

March 24, 2017

Town of Belmont Board of Survey
Homer Municipal Building, 19 Moore Street, 2nd Floor
Belmont, MA 02478

RE: ***178 Marsh Street, Belmont***
Board of Survey Sleepy Hollow Road

Dear Members of the Board of Survey:

The information below has been compiled in order to facilitate the Board of Survey's review and evaluation of the waivers requested relative to the proposed roadway at 178 Marsh Street.

Public Interest

A suggestion was made that waivers are only to be granted in the case that such waiver is "in the public interest." However, the most recent public hearing on the topic, Belmont's Town Counsel suggests that the Board of Survey "can't just deny a waiver because the rules say one thing... you needs to have a good reason to deny a waiver." We believe that not only is there no "good reason" to deny the requested waivers; there are a multitude of good reasons why it should be approved. Below are a number of components of this project that are very much in the public interest, including:

- The Proponent's proposed street will incorporate measures to improve storm water run-off along this section of Marsh Street, which currently has very poor drainage during storm events. It will also improve drainage for neighboring properties, thereby reducing the "ponding" that currently occurs along the neighboring land. (Per revised and update plan submittal by Gala Simon Associates, Inc. on March 17, 2017.)
- The existing water supply that serves Woodbine Road is a suboptimal, and potentially hazardous, 1,200 ft dead-end stub. The proponent has proposed creating a connection of that water system back out to the Marsh Street water main through piping under the new street. The resulting "water loop" will allow water to flow in both directions, which would improve the water quality as well as the reliability of water pressure and redundancy of flow.
- The Proponent is proposing to create an emergency access easement at the end of the new street to Woodbine Road – which is currently the longest, most non-conforming, and theoretically hazardous, true dead-end street in the Town of Belmont. The result would be dramatically improved safety for the residents of Woodbine Road and effectively a loop road for emergency vehicles only.

- By extending the road, the Proponent is bringing the new construction further from the existing wetlands, thereby protecting and preserving more of the buffer area between those areas than would be required or which would result by a compliant street.
- By approving this application, and allowing the property owner to create large buildable and taxable lots, the Town is improving and adding to the tax base. Mr. Wrubel suggests that the subdivision plan is “too dense.” However, measuring roughly an acre each, the proposed lots are more than twice the minimum lot size for this neighborhood and roughly twice the size of the existing lots in the neighboring Woodbine Road community.

Precedent

Prior to the 1989 adoption Rules and Regulations containing the town by-laws, up to a dozen dead-end streets were constructed in excess of 600’ in length – including the immediately adjacent Woodbine Road and the Habitat Wildlife Sanctuary access road. Furthermore, many of the roads listed below also do not have cul-de-sacs, which were the primary public safety requirement integrated into the town by-laws. Since the adoption of the Rules and Regulations in 1989, waivers have been provided for streets that are both longer and shorter than would otherwise be allowed. Below is a sample list of streets don’t meet the limitations of the by-laws.

Roads that exceed the current 600’ limit – (partial list)

1. Pinehurst – 500+700 = 1200’ to farthest point on loop
2. Day School Lane – 683’ no cul-de-sac
3. Snake Hill Road – 1216’ no cul-de-sac
4. Garfield/Kenmore – 785’ no cul-de-sac
5. Ledgewood – 615’ no cul-de-sac
6. Audubon Ln – 607’ 40’ rad. Cul-de-sac.
7. Summit Rd – 360’ +540 = 900’ to farthest point on loop
8. Moraine – 626’ no cul-de-sac
9. Woodbine Rd – 1169’ no cul-de-sac
10. S. cottage – 1430’ Emergency access to Olmstead Dr.
11. Saint James Court – 234’ cul-de-sac
12. 195 Marsh Street – 199’ cul-de-sac
13. Greensbrook Way/Oakmont - 696’ + 745’ = 1440’

The example of Greensbrook Way and Oakmont Lane is of particular interest because it is a precedent in which the town did waive the length of road restriction as recently as 2005. As shown in Exhibit A, Greensbrook Way, constructed well prior to the adoption of the by-laws is in itself, a non-compliant cul-de-sac of 696 feet. In 2005 a new road (Oakmont Lane) was approved that, again is a non-compliant cul-de-sac measuring 745 feet. Together these roads create a combined 1,440 feet non-compliant cul-de-sac. Although this is a dramatically longer

road and far more non-compliant than Sleepy Hollow Road would be; it is very direct precedent which should be helpful in evaluating this much more modest request before the Board.

