



**CITY OF WALTHAM**  
**BOARD OF SURVEY AND PLANNING**

The following are minutes of the May 7, 2014 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, Callahan, DeVito, Duffy, Moroney and Tarallo.

The Chairman informed the public that this meeting was being video taped by the City's local cable access channel and also asked everyone to sign in if they would be addressing the Board. Then he opened the hearing at 7:01 p.m. and immediately closed it as there were no items for a public hearing and opened the regular meeting.

The Clerk read the first item on the agenda which was for a bond request submitted for Rock Lane Subdivision.

Attorney Phillip B. McCourt, Jr. of 15 Church Street, Waltham, MA came forward to address the Board.

Her reviewed the status of the petitioner's meeting with John Pizzi and reviewed the punch list with the Board and Mr. Pizzi's comments. The petitioner had copies of the canceled checks for the payments to NSTAR and Standard Electric.

The Chairman opened the meeting for questions from the Board.

Mr. Barrett asked to clarify what John Pizzi said needing repairs.

Mr. McCourt said that the brick work needed to be repaired in the sewer manhole. This work was an estimated \$500.00.

Ms. Tarallo asked if Mr. Pizzi had submitted a formal memo or was it just the e-mail.

Ms. Deveney informed the Board it was just an e-mail and that she had spoken to Mr. Pizzi and he had said that he was satisfied at the time and \$9,450.00 bond amount should be adequate, but that it was up to the Board to accept the amount.

Ms. Tarallo asked if the Board could request that Mr. Pizzi put his comments in memo form.

Ms. Deveney was to ask Mr. Pizzi to do so.

There were brief discussions, and Mr. Barrett suggested that the Board add another \$500.00 to the bond amount. All members agreed.

The Chairman asked if there was a motion.

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

**VOTED:       to set the cash bond amount in the  
amount of \$10,000.00 and to request that  
Mr. Pizzi submit his last comments from  
his meeting with Mr. Rock in writing.**

The Clerk read the next item on the agenda which was for a request for a partial bond release for LeBlanc Lane subdivision and to extend the time to complete construction to November 15, 2014.

Mr. Robert LeBlanc of Bishops Forest Drive, Waltham came forward to address the Board. He reviewed the most current comments from John Pizzi and with a 15% contingency added to the total he is requesting a bond reduction of \$10,921.00 and the extension of time to complete construction of the LeBlanc lane until November 15, 2014.

There were brief discussions on the requests.

The Chairman asked if there was a motion.

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

**VOTED:       to release partial bond in the amount of \$11,500 and to  
extend the Time to Complete construction at the  
LeBlanc Lane Subdivision until November 15, 2014.**

The Clerk read the next item on the agenda which was for an ANR Plan of Open Space at Michaelchris Drive and Matthew Lane.

Attorney Philip B. McCourt Jr. of 15 Church Street came forward to address the Board on this petition.

They have responded to Mr. Putnam's memo dated April 17, 2014 requesting information. He had spoken of the Superseding order of Conditions and they have submitted a recorded copy to the Board and Mr. Putnam. They then discussed the Certificate of Compliance which they have provided copies of, which has been closed out except for items 47, 50 and 55 which will continue as part of the maintenance care of this property and to continue with yearly inspections. It does not call for the owner to report these annual inspections to anyone but Mr. Amelia has done yearly inspections. It does state that it is the responsibility of the owners of the property to complete these inspections. It is Mr. Amelia's intention to have a Home Owners Association



once 50% of the lots are sold. A copy of the draft Home Owners Association was handed out for the Board's review.

The Chairman asked how many lots had been sold to date.

Mr. Amelia said there are 16 Lots and 5 of them have been sold. He would remain responsible for the inspections until 50% of the lots had been sold. The deed to each property will include reference to the Homeowners Association and after 50% of lots are sold they would all start contributing into a bank account for the maintenance of these drains. They handed out the Operations and Maintenance manual which was discussed.

Mr. Duffy discussed flooding problems with 100- year storms and asked who would be responsible for flood damage.

Mr. Amelia said, "The Homeowners Association would be responsible."

Mr. Barrett said he would let Mr. Moroney ask the questions since he had been researching this property extensively.

Ms. Callahan agreed. She asked approximately how much the monthly cost would be for the owners to pay for the Association.

