

CITY OF WALTHAM
BOARD OF SURVEY AND PLANNING

The following are minutes of the May 2, 2012 Public Hearing at 7:00 p.m. held in the Public Meeting Room of the Arthur Clark Government Center located at 119 School St., Waltham, MA. In attendance were Chairman Creonte, Barrett, Callahan, DeVito, Duffy, Moroney, and Tarallo.

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

The Chairman noted that Ms. Kate Carnes would be filling in as Secretary for this meeting for Janice Deveney.

The Chairman asked for a motion to appoint Ms. Callahan as Temporary Clerk for the meeting. As the Clerk was unable to attend the meeting.

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

**VOTED: To approve Ms. Callahan as
Temporary Clerk.**

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

The Clerk read the first two items on the agenda, which were for requests for Extension of Time to Construct for One Moody Street-Curb Cuts and Extension of Time for One Moody St.-More Than One Principal Building on a Lot.

Attorney Michael Connors of 6 Lexington St., Waltham, MA came forward to address the Board on this matter. Mr. Connors gave a handout to the members for their review of time extensions that were requested to the City Council. After a brief discussion, the Chairman asked if there was a motion.

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

**VOTED: To Extend the Time to Construct for Two
(2) years for One Moody St. Curb Cuts and More
Than One Principal Building on a Lot.**

The Clerk read the next item on the agenda which was for an As Built Plan for 71 South Street. Handouts were presented, one that was an update from the Engineering Dept. that provided no objection for final approval.

Attorney Phillip B. McCourt, Jr. and Mr. Robert Bibbo, of Bibbo Brothers and Associates came forward to address the Board on this matter. After a brief discussion including praise for the owners of the property for a wonderful job done, the Chairman asked if there was a motion.

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

VOTED: To Accept the Revised As Built Plan for 71 South Street with the revision date of April 13, 2012.

The Clerk read the next item on the agenda which was the ANR Plan for 306 Lexington Street. Handouts were provided .

Mr. Robert Bibbo and Mr. Ralph Bibbo of 10 Hammer St. came forward to address the Board.

They reviewed the ANR Plan and answered questions the members had.

After discussions the Chairman asked if there was a motion.

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

VOTED: to accept the Approval Not Required Plan for 306 Lexington Street as presented and to allow the Clerk of Board to endorse the plan.

The Clerk read the next item on the agenda which was the ANR plan for 42 School Ave. Handouts were provided.

Attorney Laura Cannon came forward representing the owners of the property, joining Mr. Robert Bibbo and Mr. Ralph Bibbo at the podium.

The ANR plan was reviewed, and questions from the Board were answered.

After discussions the Chairman asked if there was a motion.

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

VOTED: to accept the Approval Not Required plan with request to have Certification of the Deeds on record in the Board's office 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 ANR plan for old Lots on Lauricella Lane. Handouts were provided.

Attorney Phillip B. McCourt, Jr. came forward representing Pigeon Hill Estates Trust. Mr. Robert Bibbo and Mr. Ralph Bibbo also came forward.

The ANR plan was reviewed, discussed and questions from the Board were answered.

After discussions the Chairman asked if there was a motion.

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

VOTED: to accept the Approval Not Required Plan for old lots on Lauricella Lane 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 to the April 4, 2012 meeting.

The Chairman asked if there was a motion.

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

VOTED: to accept the minutes to the April 4, 2012 meeting as submitted.

The Chairman made a request to go into Executive Session.

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

VOTED: to go into Executive Session then return to the Regular Meeting.

Mr. Duffy made the motion to allow the Temporary Secretary of the Board to attend the Executive Session.

This motion was seconded by Mr. Devito and the Board

VOTED: to allow the Temporary Secretary of the Board, Kate Carnes to attend the Executive Session.

The Chairman then closed the Executive Session and returned to the Regular Meeting.

The Chairman appointed Ms. Callahan to speak.

Ms. Callahan made a motion for Superior Court Civil Action 12-00823D:

“The Board hereby votes to authorize Assistant City Solicitor Michelle Learned, as the Board’s legal counsel, to negotiate and commit to terms that , in her discretion, she deems legally acceptable to settle Superior Court case 12-MISC-0853 *generally* in accordance with the terms and conditions in the proposed Agreement for Judgement as presented to the Board in Executive Session, including but not limited to authorizing Attorney Learned to sign any and all documents necessary

to effectuate said settlement and an Agreement for Judgment in Superior Court case 12-MISC-0853.”

The motion was seconded by Mr. Barrett, with a recusal by Ms. Tarallo.

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

Mr. Barrett made a motion to adjourn the Regular Meeting, seconded by Mr. DeVito the Board

VOTED: to adjourn the public meeting at 8:45 p.m.

Respectfully submitted:



Michael L. J. Chiasson
Clerk of the Board

MLJC/kc/jed