



CITY OF WALTHAM
BOARD OF SURVEY AND PLANNING

The following are minutes of the 7:00 p.m., June 5, 2019 public hearing held in the auditorium of the Arthur Clark Government Center located at 119 School Street, Waltham, MA. In attendance were Chairman Creonte and members Barrett, Callahan, DeVito, Duffy, Moroney and Tarallo.

The Chairman opened the public hearing at 7:00 pm and informed the public that the meeting was being taped by the local Waltham Cable Access Channel and if anyone were to come forward to speak to please sign in. Then, he immediately closed the public hearing and opened the regular meeting to deliberate on five (5) zoning amendments that were heard at the city council meeting on May 13, 2019.

The Clerk read the zoning amendments that were to be deliberated on:

Article II, section 2.3- new subsection 2.213A- Urban Agriculture- beehives and chicken coops.

Article III, section 3.2, new subsection 3.228F- Urban Agriculture-definition of uses- beehives and chickens.

Article II, section 2.3 new subsections 2.339A-Solar energy system and 2.339B –solar ready zone

Article III, section 3.5 new subsection 3.529A –Solar energy requirement.

Article IV, section 4.2 amending section 4.217 – dimensional requirements.

The first two (2) amendments with regards to beehives and chicken coops were discussed first.

At this May 13, 2019 Meeting the board had requested that a representative from the health department attend this meeting to answer any questions that the board may have on the beehives and chicken coops zoning amendments and how it may effect public health as there have been numerous complaints placed with the health department from abutters of residents that have chicken coops, specifically issues with rodents and or other animals due to the left over feed on the ground of these residential coops.

Michelle Feeley, Director of the Health Department and Tommy Creonte, Senior Health Inspector came forward to answer questions.

The chairman opened the meeting to the board for questions.

Mr. Duffy commented that he opposes all residential chicken coops, but does not have any issues with beehives.

Mr. Barrett had no comments.

Ms. Callahan had questions for the health department. She commented that her mother's neighbor has chickens in Waltham and now her mother's yard is infested with rats. She asked if this was common.

Mr. Creonte said that yes this does happen and that they have been having issues with this for three (3) to four (4) years and that they are working real hard to educate the public with trash and food storage and how to dispose of trash. Having chickens creates a rat problem because of the feedings. He and Michele met with the Rules and Ordinance Committee recently and expressed their concerns. It looks like the health department will be the enforcing agency if this zoning amendment goes through. They will have to have an application that allows us on the property. He said that chickens are illegal unless you have five (5) acres of land, so if they get a call we forward it to the building department because that's who handles it now. If that changes, then they will have to do unannounced inspections three (3) or four (4) of times a year. We will be looking at proper feeding proper and storage of the feed and we think we are going to have the homeowner place bait immediately, so it will be part of the permitting process. They will have to have rat baits on site at all times.

We want to adopt a fine policy so if they are not in compliance we can fine the homeowner.

Ms. Callahan asked if they know what the building department does with these complaints.

Mr. Creonte said he did not know. If they find chicken coops doing regular house inspections they notify the building department.

Ms. Callahan said that your hands are tied unless you become the enforcing agency. She asked what he does when he gets a call complaining about a rat problem on their property.

He said they go out to the site and do an inspection, and that's how they find these illegal chicken coops. The problem is real bad right now in the Bleachary Section of Waltham and we have been baiting there. Also, we need to educate the residents better regarding trash storage.

Until recently, residents were allowed to place bags of trash out on the curb the morning of their pick up; we no longer allow that.

Mr. Barrett asked Mr. Creonte and Ms. Feeley if they were against these zoning amendments.

Mr. Creonte commented that they are not for or against it. It will create a lot of work. They do want to have input which they did get Monday night at the committee meeting.

Ms. Feeley said it would be important for them to have a say in it and how it is structured. If it is just written by the council then she has concerns for her department.

Mr. Creonte said the building department is going to the zoning rules as to where the chicken coops could actually go on these small lots, so they want to have input on the application process.

Ms. Tarallo said that she does not have any problems with the bees, but does have a problem with the chickens. We are aware that there are issues with rats. On the cities website it does say to store trash in bags in barrels with lids on them. She said that is not happening. She drives around Waltham and sees trash in bags on the sidewalk. Supposedly, residents are to be fined for this, but it seems as though they are not.

Mr. Creonte said they are trying, but it is so much work.

Ms. Feeley said that she only has two (2) inspectors on a day to day basis. They go and inspect on complaints and handle it that way. If they are out and about and see people leaving trash bags on sidewalks then they write it down and send a notice, but it is so much work. Trash on the streets and sidewalks is not their department's responsibility, but they do not have any problem assisting other departments if they get complaint calls.

