



CITY OF WALTHAM

BOARD OF SURVEY AND PLANNING

The following are minutes of the 7:00 pm October 6, 2021 meeting held in the Auditorium of the Arthur Clark Government Center located at 119 School Street, Waltham, MA. In attendance were Chairman Creonte and Members Barrett, Callahan, DeVito, Keefner, Moroney and Tarallo.

The Chairman opened the Public Hearing at 7:00 pm and informed the public that the meeting was being recorded by the local Waltham Cable Access Channel and if anyone was planning to speak, when they come forward they are required to sign in. He also discussed the Covid safety requirements for this public hearing.

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

The Clerk read the first item on the agenda which was for an Approval Not Required plan for 817-828 Moody Street and 414 Crescent Street.

Attorney Ken Leither of 75 North Beacon Street, Watertown, MA came forward to review the ANR plan.

After brief discussion from the Board the Chairman asked if there was a motion.

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

VOTED: to approve the Approval Not required plan for 817-827 Moody Street and 414 Crescent Street as submitted and to allow the Clerk of the Board to endorse said plan.

The Clerk read the next item on the agenda which was for the approval of the minutes to the September 1, 2021 meeting.

The Chairman asked if there was a motion.

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

VOTED: to accept the minutes of the September 1, 2021 meeting as presented.

The Clerk read the last item of the regular meeting which was for the approval of the minutes to the special meeting of September 23, 2021.

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

VOTED: to accept the minutes of the special meeting of September 23, 2021 as presented.

The Chairman then reopened the Public hearing.

The Clerk read the 1st item on the agenda which was for a Special Permit existing driveway openings great than 25- feet and within 100-feet of an intersection at 1254 and 1256 Main Street.

The Board must act on this by October 15, 2021.

Attorney Joseph M. Connors, Jr. of 404 Main Street, Waltham, and MA came forward to address the Board on behalf of the Petitioner. There are currently two at this property at the corner of Main Street and Cutting Lane, these are pre-existing curb cuts that are there today so they are proposing to close the existing curb cut on Cutting Lane and are seeking approval of the existing curb cut that is situated on Main Street. The petitioner is Waltham Cannabis, and it is his intension to open a retail recreation marijuana facility at that property which requires a Special Permit at the City Council which they are doing now.

They did appear before the Board in the springtime and the Board was concerned about the curb cut opening straddles the property at the property line at 1250 Main Street. So the Board was concerned that the owner of 1250 Main Street was not part of this petition, which he's not. They did speak to that owner of that property and essentially did not want to get involved and didn't feel the need to get involved although he did state to Mr. Connors he would abide by any rulings or orders or dispositions that would be offered by the Board.

He also reached out to the City Traffic Engineer, because they did need to appear before the Traffic Commission and they did provide a traffic study, the actually went before the Commission twice and then reached out to the Traffic Engineer because he was concerned as the Traffic Commission had suggested in their findings that they should be prohibited from taking a left hand turn out of that particular curb cut on Main Street and have it a right turn out only, but then they kind of backed of that and that they would ask for that condition once Main Street is redone which apparently is a proposed reconstruction of Main Street in the near future.

Your Board is concerned about the same issue, so he reached out to the Traffic Engineer, and his opinion is that today any left hand turn would be prohibited out of that curb cut because of the existing island and it's not a physical island but a painted island, so he had a copy of the email from Mike Garvin, the City Traffic Engineer in which he states that it's his opinion that the law prohibits any left

hand turn lane out of that curb cut today, he also had a google picture of the site so you can see from above, you see the painted island out there and in the opinion of Mr. Garvin if it more than 4-feet wide then ant left hand turn is prohibited, so Mr. Garvin's opinion today was that it would be illegal.

So the Petitioner does not object to a condition that limits any use of that curb cut to a right turn only, and you may recall that Cutting Lane itself today prohibits a left hand turn out of Cutting Lane, but they are proposing to close Cutting Lane, then would be a left hand turn prohibition which would mean a left hand turn prohibition for the Main Street curb cut. The adjacent neighbor was unwilling to join in in this petition, but did state that he would abide by any rulings of this Board, which Mr. Connors believes that Board's prohibition a left hand turn falls under this law.

He had a copy of the easement that was granted in 1986 by Eugene Snow to the prior owner of 1254-1256 Main Street which gave him the right to use this right of way, so in that we have the right to use the right of way then that would include our right to petition the Board for the curb cut and to use the right of way.

Mr. Connors had the three documents to hand out to the Board and for the record, one was a copy of the email from Mike Garvin (exhibit 1), the second was the Google map (exhibit 2) and the third was a copy of the 1986 easement agreement (exhibit 3). These documents were date stamped into the record. He then ended his presentation and said he would be happy to address any questions the Board may have.

Ms. Deveney handed out the exhibits and the Chairman asked for a moment while the Board could review the documents. The Chairman then opened the meeting to the Board.

Mr. Moroney had none at that time.

Mr. DeVito asked Mr. Connors if he had anything in writing from the adjacent owner regarding his knowledge of this petition.

Mr. Connors said he refused to participate in the application.

Mr. DeVito asked if he had that in writing.

Mr. Connors commented no, that he asked if he would submit a letter noting his participation in the application or even a letter stating he wasn't opposed to it, but the owner said no, he did not want to participate and would like to keep things just the way they are, but said he would abide by any orders from the City about the property and any prohibition that would be provided.

Ms. Tarallo asked how many owners has the property had since 1986.

Mr. Connors commented that he didn't know at the moment, but believes since 1986 it has been a few times, Francis Parker owned it prior to that, and then Lincoln Electric, but he has a street card from the Building Department which lists the permits that have pulled for the properties and even with the various owners, BayBank had several permits, Bio Medical in 1991 had permits, National Medical in 1992 and 1993, Revival Scientific in 1996, Metro West Artificial Kidney in 1999, so there have been a few owner but there have been several tenants have been occupying the site.

Ms. Tarallo asked if the abutter has owned that property for a while.

Mr. Connors believes so, Hilltop LLC has owned it for at least ten (10) years, a Paul Brickman was involved in that and now the gentleman is David Sweetzer.

Ms. Callahan said that with this 1986 easement that current owner can't come and say that I never said they could do this, the Board would be covered?

Mr. Connor believed so, they have the legal right to use their own easement, and with any easement if it useless and can't use it to pass and repass it gives us that legal right.

Ms. Callahan said then the Board doesn't need a letter from that owner.

Mr. Connors said he doesn't believe so.

Ms. Callahan then said as long as the Board is covered by that easement then she is fine with that.

Mr. Connors said and with the comments from the Traffic Engineer no one should be taking left turns out there anyway, so everyone is covered based on the design of the current traffic flow.

Ms. Callahan said that regarding the right turn exit, they had previously discussed painting on the road a right turn only arrow and asked if he spoke to his client about her request.

Ms. Callahan also asked for “No Left Turn” sign across the Road as well, she had that in her notes from last meeting. She also had in her note regarding a Police detail and asked for the update on that.

Mr. Connors said that had been suggested by the Traffic Commission that if should be approved for the Medical marijuana Facility that they set up for at least the first two (2) weeks has appointments and a police detail. They would definitely agree to that.

Ms. Callahan commented that she had previously suggested that be extended to four (4) weeks.

Mr. Connors said they would agree to that.

Mr. Barrett asked if there was a curb cut at the right of way.

Mr. Connors said there was a curb cut.

Mr. Barrett commented that back in June at the meeting he had asked for shrubbery to be placed there so no one would use that.

Mr. Connors said yes, on Cutting Lane and the plan shows a physical barrier and that landscaping is to be provided.

Mr. Barrett said that was great.

Mr. Keefner commented that the right turn out is good, and currently the left hand turn prohibition is because it is a one way.

The Chairman commented that regarding the right of way, it gives you the right to travel on that piece of land, but you’re going to actually build a curb cut?

Mr. Connors said no, the curb cut already is already there, they are only going to use what is preexisting.

The Chairman said that you are not physically building anything?

Mr. Connors said that is correct, they will not be building anything.

Mr. Moroney said that 1256 Main Street building will be coming down, and when the new building goes up, based on the photo that curb cut that is there now that has been modified is now how wide?

Mr. Connors said is 37.5 feet wide.

Mr. Moroney asked that when the new building goes in, the two curb cuts that are in the picture, are going to be used as is, right side out, left side in.

Mr. Connors said yes, that is correct.

Mr. Moroney said the Traffic Commission made a comment about not crossing lines, so if that is the case then the only way one would be able to get into the property is to take a right turn only in. He asked there was an entrance on Cutting Lane.

Mr. Connors said there is not, if someone was to come down Cutting Lane and they wanted to come into their place, they would take a right onto Main Street and then a right into the property.

Mr. Moroney said then that everyone is in agreement that the only way you are going to get into that property is going to be right turn.

Mr. Connors said he would agree based on the comment of the Traffic Engineer.

There being no further comments from the Board, the Chairman closed that part of the hearing and opened it to the public and asked if anyone would like to stand or speak in favor of the petition. Seeing none he closed that part of the public hearing.

He then asked if there was anyone that would like to stand or speak in

opposition in the petition.

He asked them to come up to the mic and state your name and address for the record and to sign in as well.

Randell J. LeBlanc of 21 Linden Circle, Waltham, MA came forward but not in his role as a City Councillor as the petitioner may have a matter before the City Council that he has recused himself from as he is the rental tenant of 1250 Main Street, and nobody has notified them nor has asked them any questions about this, and he has been at the property for over 25 years. To grant this he felt it would be a big mistake.

The trucks and deliveries just the way the flow is, and he actually looked at purchasing this property when Mr. Snow owned the building and at that time did look at the right of way and the easement and at the time Mr. Snow had stated that it helped with the flow because the way the traffic comes in and comes out, and the building with the multiple owners next door with multiple tenants and the tenant in the front where he is and closer to Main Street. They have deliveries all the time and the only way it works is they come down the easement which actually the property above 1250 Main Street, and they come down and make the deliveries and the only way to come is to go down Cutting Lane.

