

## **CITY OF WALTHAM**

### **BOARD OF SURVEY AND PLANNING**

The following are minutes of the 6:00 pm June 1, 2022 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, Keefner, Moroney and Tarallo.

The Chairman opened the Public Hearing at 6:00 pm and informed the public that the meeting was being recorded by the local Waltham Cable Access Channel and if anyone was planning to speak, when they come forward, they are required to sign in.

The Clerk read the first item on the agenda which was for a 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 petition by June 15, 2022.

Attorney Philip B. McCourt, Jr. of 15 Church Street, Waltham, MA came forward representing the petitioner, Curtis Beaton of 705 Beaver Street, Waltham, MA.

Mr. McCourt had submitted a letter on May 25, 2022 requesting that this petition be continued to the Boards September 7, 2022 meeting and to request the Time to Act be extended until October 15, 2022.

The Chairman asked if there was a motion.

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

**VOTED:       to continue 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 next meeting of September 7, 2022  
and to extend the Time to Act until October 15,  
2022.**



The Clerk read the following item which was for the Extension of Prospect Hill Road for the land located at the easterly end of Prospect Hill Road. The Board must act on this by June 15, 2022

Attorney Philip B. McCourt, Jr. of 15 Church Street, Waltham, MA came forward representing the petitioner.

Mr. McCourt had submitted a letter on May 25, 2022 requesting that this petition be continued to the Boards September 7, 2022 meeting. They are also requesting to extend the Time to Act until October 15, 2022. This will allow additional time for the to work with the City and the neighborhood in relation to the possible purchase of the property by the City as previously discussed and to allow the engineer to revise the plans.

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

**VOTED: accept the request to continue the petition for the extension of Prospect Hill Road at their next meeting of September 7, 2022 and to extend the Time to Act until October 15, 2022.**

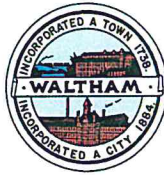
The Chairman then closed the public hearing and opened the regular meeting.

The Clerk read the first item which was for an Approval Not Required plan for 41 & 45 Melody Lane.

Attorney Guy Sergi came forward representing the owners of 41 Melody Lane, the petitioner for the ANR application in front of you this evening. This application comes before the board after a dispute between property owners, 41 Melody Lane and the adjacent property owners at 45 Melody Lane. There was a dispute over a property line and the dispute was brought into Land Court with an adverse possession action with both of the parties recognized and having agreed on a property line which changed the existing line.

The plan in front of you will see there are no changes to the lots except for the boundary line, the eastern boundary line from his client's property at 41 Melody Lane. As noted on plan from the City's Engineer there is additional square footage being added to 41 Melody Lane. The frontage requirements, they are in an A-1 residence zone, which as a minimum of 100-feet of frontage, and with that being said this 41 Melody Lane was in front of this Board in 1987 by allowing for a subdivision and he referenced that plan dated December 14, 1987 and a copy of this plan was in





your submission packet, so that plan has already allowed that subdivision at 41 Melody Lane. As to Wade's other comment they are not dispositive towards the ANR application. He is open to address any questions or concerns about either the contents that are before you or the plan that is before you.

The Chairman then opened the floor to the Board.

Mr. Keefner asked what the litigation was about and asked for a better explanation.

Mr. Sergi stated that his conclusion was that when the land was subdivided in 1987 and developed in 1988, the subdivision wasn't done in compliance to what was allowed or approved. He brought in the litigation, when his clients purchased the property at 41 Melody Lane in 1991, they immediately installed landscaping and sprinkler system on the easterly property line that right now as shown on the pictures he has with him, which he would hand out to the Board if you would like to review.

The rock wall that separates 41 Melody Lane and 45 Melody Lane which the parties had all assumed all that time was the property line. The neighbors at 45 Melody Lane had their property surveyed and it so happens that a property line cuts a good chunk of his client's yard.

That is more of the context that brought adverse possession claims.

They had to do a cease and desist to stop the installation of a fence and they couldn't come to an agreement so we were forced into court. It's no longer pending in court and there is a judgment and the owners of 45 Melody Lane are in agreement with this property line, and have worked with collaboration with us and the survey company with drawing this new line, were given today's notice for tonight's agenda.

