

## **CITY OF WALTHAM**

### **BOARD OF SURVEY AND PLANNING**

The following are minutes of the 6:00 pm November 2, 2022 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, Callahan, DeVito, Keefner, Moroney and Tarallo.

The Chairman opened the Public Hearing at 6:00 pm and informed the public that the meeting was being recorded by the local Waltham Cable Access Channel and if anyone was planning to speak, they are required to sign in. He also noted that member Barrett is in attendance via FaceTime.

The Chairman then asked for a motion for a motion to appoint an Acting Clerk until the Clerk arrives.

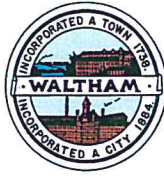
**On the motion of Ms. Callahan, seconded by Mr. Moroney, the Board**

**VOTED:       to appoint Ms. Deveney as Acting Clerk.**

The Acting Clerk read the first item on the agenda which for a Utility Plan and Profile for a Sewer and Water Extension and road construction to service Lots 12 and Lots 546-550 Braemore Road. Must act on this petition by December 15, 2022.

Attorney Philip B. McCourt of 15 Church Street, Waltham, MA came forward to address the Board. He stated that he had submitted a letter to the Board dated October 26, 2022 requesting that this matter be continued at the Boards meeting of January 4, 2023 and to Extend the Time to Act until February 15, 2023. He explained that Mr. Beaton is still working with his Engineers to revise the plans and still need some more time.

It was discussed that if they are not prepared to come back in January with the revised plan that they may consider withdrawing without prejudice and come back when they are ready.



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 Braemore Road at their meeting of January 4, 2023 and to extend the Time to Act until February 15, 2023.**

The Clerk arrived and took over the role of Clerk.

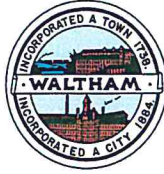
He read the next item on the agenda which was for a Plan to allow the Extension of Prospect Hill Road located at the end of Prospect Hill Road. The Board must act on this petition by December 15, 2022.

Attorney McCourt came forward representing the Petitioners, Yolanda and Anthony Antico and Rosetta Jacobson-Antico. He stated that he had submitted a letter dated October 26, 2022 that informed the Board that they had recently submitted to the Mayor's Office the appraisal and all other documents requested by the City in relation to the possible purchase of the property by the City of Waltham. It will take time for her to make a decision and present the matter to the City Council. At this time, they are requesting that they be allowed to Withdraw Without Prejudice and return at a later date once they know what the outcome may be.

There being no objections the Chairman asked if there was a motion.

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

**VOTED: to accept the Petitioners request to Withdraw Without Prejudice the Petition of the Prospect Hill Road Extension. Petitioners: Yolanda Antico and Anthony Antico and Rosetta Jacobson-Antico, (Owners and Petitioners) of 70 Charles River, Waltham, MA.**



The Clerk read the next item on the agenda which was for a Definitive Subdivision at 677-679 South Street to be named Irene Circle. The Board must act by December 15, 2022.

Attorney Philip B. McCourt came forward to address the Board. He noted that they have made all the revisions to the plans from the previous meeting and feel confident that they are ready for the Boards approval.

The Chairman asked if they could go over the waivers and then the comments from Wade Putnam dated October 4, 2022.

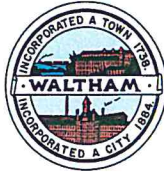
Mr. McCourt said there are no new comments by Mr. Putnam and they did review these comments at the previous meeting, but he would be happy to go over them again.

These were reviewed and agreed upon that they have met with satisfaction.

The seven (7) waivers were discussed next. Mr. Beaton came forward to review the waivers.

