

CITY OF WALTHAM

BOARD OF APPEALS

Application of
DBC I, Inc.

For a Special Permit

Case No. 2020-11
June 23, 2020

PROPOSED FINDINGS OF FACT

The Board of Appeals of the City of Waltham makes the followings findings of fact after a hearing on the above captioned Application for a special permit:

1. This Board of Appeals, having met all legal prerequisites by proper publications and posting as provided in Massachusetts General Laws Chapter 40A, §11 and having by mail notified all parties in interest and having heard all the evidence, is now empowered to exercise the power to grant or to deny the special permit sought by the Applicant;
2. The subject of this application consists of one parcel of land consisting of 7.28 acres. This locus is situated in a Commercial Zoning District.
3. One commercial building is situated on the locus with multiple and varied tenants.

4. The locus consists of 317,116.80 ± square feet of land.
5. The locus is a part of the larger development owned and operated by the Applicant/Petitioner, DBC I, Inc. and its affiliated companies, also owned and managed by the principals of DBC I, Inc. The Duffy family has owned and managed the locus and the adjacent parcels since the 1970s.
6. The building on the locus and the parking areas thereon were constructed on or about 1973 and are nonconforming to existing requirement of the Ordinance as to FAR and parking spaces.
7. This application for a special permit is to allow the Applicant/Petitioner to alter the existing structure by removing and replacing the exterior wall of the building with a new façade wall as the building faces Waverley Oaks Road.
8. The Applicant has petitioned this Board of Appeals to grant a special permit under § 3.7222 of the Zoning Ordinance of the City of Waltham (Ordinance).
9. This Board has the power (Massachusetts General Laws §§ 6 and 14) and the authority (Ordinance §§ 3.7222 and 7.2) to grant the requested special permit.
10. As to the facts concerning the requested special permit the Board takes note of the following:

- a. The existing building on the locus was constructed pursuant to permit building no. 258 issued on June 26, 1973. The permit was issued for commercial and light manufacturing uses.
- b. A Certificate of Occupancy was issued on building permit no. 258 on August 26, 1975.
- c. The structure situated on the locus is nonconforming as to FAR and parking requirements of the Ordinance.
- d. The Locus consists of 7.28 acres of land or 317,116.80 square feet of land.
- e. The structure situated on the locus has an FAR (floor area ratio) of 0.65 where 0.28 FAR is allowed for retail uses and 0.40 for all other commercial uses.
- f. The building contains multiple tenants of various uses consisting of offices, restaurants, a brewery, a tavern, workshops, warehouse space, salons, retail stores, recreational uses, etc. All the uses are by right uses permitted in the Commercial Zoning District.
- g. The proposed alteration shall remove the existing wall on the west side of the building and replace the wall with a new glass facade. The new façade shall be

an extension of the already converted façade wall of the building on the north third of the building where the Mighty Squirrel Brewery is located.

h. The Zoning Ordinance requires one parking space for each three hundred feet of office space. The Petitioner is adding 210 square feet of gross floor area. This is an increase of 0.2 % of floor area to the building.

i. The proposed alteration shall provide a benefit to the neighborhood with the new façade as it will add a modern and aesthetic appeal to the building.

j. The new façade shall continue the updating and renovation of the building consistent with the improvements already made to the building at the Mighty Squirrel Brewery.

k. The new façade shall also compliment the other improvements to the adjacent buildings and properties owned and managed by affiliates of the Petitioner.