

CITY OF WALTHAM
ZONING BOARD OF APPEALS

August 23, 2016

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, August 23, 2016, in the Auditorium of the Arthur Clark Government Center, 119 School Street, Waltham, MA.

In attendance were Chair Barbara Rando, and members, Oscar LeBlanc, Ms. Gelineau, Ms. Hankins and Mr. Sergi.

Mrs. Rando: Tonight we have two new cases before us, Case 2016-28, Jan and Zofia Walczak 280A Lincoln Street and that's for a variance; Case 2016-29, Carmarvia Real Estate Holdings, LLC c/o Carl E. D'Angio 53-55 Brown Street and that's for a variance and a Special Permi

The first action this evening is for a motion to accept the minutes of August 16, 2016.

On motion of Mr. Sergi, seconded by Mr. Sergi, the board voted to accept the minutes of August 16, 2016.

Mrs. Rando: Would the clerk please read the petition in Case No. 2016-29? We're going to take the other case first.

The clerk then read the Petition of Carmarvia Real Estate Holdings, LLC. c/o Carl E. D'Angio in an application for variance - confirm existing setbacks, lot coverage and

parking and application for Special Permit - Conversion of an existing non-conforming commercial use to residential use. The Petitioner requests the Board to allow the conversion of existing space on the first floor of the building at 53-55 Brown Street into a residential apartment. This will result in a totally residential building containing a total of three units. Location and Zoning District: 53-55 Brown Street; Residence B 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, the Petitioner's representative came forward.

Mr. McCourt: Madam Chair and members of the board, this evening I realize that there was some additional information that I should have provided that I didn't do within the time frame, so with your permission, I would like to ask if you could continue this case to some date in early September.

Mrs. Rando: All right. Do I have a motion to continue Case No. 2016-29 to another date.

On motion of Mr. Sergi, seconded by Ms. Hankins the board voted to continue Case No. 2016-29.

Roll call: Mr. LeBlanc, yes; Mr. Sergi, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.

Mrs. Rando: All right. I have a motion and it has been approved and everyone agrees on September 13th, so we will see you then.

Mrs. Rando: I'd like a motion for a two minute recess.

At 7:08, on motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to take a two minute recess.

At 7:11, the board reconvened.

Mrs. Rando: Would the clerk please read the petition in Case No.2016-28?

The clerk then read the Petition of Jan and Zofia Walczak in an application for a variance - rear yard setback. The Petitioners seek to construct, use and maintain a glass room on the existing deck. Property subject to variance ZBA case number 1987-04. Location and Zoning District: 280A Lincoln Street, Residence A-3 Zoning District.

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

Mr. Jan Walczak, the Petitioner, 280A Lincoln Street, Waltham came forward.

Mr. Walczak: I've been living there for twenty-eight years since the house was constructed. And, frankly, I didn't know that I need a variance for anything like I do. I only learned that when I applied for permission that there are some issues with my property. I mean I like Waltham. I would like to stay here but I am a cancer survivor and I still have treatment at Dana Farber and when I went for treatment my immune system was down and I could not sit on an open deck. So that's the reason I be here to build

something that can protect me. So that is why you have my petition.

Mrs. Rando: Could you tell me what the ZBA case number in 1987 was for?

Mr. Walczak: That was when initially the lot was a large lot and it was divided by half and I don't remember the name but the company build the house in 1987-89 and because of the lot, that was actually quite large, eleven thousand square feet, it required a variance to get a permit for the house.

Mrs. Rando: So you don't have another build able lot?

Mr. Walczak: No.

Mrs. Rando: Does anyone have any questions for Mr. Walczak?

Mr. LeBlanc: Are you going to build it right on the existing deck?

Mr. Walczak: Yes, exactly the same dimension.

Mr. LeBlanc: The only difference is that it will have a roof over it.

Mr. Walczak: Yes. a roof and it will have glass.

Mr. LeBlanc: With sliding doors?

Mr. Walczak: Yes.

Ms. Gelineau: And you're here because you had a variance before so you have to come back to us.

Mr. Walczak: Yes. I didn't even know that the variance existed.

Ms. Gelineau: Could you have built it by right then and you would have conformed to build an enclosed porch then?

Mr. Walczak: Yes.

Mrs. Rando: Now, this room will not be heated? Correct? It will have a fan?

Mr. Walczak: I will have a fan. Does it make any difference heated or not?

Mrs. Rando: Well, no, it doesn't. It's just considered another room that you're putting on there.

Mr. Walczak: I could have it heated but I don't see it to do it.

Mrs. Rando: Is it the three sides that are going to be put on separately? It's coming all built?

Mr. Walczak: I think its prefabricated. I don't know how they do it but I know it's prefabricated. It's ready to be assembled on there.

Mrs. Rando: It's very attractive.

Mrs. Rando: And the neighbors behind?

Mr. Walczak: I talked to them. They don't complain. There's neighbors that's twenty-four feet. I asked them, they say fine. There was no complaint.

Mrs. Rando: Has everyone read the findings of facts?

On motion of Mr. Sergi, seconded by Mr. LeBlanc, the board voted to waive the reading of the Findings of Fact since they have been on file and the board has had a chance to read them.

Mrs. Rando: You may continue with your Proposed Decision.

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

Mrs. Rando: I am ready for a motion on the Findings of Fact.

On motion of Mr. Sergi, seconded by Mr. LeBlanc, the board voted to adopt the Proposed Findings of Fact.

Roll call: Mr. LeBlanc, yes; Mr. Sergi, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.

Mrs. Rando: On the Proposed Decision?

On motion of Mr. Sergi, seconded by Mr. LeBlanc, the board voted that the Proposed Decision becomes the Board's decision.

Roll call: Mr. LeBlanc, yes; Mr. Sergi, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.

Mrs. Rando: One more motion is in order.

On motion of Mr. Sergi, seconded by Mr. LeBlanc, the board voted to adjourn at 7:20 P.M.