



CITY OF WALTHAM

BOARD OF SURVEY AND PLANNING

The following are minutes of the 6:00 pm March 2, 2022 meeting held remotely through Zoom. In attendance were Chairman Creonte and members Barrett, Callahan, DeVito, Keefner, Moroney and Tarallo.

The Chairman opened the Public Hearing at 6:00p.m. Informed the public that this meeting is via Zoom.

He then asked for a moment of silence for all the people of Ukraine.

The Clerk read the first item on the agenda which was for the Utility Plan and Profile for a Sewer and Water Extension and road construction to service Lot 12 and Lots 546-550 Braemore Road. The Board must act on this by April 20, 2022.

Attorney Philip B. McCourt was present representing the Petitioner. He mentioned that he had submitted a letter to the Board on February 17, 2022 requesting that this petition be continued to the Boards May 4, 2022 meeting and to also extend the Time to Act until June 15, 2022.

He explained that this will give them the time needed to continue working with their Land Surveyor to revise the plans.

The Chairman asked if there were any comments from the Board and there being none he asked if there was a motion.

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

VOTED:

to continue the petition for the Utility Plan and Profile for a Sewer and Water Extension and road construction to service Lot 12 and Lots 546-550 Braemore Road at their May 4, 2022 meeting and to extend the Time to Act until June 15, 2022.

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

The Clerk read the first item on the agenda which was for an Approval Not Required Plan for 152 Main Street.

Silvestre Buscemi, the owner, was present representing himself.

The Chairman commented that a letter from Mr. Wade Putnam stated that the plan met all the Boards' requirements for endorsement, but that there was an error on the plan which was that the plan stated that the width shown for Rangely Road is 70 feet, not the 670 feet shown in error.

The Chairman asked if there was a motion.

Ms. Callahan requested a new plan be part of the motion.

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

VOTED:

to accept the Approval Not Required plan for 152 Main Street with the width shown for Rangely Road is 70-feet be corrected on the plan and to allow the Clerk of the Board to endorse the plan.

Ms. Deveney asked the members since this was a ZOOM meeting to come into the office to sign the Notice of Determination for this approval that needs to be filed with the City Clerk.

The Clerk read the next item on the agenda which was for an Approval Not Required plan for 32 Taylor Street.

Mr. Robert Bibbo, of Bibbo Brothers and Associates, 10 Hammer Street, Waltham, MA came forward to answer any questions.

The Chairman commented that Wade Putnam commented that the plan meets all the Board's requirements for endorsement and asked if there was a motion.

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

VOTED:

to accept the Approval Not Required plan for 32 Taylor Street as submitted and to allow the Clerk of the Board to endorse the plan.

The next item on the agenda was for a Preliminary Subdivision Plan for 677-679 South Street. The Board must act on this matter by March 19, 2022.

Attorney Philip B. McCourt, Jr. came forward representing the Petitioner, Alexander Beaton and Suzanne M. Alter and Sheila Brennan, Trustees of the Irene B. Gailus Irrevocable Trust.

He reviewed the preliminary plan. It is at a lower section of South Street near the Antico Apartments; the previous owner had a subdivision approved for this year but for some reason never built it and it was abandoned.

Two houses were built in the back there, and his daughters lived in those houses and now they are selling the property, and Alex Beaton wants to get involved here and create a subdivision of five (5) lots which would require building a road. They have filed the preliminary plans as you have in front of you that have five sheet numbers in the plan set which shows the cul-de-sac. Based on these plans they have received three comment letters from the various departments.

The first comment letter is from Michael Garvin, Waltham Traffic Engineer, and he asked if the new street would be named, and yes, if this gets approved it would be named Irene Circle. He also said with the width of the proposed street being 25-feet with curbing that he suggested (and also the Fire Dept.) that parking be limited on just one side of the street in order to provide acceptable access for emergency vehicles. They would be willing to do that if required, and would petition the Traffic Commission to do so.

The next comment letter was from Deputy Chief Grant and he also stated with the 25-foot-wide road that it appears to have adequate emergency vehicle access but would suggest parking on just one side. Again, they would comply with that if required. They also agreed to research the proposed grades of the road, as they need to get a waiver as to how far in to accommodate the lot. Deputy Grant also requested a swept path analysis be provided for the cul-de-sac so the fire trucks could swing around there.

