



CITY OF WALTHAM

BOARD OF SURVEY AND PLANNING

The following are minutes of the 7:00 p.m. October 4, 2017 public hearing held in the Public Meeting Room of the Arthur Clark Government Center located at 119 School Street, Waltham, MA. In attendance were Chairman Creonte and members Callahan, Barrett, DeVito, Duffy, Moroney and Tarallo.

The Chairman opened the public hearing at 7:00p.m., informed the public that the meeting was being taped by the local WCAC Channel and if they were going to speak they were required to sign in. Then, he opened the public hearing.

The Clerk read the 1st item on the agenda which was for a Special Permit More Than One Principal Building on a Lot at 86-88 Maple Street a/k/a 469-489 Moody Street.

The Chairman asked if there was someone present representing this petition.

Attorney Ranen S. Schechner of 10 Cedar Street, Woburn, MA came forward representing Ralph Amelia of R&A Realty Trust.

They are seeking under 4.215 to renovate the 2nd floor into a 4 bedroom unit. They have added to the plan, per the Boards' request, the waivers that were applicable for this approval. There would be no change to the exterior features or the layout, topography or drainage. This would be all interior work. There is a 15-foot driveway and ample parking. They would also be seeking a few variances with the ZBA for this usage as well.

He then reviewed the revisions that were made to the plan with the Board and their responses to Wade Putnam's Comments dated August 22, 2017. The comments were as follows:

- #1. No permit could be found for the sewer or water connections to 86 Maple Street, although, shown on the plan. These should be verified as connections into other connections are not allowed: each building shall have its own sewer and water connection to the city main.

Response: The water and sewer connections for both properties are shown on the plan and have been verified.

- #2. There does not appear to be much room for a loading zone for deliveries especially trucks.

Response: The topography and layout of the lot have not been altered since the Petitioner purchased the property in 1977. They are not seeking to change the topography, layout or conduct any exterior construction on the locus whatsoever. The businesses which operate at the locus have not had problems with deliveries during the 40 years the petitioner has owned the property.

- #3. Curb cuts for the entrance and exit do not appear to have the required curb corners at the gutter line.

Response: The entrance and exit of the lot has not been altered since the Petitioner purchased the property in 1977. To the extent of the subdivision design standards are applicable because the Petitioner is seeking to convert a portion of the second floor of one building to residential and is seeking a waiver of those requirements.

- #4. Most of the drainage for this site dumps onto the sidewalk and into Maple Street which is not in compliance with the city ordinance. The existing catch basin at the rear of the property with the PVC pipe inlet has no permit. Where the runoff exits is not shown.

Response: Petitioner reiterates that he is not seeking to change the topography or layout of the lot, or to conduct any exterior construction. The drainage pattern predates the current city ordinance regarding drainage and is seeking a waiver of those requirements.

- #5. No permits and/or easements can be found for the large delivery doors at the rear of the property (not shown on plan) with access only from the City of Waltham Property. This shall be clarified before approvals are given.

Response: As stated by the Petitioner at the June meeting, tenants never receive deliveries through those doors. The photographs Mr. Putnam has provided show that the “doors” contain ventilation ducts going through them confirming that they do not operate as doors.

- #6. The plan calls the left side of 86 Maple Street the rear yard, all front doors face Maple Street however.

Response: The surveyor oriented the buildings on the plan using the entrance at 469-489 Moody Street as the front of the locus. This orientation was carried over throughout the plans.

- #7. The down spouts on the left side of the building run onto the paved area where the run off exists into the City of Waltham Property, no permits found.

Response: The location of these downspouts has not been altered in the 40 years the Petitioner has owned the property. The Petitioner is seeking a waiver for those requirements.

- #8. Please note that this should be checked by the Building Department for front door location, loading/delivery from city property, and easements for the walkway and runoff onto city property. See the photo with the gates opening onto city property.

Response: Tenants never receive deliveries through those “doors”. Mr. Putnam refers to contain ventilation ducts and do not operate as doors.

- #9. Waivers call for a 16 foot right of way, however the plan calls for a 15 foot right of way.

Response: Petitioner has updated the title sheet to reflect a 15 foot right of way.

- #10. A rounding can be shown at street line on left side of the entrance.

Response: The plans have been updated to show the rounding.

- #11. Making a turn with the proposed 18 foot radius appears difficult especially for delivery trucks; advice of the Traffic Engineer should be consulted for this proposal.

Response: This right of way with an 18-foot radius has been used since the Petitioner purchased property in 1977. The businesses that operate at locus have not had any problems with deliveries.

These issues were discussed and the Chairman opened the meeting to the members for questions.

Mr. Duffy asked if this renovation is going to be one apartment with 4 bedrooms and 2 bathrooms.