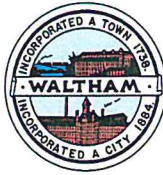
Mr. Keefner next asked if the notes say the lots don't meet the requirements of frontage, and he thought the purpose of an ANR plan was to make sure that the plan meets all the requirements. The length of the frontage doesn't meet the 100-foot requirement which was what it was before, Although nothing has changed, he doesn't understand it and maybe the Attorney could explain that this current ANR doesn't meet the zoning law.

Mr. Sergi said that it is his position that it has already been in judicated in 1987 on those facts, and he would state that what has been submitted doesn't change those elements or conditions as to the frontage.

Mr. Barrett asked Mr. Sergi if he had any documentation or verbiage that both parties are in agreement, is there a court finding. Was this in our packet?

Mr. Sergi said it was not in the packet that was submitted but the documents he has with him can produce the agreement of judgment signed by both parties.

Mr. Barrett said as long as you have that, and that it should have been in the packets so they had a better understanding of the judgment.



Ms. Callahan asked Mr. Sergi to submit a copy of the judgment through the Secretary of the Board.

Mr. Sergi will do so.

Ms. Tarallo agrees with Ms. Callahan.

Mr. Moroney commented on Mr. Keefner's question, that the frontage on Lot #45 doesn't meet the 100-foot requirement.

Mr. Sergi commented that neither lots meet that requirement for two different reasons. His client's property was part of a subdivision that was in the late 1980's that came before this Board and his recollection was that the Mola Family was the developer there, and 45 Melody Lane was referenced as going back from a plan from 1957 that predates 100-foot requirement. So, neither meet that requirement.

His concern is that the subdivision for those properties has already been allowed in 1987 by this Board that these conditions are still in existence today. None of those frontages are being changed with this plan that has been submitted.

Mr. Moroney asked if #41 Melody Lanes driveway crosses over.

Mr. Sergi said that is correct, it is a shared driveway for all four of those lots when it was subdivided in the 80's.

Mr. Moroney then went over each lot's ownership.

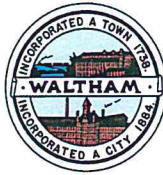
Mr. Moroney then asked that the new line between lots 41 and 45 has seven barring's in it. Is that because the new line is essentially the wall? And where is the face of the wall and who owns the stone wall.

Mr. Sergi said the line is in front of the stone wall and is owned by 41 so probably 45 owns the face of the wall.

The Chairman then commented that he was confused. Mr. Putnam's first sentence reads that the Approval Not Required plan meets the Boards approval. The first comments states, the frontage now required is 100-feet for a residence A-1 Zone and neither of the lots have the frontage so how does this new plan meet the requirements for an ANR?

Mr. Sergi said that his position is that it is not in the existing plan, and with regards to the frontage, it doesn't change those lot frontages that were already allowed. Therefore referenced as previously allowed and are not changing the conditions.





The Chairman then commented that you are in front of us today for an Approval Not Required plan, and to meet those conditions you need that frontage as one of the conditions for approval.

Mr. Moroney said that you have a decision from a Judge that resolves the lot line issue, but what you don't have is a plan that meets the requirements for an ANR.

He doesn't know the answer to that other than from where the Board sits, you don't meet the requirements. All you have is judgment that says the property line has been changed and he doesn't know how you would file this.

Ms. Tarallo stated that Wade Putnam does state that it meets the requirements, and if you look at comment number 1, it says frontage now required is 100 feet for Residence A-1 zone. Frontage of neither lot meets this requirement, however neither frontage is changing and both lots were created previous to the 100-foot requirement. So here opinion is that these frontages and lots were already established before and that the line that is being moved is in the back.

Mr. Moroney then asked, why are you coming before this Board with an ANR plan? You have a judgment from Land Court that says your client wins, your lot changed and you're coming before this Board with an ANR plan. You don't need to; you have a Judgment which you could just register with the Registry of Deeds and be done.

Mr. Sergi said that they need to register a plan showing the new line. It's a judgment for a dispute between both parties, that the agreement is that a new property line would be drawn, the new property line had now been drawn, and it is his understanding that with the deed he needs a new plan that's been approved by the city.