Then, Ms. Tarallo commented with the combined trash and chicken feed issues we are going to attract more and more rats. The city council discussed having the chicken coops ten (10) feet from the property side lines. Who is going to be responsible for making sure chicken coop owners are properly storing the chicken feed? In the winter, you need to supply a feeding source and make sure they have water that they need and there is a lot of care required. She is not sure if people are properly educated with what has to be done for the chickens. Also, they only lay eggs for a short period of time and at that point the chickens are not useful anymore. Chickens can also attract flus and fleas and these are other things that we have to consider. We don't know what will happen and how we can control this issue and what other rodents these chicken coops may attract. We also have issues with coyotes running through our neighborhoods and these coyotes will start getting into the coops. With all of these concerns, she does have serious reservations in allowing residents to have chicken coops in their backyards.

Ms. Feeley commented that the health department is concerned as well.

Mr. Creonte commented that the reason the council is trying to permit chicken coops is because it is already being done and the city isn't involved unless they get a complaint about a rat issue

and at that point it is too late. If it were permitted, they would know from the beginning and be able to do inspections before it is too late and be able to better educate the people.

The city has to be proactive with regulations with these permits so the inspectors will be able to do what they need to do.

Mr. DeVito then asked if they would be able to tell the board how many complaints they may have recorded in the last six (6) months or so or how often they get complaints regarding chickens.

Mr. Creonte said not that many and most of them at this time would be forwarded to the building department so they wouldn't be recording these calls since they are not the enforcing agency. The only time they may come across a chicken coops is if they were doing an inspection at a house and going outside and seeing a coop or hear a rooster clucking,

Then Mr. DeVito said that would it be safe to say that there were less than six (6) complaints that you had to look into.

Ms. Feeley said that would probably be a lot. Our clerk knows that these calls get sent to the building department so she doesn't even have to tell her or the inspectors that they got the call so we may never know. If you asked for how many rat complaints we get we could give you that number.

Mr. Moroney said that the actual law on the book right now is that you have to have over five (5) acres of land to be able to have a chicken coop.

Mr. Creonte said, " yes".

Mr. Moroney said in his opinion, the entity that really should write the regulation should be the health department. You went before the rules and regulations committee and you have the city council trying to work with the zoning, but at the end of the day the person that knows most of them is your department. Then, you should really be the drafter of most of the rules and regulations as you will be the enforcing agency.

Mr. Creonte agreed. We met with one (1) of the councilors twice in our office and asked him if we could go to the committee meeting so they could hear our concerns. They were going back to the drawing board and then meet with them again so they are listening and working with them.

Then, Mr. Moroney said he was ready to make a motion.

First, the chairman commented that if the health department is going to be the enforcing agency, it appears that you don't have enough people in your department to carry that out. Currently, It is illegal to have a chicken coop and we are aware that it attracts rats. If chickens were like cats or dogs and didn't create problems to the neighbors, then he wouldn't have a problem. It's not like it was fifty (50) years ago, when our grandparents had chickens to survive the depression.

His opinion is to not allow chicken coops. He then thanked Ms. Feeley and Mr. Creonte for coming in and to answer these questions.

Then, he asked for a motion.

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

Recommend to the council to have the city enforce the law as it is written and in addition to that, if there are going to be rules written before the zoning laws are written then the ordinances and the regulations on how to possess a chicken should be done before the zoning laws are completed.

Mr. Duffy said he would make a superseding motion to have this matter placed on the table since there is still additional work that needs to be done on it. We should place it on the table since we have a public hearing that was advertised to start at 7:00 p.m. and we get on with the public hearing. This supersedes any motion on the table.

The chairman commented that the board should give some sort of recommendation to the council or they will vote without their input.

Mr. Duffy said that before the meeting is over, we could come back to it and then make a motion.

Ms. Callahan didn't agree.

The chairman asked for a roll call on the superseding motion which was to place this on the table until the end of the public hearing.

ROLL CALL:

JOHN DUFFY	YES
JUSTIN BARRETT	YES
KATHLEEN CALLAHAN	NO
MILA TARALLO	YES
ANTHONY DEVITO	YES
BRIAN MORONEY	NO

There being four (4) yes's and four (4) no's it passed to be tabled to the end of public hearing.

The board requested that Ms. Feeley and Mr. Creonte from the health department stay for any additional questions.

The clerk read the next item of the regular meeting which was the minutes of the May 1, 2019 Meeting.

On the motion of Ms. Callahan, second by Mr. Moroney, the Board

VOTED: to accept the minutes to the meeting of May 1, 2019 as presented.

