

City of Waltham
Zoning Board of Appeals
July 28, 2026

The Zoning Board of Appeals held a public hearing at 7:00 P.M. on Tuesday, July 28, 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, Stephen Taranto, Glenna Gelineau and Matthew Deveau.

The first order of business tonight is to approve the minutes of July 14, 2026. May I have a motion to approve the minutes of July 14, 2026.

On motion of Mr. Deveau, seconded by Mr. Hickernell, the board voted to approve the minutes of July 14, 2026.

Mr. Sergi: So the minutes of July 14, 2026 have been approved.

So we are going to start off with Case Number 2026, Petitioner/Owner: Opportunities for Inclusion, Inc. If the clerk would be kind enough to read the petition, please.

The clerk read the Petition in Case: 2026-19. Petitioner/Owner: Opportunities For Inclusion, Inc. Nature Of Appeal/Petition: Appeal from Decision of the Building Inspector G.L. c. 40A, §§ 8 and 15, alternatively relief under the Dover Amendment G.L, c. 40A, § 3. Subject Matter: The Petitioner requests to be able to continue to use and maintain the existing 15 Fiske Avenue structure (19.61 feet rear yard setback per Case No. 1998-06) and to continue to use and maintain the existing open deck to the rear of

15 Fiske Avenue (4.9 feet rear yard setback per Case No. 2004-32). Further, to modify/ consolidate the relief granted in said Case Nos. 2004-32 and 1998-06 to abandon the 1.1-foot side yard setback variance for the open deck granted in Case No. 2004-32, to abandon the special permit granted for remote parking in Case No. 2004-32, and to reflect that said 15 & 21 Fiske Avenue have now been combined into one lot. Location And Zoning District: 15 & 21 Fiske Avenue; Residence A-4 Zoning District. Provisions Of Zoning Ordinance Involved: § 4.11, § 4.219, and § 7.2. Specific Relief Sought:

Primary Relief: Appeal from Decision of the Building Inspector G.L. c. 40A §§ 8 and 15:

There are no proposed extensions or additions of the existing deck granted in Case No. 2004-32 which is to remain for the continued use of the property, nor any changes to the existing structure, which would further reduce the rear yard setback relief granted in Case No. 1998-6. The subject matter of this case is to consolidate prior decisions in Case No. 2004-32 and Case No. 1998-06 to allow continued use of the existing structure and deck triggered by the combination of 15 & 21 Fiske Avenue lots into one contiguous lot.

Alternative Relief: Dover Amendment G.L. c. 40A, § 3:

The Petitioner seeks relief under the Dover Amendment (G.L. c. 40A, § 3) to allow dimensional relief required to continue the use and maintenance of the existing structure with a rear yard setback of 19.61 feet per Case No. 1998-06 and an existing open deck to the rear of 15 Fiske Avenue with an approved rear yard setback of 4.9 feet as allowed in Case No. 2004-32 (surveyed 4.4 feet). As part of such relief, the Petitioner seeks to modify and/or consolidate the relief granted in said Case Nos. 2004-32 and 1998-06 to also abandon the side yard variance granted in Case No. 2004-32, to abandon the special permit granted for remote parking in Case No. 2004-32, and to reflect that said 15 & 21 Fiske Avenue have now been combined into one lot.

Rear Yard Setback: § 4.11 requires that rear yard setbacks in the Residence A-4 Zoning District shall be at least 30 feet. Here, the existing and proposed rear yard setback for the existing structure to remain is 19.61 feet as allowed in Case No. 1998-06.

§ 4.11 and more specifically § 4.219 requires as to unroofed porches “that at no point shall an actual

yard area setback be less than 1/2 of the minimum yard area setback otherwise required for the district...". Here, the existing and proposed unroofed porch to remain rear yard setback was approved in Case No. 2004-32 at 4.9 feet (15 feet required) and was recently surveyed at 4.4 feet.

Modification of Case Nos. 2004-32 and 1998-06: § 7.2 allows the Zoning Board of Appeals to amend previous Decisions.

Case Nos. 2004-32 and 1998-06 both require as conditions of the Decision that all construction and use of the premises be in accordance with the plans filed therein. Accordingly, the Petitioner requests the Board of Appeals to allow the Petitioner to consolidate and/or where necessary, abandon the relief granted in such cases due to the combination of 15 & 21 Fiske Avenue, and to make the relief granted consistent with the Plans filed in this Case.

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

Shawn Keefe, Attorney with Babigian Law: My residential address is 12 Brewster Road, Waltham.

Attorney Keefe went on to read his brief into the record and also went over the plans with the board and materials plan and architectural plan.

Mr. Keefe: So, again, I think with that, I don't want to be too repetitive. I think that closes my presentation in chief right now but will be happy to answer any questions that the board or members of the public may have.

Mr. Sergi: So the building inspector is sending it back to us because you're changing - - -

Mr. Keefe: So, basically, the prior decisions, it was two lots. There was a lot line running down the middle. We have always indicated or knew that in order to build the addition, if the addition was built as it was it would have gone over a lot line. You can't do that. So we needed to abandon that lot line as the building inspector and I discussed, but no matter what, we were going to be here before you for this in one way shape or form whether we came before we went to the Board of Survey and Planning or whether we came afterwards but knowing that we had to abandon that lot line this is kind of the result. And again, it's not nothing that we are here tonight asking for is any new relief for anything as to a new construction, it's just as to being able to maintain these specific existing conditions.

Mr. Sergi: And explain to me how the pergola provides more privacy?

Mr. Keefe: Sure. It's not just the open air pergola at that the top (referring to the plan). It's just some lattice screening back here.

Mr. Sergi: Oh, I see. Okay. I didn't know what that was.

Mr. Keefe: Sorry. I could have flagged that before.

Mr. Sergi: Okay, I get it. And you're asking us to do one or the other. Is that why we get two decisions here?

Mr. Keefe: I did. I think that certainly the board would be within its rights to do this as an Appeal of the Decision of the Building Inspector to consolidate prior cases as a

modification but, I guess, to cover our bases if the board felt that that wasn't the way it wanted to go we are arguing that we have the benefits of the Dover Amendment.

Mr. Sergi: I get it. Okay. I'll open it up for questions from the board.

Steve, do you have any questions?

Mr. Taranto: Not at this time.

Mr. Sergi: Sarah?

Ms. Hankins: No questions.

Mr. Sergi: Matt?

Mr. Deveau: No questions.

Mr. Sergi: Mark?

Mr. Hickernell: Not at this time.

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

Is there anyone in the audience that is against the petition as presented that would like to speak?

(Three people raised their hand that were against the petition.)

Mr. Sergi: Would you like to come to the podium and speak?

Paul S. Katz, Ward Councilor who represents Ward 7 where the property is located: I'm going to go off script for a minute because there are two things I want to point out that are barely noticeable on here that are on the plan.

First is the existing deck. The existing deck is not a deck like you and I have in our homes built on posts. This deck is built on a full foundation. You could actually build an entire structure, a two story structure on this deck. It's a cement basement foundation that's open and that's where this deck is built on and it's a very large deck.

And the second point I want to bring up before I go into my remarks, my prepared remarks, is that what the petitioner is asking for is to go beyond this deck and build an accessibility ramp that would go if you look at, it's hard to see from here, I'm looking at my plan, literally I don't think inches is the term. It would go an inch to the the fence to the lot line. So I think those are the two things that were glossed over tonight is the encroachment on the property line.

So before discussing the application, I want to take a moment, first I want to recognize opportunities for inclusion, in particular, Joanne Raymond from the organization because they have invested a lot of time in meeting with residents for well over a year and it may not sound like a big deal but it really deserves recognition.

As we know under the Dover Amendment organizations that run group homes have no legal obligation to engage with the neighborhood. Many of them don't. Opportunities for inclusion OFI chose a different path. They introduced themselves. They held neighborhood meetings. They went door to door with invitations. They answered questions. They listened to the neighbors and they began building relationships long before the project even started. I believe it's generally in their best interest because the strongest group homes aren't simply located in neighborhoods. They become part of the fabric of these neighborhoods and good neighbors build relationships with each other. They listen to one another. They look for solutions so that everyone feels respected and I want to commend OFI for embracing that philosophy and I hope that same spirit continues through tonight's discussion.

From the beginning, my goal has been to help build that bridge between OFI and the neighborhood and I wanted neighbors to meet the people behind the project, to know the organization, to know who they could call if questions arose in the future or if concerns ever arose and to feel confident that OFI would be a long term partner in the community. And at the same time, I wanted OFI to get to know the neighborhood and to know the people who live here and to appreciate the concerns that naturally accompany any significant project, and we are going to bring up concerns that do accompany this project.

Their effort to meet with the neighborhood and become part of this process has made a tremendous difference. I've always envisioned this project and I've been in favor of the project overall where future residents of 15 Fiske are greeted with a smile when they are out for a walk, where families visiting their love ones know that their children or siblings are part of a welcoming community where the residents can enjoy everything that makes the neighborhood such a wonderful place to live. They can enjoy the sidewalks, the nearby shops, Enzina's bakery, Domenic's Deli and Walgreens and Nipper Maher Park with its spray park with the playgrounds with the fields. And it's a neighborhood where people look out for one another and know one another and this can be an outstanding location for this home but that brings us to why we are here tonight.

The question before the board is not the intended use. No one has contested the intended use and it's not what's being challenged. But what's being questioned before the board is the physical design of the site. Is the physical design of the site appropriately addressing the impacts that are going to come with it with a nine resident home along with the staffing, the accessibility improvements, parking for ten cars and other site changes that have been proposed and it's those impacts of these changes are precisely the kinds of issues this board is charged with evaluating when considering the request for zoning relief. I believe there are reasonable improvements that can and should be made to their site plan before approval is given and construction begins.

Several of the key concerns and then the neighbors are going to speak in more detail, but the concerns include the location of the accessibility ramp, which again is right against the fence that's there. That is perhaps the greatest concern. Privacy screening which would benefit both the residents of the home and the neighbors. Privacy screening includes not just the pergola but the plantings and the plantings shouldn't be on the neighbors' lawns which is going to reduce the size of their property. It should be on this property. So we are looking at privacy screening as well, landscaping and buffering. We need to consider the placement of the dumpster or if it's going to be trash pick up. The placement of the dumpster I think is going to negatively impact the rodent issue that we have down there and we need to look at the emergency access.

We had the opportunity to improve the overall design that enhances the quality of the life both for the residents at 15 Fiske and the people who already call this area their home and make it a better fit within the community. I don't think these are obstacles and it's reasonable site planning issues that should be addressed through the condition of approval. We have an opportunity to make a good project even better and as the Ward Councilor, I want to see OFI succeed and I also want to insure that they see that the legitimate concerns of the neighborhood is thoughtfully addressed especially the direct abutters.

The residents who speak after me are going to address the design issues and the impacts in greater detail. It's not an inconsistent priority to ask whether the site can be

designed more thoughtfully and I hope that these concerns that you heard tonight are going to be addressed and receive serious consideration before we move forward.

Mr. Sergi: We'll get to the next step but I find it interesting about the ramp. Counselor could you comment on that? Could you elaborate a little bit and put a little more color on to that?

