

**City of Waltham**  
**Zoning Board of Appeals**  
**May 19, 2026**

**The Zoning Board of Appeals held a public hearing at 7:00 P.M. on Tuesday, May 19, 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 Joseph Attardo, Matt Deveau, Glenna Gelineau, and Stephen Taranto.**

**Mr. Sergi: Tonight we have two new cases and an extension request.**

**The first order of business tonight is to approve the minutes of May 12, 2026. May I have a motion to approve the minutes of May 12, 2026, please?**

**On motion of Mr. Taranto, seconded by Ms. Gelineau, the board voted to approve the minutes of May 12, 2026.**

**Mr. Sergi: So the May 12, 2026 minutes have been approved.**

**All right, why don't we start off with the extension request and get that out of the way. So if we could hear from the Counselor on Case 2024-29.**

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

**Attorney Francis: I am here on behalf of the Petitioner, Michael Smith who got a decision in his favor back in 2024-29 case and is now seeking a six month extension. This is the second extension. The first was due to employment at that time but he's since rectified**

**that situation and it's now a matter of a contractor, but he is going forward and I don't anticipate any further delays and he is available to answer any questions anyone may have.**

**Mr. Sergi: So this wasn't a result of the building department or - - -**

**Attorney Francis: Personal issues.**

**Mr. Sergi: I'll open it up to the board. Any questions?**

**Mr. Sergi: Steve?**

**Mr. Taranto: No, none.**

**Mr. Sergi: Glenna?**

**Ms. Gelineau: No.**

**Mr. Sergi: Joe?**

**Mr. Attardo: No.**

**Mr. Sergi: Matt?**

**Mr. Deveau: No.**

**Mr. Sergi: I don't have any questions, so let's keep it to this extension. It's going to be very difficult to get a further extension on this case.**

**May I have a motion on the request as presented?**

**On motion of Mr. Taranto, seconded by Mr. Attardo, the board voted to grant an additional six month extension.**

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

**Mr. Sergi: So we have extended it to an additional six months.**

**Attorney Francis: Thank you.**

**Mr. Sergi: Good luck!**

**Okay, the second case we are going to hear tonight is Case 2026-13, Petitioner/ Owner Ethan Harris. If the clerk would be kind enough to read the case, please?**

**The clerk read the Petition in Case #: 2026-13. Petitioner/ Owner: Ethan Harris. Nature Of Appeal/Petition: Variance. Subject Matter: To allow for the construction of a three-story addition in the rear of the existing single-family home. Location And Zoning District: 14 Villa Road; Residence A-3 Zoning District. Provisions Of Zoning Ordinance Involved: § 4.11. Specific Relief Sought: Petitioner requires relief for a three-story addition, where 2.5 stories are allowed. The addition is three stories as a result of the partially exposed basement due to the declining topography.**

**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.**

**Attorney Francis presented to each member of the board a copy of his brief and a sheet showing the two foot contours.**

**Attorney Francis: I am here tonight on behalf of my client, Ethan Harris, the Petitioner.**

**Attorney Francis then read his brief into the record.**

**Attorney Francis: With the plans you do have what it's going to look like essentially.**

**Mr. Sergi: Counsel, did you discuss this with the neighbors or any of the abutters?**

**Attorney Francis: No, because it's in the rear yard.**

**Mr. Harris: I talked to the neighbors.**

**Mr. Sergi: Please come to the podium and state your name and address.**

**My name is Ethan Harris, 14 Villa Road, Waltham.**

**Mr. Sergi: And you did go talk to your neighbors?**

**Mr. Harris: I talked to my neighbors. Actually one of the neighbor's house has been vacant. The other neighbor is, ya, I've talked to her and she's fully supportive.**

**Mr. Sergi: Okay. So there is no one really - - -**

**Mr. Harris: I don't really anticipate and resistance at all, no.**

**Mr. Sergi: Okay.**

**Mr. Sergi: Counselor, what's the lot coverage?**

**Attorney Francis: The lot coverage is currently fourteen percent (14%) and will climb to twenty. The maximum is twenty-five.**

