

City of Waltham
Zoning Board of Appeals
May 5, 2026

The Zoning Board of Appeals held a public hearing at 7:00 P.M. on Tuesday, May 5, 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 Stephen Taranto.

Mr. Sergi: Tonight we have one new case and we are going to continue a case.

The first order of business is to approve three sets of minutes. The first set of minutes is the Executive Session of April 28, 2026 and the minutes of the April 28th meeting. 2026 and the minutes of the April 30, 2026 meeting. So if I could have a motion to approve all three sets of minutes.

On motion of Mr. Taranto, seconded by Ms. Gelineau, the board voted to approve the minutes of the Executive Session of April 28, 2026, the minutes of the April 28, 2026 and the minutes of the April 30, 2026.

Mr. Sergi: So we have approved those three sets of minutes.

So why don't we go tonight with the 245-265 Winter Street Comprehensive Permit Application. If we could hear from the Petitioner or the Petitioner's representative, please.

Attorney Philip B. McCourt, 272 Bacon Street, Waltham came forward.

Attorney McCourt: So last time you were gracious to put it on tonight, the 5th, and at that point I thought that the developer was open for every night and that happened to be the one night that he couldn't. So we had discussed at the last meeting putting in the 12th but I'm here to formally ask that you continue the case to next Tuesday night.

Mr. Sergi: Okay. Any questions of board members? Hearing none, may I have a motion to continue this case until May 12, 2026?

On motion of Mr. Deveaux, seconded by Mr. Taranto, the board voted to continue this case to May 12, 2026.

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

Mr. McCourt: Thank you very much. See you next week.

Mr. Sergi: The next case on the docket tonight is Case No. 2026-12. Would the clerk please read the petition?

The clerk read the Petition in Case #: 2026-12. Petitioner/ Owner: Michael & Catrina Rueckwald Nature Of Appeal/Petition: Variance. Subject Matter: To allow for the construction, maintenance and use of a second story over the existing single-story home (with overhangs) as well as a mudroom to the side and a covered porch, that will sit in both the front and rear yard setbacks. Location And Zoning District: 61 Hillcroft Road; Residence A-3 Zoning District. Provisions Of Zoning Ordinance Involved: § 4.11 and 4.221. Specific Relief Sought: Petitioners propose an addition that will sit 21.7 feet from the front-yard lot line where 25 feet is required; and 14.7 feet from the rear-yard lot line where 30 feet is required. Due to the proposed dormer, the structure is deemed three (3) stories

where 2.5 stories are allowed. In addition, the proposed mudroom will sit 9.7 feet from the pre-existing detached garage, where 10 feet is required.

Mr. Sergi: 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 and attached a plan on the board.

Attorney Francis: I am here on behalf of the Petitioners, Michael and Carina Rueckwald who are here tonight.

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

Attorney Francis: They were able to meet with their neighbors and I do have the sign-off sheet and an exterior plan showing the rendition.

Mr. Sergi: So most of the changes in the setback are due probably the overhangs and the front entrance way that was protruding out of the house.

Attorney Francis: That is correct.

Mr. Sergi: It's not necessarily the whole house.

Attorney Francis: That is correct, just the overhangs. At the ground level, it will be the same as the second floor.

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

Steve, do you have any questions?

Mr. Taranto: No, I don't.

Mr. Sergi: Glenna?

Ms. Gelineau: No.

Mr. Sergi: Matt?

Mr. Deveaux: No questions.

Mr. Sergi: Mark?

Mr. Hickernell: No.

Mr. Sergi: So let me open it up to the audience. Is there is anyone in the audience that is against the petition as presented?

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 as presented. A show of hands would be fine.

(Three people raised their hand in favor.)

Mr. Sergi: Counselor, the Proposed Findings of Fact and the Decision they have been on file. Have you made any changes?

Attorney Francis: I have not. There was an email.

Mr. Deveau: It refers to a different address.

Mr. Sergi: That's this address?

Attorney Francis: We figured it out that it's our case. Pam was able to deduce from

Mr. Hickernell: The description of the variances is for same assistance.

Attorney Francis: They don't mention the address but they do mention enough of the relief sought.

Mr. Sergi: My error. Matt, why don't you read it into the record.

The clerk read the email dated May 1, 2026 from a Joanna Londen into the record.

Mr. Sergi: Counselor, she doesn't give an address. Where is she?

Attorney Francis: She is, we were able to determine by the name, she lives on 8 Hatherly Road.

Mr. Deveau: That's like down and across the street, right?

(Mr. Francis went before the board to show them where Ms. London is located.)

Mr. Deveau: So she's not an abutter, not a direct abutter.

Attorney Francis: She's across the street.

Mr. Sergi: But your direct abutter signed off.

Attorney Francis: I was a little surprised when we got the email yesterday through Pam. I would just know, it doesn't tell from the language that it doesn't look like she fully understands. We are not going from thirty down to 14.7. We're going from 16.1 down to 14.7. It's not a new construction. And as far as the height, three stories, they're not allowed but, again, we're under the height limit so and it's only because in the rendition, the dormer wall, if the front of that wall is over three feet, it's no longer a half story. Now we were given the option to make it a gable. For some reason the gable is allowed but a dormer more than three feet is now considered a full story. So, I'm sure that this is the first of a couple of pieces and that's what you will be seeing in the future. Again, it's three feet below the height limit. So it's not dense.

Mr. Sergi: When I saw that it was mostly due to the overhangs and the front entrance. So, I don't, okay.

So to go back to my question, you have not changed anything in the Proposed Findings of Fact or the Proposed Decision since you filed them?

Attorney Francis: No, they have been on record for about a month.

Mr. Sergi: May I have a motion to waive the reading of the Proposed Findings of Fact and the Proposed Decision since they have been on file and we have had a chance to read them.

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

Roll call: Mr. Taranto, 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.

On the Proposed Findings of Fact, may I have a motion on the Proposed Findings of Fact as presented tonight.

On motion of Ms. Gelineau, seconded by Mr. Deveaux, the board voted that the Proposed Findings of Fact as presented become the Findings of Fact of the board.

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

Mr. Sergi: Similar fashion, may I have a motion on the Proposed Decision as presented tonight.

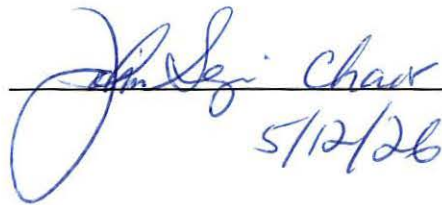
On motion of Ms. Gelineau, seconded by Mr. Deveaux, the board voted that the Proposed Decision becomes the decision of the board.

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

Mr. Sergi: Congratulations! Good luck!

One more motion is in order.

**On motion of Mr. Deveau, seconded by Mr. Hickernell, the board voted to adjourn
at 7:18 P.M.**

 John Sergi Chair
5/12/26