Mr. Keefe: And I'm sorry, just before I give my answer while Councilor Katz is handing that in, I would be remiss if I didn't note that CEO Roberto Moran is here with me. I forgot to mention that at the end of my presentation before. So, yes, the ramp which as Councilor Katz noted does come behind the deck back here (referring to the plan).

Mr. Sergi: Oh, it's behind the deck. Oh, so it's here.

Mr. Keefe: Yes. So we have looked at alternative access for the ramp. Our design team which is made up of a project manager and architects who specialize in these type of developments. You know, did look at all options. They felt that this was the best option to keep enough space between the ramp, any structure nearby as well as not putting it right up against bedroom windows of its own property so that its own residents weren't disrupted. I will say that, again, this is already largely gone through building permit review so as far as ADA design compliance access, emergency egress, everything is designed to ADA compliance. But, yes, as far as location it is - - -

Mr. Sergi: But you're encroaching a little bit further towards the setback right with the ramp itself.

Mr. Keefe: ADA ramps don't come into uh - - -

Ms. Hankins: It has to be handicapped accessible.

Mr. Keefe: We have looked at alternative options not only in the earlier design phases of this. This plan has been at least in this general iteration since the Phase 2 of the CPC. It was also presented when we went to the Board of Survey and Planning but then we also considered it through these discussions. We feel it's in the most practical area to meet all ADA compliance and to try to provide as much distance from everyone as we can.

Mr. Sergi: So you couldn't place it on the other side. You couldn't find another location for that?

Mr. Keefe: This side of the building (referring to the plan) is long as the deck already comes back here and the twenty-one lot is already a paved over lot. We're using it already as paved over. So really with the deck all here it made the most sense with grades, widths, turning radius to be able to do it back here, help people make a turn and come down here. As I said before, there was, looking at kind of putting it more along the side of the property that would, a) put it right up against the bedrooms of our own residents. It would necessitate moving the dumpster enclosure which the councilor brought up. It is an enclosure. We would abide by the dumpster ordinance. We purposely stuck it here so that we weren't putting it tucked up anyone's lot line. We thought that was considerate of everyone. I will say in initial design it was somewhere right along this lot line and we have flags - - -

Mr. Sergi: I didn't know where it was so that's good that you're identifying it.

Mr. Katz: No. The deck is still right against the back and when we met with Roberto on Friday I want to have the neighbors come up and speak too, we did identify that it could be placed on the side. That would leave at least five feet between the deck and

the property line in the back. There is room to move it. It's not impossible to move and, of course, make it ADA compliant. It has to be ADA compliant with the proper slope and the proper width. I think it's very, I hate to say it because I don't want to be negative against the organization but it's very selfish to say it has to go in the back because it doesn't have to go in the back and it imposes more on other people by having it in the back and by putting it on the side, it would - - -

Mr. Sergi: Let's see what - - -

Mr. Deveau: How often do you envision the ramp being used? I don't know if the director wants to speak to that.

Roberto Moran, President and CEO, 20 Gould Street, Dedham: We can't predict how many people we are going to have in wheelchairs. We could have zero people in wheelchairs. So that would be very hard for me to predict how many people will have a wheelchair. This is not exclusively for individuals with wheelchairs. So it would be hard for me to tell you. The amount of people leaving from that ramp would be four people. From the other ramp would be five people. So that tells you from access point that's the maximum amount of people who would be able to use it and they won't be using it a lot at the same time.

Mr. Deveau: So is the ramp used for egress from the deck only or from the actual structure?

Mr. Moran: It's from the deck and also from that floor up there.

Mr. Taranto: Would it also be used for deliveries or things on dollies and stuff like that?

Mr. Moran: We can go right into the first floor. There will be an elevator. So we can take everything up on the elevator. So there's really no reason to use the ramp at all.

Mr. Taranto: Thank you.

Mr. Sergi: All right, is there anyone else in the audience that would like to speak?

Dr. Greenson, 12 Claremont Ave, a direct abutter to the locus property and my wife, Anjali Greenson who is here as well: Nothing against OFI Opportunities for Inclusion. They give a nice summary about what they do. This is not about the mission or the purpose. This is strictly about their site plans and what they are seeking to do and encroach upon our property and our neighboring properties members who have joined from the neighborhood as well. I have a petition from our abutters who are in support of insuring that our protections of the neighborhood are maintained and insuring that reasonable alternatives have been submitted as evidence that other considerations were made and far more reasonable but we haven't heard them talk about it and we haven't seen any submission to say, why they can come up with another reasonable alternative that fits within the neighborhood. So, again, the concern is around them seeking the board to use two very narrow historical zoning decisions and to authorize that and to incorporate a substantially broader present day redevelopment plan. So they have shared those prior zoning regulations and approvals about a single family home and usage and they are attempting to provide that relief granted to a broader redevelopment in a substantially different site redevelopment plan than what those original variances were presented with.

So we ask the board to clarify how those variances that were previously approved, how that is supported with this new redesign that is substantially different, what other alternatives were considered and submitted in front of you and how that compliance to the existing Waltham Zoning Regulations material impacts their project. So trying to get a sense of what relief you are considering the site that's outlined here (referring to the plan)

and it's difficult to see what they were talking about with the elevator and the ramp is that these connecting buildings here are connected through an elevator and the only ramp access for residents in this building would be to traverse through the building, take the elevator up, egress through this deck and then down this ramp and as represented when we met on Friday it was indicated that there is no ramp access from this building which another one of our neighbors, Dan, will speak more about, I'm not an expert there and then we talked a little bit about the ramp and they are saying the attraction that the ramp offers but a question maybe the board can direct to the applicant is that at the community meeting OFI had committed to plant some trees on its own property and OFI has since stated that there's insufficient room through the slider had offered to plant trees on our property but trying to get a sense to the plan change after the original commitment from OFI's willingness to plant trees on the property.

Mr. Sergi: Okay. Or some other sort of some privacy screening.

Mr. Greenson: It was directly at that meeting. They said they were not. So at the community meeting a couple of months ago I requested that Paul and the Mayor that OFI committed to planting some trees on its own property but since there was not sufficient room and offered to plant some trees on our property but did that and the plan changed from that original commitment.

Mr. Moran: The commitment at the meeting was to look to explore the trees and once we explored the trees and realized that we didn't have enough room to plant a sufficient amount of trees we then looked at their property to see if we could plant trees - - -

Mr. Keefe: At your expense.

Mr. Moran: And then we discovered that they had already planted on their side so then we went on the alternative to us was to have a screen, pergola.

Mr. Sergi: Oh, so you did the screening on the side where they were concerned with. And as far as changes I don't see much changing from you stated a couple of times, there not any changes there so what's- - -

Mr. Keefe: The changes that I filed with you guys this evening was the combination of this past week or so where through the discussions about landscaping, pergola which I understand the pergola was discussed more recently, we committed to the pergola as a privacy option. Roberto, I'm sorry if I'm out of context here but the idea was that we were going to do plantings whether it was on our property or whether we funded through another lot through - but we found and we thought through these discussions that the pergola was not only a more efficient option for OFI construction purposes, lower disruption but also just an attractive way for amenity for our residents and amenity for the neighbors. We understand, they could see straight into the deck at this point and this would go to the length of that back deck to provide that privacy wise.

Mr. Sergi: Other than that there are no other changes.

Mr. Keefe: No. The plan that I originally submitted the design as far as where the ramp is concerned ramps entrances, egress no changes to that from filing to now.

Mr. Sergi: I'll hold up calling you again until we hear from everybody.

Mr. Greenson: Respectfully. I don't think the ramp was on the plans at the last neighborhood meeting.

Mr. Sergi: Okay. I get that.

Mr. Greenson: My last comment before I turn it over to the other residents that want to speak is that this was going to happen. They had indicated one way or another we were going to get at that point so it's a little curious to understand why we are at this point after trying to get the community support and share their mission and try to get it incorporated in this matter of fact driving towards the inevitable that we are always at the point where we need to be discussing the variances and if we started here we could have started with the design work with the understanding of where the variances were, where the lines were, what was in compliance and what was out of compliance and then develop the site plan around that. But they have at some cost now of spending on attorneys, they talked about their design team of architects, of private managers. They have invested so much to get here and as a non profit we don't want to make a decision with our hearts, we have to make the decision with the facts of the zoning board and the Waltham governing variances and the regulations of which property owners also need to abide by. So it's important that we are making the decision on the variance. It's not about the mission. It's not about OFL. It's about understanding what they could do to design and incorporate within the confines that all of us have to.

Mr. Sergi: You understand that approaching this is through the Dover Amendment I think the way the counselor made his presentation in a more cooperative nature, I think that might be the way to go.

Ms. Hankins: I understand what you are saying, first point of, you know, hey, what are these cases back then, how do they apply to now? All that part gets washed out because the Dover Amendment provides vast productions. They could absolutely go to court and get whatever they want. Here they are being very generous with you councilors by working with this but the Dover Amendment I mean the case law is endless on their side. So the fact that they are working with you guys actually really shows good faith. They win here or they win in court.

Mr. Greenson: I appreciate the showing of good faith in trying to create some mediation. Its with as abutters directly at 12 Fairmont which is at the rearest portion of that deck. How that deck can be pulled in. So I'll let the neighbors speak.

I submitted a correspondence.

Mr. Sergi: You submitted a correspondence. Would you like to comment on this any further or just let it stand?

Mr. Greenson: It goes into a little more pointed detail against the applicant's position and gives a statement of where we stand on our position, our summary a statement of opposition, our neighbor letter for that and then we have the signed petition of neighbors as well.

Mr. Hickernell: I took the attorney's statement or description of his conversation with the building inspector about how they are going to end up one way or the other to be a result of the fact that they combined the lots which since the previous variances were granted saying you have to keep it this way. Well they are no longer that way so that regardless of the outcome of any negotiations or design just combine the lots mean that they had to come here. I don't know for sure that that's what he meant, the building inspector I think isn't here but that's, I'll leave it to the attorney to say that that's what he meant by that statement. I don't think he meant it as all these negotiations are in bad faith, you are going to be a the zoning board regardless of our conversations. I think it's just because the lots are combined, they have to come here. So take that for what it's worth but I don't think if that was perceived by you or any neighbors that that was a sign they were not interested in good faith negotiations that's not how it reads to me knowing how the combination of lots works.

Mr. Greenson: I'll let some other neighbors speak because they had a little more history with the organization and how plans have changed.

Mr. Sergi: We'll submit this into the record as well with your letter.

Mr. Greenson submitted a letter and copies of a list of abutters who are against this petition.

(These are attached to the minutes noted as Exhibit A and B)

Diane Vezeau, 4 Fiske Avenue, Waltham: I live approximately across the street from the old church and approximately four houses up. I am familiar with the Dover Amendment because I have a nephew that was a Chernobyl survivor and he has lived in group homes because of it and so my concern is safety. What we were told originally has changed immensely and I want to make sure that the safety issues are addressed because I know that Mr. Moran has just arrived so he's sort of may not have reviewed some of the questions that I had earlier and the ones that hadn't been addressed throughout the time that they purchased the property.

The first is when Gabe first had the meeting and it was probably the last meeting we were invited to it. We were told that there were going to be two or three care people per shift for four or five people. That's what the neighborhood was told and we appreciate that because I am for this. This is very good works that they are doing. Now we are told it's eight or nine people and there will be likely a person per shift. So that was the first thing that definitely concerned me.

