

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

The following are minutes of the 6:00 pm, May 3, 2023 meeting held in the Auditorium of the Arthur Clark Government Center located at 119 School Street, Waltham, MA. In attendance were Chairman Creonte, and members Barrett, Callahan, DeVito, Keefner, Moroney and Tarallo.

The Chairman opened the Public Hearing at 6:00 pm and informed the public that the meeting was being recorded by the local Waltham Cable Access Channel and if anyone was planning to speak, they were required to sign in. The Chairman also changed the order of items on the agenda.

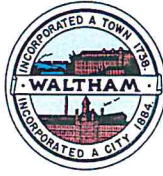
The Clerk read the first item on the agenda which was for a Special Permit Curb Cuts under Section 5.41 that exceed 25-feet at 55 First Avenue. The Board must act on this petitioner by June 5, 2023.

Attorney Philip B. McCourt came forward representing the Petitioner, King First West Owner, LLC. This petition involves five buildings that the petitioner has required which is subject to a special permit to demo the buildings and recreate some curb cuts on both sides, on First Avenue and on West Street. They already have been to the Board of Appeals and were successful, and they are scheduled to go to the City Council later that month.

He is there tonight with their Council, Tim Sullivan and Nick Skoly from V.H. B. and Andrew Castaberty from Kings Property. Nick Skoly is best to describe what we have in mind and could answer your questions you may have.

We have conceded to the Engineering Departments comments. Nick Skoly of 101 Walnut Street, Watertown, MA came forward to review the curb cut locations. This property borders both on West Street and First Avenue. It's two parcels. We recently went before your Board with an ANR plan to combine both lots into one lot if this is to move forward.

They have submitted the Special Permit and went through a number of revisions with Engineering before they endorse the special permit plan. They have seen this plan, reviewed the drainage, utilities and stormwater and then this access. What they are looking for is that there are a total of seven curb cuts and four of them are greater than 25 feet in width, so there are two on West Street that are greater than 25-feet and two of the five on First Ave. are greater than 25-feet, for the southernmost and the northern are greater than 25-feet. The three that are centrally located are for drop offs, ADA parking and visitor parking just to have the spaces in the front. These curb cuts are smaller than the 25 feet, but are curb cuts into the right of way.



The curb cuts that we are requesting relief from are mostly for fire access. They did have just a 20-foot drop for fire access around the entire property and they are working with the Fire Department with their request of 24-feet, so when you add that additional width and with some of the curb radii obviously it gets wider at the property line.

Those are the roadways from West Street, near the garage is a two-way roadway for the first couple of hundred feet towards the entrance of the garage, and then becomes a one-way circulation. It is one from First Ave. to West Street, and the main reason for that is the loading is in the rear and sort of tucked back, and the trucks that pull in can back up into the rear of the building and back onto West Street. It is a similar process on the other end of the building, you enter the other curb cut off of West Street and reverse into the building and then exit onto First Ave., they are 24-feet wide, so even though they will be assigned as a one way, if a fire truck or an ambulance were to come and there was a vehicle back there, they could still maneuver around, that was a big thing for the Fire Departments request.

The curb cuts on First Avenue are 37 feet and 44 feet wide, and on West Street it is 38-feet and 37-feet.

The Chairman opened the meeting to the Board.

Mr. Keefner asked what zone this property is in.

Mr. Skoly said it is commercial zoning.

Ms. Callahan noticed that both of the buildings are five stories each and asked if they would require a special permit or is it something you can be build by right.

Mr. Skoly said they would need a special permit for the increase of the FAR.

Ms. Callahan asked what the FAR increase would be.

Mr. Skoly said it would be going from .4 to 1.6.

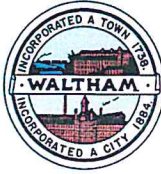
Ms. Callahan said these are huge building that you are proposing.

She asked about the trapezoid section and asked if they owned that section.

Mr. Skoly reviewed that area on the plan and said they do not own that section of that and he mentioned that Engineering commented on that as well, this access easement, that benefits those back parcels to exit through that parcel into the cul-de-sac.

Ms. Tarallo asked Mr. Skoly to clarify that a bit more, that driveway opening, as it says on the plan that you do not have the ownership but to be used as an easement, and we have had this





issue on another petition that was before us and it was held up until we got the owner of the shared easement to comment on it.

Mr. Skoly showed on the plan where the property line is, the applicants parcel and showed the portion that is where the easement is.

Ms./ Tarallo asked if they have documentation regarding the easement.

Attorney Tim Sullivan said that they do have that and its on record.

Ms. Tarallo asked how the company that owns the easement feel about your proposal.

Mr. Skoly said that the proposed driveway is very similar to the existing driveway and they are actually shrinking it and reviewed that for the Board.

Mr. Castaberty said they have not spoken to them but the abutters have been notified about the proposed project through the legal notice process and have not had any conversations with them. They don't utilize that portion of land and it just happens to be how the parcels were configured and they don't see any deferential impact for them with what they are proposing.

Ms. Tarallo said but you are still using someone property.

Mr. Castaberty said they do have easement rights for that land for driving and pedestrians.

Ms. Tarallo said she is still concerned about that and would like to see more information from those owners to see if they are in agreement with this usage.

Mr. Castaberty said they would provide to the Board a copy of the easement and double check the language to make sure they can do this.

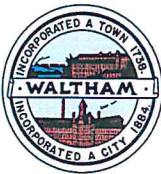
Ms. Tarallo said that would be great and also a letter from them stating they accept this change of the driveway opening.

Mr. Castaberty said they would certainly look into that.

This was discussed further. Mr. McCourt commented that they are actually putting back to the original approval as stated in Engineering's comments.

Mr. DeVito agreed with Ms. Callahan and would like to see something in writing before he could make a decision on final approval of this.

Mr. Moroney asked Mr. Skoly to show on the plan exactly where the curb cut for your property is for this curb cut in question. What exactly is the dimension for this curb cut.



