

CITY OF WALTHAM
ZONING BOARD OF APPEALS

May 3, 2016

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, May 3, 2016, in the Public Meeting Room of the Arthur Clark Government Center, 119 School Street, Waltham, MA.

In attendance were Chair Barbara Rando, and members Glenna Gelineau,, Mark Hickernell, Edward McCarthy and John Sergi.

The Chair called the meeting to order at 7 P.M.

Mrs. Rando: Tonight we have two new cases before us, Case 2016-06 CRP/King, 830 Winter Street LLC for a variance and Case 2016-07, KW Waltham LLC, RMD Trust, Jay J. Lander & Rhea M. Roazen, Trustees, 135 Second Avenue, and that is for a Special Permit.

The first action this evening is to accept the minutes of April 26, 2016.

On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to accept the minutes of April 26, 2016.

Mrs. Rando: Will the clerk please read the petition in Case 2016-06, 830 Winter Street and that's for a variance.

The clerk then read the Petition of CRP King, 830 Winter LLC in an application for a variance - Height. The Petitioner seeks relief from the building height calculation method

of the Zoning Code to establish a specific elevation from which the height of an existing building is measured. Location and Zoning District: 830 Winter Street, Limited Commercial Zoning District.

Mrs. Rando: May we hear from the Petitioner or the Petitioner's representative, please.

Philip B. McCourt, Jr., Esquire, 15 Church Street, Waltham, the Petitioner's representative came forward.

Mr. McCourt: Now, I know you probably have received at some point the brief, but I'll just give you a copy.

Mrs. Rando: Is it the same that you sent?

Mr. McCourt: Yes, it's exactly the same. So as Mr. Hickernell just read, this is a building at 830 Winter Street which is diagonally across from HealthPoint at the top of the hill at Winter Street and it currently contains a pharmaceutical building and the petitioners, the principals, they are Tom Ragno, and his aiding assistant, Tyson Reynoso, who purchased the property a year ago and would like to add this addition here. So, originally the building was built under a certain provision of the zoning ordinance that allowed the construction and height based on just a small area around the building because, in fact, it didn't exceed the FAR by right. But now with adding this building where we have to get a special permit and, therefore, we have to, if you will use the other calculation which is determining the height based on intervals of thirty feet around the perimeter making the arithmetic problem and coming up with an average height which in this case would offset the whole thing.

I am also here with David Kelly who is the engineer who will explain and put up boards and explain. That might be the best way to explain the situation and the need for our request too.

David N. Kelly, P.E. President, Kelly Engineering Group, Inc. 0 Campanelli Drive, Braintree, MA came forward.

Mr. Kelly: What I would like to do is take you just briefly through the existing property so you can understand what Attorney McCourt had noted relative to the odd shape of the lot and the very really quite strange topography on the property.

So the first board that I have is an existing site and aerial photo. It's the same that you have in your packages. On this board you can see and glean the property. It starts on Winter Street. There's 400 feet of very quite odd frontage on Winter Street and you will see that there is a tail that extends across the front of Winter Street and then that tail continues up and then it creates the main portion of the lot back into the site. For reference this is Winter Street, the Cambridge Reservoir and this is South Drive which is a private drive where it services all these properties.

The reason for this odd shape is and obviously to create the frontage on Winter Street necessary to serve the lot.

The lot is seventeen acres. The topography just to give you some points of reference and it will start to tell the story hopefully a little better. The elevation along Winter Street, approximately here is elevation 175. The elevation around the building is approximately elevation 280 which is about 105 feet higher than the lowest point on the site and then the highest point on the site which is approximately back here is 296 which is greater than 120 feet above Winter Street. So, I think you are all probably familiar with the property or the development in general as you straddle along Winter Street and you look off you can see

South Street rises quite thickly it continues rising and in fact rises also to the west up into the property.

So, as Attorney McCourt pointed out the calculation that was done to determine the height of the building as you see it today fell under that ordinance Section 4.1218 which notes that if you're in a limited commercial district and you meet certain criteria and you can get an FAR of .25, if you can calculate the height by measuring it around the perimeter of the building, which, of course, is a much higher elevation than the street, as we noted. If you were to do that calculation you will find that the existing building complies with the ordinance requirement of forty feet in that limited commercial district under that section.

