



## CITY OF WALTHAM

### BOARD OF SURVEY AND PLANNING

The following are minutes of the April 6, 2016 public hearing held in the Auditorium of the Arthur Clark Government Center located at 119 School Street, Waltham, MA. At 7:00 p.m. In attendance were Chairman Creonte and members Barrett, Callahan DeVito, Duffy, Moroney and Tarallo.

The Chairman mentioned that the hearing was be taped by WCAC, Waltham's local channel and asked the public to sign in if they were coming forward to speak before the Board.

The Clerk read the first item on the agenda which was for a Special Permit More Than One Principal Building on a Lot. Also on the agenda for the same parcel was for a Special Permit for a Curb Cut opening at 66-68 Central Street.

The Board decided to hear and deliberate on both petitions.

Attorney Brett Francis of 10 Hammer Street, Waltham, MA came forward to address the Board on this petition. He said that at the February 3, 2016 meeting the Board had requested more information, consisting of a full set of plans, a second review and comments from the Waltham Fire Department and a second review and comments from the Transportation Director.

All these items were submitted in the Boards packages for review. The Fire Department had no objections and The Transportation Director commented that the curb cut meets all the requirements as relocated.

The Chairman then opened the meeting to the Board for questions.

Mr. Duffy asked what the proposed dimensions were for the parking spaces shown on the curb cut plan.

Mr. Robert Bibbo came forward to answer that question. He said the parking spaces are Waltham standard 9'x18'.

Mr. Duffy then asked why there was a stoop hanging over the parking spaces.

Mr. Bibbo informed him that it was a roof overhang and it was 8-feet off the ground which meets the requirements.

There were discussions regarding an opinion the Board received from the Law Department regarding whether this new proposed curb cut location needed to be advertised as a new petition. It was the Attorney's suggestion that this could be withdrawn and re-advertised.

Attorney Francis and Attorney McCourt said they may be okay with withdrawing, but would like to continue with the discussions and see how the decision will be on the Special Permit More Than One Principal Building on a Lot.

Ms. Callahan asked if the curb cut shown on the revised plan has been moved at all.

Mr. Bibbo said that it has not been moved, but had been reduced from 26.5-feet to 20-feet which is Waltham's standard width for a curb cut opening.

Ms. Callahan asked if they would be going to back to the regular curbing.

Mr. Bibbo said, "yes".

Ms. Callahan then said she was concerned that the Fire Dept. won't be going over the pavers.

Attorney Francis said it meets the requirements and that the Fire Department had no objections as written in their comments.

Michael Chiasson, Clerk of the Board informed the Board that he personally spoke to the Deputy Fire Chief Cliff Richardson and was told that it would be highly unlikely for a Fire Truck to enter between two structures, even it was beveled they probably wouldn't use it.

There were further discussions on the curb cut.

The Chairman then read the section of the opinion letter from the Law Department dated April 5, 2016.

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The applicant could withdraw the pending advertised 5.41 special permit petition for a new driveway opening within 100-feet of an intersection (in middle of lot) and file a new 5.41 special permit application depicting the new driveway opening as proposed on the revised plans submitted to the Board on February 22, 2016 (to satisfy statutory legal ad/notice and public hearing requirements). However, depending on the actual grade/slope of the proposed "beveled curbing", the Board may decide that the new proposed driveway (which is within 100 feet of an intersection) is not "as far from the intersection as deemed feasible..." were it to view the 71.59 feet of beveled curb to be part of the proposed "new driveway opening," particularly if cars are able to drive over said "beveled curbing."

Mr. Bibbo commented that this was a court ordered review, and they modified the drawing per the Boards request.

Attorney Francis commented that he didn't agree with withdrawing it, but would agree to accept it as a condition. Withdrawing it now and resubmitting and re-advertising would just cause unnecessary delays. This was in Court now and that is why it was important that there be a vote

tonight. However, if the Board felt we didn't need a curb cut change then they would withdraw it.

The Chairman then asked the public if anyone present would like to speak or stand in favor of this petition. There being none he closed that part of the hearing.

The Chairman then closed that part of the hearing and asked the public if anyone present would like to speak or stand in opposition to this petition. There being none he closed that part of the hearing.

