

CITY OF WALTHAM

BOARD OF SURVEY AND PLANNING

The following are minutes of the 7:00 p.m. June 7, 2017 public hearing held in the Public Meeting Room of the Arthur Clark Government Center located at 119 School Street, Waltham, MA. In attendance were Chairman Creonte and members, Barrett, Callahan, De Vito, Duffy, Moroney and Tarallo.

The Chairman opened the public hearing at 7:00p.m., informed the public that the meeting was being taped by the local WCAC Channel and if anyone was going to speak to please sign in. He immediately closed the public hearing and opened the regular meeting.

The Clerk read the first item on the agenda of the regular meeting for an Approval Not Required Plan at 325 Bacon Street.

Robert Bibbo of Bibbo Brothers Surveyors, 10 Hammer Street, Waltham, MA came forward to address the Board on the petition. He reviewed the plan with the Board and read the comments from the City Engineer's Department stating the plan met all the Board's requirements.

There were brief discussions then the Chairman asked if there was a motion.

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

VOTED: to approve the Approval Not Required Plan for 325 Bacon Street as submitted and to allow the Clerk of the Board to endorse the plan.

The Clerk read the next item on the agenda which was for an Approval Not Required Plan at 44 & 49 Pond Street.

Attorney Kenneth Leitner, Jr. of 75 North Beacon Street, Watertown, MA came forward representing the petitioner.

He reviewed the revised plan and answered brief questions from the Board.

The Chairman then asked if there was a motion.

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

VOTED: to approve the Approval Not Required plan at 44 & 49 Pond Street as revised and to allow the Clerk of the Board to endorse the plan.

The Chairman then closed the regular meeting and reopened the public hearing.

The Clerk read the first item on the agenda which was for a Special Permit for two driveways at 375 Main Street and 49-53 Linden Street. This was continued from the previous meeting.

Ms. Tarallo announced that she would be unable to vote on this petition due to her absence at the previous meeting.

Attorney William Proia of 700 District Ave., Burlington, MA came forward representing the petitioner. At the previous meeting the consolidation and relocation of multiple driveways were discussed. Attorney Proia reviewed everything that was discussed and requested by the Board at the May meeting which was to consider eliminating the Main Street Driveway and considering adding a second driveway to the west of and adjacent to the relocated Linden Street driveway. He said that the Project Traffic Engineer met with the City Traffic Engineer on May 11th to discuss the request. Both Engineers agreed that the proposed project driveways were preferred over the elimination of the Main Street driveway, with or without the addition of a second driveway on Linden Street and that a second driveway on Linden Street would undermine the benefits gained by closing the multiple existing driveways at the Linden Street/Main Street Intersection. This was discussed in great length.

The next item reviewed and discussed was the Traffic Commission had requested, with no objection to the Applicant, a contribution of \$15,000.00 relative to city traffic/roadway improvements to the adjacent Main Street corridor.

At the previous meeting Mr. Moroney had expressed concerns regarding the adjacent MBTA Property with water runoff and asked if the MBTA had been notified of this proposal. Attorney Proia reviewed the correspondence from the MBTA regarding the Project showing that they did indeed comply.

Next reviewed per the Board's request was the fuel delivery schedule which would never occur during the busiest sales hours or during peak traffic flow.

Storm Water Management was discussed at length, with Attorney Proia reviewing all the improvements to this property.

Also at the previous meeting the Board had asked if they would consider conveying land or rights to the City to enable the City to undertake the widening of Linden Street. This Project is amendable, subject to internal approval and review to convey either land or rights in land to the City to enable the City to undertake, as a public works project the widening of Linden Street. They will present a plan at the City Council meeting for discussions.

The Topographical Plan that was requested by the board was reviewed.

After all questions were answered the Chairman commented that the Petitioners have worked very hard reducing the runoff with the drainage improvements they had proposed. Even if it doesn't mean a 100% reduction it is a huge improvement to this area stated the chairman. No water would go into the city drainage system and that the Board should consider this as an overall improvement.

The Chairman then asked if there was a motion.

Mr. Barrett made a motion to approve the Special Permit for two Driveways at 375 Main Street and 49-53 Linden Street as submitted with a condition of the Land Donation for the future widening of Linden Street if the City chose to do so.

The motion was seconded by Mr. Duffy.

The Chairman called for Roll Call.

John Duffy	YES
Justin Barrett	YES
S. Anthony De Vito	YES
Brian Moroney	YES
Chairman Creonte	YES

With five votes required, the motion passed.

The Clerk read the next item on the agenda which was for a Special Permit of More Than One Principal Building on a Lot at 86-88 Maple Street.

Attorney Ranen S. Schechner of 10 Cedar Street, Woburn, MA came forward representing the Petitioner.

This property was purchased as two separate lots by the owner in 1977. The rear of the building has parking for the Maple Street tenants. Currently, it is used for commercial and retail use, but the owner requested to turn the second floor into residential use as it's a better fit. The proposal doesn't change the exterior of the building, just the 2nd floor. The locus is a result of a 1993 ANR Plan that provided sufficient parking. The buildings have existed for 40 years in a Business C Zone.

Currently, there are 35 parking spaces while only 27 spaces are required.

The owner was requesting that it be changed into residential as he could not find a business tenant.

Mr. Duffy asked if there was a second means of egris.

Attorney Schechner reported that there are two, one at the lobby and one at the front of the building.

