

FOR THE
CITY OF WALTHAM
ZONING BOARD OF APPEALS

GENERAL HEARING

March 22, 2016

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
Glenna Gelineau
Sarah Hankins
Marc Rudnick

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Waltham Zoning Board of Appeals/3-22-16/2

I N D E X

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A T T A C H M E N T S

Legal Notices: Case No. 2016-02

Case No. 2016-02:
Memorandum of Fact and Law
Proposed Findings of Fact
Proposed Decision

1 P R O C E E D I N G S

2 BARBARA RANDO, CHAIR: Good evening.
3 The Zoning Board of Appeals for Tuesday, March 22,
4 2016 is called to order at 7:00 p.m.

5 Tonight we have one new case before
6 us, Case 2016-02, Arc Massachusetts, Inc., doing
7 business as The Arc of Massachusetts, 217 South
8 Street, and that is for a sign variance.

9 The members sitting this evening are
10 Ms. Hankins, Mr. Hickernell, Ms. Gelineau, and Mr.
11 Rudnick, and I am Barbara Rando.

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ACCEPTANCE OF MINUTES OF
FEBRUARY 23, MARCH 8, AND MARCH 15, 2016

BARBARA RANDO, CHAIR: The first action this evening is for a motion to accept the minutes of February 26 -- no, February 23, 2016, March 8, 2016, March 15, 2016. Do I have a motion to accept the minutes?

GLENN GELINEAU: I'll make a motion to accept the minutes.

BARBARA RANDO, CHAIR: Motion by Ms. Gelineau. Second? Do I have a second?

MARK HICKERNELL: Second.

BARBARA RANDO, CHAIR: Second by Mr. Hickernell.

All in favor?

ALL BOARD MEMBERS: Aye.

BARBARA RANDO, CHAIR: Opposed?

(No Board Members opposed.)

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

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1 **Case Number 2016-02: Arc Massachusetts, Inc. 217**
2 **South Street.**

3
4 BARBARA RANDO, CHAIR: Would the Clerk
5 please read the Petition in Case 2016-02, The Arc of
6 Massachusetts?

7 MARK HICKERNELL: (The Clerk reads the
8 above-mentioned Petition into the record. See
9 Attached.)

10 BARBARA RANDO, CHAIR: Thank you. May
11 we hear from the Petitioner or the Petitioner's
12 representative, please?

13 ATTORNEY BRET FRANCIS: Yes. Good
14 evening, Madam Chairman, members of the Board. My
15 name is Bret Francis with Scafidi Juliano. I
16 represent The Arc of Massachusetts. Here today with
17 me is Leo Sarkissian, CEO of the Arc.

18 This property is known and numbered at
19 217 South Street, Waltham, Massachusetts.

20 You may recall we were here last
21 summer on a petition for a couple of variances and a
22 special permit, I believe, for the right to demolish
23 and construct a two-story residential structure
24 serving as an office providing nonprofit educational

1 services therein. It was actually a rear yard
2 setback, minimum lot width, and that was allowed back
3 in August 2015. Here we are today on a -- seeking a
4 sign variance.

5 The property is located within the
6 Residence A4 zoning district. In that district, no
7 ground signs are allowed. However, under the Dover
8 Amendment, as the Petitioner is a nonprofit
9 educational corporation and providing the services
10 on-site, it would be an unreasonable restriction to
11 say to them to literally enforce the zoning
12 provisions and deny them any signage at the property.

13 So, that's what we're here for
14 tonight. The jurisdiction: the Board of Appeals has
15 the authority to grant the relief requested under
16 40A, Sections 10 and 14 in that this Board has the
17 power to grant variances as long as they are not a
18 use prohibited by the Ordinance. The variance sought
19 here relates to the installation of two ground signs.
20 So, accordingly, this Board of Appeals has the
21 authority to grant it.