Setbacks from Audubon Land

As shown on Exhibit B, the vast majority of the homes abutting Audubon have setbacks ranging from 29 feet to 127 feet. No house along Woodbine Road is set back further than 100 feet from the Audubon Land. In the potential project, the closest lot would still exceed the set back of the furthest lot along Woodbine Road at 129 feet. The contemplated lots that abut Audubon conceptualize homes that have setbacks as follows:

Lot 6 – 156.0’

Lot 5 -129.6’

Lot 4 – 244.1’

In conclusion, I would note that the primary focus in granting limitation waivers is the satisfaction of public safety issues, not to limit development or deny property rights. The Chief of the Belmont Fire Department has addressed the public safety issue and found no public safety concerns. Stantec, the Town’s peer review on the roadway, has signed off. Clearly, the waiver request does not implicate public safety reasons for the dead end limits. Further, the Board has established reasoned precedent, having previously approved similar requests (see, for example, Greensbrook/Oakmont). Abutters’ desire to limit development of another’s land is not a proper basis to deny a waiver.

Thank you for taking this information into consideration.

Sincerely,


Don Chiofaro

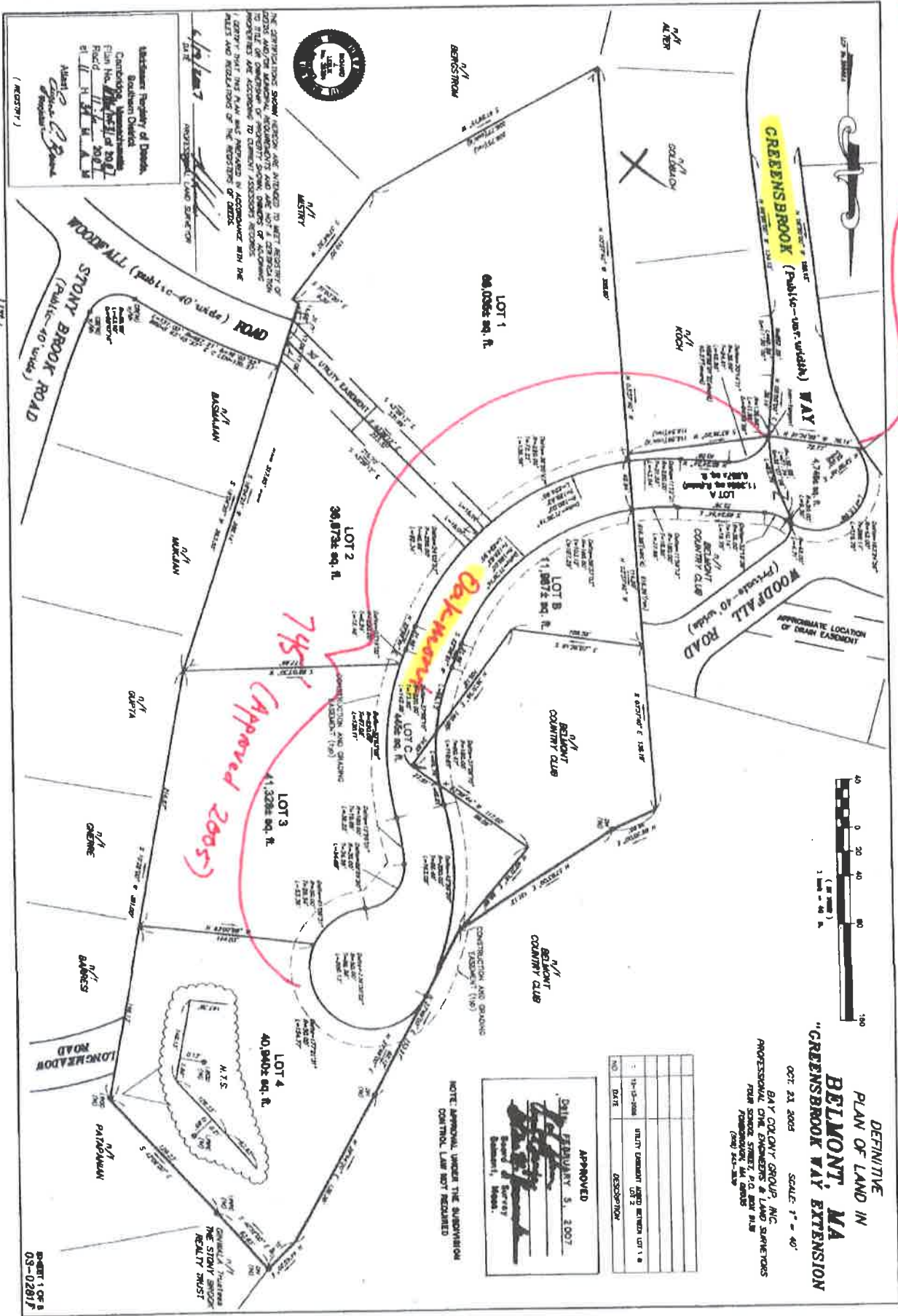
696'

Exhibit A

11:38 AM

11.6.07

PL: 112



DEFINITIVE
PLAN OF LAND IN
BELMONT, MA
"GREENSBROOK WAY" EXTENSION
OCT 21 2005 SCALE 1" = 40'

BAY COLONY GROUP, INC.
PROFESSIONAL CIVIL ENGINEERS & SURVEYORS
2000 WASHINGTON ST., SUITE 200
BOSTON, MA 02116
(617) 552-3100

