

**CITY OF WALTHAM**

**BOARD OF SURVEY AND PLANNING**

The following are minutes of the February 1, 2012 public hearing at 7:00p.m. held in the Auditorium of the Arthur Clark Government Center located at 119 School Street, Waltham, MA. In attendance were Chairman Creonte and members Barrett, Callahan, DeVito, Moroney and Tarallo.

The Chairman opened the meeting at 7:00 p.m.

The Clerk read the first item on the agenda which was for a Special Permit Utility Plan & Profile for a Sewer and Water Extension and Road Construction at Lot 12 and 546-550 Braemore Road. The Board must act on this petition by March 15, 2012.

Attorney Philip B. McCourt came forward to address the Board on this matter. He informed the Board that his clients are still in the process of revising the plans to reflect the comments from the Board and Councillor Tarallo and are seeking to continue this matter at the Board's April meeting and request that the Board extend the Time to Act on this matter until June 15, 2012. Mr. McCourt submitted those requests in writing to the Board.

The Chairman asked if there was a motion.

**On the motion of Mr. Barrett, seconded by Mr. Moroney, the Board**

**VOTED:       to continue the petition for Special Permit Utility Plan & Profile for a Sewer and Water Extension and Road Construction at Lot 12 and 546-550 Braemore Road at their April 4, 2012 meeting and to extend the Time to Act until June 15, 2012.**

The Clerk read the next item on the agenda which was for a Special Permit Driveways at 1006 and 1022 Main Street. The Board must act on this petition by February 14, 2012.

Attorney Joseph M. Connors, Jr. of 404 Main Street, Waltham, MA came forward to address the Board on this matter. He reviewed all the revisions that were requested by the Board that were submitted on January 11, 2012.

The Chairman commented that it appears that all the concerns of the Board and City Engineer have been answered. He then opened the meeting to the Board for questions.

Ms. Callahan asked if the comment from the Engineer's office regarding run-off from the property had been addressed.

Mr. Connors said, "Yes, they have submitted to the City Engineer the on site drainage plans."

Mr. Moroney asked for a review of the striping and the signage at the entrance of Elm Avenue.

Mr. Connors reviewed those changes that are shown on sheet C 2.1.

There were brief discussions on this issue.

The Chairman then asked if there was a motion.

**On the motion of Mr. Barrett, seconded by Mr. Moroney, the Board**

**Voted: to approve the Special Permit for Driveways at 1006 and 1022 Main Street with the revision date of January 3, 2012 with the condition of Mr. Moroney's concerns are incorporated onto the plans.**

The Clerk read the next item on the agenda which was for a Special Permit Driveway Openings at 1265 Main Street. The Board must act on this matter by February 15, 2012.

Attorney Philip B. McCourt, Jr. came forward to address the Board. He informed the Board that they had revised the plans after having the site view with the Board and also addressed the items from the Engineering Departments comments. They have submitted those revised plans and a draft Decision.

The Chairman then opened the meeting to the Board.

Mr. Barrett asked if they had reached an agreement with the resident that lives on Hill Road and addressed their concerns. Also, another neighbor had issues as well. Mr. McCourt said that they did reach an agreement with Mr. Kohl, but the other resident chose not to communicate with them.

Mr. Barrett asked if they had made an effort to reach out to that resident and if it was documented.

Mr. McCourt replied, "Yes".

Mr. Barrett asked if the proposed tunnel was approved or accepted by the MBTA.

Mr. McCourt said that they have and are working with DOT and both parties agree the tunnel is better than a roadway. DCR has reviewed the tunnel and there is a letter in the member's packages from DOT stating that.

Ms. Callahan asked for a review on the sidewalks.

Mr. Richard O'Connell came forward and reviewed all the sidewalks on site.

Ms. Tarallo asked if the pedestrian tunnel would have proper lighting.

Mr. O'Connell replied, "Yes, the tunnel will have DCR standard lighting as well as a security check.

Mr. Moroney asked if the GDX-1 plan has been revised and submitted showing DCR's request for 10-foot wide path with the 2-foot grass shoulders.

Mr. O'Connell said, "Yes" and will get a copy for the Board.

Mr. Moroney asked who the owner of the bike path was.

Mr. O'Connell replied, "1265 Main Street, LLC."

Per Mr. Moroney's request, Mr. O'Connell reviewed their applications with DOT and have a hearing on February 7, 2012.

Mr. Moroney then thanked Mr. O'Connell for making the changes to sidewalk and that he is very pleased with that.

