



City of Waltham
Board of Survey and Planning Decision

CITY OF WALTHAM
CITY CLERK'S OFFICE
2021 DEC 28 AM 9: 22

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NAME AND ADDRESS OF THE OWNER OF THE LOCUS:

Michael Polacco, Trustee
Full House Realty Trust
100 Felton Street
Waltham, Massachusetts 02451

NAME AND ADDRESS OF THE PETITIONER:

Waltham Cannabis, Inc.
130 South Royalston Road
Royalston, MA 01368

IDENTITY OF LOCUS:

The locus situated in Waltham, Massachusetts with an address of 1254-1256 Main Street, Waltham, Massachusetts, being Tax Parcel R57-009-0001.

ADDRESS: 1254-1256 Main Street, Waltham, Massachusetts

ATLAS REFERENCE: R057-009-0001

TITLE REFERENCE: Middlesex South Registry of Deeds at Book 742284, Page 367.

APPLICABLE ORDINANCE(S): §5.41 of the Zoning Ordinance

DATE OF HEARING(S): April 7, 2021, May 5, 2021, June 2, 2021, September 2, 2021, October 6, 2021, November 3, 2021 and December 1, 2021.

DATE OF DECISION: December 1, 2021.

DATE OF FILING OF DECISION WITH CITY CLERK: December 8, 2021.

DATE OF NOTIFICATION TO BUILDING INSPECTOR: December 8, 2021

FINAL DATE FOR FILING APPEAL FROM THIS DECISION: December 28, 2021

2021 DEC 8 AM 9:22

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws Chapter 40A. All plans referred to in this decision have been filed with the Board of Survey and Planning with the City Clerk.

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DECISION

GRANTED: XX DENIED: _____

ROLL CALL

	<u>YES</u>	<u>NO</u>		<u>YES</u>	<u>NO</u>
Kathleen A. Callahan	XX	_____			
William M. Creonte, Jr.	XX	_____	Brian E. Moroney	XX	_____
Mila R. Tarallo	XX	_____	S. Anthony DeVito	XX	_____
Wayne Keefner	XX	_____	M. Justin Barrett	XX	_____

The locus is shown on the following plans, which are on file in the office of the Board of Survey and Planning and in the office of the City Clerk (all plan references are to these plans), and are entitled as follows:

"1256 Main Street, Proposed Site Plan" Sheet 1 of 1, by Spruhan Engineering, P.C., dated 10/28/2021"

This Petition may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or the purpose of the Ordinance.

PETITION

Petitioner, Waltham Cannabis, Inc. , 130 South Royalston Road Royalston, MA 01368 and the Owner of the locus property, Michael Polacco, Trustee Full House Realty Trust, 100 Felton Street, Waltham, Massachusetts 02451 petition the Board for a special permit for a driveway opening greater than 25 feet and within 100 feet of an intersection at Petitioner's property identified as 1254-1256 Main Street or tax parcel R57-009-0001, according to the City of Waltham Assessor's records. The driveway opening shall be 35.7 feet at the property line as it meets Main Street.

ON MOTION DULY MADE AND SECONDED THE BOARD ADOPTED THE AM 9: 22
FOLLOWING

FINDINGS OF FACTS:

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The Board of Survey and Planning of the City of Waltham makes the following findings of facts after a hearing on the above captioned Application for a Special Permit:

1. Two pre-existing driveway openings of 45 feet and 41.1 feet currently exist on the locus. The driveway opening of 41.1 feet on Cutting Lane shall be reduced to 25 feet. 16.1 feet of the opening shall be eliminated and closed. A curb shall be constructed on the south end of this driveway opening to prohibit left hand turns out of the property onto Cutting Lane. The pavement will be marked right turn only. The existing curb cut or driveway opening of 45 feet on Main Street shall remain.
2. No new proposed driveway openings are proposed.
3. The existing building situated on the locus was constructed in 1960 as an office and showroom.
4. The Petitioner shall be demolishing the existing building on the locus and reconstructing a smaller building on the locus to be used for the retail sale of marijuana.
5. Access to the locus shall be off Main Street only and the Cutting Lane driveway opening shall be exit only, right hand turn only.
6. There is no evidence or municipal records to indicate why and when the curbing at the locus on Main Street was constructed. Visual inspection reveals that new curbs and handicap ramps were installed at the existing sidewalks in front of the locus.
7. The building is situated in the Commercial Zoning District which allows retail and office uses, as well as retail marijuana with a special permit from the City Council.

AFTER DUE DELIBERATION: ON MOTION DULY MADE AND SECONDED IT
WAS VOTED TO GRANT THIS PETITION, SUBJECT TO THE FOLLOWING
CONDITIONS:

To grant the Special Permit requested by the Petitioner and incorporate by reference the Finding of Facts and further cite as reasons the following:

CITY OF WALTHAM
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This Board finds that the Special Permit requested § 5.41 of the Zoning Ordinance of the City of Waltham (Ordinance) is in general harmony with the intent and the purpose of the Ordinance for the following reasons:

1. The proposed driveway opening on Main Street is existing at 45 feet wide as identified on the plan and as measured from the exterior of the curb.
2. The proposed driveway opening on Cutting Lane shall be 25 feet in width which shall result from reducing the existing opening from 41.1 feet to 25 feet. This shall be an exit only opening with only right hand turns permitted. The opening shall be situated entirely within the Commercial Zoning District.
3. No new driveway openings are proposed.

THE PETITION IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Condition 1. The Petitioner shall add landscaping between parking space No. 9 and Cutting Lane. The landscaping shall be situated between parking space no. 9 and the street to create an additional barrier to Cutting Lane where the driveway opening is being reduced.

Condition 2. At both curb cuts or driveway openings, on Main Street and Cutting Lane, the Petitioner, in addition to the proposed pavement markings shown on the plan, shall install directional signs restricting exits to *right hand turn only*. On Main Street a right turn arrow shall also be installed (painted) on the pavement.

Condition 3. The Petitioner agrees to and shall provide a police detail through the first full month of operation of the retail marijuana establishment during all business hours.

Condition 4. The Petitioner shall provide a copy of a revised plan to the Fire department which indicates the width of the driveway opening on Cutting lane when measured from the back of the sidewalk.

In view of the foregoing, the Planning Board hereby decides that the aforesaid property is a proper parcel to be altered under § 5.41 of the Ordinance to (1) construct a curb-cut to exceed 25 feet – (45 feet) within 100 feet of an intersection and (2) a curb cut of 25 feet within 100 feet of the intersection in that they meet all requisite criteria. It is therefore decided to grant the Special Permit requested in accordance with the terms and conditions stated below.

1. All necessary permits shall be issued and work commenced within one (1) year of the date of the filing of this decision with the City Clerk's Office and all work is to be completed within two (2) years of said filing date;

2. All construction and use of the premises shall in be in substantial accordance with the plans introduced as evidence during the hearing, and as cited above.

Respectfully submitted ;



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

Date: 12-7-2021

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