Mr. Skoly reviewed this on the plan. He said this came up on the City Engineers comments as well, as we don't own that portion and that is technically less than 25 feet, they are looking for that to go into the abutting parcel. We wanted to include it because it is kind of a weird situation. The curb cut we are looking for is greater than twenty-five feet.

Mr. Moroney said the outer radius needs to be along that edge to where you intersect the other edge.

Mr. Skoly said it never intersects.

This was reviewed on the plan and discussed further.

Mr. Skoly said he would confirm the dimension.

Mr. Skoly then reviewed the tractor trailers turn rounds and auto turns per Mr. Moroney's request as well as the fire apparatus routes.

There were brief discussions on this.

The Chairman concurred all of this and would like in writing from the owner of the adjacent land. The easement states you have the right to drive over that land is that correct.

Mr. Skoly said they are going to review the easement and make all these clarifications.

The Chairman said they need to have this clarification to move forward. He also commented that the Fire Department and Traffic Department are both satisfied with the proposal.

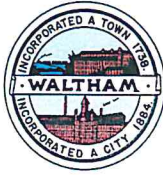
Mr. Skoly said yes and reviewed that with the Board.

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 a Special  
Permit Curb Cuts under Section 5.41 that  
exceed 25-feet at 55 First Avenue to the  
next meeting of June 7, 2023 and to  
extend the Time to Act to June 15, 2023.**





The Clerk read the next item on the agenda which was for a Special Permit at 51 Hall Street. The Board must act on this by August 14, 2023.

Attorney Joseph Connors of 404 Main Street, Waltham, MA came forward representing Hall Street Partners, LLC and he has with him Joe Cincotta, whose wife is a principal in the company. He also wanted to point out this property per the City Engineer is to be referenced as 61 Hall Street which was mentioned in the memo to the Board from the City Engineer. They however historically have found it to 51 Hall Street and 0 Hall Street, the Building Departments records have it as 51 Hall Street and the City Accessors office considered it 0 Hall Street probably as it was a tax-free property.

The property know as Saint Charles Church was built in 1915 and completed in 1927 and was closed by the Archdiocese a few years back.

The Hall Street Partners has an agreement with the Archdiocese and its their intension to remodel the building and if you are familiar with the property, he showed the rendering of what it may look like when it is done, but today on the property there is a small chapel sort of like a wing which is north of the building will be demolished. The main building will remain and they will create a first, second and third floor within the structure itself, within the footprint of the existing structure into 20 residential units.

The Chairman asked since they just received the revised plan with the new address of 61 Hall Street and the petition was advertised as 51 Hall Street, how could they hear this now as 61 Hall Street.

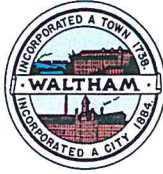
Mr. Connors said we can because the City Engineer is now designating with their opinion that it should now be called 61 Hall Street.

The Chairman asked if there are any numbers on the church.

Mr. Connors said no it doesn't and it known as 51 Hall Street, that's what the Building Department calls it. When the City Engineer told him it is 61 Hall Street, he then asked them to provide the paperwork or record that states that and he did not receive anything. They told since the building across the street is 60 hall Street then this building should be 61 Hall Street. This is a new opinion of the Engineers office. Historically the Building Department and the Fire Department call it 51 Hall Street.

The Chairman said he gets all that, but legally now, we have a legal notice that it is 51 Hall Street.

Mr. Connors replied that it has been forever known as 51 Hall Street, it is the appropriate address, until the Engineer decides he wants to change it.



The Chairman asked how best they can address the petition.

Mr. Connors said it should be 61 Hall Street formally known as 51 Hall Street, as that is a fact.

Mr. Barrett commented that the Deputy Fire Chief refers it to 51 Hall Street, and the Fire Department rules over Engineering Department.

Mr. Barrett also noted that the advertisement refers to the property as Saint Charles so that should suffice.

Mr. Moroney commented that if Mr. Putnam claims it is assigned 61 Hall Street but can't provide the proof of that, that Building Dept. knows it as 51 Hall Street, the 911 people know it as 51 Hall Street he doesn't see why it can't just be called 51 Hall Street.

Mr. Barrett suggested we call it 51 Hall Street aka as 61 Hall Street.

Mr. Connors put in the revised Decision 51 Hall Street aka 0 Hall Street and 61 Hall Street.

The Board all agreed that was fine.

Ms. Callahan is concerned what 911 would think of this.

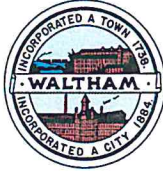
Mr. Connors said that moving forward with building permitting, the City Engineer will assign it 61 Hall Street and each unit will be assigned a number of letters at that time and all Department will be notified at that time of the new address change.

Mr. Connors said however his new plans to say 61 Hall Street, which drew laughter from all.

Mr. Connors reviewed that they have been before the Historical Commission and were granted permission to demo just the chapel. They also went before the ZBA and got approval for the use of Church to residential.

They are currently before the City Council to obtain a Special Permit for the FAR of 1.22. In order to construct this, there really aren't any curb cuts, there is a little curb over in the back of property but it really doesn't take you anywhere so that would be closed up, there is another small one at the top of plan that would also be closed up. Nothing on Hall or Cushing Street now. Hall Street runs south and Cushing Street is one from Moody Street. Parking is permitted on the right side of Hall Street not the left side, and we are proposing a 20-foot-wide curb cut on the property line with the left turn only in and out only. Will have parking with City of Waltham standards. With 20-units, each unit would require 2 parking spaces, and we actually have 41 spaces. 21 of the 41 will be compact, and we are proposing four (4) electric charging stations.





There were comments from the Fire Dept. that they didn't have any issues with the proposal and the Traffic Engineer as well. They have been to the Traffic Commission with the traffic study.

They had received late from Engineering comments due to an incorrect email address, but because they were before the Council with the revised grading and utility plan and eight-inch connections, which really wasn't part of the package that was submitted to the Board, but the May 1, 2023 memo from the Engineer to the Council stating they are satisfied with the revisions.

