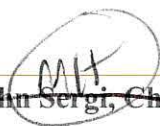


City of Waltham
Zoning Board of Appeals
March 17, 2026

The Zoning Board of Appeals held a public hearing at 7:00 P.M. on Tuesday, March 17, 2026 in the Public Meeting Room of the Arthur Clark Government Center, 119 School Street, Waltham, MA.

In attendance were  ~~John Sergi, Chair~~, and members Mark Hickernell, Acting Chair, Joseph Attardo, Matt Deveau, Glenna Gelineau and Stephen Taranto.

Acting Chair, Mr. Hickernell: We have two cases tonight Case #2026-03 and Case No. 2026-04.

Mr. The clerk read the Petition in Case #: 2026-03. Petitioner/Owner: Christina C. Chaves & Dinis Chaves. Nature Of Appeal/Petition: Variance(s). Petitioners intend to demolish the existing single- family residence and to reconstruct, use and maintain a new single-family residence. Location And Zoning District: 43 Hibiscus Avenue; Residence A-4 Zoning District. Provisions Of Zoning Ordinance Involved: §4.11 and §5.34. Specific Relief Sought:

1. §4.11 states that lots in a Residence A-4 Zoning District shall have a front yard setback of 25 feet. Here, the proposed front yard setback shall be 10 feet.
2. §4.11 states that lots in a Residence A-4 Zoning District shall have a maximum lot coverage of 25%. Here, the proposed lot coverage shall be 33.8%.
3. §4.11 states that lots in a Residence A-4 Zoning District shall have a rear yard setback of 30 feet. Here, the proposed rear yard setback shall be 12 feet.
4. §5.21 requires two parking spaces per dwelling unit or per single family residence. §5.34 states that where such required parking areas are provided per §5.21 they shall be designed and arranged so that entrance and exit from each car space may

be made without the need to move cars. Here, the two required parking spaces are provided in tandem on the driveway.

Mr. Hickernell: May we hear from the Petitioner or the Petitioner's representative, please?

Attorney Joseph M. Connors, Jr., 404 Main Street, Waltham, the Petitioner's representative, came forward.

Attorney Connors: I am here representing the petitioner, Christina C. Chaves right here in the second row and her father Dinis Chaves as well. I do have a hard copy of the pre-prepared brief to pass out to the board.

(Attorney Connors placed a copy of the plan on the board of 43 Hibiscus Ave.)

Attorney Connors: As you know the property is at 43 Hibiscus Avenue. I'll put it up on the board here. 43 Hibiscus Ave is right on the corner actually of Lake Street so it's really one lot back off of Lake Street. So if you were to head up Lexington Street, take a left on Lake Street and pass the ball field and it's up on the right in that second lot in off of that. And this is the abutter's plan that kind of highlights this locus right here at 43.

Mr. Connors then went on to read his brief into the record and went over exhibits that were attached to the brief.

Leaving the brief, Mr. Connors went over an existing conditions plan.

Mr. Connors: So this is the abutter's plan where I showed you at 43 Hibiscus. I do have an existing conditions plan which shows you what we have today but the footprint of the house is right here (referring to the plan) So the house is 20 1/2 feet by 20.25 feet. So the footprint of the house right now is about 425 square feet and it's a single story. So we are proposing to demolish that and then to construct a home on the lot with a little bit of a bigger footprint, ten foot setback from the front yard with a four foot porch, with a covered porch of 4 feet but it's basically a square, it's a little bit greater. Presently it's only a five foot setback in the rear lot, twelve in the setbacks on the side.

(Mr. Connors submitted a set of six photos for each member.)

Mr. Connors: The first photo is the home. That's just the front view of the home. And you will see that the home to the left is just an abutter on Hibiscus Avenue but you can see it's a small home.

Mr. Connors went back to reading his brief.

The history of the property is truly unique. I've attached a copy of the street card as Exhibit A. Exhibit A tells us in May 1 of 1928 a permit was issued to Helen Blanchard to build a two car garage. So in 1928, we have a two car garage on the lot. And that's what it is until 1950 when it tells us on Exhibit A that in February 15, 1950 Marjorie LeBlanc was given a permit to remodel the garage into a single dwelling. So it starts out as a garage in 1928 and twenty-two years later it's converted into a single family dwelling. That's Exhibit A.

I have also attached an Exhibit B, a copy of the old lot status of the property but I wanted to call your attention to what we originally started out with was in Exhibit C is a 5000 square foot lot, Lot 96 in the Mount Lake Villa Subdivision from the 1920's. So originally, if you go to Page C-2 right here, you see this is the original lot 96. It was a 5000 square foot lot and this is a close up of the Mount Lake Subdivision plan. But then in 1950, Marjorie LeBlanc petitioned and was granted permission to subdivide the 5000 square foot lot into two lots. The corner lot, became Parcel B, 3150 square feet and then the back lot Parcel became our locus 2070 square feet. So according to Exhibit A, we have a two car garage. In 1950 the two car garage is remodeled into a single family. In 1950 the locus lot is subdivided from a 5000 square foot lot into a singular lot for 2070 square feet. So we have a unique property, an old garage converted into a single family dwelling on a lot that is on a small lot to begin with but then is subdivided into an even smaller lot. No changes to the footprint have been made since 1928 as far as I can see based on the building department records and the street card for the property. The only improvement to the property was made in 1993 when they added some vinyl siding. In 1983 Mrs. LeBlanc conveyed the property to a Bernadette Pintabone who resided there in 2010.