Mr. Sergi: Specifically, what was the concern with that?

Ms. Vezeau: Well, originally everybody was going into what was the church building because around it on both sides slope. So you're putting ramps with electric wheelchairs and the average not the oversized ones, the average size for a smaller person is like thirty-six inches. Now you put the ramps up in the back, where they're talking about over here (referring to the plan) which was in addition when this was last presented to us. Just to give you an idea, if they have snow or if they have to rush out for a fire this from edge to edge (she held up a piece of paper) is 18 inches. It is 19.2 inches that they will have left over if anything tips. And we're talking up high. This deck is not low. So I would have liked to have seen, because this was new, I learned about it the other day when I went to the meeting. I would like to see turnabouts that create so no one's going to build up speed because we're also talking twenty-two year old young adults that are going to be twenty-two young adults. That's the other thing. But they can do roundabouts with the ramps. I think this design is just poor because I mean I think this is literally the size of people's shoulders (holding up a piece of paper).

Ms. Hankins: Do you have any sort of expertise in engineering or something?

Ms. Vezeau: No. I looked it up and I called my cousin. I asked her when you met with the engineers on all of these when you were trying to place your son what did you do, and what did you find and what were you looking for in safety.

So, I would love to see this happen. I would love to see maybe roundabouts in the corner and, no, I am not an engineer. I'm familiar with the Dover just because of everyone in my family, not everyone, the people in my family that would have used it.

Ms. Hankins: The Dover Amendment has nothing to do with what you are talking about.

Ms. Vezeau: It eliminates the requirement for ADA, doesn't it?

Ms. Hankins: Absolutely not. All it applies to is local variances such as setbacks and this is all that they are trying to do here. They still have to be ADA compliant. They have to have building code requirements, they have to meet safety requirements, fire requirements, absolutely everything else.

Ms. Vezeau: Once they put that ramp in that was new from what we last heard the talk, once they put that ramp in, it's literally this amount of space plus an inch.

Mr. Deveaux: I kind of think we're getting wrapped around the action on a ramp, right? If it was a walkway with stairs would anybody be complaining?

Ms. Vezeau: Ya, I would but- —

Mr. Deveaux. Everybody is entitled to traverse every square inch of their land whether it's a group home or if it's you.

Ms. Vezeau: I agree.

Mr. Deveaux: These people require a ramp for their means of egress and per the ADA laws it has to be built a very specific way with specific grade, rise and width. So, we can't say, oh, your ramps too wide, shorten it up. We don't have the power to do that.

Ms. Vezeau: I agree with that. My concern is two fold. On the side they could do a round about with a ramp. It would bring them safely to where they want to go if they wish to leave the building because they are not always going to be in the building or going out the back. I would assume especially in the snow that they are not going to do that but they would use the rest of the building to exit. But I just think that you can use a ramp. I just think the ramp should be designed differently and more off to the side as opposed to the very back if it tips. They did tell me they are going to haul away the snow which was a concern. So that's good because that was a concern again with the ramp. I don't know when the back deck was looked at just because it's old. It covers the drive-in garage that goes into the basement and I know a lot of water was getting in there because we would see the water be pumped from the house out onto the street and when I would go out to my car you can literally slip on it when it freezes in the winter and they said they were going to fix it. I spoke with someone today who told me it's called the shedding water inflow on the sidewalk and it does glisten though not as much as it use to. I was told that was going to be fixed and I know they are working on it but I don't see that on the thing that they are going to fix it which I would like to see.

Mr. Deveau: Per the building code, they are going to have to maintain all of their run off on site. They cannot eject it into a public way or public sewer or like it has to be maintained with drywells, keltech systems and that has nothing to do with the zoning, zero. That's building design and they have to do it.

Ms. Vezeau: Okay, it hasn't been done yet.

Mr. Deveau: It wouldn't be done yet. They haven't started building. So I think what we need to understand is that the opposition to the ramp is what everybody is talking about?

Ms. Vezeau: It's not even an opposition. I'm hoping they can redesign it because they are building a new building in front which will sit on the - - -

Mr. Sergi: Let's do this. Let's take that as a suggestion to the petitioner, right, because as Matt is saying, there is no way you can enforce that.

Ms. Vezeau: Okay as a safety issue, I thought, okay, I won't go back to that. The new building that they are building which is going to be on the side of the entrance coming in, it's going to have an elevator to get to the main building, if I understand this correctly, to get out for emergency. Is there any way that can be ramped so that in an emergency they are not using an elevator to get to the other building.

Mr. Deveau: We don't have anything to do with design. We really have to concentrate on the zoning .

Mr. Sergi: You know what, he's right but he is going to answer that question for you.

Ms. Vezeau: I thought that the Dover Amendment applied it could not be followed because if it was a safety issue.

Ms. Hankins: Well, you're incorrect.

Ms. Vezeau: Okay. Thank you. I was not aware of that.

Mr. Sergi: At the end of all the comments that you have, I'm sure he is making notes and he'll address it.

Ms. Vezeau: I'm sorry. Who is going to address it?

Mr. Sergi: The attorney.

Ms. Vezeau: Okay. Thank you.

Mr. Sergi: Thank you, Miss.

Mr. Sergi: Is there anyone else in the audience that would like to speak against?

There is one piece of correspondence from a Danette Romanus. Would you like to read this Into the record?

Ms. Romanus: No.

Mr. Sergi: You don't want to read it into the record.

Ms. Romanis: I don't.

Mr. Katz: I can read it for her.

Mr. Sergi: That would be very kind of you if you will.

Mr. Katz read Denette Alamanos, 6 Fairmont Ave, Waltham's letter into the record.

Mr. Sergi: Thank you. I appreciate you reading it in.

Anjali Greenson, 12 Fairmont Avenue, Waltham: I am a direct abutter to the proposed property. I have seven points to make and I'll keep it brief.

Ms. Greenson read from her formal memorandum in opposition which is attached to the minutes noted as Exhibit A.

Ms. Greenson: They are proposing parking that goes right up to our neighbors property with no space in between.

(Ms. Greenson went before the board to give a description of the parking.)

Mr. Deveau: That's existing asphalt correct?

Ms. Greenson: Existing asphalt but there's a garage.

Mr. Hickernell: I have a question. The building department and the person of the building inspector has reviewed the plan and sent it to us and you referred a few times to other departments or boards whose jurisdiction should be upheld and we shouldn't intrude on. Who specifically- - -

The dumpster, the health inspection to make sure it's maintained.

Mr. Deveau: There's a dumpster ordinance and there's a pest control plan that must be adhered to and maintained. They physically can't get a dumpster unless they meet those requirements. Like, they can't just put a dumpster there. This is law. This isn't anything the zoning board can be involved with.

Mr. Sergi: We appreciate your comments and I'm sure, that there's only so much we can do because they are applying under the Dover Amendment. Thank you.

Mr. Katz: I just want to make a brief summary comments. So as a city councilor, Waltham loves Opportunities for Inclusion. I've been to their property. I've seen the work that they do, I've met the people. I've seen the Gabriel House on Chestnut. So that's not in debate and we are very lucky to have them. And then to follow up with that we are very lucky that they have even reached out and worked and had neighborhood meetings because I have group homes where I've reached out and called them and said can you talk to some neighbors. We are concerned about what is happening here and they just hung up the phone to us. So it's really a nice collaborative thing that we can have here in Waltham but what I am asking for is that the board in your authority, you just use the authority that you have to address what some of the residents concerns are.

Mr. Sergi: Sure.

Mr. Katz: And you've explained that some things you can't touch and that will be a learning process for us. But things that we are approaching zoning that you may have some influence over the Dover Amendment and I'm talking simple things like the placement, the placement of the ramp, the height of the fence which right now is probably less than a five foot fence. Can we put any requirements in that the fence has to be higher, that the ramp

has to be moved that would address these concerns before we move forward and that's what we are asking for.

Mr. Taranto: Thank you very much. I've heard in your prelude to your prepared statements about the collaboration that has gone on there. I've also heard a couple of statements that have talked about new information. So, I'm just wondering if there is a history of the collaborative effort and communication, if another meeting, sitting here listening, I hear accolades thrown at each other and wondering if there will be a positive outcome by having another meeting.

Mr. Katz: I think it would be beneficial to delay. The meetings that we've have were more of a getting to know you meeting to feel comfortable that there's a group home coming here. Because again this could have just been, hello, welcome, there's a group home here, goodbye, which is what we typically see.

Ms. Hankins: They don't even have to. They can maintain people's privacies.

Mr. Katz: Absolutely.

Ms. Hankins: A lot of people don't because they don't want to discuss these things and have big signs in front of them.

Mr. Katz: We started this with Gabriel and Joanne. For a group home to be truly successful, in my opinion, the whole point of it is to be part of the neighborhood. Otherwise, why have a group home? You'd have a hospital like I introduced everyone. That was the point there. However they weren't planning meetings. They weren't, hey, let's sit down, where should we put the deck? What should we do here?

Mr. Deveau: But that's not practical. Excuse my like outburst on it but this is a project that only has X amount of dollars to be built. They can build it and where this ramp goes, this is how they can do it. You're asking them to spend X thousands to tens of thousands of dollars to move or to make a different ramp design, change this and change that. They are applying under the Dover Amendment, Councilor. If we deny it and they go to court, they can do whatever they want including making the plan even larger. You know, so I think it's a real challenge to, you know, everybody is saying they support what they do but they just don't want it in their back yard.

Mr. Katz: No, it's not a hundred percent not.

Mr. Deveau: Then it's about an ADA compliant ramp.

Mr. Katz: Respectfully, what we are asking and I'll put this in your court of the voter's court. Are you willing to have just delay and just have another meeting to say okay, what can I do - - -

Mr. Deveau: I don't know if I can support that. I am going to let you to know that right now, councilor, I cannot support another meeting on this.

Ms. Hankins: This is a non profit. I mean these guys go through the Dover Amendment and not even spend a penny on this and they've already have to spend money. You guys should be falling over yourselves grateful.

Ya, give me that look. If you don't know the Dover Amendment then you shouldn't be up here.

Mr. Katz: I'm not giving you a look. Please be respectful. Like I said, I have worked very closely with the organization and I've been very grateful for this organization and we're not pushing back on the organization.

Mr. Deveau: You are.

Ms. Hankins: You absolutely are. You want to play it both ways. Why don't you step aside, respectfully.

Mr. Katz: I don't want to play it at all and I really feel I don't want to make you feel that way. I'm here to represent the neighborhood which includes my future residents and my current residents. I have never said anything, and I am very offended the fact that you think I'm pushing back against Opportunity for Inclusion or any nonprofit. That is not what I am here to do. I am here to represent everybody.

Ms. Hankins: You have disgruntled neighbors and you are trying to appease them.

Mr. Katz: Every resident I facilitate and I am champion for every resident. I want to make it clear that not everyone gets their way. I have never been spoken like this as a city councilor.

Mr. Sergi: Councilor, I respectfully appreciate your comments and I think this all boils down to the cooperation between the neighborhood and the petitioner's willingness to make these changes because we cannot enforce them the way that they have been outlined. So unless they agree to certain changes which, and I think tonight you kind of defined these a little bit better for them so maybe we can vote on this but they can still make these

changes. You know they can make some additional changes that would satisfy the neighbors but I'm not speaking for you, so you need to, you heard the neighbors now, okay. I'd like you to address some of this. I'm not sure we need to delay this further. Mr. Taranto's suggestion, I thought was a reasonable one. But is it necessary? I'm not sure.

