



CITY OF WALTHAM

BOARD OF SURVEY AND PLANNING

The following are minutes of the November 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 Barrett, DeVito, Duffy, 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 also asked the public to sign in if they would be addressing the Board.

The Clerk read the first item on the agenda which was for a Special Permit curb cuts at 124 West Street.

Attorney William Proia of #7 New England Executive Park, Burlington, MA came forward to address the Board. With him were Tom Fanning of Northstar Project and Real Estate Services, Karen Staffier of VHB and Robert Nagi of VHB to assist with any questions the Board might have.

Attorney Proia reviewed the plan, and the curb cut locations that exceeded 25-feet. He reviewed the site setup as far as parking, building location and sidewalks. Karen Staffier then came forward and reviewed existing conditions as to where the curb cut was currently located and reviewed the proposed curb cuts and said that it would be a much safer access to the site. She met with the Fire Department, CPW Department, Traffic Department and Engineering Department during the design stage and incorporated all their suggestions into the design.

The proposed curb cuts will accommodate a large fire truck in and out of the site. They have added sidewalks across the front of the site for pedestrians. They also have received letters of support from the Traffic Engineer, the Engineering Department, the Waltham Fire Department and the Cambridge Water Department.

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

Mr. DeVito asked how many commercial and employee parking spaces there would be.

Ms. Staffier said there would be 71 commercial parking spaces and 91 employee parking spaces.

Mr. Moroney asked if a traffic study had been prepared.

Mr. Nagi said that after meeting with the Traffic Engineer it was decided there would be very little impact to the traffic and that this is mentioned in Mike Garvin, the Transportation Director's memo submitted to the Board.

Mr. Moroney asked if they had data to back that up.

Mr. Nagi said they do.

Mr. Moroney asked if there would be a painted left turn lane.

Mr. Nagi said that with such a small volume of traffic a painted left turn lane is unnecessary.

Mr. Moroney then asked that a copy of the Traffic Study being submitted to the Traffic Commission be placed in the Board's file.

Ms. Callahan commented that she was very happy to see the added sidewalks. She then asked if the catch basin on the northerly end of the site could handle the drainage.

Ms. Staffier reviewed the drainage on site, and the heavy duty drain that they would be installing and said that it would work fine. She also mentioned that it would not be the responsibility of the City to maintain on site drains, it would be the clients.

Mr. Devito had no questions, but asked that a letter from the Client stating it is their responsibility to maintain on site catch basins and trench drains be submitted to the Board.

There were brief discussions and then the Vice Chairwoman asked if there was a motion on the Special Permit for two curb cuts at 124-132 West Street.

Mr. Barrett made a motion to accept the Special Permit Curb Cuts at 124-132 West Street as submitted.

Mr. Moroney seconded the motion.

ROLL CALL:

John Duffy	YES
Justin Barrett	YES
Mila Tarallo	YES
Anthony DeVito	YES
Brian Moroney	YES
Kathleen Callahan, Vice Chairwoman	YES

The motion passed.

The Chairwoman then closed the public hearing and opened the regular meeting.

The Clerk read the first item on the agenda which was for deliberations and a recommendation to the City Council on a Zone Change for a parcel known as 939 Trapelo Road. This request was heard at the October 13, 2015 City Council public hearing.

The Clerk also mentioned that this was previously heard on May 26, 2015 at the City Council Public hearing but was determined that that meeting was not properly advertised.

That being said, the Chairwoman asked if there was a motion.

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

VOTED: to forward the same recommendation on this Zone change that the Board had previously submitted to the City Council on June 4, 2015.

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

The Chairwoman asked if there was a motion.

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

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

The Chairwoman asked for a motion to close the meeting and then a motion to reopen the meeting into Executive Session to discuss ongoing Litigation on Middlesex Superior Case #MICV-2014-04290- 66 -68 Central Street special permit.

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

VOTED: to adjourn the regular meeting and to reopen into Executive Session and to include Michael Chiasson, Clerk of the Board and Janice Deveney, Secretary to the Board.

Assistant City Solicitor Michelle Learned was present to advise the Board on this case. After hearing the case on the appeal on the Boards denial, the Superior Judge felt that the Board's Decision which was for a denial because of a No Carry vote didn't list reasons for the denial which would make it hard for Michelle to defend. The Judge spoke with both parties and suggested that this be sent back to the Board for further review and to send it back with a new Decision with reasons for the denial for the record, also known as a Remand. Both parties agreed.

The Board was asked to make a motion to accept this remand for a new public hearing.

There were further discussions on this matter.

The Vice Chairwoman asked if there was a motion.

Mr. Duffy made a motion for a remand in Middlesex Court Civil Case No. 1481CV04290, a new public hearing for a property known as 66-68 Central Street.

Ms. Tarallo seconded the motion.

The Vice Chairwoman asked for a Roll Call.

John Duffy	YES
Justin Barrett	YES
Mila Tarallo	YES
Anthony DeVito	YES
Brian Moroney	YES
Kathleen Callahan	YES

Respectfully submitted,



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