

CITY OF WALTHAM

BOARD OF SURVEY AND PLANNING

The following are minutes of the December 7, 2011 Public Hearing 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, and Moroney.

The Chairman opened the meeting at 7:03 p.m.

The Clerk read the first item on the agenda which was for a Definitive Subdivision for 110 Bear Hill Road. The Board must act on this petition by January 15, 2012.

Attorney Philip B. McCourt Jr. of 14 Church Street, Waltham, MA came forward to address the Board on this matter. Mr. McCourt informed the Board that they had submitted a letter that day to the Board requesting that this matter be continued to the February 1, 2012 meeting and to also extend the time to act until March 15, 2012. This time is necessary to make modifications to the plan based upon discussions at a recent meeting with the Building, Engineering, CPW and the City Law Department.

The Chairman asked if there was a motion.

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

**VOTED: to continue the Definitive
Subdivision for 110 Bear Hill Road
at their February 1, 2012 meeting
and to extend the Time to Act until
March 15, 2012.**

The Clerk read the next item on the agenda which was for a Special Permit for a Utility Plan and Profile and Road Extension for Lots 12 and 546-550 Braemore Road. The Board must act on this petition by January 15, 2012.

Attorney Philip B. McCourt Jr. came forward to address the Board on this matter. He informed the Board that they are currently making modifications to the plan and have submitted a letter requesting to continue the petition to the Board's next meeting of February 1, 2012 and to also extend the Time to Act until March 15, 2012.

The Chairman asked if there was a motion.

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

VOTED: to continue the petition for a Special Permit for Braemore Road at their meeting of February 1, 2012 and to also extend the Time to Act until March 15, 2012.

The Clerk read the next item on the agenda which was for a Special Permit Driveways at 1006 and 1022 Main Street. The Board must act on this petition by February 14, 2012.

Attorney Joseph M. Connors, Jr. of 404 Main Street, Waltham, MA came forward representing the petitioner. He introduced Jon Stevenson of SDG who was the Engineer that designed the site plan and Kevin Dandrade from TEC, Inc. that prepared the Traffic Study Analysis.

He reviewed the history of the property. 1006 Main Street was the former Bickford's and that 1022 was the former Ford site. Shown on the proposed plan were four curb cuts, two on Main Street and one on Weston Street. They would like to create one lot of 187,873 square feet, and (4.3 acres). The intension is to demolish all existing buildings and construct one new single story building for retail purposes.

He reviewed each of the proposed driveways, two being over twenty-five feet wide and two under 100-feet from an intersection.

- Westernmost driveway on Main Street.

This proposed existing driveway opening is on the westernmost portion of the locus on Main Street. The petitioner is proposing to expand the driveway opening to 53-feet from curb to curb. The existing driveway opening, as measured from curb to curb, is presently 51-feet. The width of the driveway opening at the property line is 35-feet wide. This driveway opening is proposed for tractor trailer truck access only. Traffic will flow one way from Main Street to Weston Street, with exit only, right turn only at Weston Street.

- Easternmost driveway on Main Street.

On the easternmost portion of the lot on Main Street is an existing driveway opening. The Petitioner is proposing to expand the existing driveway opening, directly across from Prospect Hill Road, from 25-feet from curb to curb to 86-feet wide. A traffic light is also proposed for this intersection.

The width of the driveway opening at property line is 51-feet. The driveway opening is within the intersection of Prospect Hill Road and Main Street and 82-feet from Elm Street.

- The westernmost driveway on Weston Street

The locus also has frontage on Weston Street. The petitioners are proposing a driveway opening on the westernmost portion of the lot on Weston Street. The driveway opening at the property line is 24-feet and the driveway opening as measured from curb to curb in the street is 38-feet.

- The easternmost driveway on Weston Street.

At the easternmost portion of the locus on Weston Street, the petitioner is proposing a driveway opening which is 46-feet at the property line and 87-feet from curb to curb in the street. This driveway opening shall have two lanes; a right turn only for exiting into Weston Street and one lane entry into the locus. The exit is designed to prohibit a left hand turn.

The petitioner has obtained a Special Permit from the City Council for a 45,000 square foot development and that the only relief they had asked for was to reduce the number of parking spaces from 279 to 244.