There being no further questions from the Board, the Chairman asked if there was a motion.

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

**VOTED:           to grant approval for the Special  
Permit Curb Cut Openings at 1265  
Main Street, Waltham, MA with  
the following conditions:**

- 1. The Petitioner shall provide the Board with a copy of the GDX-1 plan referenced in the letter from DCR dated January 17, 2012.**
- 2. The UP-1 plan shall be updated to be in conformance with DCR standards and their final approval as to height and width.**

The Clerk read the next item on the agenda which was for a Special Permit Driveway Openings at 8 Newton Street and 462 & 468 Main Street and 462 Next Main Street. The Board must act on this petition by March 7, 2012.

Attorney Robert E. Connors of 6 Lexington Street, Waltham, MA came forward to address the Board on this matter. He reviewed the history of the site going back to 1924. His clients are proposing to locate a bank on the site. When designing this bank they took into consideration the look of the neighborhood and have come up with a design that will fit nice into the area, it has brick and topped with shingles, it will have a clock tower facing two ways, and the Townsend Street side of the building will look like a house similar to the neighborhood homes. They have been to the Traffic Commission and have received their approval, shown in their letter dated December 14, 2011 which a copy was submitted to the Board and the Zoning Board of Appeals also approved their petition and copy of that letter dated, January 10, 2012 has been submitted as well. Also submitted was the Fire Departments letter dated December 15, 2011 stating that they have no objections to the curb cuts as submitted. He then reviewed the memo from the City Engineer's office dated December 19, 2011 that listed eleven comments which have all been addressed.

Next he reviewed item #8 of Wade Putnam's comments regarding the easement.

The comment read that the purpose of the proposed easement area along Newton Street as shown on the Layout and Materials Plan has not been stated. It is assumed that the easement would be used to create an extra lane going northerly on Newton Street then easterly onto Main Street. The easement should also include a 25-foot street radius as no rounding is in place at the intersection of Main and Newton streets on the easterly side.

Mr. Connors commented that the easement is to allow an extra lane of traffic exiting Newton Street and the 25-foot street radius has been added to the plans.

There were discussions on the entrances and exits of the proposed site.

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

Mr. Moroney asked if the proposed drive-through would have a canopy.

Mr. Connors said that it would have a canopy and that there was a by-pass lane that Fire Trucks would be able to pass.

Mr. Moroney would like to see that added to the plan.

Mr. Connors commented that it has been added to the plans that will go before the City Council.

Mr. Moroney then commented that the third lot was confusing and he would like it reviewed.

Mr. Connors said that the third lot is part of the parcel. The site has numerous owners and because of the ownership it had to be shown on the plans. The only dwelling that would ever be allowed on that parcel would be a single family.

Mr. Moroney asked where the curb cut is located for that parcel.

Mr. Connors replied, "There is no curb cut."

Mr. Moroney then commented that he is concerned about the curb cut on Main Street. He would like to see it in the Newton Street side with a right hand turn only. He also would like to see the paving markings.

Mr. Connors said that the Main Street curb cut is 60-feet away from Harris Street and there is plenty of turning room. He also mentioned that they are gifting and easement to the City and that the City can design and build the widening of that area on Newton Street.

Mr. Moroney then asked if they would be relocating the end of the existing driveway on the Newton Street side.

Mr. Connors reviewed the curb cut with the Board and also mentioned that the Board could condition the approval to have it 5-feet from the property line.

Mr. Connors reviewed the curb cuts shown on plan sheet # L-1.0.

Mr. Moroney suggested that they have a site visit to get a better feeling of these curb cut locations.

Ms. Tarallo commented that she would like to see the 8-foot empty lot grassed if it was not going to be used. She also commented that the rendering is very nice but would also like to have a site view.

Mr. Barrett commented that he was very happy with the plans as presented and would vote yes right now.

The Chairman commented that he had some concerns with safety with the driveway exiting onto Main Street and would also like a site view. He would like the petitioner to mark out where all the driveways are going to be for the site view. He also asked Mr. Connors to have the petitioner look into not exiting onto Main Street for the next meeting.

Ron Mueller of Mueller Associates came forward and commented that the curb cuts were designed to Mass DOT standards which are 50-foot curb to curb with no left turns.

After a brief discussion on this the Chairman closed that part of the meeting and opened the meeting to anyone that would like to speak in favor of this petition.

There being none he closed that part of the meeting and opened it to anyone that would like to speak in opposition to this petition.

There being none he closed that part of the meeting. The members chose Wednesday February 8, 2012 at 5:00 p.m. for a site visit.

