



CITY OF WALTHAM

BOARD OF SURVEY AND PLANNING

The following are minutes of the 7:00 p.m. October 2, 2019 public hearing held in the public meeting room of the Arthur Clark Government Center located at 119 School Street, Waltham, MA. In attendance were Chairman Creonte and members Barrett, Callahan, 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 was going to speak, they should come forward and sign in.

The clerk read the first item on the agenda for a Definitive Subdivision and the Extension of Caldwell Road. This matter was continued from the previous meeting.

Attorney Philip B. McCourt Jr. of 15 Church Street, Waltham, MA came forward to address the board. At the last meeting we didn't do much on the subdivision other than get some input of items that you wanted to see done. We did get the approval of an ANR. Plan which took the two (2) lots that Mr. Tortola has owned out over on Main Street for years and separated the lots off leaving a parcel they are asking that you consider subdividing into three (3) single family lots at the top of the hill which is at the end of Caldwell Road. That ANR Plan has been approved, signed and recorded at the Registry of Deeds.

During the subdivision discussions you had required that we design the water system to be looped and we have done that and it shows it on the plan that was presented to the board just today so the engineering department hasn't had the chance to review the plan to check to see if it meets all the criteria. It does show that if they do get the approval of the subdivision that the water would come down and connect into Main Street and the details how that would occur. The second part of that plan which is the grade and water profile. It shows how it would go way up the hill. Also, discussed is the utility plan that the board wanted to see, showing the sidewalk that goes around and shows the proposed utility connections to the proposed houses including the little lot shown as 5A which would be a separate lot which would become part of the roadway and would contain the drainage structures and not on lots of someone else, but on this lot as a separate parcel. This also needs to be reviewed by the city engineer.

In the interim, on prior submissions, Wade Putnam had made some comments and tonight they have responses to those comments dated September 3, 2019, (exhibit "A"). Wades' comments are in black and our responses are in red. These were handed out to the board. Mr. McCourt reviewed these with the board.

Comment #1.

An unbuildable lot has been just created by the introduction of an Approval Not Required Plan. The lot previously was a buildable lot. The owner of 55 Caldwell Road and 60 Caldwell Road each own to the centerline of the existing Caldwell; therefore, there is no frontage for the unbuildable lot at the end of Caldwell Road. The owner must provide proof of access to the subdivision being presented.

Response: Caldwell Road is a public road so the abutting owners do not own to the middle of the way. We do agree that the lot at the end of Caldwell Road does not have sufficient frontage to make it a buildable lot. That is the purpose of the subdivision request.

Comment #2.

It is recommended that the board obtain a new written approval from the building department for both lots now known as Lot one (1) and Lot two (2) each having two (2) buildings upon one (1) lot. The provision that each building have its own utility connections existed previous to the buildings; just because it exists does not mean it is an approved plan and no permit was filed. Also, Waltham has an ordinance which no runoff shall flow onto the street which existed before these buildings were built, yet no drainage is shown.

Response:

The existing residential buildings on lot one (1) and lot two (2) are already authorized. Any additional regulations will be dealt with directly with the building department. These buildings have existed for over fifty (50) plus years.

Comment #3.

Having two (2) buildings upon one (1) lot does not allow one (1) sewer and one (1) water connection for two (2) buildings. It is required that each building have its own water and sewer connection into the existing city main. There are four (4) buildings involved here and this has been stated previously.

Response:

As stated before, these buildings have existed for over fifty (50) years and have existing water and sewer connections.

Comment #4.

The water main must be looped; Waltham has many problems with water lines that are not looped as you have been previously informed. Breamore Road for instance, with the last approval by the Board of Survey and Planning, now has the owner.

Response:

As a condition of the subdivision approval, we have agreed that the water will be looped to Main Street. Plans showing this have been submitted.

Comments #5.

If Caldwell Road extension were allowed the determination as to how the walls and parking areas in the center of the existing public way would be allowed must be determined. How were permits issued? This would no longer be the end of the street where only the last two (2) owners would go to get to their property.

Response:

Again, Caldwell Road is a public way and the two property owners at the end of the way have frontage on it. The proposed cul-de-sac would actually make the condition at the end of the road better.

Comments #6.

All delta angles are required to be shown on the plans presented. The area of the street must be shown on the plan. It is considered a lot.

Response:

All angles required to be shown on the plan shall be provided. The area of the street can be shown on the plan, however it is not a lot, it is a street.

Comments #7.

The sewer as shown goes into an old existing main. If the manhole is not a precast unit then it must be replaced and the sewer line must be televised to the next sewer main to determine its integrity before entering it.

Response:

Agreed.

Comment #8.

No house connections are allowed into sewer manholes. They must be made into the main.

Response:

House sewer connections will be constructed as required.

These items were discussed at length.

The chairman then opened the meeting up to the members for questions.

Ms. Callahan asked what is in it for the residents of Caldwell Road and how will they benefit from this subdivision.