The plan you have before you show 51 Hall Street and per the Engineers renaming it 61 Hall Street, he had new plans made up showing it as 61 Hall Street. That is the only change is the date and the address to the plan. He handed these out to the members.

The Chairman opened the meeting up to the Board.

Mr. Moroney mentioned that original curb cut, that goes up to someone else's property. Could you pull that curb edge back to the corner of your property line?

Mr. Connors said yes, they could do that, it should be flush to the property line anyway.

Mr. Moroney stated he is but concerned with the 20-foot entrance, as we keep seeing it happen, the entrances getting so small and they just get chewed up by the plows. With they layout with parking spaces there really isn't a way to make it wider, and just seems tight.

Mr. Moroney asked if at the back of property if that is another entrance.

Mr. Connors reviewed that with the Board, he said no, that's just providing a turn around.

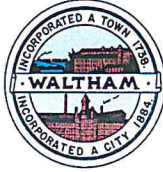
Mr. Connors said there's a side yard to the two-family next door and we certainly couldn't put a curb cut there.

Mr. Moroney asked about the drainage and the infiltration systems you show on sheet C-2, and then down below, the bottom depth of those infiltration systems is only four feet down.

Joe Cincotta came forward to address that.

Mr. Moroney said the base is 16-inches and is just about four feet from the pavement. The reason he is asking is that does the two-family to the left have a basement.

Mr. Cincotta said he did not know.



Mr. Moroney asked if you could find out, because you have an infiltrations system that takes all that surface water to the underground tanks and if that is higher than the floor of that neighbor's basement, guess where all the water is going.

Mr. Cincotta will go over that with their Engineer and will look into making sure that doesn't happen.

Mr. DeVito was all set.

Ms. Tarallo was all set.

Ms. Callahan was all set.

Mr. Barrett was all set.

Mr. Keefner commented that you are here before us for the proposed curb cut within 100-feet of an intersection and with other projects we have seen for the same thing, those particular properties couldn't have a driveway located on their parcel that would not be within 100 feet of intersection. He doesn't see a great argument in this application why this should be allowed.

Mr. Connors replied that one, we have a building situated here, and it doesn't allow us to do it anywhere but there.

Mr. Keefner said you could on Cushing Street couldn't you.

Mr. Connors said we had original proposed it on Cushing Street but the Fire Department recommended against that, they felt it was too tight and would be more appropriate on Hall Street.

Mr. Keefner said okay.

There was brief discussion on the directions of Hall Street and Cushing Street.

The Chairman asked about the water gates going to 8-inches.

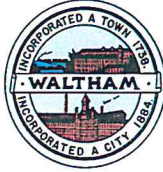
Mr. Connors said they cured that with the revised plans for the City Council and the Engineers office was satisfied.

The Chairman then closed that part of the hearing and opened to anyone that would like to speak or stand on favor of the petition.

There being none, he asked if there was anyone that would like to speak or stand in opposition.

There being none he asked if there was a motion.





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

VOTED: to approved the Special Permit for a curb cut within 100-feet of an intersection for 51 Hall Street aka as 0 Hall Street aka 61 Hall Street as presented with the provision that the curb cut on Hall Street be brought a foot back from the property line.

The Clerk read the next item on the agenda which was for a Utility Plan and Profile for a Water and Sewer Extension and road construction to service Lot 12 and Lots 546-550 Braemore Road. The Board needs to act on this by June 15, 2023.

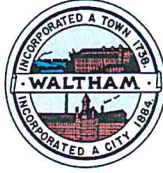
Attorney Philip B. McCourt, Jr. of 15 Church Street, Waltham, MA came forward to address the Board. With him was the Petitioner, Curtis Beaton of 705 Beaver Street, Waltham. Mr. McCourt started by saying they have been before the Board with this petition for a very long time. We are trying to get approval to build three houses. We have tried our best to accommodate these comments and issues that were raised.

We left off with several issues from the Engineering office and Mr. Beaton has been addressing those the best he can. He will discuss these with you. The main issue has been the dead-end water, and he researched that and there are fourteen dead end waters in the area, which does happen occasionally. In this particular case, with many of the people down the street the cost and the invasion of digging up Sachem Street, the people have some concerns with that and are hoping some other alternative could be arranged.

Mr. Beaton has a ruling by the DEP, not on this particular case but addresses some of the dead-ends water and he is best to answer these questions on this.

Mr. Beaton came forward. In attempt to where we left off at the last meeting in regards to this road extension, there were several issues raised, and at the time the main issue was the proposed drainage connection to the drainage system located in Sachem Street. He felt he did his best to provide the Board with the documentation, originally when Sachem Street was done, the second phase was proposed and the drainage system was sized to accept whatever water runoff would potentially come from that road build out. He thinks he addressed that question. He asked if the Board had any thought on that.

Mr. Keefner asked in regards to the drainage, what is the most current plan that they have for review.



Mr. Beaton said they haven't altered any plan and the last set of plans we brought in revised are dated January 2, 2023. Until we have figured out what is to be done, he didn't alter the plans.

Mr. Keefner said then those plans do not show that connection into that system that you are talking about, correct.

Mr. Beaton said that at the upper section we are proposing to put our own drainage system in there but it's prepped for whoever comes after him to develop and does the final connection down onto Sachem Street, they have the ability to connect up to the upper system or the lower system.

Mr. Keefner said if it was sized with intent back in the day to connect into that.

Mr. Beaton said because he is not going all the way down at this point in time.

Mr. Keefner said that if the people next to you decided to do the same thing, and there are three drainage systems which was the original plan.

Mr. Beaton disagreed with that, if the people next him decide to go the rest of the way they will be at the cul-de-sac for the connection.

Mr. Keefner said in his experience when he worked on subdivisions and their phase is that the final build outs was what was approved in the original and they were sized for that. He understands it was 30 years ago and that was the intent of what was to be built in the end, instead of having separate drainage systems.

Mr. Beaton said he agrees with that in that regard, we designed this this way the property owners after his property decide to move forward and built the rest of the road, we have it set up for them to basically just connect the drain pipe from the drain basin and connect up to the new system and continue down and connect into an additional system that would be down at the bottom of the street. It's prepped for them.