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

The clerk read the first item on the agenda for a Definitive Subdivision for an Extension of Caldwell Road.

Attorney Philip B. McCourt Jr. of 15 Church Street, Waltham, MA came forward representing the petitioner. The petition is to extend Caldwell Road and to include three (3) additional single family lots. He recently did some research on Caldwell Road to prepare for a neighborhood meeting which they had recently, and found a plan that showed that Caldwell Road was originally laid out and called Highland Avenue and then it was changed to Caldwell Road. In 1923, they approved the road and it remains the same today. You can see on that plan that it comes off of Main Street and goes up a steep grade and it dead ends. Today, with the rules and regulations and those of the state, it would insist that you create a cul-de-sac Or if there was some opportunity to continue on with the road at some future date that at least leave a temporary cul-de-sac which later on could be made permanent or abandoned assuming the road connected into another road.

The petitioner has owned this property for many years, and wants to do something with it in order to develop it and the only way to reasonably do it is to create this extension and to put in the cul-de-sac. The petitioner has been looking into possibly developing it for many years and has met with many people including the fire department, police department and even delivery people and of course the neighbors. We have had two (2) neighborhood meetings, and it seems with the benefit to him of having three (3) new single family lots now Caldwell Avenue would have a cul-de-sac and actually allow one to go up the hill and be able to turn around. Last year, during a fire inspection the fire truck actually got so stuck up there that they had to call Waltham Towing to get the truck out.

We have tried to meet the regulations within reason of building the subdivision. We have submitted a list of waivers which we can go over as we move along tonight or at a future date are technical and our pretty routine in relation to most smaller roads being continued, but are trying to meet as many of them as we can. The one (1) waiver not submitted on this list which was brought to our attention recently by Mr. Putnam in his comments. This extension is not 500-feet long but the entire road would be so we would need a waiver for that as well for having a road that is longer than 500 feet from Main Street. We have submitted the required plans which have been modified based upon the comments submitted by Wade Putnam. The layout of the road and its location, the length and diameter of the cul-de-sac which we have asked to be reduced so we don't have a heliport type thing similar to Cusano Circle.

We feel that this is a reasonable width and diameter for the proposed cul-de-sac providing a turning radius for vehicles and fire trucks and also it would be similar to other cul-de-sacs the board has approved in the past.

The modified plans address most of but not all of the comments that Mr. Putnam made. For all the technical comments we have the engineer here with Cliff Rober the surveyor who prepared the plans and who is very knowledgeable in this field. Also, we have Dr. Chiang in relation to the water line and addressed the matter about the comment regarding a six (6) inch water line that runs along Caldwell Road which they feel is adequate to continue with a six (6) inch line, but Mr. Putnam had suggested an eight (8) inch line, and DR. Chiang can explain why he feels the six (6) inch line would be fine. Also, Dr. Chiang prepared and we have submitted a drainage report and how the property would drain into the open green space and would take all of the drainage for any construction we would be doing.

At the neighborhood meetings people were concerned about homes that would be built and the drainage issues. If approved, each lot would then have to go through the building permit process which would include submitting proper drainage to retain all water on site of each single family lot.

At this time, the chairman asked for Mr. McCourt to review all eighteen (18) comments from Mr. Putnam's comments dated May 16, 2019.

Mr. McCourt read the comments:

1. The required registry plans and deeds to produce these plans have not been provided.

Response: The deeds were produced as part of the filing package and there are no recorded plans for the property. He reviewed the deed and the history.

2. The proposed Lot one (1) and Lot two (2) will both have two (2) buildings on one (1) lot. The required special permit for two (2) buildings upon a lot has not been provided together with required parking.

Response: The building on the lots were constructed by way of a variance from the board of appeals over 50 years ago, long before a need for the referred to special permit requirement which was instituted in the early 1970's. They have that plan showing that variance.

The Chairman asked for a copy of that plan for the board's record.

3. City Ordinance requires that each building have its own separate utility connection because connection to connection is not allowed. Water and sewer connections must be shown for Lots one (1) and two (2) for all buildings.

Response: Like our response to item number two (2), the building and utility connections exist – there is no change to these buildings based on the subdivision/road extension request.

4. Lots one (1) and two (2) apparently show the same drive/curb cut, however no easement has been shown for the drive as shown.

Response: This is correct. That is a common driveway, which has existed for years. The properties are in common ownership. One cannot give an easement to them self. If the properties were ever conveyed to separate parties/owners, then an easement would be created and recorded. This was reviewed on the plan.

