

**CITY OF WALTHAM**  
**ZONING BOARD OF APPEALS**  
**November 13, 2018**

**The Zoning Board of Appeals held a public hearing at 7:00 P.M., Tuesday, November 13, 2018, 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, Sarah Hankins, Edward McCarthy and Michael Squillante.**

**Mr. Hickernell: We've got three cases tonight including one new case, 2018-31, Pinehill Circle; a request for an extension of time on Case 2017-33, 84 Hibiscus Avenue, and a request for an insubstantial change after the grant of the Comprehensive Permit, that's Case 2015-25, 341 Second Avenue.**

**The first order of business is for a motion to accept the minutes of October 30, 2018?**

**On motion of Ms. Hankins, seconded by Mr. Squillante, the board voted to accept the minutes of October 30, 2018.**

**Mr. Hickernell: Mr. McCarthy will you do the honor of reading Case 2018-31?**

**Acting Clerk, Mr. McCarthy then read the Petition of John C. Nash and Mary Jo Nash in an application for a variance to construct an addition at his family home located at 4 Pine Hill Circle. Locus is a corner lot. As property is located in a Residence A-3 Zoning District, the rear yard setback cannot be less than thirty feet. Plan for addition calls for a 17.63 rear yard setback. Location and Zoning District: 4 Pine Hill Circle, Residence A-3 Zoning District.**

**Mr. Hickernell:** Thank you very much. May we hear from the Petitioner or the Petitioner's representative, please.

**Kevin Dwyer, Esquire,** representative for the Petitioner came forward: I am asking that the board not open the case this evening but to continue the hearing to January 15, 2019 and at that point we would like to present it that evening.

**Ms. Hankins:** For what reason?

**Mr. Dwyer:** A neighbor raised an issue. We would like to work cooperatively with that neighbor to resolve those issues and we think we will be able to do that.

**Ms. Hankins:** The neighbor right in the back there?

**Mr. Dwyer;** Yes.

**Mr. Hickernell:** Any other questions from the board?

(There were no questions.)

At this time I would like to entertain a motion to continue the commencement of the public hearing on this matter.

On motion of Mr McCarthy, seconded by Mr. Squillante the board voted to continue the commencement of this case to January 15, 2019.

Roll call: Mr. Squillante, yes; Mr. McCarthy, yes, Ms. Gelineau, yes; Ms. Hankins, yes and Mr. Hickernell, yes.

**Mr. Hickernell: The motion carries and the hearing will be continued until January 15, 2019.**

**We will have to continue the hundred days.**

**Do I have a motion to extend the hundred days to February 15, 2019.**

**On motion of Mr. McCarthy, seconded by Mr. Squillante, the board voted to extend the time to act on this case to February 15, 2019.**

**Roll call: Mr. Squillante, yes; Mr. McCarthy, yes, Ms. Gelineau, yes; Ms. Hankins, yes and Mr. Hickernell, yes.**

**Mr. Hickernell: The next case is 84 Hibiscus Avenue. May we hear from the Petitioner or the Petitioner's representative.**

**(No one appeared to represent this case.)**

**We'll come back to that case after the next one.**

**The next case we'll take then is Case No. 2015-25, 341 Second Avenue.**

**May we hear from the petitioner or the Petitioner's representative?**

**Alexander Alevizos, Alliance Residential Company: I think the letter that you guys have is pretty self-explanatory but I will be happy to answer any questions.**

**Mr. Hickernell: Will you give the highlights of it for us for the people who haven't had a chance to read it.**

**Mr. Alevizos: Yes. So insubstantial change is adding an additional ten, sixty percent AMI affordable units instead of two which is what the Comprehensive Permit is obligated and for a total of twelve, sixty percent AMI units of the forty-nine total affordable units.**

**Mr. Hickernell: And that will be in perpetuity?**

**Mr. Alevizos: That's right.**

**Mr. Hickernell: Does the board have any questions?**

**I note that advice of the city law department is that this is a proper application and an insubstantial change and their recommendation is that we grant the applicant's request.**

**If there are no further questions, I'll entertain a motion to adopt the applicants requested change from the Comprehensive Permit recently granted by the Zoning Board of Appeals from two affordable units at sixty percent to twelve affordable units at sixty percent in perpetuity. This is insubstantial, The Comprehensive permit is still satisfied and all other provisions of the Comprehensive Permits shall remain in force and based on the above, the board has determined the change to be insubstantial.**

**The motion will be to modify the Comprehensive Permit, Condition 9, to incorporate the change requested in the applicant's correspondence, November 8, 2018.**

**On motion of Ms. Gelineau, seconded by Mr. McCarthy, the board voted to accept the change requested by the applicant to modify the Comprehensive Permit, Condition 9, stated in the applicant's correspondence dated November 8, 2018.**

**Roll call: Mr. Squillante, yes; Mr. McCarthy, yes, Ms. Gelineau, yes; Ms. Hankins, yes and Mr. Hickernell,**

**Mr. Hickernell: There's still nobody here for 84 Hibiscus Avenue. I will ask for a motion for a five minute recess to investigate whether the applicant is in the building somewhere.**

**On motion of Mr. McCarthy, seconded by Mr. Squillante, the board voted for a five minute recess at 7:05.**

**The board reconvened at 7:10 P.M.**

**Mr. Hickernell: The Board of Appeals is called back to order . I believe for Case 2017-33 we have a pitch hitter, Attorney McCourt.**

**Mr. Philip B. McCourt, Jr. 15 Church Street, came forward to act on Bret Francis Esquire's behalf in Case No. 2017-33.**

**Mr. McCourt: Mr. Francis couldn't be here.**

**So the request is to extend the time to commence construction on Hibiscus Ave for six months, extending it to May 20, 2019. A letter dated October 29, 2018 from Bret Francis Esquire was submitted to the board for this request.**

**Mr. Hickernell: Are there any questions?**

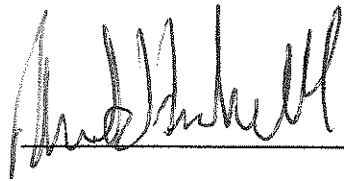
**I will entertain a motion for extending the time to begin the project on the decision for six months to May 20, 2019.**

**On motion of Mr. McCarthy, seconded by Mr. Squillante, the board voted to extend the time to begin the project at 84 Hibiscus Avenue for six months to May 20, 2019.**

**Roll call: Mr. Squillante, yes; Mr. McCarthy, yes, Ms. Gelineau, yes; Ms. Hankins, yes and Mr. Hickernell,**

**Mr. Hickernell: One more motion is in order.**

**On motion of Mr. McCarthy, seconded by Mr. Squillante, the board voted to adjourn at 7:15 P.M.**

 Andrew D. Hickernell clerk