**Mr. Sergi: Okay.**

**Attorney Francis: So even with the undersized lot, well below, 20% below the maximum lot coverage that is allowed.**

**Mr. Sergi: Okay.**

**Attorney Francis: And again, less than the height.**

**Mr. Sergi: Are there any questions of the board?**

**Steve, do you have any questions?**

**Mr. Taranto: I do not.**

**Mr. Sergi: Glenna?**

**Ms. Gelineau: No.**

**Mr. Sergi: Joe?**

**Mr. Attardo: No.**

**Mr. Sergi: Matt?**

**Mr. Deveau: 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?**

**Seeing none.**

**Is there anyone seeking information?**

**Seeing none.**

**Is there anyone in favor of the petition? A show of hands is fine.**

**(Two people raised their hand in favor.)**

**Mr. Sergi: Counselor, on the Findings of Fact and the Decision, have you made any changes since you have given it to the - - -**

**Attorney Francis: No. They have been on file well over a month. No changes.**

**Mr. Sergi: So with that, I'll entertain a motion to waive the reading of the Proposed Findings of Fact and the Proposed Decision since they have been on file.**

**On motion of Mr. Deveau, seconded by Mr. Taranto, the board voted to waive the reading of the Proposed Finding of Fact and the Proposed Decision.**

**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 have already read them.

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

**On motion of Ms. Gelineau, seconded by Mr. Taranto, the board voted that the Proposed Findings of Fact be the Findings of Fact of the board.**

**Roll call: Mr. Taranto, yes; Ms. Glenna, yes; Mr. Attardo, yes; Mr. Deveau, yes; Mr. Sergi, yes.**

**Mr. Sergi:** In a similar fashion, I'll entertain a motion on the Proposed Decision as presented tonight.

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

**Roll call: Mr. Taranto, yes; Ms. Glenna, yes; Mr. Attardo, yes; Mr. Deveau, yes; Mr. Sergi, yes.**

**Mr. Sergi:** Congratulation! Good Luck!

**The next case is Case No. 2026-16, Petitioner: Healthy Waltham, Inc. Owner: Michael Dennis Properties, LLC**

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**The clerk read the Petition in Case #: 2026-16. Petitioner: Healthy Waltham, Inc. Owner: Michael Dennis Properties, LLC. Nature of Appeal/Petition: Appeal from Building Inspector under G.L. c. 40A, ss3. Subject Matter: Healthy Waltham, Inc. is a 501(c)(3) corporation organized exclusively for charitable and educational purposes. The Locus is a parcel of land known and numbered as 123 Felton Street. The Petitioner proposes to use and maintain a 10-foot x 12-foot cooler (an accessory building) in the northwest corner of the Locus, consistent with its mission of improving the health and wellness of underserved and low-income populations through programs that increase access to healthy foods, provide nutrition education, and create opportunities for physical activity. Location And Zoning District: 123 Felton Street is located in a Commercial Zoning District. Provisions Of Zoning Ordinance Involved: § 4.11, § 4.12(7), § 4.228, § 4.232, § 4.234, § 5.42, § 5.43, and § 5.46. Specific Relief Sought:**

**Dimensional:**

- § 4.11 requires a minimum lot area of 10,000 square feet and a minimum frontage of 50 feet. Here the existing lot area is 3,471 square feet and the existing frontage on Felton Street is 40 feet.
- § 4.11 provides that the maximum Floor Area Ratio (FAR) by right shall not exceed .4. Here the existing FAR is .73. The proposed FAR including the 10-foot x 12-foot cooler is .76.
- § 4.12(7) requires a front yard setback of 10 feet or 1/2 the building height (12 feet). Here the existing front yard setback on Felton Street is 0.16 feet.
- § 4.12(7) further requires a side yard setback of 15 feet or 1/2 the building height (12 feet). Here the westerly existing side yard setback on the principal building is 4.63 feet.
- § 4.228 entitled “corner lot side yards” provides that in no case shall any building, including a detached accessory building, be nearer than 10 feet to the side street. Here the

easterly existing side yard setback is .89 feet from the principal building, and the westerly side yard setback is 0 feet for the proposed 10-foot x 12-foot cooler.

- § 4.232 requires a 10-foot setback for a detached accessory building from a principal building, and it shall be subject to all applicable front, side and rear yard requirements.