He doesn't know if the Petitioners have been to the building multiple times as three or four times a day there is a gas truck parked in that easement blocking it which is not an issues because you just go out, the flow pattern comes in Main Street and goes out Cutting Lane. And it works for everybody and for all the tenants there and in the winter time it's a nightmare because the snow is on both sides and it's a narrow one lane. It's not a two lane in and out, only enough room for one vehicle. The snow is a problem and they usually have to get a bobcat up there and get the snow out of there as there is nowhere to park.

With new parking up there it's going to be impossible to turn around, fire trucks won't be able to turn around, and one of the tenants has two box trucks and said he didn't know how he would be able to get of there with Cutting Lane exit. He just doesn't see how this work and as a safety point, he couldn't be more opposed to it. He then thanked the Board for their work they do on this Board.

There being no further people in opposition the Chairman closed that part of the hearing and reopened it to the Board.

Mr. Keefner understand the concerns of the tenant, and understands that the property owner doesn't want to get involved, but would like to see something from the owner of 1250 Main Street owner stating that they are the owner and they are okay with this .

Mr. Barrett said he would like to have site view to see exactly how the parcel is laid and want to take another look at it.

Ms. Callahan is in agreement with her colleagues. She too thins they should get a letter from the property owner stating he does not have an issue with the proposal.

Ms. Tarallo agreed and stated that that has been her biggest concern not having a letter from the abutter.

Mr. DeVito said he felt that at the very beginning they should have a response from the abutter whether he want to participate or not, he thinks it's a definite requirement of this Board. Also, after hearing Mr. LeBlanc's concerns, we should definitely have a site view.

Mr. Moroney said that the building is being taken down, so the driveway will now be 37.5 feet wide, not one truck wide, from Main Street to the back of the property?

Mr. Connors said that is correct. If you went up there today, and you looked on the ground at the curb cut openings, the curb cut on their property, not the adjacent property, literally sits in front of the building,

Mr. Moroney said that's why he keeps repeating and asking that.

Mr. Connors said that they will be taking down that building entirely, make a smaller building so they can use the full width of the curb cut as it is exists today, and they can go in and go out.

Mr. Moroney said there is a plan that shows the new building on the lot and the Fire Department reviewed that plan and had no objections or issues with that plan?

Mr. Connors said yes, that is correct.

Mr. Moroney did comment that he agrees with other members of the Board, that we need something in writing from the adjacent property owner. However the easement is a valid easement and if you have an easement it doesn't matter if the adjacent property owner agrees or not, he's got a legal easement to use it, he's not doing anything to it. Other than painting a white arrow right turn only, so he thinks a request for letter is appropriate, but if the owner of the property doesn't want to comply, he doesn't see how he has to. He had a deeded easement to use that piece of property.

The Chairman agreed and disagreed, and feels they should hear from the owner of 1250 Main Street and didn't realize there were issues as far as going in and out, or that there could be issues.

He asked how their plans are going to disrupt the flow of traffic that is going on today. The flow comes in from Main Street and then out Cutting Lane.

Mr. Connors said sometimes, and sometimes they come out of the driveway as it exists onto Main Street.

Chairman Creonte said what if a truck came in and couldn't make a U-turn there that truck would have to go out Cutting Lane, so you're closing Cutting Lane?

Mr. Connors said yes, they are closing Cutting Lane for a couple of reasons. One being those neighbors would like it closed and asked for it to be closed, if you ever have gone up there, it is one up and down. It is two ways on the residential side, on the south side, but once you get to their property it's only one way going to Main Street and then it's no left turn and a right turn only.

The Chairman asked how that would affect the neighbors if you come out of Cutting Lane and take a right.

Mr. Connors replied that some people come down Cutting Lane and take a

left turn anyway, which they can't control that unless we put a curb cut up to keep it all onto Main Street.

Mr. Connors has asked the neighbor to participate in this with a response but clearly said he did not want to get involved, but he will circle back and ask again. Mr. LeBlanc commented that trucks go in and out of Cutting Lane, but they don't have the legal right to do that. The tenants at 1250 Main Street don't have an easement to go to Cutting Lane to pass over this property.

The only easement that exist is for the driveway that is shared.

The Chairman asked if the owners or tenants of 1250 have enough of their own property to turn around.

Mr. Connors did not know if they had enough land but they could go around their building and go out to the light at the intersection of Market Basket.

The Chairman felt the Board is put in a position that they really don't understand as they should, as Councilor LeBlanc said that it may present a problem for them, however as Mr. Moroney said, it's not their property do what they want to do with, and would like for you to say you would keep Cutting Lane open for the flow of traffic to remain well.

Mr. Connors commented that in order for them to have drainage on their property, Eugene Snow need a drainage easement from 1250 Main Street to Cutting Lane to get the utilities on Cutting Lane so, it was a necessity, because of the drainage easement, the owner of 1256 Main Street has an easement to get onto Main Street over his properties. It wasn't a one way street. There wasn't an easement for 1250 Main Street to access over to Cutting Lane, to our property, it doesn't exist.

The Chairman interrupted and said that one his members asked for a site view and thinks that would help explain a lot.

Mr. Connors said agreed.

Mr. Moroney commented that in the interest in cooperation for both properties how much it would alter your plans if the easement over to

Cutting Lane would remain open with a right turn only out. Does it cut your parking out?

Mr. Connors said no it wouldn't.

Mr. Moroney said he can see Mr. LeBlanc's point view even if the driveway is now 37.5. Feet wide, any type of large delivery truck going in is not going to be able to turn around at the 1250 main area so the logical solution would be to simply come in from Main Street and exit on Cutting Lane. If that were to be granted in the interest of creating some cooperation here, would that negatively affect your project?

Mr. Connors felt it would as there is another issue as he stated earlier, the neighbors were opposed to them using Cutting Lane. Also, the Building Inspector was opposed to that as well.

The Commissioner said that you have a commercial building with commercial use and if you are going out Cutting Lane you are then going into a residential neighborhood for commercial use.

The Chairman asked if there was a house adjacent to that curb cut on Cutting Lane.

Mr. Connors said the house is behind it. If you were on Main Street and looked at their building, behind their building is a residence. There is a zone line that literally abuts the back of their property.

The Chairman then asked if you did go on Cutting Lane and take a right, wouldn't you be staying on the commercial side of the property on the road.

Mr. Connors said, no, because of the zone line 30 feet behind the property, which is a residential zone.

The Chairman then asked if they had a site view could they put a line of cones where that zone line is.

Mr. Connors said they could do that.

Mr. Moroney asked to show the foot print of the building as well.

Mr. Connors said they would.

The Chairman then asked if there was a motion.

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

VOTED: to continue the petition at their November 3, 2021 meeting and to have a site visit as soon as possible and to also extend the Time to Act until November 15, 2021.

They then chose to have the site view for the following day, October 7, 2021 at 5:00p.m. at the site 1255-1256 Main Street.

The Clerk read the next item on the agenda which was for the approval of the Definitive Subdivision at 46 Lincoln Street to be known as Susan Circle. The Board must act on this petition by November 15, 2021.

Mr. Barret recused himself from this petition being heard.

Attorney Philip B. McCourt, Jr. came forward representing the petitioner, the Sotirs. He reviewed the previous meetings with the Board, saying that this has been a long adventure with the plan before the Board, and had started almost one year ago, and have come up with different configurations how to best utilize the property, and finally the Board agreed and approved the preliminary subdivision plan, which some questions they have addressed such as drainage have been addressed. Last time the Board was tied up with other matters and they continued to tonight's meeting. Mr. Robert Bibbo is present and can discuss the plan, but they have the three lots that the Board had approved on the Preliminary Plan, and since have added the drainage that was requested and have some waivers if you elect to move forward and will go over each of those waivers. He also mentioned that the Fire Department and the Transportation Director have both accepted the plan as submitted with no issues.

Robert Bibbo, Land Surveyor, 10 Hammer Street, Waltham, MA came forward.

At the previous meeting they discussed drainage heading down to the back lots, and Mr. Moroney had questions and concerns. Dr. Chiang had prepared a drainage report and on Sheet 5 of the plan set it shows the contours of each of the back lots showing a proposed house size and what type of house you would like to see there so they gave you an envelope, with detailed driveways and at the back of each lot they have a trench drain that will collect all of the run off so it won't head down to the abutting properties which was a major concern of the Boards, and feel they have addressed those concerns.

Mr. Moroney said that is outstanding.

The Chairman then opened to the Board for questions.

Mr. Keefner asked to review the waterline and the looping they requested.

Mr. McCourt said that is correct, they are looping from Lincoln Street down to Livermore Road as requested.

Mr. Keefner was satisfied.

Ms. Callahan had no questions or comments.

Ms. Tarallo commented that she is concerned about waiver 5.11 for the fire alarm system, and know they received a letter from Tim Kelly, City Wires Inspector dated September 2, 2021 stating he waives the requirement to add a fire alarm box at Susan Circle aka 46 Lincoln Street, but she is concerned with that, and feels with the ever growing populations Waltham and all the development that people need this safety system.

Mr. DeVito agreed with Ms. Tarallo that a fire alarm box should not be waived and that the Board should go each of the waivers and vote on each one.

Mr. Moroney asked what the year storm that the drainage calculations were prepared for the drainage report.

Mr. Bibbo said the calculations were prepared for a 100-year storm.

Mr. Moroney then asked that the fire alarm system as specified in the waiver is the outdoor pole box system that is no longer used, is that correct?

Mr. Bibbo said that there is already one less than 100-feet away from this Subdivision.

Mr. McCourt commented that is why Deputy Richard Grant of the Fire Department thought it would be overkill to install another one in the same location. These systems are becoming obsolete, with all the technology and cell phones.

Mr. Moroney said he just wanted it discussed so that Ms. Tarallo and Mr. DeVito were aware that there is one in the area.

The Chairman then suggested that the Board reviews each waiver.

Mr. McCourt reviewed the waivers and the Board voted on each.

Proposed waivers:

1. 3.2.2.3- location of soil test pits (as shown on plan).