5. The abutter's plan must show and label all streets as public or private together with their width within three hundred feet of the property lines for this project.

Response: The modified plans have been filed showing the items requested.

6. The required list of waivers being asked from the Board of Survey and Planning has not been shown on the plan. Those include, but not limited to, granite curb, forty (40) foot street instead of fifty (50) foot, limited sidewalk construction, centerline radius less than 300 feet. It is suggested that the surveyor go through the requirements to ensure all items are addressed or listed on the modified plans on the front page.

Response: The modified plans have been filed showing the items requested. Caldwell Road is over 500 feet long, however, the extension is not over 500 feet long. But to satisfy the comment, an additional waiver will be added.

7. The required underground conduit for power, cable telephone, etc. has not been shown.

Response: Shown not on modified plans, the underground conduit will be proposed by the various utility companies at the time of construction of the new houses on the new lots. All other utilities will be added to the subdivision plans per the chairman's request.

8. The Board of Survey and Planning shall inquire of the building department and the CPW Department as to how wall, drives were constructed well into the right of way taking up one half of the rest of the street more or less. This apparently is a safety issue as well as infringement/encroachment upon the public way.

Response: Assuming the road extension is approved, together with the three (3) single family lots, wall and drives will be designed and permitted at the time the houses are constructed.

9. The subdivision plan must show all offsets to property lines to the nearest 0.01 feet for lots one (1) and two (2).

Response: The existing buildings are not being altered and/or expanded and are not part of the subdivision. The chairman said to show it on the plan. They agreed to.

10. The subdivision plan will be on the NAD 83 system and a coordinate of at least one (1) lot corner shall be provided on the plan.

Response: Shown on modified plan.

11. All details shall be shown on a detail sheet and be stamped by a professional engineer including the required stone bounds. Stone bounds are required at the end of the public way and the beginning of the curve on the northerly street line.

Response: Shown on modified plans and such details and stone bounds will be shown on the as-built plans. The plan has been stamped by the engineer.

12. The sewer main shall be eight (8) inch PVC and the sewer manhole within the public way must be a pre-cast manhole or a new manhole shall be used.

Response: The existing pipe is six (6) inches and we feel there is no engineering reason to increase to eight (8) inches unless the board requires it. The condition and use of the existing manhole will be determined at the time of construction and will be apparently addressed as need.

Mr. Barrett asked Dr. Chiang if you were to going from a six (6) inch to an eight (8) inch line would the water pressure drop to the houses.

Dr. Chiang said it would be a small amount of pressure loss just at the section.

Mr. Barrett said so that 100 foot section would not be where the tow lots are.

Dr. Chiang said that is correct.

13. All drain lines/mains under/in the street layout are to be RCP pipe.

Response: We will meet that requirement.

14. The proposed water line must be (8) inch cement ductile iron and be looped with five (5) feet of cover, not four (4) feet as shown. The eight (8) inch water must begin with a six (6) inch to eight (8) inch increaser and then an eight (8) inch gate. The maximum bend on any water pipe shall be twenty-two (22) degrees. Dead end water mains are not allowed.

Response: The pipe will be put in at a five (5) foot depth instead of four (4) feet. Dead ended could work. And we don't own all that other property, would really not be able to each around.

15. Underground conduit for electrical, cable and telephone has not been shown as required.

Response: As discussed on comment Number Seven (7) these items will be proposed at time of construction.

16. It should be noted that it exceeds the maximum length for a dead end street which is 500 feet.

Response: The modified plans have been filed showing the items requested. Caldwell Road is over 500 feet long, however the extension is not over 500 feet long. But to satisfy the comment, an additional waiver will be added.

The chairman commented that that is actually an improvement as the road just dead ends now as you can't turn around. He asked how big the proposed cul-de-sac is.

Cliff Rober came forward to answer that question. The diameter of the outside of the cul-de-sac is fifty (5) feet radius so a 100 foot diameter with pavement being around ninety (90) feet from one side of the cul-de-sac to the other.

Mr. Duffy asked where water main comes in from to Caldwell Road.

Mr. McCourt said from Weston Street.

Mr. Duffy then asked if the water main just dead ends.

Mr. McCourt said it does.

Mr. Duffy asked about the water quality.

Mr. McCourt said that there are no issues, with the water use in each house its fine. The city periodically blows off the hydrant, if needed.

17. Show a cross section for lots three (3) and four (4) which show how the eighteen (18) foot change in grade will be sloped/addressed with the eighteen (18) feet more or less change in elevation.

Response: This will be done at time of applying for permits to build the homes. Dr. Chiang has sketched out a plan to go over that ledge elevation.

