

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

November 15, 2016

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, December 27, 2016, in the Auditorium of the Arthur Clark Government Center, 119 School Street, Waltham, MA.

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

Mrs. Rando: Tonight we have one continued case, Case No. 2016-35, 67 Ash Street, LLC, and that is for a variance.

Our first action this evening is a motion to accept the minutes of December 20, 2016.

On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to accept the minutes of December 20, 2016.

Mrs. Rando: Will the clerk please read the petition in Case 2016-35. Ash Street, LLC?

The clerk then read the Petition of 67 Ash Street, LLC in an application for a variance - Frontage. Subject Matter is to allow for the construction of a single family residence upon the lot. Location and Zoning District: 67 Ash Street; Residence B Zoning

District.

Assistant City Solicitor Patricia Azadi from the Law Department submitted a letter dated December 27th to the board in response to questions raised by the board at their last meeting.

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

Bret Francis, Esquire, Scafidi Juliano, LLP, 10 Hammer Street Waltham, the Petitioner's representative came forward.

Mr. Francis: The last time we were here, there were a couple of questions that went to the Law Department. I guess they have responded. I did not get that response until 5 P.M. this evening. I haven't had a chance to look at it other than on my phone. But I would like is a short continuance to be able to appropriately respond to that memo and get that back to you as soon as possible and hopefully have a vote at the next hearing.

Mrs. Rando: Any questions of Attorney Francis? It is quite a lengthy opinion. I understand you're needing more time. How does the board feel about a continuance?

Ms. Hankins: Much like I felt the last time. I feel like we have the information and that we didn't need an opinion from the Law Department. My concern is that now we are going to get into a situation by getting an unnecessary party involved. Like last time, I am prepared to vote tonight.

Mr. Sergi: I am okay with the continuance.

Mr. Hickernell: I am prepared to vote, but I do think the petitioner should have a chance to respond to the Law Department's letter. I go along with the continuance.

Ms. Gelineau: I agree with Mark.

Mrs. Rando: We have four yes's to continue and one no.

Do I have a motion to continue Case 2016-35 to February 7, 2016?

On motion of Mr. Sergi, seconded buy Mr. Hickernell, the board voted to continue Case 2016-35 to February 7, 2017.

Roll call: Mr. Sergi, 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. Sergi, seconded by Ms. Gelineau, the board voted to adjourn at 7:07 P.M.