They also appeared before the Traffic Commission and obtained their approval which a copy was submitted to the Board. He then asked Jon Stevenson to come forward and review each curb-cut. He reviewed the proposed signal at Main and Prospect Street.

The Chairman asked which two were greater than 25-feet.

Mr. Stevenson said that one of the curb cuts on Main Street is proposed to be 51-feet and the other one on Main Street is proposed to be 35-feet.

The Chairman opened the meeting to the Board for questions.

Mr. Duffy asked where the dumpsters would be placed on the service road.

Mr. Connors said that there will be a separate trash area on the interior as well as a shielded dumpster area which the City Council approved as a condition of the Special Permit.

Mr. Duffy commented that he would have a problem if the dumpster trucks head off the property the wrong way and would like clarification of that shown on the site plan.

Mr. Barrett asked about the old gas station that Ford used and if they would be raising that curb or putting in a partition.

Mr. Stevenson stated that they will raise the vertical curb at the westerly side of the driveway.

Mr. Barrett asked if there would be any access onto Eddy Street.

Mr. Stevenson replied, "None".

Mr. DeVito asked if they obtained City Council approval for the reduced parking.

Mr. Connors replied, "Yes".

Mr. Moroney asked if the space will be used strictly for retail.

Mr. Connors said that it is for retail purposes and there is a possibility there may be a Panera Bread Restaurant as the anchor.

Mr. Moroney commented that he had a hard time believing that a 53-foot tractor trailer could make that turn as shown.

Mr. Stevenson said that they evaluated that turn using the WB50 MASSDOT standards. They needed to design it due to a small strip of land owned by the City of Waltham.

Mr. Connors informed the Board that in the mid 80's the owner revised the zoning and created the 150-foot deeded lot.

Mr. Stevenson then reviewed the signalized car counts entering at the left turn onto Weston Street.

Mr. Moroney asked if there was a right hand turn only onto Eddy Street and how would you prevent trucks from staying off Eddy Street.

Mr. Dandrade came forward and said that it would be a left and right turn onto Eddy Street and the way the driveways are proposed would be an incentive to keep trucks off Eddy Street.

Mr. Moroney then asked how they will handle the traffic on Elm Ave.

Mr. Dandrade feels this is designed for better patron access and that only those going onto the site would be using the Elm Ave. driveway.
There were further discussions on the curb cut traffic flows.

Mr. Duffy asked what provisions were made in the Special Permit approved by the Council for greenery near the truck route.

Mr. Dandrade replied that the City Council approved the landscaping which would include screening on Eddy Street on the property line and there would be many tree plantings on site as well.

The Chairman asked if the new building would be closer to the property line than Main Street Ford's building.

Mr. Connors said that the Ford building was around 38-feet from the property line and that the proposed building would be a bit closer at 30-feet.

The Chairman then commented that for the past five years it has not been a pretty site and this would be such an improvement to the area, but he too does have some concerns with the truck deliveries and trash pickup.

Mr. Connors said that all these matters were addressed during the City Council Special Permit and reviewed the restrictions of that permit. He also mentioned that most of the deliveries would be with box trucks.

The Chairman asked how many tenants there would be.

Mr. Connors said that they couldn't answer that at this time. Mr. Connors also mentioned that they held two neighborhood meetings to review concerns and there would be an 8-foot stockyard fence and 43 trees throughout the site.

Mr. Connors then reviewed the fire lane plan per the request of the Chairman.

Ms. Callahan asked Mr. Connors to review the restrictions the City Council put on the project.

Mr. Connors reviewed the twenty-four conditions and also per the request of the Chairman would provide a copy to the Board.

There were further discussions regarding traffic on Elm Ave.

Mr. Moroney noticed the word "gate" on the plan and asked what that was.

Mr. Stevenson answered that there is an existing gate on site and they are proposing to close that off.

Mr. Moroney asked if there would be a grass strip at the sidewalk.

Mr. Connors said yes, and that in the Board's Draft Decision they had submitted shows all the sidewalks and granite curbing that would be constructed.

The Chairman commented that he would like to see that shown on the plan.

There being no further discussions the Chairman closed that part of the hearing and opened the hearing to the public.

He asked if there was anyone that would like to come forward and speak in favor of this petition.

Marie White of 22 Eddy Street came forward. She is glad that this eyesore will be gone and looks forward to the new building however she does have some concern with the traffic signal at Prospect Hill Road and felt that cars may cross over to Eddy Street to use as a cut through to get to Route 128. She would also like to see signage for the trucks.