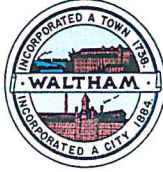
Mr. Keefner asked if the reason you are not connecting a cost and constructability reason or do you not have the right to connect onto someone else's property.

Mr. Beaton said first of all it would be the cost, and he felt it shouldn't be put on him to improve somebody else's property when they can take it upon themselves to do it. By what he is proposing to do is helping them proceed forward fairly easy.

Mr. Keefner asked if he legally had the right to cross over.

Mr. Beaton replied that based on Mass General Law 187, Section 5 he could continue the street.





Mr. Moroney commented that he noticed the drywells for the street drain are on your third lot.

Mr. Beaton said no.

Mr. Beaton showed him on the plan, Mr. Moroney had an older plan in front of him from April 2022, not the January 2, 2023 plan.

Mr. Moroney was pleased that the revised plan shows the drywells in out in the public way and not on someone's property.

Mr. Beaton said they did put them down as far to the left so they wouldn't obstruct anything.

Mr. Moroney asked if your project is starting where the sidewalk had taken place.

Mr. Beaton said yes.

Mr. Moroney said so the subdivision is going to get sidewalks and a sloped granite curb.

Mr. Beaton said yes.

Mr. Moroney said that road with is 24-feet so that would allow parking on one side of the street.

Mr. Beaton said yes.

Mr. Moroney said you show garages are they foot prints going to remain the same.

Mr. Beaton said it's just a driveway area not a building.

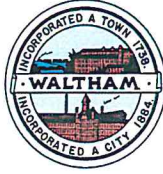
Mr. Moroney said okay.

Ms. Tarallo asked the Clerk, Michael Chiasson what is the width the street that the Fire Department requested at a Traffic Commission, and asked if was is 25-feet.

Mr. Chiasson said if they had a curbing it might be 24-feet with parking only on one side of the street.

Ms. Tarallo thought if it was under 24-feet that they were no parking on any side of the street at all.

Mr. Chiasson said no, they had limited parking to one side for the fire trucks to pass on one side. This prevents cars from parking across from each other limited fire truck passage. And it was only if there was curbing that would prevent people from driving up on the grass.



Mr. Moroney asked what the width of the sidewalk.

Mr. Beaton said the sidewalk is 7-feet from the property line. He said the actual sidewalk is 4-feet and the grass strip would be 3-feet.

Mr. Moroney said if you want to more room for a fire engine, why don't they eliminate the grass strip.

The Chairman asked Mr. Beaton how wide the road was and how many houses will be on it.

Mr. Beaton replied it was 24-feet wide and they are proposing three (3) houses.

Mr. Moroney asked Mr. Beaton if he would consider removing the grass strip and to allow for the widening of the road.

Mr. Beaton asked if they would like him to do that on both sides of the road or just one.

Ms. Callahan said both sides would be best.

Mr. Beaton said he could do that.

The Chairman commented that he liked that idea and that 25-feet of asphalt is plenty.

Mr. Moroney said it is basically pointless to have sidewalks up there going to nowhere.

Mr. Barrett asked if it would make sense to have one sidewalk and widen it.

Mr. Moroney agreed that would work

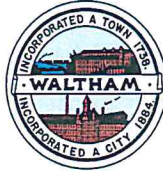
Ms. Tarallo said she would like the sidewalks to remain, she lives up there and with people speeding up and down the streets it's dangerous up there walking.

Mr. Moroney said that can work, so there is 2.6-foot grass strip on either side, so let's take out the grass strips, that gives him 6-feet to widen the road and the sidewalks on both sides will remain. He has also provided an area for the trucks for a backup turn.

Ms. Tarallo commented that on College Farm Road they did build three houses up there, we approved the ANR Plan for it, and they put in curbing, that's what they are doing now, the area is getting built up and we need to continue with having sidewalks with new builds.

The Chairman said he would like to see vertical granite curbing.





Mr. Beaton then began with the next issue that had concern which was the grading going down Sachem Street. He had proposed 7% grade transitioning to a 2% grade at the bottom which was about a total for 75-feet. He reviewed this section on the plan. So, 50 feet at 2% and around the corner of 25- feet at 3% and then transitioning to 7%.

The Chairman asked if it 2% for 100-feet.

Mr. Beaton said yes, it is. These roads were originally laid out when the regulations were quite different.

Mr. Beaton said the grades that are were proposed for that was 10.58% grade coming down with little to no transition onto that lower area.

What we are proposing is a significant improvement.

Mr. Beaton said so what is approved or signed off in 1923 was 10.58% coming down that hill. We have changed it and have lowered the grade to 7%, which is a great improvement.

The Chairman said, so the roadway is going to 7% and asked again what the leveling is going to be.

Mr. Beaton said it will be 7% rolled into 3% and then rolled into 2%.

This grade transition was shown and reviewed on the plan. It begins at the beginning of the cul-de-sac, at the curb line so there is approximately 50-feet to the center of the lower section at Braemore Road, that would be at 2%. When you round the corner and start up the transition there is 3% for 20-feet and then roll into 2%.

He feels it is a significant in improvement all around.

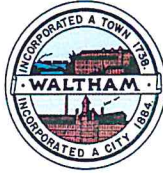
Mr. Keefner commented that his understanding that the part of the road you are talking about right now you are not actually building, is that true.

Mr. Beaton said no, he is not building it. When this initially started about a year and half ago, the concerns were up towards the rest of the property and the rest of the road. He is taking upon himself to lay out the rest of road, doesn't know exactly what is going to happen. It comes before your Board essentially one time, and if its' what you like and agree upon, then we tweak it to your liking and then we approve it.

Mr. Keefner said so it's not going to be built, it's just a line on a piece of paper for now.

Mr. Beaton said, yes, that is correct.

Mr. Keefner said then it is meaningless.