Mr. Moroney made a motion that they continue this so the Board can ask somebody if this is the correct procedure as he doesn't think it is the Board.

Ms. Tarallo commented that they cannot continue an ANR plan.

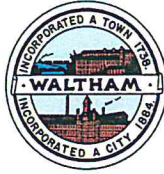
The Chairman said they can continue it but they have to act on this before the 21 days and that would require a special meeting.

Ms. Tarallo suggested that they send it to the Law Department.

Mr. Moroney asked Mr. Sergi if he put the notes and made these adjustments to the plan.

Mr. Sergi said that yes, he had forwarded the comments from Mr. Putnam to the Land Surveyor and had prepared the revised plan which you have received a copy of.

Mr. Barrett suggested if they vote, to not vote at all and then the ANR plan would be automatically approved but not by the Board, and they get what they need and we don't get in trouble.



Mr. Moroney said that is an excellent point, even though Wade says we can approve it, the plan now changes the rules of approving an ANR plan.

The Chairman said so in 1987 this subdivision came before this Board.

Mr. Sergi said that is correct and it was submitted in your packet. It was an approved ANR plan and filed with the Registry of Deeds as well.

Mr. Barrett then made a motion not to act. Ms. Tarallo doesn't think they should do that.

Mr. Moroney said he would second the motion.

The Chairman polled the Board on this motion.

Mr. Keefner said no.

Mr. Barrett said yes.

Ms. Callahan said no.

Ms. Tarallo said no.

The Chairman said they don't have enough in agreement so motion doesn't pass.

Mr. Moroney said that they could continue this?

The Chairman said that could but they need to act on it within 21 days of submission.

Mr. Moroney asked if that would give the Board enough time to forward this to the law Department.

The Clerk said you only have seven more days to act and that probably wouldn't be enough time to get a response.

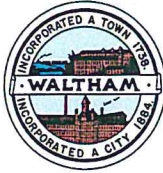
Mr. Sergi commented that if you look at this from a different perspective and for other types of relief that could be allowed, for an ANR approval to get what the petitioners are looking to get accomplished, there is no other vehicle.

Mr. Moroney then said, you have judgment, you have an updated property plan for both properties, and asked if this plan has been registered at the Registry of Deeds.

Mr. Sergi said no.

Mr. Moroney asked why not.

Mr. Sergi said that the plan needs to be approved by the city.



Mr. Moroney asked why the plan needs to be approved by the city before it is registered.

The Chairman commented that he doesn't think that is correct advice. We are not Lawyers, and feels Mr. Sergi would have done that if it was allowed.

Mr. Moroney asked who told you you had to do this ANR plan.

Mr. Sergi said the rules state it. Because this was already before the Board as an ANR and already allowed and touched by this Board, this revised plan needs to be approved by this Board. It would ruin the chain of titles moving forward in the future. If he recorded a plan that wasn't approved by the City's enforcing body, which already touched the property.

Ms. Callahan commented that this is just a simple lot line change of just 666 feet, and has no problem with that at all.

**Ms. Callahan then made a motion that they approve the Approval Not Required plan for 41 and 45 Melody Lane.**

**Ms. Tarallo seconded the motion, the Board**

**VOTED: to approve the Approval Not Required plan for 41 and 45 Melody Lane as revised and presented and to allow the Clerk of the Board to endorse the plan.**

There were brief discussions on this matter and Mr. Keefner stated he didn't want to sign the Decision as he felt they shouldn't have approved the ANR plan.

It was decided they would ask the Law Department for an opinion so in the future they would have a better understanding if this should happen again.

The Clerk wanted to get clarification of the request of opinion. The Board was asked to approve an ANR plan that doesn't meet the current requirements but they are not changing any of the existing current conditions.

The Chairman commented that the subdivisions that come before the Board, that do not meet the requirement and we give them waivers, and he believes the Board has the right to approve an ANR. According to Wade Putnam he says both things, the plan meets the requirement and then explains the frontage in his comments.





The Clerk read the next item on the agenda which was for an Approval Not Required plan for Lots 3 & 4 Hall Street and Lot 2B Taylor Street.

Mr. Robert Bibbo, President and Land Surveyor of Bibbo & Bibbo Associates, 10 Hammer Street, Waltham, MA came forward representing the petitioner, 32 Taylor Street, LLC.