Here the proposed westerly side yard of the 10-foot x 12-foot cooler is 0 feet.

- § 4.234 states that the rear yard of a lot in the Commercial District abutting a Residence District requires 1/2 the height of the building (12 feet) or 25 feet, whichever dimension is greater. Here

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the existing rear yard setback on the principal building is 41.28 feet. However, the rear yard setback of the proposed 10-foot x 12-foot cooler is 0 feet.

#### **Parking and Loading:**

- § 5.42 states in pertinent part that no paved area, excluding entrances and exits, shall extend within 5 feet of any lot or street line, nor into any front yard. Here the paved area is 0 feet from a lot, street line, or front yard.

- § 5.42 further provides that an area equal to 40 square feet per car space shall be provided on which snow cleared from parking areas may be placed. Here there is no proposed snow storage area.

- § 5.43 requires trees with a minimum size of three and one-half (3 1/2) inches in diameter (measured six inches from ground level) be provided at the rate of one tree for every 10 cars. Here the proposed landscaping provides for 0 trees.

- § 5.46 requires the area to be fenced and/or landscaped in a manner which will minimize headlight glare on adjacent residential properties. Here the proposed landscaping does not provide for a fence and/or landscaping.

**THE DOVER AMENDMENT - M.G.L. c. 40A, § 3:**

#### **Dimensional:**

**The Petitioner contends that the setback requirements of § 4.11, § 4.12 (7), § 4.228, § 4.232, and § 4.234 as applied to this 10-foot x 12-foot cooler are not reasonable under G.L. c. 40A, § 3.**

**Therefore, the Petitioner respectfully requests that the Board of Appeals make a determination and declare that the setback requirements of § 4.11, § 4.12 (7), § 4.228, § 4.232 and § 4.234 to be unreasonable as applied to said 10-foot x 12-foot cooler as proposed by the Petitioner, and to set such provisions of the Zoning Ordinance aside pursuant to G.L. c. 40A, § 3.**

**Parking and Loading:**

**The Petitioner further contends that the snow storage, paving and landscaping requirements imposed by § 5.42, § 5.43 and § 5.46 as applied to the Locus are not reasonable under G.L. c. 40A, § 3.**

**Therefore, the Petitioner respectfully requests that the Board of Appeals make a determination and declare that the snow storage, paving and landscaping requirements imposed by § 5.42, § 5.43 and § 5.46 to be unreasonable as applied to the Locus, and to set such provisions of the Zoning Ordinance aside pursuant to G.L. c. 40A, § 3.**

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

**Attorney Micheal Connors, Law Offices of Connors and Connors, 689 Main Street, Waltham came forward.**

**Attorney Connors: I am here tonight on behalf of our client, Healthy Waltham in regards to their Petition to construct use and maintain a ten by twelve foot cooler, 120 square feet at their new location at 123 Felton Street which is located in a commercial zoning district.**

**Attorney Connors went on to read his brief into the record.**

**While reading his brief, Mr. Sergi had a question.**

**Mr. Sergi: What's the new item? Most of them are existing?**

**Attorney Connors: Only those pertaining to the cooler.**

**Mr. Connors then went on to continue reading his brief.**

**Ms. Gelineau ha a question while Mr. Connors was reading the brief regarding appointments.**

**Ms. Gelineau: Where do you get your appointment? If you have an appointment, where do you go?**

**Attorney Connors: BJ, do you want to address that?**

**BF Osuagwu, 255 Grapevine Road, Wenham, MA: I'm sorry, could you repeat the question?**

**Ms. Gelineau: If somebody has an appointment to go to this building, where do they park?**

**Mr. Osuagwu: There is street parking available but also beyond that the majority of our people that attend our pantry take public transportation.**

**Attorney Connors: There are also spaces including an ADA compliant one with an additional space.**

**Ms. Gelineau: How many appointments a day?**

**Mr. Osuagwu: We are hoping to do between five and ten appointments an hour over between three to six hours a day normal operation time.**

**Ms. Gelineau: Okay. Thank you.**

**Attorney Connors: Appointments only models how they have been operating for years, that's the current model. The change now that they have this new building is it adds some dignity to the appointment and it's a better setting than the prior, like I said, at the back of the Fitch School.**