So you heard the neighbors, right. You want to be good neighbors. I know you're limited with the ramp and certain things but what can you do?

Oh, that's a good point. Mark has just suggested, maybe we could give you a ten minute recess. Maybe go outside and talk together. Is that something that - - -

Mr. Keefe: I'm more than willing to do that. I know from my kind of side discussions with Roberto here, we can definitely speak to some of the design elements on the ramp. I know someone had said how do we know that other alternatives were - - -

Mr. Sergi: I don't want to start a confrontation.

Mr. Katz: I absolutely don't want to.

Mr. Sergi: So, if you agree —

On motion of Mr. Hickernell, seconded by Mr. Taranto the board voted to take a recess to allow the parties, well first to allow the petitioner to digest the suggestions and to other parties to speak.

The board voted to take a recess at 8:15 PM and returned to their regular meeting at 8:30 P.M.

Mr. Sergi. The petitioner has come back so councilor if you would like to - - -

Mr. Katz: We had a great conversation. Three key points, one is that they are going to retain the pergola that they were proposing on the deck; two is that they will work with the property owners at 12 and 6 Fairmont on additional plantings as desired and required and third, that they have heard the comments so that as they move forward in the building and in the operation of the property that they are aware of some previous sensitivities they went through previously. That's all.

Mr. Sergi: All right, I'm glad that that's done.

Mr. Keefe: I appreciate the suggestion for the recess. I think it was beneficial rather than having people coming back and forth and readdress and trying to address the multitude of points, so that was helpful.

Mr. Sergi: Is there anyone in the audience that would like any further information?

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

Seeing two in favor.

With that portion of the meeting concluded, counselor have you made any changes to your decisions that were put on file.

Mr. Keefe: Yes. So two weeks ago, per the board's rules, I did file my brief and my findings of fact and two proposed decisions, one under the building inspector and the other one under the Dover Amendment which if I'm hearing the board right it seems that they are looking at one. The only change which I filed with the board prior to this meeting was a change to the final page of the Dover Amendment Decision. So on those documents that I gave you that says Page 5 on the bottom, that's the one. The only change you can see in the top paragraph, I corrected a typo, it still referenced the building inspector statutes. I corrected that to Dover Amendment and then I added the new revision date on to the Layout Materials Plan and the only revisions are highlighted here (referring to the Plan) it's a note about the Pergola and then the note on the side says to see the Architectural Plan which I've also added to the decision and that architectural plan shows the dimensions of the Pergola. There's a note regarding the height of the Pergola and I also added the visual plan showing the pergola with the lattice structure which goes the full length of that 12 Fairmont Abutter as well as 6. So you can see it goes this way and this way (referring to the plan.)

Mr. Sergi: So, it's Page 4 and Page 5.

Mr. Keefe: The Page 4 is the building inspector's decision. So if the board is not going to use that decision, you don't need to worry about that. It's the Page 5, it's the corrected page of the updated page of the Dove Amendment. Other than that, no changes.

Mr. Sergi: May I have a motion to waive the reading of the Proposed Decision since it's been on file with minor changes.

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

Mr. Sergi: May I have a motion on the proposed, is there a Findings of Fact?

Mr. Keefe: There was a Proposed Findings of Fact as well that was filed two weeks prior.

Mr. Sergi: May I have a motion on the Proposed Findings of Fact.

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

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

Mr. Hickernell: On motion of Mr. Hickernell, seconded by Ms. Hankins, the board voted to adopt the Proposed Decisions both both are applicable.

Roll call: Mr. Taranto, yes; Ms. Hankins, yes,

Mr. Hickernell: Sorry, that's as amended.

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

Ms. Hankins: Good luck!

Mr. Sergi: The next case is Case No. 2026-20 Petitioner/Owner Scott and Mandy Johnstone. Would the clerk be kind enough to read the petition, please.

The clerk then read the Petition in Case: 2026-20 Petitioner/Owner: Scott and Mandy Johnstone. Nature Of Appeal/Petition: Variance. Subject Matter: To allow for the construction of a two-vehicle garage with a maximum height of 21 feet that will occupy more than 25% of the rear yard area. Location And Zoning District: 337 River Street; Residence B Zoning District. Provisions Of Zoning Ordinance Involved: § 4.221 – Location and Area of Accessory Buildings and § 4.223 – Height of Accessory Buildings. Specific Relief Sought: Petitioners require relief for a detached garage that will occupy 33% of the rear yard area and for its proposed maximum height of no higher than 21 feet.

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.

(Mr. Francis submitted a copy of his brief to each member on the board.)

Mr. Francis: I have Scott Johnstone here. His wife couldn't make it.

(Mr. Francis then read his brief into the record. He also submitted photos showing the proposed garage.)

MS. Hankins: The existing is two stories. I mean the existing is two and it is at a lower height and you want seven feet higher.

Mr. Francis: Correct. In 1942 cars and vehicles were smaller and they were able to make it a lot more compact for what's required now. The petitioner does have trucks and a truck I presume to park in the garage. Also he needs it for storage as well.

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

(Mr. Francis submitted a list of abutters who were in favor to the board.).

Mr. Francis: A couple was on vacation and if you have any questions regarding that, he can speak more closely to that.

I do have lastly a rendering. So with that I will conclude my presentation and I am happy to answer any questions the board may have. Both the contractor and the homeowner are here as well if you have any questions. Thank you.

Mr. Sergi: I mean it looks like it's similar to what you have there.

Mr. Francis: It's a little bit bigger.

Ms. Hankins: I kind of like one big door vs the two setup.

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

Steve, do you have any questions?

Mr. Taranto: No questions.

Mr. Sergi: Sarah?

Ms. Hankins: No questions. I don't love the height variance but unfortunately that has come before us a lot because I guess it's an outdated variance but I guess that's why we are here on Tuesdays.

Mr. Francis: It comes from the definition of a single story. It says the accessory building has to be a single story. It comes with a fifteen foot height limit but in reality that's fine for a single vehicle garage but when you get over to a two vehicles, unless you want a flat roof you're going to have a pitch that exceeds that fifteen feet.

Ms. Hankins: So this will just be used as a garage. You have no intention of putting like any type of second floor on top.

Mr. Francis: Just storage on it. It's funny, the contractor and I were talking. He wanted to make sure that you guys were aware that this was not for an ADU and I can assure you that this is a single family home in a two family zone. If they wanted a two family they could do it by right. They wouldn't have to go in and sneak in a two family through an ADU. This is a garage and it will be used fully as a garage.

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

Mr. Deveau: Zero.

Mr. Sergi: Mark?

Mr. Hickernell: I don't have any questions.

Mr. Sergi: I don't have any further questions. Let me open it up to the audience.

Is there 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 favor of the petition as presented?

Seeing two. Thank you.

Counselor, have you made any changes to the Findings of Fact and the Decision since you filed?

Mr. Francis: None.

Mr. Sergi: Okay with that said, we've had them on file. So with that said, may I have a motion to waive the reading of the Proposed Findings of Fact and the Decision since they have been on file.

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

Mr. Sergi: So we've 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.

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

Roll call: Mr. Taranto, yes; Ms. Hankins yes, Mr. Deveau, yes; Mr. Hickernell, yes and Mr. Sergi, yes.

Mr. Sergi: On the Proposed Decision in a similar fashion.

On motion of Mr. Hickernell, seconded by Mr. Deveau, the board voted to adopt the Proposed Decision as its Decision in this case.

Roll call: Mr. Taranto, yes; Ms. Hankins yes, Mr. Deveau, yes; Mr. Hickernell, yes and Mr. Sergi, yes.

Mr. Sergi: It is granted. Good luck with it.

One more motion is in order.

On motion of Mr. Deveau, seconded by Ms Hankins, the board voted to adjourn at.

 Cheryl, Chair
8/18/24

CITY OF WALTHAM
ZONING BOARD OF APPEALS
TRANSMITTAL LETTER



July 22, 2026

Office of the Zoning Board of Appeals
119 School St, 2nd Floor
Waltham, MA 02451

Re: Case No. 2026-19 - 15 & 21 Fiske Avenue - opposition to the requested relief as drafted

Dear Members of the Board:

Please accept the enclosed submission from the direct abutters at 12 Fairmont Avenue. We respectfully request that every enclosed document be entered into the public record and provided to each voting member before deliberation. This submission is directed solely to the legal scope and form of the relief requested. It does not oppose Opportunities for Inclusion, its mission, a lawful group residence, accessibility work, or the people OFI serves. The abutters ask the Board to distinguish existing dimensional rights from new plan-substitution and modification relief and to apply the governing standard to each distinct request.

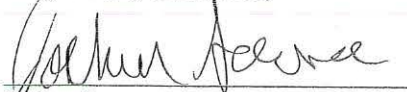
The principal requested disposition is firm: affirm the Building Inspector and deny the bundled modification and plan substitution as drafted. If the Board is not prepared to deny, the alternative requested disposition is a continuance with no substantive, interim, or partial relief so that the distinct issues can be separately identified, noticed if necessary, and supported under the correct legal standards.

Enclosed:

- One-page Board summary
- Formal memorandum in opposition
- Abutters' proposed findings and requested disposition
- Abutters' opposition letter
- Signed petition (to follow)

Thank you for considering the record and for applying the same neutral dimensional and procedural standards that govern comparable applications.

Respectfully submitted,


Joshua Greenson

Date: July 22 2026
12 Fairmont Avenue, Waltham, MA 02453
Direct abutter to 15 & 21 Fiske Avenue


Anjali Greenson

Date: 7/22/2026
12 Fairmont Avenue, Waltham, MA 02453
Direct abutter to 15 & 21 Fiske Avenue

Cc: Ward 7 Councilor Paul Katz

Record references

Applicant Brief at 6-7 (deck built more than twenty years ago; § 7 claim).

Hancock Associates Layout and Materials Plan, revised June 10, 2026.

G.L. c. 40A, § 7 (legal nonconforming status "for zoning purposes"); 780 CMR 1.00 and 34.00, Tenth Edition Massachusetts State Building Code.

Waltham Zoning Ordinance §§ 5.42 and 5.44-5.46.

Waltham General Ordinances, private collection/dumpster provisions adopted by Order No. 36541 (April 14, 2025), subject to confirmation by the Health Department.

**CITY OF WALTHAM
ZONING BOARD OF APPEALS
ONE-PAGE BOARD SUMMARY**

Requested vote: deny as drafted; otherwise continue with no relief

This is an objection to the requested relief - not to OFI or the residents

The abutters do not ask the Board to remove the existing building, prohibit a lawful group residence, or deny protected accessibility improvements. The objection is to combining multiple legally distinct matters into one broad decision that would substitute a comprehensive 2026 redevelopment plan for two limited, plan-specific historic approvals.