22 Thus, the Board has the power, both
23 under General Laws Chapter 40A, Sections 9, 10, and
24 14, and the authority under Article VI of the

1 Ordinance to grant the variance requested.

2 The variance sought here, again, is
3 the authorization to install two ground signs. Under
4 40A, Section 10, the pertinent part is that "the
5 permit granting authority shall have the power to
6 grant upon appeal a variance from the terms of the
7 applicable zoning ordinance or bylaw where such
8 permit-granting authority specifically finds that 1)
9 owing to circumstances relating to the soil
10 conditions, shape, or topography of such land or
11 structures, and especially affecting such land or
12 structures but not affecting generally the zoning
13 district in which it is located, 2) a literal
14 enforcement of the provisions of that ordinance or
15 bylaw would involve substantial hardship, financial
16 or otherwise to the petitioner, and 3) that the
17 desired relief may be granted without substantial
18 detriment to the public good and without nullifying
19 or substantially derogating from the intent or
20 purpose of such ordinance or bylaw."

21 Here, under those conditions,
22 specifically the soil conditions, shape, or
23 topography, it is like it was when we were here last
24 fall, summer, that the shape of the lot is a pork-

1 chop shape in that the depth goes approximately 237
2 feet and a width, at its maximum, of 98.75 and at its
3 narrowest at 49.75 feet.

4 Pursuant to the plan to accompany
5 petition for a variance, which you all have a copy
6 of, you'll see that that lot is not generally found
7 in the neighborhood in which it is located and,
8 therefore, is unique under those circumstances.

9 The second prong involves a literal
10 enforcement of the provision of the ordinance or
11 bylaw that it would involve substantial hardship,
12 financial or otherwise, to the Petitioner. In
13 addition to the circumstances that affect this locus,
14 the location of this Petitioner's nonprofit is in a
15 residential district, in accordance with
16 Massachusetts General Law Chapter 40A, Section 3,
17 what's been called the Dover Amendment, and it
18 creates a substantial hardship, financial or
19 otherwise, for the Petitioner, thus satisfying the
20 second requirement of Section 40A, Section 10.

21 Due to the location of the nonprofit
22 business in a residential district, the Petitioner is
23 prohibited from any sign that would indicate a
24 business, professional, or other activity at the

1 locus. The Dover Amendment states, in pertinent
2 part, that "No zoning ordinance or bylaw shall
3 prohibit, regulate, or restrict the use of land or
4 structures for religious purposes or for educational
5 purposes on land owned or leased by a nonprofit
6 educational corporation; provided, however, that such
7 land or structures may be subject to reasonable
8 regulations concerning the bulk and height of the
9 structures and determining the yard sizes, lot area
10 setbacks, open space, parking and building and
11 building coverage requirements." The prohibition of
12 any sign on a lot where a nonprofit educational
13 corporation, operating pursuant to the Dover
14 Amendment, is an unreasonable regulation of that
15 nonprofit educational corporation's right to promote
16 its business and direct its visitors and clients to
17 its facility.

18 Again, the variance requested, the
19 Petitioner is seeking a sign variance for the
20 installation of two ground signs. The variance
21 requested neither seeks a change of a use or results
22 in a greater intensity of that use.

23 Article VI, Section 6.63(c) states
24 that only one ground sign shall be permitted per lot

1 in the districts where they are allowed. Here,
2 Petitioner is seeking relief from the regulation that
3 no signs be permitted in any residential district.
4 As previously stated, the Petitioner has been
5 operating a nonprofit educational center on the locus
6 for the past 30 years. And, as a result of the grant
7 by this Board of the two previous variances, the
8 Petitioner is demolishing the existing building and
9 constructing a new modern facility with new updated
10 signs. This new construction requires the Petitioner
11 to comply with all other zoning ordinances and, as a
12 result, is prohibited from installing two ground
13 signs.

14 Here, the two ground signs are
15 relatively small in stature, and I would say modest.
16 The first ground sign, what we'll call the street
17 sign, is properly located from the distance of the
18 street as well as the proper distance from the
19 adjoining abutter's lot, six feet from the street, 12
20 feet from the lot. It's a double-sided sign designed
21 to alert vehicular traffic traveling in both
22 directions on South Street of the Petitioner's
23 business.

24 It should be noted right now that

1 there's a sign out there right now that just faces
2 the street. And to look at it, you fully have to
3 turn your head and read the sign. We're trying to,
4 with the double sign, rectify that situation.