On the motion made by Ms. Callahan to accept waiver 3.2.2.3, seconded by Mr. DeVito, the Board voted to accept the waiver.

2. 3.2.3.1 – Soil Test Pit.

On the motion made by Ms. Callahan to accept waiver 3.2.3.1, seconded by Mr. DeVito, the Board voted to accept the waiver.

The Chairman then asked the Board if anyone has any objections to the waivers listed.

There being none, the Chairman suggested the Board accepts the

remaining waivers:

4.2.2.7,
4.2.3 C
4.4,
5.4.1,
5.4.5.1,
5.6.1,
5.11
5.12.

He then asked for a motion.

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

**VOTED: to accept the remaining waivers as listed
and read by the Chairman.**

The Chairman then wanted to thank Mr. Bibbo and Mr. McCourt and the Petitioner for all their cooperation and making this a great Subdivision and the Board is very happy with the outcome.

He then asked if there was a motion for approval.

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

**VOTED: to approve the Definitive Subdivision for
46 Lincoln Street to be known as Susan
Circle.**

The Chairman then asked for a motion to accept the street name.

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

VOTED: to accept the street name as Susan Circle for the Definitive Subdivision at 46 Lincoln Street.

At 7:52 p.m. The Chairman asked for a 5-minute recess, and then reopened at 7:58 p.m.

The Clerk read the next item on the agenda which was for a Utility Plan and Profile for a Sewer and Water Extension and road construction to service Lot 12 and Lots 546-550 Braemore Road. The Board must act on this matter by October 15, 2021.

Attorney Philip B. McCourt of 15 Church Street, Waltham, MA came forward on behalf of the Petitioner, Mr. Curtis Beaton to address the Board on this matter.

He said the Braemore Road was layout years ago, and this extension would allow them to build up the road and to put in the water and sewer. Mr. Beaton has owned these lots for quite a while and it is hope and intension to build three (3) single family homes up there.

After our first meeting with the Board, we held a site view, and a lot of the neighbors appeared the site view, and even the neighbors at the new house on the top welcomed the idea of additional houses there and the only concern was to make sure there is sufficient water up there.

There was also a discussion about possibly not having sidewalks as there are no sidewalks in the area and it would be a little counterproductive to have a sidewalk for just three lots.

He said you must have seen the letter from Deputy Grant of the Fire Department. He had written that he reviewed the plans for the six lots, but they will be combining them and there would only be three houses even though there are six lots. Deputy Grant also mentioned the proposal does involve a new water and sewer line extension as well as connecting to existing water and sewer lines.

Deputy Grant also commented that a new fire hydrant will be installed opposite Lot 3, which is correct and would protect the houses being built. He also commented on the water pressure from the hydrant and should be enough to produce an effective water supply from an 8-inch distributor main. Mr. McCourt said if this is approved that would all

be approved during the building permit process and that time would have to satisfy him and the Engineering Department to make sure we have proper pressure.

The roadway is proposed to be 24-feet wide with asphalt and curbing. We can't answer that until we discuss having sidewalk and curbing during this review. Deputy Grant commented that the emergency vehicle access seems to be sufficient and as long as the water pressure is sufficient and emergency access is maintained then he has no other issues with the proposed plan.

He then mentioned the drainage study that was prepared which the members have a copy of, and received some comments from Mr. Putnam which they responded to and Mr. McCourt review those with the Board. They will agree to install an 8-inch line instead of the proposed 6-inch line for the extension. They discussed the drainage and storage tanks to help with drainage to be put inside of the road. This would also be beneficial if the road is ever extended further. Mr. Beaton doesn't own any more lots but there are other lots. Mr. Putnam also talked about the sidewalks and curbing, but as discussed at the site view if hasn't been determined if they will be required, but that would be up to this Board. He then reviewed the road layout that was designed back in 1922 and that this would only be an extension of that original layout. He reviewed the final comment from Mr. Putnam that all approvals should be shared with the City Council... Mr. McCourt responded that is a personal opinion of Mr. Putnam and this would be up to the Board and has nothing to do with the plan presented to the Board. All Decisions by the Board are filed by Ms. Deveney at the City Clerk's office and becomes a public record.

The Chairman then opened to the Board.

Mr. Moroney wanted confirmation that there is currently no curbing up here at all.

Mr. McCourt said there are no sidewalks or curbing in that area at all.

Mr. Moroney then said then why would we make any developer now install sidewalks up there. That doesn't make any sense at all, and you would be restricting the Fire Departments access to someone's front lawn if

needed and wouldn't have to drive over unnecessary curbing.
He does not see the need for curbing.

Mr. Moroney said the drainage rules are that the drainage is to be controlled on the site.

He agrees with Mr. Putnam that putting those drainage basins you put over in the future footprint of the road probably isn't a good idea because someone eventually is going to have to pay to remove them, but his bigger concern with the drainage is the Lots are up a little high and with the drainage having to be put on site, he wants to make sure that Dr. Chiang is looking at this, and he wants to make sure that that water that gets discharged or surcharged back into the ground is now not going to end up in everybody's basement in the houses behind down on Sachem Street.

Mr. McCourt said there is a lot of ledge up there.

Mr. Moroney said he understands that but Dr. Chiang is going to have to look at that and maybe get a little creative on how you can best try to keep the drainage on site. He said there is a lot owned by the City east of that, and may never be built on, and could a request be made to use that area as part of the drainage storage?

Mr. Moroney then discussed the water main. He said that the City wanted an 8-inch water main line not the proposed 6-inch water line. He understands it's the Developers responsibility to install the appropriate utilities in the ground but doesn't understand why it's the Developer's responsibility to make sure the water pressure is right. It should be the City's and why would a developer be responsible to build a pump station?

Mr. McCourt said you have to have the water pressure tested to make sure there is pressure and they would work with the Fire and Engineering Department to do what was needed.
This was discussed further.

Mr. Devito had the profile for the asphalt paving with bituminous concrete pavement and asked if they are going to use bituminous asphalt on that street for the paving.

Mr. McCourt said yes they are.

Mr. DeVito asked if they will be following the City standard of 4 ½ inches.

Curtis Beaton of 705 Beaver Street came forward to respond and said yes, they would be putting in 4 ½ inches of bituminous concrete on the surface there, three (3) layers of an inch and a half each.

Ms. Tarallo asked if they would be interested in extending the road all the way to Sachem Street.

Mr. Curtis said if he owned the rest of the land he would but he doesn't., and that would be quite an expense and undertaking that would not benefit him at all. He feels that his abutting neighbor that owns the rest of the property up there may eventually extend the road to benefit those vacant lots.

Ms. Tarallo then said that she is not in favor of extending the road over the 500-feet, that you have requested a waiver for. She lives up in that area and there has been a lot of traffic lately from College Farm Road, there has been parking on both sides of the street, it's very dangerous up there with driving safely. She feels that extending the street as far as you do it makes it more difficult for emergency vehicles, recycling, and trash trucks coming up.

The Chairman interrupted Ms. Tarallo and asked her to stick to the topic being discussed.

She wanted it known that these are her concerns and this is why she was hoping the Developer would consider extending the road to Sachem Street.

Ms. Callahan said she had to disagree with Mr. Moroney on the curbing issue, she thinks it's important for the granite curbing to be installed, we need to set a standard for building, the road may be extended in the future and the curbing would be there to connect to.

She also commented about the drainage tanks being installed in the right of way is not a good idea and they need to go somewhere else.

Mr. Beaton said the main reason he want to put them where they are was that he felt they would be temporary. The original subdivision of Sachem Street the detention pond was designed to take the water from the second place, to if see where he placed the catch basins and put the drain manhole on the lower side or the Sachem Street side, it's to in the future to prepare to connect up to the drainage at Sachem Street. So whomever will extend the road in the future will be able to pick up and run off to the rest of the Braemore Road about 200 feet and at that time they would install another two (2) catch basins and manholes and connect to the end of the cul-de-sac.

Mr. Barrett to address Mr. McCourt's final response to Mr. Putnam's slap in the face to the Board submitting a copy the invoice for the City for \$28,000 bill to replace that 6-inch water main to the newer house to replace it with an 8-inch and blames the Board for that. So you are going to be putting the required 8-inch line, the drainage will be coming off your property into the street which you have the proposed design for, and Dr. Chiang's calculations show that it is going to get down into to Sachem Street into that holding, then it should be noted on this so that if anything like this happens again in the future we have something to refer to that Wade Putnam can't come back and shame us again. If you're not going to put this on your property, then there should be a plan that in place, for your neighbor to follow for the any future road extension so the City doesn't end up picking the tab up for the drainage you are proposing to install in the roadway.

Mr. Beaton asked if he meant like a notation of the location.

Mr. Barrett said he would hope it would be more than a notation, and he isn't an Engineer and doesn't know how it's done and there are only a couple of Engineers on this Board and with Wade's comments if someone was to be buying this abutting property, they will know exactly what they are buying.

Mr. Beaton said he now understands what he is suggesting.

Mr. Barrett said he doesn't understand how you are going to hook up to Sachem Street and you need to make it so people and the neighbors

understand it, as you are not putting the drainage on your property where it belongs, you are basically putting in in communal property.

Mr. Keefner asked for clarification on that the six (6) lots are going to be combined into three (3) lots, and you're really just going to build out a subdivision that is already designed.

Private streets with public utilities as you are extending the sewer and the water, but his real issue is the drainage., and maybe its unfair burden to you as it happens to be that the crown of the hill is right in front of these properties, but he feels that the drainage should be built per the plan, and some sort of temporary holding tanks and in his mind feels that is a poor idea, It's short term thing, it's going to fail and thinks that drainage needs to be tied in how it's supposed to be.

The Chairman commented that drainage belongs on your property and doesn't belong in the street, it doesn't belong in the City property across the street, and it belongs on your property.

It doesn't belong down Sachem Street in a pond.

He said that yesterday he drove up Trimount Street where it dead ends and asked if he was putting a cul-de-sac up there.