So if we go to the next board, so say if you and in this case were adding the building, the existing building I forgot to note is approximately, just for your records, 181,000 square feet. This addition is about 141,000 square feet for a total of about 322, 000 square feet. So, obviously the FAR rises above that .25 level that Section 4.12 allows us to calculate the height by, we can no longer use that section which would allow us to just measure around the perimeter of the building at that higher end of the site.

So what we are required to do is go back to Section 2,326 which is your ordinance definition for height and that says that you calculate the height by calculating the difference between the highest point on the roof and the average grade at the boundary of the property. And remember we are starting down here at 175 and we are going all the way up to 296 up here. So there's a big grade difference. And if you were to do that calculation you would find that the average grade is 227.9 and if you remember I said at the beginning that the grade around the building is about 280 which really translates to a building height of 96 feet. It automatically makes the existing building 96 feet high plus or minus by definition. And of course, the addition which is at the very same level, the elevation at the top of the roof is at that very same level and I'll show you a plan in a moment that explains that.

So to the eye, it's no different from an elevation standpoint but the calculation by definition is quite a bit different. In order, just to explain the hardship that will be created were we to literally follow that definition, it would require the top of this building to be about fifty feet below grade, below the ground. So it just sort of highlights the reason why that definition doesn't really make a lot of sense in this case.

So if we go to the next plan it will show you the top section (went over the plan with the board). So what it shows you is the existing building located back here, the new building back here which has the same roof level as the existing building and then there's a parking garage that steps down the hill and takes advantage of the grade change here. And then, of course, you can see this grade change continuing down and it would continue further where they plan to continue all the way to Winter Street. So this will show you that though by definition, the height is quite high. It's actually at the same elevation as the existing building and so if we were to use a base average grade calculation of 284, then both the existing building and the proposed expansion would comply with the forty foot height requirement in the ordinance.

There are two more slides and I don't think they are relevant and not important to show. This one is for your information, the calculation that was done to determine that average grade at the boundary and as you can see we need to start here and then continue all the way around and then average all of those grades and that's how we got to the 227.9 grade (referring to the plan).

Madam Chairman, that's my presentation. I am certainly pleased to answer any questions that you might have.

Mrs. Rando: Does anyone have any questions?

Mr. McCarthy: Who owns those properties in front of your lot?

Mr. Kelly: It's actually owned by the Cambridge Reservoir, the City of Cambridge, excuse me.

Mr. McCarthy: I mean you can't see your buildings from Winter Street at all.

Mr. Kelly: No.

Mr. McCarthy: Will your new building be seen from the street, do you know?

Mr. Kelly: It really won't look much different than what you see today. So it's heavily wooded as you look up the slope and I believe we have done some view scans and you really can't see anything. You do see it as you travel up the street, but of course you would see this building as you travel up South Street.

Mrs. Rando: Any other questions? (There were none.)

Mr. McCourt: So basically what Mr. Kelly told you, the topography, we believe that the odd shape of the lot, all these lots were created that way, we feel that we meet the provision for a hardship in relation to this because of those factors and the literal enforcement obviously of the zoning ordinance would tend to result in a building that would be below grade and really not be conducive to construction in the area. In this case, the building would be, look the same from up top. It will also be an addition that would be used for lab and biotech sort of purposes and we feel that it also won't involve any substantial detriment to the public good because this is all up here is an office park in a sense. This is the Celtics and HealthPoint (referring to the plan) and this is buildings owned by Polaroid. So the whole park ambiance will be maintained and we really need this

height elevation in order to proceed to the city council in order to hopefully achieve the Special Permit.

So anything you grant tonight would give us the elevation demarcation that we would need but would not grant any construction so we would have to go to the City Council. Obviously the decision would be presented as a condition. So I think that the criteria of the board, and I can read this brief if you care into it and all those cases but I think the visual explanation and the engineer explanation kind of shows and hopefully proves the point.

Mrs. Rando: Does anyone have any questions at this time?

Mr. Sergi: On your proposed addition are you going to expand part of the parking lot that exists today?

Mr. McCourt: Yes. So here is the parking lot today. So some of this will come out and the addition will be there (referring to the plan) and there will be a parking garage just below that. So the number of parking spaces will not only replace any that happened to be missing there but will obviously will accommodate the required parking. The only thing that brings us here is to get a fixed elevation so that we can build a building other than that every provision of the ordinance will be complied with subject to the Special Permit from the City Council.

Mr. McCarthy: Just a comment. There are no residential units within quite a distance, not affecting anybody.

Mr. McCourt: Any residential units are way behind here on Lincoln Street.

