

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

CITY OF WALTHAM
BOARD OF APPEALS
CASE NO.: 2020-23

In The Matter Of Anthony Vanaria &
Sons, Inc.,

Petitioner.

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PROPOSED DECISION

After hearing and due deliberation, the Board of Appeals of the City of Waltham
voted:

To grant the variances requested in Case No. 2020-23, and incorporates by reference
the Findings of Fact, and further cites as reasons the following:

VARIANCES

That there are circumstances especially affecting this locus and the structures thereon,
which do not generally affect other lots and structures in the Commercial Zoning District in
which it is located, specifically:

1. The circumstances of the Locus, specifically its shape along with the pre-
existing structure thereon, present distinctive circumstances that are generally not found in
the neighborhood or district in which it is located.

2. A literal enforcement of the Zoning Ordinance would involve substantial
hardship to the Petitioners, both practically and financially, specifically that:
without the variance, Petitioner would not be eligible for the necessary special permit to
continue operation of its landscaping business and add to that a Yard Transfer Station and

Organic Product Storage, despite being a commercial operation located within the commercial district and which otherwise conforms to the use requirements.

3. This Petition may be granted without substantial detriment to the public good or without nullifying or substantially derogating from the intent or the purpose of the Ordinance, specifically that:

The Petitioner is seeking to continue to operate a landscaping business, Yard Waste Transfer Station and Organic Product Storage at the Locus within a commercial zoning district and requires a variance to store the business' material, product and vehicles on the Locus where most vehicles will leave the Locus in the AM and return again in the PM. Petitioner further incorporates the Traffic study by Howard Stein Hudson, a Boston engineering firm dated July 16, 2020 evidencing no significant negative impact. There will therefore be no substantial detriment to the public good.

The granting of the Variances are subject to the following conditions:

- i. 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;
- ii. All use of the Premises shall be in substantial accordance with the plan introduced as evidence during the hearing entitled: "Zoning Board of Appeals Plan Waltham Massachusetts Showing Proposed Yard Waste Transfer Station and Organic Products Storage at #44 Williams Street", dated July 7, 2020; and "Supplemental Site Plan Waltham, Massachusetts Showing Setbacks to Residential Structure at #44 Williams Street", dated July 20, 2020.