

CITY OF WALTHAM
BOARD OF SURVEY AND PLANNING

The following are minutes of the January 2, 2013 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, Duffy, DeVito, Moroney and Tarallo.

The Chairman opened the Public Hearing at 7:00 p.m. and reminded the public that this meeting was being recorded by Waltham's local Channel, WCAC and also asked everyone to sign in if they would be addressing the Board.

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

The Clerk read the first item on the agenda which was for an ANR plan for 64 Curve Street, Waltham, MA.

The Board's Secretary handed out a revised plan submitted that evening showing the revisions made that reflect the City Engineer's comments dated December 20, 2012.

Robert Bibbo of Bibbo Brothers, 10 Hammer Street came forward to represent the Board on this matter. He reviewed the comments and the revisions made on the plan. They are re-subdividing 1 Lot into 2 Lots and each are shown on the plan as "Not a Buildable Lot", which by court law they have the right to do. The plan shows two lots with proper frontage and access of a roadway. He handed out copies of the Court Law that allows a petitioner to submit the ANR Plan showing not a buildable lot.

The Chairman asked the members if there were any questions.

Mr. Moroney had concerns that this plan does not meet the requirements as shown and is not willing to endorse this plan as show.

Mr. Bibbo commented that if this plan gets approval from the Board then they will be appearing before the Zoning Board of Appeals requesting a zone change. If they are denied then they will not register the ANR Plan.

Mr. Moroney commented that he is not happy and will not be voting in approval.

Attorney Philip B. McCourt of 15 Church Street, Waltham, Ma came forward to address the Board. He spoke about the plan showing two lots that meet all the Board's requirements for frontage and access to a public way. That is what the Board needs to look at and approve. The building and the garage would come down and two single family homes would be built and that the petitioner is entitled to do this.

Mr. Moroney commented that he still believes this is creating zoning violations and does not want any part of it.

Mr. Bibbo commented that this plan meets the State's requirements of frontage and access.

There were further discussions on this.

The Chairman then commented that he sort of agrees with Mr. Moroney, however the Board stands by its Rules and Regulations and that is what they need to do. If the plan meets these requirements then it is their responsibility to approve the plan.

Mr. Duffy asked who the owners of 64 Curve Street were.

Mr. McCourt said the owners are Paul Moreale and Steven Douglas.

Ms. Tarallo then commented that the ANR Plan meets the Board's requirements and is satisfied with the revisions shown.

Mr. Barrett commented that he lives on Curve Street and is glad to see the current buildings come down and welcomes the two single family homes.

There were brief discussions.

The Chairman then asked if there was a motion.

Mr. Barrett made a motion to accept the ANR Plan for 64 Curve Street as revised and to allow the Clerk of the Board to endorse the plan.

Mr. DeVito seconded the motion.

The Chairman asked for a roll call.

ROLL CALL:

Mr. Duffy	YES
Mr. Barrett	YES
Ms. Tarallo	YES
Mr. DeVito	YES
Mr. Moroney	NO
Chairman Creonte	YES

The Board voted 5 in favor and 1 against, the petitioner for the ANR Plan for 64 Curve Street which then became approved.

The Clerk then read the next item on the agenda which was for an ANR Plan at 54 Lake Street.

Mr. Bibbo came forward to address the Board on this plan. He said the City Engineer had submitted comments to the Board stating that the plan meets all the Board's requirements.

There were brief discussions on this plan. Ms. Tarallo recused herself from this matter.

The Chairman then asked if there was a motion.

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

VOTED: to accept the ANR Plan for 54 Lake 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 the approval of the minutes of the December 5, 2012 meeting.

The Chairman asked if there was a motion.

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

VOTED: to approved the minutes of the December 5, 2012 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. Duffy, seconded by Mr. DeVito, the Board

VOTED: to adjourn at 7:25 p.m.

Respectfully submitted,



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

MLJC/jed