

**Board of Appeals  
Of  
City of Waltham, MA**

**Case Number: 2020-5**

**March 24, 2020**

**Brief of  
JC/SMP WALTHAM OWNER, LLC**

The parcel located at 130 Turner Street is a commercially zoned (C) parcel consisting of approximately 15.6 acres of land that consists of 3 commercial office buildings.

The petitioner and owner of the parcel is JC/SMP Waltham Owner LLC. The petitioner is looking to expand a patio on the rear of building 3, located on the western portion of the site. The expansion of this patio will require removal and relocation of (7) seven parking spaces to an area that is already impervious but un-stripped and not included in the parking count for the parcel, as shown on the attached plan. As a secondary option for relocation we can re-stripe a portion of the parking stalls that are wider than the by-law requires (in some instances by 1 ft) on the top deck of the parking structure.

Based on the square footage of the buildings the parcel is required to have a minimum of 914 total spots, which the site at current capacity exceeds. The current count is 965 spaces.

Per case 2009-22 the zoning board of appeals granted petitioners Eastport Turner LLC and Stonybrook Holding LLC special permit for the right to relocate and lease 36 parking spaces allocated to the parcel at 60 Turner to 130 Turner St. With this allocation of parking requirement, the parcel at 130 Turner St still holds a parking count that is in excess of the bylaw minimum standard.

In order to build the extended patio, a special permit amendment must be granted to memorialize the updated site plan as it relates to the parking layout.

## **Jurisdiction**

§5.8 Remote Parking – “When such off-street parking space cannot be reasonably provided for on the same lot or in accordance with the provisions of Section 4.225, the Board of Appeals may grant a special permit therefor on any land in the same zoning district which is within a radius of 600 feet.”

*This is the by law that forced the case 2009-22 as outlined in the introduction which opened a special permit on the property.*

§7.2 Powers and duties of Board of Appeals. – “The Board of Appeals shall have all of the powers vested in it by the General Ordinances and by the General Laws and shall be the Board of Appeals under the Subdivision Control Law as set forth in MGLA c. 41, Section 81Z.”

*This by law is governing the Board of Appeals the authority to grant the special permit amendment to the site plan. The petitioner respectfully requests that the petition be granted for the following reasons.*

1. The current site has excess parking capacity.
2. This project yields a net zero change in the parking count. The 7 spaces to be removed by the patio expansion will be relocated on the site.
3. The amended site plan exhibit shows relocation of the parking spaces and the non-impactful change to the site plan. If approved, this new site plan will go on as record for the amended site plan associated with the special permit on the property.

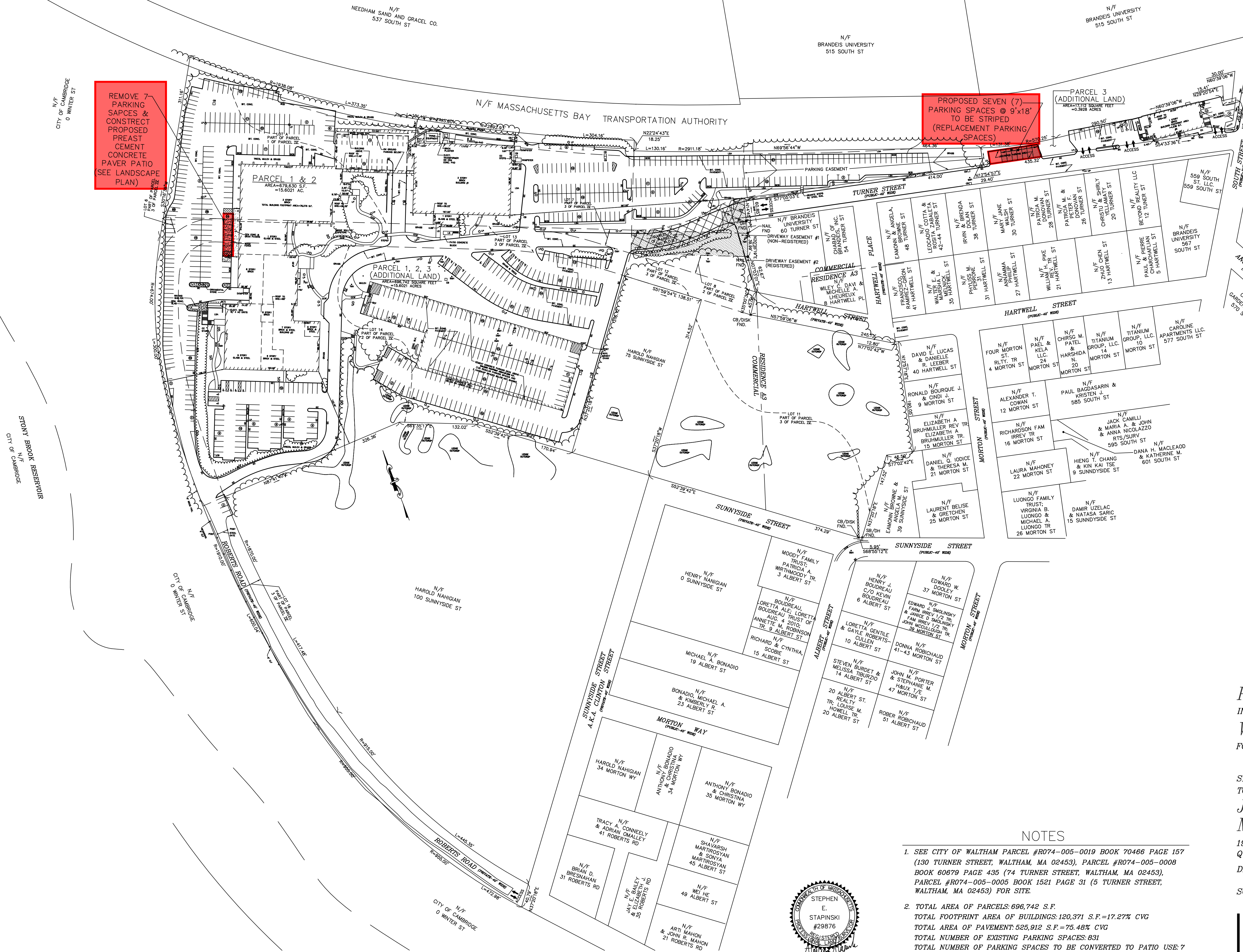
Petitioners proposal is for the Board of Appeals to accept the amended site plan to become the site plan of record associated with the special permit. With the Board's acceptance of this plan, petitioner will immediately seek a building permit to execute this patio project. The petitioner's goal is to amend the record of site plan, in turn yielding a project that would be beneficial for the building and commercial district with hopes to bring new companies into Waltham.