The Chairman then commented that the Board had plenty of information presented to them and asked for a motion on the Special Permit More Than One Principal Building on a Lot at 66-68 Central Street.

A motion was made by Mr. Barrett and seconded by Mr. DeVito to approve the petition.

**The Chairman called for roll call.**

<b>John Duffy</b>	<b>NO</b>
<b>Justin Barrett</b>	<b>YES</b>
<b>Kathleen Callahan</b>	<b>NO</b>
<b>Mila Tarallo</b>	<b>NO</b>
<b>S. Anthony DeVito</b>	<b>YES</b>
<b>Brian Moroney</b>	<b>YES</b>
<b>William Creonte, Jr.</b>	<b>YES</b>

There being four (4) votes "yes" and three (3) votes no of which five (5) votes are required to pass on a special permit, the petition was denied.

The Chairman then asked the Members who voted no to give reasons for their denial.

Reasons for the no votes are as listed:

- Density and overcrowding of surrounding neighborhood.
- Not in harmony of City's density zoning regulations and would impact the neighboring properties.
- Noise and traffic
- Loss of privacy and loss of sunlight with 2-two-family dwelling for abutters.
- Impairment of pedestrian and vehicular safety and cause inconvenience to the residents on the lot and the neighborhood.
- The design of the shared 20-foot driveway and parking spaces are not convenient or safe.
- Proposed 20-foot driveway opening is not safe.
- Location of driveway
- Size of houses for the lot is too large.
- Lot does not meet the bare minimum requirements for (2) two family homes.

Being denied the Petitioner asked to withdraw the Special Permit Curb Cut at 66-68 Central Street with Prejudice.

The Chairman asked if there was a motion.

A motion was made by Mr. Barrett and seconded by Mr. DeVito to allow the Petitioner to withdraw with prejudice.

The Chairman called for a roll call.

**ROLL CALL:**

<b>John Duffy</b>	<b>YES</b>
<b>Justin Barrett</b>	<b>YES</b>
<b>Kathleen Callahan</b>	<b>YES</b>
<b>Mila Tarallo</b>	<b>YES</b>
<b>S. Anthony DeVito</b>	<b>YES</b>
<b>Brian Moroney</b>	<b>YES</b>
<b>William Creonte, Jr.</b>	<b>YES</b>

**Motioned passed.**

The Clerk read the next two items on the agenda which was for a modification to a Definitive Subdivision at Fifth Ave. and a Special Permit Curb Cut at Fifth Ave. The Board voted in favor to hear both items together.

Member Brian Moroney informed the Chairman that a package of information which was delivered to the Board contained a drainage report that was prepared by Jacobs Engineering which is the company he worked for and there may be a conflict of interest.

Attorney McCourt addressed that concern by saying that the report was actually prepared for a previously approved special permit on Totten Pond Road so there would not be a conflict for Mr. Moroney.

Member Brian Moroney felt it would be in the best interest to recuse himself from this hearing.

Both Michael Tilford of Boston Properties, 800 Boylston Street, Boston, MA and Joel Smith of Sasaki Associates, 64 Pleasant Street, Watertown, MA came forward to address the Board.

The following items were reviewed: drainage and storm water, the pedestrian master plan that included existing or under construction sidewalks and proposed sidewalk/ asphalt alignments. They also talked about all the letters of support that had been submitted to the Board on the road connector.

Chris Lovet of VHB reviewed all of the proposed drainage. On site storage of 2 million gallons was added and reviewed.

The area of wetlands behind the Naked Fish on Totten Pond Road was discussed as to flooding concerns in that area.

Mr. Barrett commented that he thought it would be a good idea to have the gates to the connecting road remain open.

Robert Nagi of VHB commented that after all the public outreach meetings and the neighbor's concerns with traffic it was decided to have the gates closed at peak hours.

Mr. Barrett still thinks it would help with traffic if the gates were to remain open during peak hours.

The proposed road layout area at the cul-de-sac was discussed and Ms. Callahan asked if there was anyway using a loop at the Duffy Property.

Mr. Tilford said that it was private property and there was no other area that could handle the turn arounds.

Ms. Callahan also mentioned she would like to see a fire hydrant installed at this part of Fifth Ave.

Mr. Tilford agreed to add a hydrant.

The Chairman asked where the other hydrant were located.