The Chairman then closed that part of the hearing and opened it to the public that would like to speak in opposition.

Christine Bovarnick of 12 Cabot Street came forward and felt that having two entrance on Route 20 would cause more traffic problems with this development. The traffic is already bad with the vacant buildings there.

Dara Pourahaseme of 16 Goremans Court came forward and commented that although the new building would be very nice he felt it would cause more traffic congestion in this area and hoped the Board would consider this when they make there deliberations and decisions.

Tim Sidirpoulos, owner of 41-43 Eddy Street, came forward. He felt the 4-5-foot buffer was not enough and also asked when this construction would begin as he has tenants that would need to know this and he also asked what would happen to the small building at the corner of Main and Eddy Street.

The Chairman commented that that building is not part of this petition and they can't discuss that and that the petitioner's are still in the planning and permitting process so they do not have a time of construction as of yet.

The Chairman then closed that part of the hearing and reopened it to the Board for comments.

Ms. Callahan would like to set up a site view to get a better idea of the site and the 5-foot buffer layout.

Mr. DeVito asked what the City Easement that was discussed earlier was used for.

Mr. Connors said it is for a drainage pipe.

Mr. Duffy asked if all the 21E problems have been addressed.

Mr. Connors said all DEP matters have been closed.

The Chairman asked if there was a comparison done for Ford/Bickford's traffic use to the proposed site.

Mr. Stevenson said that a comparison was not prepared but that the traffic report they submitted was approved by the Traffic Commission.

The Chairman requested that they submit those calculations for the next meeting.

The Chairman then asked if there was a motion.

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

**VOTED: to continue the petition for a
Special Permit Curb Cuts at 1006
and 1022 Main Street at their next
meeting of January 4, 2012 and to
have a site view on Saturday,
December 10th, 2011 at 10:00 a.m.**

The Clerk read the next item on the agenda which was for a Special Permit Driveway openings at 1265 Main Street. The Board must act on this by February 15, 2012.

Attorney Philip B. McCourt, Jr. came forward to address the Board on this matter. He is representing SPC Main Street, LLC. for this petition. He reviewed the current site plan and the phase 1 work that is currently under way. He also reviewed the 22 acres of land known as Berry Farm that they will be donating to the City for the preservation of that lot.

Samuel Park, SPC of Three Center Plaza Boston, MA and the Civil Engineer came forward to give the Board an overview... Mr. Parks reviewed the future proposed development and how they were working with the different Boards to come up with a smaller infrastructure than what was previously proposed on this site.

Richard O'Connell of the Engineering Team reviewed the proposed curb cuts. He reviewed the six existing driveways and explained how they are proposing to close three of the driveways and keep three with changes. Sheet CC2 shows the details of the six driveways.

1. The first driveway is along the Polaroid frontage and starting at 128/95 and 117 location which lines up with Stow Street. The existing driveway is 74-feet and the proposed driveway is 43-feet. It is being reduced because it would become a one-way after traffic consideration to take the burden off the Stow Street entrance.

2. The next driveway to the east to access Polaroid is going to be closed.
3. This driveway lines up with Cutting Lane and provides access into NSTAR and Polaroid on the other side of the same building and are closing their portion of the shared driveway.
4. The fourth one is on Hillside Road, which is a private Road and access to the NSTAR driveway and will be the drop off point for the bike path.
5. Further up and access to the parking lot is 14-feet wide and will be increased to 100-feet and will be the main access to the site which will also take the burden off of Stow Street.
6. This driveway will be closed.

"Out of those six driveways we are closing three and keeping three", said Richard O'Connell.

The Chairman then opened the meeting to the Board for comments.

Mr. Duffy asked regarding driveway if number three and the unclosed portion services some other buildings?

"Yes," the office building responded Mr. O'Connell.

Mr. Duffy then asked Mr. McCourt to come forward to address a question to him.

He asked if there were any other approvals required from this Board for this site, and asked if the existing driveways now provide ample access to the property.

Mr. McCourt said the existing ones provided proper access to the site when it was Polaroid.

Mr. DeVito had comments on driveway three and asked if they were closing the right side of the driveway access and had the Spagnuolo's family had any input on what they might require if the developer regarding this closure.