Mr. McCourt said that the biggest benefit for them for that it truly dead ends at the top and you really have turn around in other people's driveways to get out. With the cul-de-sac any resident or say delivery trucks and the fire department trucks can now turn around in the cul-de-sac. The fire department actually got stuck up the hill before. The road has been a dead end since 1922 with the original layout. So this turn around would be a major benefit to the neighborhood.

Ms. Callahan commented that we are giving them increased traffic with the construction of building three (3) houses and she is just trying to figure out how the current residents that have been in there for years and years what the actual benefit would be for them.

Ms. Tarallo said that she still has an issue with the property being part of a variance, and seeing the letter we got back from the fire department, she would like to send a second letter to the law department before we even vote on this or anything else.

Ms. Callahan said a second letter was sent.

The Chairman said that the response from the law department was really what we looking for, it didn't really answer our question, so we sent a second letter.

Ms. Tarallo said that now this is a definite subdivision, not the ANR Plan which was how we sent the question to the law department, so now she feels that yet another letter needs to be sent that this land is part of a variance and may become part of a subdivision and we need to know if a subdivision could be approved.

Mr. McCourt asked for a copy of the law department responses.

The chairman said he could go to the office and Ms. Deveney would give him a copy.

Mr. McCourt commented again that this variance was granted over fifty (50) years ago and at that time it was tied into a plan or actually the land. If it were granted today, the plan would become part of the grant.

Ms. Tarallo asked if she needed to make a motion to request that the board send this letter. The Chairman said no, that Ms. Deveney will send the letter.

Mr. Moroney asked if at this point has it been confirmed that Caldwell Road is a public way?

Mr. McCourt said, "Yes".

Mr. Moroney asked, "How would this extension get built and be attached to the public way and would that now have to become a public way"?

Mr. McCourt said it could, but it doesn't have to be. We did that before at Summer Street a few years back. The road would be adequately built so that if they petitioned the city council to make it a public way, it could.

Mr. Moroney said that when they were at the site visit, they determined that it was very tight up there, so the people at the last two (2) lots have their cars parked along the side of the road and if you extend that road they now have nowhere to put their cars, but if the public way was extended they could at least pull them down along the curb to allow passage for others vehicles.

Mr. McCourt agreed.

Mr. Moroney asked if lot 5A remains part of lot one (1) and lot two (2).

Mr. McCourt said that it does not. It becomes a completely separate non-buildable lot, but would be part of the lot with the easement for the drainage.

Mr. Moroney commented that now because lot 5A couldn't be combined with the other lot to get two (2) buildable lots that they just maximized one (1) and minimized the other?

Mr. McCourt said that prior to previous discussions they originally thought they were going to put it on top of one (1) of those other lots as part of the building lot, but then it was a question of who was in charge of the drainage. Now, in this case it would be separate. It could be part of an easement or deed that we would give to the city.

Mr. Moroney asked if lot 5A would be part of the street layout.

Mr. McCourt said, "No".

Mr. Moroney asked which way the sewer connections from the new houses were going? Were they going down though lot one (1) or lot two (2) or are they actually going to be connected to Caldwell Road.

Mr. McCourt said they were being connected through Caldwell Road at the sewer manhole which is just a few feet from the lot lines. The water will loop around.

Mr. Moroney asked if calculations had been done showing if the sewer can handle additional capacity for the new sewer connections.

Mr. McCourt said he thinks they have been, but will affirm that by the time we come back again.

Mr. Moroney had a few questions regarding Dr. Chiang's boring report. He noticed that all the test borings seem to have found no ground water coming out of the ledge.

Dr. Chiang came forward and said that was correct; there was no sign of water or mold there.

Mr. Moroney said that one (1) of his huge concerns is that normally, when you dig into a hillside, you usually unleash a bunch of water. Looking at your calculations that meet the 100 year storm standard, he wanted to make sure that there is no increased capacity in those calculations that take into account any ground water conditions coming out of the hill, or are your calculations strictly for the 100 year storm for surface runoff.

Dr. Chiang said it is for the storm water runoff. The ground water is not showing any signs of water so we actually let the water percolate into the ground to reach under the ground water. That area is high so in most cases you find a high ground and find water. Then usually you have complete ledge or create another clean layer ground water level.

Mr. Moroney then said that if the drainage systems are designed to take storm water only, then what has been done design wise because your underground water system is still basically higher than everybody else's basements and houses and land below you. How is that water controlled so that the water going into that storm water system doesn't inadvertently end up in everybody else's basements down below you?

Dr. Chiang said, "Generally the ground water goes to the leaching pit very slowly and also goes down if you have an impervious area with the water going down faster and you don't want to create runoff washing down the street".

Mr. Moroney said that if that is so, none of that water will be going down Caldwell Road. If your system overflows from heavy rain and that water starts to run down Caldwell Road, there is no way to control it.

