

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

November 27, 2018

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, November 27, 2018, in the Auditorium of the Arthur Clark Government Center, 119 School Street, Waltham.

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

Mr. Sergi: The first order of business we have tonight, is to accept the minutes of November 20, 2018.

On motion of Ms. Gelineau, seconded by Mr. McCarthy, the board voted to accept the minutes of November 20, 2018.

Mr. Sergi: Tonight we have one case, Case. 2018-34, Marian N. Wright and Theodore R. Yoos.

Would the clerk read the Petition?

The clerk then read the Petition of Marian N. Wright and Theodore R. Yoos in an application for a Variance - Dimensional/Setback. The Petitioners propose to construct and maintain a one-story addition and unroofed deck to the rear of an existing single family

dwelling. The addition will have dimensions of approximately 19 feet x 20 feet with a 4 feet x 5 feet entry connecting the garage to the addition. The unroofed deck will have dimensions of approximately 16 x 16 feet. Location and Zoning District: 3 Kingston Terrace; Residence A-3 Zoning District.

Mr. Sergi: May we hear from the Petitioner or the Petitioner's representative, please?

Marian Wright came forward with Mr. Yoos, owners of the property.

Ms. Wright started to read her brief into the record went over photos of the house and its location.

Mr. Hickernell: I think I just read all of this. Can you explain what your hardship is?

Ms. Wright read the hardship from her brief and then went on to read the remaining brief.

Mr. Hickernell: What does the neighbor at 115 say about this?

Ms. Wright: He hasn't really come forward. At one point he was a little concerned about it being close but he is fully aware of this. It's a rental property right now. So we haven't had a lot of contact with him. So we have told him and shared the plan with him.

Mr. Hickernell: With the owner or the renter?

Ms. Wright: He's the owner. He's the one that helped us buy the house actually.

Mr. Yoos then went over the photos of the view from the back yard.

Ms. Wright: So, I can't exactly find it right here but the setback it's not like it's parallel to the fence line or the property line. It's 7.25 feet at one corner but it's actually fifteen feet. Fourteen feet is for the deck. The surveyor didn't put in 15 feet on the map but it would be fifteen feet on the other side.

So Ted did some calculations and only that 21% of the proposed addition would fall short of the fifteen foot requirement.

Mr. Sergi: Did most of the abutters sign?

Ms. Wright: They did, all of them.

(Mr. Yoos noted that the signatures of the abutters were in the back of the brief and he went over it with the board.)

Mr. Sergi: Do you have a rendering?

Ms. Wright: Yes. You should all have it.

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

Mr. McCarthy: Just curious. The addition as opposed to the deck, why didn't you

put it on that side and the addition on the other side?

Ms. Wright: It would be right behind the kitchen and a stairway. So we couldn't be able to get to it because there would be a stairway in between so we would have to leave the house.

(Mr. Yoos went before the board to go over the plan.)

Mr. McCarthy: Are you going to have a foundation for the addition?

Mr. Yoos: Yes, sir.

Mr. McCarthy: That's all I have, Mr. Chair.

Mr. Sergi: Is there anyone here in favor of this petition? The petitioners raised their hands in favor.

Seeing no one was in the audience in opposition or seeking information, that part of the hearing is closed.

You may proceed with your Proposed Findings of Fact.

On motion of Mr. Hickernell, seconded by Mr. McCarthy, that since the Proposed Findings of Fact have been on file in the Law Department for public review, the board voted to waive the reading of the Proposed Findings of Fact.

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

Mr. Sergi: You may continue with the Proposed Decision.

On motion of Mr. Hickernell, seconded by Mr. McCarthy, that since the Proposed Decision has been available in the Law Department for public review, the board voted to waive the reading of the Proposed Decision.

Mr. Sergi: Do I have a motion on the Proposed Findings of Fact?

Mr. Hickernell: Before we have a motion, I would propose that we amend the Proposed Findings of Fact. In particular, Paragraph 34, reads: A number of the neighbors signed a letter in support of the petition. I would insert before the period, “and no neighbors registered opposition.”

Mr. Sergi: May I have a motion on the Amended Proposed Findings of Fact.

On motion of Mr. Hickernell, seconded by Mr. McCarthy, the board voted that the Amended Proposed Findings of Fact be adopted as the board’s Findings of Fact.

Roll call: Mr. McCarthy, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, no and Mr. Sergi, yes.

The vote was 4-1 in favor.

On motion of Mr. Hickernell, seconded by Mr. McCarthy, the board voted that the

Proposed Decision be adopted as the board's decision.

Roll call: Mr. McCarthy, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, no and Mr. Sergi, yes.

The vote was 4-1 in favor.

Mr. Sergi: It's been granted. Good luck.

On more motion is in order.

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


