

**CITY OF WALTHAM**  
**BOARD OF SURVEY AND PLANNING**

The following are minutes of the September 7, 2011 public hearing held in the Auditorium of the Arthur Clark Government Center located at 119 School Street, Waltham, MA. In attendance were Chairman Creonte and members Barrett, Callahan, DeVito, Moroney and Tarallo.

The Chairman opened the public hearing at 7:05 p.m.

The Clerk read the first item on the agenda which was for a Definitive Subdivision for 110 Bear Hill Road. The Board must act on this petition by September 15, 2011.

Attorney Jack Mula of 707 Main Street, Waltham, MA came forward representing the petitioner. He reviewed the previous meeting with the Board. He reviewed the water infiltration issue and updated the Board on that work.

Attorney Mula also reviewed the Main Street Curb Cut denial and the appeal that was submitted, and handed out a Notice of Voluntary Dismissal that was submitted to the Land Court which stated the appeal has been dropped on the Special Permit. They have been working with Michelle Learned of the City Solicitor's office and have reached a solution and the petitioner has submitted an Administrative Curb Cut for Main Street with the Public Works Department.

He discussed the MWH report dated August 22, 2011 that was submitted to the Board and reviewed the work that is being done to comply with the report.

Also he updated the Board on all matters with the various City Departments and have made some amendments to the interim agreement regarding the turning access on the road and additional plans were revised and submitted to the Engineering Department. The Board will receive a copy of the amended interim agreement in a few days once it signed by all parties.

He also informed the Board that the owner had agreed to replace the water main on Bear Hill Road which was at the request of the Engineering Department. The City Engineer has made previous comments and concerns that there exist numerous water breaks in that main and since the developer will be doing water and sewer work he wanted to see this main replaced at that time. They will work with the City Engineer and the CPW Department to have this work coincide.

The Chairman opened the meeting to the Board for questions.

With regards to the Steve Casazza letter dated August 10, 2011, Mr. Barrett commented on that if the curb cut work wasn't completed he would be imposing a stop-work order on other work on the site until it was completed and asked if the work had been completed.

Mr. Mula commented that this curb cut work could not be completed until the Building Department approves the new plan.

Mr. Moroney asked for an update on the drainage work.

Mr. Mula had Mr. Carlton Quinn of Allen & Majors come forward to address the Board on the drainage work.

Mr. Quinn informed the Board that they had installed a new drainage pipe on the westerly end of the property and catch basins. Mr. Quinn reviewed the Bear Hill Road water run-off and drainage.

Mr. Moroney asked if the hay bails being used were just temporary.

Mr. Quinn replied, "Yes".

There being no further comments the Chairman closed that part of the hearing and opened the meeting to anyone that would like to come forward to speak in favor of this petition. There being none he closed that part of the hearing and opened it to anyone that would like to come forward to speak in opposition.

Ms. Leah Harshfield, Asset Manager for King Waltham, LLC who owns the building located at 150 Bear Hill Road came forward. This building is occupied by three (3) tenants who are having a very difficult time with the current construction taking place. They are all concerned with the Bear Hill Road Curb Cut, increased traffic, safety, erosion control and blasting. She also submitted in writing all the concerns discussed.

The Chairman commented that the construction currently happening is for the construction of the road only and not a subdivision. The Board members all look at these projects with safety and traffic issues in mind and also have concerns and that is partly why this has been before the Board for almost two years and assured her that the Board would not put their name on something that they are unsure of. He also suggested she go to the Fire Department with any concerns regarding blasting as the Board has no jurisdiction over that permitting.

There were further discussions and then the Chairman closed that part of the hearing.

Mr. Mula submitted a letter requesting that the Board continue this matter at their next meeting of October 5, 2011 and to also allow an extension of Time to Act on this matter until November 15, 2011.

The Chairman asked if there was a motion.

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

**VOTED: to continue the matter of the Definitive Subdivision for 110 Bear Hill Road at their next meeting of October 5, 2011 and to allow an Extension of the Time to Act on this petition until November 15, 2011.**

The Clerk read the next item on the agenda which was for a Special Permit Utility Plan and Profile for a Water and Sewer Extension and Road Construction at Lot 12 and 546-550 Braemore Road. The Board must act on this petition by September 15, 2011.

Ms. Tarallo recused herself from this petition.

Attorney Philip B. McCourt of 15 Church Street came forward to address the Board. He requested that this matter be continued to the October 5, 2011 meeting and to also allow an extension of Time to Act until November 15, 2011 since there was not a full compliment of the Board that evening.