He reviewed the plan. There are three existing lots, Lot 2B Taylor Street and Lots 3& 4 Hall Street and now they are here to reconfigure the lots into three buildable lots. One of the lots will be unbuildable.

They all meet the required frontage of 50- feet, they are on a public road and have vital access. We now have two new lots that have over 6,000 square feet, lots A, B and C all face Hall Street.

Ms. Tarallo asked if they had any comments from Wade Putnam. Ms. Deveney handed out the comments and also noted that she emailed to each member on May 26, 2022.

The Chairman read Wade's comment dated May 26, 2022:

**The ANR plan submitted meets the requirements of the Waltham Board of Survey and Planning for approval.**

**Note: No plan or permit can be found for the installation of the gas gates encroaching on private property (now shown as lot A) shown on the plan.**

He asked Mr. Bibbo to explain that note.

Mr. Bibbo said those undocumented easements are allowed, 20 years becomes an adverse possession line, that pipe that's over 20 years old he not going to define it as an easement.

It doesn't affect the ANR plan.

Mr. Moroney asked what the frontage requirements are for these lots.

Mr. Bibbo said it was a 50 feet requirement.

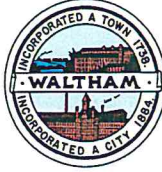
Mr. Moroney then why does he see one for 49-feet.

Mr. Bibbo said it does have the 50-feet requirement and explained that.

The Clerk also showed Mr. Moroney on the plan that it has frontage on both.

There were no further questions the Chairman asked if there was a motion.





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

**VOTED:       to approve the ANR plan for Lots 3 & 4  
Hall Street and Lot 2B Taylor Street as  
presented and to allow the Clerk of the  
Board to endorse the plan.**

The Clerk read the third item on the agenda which was for a Preliminary Subdivision at 677-679 South Street. The Board must act on this by June 15, 2022.

Attorney Philp B. McCourt, Jr. came forward on behalf of the petitioner, Mr. Alex Beaton and Suzzanne Alter and Sheila Brennan.

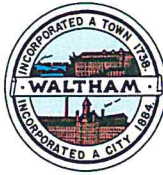
He reviewed the site view that took place with the Board and there were many discussions on many things and we have made various changes to the plan, and we have reduced the number of waivers that we asked for. They increased the asphalt area of the road and the cul-de-sac grade.

There is a comment from the Fire Department that they made a prior comment on the fact that they have a hydrant at the far end of the cul-de sac, and he talks about parking on one side of the road which they understand that puts the Board into a slight quandary, but they are amendable on meeting that restriction. They also want a swept path analysis prepared and they will do that for the Definitive Subdivision.

Wade Putnam didn't make any real comments, other than the revised plan is basically the same plan, but he wasn't aware that they took the advice of the Board and made those revisions. We put the sidewalks on both sides all around the cul-de-sac. And we will give you a copy of the revised possible waivers.

He then presented Curtis and Alex Beaton to go over these revisions on the plan that was asked for.

Mr. Curtis Beaton of 705 Beaver Street, Waltham, MA came forward. Based on our site view, we did widen the pavement to 30-feet as opposed to the 26-feet that they had on the last plan. He knows the Board members took a ride by Bamford Way and took a look at that road to gauge whether the proposed 26-foot road was adequate enough and that really wasn't the case. We widened it out to 30-feet and in doing so it widened the cul-de-sac size to 90-feet of pavement. They did maintain the 2% grade for the first 100-feet coming into the property, so we



fit within the regulations and we rolled into a 4 ½ % grade into the cul-de-sac area. We could go up to 7% grade but Board member Mr. Moroney went around to different cul-de-sacs around Waltham and that they averaged around 4 ½ and 5 ½ % grade., and he felt that 7% was too much of a grade, so they altered the plan to make a better flatter area for future children that may play in the cul-de-sac.

Mr. Keefner had addressed an issue with the sidewalk, which he hopes they have gotten an answer for. You wanted to know who had the rights to the usage of the land that has the easement laid over it, and there is a legal opinion of Attorney Ed Fitzgerald, that it is our land to use, as long as they don't obstruct that easement. We won't be causing any obstructions. Unfortunately looking at the easements taken by the city or the property located on Hays Road, that easement was for sewer only, so we were not able to bring the water main through that property. The water comes in off of South Street to a fire hydrant at the end of the cul-de-sac.

