



CITY OF WALTHAM
BOARD OF SURVEY AND PLANNING

The following are minutes of the February 4, 2015 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 Vice Chairwoman Callahan and members DeVito, Barrett, Moroney and Tarallo.

The Vice Chairwoman opened the meeting at 7:00 p.m. and informed the public that the meeting was being video taped by the local WCAC channel. She then went into a five minute recess to allow time for one member to arrive. The meeting was re-opened at 7:07pm.

The Clerk read the 1st item on the agenda which was for a Special permit Driveway Opening located at 1100-AFT Winter Street, Waltham, MA.

Attorney Joseph Connors of Beaver Street, Waltham, MA came forward to represent the petitioner on this special permit. Attorney Connors reviewed the plan of an 18 bed facility for Hospice Care. There are twelve (12) acres of land on this site nine (9) of which are in Lincoln and three (3) acres are in Waltham. The petitioner felt the best location for the curb cut was on Winter Street in Waltham as the Lincoln side has one way traffic. Their intent is to close the existing 26-foot driveway and relocate it. He then reviewed that there will be a 2nd access driveway in Lincoln for Emergency response vehicles. Attorney Connors then reviewed the Beals & Thomas responses dated January 30, 2015 that was in response to the City Engineers comments dated January 13, 2015.

The Vice Chairwoman then opened the meeting to the Board for questions.

Mr. Barrett commented that he understood the only access for the facility in Lincoln would be for emergency vehicles only. It was his opinion that the Town of Lincoln is very selectful about their own town and designed this intentionally for Waltham to have to bear the brunt of the traffic. He is not in favor of this curb cut being in Waltham since the building will be in Lincoln.

Ms. Tarallo agreed with Mr. Barrett and stated that having the traffic be placed into Waltham is bothersome.

Mr. Eric Las of Beals & Thomas came forward to address the traffic concern. He said that this will only be an 18-bed hospice and the traffic study that was done during a.m. peak hours would

be approximately 16 vehicles entering and in the p.m. peak hours there would be approximately 40 vehicles which only contributes to less than 1% of added traffic to Winter Street. It is not like the other office parks that are on Winter Street.

Ms. Tarallo commented that than that was a good reason that it should be located be in Lincoln.

Mr. Las said this curb cut location in Waltham is the safest for vehicles exiting the highway and they can't make that turn safely into Lincoln as the road is not wide enough, that is why it is a one way road.

Mr. DeVito commented that back in 1985 when Bay Colony was built they created a one way and forced all traffic through Waltham. The Town of Lincoln didn't want the traffic heading east and stuck it with Waltham. Because of the negative effect Lincoln has put on Waltham in the past, he would be against this petition.

Mr. Moroney asked if the Hospice is a non-profit and if so they would be paying taxes?

Mr. Las said it was a non- profit and no taxes would be paid.

Attorney Connors said that the Hospice would be exempt both in Lincoln and in Waltham.

Mr. Moroney then asked if the non-profit ever sold for-profit would taxes be paid.

Attorney Connors said if that were to happen the "for-profit" would pay both Waltham and Lincoln's commercial tax rate.

Mr. Las then reviewed the water, wastewater and off site and site drainage concerns that Mr. Moroney inquired about.

He stated that the five lots would be merged into one lot and that there would only be one 2-story building.

He also reviewed the Commonwealth's stature for monuments on town/city boundaries.

Mr. Moroney commented, "Waltham gets nothing from this project except more traffic."

Attorney Connors said that Waltham gains a Hospice Care facility for terminally ill patients.

Mr. Moroney asked who would be controlling who gets a hospice bed? Do Lincoln folks get priority?

Attorney Connors said that nobody would control that. This is a well-established institution with a new name only and has a wonderful reputation and paid over 2-million dollars for this property.

Ms. Callahan commented that she thinks the hospice care is a wonderful institution but felt that the Town of Lincoln should open the one way road into a two way road. She also commented that if the curb cut ends up in Waltham then a sidewalk needs to be constructed on Winter Street. This would be a requirement.

Mr. Las commented that currently there are no sidewalks on Winter Street and there would be no connection for the sidewalks for people to walk on. This doesn't make sense.

Ms. Callahan then said she would like to see something from MassDot in writing submitted to the Board regarding the removal and replacement of the monument.

The she asked if the Board would like to continue the Petition.to the next meeting or was there a motion.

Mr. Devito made a motion to deny the Special Permit for a curb cut at 1100-AFT Winter Street as submitted.

Mr. Barrett seconded the motion, but with an amendment to the present motion that if the Petitioner submits the following to the Board at their March 4, 2014 meeting the Board may reconsider the denial.

- 1) If the Town of Lincoln would entertain the idea of making the one way road a two-way road and come back to the March meeting with a response,**
- 2) Submit a copy of the Traffic report to the Board that was prepared.**
- 3) Submit to the Board a letter from MassDot regarding the removal and relocation of the monument at the boundary line**

The Board members all agreed to amending the vote.

The Vice Chair asked for a Roll Call on the motion and the amendments to the motion to deny:

Mr. Justin Barrett	YES
Ms. Mila Tarallo	YES
Mr. S. Anthony DeVito	YES
Mr. Brian Moroney	YES
Ms. Kathleen Callahan	YES

The Board voted to deny the petition for a Special Permit Curb Cut at 1100-AFT Winter Street, but to reconsider the denial if the Petitioner met the requests in the amended motion.

There being no further business in the public hearing the Vice Chairwoman closed that part of the meeting and opened the regular meeting.

The Clerk read the last item on the agenda which was for the approval of the minutes to the meeting of January 7, 2015.

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

VOTED: to approve the minutes to the January 7, 2015 meeting as submitted.

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

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

VOTED: to adjourn at 7:45p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "M. Chiasson", with a large, stylized flourish at the end.

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