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|--------------------------|---|
| <b>Waiver 4.2.3 ( c)</b> | <b>To allow minimum width of street right of way to be 40-feet instead of 50-feet. Applicant is proposing a 40-foot right of way.</b>   |
| <b>Waiver 4.4</b>        | <b>To allow construction of the subdivision as shown on the plan without open space. No open space is proposed as subdivision is within walking distance of Robert's Playground on the same side of South Street.</b> |
| <b>Waiver 5.4.1</b>      | <b>To allow street construction as shown on the submitted plans. Applicant proposed a 40' cross-section as opposed to the 50' cross-section referenced in the rules.</b>  |
| <b>Waiver 5.11</b>       | <b>To allow no fire alarm box to be installed where one is required.</b>  |
| <b>Waiver 5.12</b>       | <b>To allow two trees to be placed within 10' from street on each of the lots where three trees placed 20' from the street line is required.</b>  |





**Waiver 5.4.5.1**      **To allow width of pavement to be 90 feet at cul-de-sac. Applicant is proposing a 90-foot diameter of pavement at the cul-de-sac as opposed to the 100-foot requirement.**

**Waiver 5.6.1**      **To allow width of proposed sidewalks to be reduced from ten feet in width to five feet in width.**

The Chairman then asked the Board if they had any questions or comments on the waivers.

Mr. Keefner said we were talking about the two foot off-sets of the bounds, and he thought it made more sense to not have off-set but be placed on the property line and asked if that could be included as a waiver.

Mr. Beaton commented that they did have the bounds on the property line but when we were addressing Wade Putnam's previous comments, he had requested that the bounds be placed at a 20-foot off-set so we made the adjustment. He doesn't have a problem adjusting the bounds back to the original proposal and will do that revision on the mylar plan.

Mr. Keefner said thank you and no further comments on the waivers.

Both Ms. Callahan and Ms. Tarallo had no comments on the waivers.

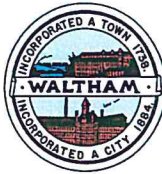
Mr. DeVito asked why they want to eliminate the fire alarm box.

Mr. Beaton commented that with all the new technology and people having cell phones it has become obsolete to have fire boxes in use. People use their cell phones to call 911. Call boxes are not commonly used or required anymore.

Mr. Moroney said looking at Wade Putnam's email dated October 4, 2022, looking at the plans there is not 2.5 inches of pavement but 4.5 inches of pavement which is what the Board had asked for.

Mr. Beaton said that is correct.

Mr. Moroney commented that each plan does have the note that City of Waltham standards are to be used, and is satisfied that was addressed.



He then said that Wade had asked for a general cross section in the back where the 3-foot-wide wall would be.

Mr. Beaton said he did add a cross section in as a detail, it should be on the last page.

Mr. Moroney found it on the plan and said thank you for addressing that.

Mr. Moroney asked about the 30-foot width of pavement, the Board reviewed this at the site view and found that to be sufficient. He asked if the letter was on file from the Fire Department saying they have blessed this.

Mr. Beaton said that yes, the Fire Department has approved the 30-foot pavement, and we did submit the swept path analysis requested by the Fire Department.

Mr. Moroney said you now show the required water loop.

Mr. Beaton said, yes.

The Chairman pointed out to Mr. Moroney that the water line is not looped to Hays Road due to the easement issue.

Mr. Chiasson, Clerk of the Board commented that there have been internal discussions with Engineering and Public Works that the preferred method is to loop it through the Hays Road but we understand that the language for the easement is correct and we are willing to get that changed.

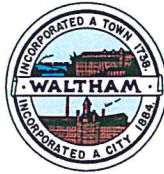
Mr. Beaton said if the language could get changed, we would bring the water loop right through the easement.

Mr. Chiasson said he is unsure how they meld that together to make it work, Engineering was almost in favor of not having the loop come through and it may be better to dead end it if they can't go through Hays Road. He felt this is something that they would have to work with Engineering and try and figure out the best plan.

Mr. Moroney asked Mr. Beaton if he was good working with Engineering Department to figure this out.

Mr. Beaton said that is no problem.

