

CITY OF WALTHAM

BOARD OF SURVEY AND PLANNING

The following are minutes of the September 4, 2013 public hearing 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, 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.

He then opened the public hearing at 7:00 p.m.

The Clerk read the first item on the agenda which was for Special Permits at One Moody Street, 702 and 716 Main Street, and 55 Moody Street for More Than One Principal Building on a Lot and for Four Driveway Openings. The Board must act on this petition by October 4, 2013.

Attorney Robert Connors of 6 Lexington Street, Waltham, MA came forward as the representative for the petitioner. He reviewed the revised plans dated August 19, 2013 with the Board. He also discussed the concerns from the site visit of June 20, 2013 and how those concerns were addressed. He also commented that they had requested an Extension of Time to Act until October 4, 2013.

The Chairman opened the hearing to the Board.

Mr. Duffy asked if this parcel was one (1) lot?

Mr. Connors said it is not, but upon approval they will combine the three (3) lots into one for zoning purposes.

Ms. Callahan said it appears they have addressed the Engineering Departments concerns comments dated May 23, 2013, but the Board did not receive comments about the revised plans. She is pleased with the revisions but would really like to hear from the Engineering Department prior to an approval.

Ms. Tarallo and Mr. DeVito did not have comments at this time.

Mr. Moroney commented that at the special meeting of June 20, 2013 and after the site visit he had inquired of the petitioner's Engineer's to re-analyze the 52-foot traffic trailer turn radius of the right turn lane as discussed at the site view

Rob Nags, Traffic Engineer for VHB came forward to respond. He said they did re-visit all the curb cuts and the tractor trailer radius and it was their opinion that in each case the turn radius does not create any issues for entering and exiting of the site. The level of deliveries to this site would most likely be single box trucks and the tractor trailers would be most likely limited to one or two a day.

Mr. Moroney asked if they had this in writing.

Mr. Nags said they did and had plans to show to the Board.

Mr. Moroney commented that the current plan shows the curb cut that had been identified as the tractor trailer opening and had been reduced by approximately 5-feet. Has this new plan been resubmitted to the Traffic Commission for approval?

Mr. Nags said that they did submit the revised plans two weeks ago to the Traffic Department, as they had some concerns as to how this project would interface with the City's current Moody street paving work. So those concerns were addressed on the revised plans. He also informed the Board that they are still before the City Council with a Special Permit so revisions had been addressed from those meetings as well.

Mr. Moroney said that the Fire Department would have to re-review those revisions as well?

Mr. Nags said that that also would be part of the Traffic Commission process.

So the Board did not receive new comments form Traffic or the Fire Department?

Mr. Connors said that part of the process is that they submit revised plans to the Board and the Board requests these reviews from the Departments. He also commented that changes had been minimal. The driveway that had been reduced was redone because the Traffic Dept. had an issue with the parking spaces that were created on Main Street so they removed the parking spaces which changed the width of that driveway as per the request of the Traffic Engineer.

Mr. Nags and Karen Scheffer reviewed the change of the right turn radius with the loss of the parking spaces.

Mr. Moroney still felt a change was made in the dimension of the opening and still wanted to see the approval from the Traffic Dept. He went over some other concerns he had which he had handed out to as a marked up color plan to Mr. Connors and the VHB Engineers at the June 20th site visit. Mr. Connors did not recall receiving those comments from Mr. Moroney. Mr. Moroney said that he was concerned when he saw the revised

plans for this meeting and that none of those concerns were addressed or responded to. He went to see Mike Garvin, the Traffic Engineer earlier that day and asked if he received them. He said he did not receive them. They went over the revised plans together and Mr. Garvin agreed that the Spring Street opening should be re-visited. Mr. Garvin also agreed that the Fire Dept. and the Traffic Dept. need to approve the changes. In addition to that he would like to see the Auto Turn drawings for the 50-foot trailer turning into the site. Mr. Garvin would also like the intersection at Spring and Main Streets investigated.

