

**CITY OF WALTHAM**  
**BOARD OF SURVEY AND PLANNING**

The following are minutes of the 7:00 p.m., December 1, 2010 Board of Survey and Planning meeting held in the Auditorium of the Arthur Clark Government Center located at 119 School Street, Waltham, MA. In attendance were, Chairman Creonte and members Barrett, DeVito, Duffy, Moroney and Tarallo.

The Chairman opened the Public Hearing at 7:00 p.m.

The Clerk read the first item on the agenda which was for a Special Permit for Curb Cuts at 36 River Street and the widening of an existing curb cut on Farwell Street. The Board must act on this petition by February 13, 2011.

Attorney Philip B. McCourt of 15 Church Street, Waltham, MA came forward representing the petition for TC Saracen, LLC. Mr. McCourt reviewed the lot location and what they will be presenting to the City Council as a multi-family residential complex. This will be submitted as a special permit to the City Council. He explained why they were coming first for the curb cut approval. He reviewed the two curb cut locations on the plan and also reviewed the restoration approval they received from the Conservation Commission.

He reviewed the design of the building and the parking. He reviewed how he worked with Dan Driscoll from DCR and planned the land improvements and walking trail.

The Chairman opened the hearing to the Board.

Mr. Duffy asked Mr. McCourt to review the pitch of the roadway at the River Street Curb cut.

Chris McCarthy of John Crowe Associates came forward to explain this.

Mr. Duffy asked if they had given any thoughts to closing the Farwell Street curb cut and relocating it.

Mr. McCarthy replied that they can't, that this is the best location. He reviewed the 3% grade and pitch of this curb cut.

Ms. Tarallo asked for a review of why there is a right turn only out of the River Street Curb Cut.

Mr. DeVito asked if they needed any approvals from the Watertown ZBA.

Mr. Saracen said that because of the wetlands they submitted a project plan to Watertown and after discussions of what they would be building and that Watertown had no concerns.

Mr. Moroney asked what approvals they do need for a 220 unit apartment complex.

Mr. McCourt said they would need to go to the City Council for a Special Permit.

Mr. Moroney then requested that the petitioner submit to the Board a copy of the Conservation Commission approval.

Mr. McCarthy said they would submit that for next meeting.

Mr. Moroney suggested that they submit a profile plan to the Board.

Mr. Moroney asked for a review of Stop and Shop's access rights to the Farwell Street Curb cut.

Mr. McCourt stated that they had submitted plans to Stop and Shop and reviewed what they intend on building. Stop and Shop had no issues as long as they still had access for their delivery trucks.

There were further discussions on the proposed curb cut on River Street.

Mr. Barrett suggested that there be a site view so the Board could fully understanding the right turn only exit and the site location.

The Chairman then opened the hearing to the public and asked if there was anyone that would like to speak in favor of this petition. There being none he closed that part of the hearing and asked if there was anyone that would like to speak in opposition to this petition.

Marion McGovern of 51 Farwell Street came forward and said that she is very concerned about the traffic of such a large complex that it would bring to an already busy intersection. She opposes this project.

The Chairman then closed that part of the hearing and asked the Board if there was a motion.

On the motion of Mr. Barrett, seconded by Mr. Moroney, the Board

**VOTED: to continue the petition for a special permit at 36 River Street and Farwell Street at their next meeting of January 5, 2011, to have a site view on Friday December 3, 2010 at 4:00pm and to have the petitioner submit to the Board for their**

**next meeting a copy of Conservation  
Commissions approval and a profile plan.**

The Clerk then read the next item on agenda which was for a Special Permit Curb Cut on Main Street for the 110 Bear Hill Road site.

Attorney Philip B. McCourt came forward to address this petition on behalf of Hilltop 110 Bear Hill Road. He reviewed the proposed second egress and reviewed how they actually submitted this curb cut request to the Consolidated Public Works Director and that he had forwarded it to the law Department. Michele Learned submitted her opinion and advised the petitioner that they need to see the Board's approval for this curb cut location.