**Mr. Deveau: I may be over simplifying this. Why didn't we make a cooler on wheels so it was not a permanent structure?**

**Attorney Connors: I asked that question as well.**

**Mr. Osuagwu: So the cooler standard has become kind of industry standard amongst pantries in the area. We got the idea from a few partners that we have been in community with around the area, the Centre Street Pantry and Centre Street Pantry actually has a cooler right in front of their building as well. The structure is still technically temporary. It's not a forever structure. The walls can come up and down just like our attorney had mentioned like a shed. So it's not on wheels but it is still basically a temporary structure that can come down. It will come with us if we do leave.**

**Mr. Deveau: If you put it on wheels, you wouldn't have to go through any of this, would you? It would just be a parked vehicle.**

**Attorney Connors:** And that's where the determination of the building inspector comes in. There's certain size restrictions for vehicles that you have parked. Here it is a structure so. I asked the same question on the front end and that also as much as the notice was lengthy part of the process here is we notify abutters approximately three hundred feet and we want to include anything so that everyone is aware of what's being proposed.

**Mr. Attardo:** So will people have access to that cooler?

**Attorney Connors:** Just staff members.

(Attorney Connors went on to read his brief into the record.)

(Ms. Gelineau had a question regarding educational.)

**Ms. Gelineau:** What do you mean the educational?

**Attorney Connors:** The educational? As to nutritional education?

**Ms. Gelineau:** I mean, do they have classes?

**Attorney Connors:** Once again, I'll have BJ speak to the mission.

**Ms. Gelieau:** I mean I understand the mission but how do you sort of capture education?

**Mr. Osuagwu:** I'm sorry for standing up so many times. So Healthy Waltham originally was started as an organization that was strictly educational. We were in schools and then with Covid taking place we obviously could no longer to go into schools teaching kids about nutrition and healthy living. In our new space we found - - -

**Ms. Geleneau:** That is education, you're in the school. I get that.

**Mr. Osuagwu:** So in our new space we found that we want to continue to do that but having a space where people can come and not only gain education around nutrition but also having to sign up for SNAP and how to continue to live healthy life styles but also how to gain and have to have healthy recipes and things of that nature as well. So the education has already been. It's just been harder when we run our pantry is because people are outside while they're getting food. The idea is the food is something that is a direct need for the community. The education is something that is setting them up for life. So we are continuing to do that in our new space and that becomes possible for having a space to do this.

**Ms. Gelineau:** Yes, and I understand, and I completely understand the mission and I think it's awesome and I respect it but I am having a hard time seeing this as an educational use under the Dover Amendment as an educational use. But anyway, go ahead, I'm sorry.

**Mr. Osuagwu:** No problem. If I could just add one more thing. So it's really easy to see Waltham as a healthy food pantry and that's where things stop but we truly are an organization that believes in the holistic well being of all individual coming through our doors and part of that is the education, so I mentioned the signing of teaching people how to sign up for SNAP and when you say teach people how to sign up for SNAP you think that that's a weird thing to have to do but when you look at the amount of people that are eligible that walk through our doors that never sign up for the program and then go on to not feed their families, you realize that there is such a shortfall when it comes to the education piece. So as much as we are a food pantry we are also an educational organization as well.

**Mr. Sergi:** You also produce educational pamphlets. I've seen them.

**Mr. Osuagwu:** Yes.

**Mr. Sergi:** Instructing people on what foods are healthy and what not and stay away from? You're still doing that, right?

**Mr. Osuagwu:** Yes. And we have a newsletter where we put out recipes that help substitute ingredients that people may be using that are not good for them with healthier ingredients and so we still produce educational contact, yes.

**Mr. Sergi:** Okay.

**Attorney Connors** continued to read his brief.

**Attorney Connors:** So that's my presentation in chief, Mr. Chairman and members of the board and I do have as I said multiple times the Executive Director Mr. Osuagwu and well as Mr. Falconer of Falconer and Associates if there are any questions as to the firm.

**Mr. Sergi:** I am very familiar with the organization. I don't have any further questions. I'll open it up to the board.

**Steve?**

**Mr. Taranto:** Is there any neighbor involvement need for any type of communication with the neighbors in that corner where that cooler is being put?