Dr. Chiang said the system was designed to handle a 100 Year Storm.

Mr. Moroney said he is concerned with raging rainstorms for twenty (20) minutes that overwhelms the grates.

Dr. Chiang said all systems are designed to handle 100 Years Storms at twenty-four (24) hours which is the city standard with a 4.6 inches of water coming down every hour.

Mr. Moroney asked if the storm drain is in the middle of the cul-de-sac.

Dr. Chiang said, "Yes".

Mr. Moroney asked if the paving would be sloped toward the storm drain.

Dr. Chiang said, "Yes and into the system on lot 5A; we have a bunch of the storage basins there". He reviewed this on the plans.

The chairman asked Dr. Chiang what his definition of a 100 Year Storm was.

Dr. Chiang said that the definition of a 100 Year Storm is when you have a one (1) percent chance for it to occur once every 100 years. You could have a 100 Year Storm today and tomorrow and you would still have a one (1) percent chance to have a 100 Year Storm. That is a hydrological way of defining a 100 Year Storm.

The chairman felt that in the past ten (10) to twelve (12) years, we have had a number of 100 Year Storms. Looking at lot 5A and directly below that, is that house so you're actually putting water at the elevation where someone standing in that kitchen below the water is going to be placed to come out slow. That is what the drainage is doing, but his issue is that we have had many 100 Year Storms in the past twelve (12) years. Maybe you could increase the 100 Year Storm Design even though you are only required to have it for a 100 Year Storm. Could you think about that?

He then asked about the cul-de-sac itself. Does that have a swale or something that directs the water at the elevation of the cul-de-sac where it goes into the existing street.

Dr. Chiang said, "Yes, the water is going upward. Ten (10) years ago for Massachusetts in the Waltham area we had 6.7 inches within twenty-four (24) hours during a 100 Year Storm. Recently, that had been raised to 8.5 inches for a twenty-four (24) hour, 100 Year Storm. The entire world weather has changed. The cul-de-sac does slope. There are a couple of low points where we put a catch basin there to catch it and carry the water into the detention area". He reviewed the catch basin locations. These are based on the precipitation rate with a standard seven (7) day drain out period.

The chairman asked what the grade of the cul-de-sac was where it meets the road and asked if the cul-de-sac goes up or does it go down.

Dr. Chiang said that at first it goes a little flat then slowly goes up near the sidewalk. There is a little slope towards the sidewalk.

The chairman asked for the grades or the elevations.

Dr. Chiang said it is probable that slope wise it is one (1) to 20% up. They put catch basins at the low spots.

The chairman asked member Moroney if he would read the grades or the elevations there on the plan.

Mr. Moroney said he would and if he was looking at the plan on sheet six (6) correctly, the cul-de-sac is at an eight (8%) grade. Looking at station zero (0) minus fifty (50) it is out on the existing Caldwell Road and it goes to minus twenty-five (25). There, it is a little one (1) % down which is good which means the water does not go back down the street to the existing residents. There is a seventy (70) foot vertical curve and as you go into the site. He saw what appears to be at the entire circle that it is sitting on an eight (8%) grade.

He then commented that if we are going through all this work to engineer this to go up, why isn't that level? It is a death trap if that is at an eight (8%) slope. Why isn't the cul-de-sac level?

Dr. Chiang reviewed the cul-de-sac profile plan and said that along the centerline of the slope it also has a curvature slope toward the side.

Mr. Moroney commented that he couldn't believe that he was proposing a cul-de-sac at an eight (8%) slope. The minute there is ice you are going to have cars sliding down into house number two (2).

Why isn't this level or at a minimal slope? Water will go down at twenty (20) miles per hour at an eight (8%) slope. How are you going to control that? It won't even stop at the drainage grate. Then you have it going down to four (4%). It doesn't make any sense! Does the fire department understand that they are going to have to turn a fire truck on an eight (8%) grade?

Dr. Chiang said at a 100 Foot cul-de-sac, the fire department shouldn't have any problems making the turn.

The chairman asked Dr. Chiang if he ever drove a large truck. The chairman commented that he owns trucks. The city allows ten (10%) only on roads. He has driven down Caldwell Road in the middle of a snowstorm sanding and salting it at its seven (7%) slope, and slid right down onto Weston Street.

So, what Mr. Moroney is saying and what we are all saying is that you are asking to put in a subdivision and this needs to be done right. If it means that you have to blast and drill and whatever, which you may have to do to get the lot down, but an eight (8%) grade on a cul-de-sac is not good.

He felt that there is still a lot of work that needs to be done to this design. He was not happy with this at all.

Mr. Moroney said that this eight (8%) slope would be equivalent to the high school hill, which is in the seven (7) to eight (8%) range. Also, he said that Standard Electric's road is probably at the ten (10)% maximum and that is a dangerous road. He assumed that with the way you designed the houses with the garages that they would be coming out to a more level cul-de-sac.