The Chairman asked him to explain that again.

Mr. Beaton said based on the first meeting the Board as well as the Engineering Department requested essentially that they look into looping the water from South Street to Hayes Road, which they thought they could do. Given the easement was always set in place. The sewer system from Hayes Road coming down through our property into South Street. On further look at the language of the easement, it is for sewer only. The Chairman asked if the city owned the easement.

Mr. Beaton said yes. We gave you a copy of that easement language and the City Councilor took on that as well as the legal opinion of that language, if that makes sense.

The Chairman said so the city has said it is a sewer easement.

Mr. Beaton said yes, for the purposes of the sewer.

The Chairman asked if it was a 20-foot easement.

Mr. Beaton said yes, it is.

The Chairman asked the Clerk what the regulations would be if you were able to water through there, how far away does the sewer have to be from the other line.

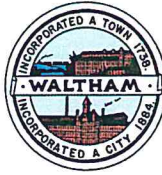
The Clerk of the Board said it would be 10-feet separation.

The Chairman said then you would have the room if the city gave you permission.

Mr. Beaton said yes, and they would be willing to do it if the city gave them permission.

Chairman Creonte asked Mr. Beaton if they had asked the city permission.





Mr. Beaton said they did not, but they move forward and do so over the summer. Mr. Beaton said the meeting they did move the drainage into the right of way and that is basically everything. They didn't place the ADA ramps on this plan but will on the Definitive plan. He feels they completed everything that was discussed with this Board.

Ms. Callahan asked for the width of the sidewalks.

Mr. Beaton said basically what you are looking at is a 5-foot sidewalk, the layout shows 4 ½ - foot with the curbing of 6-inches but the slope curbing you pave right to the point of that and essentially end up with 5-feet.

Ms. Callahan then asked that there be no grass strip.

Mr. Beaton said that is correct.

The Chairman then commented that this Board prefers vertical curbing, and is there a difference in the width.

Mr. Beaton reviewed the slight difference.

Mr. Keefner asked for clarification of the curbing cross section. Can you confirm that?

Mr. Beaton said that they are seeking a waiver for slope curbing.

Mr. Keefner said for the water main he would have to read the subdivision rules, as he knows if can't connect to then this is a long dead end for a water main, but bring it back to South Street.

Mr. Beaton said that is fine.

Mr. Moroney said so it is 30-feet of pavement, the two-radius coming out of South Street then there is a consistent 30-feet of up to the beginning of the bulb, is that correct.

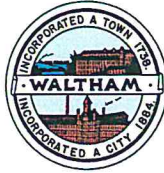
Mr. Beaton said that is correct.

Mr. Moroney said it is a 40-foot layout, and there is in the footprint of the sidewalk, there is another double yellow line that looks like a curb.

Mr. Beaton said that is a utility electrical conduit coming off the existing pole that is on site and services the current houses.

Mr. Moroney asked if that was standard to have the conduit go under the sidewalk if there are no poles.





Mr. Beaton said yes, but it isn't the standard per say, but most newer developments run them underground now.

Mr. Moroney asked where the pole was located.

Mr. Beaton reviewed that on the plan.

Mr. Moroney said he knows Eversource requires a public way to get access, and that pole is not in a public way.

Mr. Beaton said it is an existing pole, he could request that they move the pole and relocate it.

Mr. Moroney said how come your electricity isn't just going down the subdivision and transitioning to the pole on South Street.

So, your feed for the electric is coming off of South Street.

Mr. Beaton said the feed comes off of South Street to that existing pole.

Mr. Moroney said but that pole is on somebody's property.

This was discussed further and then relocated.

Mr. Keefner said it looks like it is at the end of the driveway and maybe they should go from there.

Mr. Beaton said that it is not a problem to move it.

Mr. Moroney then said the drainage looks good. He said that this is just a preliminary and you are not asking for approval

Mr. Beaton said that is correct.

