

City of Waltham
Zoning Board of Appeals
April 7, 2026

The Zoning Board of Appeals held a public hearing at 7:00 P.M. on Tuesday, April 7, 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, Matt Deveaux, Glenna Gelineau and Kathleen McMenimen.

Mr. Sergi: Tonight we have two new cases.

The first order of business tonight is to approve the minutes of March 31, 2026. If I could have a motion to approve the minutes of March 31, 2026 please?

On motion of Mr. Deveaux, seconded by Ms. Gelineau, the board voted to approve the minutes of March 31, 2026.

Mr. Sergi: So the minutes of March 31, 2026 have been approved. Thank you.

The first case we are going to hear tonight is Case 2026-07. If the clerk would be kind enough to read the petition, please.

The clerk then read the petition in Case #: 2026-07. Petitioner: Alan Wilhelm & Alexandra Clee Owner: The Wilhelm-Clee Family Trust. Nature Of Appeal/Petition:

Variance(s). Subject Matter: To allow for the construction of a basement addition to the rear of the existing home beneath the existing rear deck. **Location And Zoning District:** 34 Edwin Road; Residence A-4 Zoning District. **Provisions Of Zoning Ordinance Involved:** § 4.11 **Specific Relief Sought:** Petitioner proposes a basement addition beneath the existing rear-yard deck that will increase the lot coverage to 27.4%. Petitioners seek to confirm the front-yard setback that is not proposed to change by this project.

Mr. Sergi: ~~Thank you Matt. May we hear from the petitioner or the petitioner's representative, please?~~

Attorney Bret Francis, Law office at 10 Hammer Street, Waltham came forward.

Mr. Francis: Good evening Chair and members of the board. First, I would like to welcome board member McMenimen to the board.

I am here tonight on behalf of the Petitioners, Alan Wilhelm & Alexandra Clee as the Trustees of the Wilhelm Clee Family Trust. Mr. Wilhelm is here tonight. Ms. Clee couldn't make it.

(Mr. Francis submitted a copy of his brief to each member of the board and submitted some renderings of the proposed project. He then went on to read his brief into the record.)

Mr. Sergi: So, counselor, you will be doing a basement with this as well?

Mr. Francis: There is a basement. They will be expanding the basement as well.

Mr. Sergi: That's what I mean, but you will expand the foundation?

Mr. Francis: Yes.

Mr. Sergi: Okay, that's how you are going to do it.

Mr. Francis: Yes.

Mr. Sergi: And are you demolishing the current deck or are you just going to add

on.

Mr. Francis: No. That will have to go.

Mr. Sergi: I assume you talked to the abutters?

Mr. Francis: Well, there's a story there. They went to speak with the one on the left. The one that you can see the side that the addition on. And they had actually left the country. They are in China but they were able to communicate with them and they have no problem. They were going to sign off on the sheet but they had left before they had a chance to bring it over to them. So I mean he can speak to it if he wants to come up but he did speak with that neighbor specifically.

Mr. Sergi: Okay. Nobody's here. No one has complained that you know of?

Mr. Francis: No, especially not them.

Mr. Sergi: That's all the questions I have for now. I'll open it up to the board. Ms. McMenimen, do you have any questions?

Ms. McMeniman: I do, thank you very much, Mr. Chair. So I went down Sunday and I took some pictures of this house. My question has to do with in the pictures that I

have, so the house is basically a rectangular house with an addition in the back. Does that addition have living space currently in it and then there's a deck behind that?

Mr. Francis: You mean this off, square piece (referring to the plan)?

Ms. McMenimen: So there's a two story house existing and then behind that there is - - -

Mr. Francis: That's a garage.

Mr. Sergi: Why don't you come up and state your name and address.

Alan Wilhelm, 34 Edwin Road, Waltham: I believe what you are referring to is the owners during the 80's put in an addition on the back of the house which is what we refer to as a family room.

Ms. McMenimen: So that's what I wanted to ask you. So looking at either of the side yard and I understand the front yard variance and the lot size variance, but the question I have is there's already living space behind the established rectangular portion of the house, is the basement finished down below that?

Mr. Wilhelm: Yes. As part of that addition the basement was expanded.

Ms. McMenimen: So you're going to add on to the basement further out so, therefore, that basement and the new space underneath the deck, so you will add that so you will have another living apartment for your mother-in-law.

Mr. Wilhelm: Yes, the proposed addition to the basement will be on the side - - -

Ms. McMenimen: And where will the entrance to that be?

Mr. Wilhelm: There will be the entrance, there's a bulkhead at the rear of the house which goes below that family room and they are going to turn that into an entrance with a door.