Mr. Tilford said there were hydrants at 103 Fourth Ave and 500 Fifth Ave.

The Chairman's concern was that if someone was to drive up to the gate and found it closed how would they turn around.

Mr. Tilford said that they would turn onto Third Ave and that there would be clear signage installed.

The Chairman asked what the grade of the slope at the top of the road was.

Mr. Tilford said the grade would be at 11% which is much better than the existing.

Ms. Callahan still would like them to see if there could be another spot available for the turn around.

Mr. Tilford said they would look into that for the next meeting.

The Chairman then closed that part of the meeting and opened it to the public. He asked if anyone would like to speak or stand in favor of this petition.

The following people came forward in favor of this petition:

Paul Pavone, Laborer's Local 560 at 681 Main Street, Waltham, MA  
City Councillor Thomas Stanley of Neighbors Lane, Waltham, MA  
Richard Woodworth, Wolverine Worldwide, 191 Spring Street, Lexington, MA  
Heidi, Health City Point  
Mike Losier, Waltham Youth Hockey

These people were in favor of this connecting road and felt it would be a great improvement to the traffic.

The following is a list of letters of support submitted to the Board of Survey and Planning:

1. City Councillor Daniel Romard, 610 Main Street, Waltham, MA
2. Boston Dynamics, 78 Fourth Ave., Waltham, MA
3. Park Lodge Hotel Group, 387 Winter Street, Waltham, MA
4. Jake & Joes Sport Grille, 70 Marketplace Drive, Waltham, MA
5. Care.com, 77 Fourth Ave., Waltham, MA
6. Watertown Savings Bank, 60 Main Street, Waltham, MA
7. Trinity Partners, 230 Third Ave., Waltham, MA
8. Ballentine Partners, 230 3<sup>rd</sup> Ave., Waltham, MA
9. PeopleFluent
10. Wolverine Worldwide, 191 Spring Street, Lexington, MA
11. 128 Corporate Alliance, 128 Central Corridor
12. Wolters Kluwer, 230 3<sup>rd</sup> Ave., Waltham, MA
13. Boston Dynamics, 78 Fourth Ave., Waltham, MA
14. AON Empower Results
15. SMI Sales Team, UptoDate, Inc.
16. The Westin Hotel, 70 Third Ave., Waltham, MA
17. 128 Business Council, 395 Totten Pond Road, Waltham, MA

The Chairman then closed that part of the meeting and asked if there was anyone in opposition of the petition that would like to speak or stand.

1. Maureen King, Waltham resident.

The Chairman then closed that part of the meeting.

There were discussions and it was decided that the petitioners would look into the following items to review and determine if these could be incorporated into the design and return to the next meeting with some revisions.

- Sidewalks
- Turn around loop
- Hydrants at new roadway
- Drainage
- Proper signage

There being no further discussions the Chairman asked if there was a motion.

Attorney McCourt pointed out that a motion will also be necessary to extend the Time to Act on this petition as it is expiring on April 12, 2016.

On the motion of Ms. Callahan, seconded by Mr. Barrett, the Board

**VOTED: to continue the (2) Special Permits for Fifth Ave at their next meeting of May 4, 2016 and to also extend the Time to Act on this petition until May 12, 2016.**

The Clerk read the next item on the agenda which was for the Board's annual elections for the positions of Chair, Vice-Chair, Clerk and Secretary.

The Clerk asked if there were nominations for the positions of Chair and Vice Chair.

Mr. Barrett made a motion to nominate William M. Creonte, Jr. as Chairman of the Board and Ms. Kathleen A. Callahan as Vice Chairwoman for another term, seconded by Mr. DeVito, the Board

**VOTED: to elect William M. Creonte Jr. as Chairman of the Board and Kathleen A. Callahan as Vice Chairwoman for a one-year term.**

The Chairman then asked if there were nominations for the positions of Clerk of the Board and Secretary of the Board.

Mr. Barrett made a motion to nominate Michael L J. Chiasson as Clerk of the Board and Janice Deveney as Secretary of the Board for another term, seconded by Mr. DeVito, the Board

**VOTED: to elect Michael L.J. Chiasson as Clerk of the Board and Janice Deveney as Secretary of the Board for a one-year term.**

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

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

**VOTED: to adjourn the meeting at 9:30 p.m.**

Respectfully submitted,



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