Mr. Beaton and Mr. McCourt said they are proposing of a hammerhead design, and the turnaround would be placed at the top of the road at Balsam right where the new house was built, and it is currently all wooded and if you look on the plan you will see a little item that they are building and that's why the Fire Department was happy with that layout. This is already a layout roadway and they can't put a cul-de-sac there.

The Chairman wants to make sure that this turnaround is what you need to have to make this work. He said if he drove up there today and went up to the third house that you are going to build, how far that turnaround from that dead end is.

Mr. Beaton said that the turnaround to approximately to 15-20 feet from the end of the pavement that you drove up to.

The Chairman said so that if he drive with say a tow truck or a rubbish truck and went by the turn around, he would go 40, 80,

120-feet to the end and now have no place to go?

Mr. McCourt said that you would do exactly what you would do on Villa Street where he lives and that's why the Fire Dept. agreed.

The Chairman said but that's not what this Board is supposed to be approving and he personally doesn't think that's a great spot. You have to drive 120 feet in and then back up, and that's not a good design so you need to revisit that part and redesign.

The Chairman then asked as far as the 6-inch main going up?

Mr. Beaton said no it was not, but was being replaced with an 8-inch line.

Mr. McCourt said it works, and the residents of the new house were at the meeting and the site view.

Michael Chiasson, Clerk of the Board commented that the City didn't put in an 8-inch main, as far as he know the City ran a 1-inch copper line from Tremont Ave. all the way up to that new house on Braemore Road. The 8-inch would have to go all the way up Trimount to wherever you are going to end it, which hopefully would get looped to somewhere.

The Chairman said you are saying that last house had no pressure and the City ran a service from Trimount Ave. and believes that is true.

The Clerk said so there was a 6-inch that turned into an 8-inch so the other houses are tied off of the 6-inch and the new house was tied off at the 8-inch and now there is just a copper service all the way from Trimount Ave. to up the street into that last house.

The Chairman asked the Clerk then what is the solution here for this proposal.

The Clerk said that Wade Putnam is saying to out in an 8-inch from Trimount Ave. all the way to the end and then tie those other homes back in.

Mr. McCourt said that they will have to check that, as they understood

that there was an 8-inch up there not a 1-inch copper service.

Mr. Moroney remembered that there was a 6-inch and those two guys came along and built the big house on the end and once it was in they paid for that line to go to an 8-inch, they paid for that themselves to try and increase the water pressure which his guess was that it didn't work, so that's when the City had to come along and do something to boost the pressure and didn't understand why it didn't work.

Mr. Keefner commented it's the elevation, that's why it didn't work.

Mr. Moroney wanted to correct one of his previous comments, as he made a mistake. When he read the comments from Wade Putnam he thought he was referring to the drainage on the site.

So for drainage on your site, you are containing the drainage on your site.

Mr. McCourt said that is correct.

Mr. Moroney said then his comment it to make Dr. Chiang taking in account for the calculations within the three house lots, that when they surge the water back into the ground you're not invariably putting it in down into the people down below on Trimount Ave. So as he understands it, none of the drainage of those three houses is going into the storage basin that's out in the middle of the right of way.

Mr. Beaton said that is correct.

Mr. Moroney said that's appropriate.

Mr. Moroney then said that relative to your plan on the 2nd sheet, where down around the cul-de-sac of Sachem Street, because the only way you could build the road further is if you buy the lots 23 and 16-10. there are no more lots from your third house going towards Sachem Street on your side of the street. The right of way for Braemore Road goes down and actually connects to the cul-de-sac at Sachem Street.

Mr. Beaton said that is correct.

Mr. Moroney asked where the drainage is for Sachem Street that you work talking about.

Mr. Beaton said that that catch basin is probably about 20-feet off of Braemore Road.

Mr. Moroney asked if it was pond or a drainage basin.

Mr. Beaton said that when they built Sachem Street they were required to do a drainage study for the entire parcel of land which includes the land that you are looking at right now and the roadways. So when they quantified the runoff that could occur for a 100-year storm on Braemore Road and Sachem Street that's how they determined the size of the detention pond that is off of Sachem Street.

Mr. Moroney said so that on Sachem Street he sees all houses, and asked if that detention pond in the footprint of Braemore Road.

Mr. Beaton said that pond would be behind Lot 16 and Lot 22.

Mr. Moroney asked if the proposed catch basins in Braemore Road were pre-cast structures.

Mr. Beaton said they were.

This was discussed briefly and Mr. Moroney wanted to point out that design is exactly like what they approved for Rock Lane subdivision, same deal, and the Fire Truck pulls in and backs up, and it's really only 120-feet. This was discussed briefly and Mr. Beaton said he would look into all these suggestions.

The Chairman then closed that part of the hearing and opened it to the public.

He asked if there was anyone that would like to stand or speak in favor of this petition and if so asked them to state their name and address for the record.

There being none he closed that part of the hearing and opened it to anyone that would like to stand or speak in opposition to the petition.

Mr. Frank Alden of 719 Hosmer Street, Marlborough, MA came forward. He owns six (6) Lots on Braemore Road and Balm Avenue which constitutes the throughway that this road would be extended. He has two issues with the plan as it is proposed. First is dealing with the leach galley that was just being discussed and second is the elevations of the roadway.

The leaching galley tank extension of the water and sewer lines if the road is to be extended. The water and sewer lines would have to be snaked to the side of this leaching tank which has pervious soils in it, which would make trenching complicated. There may be conflicting elevations of the pipes where they have to criss cross over each other. If it so easy to extend the utilities pass this leeching field then he says to Mr. Beaton that he should locate his leeching galley back onto the pavement that he is constructing and bring his utilities around to the road end, so that any future extension of this road there would be a clean stump and would not have to deal with the relocation of four tanks or modify his leaching field.

His second issue with these leaching galleys is on the plans itself it doesn't not specifically specify that they are H20, which is the truck load or Class 5 that you were referring to earlier, the plans states that the H20 is available but does not state they are actually going use them.

The leaching galley on the plan is located off the pavement, so when he paves, the road is dead ended and then he constructs his leaching field on the constructed road. His issue with that is that the profile of the road to be extend whether it is to Sachem Street or to Balm Ave. for this profile goes back to the 1922 plan, which is the original approved plan that shows the contour of the road which is to be constructed. On Mr. Beaton's plan he does not state anywhere that his proposed elevations are the same elevation that is on the 1922 approved plan. So he can locate his elevation anywhere but it is not showing it referenced to the 1922 approved plans. He would like Mr. Beaton to show that the dash line is in fact the contour line on the 1922 approved plan and should be labeled it is the 1922 approved contour elevation.

Ms. Tarallo had inquired about extending the road all the way to

Sachem Circle. The problem is that Sachem Circle and Braemore Road do not have a continuance elevation approved plan. Sachem Circle was planned as a dead end, Braemore Road was built to the approved 1922 plan and it connects to Balm Ave., and Balm and Braemore Ave. form a continuous pathway to a throughway which ultimately becomes Piedmont Ave. If the leaching field or leaching galley is in the middle of Braemore Road and you want to make an extension with Sachem Circle, you would have to dig out Braemore Road substantially and have a 50-foot level entry path then a 6% grade up to where these leaching tanks are, and the problem is there isn't enough room to do that. So the leaching fields could very well have to be removed entirely to make this smooth contour.

The leaching galleys are extending into the undeveloped part of Braemore Road. Without having an approved plan with any connection to Sachem Circle and the dig out that would be required, if the Board is going to be in the future insistent that if Braemore Road is extended past Sachem then you want a connection with Sachem to make all these roads continuous, those leaching galleys are going to be in the way.

It was also mentioned that Sachem Circle currently has a drainage pond system. Mr. Beaton eluded that a future developer who extends Braemore Road, only Mr. Beaton can make that connection and won't be available to anyone who wants to extend the road. So as he sees it as currently proposed, this road and utilities cannot be extended as it is drawn with this leach galley.

Another issue he has is the proposed plan is raising or elevating the road presumably so he can pitch his sewer pipe back to the part that is built up on Braemore Road. Again, he is not labeling what the elevation is on his drawings, and the elevation is two to three feet above that elevation so he can pitch his pipe back. He would object to Mr. Beaton doing that as that would complicate the future contouring of the road on Braemore Road which starts its steep descend right at that point and because you have to contour lines that have to be smooth for the new road.

He's in opposition to any elevation change above the 1922 drawing and feels Mr. Beaton should be building to the plan that was approved in 1922 and he could pump up his sewerage to get it where it needs to go. It's a cost benefit that he elevates the road. The only plan we have

for the road network for the area is Fir Ave., Balm Avenue and Braemore Road. The only drawings we have for an orderly construction of these roads is the 1992 approved plan as it's the only plan that shows continuous roadways that no one is being cut off by elevation problems for these very steep roads. Since this project is deferential of his own land, Mr. Beaton is connecting to another subdivision called the Lakeview Park Annex which is the first part of Braemore Road. The part of Braemore Road where Mr. Beaton's property lays is Mount Lake Villa Subdivision. They are different subdivisions and he is objecting to the connection of Braemore road from Mount Lake Villa to Lakeview Park End.

Mr. Moroney asked Mr. Alden which six Lots he owns.

Mr. Alden said he owns Lots 516-520 on Balm Ave and Lot 535 on Braemore Ave.

Mr. Moroney asked Mr. Alden if any of his Lots have frontage on Braemore Road.

Mr. Alden said if you look at Mr. Beaton's plan its Lot 16-9.

Mr. Moroney said with this pan, you own Lot 16-9 and adjacent to that the other Lots have frontage on Balm Ave.

Mr. Alden said, yes that Lots 16-6, 16-5, 16-4, 16-3 have frontage on Balm Ave.

Mr. Moroney asked if you ever develop that land how are you going to access those houses.

Mr. Alden said he could come up Fir Ave. and build Balm Ave. and then come up Braemore Road and connect to.

Mr. Moroney asked why you wouldn't build your houses and connect to the end of the cul-de-sac on Sachem Street, and feels any other why makes no sense.

Mr. Alden said that he would need a 50-foot level grade, when you first enter an intersection and it's a steep drop off from Sachem Circle to Balm Ave.