The chairman said, "It is just dangerous".

Dr. Chiang said that they would go back and review this and see what they could do to reduce the slope.

Ms. Tarallo stated that the sloping that you have will be coming up to 165 feet at the top, then you are going down to your road which is about 150 feet. Then, you are going to take all of that ledge out. How are you going to get all of that stuff out of there? Ms. Callahan and herself walked that area and there is a lot of ledge up high and noted how dangerous the land was and the topography of it. How do you plan on getting all of that material out of there?

Dr. Chiang showed this area on the plan where there is ledge. They were not sure if we could chip it if its' cracked rock or if it is boulder type. We will drill down about two (2) feet and use a backhoe there to dig a hole seven (7) to eight (8) feet and see what is there.

Ms. Tarallo said you are going to be loading very large trucks going up and down those streets and this is going to disrupt those residents for a long period of time. Caldwell Road is not wide enough to handle this construction that you are going to have to do, and this is a major concern that she had. This is a major safety issue.

Mr. McCourt wanted to point out that the petitioner owns two properties, lot one (1) and lot two (2) and so before this is finished off they could take the materials down through there and down to Main Street and not have to use Caldwell Road at all for the trucks doing this work. The owner is more than willing to agree to that and would even agree to it as a condition of the approval.

Mr. Moroney said that is a great idea.

Ms. Tarallo then brought up the drainage and water concerns. She lives off College Farm Road and witnesses how bad the rain travels down that road and turns it into a river. It gets extremely icy during the winter and cars are going right on to Lexington Street which is very dangerous.

She then asked why there wasn't a cross section for the street. It is required and you don't have one. Showing this cross section would help the board better understand how you are doing this cul-de-sac and the road?

Mr. McCourt could not answer that question and said he would check with the engineer that designed the street and if it hasn't been provided he would make sure it is by the next meeting.

Mr. Moroney asked what the percentage grade of the driveway is going into lot three (3).

Mr. McCourt said that he did not have that answer.

Mr. Moroney commented that the rule says you have to control the drainage on site. There are two (2) trench drains on the plan which unfortunately most of the lot water is steered to those trench drains and those trench drains are leaving the lots and going out towards the leaching galley towards the left on lot three (3) and is assuming that it is all house water.

Dr. Chiang said on lot three (3) all of the roof downspouts are connecting to the back. The back of driveways have walls, the yard itself is higher than the driveway. So we have a variable height wall on top.

The water will flow down through the grass area into the cul-de-sac.

Mr. Moroney stated that we have site water going into the cul-de-sac; why doesn't the trench drain in the driveway pipe over to the leaching galley on site?

Dr. Chiang said the driveway is collecting water because of the slope to the cul-de-sac and they would put a trench drain there to collect the runoff and carry it into the street drain.

Mr. Moroney said the point is to not put it into the city system, but to keep it on site. So that trench drain should be piped over to the other leaching pit and not to the drainage system on the cul-de-sac.

Dr. Chiang said the rule says you are not allowed to put storm runoff into a pervious area and into the street. We have an easement there for storm water control.

Mr. Moroney asked who owns lot five (5) and who is going to maintain this elaborate system. Who will be responsibility to clean all those pipes if it starts getting clogged.

Dr. Chiang said it is the same owners of lot one (1) and lot two (2). We could add a couple more catch basins on the lot but this is the easiest way to contain all the storm water on the lot.

Dr. Chiang said the new owners could create some sort of agreement like a condo association does to agree to maintain the system.

Mr. Moroney said he is a little concerned about the leaching basin on lot three (3) and asked if this leaching basin is higher than the basement elevation of lot four (4).

Dr. Chiang said, "Yes, it a little bit higher".

Mr. Moroney said, "Then water going into the ground from lot three (3) has the ability to get into the basement of lot four (4). The leaching system on lot four (4) of which we have a letter from an abutter, has asked if anyone has checked if the leaching system on lot four (4) is higher than the basement of the abutter on Caldwell Road".

Dr. Chiang said that the leaching system on lot four (4) is not that much higher. The leaching basin is a least a foot below her basement".

Mr. Moroney then commented that he bet the abutter has a fieldstone foundation which would have absolutely no ability to withhold any the water pressure at all. Anything coming out of that leaching basin coming onto her property is going into her basement.

Dr. Chiang disagreed.

All of the leaching basins on all of the lots were discussed.

Mr. Moroney asked if any calculations were done for the retaining wall at the right back end of lot five (5A).

Dr. Chiang said that wall isn't there yet.

The chairman asked, "Who would own the cul-de-sac".

Mr. McCourt said, "If it is a private way, then each owner would own it to the center of the way".

The chairman said that then we are allowing water to go into the cul-de-sac to be collected in that drain.

Mr. McCourt said that every subdivision you have approved are only private ways unless the city accepts them.

The chairman then commented that in twenty (20) to thirty (30) years down the road this drainage system on Lot five (5A) has to be maintained. As you said, someone needs to do that.

