

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

December 19, 2017

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, December 19, 2017, in the Auditorium of the Arthur Clark Government Center, 119 School Street, Waltham, MA.

In attendance were Chair, Barbara Rando, and members Glenna Gelineau, Sarah Hankins, Mark Hickernell and Marc Rudnick.

Mrs. Rando: Tonight we have one new case, Case 2017-41, David and Melissa Breau, 12 Rosewood Drive, and that's for a variance.

Mrs. Rando: The first action this evening is for a motion to accept the minutes of December 12, 2017.

On motion of Ms. Hankins, seconded by Ms. Gelineau, the board voted to approve the minutes of December 12, 2017.

Mrs. Rando: Will the clerk please read the petition in Case 2017-41, 12 Rosewood Drive?

The clerk then read the Petition of David and Melissa Breau in an application for variances to allow for the construction of a garage that is 24.9 feet in height, one and half stories. Location and Zoning District: 12 Rosewood Drive, Residence A-2 Zoning District.

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

Bret Francis, Esquire, Scafidi and Juliano, 10 Hammer Street, Waltham came forward.

Mr. Francis: We are here tonight on behalf of the Petitioners, David Breau and his wife. They are a married couple and own the property located at 12 Rosewood Drive, Waltham.

(Mr. Francis read his brief into the record.)

Mr. Francis: The reason we are seeking nineteen feet as opposed to the original twenty-four feet, my client did actually go around to the neighborhood and obtained signatures from the neighbors in support of this project. A couple of them are here tonight.

There was one neighbor, and again, I think he would be affected by this more so than any other party and as for that reason alone, he had a talk with that neighbor and as a result he agreed to reduce the height of the project.

So instead of 24.9 feet, we are seeking 19'2" and I do have a copy of the signatures of the direct abutters, not obviously all of them, just those that would be most affected by it.

Mrs. Rando: Attorney Francis, what is the side yard requirement?

Mr. Francis: Attached garage is close to three feet. In some circumstances, five feet. Here as you can see ten and a half feet. I guess that would be on the northerly lot line and ten point five off of the rear as well.

Ms. Hankins: So, I guess I'm a little confused on the hardship in the sense that, are you saying it would be impossible to create a garage with a pitched roof within the - - -

Mr. Francis: Fifteen Feet. Yes, it will virtually be, yes, that's exactly it. That is the hardship. It will virtually, almost, not quite literally, but it will come up and then it will just have to be flat. There's no real way to pitch a roof fifteen feet high for a three car garage.

The neighbor that he did speak to that had an issue with the original 24.9' is here tonight. He would be happy to answer any questions the board may have, I am sure. Since we've lowered it he's in support of that number, we are trying to make it as low as possible without making it a flat roof. And my client through working with Al Costa has determined that 19' apparently is about as low as you can go.

Mrs. Rando: Ms. Gelineau?

Ms. Gelineau: No questions.

Mrs. Rando: Mr. Hickernell?

Mr. Hickernell: Do you have a revised plan?

Mr. Francis: I can have one provided and have it sent to Ms. Doucette the first thing in the morning. The Bibbo's drafted that plan. I'm in their office. I work with them. I can get them to revise it.

We were hoping again, we didn't find out about the change really until yesterday otherwise I definitely would have had a revised elevation point. I can get one for you guys

as quickly as tomorrow and you can make that part of the decision. I have no objection to that.

Mrs. Rando: Mr. Rudnick, any questions?

Mr. Rudnick: What kind of a roof are you putting on this building?

Mr. Francis: I do have, again these are for rendering purposes.

(Mr. Francis went before the board to go over the renderings)

Mr. Francis: There's going to be no second floor. It's going to be storage. At 19', if you look at the height of the garage, and you have the 12" rafters, you're probably looking at about 3 1/2' of space above that roof of the garage.

Mr. Rudnick: This is the design? A hip roof is what you're going with.

Mr. Francis: Correct.

Mrs. Rando: Is there anyone in the audience that is in favor of this petition that would like to raise their hand or come up to the microphone?

(Four people raised their hand in favor of this petition.)

Mrs. Rando: Is there anyone in opposition? Seeing none. Is there anyone seeking information? Seeing none.

You may continue with your Proposed Findings of Fact.

On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to waive the reading of the Proposed Findings of Fact since they have been on file in the Law Department.

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

On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to waive the reading of the Proposed Decision since it has been on file in the Law Department.

Mrs. Rando: I am ready to introduce a motion on the Proposed Findings of Fact.

On motion of Mr. Hickernell that the board adopt the Proposed Findings of Fact as the board's Findings of Fact with the substitution of 19'2" everywhere the Proposed Findings of Fact state 24.9 feet.

Mr. Francis: I'll revise that as well.

Ms. Gelineau seconded the motion.

Roll call: Mr. Rudnick, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.

Mrs. Rando: On the Proposed Decision?

On motion of Mr. Hickernell that the Proposed Decision be adopted by the board as the board's decision with the amendment that for Condition 2, the Petitioner provide a revised proposed garage profile with 19.2" height. And you will submit that to the Law Department tomorrow?

Mr. Francis: Yes.

Mrs. Rando: And there will be no heat?

Mr. Francis: No.

Mrs. Rando: Do I have a second?

Ms. Gelineau seconded the motion.

Roll call: Mr. Rudnick, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, 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 7:25 P.M.

Barbara Rando, Chair
20/19/17