

**CITY OF WALTHAM  
ZONING BOARD OF APPEALS**

**August 2, 2016**

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, August 2, 2016, in the Public Meeting Room of the Arthur Clark Government Center, 119 School Street, Waltham, MA.

In attendance were Acting Chair, Mark Hickernell, and members Glenna Gelineau, Edward McCarthy, Marc Rudnick and John Sergi.

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

Mr. Hickernell: Tonight we have two new cases, Case 2016-23, 11 Crestview Road and Case 2016-24, 22 Nutting Road.

The first action this evening is a motion to accept the minutes of July 26, 2016.

On motion of Mr. McCarthy, seconded by Mr. Sergi, the board voted to accept the minutes of July 26, 2016.

Mr. Hickernell: Will the clerk please read the petition in Case 2016-24 which we'll take out of order.

The clerk then read the Petition in Case 2016-24, Petition of Marian D. Rando Irrevocable Trust - 2014, Kathleen A. O'Donnell, Trustee in an application for a variance - dimensional; lot size. The locus is a vacant parcel of land on the easterly side of Nutting Road. The petitioner proposes to construct, use and maintain a 2 1/1 story single family

house on the locus. Location and Zoning District: 22 Nutting Road, Residence A-3 Zoning District.

Mr. Hickernell: May we hear from the petitioner or the petitioner's representative, please?

Robert E. Connors, Jr., Esquire, 6 Lexington Street, MA, forward.

Mr. Connors: I represent the Marian D. Rando Irrevocable Trust of 2014.

We have filed this case with the board but I have been notified by my clients that they wish to withdraw this case and not go forward. So we filed a notice for a request for a leave to withdraw without prejudice with the secretary of the board about a week and a half ago. So, we are here tonight asking for leave to withdraw without prejudice.

Mr. Hickernell: Are there any questions from the board?

(There were none.)

Do I have a motion?

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to grant Case No. 2016-24 leave to withdraw without prejudice.

Roll call: Mr. Sergi, yes; Mr. Rudnick, yes; Ms. Gelineau, yes; Mr. McCarthy, yes and Mr. Hickernell, yes.

Mr. Hickernell: Will the clerk please read the case in 2016-23, 11 Crestview Road?

The clerk then read the petition of Kristin Philpott in an application for a variance-dimensional. The petitioner seeks to replace the existing single family residence with a new single family residence. Location and Zoning: 11 Crestview Road; Residence A-2 Zoning District.

Mr. Hickernell: May we hear from the petitioner or the petitioner's representative, please.

Deborah A. Sawin, Esquire, 564 Main Street, Waltham came forward.

(Ms. Sawin submitted a copy of her brief and packet of exhibits to each member of the board. She then read her brief into the record and went over the building plan and photos of the existing house and proposed house.)

Mr. Hickernell: Are there any questions from the board?

Mr. Rudnick: Counsellor, your testimony is that other than the deadline or the cut off date, rather this would have been by right?

Ms. Sawin: That's correct.

Mr. Hickernell: Is there anyone in the audience in favor of this petition?

(Four people raised their hands in favor.)

Mr. Hickernell: Does anybody wish to stand and identify yourselves for the record?

**Robert Leslie, 12 Crestview Road:** I live directly across from the petitioner and I think the project proposed would be aesthetically beautiful. I'm going to live right across from it, so I urge the board to approve it as proposed.

**Paul Brasco:** I live at 19 Crestview Road which is directly adjacent to the property of 11 Crestview Road. I rise and support one hundred percent support of this proposal. As you can see and through the city council measures of zoning, comprehensive zoning reform is a good idea considering we only missed this by two months. And this proposal would have obviously have been by right at that time.

As counsellor had mentioned earlier, the young family beside us, the Tracey family do not just raise two children but my three children are with them constantly so there's five children in that home. So I think they need the space and I think this will be a great opportunity for the neighborhood and our values as well. Thank you for your time. I do appreciate it.

**Joyce Crane:** I live at 32 Crestview Road, across the street and up a few houses and I think it's a great idea. I grew up in my house. I have my family house and my parents put an addition on when I was ten years old because they weren't big enough for our family and I think young families need more space and I agree with it.

**Mr. Hickernell:** Is there anyone in the audience in opposition to this petition? Seeing none, is there anyone in the audience seeking information? Seeing none, counsellor you may proceed.

**Ms. Sawin:** I also submitted a Proposed Findings of Fact and Proposed Decision for consideration by the board and those were filed with the City Clerk.

**Mr. Sergi:** It hasn't been changed at all?

**Ms. Sawin: It has not been changed.**

**Mr. Sergi: I will make a motion that we waive the reading of the Proposed Findings of Fact.**

**Mr. McCarthy seconded the motion and the board voted to waive the reading of the Proposed Findings of Fact.**

**Mr. Hickernell: You may proceed with your Proposed Decision.**

**On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to waive the reading of the Proposed Decision since it's been on file and the board has had a chance to read it.**

**Mr. Hickernell: Do I have a motion on the petition?**

**On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted that the Proposed Findings of Fact be adopted by the board.**

**Roll call: Mr. Sergi, yes; Mr. Rudnick, yes; Ms. Gelineau, yes; Mr. McCarthy, yes and Mr. Hickernell, yes.**

**Mr. Hickernell: Do I have a motion on the Proposed Decision?**

**On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted that the Proposed Decision become the Board's decision.**

Roll call: Mr. Sergi, yes; Mr. Rudnick, yes; Ms. Gelineau, yes; Mr. McCarthy, yes and Mr. Hickernell, yes.

Mr. Hickernell: One more motion is in order.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to adjourn at 7:25 P.M.

*Barbara Pando, Chair*  
8/9/16