



CITY OF WALTHAM

BOARD OF SURVEY AND PLANNING

The following are minutes of the 6:00 pm January 4, 2023 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, 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, they were required to sign in. He also noted that member Barrett is in attendance via FaceTime. He then asked the Clerk to read the first item on the agenda.

The Clerk read the first item which was for a Utility Plan and Profile for a sewer and water extension and road constructions to service Lot 12 and Lots 546-550 Braemore Road.

Attorney Philip B. McCourt of 14 Church Street came forward. He said that this petition has been going on for some time, as we were addressing some matters that had to be shown on the plans. Someone's neighbor mentioned that they didn't get notice of tonight's meeting, but that was done at time of original submission and it has been continued with the updates on the website. We are here tonight with the revised plans and are moving forward for approval. We had received some stuff including comments from Wade Putnam in the Engineering Department, which have responded to and he I believe the Board has a copy of that.

Mr. Chiasson also sent us some comments from Darryl Gallant who had some questions, and he won't address those but perhaps Mr. Beaton will do in the future.

In the 2 nd paragraph he wrote, "To Be clear, I'm not against developing lots. This isn't meant to be a scathing backlash; I'm just sharing my thoughts on the plans so that the city can make sure construction is done properly and to help neighbors that may not understand the plans."

We appreciate his comments and his relationship with the neighbors.

We did provide updated plans which you just received today, so we assume at some point you want to send those to be reviewed based on Wade's comments we feel we have addressed those comments. Also, we will review the comments from Mr. Gallant and we have responses to those comments as well. We also got a separate memo from Robert Winn, the City Engineer with some other concerns. Mr. Putnam provided the standard a 40-foot layout of a road, which we are

aware of that and we believe we followed that. He also proved a bill for some work that has nothing to do with us, it was for a prior submission he was involved with but that building has nothing to do with Mr. Beaton. Mr. Beaton has considered all of the comments from the Engineer and of the site view, and has addressed those adequately. Mr. Beaton has owned this land for a long time, and got the submission to convert five lots into three lots to hopefully build three single family homes.

Mr. Beaton came forward to talk about the plan he has revised and address some of the comments submitted by Mr. Putnam and will answer any questions. He also said it's in your purview to send the revised plans submitted today for review. The Chairman commented that he and the Board were discussing that when they receive information the day before of the day of our meeting, it makes it very difficult for us as we don't have proper time to review it and assess it. He is going to ask the Board what their thoughts are as we just continue this again.

Mr. McCourt totally understands what you just pointed out, and with the holidays and some delays the plans were only provided to you today.

Mr. Keefner said that he would like to go over a couple of issues that will allow the petitioner to incorporate those into the plans.

Ms. Callahan said she wouldn't mind a quick overview of the new plans.

The Chairman asked if the rest of the Board was okay with a quick overview of the revised plans that were submitted today.

Ms. Tarallo had a request. She would like to see the Boards Decision on the Sachem Street subdivision, as there are some questions about the dimensions of the pipes on that one compared to our new maps as they don't balance out. She commented that she wasn't on the planning Board when that was approved.

Mr. Moroney would like to request item #2 from Wade's comments dated December 20, 2022. He read the comments:

The previous water line extension by the Board of Survey and Planning left the old water main in place. As a result of this work, not approved by Engineering, the City of Waltham (tax payers) had to bring a water service from Marivista Ave. to the house being built at a cost of \$28,086.63 as the extension approved by the Board was not sufficient enough to supply water to the newly constructed home.

Mr. Moroney then said that the Board doesn't approve things that are not reviewed and approved by Engineering, and this comments from Wade implies that the Board is at fault and he would like to see the minutes to see what exactly the Board did approve. This had nothing to do with Braemore Road it had to do with the new house that was built that wasn't getting enough water pressure.

The Chairman felt what Wade was saying was the Engineering Department does not approve or disapprove what the Board does.

Mr. Moroney said that 95% of the time we follow Wades recommendations especially when it comes to water issues.

The Chairman said that we can get that information for the Board.

Ms. Tarallo commented that the E.P.A. was involved in it and we were never informed about that when it took place. We never knew about this outcome that had happened. Its water pressure clarity with the water that they had issues with.

The Chairman said that we don't understand clarity whether its and 8-inch pipe that dead ends at the end of the road, he doesn't believe that the clarity is going to change, whether it's a 6-inch or an 8-inch pipe, and as Ms. Callahan had said, she remembers the Developer did what they had to do and that the tenants just didn't have enough water pressure.

The Chairman said and that has nothing to do with whether there was an 8-inch or 6-inch pipe.