The Chairman asked if there was a motion.

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

**VOTED: to continue the petition of the Special Permit Utility Plan and Profile for a Water and Sewer Extension and Road Construction at Lot 12 and 546-550 Braemore Road at their next meeting of October 5, 2011 and to approve the request of an extension of Time to Act until November 15, 2011.**

The Clerk read the next item on the agenda which was for a Special Permit for More Than One Principal Building on a Lot at 71 South Street.

Attorney Philip B. McCourt came forward representing the petitioner's, Domenic Cuttone and Anna Meliones. He said they are before the Board seeking approval under section 4.215 of the General Ordinances to allow More Than One Principal Building on a Lot. He reviewed the history of this lot. His clients would like to build three two-family

homes on this lot. They have already appeared before the Historic Commission to discuss the demolition of the current building and had received their approval.

He then introduced Mr. Ralph Bibbo of 10 Hammer Street, Waltham, MA to go over the actual plans. Mr. Bibbo reviewed the driveway configuration, the access to this site. The driveway is 20-foot wide and has adequate access and exit and proper turn-around and back-up radius. He said the Fire Department had reviewed the plans and had submitted to the Board a letter that they had no objections to the proposed plan. The Board also received from the Transportation Department's traffic consultant, Mr. John Diaz, P.E. a letter that they had no objections.

He said that all required drainage and underground utilities had been shown, as well as ample parking and landscaping details. All drainage will be maintained on property. There will be proper lighting on the buildings and in the parking area. He reviewed the parking that will be available for tenants and visitors. He said this lot is a residential "B" zoned lot. The waivers being requested are on the cover sheet of the plans.

The Chairman then opened the hearing to the Board for questions.

Mr. DeVito asked what the set back from the street was for Building "A".

Mr. Bibbo replied, " 15.8 feet."

Mr. DeVito asked for a review of Building "A's" drainage.

Mr. Bibbo said that Building "A" will have a down spout into a 4-inch lead piped into onsite property.

Mr. DeVito then commented that the drawings of the proposed units are very nice and asked if the decks will have proper lighting.

Mr. Bibbo said all buildings, doorways and decks will have proper lighting installed.

Mr. DeVito asked why they are requesting 3-inch bituminous pavement instead of the 4 ½ inch standard.

Mr. Bibbo said that this is a standard driveway and that no heavy vehicles will be accessing this driveway on a regular basis.

Mr. DeVito then asked if they would be using a crusher run.

Mr. Bibbo replied, "Yes".

Mr. Barrett asked if they would be using a 1 ½ inch base course of crushed stone.

Mr. Bibbo replied, "Yes."

Mr. Barrett then asked how much money would they save cutting out one and half inch.

Mr. Fred Cameratto, the developer for this project came forward and said it would be approximately 25 to 30 % less, maybe save \$30.00 per square foot.

Mr. Barrett then suggested a site view.

Ms. Callahan also request a site view, but also asked with regards to Mr. Putnam's comment #9, would they be replacing the entire sidewalk and with what material would they be using.

Mr. McCourt said they had agreed to replace the sidewalk and will match the existing area which is concrete.

Ms Tarallo said she would like to see lighting in the guest parking area.

Mr. Bibbo replied that since they can not shed light on abutters they would agree to use ground lighting for safety.

Ms. Tarallo asked how many bedrooms these units would have.

Mr. Bibbo replied, "Three bedrooms".

Mr. Moroney inquired about waiver number 2, 4.2.2.7 to allow no fillets (street line curb radii) and to allow entrance to the driveway to be constructed as shown on the plan.

Mr. Bibbo said that they will be installing granite curb on each corner of the driveway.

Mr. Moroney then commented that he would like to see the driveway built to the 4 1/2 inch standard.

The Chairman then commented that Mr. Cuttone, the petitioner was a paver by profession and will do the right thing.

There being no further questions from the Board the Chairman closed that part of the hearing and opened it to the public. He asked if there was any one that would like to come forward in favor of this petition.

Mr. Carl Cincotta of 74 South Street, Waltham, MA came forward. He said that he enthusiastically was in favor to this project and that it will enhance the neighborhood greatly.

The Chairman then closed that part of the hearing and asked if there was anyone that would like to speak in opposition of this petition.

There being none he closed that part of the hearing and reopened it to the Board.

At the Boards request a site visit was scheduled for Thursday, September 15, 2011 at 5:00p.m. Mr. DeVito also requested that the petitioner have the driveway marked and have all corners of the building staked for the site view.