He said that this was the same location that Dr. Frank Ching had previously reviewed and approved, and that the Fire Department had no objections to this location.

A traffic study report was submitted with the Definitive Subdivision and shows the split of traffic between the Main Street and the Bear Hill Road curb cut.

After review of the proposed curb cut the Chairman opened the meeting to the Board for questions.

Mr. Duffy commented that having a second access is much better, but also would like to have Michele Learned's opinion for the next meeting for the Boards review so the Board can see what legal requirements may be required.

Mr. Duffy asked if a covenant would be required.

Mr. McCourt replied, "If one is required then they will submit one".  
If the curb cut is approved they will do an agreement with the City per the Law Departments request.

Mr. Barrett asked if this petition was heard by the Traffic Commission on November 18, 2010.

Mr. McCourt informed the Board that the Traffic Commission chose not to review the plan since the property has a cease and desist order in effect and that the Traffic Consultant hired by the City has a conflict of interest and can not review the plan.

Mr. McCourt suggested that the Board could hire a traffic engineer of their choice and that the petitioner would agree to pay for the cost.

The Chairman agreed that the Board has a right to hire their own consultant.

Mr. Barrett suggested that they do hire a private consultant and continue this matter to the next meeting of January 5, 2011.

The Chairman asked if there was a motion.

On the motion of Mr. Barrett, seconded by Mr. Duffy, the Board

**VOTED:**      **to continue the special permit for a curb cut on Main Street for the Bear Hill Road locus at their next meeting of January 5, 2011 and to hire a private Traffic Engineer to be paid for by the petitioner to review the plans and submit a report to the Board and to also have a copy of the Law Departments previous opinion on this curb cut location for their next meeting.**

The Clerk read the next item on the agenda which was for the Definitive Subdivision for 110 Bear Hill Road. The time to act on this petition is December 16, 2010.

Mr. McCourt informed the Board that there is currently a draft consultant services agreement with MWH which was selected by the City Engineer for a private review of the subdivision and that they are waiting for Mr. Casazza the City Engineer to sign this agreement and asked if the Board would forward a letter of request to sign the agreement.

The Clerk stated that he would forward the letter of request on behalf of the Board to have the City Engineer sign this agreement.

There were brief discussions on this matter.

The Chairman asked if there was a motion.

On the motion of Mr. Duffy, seconded by Mr. Barrett, the Board

**VOTED**      **to continue the petition for the Definitive Subdivision at 110 Bear Hill Road at their next meeting of January 5, 2011 and to accept the Petitioner's request to extend the time to act until March 15, 2011.**

The Chairman then closed the public hearing and opened the regular meeting.

The Clerk read the first item on the agenda which was for an ANR Plan for Mathew Lane Lot 1 & Lot 2.

Mr. Robert Bibbo of 10 Hammer Street, Waltham, MA came forward to address the Board.

He explained that they are only moving a lot line to improve the site view location of the back yards; this will not change any of the Board's requirements for either lot.

There were brief discussions.

The Chairman asked if there was a motion.

On the motion of Mr. Duffy, seconded by Mr. DeVito, the Board

**VOTED: to allow the Clerk of the Board to endorse the Approval Not Required plan for Matthew Lane Lots 1 & 2 as submitted and dated November 10, 2010.**

The Clerk read the next item on the agenda which was for the acceptance of the minutes to the meeting of November 3, 2010.

On the motion of Mr. Duffy, seconded by Mr. Moroney, the Board

**VOTED: to accept the minutes to the meeting of November 3, 2010 as submitted.**

The Chairman then asked if there was a motion to adjourn.

On the motion of Mr. Duffy, seconded by Mr. Moroney, the Board

**VOTED: to adjourn the meeting at 8:35 p.m.**

Respectfully submitted,



John P. Tashjian, Clerk

Board of Survey and Planning

JPT/jed