Mr. McCourt said, "That is correct. We would do like we did at Pigeon Hill and with some other subdivisions. They form an association and they would take care of the maintenance, unless the city took over the land and made it a public way.

The chairman asked if the driveway trench drains were piped into the drainage basin on Lot five (5A) or does it stay on site.

Mr. McCourt said, "Currently, they are not".

Mr. Moroney said, "Yes, they do get piped into Lot five (5A) which makes me now ask what the square footage of that drainage area is. Is it strictly the road or is lot five (5A) basically designed to hold all runoff from all three (3) lots. Lot five (5A) is six (6) times bigger than the other two (2) lots.

Dr. Chiang said, "The design includes the whole road, the whole cul-de-sac extension plus three (3) driveways. At this time we do not know what the design of these proposed houses will be so we assumed that each driveway would be 1000 square feet per house per lot and that is how we designed the capacity of the drainage. So, three (3) lots would be 3000 square feet of impervious area. Once the approval is all set we can always redesign the drainage once the house design is determined.

The chairman said, "The problem is that if we accept this plan, we don't know what is going to be built".

Dr. Chiang said, "Whoever is going to build a house has to go back to the permitting and to the city engineer to show the drainage for that house lot for engineering approval".

The chairman then closed that part of the hearing and opened it up to the public in opposition. He asked the residents to be brief and not to be redundant with their questions and concerns.

He then asked if our city councillor would like to speak first.

Ward Seven Councilor Kristine Makin of 12 Wheelock Terrace came forward.

The abutter that submitted the letter and was asking about the basement, had checked the Waltham GIS and her house sits about 140 feet and since an adult could comfortably stand up in her basement it is probably six (6) to seven (7) feet deep which puts the floor level at 132 feet which is lower than the 134 feet you were talking about for the drain above her property. Also, there is a retaining wall on her property which appears to be historic in nature and if this is approved, they would like some assurance that when the blasting starts and the building is going on, there is going to be some action taken to make sure they are not going to have erosion.

She commented that one (1) of the driveways appears to have a wall, as does her own and in the winter if she wants to use the full parking surface she has to lift the snow up above the wall over her driveway as it is illegal to push snow into the street. So, if there is going to be a driveway with a wall she would like to know where they anticipate someone shoveling that snow to and if that driveway would be accessible should they have really deep, heavy snow.

Also, when Dr. Chiang mentioned he didn't know what kind of house was going to be built, she wanted it known that this is a residential, single family home zoned area and anything else being proposed would not fit in with the character of the neighborhood.

Kathleen Chlapowski who owns 30 Caldwell Road came forward. She is the owner of the 100 year old house with $\frac{3}{4}$ of an acre land that sits on top of a hill. On her right there are three (3) parcels of land that border her property. Two (2) of the properties are listed as sixteen (16) and eighteen (18) Caldwell Road. The other property is 183 Weston Street. On the left side of her property there are three (3) parcels listed as 48, 56 and 60 Caldwell Road. Behind these two (2) properties there is a huge yard and fifteen (15) yards of slope. Her biggest concern was what is going to keep the slope there and what will the water do. She has ledge in her cellar and every time it rains water follows that ledge. She has ledge outside at the top of her driveway and ledge all over the top of this development. So she is very concerned about the drainage and not disrupting the land /slope in that area.

Next to speak was Joshua Nicholas of 56 Caldwell Road. There are two (2) things that he would like further clarification on. The boring samples seem to reveal that land is mostly rocky in nature and therefore, it is not porous and won't naturally absorb any water without a drainage system in there. So the drainage system shown there will need to take the entire load of all the lots. He is concerned that the drainage system exists in an area without ownership and doesn't understand how that is going to work. The petitioner mentioned one (1) of the benefits for the neighbors is that they would be able to park in the street, or kids could ride their bikes, but on an eight (8%) grade he didn't see that happening and if it's a private way he isn't supposed to park

here and if it did become a public street, then the city would be responsible for this drainage system. With all the debris from leaves and other stuff in that area he doesn't see how it will be maintained properly. He is very concerned about that.

Next to speak was Thomas Rogers of 18 Caldwell Road. He said that they were originally told by the petitioner that the access from Main Street was too steep for the residences to live there and that is why they had to come up Caldwell Road. Now, they are saying that they can get all of these construction vehicles as a condition to go down to Main Street and he is confused about that whole concept.

With no one else to speak in opposition, the chairman closed that part of the hearing. Then, he opened it for anyone that was in favor of the petition. Being none, he closed that part of the hearing. Then he opened it back up to the members.

Ms. Callahan commented that the last resident that spoke brought up an excellent point. If they can have their construction vehicles go up and down Main Street then why can't the street go up and down Main Street and not Caldwell Road? And this bring us back to Ms. Tarallo's concern about the variance and she feels that this really does need to be addressed before we can do anything else with this petition.