Mr. Moroney also noted a small change he had noticed was on Sheet 4 of 6, where the sidewalks in the subdivision tie into the sidewalks on South Street, there are the tactile strips that have to be mounted into the walk with the appropriate slopes.



Mr. Beaton said they put a note in regards to that, but we could add a detail of that on the plan if you would like.

Mr. Moroney said yes, that would be great.

Mr. Barrett asked if the waiver 5.12 to allow two trees be place within 10-feet from street on each lot could be changed to 20-feet as the salt erosion kills trees and is concerned about that, it doesn't have to be 20-feet but maybe a bit close would be good, as far of the street as possible.

Mr. Beaton said with the design of each lot they could do 15-feet at the most so the trees won't be to close the houses.

Mr. Barrett said that would be great, 15-feet is acceptable.

The Chairman asked if the road way is going to be built to city standards, with the exception of the width pf the pavement.

Mr. Beaton said no, the width of the pavement meets the standard width of the roadway,

Mr. Chairman asked if the construction of the road way specifications meet city standards.

Mr. Beaton said yes it does.

The Chairman then mentioned he has an issue with the looping and after listening to the Clerk of the Board, maybe you could work with the Engineering Department. He asked what the reason was for not looping into Hays Road.

Mr. Beaton said that he had an attorney look into the right of way and whether or he would be allowed to bring water through that right of way, and based on a review of the easement language he doesn't have the right to do that. The easement is owned by the city, and if the city looks into changing that language.

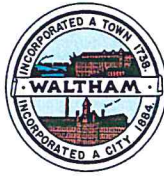
The Chairman asked if has asked the city.

Mr. Beaton said he did not, and that this was the first time he was learning he should address that.

The Chairman said this looping is very important and would listen to the recommendation of the Engineering Department.

Mr. Beaton said he would continue to work on that with the City and Engineering Department. He did ask if this could be done after the approval as to not hold this petition up.





Mr. Chiasson commented that he doesn't know how long the process would be to ask the City to change the language of the easement so maybe if there was something written about the looping and what the Engineering Department would want what's best, so the water line is either going to dead end there with extra pipe with dead water just sitting in it.

The Chairman said then the Board should have in language and if we vote to accept this petition, then he should have something in the language that the Board would leave this decision up to the Engineering Department how they want it and also see about the language change in the easement.

Mr. McCourt said Mr. Beaton would be very cooperative to that, and get this researched by a title expert Attorney.

The Chairman then said if you show the water line ended for now, but in the future if the city does change the easement and allow you to loop the water line through Hays Road you would have to revise the plan to do so.

Mr. McCourt said that they would agree to that.

Mr. Keefner had a question as to if the Subdivision is to be approved what can you go build right now without going to any other Board or the City.

Mr. McCourt said they would need engineering approval for the zoning that they have for each lot.

Mr. Keefner said they haven't seen any drainage for those lots or for the roadway.

Mr. McCourt said say the subdivision and road gets approved the way it shown on the plan, each individual lot Mr. Beaton goes to get a permit he has to come in with a plot plan that shows the drainage for each lot at the time of permitting and for the drainage in the roadway as well.

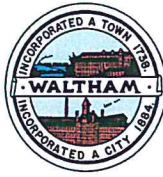
He noted that drainage calculations were submitted for the subdivision.

There be on no further questions the Chairman closed that part of the hearing.

He then opened the hearing to anyone that would like to speak or stand in favor of this petition.

Shelia Brennan of 685 South Street, Waltham, MA came forward saying she is in favor of this project.

There being not one else to speak in favor the Chairman closed that part of the hearing and opened it anyone that would like to speak of stand in opposition of the petition.



There being none he closed that part of the hearing and asked if there was a motion to approved the waivers.