Attorney Ranen replied “Yes.”

Mr. Barrett commented that the Petitioner says there is no proposed construction to the outside of the building, but would he consider upgrading the drainage.

Mr. Ralph Amelia came forward and said; “no, there is no issues with water and I would leave it alone”.

The Chairman commented that since this is a Special Permit the Board has the power not to grant that waiver and can make that a condition of the approval.

Mr. Barrett asked for a review of the downspout.

Mr. Amelia said that the run off from the two roofs of the downspout goes in the parking lot drain.

Ms. Callahan suggested that Mr. Amelia clean the sewer grate shown in the photo that Mr. Putnam provided.

Mr. Amelia claims there are no problems with the drains at all.

Ms. Tarallo asked who the tenants were.

Mr. Amelia said they are a machine shop, Fioma, Inc. and Embassy Trophy. He said the 2nd floor was an office, but has been vacant for 4 years.

Ms. Tarallo commented that she has concerns about the drainage. And that the delivery doors discussed should be replaced to make the building look better.

Mr. Amelia said that he could do that and close up the vents as well.

Mr. DeVito also has issues with the drainage and would like the petitioner to make some improvements.

The drainage was discussed further.

Curbing was also discussed.

Mr. Moroney added that he understood a lot of these issues that the Petitioner claims have not been altered since he bought the building, but feels that what the Board is asking for benefits the property and he should be willing to make some upgrades now. He felt the Board shouldn't grant this special permit unless he agrees to make some drainage improvements.

Attorney Ranen asked for a 5-minute recess so he could discuss the matter with his client.

At 7:40 p.m. the Chairman called for a 5-minute recess.

The Chairman reopened the hearing as 7:47p.m.

Attorney Ranen said his client is willing to look into drainage upgrades and will present that at the next hearing.

Mr. Duffy asked what the pipe that sticks out shown in the photo is used for.

Mr. Amelia said that Embassy Trophy installed it for a machine that they use, but isn't exactly sure what it is.

Mr. Bibbo believes it is used for a mechanical air pump.

The Chairman asked that they find out exactly what the pipe is used for and tell them at the next meeting.

Mr. Moroney also asked that they find out for sure who owns the fence.

Mr. Barrett commented that the Board would suggest that the Petitioner clean out the manhole, close the vents in the doors and address the drainage and drywell.

Attorney Ranen said they will address the doors, the fence, drainage off the roof, down spouts and the pipe coming out of the Embassy Trophy building.

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

VOTED: to continue the petition for a Special Permit More Than One Principal Building on a Lot at 86-88 Maple Street at their next meeting of November 1, 2017.

The Chairman closed the public hearing and opened the regular meeting. The Clerk read the first item on the agenda which was for deliberations and a recommendation to the City Council on zoning amendment Article X-Wireless Communications Equipment.

The Chairman noted that this was heard at a joint meeting with the City Council on September 18, 2017.

Attorney Daniel Klasnick of 210 Broadway came forward to address the Board and answer any questions. There were brief discussions. Ms. Tarallo and the Chairman had some objections to this going forward, especially since the University's don't pay taxes and this does not benefit other residents, just the students and faculty.

The Chairman asked if there was a motion.

Mr. Barret made a motion to forward a recommendation to the City Council to approve of the zoning amendment as written.

Ms. Callahan seconded the motion.

The Chairman polled the Board.

Barrett	YES
Callahan	YES
Tarallo	NO
Moroney	YES
Chairman	NO

There being three (3) in favor and two (2) opposed the motion passed.

The Clerk read the next item on the agenda which was for an Approval Not Required

plan for 80-88 Trapelo Road.

Brian Spencer of 82 Lowell Street, Waltham, MA came forward as the representative of this petition.

There was a review of the site. Frontage was discussed. The Board wanted to see all frontage dimensions be shown on all the lots.

Ms. Tarallo mentioned that they need to update the plan with the following statement that Wade Putnam required. **“Lot B containing 7001 square feet is not a building lot, no further building could occur unless further approval by the Board of Survey and Planning under the Subdivision Control law is obtained”.**

Mr. Spencer is aware and his Engineer is revising the plans and will have him add the lot dimensions for frontage.

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

VOTED: to continue the petition of the Approval Not Required plan for 80-88 Trapelo Road and 5 Upton Road at their next meeting of November 1, 2017 and to waive the 21 day approval rule.

The Clerk read the next two items on the agenda which was for the approval of the June 7, 2017 meeting and the September 6, 2017 meeting.

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

VOTED: to approve the minutes for the June 7, 2017 meeting and the September 6, 2017 meeting as presented.

There being no further business, the Chairman asked if there was a motion to adjourn.

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

VOTED: to adjourn the meeting at 8:33p.m.

Respectfully submitted,



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