5 Due to the prohibition of ground signs
6 in residential districts, there is no area
7 restriction regulating the size of a ground sign in a
8 residential district. Nonetheless, using the most
9 restrictive district regulation of a ground sign,
10 here Business A, no ground sign shall exceed one
11 square foot in area for each linear foot of street
12 line frontage of the upon which it is erected. But,
13 in no event shall such sign exceed 32 square feet in
14 area.

15 The Petitioner's sign is 14-and-a-
16 quarter square feet each side for a total of 28-and-
17 a-half square feet. The entrance sign, which is the
18 sign located towards the rear of the lot in front of
19 the business, also located the proper distance from
20 the abutting lot line, we're going to call that the
21 entrance sign. The entrance sign has a total of 5.68
22 square feet. That sign is only one-sided, for a
23 total square footage of sign area just over 34 square
24 feet.

1 Although the Petitioner's proposed
2 signs exceed the maximum square footage allowed for
3 signs in the Business A district, there is no
4 regulation, again, in a residential district. And it
5 should be further noted that the Business A size
6 ground sign restriction is in addition to a wall
7 sign. Here, we're not doing any wall sign. The sign
8 by the street is to alert vehicular traffic. And the
9 sign -- the five-foot, or three-foot -- five-foot-
10 square-foot sign just shows that here is The Arc.
11 You can see it there. And pretty modest in nature.

12 So, that brings us to the last prong
13 of 40A, Section 10, which is that the desirable
14 relief may be granted without substantial detriment
15 to the public good and without nullifying ore
16 substantially derogating from the intent or purpose
17 of such ordinance or bylaw. The criteria does not
18 require zero derogation from the intent or purpose of
19 the ordinance as some derogation from the ordinance's
20 purpose is anticipated by every variance.

21 The purpose of the article relating to
22 signs is to better protect property values, to create
23 a more attractive business climate, to minimize
24 hazards to vehicular and pedestrian traffic, etc.,

1 etc. The existing sign at the locus directly faces
2 the street, as I previously noted, creating a hazard
3 as vehicles traveling north or south on South Street
4 must turn their heads fully to read the sign. By
5 installing a two-sided sign at the street, vehicles
6 traveling north or south will be able to clearly read
7 the sign without any difficulty.

8 The entrance sign is requested in lieu
9 of a wall sign as the small entrance sign is more
10 appropriate and consistent with a residential
11 neighborhood.

12 Lastly, the Petitioner states that
13 there will be no lighting or shining on either of
14 these signs.

15 The desired relief really doesn't
16 nullify or substantially derogate from the intent or
17 purpose of the bylaw as the Dover Amendment allows
18 for a nonprofit educational use thereon and,
19 therefore, the prohibition of any ground sign would
20 be seen or we see as an unreasonable regulation.
21 Rather than nullify or derogate from the intent or
22 purpose of the bylaws, the requested relief will
23 promote and support the intent of the bylaws.

24 In sum, the Petitioner is seeking the

1 granting of the above-referenced variance in order to
2 better promote and direct visitors to the locus while
3 creating a less precarious situation than what
4 currently exists due to the one-sided nature of the
5 existing sign. The Petitioner, having met all the
6 legal requirements for the granting of the requested
7 variance, respectfully requests that the Petitioner's
8 petition be granted.

9 The principals of Arc Massachusetts,
10 Inc. thank you for your time and attention to this
11 matter, welcome any suggestions, and look forward to
12 completing the project in a manner amicable to the
13 City of Waltham.

14 Thank you.

15 I've also handed out a proposed
16 decision and proposed findings of facts.

17 BARBARA RANDO, CHAIR: And it's the
18 same that's been on the computer?

19 ATTORNEY BRET FRANCIS: Yes.

20 BARBARA RANDO, CHAIR: I'm aware that
21 the Dover Amendment has to do with facilities that
22 are substantially larger than what the zoning laws
23 would allow. I'm kind of surprised that you are
24 incorporating signs into the Dover Amendment. I know

1 that the Dover Amendment has been somewhat narrowed
2 by the courts. And I didn't realize that signs would
3 be a part of it.