Ms. Tarallo said she still has the same concerns. She asked what the size of the lots on Main Street under the variance were, since if you take some land away you change the configuration.

Mr. McCourt didn't have that information with him but he will have it at the next meeting.

Ms. Tarallo then asked what the length of the road would be.

Mr. Moroney said it is 188.38 feet to the backside of the cul-de-sac.

Ms. Tarallo said the road itself is about 800 feet. The old map has it at 800 feet and you are adding approximately 200 more feet which will make Caldwell Road a 1000 foot dead end street which is a concern. Her concerns were the road length, no cross sections shown, the steepness, and the impact of the variance with the subdivision.

Mr. McCourt said, "Yes, but with a cul-de-sac".

Mr. Moroney wanted to answer the construction question. With the ten (10%) grade requirement on the road, construction vehicles can traverse much easier on the steep land and felt this was a great idea and it would only be temporary. That would keep those trucks off Caldwell Road and would not disturb the houses that are there. However, he is concerned about the ledge. He looked at the boring reports and the test pits and is amazed that they didn't hit a spring. When you did these test pits and it was bone dry meant you will have good filtration going down, but his concern is that when water hits ledge it begins to move laterally and if these drainage basins wherever they sit, if they are up above the existing people's basement it is just a matter of time before that water is going to start moving laterally and make it to the neighbors basements and downhill to Lots one (1) and two (2). He would like to see on the plan, to drop that cul-de-sac

down to reduce the grade of the road and see elevations at the bottoms of the leaching pits with elevations of all of the basement floors so when all of water is going down and starts to move laterally, it's not above anyone's basement including the new houses.

The chairman feels the same way as his colleagues and as well as the public. Regarding the list of waivers being requested, and waiver 4.23 to reduce the fifty (50) foot right of way to a minimum of forty (40) feet and to allow the width of the road to be constructed as shown on the plan, he asked Mr. McCourt what this waiver was for.

Mr. McCourt said that Caldwell Road isn't fifty (50) feet wide, and fifty (50) feet is basically, like a highway road. The cul-de-sac that was done at fifty (50) feet at the end of Cusano Circle is like a heliport so we felt the 40 feet was consistent with the road going up.

The chairman asked if they could build a fifty (50) foot road up there.

Mr. McCourt said, "Yes, of course they could". He wanted to add for the record, that if they needed to blast, by law they would have to have a pre blast survey and go into every house within 300 feet and detail everything. It's a very protective law.

The chairman reiterated to the residents that if they do have to blast that they would have to go in everyone's house and video and take pictures of everything and do a report.

Mr. McCourt also wanted to respond to Councillor Mackins concern about anything beyond a single family home being built, he said this locus is single family zoned and nothing else could be proposed.

Ms. Tarallo asked if they are looking to extend the road longer than 500 feet then shouldn't that be a waiver too?

Mr. McCourt said that they would add that waiver as the total length will now be longer than 500 feet.

The chairman then said you have heard all our concerns and suggestions, you heard the neighbors concerns and when you return at the next hearing he wants to see a complete set of plans with everything we need to see and if everything we want isn't on the plans and we need to vote then most likely the vote will not be in your favor. He then recommended that we continue this petition to the November Meeting and we have until December 13, 2019 to act on this matter.

The Chairman asked if there was a motion.

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

**VOTED: to continue the petition for a Definitive
 Subdivision and the extension of Caldwell Road**

at the next meeting of November 6, 2019 with the submittal of a complete set of plans and show the access for the construction equipment entering directly onto Main Street and not down Caldwell Road onto Weston Street.

The chairman requested that they also submit to the board the grades at the end of Caldwell Road from Weston Street and the most minimal width of Caldwell Road.

Mr. Barrett added, not to forget that part of the motion is to include Mr. Moroney's suggestion that you need to concentrate on getting the grade of the cul-de-sac down or you're not going to be happy with the results.

The chairman stated that they will not approve anything that they didn't feel was safe.

Mr. McCourt said that they understand.

There were discussion on the sidewalks to include granite curbing around the cul-de-sac, but not at Lot five (5A). He highly recommended for safety issues that it be added at Lot five (5A) as well.

The chairman then closed that part of the hearing and asked for a five (5) minute recess.

The chairman the opened the regular meeting.

The board discussed sending another letter to law department regarding the effect of approving definitive subdivision on property under a variance. This letter is to be drafted by Ms. Tarallo and Ms. Callahan and forwarded to the law department through Ms. Deveney.

The clerk read the next item on the agenda which was for an update on the permitting process for 225 Waverley Oaks Road.

Attorney William J. Proia of Riemer and Braunstein of 700 District Ave., Burlington, MA came forward to address the board.

He said at this time he doesn't have a lot to report on the progress because we are under litigation with the city on the project and his firm isn't handling the litigation, but he was told that there was a meeting with the judge who encouraged the parties to try and settle the suit. They have submitted a settlement proposal to the law department and they are trying to schedule an executive session with the city council, but it just hasn't been able to be scheduled yet.