The Chairman then asked if there was a motion to continue this petition.

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

**VOTED: to continue the petition for a  
Special Permit Two Driveways at  
8 Newton Street, 462 & 468 Main  
Street and 462 Next Main Street at  
their meeting of March 7, 2012.**

The Clerk read the next item on the agenda which for a Special Permit More Than One Principal Building on a Lot at 108 Alder Street.

Attorney Joseph M. Connors, Jr. of 404 Main Street, Waltham, MA came forward to address the Board on this matter. They are here to seek approval on "Converting" an existing dwelling into a single family residence on this property under 41-81Q of the Zoning Act. His Clients, the Caruso's purchased this property in 1996. They live in the single family home known as 108 Alder Street. In the rear of the property there is a building known as 108A Alder Street. Both building have been there for many years. He handed out copies of the "work history cards" on record with the City of Waltham's Building Department. These will be known as Exhibit "A" for 108 Alder Street and Exhibit "B" for 108A Alder Street. These cards show that construction upgrades have been made to both dwellings going back to 1978. He then handed out a copy of the ZBA

Decision from June 13, 1978 granting a Special Permit for 108A Alder Street, this will be known as Exhibit "C". The Special Permit allows the dwelling to be used as a small business. These documents show that there have been upgrades to this building. It has all utilities needed to be used as a single family. The petitioner would like to convert the back building from commercial to residential use as a single family.

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

Ms. Callahan asked if it is still non-conforming.

Mr. Connors replied, "Yes".

Ms. Callahan asked what the total square footage for the property was.

Mr. Ralph Bibbo, Jr. came forward and said that it is 7,167 square feet.

Ms. Callahan commented that they do not have enough square footage for 2 single family homes and that they would need a 30-foot setback.

Mr. Connors replied that currently they do not have what is needed and that this is a two-step process and will be returning to the ZBA to seek their approval.

Ms. Callahan commented that she had concern looking at a 30-foot radius, that this will set a precedent for other landowners with a garage to come and seek a special permit to convert their garages into dwelling.

Mr. Bibbo commented that this building isn't and was never a garage.

Ms. Tarallo asked if there would be two separate water meters.

Mr. Bibbo said, "No that technically it was one lot and considered one entity and they would share the water bill.

Ms. Tarallo asked how many rooms are being proposed.

Mr. Connors said there would be three rooms and a basement.

Ms. Tarallo said that she felt the 4 parking spaces shown are very tight and that she would like to have a site view to get a better understating of this building's layout.

Mr. DeVito asked how the water feed is setup.

Mr. Bibbo said that it is from front to back.

Mr. DeVito asked if there was a separate sewer line.

Mr. Bibbo replied, "Yes".

Mr. Devito agreed with his colleague and wanted to have a site view.

Mr. Moroney asked for the dimensions of the existing building.

Mr. Bibbo said that it was 20 by 30 feet.

Mr. Moroney asked what makes this dwelling non-conforming.

Mr. Connors said that there are no setbacks.

There were discussions as to on work history cards previously submitted.

Mr. Moroney asked what was going on with the building now and if it was currently empty.

Mr. Connors said that the building is currently empty and was last used as a hair salon.

There were brief discussions what the petitioner will be seeking from the ZBA.

The Chairman commented that this would be very hard for the Board to approve. He felt it would be setting a precedent and others would follow and try to convert their garages into single family homes.

Mr. Barrett said he saw it differently. He felt it would be better that it be used as single family rather than a business. It already has water, plumbing and heat. He would rather see people living there than constant traffic coming and going if were to be used as a business.

The Board decided to have a site view. They chose to have the site view on Wednesday, February 15, 2012 at 5:00 p.m.

The Chairman then asked if there was a motion.

On the motion of Ms. Tarallo, seconded by Mr. DeVito, the Board

**VOTED: to continue the petition for a Special Permit, More Than One Principal Building on a Lot at 108 Alder Street at their next meeting of March 7, 2012.**

The Clerk read the next item on the agenda which was a Definitive Subdivision for 110 Bear Hill Road. The Board must act on this petition by March 15, 2012. Comments



from the Engineering Department dated January 31, 2012 were handed out for the Board's review.

Attorney Philip B. McCourt came forward to address the Board on this matter. He reviewed the changes that have been made and submitted to the Board dated January 26, 2012. All the revisions reflect the recommendations and meeting from The Board, Engineering Department, Building Department and Law Department and would be happy to review these changes. He is aware the Board just received twelve (12) new comments from the Engineering Department which were very minor and they would be happy to go over each of these one at a time or they could ask to continue this matter until the next meeting.