4 ATTORNEY BRET FRANCIS: They are. I
5 mean --

6 BARBARA RANDO, CHAIR: I mean the
7 Dover Amendment.

8 ATTORNEY BRET FRANCIS: I believe they
9 are. And, in the sense that to say that this
10 building can exist and they can operate their
11 business on this property, but, yet, can't notify the
12 public of that, I think that would be found
13 unreasonable in a court. I mean if it got to that, I
14 have never -- I haven't seen the question answered
15 one way or the other, but to tell a business that
16 you're allowed to go ahead and operate but, yet, no,
17 you can't have a sign that directs your visitors or
18 vehicular traffic to your business --

19 BARBARA RANDO, CHAIR: You're asking
20 for an extra sign though.

21 ATTORNEY BRET FRANCIS: That is
22 correct. That is correct. And, again, that would be
23 in lieu of because they would, again, under the Dover
24 Amendment, I believe, have the right to put up a wall

1 sign and using the most restrictive area regulations,
2 restrictions that there are, and then one monument
3 sign in addition to thereto. So, you're right, only
4 in the districts where they are allowed, they are
5 allowed one. But the second one is so modest in
6 nature and, again, it's in lieu of a wall sign. And
7 I think, you know, it shows -- it directs people who
8 park their cars in front of the building where the
9 entrance to that building, you know, rather than --
10 because it's odd-shaped in that the front of the
11 building actually faces -- sort of faces to the side
12 lot. But the entrance is right there. And that's
13 all the sign really does. It's an entrance sign, no
14 more, no less. It's a little bit larger than your
15 normal put on the wall entrance sign, but --

16 BARBARA RANDO, CHAIR: It's certainly
17 broad.

18 Ms. Hankins, do you have any questions
19 at this time?

20 SARAH HANKINS: No.

21 BARBARA RANDO, CHAIR: Mr. Hickernell?

22 MARK HICKERNELL: Well, you
23 anticipated a concern I was going to raise about
24 illuminating the signs. So, I imagine you would not

1 be opposed to having that as a condition?

2 ATTORNEY BRET FRANCIS: Absolutely
3 not. It's a nine to five business. So, you know, at
4 night there's no need for the light to be on it.
5 Absolutely.

6 MARK HICKERNELL: That's all I have.

7 BARBARA RANDO, CHAIR: Ms. Gelineau?

8 GLENNA GELINEAU: No.

9 BARBARA RANDO, CHAIR: Mr. Rudnick?

10 MARC RUDNICK: So, you're demolishing
11 the building that's in line with all the other houses
12 and relocating all the way to the back of the lot
13 away from the street?

14 ATTORNEY BRET FRANCIS: That's
15 correct.

16 BARBARA RANDO, CHAIR: That's it? All
17 right.

18 MARC RUDNICK: No, I just wanted to
19 make sure you were all listening to that part.

20 GLENNA GELINEAU: Registered.

21 MARC RUDNICK: Thank you. Can you
22 tell us about your contact with the neighbors about
23 this case?

24 ATTORNEY BRET FRANCIS: Not on the

1 sign one. We did have some discussions when we were
2 here last summer because that was obviously a much
3 more complex project and requested substantial
4 relief.

5 MARC RUDNICK: But I mean you sent out
6 notices for this hearing.

7 LEO SARKISSIAN: I did talk to one --
8 just -- could I answer his question?

9 MARC RUDNICK: Please.

10 BARBARA RANDO, CHAIR: Come to the
11 microphone and give your name and address, please.

12 LEO SARKISSIAN: Oh, sure. Leo
13 Sarkissian. I'm executive director of The Arc of
14 Massachusetts.

15 STENOGRAPHER: Spell your name for the
16 record.

17 LEO SARKISSIAN: Sure. It's Leo is L-
18 e-o. That's the easy part. S-a-r-k-i-s-s-i-a-n.

19 So, the first time when we did it, we
20 reached out personally to a number of houses. And I
21 discovered they were pretty much tenants, either
22 students or a combination of students and others, and
23 not particularly interested. I was particularly
24 concerned about folks, Leo, he's got my first name,