Mr. Beaton said no as we are laying it out, the terms were set in 1923, we are just adjusting the original 1923 grades. Technically he could come in and put the road at 10.58 % as set in that original subdivision as it's already approved and on record. He is looking to improve that as was discussed at earlier meetings.

Ms. Tarallo asked if it then becomes a paper street.

Mr. Beaton said basically everything stays the same as it is, it's location, we are just adjusting the originally approved grades.

The Chairman doesn't think you could build the road at 10.58 %grade like that today even if it was approved in 1923. It wasn't built back then, just laid out.

Mr. Beaton said he isn't a lawyer, but once something is subdivided and there are certain rights that are created and filed at the Registry of Deeds.

The Chairman then said so if we don't give any waivers the road wouldn't get built.

Mr. Beaton said no, that would be a land taking. We would have to hammer out some certain terms.

The Chairman said so you are at the peak of the hill so what's to prevent the road from coming down another 2 or 3 feet and the driveways up to take care of that issue.

Mr. Beaton asked what you would be taken care of, would going to change the grade regardless. He said let's just they knock that down (showed on the plan) and do an additional piece, you would be changing that from the proposed 7% to possibly 6%. You would only be picking up a degree.

The Chairman asked how many more lots are there going down towards Sachem Street.

Mr. Beaton said there are two different owners and there are four lots that are on one side. His opinion is that there are really only two to three lots, not four, but that's just his opinion.

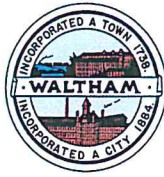
Mr. Moroney commented that him getting the 10% down to the 7%, to answer Wayne's question, nothing has changed to the right, the only thing that can change is to the left is the elevation where the road is ended.

Mr. Beaton said he actually had to drop the grade to make that work.

Mr. Moroney said that is his point, where he thought Mr. Keefner was confused about the drop.

Mr. Keefner said he wasn't confused about the grading, his thought is that it's all rock in that area, so the grade that's shown there is 2%, and the part that's not being built is increases to 7%,





that 7% could be redesigned as a 6%, and then into a 4% which means you're cutting into more rock.

Mr. Moroney asked what the existing grade is from Balsam down to /trimount Ave.

Mr. Beaton thought it is around 11%.

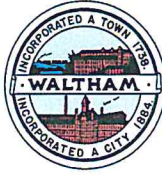
Mr. Moroney then commented that he certainly isn't making the grade worse.

Mr. Moroney asked relative to the paper road, there is a whole subdivision laid out, and at the end of the day, the connections at the cul-de-sac is key because of the looping of the water, is this correct. But there is one house lot to the left of Sachem Street, is there a reason why that road has to connect into Sachem Street in the cul-de-sac. The paper road continues down to the curb, and at other people's lots.

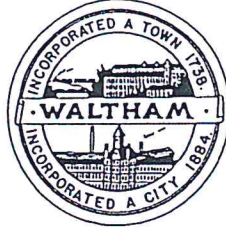
The Chairman said that they are not supposed to have a dead end in the cul-de-sac. We should have a cul-de-sac at the end is land. If the other people want to continue building the connection will be there.

Ms. Tarallo commented that it was supposed to be just a temporary cul-de-sac. She asked to read what she is referring to.

She read from two memos from the City Engineer regarding Sachem Street, dated July 1, 1998 and July 16, 1998.



Wade T. Putnam  
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City of Waltham  
Engineering Department  
163 Lexington St.  
Waltham, Mass. 02154-4638

Wednesday, July 01, 1998

To:  
Board of Survey and Planning

Re:  
Sachem Street

Please note that the Board has previously approved a subdivision plan of this area and all existing lots are under covenant with the Board of Survey and Planning including lot 542 in the existing temporary cul-de-sac. When this subdivision was approved in September of 1996 it was granted 15 major waivers. Also note that the cul-de-sac was given temporary status at the request of the developer because there exists an unbuilt street (**Braemore Road**) **immediately to the north of this approved** temporary cul-de-sac which was stated as being future phase two. This temporary cul-de-sac was not to supply frontage on Sachem Street from the lots on Braemore Road, as they have existing frontage on Braemore and can be developed with adequate frontage there. Braemore Road can not be abandoned at the end of Sachem Street because the property owner on the northerly side of Braemore Road would have to agree to the abandonment. There is another temporary cul-de-sac at the southerly end of the project, which will also be abandoned when the way is extended. Also note that one legal lot can be made on the westerly side at the end of the cul-de-sac now, without making the cul-de-sac permanent.

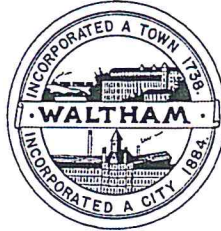
The Board of Survey Rules and Regulations require that cul-de-sacs have a minimum radius of sixty feet. The rules also require that a cul-de-sac be placed no further than five hundred (500) feet from an intersection. One must note that the only way out of this development is all the way back to the intersection of Marivista at Trimount which greatly exceeds the five hundred (500) feet. The minimum size radius allowed is twenty-five (25) feet and not the ten-foot radii shown. The abutters plan submitted is not on the 24" x 36" size mylar as required. No abutters list has been seen with the required statement from the Assessor. No statements from the required Fire Department, Police Department, Health Department, School Department, etc. have been seen.

Wade





Charles E. Fuller  
City Engineer  
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City of Waltham  
Engineering Department  
163 Lexington Street  
Waltham, Mass. 02154-4638

MEMO

TO: JOHN F. SNEDEKER, Director of Public Works

SUBJ.: DEFINITIVE SUBDIVISION---SACHEM STREET

DATE: June 16, 1998

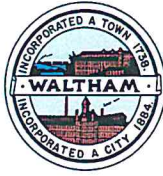
I have reviewed the three-sheet submittal for the subject project which represents an extension of the Mount Lake Villa subdivision currently under construction on Sachem Street. The plans were prepared by P.J.F. and Associates with date of May 20, 1998 and received in this office on June 2, 1998. The plan proposes to create two new lots adjacent to the proposed cul-de-sac at the northerly end of Sachem Street with frontage to be obtained along the relocated position of the cul-de-sac. The two new lots are designated Lot Nos. 10 and 11 and are to be created from existing Lot Nos. 542, 543, 544 and 545.