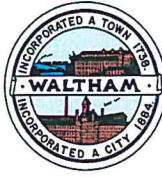
Mr. Moroney said when you come in with the subdivision are they going to be done with the rat tail lots? He dislikes those kinds of lots.

Mr. Beaton said with the configurations of the land they are working with and he understands your dislike. We are dealing with two dogs laid lots to begin with, two lots that are grandfathered in that don't have the required frontage, the original parcels.

Mr. Moroney said these are the parcels within the subdivision.

Mr. Beaton said yes, they are two dog laid lots.

The Chairman said so you are saying there are two houses, and two lots.



Mr. Beaton said yes, there's two houses and each house has lots of reduced frontages. What they are proposing to do is bring a roadway that actually eliminates existing layout that you don't like which is laid lots.

The Chairman asked right now if they could build on those two lots.

Mr. Beaton said yes they could.

The Chairman said but what about a road?"

Mr. Beaton said he would need to get old lot opinions.

The Chairman said what you are trying to do is create five lots with this subdivision.

Mr. Beaton said it isn't a 4-lot subdivision, it is two lots that have the required amount of land to build.

The Chairman said there are two lots right now.

Mr. Beaton said yes.

Mr. Moroney said the easement line closest to Brandeis appears to be the lot line which extends all the way down to South Street.

Mr. Beaton said he can recollect the exact frontages of the lots.

Mr. Moroney said as they are shown now on the plan, it appears to be a road. Is that a paper road?

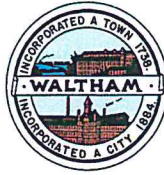
Mr. Beaton said there was a road approved there in 1971, and every two years from 1971 to 1980 the existing property owner would come in and reinstate the Boards current approval of the subdivision, then in 1980 they requested the Board rescind that approval and simply revert back to the existing two lots.

Mr. Moroney is concerned about the owner of that backlot; how will they gain access if people put up fences.

They could put together some sort of maintenance agreement in those particular properties deeds.

Mr. Moroney then said with stuff like this, if people come in and buy these lots, how do you have it maintained and then declare adverse possession and try and take it.

He asked if an adverse possession should occur and cause the lot to not meet zoning requirements does that adverse possession get denied.



This was discussed further.

Mr. Moroney then asked about Lots 3A and 3B, Mr. McCourt had stated last meeting that there are little sections of property that are part of the required frontage for Lot A on the right side of South Street and there's small strip of land that comes up off the street that is part of Lot E on the left side. Is this correct?

Mr. Beaton said yes.

Mr. Moroney said that makes up 96 and 91 and a lot that doesn't have the minimum of 9600. Mr. McCourt said that there were going to be discussions with the neighbors to allow them to use that property. Obviously, Lot A is going to have a problem taking care of that little strip of land that takes you to South Street. He asked Mr. McCourt to clarify what he said.

Mr. McCourt said what he was saying was when we go for the Definitive, they can notify all the abutters, which is required and we would meet with them and if that is an issue if they felt interested in, we could make it an easement for that small amount of space would be good.

Mr. Moroney said aren't we now setting up a situation that at some point someone is going to claim adverse possession because they have maintained those two small strips of land for 20 years and that now creates two lots which are non-conforming.

Mr. McCourt said no, because they would be given an easement so the use of it would not qualify for adverse possession. Adverse possession is when no one's given the right to use it and someone has notoriously used it.  
So that owner will have to maintain it.

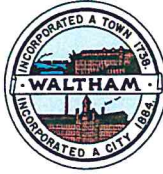
The Chairman wanted to say that you're being creative with these lots is really not a great thing for the city, your string to stuff 20 pounds of potatoes into a 10-pound bag, you don't have enough land here, to make a nice lot so instead of gain 300 square feet per lot and putting four lots you're trying to squeeze five lots and making all these weird lots.  
Let's see if there is a way to clean that up. You're trying to do what you can do but the problem is there isn't enough land to have 5 nice lots.

Mr. McCourt said that depending on who is determining if it's a nice lot or not, these will all be nice lots and he wouldn't call these rat tail lots. It isn't how you are going to access the lots. It's going to have plenty of frontage on each street and just have to meet the minimum frontage.

The Chairman feels you need more area for Lot B.