Mr. Moroney asked if it is steeper than the drop off from Braemore

Road to Balm Ave.

Mr. Alden said, yes.

Mr. Moroney said couldn't you just regrade that. Whoever builds a house there is not going to want to drive all the way around the world to get out. They are going to want to leave through Sachem Street that is the straightest way into and out of your Lots.

The Chairman then interrupted and said they need to stick to the plan in front of them.

Mr. Moroney said he was good.

The Chairman asked if there was anyone else that would like to stand or speak in opposition.

Julie Johnson McVeigh, 51 Sanders Lane, Waltham came forward in opposition. She wanted to make sure she understood that Braemore Road is off of Trimount Ave. as she lives down the hill from this area that is now soon to be our new High School and would like to speak about the environment and the runoff, and the water that is currently being displaced by the high school and also by extending these roads. Every time we extend roads in Waltham we change the water runoff and particularly in our neighborhood and at Piety Corner we now have enormous flooding, so anytime there is a pond it really affects it and is not draining properly.

She would suggest as you look at this petition and think about the weather patterns and the water that is being displaced, the ledge that has been removed and the development of that land she would propose that you consider a stay that would consider waiting until the impact of the high school has been assessed and then ask for an environmental study to be conducted before extending Braemore Road.

The Chairman asked if there was anyone else that would like to stand or speak in opposition, there being none he closed that part of the hearing.

Ward 2 City Councillor Karen Dunn asked to speak in a neutral opinion. She is speaking as neighbor instead of her role as a Councillor. She isn't 100% sure that the neighbors in that area are all for this proposal, but that they understand Mr. Beaton does have a right to request to build here and have been open minded. But there have few people that are talking about Braemore Road a lot and the issues at top, but what hasn't been mentioned at all is Mt. Walley, and similar to what Mr. Alden had said, when you disrupt land that is pristine land that has been absorbing water you are going to have issues. She had two neighbors ask her speak on their behalf, as they are higher up the hill than she is. 55 Mt. Walley asked that this be addressed as there are a lot of people building homes then the developers leaves. One of questions is that some of these tanks to hold the recommended amount of water. Could you suggest an emergency overflow tank and would ask that it be considered?

The gentleman at 70 Mt. Walley, which is the very last house on the left, and before this project was even proposed said he had been getting a lot running water down off of Balm Ave. The previous owner used to have a little ditch that the water would flow down Mt. Walley into a drain. This wasn't a solution. That was just an older woman who didn't have a solution for this.

They all just want to be careful on what happens on that side of the hill as well as during this review.

The Chairman commented that he personally gets tons of water and has had 3-feet of water in his garage, so he is very sentimental to water and any developer that comes before this Board already know not to come in without doing over and above what we ask for drainage and they will do that. As far as on site drainage, most of us board members are not engineers so they rely on our City Engineer and Dr. Chiang who is a hydrologist who prepares calculations and calculates the virgin land that is there now, the rooflines and driveway, all of the parts of the land that is going to be developed and will not accept water, and the Board is very careful as to where water goes and have always been firm with the issues of water and development.

At this public hearing the Board is listening to the petitioner's proposal, listening to the public, the petitioner is listening to the Board, and during this process we will come up with the best possible solution for the City and for the residents.

The Chairman then asked if there was anyone else that would like to speak in a neutral position, and there being none he closed that portion of the public hearing.

Mr. McCourt came forward and said that obviously they have a lot of homework to do based on all that was heard. He asked the members to look at the plan and on the east side, is the Mantenuto Arrigo farm, the new high school is beyond that; it doesn't mean there aren't water situations.

He was somewhat unaware of the water issues on Mt. Walley but that really doesn't have anything to do with this proposal, but understands it is a problem.

The Chairman agreed as long you are keeping your water on your property.

Mr. McCourt said that road was preserved years ago, there's no access by other people through Mt. Walley, and you can connect up to it but you cannot connect in.

As to what Mr. Alden brought up, the property that is on the corner of Braemore and Balm, the City Waltham owns that and then they own the next lot. He needs to get an accessors plan that shows everything and we will mark it off. We will talk about the drainage pits and the concerns with the elevations and will get all that for the Board.

Mr. McCourt then asked that this matter be continued to the Boards November 3, 2021 hearing and to also extend the Time to Act on the petition to December 15, 2021.

The Chairman asked if there was a motion.

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

VOTED: to continue the Utility Plan and Profile for a Water and Sewer Extension and Road Construction to service Lot 12 and Lots 546-550 Braemore Road. at the next meeting of

**November 3, 2021 and to extend the Time to
Act on the Petition until December 15, 2021.**

The Clerk read the next item on the agenda which was for than Special Permit three (3) new driveway openings within 100-feet of an intersection at 162 & 166 Felton Street and 8 Fern Street.

Attorney Philip B. McCourt came forward representing the Petitioner, Ronald A. Marini Corporation.

This request is for three new driveways all within 100-feet of an intersection at 162 & 166 Felton Street and 8 Fern Street. A couple of notations, we have plan that will show that the use of this property no matter where there is an opening would have to be within 100-feet of an intersection, and other than that there is no access to the property. We have been back and forth and there was a bit of opposition of the Harvard Street curb cut request. They thought it would be good to use and the Fire Department liked it but there seems to be a lot of concerns about it so we filed a revised plan yesterday that has eliminated that request for the Harvard Street driveway. They would like to in place of a driveway and put in a jump curb but not an intersection or a gate there. So at this time there is no longer a request for the curb cut on Harvard Street.

There is some correspondence with the Fire Department and we can deal with that when we to get our building permit and it will not involve a curb cut on Harvard Street.

The Chairman asked how the Fire Department would get in there.

Mr. McCourt said they could access in through Fern Street or Felton Street which is now a two way access. If the Fire Department wanted a jump curb on Harvard Street they would put one in for emergency use only.

Now we are just asking for the curb cut on Felton Street which would be a two way and this shown on the plan and we need a curb cut on Fern Street because as you can see that house on the corner is going to be coming down and that would be the second tow way driveway there.

The Fire Department is happy with those two curbs as shown as is Mike Garvin, the Transportation Director. These curb cuts are a necessity

so the property won't be land locked.

They have tried to work with the neighbors, we had a neighborhood meeting a few weeks ago, obviously Fern Street is kind of tattered and worn, one of the City Councillors said she would work with Mr. Marini who is in this business and owns another property of Fern Street and together they would all work together and try and get that improved. That short distance of Fern Street isn't a public way, Sun Street is and so Felton Street, but Fern Street isn't a public way. We would like help in that sprucing up process of Fern Street.

In order to construct what they are hoping to construct, nine (9) storage units which would be facing on Felton Street, their front doors would be on Felton Street but not be the entrance to them that would occur to the back of the Lot. They have extensively looked at the drainage and Mr. Paul Finger is present to discuss that and those would be constructed By Right, subject to permitting. We would build a sidewalk along Felton Street and along that portion of Fern Street, and update to the extent of everything. If the Fire Department wants to have a jump curb they will do that but that has nothing to do with approval they are seeking.

He will have Mr. Finger come up next and review the design and the drainage, and Mr. Marini is there who hopes for this approval to move forward with his investment. They have already received permission from the Historical Commission to demolish the two houses on the site and he wants to update them and have a future investment for his sons.

Mr. Paul Finger with the Firm Paul Finger and Associates with an office at 14 Spring Street here in Waltham came forward. They spent quite a bit of time with this site design and it was reviewed by the Engineering Department and they received a good housekeeping seal of approval, so there were no comments at all, but they had provided everything he was looking for.

The only thing Mr. Putnam had requested was to put one more notation that "no drainage enters the street on Fern Street" which we have done. The way the drainage works now is it sheets drainage down right into the public ways, there is no onsite drainage at all even through the surface lot that's there is a packed gravel lot with very little infiltration there.

Very early in the process when we went to do test pits, and understand the nature of the soils below that, this is actually a part of an area that had good gravel, the perc test appeared to be excellent and the ground water was down low which all of these were noted on the plans. The drainage is via leaching vaults that are H₂O loading so they handle that which takes care of volumetric so we are going to recharge 100% of the water into the ground and which eventually drain into the ground water into the Charles River. Prior to it actually going into the leaching facility we have what you call water quality chambers which will separate out the oils and volatiles before it goes in to be recharged into the ground.

All of the garage bays have floor drains that tie into again oil separators so there is no contamination of any drained that goes out out to sanitary, it doesn't go out to storm and that is per plumbing code.

Other than that it's a fairly straight forward project as far as all of the designs, and as far as Engineering is concerned we are in compliance to all of the requirements as far as curbing is concerned, transition curbs, handicap walks and everything else thought the entire project and in fact one of things he had suggested at some point and made it public at the community meeting is that at some point they will get together with the Traffic Engineer, Mr. Mike Garvin and workout a plan and make sure everyone is comfortable with how in fact you have to turn left onto Felton Street and there's no right hand turn which was something the community was concerned about, heading up Brown Street which is midway through there, so pour curb cut is actually further west than Brown Street. We also angled the driveway so it's heading towards a westerly direction. We will have a no "right hand turn" on our driveways which will create a traffic pattern to support the design.

Also, when they looked at the drainage system infiltration we purposely located the system on the easterly side of the site and away from any residential property, and the reason for that is that the garages will be slab on grade, and the adjacent use just down Harvard Street is also slab on grade so they don't have basements that anyone may be concerned about with additional infiltration into the ground.

That concluded his presentation and the Chairman opened up the Public

hearing to the Board.

Mr. Moroney asked if there was a truck size limit as to what can go in and out of the site.

Mr. Finger said that zoning actually has a limitation on heavy trucking, so in order to have earth moving equipment or road equipment over certain size and weight you would need to go for a special permit. This project is allowed by right under the zoning ordinance.

Mr. Moroney said that his concern is whatever maximum size truck is allowed; because the building is up against the sidewalk he wants to make sure the trucks could make the turns.