18. The drainage shown is only for the street itself and a small section of drives for the lots. Permits to build will require additional onsite drainage for any building.

Response: We agree and this will be done at time of applying for permits to construct the homes.

The chairman said that this is a definitive subdivision and wants it shown on the plans.

Mr. McCourt agreed to do that.

He then asked if Dr. Chiang could just speak about the grade and the drainage.

Dr. Chiang came forward to answer some of the previous questions regarding Mr. Putnam's comments about water and sewer drainage. As far as the water goes and the water quality, we currently found out there is a sewer manhole the last sewer manhole. The water pipe is connecting to the sewer manhole with a bleed out. The reason for that is that in the 1970's we used so many AC pipes, the water coming out of the AC pipe slowly, so if you live on a dead end the city should be flushing out once or twice a year to bleed out all the asbestos cement deposits at the dead end. Wade is talking about we should loop up the pipe, but that would be quite a problem as we don't own the other land that the loop would go through, and there is no easement to loop to another street. So if we could get an easement we could do the loop. Our proposal is to go with the and cut the six (6) inch pipe at the manhole plug into the section that will go into the manhole and then from the six (6) inch pipe extension. Wade wants an eight (8) inch pipe and we don't have a problem doing it if we would put in a gate valve and then go all the way to the end of the cul-de-sac. We would put a hydrant there so we can flush it as much as you want to maintain the water quality.

Mr. Duffy said so there is no easy way to loop it.

Dr. Chiang said that was correct.

The Chairman said that you stated that the petitioner does not own the land but, they own Lots one (1) and two (2), so why couldn't it be looped from there down to Main Street.

Mr. McCourt commented that the drop is 300 feet. Could it be done, yes, but then you would need an easement from the city. Obviously they could get it, but it is 330 feet and it is a tremendous drop so it would be difficult to do.

Mr. Moroney commented that Mr. Creonte is correct, that you have included the existing Lots one (1) and two (2) in these plans, so as far as he is concerned those lots are part of the definitive subdivision.

Mr. McCourt said that one of the lots has frontage on Main Street.

Mr. Moroney asked him to point out the five (5) lots that the petitioner owns.

Mr. McCourt showed the three (3) new lots on the plan that they are creating, he said the lot Mr. Moroney is referring to is not going to change.

Mr. Moroney said that you are showing a plan with a lot that is showing the drainage that is going in it.

Mr. McCourt said that they are cutting that Lot one (1) off at the back, so it is pardoned from that definitive subdivision. That lot encompasses the land they are subdividing.

Mr. Moroney asked to go to Sheet five (5) of the plans. He saw a detail for a drainage system down on the bottom right hand corner with what appears to be six (6) retainage tanks, is that correct?

Mr. McCourt said yes on Lot two (2).

Mr. Moroney then asked how can you tell me that Lot two (2) isn't part of the subdivision when you have all of your proposed drainage for your subdivision draining into this and it's not even in the footprint of the road, now it's on someone's private lot.

Mr. McCourt said that they are going to have an easement for that, but we are not creating the lot which is what he is trying to say.

Mr. Moroney then said his next issue is that if you look at the contours of this thing, all of your drainage tanks are sitting up above the existing two (2) houses that are on the lot, is this true?

Mr. McCourt said that is correct.

Mr. Moroney then asked where all that water is then going to go.

Mr. McCourt said the water is going to percolate into the ground up there within the drainage tank.

Mr. Moroney asked if there were any borings for this site. How do you know where the ledge is?

Mr. McCourt said they did some exploratory looks at it and showed where the ledge is.

Mr. Moroney said then you have test pits?

Mr. McCourt said he wasn't sure.

Mr. Moroney said he saw a percentage of six (6) or eight (8)% of ledge, water runs down, this plan needs to be more comprehensive and needs to show how these lots that sit ten (10),

twenty (20), thirty (30) and forty (40) feet above each other are going to be able to keep the water on the lot and not flood everybody that is down below it.

Mr. McCourt, do you understand what you and Mr. Creonte are saying?

Mr. Moroney then said he wanted it noted on the record that he is concerned that why isn't the drainage at the cul-de-sac going under the cul-de-sac.

Dr. Chiang said that they did a soil test. They dug down about twelve (12) feet. He showed where on the plan. He said the bottom was all sandy gravel and the top is about four (4) feet of junk which probably was construction debris that was dumped there years ago. That's why we used that area to control the runoff from the roadway. The runoff from each house isn't required if you have impervious areas, so the design right now is to control all the cul-de-sac pavement plus 3000 square feet of driveway, because the driveway may not be able to be the side of the yard because of the land, so we put in the system.