Mr. McCarthy: Do you know if the Reservoir owns the property in back on the left hand side as well?

Mr. McCourt: No, this is owned by Astra Zeneca. When they purchased, they purchased sixty-five acres of which is approximately half or a little more is in Weston.

Mr. McCarthy: Any thoughts from Cambridge Reservoir people on this?

Mr. McCourt: They did speak with them and they felt that it would not be invasive to them or present any detriment because obviously all drainage would be retained on site and nothing would get down to the reservoir.

Mrs. Rando: The hardship. Well, that's one of the criteria.

Mr. McCourt: Well of course and I think we went over that. It's the odd shape of the lot and the topography.

Mrs. Rando: Is this the hardship that you are planning is it the person's own hardship making of their own hardship?

Mr. McCourt: Obviously with seventeen acres, one would expect that it be used for something beyond that but the fact in relation to the hardship would apply to any owned with the land. You know, I mean it's not something that's personal just between the properties. It's just relative to any ownership of this odd shaped lot and this severe topography.

Mrs. Rando: Now the other buildings up in that area, do they have the same problem?

Mr. McCourt: They could if they chose to expand.

Mrs. Rando: The other buildings in that area will they have the same problem?

Mr. McCourt: They could if they chose to expand. They might. They are basically owned by Markus Davis and I'm not aware - - -

Mrs. Rando: Wasn't the whole complex that was built with HealthPoint are done according to zoning on zoning, height and everything? Didn't they have ledge? They must have ledge?

Mr. McCourt: They have had some ledge but they had some results with this first building that could be built because it was under the FAR that was allowed. And they have received many Special Permits up there from the City Council for various buildings and uses.

Mrs. Rando: They have to have conditions that affect this parcel that do not affect other parcels in that area.

Mr. McCourt: Well, this one has tremendously severe topography outlined because of this rattach here (referring to the plan). They are right on the crest of the hill.

Mrs. Rando: I'm sure other parcels have the same problem.

Mr. McCourt: Sometimes an area that presents many situations in which the company land may have similar aspects.

Mrs. Rando: Ms. Gelineau, do you have any questions at this time?

Ms. Gelineau: No.

Mrs. Rando: If there are no other questions, is there anyone in the audience that is in opposition to this petition that would like to raise their hand?

Seeing none, is there anyone seeking information that would like to raise their hand and be counted? Seeing none, is there anyone in favor of this petition that would like to raise their hand?

(Thirty people raised their hands in favor.)

Mrs. Rando: Would anyone like to come up to the microphone and give your name and address?

Paul Pavone, I am the Business Manager for the Laborer's International Union of North America Local 560 located right here at 681 Main Street. And again, I represent about 600 construction workers, many of them in the Waltham area, some of them here tonight. Some of them need jobs, haven't worked a day yet this year. This developer is going to use our contractors from start to finish on this job. That means good paying jobs with good paying benefits and they are going to give a lot of our local residents an opportunity to go to work here so we'd appreciate it. We support them and we'd like to see this project move forward. Thank you.

Mr. Hickernell: Are you satisfied that area standards will be met?

Mr. Pavone: Yes, very much so.

Mr. Hickernell: Thank you.

Kevin Kelly, 411 Lexington Street, Newton, MA: I represent the Carpenter's Union 275 out of Newton. We represent over two hundred members of the carpenter's union that live in Waltham and we've had a chance to confer with them over the last month as we were apprised of the situation with Mr. Ragno and his group and the members feel as though this is an appropriate use of the land and would like to speak in favor of the project. I'm not an engineer but we do know from the first time around that the building was backfilled to add to the difficulty of the topography and that might be a consideration for you folks to understand that they need that special variance to deal with that the way that the land was created from the use of the first building.

Mr. Hickernell: Are you satisfied with area standards will be met?

Mr. Kelly: We had a discussion this evening and the area standards will be met and we are looking forward to working on the project.

Vincent Scalisi, 132 Russell Street. Waltham: I'm a thirty year member of Massachusetts Local Union 56 which also comes under the umbrella of the New England Regional Council of Carpenters and I am a regional representative based out of Boston for that organization. I work closely with Kevin Kelly all the time and we are very much in favor of this project. We get along great with this developer and we get along great with this contractor. Thank you.

Mr. Hickernell: Mr. Scalisi, same question?

Mr. Scalise: Same question, yes, with no prejudice at all.

Mrs. Rando: Anyone else?