Mr. Finger said they could make the turn, these will be utility vans for contractors and electricians and plumbers and the distance about 25-feet at the minimum and continues up from there is adequate space for turning into the garage and turning out of the garage. They are also proving very large garage doors which will assist in the movement of traffic.

Mr. Moroney asked if sidewalk on Felton Street, you have the ADA ramps at the entrance and there are some old curb cuts that you will have to fill in.

Mr. Finger said that is correct.

Mr. Moroney asked if you would be rebuilding the sidewalk that is on Felton Street for the length of the property.

Mr. Finger said they are putting in new granite curbing where the existing curbs are, and rebuilding the bituminous walk behind that.

Mr. Moroney asked if the board could request that you make sure that for at least the length of your property that the sidewalks meet ADA, since you are going through the trouble to put in the ramp at the entrance, could you at least make sure the sidewalk is ADA at least down towards Harvard Street and also could we get the handicap ramp with the tactile at Harvard Street.

Mr. Finger said that is fine, what they could do is take a look at the curb cut right there now on Harvard street, and they are constructing a new sidewalk all the way down Harvard Street through the limits our their property.

Mr. Moroney said that would great, you would now have a new compliant sidewalk around the entire property.

Mr. Finger said he thought that was a reasonable request.

Mr. Moroney asked for clarification on the legend that there's for all the asphalt that it's all bituminous pavement, there appears to be a darker shade line which goes from Fern Street to Felton Street on the left side and also goes along the back and was wondering if that is a curb or what it is as looks like it's a foot wide retaining wall just for elevations.

Mr. Finger explained that is basically a retaining wall which is approximately between 3-or 4 feet in height, which is in a couple of locations as you have pointed out and if take a look on the opposite side there's a small area and showed that on the plan.

Mr. Moroney asked that he makes sure that gets added to the legend and a detail of what it is going to look like.

Mr. Finger said he would.

Mr. Devito asked what the size limitation is for the vehicles being stored in the garages.

Mr. McCourt said anything over the cab weights of 10,000 pound would need a special permit from the city Council, so it is really just vans and pickup trucks.

Mr. DeVito said so pickup trucks like a 150 are allowable but anything like a 10-wheeler that would require a special permit from the City Council?

Mr. McCourt said that is correct and Mr. DeVito said thank you he was all set.

Ms. Callahan asked that the nine (9) garages shown are what you are allowed to build by right.

Mr. Finger said yes, it is within accordance with the zoning ordinance and does not require any special permit to build.

Ms. Callahan commented that she had gone to the site on Tuesday morning around eight in the morning and there were children out on the corner of Harvard and Felton, and thought maybe it was a bus stop. She was going down Felton Street and wanted to get out of her car and walk the property but there was not a parking spot to be found, but she did visit the site in June and had walked the property. She actually would like to request a site view because especially for Fern Street and asked if there were a couple of homes coming down?

Mr. Finger said that 8 Fern Street is going to be demolished and right now and is condemned by the Fire Department, and there are two structures on Felton Street which are slated for demolition as well.

Ms. Callahan asked if there was anyone currently living in these homes on Felton Street.

Mr. Finger said there are currently occupied and rented.

Ms. Callahan said those families would be displaced. She then said she was done for now but would like to request a site view for this project to get a better understating of it.

Mr. Barrett said regarding the driveway onto Felton Street there is property next door to it on the left hand side facing out, is that a retaining wall on that side as well?

Mr. Finger said it was.

Mr. Barrett asked if there was going to be any type of landscaping or arborvitaes or fencing on that wall.

Mr. Finger said yes and that will work with to see what they would prefer be placed on the wall, greenery or fencing.

Mr. Barrett said that would be a request of his.

Mr. Keefner said he felt that they are in a tough spot with this petition as the Boards purview of this petition is limited to what we can look at, he feels that most people don't think this is the right use for this property, but if it is a by right project there isn't much we can say about it.

He agrees that a site view would be helpful.

Mr. DeVito commented that to better evaluate this whole project he feels a site view is required.

Mr. Moroney asked what storm the drainage system is designed to.

Mr. Fingers said as required by the City of Waltham, it is designed for a 100-year storm to be infiltrated as addition to dealing with the water quality, and the city just proposed phosphate removal so this project will also comply to phosphate removal.

Mr. McCourt asked to introduce Mr. Marini who would like to make a few comments on this property and his intent for it. He also owns property across the street, 5 Fern Street.

Mr. Ronald Marini came forward and said that a few month s ago he was approached to look at this property, and ever since he bought 5 Fern Street and every time he drives down Felton Street and looks around and see that basically the entire street is a disaster. Zoning wise, drainage wise, and trash issues, and since then his goal was to upgrade the street. He has had the opportunity to look into the purchase of this land, and when you go on your site visit you will see that it is in very poor condition. The house out front is condemned; the other two houses are full of asbestos and wouldn't let a dog live in it. A lot of the neighbors are upset with rodent control, snow plowing, catch basins being clogged, and he understands these issues and work with them to address these issues. As far as drainage, he is a contractor, he builds sidewalks, knows the ADA rules and is an expert on that, he builds parks for ADA people, and has been hired by many to repair or rebuild their drainage systems.

He is aware of these issues, the area is a mess. He is disgusted with

the property and he has an invested interest and when he bought 5 Fern Street he vowed to improve it and he has so substantially.

He has met with the neighbors, they are all good people and they all have good intentions, they want to help their neighborhood, they live there and he totally understands it. He is a former Ward Councilor in the City of Newton, so he understands all their issues. He met with one of the neighbors and walked into their property, he saw the mess, he saw the drainage issues, they have a retaining wall falling down, and he made a commitment to them that he would replace the retaining wall, fix the drainage and give them a fence.

He has a plan now that will show the upgrades to the property. He had a meeting a few weeks ago at the Chateau and heard their concerns and he agrees with them.

His intent is to clean up the entire site, have tenants that are tradesmen, no heavy equipment, one of the future tenants want to store vintage cars, and to be used as affordable rental space.

Three City Councilors came to that meeting and the neighborhood gave their concerns and what their problems are, 90% of them had nothing to do with this proposed project, most of them are issues for the City.

The zoning shows he can build this by right, and he respectfully asks the Board to look at this and really study that parcel of land. What are we going to do with Felton Street? The city spends millions of dollars on Moody Street and Main Street and other sections of the city but this entire area has definitely been neglected over the years. He respects any opposition you may hear, but he can't do anything about that.

The Chairman then thanked Mr. Marini but said they need to stick to the matter which is for the curb cuts.

Mr. Marini understood that but wanted the Board to know his whole feeling about it. We have curb cuts; we are relocating them to make the project happen. By granting the curb cuts you are making this project happen, and by not granting the curb cuts this site will continue to look like a disaster. He made it clear that he does not own the property at this time, when he obtains the property he will remove it. He finally said that there is no fire hydrant on Harvard Ave., the hydrant for the residents of Harvard Ave is on Felton Street

up the street. He gave his word to the Fire Department that he would put in a Fire Hydrant on Harvard Ave.

The Chairman then opened up the hearing to the public and asked if there was anyone that would like to stand or speak in favor of the petition. There being none he asked if there was anyone that would like to stand or speak in opposition of the petition. He did ask to keep comments to a minimum, and not to be redundant and to keep your comments to the two curb cuts.

Lisa Cavallaro who lives at 18 Fern Street, Waltham came forward. Her family home directly abuts the proposed project at Fern Street at 14A Fern Street. She has a lot of concerns about this project. Fern Street is a private way and opening a curb cut on that street is a concern for her.

They have had issues with fire trucks and ladder trucks being able to make it around the corner from Sun to Fern Street and then leaving from Fern to Felton Street.

This is a concern for her if he is now saying he is eliminating one curb cut on Harvard Street and making Fern Street a primary curb cut to go into his property. Fern Street is not fully paved, and has been continually just patched over and over. She is concerned about traffic coming in and out of Fern Street, especially now that he is eliminating one of the three curb cuts.

He is proposing nine (9) garages that can hold up to 27 vehicles and what is the increased amount of traffic that is going to be coming in and out of Fern Street onto Sun Street in that area from Felton Street in.

There are houses in the area that children in them and this is a major concern. We already have a lot of construction vehicles and industrial vehicles going through there, Landscaping vehicles go through there, what this project is going to do to Fern Street especially with it being a private way.

Snow removal is an issue, they have an issue with the second part of Fern Street not being plowed, and they have snow melt.

The Chairman asked what she meant by second part.

Ms. Cavallaro said there is a section of Fern Street that is paved up to a point and then it is not paved the rest of the way to the dead end street. So there are huge snow piles when they plow and is concerned about that as well as to where the snow is now going to go.

Her family house on 14 Fern Street does take on water and the last storm they had they did get water in the basement, and she is concerned about the grading level on their side of the project and how that is going to impact her properties. She understands they will have the water catching units closer to the Harvard street side of the property, but what does that mean for the middle of their site over to the Fern Street side. They have had ponds in the back of their back yard after storms, with actually ducks hanging out in it. The Charles River is right behind them, the water table comes up and the water comes up.

They just heard tonight about the Harvard street curb cut being eliminated, so that raises concerns with the increased amount of traffic coming into to Felton onto Fern Street and Sun Street to Fern Street.

The noise is definitely an issue. Her family did meet with Mr. Marini about the retaining wall and a fence of some sort, they are cornered, they have the big buildings on Harvard Street that has a six foot fence, we look out our windows and we see no daylight, just walls on all sides so their quality of life is a concern. She wanted her concerns known to the Board and to see if they come up with some other curb cut that somehow doesn't concern Fern Street.

Tracy Goodwin, 115 Harvard Ave, Waltham came forward in opposition. She said this is a completely different cub cut that the neighbors had seen a few weeks ago, and isn't sure what to say. She is still in opposition of the Fern Street curb cut but would like to understand what will happen on Harvard Ave with the gate and jump curb that was mentioned.

He then closed that part of the hearing and asked if there was anyone that would like to stand or speak in a neutral position. There being

none he opened the hearing back to the Board to possibly address some of the concerns, statement or answers.