Mr. Moroney said so when you dug the test pit that's under the road, why didn't the drainage structures get moved into the area where you dug the test pits?

Dr. Chiang said that at the time he was told we could take a section of the area from lot two (2) as a drainage easement. Otherwise, he would have to put it under the pavement.

Dr. Chiang prepared a sketch earlier that day, which was handed out, (exhibit "A"); the elevations of the design of a proposed building and a four (4) foot high wall. At that point, that's when they work with an architect to design the right building for these elevations. The site design depends upon how the architect designs the house.

Mr. Moroney asked in regards to the six (6) drainage chambers shown on sheet five (5), what year storm were those designed to hold.

Dr. Chiang said it was designed for a 100 Year storm. Mr. Putnam told of all the drainage designs he has done in the city, none of them have had any problems.

Mr. Moroney is concerned for the owners of Lots one (1) and two (2) because the problem comes when this owner decides to leave and sell. What gets left behind is now going to be a problem, because the owner of Lot two (2) now owns the maintenance and responsibility for the drainage for the cul-de-sac that is twenty (20) feet above his property. Could the lines be adjusted so the drainage system shows as being part of the road within the right of way?

Dr. Chiang said, "Yes, they could show the drainage being under the road. We will redesign it".

Mr. Moroney has concerns with Lots four (4) and five (5) and how they're going to retain the water on that site when you have nothing to drain into but ledge.

Dr. Chiang said that you could always blast and build a small leaching area. He reviewed the ledge areas on the plans.

Mr. Moroney said, "For a definitive subdivision you need to show on the plan how you are going to retain that water for some sort of footprint of a house. It's not acceptable to leave that for the person that is going to build the house. It needs to be shown on the definitive subdivision".

Mr. McCourt said that they will show it. He also commented that if the owner did sell and Lot two (2) now having the drainage and maintenance that could be handled by an easement and that obligation would be to the three (3) owners. He could draft you an easement and show that it would handle that instead of putting it under the road. It could be handled from a legal point of view that those drainage structures and the maintenance would be with the three (3) new owners.

Mr. Moroney said there are four (4) lots. Lot two (2) has frontage on the road, so you either move the line so it's not part of it and it doesn't have frontage.

Mr. McCourt said that the frontage of Lot two (2) that has the drainage is on Main Street. It also fronts onto the other one, so let us look into that and see what we could do and see if we can adjust it and make it a non-buildable lot that would be part of this subdivision.

The Chairman commented that his pet peeve is drainage. It's better to know now about the drainage and what you need to do then at the time of the building permitting process.

Mr. McCourt said he understood and that this is like the LeBlanc Subdivision on Forest Street that they had to do a lot of work to make the drainage acceptable.

Mr. Duffy commented that as he reviews the plans he feels that you are creating something that otherwise we would not allow; two principal buildings on a lot and by not previous variances. He would be opposed to creating a situation that is not otherwise allowed.

Mr. Moroney agrees that the rules state that the water should be looped. We have the unique ability that we have an individual that owns those lots. He agrees with Lot one (1) as far as being an exemption as it is on a different lot that is not part of the subdivision. Lot two (2), as far as he is concerned, is part of the subdivision. So if you want the exemption then take it out of the subdivision. The water should be looped to Main Street. He has the ability to loop the water within his own property as part of the subdivision. Relative to the two (2) buildings that are there now, he couldn't tell by the plan that each building needs to have its own water line to the Main Street water line. He could see the sewer lines, but couldn't tell which are for the water.

Ms. Tarallo commented that you have a variance that originally was for Lot one (1) and two (2) which was based on the way the plan was laid out. Now you are going to have a subdivision which changes the variance which was a concern she had and you are going to have to do a lot of the things that Mr. Putnam has noted in his comments. Also, when we were looking at the contour lines you mentioned that Lot five (5) was flatter land. Lot five (5) could not be flatter land as the contour lines are closer together, which means it is a steeper lot than being flat. The flatter lot would be Lot three (3) since the contour lines are spread out further. If you are going to

do this then you are going to have to follow what Mr. Putnam says because now you are tearing the variance apart. You need to follow the current regulations.

Mr. McCourt commented from a legal point of view, that the good thing about the variance back then was that plans didn't get incorporated, and actually the variance is still open but could be changed and get it amended if we had to.

Mr. Moroney then said that he wants an eight (8) inch sewer line to meet what the city requires. The water pipe is to be installed at the required five (5) foot depth. He then said he saw the water and sewer lines on the plans. What is going on with the power, cable and telephone? Will it be by poles or underground?

Mr. McCourt said it has to be underground with the current rules.

