extension of time?

When is the hundred days?

Mr. Hickernell: January 2nd.

Mrs. Rando: We really don't have to extend the time because, hopefully, we are going to see you December 16th.

I am ready to entertain a motion to continue Case 2014-24 to December 16th.

On motion of Mr. LaSane, seconded by Ms. Gelineau, the board voted to continue Case 2014-24 to December 16th.

Roll call: Mr. LaSane, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. Rudnick, yes and Mrs. Rando, yes.

The members sitting on the following case were: Mr. LaSane, Mr. Hickernell, Ms. Gelineau, yes; Mr. Rudnick, yes and Mrs. Rando, yes.

Mrs. Rando: Will the clerk please read the petition in Case No. 1014-28?

The clerk then read the Petition of Louis J. Antico and Anthony J. Antico in an application for a Special Permit to alter or expand a nonconforming structure and application to amend the decision of the board of Appeals Case No. 2013-06. The locus is a parcel containing 218,1800 square feet of land with an existing structure and wireless communication equipment situated thereon. The use, structures and equipment situated thereon are pre-existing and nonconforming. The location of the tower within the complex and restructuring, using and maintaining a new freestanding tower thereon. Location and Zoning District: Prospect Hill Road, Residence A-2 Zoning District.

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

Attorney Philip B. McCourt, Jr., 15 Church Street, Waltham came forward.

Mr. McCourt: I am appearing here tonight on behalf of Edward Bigham who has one of those colds that's going around and just couldn't come down. But he filed a letter

yesterday with Pam asking that it be withdrawn at this time. They have certain issues relating to the tower that's been proposed and some other property rights of the owners that are involved. So we would ask the board grant leave to withdraw without prejudice at this time.

Mrs. Rando: Now what are you asking to grant without prejudice just the Case 2014-28, not the Case 2013-06. That was the old case.

Mr. McCourt: Right. That's the old case that was granted, but this is the new case which was scheduled to be heard tonight, but in the meantime, certain circumstances arose.

Mrs. Rando: So you are not asking for any extension of time on any case tonight?

Mr. McCourt: No, if there is one it will be on December 16th. You know, the old case. There are some issues and Mr. Bigham will have to explain that.

Mrs. Rando: So he's asking for us to withdraw Case 2014-28 only without prejudice.

Do I have a motion to withdraw Case No. 2014-28 Without Prejudice?

On motion of Mr. Hickernell, seconded by Mr. LaSane, the board voted to grant Case No. 2014-28 Without Prejudice.

Roll call: Mr. LaSane, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. Rudnick, yes and Mrs. Rando, yes.

Mrs. Rando: One more motion is in order.

**On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to adjourn
at 7:30 P.M.**

Barbara Rando, chair, 11/25/14