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

**Voted:           to approve all the 81-R  
waivers with amending waiver 5.12  
to allow two trees be placed within  
10-feet from street on each lot where  
three trees placed 20-feet from the  
street line is required and change  
the 10-feet to 15-feet from street line.  
The bounds will also be put back on  
the property line.**

The Chairman then asked for a motion for the Definitive Subdivision.

**Ms. Callahan made a motion to accept the petition for a Definitive Subdivision located at 677-679 South Street to be known as Irene Circle as presented and discussed.**

**Mr. Moroney seconded the motion.**

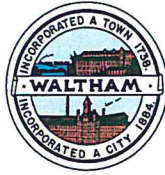
**The Chairman called for a Roll Call:**

**ROLL CALL:**

<b>Wayne Keefner</b>	<b>NO</b>
<b>M. Justin Barrett</b>	<b>YES</b>
<b>Kathleen Callahan</b>	<b>YES</b>
<b>Mila Tarallo</b>	<b>YES</b>
<b>S. Anthony DeVito</b>	<b>YES</b>
<b>Brian Moroney</b>	<b>YES</b>
<b>William M. Creonte, Jr.</b>	<b>YES</b>

**There being six (6) votes in favor and one (1) opposed the motion passes.**





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 Approval Not Required for 246-248 Ashe Street.

Robert Bibbo of Bibbo Brothers and Associated of 10 Hammer Street, Waltham came forward to address the Board. He had hand outs for the Members, (exhibit A).

He said the plan before you should be no surprise as he has done around a half dozen of these in the city. What you have is two principal building on a lot to be subdivided under Section 81-L under the subdivision control law, which states **“the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.”**

Waltham adopted this subdivision control law in May of 1944 and you approved one of these a few years ago on Moody Street and you had sent that to City Solicitor John Cervone questioning these lots. This letter is his responses. We have done a few of these under Mr. Delaney and Mr. Snedeker, and these meet the standards for an ANR endorsement.

On the plan there is also a note stating the Board is making no determination as to whether or not the proposed lots comply with the Waltham Zoning Ordinance. We will seek that through the Zoning Board of Appeals. So, we have one lot with two houses on it, and we have subdivided it into two lots, Lot 1 and Lot 2. Lot 1 has area 2, 600 square feet with frontage of 40-feet and Lot 2 would have 2, 940 Sq. Ft. with an area of 10 feet of frontage, and meets all the standards for an ANR endorsement under section 81-L.

The last one we did was on Moody and Chestnut Streets, which is included in the package he just handed out with the letter from the Law Department. He also has letters from Wade Putnam from the Engineering Department but one of the comments is that it is entitled to endorsement of the Board.

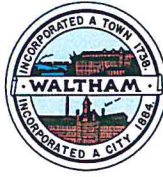
The Chairman asked if both lots have required frontage.

Mr. Bibbo said this plan shows that it does. One had 40-feet of frontage and the other lot has 10-feet of frontage.

Mr. Moroney said he would like to be given a submittal that he can actually read the plan. He has no idea which plan is the plan you are talking about.

Mr. Bibbo said those were just previous plans under 81-L that the Board approved. He said he gave Ms. Deveney the plans for the review during the submittal process.

Mr. Moroney said that fine but you are giving us previous plans and documents that are too small and we can't read.



Mr. Bibbo said read Mr. Cervone's letter and how these plans are entitled to endorsement, the last two pages, that was the case on Moody Street.

Mr. Moroney asked if there was actually a plan in here that shows the Ash Street subdivision. He then found it in his package. He then asked you are submitting this back up information for what.

Mr. Bibbo said it's just to show the Board that you have done this before.

Ms. Callahan commented that Mr. Putnam has said that, plan submitted for approval meets the requirements of the subdivision control law, however the following City of Waltham requirements may need to be addressed. She asked about the water connection from the basement of 248 Ash Street. She also asked about the zoning requirements mentioned in Mr. Putnam's comments.