1 two houses down, and also what I thought where there
2 used to be a childcare right across from us on the
3 other side. But she was fine, I mean basically said
4 no problem. So, I didn't redo that with everybody
5 except for Leo and his wife, you know. And I went
6 over to the Chases. And I actually went over twice
7 because I sort of felt like I wasn't clear enough
8 about the second sign. And this would have been
9 around Christmastime, maybe January, but probably
10 around Christmas because we talked about Christmas,
11 and the kids, and all of that. So, you know, they
12 did not have an issue. I mean Leo clearly didn't.
13 And I went back when both of them were there to go
14 over it. So, that's to the extent you were asking
15 about neighbors.

16 MARC RUDNICK: Thank you. But,
17 counselor, you went through the regular notification
18 process?

19 ATTORNEY BRET FRANCIS: It goes
20 through the Law Department. That's correct.

21 MARC RUDNICK: So everybody got a
22 card? Nobody responded?

23 ATTORNEY BRET FRANCIS: That is
24 absolutely correct.

1 MARC RUDNICK: And nobody showed up
2 here tonight.

3 ATTORNEY BRET FRANCIS: That is
4 correct.

5 MARC RUDNICK: Because I would say --

6 ATTORNEY BRET FRANCIS: Three hundred
7 foot radius.

8 MARC RUDNICK: -- we would probably
9 have a very impossible time prevailing against the
10 single sign. I think that's your right as a Dover
11 organization to get the sign. It might not be your
12 right, but you'll win in court.

13 ATTORNEY BRET FRANCIS: I understand.

14 MARC RUDNICK: I'm not sure you'd win
15 on the second sign, but it does seem fairly de
16 minimis. No more questions.

17 BARBARA RANDO, CHAIR: If I remember,
18 it was in a house.

19 ATTORNEY BRET FRANCIS: The current --

20 BARBARA RANDO, CHAIR: Taking the
21 house down and building a brick building and trying
22 to make -- do you have a picture of it by any chance?

23 LEO SARKISSIAN: I have my laptop with
24 me. I could open it up. Do you mind?

1 BARBARA RANDO, CHAIR: Sure. I just
2 want to make sure that it kind of blends in with the
3 --

4 LEO SARKISSIAN: It's not brick. It's
5 a very solid I'm going to use the word graphite. I'm
6 not sure I'm using the right word. It's one of those
7 really solid products that doesn't need a whole lot
8 of maintenance.

9 MARC RUDNICK: More like stucco you
10 mean?

11 LEO SARKISSIAN: It's like a -- it's
12 not stucco, but --

13 MARC RUDNICK: It's a stone-like
14 surface?

15 LEO SARKISSIAN: Yes. Yeah, you got
16 it, yes, like concrete. Right. Exactly. Let me
17 see. I should have it.

18 MARC RUDNICK: This is one-story?

19 LEO SARKISSIAN: Yes. It looks like
20 it's two at one point.

21 ATTORNEY BRET FRANCIS: Yeah, it looks
22 like it's two.

23 LEO SARKISSIAN: And, actually, we
24 have some space there for storage, but it's not two.

1 It's one-story.

2 BARBARA RANDO, CHAIR: Was the house a
3 two-story? I don't remember.

4 LEO SARKISSIAN: It's a one-story
5 overall. Oh, the house is two-and-a-half. Like it
6 has an attic above it, too.

7 MARC RUDNICK: Are you already
8 underway with the demolition and construction?

9 LEO SARKISSIAN: We got a building
10 permit this week.

11 BARBARA RANDO, CHAIR: Yes, they got
12 the okay. Yes.

13 LEO SARKISSIAN: Yeah, we didn't get
14 it till August.

15 ATTORNEY BRET FRANCIS: I apologize.
16 I don't have any plans of the house.

17 BARBARA RANDO, CHAIR: Are there any
18 other signs on South Street? I know the hospital is
19 there and then I don't think there's anything up
20 until even Stanley's sign is off the street.