Mr. O'Connell had been in contact and we have been meeting with them. They have seen the plan, but didn't know if there was any agreement. He said that there are many cross easements between the Spagnuolo's, Polaroid, and NSTAR so there are a lot of cross easements for access. The portion that they are closing is on our property.

Mr. Moroney asked if the Board could get a copy of the Main Street improvements.

Mr. O'Connell said he would provide copies and also said that Kevin Danorade could address those questions from that plan. Kevin came forward.

Mr. Moroney then asked if curb-cut opening number one the one-way driveway into the site, how does that incorporate with the current traffic light because he can't see how a left hand turn from Main Street comes into the site

Mr. Dandarde said that the changing of the two-way driveway to a one-way driveway would help to improve the capacity there with the influence of Bear Hill Road. He reviewed the access point for each Main Street area.

Mr. Moroney asked if that was Hillside Lane?

Mr. Dandarde said yes and discussed this further.

Mr. Moroney asked where tractor trailers access this site? If they are coming eastbound on Main Street how would a tractor trailer access the site to make a delivery?

Mr. Dandarde said that those trucks would enter at the primary driveway which is Border Road. He reviewed the global master plan and said that there will be signage to direct general motorists to turn at that point.

Per Mr. Moroney's request Mr. Dandarde reviewed the pedestrian access and the sidewalks that are proposed for the site.

Mr. Moroney asked about the traffic signals and if consideration had been for the multiple projects in the area.

Mr. Dandarde commented that the traffic signals were approved by the Traffic Commission on November 17, 2011 and they were currently working with the Wire's Department on the traffic light timing plan. They are aware of the other projects in the area and it is all wrapped up in the master analysis. The signal plans were thoroughly explained. They were closely working with the city due to the multiple projects.

Mr. Moroney asked about Mr. Putnam's comment on private roads not being up to city standards.

Mr. O'Connell commented that they would be building roads to city standards. This is not a subdivision.

Mr. Barrett asked if these phases of this site are sequential.

Mr. Parks said, "Yes."

Mr. Barrett then commented that you have Tower Road coming in as a one-way off of Main Street and you have a 100 thousand square foot supermarket going in there and Border Road is going to the main road in. Isn't that going to make for a difficult access to the super market since it is off 128?

Mr. Parks said they oriented the building this way because it gives the site a more attractive frontage and the proposed one-way access is better situated for all the buildings.

Mr. Barrett agreed with Mr. Moroney that the better visual access would be from Tower Road.

There were further discussions on this proposed access.

The Chairman then closed that part of the meeting and opened the hearing to anyone that would like to speak in favor of this petition. There being none, he closed that part of the hearing and opened to anyone that would like to speak in opposition.

Duane Marks of 11 Cutting Lane came forward and said he had concerns as an abutter regarding the total amount of traffic this project would bring to the neighborhood. Stow Street currently has approximately 10 thousand vehicles a day traveling on it and had concern with the MEPA Traffic report that was submitted last year. He would be interested in knowing what the projected traffic would be to the site that would effect Cutting Lane with traffic coming from Stow Street.

Mr. Parks came forward to respond and said they understand the concerns of the residents of Cutting Lane and it is not their intention to use Cutting Lane as an access point for traffic. They have had numerous neighborhood input meetings. He will have Mr. Dandarde call Mr. Marks and review the traffic report with him.

Marie White of 22 Eddy Street came forward in opposition and had concerns about traffic as well.

Christine Bovernich of 12 Cabot Street came forward. If it is the ultimate goal to have an exit ramp off 128 in terms of the phases, if these entry ways are granted now will there be a different design in the future if the ramp is built?

The Chairman responded that that would be up to the developer to return to the Board with any adjustments and modifications to the sites driveways if the ramp is built.

Joe Koehler of 24 Hill Road came forward and said his property is very close to the new proposed main entrance on Border Road and is very concerned with the truck traffic and hopes there would be a good sound barrier. He wasn't in opposition of this project but would like to see a buffer zone or some sort of sound barrier.

Mr. Parks said that they would work with Mr. Koehler on fencing and landscaping.

Beverley Watts of 1016 Main Street, the condominiums easterly of the site, is not necessarily opposed to the better use of this site, but has concerns with the traffic flow with this and the other projects in the area.