The Members agreed with that statement.

Ms. Tarallo said the city had to put in a service line not the main line and there is a difference.

Mr. Moroney has always felt that an 8-inch pipe reduces the water pressure. The water guys say otherwise, that is why approved 8-inch pipes.

The Chairman then asked Mr. Beaton to continue with the presentation.

Mr. Curtis Beaton of 705 Beaver Street came forward. Basically, this new design, it essentially is based upon our conversations at last meetings about the project over a year ago. At that time there were several concerns at the last meeting this was heard. One concern was if the previous proposal was approved, any further development beyond the property that he owns, would his design in effect negate the ability to continue on. So, he felt at that point in time that maybe what he could do, which is what he had done, was to lay out the entire road from the end of where he had originally proposed all the way down to Sachem Street. In doing so he could provide folks with a grading detail so you know exactly what could be done, after the upper portion.

The other individual coming up with the property owner wanted to develop their land and how they handle the drainage down below and we took care of that.

We are proposing a drainage system that connects the system that is laid out on Sachem Street. The system that was laid out in Sachem Street in 1997 provided for future development.

He still has those drainage calculations in detail for you folks to take a look at.

He will provide you with that report. This Board is pretty clear that the detention pond that is built on Sachem Street is more than adequate to handle any future development at that time for any development on Braemore Road.

The Chairman asked for clarification, the detention pond you are going to build?

Mr. Beaton said that what they did here was split the upper had the drain valleys, we provided drainage calculations for the detention system which is adequate, what the conditions were in that area and is still on file with the original application. He will get new copies and put in the package. With the road that continues down from Sachem Street approximately 260 feet, obviously there had to be a drainage system proposed to take care of any water run off we created. In 1997 when he developed Sachem Street the detention pond was built at that time was built with the development of Braemore Road in mind. That pond is sized properly to accommodate an additional development of a road.

We were able to design the proposed design that fairly closely meets Waltham's minimum standards and that is entering Sachem to Braemore Road and we will provide a 2% grade for what would be approximately 50-feet, so 2% transitioning that provides 3% and then to 7% which is the maximum allowable grade in Waltham. And that carries on up to the road that we originally talked about a year ago. Mr. Beaton asked if there were any questions on what they did there.

Mr. Keefner commented that the 2% to 3% to the 7%, that 3% is probably going to go away when you put in the vertical curbs. He felt the PVI's are too close together.

Mr. Beaton agreed that it is very tight in that area and once again they are trying to make it work as closely as possible as to the minimum standards in Waltham. He could provide a design that would show 2% coming making the turn left going up Braemore by cutting into that grade there and he will end up having to increase the main grade going up, to over 7%, so he tried to find a fairly decent compromise to get this work.

Mr. Putnam had brought that up as well, and that we didn't show any radiuses, but he is just looking for you folks to look at this design and let him know if he is close as to what we were discussing a year and half ago. If so, we will do the vertical curbs.

Mr. Barrett had no questions.

Ms. Callahan commented if going from 2% to 3% to 7% if she turned it around then now, I'm going to come down the street, your 7% how many feet do you have before you dip down to a 3%.

Mr. Beaton said that the 7% is approximately 200-feet.

Ms. Callahan commented that it's not going to take you that long to go down as it is very short street. She feels it's a fairly steep grade and is just throwing that out for people to think about.

Mr. Beaton said don't roll it down from 7% to 6% to 5% to 3%. It is such a short distance from 3 to 4% to 7%.

Ms. Tarallo agrees with Ms. Callahan, regarding the 7% grade. She asked what the grade was at the beginning of the road when you are coming off of Trimount.

Mr. Beaton said that is around 12.1%. Most of the grades in that area when they are transitioning from one street to another and some of the transitions over there are probably 18 or 19% in that general area.

Mr. DeVito asked about the letter that was sent by Paul Aborn who is an abutter that claims he wasn't notified of this public hearing, and asked Mr. McCourt and Mr. Beaton if all the abutters within 300 feet were notified.

Mr. Beaton stated that we are continuing from an original application which has been quite a long time of continuations, but they were originally notified at that time.

The Chairman said they were notified about the first meeting is that correct and they are notified of continuations. Mr. Aborn may have been confused that he would have been notified of this public hearing.

Mr. Beaton said that is correct, but also pointed he may have been new to the area and did not receive the original notice in 2021. We did follow the law regarding notification. We are not required to re-notify if hearings are continued. The city actually sends out the notices to the abutters.

Mr. DeVito then asked if Sachem Street was a public or private street.

Mr. Beaton said Sachem Street is a private way.

