

CITY OF WALTHAM

BOARD OF SURVEY AND PLANNING

The following are minutes of the 7:00 p.m., June 2, 2010 Board of Survey and Planning meeting 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 and Moroney.

The Board appointed Janice Deveney as Acting Clerk for the meeting.

The Chairman opened the Public Hearing.

The Acting Clerk read the 1st item on the agenda which was for More Than One Principal Building on a Lot at 306 Lexington Street. This was continued from the previous meeting.

Attorney Philip B. McCourt, Jr. came forward to address the Board. Mr. McCourt informed the Board that they had submitted a letter to the Board requesting to withdraw this petition without prejudice.

The Chairman asked if there was a motion on this request.

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

**VOTED: to allow the petitioner to withdraw without
prejudice the petition for More Than One
Principal Building on a Lot at 306 Lexington
Street.**

The Chairman then closed the Public Hearing and opened the Regular meeting.

The Acting Clerk read the first item to be heard which was for discussions and clarification of the work currently being done at 110 Bear Hill Road.

City Engineer Stephen Casazaa and Wade Putnam were present at the meeting to explain any questions the board members had.

The Chairman reviewed the status of 110 Bear Hill and stated that various Departments have been discussing their concerns. Building Commissioner Ralph Gaudet put a cease and desist order on all work until approvals for the site work could be determined and to make sure no other work other than what the Board approved was being done. The Chairman had met with Mr. Gaudet and then asked the City Solicitor to review the

approval of a Special Permit Curb Cuts that was approved by the Board on September 9, 2009. The Law Department commented that the approval included the curb cut on Bear Hill Road and to allow the developer to provide safe and adequate access to the tower.

Mr. Gaudet also deemed the property an unbuildable lot under section 3.81. This was also discussed. The Chairman asked Mr. Casazza if his Department could assist the Board making that determination.

Mr. Casazza came forward and reviewed the issues and concerns that the site work had caused. With the tree clearing and blasting there were many issues with drainage and run-off that needed to be addressed. He reviewed a site visit with DEP and had asked the developer to address these issues. The developer will create a new plan showing the new drain, swale and drive location as discussed. The drive is to be moved to the south from the northern property line and a swale built with a new retention/detention basin to ensure no runoff gets to the property north and the 24 -inch drain main that spills onto Bear Hill Road must be tied into the work being done with Mass Highway.

After discussions on various issues the Chairman reviewed what work was allowable.

The Acting Clerk read the next matter on the agenda which was a for request of the release of the remaining bond for Wellington Crossing at 775 Trapelo Road and review of the outstanding issue of the retaining wall. Mr. Reid Blute of Pulte Homes came forward and reviewed the report he had submitted to the Board and the inspection report from the Engineering firm he hired to inspect the wall.

There were discussion on the wall and report.

Mr. DeVito commented that item number three (3) of the letter dated May 13, 2010 talks about grout. He is in disagreement and said that he would like the joints filled with polyethylene backerrod and calalytic urethane. Mr. Blute agreed to Mr. DeVito's request.

There were brief discussions.

The Chairman asked if there would be a motion.

Mr. Barrett made a motion to release all but \$100,000 of the bond money until this work is completed and to continue the request to the next meeting of September 8, 2010.

This motion was not seconded.

Ms. Callahan made a motion to continue this matter to the next meeting of September 8, 2010 and to hold all bond money until all the requested work on the retaining wall was completed.

Mr. DeVito seconded the motion.

The Chairman called for a roll call.

Roll Call:

Mr. John Duffy	NO
Mr. Justin Barrett	YES
Ms. Kathleen Callahan	YES
Mr. S. Anthony DeVito	YES
Mr. Brian Moroney	YES
Mr. William M. Creonte, Jr.	YES

The Clerk read the next item on the agenda which was for the update on 201 Jones Road Easement and a request for an extension of time.

Mr. Jeff Lownberg of Boston Properties came forward and informed the Board that they have come to an agreement with the Law Department and that the agreement is currently before the City Council for approval.

They are very close to having this matter finalized. He asked for an extension of time to allow the review process with the Council.

The Chairman asked if there was a motion.

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

**VOTED: to grant a 6-month extension to
December 31, 2010.**

The next item on the agenda was for an update on the Rock Lane -305 Bacon Street site, and a request of extension of time to construct the subdivision road.

Attorney Philip B. McCourt came forward to address the Board on this matter.

After brief discussions the Chairman asked if there was a motion.

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

**VOTED: to grant a one-year extension of time to construct the
subdivision road with the following conditions:**

1. **move existing piles of dirt behind the building within ten days**
2. **all equipment is to removed from the site**
3. **rock barriers are to remain at entrance**
4. **grass seed of some sort to be used to beautify the area**
5. **no further work to be done on site other than what is recorded in the covenant.**

The Acting Clerk read the next item on the agenda which was for deliberations and a recommendation to the City Council on a Zoning Change to Zoning District Map-Chesterbrook Road.

The Chairman asked if there was a motion.

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

VOTED: to forwarded a favorable recommendation to the
City Council on the zoning change for Chesterbrook

The Acting Clerk read the next item on the agenda which was for deliberations and a recommendation to the City Council on a Zoning Change to Zoning District Map at 880 Rear Trapelo Road.

After a brief discussion the Chairman asked if there was a motion.

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

VOTED: to forward a favorable recommendation
to the City Council on the zoning change
to the Zoning District Map for 880 Rear
Trapelo Road.

The Chairman then closed the regular meeting and reopened the Public Hearing.

