

Michael L. J. Chiasson,  
Director of Public Works

CITY OF WALTHAM  
MASSACHUSETTS

CITY OF WALTHAM  
CITY CLERK'S OFFICE

2021 SEP -9 AM 9:59

Clerk, Board of Survey and Planning

RECEIVED

September 3, 2021

Robert J. Waddick, City Clerk  
610 Main Street  
Waltham, MA 02452

RE: Special Permit Amendment Three Driveway Openings at 225 Waverley Oaks  
Road

Petitioner: Colbea Enterprises, LLC, c/o Riemer & Braunstein LLP,  
Burlington, MA 01803

Dear Mr. Waddick:

Please be advised at their meeting of September 1, 2021 the Board voted to approve the  
above referenced petition.

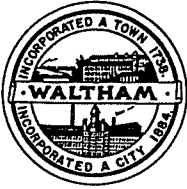
Attached is the Board's Decision detailing this approval which includes the Board's vote.  
There is a 20-day appeal period for this approval.

Thank you for your attention to this matter.

Respectfully submitted,

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

Cc: File-S.P. 225 Waverley Oaks Road-2021  
Attorney William J. Proia



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City of Waltham

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**Board of Survey and Planning Decision**

NAMES AND ADDRESSES OF THE OWNERS OF THE LOCUS:

Colbea Enterprises, LLC  
7 Starline Way  
Cranston, RI 02921

NAME AND ADDRESS OF THE PETITIONER:

Colbea Enterprises, LLC  
7 Starline Way  
Cranston, RI 02921

IDENTITY OF LOCUS  
ADDRESS:

225 Waverley Oaks Road  
Waltham, MA 02453

ATLAS REFERENCE:

Sheet R054  
Block No. 004  
Parcel 0005

TITLE REFERENCE:

B. 56190 P. 222

APPLICABLE ORDINANCE(S) §5.41

DATE OF HEARING: September 1, 2021 DATE OF DECISION: September 1, 2021

DATE OF FILING OF DECISION WITH CITY CLERK: September 9, 2021

DATE OF NOTIFICATION TO: BUILDING INSPECTOR: September 9, 2021

FINAL DATE FOR FILING APPEAL FROM THIS DECISION: September 29, 2021

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: XXX

DENIED: \_\_\_\_\_

## ROLL CALL

YES    NO

William Creonte, Jr.	X
Kathleen A. Callahan	
S. Anthony DeVito	
Brian E. Moroney	X
Mila E. Tarallo	X
M. Justin Barrett, Jr.	X
Wayne Keefner	X

The locus is shown on the following plans, entitled "Seasons Corner Market, Site Improvement Plans, 225 Waverley Oaks Road Waltham, MA, Prepared for Colbea Enterprises, LLC, 7 Starline Way, Cranston, RI" by Ayoub Engineering" (and others as noted below), containing twenty-six (26) sheets (including Cover Sheet) (Plans) as follows:

1. Cover Sheet, dated 06/27/2017, revised 06/16/2021
2. Topographic Plan of Land [Merrimack Engineering], dated March 3, 2015
3. Sheet D-1, dated 09/20/2016, Rev. 7, dated 12/30/2020
4. Sheet C-1, dated 09/20/2016, Rev. 15, dated 05/24/2021
5. Sheet C-2, dated 09/20/2016, Rev. 10, dated 02/26/2021
6. Sheet C-3, dated 09/20/2016, Rev. 13, dated 08/30/2021
7. Sheet L-1, dated 09/20/2016, Rev. 9, dated 06/16/2021
8. Sheet ER-1, dated 09/20/2016, Rev. 8, dated 02/26/2021
9. Sheet 1A [LSI Lighting Plan], dated 12/31/2020, Rev. 2, dated 05/24/2021
10. Sheet TR-1, dated 09/20/2016, Rev. 8, dated 03/10/2021
11. Sheet TR-2, dated 04/07/2017, Rev. 2, dated 02/26/2021
12. Sheet SG-1, dated 01/20/2016, Rev. 1, 06/26/2017
13. Sheet SG-2, dated 02/03/2016, Rev. 9, dated 03/10/2021
14. Sheet SD-1, dated 09/20/2016, Rev. 8, dated 04/10/2018
15. Sheet SD-2, dated 09/20/2016, Rev. 7, dated 05/18/2021
16. Sheet SD-3, dated 12/31/2020
17. Sheet SD-4, dated 12/31/2020
18. Sheet SD-5, dated 12/31/2020
19. Sheet TK-1, dated 09/20/2016, Rev. 6, dated 03/10/2021
20. Sheet TK-2, dated 09/20/2016, Rev. 1, dated 06/26/2017
21. Sheet TK-3, dated 09/20/2016, Rev. 1, dated 06/26/2017

- 22. Sheet FS-1, dated 09/20/2016, Rev. 6, dated 03/10/2021
- 23. Sheet A1.0, dated 06/27/2017, Rev. 6, dated 06/15/2021
- 24. Sheet A1.1, dated 06/27/2017, Rev. 12, dated 06/15/2021
- 25. Sheet A2.0, dated 06/27/2017, Rev. 3, dated 12/31/2020
- 26. Sheet A2.1, dated 06/27/2017, Rev. 12/31/2020

### PETITION

1. New Driveways – This is a petition for a special permit for the continued operation of three (3) driveway openings exceeding 25 feet in width, each to be constructed and operated at 30 feet in width (Waverley Oaks Road - 30 feet and 30 feet and Beaver Street – 30 feet) at the Locus as shown on the filed Plans.

### ON MOTION DULY MADE AND SECONDED THE BOARD ADOPTED THE FOLLOWING FINDINGS AND 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 Petitioner is proposing to continue to operate three (3) existing driveways as part of a comprehensive redevelopment project, two (2) of which are along Waverley Oaks Road and one along Beaver Street that will require special permits from this Board. The proposed driveways along Waverley Oaks Road will measure 30 feet and the proposed driveway on Beaver Street will measure 30 feet, as shown on the filed Plans.

### 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:

The 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 for the following reasons:

1. That the proposed driveways, and associated project improvements as provided on the Plans, will benefit public safety and traffic flow to and from the Locus and more generally along the affected segments of Waverley Oaks Road and Beaver Street as well, for both vehicles and pedestrians.

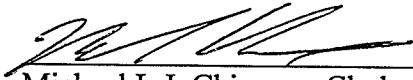
The Board received letters from:

City Departmental comments, on file with the Board.

THE PETITION IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

In view of the foregoing, the Board hereby decides that the aforesaid driveway openings are allowed under § 5.41 of the Ordinance and therefore permits the continued operation of three (3) driveway openings exceeding 25 feet, two (2) located on Waverley Oaks Road, 30 feet each, and one (1) located on Beaver Street, 30 feet, as depicted on the Plans. It is therefore decided to grant the Special Permit requested in accordance with the terms and conditions stated below.

1. Compliance with the filed Plans, including without limitation,
  - a. all existing (i) water supplies, (ii) sewer drains and (iii) storm-water drains serving the Locus that will not be utilized as part of the noted redevelopment of the Locus under the Plans, shall be cut and capped at their respective mains in accordance with General Utility Notes 6 and 7, Sheet C-3 of the Plans; and
  - b. the Petitioner shall coordinate with the Waltham Fire Department to ensure the adequacy of the water supply at the Locus for fire protection purposes.
2. This Special Permit shall supersede the special permit granted by the Board on May 3, 2017 and recorded with the Middlesex South Registry of Deeds in B. 69459, P. 189.

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

Date: September 9, 2021