The five decisive record points

1. **The appeal establishes no Building Inspector error.** The May 15 rejection required a new ZBA hearing because Case No. 04-32 no longer matched the merged-lot configuration. OFI states that it does not disagree with that interpretation. The appeal should therefore be affirmed, not used as a vehicle for broader relief.
2. **Case No. 98-6 is a limited principal-building variance.** It corrected an existing 19.61-foot rear-yard condition caused by an earlier subdivision, for an unchanged building, and required compliance with identified 1998 plans. Preserving whatever rights presently exist under that decision does not require substituting the entire current redevelopment plan.
3. **The requested plan substitution is substantive, not clerical.** OFI's proposed decisions would replace the prior governing plans with the Hancock plan for an addition, group-home conversion, ramps, stairs, circulation/parking work, a trash enclosure, and other site development.
4. **The deck presents a separate legal question.** Case No. 04-32 approved 4.9 feet; the present survey reports 4.4 feet. A possible ten-year enforcement bar under G.L. c. 40A, § 7 is not automatically an affirmative modified variance at the as-built dimension.
5. **The prior findings cannot simply be carried forward.** The 1998 and 2004 decisions made hardship and no-detriment findings for specific plans and factual settings. Any protected status of the current residential use does not transform those old findings into findings for every element of the 2026 redevelopment.

Requested disposition

- Affirm the Building Inspector.
- Deny the modification, consolidation, plan substitution, and affirmative 4.4-foot deck relief as drafted.
- Do not approve, incorporate, substitute, or deem consistent any current plan under Cases 98-6 or 04-32.
- Preserve without adjudication, enlargement, extinguishment, or modification whatever rights or obligations may presently exist under the historic decisions and applicable law.
- If denial is not entered, continue the matter with no relief and require a segmented amended submission.

Key authority: G.L. c. 40A, §§ 3, 6, 7, 8, 10 and 15; Waltham §§ 7.2, 7.31 and 7.42; Huntington, 12 Mass. App. Ct. 710; Lussier, 447 Mass. 531.

**CITY OF WALTHAM
ZONING BOARD OF APPEALS
FORMAL MEMORANDUM IN OPPOSITION**

Case No. 2026-19 | 15 & 21 Fiske Avenue

Limited, neutral, and record-based position

This memorandum challenges only the relief sought in Case No. 2026-19. It does not challenge OFI's mission, the lawful identity or needs of future residents, or protected accessibility work. Any use- or disability-related protections should be fully respected while the Board independently evaluates the dimensional and procedural relief actually requested.

Requested disposition

The Board should affirm the Building Inspector and deny the application as drafted. The application bundles an appeal, modification of two distinct historic decisions, replacement of their governing plans, affirmative recognition of a deck at a dimension different from the variance granted, abandonment of selected prior relief, and alternative Dover relief. Those questions cannot be resolved responsibly by labeling the result a "consolidation."

If the Board declines to deny the matter, the only appropriate alternative is a continuance with no interim, partial, or substantive relief. The applicant should be required to separate the principal-building variance, the deck's claimed legal status, abandonment of obsolete relief, the present addition and site development, and any Dover-based dimensional request, and to identify the governing standard and plan for each.

I. The primary appeal should be affirmed because the applicant identifies no error by the Building Inspector.

The May 15, 2026 rejection letter states that the 2025 lot combination made the conditions associated with Case No. 04-32 inconsistent with the current lot configuration and that the proposed project therefore requires review at a new ZBA hearing. The letter discusses the deck, detached garage, and remote parking approved in Case No. 04-32. It does not declare Case No. 98-6 void or direct that the current redevelopment plan be substituted into that decision.

OFI's brief states that it does not disagree with the Building Inspector's interpretation and describes the proceeding as "more akin" to a modification request. An appeal under G.L. c. 40A, §§ 8 and 15 and Waltham § 7.31 should correct an enforcement error. Where the applicant accepts the Inspector's determination, the Board should affirm it. A separate modification request must then satisfy its own legal and factual requirements; the appellate label cannot supply those findings.

II. Case No. 98-6 protects a defined existing principal-building condition; it does not authorize wholesale incorporation of the 2026 project.

Case No. 98-6 granted a variance for the existing principal structure at a 19.61-foot rear-yard setback. The decision repeatedly described a narrow correction: the building would remain in the same location; the shape would not change; the condition arose from a prior subdivision; the variance was characterized as minor and of little or no impact; and all construction and use were required to accord with identified 1998 plans.

The abutters do not contend that a valid dimensional variance automatically disappears upon conveyance. The narrower point is that its scope remains governed by the decision and incorporated plans. In *Lussier v. Zoning Board of Appeals of Peabody*, the Supreme Judicial Court treated stated size, use, and plan limitations as defining the scope of variance relief and required further relief for work outside that scope. The existing rear wall may remain protected without making the entire current plan part of Case No. 98-6.

The current Hancock plan is not merely an updated boundary exhibit. The applicant's own brief describes redevelopment of the existing structure plus an addition into an ADA-compliant nine-bedroom group home. The plan identifies a building addition, group-home conversion and site development, retained deck, ramps, stairs, parking/circulation work, and a trash enclosure. OFI's proposed decision would make that complete plan the plan governing both historic decisions. That is substantive new approval, not recognition of the existing principal-building footprint.

III. The proposed substitution of plans is a substantive modification, and Huntington does not establish an unlimited amendment power.

Waltham § 7.2 gives the Board the powers vested by statute and ordinance; it does not establish an independent standard permitting any requested amendment. OFI relies on *Huntington v. Zoning Board of Appeals of Hadley*, which removed a personal condition tying a variance to one owner's lifetime and transferability. The Appeals Court expressly found it unnecessary to recognize a broad general power to modify substantive conditions. It distinguished personal ownership restrictions from conditions regulating the nature, character, or extent of land use.

The incorporated plans and project limitations in Cases 98-6 and 04-32 are land- and project-based. The present request would replace them with a comprehensive current plan and remove selected conditions while retaining selected dimensional benefits. Notice and a hearing may be procedural prerequisites, but they do not eliminate the need to identify the substantive standard and make supported findings for each change.

IV. Case No. 04-32 cannot be selectively rewritten without confronting the facts and conditions that supported its relief.

Case No. 04-32 approved a deck at 4.9 feet from the rear line and 1.1 feet from the side line, along with remote parking and a garage. The Board found that the single-family use would continue in the same manner, that no construction other than the deck and garage was contemplated, and that the character of the neighborhood would not be compromised in that factual setting. The decision required compliance with a specific 2004 plan and imposed project-specific use and parking conditions.

The abutters do not ask the Board to use the former single-family language to exclude a lawful disability residence or to cast a negative light on the proposed residents. That language remains probative for a neutral reason: it demonstrates that the hardship and no-detriment findings were made for a particular project, plan, and operating context. The applicant cannot retain the dimensional benefits, discard the burdens, substitute a new plan, and simply incorporate the old findings without explaining the legal basis and current facts supporting each change.

V. The deck's possible enforcement protection is not the same as affirmative modified variance relief at 4.4 feet.

Case No. 04-32 approved 4.9 feet. The current survey reports approximately 4.4 feet. OFI invokes G.L. c. 40A, § 7 because the deck has existed for more than ten years. Section 7 may limit a late enforcement action and may cause a structure to be treated as legally nonconforming, subject to G.L. c. 40A, § 6 and applicable local rules. It does not necessarily convert the as-built dimension into a newly granted variance.

The Board should therefore distinguish: (1) whether enforcement is time-barred; (2) the deck's status as a legally nonconforming structure; (3) the standard applicable to any alteration or extension; and (4) whether an affirmative variance modification is requested. Those issues should not be collapsed into the building variance or the current redevelopment plan. The abutters do not ask for removal of the longstanding deck in this proceeding; they ask the Board not to grant a different affirmative variance by implication.

VI. Dover, fair-housing, and accessibility protections do not require the bundled relief proposed.

G.L. c. 40A, § 3 protects qualifying educational uses, congregate living arrangements for persons with disabilities, and qualifying disability-access ramps. Those protections should be honored. The ramp and the residents are not the basis of this opposition.

Even for a qualifying educational use, § 3 permits reasonable regulation of bulk, height, yard size, lot area, setbacks, open space, parking, and coverage. A decision denying an overbroad plan substitution or requiring separately supported dimensional relief does not prohibit the protected use. Nor does Dover answer whether a historic variance plan should be replaced wholesale or whether a 4.9-foot variance should become 4.4 feet.

VII. The applicant's proposed findings rely on an incomplete "same manner" premise.

The proposed findings acknowledge a redevelopment, addition, group-home conversion, lot merger, new site development, and substitution of current plans. They nevertheless state that the existing structure and deck will continue "in the same manner." The physical rear wall and deck may remain in place, but the legal approval being requested is

not the same: the Board is asked to attach a new comprehensive plan to two historic decisions and alter the dimensional description of the deck.

The Board should make its own findings and avoid adopting applicant-drafted findings that characterize substantive changes as mere recordkeeping. A defensible decision should identify each right preserved, each condition removed, each plan approved, and the standard supporting every affirmative item of relief.

VIII. Denial as drafted is the appropriate result; a continuance without relief is the only nonconceding alternative.

The Board should deny the requested modification and plan substitution as drafted, affirm the Inspector, decline to approve the deck at 4.4 feet as an affirmative variance, and make no unnecessary Dover finding. Such a denial need not adjudicate or extinguish any existing right. It can preserve the status quo while rejecting the requested enlargement and bundling of relief.

If the Board believes the record should remain open, it should continue the matter without granting any interim or partial relief and require an amended, segmented submission addressing separately:

- the scope of Case No. 98-6 as it applies to the existing principal-building footprint;
- whether the addition or any redevelopment element relies upon or requires alteration of that relief;
- the deck's claimed status under G.L. c. 40A, §§ 6 and 7 and the exact remedy sought;
- the abandonment of the former side-yard and remote-parking relief;
- any independently requested Dover-based dimensional relief; and
- the precise plan or limited exhibit proposed to govern each item of relief.

No current plan should be approved, incorporated, substituted, or deemed consistent with the historic decisions during a continuance. Nothing in the denial or continuance should adjudicate, enlarge, extinguish, or modify whatever rights or obligations may presently exist under Cases 98-6 and 04-32 or applicable Massachusetts law.

Authorities and record citations

Waltham ZBA Case No. 98-6, Notice of Decision (filed Apr. 8, 1998), Findings 3-11, Decision paragraphs 2-5, and incorporated 1998 plans.

Waltham ZBA Case No. 04-32, Notice of Decision (filed Sept. 8, 2004), Findings 1-10, variance/special-permit reasons, Conditions 2-5, and incorporated 2004 plan.

OFI Petition, Brief, Proposed Findings, Proposed Decisions, exhibits, and Amended Legal Notice in Case No. 2026-19.

Waltham Building Department, Notice of Building Permit Rejection, May 15, 2026.

Hancock Associates, Layout and Materials Plan, latest revision June 10, 2026.

G.L. c. 40A, §§ 3, 6, 7, 8, 10, 11, 15, and 17; Waltham Zoning Ordinance §§ 4.11, 4.219, 7.2, 7.31, and 7.42.

Huntington v. Zoning Board of Appeals of Hadley, 12 Mass. App. Ct. 710, 713-718 & n.8 (1981).

Lussier v. Zoning Board of Appeals of Peabody, 447 Mass. 531, 533-538 (2006).

Trustees of Tufts College v. Medford, 415 Mass. 753, 757-760 (1993).