The proposed cul-de-sac is kind of common, it has been used many times before, they are not making it particularly small, it doesn't have the suggested width of a road, but it does accommodate fire trucks in their opinion, which is reasonable and technically acceptable. We will submit a swept path analysis for Deputy Grant. He also talked about the grades and they will discuss that when they address Wade Putnam's comments. The Deputy's final comment was that there is a fire hydrant in front of # 655 South Street and that he would recommend a new fire hydrant be installed in the cul-de-sac to service the new subdivision.

The Chairman interrupted and commented that the swept path analysis must have a standard diameter that they work with and do you know what that would be.

Mr. McCourt did not have that information, but believes they have done it before.

The Chairman asked what the diameter of the proposed cul-de-sac was. Mr. McCourt said he believes it is 80-feet in diameter.

Mr. Moroney said the diameter is 100-feet and the radius is 50-feet.

Mr. McCourt said okay, then that's what the Fire Dept. is interested in the radius for the trucks to go around.

The Chairman said the pavement is 80-feet curb to curb.

Mr. McCourt said that is correct.

Mr. McCourt then reviewed their responses to Wade Putnam's 15 comments dated February 20, 2022.

Comment #1: Letter from Philip B. McCourt, Jr. to various departments concerns property at 46

Lincoln Street; not South Street.

Response:

Obviously it is a typo that will be corrected.

Comment #2: The proposed 8-inch cement lined ductile iron pipe must be looped to Hayes Road through the 20-foot public easement to Hayes Road and maintain at least five feet of cover. The water line also must have a 20 x 20 x 8 installed on the water main in South Street with an 8-inch gate and a 20-inch gate.

Response:

Assuming the easement is still in existence this connection can be made. All such connections shall be made in accordance with City Standards.

Comment #3:

The existing sewer line shown for the 20-foot-wide public easement in Hayes Road on the plan as PVC is actually a plastic sewer line according to the record plans; care must be taken when entering this sewer line. City of Waltham records do not show a sewer manhole 25 -feet more or less into the property from the sewer main in South Street; is this an existing manhole or proposed? How the sewer connections from 40 and 48 Hayes Road were connected into the sewer on the property being devised is not known.

Response:

This is part of due diligence as part of the project. It is always helpful if the Engineering Department provides any plans or information it has.

Comment #4:

No underground lines have been shown including but not limited to cable, fire alarm and electric.

Response:

Such lines will be shown as the plan develops and locations are designated.

Comment #5:

The stone bounds as well as the stone bounds used to produce these plans have not been shown.

Response:

The surveyor will try to identify existing stone bounds and show them on the plans.

Comment # 6:

Typical section for a street by today's standards is for a fifty- foot layout with 30- feet of pavement for safety reasons; vehicles parked on both sides of the street (this being a private way) leaves little room for passage. With the proposed pavement width of 24-feet with cars parked on both sides leaves even less room. The typical width of the pavement for the former 1930's layout calls for 25-feet of pavement at minimum.

Response:

Streets in subdivisions such as these are often 40-feet wide.

The issue raised as to parking is valid. It has been raised by both the Traffic Engineer and Fire Department. Based on comments of those Departments the Applicant intends to petition the Traffic Commission for street parking on only one side.

Comment #7:

No bench mark has been shown on the required datum (NAVD88).

Response:

The bench mark shall be shown.

Comment #8:

The plan must be on the NAD 83 coordinate system and a coordinate of at least one lot corner provided upon the plan.

Response:

Applicants shall adhere to the regulations of the City.

Comment #9:

the grade of 2% is required to be from the street line of South Street into the property for a distance of 100-feet for safety reasons and 7% maximum from then on.

Response:

The applicant recognizes the requirement. He requested a waiver for less than that distance. He believes the topography of the land suggest such a waiver is a reasonable request.

Comment #10:

The street line radii at South Street are to be a minimum of 25-feet with curb at a 15-foot radii minimum for site distance purposes.

Response:

The applicant will explore whether this standard can be met.

