

FOR THE
CITY OF WALTHAM
ZONING BOARD OF APPEALS

GENERAL HEARING

February 10, 2015

7:00 P.M.

at

Public Meeting Room, First Floor
Arthur Clark Government Center
119 School Street
Waltham, Massachusetts 02451

Barbara Rando, Chair
Mark Hickernell, Clerk
Edward T. McCarthy, Jr.
John Sergi

Arlington Reporting Corporation
(339) 674-9100

Waltham Zoning Board of Appeals/2-10-15/2

I N D E X

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A T T A C H M E N T S

Legal Notices: Case No. 2014-31

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P R O C E E D I N G S

BARBARA RANDO, CHAIR: Good evening.
The Zoning Board of Appeals for Tuesday, February 10,
2015 is called to order at 7:00 p.m.

Tonight we have one continued case
before us. It's Case 2014-31, Valentino, 141-143
Calvary Street. And the members sitting this evening
are Mr. Sergi, Mr. Hickernell, Mr. McCarthy, and I am
Barbara Rando, Chair.

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1 ACCEPTANCE OF MINUTES OF FEBRUARY 3, 2015 MEETING

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 BARBARA RANDO, CHAIR: The first
4 motion this evening is for a motion to accept the
5 minutes of February 3rd.

6

 EDWARD MCCARTHY: So moved.

7

 BARBARA RANDO, CHAIR: Motion by Mr.
8 McCarthy.

9

 Do I have a second?

10

 MARK HICKERNELL: Second.

11

 BARBARA RANDO, CHAIR: Second by Mr.
12 Hickernell.

13

 All in favor?

14

 ALL BOARD MEMBERS: Aye.

15

 BARBARA RANDO, CHAIR: Opposed?

16

 (None opposed.)

17

 BARBARA RANDO, CHAIR: The ayes have
18 it. The minutes are approved.

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1 **Case Number 2014-31: Frank D. Valentino, 141-143**
2 **Calvary Street**

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4 BARBARA RANDO, CHAIR: Will the Clerk
5 please read the petition in Case 2014-31, Valentino.

6 MARK HICKERNELL: (The Clerk reads the
7 notice for the above-mentioned Case into the record.
8 See Attached.)

9 BARBARA RANDO, CHAIR: Thank you.

10 May we hear from the Petitioner or the
11 Petitioner's representative please?

12 ATTORNEY RICHARD LECLAIR: Richard
13 LeClair for the Petitioner Frank Valentino.

14 BARBARA RANDO, CHAIR: Attorney
15 LeClair, before you start, you have the right to go
16 with four members. We do not have a five-member
17 board tonight. You're going to, unfortunately, have
18 to continue with the four members because of the new
19 open meeting law. Mr. LaSane was on the first case,
20 but he has moved out of Waltham, unfortunately,
21 packed up and moved. And, according to the new open
22 meeting law, you have the right to go with the four
23 tonight, and we have a quorum, and that's what you're
24 allowed to do. I think you're not losing out on

1 anything because you do have the four of us this
2 evening. It's a quorum and legally four is all you
3 have to have, if I'm correct.

4 ATTORNEY RICHARD LECLAIR: I think
5 that's all you have to have. I've been to boards of
6 four members. But I think that at the last meeting
7 you had referred a question to the Law Department --

8 BARBARA RANDO, CHAIR: I did.

9 ATTORNEY RICHARD LECLAIR: -- to get
10 answered.

11 BARBARA RANDO, CHAIR: I did.

12 ATTORNEY RICHARD LECLAIR: I think
13 what I'd like is a continuance to say the next
14 available meeting --

15 BARBARA RANDO, CHAIR: To check with
16 the Law Department.

17 ATTORNEY RICHARD LECLAIR: -- to find
18 out that answer.

19 I also, in response to some of the
20 questions raised by one of the Board members, we had
21 worked on an alternative plan moving the lot line to
22 give --

23 BARBARA RANDO, CHAIR: We're not going
24 to discuss any information tonight.

1 ATTORNEY RICHARD LECLAIR: Oh, I
2 understand. Yeah, I understand. So, I think that I
3 would like -- and I didn't bring that with me -- but
4 for those two reasons, I think I was not aware that
5 Mr. LaSane would not be available, so I think I would
6 like a continuance until the 24th to want to explore
7 that answer and then bring in this additional
8 information.

9 BARBARA RANDO, CHAIR: And you'll look
10 into the Law Department as to what your rights are.

11 ATTORNEY RICHARD LECLAIR: Correct.

12 BARBARA RANDO, CHAIR: Any other
13 questions from Board members?

14 Mr. Hickernell, do you have any?

15 MARK HICKERNELL: No questions. I'd
16 be interested in seeing an opinion on the open
17 meeting law because I'm not -- I'm not sure about
18 that conclusion.