21 MARC RUDNICK: There's a big
22 university thing in the street there.

23 BARBARA RANDO, CHAIR: Brandeis on the
24 right, past -- quite a ways down from them.

1 LEO SARKISSIAN: Umass Brandeis. I
2 wish -- that's what I was thinking as he was
3 speaking. I wish we had photographs to show you.

4 BARBARA RANDO, CHAIR: You'd have to
5 speak into the microphone because the people at home
6 want to know what's going on.

7 LEO SARKISSIAN: I apologize. I
8 apologize.

9 BARBARA RANDO, CHAIR: That's okay.

10 LEO SARKISSIAN: So, there's, as you
11 drive -- and I'm not probably going to hit all the
12 signs -- but as you pass our building on the right
13 there's a sign for the cemetery. There's some
14 signage related to the hospital, Children's,
15 literally, you know, we're talking across the street.

16 BARBARA RANDO, CHAIR: Well, the sign
17 for the cemetery is such a small one. It's on a post
18 and it says --

19 LEO SARKISSIAN: Yes. Yeah, it's not
20 probably -- I don't think it's five-foot-square. I
21 don't even think it's five-foot-square.

22 BARBARA RANDO, CHAIR: It's very tiny.
23 Oh, no, absolutely not.

24 LEO SARKISSIAN: It's noticeable. And

1 then the other signs, there's a street that comes off
2 the hospital --

3 BARBARA RANDO, CHAIR: Highland.

4 LEO SARKISSIAN: -- that shortcuts --

5 MARC RUDNICK: No.

6 LEO SARKISSIAN: And there's some
7 signage there. Yeah, there's some signage there,
8 too. And the Ninety-Nine is, you know, big as day
9 about three blocks down. Let me find this for you.

10 GLENNA GELINEAU: And the Chamber --

11 MARC RUDNICK: So, the use of this
12 site -- I'm sorry.

13 GLENNA GELINEAU: The Chamber has a
14 sign.

15 LEO SARKISSIAN: Yes.

16 GLENNA GELINEAU: Which I think this
17 is smaller than the Chamber's, right?

18 ATTORNEY BRET FRANCIS: Yes, I would
19 say this was smaller than that, yeah.

20 MARC RUDNICK: Isn't there a sign at
21 the Martorelli housing there? There's 18 units of
22 condos there and the campus sign, too.

23 The use of this site is to see clients
24 or it's just an office building?

1 ATTORNEY BRET FRANCIS: To see
2 clients, to have meetings, office.

3 MARC RUDNICK: So it's really an
4 educational use.

5 ATTORNEY BRET FRANCIS: Correct.
6 Conference rooms and all kinds.

7 MARC RUDNICK: No more questions.
8 Thank you.

9 BARBARA RANDO, CHAIR: All right. Any
10 other questions?

11 (No response.)

12 BARBARA RANDO, CHAIR: Do you have
13 anything else to add?

14 ATTORNEY BRET FRANCIS: No.

15 BARBARA RANDO, CHAIR: All right. Any
16 other questions from Board members?

17 (No response.)

18 BARBARA RANDO, CHAIR: You may
19 continue with your proposed findings of facts.

20 Is there anyone in the audience in
21 favor? Just the applicant.

22 Is there anyone seeking information?
23 Seeing none.

24 Anyone in opposition? Seeing none.

1 ATTORNEY BRET FRANCIS: Proposed
2 findings of fact.

3 MARK HICKERNELL: Madam Chair, as
4 these have been filed with the Law Department, I
5 would make a motion that we waive the reading.

6 BARBARA RANDO, CHAIR: Motion by Mr.
7 Hickernell.

8 MARC RUDNICK: Second.

9 BARBARA RANDO, CHAIR: Second by Mr.
10 Rudnick.

11 All in favor?

12 ALL BOARD MEMBERS: Aye.

13 BARBARA RANDO, CHAIR: Opposed?

14 (No Board Members opposed.)

15 BARBARA RANDO, CHAIR: The ayes have
16 it.

17 You may continue with your decision,
18 proposed decision.

19 MARK HICKERNELL: Madam Chair, same
20 motion, same reason for the proposed decision with a
21 note -- well, yeah.

22 BARBARA RANDO, CHAIR: Motion by Mr.
23 Hickernell.

24 Second?

1 MARC RUDNICK: Second.

2 BARBARA RANDO, CHAIR: By Mr. Rudnick.

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.