NO.	DATE	DESCRIPTION
1	11-1-06	BLDG UMBRELLA AGED SETBACK LOT 1 & 2
2		
3		
4		

APPROVED
DATE: FEBRUARY 5, 2007
[Signature]
Surveyor

NOTE: APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

Massachusetts Registry of Deeds
Charleston, Massachusetts
Plan No. 112 PL 112
Record No. 112-112
11/21/07

THE OPERATIONS SHOWN HEREON ARE INTENDED TO MEET REQUISITE OF MASSACHUSETTS RECORDING LAWS AND ARE NOT A GUARANTEE OF TITLE OR COMPLETION OF PROJECT. SHOWN OWNERS OF RECORD ARE ADVISED TO CONTACT THE REGISTERED PROFESSIONAL ENGINEER OR SURVEYOR FOR A COMPLETE LIST OF ALL EASEMENTS, ENCUMBRANCES, AND OTHER MATTERS AFFECTING THE PROPERTY AND RECORDS OF THE RECORDS OF DEEDS.



1186
1453

DATE: 10/21/05
03-02017

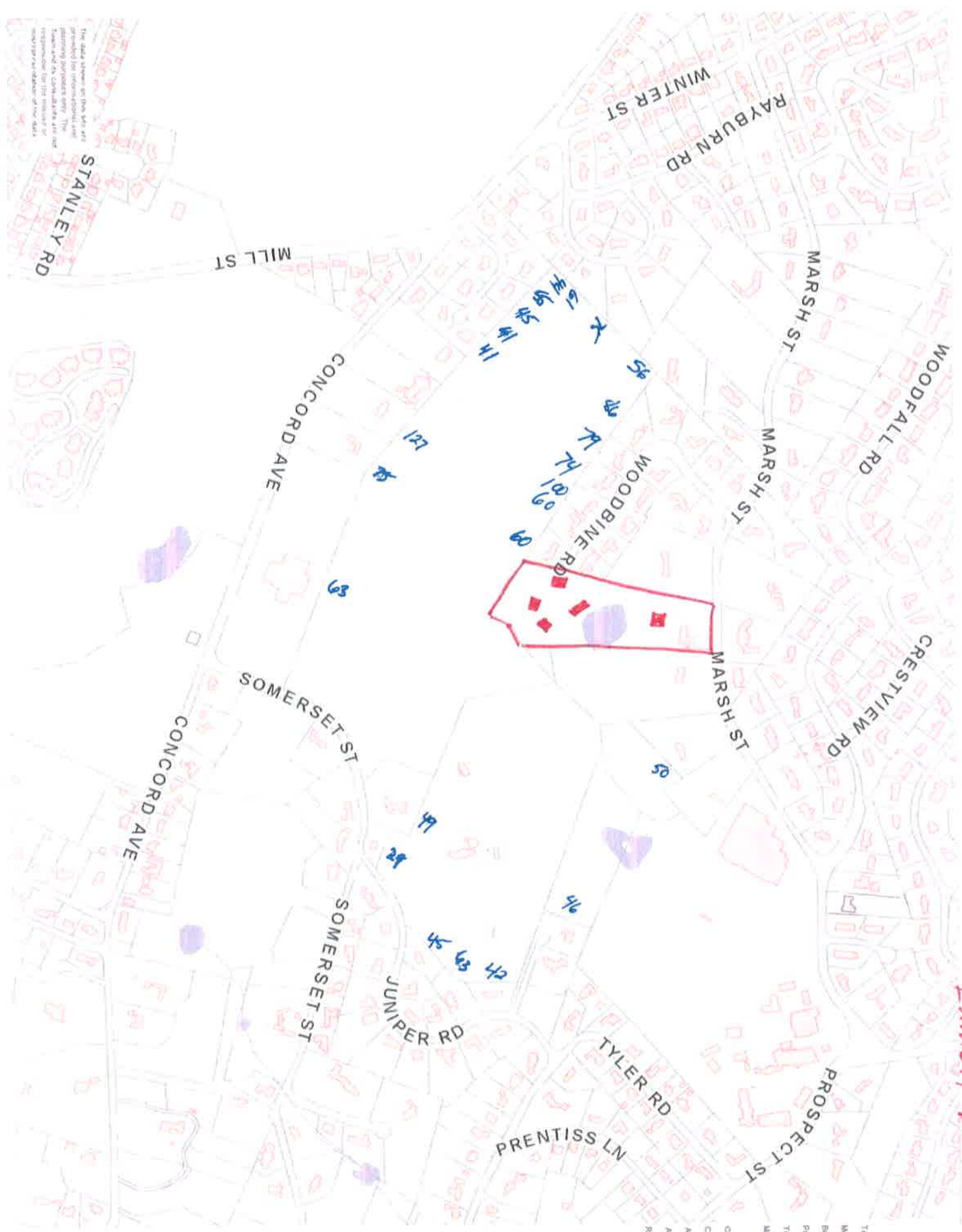


Exhibit B