The Chairman commented that it affects the site view coming out onto South Street.

Comment #11:

The Traffic Engineer shall be consulted in regard to the intersection of this proposed street with South Street.

Response:

Is this a directive? In the usual course of such a submission, the Traffic Engineer has been informed of this Preliminary Subdivision plan and has made comments on the same. It really isn't an intersection; it just comes out onto South Street with other cross streets.

Comment #12:

The proposed house on lot C is shown being inside the City of Waltham easement.

Response:

This will be researched. We sort just put the houses where they thought they may be. Clearly the house cannot be built within the easement and we will amend that on the plan.

The Chairman asked if you have enough room to do that.

Mr. McCourt said that they do. Mr. Alex Beaton added that the plan is not drawn to scale at the moment, that there are a couple of items that do have to be put on the bounds of the east and north elevation and they just didn't have enough time to put that on the plans.

The Chairman commented that after taking a quick look at lot C it appears that it is not larger than 36 to 37 feet from front to back towards the easement, is he correct saying that.

Mr. McCourt said you can see that the easement goes through the L shaped thing at the house there at the dotted line, and asked the Chairman if he sees that. So, we either reduce the size of the house or move the house.

The Chairman said that you obviously know it can't be done.

Mr. McCourt said they do realize we can't build on a city easement.

The Chairman asked how far away from the easement would you have to be.

Mr. McCourt said you can be right on the edge of it and there is no distance required.

Comment # 13;

It may be of interest to the owners at 671 and 685 South Street who will maintain narrow strips from proposed lots A and E of 120 feet more or less to South Street.

Response:

Once the Preliminary Plan has been discussed and possibly revised the applicant will file a Definitive Plan and all abutters shall be notified. We could give them the easement for their own property, or something we will work out with them. Obviously at the time the neighbors would be involved and we can work with them on that. It was a little premature to discuss it with the neighbors now.

Comment #14:

Maintenance of drain cleaning for this site must be submitted together with all the drainage details when the Definitive plan is presented.

Response:

The applicant shall follow all requirements of the City as to drainage. The City has some new drain cleaning regulations, and Mr. Beaton will abide by all these regulations pertaining to drains in this subdivision.

Comment # 15:

The steepness of the slope at the end of the cul-de-sac rising up toward Hayes Road may require a retaining wall to be built.

Response:

This is an opinion at best at this point. The necessity of a wall will be researched. We will work on the thoughts of all Departments and the Board and get this plan revised for the next hearing as still a preliminary plan. He mentioned that Ms. Deveney suggested that they should act on this by March 19, 2022, and obviously that's impossible and would also ask to extend that time to act.

The Chairman asked Mr. McCourt if he was done with his presentation.

Mr. McCourt said he was and that he would also provide to the Board the previous subdivision that was approved many years ago for their review and it may be interesting to see how that was designed but never built.

The Chairman then opened the meeting up to the Board members and started with Mr. Keefner.

Mr. Keefner said that he had three things that hopefully the petitioner can back with the next meeting.

First there is a test pit shown on the site plan in one of the drainage fields, and assuming those calculations are used for a storm water, it would be good if you could provide that test pit log so the Board could take a look at that.

The second thing is the swept turn analysis that was discussed earlier, he is sure a truck could not do a U turn in there, but could with a couple of back up maneuvers turns. When that swept turn analysis is being prepared it would be helpful to have some site trials on South Street and would give the site distance that you would need when pulling out.

The last thing when you come back is to discuss exactly what could be built there.

Mr. McCourt said they would analyze that and have it for the next meeting.

Mr. Barrett had no questions but commented that probably a site view would be in order.

The Chairman agreed with that suggestion of a site view around May, after the snow melts but we will get to that.

Mr. McCourt said that since they need to do more on the plan, it would make sense to do it after the next meeting.

Ms. Callahan commented that she has been on this board for a long time, and of all the years she has been on the Planning Board she has never remembers the Traffic Engineer or the Fire Department commenting on parking on one side of the street only and to petition for that and has never seen that before.