The Chairman opened to the Board for their thoughts.

Mr. Barrett commented that this petition has been going on so long that he would like to review the comments and vote on each one that should be incorporated into the approval and have a vote on this petition that evening.

All members agreed.

Ms. Tarallo recused herself from this matter.

At 9:10 p.m. the Chairman called for a 5-minute recess in order to allow time for the members to read Mr. Putnam's comments.

The Chairman reopened the meeting at 9:22p.m.

The Board decided to vote on each item and see if there was a need to incorporate any of them in the approval. Each item was read aloud.

Item #1. The proposed driveway/curb cut at Main Street appears to still need the approval of the City Council. The City Council may require the sidewalk to be built along the street line at the front of this property (where existing right of way line is) as is the usual case, i.e. not way out into the street as it now exists. The drainage issue at this location however appears to have been addressed by pumping the drainage to the top of the hill and then into Mass Highway system. The owner apparently has a letter of approval for this drainage from Mass Highway system. The owner apparently has letter of approval for this drainage from Mass Highway which should be filed with this presentation.

**VOTE: The Board voted yes, to have the Petitioner comply with item 1.**

Item #2. It appears that the widening of Bear Hill Road will be required and the new lines have been shown, therefore it is expedient to show the tie into the new street lines and not the old Bear Hill Road street lines as shown on sheet C2A.

**VOTE: The Board voted yes to have the Petitioner comply with item 2.**

Item #3. The sewer main on Bear Hill Road is being extended to the south within the limits of Bear Hill Road to accommodate the sewer for this project. This sewer outlets into Bear Hill Road Valley Trunk Sewer in Bear Hill Road.

**VOTE: The Board voted no on including this item.**

Item #4. A sewer pumping station at the proposed Hilltop Road will lift the sewage to the proposed sewer main extension within Bear Hill Road to the north as proposed. This pumping station will remain as a private sewer connection including the pump/lift station itself.

**VOTE: The Board voted yes to have the Petitioner comply with item #4.**

Item #5. Under Board of Survey standards the ledge must be cut back one foot from the street line and then go at a 4 to 1 slope of lesser slope. This is not marked on the plan.

**VOTE: The Board voted yes to have the Petitioner comply with item #5.**

Item #6. What happens to the existing driveway drive shown on the plans has not been documented on the although stated that it will be filled and curbing placed along Bear Hill Road.

**VOTE: The Board voted yes to have the Petitioner comply with item #6.**

Item #7. All plans now label the proposed driveway as a driveway so there is no question in regard to what is being approved. One should note however that it is not the custom of the Board to what is being approved. One should note however that it is not the custom of the Board of Survey and Planning to approve driveways, and/or curb cuts on definitive subdivision plans which are meant to approve the streets with utilities and the lots required to have frontage on the

streets approved. Driveways and curb cuts are usually approved under the Special Permit process.

**VOTE: The Board voted no on including this item.**

Item #8: The Land Court Decree Plan for Bear Hill (Land Court Case 12655-5) shows a five foot strip along the westerly line of property which is believed to be owned by the City of Waltham or in any case is shown as lot 82 on the aforesaid Land Court Plan. This separate lot is now only shown on the lot plans(s).

**VOTE: The Board voted yes to have the Petitioner comply with item #8.**

Item #9: No Proposed walk has been shown on the westerly side of Bear Hill Road. A 5.5 foot grass space from the curb and a 4 foot concrete walk to the right of way line would be required by city standard.

**VOTE: The Board voted yes to have the petitioner comply with item #9 as amended by the Board.**

**Amended as follows: a 5.5 foot grass strip/space from the curb and a 4 foot right of way for future installation of a sidewalk is required on the westerly side of Bear Hill Road and the Petitioner is required to note same on the plans. The petitioner shall cut back all ledge from the back of said sidewalk at 4 to 1 slope or lesser slope.**

Item #10: The proposed Hilltop Road indicates sidewalks however they are not built at the standard location as required by City Standards as in number 9 above. The concrete walks shown appear to be at the curb line which is where the snow will be plowed.

**VOTE: The Board voted yes to have the Petitioner comply with item #10.**

Item #11: All though not shown on plans the telephone, power and conduit/cable lines are required to be underground on all newly approved streets and should be shown. The existing communications and power for this site now comes over land from the southerly portion of Bear Hill Road up the hill to the site.