Mr. Moroney had a suggestion. As of now you begin your climb at a station 1350 feet which is 5-feet from the center circle.

Mr. Keefner commented that that isn't being built though.

Mr. Moroney then said, if he is reading the plan correctly, if this is done, there will be changes to that circle that would have to take place in order to match the grades coming down.

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Mr. Beaton said there would be changes just off the circle that would be required to be made.

Mr. Moroney said so the circle has a name and is it Sachem Street?

Mr. Beaton said that the cul-de-sac is on Sachem Street.

Mr. Moroney then asked if he is looking at your proposed profile correctly there would need to be some changes to that circle.

Mr. Beaton said no, the circle will be transitioned into the existing circle.

Mr. Moroney said that section is already at a 2% slope. And this circle is developed with sidewalks and everything.

Mr. Beaton said yes.

This was discussed briefly.

Mr. Moroney then asked regarding Balsam Street up at the top, when it reaches the peak of the grade at the asphalt, that is why you have a 2% at the top so you don't want Balsam Street to have a sudden pitch. What he is suggesting is to make the math work, if the Balsam Street to station 9.5 was held at 2%, instead of transitioning and continuing the 2% and transitioning to a 3% at that point, to reduce the 7% and pull it back to get you to 3% at the bottom of the hill. It may be a bit more excavation but it may work better.

Mr. Beaton said he will definitely look into that.

Mr. Keefner said that they have an email sent to Janice on December 8, 2022 that says there is no intent to build any of it. You are talking about an area that they are not going to build on.

Mr. Moroney said there is a second piece that has to happen here. Whatever he is going to build, we need to make sure that he builds it so the guy that comes along in the future can build the rest of it. That is what Mr. Beaton is trying to show, he is trying to provide a solution and whatever happens in the next step and he has to get City approval and if he can have plan that shows that half of all this work, he in effect has helped the City because now he has created a situation where now none of the rest of it can be developed.

Mr. Keefner said but now there will be a road that just ends right there at the cul-de-sac. He is building a dead-end road.

The Chairman commented that we have to look into the future and as Mr. Moroney said; we as a Planning Board and looking into the future, we need to look at the extension of the road if it further goes through.

Mr. Moroney then said to follow up his additional comment, he would like to request Wade Putnam be at this next meeting. He doesn't understand the logic to have this entire neighborhood that built one way, and just plant in the middle of the road way, in case someone in the future want to build a house, and now for this to build three lots we now have to have piece of a road that is never going to be built to standards.

The Chairman commented that we are the Board, our City Engineer can give us recommendations which we need and can be very helpful to us, however we make the decision and that is why we have this Board. If we think he should be putting a 6-foot road with 10-foot sidewalks and granite curbing and make it look like Moody Street for 200-feet then that's what we should do it. He doesn't feel we need to have the City Engineer here telling us what he recommends.

Mr. Moroney wanted to see why Wade was pushing the City Standard so hard. He gets it, we all want to get back to standards, but in this particular case, he doesn't understand the logic, and if you took all the extra money that he has to spend to build that to City standard, why not make a water line and loop, and now all of these Engineering problems will go away. In terms of the City, what is better for the City, getting something consistent and maybe get a water line looped or have this little simple thing that meets City standards the rest of the way.

The Chairman commented as far as the water looping, he feels it very important here, and we should require that they do that. As a Board we have to, if it costs the Developer's money then they have to deal with that. It's the job of the Board not to worry if it's too costly but that it is done correctly. He then asked Mr. Beaton if he will be asking for a waiver of that grade leveling.

Mr. Beaton said that when they are coming off of Sachem Street, we wouldn't be requesting a waiver there, but we would most likely be looking for a waiver at the 90-degree turn.

Ms. Tarallo commented regarding the Sachem Street cul-de-sac, it's really not a developed cul-de-sac, there are no sidewalks there, its people's driveways coming down and into it. She said that you (Mr. Beaton) developed that subdivision and it was supposed to be a straight street and not a cul-de-sac and that is why she wants to see that approval for Sachem Street. With what she read from the Engineers report that he is concerned about hooking up Sachem Street with the drainage as it was a private detention system.

Mr. Beaton said he guessed it would be, however he built it in conjunction with the mindset that it could continue up Braemore Road at that time, and we prepared to do future work on Braemore Road with the design of the system that is currently on Sachem Street.

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Ms. Tarallo was under the assumption that since the City approved the subdivision it would make it a public detention system.

The Chairman said, no it is a private system.

She asked if Mr. Beaton would go and clean it when it needed to be cleaned.

Mr. Beaton said it doesn't require cleaning.