Mr. Amelia said it would be around \$100.00 a year.

Ms. Tarallo asked if the street would remain private.

Mr. Amelia said, "Yes, unless the City accepts it in the future."

Mr. DeVito said he agreed with Mr. Barrett to have Mr. Moroney ask further questions.

Mr. Moroney said that at the previous meeting the Board asked Mr. Putnam to review the ANR submittal with all 11 pages of the subdivision not just 3 of 11 as the petition was submitted to see if anything would be affected and that there were no documents submitted.

Mr. McCourt said that Mr. Putnam had commented that the Orders of Conditions and Certificate of Compliance were not recorded. Mr. McCourt said that they provided copies of all these recorded records and he reviewed these with the Board.

Mr. Moroney discussed the yearly maintenance inspection requirements and can't believe that no report needed to be submitted to the Conservation Commission or DEP.

Mr. McCourt said that per the record, they didn't have to report to anyone in DEP or the local Conservation Commission, and not to the Board of Survey and Planning. The property is governed by the Order of Conditions.

He asked what public records from 2004 to date are there for the inspections?

Mr. McCourt said they do not have written reports but that Mr. Amelia physically did the yearly inspections of all drainage in this area.

Mr. Moroney asked who the current owner of the property was.

Mr. Amelia said that Nine Acres Development is the manager of this property and maintains the property per the Superseding Order of Conditions.

The Chairman suggested that there be something in writing from Mr. Amelia that he would maintain the wetlands area until the homeowners association was recorded.

Mr. Amelia agreed to the following conditions.

“I, Mr. Ralph Amelia, manager of Nine Acres Development will bear the burden and cost to maintain the wetland area until the Home Owners Association documentation is recorded after the sale of 50% of the lots.”

There were further discussions on this matter.

The Chairman asked if there was a motion.

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

**VOTED: to approve the ANR Plan for “Open Space” at Michaelchris Drive and Matthew Lane as submitted with the following conditions:**

**Conditions of Approval:**

- 1. That an annual inspection by a qualified individual be done and a written report of this annual inspection be sent to the Waltham Conservation Commission for record keeping.**
- 2. Mr. Ralph Amelia, Manager of Nine Acres Development, would bear the burden and cost to maintain the wetlands area until 50% of the Lots were sold and the Home Owners Association document was recorded.**

The Clerk read the next item on the agenda which was for an ANR Plan for Lot 10 of Michaelchris Drive and Matthew Lane.

Robert Bibbo came forward to address the Board. He reviewed the plan with the Board.

There were brief discussions on this petition.

The Chairman asked if there was a motion.

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

**VOTED: to approve the ANR Plan for Lot 10 of Michaelchris Drive and Matthew Lane 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 an ANR Plan for 50 Bear Hill Road.

Attorney Edward Pare, Jr. of American Tower Company came forward to address the Board and reviewed the plan which was basically a land swap between both parties in order to relocate the towers.

There were brief discussions on this matter and the Chairman asked if there was a motion.

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

**VOTED: to approve the ANR Plan for 50 Bear Hill Road with the revision date of May 7, 2014 and to allow the Clerk of the Board to endorse the plan.**

The Clerk read the next item on the agenda which was for deliberations and a recommendation to the City Council on Amending Chapt. 21-Zoning- subsection 6.52- secondary wall sign.

There were brief discussions on this item.

The Chairman asked if there was a motion.

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

**VOTED: to recommend that the City Council review the topic of no and/or limited lighting between the hours of 12:00 a.m. and 6:00 a.m. in business C. The Board strongly felt that lighting should be on during those hours for safety issues.**

The Clerk read the next item on the agenda which was for deliberations and recommendation to the City Council on Amending Chapter 21- Zoning subsection 3.645- truck or private bus terminals.

There were brief discussions and the Chairman then asked for a motion.

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

**VOTED: to recommend approval of this zone change to the City Council as submitted.**

The Clerk read the next item on the agenda which was for the approval of the minutes to the April 2, 2014 meeting and the Special Meeting of April 9, 2014.

The Chairman asked if there was a motion.



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

**VOTED:**      **to approve the minutes to the April 2, 2014 meeting and  
the Special Meeting of April 9, 2014 as submitted.**

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

**VOTED:**      **to adjourn at 8:35p.m.**

Respectfully submitted,



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