

CITY OF WALTHAM

BOARD OF SURVEY AND PLANNING

The following are minutes of the 7:00 p.m., April 7, 2010 Board of Survey and Planning 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, Callahan, DeVito, Duffy, Moroney and Tarallo.

The Clerk read the first item on the agenda which was for a Special Permit for curb cuts at 546-554 Moody Street, 7-9 Alder Street, 11 Alder Street, 10 Myrtle Street, 570 Moody Street, 558 Moody Street and 7-9 Rear Alder Street. The Board must act on this petition by April 15, 2010.

Attorney Joseph M. Connors Jr. came forward representing the petitioner. Mr. Connors had submitted a letter to withdraw this petition without prejudice. He explained that the petitioners were presently before the City Council and were working on a revised site plan. It is their intension to return to the Board when a revised site plan was finalized, and were also requesting that the Board waive the filing fee when they submit a new application for this locus.

There were brief comments from the Board members.

The Board agreed to waive the filing fee, but the petitioner must pay the advertisement fee when they resubmit.

The Chairman asked if there was a motion on the request to withdraw.

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

**VOTED: to allow the Petitioner to withdraw the
Special Permit without prejudice and to
waive the application filing fee when the
petitioner returns to the Board with a
revised site plan. The Petitioner must pay
the advertising fee for the new submittal.**

The Clerk read the next item on the agenda which was for a Special Permit for More Than Once Principal Building on a Lot at 306 Lexington Street. The Board must act on this petition by June 15, 2010.

Attorney Philip B. McCourt came forward to address the Board on this matter.

Mr. McCourt handed out a letter (Exhibit A) that he had sent to the Traffic Commission requesting to be placed on their next agenda. The Board reviewed the letter.

Mr. McCourt also asked to continue this matter until the Board's next meeting of May 5, 2010 with hope that they will be going before the Traffic Commission's April Meeting.

There were discussions of a traffic study which the Board wanted submitted prior to the next meeting. The traffic study was to be done during weekday rush hour traffic and with the Bentley students still in session.

Mr. Moroney pointed out that he most likely would not approve the plan as designed and would like to see a center driveway design with a traffic light. He would like the petitioner to investigate that idea.

The Chairman asked if there was a motion.

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

VOTED: to continue the Special Permit, More Than One Principal Building on a Lot at 306 Lexington Street at their next meeting of May 5, 2010. The Board also requested in the motion for the Petitioner to submit a traffic report as discussed prior to the meeting.

At 7:20 p.m. the Chairman asked for a 2-minute recess.

The Chairman reopened the hearing at 7:23p.m., closing the Public Meeting opening the regular meeting.

The Clerk read the first item on the agenda of the regular meeting which was for an ANR Plan at 51 Sanders lane.

Mr. Robert Bibbo of O.S.C.S. Co., 10 Hammer Street, Waltham, MA came forward representing the petitioner. Mr. Bibbo reviewed the plan.

The Chairman opened the meeting to the Board.

Ms. Callahan asked Mr. Bibbo to elaborate on the reason why the petitioner wants to change the lot.

Mr. Bibbo informed the Board that the petitioner's neighbor had landscaped part of the property not realizing that it wasn't his property. The neighbor after finding this out

asked the petitioner to purchase that small part of the property. This plan will be marked a Non- Buildable lot.

After brief discussions the Chairman asked if there was a motion.

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

VOTED: to allow the Clerk of the Board to endorse the ANR plan under the subdivision control law not required for 51 Sanders Lane as submitted and dated March 12, 2010.

The Clerk read the next item on the agenda which was for a request of a bond reduction at Wellington Crossing, 775 Trapelo Road. This matter was continued from the previous meeting.

Mr. Reid Blute, Vice President of Pulte Homes came forward to address the Board. He reviewed the report that Mark Mastroianni submitted to the Board, that had been addressed at the previous meetings. With the requested work completed they were asking for the release of the \$858,069.00 and \$10,000.00 bonds.

There were brief discussions on the work completed.

The Chairman then informed the petitioner that the Board had received new information regarding the retaining walls. The Condominium Association submitted some photo's of the wall that showed that it was not aligned properly and wanted the Board to have it inspected. He said he was very concerned about this issue.

Mr. Blute said he was aware of the problem with the wall and had submitted a copy of the inspection report of the wall by an Engineer as well as the City's Building Department's approval of all construction. He said the wall was designed properly, permitted properly and constructed properly.

Mr. Barrett asked Mr. Blute if he had seen the pictures.

Mr. Blute responded, "Yes," and then immediately had the wall inspected. He reviewed the inspection report.

The Board asked the people present from the condominium association if they would submit a copy of the report from the engineering company that had inspected the wall.

Mr. Moroney asked Mr. Blute to hire a private structural engineer to review the wall and submit that report prior to the next meeting. He pointed out that the certificate was stamped by a civil engineer not a structural engineer.

Mr. Blute agreed to have a structural engineer inspect the wall and submit a report.

Then, Mr. Moroney suggested that the Board continue the matter to the next meeting but to allow partial reduction of the bond.

The Chairman asked if there was a motion.

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

VOTED: to continue the matter of the retaining wall at Wellington Crossing, 775 Trapelo Road at their next meeting of May 5, 2010 and to release Bond No. 6323755 in it's entirety of \$10,000.00 and to reduce Bond No. 8323820 by \$358,036.00 leaving a remaining performance bond balance of \$500,000.00.

The Clerk read the next item on the agenda which was for the request of a two (2) year extension of time to construct a road extension at Rock Lane.

Attorney Philip B. McCourt Jr. came forward to address the Board. He said due to the economy and inability to obtain financing, they are requesting to extend the time.

The Chairman then asked the members if they had any comments.

Mr. Duffy commented that he no problem extending the time to construct as long as the developer cleaned up the site.

All members commented that the site had become an eyesore and insisted that it be cleaned.

There were discussions on the cleanup and Mr. Moroney stated asked that after the cleanup, he would like to see the entrance blocked with three or so large rocks or some kind of gate to prevent teenagers from getting into the property which has been an ongoing problem.

Mr. Moroney suggested that the Board only allow an extension of time to their June meeting and request the petitioner to come back at that time and confirm that they had cleaned up the site as requested.

All members agreed.

The Chairman then asked if there was a motion.

Mr. Duffy made a motion to allow an extension of time June 2, 2010 to construct the extension road at Rock Lane at which that time the Board would revisit the original request of a two (2) year extension of time providing clean up of the site has met the Board's approval and a barrier had been placed in the driveway.

Ms. Callahan seconded the motion.

The Chair called for a roll call.

ROLL CALL:

John Duffy	YES
Justin Barrett	NO
Kathleen a. Callahan	YES
Mila R. Tarallo	YES
S. Anthony DeVito	YES
Brian Moroney	YES

The motion passed favorably by a majority.

The Clerk read the next and final matter on the agenda which was for the approval of the minutes to the Board's meeting of March 3, 2010.

The Chairman asked if there was a motion.

On the motion of Mr. DeVito, seconded by Ms. Callahan, the Board

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

The Chairman asked if there was a motion to adjourn.

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

VOTED: to adjourn at 8:32 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John P. Tashjian', written in a cursive style.

John P. Tashjian, Clerk
Board of Survey and Planning

JPT/jed