The proposed "lotting plan" utilizes a cul-de-sac with a 50-ft radius to generate the necessary frontage for these two lots. Section 4.2.2.8.3 TEMPORARY DEAD ENDS (CUL-DE-SAC) of the Rules of the Board of Survey and Planning states that ---"Streets having temporary dead ends shall terminate in circles having a right of way diameter of not less than one hundred twenty (120) feet". The proposed "lotting plan" could not accommodate a 120-ft diameter cul-de-sac without exceeding the boundaries of the parcel. Since the proposed cul-de-sac is immediately adjacent to Braemore Avenue (private way with 40-ft ROW), it is assumed that the cul-de-sac would be discontinued at such time as Braemore Avenue is developed, and the land relinquished to Lot Nos. 10 and 11. Although the land to be occupied by Lot Nos. 10 and 11 (and the proposed cul-de-sac) could accommodate three houses if they had their frontage on Braemore Avenue, it is probably in the best interests of the parties concerned if the land is developed to accommodate two houses as proposed.

Review of utilities to serve these lots reveals extension of the 8-in D.I. water main and the 8-in PVC sewer line are proposed, while extension of the 15-in RCP drain line is proposed with this pipeline tributary to the detention basin. These utility extensions are all acceptable. This proposed expansion for this subdivision would bring the total number of dwellings tributary to the sewage pumping station to nine houses.

Charles E. Fuller, P.E. 

cc: Wade T. Putnam, Asst. City Engineer



The Chairman asked Mr. Beaton if he had any comments on this.

Mr. Beaton commented that after looking over some of the paperwork regarding this, there is 9.84% was the approved road grading in 1922. That one piece at the end is a little over 12%.

There were no more comments on the grading.

The Chairman suggested they discuss the looping of the water which was one of the other issues to be revisited.

Mr. Beaton said he was in receipt of comments from the City Engineer, Robert Winn dated April 25, 2023. Obviously on one hand you could agree with him, but on the other hand it's a significant burden to place on him to bring that length of water line down onto Sachem Street, and once again especially considering that there will be in some point in time, the owners or who they sell it to will most likely built up that part of the road and connect up to it. We are not looking to this never being done.

The Chairman asked if you have ever spoken to the owners and discussed this and maybe compromise with the road buildout.

Mr. Beaton said he is just concerned about what he himself is proposing.

The Chairman asked Mr. Beaton if the Board were to ask him to loop the water, then what would happen.

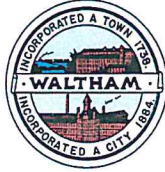
Mr. Beaton asked if he could hand out a copy of a MassDEP, Chapter 9, Distribution System Piping and Appurtenances, which is essentially regulations and on page six, the section that Mr. Winn is commenting on is highlighted for you, and it states;

***“Dead Ends- Dead ends shall be minimized by looping of all mains whenever practical. Dead ends shall be equipped with a means to provide adequate flushing which will give a velocity of at least 2.5 feet per second in the water main being flushed.”***

Mr. Beaton said after you that, the DEP would agree if its practical that dead ends shall be minimized by looping all mains whenever practical. He said is proposing to ensure that they will be properly flushed, we will make sure that we have the hydrant as shown on plan to flush and he felt that deals with any issues there.

He said there is a n existing problem that is hard to get around which is that the extension that was done in 2018, and as you all know there is or was a water issue, a water clarity there for that





last house that was built. It's his personal opinion that he knows what the problem is, and that the design is incorrect, it comes up and it extends two sections of pipe, they put a T pipe to a fire hydrant and put a seven-foot nipple on the end of it. It's impossible to flush that nipple out from that fire hydrant.

The Chairman asked Mr. Beaton that he said it was water clarity issue.

Mr. Beaton said yes.

The Chairman said the Engineer stated it was a water pressure issue.

Mr. Beaton said he talked to the owners himself and they said it was clarity issue.

The Chairman said the Board has to go by what the City Engineer said as we all know we were scolded before for this same issue. You mentioned what is practical, does practical mean you come to a dead end and there is no more land, or no more road, does that possible what that DEP means by practical. His point is, you have a road, and asked how long the end of the was from your land to where you could loop it.

Mr. Beaton said it would be a 321 -foot runner.

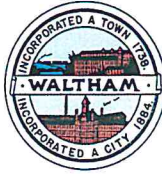
The Chairman said he knows how expensive that is. Again, thinking about the other owners, even though it's not really the Board issue but if the owners of those three or four lots were thinking about possibly putting up new homes or even selling the land it would be wise that spoke to you and maybe piggy back and split the costs.

Mr. Beaton agreed it would probably would be wise, but the reality it that he has tried in the past to work with the owners and was not successful.

He said it was stated to him that it was a clarity issue and the natural pressure issue there. Looping that water is not going to change the pressure nor the volume. It is pressure is directly related to the elevation of the discharge with comparison to the elevation. They are taking water from Prospect Hill comes back down goes back up, so it roughly the same elevation.

The Chairman asked if that was the highest point.

Mr. Beaton said yes, if you go down onto Totten Pond Road where the pressure is upwards of 160, you have to put a pressure reducer. He suggested after talking to the property owners there, just in general conversation, for finding out what is going on, they weren't elated about the pressure issue, and he told them nothing is going to change that and suggested that they get a pressure booster installed in the house., which is a pretty inexpensive item and could increase their water pressure in the house. There had been several infiltration systems clog up, and according to them it has basically subsided. When the city ran an independent service from the intersection of Trimount Ave. up to their property, at the end it didn't change the water pressure



but at least the clarity was better. He felt the seven-foot extension that was put on really messed things up. What he is will to do, and obviously he can't increase a negative issue, what he would do is drop back into the intersection of Trimount and relay a new line up to where he would connect and continue his forward. He would put the fire hydrant at the end so it could properly be flushed.

The Chairman asked if there were any questions form the Board.