Attorney General, Guidance on Regulation of Religious and Educational Uses of Land Under the Dover Amendment.

Respectfully submitted,



Joshua Greenson

Date: July 22, 2026
12 Fairmont Avenue, Waltham, MA 02453
Direct abutter to 15 & 21 Fiske Avenue



Anjali Greenson

Date: 7/22/2026
12 Fairmont Avenue, Waltham, MA 02453
Direct abutter to 15 & 21 Fiske Avenue

**CITY OF WALTHAM
ZONING BOARD OF APPEALS
ABUTTERS' PROPOSED FINDINGS AND REQUESTED DISPOSITION**

Primary: denial as drafted | Alternative: continuance with no relief

Proposed findings of fact

1. The Building Inspector's May 15, 2026 rejection determined that the proposed project required a new ZBA hearing because the conditions associated with Case No. 04-32 no longer matched the merged-lot configuration.
2. The applicant states that it does not disagree with the Inspector's interpretation and characterizes this matter as more akin to modification of prior decisions.
3. Case No. 98-6 granted dimensional relief for the existing principal structure at a 19.61-foot rear setback and required compliance with identified 1998 plans.
4. The findings in Case No. 98-6 described the relief as correction of an existing condition created by a prior subdivision, with no change to the building location or shape.
5. Case No. 04-32 granted a 4.9-foot rear and 1.1-foot side setback for a deck and a special permit for remote parking and a garage, subject to a specific 2004 plan and project-specific conditions.
6. The current survey reports the deck at approximately 4.4 feet, a dimension different from the 4.9-foot variance granted in Case No. 04-32.
7. The current project includes redevelopment of the existing structure, an addition, conversion to a nine-bedroom group home, and site-development work shown on the current Hancock plan.
8. The applicant asks the Board to substitute the current Hancock plan for the plans incorporated into Cases 98-6 and 04-32.
9. Substitution of the current redevelopment plan would do more than acknowledge the continued physical existence of the principal building and deck.
10. The record presents distinct legal questions concerning the existing building variance, the deck's possible enforcement/nonconforming status, abandonment of obsolete relief, present redevelopment work, and alternative Dover relief.
11. The applicant's stated intention not to rely on the former side-yard variance and remote-parking special permit does not establish the legal basis for affirmative relief requested elsewhere.
12. The Board can respect all disability, congregate-living, accessibility, and any qualifying Dover protections without granting a wholesale plan substitution or modified deck variance.
13. The applicant's proposed decisions do not adequately separate the standards and findings applicable to each distinct item of relief.
14. No finding is made that OFI's mission, residents, or lawful protected residential use constitutes a detriment; those matters are not a basis for the requested denial.

Primary requested disposition - denial

The Board should vote to:

- AFFIRM the May 15, 2026 determination of the Building Inspector;
- DENY the proposed modification and consolidation of Cases 98-6 and 04-32 as drafted;
- DECLINE to substitute, incorporate, approve, or deem consistent the current Hancock plan, or any current Case No. 2026-19 plan, under either historic decision;
- DECLINE to grant or recognize affirmative variance relief for the deck at 4.4 feet in this proceeding;
- DECLINE to adopt the applicant's proposed findings and proposed decisions;
- MAKE NO unnecessary finding concerning Dover applicability or the lawful protected residential use; and
- PRESERVE WITHOUT ADJUDICATION, ENLARGEMENT, EXTINGUISHMENT, OR MODIFICATION whatever rights or obligations may presently exist under Cases 98-6 and 04-32 and applicable law.

Alternative requested disposition - continuance with no relief

No partial approval

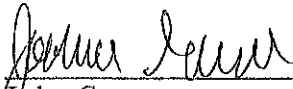
If the Board does not deny the application, the abutters request a continuance only. No dimensional relief, plan approval, plan substitution, modification, interim authorization, or favorable Dover finding should issue during the continuance.

As conditions of the continuance, require the applicant to submit a segmented amended presentation that separately identifies:

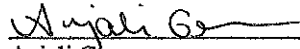
- the precise relief, legal standard, findings, and limited plan exhibit requested for the existing principal-building footprint;
- whether and how the addition or any other current work relies upon, alters, or requires modification of Case No. 98-6;
- the exact relief sought for the deck under G.L. c. 40A, §§ 6 and 7, including whether the applicant seeks enforcement immunity, nonconforming recognition, variance modification, or more than one remedy;
- the discrete abandonment of obsolete side-yard and remote-parking relief;
- any Dover-based dimensional relief and why the particular regulation is unreasonable as applied;
- a plan key clearly distinguishing existing conditions, protected accessibility work, conforming new work, and work requiring ZBA relief; and
- whether amended notice is required if the requested scope changes or becomes more specific.

During the continuance, no current plan shall be approved, incorporated into, substituted for, or deemed consistent with Case No. 98-6 or Case No. 04-32. The continuance shall not adjudicate, enlarge, extinguish, or modify any existing right or obligation.

Respectfully submitted,


Joshua Greenson

Date: July 22, 2026
12 Fairmont Avenue, Waltham, MA 02453
Direct abutter to 15 & 21 Fiske Avenue


Anjali Greenson

Date: 7/22/2026
12 Fairmont Avenue, Waltham, MA 02453
Direct abutter to 15 & 21 Fiske Avenue

Joshua and Anjali Greenson
12 Fairmont Avenue
Waltham, MA 02453

July 22, 2026

Office of the Zoning Board of Appeals
119 School Street, 2nd Floor
Waltham, MA 02451

Re: Case No. 2026-19 - 15 & 21 Fiske Avenue - neighborhood and site-planning concerns

Dear Members of the Board

We are direct abutters writing about the physical site layout shown in Case No. 2026-19. We do not oppose Opportunities for Inclusion (OFI), its mission, a lawful group residence, accessibility work, or the people OFI serves. Our concerns are not directed towards any potential future residents. Our objection is whether the Zoning Board of Appeals (ZBA) decision will be drafted so broadly that it indirectly approves current site features that require separate review or mitigation.

1. The current plan should not be incorporated wholesale into the historic variance decisions.

The applicant's proposed decisions would require all construction and use to follow the complete June 10, 2026 Hancock Layout and Materials Plan. That plan shows far more than the existing principal building and deck addressed by the historic decisions. It shows an addition, parking and circulation, accessibility work, a roll-off dumpster enclosure, mechanical areas, grading, landscaping, and other improvements. We respectfully request that the Board use a limited ZBA exhibit and expressly state that unrelated current features are not approved by this decision.

2. The retained deck is extremely close to an exterior residential boundary.

The current plan reports the retained open deck at approximately 4.4 feet from the adjoining residential lot line, while the 2004 decision approved 4.9 feet. Even if the deck has statutory nonconforming status, the Board should limit any recognition to its present footprint and should not authorize enlargement, roofing, enclosure, relocation closer to the line, or other physical intensification.

Furthermore, the Dover Amendment protection is not a blanket exemption from reasonable setback requirements. OFI has not demonstrated that compliance of a less intrusive deck configuration would materially impair its protected use. Without evidence evaluating feasible alternatives, the record does not establish the setback requirements is unreasonable as applied.

3. The deck's twenty-plus-year age warrants independent Building Department review.

The applicant states that the wooden deck was constructed more than twenty years ago and relies on that age to claim legal nonconforming status. That may address a zoning-enforcement issue, but it does not establish the deck's present structural condition, allowable load, guard and stair compliance, or suitability for use with the proposed project.

We are not asserting that the deck is unsafe, and we are not asking the ZBA to act as a structural engineer. We ask that if there was a decision in favor of the applicant, the decision expressly state that it makes no structural or Building Code finding and that use of the deck remains subject to all required Building Department permits, inspections, and certificate-of-occupancy review. The Building Commissioner should retain full authority to decide whether the deck's age, condition, permit history, anticipated occupant load, or egress role requires a current assessment or stamped analysis by a Massachusetts-registered professional engineer.

4. The roll-off dumpster and sanitation review should remain explicit and separate.

The plan depicts a 12-foot-by-17-foot enclosure for a roll-off dumpster in the rear portion of the property. A permanent roll-off container can raise location, screening, runoff, maintenance, pest-control, collection-route, and service-hour issues. Those matters may fall within the Health Department's licensing and location review under Waltham's private-collection requirements. The ZBA should not incorporate the dumpster into a modified variance decision or imply that its location has been approved.

5. The plan identifies parking and paved-area offsets below the five-foot standard.

The applicant's plan itself identifies a requested waiver from Waltham Zoning Ordinance § 5.42 and lists parking-area offsets of approximately 0.86 feet from a side lot line and 1.41 feet from the front/street line. Section 5.42 generally requires paved areas serving more than five cars to remain at least five feet from lot and street lines and also addresses snow-storage area. Sections 5.44 through 5.46 address drainage, lighting, and screening to minimize headlight glare on adjacent residential property. The ZBA should not approve or waive those matters indirectly unless they are expressly before the correct authority and supported by findings.

6. Project mitigation should be located and maintained on the applicant's property.

Meaningful landscaping and privacy screening should be shown on the applicant's approved plan, located on the applicant's property where feasible, and supported by maintenance and replacement obligations. A project-related buffer should not depend on an abutter surrendering private yard area, accepting plantings on the abutter's property, or assuming future maintenance responsibility. If the combination of ramps, pavement, parking, deck, dumpster, and other features leaves inadequate room for on-site screening, the design should be revisited by the responsible reviewing authority.

7. The cumulative physical layout should be preserved for the appropriate reviews.

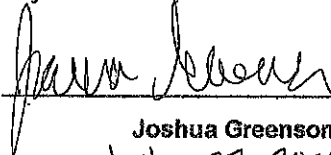
The concern is cumulative and physical: several active site features are concentrated near residential boundaries, while the available area for separation and screening is limited. We ask the Board not to decide impacts that belong to another department, but also not to foreclose or dilute those reviews by adopting the entire current plan as the governing plan for the historic ZBA decisions.

Requested action

- Affirm the Decision of the Building Inspector G.L. c. 40A, §§ 8 and 15.
- Deny the applicant's proposed decisions to further modify / consolidate relief with a full-plan substitution.
- Expressly exclude the addition, parking waivers and offsets, dumpster, mechanical equipment, drainage, lighting, snow storage, landscaping, and other current site features from this ZBA decision, so that the distinct issues can be separately identified, noticed if necessary, and supported under the correct legal standards.
- State that any zoning recognition of the deck is not structural approval; preserve the Building Commissioner's authority; and require all Building Department permits, inspections, and any professional assessment

Thank you for considering these site-specific concerns.

Respectfully submitted,


Joshua Greenson

Date: July 27, 2016

12 Fairmont Avenue, Waltham, MA 02453


Anjali Greenson

Date: 7/22/2016

12 Fairmont Avenue, Waltham, MA 02453

**CITY OF WALTHAM
ZONING BOARD OF APPEALS
ABUTTER PETITION**

Request to deny Case No. 2026-19 as drafted

Purpose of petition

This petition concerns only the zoning relief requested. It does not oppose OFI, its mission the establishment of a lawful group residence, accessibility improvements, or the people OFI serves.

We, the undersigned Waltham residents and property owners, respectfully request that the Zoning Board of Appeals affirm the Building Inspector and deny the requested modification and plan substitution in Case No. 2026-19 as drafted.