19 BARBARA RANDO, CHAIR: I can ask for
20 that. I can ask for a -- right. I guess the City
21 Council has granted other boards in the City the
22 right to use the new open meeting law. But, for some
23 reason, our board was not on it. And it might have
24 been a mistake. We don't know. We're going to look

1 into that also.

2 MARK HICKERNELL: Okay.

3 BARBARA RANDO, CHAIR: All right. Is
4 February 24th open for every member?

5 JOHN SERGI: Yes.

6 EDWARD MCCARTHY: Yes.

7 MARK HICKERNELL: Yes.

8 BARBARA RANDO, CHAIR: All right.
9 Then I will have a motion to continue Case 2014-31 to
10 February 24th.

11 JOHN SERGI: So moved, Madam Chair.

12 So moved.

13 BARBARA RANDO, CHAIR: Motion by Mr.
14 Sergi.

15 EDWARD MCCARTHY: Second.

16 BARBARA RANDO, CHAIR: Second by Mr.
17 McCarthy.

18 How do you vote, Mr. Sergi?

19 JOHN SERGI: Yes.

20 BARBARA RANDO, CHAIR: Mr. McCarthy?

21 EDWARD MCCARTHY: Yes.

22 BARBARA RANDO, CHAIR: Mr. Hickernell?

23 MARK HICKERNELL: Yes.

24 BARBARA RANDO, CHAIR: And the Chair

1 votes yes. So, it will be continued.

2 BARBARA RANDO, CHAIR: Do I have a
3 motion to continue the 100 days to March 30th, 2015?

4 JOHN SERGI: So moved, Madam Chair.

5 BARBARA RANDO, CHAIR: Motion by Mr.
6 Sergi.

7 Second?

8 EDWARD MCCARTHY: Second.

9 BARBARA RANDO, CHAIR: By Mr.
10 McCarthy.

11 How do you vote, Mr. Sergi?

12 JOHN SERGI: Yes.

13 MARK HICKERNELL: April 20?

14 BARBARA RANDO, CHAIR: Why did she
15 tell me that -- oh, she probably assumed that we
16 wouldn't be seeing him in February, I would assume.

17 MARK HICKERNELL: Let's just push it
18 to April then.

19 BARBARA RANDO, CHAIR: Okay.

20 ATTORNEY RICHARD LECLAIR: I have no
21 objection to, you know, I'll sign a request to extend
22 it.

23 BARBARA RANDO, CHAIR: We'll extend
24 the 100 days to April.

1 ATTORNEY RICHARD LECLAIR: Okay.

2 JOHN SERGI: Are you going to change
3 the motion?

4 BARBARA RANDO, CHAIR: Mm hum.

5 MARK HICKERNELL: A friendly amendment
6 to the motion, Madam Chair, to extend the 100 days to
7 April 20, 2015.

8 JOHN SERGI: I'll second.

9 BARBARA RANDO, CHAIR: How do you
10 vote, Mr. Sergi?

11 JOHN SERGI: Yes.

12 BARBARA RANDO, CHAIR: Mr. Hickernell?

13 MARK HICKERNELL: Yes.

14 BARBARA RANDO, CHAIR: Mr. McCarthy?

15 EDWARD MCCARTHY: Yes.

16 BARBARA RANDO, CHAIR: And the Chair
17 votes yes. So, it will be continued to February 24th.

18 ATTORNEY RICHARD LECLAIR: Thank you
19 very much.

20 BARBARA RANDO, CHAIR: One more motion
21 is in order. Yes, one more motion is in order.

22 EDWARD MCCARTHY: Move we adjourn.

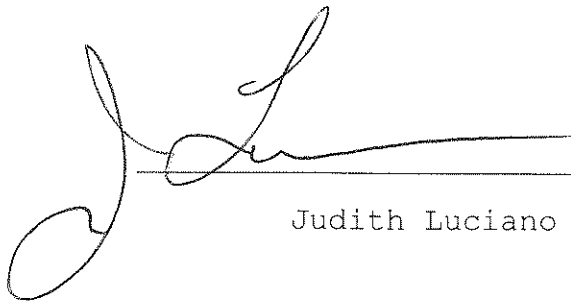
23 JOHN SERGI: Motion to adjourn.

24 BARBARA RANDO, CHAIR: Motion to

1 adjourn by Mr. McCarthy.
2 Second by Mr. Sergi.
3 All in favor?
4 ALL BOARD MEMBERS: Aye.
5 BARBARA RANDO, CHAIR: Opposed?
6 (No Board Members opposed.)
7 BARBARA RANDO, CHAIR: The ayes have
8 it. We are adjourned at 7:10. Thank you very much
9 for attending.
10 (Whereupon, the public hearing was
11 concluded at 7:10 p.m.)
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19 // *Barbara Rando, Chair*
20 // *3/31/15*
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C E R T I F I C A T E

I, Judith Luciano, do hereby certify that the foregoing record is a true and accurate transcription of the proceedings in the above-captioned matter to the best of my skill and ability.



Judith Luciano