Ms. McMenimen: I hope you have a better door than a a bulkhead. I could never open a bulkhead.

Mr. Wilhem: But there's stairs there.

Ms. McMenimen: Okay. And in addition to that, so then above that you will put a deck.

Mr. Wilhem: There's a deck on the side next to that addition from the 80's and that deck needs to come out in order to do this new basement addition and that deck will be replaced.

Ms. McMenimen: So it will be above the addition?

Mr. Wilhem: Yes.

Ms. McMenimen: Okay. I have no further questions. Thank you very much.

Mr. Sergi: Glenna, do you have any questions?

Ms. Gelineau: I'm just curious. It's not really a question, but if it's below the deck, what's on top of the addition, what material?

Mr. Francis: I believe it will be like a rubber - - -

Ms. Gelineau: Oh, okay.

Mr. Francis: Because it will be flat under there.

Ms. Gelineau: I was just curious because you can't have grass. Okay.

Mr. Sergi: Matt?

Mr. Deveaux: No questions.

Mr. Sergi: Mark?

Mr. Hickernell: No questions.

Mr. Sergi: I don't have any further questions. So, I'll open it up to the audience.

Is there anyone in the audience that is against the petition as presented tonight?

Seeing none. Is there anyone in the audience seeking information?

Seeing none. Is there anyone in the audience that is in favor of the petition or would like to speak or a show of hands?

(The petitioner raised his hand in favor.)

Mr. Sergi: With that done, counselor have you changed and of the Findings of Fact or the Proposed Decision since you've filed it?

Mr. Francis: No. They've both been on file for two weeks and no changes have been made.

Mr. Sergi: Since they have been on file and we've had a chance to read it, is there a motion to waive the reading of the Proposed Findings of Fact and the Proposed Decision?

~~On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to waive the reading of the Proposed Findings of Fact and the reading of the Proposed Decision since they have been on file and available for public inspection.~~

Roll call: Ms. McMenimen, yes Ms. Gelineau, yes; Mr. Deveaux, yes; Mr. Hickernell, yes and Mr. Sergi, yes.

Mr. Sergi: So we've waived the reading of the Proposed Findings of Fact and the Proposed Decision since they have been on file and we've read them .

With that done, may I have a motion on the Proposed Findings of Fact as presented tonight?

On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted that the Proposed Findings of Fact be adopted by the board as the board's Findings of Fact.

Roll call: Ms. McMenimen, yes Ms. Gelineau, yes; Mr. Deveaux, yes; Mr. Hickernell, yes and Mr. Sergi, yes.

Mr. Sergi: In a similar fashion, may I entertain a motion on the Proposed Decision as presented?

On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted that the Proposed Decision be adopted by the board as the board's decision in this matter.

Roll call: Ms. McMenimen, yes Ms. Gelineau, yes; Mr. Deveau, yes; Mr. Hickernell, yes and Mr. Sergi, yes.

Mr. Sergi: It is granted and good luck!

Okay the second case we are going to hear tonight is Case No. 2026-09, Petitioner/Owner: Ryan & Alicia Foley. Will the clerk please read the petition, please?

The clerk read the petition in Case #: 2026-09. Petitioner/Owner: Ryan & Alicia Foley. Nature Of Appeal/Petition: Variance(s). Subject Matter: Petitioners intend to construct, use and maintain a full second story addition on the existing single-family residence. Location And Zoning District: 1187 Trapelo Road; Residence A-3 Zoning District. Provisions Of Zoning Ordinance Involved: § 4.11 Specific Relief Sought: §4.11 states that lots in a residence A-3 Zoning District shall have a front yard setback of 25 feet. Here, the proposed front yard setback on Sheffield Road shall be 22.5 feet.

Mr. Sergi: Thank you. May we hear from the Petitioner or the Petitioner's representative, please.

Attorney Joseph M. Connors, Jr., 404 Main Street, Waltham, the Petitioners' representative came forward and presented each member of the board with a copy of his brief and some photos that were also emailed to the board.

Mr. Connors: I am here representing the petitioners, Ryan Foley and Alicia Foley and they are here in the second row right here joined with Anthony Scaltreto and Clair,

Alicia's father but he is also the designer and the contractor that will probably do the construction.

Mr. Connors went on to read his brief into the record along with going over the photos and the existing conditions plan.

Mr. Sergi: So in total, you have four bedrooms?

Mr. Connors: Right.

Mr. Sergi: And you already have that existing setback.

Mr. Connors: We're not affecting that. We are not increasing that at all. We are simply going straight up. Lot coverage will go up from our zoning legend it says it remains the same but it actually will go up from 17.7 to 18.4, it's still well below - - -

Mr. Sergi: That's because of the mud room, right? How large is the mud room?