Mr. McCourt said they are looking to use the area that they own in order to create the lots. The access will come right off the road at the cul-de sac.





The Chairman asked how wide that strip at Lot A.

Mr. Beaton said it is 14-feet.

As you all know his proposal meets all the minimal requirements for frontage and minimal required land area, of 9600 square feet, which is something we are not arguing. They do have two additional lots that are being created that have that odd configuration. WE are dealing with two lots that have this odd configuration. So, the land they are working with is the configuration of reduced frontage, it is two dog laid lots. So, whether they square off or not we are still ending up no matter what way we do it two lots that have what you call rat tailed lot.

So, they are not creating four lots that are rat tail lots, there are two additional lots going in that the Board is not in favor of, however if you look at the topography of those lots, the area of the middle lot coming in from the left side, the area that is no behind the last lot (lot D) in the subdivision, that land is more or less useless to that center line. The grade goes and wraps up 17-feet. Lot D is probably about 80-feet wide, and has around 8,700 square feet.

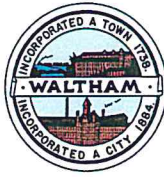
The Chairman asked them to look into reconfiguring these lots for the definitive. The Board has to put their name on this subdivision and if they don't like the lots as designed, but maybe there is something else that can be done.

The City of Waltham now, as the developers are coming in, it is getting harder and harder to find land, all the great pieces of property have already been swallowed up, so you developers are killing yourself trying to get lots.

Mr. Beaton agreed, the lots available are tough lots to build on.

Mr. Moroney commented that behind lot A they have a 14-foot strip of land which will be unattainable for whomever owns it, you can't get back, but on the other hand let's say that 14-feet, which is owned by lot B, so his premise to a lot of this is that these sees your point about this piece of real estate not being useful, so if you have this steep 14-foot slope and you put boulders that holds up that back hillside. So, if the land is useless, but build something there that never has to be maintained, say a landscaped rock wall, the wall would eventually move and the poor guy on lot B is going to be responsible for maintaining it. But if you build something in that piece of real estate that would never have to be maintained we are so much better for that owner.

Mr. Beaton said regarding your concern for maintaining we can address that concern with the language in the deeds, which he feels makes the most sense. Although the Board is not fond of the design of the lots but please trust him when they get done with them, they are going to look very nice.



They reviewed this further.

Mr. Moroney then asked when they came back with the subdivision could you please show the buildable footprints in each lot. He still has great concern with the strip of land and who will be responsible to take what and could possibly be a hardship.

Mr. Beaton disagreed that it would be a hardship.

Mr. Moroney said he would feel much better when you do the landscaping work and when you get into these areas and do something to dress them up and hope to see something that won't cause any problems in the future for the owner.

Mr. Keefner said it would be really helpful when you come back if you can clean up the plans the best you can.

All agreed that they will clean up the plans the best they can.

The Chairman said at this time they are not going to vote to approve the preliminary plan.

Mr. McCourt suggested they take a vote stating they Board has reviewed the preliminary plans and have made their comments on it and now suggest they file a definitive plan.

The Chairman polled the Board and asked if they would like the Petitioner to come back with a definitive plan.

Mr. Keefner said yes, he does and the concerns raised with the lots, but they do meet the requirements of lot size and frontage and if the shape of the lot isn't regulated then we can not let this go forward, his concern will be the list of waivers.

Mr. Barrett said yes.

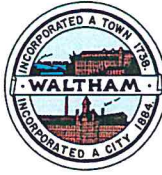
Ms. Callahan said yes.

Ms. Tarallo said yes.

Mr. Moroney said yes, and we have a list of the waivers.

Mr. McCourt said yes, he has the list of revised waivers.

The Chairman said to wait to give the list of revised waivers until you return with the definitive plan and we will go over them at that time.



The Chairman then asked for the motion.

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

**VOTED:       to allow the Petitioner to return with a  
Definitive Subdivision Plan for 677-679  
South Street, Waltham, MA at their next  
meeting of September 7, 2022.**

The Clerk read the last item on the agenda was for the approval of the minutes of the May 4, 2022.

The Chairman asked if there was a motion.

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

**VOTED:       to approve the minutes of the May 4, 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 7:29 p.m.**

Respectfully submitted,

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