Mrs. Rando: Attorney McCourt, we have the right to grant this tonight. You don't have to go to the council first.

Mr. McCourt: No, it's one of the criteria of the council that any variances if needed have to be gotten before we can go to the council. It can't be gotten afterwards. And they don't have to agree with your decision necessarily, but it's mandated that we have to go and get a variance first.

Mrs. Rando: Did you go in front of the Planning Board?

Mr. McCourt: No. Well, we may for a curb cut later but that would be something along the route.

Mrs. Rando: Did you have to go in front of Conservation either?

Mr. McCourt: We did not. They were satisfied that we are far enough away and would not be invasive to that. We did go in front of the Traffic Commission who felt that this worked out well and wouldn't be any additional problem for the area in general. There's a lot of traffic up there, but basically, this is a fairly smaller addition in many ways and it's the type of facility that tends to have not only different time frames and all of that. At most of these places you know everyone goes to work at 8:30 and goes home at 4:30 so there's a lot of flexibility in travel time and they worked with the 128 Council in relation to traffic along with anyone who is in the area.

Mr. Sergi: Are you going to be doing any other further upgrades to the existing building ?

Mr. Ragno: We actually are actually doing some upgrades in the lobby creating a new seating and dining space in the main lobby of that building and aesthetic improvements outside upgrading landscaping.

Mrs. Rando: You may continue with your Proposed Findings of Fact.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to waive the reading since it has been on file in the Law Department and the members have had a chance to read it.

Mrs. Rando: You may continue with your Proposed Decision.

On motion of Mr. Sergi, seconded by Mr. McCarthy the board voted to waive the reading of the Proposed Decision since it has been on file in the Law Department and the members have had a chance to read it.

Mrs. Rando: I am ready for a motion on the Proposed Findings of Fact.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to adopt the Proposed Findings of Fact to be the board's Findings of fact.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. McCarthy, yes and Mrs. Rando, yes.

Mrs. Rando: Do I have a motion on the Proposed Decision?

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to adopt the Proposed Decision to be the board's Decision.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. McCarthy, yes and Mrs. Rando, yes.

On motion of Mrs. Rando, seconded by Mr. McCarthy, the board voted for a five minute recess at 7:30 P.M. The board reconvened at 7:35 P.M.

Mrs. Rando: Would the clerk please read the petition in Case No. 2016-07, 135 Second Avenue and that is for a Special Permit.

The clerk then read Case No. 2016-07, the petition of K. W. Waltham LLC, Owner: RMD Trust, Jay J. Lander & Rhea M. Roazen, Trustees in an application for a Special Permit to allow up to 50% of parking spaces to be designed for smaller cars (16 x 8 foot parking spaces) for the proposed hotel at 135 Second Avenue. Location and Zoning District: 135 Second Avenue, Commercial Zoning District.

Mrs. Rando: May we hear from the Petitioner or the Petitioner's representative, please?

Philip B. McCourt, Jr., Esquire, 15 Church Street, Waltham came forward.

Mr. McCourt: I am here with the Principal of K. W. Waltham LLC, Alan Aftanellian. (Mr. McCourt submitted a copy of his brief to each board member.)

So this is for compact cars needing a Special Permit to allow more than the 25% up to 50% of the compact cars up there. Last fall, we received a special permit from the Waltham City Council to construct this 138 bed hotel. It's a small limited stay hotel and as part of it as we went along we thought we had sufficient cars and we still believe we do but Councillor Logan and a couple of other said, listen why don't you make a few more compact and they granted it subject to, oh, I'm sorry, let me give you this, I think you also

received a full copy of this (Mr. McCourt submitted a copy of Council Order Number 33376 dated December 28, 2015). On the last page you will see the section that requires getting a Special Permit that provides for Compact Parking Spaces.

The difference, since this happened to come up on the last case, with a variance, it's mandated that you get the variance beforehand. So if there are any variances because the city council cannot pass anything that doesn't meet all the criteria of the zoning ordinance. But because this is a special permit which is generally granted and it doesn't require hardship, just compatibility to the neighborhood and need of the petitioner and recognition that most likely that compact cars would be sufficient in this particular use and area, since it's a special permit, we could get the grant and we did get the grant of the hotel but with the provision that we come here and ask for the additional compact cars.

Mrs. Rando: Are you telling me that you went in front of the council and they gave you the right to build this and with the FAR more than its suppose to be and they okayed it?