The application seeks to combine distinct issues involving the principal-building variance, the deck, abandonment of older relief, the current redevelopment plan, and alternative Dover relief. It also seeks to replace the plans incorporated into Cases 98-6 and 04-32 with a comprehensive current redevelopment plan and to recognize the deck at 4.4 feet rather than the 4.9-foot dimension granted in 2004.

If the Board does not deny the matter, we request that it continue the hearing with no partial, interim, or substantive relief and require the applicant to present each item separately under the correct legal standard. No current plan should be substituted into the historic decisions during that continuance.

By signing, each person supports this limited zoning position and does not express opposition to OFI's mission, the lawful residents, or protected accessibility work.

Signatures

Printed name	Street address	Signature	Date	Owner / Resident
Katie Gregoire	26 Fairmont Ave		7.23.2026	owner
Owen Gregoire	26 Fairmont ave		7.23.2026	owner
Brady Gregoire	26 Fairmont Ave		7.23	owner
Deb Abbotton	25 FAIRMONT Ave		7-23-2026	owner
Danette Alamanos	6 Fairmont Ave		7/23/26	owner
Stratos Alamanos	6 Fairmont Ave		7/23/26	owner
Michael Alamanos	6 Fairmont Ave.		7/23/26	Resident
Diane Vezear	4 Fiske Ave		7/24/26	Resident
Rodney Moreira	14 Fiske Ave		7-24-26	owner

Case No. 2026-19 - Petition signature continuation

Requested action: deny as drafted; otherwise continue with no relief.

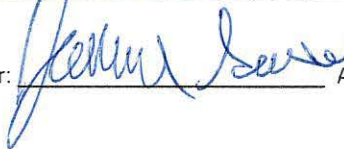
Printed name	Street address	Signature	Date	Owner / Resident
LARRY MALLOY	15 FAIRMONT AVE	Larry Malloy	7/27/26	OWNER
Burb Malloy	15 FAIRMONT AVE	Burb Malloy	7/26/26	OWNER
GARY J. AINSWORTH	25 FAIRMONT AVE. WALTHAM, MA	G. J. Ainsworth	7/24/26	OWNER
MILITARY ANNUNZI	146 WEST ST #2 WALTHAM, MA	M. Annunzi	7/24/26	OWNER
Zaneta Rando	16 FAIRMONT AVE. WALTHAM, MA	Zaneta Rando	7/24/26	owner
Stephen Rando	16 FAIRMONT AVE WALTHAM	Stephen Rando	7/24/26	owner
Matthew Gregoire	26 FAIRMONT AVE WALTHAM, MA	M. Gregoire	7/24/26	owner
Blessing Ajaero	27 Fiske Ave Waltham, MA	B. Ajaero	7/27/26	owner
Mercy Enemchukwu	27 Fiske Ave Waltham MA	M. Enemchukwu	7/27/26	owner

Case No. 2026-19 - Petition signature continuation

Requested action: deny as drafted; otherwise continue with no relief.

Printed name	Street address	Signature	Date	Owner / Resident
Katie Cuddy	81 Wintrop St		7/27	OWN
Richard Cuddy	81 Wintrop St		7/27	own
Drew Lanny	95 Wintrop St		7/27	OWN
Olivia Brown	95 Wintrop St	Olivia Brown	7/27	own
Beth Ann	30 Fiske Ave		7/27	own.
Ariel	30 Fiske Ave		7/27	OWN
Abner	40 Fairmont		7/27	OWN
Michael O'Connor	30 Fairmont	Michael O'Connor	7/27	own
~~John~~ JOE WALTER	20 FAIRMONT AVE		7/27	OWNER

Petition organizer:

 Address: 12 Fairmont Ave

Date submitted:

7/28/2026

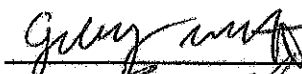
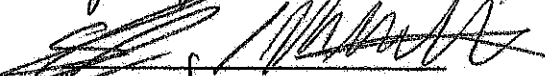
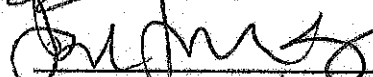
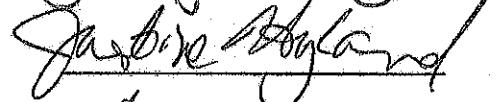
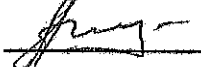
Case No. 2026-19 - Petition signature continuation

Requested action: deny as drafted; otherwise continue with no relief.

Printed name	Street address	Signature	Date	Owner / Resident
Anjali Greenish	12 Fairmont Ave		7/27/2026	Owner

Zoning Board of Appeals Hearing for July 28, 2026
Petitioners Scott & Mandy Johnstone

I am an abutter of the property at 337 River Street, Waltham, MA. I have reviewed the Plan entitled "Plan to Accompany Petition for Variances at 337 River Street, Waltham, MA" dated June 2, 2026, 2026, and have no objection to the proposed single-story detached garage in the rear-yard of the lot.

Name	Address	Signature
Geoffrey Wright	333 River St Unit 2	
Adam Hess/Morgan Shkel	333 River St Unit 1	
Jennifer Janson	10 PLYMOUTH ST #2	
Justine Hyland	14 Regent St #2	
Anna Kuznetsova	343 River St #2	



Danette Alamanos
6 Fairmont Ave
Waltham, MA 02453



July 24, 2026

Zoning Board of Appeals
119 School Street
Waltham, MA 02451

RE: Opportunities for Inclusion, 15 Fiske Ave, Case 2026-19

To Whom It May Concern:

I am contesting the appeal by Opportunities for Inclusion to continue to use and maintain the rear deck at 15 Fiske Ave as it currently exists. Although they designate it as a group residence, it is also a business moving into a residential neighborhood. As such, it would seem that the property's previous zoning status as a single family residence should no longer apply. With up to 9 unrelated residents, various staff, caretakers, visiting relatives and deliveries, the potential for frequent large and noisy gatherings on the deck is a real probability. The previous owner barely used this deck. The atypical size, shape and height of his deck served as a covered driveway for vehicle access into and out of his basement garage underneath.

I've attended several meetings with representatives from Opportunities for Inclusion and the city government. Recent meetings took place on the rear deck in question, which provided a very clear vantage point of the positioning of the deck as it relates to my property and the adjacent properties. The entire deck at 15 Fiske Ave is visible from the back of my house. Likewise, anyone on that open deck can see into my yard and my neighbors' yards. This infringes on both our privacy and theirs. In addition, I learned that Opportunities for Inclusion is proposing a wheelchair ramp along the 4.9 ft setback space behind the deck, which seems unnecessarily long and narrow. More importantly, this would bring their rear setback even closer to the abutting properties and may not even be ADA or zoning compliant.

Please consider the following possible alternative suggestions:

- Can the dimensions of the deck be reduced to increase the already very small rear setback?
- Can the height of the deck be lowered and some type of lattice or pergola be installed around the perimeter to provide privacy for the neighbors (and for OFI residents)?
- Can the wheelchair ramp be redesigned and moved to a more appropriate location?
- Can mature trees be planted all around the deck for noise mitigation and more privacy?

With the change of building use from a single family residence to a group residence/business, it is difficult to understand why this appeal to the Zoning Board should be approved. Among other issues, some design adjustments to the rear deck are clearly needed to provide more setback from abutting properties and enough room for trees to grow along the back and sides of the deck. These changes would be a neighborly gesture, giving everyone more privacy as well as improving the appearance of the property and being environmentally friendly.

I am not opposed to Opportunities for Inclusion as an organization but, as noted, I am very concerned about the size and position of the deck and its proximity to our property and that of our neighbors. I appreciate your taking my concerns into consideration during this zoning appeals process.

Thank you,

Danette Alamanos

Danette Alamanos

cc: Paul Katz, Ward 7 City Councilor

garage on 21 Fiske Avenue referenced in Case No. 04-32 is to be razed as part of Petitioner's redevelopment of the Locus.

* * * * *

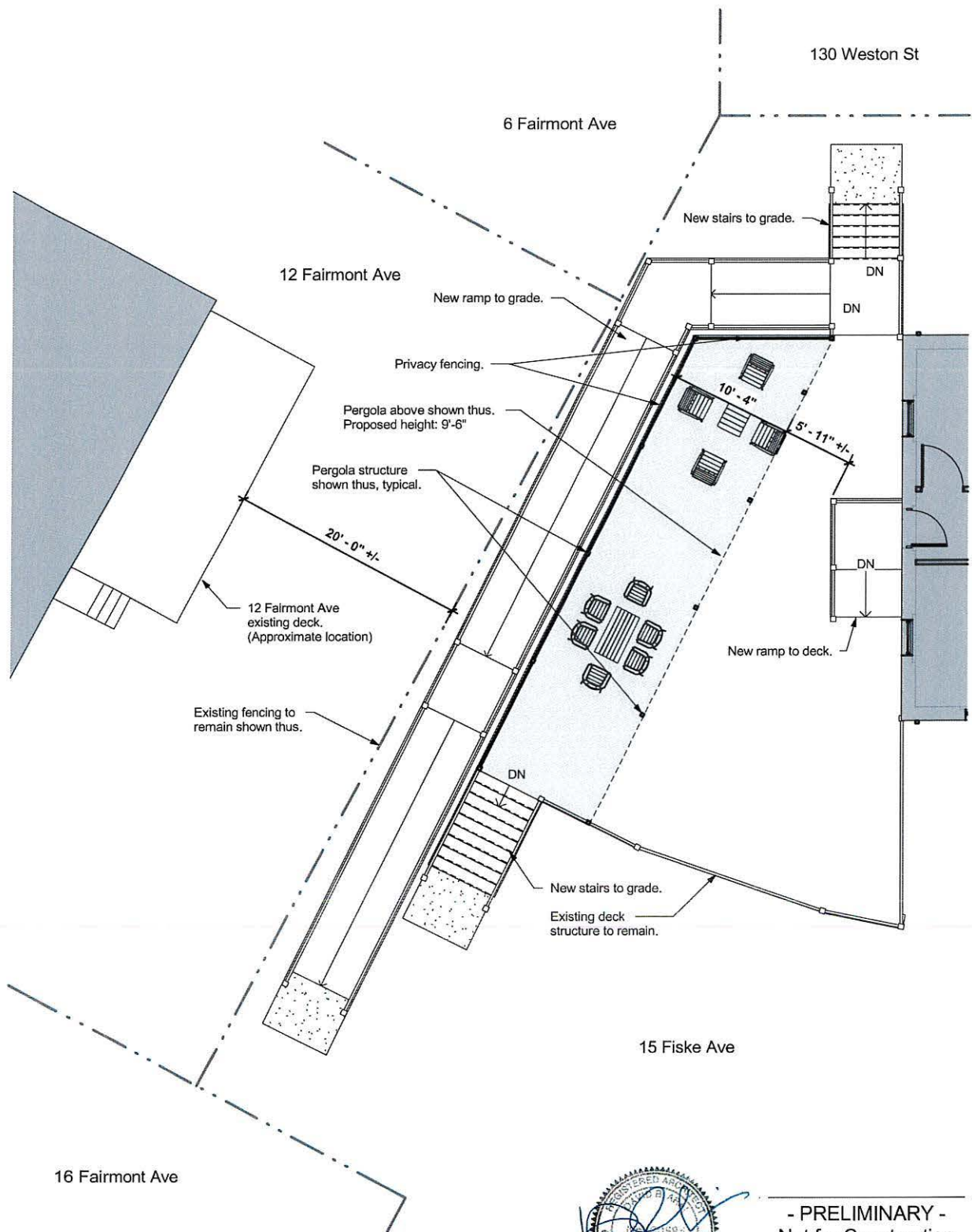
Therefore, based on all of the above, the Board of Appeals grants this appeal from the Decision of the Building Inspector under the provisions of M.G.L. c. 40A, §§ 8 and 15, and to the Modification of Case No. 98-6 and Case No. 04-32 subject to the following conditions:

1. All necessary permits shall be issued, and work commenced in accord with M.G.L. c. 40A, § 10; and
2. All construction and use of the premises shall be in substantial accordance with the following plan introduced as evidence during the hearing, and on file in the office of the Board of Appeals:
 - a. "Layout and Materials Plan", prepared by Hancock Associates, dated January 21, 2025, revised February 6, 2025, April 11, 2025, July 1, 2025, August 1, 2025, August 22, 2025, ~~and~~ June 10, 2026, and July 27, 2026;
 - b. "Partial Site Plan", Sheet PRO-2, prepared by MAIER Design Group, LLC, dated July 1, 2026; and
 - a.c. "Proposed Pergola – View from Fiske Deck", Sheet PRO-2.1, prepared by MAIER Design Group, LLC, dated July 1, 2026.

