

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 FINDINGS OF FACT

The Board of Appeals of the City of Waltham makes the following findings of fact after hearing on the above-captioned Petition:

1. The Board of Appeals, having met all legal prerequisites by proper publications and posting as provided in Massachusetts General Laws, C. 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 deny the relief sought by Petitioner.
2. The locus is known and numbered as 44-44-R, 56 Williams Street and 114 Felton Street, Waltham, Massachusetts (collectively, the “Locus”).
3. The locus contains multiple parcels of land containing approximately 60,777+/- square feet and consists of a pre-existing, legally non-conforming, commercial building thereon. Title is held in the names of Joseph Vanaria, The Vanaria Nominee Trust and the Lee-Ang Realty Trust. Title to all the parcels is being combined into one Vanaria title holder pursuant to the current special permit.

4. Petitioner proposes to continue use of the Locus in furtherance of its established landscaping business. Petitioner intends to reduce the landscaping/snowplowing operation and add to it both a Yard Waste Transfer Station and Organic Product Storage.

5. Petitioner seeks the following variances to accomplish its proposal:

Yard Waste Transfer Station: In accordance with Art. III, § 3.641, a yard waste transfer station, as defined in Section 3.2582, shall be allowed when a special permit therefor has been granted by the City Council, provided that no such station is placed within 300 feet of any residential dwelling or structure. Here, the closest residential structure from the closest bin is 137.3 feet.

Organic Product Storage: In accordance with Art. III, § 3.642, organic product storage, as defined in Section 3.2583, shall be allowed when a special permit therefor has been granted by the City Council, provided that no such storage is placed within 300 feet of any residential dwelling or structure. Here, the closest residential structure from the truck yard is 137.3 feet.

Truck or Private Bus Terminals: In accordance with Art. III, § 3.646, a truck or private bus terminal, as defined in Section 3.249, shall be allowed when a special permit therefor has been granted by the City Council, provided that no such yard is placed within 200 feet of any residential dwelling structure. Here, the closest residential structure from the truck yard is 97.4 feet.

6. This Board has both the power to grant the variances under G.L. c. 40A, §§ 9, 10 and 14; and the authority to do so under Article VII, § 7.2 of the Ordinance, respectively.

7. Allowance of the Variances will not result in a substantial derogation from the intent and purpose of the Ordinance.