Mr. Moroney had asked Mr. Garvin to attend this evening's meeting but he had a previous engagement.

Mr. Connors asked Mr. Moroney if he had anything in writing from Mr. Garvin?

Mr. Moroney said he did not at this time but that Mr. Garvin would submit comments to the Board which can be addressed for the next meeting.

Mr. Connors said that these concerns can and should be addressed at the City Council next Monday night which would be sooner. If there are any questions from the Traffic Engineer he can ask at that time.

The Chairman then spoke and commented that he was a bit confused as this was the first time he heard about the concerns from Mr. Moroney and Mr. Garvin. He said that if the Fire Dept, Engineering Dept. and the Traffic Dept. had reviewed the new plans then they should or would have submitted new comments to the Board. If Mr. Garvin had these concerns why didn't he email the Board's office with these concerns so they could review them at tonight's meeting?

The Chairman polled the Board to see what they would like to do.

Ms. Callahan recommended that it be continued at the October meeting and request comments from the all the Departments; Traffic, Engineering and Fire.

Mr. Moroney also commented that on June 27, 2013, through Janice Deveney Secretary to the Board, that Mr. Garvin received via e-mail the marked up plans that showed Mr. Moroney's concerns, which he did hand out to Mr. Connors on June 20th, they were not addressed by Mr. Garvin and that is why he went to see him today.

Mr. Connors asked if he could receive that June 27th email as well.

Ms. Deveney said she would make sure that Mr. Connor's received it.

There being no further comments on this petition the Chairman then asked the members if there was a motion.

Ms. Callahan made a motion to continue this matter at the Board's October 2, 2013 meeting and request comments from the Fire, Traffic and Engineering Departments.

Mr. DeVito Seconded the motion.
The Chairman called for a roll call.

ROLL CALL:

Mr. Duffy	YES
Mr. Barrett	YES
Ms. Callahan	YES
Ms. Tarallo	YES
Mr. DeVito	YES
Mr. Moroney	ABSTAINED
Mr. Creonte	YES

The Special Permits for Moody & Main on the Common will be continued at the October 2, 2013 meeting.

The Clerk read the next item on the agenda which was for an Amendment to Chapter 21 of the General Ordinances, Article III, Section 3.2-Cat Shelters.

The Chairman asked if there was any one representing this petition.

Ms. Deborah Schreiber of 23 Harris Street and the representative for the Cat Connection came forward to address the Board.

She informed the Board the Cat Connections role within the City of Waltham and how they help and rescue abandoned and or suddenly homeless, injured cats and capture feral cats and have the animals spayed and / or neutered and given necessary shots, tagged and release them back out into the city. The Cat Connection has assisted over 680 cats since they began their non-profit. The Cat Connection also assists the Waltham Police Department when the animal control officer receives a call from a resident regarding a cat. The Police Dept had submitted to the Board a letter of support. The Cat Connection has been helping so many cats that they are in dire need to open a cat shelter to assist the needs of these cats. There are a couple of surplus city buildings that are available for use, however they are in a residential zone, so that is why they are petitioning the City Council for an amendment of the General Ordinance. She said the city building they like the most is the North Branch Library on Lexington Street. It is the perfect size for their needs and it is on a public transportation route which is great for the volunteers and students that volunteer. She also pointed out that City Councillor George Darcy had re-crafted the ordinance and did a great job assisting them.

The Chairman then opened the meeting to the public and asked if there was anyone that would like to come forward and speak in favor of this petition.

The following people came forward expressing their support of this petition.

Dianne Hudson, 258 Dale Street
Janet Glassman, 81 Bowdoin.
Erin Vannasse, 17 Circle Drive
Carol Cunningham, 53 Circle Drive
Pam Budreau, Cat Connection
Erin Vannesse, Cat Connection
Jean Banagh, 36 Brigham Road
Michael Falkoff, 22 Appleton Street

The Chairman then commented that this was taking quite a bit of time and with so many people in attendance he then asked people to stand up if they were in favor of this petition.