She then asked if something happened to it who would maintain it?

Mr. Beaton said like any private way in Waltham were say if the road deteriorates to the point where the abutting property owners wanted to go to the City and get an adjustment on their taxes to fix the road, so he feels it would be the same situation for the drainage system.

Ms. Tarallo understand that but also understands why the City Engineer thought it best to connect into Sachem Street and Marivista Ave.

Mr. Beaton commented that they could look into that more for an official answer if that is something you would want him to do.

Mr. Beaton said he is going to try and meet with the Robert Winn, the head City Engineer,

He doesn't feel he fully understands what's here based on the letter he read. He may be misinformed or misunderstand what is already there to connect to. So, meeting with him would clarify a lot.

Mr. Barrett believes there was a covenant or some agreement on that system that states if it is the owner or the developer is supposed to take care of that drainage.

Mr. Beaton said he can't answer that as he can't recall as it was so long ago so he would have to take a look at the paperwork he has and see what is in there in regards to that.

Mr. Barrett said it should be in our minutes to those public hearings, and recalls a covenant as it wasn't on our drainage system so he is requesting the minutes to the Sachem Street Subdivision.

The Chairman agrees and remembers that as well that there is something that states that the developer is supposed to maintain that detention pond and or a pump there.

Mr. Beaton said yes, there is a pump station which he maintains.

The Chairman then asked if someone from another road have the right to go into that drainage and asked who owns that pond in that area. Who pays the taxes?

Mr. Beaton doesn't want to answer as he doesn't know for sure and doesn't want to be wrong.

The Chairman then said then before our next meeting, we need to know if you have the right to drain your water into someone else's land because you don't own it, but someone does and we need to know. And also, to follow up on Ms. Tarallo's concern about connecting the drainage into Marivista instead per the recommendation of Mr. Winn. We have a lot of work to do and again as I stated when we first started here.

Ms. Tarallo asked if he wanted her to read the sentence she was referring to from the City Engineer from his report dated December 30, 2022.

"The drainage system from this road extension and the developed lots will require a drainage system connected to street drainage either on Sachem Street or Marivista Ave. Sachem Street would make the most sense, but it has a private detention system. Therefore, a stormwater drain pipe will need to be added and connected to street drainage on Marivista Ave"

The Chairman said so they too say who owns and do you have the right to go through there.

Mr. Beaton said he would look into getting the minutes to those meetings.

The Chairman said he wants our office to get us the plans and the minutes from the Sachem Street approval that we can all read and we all will be more attuned to this.

Mr. Moroney asked what the width of the actual pavement is on Sachem Street.

Mr. Beaton said it is 24-feet.

Mr. Moroney then asked though Sachem Street, to Trimount, and Marivista is the paved roadway a standard 24-feet.

Mr. Beaton said no, it probably tapers down to 20-foot range.

The Clerk of the Board commented that Mr. DeVito had asked about 64 Rosemont Ave. and not getting notified, based upon what we have in the file, there was a label for it, it's listed as an abutter and it is checked off that a notice was sent.

The Chairman asked if there were further questions or comments from the Board.

Mr. Keefner wanted to be clear on the item he would like looked at before the next meeting. We have mentioned this a few times as well as one of the abutters, if you could do anything to clean up the plans to make them easier to read, specifically to call out what you're not building and what you are building it would really be helpful. The drainage design, the latest one he has dated 8/24/2021, and the originally one the shape and size is different so updated calculations would be good, He feels the water loop is critical and the figuring out of the overflow, whether its public or a private way.

There being no further comments, the Chairman closed that part of the public hearing and opened it to the public and also stated he would leave this public part of the meeting open until the next meeting. He then asked the public if there was anyone that would like to stand or speak in favor of this petition. There being none he closed that part of hearing and opened it to anyone that would like to stand or speak in opposition of the petition.

Frank Alden of 719 Hosmer Street in Marlborough, MA came forward in opposition. He is the owner of six lots along Balm Ave. and Braemore Road. His concern with the plan is if it jeopardizes his future development potential The 1996 plan of Sachem Street Circle, it states that this is part of the Mount Lake Villa subdivision, however the Sachem Street Circle does not meet Braemore Road. There is a one-foot separation between these two developments, and that separation can be construed as in control of Curtis Beaton. Mr. Beaton's plan shows he can pass through as far as utilities go. He would like there to be a clear statement perhaps in a covenant if others are allowed to pass through to connect to these utilities such as the water connection from Sachem Circle into Braemore Road.

If these two subdivisions are not in fact one in the same then the residents of Sachem Circle could simply object to passing through traffic coming from Braemore Road from these residents of these new homes and be stranded and wouldn't be able to get to them.