Mr. Moroney said, "You need to show the utilities and how they are going to get to the cul-de-sac".

Mr. McCourt agreed.

Mr. DeVito commented that this is a public hearing and before he offers any further comments he would like to hear from the people who live in the area.

Ms. Callahan asked where the fire hydrant would be.

Mr. Rober said, "The fire hydrant will be placed at the end of the cul-de-sac at the top of the bulb".

The chairman just wanted to comment that this is a definitive subdivision and everything that we require has to be on the plans and or through waivers. You are here like this was a preliminary subdivision and that's not what we are here for. And we have time restraints that we have to act on it.

He then closed that part of the public hearing and opened it to the public. He asked the public that if they did come up to please state their name and address for the record and to not reiterate what someone else said, if that is possible.

Ward Seven (7) City Councillor Kristine Mackin, a resident of 12 Wheelock Terrace, came forward to address the board. We did have a neighborhood meeting last week and following that meeting she did go back out and revisit Caldwell Road and speak to as many of the neighbors that she could. At that meeting it was asked if there was a way to design a through way connecting to Main Street which wasn't brought up tonight which is good because all the neighbors she spoke with were opposed to that.

If we are going to add a development to the end of this road they want it to be a cul-de-sac. She had concerns about the drainage and the ledge.

She saw that one of the waivers was to not have to do any additional borings which with all the drainage issues we don't know how deep the ledge goes so there is no way of knowing how much blasting would be required. Blasting is also a concern for some of the neighbors as some of these houses date back to the 1860's and if there is going to be blasting, the neighbors would really appreciate understanding how much, how long and what the potential impacts would be for them and what would be accomplished at the end of the blasting.

The new cul-de-sac that is being proposed should be the standard size and not to have a waiver for a smaller size. She understands that trash and fire trucks could turn around in the smaller requested cul-de-sac, but she has concerns in the winter and as to where they would push the snow and make it difficult for those trucks to turn around in the cul-de-sac in icy, snowing conditions if the cul-de-sac isn't built up to modern standards.

The road to be built should be up to public way standards and not create another private way that the city can't accept.

At that meeting there was discussion about the water and sewer connection and thought it would be connecting down to Main Street so that the dead end would not be further up the street. She appreciated this evening's discussion on the water and sewer concerns.

She then handed out a letter of concern from Elizabeth La Jeunesse of 45 Caldwell Road who could not make the hearing.

Next to come forward was Michael Wolfson of 60 Caldwell Road. He directly abuts Lot four (4). He is a registered architect so he deals with land development issues all the time. He is very disturbed by the lack of boring reports as we don't not know what's going on, and in order to properly represent the drainage on these lots is critically important. The petitioner does not outline what the buildable lots footprints would be. We don't know what the drainage would be. Also, giving zoning and setbacks the lots are actually not that buildable. He has concerns with the lot elevations.

The existing homes are up the hill, so he had concerns with the slipping and sliding issues. It is dangerous in the winter. He was concerned about safety. He was concerned about the steep driveways leading up to those new driveways and of drainage.

The city should be insisting on proper boring logs, details of the lots, and how each lot and each building footprint would be drained.

Jennifer Patton of 39 Caldwell Road came forward. One of her concerns was the size of the cul-de-sac. Clearly, the size of the cul-de-sac was made to maximize the buildable lots. And with the elevation you are going to be able to have a ladder truck for possible fire prevention possibilities. If we continue to allow smaller than standard cul-de-sacs with waivers, how many others would be allowed in Waltham.

She was also concerned to have private after a public way. The city should get away from allowing private ways as they are difficult to maintain. Private ways in Waltham are becoming impossible to drive on as residents don't want to pay to have them maintained.

She was concerned about the sidewalks. Currently, there are no sidewalks on Caldwell Road. There are about eighteen (18) properties that are immediately on the road.

Peter hedges of 191-193 Weston Street came forward. With regards to city planning and rules for cul-de-sacs and how they are discouraged; cul-de-sacs do not provide an adequate through way. Not everyone agrees that this cul-de-sac is the better solution. He thought it would be better to have a public way. There could be a throughway through Phillips Terrace up to Main Street and another way would be off the back of the property. He felt that if this land became buildable land then the road should be connecting to another street. You are supposed to have a street of 500 feet max to the end of a cul-de-sac and this is way beyond that footage. You are supposed to have a 120 foot circumference. This does not have that. These things should be researched and considered. It doesn't seem that enough effort has been put into this planning.

