



CITY OF WALTHAM

BOARD OF SURVEY AND PLANNING

The following are minutes of the 7:00 p.m. April 8, 2019 special meeting held in the Henry Hoover Room located in City Hall, 610 Main Street, Waltham, MA. In attendance were Vice Chairwoman Callahan and members Barrett, DeVito, Duffy and Moroney.

The vice chairwoman opened the special meeting immediately following the joint public hearing with the Waltham City Council which was held at 7:30 p.m.

The vice chairwoman asked for a motion to appoint an acting clerk.

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

VOTED: to appoint Janice Deveney as the acting clerk of the board for the meeting.

The board deliberated on a zoning amendment of Chapter 21 of the General Ordinance Article II entitled "Word Usage; Intent; Definitions, Section 2.314A entitled Convenience Food Store".

Ms. Callahan asked John Generoso, the owner of the gas station, out of curiosity if he sold flavored tobacco products. Mr. Generoso said that this was regulated by the state and most retailers have taken these products off of their shelves. He is still allowed to sell mint flavored tobacco.

Ms. Callahan asked if these products are stored and sold from behind the counter.

Mr. Generoso said they do sell these products from behind the counter and require an ID from any customer they feel is 26 years old or younger.

Mr. DeVito asked if the 125 square feet would be adequate floor area to have this retail store.

Mr. Generoso said the space was adequate.

Mr. DeVito asked Attorney Connors if the satellite Dunkin will still remain open.

Attorney Connors said it would and that this would be a small satellite store that has its own separate and distinct use.

Mr. DeVito asked if they had spoken to the owner of the Dunkin on 75 Third Avenue, Waltham, MA and if there was any conflict.

Attorney Connors said that that owner will own and operate both Dunkin's as he has the selling rights to that area.

Mr. Moroney commented that he felt that this is spot zoning.

Attorney Connors responded that any other gas station that has the proper special permit could do this as well.

After brief discussions on those matters, the vice chairwoman asked if there was a motion.

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

**VOTED: to recommend approval of the revised definition
of Section 2.314A in its entirety.**

The vice chairwoman then asked if there was a motion to adjourn.

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

VOTED: to adjourn the meeting at 8:30p.m.

Respectfully submitted,

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