Mr. Connors: I have also attached Exhibit E. Turn to Exhibit E in your brief. This is the footprint and the design of the home as it is today. It has a living area, a bedroom, kitchen and the little square area here which is the bathroom.

Mr. Connors went on to read the remainder of his brief into the record.

Mr. Connors: So that is my presentation Mr. Chairman and members of the board. I am open to any questions you may have.

Mr. Hickernell: I'm not sure how it originally got subdivided given the size of the lots, but what's done is done. I understand that. Are there any questions from the board?

Mr. Taranto: Is there any type of information from neighbors?

Mr. Connors: Ya, I did actually attach, there's a couple of neighbors on the last page of the brief that they did sign off on it.

Mr. Connors asked the petitioner from the audience, Are there any other neighbors that you spoke to other than these two?

(The petitioner did not come up to the microphone.)

Your comment, Mr. Hickernell, I tried to figure that out how did it get it because it says a petition for approval. It almost isn't. I couldn't find anything but it's recorded at the Registry of Deeds and a permit was issued and here we are.

Mr. Hickernell: Indeed. Anybody else? Hearing none. Is there anybody in the audience who is against the petition as presented and wishes to be recognized?

Seeing none. Anybody seeking information about this petition?

Seeing none. Anybody in favor of the petition as presented who wishes to be recognized. A show of hands is appropriate.

(Two people raised their hands in favor.)

Mr. Hickernell: Have there been any changes made to the Proposed Findings of Fact or the Proposed Decision since you submitted them.

Mr. Connors: No, but I would like to just make one minor amendment as I am looking at it. So the Proposed Findings of Fact and the Decision are the same that I emailed to the board a couple of weeks back but I do note that on Page two of my Findings of Fact, I referenced the parcel as Parcel B when it's actually Parcel A, on Page 3 line 1.

Mr. Hickernell: Can you submit that to Pam?

Mr. Connors: Yes.

Mr. Hickernell: All right, we'll move on to the next session of the hearing on this particular petition.

May I have a motion to waive the reading of the Proposed Findings of Fact and Decision?

On motion of Mr. Deveaux, seconded by Mr. Taranto, the board voted to waive the reading of the Proposed Findings of Fact and the Proposed Decision.

Mr. Hickernell: So we have waived the reading of the Proposed Findings of Fact and the Proposed Decision.

May I have a motion on the Proposed Findings of Fact as corrected?

On motion of Mr. Taranto, seconded by Mr. Deveaux, the board voted that the Proposed Findings of fact, as corrected, be the Findings of Fact of the board.

Roll call: Mr. Taranto, yes Ms. Gelineau, yes; Mr. Deveaux, yes; Mr. Attardo, yes and Mr. Hickernell, yes.

Mr. Hickernell: Is there a motion on the Proposed Decision?

On motion of Mr. Taranto seconded by Mr. Deveaux, the board voted that the Proposed Decision be the decision of the board.

Roll call: Mr. Taranto, yes Ms. Gelineau, yes; Mr. Deveaux, yes; Mr. Attardo, yes and Mr. Hickernell, yes.

Mr. Hickernell: Congratulations!

Mr. Hickernell: Will the clerk please read the Petition in Case No. 2026-04?

The clerk then read the Petition in Case #: 2026-04. Petitioner/ Owner: Branden & Margret Roumanis. Nature Of Appeal/Petition: Variance(s). Subject Matter: To allow for the construction of a two and a half story, single-family home with an attached garage that will encroach in both the front and rear yard setbacks. Location And Zoning District: 103 Clark Lane; Residence A-2 Zoning District. Provisions Of Zoning Ordinance Involved: §4.11. Specific Relief Sought: Petitioners require relief for construction of a single-family home that will sit 19.3 feet from the front yard lot line where 40 feet is required and 20.4 feet from the rear-yard lot line where 40 feet is required.

Mr. Deveau: I do need to make a statement. My parents live at 55 Clark Lane. They've lived there since 1986, so I'm familiar with the neighborhood and the area in general. I do believe I can be objective in my decision.

Mr. Hickernell: Thank you for that disclosure.

Mr. Hickernell: May we hear from the Petitioner or the Petitioner's representative, please.

Attorney Bret Francis, Law Office at 10 Hammer Street, Waltham came forward and presented each member with a copy of his brief.

Mr. Francis: Good evening Acting Chair Hickernell and members of the board. I am here tonight on behalf of the petitioners Branden & Margret Roumanis.