Mr. Connors: 7.7 to 18.12 square feet. I did have a surveyor revise it. He put it in red just to show that the lot coverage went from 17

Mr. Connors: Right the mud room and I think the surveyor forgot about the mud room initially. So I did have him revise the plan so the only revision to the plan is the zoning legend where we corrected the legend and it says rather than 17.7 it's 18.1.

Mr. Connors went on to read his brief.

Mr. Connors: So that's a quick summary of my brief. As I stated, I have Exhibit A a street card, Exhibit B is a GIS. I also have renderings of the property. So I have

renderings that will show the elevations of the several sides and then a floor plan for the first floor and a floor plan for the second floor.

So Anthony drew these up and he's the contractor and a licensed construction supervisor and the father of Alicia. As I said, he will be the contractor so he prepared these and really the home is going to replicate as it is but a much higher elevation as you can see but still it will conform to the requirements of the heights table. So we have the west elevation, south elevation, east elevation and the north elevation and then we have a proposed first floor plan that shows the old bedroom now going to be expanded to a living area, another old bedroom and a kitchen. The second floor, if you compare that to the prior plan that I showed you, it showed kind of a smaller bedroom and the eaves taking up a lot of the space now we will have three full bedrooms and two full baths, one off the master bedroom and one common bathroom.

Mr. Sergi: So in total, you will have four bedrooms?

Mr. Connors: Right. This will be a four bedroom home. It's going from a four bedroom to a four bedroom.

Mr. Sergi: And you already have that existing setback.

Mr. Connors: Yes and we're not affecting that. We are not increasing it all. We are simply going straight up. The only increase is over here (referring to the plan) which again is the thirty foot setback required to a thirty-three.

Mr. Sergi: How large is the mudroom?

Mr. Connors: Seventy two square feet, one story. And I did have a surveyor revise that. He put it in red just to show the lot coverage is going up from 17.7 to 18.4 but it's still well below the 25 that is required.

So my decision would have to change to reflect the revision date.

Mr. Sergi: When you put the addition on, the siding is going to remain about the same?

Mr. Connors: There will probably be new siding because I think the original siding was from 1951 which was aluminum siding so they would probably want to modernize that.

Mr. Sergi: Okay. So it will conform to the neighborhood, right?

Mr. Connors: Yes. It will probably replicate what's there but it just won't be aluminum.

Mr. Sergi: I don't have any further questions. I'll open it up to the board. Cathy do you have any questions?

Ms. McMenimen: I have a couple. Thank you very much. Attorney Connors, I've done this to my own house so I have an idea of exactly what they're doing except that I don't have the luxury of a beautiful bathroom upstairs. My old bathroom is still there. But a couple of questions related to that. The front of the house will still have the two dormers that are there. It's only the back of the house that you are squaring off?

Mr. Connors: No. The whole footprint is going straight up.

Ms. McMeniman: So they are taking the two dormers out. I didn't do that. We didn't do the front we did the back.

Mr. Connors: So you see, the dormers are gone (referring to the plan) so here's my roof line. The dormers are all gone so basically they are going to make a bigger cube.

Ms. McMenimen: The next questions that I have, it now that gives me a different reflection here. So currently existing in that house, what is the total square footage of the house approximately?

Anthony Scaltreto 128 Copeland Street Waltham: I'm Alicia's father. The existing house right now is 24 x 30 so it's 720 square feet. That's what it is now.

Ms. McMenimen: My daughter's first condo was 720 square feet. I know exactly what that means. So now that you are going to square the entire second floor off, not only keep the front two dormers and square off the back but you are going to put the exact footprint on the second floor that you have on the first floor. What will that add to your entire square footage? So the house will be what? Fourteen or fifteen hundred square feet.

Mr. Scaltreto: Roughly fifteen hundred.

Ms. McMenimen: And this next question is for Attorney Connors. Because when I was reading this earlier, or maybe you have the answer, I spoke to Ms. Doucette in the office because first of all this was lot one of a subdivision that was built first and I'm not quite, I mean, I know all the subdivisions in the city, I've studied them all, I don't quite understand why this was lot one was built with a kiddy corner instead of a square off house. Do we have any idea how the happened?

Mr. Connors: If you look around the neighborhood, there's only one other house that did the same thing.

Ms. McMenimen: That's on Essex Street.

Mr. Connors: No, the one on the opposite corner.

Ms. McMenimen: The house on Essex Street is the same thing.

Mr. Connors: Most of the others, you'll see on the abutters plan, most of the others are squared off except for that one. That's kiddy corner too.