The Chairman reviewed all the proposed traffic lights and also the future projects.

Mr. Umbrello of 102 Stow Street came forward and commented that he too has concerns with the traffic and the trucks.

There being no further persons in opposition the Chairman closed that part of the hearing.

There were further discussions on traffic and the estimated vehicle counts and also the traffic lights.

The Chairman then asked what the Board would like to do at this point.

It was suggested by Ms. Callahan that this be continued at the next meeting in order for the Board to have a site view.

The Chairman asked if there was a motion.

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

VOTED: to continue the petition for a Special Permit Curb Cuts at 1265 Main Street, Waltham, MA at their next meeting of January 4, 2012 and to have a site visit on Saturday, December 10, 2011 at 9:00 a.m.

At 9:35 p.m. the Chairman then called for a 10-minute recess.

At 9:46p.m. the Chairman reopened the meeting.

The Clerk read the next item on the agenda which was for a Special Permit for Driveway Openings at 156-158 & 162-164 School Street and 35-39R Spring Street. The Board must act on this petition by February 15, 2012.

Attorney Richard Dacey III came forward to address the Board. He was filling in for Attorney Richard LeClair who could not make it.

Ralph Bibbo Jr. also came forward to address the Board as the plan designer. Mr. Bibbo reviewed the previously approved ANR Plan and now it is their intension to raise the three old nonconforming structures and build a twelve (12) unit building with a detached garage for the tenants. He then reviewed the proposed curb cuts. The Chairman then opened the meeting to the Board for questions.

Mr. Barrett asked how many parking spaces per unit there would be.

Mr. Bibbo said that there would be a total of twenty (20) parking spaces on the lot with a total of 1.5 per unit.

Ms. Callahan asked if the 20-unit building would have street rubbish pick up or a dumpster.

Mr. Bibbo said the refuse would be on site and not curb side. He showed on the proposed plan where the dumpster would be stored.

Ms. Callahan stated that she would like it to be a condition that the dumpster would located in the rear of the property resulting in less disruption to the neighbors.

Mr. DeVito asked if the shown 12-foot right of way would be the access to the garage.

Mr. Bibbo said that they would not be using the right of way for the new development.

Mr. Moroney asked when the utilities for this site would apply.

Mr. Bibbo said with the next special permitting process when the design is completed.

Mr. Moroney asked if there would be granite curbing and a new sidewalk on the front of the property.

Mr. Bibbo said yes and they would all be constructed to city standards.

There being no further questions form the Board the Chairman closed that part of the hearing and opened it to the public. He 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 present that would like to speak in opposition.

Robert Waddick of 129 Church Street and Ward Six Councillor came forward to speak about some concerns he and the neighbors have. They are not opposed to the petition, but would like to see some items addressed through this Board and hopefully be conditions of the Board's approval.

1. They would like the petitioner to maintain a building setback of not less than 10-feet from the front lot line along School Street.
2. The Building constructed should not be greater than four stories above grade on the School Street side of the property and could be five stories on the rear side of the property.
3. The commercial/business use should be located on the ground level in the rear of the building.
4. That the petitioner installs screening in the 5-foot buffer zone along the westerly side of the Property to reduce the effect of headlight glare. The screening should be either a vegetated screen or a stockade style fence not to exceed 6-feet in height.
5. The dumpster should be located in the rear of the property to reduce disruption to the neighbors.

He then thanked the Board for their consideration to these requests.

Mr. Dara Pourghasemi came forward and said he was opposed because there is too much development going on in Waltham and the traffic is getting worse every day.

The Chairman then closed that part of the hearing and asked if there were any more comments from the Board.

The Board agreed with the Councillor's request and asked that they be conditions of the approval.

The Chairman then asked if there was a motion.

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

VOTED: to approve the Special Permit for Driveway Openings at 156-158 & 162-164 School Street and 35-39R Spring Street as submitted with the five (5) conditions to be articulated in the Decision.

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

The Clerk read the first item on the agenda which was for the approval of the minutes to the Board's November 2, 2011 meeting.

The Chairman asked if there was a motion.

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

**VOTED: to accept the minutes to the
November 2, 2011.**

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

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

**VOTED: to adjourn the meeting at
10:15 p.m.**

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Michael L. J. Chiasson', with a stylized, flowing script.

Michael L. J. Chiasson, Clerk

MLJC/jed