She lived on Banford Way which is very close to this on South Street and that was a very well-planned beautiful street with sidewalks on both sides, with plenty of room. At this time, she is very hesitant to have parking on one side, and for you to petition for that, that doesn't normally happen. You put the snow that we have had recently, it's just a recipe for disaster.

She doesn't know how you can get a cul-de-sac there, and is curious about the 2 % grade, you need that for 100 feet, as South Street is very busy, and you have a little hill right there, as well going down. So, at this time there are way too many questions that need to be answered and she too would like to have a site visit after our next meeting.

The Clerk, Mr. Chiasson wanted to add some insight on the no parking on one side of a street. For the last year or so the Fire Chief had asked his guys and the Traffic Engineer to review every street in Waltham with curbing that was less than 25 feet wide, anywhere those parameters were, they made no parking on one side of a public road, because if two cars are parked across from each other the fire truck cannot get by, and they looked at every public street in the city and you have noticed a lot more no parking signs on certain streets that didn't have them before.

So that's where that is coming from, so that was a good question and they didn't typically comment on that before and now they do. So, if it could be done before then it makes better sense.

Ms. Tarallo said they did it to her street, Montview Ave. is now one way one side parking. Mr. Chiasson added that it is easier nowadays, take the South side, there aren't a lot of driveways and new developments there, everyone has a driveway. Are they going to go down there if people are having a party, probably not, but that's the idea behind everything?

Ms. Tarallo commented that looking at the Fire Departments letter it said about having a new fire hydrant in the cul-de-sac she would like that done.

Mr. Beaton said that there is one at the end of the cul-de-sac.

Ms. Tarallo said the fire department wants it in the cul-de-sac to serve the new houses.

Mr. Beaton said there is one, look on plan sheet 4 of 5, if you follow the water line all the way to the top left corner of the cul-de-sac, you will see a little HY hydrant.

Ms. Tarallo said good and thank you for that.

Mr. McCourt said that obviously Deputy Grant didn't notice it on the plan but we will put a hydrant in for sure.

Ms. Tarallo also said she has some concern where it runs across from Charlesbank Way and how South Street is set up and you have your development coming in and then there's Charlesbank Way and doesn't see how that would work. You know when you have those type of intersections you have more accidents. Also, road should be 25 feet of pavement, on #6 it talks about it only being 24 feet on Wade Putnam's comments, and she feels the road should be paved at least 25 feet and that's also what the Traffic Commissioner is saying too.

She said get this all done and then we can have a site view and she will be good.

Mr. DeVito had a couple of comments. First, he certainly agrees with his colleagues as far as a site view goes, and that could be done after the next meeting they have. He was curious to know how it is determined which side of the road is going to be the parking side.

Mr. McCourt commented that he wasn't sure if the Traffic commission determines that or not. In one setting the applicant wouldn't care which side but the commission or the fire department may have a preference. They might want to put it on the right-hand side because of the swing and they might be hugging that curb on the right side. He said he would look into that.

Mr. DeVito said that that should be determined before the Board gives any final approval.

He would like to have the site view and he would like to see the markings that are placed and obviously can't be done until we have no more snow on the ground.

The Chairman added to those comments that our Clerk is also on the Traffic Commission and asked Mr. Chiasson if he could look into that and give us a better understanding on that.

Mr. Chiasson commented that when they changed that and reviewed all the streets, and looked to see where people were parking, based the decision where things were going on, based on what Mr. McCourt said, fire trucks pulling in on the right-hand side and coming around and going faster than normal in an emergency than that would make the most sense.

The Chairman said they can do that at a later time.

Mr. Moroney wanted to discuss Wade's comments first. Regarding comment #11, the Traffic Engineer gets consulted because he has a concern that this new road directly across from Charlesbank Way may warrant a traffic light.

Mr. McCourt hears what you are saying, but the Traffic Engineer didn't suggest that.

Mr. Moroney feels he is trying to tell you that someone needs to go out and analyze it and take a look at it.

Mr. McCourt said sure, they will do that.

Mr. Moroney discussed comment #13, and could you clarify the two strips of land, by default will be handed over to the two existing parcels to either side of the road, and it would be their responsibility to maintain.

