

**CITY OF WALTHAM**

**ZONING BOARD OF APPEALS**

**October 20, 2015**

**The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, October 20, 2015, 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, Edward McCarthy and John Sergi.**

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

**Mrs. Rando: Tonight we have two new cases before us: Case No. 2015-17 Tiano and Tiano, LLC, 231 Lexington Street and Case No. 2015-18, Robert Forney and Heather Markham, 84 Hardy Pond Road.**

**The first action this evening is for a motion to accept the minutes of September 29, 2015.**

**On motion of Mr. Sergi, seconded by Ms Gelineau, the board voted to approve the minutes of September 29, 2015.**

**Will the clerk please read the petition in Case 2015-17?**

**The clerk then read the Petition of Tiano & Tiano, LLC, in an application to amend existing variances. The locus consists of a parcel of land and an existing commercial building situated thereon. The petitioner proposed to modify the parking and landscaping**

**design at the locus. Location and Zoning District: 231 Lexington Street: Commercial Zoning District.**

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

**Attorney Joseph M. Connors, Jr., 404 Main Street, MA, forward.**

**Mr. Connors: I represent the petitioners, Tiano and Tiano. I have in addition to an electronic copy, copies of the brief and exhibits. Tonight here with me is Matt Tiano. He is the Principle of Tiano and Tiano LLC. He also owns and operates Century Glass which is a tenant of the building at 231 Lexington Street. Also with me is Paul Finger of Paul Finger Associates, the engineer that did the plans.**

**(Mr. Connors then read his brief into the record and went over the plans and exhibits with the board.)**

**Mr. Connors: Originally we proposed to do a second story addition and that was never constructed. We never built that.**

**Mrs. Rando: Why?**

**Mr. Connors: It was just uneconomical, the cost to construct a second story on the building. In theory it sounded good and they kind of costed it out and it was too much for the benefit that he was going to garner for it.**

**Mrs. Rando:** Well let me just say that I just noticed that one of the pages, I think it was the decision that says, you can explain to me what this means, “Construction within the footprint as a second story shall limit new construction within the floodplain.”

**Was that possibly why he didn’t put a second story in there?**

**Mr. Connors:** I think what we were trying to say is that there was a floodplain outside in the back and so if he did a lateral expansion to expand the building to the rear he might get in the flood plain. So the only narrow expansion that we could do that didn’t affect the floodplain right here in the loading area so, the only way he could pick up some square footage was to go up. But the cost for that was cost prohibitive.

**So that’s our presentation, Madam Chair.**

**Mrs. Rando:** I’m surprised. Usually people are looking for more parking. You people are offering more parking. I’m surprised. Why are you doing that?

**Mr. Connors:** I think they need it. Even if it’s one space, they need it because they fill up with their employees, the eight parking spaces on the site. This is the only place where Mr. Tiano can park his truck because when he gets to work there’s nothing left. So really it’s really needed for the company to have one more parking space.

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

**Mr. Hickernell:** So this board in 2010, you’re just changing the plans that were approved at that time.

**Mr. Connors:** Yes.

**Mr. McCarthy: Do you have any renderings of what it is going to look like?**

**Mr. Connors: Well the building is all done. Everything is done. So the second story building shouldn't be there. That was just picked up from the old plan. That's been abandoned and he has no intention of doing that. I can certainly add that as a condition that no second floor addition is permitted and has been abandoned by the petitioner.**

**Mrs. Rando: Is there anyone in the audience that is in opposition. Seeing none, is there anyone seeking information? Seeing none, is there anyone in favor?**

**Two people raised their hand in favor.**

**You may continue with your Proposed Findings of Fact.**

**On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to waive the reading of the Proposed Findings of Fact since it has been on file in the Law Department and the board has had a chance to read it.**

**Mrs. Rando: You may continue 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 has been on file in the Law Department and the board has had a chance to read it.**

**Mrs. Rando: Do I have a motion on the Proposed Findings of Fact.**

**On motion of Mr. Sergi, seconded by Mr. McCarthy the board voted to adopt the Proposed Findings of Fact as the Board's Findings of Fact.**

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

**Mrs. Rando: Do I have a motion on the Proposed Decision.**

**Mr. Hickernell: I've got a proposed addition to Condition 2 (b).**

**Landscape Plan, entitled "Century Glass" by Paul Finger & Associates dated March 19, 2015, except modified to delete reference to the proposed second story addition which has been abandoned by the petitioner.**

**On motion of Mr. Sergi, seconded by Mr. McCarthy the board voted to adopt the Proposed Decision, as amended, as the Board's Decision.**

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

**Mrs. Rando: Would the clerk please read the petition in Case No. 2015-18?**

**The clerk then read the Petition of Robert W. Forney and Heather Markham in an application for Special Permit to alter/enlarge a non-conforming building. The petitioner proposes to alter an existing non-conforming single family dwelling by adding a dormer to the easterly half of the second floor, reconstructing and enclosing the front porch and adding a second floor above and adding an open deck over the exiting three season room in**

**the rear. Location and Zoning District: 84 Hardy Pond Road, Residence A-4 Zoning District.**

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

**Attorney Deborah Sawin, 564 Main Street, Waltham, came forward:**

**Ms. Sawin: I am here tonight representing Heather Markham. Here tonight also is the engineer who can answer any questions that you may have.**

**(Ms. Sawin submitted copies of her brief and exhibits to the board and then read her brief into the record. She also went over the plans and rendering of the proposed project. A list of abutters to the property was also submitted showing that the neighbors were in favor.)**

**Mrs. Rando: You said that both neighbors on either side signed it and their address is 83?**

**Ms. Sawin: Their address is 84, 82, 88, 90 and then across the street 79, 87, 93.**

**Mrs. Rando: How many bedrooms do they have now?**

**Ms. Sawin: Two on the upstairs. They will get three out of it.**

**Mrs. Rando: Are there any questions from the board? There were none.**

**Is there anyone that is seeking information? Seeing none, anyone in opposition? Anyone in favor? (Four people raised their hand in favor.) Would anyone like to come up and speak in favor? No one came forward.**

**We have a letter and I will ask the clerk to read the letter into the record.**

**The clerk then read a letter from Sarita Shalotra at 82 Hardy indicating that she was in favor.**

**Mrs. Rando: All right, so that's five in favor.**

**All right, I am ready for the Findings of Fact.**

**On motion of Mr. Sergi, seconded by Mr. McCarthy the board voted to waive the reading of the Proposed Findings of Fact since it has been on file in the Law Department and the board has had a chance to read it.**

**Mrs. Rando: You may continue 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 has been on file in the Law Department and the board has had a chance to read it.**

**Mrs. Rando: Do I have a motion on the Proposed Findings of Fact?**

**On motion of Mr. Sergi, seconded by Mr. McCarthy, the board vote to adopt the Proposed Findings of Fact as the Board's Findings of Fact.**

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

**Mrs. Rando: On the decision?**

**On motion of Mr. Sergi, seconded by Mr. McCarthy, the board vote to adopt the Proposed Decision as the Board's Decision.**

**Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. McCarthy, 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 7:40 P.M.**

*Barbara Rando Chair*  
*10/27/15*