Mr. Duffy asked if there was a fire escape.

Mr. Ralph Amelia, owner of the building and the petitioner said that there was a functioning fire escape attached to the building.

Mr. Barrett asked if the office space was utilized.

Mr. Amelia said it was vacant.

Mr. Barrett asked if Embassy Trophy was the tenant on the first floor.

Attorney Schechner said, " Yes".

Next, Attorney Schechner handed out the revised plans and their response to the City Engineer's comments dated May 23, 2017. It was presented as Exhibit #1.

He reviewed all eight comments and responses.

Responses.

1. The site plan had been revised to restate dimensions in .01 feet, not inches.
2. The site plan had been revised to show the location of 100 Maple Street, with offsets.
3. The petitioner disputes the assertion that there are deliveries to the Maple Street Building at the rear from the City of Waltham Parking Lot located at 63 Chestnut Street. The Petitioner had no knowledge of any such deliveries. It is the petitioner's observation that any deliveries being made through the City of Waltham Parking Lot were to 457-467 Moody Street.
4. Maple Terrace is a private right of way which benefits both the locus and 92 Maple Street.
5. Both buildings on the locus are served by separate water and sewer utilities and the site plan had been updated to show this.
6. The petitioner's counsel had reviewed the deeds to properties adjoining the locus, including 457-467 Moody Street and found no evidence that these properties had the benefit of access to the ownership of the Maple Terrace Right of Way.
7. The topography of the lot has not been altered since the petitioner purchased the lot in November of 1977 and thus was pre-existing. The petitioner was not proposing to alter the topography or drainage.
8. In 1977 the petitioner purchased two separate parcels of land, known as 469-489 Moody Street (parcel 1) and 86-88 Maple Street (parcel 2). See Deed, Book 13332, Page 473. Parcel 1 has been described consistently and contiguously since at least 1940. Parcel 2 has been described consistently and contiguously since 1919. If Parcel 1 did once contain multiple separate lots, those lots have not been recognized in a deed for over 80 years. Furthermore, the Building Department has allowed the expansion of the two buildings on Parcel 1 over where those lot lines are presumed to have been. As of 1993, the lot lines were abandoned with the approval of the ANR Plan on February 23, 1993. If any such other interior lot lines did exist at that time, they would have been abandoned under the February 23, 1993 ANR plan as well.
9. The topography of the lots have not been altered since the petitioner purchased the lot in November of 1977. The petitioner is not proposing to alter the topography or drainage.

Mr. Barrett asked how much work would be required for the renovations.

Mr. Amelia estimated the cost to be around \$30,000.

Ms. Tarallo asked if the building currently had carbon monoxide detectors.

Mr. Amelia said the entire building is up to code.

Ms. Tarallo asked how many units there would be.

Mr. Amelia said there would be one 4-bedroom unit.

Parking for this site was discussed.

The Chairman asked if there were any waivers being requested.

Mr. Bibbo said that there were waivers needed for this approval.

The Chairman asked that the waivers be shown and listed on a revised plan for the September meeting for the Board's review and approval.

The Petitioner agreed.

The Secretary informed the Board that the Time to Act on this petition would need to be extended.

The Chairman asked if there was a motion.

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

VOTED: to continue the Petition of the Special Permit More Than One Principal Building on a Lot for 86-88 Maple Street at the next meeting of September 6, 2017 and to extend the Time to Act on said petition from August 15, 2017 to September 6, 2017.

The Clerk read the next item on the agenda which was for a Special Permit Modification to an existing curb cut at 315 College Farm Road.

Attorney Philip B. McCourt of 15 Church Street, Waltham, MA came forward representing the petitioner. They are seeking approval to reduce the curb cut to 20-feet. He reviewed the plan,

explaining that the plan was to demo the existing building and seek Council approval for a 12 unit residential property. They are modifying the current curb cut which is within 100-feet of an intersection and will provide adequate access to the site and for parking on site.

The Fire and Transportation Departments had no issues with the modifications. All sidewalks would be brought up to comply with city standards.

Mr. Moroney asked what was currently on the site.

Attorney McCourt said that there currently exist a vacant office building. They had just received City Council Approval. It would have 12 units with a total of 23 bedrooms. There would be one, 1 bedroom and eleven, 2 bedroom units and they would meet all the new building code requirements.

Mr. Moroney asked why this project required City Council Approval.

Mr. McCourt said due to the number of units.

There were brief discussions.

There being no more questions from the Board, the Chairman asked for a motion.

On the motion of Mr. Barrett, seconded by Mr. De Vito, the Board

VOTED: To approve the Special Permit for Modifications to an existing curb cut at 315 College Farm Road as submitted.

The Chairman then closed the public hearing and re-opened the regular meeting.

The Clerk read the next item on the agenda which was for the approval of the minutes to the meeting of May 3, 2017.

On the motion of Mr. Barrett, second by Mr. De Vito, the Board

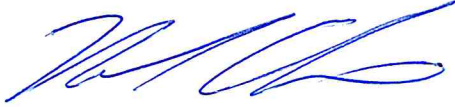
VOTED: to approve the minutes of the May 3, 2017 meeting as submitted.

There being no further business on the agenda, the Chairman asked if there was a motion to adjourn.

On the motion of Mr. De Vito, second by Mr. Moroney, the Board

VOTED: to adjourn the meeting at 9:35 p.m.

Respectfully submitted,



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