9 MARK HICKERNELL: I would propose to
10 amend the decision by adding a third condition, that
11 the signs not be illuminated at any hour.

12 BARBARA RANDO, CHAIR: All right. Any
13 other additions? Subtractions? Then I'm ready for
14 any motion on the proposed findings of fact.

15 GLENN GELINEAU: I make a motion that
16 the proposed finding of facts be --

17 BARBARA RANDO, CHAIR: Are you putting
18 that in the finding of facts or the decision?

19 MARK HICKERNELL: Decision.

20 BARBARA RANDO, CHAIR: Decision. Go
21 right ahead. I'm sorry.

22 GLENN GELINEAU: I make a motion that
23 the proposed finding of facts be the finding of facts
24 of the board.

1 BARBARA RANDO, CHAIR: Motion by Ms.
2 Gelineau. Second by?

3 MARC RUDNICK: Second.

4 BARBARA RANDO, CHAIR: By Mr. Rudnick.
5 How do you vote, Ms. Hankins?

6 SARAH HANKINS: Yes.

7 BARBARA RANDO, CHAIR: Mr. Hickernell?

8 MARK HICKERNELL: Yes.

9 BARBARA RANDO, CHAIR: Ms. Gelineau?

10 GLENNA GELINEAU: Yes.

11 BARBARA RANDO, CHAIR: Mr. Rudnick?

12 MARC RUDNICK: Yes.

13 BARBARA RANDO, CHAIR: And the Chair
14 votes yes.

15 Do I have a motion on the decision as
16 amended.

17 GLENNA GELINEAU: I'll make a motion
18 that the decision as amended be the decision of the
19 Board.

20 BARBARA RANDO, CHAIR: Motion by Ms.
21 Gelineau. Do I have a second?

22 MARC RUDNICK: Second.

23 BARBARA RANDO, CHAIR: Second by Mr.
24 Rudnick.

Waltham Zoning Board of Appeals/3-22-16/29

1 How do you vote, Ms. Hankins?
2 SARAH HANKINS: Yes.
3 BARBARA RANDO, CHAIR: Mr. Hickernell?
4 MARK HICKERNELL: Yes.
5 BARBARA RANDO, CHAIR: Ms. Gelineau?
6 GLENN GELINEAU: Yes.
7 BARBARA RANDO, CHAIR: Mr. Rudnick?
8 MARC RUDNICK: Yes.
9 BARBARA RANDO, CHAIR: And the Chair
10 votes yes. It is granted.
11 ATTORNEY BRET FRANCIS: Thank you very
12 much.
13 BARBARA RANDO, CHAIR: You're welcome.
14 Good luck.
15 MARC RUDNICK: When are you starting
16 building?
17 BARBARA RANDO, CHAIR: One more motion
18 is in order.
19 ATTORNEY BRET FRANCIS: When are you
20 starting the building?
21 LEO SARKISSIAN: So, we hope in April
22 to break into the ground.
23 SARAH HANKINS: Motion to adjourn.
24 MARK HICKERNELL: Second.

1 BARBARA RANDO, CHAIR: Motion by Ms.
2 Hankins. Second by Mr. Hickernell.

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.

9 We are adjourned at 7:29. Thank you
10 very much

11 (Whereupon, the public hearing was
12 concluded at 7:29 p.m.)

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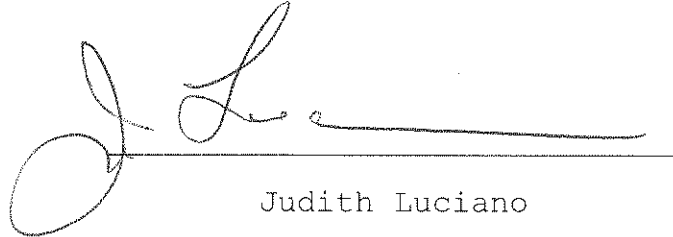
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C E R T I F I C A T E

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