The chairman asked if he could come back next month if there was an update.

Mr. Proia said he would let Ms. Deveney know when he had an update and get scheduled at that time.

The board was fine with that.

The clerk read the next item on the agenda which was for the approval of the minutes of the September 4, 2019 Meeting.

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
September 4, 2019 meeting as presented.**

The clerk read the next item on the agenda which was to discuss Glen Circle.

The chairman gave the floor to Mr. Barrett. Mr. Barrett said that one of his neighbors had brought to his attention that the city engineer is planning to put driveways on Glen Circle onto Lincoln Street instead of Glen Circle. When this came before the board as an ANR Plan he wanted to confirm tonight that we said at that time that there was to be absolutely no driveways going onto Lincoln Street for safety reasons. He didn't realize that the city engineer would or could do this, but he wanted to confirm the board's requirement that no driveway would enter or exit onto Lincoln Street for safety reasons, and if the engineer requires it the petitioner would have to come back before the Board of Survey and Planning and we would deny it again. As a side note, the engineer is taking the addresses of the three (3) houses away from the locus and is now requiring them to have Lincoln Street Addresses.

The chairman asked if the houses were already issued Glen Circle Addresses.

Mr. Barrett said yes, the three house were assigned a Glen Circle address during the permitting process and have been rescinded. When the petitioner came before us there was a house in the upper right hand corner of Glen Circle with a Lincoln Street address, and the previous Fire Chief Ciccone and Mr. Barrett had discussed this and he absolutely insisted that it get a Glen Circle Address for life and safety. He feels the same thing should happen with the new houses on Glen Circle.

The chairman asked the Clerk of the board if he was familiar with assigning house numbers.

Mr. Chiasson said that he does not give out street numbers. He did hear about what Mr. Barrett had just said, but it was not from the city engineer, it was through another party. He may have an email that says the same thing from the city engineer.

Mr. Moroney asked if the lots have deeds, and if they do what is the address that is recorded with the registry of deeds.

The chairman said the lots are on Lincoln Street. You don't get an address until you go apply for one (1) when you go to build the house. He remembers when a house on Gentlemen's Way was being built and there were two (2) or three (3) lots that you accessed through Gentlemen's Way from Beaver Street, and they tried to get assigned Getnelemens Way as an address and the DPW Director who was an engineer, was opposed to it. We had the fire and the police chief come to a meeting and told the board that what would happen if there was a fire, and you went to 482 Beaver Street, but the house is on Gentlemen's Way, they wouldn't know how to get to it. This situation is the same. What he understood from Mr. Barrett was that the engineer wants the driveways lead onto Lincoln Street and then give the houses Lincoln Street Numbers. When the board accepted this it was understood that they would go through Glen Circle.

Mr. Barrett passed out and read an email he was given that was from the city engineer to the developer stating, "Please provide a plot plan for accessing Lincoln Street for Lots B-1 & B-2. The Glen Circle addresses were issued in error." This is proof.

The chairman considered having the police chief and the fire chief respond to this matter. The clerk asked to speak when the chairman was finished.

Ms. Callahan remembered when they had this petition before us we all agreed it was very dangerous to have Lincoln Street Addresses and the board was adamant about this for safety reasons. To have these homes with driveways onto Lincoln Street was not an acceptable thing for this board. She knows the neighbors were not happy with the fact that these houses were going to be on Glen Circle. She remembers saying to the neighbors that they can legally access from Glen Circle. But for the sake of safety they have to go onto Glen Circle and not onto Lincoln Street and I think that's how the board accepted it. She would like to hear from the city engineer, Mr. Casazza, to find out why he is saying that these Glen Circle Addresses were issued in error. What was the error? Explain it to us. The board needs to go back and look at our minutes and to find out what was said in regards to this.

The chairman said that Glen Circle is probably a fifty (50) foot roadway, it's not a twenty (20) foot roadway. It's a very wide, safe road. Look at what's before us now, Caldwell Road Extension, it is a tiny unsafe road. So we have to take that into consideration. This one we don't have to take into consideration. This was on our plan that we approved. We should have Mr. Casazza come before us at our next meeting and maybe request a letter.

Mr. Barrett said he would like to see a letter from us go out as soon as possible, reaffirming our decision and letting the police chief, fire chief, building commissioner, city engineer and the mayor know how we feel.

He made a motion.

Ms. Tarallo suggested that we take a look at the minutes and verify what we did.

Mr. Chiasson said the thing is the board approved an ANR Plan, so the only thing we can base our decisions on are whether they have frontage, which they do on Lincoln Street with two (2) of the properties. Our decision wasn't based on safety, it was based on the rules we need to follow. We don't have a choice in safety when it comes to an ANR Plan.

Ms. Tarallo said that they do.