Based on the documents and exhibits provided in this submission, petitioner believes all legal requirements to achieve this goal have been met.

Sincerely,

Nick Trocki as agent for JC/SMP Waltham Owner LLC (petitioner)





REMOVE 7 PARKING SPACES & CONSTRUCT PRECAST CONCRETE PAVEMENT PATIO (SEE LANDSCAPE PLAN)

PROPOSED SEVEN (7) PARKING SPACES @ 9'x18' TO BE STRIPED (REPLACEMENT PARKING SPACES)

LEGEND

- |  |  |  |  |
|--|--|--|--|
| • CO<br>• SP<br>• DMH<br>• WG<br>• SMH<br>• DMH<br>• GM<br>• GG<br>• B<br>• TMH<br>• FAB<br>□ CB<br>• L<br>• HYD<br>FND<br>• IP<br>• OH<br>• STW<br>• 12<br>• 12 | CLEANOUT<br>SPRINKLER<br>DRAIN MANHOLE<br>WATER GATE<br>SEWER MANHOLE<br>ELECTRIC MANHOLE<br>GAS METER<br>GAS GATE<br>BOLLARD<br>TELEPHONE MANHOLE<br>FIRE ALARM BOX<br>CATCH BASIN<br>SIGN<br>LIGHT<br>HYDRANT<br>FND<br>IRON PIPE<br>DRILL HOLE<br>STONE WALL<br>NUMBER OF REGULAR PARKING SPACES<br>HANDICAP PARKING SPACES | □ EB<br>BCW<br>CCW<br>M&P<br>WCR<br>CIVC<br>CEM. CONC.<br>CCC<br>BIT. CONC.<br>CONC.<br>TYP.<br>RET.<br>R.O.W.<br>N/F<br>P.O.B.<br>GC<br>GND<br>BCB<br>CONC.<br>CVRG | ELECTRIC BOX<br>BITUMINOUS CONCRETE WALK<br>CEMENT CONCRETE WALK<br>MULCH & PLANT<br>WHEEL CHAIR RAMP<br>IRRIGATION CONTROL VALVE<br>CEMENT CONCRETE<br>CEMENT CONCRETE CURBING<br>BITUMINOUS CONCRETE<br>CONCRETE<br>TYPICAL<br>RETAINING<br>RIGHT OF WAY<br>NOW OR FORMERLY<br>POINT OF BEGINNING<br>GRANITE CURB<br>GROUND<br>BITUMINOUS CONCRETE BERM<br>PARKING TO BE REMOVED<br>AND REPLACED<br>COVERAGE |
|--|--|--|--|

PLAN OF LAND  
IN  
WALTHAM, MASSACHUSETTS

FOR ADDRESS: 130 TURNER STREET, WALTHAM, MA 02453  
74 TURNER STREET, WALTHAM, MA 02453  
5 TURNER STREET, WALTHAM, MA 02453

SHOWING PROPERTY WITHIN 300' OF THE SITE  
TO ACCOMPANY ZONING BOARD PETITION OF OWNER:

JUMBO CAPITAL  
MANAGEMENT

1900 CROWN COLONY DRIVE-SUITE 405  
QUINCY, MASSACHUSETTS 02169

DATE: JANUARY 23, 2020

SCALE: 1"=80'  
0' 40' 80' 160' 240'

NOTES

- SEE CITY OF WALTHAM PARCEL #R074-005-0019 BOOK 70466 PAGE 157 (130 TURNER STREET, WALTHAM, MA 02453), PARCEL #R074-005-0008 BOOK 60679 PAGE 435 (74 TURNER STREET, WALTHAM, MA 02453), PARCEL #R074-005-0005 BOOK 1521 PAGE 31 (5 TURNER STREET, WALTHAM, MA 02453) FOR SITE.
- TOTAL AREA OF PARCELS: 696,742 S.F.  
TOTAL FOOTPRINT AREA OF BUILDINGS: 120,371 S.F.=17.27% CVG  
TOTAL AREA OF PAVEMENT: 525,912 S.F.=75.48% CVG  
TOTAL NUMBER OF EXISTING PARKING SPACES: 831  
TOTAL NUMBER OF PARKING SPACES TO BE CONVERTED TO PATIO USE: 7  
TOTAL NEW PARKING SPACES: 7



MERRIMACK ENGINEERING SERVICES  
66 PARK STREET  
ANDOVER, MASSACHUSETTS 01810  
PHONE: (978) 475-3555 FAX: (978) 475-1448  
EMAIL: MERRENG@AOL.COM