

**Case No.: 2020-27**  
October 20, 2020

**BOARD OF APPEALS  
OF THE  
CITY OF WALTHAM**

**MEMORANDUM OF FACT AND LAW  
TO PETITION OF RICHARD AND CAROLINE OLIVERI**

## **I. INTRODUCTION**

The locus is a parcel/lot of land identified on the City of Waltham Assessor's map as Parcel I.D. No. R062 016 0011 and known as 10 Kenmore Terrace, Waltham, Massachusetts (the "Locus"). The Locus is situated entirely within the Residence A4 District and consists of 6,906+/- sq.ft. and improved with a single-family residence. The structure is legally non-conforming.

Petitioners Richard and Caroline Oliveri ("Petitioners") are owners of the Locus. In 1988 (Case No. 88-22) Petitioners obtained a side-yard variance to allow for the construction of an addition. At the same time, the Petitioners obtained a variance for the pre-existing front-yard setback deficiency of .7 feet. Now, Petitioners are proposing a second-floor addition in the form of dormers. This construction is "by-right", however, as a result of the zoning relief obtained in 1988, Petitioners are required to amend the plan filed in 1988 with the plan filed herewith entitled "Plan of Land ~ Waltham, MA Showing Proposed Rear Dormer # 10 Kenmore Terrace" and dated July 28, 2020.

In order to accomplish this, petitioner seeks to amend the site plan filed in connection with Case No. 88-22.

## **II. JURISDICTION**

Article VII, § 7.2 of the Ordinance authorizes this Board of Appeals to utilize all of the powers granted to it by the General Laws of Massachusetts and the Ordinance for the City of Waltham, including, but not limited to amending site plans.

Therefore, in that this Board of Appeals has both the power and authority to grant the requested relief, Petitioners respectfully request that their Petition be granted.

### **III. DISCUSSION**

In August, 1988, Petitioners sought and obtained variances for the construction of a proposed single-story addition. The project required a side-yard variance and another variance to confirm the pre-existing non-conforming front-yard setback which was unrelated to the addition. As a result of that relief, Petitioners are required to amend the 1988 site plan in order to obtain a building permit for the proposed addition here, that is otherwise “by-right”.

### **IV. CONCLUSION**

In sum, Petitioners seek the granting of the above-referenced relief in order to construct, maintain and use the proposed second-floor addition. Petitioners, having met all the legal requirements for the granting requested relief, respectfully requests that their Petition to amend the 1988 site plan be granted.

The Petitioners Richard and Caroline Oliveri thank you for your time and attention to this matter; welcome your suggestions and looks forward to completing the project in a manner amicable to the City of Waltham.

Respectfully Submitted

Richard and Caroline Oliveri,  
By their attorney,

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