The Clerk of the Board counted approximately 57 residents in favor of this petition.

The Chairman then closed that part of the meeting and asked if there was anyone that would like to speak or stand in opposition to this petition.

There being none he then closed that part of the hearing and opened the hearing to the Board for questions and discussions.

Mr. Duffy commented that the re-crafted ordinance didn't mention guidelines that need to be followed.

Ms. Schreiber said that they would be following National Standard and Guidelines. There needs to be square footage per cat, ventilation, etc. They will follow those guidelines.

Mr. Duffy asked why only a non-profit can petition the City Council.

Ms. Schreiber commented that the City Council was more comfortable with a Non-Profit as they are more responsible.

Mr. Duffy asked if they had looked at any buildings in the current zone as a home for the shelter.

Ms. Schreiber said that they had but they could not afford anything. A city surplus building could be leased at a very minimal fee and that all those buildings are in various zones.

Mr. Duffy then asked if they trap the feral cats with a box trap.

Ms. Schreiber said they use a 4' X 4' drop trap, a basic box, stick and string.

Mr. Duffy asked what they do after they collect a feral cat?

Ms. Schreiber said that for the socialization of the cats they are all T.N.R'ed, which is trapped, neutered and released. This will help control the cat population.

Mr. Barrett asked about the old kennel building that was previously run by the city.

Ms. Schreiber said that that building needs too many renovations and that the Cat Connection does not have the funds for such a big project.

Mr. Duffy asked what other city surplus buildings they were interested in?

Ms. Schreiber said that the Wyola Street Library was another option that suited their needs but that the North Branch Library on Lexington Street is the perfect location. Ms. Callahan commented that she has issues with the zone change adding Residential A-1 and A2. As a Board member they have to look at the over all picture of these special granting's. She wouldn't want to see residents upset with cat shelters opening up in their neighborhoods. She felt that this should be revisited by the City Council.

Ms. Tarallo agreed with her colleague and felt that the city should be careful where these shelters are allowed.

She thinks it's a great idea to have shelter but not in residential zoning. She also thought it should be a general shelter for dog's too not just cats.

Ms. Schreiber commented that there would be a 50-foot restriction in residential zoning. They are a Cat non-profit they do not take in dogs. The City of Waltham has less than 20 dogs call a year and these are handled by the Animal Control Officer. She also said that it is not healthy for the cats to be sheltered with dogs. She reminded the Board that they are a Non-Profit that helps cats by choice.

Mr. Moroney commented that the Board must remember what is before them. This is an amendment to an Ordinance for cat shelters and the Board is addressing cats not dogs.

He commented that he agrees with the zone change, most likely they would be using a city building. He recommends forwarding to the Council to approve the amendment but that it should be clear that the shelters should be placed in a city owned building, and that the shelter must follow the standards and guidelines.

This would resolve the concerns of Board Members that cat shelters would not open up all over residential neighborhoods such as someone's house.

There were further discussions on this matter.

At 9:14 pm the Chairman called for a five minute recess and re-opened the meeting at 9:21pm.

The Chairman asked if there was a motion.

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

VOTED: to forward to the City Council a recommendation for approval of the zoning amendment, Article III, Section 3.2 –Cat Shelters with the following to be incorporated into the language of the proposed amendment:

- 1. The Cat Shelter must follow the Established National Standards and Guidelines, title of said guidelines to be supplied to the Clerk of the Board and copy of said guidelines to be supplied to the City Council.**
- 2. That the Cat Shelter be placed in a city owned building.**

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

The Clerk read the next item on the agenda which was for the approval of the minutes of the June 5, 2013 meeting and the Special Meeting of June 20, 2013.

The Chairman asked if there was a motion.

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

VOTED: to approve the minutes to the June 5, 2013 meeting and the Special Meeting of June 20, 2013 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. Barrett, seconded by Ms. Tarallo, the Board

VOTED: to adjourn at 9:40 p.m.

Respectfully submitted:



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