He then pointed out that Braemore Road from Trimount Ave. is a subdivision of Mount Lake

Subdivision so those residents also could not have through traffic. So, it's just a concern that there has to be access to a public road from the subdivision, and the public road is Piedmont Ave. or it might be Rosemont Ave. and doesn't know how to resolve that but just wanted to point out to the Board that access is one of his concerns.

The storm drainage is required at the Sachem intersection and from looking at the plan from December 6, 2022 he thought that this was a road that was actually being constructed and then realized it was just a future plan, but in any rate the drainage system in Sachem Street Circle goes to a private detention pond, Curtis Beaton was the original builder of the pond and it was his understanding that only Curtis Beaton can add water load to that retention pond. The storm drainage at the intersection proposed at Sachem and Braemore would be at Curtis Beaton's discretion, and would be a possible shake down in the future if anyone wanted to pass through there. He controls it and again and something is needed perhaps in a covenant to clarify on who could connect.

Looping the water also is an important issue for the City and the residents and he would say if the road is not built, water is being looped then you're putting a water main under an undeveloped dirt section and his issue comes in that he feels that this dirt strip where the water pipe would be has to be dug out substantially to make Braemore a through road into Balm Avenue. Balm Avenue isn't shown on these plans, but it is a road that is just 50-feet away from the proposed Sachem Circle intersection. Balm Avenue is of substantial elevations drop from Sachem Circle intersection and he is very concerned how you cross this intersection from Balm Ave. and cross Sachem intersection and then on up to the proposed building site. The Sachem intersection as it is shown and the drawing, he had was December 6th, the intersection is incomplete, it is only showing half the intersection. It has to be shown due to the unusual gradients and the purpose of the drawing is for the Board to approve how this intersection can come about in the future.

It would be unfair for a future extender to have to dig out an intersection that was already built and have to rebuild it.

Braemore Road has a 1922 pre-approved profile, a Sachem Circle intersection is not on that profile.

The Balm Ave intersection is in close proximity and at substantial elevation with the insertion of Sachem intersection should be done in such a way that it does not create undue hardship to downstream property owners. If the Balm intersection becomes fairly expensive to build, and it gets cut off, the impact of this intersection can't be evaluated without seeing the complete revised profile of Braemore Road and all the way back to Balm Ave. The plan needs to show the profile showing Braemore Road extends to Balm Ave. with existing and proposed grades for the Board to approve with the benefit of future extenders.

The Chairman asked Mr. Alden thought the elevation change was from the circle on Sachem to Balm Ave.

It's about ten feet from where he dead ends to the intersection is a ten-foot drop and it's about fifty-feet away from the center line go Balm Ave.

The Chairman asked if the grade could be brought up.

Mr. Alden said the grades could be brought up and thinks that is a reasonable compromise if the road was being built.

The Chairman asked Mr. Alden if those lots 16 A though 16 your lots.

Mr. Alden said his lots are primarily on Balm Ave; his lots are in front of Mount Walley. The City's two lots are right on the corner of Balm and Braemore.

The Chairman was saying that whole area could be brought up, but that's not Mr. Beaton's responsibility to bring that section up, but would like see Mr. Beaton could connect so others could bring the elevations up to meet that would make sense.

The Chairman agrees with a lot of Mr. Alden's points, and the Board has discussed most of those and the looping of the water, and the elevation changes, whether or not we have the right to go into the retention pond. He appreciates his concerns and he will keep this part of the hearing open to the public at the next meeting.

There being no others to speak or stand in opposition he closed that part of the hearing until the next meeting.

Ms. Tarallo wanted to make a clarification, before us is a plan and profile for the extension of Braemore Road and can't be referred to as a subdivision.

There being no further comments the Chairman asked for a motion for a continuance.

On the motion of Ms. Callahan, seconded by Ms. Tarallo, the Board

VOTED:	to continue the Utility Plan and Profile for a sewer and water extension and road construction to service Lots 12 and Lots 546-550 Braemore Road. At the March 1, 2023 meeting and to extend the Time to Act until April 15, 2023.
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The Chairman then closed the public hearing and opened the regular meeting.

The Clerk read the next item on the agenda which was for the approval of the minutes of the December 7, 2022 meeting.

The Chairman asked if there was a motion.

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

**VOTED: to approve the minutes of the
December 7, 2022 meeting as presented.**

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 7:07 p.m.

Respectfully submitted;

A handwritten signature in blue ink, appearing to read "Michael L.J. Chiasson", with a stylized flourish at the end.

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