Mr. Keefner still feels the Board is hemmed in here, what he would like to see if the Attorney and Client could think about , as this in in a special overlay district, that has flexibility with building and developing on properties, and he thinks that route would better received by the neighbors verses this type of development.

Mr. Barrett commented that when Ms. Cavallaro mentioned that Fern Street is such a mess and Mr. Marini is the construction business whether he would consider paving that portion of Fern Street.

Mr. McCourt said we can discuss that at the site view and see what we can do.

Ms. Callahan feels we need to have a site view to review all these issues and concerns.

Ms. Tarallo wanted to comment on the person that submitted the power presentation to the Board, Ms. Cavallaro, and the Felton, Fern and Harvard Street neighbors and what an outstanding job she did preparing this for the board.

Also in the PowerPoint she stated regarding the prevailing ordinance Section 5.41 of the Zoning Ordinance of the City of Waltham and she had stated from this law that parking areas whether or not are required should be designed and built in accordance to the following standards; (Ms. Tarallo Read the following)

5.41 “No new driveway shall be opened within 100 feet of of an intersection, except where the entire lot is within 100 feet of the intersection and there is no alternative access available, in which case the driveway may be opened, provided that a special permit therefore has been granted by the Board of Survey and Planning, and such permit may only be granted provided that the driveway is as far from the intersection as deemed feasible after consultation with the Traffic Engineer, and in no instance shall the driveway be located on the radius of the intersection.”

She also read Ms. Cavallaro’ s comment that the 5.41 Analysis – The basic facts are that in order for the petitioner to have a right to

apply for this special permit, they need:

1. Their entire Lot to be within 100-feet of the intersection (this is not the case) and
2. To have no alternative access available. (this is not the case)

She then read a legal analysis the board received from the Law Dept. regarding Section 5.41;

When acting as a Special Permit Granting Authority under Section 5.41, the Ordinance prescribes the limited-scope findings that must be made:

1. With respect to a permit to exceed 25-feet, Board is asked to decide whether increasing the size of the curb cuts to greater than 25 feet will benefit public safety and traffic flow.
2. With respect to the driveway within 100-feet of an intersection Board must determine that the location of the driveway is as far from the intersection as deemed feasible after consultation with the Traffic Engineer and is no instance located on the radius of the intersection.

She would like to make a motion to send this neighborhood association comments to the Law Department to see if this petition meets this sect. 5.41 requirements.

Mr. McCourt commented that the only reason they are before the Board tonight is because they do meet the requirements under this ordinance. And secondly, Mr. Finger provided a plan that wherever they put a curb cut at this parcel it would be within 100-feet of an intersection. Also, none of the requested curb cut openings a greater than 25-feet in width. When we have site view you may get better understanding for what they are proposing and what the Board needs to approve. If the Developer could have located a curb cut somewhere else they would have. They already met with Mike Garvin and he has submitted his comments under section 5.41.

The Chairman also looked at the letter from the neighbors and what they were quoting and then looked at the drawings and that entire lot is within 100-feet of an intersection. You have Harvard, Brown, Fern

and Sun Streets. He told Ms. Tarallo it was a good point.

Ms. Tarallo just wanted to be respectful to the group and make sure this petition met the requirements to be before the Board.

Mr. DeVito commented that Felton Street run from east to west and asked if there is any parking allowed on Felton Street, either on the north side or the south side of the street.

Mr. McCourt said that Felton Street is public way and they can't control the parking but they will keep all their parking on their own lot, perhaps the neighbors could approach the Traffic Commission and request restricting parking on Felton Street. They discussed this at the neighborhood meeting.

Mr. DeVito asked if there were any posted signs on Felton Street regarding parking.

Mr. McCourt did not know but would have an answer for the Board at the site view.

The Chairman then spoke, and commented that he wants to make sure the drainage is sufficient, the law required you to have a 100-year storm analysis, he would request a 125-year storm drainage analysis prepared, and make the drainage installation a little larger than what is required. One of the neighbors that spoke commented that all the drainage is on the easterly side of the parcel, but if you look at the plan, it take all the water on that site and brings it away from your house and towards the Harvard Street and is that the reason it was designed like that.

Mr. McCourt said that was correct.

The Chairman asked that there would absolutely no water shed, no high elevations anywhere.

Mr. McCourt said yes, we took all of this into consideration.

The Chairman said that the concern on the curb cut on Fern Street, and asked if is there already a curb cut on Fern Street.

Mr. McCourt said there is one there for a residential dwelling. They will be taking down the condemned house and Mr. Garvin asked them to move the driveway slightly over which they did after their first meeting with him, and the proposed curb cut would be somewhat larger than the residential one, which is necessary to accommodate whatever vehicle would be using it.

The Chairman understand the neighbors concerns about the Fern Street curb cut and asked if this was to be approved, could they ask that there be a right hand turn only onto Felton Street,.

Mr. McCourt said they could certainly look into that, but remembers you still have to pass two houses to get to Felton, but yes, they could do that. We can look into that at the site view as well.

The Chairman asked if Felton Street curb cut is going to be the primary curb cut, as he thinks it should be as you are renting units and if the tenants are told that they have to use Felton Street in and out and he thinks that would help out the neighborhood.

Mr. McCourt said remember Felton Street is a one way street, but Mr. Marini would work with the tenants.

The Chairman gave Demo's restaurant with its curb cuts within 100-feet of an intersection and how dangerous it is and even though Felton Street is a one way someone coming out of Harvard Street is going to go left, someone coming out of Felton Street is going to go left, and someone out of Fern Street is going to go left so that would be a good place to have a curb cut.

The Chairman again said, if they could possibly have the Felton Street curb cut the primary curb cut for in and out of site and have the right hand turn only as well. He wouldn't have problem either if you have to make Felton Street curb cut wider if it helps to make that curb cut the primary curb cut.

Mr. Moroney asked Mr. Finger what the elevation was at the bottom of the drainage and if it standard. The elevation around the parking seems to be around 45.5.

Mr. Finger said you have to be at least a couple feet above the ground water. This is designed with the requirements of the MASS DEP storm water policy in terms of separation and the infiltration system.

Mr. Moroney said so if you have a neighbor that has water in the basement, to make sure they don't get water you make sure that the basin is lower than their basement.

Mr. Finger said that is true, or you locate your drainage system away from that basement.

Mr. Moroney then asked what the Fern Street curb cut access is going to be used for,

Mr. Finger said the Fern Street curb cut is to just have a second emergency access to the site; you should always have two accesses to a site.

There were further brief discussions on traffic flow.

The Chairman asked if there was a motion.

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

VOTED: to continue the Petition for the Special Permit for two curb cuts at 162-166 Felton Street and 8 Fern Street at their next meeting of November 3, 2021 and to extend the Time to Act on the petition until December 15, 2021.

They then chose to schedule the site view for this petition for Thursday, October 14, 2021 at 5:00p.m.

The Clerk read the next item on the agenda which was for a Plan to allow the Extension of 0 Prospect Hill Road located at the end Prospect Hill Road. The Board must act on this by December 8, 2021.

Attorney Philip B. McCourt, Jr. of 15 Church Street and Robert Bibbo of 10 Hammer Street, Waltham, MA came forward representing the Petitioners, Yolanda Antico and Anthony and Rosette Jacobson-Antico of 70 Charles River, Waltham, MA.

He reviewed the plan, which showed that it is a five (5) acre parcel. The Antico's have owned this property for many years, and it once had a tower on it and conceded to the city and has since removed the tower. They don't know what particularly the future is but here's what is happening tonight. They are proposing to extend the existing road, so if you went up Dale Street and take a right you basically to the left and straight ahead is this property. They showed this five acre parcel on the plan. This extension is doing only one thing which is allowing legal frontage for that lot and with various transfers with the City and themselves and Senior it doesn't meet today's standards for frontage. Assuming the extension passes, there is no needed additional construction. It is already paved, but they need to legalize that little nub at the very end.

If it does pass, it is one lot, and is a buildable lot that you could put one house on it. If they did have any future plans for this lot they would have to come back to the Board and you would still only get one house per lot if it is five acres. Lots are 15,000 square feet, which they have many times that but they still will only get with this extension one buildable lot. It does say it has water and sewer extension, and if this passes they would have two years to do that construction.

He understands all the green people are concerned with that land, but the only thing with this extension is the fact that this can only build one house.

The owners are open to offers to buy the land, they aren't going to give it to the City, and he needs to get some numeration for the land.

Bob Bibbo, Licensed Land Surveyor, 10 Hammer Street, Waltham came forward to go over the plan. On sheet 4-5, you see the magenta area

that shows the extension of the road, which will be under the paved area and has already been constructed, which will give the required frontage to make that a buildable lot with a legitimate road. He reviewed this plan.

It is 40 –feet with the bearing of 35, which is at the end of the road, and extending under the existing pavement there would be no construction.

The Chairman then opened the meeting to the Board.

Mr. Keefner said that he lives in this area, and asked if they were aware that Prospect Hill Road is split into three segments.

Mr. Bibbo said they were aware.

The laughing from the public that you heard tonight is actually the opposite of what is happening up there, and if there is going to be house or future houses it's because it's a great spot with a great view of Boston, and that is why you heard chuckling from the public. His question is why it is considered sort of a dead end extension with a cul-de-sac isn't.

Mr. Bibbo said he understands what he is saying, but the pavement goes on beyond the existing road.

Mr. Keefner said he understands that, and that you are trying to get frontage, so you want to extend the road to a dead end, but again why isn't a dead end with a cul-de-sac considered, and it's really just a legal question he has.

Mr. McCourt said you are right about that, but they didn't want to go beyond just the frontage, because they don't have any real plans to do anything with it, and it would be difficult and invasive at that hill to put a cul-de-sac that really has no purpose, but your question legally is correct.

Mr. Keefner asked than the road would be the correct length to have real cul-de-sac for a subdivision.

Mr. McCourt said that is true.

Mr. Barrett said that you are looking for frontage, but he noticed the last lot on Willard belongs to the Antico's, and if combine that lot with this lot wouldn't you have frontage.