The petitioner agreed.

The Chairman then asked if there was a motion.

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

**VOTED: to continue the petition for a Special Permit at 71 South Street for More Than One Principal Building on a Lot at their next meeting of October 5, 2011.**

Mr. Moroney had one more question for Mr. Bibbo. He asked what criteria they were using to maintain drainage on the lot.

Mr. Bibbo said that they would be using three catch basins.

There being no further business on the agenda for the public hearing the Chairman closed that part and opened the regular meeting.

The Clerk read the first item on the agenda of the regular meeting which was for the request of the release of remaining performance bond (#6323820) of \$500,000.00 for Wellington Crossing at 775 Trapelo Road.

Mr. Mark Mastroianni of Pulte Homes of New England LLC came forward to speak on this request.

He reviewed the work that Pulte Homes had agreed to repair at Wellington Crossing was completed. He reviewed the report submitted by Mohlin & Company that explained the repairs to the retaining wall. He also read the email that the Board of Directors of Wellington A and B submitted that stated that they are comfortable with the work that had taken place and Pulte's attentiveness to the issues outlined in SGH report and the City of Waltham should not delay release of the Bond for Wellington Crossing. The Engineer engaged by the Trust has received all information supplied by Mohlin and it indicated that all the work had been satisfactory completed. He then said that is why they are to requesting the release of the remaining bond money.

The Chairman then opened the meeting to the Board for questions. He commented that the report seemed to be in good standing and was happy that this had been resolved.

Mr. DeVito commented that he was displeased with the report and commented that Pulte Homes did not hire the same consulting engineer that did the initial investigation.

Mr. Mastroianni commented that they hired their own engineer who reviewed all the structural concerns that the Trustees had and fixed those problems and submitted a report to the original engineers who designed the wall who then submitted the comments that the work completed was satisfactory.

Mr. Barrett commented to Mr. DeVito that the Condo Association has submitted an email which the Board received in their packages stating that they are satisfied with all the work completed by Pulte Homes.

Mr. Barrett asked if the turf was repaired.

Mr. Mastroianni replied, "Yes".

Ms. Callahan commented that she drove by the wall and was satisfied with the repairs. Mr. Moroney commented that he was extremely pleased with the repairs and that the Engineer's design of the wall has been properly stamped by a structural engineer and suggests the Board release the remaining bond money.

There being no further comments from the Board the Chairman asked if there was a motion.

**Ms. Callahan made a motion to release the remaining performance bond (Bond No. 6323820) of \$500,000.00.**

**This motion was seconded by Mr. Moroney.**

**The Chairman called for a roll call.**

**ROLL CALL:**

<b>M. Justin Barrett</b>	<b>YES</b>
<b>Kathleen A. Callahan</b>	<b>YES</b>
<b>S. Anthony DeVito</b>	<b>NO</b>
<b>Mila R. Tarallo</b>	<b>YES</b>
<b>Brian E. Moroney</b>	<b>YES</b>
<b>William M. Creonte, Jr.</b>	<b>YES</b>

**The motion passed as the majority of the Board voted in favor.**

The Clerk read the next item on the agenda which was for the Board to sign the approved modified Covenant for Rock Lane known as 305 Bacon Street.

The members signed the Covenant.

The Clerk read the next time on the agenda, which was for the request of an Extension of Time for the Road Construction at 40 Green Street.

Attorney Philip B. McCourt came forward to speak on this matter. They are seeking a two- year extension and reviewed the status with the Board.

There were brief discussions on this request.

The Chairman asked if there was a motion.

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

**VOTED:       to approve the two- year extension of time  
for the road construction for 40 Green Street  
until June 26, 2013.**

The Clerk read the next item on the agenda which was for the approval of the minutes to the hearing of June 1, 2011.

Ms. Callahan pointed out an error on page eight that she would like corrected.

Ms. Deveney, Secretary to the Board said she would correct the error.

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

**VOTED:       to accept the minutes to the June 1, 2011  
meeting with the requested revision.**

The Clerk read the next item on the agenda which was for the approval to the minutes of the Special Meeting of July 18, 2011.

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

**VOTED:       to accept the minutes to the Special  
Meeting of July 18, 2011 as submitted.**



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

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

**VOTED:** to adjourn at 9:00p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael L.J. Chiasson', written in a cursive style.

Michael L.J. Chiasson,  
Clerk of the Board

MLJC/jed