



CITY OF WALTHAM
BOARD OF SURVEY AND PLANNING

The following are the minutes of the 7:00 p.m. March 6, 2019 public hearing held in the auditorium of the Arthur Clark Government Center located at 119 School Street, Waltham, MA. In attendance were Vice Chairwoman Callahan and members Barrett, Duffy, Moroney and Tarallo.

The Vice Chairwoman opened the public hearing at 7:00 p.m. and informed the public that the meeting would be recorded by the local Waltham Cable Access Channel and if anyone wished to speak to please come forward and sign in.

The Vice Chairwoman then asked if there was a motion to appoint Ms. Deveney as Acting Clerk of the meeting.

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

**VOTED: to appoint Janice Deveney as Acting Clerk for the
March 6, 2019 meeting.**

The Vice Chairwoman then opened the public hearing.

The Acting Clerk read the first item on the agenda which was for a Special Permit Curb Cut located at 300 Third Ave.

Attorney Michael Connors of 6 Lexington Street, Waltham, MA came forward to address the board on this matter. He mentioned that they had a presentation ready, but with only five (5) members present he thought it best to continue his petition to the next meeting. It was his understanding that six (6) members would be in attendance. He would need five (5) favorable votes for this to pass, so he would like to request that the board continue this to the next meeting.

The Vice Chairwoman said that would be fine, and that they should also extend the time to act on the petition to a later date just to be safe. They agreed on the date of June 6, 2019. She then asked if there was a motion.

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

VOTED: to continue the Special Permit curb cut at 300 Third Ave. at their next meeting of April 3, 2019 and to extend the time to act on the petition to June 6, 2019.

The Acting Clerk read the next item on the agenda for a request of a name change of Tracer Lane, a private way to Data Drive.

Attorney Philip B. McCourt of 15 Church Street, Waltham, MA came forward to address the board. He mentioned that they had heard from all city departments regarding the name change and none of them had any issues with the name change. Wade Putnam from the Engineering Department wanted it made clear that this name change is for the entire length of the drive to the cul-de-sac and that the plan did not have the mathematical description on it. Both of these matters were revised on the plan submitted to the board for their review. He said that if the change were approved that they would notify all necessary departments, tenants and security companies that maintain the buildings.

The Vice Chairwoman then opened the meeting to the board for questions.

Mr. Duffy asked what the reason for the name change was.

Mr. McCourt said that the tenant requested it.

Mr. Moroney asked Mr. McCourt to review the two (2) lots.

Mr. McCourt reviewed the lots.

There being no further questions from the board, the Vice Chairwoman asked if there was a motion.

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

VOTED: To approve the request of a name change from Tracer Lane to Data Drive.

The Vice Chairwoman closed the public hearing and opened the regular meeting.

The Acting Clerk read the first item for an Approval Not Required Plan for Lot 12 and Lot 13 Michaelchris Drive.

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

He reviewed the plan with the board and read the engineering comments noting that the plan met all the requirements of an ANR plan.

The Vice Chairwoman asked if there were any questions from the board.

The board had questions pertaining to the two (2) non-buildable lots, Lots 12-2 and Lot 13-2 as far as proper drainage and who would be in charge of the maintenance of the vernal pool. Mr. Bibbo reviewed the current drainage on Pigeon Hill IV.

There were discussions on this matter. Mr. Bibbo reviewed the Order of Conditions on the Pigeon Hill IV Property. The Board wanted to see them and wanted to know who would maintain this site before granting an approval. Mr. Bibbo said that it would just be open space.

He said that the board is just to approve the ANR Plan if it meets the requirements. He said that during the building permit process, each of the two (2) lots will have to submit proper drainage plans.

The board felt that they could not approve the plan until they were satisfied with their concerns. They asked if the petitioner would be willing to submit this information at the next meeting on April 3, 2019 and to extend the time to act on the ANR Plan until April 14, 2019. They would like this information for the next meeting so that they could review it and vote the information into the file record.

Mr. Bibbo agreed.

The Vice Chairwoman asked if there was a motion.

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

**VOTED: to continue the petition of an Approval Not
Required Plan at Lot 12 and Lot 13 Michaelchris
Drive at the their next meeting of April 3, 2019
and to extend the time to act on the ANR Plan
until April 14, 2019.**

The Acting Clerk read the next item for deliberations and recommendation to the Waltham City Council on amending Article II Section 2.3- Subsections- 2.348, 2.349, 2.350 and 2.351.

The board heard this amendment at the February 25, 2019 City Council public hearing.

Mr. Barrett recused himself as he was not at the public hearing.

After brief discussions the Vice Chairwoman asked if there was a motion.

On the motion of Mr. Moroney, seconded by Ms. Tarallo, the board

**VOTED: to recommend approval of the amended definition of
Section 2.3 with the following subdivisions:
2.348- E-Cigarette
2.349- Smoking Devices
2.350 –Tobacco Product
2.351 - Vaping**

The Acting Clerk read the next item on the agenda which was for deliberations and recommendations on Article III, Section 3.2 –subsection 3.222B- Smoke Shops.

On the motion of Mr. Moroney, seconded by Ms. Tarallo, The Board

**VOTED: to recommend approval as of the amended definition of
Section 3.2, adding subsection-3.222B- Smoke Shop:
any establishment that sells tobacco products or
smoking devices, as defined in Subsection 2.349 and
2.350, subject to the provisions of subsection 3.647.**

The Acting Clerk read the next item on the agenda which was for deliberations and recommendations on a zoning amendment on Article III adding subsection 3.6 entitled “special permit criteria for specific uses” subsection 3.647 –Smoke Shop.

There were discussions.

Ms. Tarallo suggested to the board members that the board recommend that a tenth addition be added that “All smoking and/or vaping products must be sold from a locked cabinet placed behind the counter of these establishments.”

Also, she requested that the Board’s Secretary check with the health department to determine whether or not they reviewed the proposed amendments.

Ms. Deveney said she would reach out to the health department.

The Vice Chairwoman asked if there was a motion.

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

VOTED: to recommend an approval of the amended definition of Section 3.6 with the following new subsection 3.647. The board recommended adding a 10th term and condition to subsection 3.647. This 10th condition would be that “All smoking and/or vaping products must be sold from a locked cabinet placed behind the counter of these establishments.”

The Acting Clerk read the next item on the agenda for deliberations and recommendations to the city council on an ordinance amendment of Chapter 21, Article IX, Section 9.1- Affordable Housing.

There were brief discussions. Ms. Callahan would like the City Council to explore the possibility of increasing the 15% total number of dwelling units in a proposed development to 20%.

The Vice Chairwoman asked if there was a motion.

On the motion of Mr. Duffy, seconded by Ms. Tarallo, the Board

VOTED: to striking out Article IX entitled affordable housing in its entirety and inserting in its place the following new Article IX-Affordable Housing-Section 9.1 Affordable housing provisions as presented with the board asking the council to explore the possibility of increasing the 15 % total number of dwelling units in a proposed development to 20%.

The Acting Clerk read the next item on the agenda for the approval of the minutes of the February 6, 2019 Meeting.

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

**VOTED: to approve the minutes of the February 6, 2019 Meeting
as presented.**

The Vice Chairwoman asked for a motion to adjourn.

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

VOTED: to adjourn the meeting at 7:40 p.m.

Respectfully submitted,



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