Mr. Bibbo said it would be up to them when they go to get the remodeling permits and will be under the Engineering Department's purview at that time. When this gets approved, we will go to the Zoning Board of Appeals, correct any deficiencies and then go apply for the permits with the Engineering Department and the Building Department to remodel the buildings. Again, it noted on the plan the Board is not making any determination regarding zoning requirements on this plan approval.

Ms. Callahan then read from Mr. Putnam's second email, additional info: Please note that the two new lines will be in violation of the state building code as the new lines must have a minimum of 5-foot offsets. The Board may wish to enquire of the building and the city law with this question.

The Mr. Bower from Building Department did submit a letter and states that it does meet the requirements. but after approval the applicant must go before the ZBA for variances.

Ms. Callahan said it's like you are putting the cart before the horse and we are creating issues.

Mr. Bibbo said no, we must subdivide first then get the approvals needed by ZBA.

Mr. Keefner said he circled with this as well, and he is reading from the ANR Plan book, by the Commonwealth of Massachusetts from 2010, he could read the words but what this basically says that relative to the Board of Survey and Plannings endorsement of an ANR plan the only pertinent zoning requirement is frontage.

Mr. Bibbo said the frontage is not required when you have two prior buildings prior to the subdivision control law. That's up to the Zoning Board of Appeals to make those waivers.





Mr. Keefner said that all he can say is that this was given to him when he joined the Board and is reading from something the State published.

The Chairman asked him to read that again.

Mr. Keefner read from endorsing ANR plans showing zoning violations (page 45) **relative to Boards endorsement the only pertinent zoning dimension for determine whether a plan depicts a subdivision is frontage.**

He feels you are creating a problem that now has you going before the Zoning Board because you're not going to have enough side yard set back and he understands all of that, but that's not something we can do anything about. His understanding reading this is that as long as the lots have the required frontage then we have to approve it, or he should say we are endorsing the plan saying that this doesn't need to come before us for approval.

The Chairman added as long as both lots have frontage.

Mr. Bibbo said because of the 81-L section only needs zoning frontage in the overview of the subdivision control book.

Mr. Barrett said, tell him he is mistaken but is this one lot 50-feet wide.

Mr. Bibbo said yes, one would be 10-feet and the other 40-feet making it 50-feet wide.

The Chairman said then you are creating a rattail lot.

Mr. Barrett commented that he went by the there and asked if the water line run out to the street from 246 as of yet.

The Chairman so no not yet.

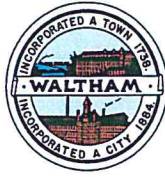
Ms. Tarallo had no comments.

Mr. DeVito asked Mr. Bibbo if he had seen Mr. Putnam's report dated October 13, 2022, and have you responded to both of those comments.

Mr. Bibbo read the report: The plan submitted for approval meets the requirements of the Subdivision Control Law is the first statement. The other comments are for future zoning requirements which will addressed with the Engineering Department to have separate water and sewer for each building per City of Waltham's ordinance.

Mr. DeVito then said that comments #2 states; the sewer connection for 246 Ash Street is a separate connection, however the sewer line apparently will cross the proposed property of 248 Ash Street. This also must be addressed as a new buyer/owner may not be aware.





Mr. Bibbo said, yes, we will be doing easements. Easements can go on any plan under 81X and be shown on the plan. At this point, we don't know where the new water and sewer are going to go.

Mr. Moroney said he agrees with Mr. Keefner. An Approval Not Required plan has to have frontage and this doesn't have frontage and he is done.

The Chairman agreed with that.