Mr. McCourt said that other lot is actually in a different zone, and if you look at the topography, and let's assume if he wanted to build one big house, the topography as shown on the pans is steep, and would have to be blasted out.

Mr. Barrett commented that if the Antico's are looking to either buy or sell the city would be the place to go, and he sits on the CPC and would be interested with the City to purchase this land.

Mr. McCourt said let me put that straight on the table, this land directly abuts the park, but in fairness, Mr. Antico is a great guy, he pays his taxes, and has for years, he is not going to give it to the City, but if someone want to come by and buy it, then great and they would be open to any offer.

Mr. Barrett said he would like to see someone from the City get together with the Antico's and present it to the CPC and they in turn present it to the City Council and it goes from there. He said he doesn't see this flying through; you have a great amount of opposition to this proposal. He would like to see a quick resolution to these concerns.

Mr. McCourt has great respect for them and but feels that they misunderstand what this action would result in for this proposed extension.

The Chairman spoke and said as you see, there is a lot of opposition here, and probably every citizen of the City of Waltham would have opposition and he understands that, it is beautiful wooded land, and with the CPC as Mr. Barrett mentioned, that's what that Committee does, they recommend parcels of green space to the City for purchasing.

Mr. McCourt said they recommend but they don't buy it. They would

have to identify a buyer.

This was discussed further.

Ms. Callahan said to follow up on that piece of property on Willard Street that is owned by the Antico's, that piece would give you frontage and could you build a road from Prospect Hill Road and straight onto Willard. Is that possible?

Mr. McCourt again said the topography would be extremely difficult to do, but anything is possible, but he can assure you right now, if they get this requested frontage approved, Mr. Antico would have as a condition that he sells that house on that land.

Ms. Callahan said so they bought the house on Willard but they would sell the house if this gets approved.

Ms. Tarallo stated that looking at this; they have the frontage from Willard Street there. If they sell the five acres to someone who may develop, they would have to come back to the Board to subdivide the property, or it could be sold to a different type of developer who could do a 40B.

There are different scenarios of usage for up there.

Mr. McCourt said but with the topography, it is a challenge. Right now, we could build just one house and or if we came back to the Board they could possibly get two or three lots due to the steep topography.

Mr. DeVito had no comments.

Mr. Moroney asked Mr. Bibbo or Mr. McCourt to explain the easement plan 804 of 1962.

Mr. McCourt said a woman named Ester Clark had a property and she made some exchanges with the City and the City at that point gave the easement and the right of way road that's in.

Mr. Moroney asked who owns the easement.

Mr. McCourt said the City of Waltham does he believes, or each side

may own each half but they own a portion of it.

The Chairman then closed that part of the hearing and opened to the public. He asked if there was anyone that would like to stand or speak in favor of this petition.

There being one and he closed that part of the hearing and asked if there was anyone that would like to stand or speak in opposition of the petition.

Ward One Councillor Anthony LaFauci of 76 Forest Street, Waltham came forward to speak on behalf of his constituents of Ward One. In the recent days he has been contacted by numerous constituents and he would like to express their concerns. He wanted to point out there is nothing on this matter currently before the City Council. He began with the fact there was a purchase of 38 Willard Road and they would like to know what the acquisition of the purchase is for. This is a quiet dead end road, and the plan to have cars entering this property for this location would be very upsetting to the people of that community.

He then asked if any environmental studies have been done leading up to this meeting or prior. It states there is nothing that there thinking of building up there right now, but was is the density possibilities of 0 Prospect Hill Road.

Online it mentions that the Antico Family who are the actual parties who want to develop this land, is it just the Antico Family or is it Tony, Yolanda and Rosetta.

He asked going forward what would be done about the traffic issues on Willard Street.

It was also mentioned for the potential for the Lanes, is it possible if this property gets in the hands of the wrong developer causing traffic issues to the Lanes.

Has the City ever made an offer to purchase the property or have there ever been any negotiations between the Antico family and the Mayor.

Could this land be deemed conservation land?

Would there be any special permits required?

The biggest issue is if there isn't frontage on this property to build one lot, what would the value of five acres of wooded land that is basically land locked be as opposed to for if 0 Prospect Hill Road was given an extent on to be allowed to be a buildable lot, what would that value then be?

This five acres abuts over 300 acres of pristine woods that we all love as Prospect Hill, which is connected to the greenway. They don't want to see it clear cut. He doesn't not think that is his intension, but these are the questions and concerns from his constituents and thanks the Board for their time. Furthermore, there was a petition online that you have a copy of, there were 609 signatures for this petition, and 453 of them are Waltham residents.

Linda Peruzzi Straggas owns 309 Dale Street and 310 Dale Street. 309 is on the top of Dale Street and Prospect Hill Road, so her land abuts Mr. Antico's land and the park, and that section of Prospect Hill Road, the Senior family and her family have always taken care of that part.

She has lived on Dale Street for 61 years, and does have history with what happened with the Antico family in their neighborhood. That land has always been owned by Tony, and no one ever worried about it being developed for a reason, it was tried to be developed years ago, they were up there with excavation equipment, there were boulders that got loose from that and ended rolling down to Willard Street and a child was almost killed. This family was the Cincotta family, they knew and grew up with them, and she witnessed that happen. And after that happened Tony packed up all his equipment and said he wasn't going to develop that land.

There is wooded land with bubbling creeks and deer, but Mr. Antico does own that property.

She then spoke of the entire ledge and blasting that has had to be done over the years to build house and additions her property included.

There is no pavement after the Senior's driveway and has never been

pavement and it has always been woods.

The neighbors have been dealing with this for a long time the continuous development from Tony and all the equipment going up and down the streets, but again he has a right to develop his property.

By extending his property for his frontage means that five acres of land is going to be developed, and she feels there is no other reason to extend the end of Prospect Hill Road.

She would ask the Board to take into consideration, not just the neighbors but the very precious small green space that they have left in Waltham that their neighbors come up and run during Covid, people came out of the woodwork to go into that park, to walk their dogs. She was very concerned until she heard about the Willard Street sale. The topography is very difficult unless you have access to very heavy equipment.

She asked that you consider what this area means to everyone and to help stop the green areas from shrinking.

The Chairman again mentioned that due to the late hour if people could say what they want to say, don't be redundant, and if someone else has said the same thing you don't have to say it again.

Joseph Porter of 302 Dale Street and is also a registered land surveyor. He wanted to talk about the technical standards at the end of this road that he is trying to extend.

Mr. Bibbo states that his is on existing surface, and this is not true. Only about a 1/3 of this roadway extension if you look at the plan, is on the existing driveway access to the house above.

Looking at the grading in this 1500 foot square foot area, there is a 10-foot grade change, from one side of it to the other on the roadway. This little bulb has a 10-foot grade change in that little area.

There are no sidewalks to access this property. None of the roadways up there above Tomlin Road, have no sidewalks in any of this neighborhood, so this adds to the huge public safety, to make this is a buildable lot.

Sonya Wadman, Executive Director of the Waltham Land Trust at 240 Beaver Street, Waltham.

The Land Trust had agreed with the City years ago for the forced

removal of the private communications tower. They supported early efforts for the City Council to buy the parcel and incorporate it with Prospect Hill Park. We continue to support the City to buy this parcel and add it to the park acreage. The owner has had decades to make economic use of the land, renting commercial space illegitimately in a residential neighborhood, erecting a tower without a safety fall zone to protect the neighbors, and securing the tower with support installations illegally located inside Prospect Hill Park. Millions of dollars were made renting space on the tower.

Extending a road to this parcel will obliterate hiking trails, reduce park access, diminish the value of the park's open space, and reward a property owner who has made a fortune on this property illegitimately. While the Waltham Land Trust Board will wait to understand more fully the impacts of this plan before taking an official position, given the history here, it's very hard to imagine the mitigation it would take for the Land Trust to support this application. Meanwhile, we must urge the Board of Survey and Planning not to take action to advance this proposal at this time.

The following persons came forward in opposition.

Karen Sabastian of 44 Leonard Street has great concerns of the proposed slope of the road.

Lisa Gurgone of 48 Cowasset Lane, she started the online petition that has 609 signatures of opposition. They have many concerns; losing open space, traffic with future development.

They live in the areas they enjoy Prospect Hill Park. The walk there dogs, their children play there. It is a huge part of our community and over 700 people feel the same way. This is a huge opportunity for the City to be with working with the family to purchase that parcel.

Amanda Kennedy of 39 Willard Street which is across from the property that was recently purchased, which made her concerned about what is about to happen. She bought her house on the end of the dead end street for a reason, and changes to that area impact her. She is concerned about the already ongoing traffic issues on Dale and Tomlin Streets, with the lack of stopping, the lack of sidewalks, and the

icing that happens at the top of the street in the winter. Any increase of traffic in that area that uses those streets in their daily life is her main concern.

Eric Matthew of 316 Dale Street wondered why you would grant this little bit of frontage, on paper they are saying why and what they are going to with it. Why grant the frontage if you don't know what the plan. Maybe this is City procedure. Mr. Antico keeps tearing down old houses and building new houses, he dumps debris all over his own property, from his excavations. He is making noise, hauling and dumping debris. It's very hard on the neighborhood. He sends the wrong message to the neighborhood, like he doesn't care about his neighbors.

The Chairman said he will allow one more speaker due to it being 11:15p.m., he will not close this portion of the public hearing, He is sure they will be going for a site view and they will go on from there.

Julie McVay of 51 Sanders Lane understands the changing character of neighborhoods with new development, but the now with the development the other side of Prospect Hill, they use to hear nature and birds and now they hear the highway noise from 128.

Dan Romard asked the Chairman to explain what it means to keep this part of the public hearing open.

The Chairman explained that he is going to close the public hearing and at next meeting will reopen the meeting to the public.

He then asked the Board if they had a motion.

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

VOTED: to continue the petition of the Extension of Prospect Hill Road at their next meeting of November 3, 2021 and to set up a site view for Wednesday, October 27, 2021 at 4:30p.m.

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

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

**VOTE: to adjourn the meeting at
11:19p.m.**

Respectfully submitted,



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