

CITY OF WALTHAM
CITY CLERK'S OFFICE
2022 FEB 22 AM 9:39

City of Waltham
Board of Survey and Planning Decision RECEIVED

NAME AND ADDRESS OF THE OWNER OF THE LOCUS:

Lee-Ang Realty Trust, P.O. Box 541113, Waltham, MA 02451 and
Vanaria Realty Trust, 55 Ivy Lane, Waltham, MA 02452

NAME AND ADDRESS OF THE PETITIONER:

Ronald A. Marini Corporation
14 Aspen Avenue
Newton, MA 02466

IDENTITY OF LOCUS ADDRESS: 162 & 166 Felton Street and 8 Fern Street

ATLAS REFERENCE: Page 59, Block 039, Lot 003A 162 Felton Street
Page 59, Block 039, Lot 0003 166 Felton Street
Page 59, Block 039, Lot 0009 8 Fern Street

TITLE REFERENCE: Middlesex South District Registry of Deeds in Book 49862, Page
240 and Book 72868, Page 66.

APPLICABLE ORDINANCE(S): The Petitioner requests the Board of Survey and Planning
to grant a special permit under §5.41 of the Zoning
Ordinance of the City of Waltham to allow two new
driveway openings within 100 feet of an intersection to be
constructed, used, and maintained on the loci known as
162 & 166 Felton Street and 8 Fern Street

DATE OF HEARING: 12/02/2021, 01/05/2022, 02/02/2022

DATE OF DECISION: 02/02/2022

DATE OF FILING OF DECISION WITH CITY CLERK: 02/22/2022

DATE OF NOTIFICATION TO BUILDING INSPECTOR: 02/22/2022

FINAL DATE FOR FILING APPEAL FROM THIS DECISION: 03/14/2022

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 and with the City Clerk.

DECISION

GRANTED: XX

DENIED: _____

ROLL CALL

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

The locus is shown on the following plans, entitled "Waltham Board of Survey and Planning Plans to Accompany Application for Special Permit Curb Cut, Special Permit for Curb Cut Within 100 Feet of an Intersection (Sect.5.41) 162 & 166 Felton Street and 8 Fern Street, Waltham, Massachusetts" dated September 4, 2021, October 6, 2021 and December 1, 2021 and revised February 2, 2022 and consisting of four sheets including the Cover Sheet, 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:

	Cover Sheet.
AB-1.0	Abutters Plan.
XP-1.0	Existing Conditions Plan.
CC-1.0	Site Plan (Revised 02/02/22)

PETITION

The Petitioner, Ronald A. Marini Corporation, hereby petitions this Board of Survey and Planning for the following Special Permit under §5.41 of the Zoning Ordinance for a special permit to allow two new driveway openings within 100 feet of an intersection to be constructed, used, and maintained on the locus.

The loci at 162 and 166 Felton Street currently have two driveway openings on Felton Street. The locus at 8 Fern Street currently has one narrow driveway opening on Fern Street.

The Petitioner proposes to build a building on the loci at 162 and 166 Felton Street consisting of 9 contractor garages. In order to provide proper access and egress for the trucks housed in these garages, the Petitioner proposes to eliminate the existing two driveway openings on Felton Street and build one new 25 foot wide driveway opening on Felton Street. The proposed new driveway will be 10.5± feet west of the intersection of Felton Street and Browns Avenue, which runs north from Felton Street across from the subject property. A Special Permit is requested for this driveway.

In addition to the new driveway on Felton Street, a new one-way, enter only, driveway on Fern Street is proposed. The proposed new driveway opening on Fern Street, which

is 24.0 feet wide, will be 87.0± feet from the intersection of Fern Street and Felton Street and 40.5± feet from the intersection of Fern Street and Sun Street. A Special Permit is requested for this proposed driveway.

ON MOTION DULY MADE AND SECONDED THE BOARD ADOPTED THE
FOLLOWING
FINDINGS OF FACTS:

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. The proposed layout will replace two driveway openings on Felton Street with just one.
2. There is no alternative access to the loci available.
3. The proposed driveways are not located on the radius of the intersections.
4. That the entire lot is located within 100 feet of an intersection. Therefore, any curbcut to the site will require a Special Permit.
5. The distance from the new driveway opening on Felton Street to the intersection of Felton Street and Browns Avenue across from the subject property will be 10.6± feet. The entire property at 162 Felton Street is within 100 feet of this intersection and the driveway has been placed as far from the intersection as deemed feasible after consultation with the Waltham Traffic Engineer.
6. There will be a new one way, enter only, driveway opening on Fern Street, replacing the existing driveway, which will be 87.0± feet from the intersection of Fern Street and Felton Street and 40.5± feet from the intersection of Fern Street and Sun Street. The entire property at 8 Fern Street is within 100 feet of these intersections and the driveway has been placed as far from the intersection as deemed feasible after consultation with the Waltham Traffic Engineer.

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

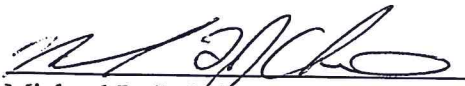
To grant the Special Permit requested by the Petitioner and incorporate by reference the Finding of Facts and further cite as reasons the following:

This Board finds that the Special Permit requested under §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.

THE PETITION IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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, by this Board allowing two new driveway openings less than 100 feet from an intersection to be used and maintained as set forth above. It is therefore decided to grant the Special Permit requested in accordance with the terms and conditions stated below.

1. All public sidewalks within the project limits shall be improved as required, to meet AAB/ADA standards
2. Vertical granite curbing and a bituminous concrete sidewalk will be installed on Harvard Street.
3. The Petitioner shall provide fencing on top of the walls between the locus and the abutting properties as shown on the Site Plan, the height and color of these fences will be agreed to with the abutters.
4. The driveway on Fern Street will be properly signed to indicate that it is one way, enter only. Additional signs will be placed inside the property directing all tenants to exit the property at Felton Street.
5. Pavement arrows shall be installed as shown on the site plan to reinforce the traffic flow into and from the site.


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

Date: 2-22-2022