**Mr. Moroney made a motion that the Board sends this to the Law Department for clarification.**

**Mr. DeVito seconded the motion.**

**The Chairman polled the Board. He asked how many votes were required for the motion. Ms. Deveney said four votes were needed.**

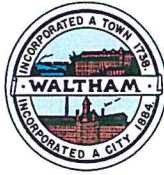
<b>Mr. Barrett</b>	<b>NO</b>
<b>Ms. Callahan</b>	<b>YES</b>
<b>Ms. Tarallo</b>	<b>NO</b>
<b>Mr. DeVito</b>	<b>YES</b>
<b>Mr. Moroney</b>	<b>YES</b>
<b>Chairman Creonte</b>	<b>YES</b>

Motion passed and this will be sent to the Law Department for review and opinion.

The Clerk read the next item on the agenda which was for an Approval Not Required plan for 21 Newton Street.

Attorney Michael R. Connors of 689 Main Street, Waltham, MA came forward representing 2Life Development Inc. This ANR plan is to remove two interior lot lines at its property located at 21 Newton Street. You may remember that 21 Newton Street was the former Leland Home which closed permanently 2020. Petitioner and owners are both affiliated with 2Life Communities a non-profit organization whose mission is to create affordable community living for Seniors in the Boston area, including existing communities in Newton, Brookline, Brighton and Framingham.

2Life completed its purchase of the property earlier this year and petitioned for a Comprehensive Permit for pursuant to Mass. General Laws Chapter 40B to construct here 68-unit apartments for seniors in a new three-story building. Members of your Board were familiar with this petition and some members gave comments as to the petition for the Board of Appeals to review.



Mr. Barrett interrupted to say that he was a Board member of the Leland House and the Chair of the CPC has granted them money so he recused himself from this discussion.

As part of the approval of the Chapter 40 B permit, there were a number of conditions, #66 requires the filing of an Approval Not Required plan to remove the two interior lot lines previously flagged by the Engineering Department at the existing proposed building where it currently is and would be constructed over these lot lines. The single lot will then consist of 65, 221 square feet.

The ANR plan was reviewed by Wade Putnam of the Engineering Department and on October 14<sup>th</sup>, 2002 submitted comments stating that the ANR plan meets all of the requirements of an ANR for approval of the Board of Survey and Planning.

There being no comments from the Board, the Chairman asked if there was a motion.

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

**VOTED:           to approve the Approval Not Required plan for  
21 Newton Street as presented and to allow the  
Clerk of the Board to endorse the plan.**

Mr. Barrett rejoined the meeting.

The Clerk read the next time on the agenda which was for an Approval Not Required Plan for 326 Newton Street.

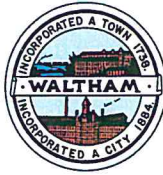
Attorney Philip B. McCourt came forward representing the owner, Mr. Curtis Beaton. He reviewed the ANR Plan with the Board. He then went over Wade Putnam's comments dated November 1, 2022.

Comment #1: The abutter listed upon the plan as 305 Lexington Street is 306 Lexington Street.

**Response:    We have made that correction on the new mylar plan.**

Comment #2: The existing sheds and other accessory buildings have not been shown together with dimensions.

**Response:    These are secondary building, there are no requirements and these will be taken down and don't need to be shown on the plan.**



Comment #3: The offsets have not been shown to the existing house have not been shown as well as the offsets to the accessory buildings to the nearest 0.01 feet as required.

**Response: Mr. Beaton has amended this as well on the plan.**

Comments #4: The existing sewer connection for 326 Lexington Street comes out from the rear of the house.

**Response: That is incorrect, it comes out from the front of the house, Mr. Beaton can testify to that as he owns the house.**

The connection crosses the rear of the property line into the property at 325 Bacon Street, under the West Branch of Chester Brook into the sewer line.

**Response: There is a sewer trunk line owned by the city that runs down to the brook, which is what they believe Wade is referring to. (Mr. Beaton handed out a copy of the sewer trunk line plan to the members) Exhibit A, which has nothing to do with the house other than that it's at the back of the house and obviously we couldn't cut and cap that. The property does not connect into the sewer line. The existing water and sewer were reviewed and discussed. Not taking down the rooming house so that won't change. The new houses will eventually have new water and sewer connection which will be reviewed by Engineering Department.**

The Chairman commented that this isn't a Definitive Subdivision.