Mr. Chiasson said, "You don't. You have the rules that you need to follow".

Ms. Tarallo said that we have had ANR Plans before us before for safety reasons, like the one (1) across from the high school that didn't get built because of safety.

Mr. Chiasson said he is trying to keep the board out of trouble by bringing up these points. Even if we had declined it, they could have come back and still have won because they had access and had the proper requirements to have an ANR Plan.

The chairman said that at that time we chose to allow the two (2) houses that do not have access through the lot that had frontage on Glen Circle.

Mr. Chiasson said the one (1) that has the frontage. The only difference here than at Caldwell Road is that Caldwell is a public way and that Glen Circle is a private way and the question is who has rights to use that private way.

The chairman suggested that we send this to the law department.

Again, Mr. Chiasson said he is trying to keep us out of trouble. They did meet all three (3) requirements for us to approve an ANR Plan.

Mr. Barrett said, "Public safety outweighs all".

The chairman said it may outweigh all, but doesn't mean you can override the rules.

Mr. Barrett said the Lincoln Street Property that didn't have access onto Glen Circle, the fire chief overruled it and it was issued a Glen Circle Number. So, apparently public safety can matter.

Mr. Barrett said then if they were to have to put driveways onto Lincoln Street, then they would have to appear before us.

The clerk said that is was not true. The entire lot is within twenty-five (25) feet of the intersection. They don't have to come to the board for a regular residential curb cut opening.

Mr. Barrett asked, "Even with there being a stop sign"?

The clerk said, "No. Both lots are in the intersection." He wasn't saying it's safe.

The chairman asked what the board would like to do.

Mr. Moroney liked the idea that we check the minutes.

Ms. Callahan was trying to find them.

The chairman said he really thinks this is between the developer and the people who own the private way. This shouldn't even be a city thing in his opinion.

Mr. Barrett said it has to be a public safety thing. The owners of a private way couldn't issue house numbers. So the city does have to come into play on this.

The chairman said that if the city engineer had already issued the numbers for Glen Circle and then revoked them he must have done that for a reason.

Mr. Chiasson said then the question is, do we the board need to get involved at this point.

Mr. Barrett then asked where does public safety come in, with the police and fire departments? That's why he suggested writing a letter.

The chairman said that the clerk is saying then why should the planning board get involved? The developer should probably go to the public safety officers.

Mr. Moroney asked if the planning board in the original minutes discussed the safety of the driveways in any way.

Mr. Barrett said, "Yes".

Mr. Moroney said then that's why you are being asked by the developer for help with this problem. So, if the city had told the board in the first place that no driveways onto Glen Circle would be allowed, would we have approved that ANR Plan to go onto Lincoln Street.

The clerk said, " We didn't approve a plan to go onto Lincoln Street, we approved an ANR Plan that had the right amount of frontage and had access to a way which met all the requirements".

Mr. Moroney then asked what the rule was that the developer had violated by putting the driveway onto Glen Circle.

The chairman said that it was because Glen Circle is a private way.

Mr. Moroney asked what difference does that make.

Ms. Tarallo said that the people that own that lot had a right onto the circle so that is how they got access to Glen Circle.

The chairman said there are no more rat tail developments allowed anymore in the City of Waltham.

Mr. Moroney then asked how Worcester Lane got approved then. It's the same thing. The two (2) houses that are on Totten Pond Road have Worcester Lane Addresses.

The chairman said that is correct and it was for safety reasons.
The chairman asked what the board would like to do.

Mr. Barrett said he would like to send a letter from the board and would make it a motion.

Ms. Callahan said, "No, it doesn't need to be a motion, we could send a letter to Mr. Casazza to clarify his email about why the addresses on Glen Circle were issued in error".

Mr. Barrett said he would like the police chief and the fire chief to opine on this.

The clerk said Mr. Casazza issues the street numbers and addresses.

Mr. Barrett said then if Mr. Casazza issues a Lincoln Street address, then the developer could go to the fire and police department and asked to have it reversed.

The chairman agreed.

Mr. Barrett said we should write a letter in support of it.

Ms. Callahan said she doesn't think the board should get involved.

Ms. Tarallo said it is beyond our scope.

Ms. Callahan said if we send the letter to Mr. Casazza saying; it has come to our attention that Lot B-1 and B-2 have which we had before us on September 19, 2016 and it was our thought at the time that the driveways would be coming out onto Glen Circle, an email has recently come to our attention from September 3, 2019 that the Glen Circle addresses were issued in error. Could you please clarify why these were issued in error and why these driveways should be on Lincoln Street? The board feels this is a safety issue and the driveways should remain on Glen Circle. We can copy the police chief, fire chief, building commissioner and the mayor.

The board all agreed to send the letter of concern.

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 9:01 pm.

A handwritten signature in black ink, appearing to read 'M. Chiasson', with a stylized flourish at the end.

Respectfully submitted,

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