Ms. Tarallo wanted to make a point, when we talk about dead ends and the water, when her husband was a City Councilor, he did get a lot of calls about the dead ends and how the Health issues how the water went. One family felt they got cancer because of the dead ends, so she would like to see the looping.

Mr. Beaton said they are supposed to have a water flushing program, these dead ends are all supposed to flushed.

Ms. Tarallo said why do we want to recreate problems, especially if there are health issues.

There being no further questions form the Board, the Chairman closed that part of the hearing and opened it up to the public.

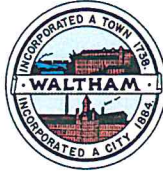
He asked if there was anyone that would like to speak or stand in favor of this petition. There being none, he closed that part of the hearing.

He then asked if there was anyone present that would like to speak or stand in opposition to the petition, and if so, please state your name and address for the record and asked to keep comments to a minimum. If you spoke before on this please don't be redundant.

Mr. Frank Alden of 719 Hosmer Street, Marlborough, MA came forward. He owns six lots along Balm and Braemore. He had two points he'd like to share. First, there is no right of access across a subdivision line. That's' what Waltham's famous Pigeon Lane court decision says for when residents put up a road barrier to block traffic from another subdivision. He knows this is not a subdivision proposal, however, the state law pertaining to planning boards clearly state that access shall be considered in planning board decisions. This proposal is for a patch of road which sole access from another subdivision, located at the intersection of Balsam Ave. Access is not assured. The road can be blocked at any time by members of either subdivision. The problem is alleviated if access comes from the assured access of Sachem Circle or Piedmont Ave.

His second point is the proposed future extension of Braemore Road is ludicrous. He does not think this board would approve it and I don't think future boards would approve it. The 3% ramp on Sachem Circle cuts in front of existing driveways, lead in flats is omitted, and there are no vertex curves. What it does show is that the currently proposed project will essentially cut off Braemore Road from ever connecting with Sachem Circle or Balm Ave. The solution is for this





plan to get access from Sachem Circle and therefore the road would be constructible and approved, and no one would be cut off by an unbuildable road.

There being no further persons speaking or standing in opposition, the Chairman closed that part of the hearing and opened it to the Board.

Mr. Moroney asked if they are allowed to speak on a public comment.  
The Chairman said yes you can.

Mr. Moroney asked Mr. Alden that you are saying that access is cut off, he doesn't know why anybody would cut the access off as they couldn't get out, and he doesn't understand you don't consider Braemore Road as access.

Mr. Alden said because any member of either subdivision could block that access.

Mr. Moroney said, how could they do that, then they wouldn't be able to get out.

Mr. Alden said all they have to do is place jersey barriers there if they chose to do so. People who may not like their new neighbors, someone may not like the construction noises, it could be for a number of reasons.

Mr. Moroney said the Fire Department would never allow that to happen. Ms. Tarallo agreed with that.

Mr. Alden said it's not up to the Fire Department, it's the law. There is no right of access a subdivision.

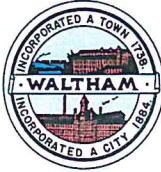
Mr. Barrett asked Mr. Alden, going back many years ago, he had suggested to Mr. Alden to work with Mr. Beaton and make this happen. Why haven't you tried.

Mr. Alden said he is trying to sell his land, and He has contacted Mr. Beaton and he showed no interest in talking.

Mr. Beaton spoke and said that is incorrect.

The Chairman spoke in regards of the comments about blocking of one subdivision to another, you are correct about Forest Street, however, he believes the barrier is no longer there. It went to court a year or so ago, and they had to take the barrier down.  
He said that has nothing to do with this Board.

He then reopened to the Board.



Mr. Keefner said his main issue is the water main. He would like a better understanding why the original subdivision that drainage isn't being constructed as it was back then. He thinks that the sidewalk issue is that there are no sidewalks up there, so having them doesn't make sense to him.

Mr. Barrett said that life is a compromise, that is his comment.

Ms. Callahan likes the sidewalks but do get rid of the grass strip and the widening of the road.

Ms. Tarallo commented that she really liked how Mr. Beaton did Sachem Ave., you did a beautiful job up there and you should be proud of yourself. She would like to see Braemore like that as well. The biggest problem she has with this, is that you are extending the road beyond 500-feet, that's why she is pushing you to go to Sachem Street and make the connection there. You are looking for us to give the waiver to go over the 500-feet of the road.

Mr. Beaton said he should withdraw that waiver as he is only extending it 320 feet. It's 160-feet coming up and the rest is 160-feet as well.

Ms. Tarallo said okay because that was her biggest concern. She wants fire trucks to easily access this area as the dry climate with fires could be heading in our future.

Mr. Beaton said we proposed the hammer head, so you really only have two lots past that, he showed those lots on the plan. His position is getting this done and getting one step further to getting the water loop, to getting the road looped. It will make it easier for Mr. Alden and whomever else make build.

Ms. Tarallo asked him if he is willing to talk to Mr. Alden about that.

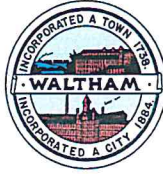
Mr. Beaton said he is willing but they have to be reasonable too.

Mr. DeVito said his biggest concern is the looping of the water. He knows there has been a lot of discussion this and seems to be the biggest issue.

Mr. Moroney commented that unlike other developers we have come before this Board, he thinks Mr. Beaton went above and beyond to make the best of the situation, the water is not looped, but has made provision to flush it, in addition to that he has also made provisions to replace the waterline pipe all the way back down, so whatever problems with the water now, other than the presser, because that can't be fixed, those problems would be corrected. He then commented that he is ready to make a motion.

The Chairman said he agrees with Mr. DeVito, the water should be looped. After what had happened already on that road, and the letters of which we received from the City Engineer, he believes if it was looped you would absolutely get better pressure. As far as flushing, you're going to that anyway.