Mr. McCourt said in order to get frontage, the strip that we own outside of the road, what Wade was suggesting was that now they would technically be owned by lots A and E, however it would be continuous with the current homeowners on the other lots, he didn't say they would turn it over but he suggested they would work these owners and give them an easement so that they have control of it to cut themselves if they wanted to or whatever, and they do need to explore this.

Mr. Moroney would like to suggest to young Mr. Beaton that we guide him in the right direction for all his future developments. He hates rat tail lots, and what you have created here is at least two of them, and lot C in the back is going to be so crowded with that easement you are barely going to be able to get a house in there.

He would like to see Mr. Beaton and his engineers take a look at this subdivision and change it from five (5) houses to four (4) houses, get rid of the rat tails, open up the lots so they are more than the bare minimum and he would then guess that when you do that you are going to have a very, very nice subdivision.

Mr. Beaton said that everything has been designed to meet existing conditions and existing requirements, but he is more than happy to take a look at some suggestions.

Mr. Moroney asked if someone comes in and buys lot B, how the hell do they take care of that strip in the back, it's on a hill, how do they take care of it? It's their property, they bought it, they own it. There are trees back there, how do they get back there to maintain the trees

Mr. Beaton commented that it is their land and it's their prerogative to do it.

Mr. Moroney said, there you go! It's their problem, that's what he doesn't like.

Mr. McCourt said Mr. Beaton didn't say it's their problem, he said it was their prerogative. Mr. Beaton said if they want to gain access to that lot, to that land.

Mr. Moroney asked if the square footage of the lot was 9,600?

Mr. McCourt said that was correct.

Mr. Moroney said he is looking at lots with 9,609 square feet, 9,608, 9,605 square feet which is the bare minimum of the bare minimum. And what does the poor person do who ends with the house that now becomes even smaller as you can't build on top of an easement.

Mr. McCourt commented that that is a marketing question.

Mr. Moroney said he is just applying some common sense, you have a road that you are asking for all sorts of waivers for, but in fact if you simply took that back lot out and repositioned everything, everyone could have a nice square lot, you would meet all the width requirements and everything else for the road, you could have parking on both sides, you wouldn't be stepping on the easement and end up with four (4) beautiful lots and have four beautiful houses on it.

Mr. McCourt said that Mr. Beaton would take these ideas and suggestions under consideration and take a look at that.

Mr. Moroney said thank you, he would just like it looked at.

Mr. McCourt said if you drive around and look around there are many 5 or 6 thousand square lots that have million-dollar houses on them.

Mr. Moroney then said that the one thing that young Mr. Beaton's father is a master at is taking a lot and making the best use of it as it was. He has never seen a layout that Curtis Beaton did that he didn't like the way he laid out the lots. You are a young developer, welcome to the game, and he would like to see you start off right.

Mr. Moroney asked as part of the review process could they come back with just a sketch of this suggestion?

The Chairman commented that with part of the preliminary review, it is to do exactly what they are doing now, and they can keep making revisions for six months, if need be, to get it done right.

At 6:46 p.m. the Chairman called for a 3-minute recess.
The meeting continued at 6:49p.m.

Mr. Moroney then asked with regards to Sheet 4 of 5, you show three drainage fields. Please review where each of those drainage fields apply.

Mr. Beaton said the one closest to the road is taking the drainage from the entrance off of South Street. The larger and smaller systems that are more inwards are what's pretty much taking in the majority of the site, for the cul-de-sac.

Mr. Moroney said in regards to the drainage system coming off of the street, which looks like it's tied to catch basins, whose responsibility is it going to be to maintain the drainage for that street.

Mr. Beaton said that they discussed that earlier and all drainage would be maintained by us or responsible parties.

The Chairman asked Mr. Beaton to state his name and address for the record.

He said his name is Alex Beaton, 34 Old Court, Watertown, MA.

Mr. Moroney then said so the drainage fields is going to be on Lot E but yet the maintenance of that would be the responsibility of everyone.

Mr. Beaton said he needs to know how the responsibility will be dealt upon in three fields.

Mr. Moroney said he doesn't want to see the drainage fields for the street be on people's private property. He recommends getting the drainage fields out and into the right away itself, that way the person who is responsible for the street whether it be a private way or public, the responsibility of the drainage becomes part of the road.