The Acting Clerk read the next item on the agenda which was for a Definitive Subdivision at 110 Bear Hill Road. The Board must act on this petition by July 13, 2010.

Attorney Philip B. McCourt came forward to address the Board on this matter. Mr. McCourt handed out letters to the Board received from the City of Cambridge Water Board dated May 28, 2010 and the Mass DOT, Department of Transportation letter dated May 21, 2010. He reviewed these with the Board.

Then Mr. Robert Clark of Allen Major Associates then came forward to review the subdivision plan. He reviewed his response letter dated May 25, 2010 to the Engineering Departments comments dated May 5, 2010. These 24 items were discussed. He reviewed their meeting with DEP. He said that with the site visit with Mr. Casazza and Mr. Putnam they are going to take there requests and will revise the subdivision plan and resubmit.

The Chairman then opened the meeting to the members for comments.

Mr. Duffy commented that the plan no longer shows access to Main Street by not constructing a road to Main Street.

Mr. Clark replied, "Yes, that is correct".

Mr. Duffy then commented, "when finished, you will have taken down 100-feet of the hill."

Mr. Clark replied, "Yes".

Then Mr. Duffy asked Mr. Clark if there will be two lots on top of the hill that will all abutt the cul-de-sac and will be 75-feet above the cul-de-sac, how will you stabilize the cliff that would be produced.

Mr. Clark responded that rip rap rock will stabilize the cliff. He reviewed this.

Mr. Duffy said he had concerns with the site distance at the curb cut.

The Chairman then asked, "If the subdivision is approved will the approved curb cut remain?"

Mr. McCourt answered that in the future when they are ready to develop the site they may abandon the curb cut. He then reviewed the current and future road with the Board.

Then Mr. Clark reviewed the site distance shown on the plan and profile plan. Elevation and grading of the site was also discussed. He also commented that a complete traffic study will be submitted to the board prior to the next meeting.

Mr. Barrett commented that he feels this shouldn't even be further discussed until the members have time to read all the new information that has been submitted and recommended that this be continued to the September meeting.

Then Ms. Callahan commented on Mr. Gaudet's letter to the Board dated May 11, 2010 with his comment that under Zoning Article 3.81 that it is his opinion that this site is Not Suitable for Building. She asked Mr. Casazza his opinion on that.

Mr. Casazza responded that he has not reviewed that yet, but he will and will respond to the Board by the next meeting.

Ms. Callahan asked if there was currently a cease and desist order in effect.

The Chairman responded that they will be continuing the work on the site for the curb cut and driveway access and the drainage issues that DEP had required.

Mr. DeVito commented that he concurs with Mr. Barrett and that this matter should be continued until the September meeting when the traffic report would be submitted as well as Mr. Casazza's report.

Attorney Robert Schlein came forward on behalf of the petitioner and commented that in regards to Mr. Gaudet's determination of Zoning Article 3.81, he is in disagreement and will have no choice but to appeal that determination with the Zoning Board of Appeals.

The Chairman responded that the Board needs to take care of that first, and determine if this is a buildable lot before they continue to review the subdivision.

Mr. Moroney asked what plans were submitted to the Cambridge water department for review, because he felt that after reading their letter it appeared that the Cambridge water department was referencing the Special Permit plans not the Subdivision plans.

Mr. Clark responded that they were the Subdivision plans dated April 13, 2010. Mr. Moroney then pointed out that the Cambridge water department made a comment that responds to ponds and that the April 13, 2010 plan does not show ponds, so he would like Mr. Clark to make sure that the plans reviewed by Cambridge water department were the correct, April 13, 2010 plans. He also wanted verification that Mass DOT reviewed the April 13, 2010 Subdivision plans as well.

Mr. Clark said he would verify that request and get back to the Board.

Mr. Moroney then asked Mr. Casazza to review the stormwater management plan required by Mass DEP.

Mr. Casazza reviewed what DEP was requiring to be done at the site now.

Mr. Moroney asked Mr. Casazza if Mass DEP had jurisdiction.

Mr. Casazza said that on certain issues that they do have full authority.

The Chairman commented that he hoped that all these concerns and requests would be answered by the next meeting. He agreed with Mr. Duffy that this was a very dangerous site. He wanted all comments from Engineering addressed, as well as DEP, he feels a complete drainage study should be done and a total build up of that subdivision shown, showing buildings, parking lots, etc. He also wanted the issues of the current curb cut

addressed first. He and the entire Board want safety at that curb cut a priority. He then said he would like this tabled until the next meeting.

Mr. McCourt came forward and agreed that all requests will be prepared and submitted for the September meeting, but asked the Board with a written request of the Extension of Time until November 16, 2010.

He also asked if the Board would submit to the Law Department Attorney Schlein's response regarding Attorney Learned's opinion of the curb cut denial on Main Street that was submitted to the CPW Department.

The Chairman said this would be forwarded to the Law Department.

The Chairman then asked if there was a motion.

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

VOTED: to continue the petition for a Definitive Subdivision at 110 Bear Hill Road at their next meeting of September 8, 2010 and to extend the Time to Act until November 16, 2010.

The Chairman then closed the public hearing and re-opened the regular meeting.

The Acting Clerk read the final item on the agenda which was for the approval of the minutes to the meeting of May 5, 2010.

The Chairman asked if there was a motion.

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

VOTED: to accept the minutes to the May 5, 2010 meeting as submitted.

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

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

VOTED: to adjourn the meeting at 10:20 p.m.

Respectfully submitted,

Janice E. Deveney

Janice E. Deveney,
Acting Clerk

JED/jed