Ms. McMenimen: I'm trying to figure this out in terms of the subdivision application but when the subdivision was created, when this house was created, what you read, Attorney Connors was which I don't quite understand even though I looked at the zoning book two front yards one is on Sheffield the other one is on Trapelo. Can you explain how that happened?

Mr. Connors: The zoning regulations says if you sit on a corner lot you have to comply with the front yard on each corner. So it's because of the zoning regulations that we have two front yards. So the actual front door is on Trapelo Road because it looks at the corner. So that's how I ended up with is this my side yard (referring to the plan) and this is my rear yard. I mean the interpretation of the zoning officer because he's going to say under the zoning ordinance I have two front yards because I'm on a corner but my front door is going to determine where my rear yard is.

Ms. McMenimen: And so, this is new to me and it's quite interesting, I'm just putting my mind throughout the rest of the city in terms of this description and so, therefore, its not the usual north, south, east, west side yard, front yard and back yard

setback that most corner lots in the city have but its very unusual. And so you're looking for the relief entirely to put this whole second floor on in a residential neighborhood as a family. Thank you. I'm finished with my questions.

Mr. Sergi: Glenna, do you have any questions?

Ms. Gelineau: I bet they did it just to be aesthetic. There's no other real reason, I don't think.

Mr. Connors: Because I think they would put it on Sheffield because it would be a side street.

Ms. Gelineau: I know, but I'm sure they just thought it was different. But am I right in thinking you wouldn't have to be here if they did front it on Trapelo or Sheffield? They wouldn't even have to be here.

Mr. Connors: Right.

Ms. Gelineau: So that is a hardship.

Mr. Sergi: Matt?

Mr. Deveau: No questions.

Mr. Sergi: Mark?

Mr. Hickernell: No questions.

Mr. Sergi: I don't have any further questions.

Mr. Connors: I do have a list of abutters in favor. I think they got everybody in north Waltham.

Mr. Sergi: I'll open it up to the audience. Is there anybody in the audience that is against the petition as presented tonight.

Seeing none. Anyone seeking information?

Seeing none. Anyone in favor of the petition as presented?

(Six people raised their hand in favor.)

With that part of the hearing done, we'll go to the reading of the Proposed Findings of Fact and the Proposed Decision.

So I have to ask, Counselor, have you changed anything in the petition or the in findings of fact or the decision since you filed it?

Mr. Connors: I would just orally ask to amend the Proposed Decision to reflect the revised date of that plan that I just submitted to you.

So the Proposed Site plan is dated January 6, 2026, Revised April 3, 2026.

Mr. Sergi: What page?

Mr. Connors: Page 3 of the Proposed Decision, Condition 2A.

Mr. Hickernell: So if you would just add, comma, Revised April 3, 2026.

Mr. Sergi: Is that the only change.

Mr. Connors: That's the only change. There's no change to the Proposed Findings of Fact.

Mr. Sergi: With that said, may I entertain a motion to waive the reading off the Proposed Findings of Fact and the Proposed Decision as amended.

On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to waive the reading of the Proposed Findings of Fact and the Proposed Decision as amended as they have been on file and available for public inspection except for the revision which was done orally tonight.

Roll call: Ms. McMenimen, yes; Ms. Gelineau, yes; Mr. Deveaux, yes; Mr. Hickernell, yes and Mr. Sergi, yes.

Mr. Sergi: So we've waived the reading of the Proposed Findings of Fact and the Proposed Decision as amended since they have been on file.

So with that said, may I entertain a motion on the Proposed Findings of Fact as presented.

On motion of Mr. Hickernell seconded by Ms. Gelineau, that the board adopt the Proposed Findings of Fact as its own Findings of Fact in this matter.

Roll call: Ms. McMenimen, yes Ms. Gelineau, yes; Mr. Deveaux, yes; Mr. Hickernell, yes and Mr. Sergi, yes.

Mr. Sergi: In a similar fashion, may I entertain a motion to accept the Proposed Decision as amended tonight with that additional comment as we heard it.

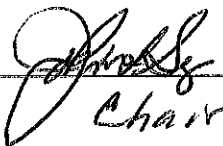
On motion of Mr. Hickernell, seconded by Ms. Gelineau, that the board adopt the decision, as amended tonight, as the board's decision in this matter.

Roll call: ~~Ms. McMenimen, yes Ms. Gelineau, yes; Mr. Deveau, yes; Mr. Hickernell, yes and Mr. Sergi, yes.~~

Mr. Sergi: Congratulations. Good luck with it.

One motion is in order.

On motion of Mr. Deveau, seconded by Ms. Gelineau, the board voted to adjourn at 7:43 P.M.

 4/14/26
Chair