**VOTE: The Board voted yes to have the Petitioner comply with item #11.**

Item #12: Street lights are not shown along with the required underground fire alarm as approved by the Waltham Fire Department.

**VOTE: The Board voted yes to have the petitioner comply with item #12 as amended by the Board.**

**Amended as follows: With respect to Hilltop Road and Lots 1-4, the Petitioner shall show on the plans all streetlights and underground fire alarms as approved by the City (i.e. by Waltham Wires Department and Waltham Fire Department)**

The Chairman then asked if there was a motion.

**On the motion of Mr. Barrett, seconded by Mr. Moroney, the Board**

VOTED: to approve and accept the plans for the Definitive Subdivision, 110 Bear Hill Road, Hilltop Road with the revised dates of January 26, 2012. The petitioner is required to comply as voted on individually items 1, 2, 4,5,6,8, 10 and 11 of the correspondence from the Engineering Department of the City of Waltham dated January 31, 2012 and to comply with items 9 and 12 of said correspondence as amended by the Board. The petitioner must permanently maintain two (2) paved ingress/egress access areas, one on Main Street driveway/curb cut to be used for both ingress/egress depicted on the plans dated January 26, 2012(i.e. through Lot #1) and one on Bear Hill Road driveway/curb cut (i.e. through Lots 3 and 4) to be used for egress only subject to the following restrictions: a) right hand turn only when exiting from subdivision onto Bear Hill Road. b) unrestricted access for all emergency vehicles (ingress and egress permitted) c) petitioner shall erect signs advising travelers exiting the subdivision of aforesaid restrictions. These restrictions must be depicted on plans. The petitioner

must obtain City Council and Mayoral approval for the following:

1) As to the curb cut on main Street depicted on the plans, Petitioner shall execute a document, in a form acceptable to the City of Waltham's law Department, that is approved and accepted by a two-thirds vote of the City Council and the Mayor, that preserves the City of Waltham's rights and interest in the currently unpaved portion of the public way layout of Main Street that the landowner seeks to obstruct (i.e. via construction of a private driveway physically in approximately 60 feet of the public way layout for Main Street depicted on the plans, Sheet C-3C or any other proposed construction inconsistent with the City's ability to exercise its rights in the full width of the public way) This condition must be satisfied prior to the construction of said driveway/ curb cut on Main Street.

2) The subdivision plans, dated January 26, 2012, depict the construction of the following as being necessary to provide for the needs of vehicular traffic resulting from the subdivision and for the provision of municipal services to serve the subdivision land and the buildings to be erected thereon and petitioner has advised during hearings that it would be gifting same to the City: (i) the right of way easements necessary for the widening of Bear Hill Road, (ii) a new 12 inch water main in Bear Hill Road as identified on the plans, see Sheet C-5A and Sheet C-2A, and (iii) extending sewer main in Bear Hill Road by approximately 367 linear feet and three manholes as identified on the plans, see Sheet C-5D. The petitioner is required to execute, in a recordable form acceptable to the City's Law Department, a legal document that is accepted by the Mayor and a two-thirds vote of the City Council to effectuate said gifts and easements. Said fully executed document shall be recorded at the Middlesex South Registry of Deeds.

There being no further business in the agenda of the public hearing the Chairman closed it and opened the regular meeting.

The Clerk read the first item on the agenda which was for deliberations and a recommendation to the City Council on an Amendment to Chapter 21 Article III entitled of "Establishments of Districts- §3.643 entitled "Retail Gasoline Station."

After brief discussion the Chairman asked if there was a motion.

**On the motion of Mr. Moroney, seconded by Ms. Tarallo, the Board**

**VOTED: to forward to the City Council a recommendation to approve the amendment.**

The Clerk read the next item on the agenda which was for the approval of the minutes to the January 4, 2012 meeting and the Special meeting of January 23, 2012.

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

**VOTED: to accept the minutes to the January 4, 2012 meeting and the Special Meeting of January 23, 2012 as submitted.**

The next item on the agenda was for the members to endorse the approved plans for 156-158 & 162 -164 School Street.

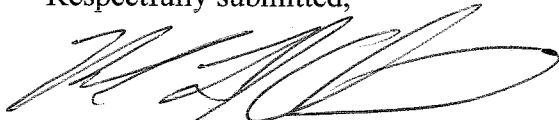
The members endorsed the plans.

There being no further business 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 9:45 p.m.**

Respectfully submitted,



Michael E. J. Chiasson,  
Clerk of the Board

MLJC/jed