He agrees with Mr. Moroney, Mr. Beaton has done unbelievable job, this is a development that needs to be addressed differently. He isn't saying Mr. Beaton wouldn't do a great job, because he knows he would, everything he has touched has been wonderful. We have rules and regulations and we have already had an issue up there, so he doesn't see how we can sit here and say, well put a bigger pipe, or put a flush and we shouldn't be going against our Engineering Departments when it has become so strong on one point.

Mr. McCourt came forward and said if this was a subdivision we would agree, but this a just building out an existing road that was laid out in 1922, and to build it today as close to today's standards, so there is a little bit of a difference. He is asking to build this road so he can put up three houses there. If this was an actual subdivision than everything you have said would be true.

Mr. Creonte said there are still rules and regulations that there should be 120-foot cul-d-sac at the end of a dead end. So if he is going to extend the road we could ask him to put a 120-foot cul-de-sac there.

Mr. McCourt said he is putting in a temporary turn around, like we did off of Forest Street. This would really improve moving forward the use of the property.

The Chairman understood that but also asked him to understand how he feels about it. If it didn't happen on that road and we didn't have these letters here stating the City spent \$28,000 for the re-piping of that issue.

Mr. Curtis responded by saying, what he walked away from this, who's going to fix the existing water problem.

The Chairman said that has nothing to do with this Board. We are either going to vote for an approval or a denial. It has nothing to do what was done say on South Street or anywhere, he is saying he has a problem with the looping.

Mr. McCourt wanted to correct that and said you are not approving the extension the roadway, it already exists, you are approving the extension of the utilities. So, there is a big difference.

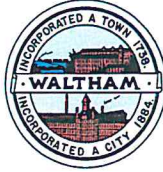
The Chairman said but you have to build a road to that.

Mr. McCourt said of course you do, but that road was laid out in 1922.

Mr. Beaton asked if you had an issue with the sewer system that he is proposing.

The Chairman said he didn't.





He opened it up to the Board, were there more comments or questions, does someone want to make a motion, or continue and see if he can get the water looped.

Mr. Moroney said you could count of one finger the number of times he has disagreed with the Chairman. He disagrees because if the motion fails, and the other owners try and do this, they still won't be able to it because they can't get past the first three lots. How are they going to that.

Ms. Tarallo said they could through Sachem Street.

Mr. Moroney said they would run into the same problem. It is cost prohibitive for any developer to get through that rock and dirt, but if another developer comes in the other way there is going to be the same problem. That developer is not going to want to go the rest of the way on that side either as it would cost prohibited to them.

Again, Mr. Barret said the two developers should compromise.

The Chairman said yes, compromise is good, find the people that own the property and talk to them.

Mr. Beaton said he is sitting right there and pointed to Mr. Alden.

Mr. Alden said the true well is that the owners are K. T. Realty Trust, and they own the three lots and he only owns a single lot, that he has frontage on. So, he isn't much use.

K.T. could build four houses and Curtis has three houses, then that's seven houses and that's a lot of roads for seven houses. Some of the owners think that they can just do their only little thing,

The Chairman said he thinks the problem here that people are looking for Mr. Beaton do it all.

Mr. Barrett asked who it K.T. Realty.

Mr. Alden said that K. T. Realty bought Ralph Alden's lots, which he believes are seven lots.

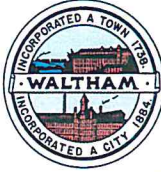
Mr. Barrett said he asked who they were.

Mr. Alden said he did not know.

Mr. Berrett asked Mr. Beaton if he ever dealt with K.T. Realty.

Mr. Beaton said he has not, that they bought the property for a 1.2 million for 5 or 6 lots.

Mr. Beaton said he could just forget about the water, build the road so he can access his land which he has a right to, and he will put in private wells. He has spoken to DEP and he is allowed



to that on his property. He has offered to back and fix somebody else's mistake, and that is not cheap. That is an act of good faith. And once again, this would put us one step closer to resolving the problem.

Mr. Moroney asked what the cost is to fix the pipe Balsam down to Trimount.

Mr. Beaton said it depends on who is pricing it, but it would somewhere around \$100,000.

Mr. Moroney asked what the cost is from the end of your pipe to Sachem.

Mr. Beaton said you can't compare the two of the because the trench is already there. You would be talking about double the cost. He said assume this area was already shot, you are around \$160,000 to \$200,000, now add in blasting and everything else. It's a huge cost.

Ms. Tarallo said they didn't talk about the water three grate configuration mentioned in the City Engineers comments dated January 31, 2023.

Mr. Beaton said it was only two for that area but if they were to drop back it could be a three.

The Board had no further comments and the Chairman asked if there was a motion.

**On the motion was made by Mr. Moroney to approve the Utility Plan and Profile for Sewer and Water Extension and road construction to service Lot 12 and Lots 546-550 Braemore Road with the stipulations that the grass strips are eliminated to make the road wider, vertical granite curbs are installed, the water line is to be relayed all the way down to Trimount Ave. and removing Waiver #3-section 4.2.2.8.1 road shall not be longer than 500-feet.**

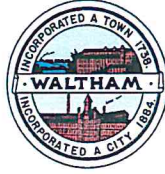
**Mr. Barrett seconded the motion.**

**The Chairman polled the Board**

**Poll:**

<b>Mr. Keefner</b>	<b>NO</b>
<b>Mr. Barrett</b>	<b>YES</b>
<b>Ms. Callahan</b>	<b>YES</b>
<b>Ms. Tarallo</b>	<b>YES</b>
<b>Mr. DeVito</b>	<b>NO</b>
<b>Mr. Moroney</b>	<b>YES</b>
<b>Mr. Creonte</b>	<b>YES</b>

**The motion passed.**



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

The Clerk read the next item on the agenda which was for the approval of the minutes to the April 5, 2023 meeting

The Chairman asked if there was a motion.

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

**VOTED: to approved the minutes to the April 5, 2023 meeting as presented.**

The Chairman asked if there was motion to adjourn.

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

VOTED: to adjourn the meeting at 7:52 p.m.

Respectfully submitted,

Michael L. J. Chiasson,  
Clerk of the Board