

CITY OF WALTHAM
ZONING BOARD OF APPEALS
December 20, 2016

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, December 20, 2016, in the Public Meeting Room of the Arthur Clark Government Center, 119 School Street, Waltham, MA.

In attendance were Chair Barbara Rando, and members Michael Cotton, Mark Hickernell, Marc Rudnick and John Sergi.

Mrs. Rando: Tonight we have two new cases and one extension of time.

Case 2014-29 an extension of time on Zottola, 225 College Farm Road and we have Case 2016-44, Paul C. Morreale, 80 Prospect Street and that's for a variance, and Case 2016-45 Colbea Enterprise, LLC, Waverley Oaks Road and that's also for a variance.

The first action this evening is for a motion to accept the minutes of December 13, 2016.

On motion of Mr. Sergi, seconded by Mr. Cotton, the board voted to accept the minutes of December 13, 2016.

Mrs. Rando: Would the Attorney for Zottola, Case 2014-29, please come forward.

Philip B. McCourt, Jr., 15 Church Street, Waltham, the Petitioner's Representative came forward.

Mr. McCourt submitted a letter dated December 13, 2016, to the board requesting an extension of time and read it into the record.

So we are asking that you extend it from the current ending date on January 22, 2017, to July 22, 2017.

Mrs. Rando: Are there any questions from Board Members?

Do I have a motion to extend Case No. 2014-29 from January 22, 2017 to July 22, 2017?

On motion of Mr. Cotton, seconded by Mr. Sergi, the board voted to grant an extension of time on Case No. 2014-29 to July 22, 2017.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Mr. Rudnick, yes; Mr. Cotton, yes and Mrs. Rando, yes.

Mrs. Rando: Would the clerk please read the petition in Case No. 2016-45, Colbea Enterprises, LLC?

The clerk then read the petition of Colbea Enterprises, LLC c/o Ayoub Engineering, Inc. in an application for variances - dimensional. Petitioner proposes the demolition of the existing gas station and convenience store building and construction of a new 3,600 +/-s.f.

gas station with convenience store, fast-food establishment and associated site improvements. New gas pumps and associated canopy to be constructed. Location and Zoning District: 225 Waverley Oaks Road; Commercial Zoning District.

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

William J. Proia, the Petitioner's representative from Riemer/Braunstein, 700 District Avenue, MA, forward.

Mr. Proia: Thank you and I hope this hasn't caused much inconvenience but due to an oversight on my part regarding a certain aspect of our presentation, I am not ready to go tonight. I am asking the board to continue this for the next possible meeting. I guess January 10th if that's available. If not, whenever it's convenient for the board.

Mrs. Rando: Are you here on the 10th?

Mr. Proia: We are. 65 Main Street is also scheduled for the 10th. It's the same applicant, different site, obviously.

Do I have a motion to continue Case 2016-45 to January 31st?

On motion of Mr. Sergi, seconded by Mr. Cotton, the board voted to continue Case 2016-45 to January 31, 2017.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Mr. Rudnick, yes; Mr. Cotton, yes and Mrs. Rando, yes.

Would the clerk please read the petition in Case No. 2016-44?

The clerk then read the petition of Paul C. Morreale in an Application for variances to allow for the addition of approximately 960 square feet of living space including a dormer and enclosed stairway. Location and Zoning District: 80 Prospect Street; Business A Zoning District.

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

Bret Francis, Esquire, Scafidi Juliano, LLP, 10 Hammer Street, MA, forward.

(Mr. Francis submitted a brief to each member of the board and read it into the record. He also went over the plan with the board)

Mr. Francis: Just a recap. We were here back in September seeking this addition under a Special Permit for the ten percent rule. But the board found that they didn't have the authority to grant that under these circumstances. So we met with the building department a few times both Mr. Powell and Building Inspector Mr. Forte, and they all agree that the way to go about this relief, we don't qualify under the ten percent, is to seek variances for all the non-conformities and just basically he found them making not so much conforming but on record. So that's basically what we are doing tonight.

As far as the outside, there will be no change in the existing footprint.

Mrs. Rando: Are there any questions from Board Members? Mr. Sergi, do you have one?

Mr. Sergi: No. It looks like a nice project. You're going to be putting pavers all around. Is this patio for the store or for the - —

Mr. Morreale: Around the storefront that's already paved.
(Mr. Morreale went over the plan to show where the additional paving would be.)

Mrs. Rando: Mr. Hickernell?

Mr. Hickernell: No questions?

Mr. Rudnick: Do you know when these properties were separated, the store property and the house property?

Mr. Francis: It was a long time ago.

Mr. Rudnick: I was quite surprised when I looked up this project because it's listed as one lot. If you go look up the maps on the city's website, it's one lot. I had to go down to assessors to establish that it was two. You own both and it's very nice.

I was a little concerned on my site visit there's sort of a traffic nuisance there. I could have climbed in any window of your building. It's

dangerous. I hope you would get some fencing around there or something, but you really ought to. It's a very dangerous site. It wouldn't be if you had a fence around it.

Mrs. Rando: Mr. Cotton?

Mr. Cotton: No. It's quite a project you're taking on. Good luck!

Mr. Rudnick: I did want to say thanks for buying it.

Mr. Cotton: The whole neighborhood did.

Mrs. Rando: Seeing no one in the audience in opposition, or seeking information, and one in favor, so you may continue with your Proposed Findings of Fact.

On motion of Mr. Sergi, seconded by Mr. Cotton, 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 them.

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

On motion of Mr. Sergi, seconded by Mr. Cotton, 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. Cotton, the board voted that the Proposed Findings of Fact be adopted by the board.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Mr. Rudnick, yes; Mr. Cotton, yes and Mrs. Rando, yes.

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

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

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Mr. Rudnick, yes; Mr. Cotton, yes and Mrs. Rando, yes.

Mrs. Rando: One more motion is in order.

On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to adjourn at 7:30 P.M.

Barbara Rando, chair