Mr. McCourt: They okayed the hotel use and the FAR. But the main thing is all hotels have to get a special permit. This is across the street directly behind Costco the old shoe place and the SkiHaus. So that's where it's going.

So there was some discussion that maybe we could use a couple more parking spaces rather than the minimum number and that's why they asked us to get this special permit. But they could grant it subject to that because it's a special permit and not a variance. So we're not altering something that isn't permitted, you know, like in the last case the elevation would be done without and you're stuck with that elevation by doing the thirty feet around there.

In this case it's just taking the cognizance that having a few extra compact spaces on the site would be no real detriment to the general neighborhood or the place. It's not a variance. It doesn't require a hardship. In today's world 50% rather than 25% of compact cars would not be a detriment to the general neighborhood on Second Avenue.

So I will have Ara who can better describe the project and why we are here.

Ara Aftanellian, one of the Managers of KW Waltham came forward.

Mr. Aftanellian: We are hotel owners and operators. My role in our partnership is to plan and construct these hotel projects and that's why I am here this evening. As Phil said we obtained the Special Permit from the city council in December for the hotel use the increased use in the FAR. As part of that process, the city council asked that we add a few more parking spaces and the resolution to that discussion was increase the number of compact spaces. (Mr. Aftanellian went over the aerial photo showing the location of the hotel to the board.)

We are proposing to construct a 138 room limited service hotel. We are removing the existing building and constructing a hundred and thirty-eight room hotel. It would be a six story hotel and the zoning permits up to eighty feet and we are about sixty something feet.

As Phil said, the ordinance permits up to 25% compact parking spaces and through special permit you can go up to 50%. So the ordinance does permit this, but from a practical matter, I understand that these are hotel guests. We're finding as hotel operators that we really don't need that much parking these days. We're finding that hotel guests are using cars less and less and what I find in hotels such as this which is primarily geared towards the business traveller anyone bringing a car there is likely bringing a rental car. It's very unusual for someone to drive. Mostly business travelers are flying by plane and if

they have a car they are renting a smaller car. Very few people drive their Escalades to these hotels. So there are 138 rooms, 142 parking spaces (and again Mr. Antellian went over the locus to show where the parking is located.)

One of the reasons the city council is asking for more parking spaces is because we are including a very small bar in the hotel therefore, the need to add a few more parking spaces. Even though the bar is really geared towards hotel guests, it's an amenity for our hotel guests. It's open to the public but I honestly can't see someone from the public coming to this. It would be a bar of about six seats. It's more just an amenity for our guests. Because of the way the ordinance is written, more parking is required for that use.

Mr. McCourt: On the south side of the property there is a major sewer easement so rather than push it over there, we can't.

Mr. Aftanellian: We are constrained by two issues on the site. We are obviously using the full width of the site but we are constrained in the back by a very steep slope that goes up to Home Depot and we are constrained in the front by not only a large wetland area there that sort of goes on to the Genzyme property but as Phil said there are a variety of easements in the front. There is a major city's sewer trunk line and a city drainage easement in the front as well.

Mrs. Rando: Are there any questions?

Mr. Sergi: What other hotels do you own?

Mr. Aftanellian: So we are building a hotel right now in Braintree Mass. My partners here, they operate a Four Points Hotel in Revere, A Hotel in Cambridge. I own and operate primarily Residence Inn Hotels in New Hampshire and Maine and Vermont

and New York. Although we are all based locally, the hotel business is such that we work on projects regionally.

Mr. Sergi: And this is more of an extended stay hotel?

Mr. Aftanellian: No. This would be actually a Hampton Inn Suites Hotel which is a limited service hotel, not an extended stay, primarily for a business traveller but a very, very upscale custom designed hotel. It is a branded hotel. It will be a Hampton Inn and Suites Hotel. And I have been in the hotel business my entire career. I went to hotel school. I've operated and I started operating hotels and sort of got to where I am from just grinding it out through the hotel business.

Mr. Sergi: And no restaurant, just the bar?

Mr. Aftanellian: There's a limited service hotel. We offer a small bar for our hotel guests. There is a very small meeting room but again primarily geared towards hotel guests. There is no public restaurant, large public bar nor are there large meeting and banquet rooms. We see the need for more hotel rooms and hotel really geared toward this business type hotel. The Westin, the Embassy Suites already have sufficient meeting and banquet space. And this is really the type of product that we see business travelers seeking now.

Mrs. Rando: How long do they usually stay at the hotel?