(Mr. Francis went on to read his brief into the record.)

Mr. Francis: And you can see on the site plan submitted, actually they show the envelope of what could be built by right and you can see that it's approximately 10 feet on the eastern side.

Mr. Francis went on to read his brief into the record.

~~**Mr. Francis:** And with that, I do have some renderings these are both elevations as well as really nice sketches.~~

And lastly, they did have a chance to reach out to their abutters. They did get a lot of signatures. I do have here a map explaining the houses that they went to and the responses that they got as well as their signatures and they are here available to answer any questions you may have.

With that I'll wrap up my presentation and answer any questions that the board might have.

Mr. Hickernell: Thank you for the presentation. Are there any questions or comments from the board? Hearing none, I'll open it up to the audience.

Is there anybody in the audience that is against the petition as presented and would like to be recognized?

Seeing none, is anybody seeking information?

Ronnie Souza, 64 Worcester Lane, Waltham: I was talking with Margaret and Brendan and my biggest concern is the water level. All the houses in the neighborhood get water in their cellars. Their existing house used to get water. The neighbor's house got

water. My neighbor got water. I got water. Where is the run off going to be? Are there going to be catch basins? What is the situation with the water?

Mr. Hickernell: Would you like to respond to that?

Mr. Francis: Sure. As you guys may know, all new construction in the City of Waltham requires one hundred percent of run-off to be contained on the property. The house actually, I believe, suffers the greatest from and there is no doubt, there is flooding is the abutter across the street at 80 Clark Lane, Frank Valentino, who is also here tonight. He has more drainage on his property than I think the entire street of Clark Lane. But as a result of this project that situation is only going to get better. This is a zoning hearing not a building code, not a conservation but the building department requires one hundred percent of run-off contained on the property whether that be through drainage pits or whatever it is that they decide and we are not seeking any relief for that.

Ms. Souza: What about the driveway? The driveway that is close to the abutters and where would the run off go?

Mr. Francis: There will probably be drains at the end of the driveway. I don't know. I'm not an engineer but I do know that one hundred percent of run-off is to be contained on the property. All new construction in the city requires that. So there will be no run-off. However that's done and I don't want to speak out of turn but however that's done that will be done.

Ms. Souza:: Will the type of the building be compared to the existing one the height of it? I know it's two stories.

Mr. Francis: The maximum of district is 35 feet. Their current house is 23.3 and this one is proposed to be 31. So it will be just over eight feet taller.

Ms. Souza: Will the foundation be higher?

Mr. Francis: He's the engineer. If you want to come up and answer that.

Daniel Staats, an associate of Latady Design, 6 Chestnut Street, Amesbury, MA: We are the architect on this project. And to answer your question, yes, the first floor level will be higher. We don't want to lower the basement floor level, so that won't be lowered. Most of the height will be coming from the first floor being raised and then the first floor ceiling will also be a little bit higher. We are not going to go down at all lower than what is currently.

Mr. Hickernell: So, is there anybody else seeking information? Seeing none. Is there anybody in the audience in favor of the petition that would like to be recognized? Please raise your hand.

(Six people raised their hand in favor.)

Mr. Hickernell: Is there any of those that wish to be heard or are you just satisfied to just demonstrate your support?

Is there anything from the board. Hearing none, we'll close that portion of the hearing.

Have there been any changes to the Findings of Fact and the Proposed Decision that you submitted to the Law Department?

Mr. Francis: No.

Mr. Hickernell: May I have a motion to waive the reading of the Proposed Findings of Fact and the Proposed Decision.

On motion of Mr. Taranto, seconded by Mr. Attardo, the board voted to waive the reading of the Proposed Findings of Fact and the Proposed Decision.

May I have a motion on the Proposed Findings of Fact?

On motion of Mr. Taranto, seconded by Mr. Attardo, the board voted that the Proposed Findings of Fact be the Finding of Facts of the board.

Roll call: Mr. Taranto, yes, Ms. Gelineau, yes; Mr. Deveau, yes, Mr. Attardo, yes and Mr. Hickernell, yes.

Mr. Hickernell: May I have a motion on the Proposed Decision.

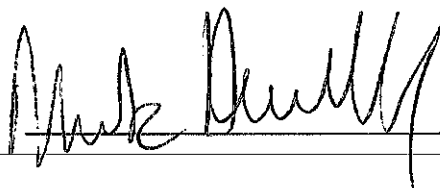
On motion of Mr. Taranto, seconded by Mr. Attardo, the board voted that the Proposed Decision be the Decision of the board.

Roll call: Mr. Taranto, yes Ms. Gelineau, yes; Mr. Deveau, yes; Mr. Attardo, yes and Mr. Hickernell, yes.

Mr. Hickernell: Congratulations! Good luck!

One more motion is in order.

On motion of Mr. Deveau, seconded by Mr. Taranto, the board voted to adjourn at 7:39 P.M.

A handwritten signature in black ink, appearing to read "Mark Deveau", written over a horizontal line.

29 MARCH 2026