

CITY OF WALTHAM

BOARD OF APPEALS

Application of
DBC I, Inc.

For a Special Permit

Case No. 2020-11
June 23, 2020

PROPOSED DECISION

Therefore, the Board of Appeals of the City of Waltham, after due deliberation,
on motion duly made and seconded, voted:

To grant the special permit requested in Case No. 2020-11 and incorporates by
reference the Findings of Fact and further cites as reasons the following:

This Board finds that the special permit requested under §3.7222 of the Zoning
Ordinance of the City of Waltham (Ordinance) is in general harmony with the intent and
purpose of the Ordinance for the following reasons:

The proposal meets all of the requirements of §3.7222 of the Ordinance in that:

1. *The building on the locus is nonconforming as to FAR and the parking spaces.*

The structure on the locus, containing multi-tenants, was constructed pursuant to the building permit issued in 1973. The Ordinance, at that time, did not have the same requirements as today for floor area ratio (FAR) and parking spaces. The existing FAR and parking areas are therefore nonconforming pursuant to M.G.L. Chapter 40A §6.

The proposed alterations shall allow an existing commercial building to be renovated to provide a new and modern appearance to the building. The glass façade shall enhance the aesthetic appeal of the building.

2. *The nonconforming structures exceed the FAR allowed by right in the Zoning District.*

The floor area ratio (FAR) for the buildings on the locus is 0.65. The FAR allowed by right in the district is 0.28 for retail uses and 0.40 for all other commercial uses. The existing FAR therefore exceeds the FAR allowed by right.

3. *The altered nonconforming structure is not substantially more detrimental to the neighborhood than existing nonconforming structure.*

The alteration or renovation which will add a new exterior wall or façade to the building will bump out the footprint of the building by inches, but no actual usable floor area shall be added to the building. The additional floor area shall allow for the new

façade to be constructed. The net effect shall be a modern and improved appearance for the building without any increase in usable floor area.

The granting of this special permit is subject to the following conditions:

1. All necessary permits shall be issued and work commenced within one (1) year of the date of the filing of this decision with the City Clerk's office and work shall be completed within two (2) years of the filing of the decision with the City Clerk;
2. All construction and use of the premises shall be in substantial accordance with the following plans introduced as evidence during the hearing.
 - a. "Abutters Plan", prepared by Beal + Thomas, dated March 20, 2020;
 - b. Site plan entitled "411 Waverley Oaks Building, Floor Area Rate Plan", by Beals + Thomas, dated 3/09/2020;
 - c. Elevation plan entitled "411 Waverley Oaks Road, Phase 2-Building C North Elevation", by Mangel Architects, dated 3/27/2020;
 - d. Floor area plan entitled "411 Waverley Oaks Road-Phase 2-Building C, First Floor Plan", by Mangel Architects, dated 1/21/2020; and
 - e. Floor area plan entitled "411 Waverley Road-Phase 3-Building B, First Floor Plan", by Mangel Architects, dated April 8, 2020.
3. Condition No. 2 of the Notices of Decision in Case No. 2015-20 and Case No. 2018-28 is amended by adding that All construction and use of the premises shall be in substantial accordance "Site Plan" referred above at 2.b. The Parking plan cited and approved in Case No. 2018-02 shall remain in full force and affect.