Mr. Aftanellian: It's usually one to two nights. An extended stay hotel might have an average length of stay of five to seven nights. You'll have people there for one night. You will have people there for three months. Those typically have kitchen facilities. This does not even though it says Hampton Inn and Suites, those suites are just larger rooms

and not with a kitchen or cooking facility. So the average length of stay is typically between one and two nights. I would estimate in this market it's about one and a half.

Mrs. Rando: Would you mind telling me what attracted you to that area?

Mr. Aftanellian: There is a quantitative service now where hotels report their occupancy and rate and one can actually go on to the service and see how the hotel business is doing in Waltham. There are ten existing hotels in Waltham and Waltham is one of the strongest suburban hotel markets in the country and almost every Tuesday and Wednesday night all the hotels are sold out in Waltham. It's put a huge, huge increased rate substantially. Not only does Waltham have obviously a very strong business market but we see the leisure markets very strong. The Bentley and Brandeis are big, big room generators and the hotel business is very busy. Office space is a number one driver of hotel demand. By more office space, more companies, more business travel you see what's happening in terms of the amount of office space being built in Waltham. And, frankly, I see markets in other parts of the country where more hotels are added even though less office space is present and under construction. It's a very, very healthy hotel market.

Mrs. Rando: And the council thought that the parking spaces with the small compact cars will be sufficient even though there is going to be a bar that's open to the public with sixty seats?

Mr. Aftanellian: Six seats.

Mrs. Rando: Oh, that's better!

Mr. Aftanellian: Again, we offer a bar and it will be beer and wine only. It will be for our hotel guests. What we are finding these days is that our hotel guests like to check into their room and they like to come downstairs. We have music playing, comfortable

chairs, they are on their laptops and they can have a beer or a glass of wine. Clean bed, good internet service, beverage service, that's what they all want.

Mrs. Rando: Mr. Hickernell, do you have any questions?

Mr. Hickernell: Have you discussed the project with Local 560?

Mr. Aftanellian: Yes. We have come to an agreement to add some laborers in terms of the project, yes.

Mr. McCarthy: How many worker's cars do you expect at the place?

Mr. Aftanellian: That's a very good question. So our daytime equivalent employees might be thirteen, fourteen, fifteen. But that's really during the day when most of our guests are not there. Really the issue for hotels is between 4 P.M. and in evening. In the evening time we only have a couple of housekeepers, a couple of front desk people, maybe a house maid or two. Maybe five or six people at night.

Mr. McCarthy: What was your projected average occupancy?

Mr. Aftanellian: Eighty percent and again the aggregate information is available. Quantitative information on this market runs around 78 to 82 percent.

Mr. McCarthy: You won't be advertising a gym membership or anything like that or any other type of services to folks who aren't staying at your place?

Mr. Aftanellian: We prefer people not to come to our hotel. So we like to save our amenities for our hotel guests. So, yes, there will be a fitness center but it might be half the

size of this room. Again, the bar is only six seats. We provide a continental breakfast only for hotel guests as a complimentary service so it's not like people are coming for breakfast.

Mrs. Rando: Is there anyone in favor of this petition that would like to speak?

Paul Pavone, Business Manager for the Laborer's International Union of North America located right here at 681 Main Street came forward.

Mr. Pavone: I represent about five hundred construction workers many of them are in the Waltham area. Certainly this job will give me an opportunity to get a couple of members to work on this project with good paying jobs and benefits, local residents and who knows maybe it will turn into more people. We'll see. But right now we have a person or two on the job and we'll go from there. Thank you.

Mrs. Rando: Is there anyone else? Seeing none, is there anyone in opposition? Seeing none, anyone seeking information? Seeing none, you may continue with your Proposed Findings of Fact.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to waive the reading of the Proposed Findings of Fact since they have been on file in the Law Department and the members have had a chance to read them.

Mrs. Rando: You may proceed with your Proposed Decision.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to waive the reading of the Proposed Decision since it has been on file in the Law Department and the members have had a chance to read them.

Mrs. Rando: Do I have a motion on the Proposed Findings of Fact?

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to adopt the Proposed Findings of Fact to be the board's Findings of Fact.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. McCarthy, yes and Mrs. Rando, yes.

Mrs. Rando: Now, do I have a motion on the Proposed Decision.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted that the Proposed Decision be adopted by the board as the board's decision.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. McCarthy, yes and Mrs. Rando, yes.

Mrs. Rando: One more motion is in order.

On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to adjourn at 8 P.M.

Barbara Rando, Chair