Mr. Beaton said he would send that over to his engineers to see what they can do to revise the plan.

Mr. Moroney said he is really concerned about that big system that seems to be right in Lot A's front yard. There are no drains farther up the cul-de-sac because there is a slope that is currently coming down hill towards South Street.

Mr. Beaton said that is correct.

Mr. Moroney then said you will make sure that pavement on the road is crowned right, so that all of that water is captured in those drains.

Mr. Beaton said everything will be the appropriate grade and pitch at those locations.

The Chairman added a few comments and suggestions. Obviously, we have an issue with the grade coming down onto South Street.

Mr. Beaton said yes and that's actually the one item that we can address and speak about, but they way that they have proposed it was due to the existing sanitarian inverts and the elevations of those lines running out into the street, and making sure we keep the appropriate coverage for those lines. But we could work with it and do more of a progressive system, maybe propose an additional plan.

The Chairman had a few suggestions before they came back with revisions. He thinks the Board was pretty clear as to the requirements of the street coming into a main street as South Street is a busy street. A 2% grade is going to be very important to the Board. There are no waivers for sidewalks, does that mean we are putting sidewalks on both sides with grass strips? Is that part of the plan at this point?

Mr. McCourt said it is $\frac{3}{4}$ of the way around the cul-de-sac. He will look into the waiver again. Mr. McCourt said if you look at the list of waivers, and look $\frac{3}{4}$ of the way down you will see a waiver 5.6.1 to allow sidewalk and grass strips on one side of the road.

The Chairman commented that that probably is not going to fly with the Board either.

The Chairman asked for the grade on the cul-de-sac.

Mr. Beaton said that the grade is 6.5%.

Mr. Moroney said, wow, and isn't it supposed to be level.

The Chairman asked Mr. McCourt if they have the requirements on that.

Mr. McCourt said that 7% is the requirement so the 6.5% meets that.

The Chairman asked why the sidewalks are only $\frac{3}{4}$ of the way around the cul-de-sac.

Mr. Beaton said the sidewalks start at the left side entrance of the property and run around the cul-de-sac to the larger side.

The Chairman said why don't you work on getting sidewalks on both sides, and he is sure Ms. Callahan would say the same thing.

That morning he went out the site and at the time drove down Banford Way, and that is the perfect subdivision, he believes it is 30 feet of pavement, with granite curbs, and thinks it is a perfect subdivision, and understands that all subdivision can't be perfect, but thinks that the Board should take a look at it.

There being no further discussions the Chairman asked if there was a motion.

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

VOTED:

unanimously to continue the petition for a Preliminary Subdivision at 667-679 South Street at the May 4, 2022 meeting and to extend the Time to Act until June 15, 2022.

The Clerk read the next item which was for the Boards annual elections.

The Clerk asked if there was a nomination for the Chairman of the Board position.

Mr. Barrett made the motion to nominate William M. Creonte, Jr. as Chairman of the Board.

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

VOTED:

unanimously to elect William M. Creonte as Chairman of the Board for a one-year term.

The Clerk asked if there was a nomination for the Vice Chair of the Board position.

Mr. DeVito made the motion to nominate Kathleen Callahan. as Vice Chairwoman of the Board.

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

VOTED:

unanimously to elect Kathleen A. Callahan as Vice Chairwoman of the Board for a one-year term.

The Chairman asked if there was a nomination for the Clerk of the Board position.

Mrs. DeVito nominated Michael Chiasson.

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

VOTED:

unanimously to elect Michael Chiasson as Clerk of the Board for a one-year term.

The Chairman asked if there was a nomination for the Secretary to the Board position.

Mr. DeVito nominated Janice Deveney as Secretary to the Board.

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

VOTED:

unanimously to elect Janice Deveney as Secretary of the Board for a one-year term.

The Clerk read the final item on the agenda which was for the approval of the minutes of the March 2, 2022 meeting.

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

VOTED:

to accept the minutes of the February 2, 2022 meeting as presented.

There being no further business the Chairman asked for a motion to adjourn.

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

VOTED:

to adjourn the meeting at 7:04 p.m.

Respectfully submitted,



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