**Attorney Connors:** They've all received notice of tonight's meeting that we filed with the board and as I mentioned three hundred foot abutters.

**BJ** would you stand up to the microphone.

**Mr. Osuagwu:** Throughout the construction process neighbors generally have been helpful and kind. We've seen multiple neighbors throughout our time there but other than the common casualties we haven't really had much discussion pertaining to the cooler.

**Mr. Taranto:** Has there been any resistance of note.

**Mr. Osuagwu:** No, none at all.

**Mr. Sergi:** Glenna?

**Ms. Gelineau:** Just so I understand and I apologize if its, we are appealing the building inspector's decision that this ten by twelve cooler triggers these other, like, what are we actually appealing that he said? I see here, it says, see letter attached.

**Attorney Connors:** So the letter attached was all the provisions.

**Ms. Gelineau:** So you're appealing that he's saying that when we put this cooler there you're triggering all these other necessary zoning relief.

**Attorney Connors:** Right. He's saying we need to comply and typically in order to comply, we would come here seeking a variance - -

**Ms. Gelineau:** The hypothetic, I get that. But hypothetically if you didn't put this cooler in, you could just open and he'd give you a permit, you know - - -

**Attorney Connors: Right. If they have been constructing the interior but they wouldn't be able to serve - - -**

**Ms. Gelineau: So it's just this cooler that's triggering the building department's objections.**

**Attorney Connors: Correct. Yes, not the use.**

**Ms. Gelineau: And it triggers conformity which can't be produced because it's not non-conforming, right?**

**Attorney Connors: Right.**

**Ms. Gelineau: It's triggering clarification of the nonconforming use.**

**Attorney Connors: Right to some non conforming is even carried through like the parking, for instance, you know.**

**Ms. Gelineau: Right. So, if you didn't have this cooler you could just open up the pantry and he would have no objections.**

**Attorney Connors: Right. Otherwise we would be here on the front end and they wouldn't have issued a building permit.**

**Ms. Gelineau: Which they did. So it's this cooler that's triggering your being here.**

**Attorney Connors: Yes.**

**Ms. Gelineau: Right. Okay.**

**Mr. Sergi: Joe, any further questions?**

**Mr. Attardo: No further questions.**

**Mr. Sergi: Matt?**

**Mr. Deveau: No questions.**

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

**Let me open it up to the audience. Is there anyone in the audience that's against the petition as presented?**

**Seeing none. Is there anyone seeking information?**

**Seeing none. Is there anyone in favor of the petition?**

**(One person raised their hand in favor.)**

**Mr. Sergi: With that part of the hearing done, your Proposed Findings of Fact and Proposed Decision, have you made any changes since you filed them?**

**Attorney Connors: There have been no changes. They have been at the Board of Appeals for over two weeks per the board's rules.**

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

**On motion of Mr. Deveau, 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 the board has had a chance to read them.**

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

**May I have a motion on the Proposed Findings of Fact as presented tonight?**

**On motion of Mr. Deveau, seconded by Mr. Taranto, the board voted to adopt the Proposed Findings of Fact as presented as the Board's Findings of Fact.**

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

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

**On motion of Mr. Deveau, seconded by Mr. Taranto, the board voted to adopt the Proposed Decision as presented as the Board's Decision.**

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

**Mr. Sergi:** Congratulations! Keep doing the good work!

**Mr. Osuagwu: Thank you so much.**

**Attorney Connors: I just have one other thing. Just where it came up the last time, is the site view for Thursday morning still on?**

**Mr. Sergi: Yes. I plan to be there. I think the board members know about it. I think they are going to plan to be there as well. At 8 O'clock.**

**(They were referring to a site view to be held at the Watch Factory.)**

**Attorney Connors: From 8-10. I wore a pink tie tonight my mother turns eighty tomorrow.**

**Mr. Sergi: Congratulations!**

**Attorney Connors: As they say on an airplane, I want to be the first to wish her a Happy Birthday and this is on tape.**

**Mr. Sergi: One more motion is in order.**

**On motion of Mr. Taranto, seconded by Mr. Attardo, the board voted to adjourn at 7:46 P.M.**