Joshua Nicholas of 56 Caldwell Road came forward. His house is at the very end of the road. He lives in a very old house with a fieldstone basement that is directly connected to this ledge and they are deeply concerned with the concept of the blasting that is certainly going to be required to achieve any sort of reasonable drainage and what the actual effects that will be on his existing home. Who will replace his basement when the foundation cracks? We are talking about old fieldstone. Who will be responsible for damage caused by the blasting? He had concerns with requested waivers and variances.

Kathleen Chlapowski came forward. She lives at 30 Caldwell Road in one of the oldest buildings on the street. Her biggest concern is that they don't know how much blasting has to be done and is it feasible to do that blasting. She is concerned with the effect it will have on so many houses in that area. Waltham is very special and the city needs to be very careful how we build. She is very pleased that the board is asking all of these important questions. One quarter of her cellar is ledge and the rest is fieldstone. We need these questions answered before they start doing it. Please make sure we get these answers.

The chairman then said he would continue this part of the public hearing since they are going to be back to discuss the plans again and would like the residents to continue seeking answers with any concerns they may have during the review process.

He closed that part of the hearing and wanted to address a few of the items as well and suggested to the board that they schedule a site view. This petition is nowhere near getting done or what we are looking for. Developers come before the board with a plan and get our input and then go back to the drawing board and bring it back to us. It may or may not get approved.

He commented that with the cul-de-sac issue, he has been on this board for over thirty (30) years and has seen cul-de-sacs similar to Cusano Way that are too large and we approved that because all of the neighbors were trying to stop this development from happening and make us not agree to any waivers and it's a horrible looking development. So you are probably not going to see a

120 foot cul-de-sac because it would be the worst thing. If you have a twenty (20) foot wide road, then you're not going to see a forty (40) foot road extend into it. We wouldn't like that and you the neighbors would not like that.

With the boards' years of experience we should be able to come up with a good plan.

As far as the blasting, the developer will do a blasting survey of every home, but not sure how far out from the site they survey. If it's 300 feet or 500 feet, but they will go into your home and take pictures of your entire home, including your walls, your foundation your everything, so make sure you as homeowners are very thorough with that. Blasting isn't something new. They blast all over the place and they do it well and safely.

With drainage, no one will be as vigilant with the drainage as I, the chairman, as I personally know what damage water can do. If they can't come up with a plan to keep their water on site then they won't get approval from this board. We will be looking at proposed sidewalks. We won't be doing any voting until there is a complete set of plans.

He then turned it back to the board.

Mr. Duffy made a motion to deny the petition.

The chairman asked for a second to the motion, there being none there was no motion.

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

VOTED: to schedule a site visit. The site view was scheduled for Wednesday, June 12, 2019 at 5:00 p.m.

The chairman asked Mr. McCourt if there was a way that they could mark out the lots at the site.

Mr. McCourt said they would.

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

VOTED: to continue the petition for the special permit for a definitive subdivision and road extension at Caldwell Road at their next meeting of September 4, 2019 and to extend the time to act until November 13, 2019.

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

They deliberated further on the zoning amendments Article II, sections 2.3 adding new subsection 2.213A Urban Agriculture and Article III, section 2.3 adding new subsection 3.228F. These zoning amendments are in with regards to permitting beehives and chicken coops on residential property. Ms. Callahan read the ordinance.

The health department commented that if this were to get approved and they would be the enforcing agency, they were just concerned they wouldn't have enough inspectors to keep up with the permitting and inspections.

After further discussion, the chairman asked if there was a motion to forward a recommendation to the city council.

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

VOTED: to recommend on both proposed new subsections 2.213A and 3.228F the following:

- 1. Chicken and bees should be separated and have their own sub-sections.**
- 2. No chickens should be allowed in residential areas.**
- 3. The health department should write the ordinances and enforcement procedures before any laws are passed.**
- 4. If approved the health department should be up-staffed to provide the services that will be required.**

The clerk read the next zoning amendments which were for amending Article II, Sect. 2.3 entitled definitions by adding after subsection 2.339 the following new subsections 2.339A and 2.339B; Article III, Sect. 3.5 adding new subsection 3.529A and Article IV, Sect. 4.2 amending subsection 4.217.

There were brief discussions on these proposed subsections.

The chairman asked if there was a motion.

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

VOTED: to recommend approval to Article II, sect. 2.3 new subsections 2.339A- Energy System and 2.339B –Solar-Ready Zone as presented.

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

**VOTED: to recommend approval to Article III, sec.t 3.5
adding new subsection 3.529A-Solar Energy
Requirement.**

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

**VOTED: to recommend approval of Article IV, Sect. 4.2
amending sub-section 4.217 as presented.**

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

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

VOTED: to adjourn at 9:29 p.m.

Respectfully submitted,



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