No, it is not, and all lots would have the required lot size and frontage and access into Lexington Street.

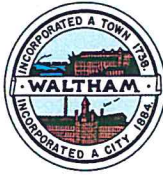
The Chairman opened it up to the Board.

Mr. Moroney asked out of curiosity, you will have two new houses going in, will the two new sewer lines be going out to Lexington Street.

Mr. McCourt said that is correct.

The sewer and water lines existing and further lines were discussed. The truck line and easement were discussed.





Mr. Moroney commented that in that same easement by Piety Corner there is an existing drain pipe, and overflow pipe that was put in in 1886 that goes down Bacon Street that goes through Gloria Champions property as well and discharges into the brook.

Mr. McCourt said, yes, it used to be Photobeam, now it's the storage unit place and goes across the street.

Mr. Moroney then said so the existing house connects into that trunk line and asked if that goes into Bacon Street.

Mr. McCourt believes it goes right into Lexington Street.

Mr. Moroney said that the second sheet you just gave us, the water is shown going out to Lexington Street but the existing sewer line goes out to Lexington Street as well. So, Wades comment was just misinformation.

Mr. McCourt said that is correct.

Mr. DeVito said looking at Wade Putnam's comments there seems to be some contradicting statements being made, compared to what is being proposed. Maybe we should recheck with Mr. Putnam before we issue any approval.

The Chairman agreed.

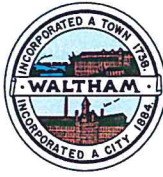
Ms. Tarallo asked in this area what is the required frontage requirements.

Mr. McCourt said it is 70-feet.

Ms. Tarallo said that looking at you have 80.50 feet of frontage, so you meet the requirement as far as frontage goes. You are also on an accessible street so in her opinion the plan does meet the requirements for an ANR approval, and as far as the other issues they come into play when you start getting the permits to build the homes, and one of them is an existing house that has water and sewer connections already and nothing will change for that.

She said that this plan is front of us for an ANR and all we need to look at is the frontage, the access and those are the only things we should be looking at and discussing at this time.

The Chairman agrees with that too.



Ms. Callahan agrees with Ms. Tarallo and also is so happy that the existing house is staying as it is such a beautiful home.

Mr. Keefner agreed also but the only comment that he would make is that endorsing an ANR plan is just that, it not an approval of a subdivision, its really us just saying we agree that it doesn't need to come before us as a definitive subdivision.

Mr. Moroney then said he noticed that all our previous ANR plans that have come before us in the title box usually that says not required plan, this one just says Plan of land. Does the title box need to be changed.

Mr. McCourt and Ms. Deveney both said not always.

He then asked if you are going take a plot of land, you can divide into boxes, with have ANR requirements, that has nothing to do with whether you could build a building on it or not.

Mr. McCourt said that is correct.

Mr. Moroney said then the comment we received from Mr. Bower from the Building Department is irrelevant to this approval and that is something they will have to do later to comply with zoning.

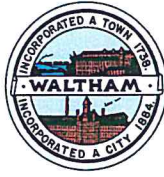
Mr. McCourt said that is correct.

Mr. Barret was all set.

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

**On the motion of Ms. Callahan, seconded by Ms. Tarallo, the Board**

**VOTED:       to accept the approval Not Required plan for 326  
Lexington Street, Waltham, MA as presented to  
allow the Clerk of the Board to endorse the plan.**



The Clerk read the next item on the agenda which was for the approval of the minutes of the October 5, 2022 meeting.

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

**VOTED:       to approved the minutes of the October 5, 2022  
meeting as presented.**

There being no further business on the agenda 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 the meeting at 7:20p.m.**

Respectfully submitted,

Michael L.J. Chiasson, Clerk  
Board of Survey and Planning