* * * * *

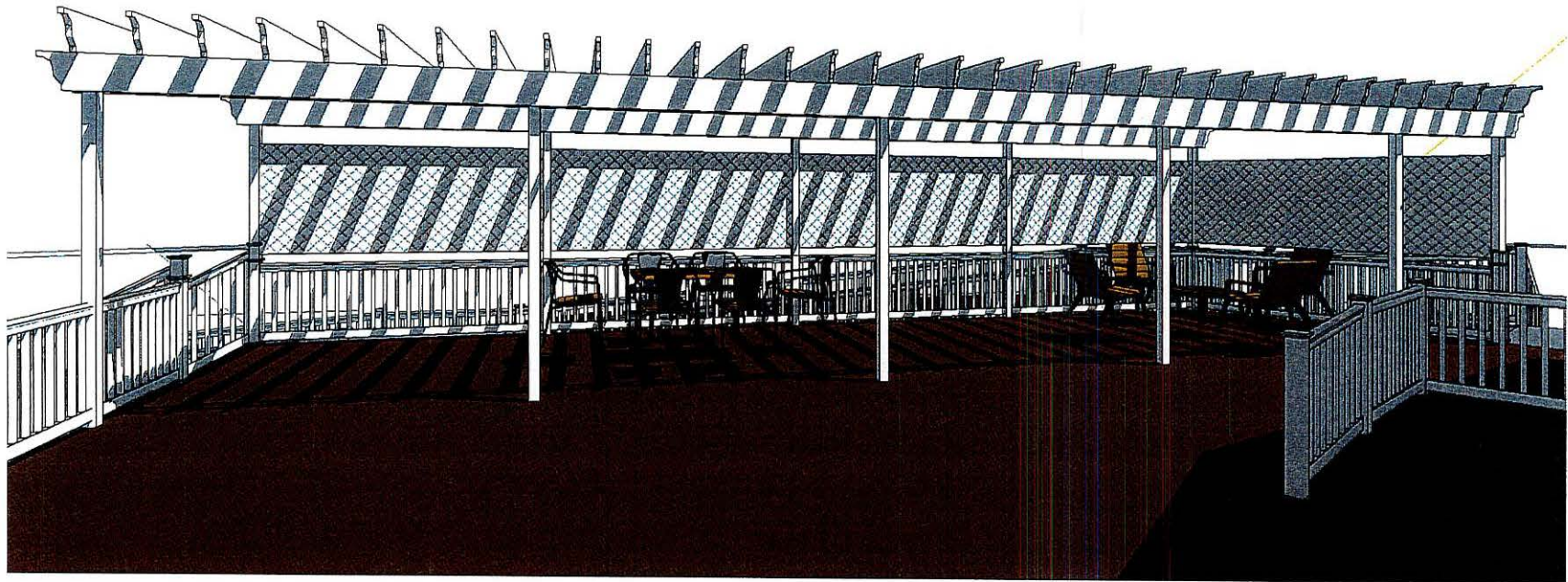
Therefore, based on all of the above, the Board of Appeals grants the relief requested in this matter~~is appeal from the Decision of the Building Inspector~~ under the provisions of M.G.L. c. 40A, § 3 (“Dover Amendment”)~~§ 8 and 15~~, and to the Modification of Case No. 98-6 and Case No. 04-32 subject to the following conditions:

1. All necessary permits shall be issued, and work commenced in accord with M.G.L. c. 40A, § 10; and
2. All construction and use of the premises shall be in substantial accordance with the following plan introduced as evidence during the hearing, and on file in the office of the Board of Appeals:
 - a. “Layout and Materials Plan”, prepared by Hancock Associates, dated January 21, 2025, revised February 6, 2025, April 11, 2025, July 1, 2025, August 1, 2025, August 22, 2025, ~~and~~ June 10, 2026, and July 27, 2026;
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 - a.c. “Proposed Pergola – View from Fiske Deck”, Sheet PRO-2.1, prepared by MAIER Design Group, LLC, dated July 1, 2026.



**- PRELIMINARY -
Not for Construction**

This drawing is issued for Design Review,
Preliminary Budgeting, Owner Sign-Off,
Engineering Coordination and
General Information ONLY and is not
intended for permitting or bidding.



- PRELIMINARY -
Not for Construction

This drawing is issued for Design Review,
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intended for permitting or bidding.

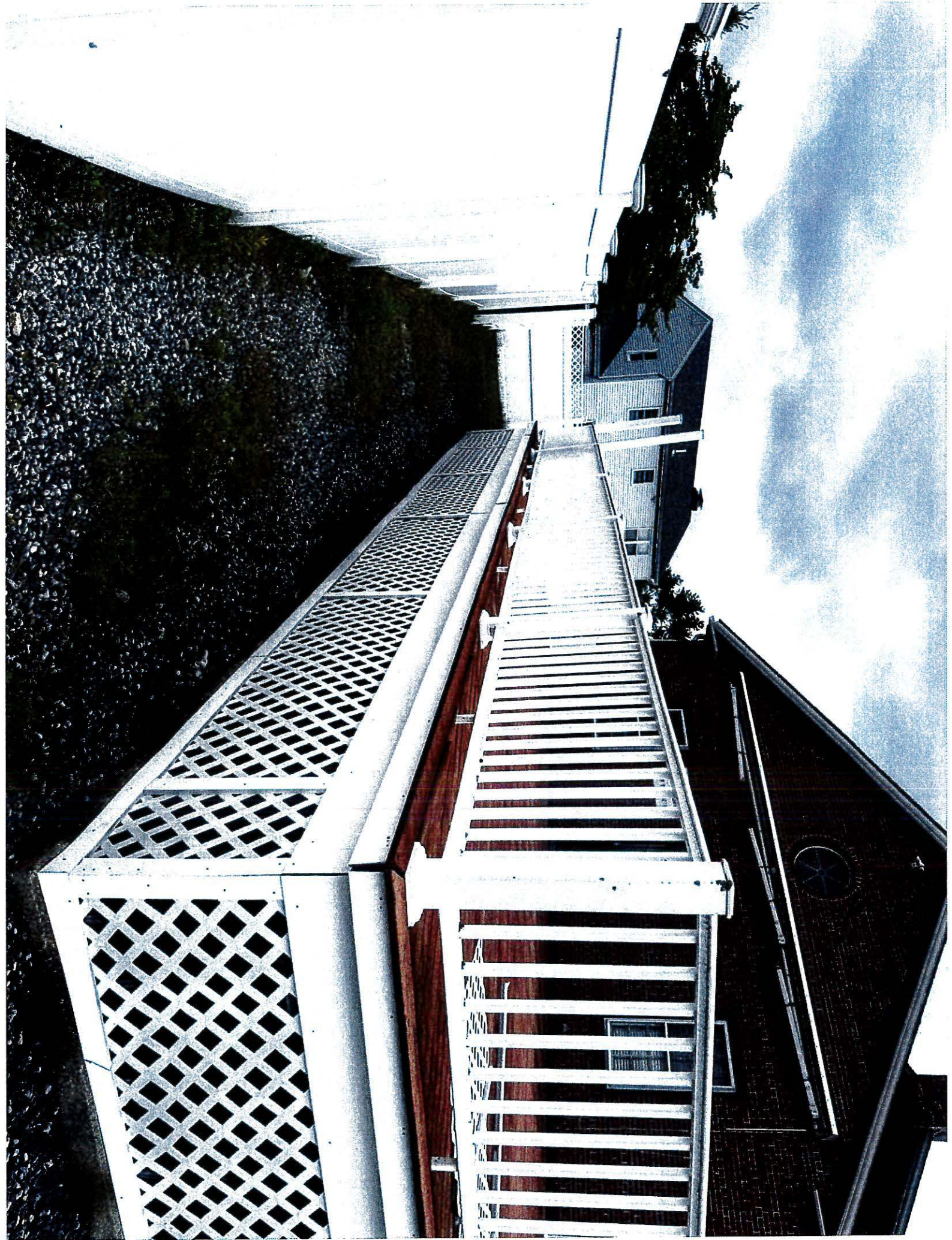


PROPOSED PERGOLA - VIEW FROM FISKE DECK
OPPORTUNITIES FOR INCLUSION

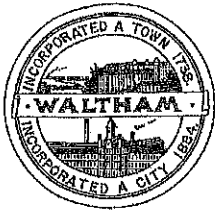
1 JULY 2026

PRO-2.1









City of Waltham
COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: June 22, 2026

THE ZONING BOARD OF APPEALS OF THE CITY OF WALTHAM WILL HOLD A PUBLIC HEARING IN THE GOVERNMENT CENTER, 119 SCHOOL STREET, WALTHAM, MA ON July 28, 2026, AT 7:00 P.M. ON THE FOLLOWING:

Case: 2026-20 **Petitioner/Owner:** Scott and Mandy Johnstone. **Nature Of Appeal/Petition:** Variance. **Subject Matter:** To allow for the construction of a two-vehicle garage with a maximum height of 21 feet that will occupy more than 25% of the rear yard area. **Location And Zoning District:** 337 River Street; Residence B Zoning District. **Provisions Of Zoning Ordinance Involved:** § 4.221 – Location and Area of Accessory Buildings and § 4.223 – Height of Accessory Buildings. **Specific Relief Sought:** Petitioners require relief for a detached garage that will occupy 33% of the rear yard area and for its proposed maximum height of no higher than 21 feet. Further information and plans concerning this case may be viewed at the Zoning Board of Appeals' Office, 119 School Street, Waltham, Massachusetts 02451; Hours: Monday - Friday 8:30-4:30. **MEMBERS:** John Sergi, Mark Hickernell, Glenna Gelineau, Matthew Deveau, Stephen Taranto. **ASSOCIATE MEMBERS:** Oscar LeBlanc, Sarah Hankins, Joseph Attardo, Kathleen McMenimen.