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**BOARD OF SURVEY
AND PLANNING**

MICHAEL R. CONNORS, ESQ.

ALSO ADMITTED IN
NEW HAMPSHIRE

CONNORS & CONNORS LLP
ATTORNEYS AT LAW
689 MAIN STREET
WALTHAM, MASSACHUSETTS 02451-0609
TEL: 781-894-6000 • FAX: 781-894-6848

email: mconnors@connorslaws.com

February 2, 2022
Hand Delivered

Board of Survey and Planning
City of Waltham
165 Lexington Street
Waltham, Massachusetts 02452

Re: ZBA Case No. 2021-43 – 21 Newton Street
Comprehensive Permit per M.G.L. c. 40B

Dear Board Members:

Please accept this communication in advance of your meeting tonight on behalf of the Petitioner in the above referenced matter, 2Life Development, Inc., to provide a further update on this matter, including specific items within the Board of Survey and Planning's (Board) purview prior to the continued Public Hearing before the Zoning Board of Appeals (ZBA) on February 15, 2022 (before your next scheduled meeting on March 2, 2022).

As you are aware, the Board issued comments regarding the Comprehensive Permit Application in a January 19, 2022 letter that was filed with the ZBA and provided to the Petitioner. Thereafter, on January 24, 2022, the Petitioner filed a letter with Responses to the Board's comments.

Concurrent with this January 24th filing, the Petitioner made similar Response filings to comments received from the Engineering Department and the Fire Department. The Petitioner has also continued to maintain a dialogue with both such Departments regarding their comments and concerns in advance of the continued Public Hearing before the ZBA on February 15th.

All of the Engineering Departments comments are being addressed, however a number of the concerns of the Fire Department that the Petitioner intends to address will result in modifications to the List of Waivers and are Waivers specifically within the purview of the Board. In order to address these concerns, the Petitioner's consultants are currently exploring slight modifications to the site plan which will likely impact the

dimensions and/or specific location of the building on site. Revised Plans are not available at this time, but the proposed changes can be summarized as follows:

1. The Fire Department requires an access lane along the south side of the building, so that fire apparatus can traverse the entire site;
 - a. To accommodate such a driveway / lane that would allow fire access along the southerly end of the site, the building may be slightly reduced on that side;
 - b. Thus, there may be the added benefit that the proposed setbacks on this side of the lot, which do not necessitate waivers, may further increase, shifting the building further away from residential abutters to the south;
 - c. This may also lead to a new Waiver from § 5.41 of the Zoning Ordinance due to the proposed lane that would allow fire access (paved area) being located within 5' of the southerly lot line.

2. This new driveway / lane that would allow fire access will also result in a new curb cut along Newton Street that will be located within 100 feet of the intersection of Newton Street and Barton Street as well as within 100 feet of the intersection of Newton Street and Central Street, both of which necessitate a Waiver from § 5.41 of the Zoning Ordinance;
 - a. Though, it should be noted that this driveway is in close proximity to the location of the former Leland Home's existing ambulance drive, consisting of two curb cuts within close proximity of one another on Newton Street;

3. The curb cuts associated with the entry / exit drive along Newton Street near the entrance of the building have been widened from 20' to 24' and the width of the drive itself has been widened from 19' to 24', both at the request of the Fire Department for greater access for emergency vehicles;
 - a. This wider entry / exit drive will be located within 100 feet of the intersection of Newton Street and Barton Street necessitating a Waiver from § 5.41;
 - b. The wider entry / exit drive also results in additional paved area within the 5 foot landscape buffer. Accordingly, the Petitioner had revised its Waiver request as to § 5.42; and

4. Finally, the Heard Street driveway is being widened from 24' to 30' per the request of the Fire Department so that fire apparatus can negotiate the turn to / from Heard Street, necessitating a Waiver from § 5.41.

As referenced above, these changes necessitate revisions to the Petitioner's List of Waivers. Although Revised Plans are not yet available and thus have not been reviewed by the Fire Department, the anticipated pertinent waivers within the Board's purview are as follows:

5.41	Width of Driveway	Waiver from the requirement that a driveway exceeding 25 feet requires a Special Permit from the Board of Survey and Planning	The proposed Heard Street driveway is 30 feet wide to allow adequate access to fire apparatus per the comments of the Fire Department.
5.41	Location of driveway	Waiver from the requirement that a new driveway located within 100 feet of an intersection requires a Special Permit from the Board of Survey and Planning	<ol style="list-style-type: none"> 1. The proposed Newton Street entry / exit driveway (westerly side of Newton Street) will be located less than 100 feet from the intersection of the easterly side of Newton Street and Barton Street (one-way street turning onto Newton). This is an improvement from the existing drive that lines up with the intersection. 2. The proposed fire access lane at the southerly end of the site will be located within 100 feet of the intersection of Newton Street and Barton Street as well as within 100 feet of the intersection of Newton Street and Central Street. The proposed fire access lane is largely within the location of the former Leland Home's ambulance drive, consisting of two curbs cuts in close proximity to one another.
5.42	No paved area, excluding entrances and exits, shall extend within 5 feet of any lot or street	Waiver from the requirement that there be no paved area within 5 feet of a lot line or a street line in the Residence B Zoning District	The development will have a paved area (raised curb) within 5 feet of a lot line or a street line in the front yard associated with the entry / exit

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	line; nor into any front yard		drive along Newton Street as well as parking spaces in the front yard. Further, the fire lane along the southerly end of the site will be within 5 feet of a lot line.
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We hope that you find this information useful in any potential discussions regarding this matter.

If you have any questions or comments, please let me know.

2Life Development, Inc.
By their Attorneys
Connors & Connors LLP

By: 

Michael R. Connors

cc: Zoning Board of Appeals
2Life Communities
File No. 21-1008