

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

May17, 2016

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, May 17, 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, Michael Squillante 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 2016-10, 152 Grove Street, LLC c/o Hilco Real Estate, LLC and its to amend conditions of previous variances; Case 2016-11, Robert S. and Linda B. Pettigrew, 17-19 Cedar Street and that is for a variance.

The first action this evening is a for motion to accept the minutes of May10, 2016.

On motion of Mr. Sergi, seconded by Mr, McCarthy, the board voted to accept the minutes of May 10, 2016.

Mrs. Rando: We also have an extension of time. I believe that was Case #2014-05 and we will be taking that first.

Bret J. Francis, Esquire, Scafidi Juliano, LLP, 310 Washington Street, Suite 201, MA, forward.

Mr. Francis: I'll just give you a quick status. The plans, everything right now is in the first step with the fire department. It's been with them now for a couple of weeks and we're moving forward and we will have the demolition soon thereafter which will be done this summer. It took a while to work out some of the architectural problems, financing, but we are at that last step. So, it's now with the city and we are looking now for one more six month extension and hope to complete the project.

Mrs. Rando: Last we continued was because of the council or different departments getting okayed.

Mr. Francis: No. It was problems with the plans and the actual building being built with those plans. So it took a new architect, a whole redesign of the interior of the buildings, same footprint, everything there is identical as far as what the variances allowed. That's actually the bulk of it. The last one we got was in November so they waited through the winter months but they have now filed with the fire department, the first step in getting their permits.

Mrs. Rando: So you want another six months until November.

Mr. Francis: November 20th.

Mrs. Rando: All right, I have a wish to continue Case 2014-05 until November 20, 2016, Do I have a motion for that?

On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to grant an extension in Case No. 2014-05 to November 20, 2016.

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

Mrs. Rando: We'll have to extend the hundred days in making a decision. Do I have a motion to extend the hundred days to act to January, 2017.

On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to extend the hundred days for the board to act to January 2017.

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

Mrs. Rando: Will the clerk please read the petition in Case No. 2016-10?

The clerk then read the Petition of 152 Grove Street, LLC c/o Hilco Real Estate, LLC in an application to amend conditions in previously issued variances and to make findings under G.L. x. 40A, Subsection 6 to allow the petitioner to remove exterior walls and make other modifications to reduce pre-existing nonconformities at the property. Location and Zoning District: 152 Grove Street, Industrial and Residence A-4 Zoning District.

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

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

(Mr. McCourt submitted a copy of his brief to the board.)

Mr. McCourt: As you well know, 152 Grove Street is the Standard Thompson Building down on Grove Street obviously comprising of approximately seven acres of land and Andrew Chused and Ben Spera are Principles of Hilco who actually are involved in the

purchase of the property about a year ago. And we also have Co-Counsel Michael Scott from Nutter McClennen who has participated with myself in meeting with many members of the team around Waltham in relation to how to proceed with this particular request. We also have Heath Cody who is the Architect from SGA who will give you some idea of the building as we go along here and Ryan Bianchetto who is with Allen & Major the Engineer for the firm.

They purchased this property and obviously it had been on the market for several years and people wondered, what can we do? Many have looked and few have chosen. Hilco is in the business of purchasing properties that need a lot of updating and work around various areas and so they elected to do this. And the decision was made to maintain the main body of the building, the build that was built around 1942 which is a brick building that you see and to update it and to convert it to allowable uses mainly offices or lab space or items like that.

So we met with the Ward Councilor, Gary Marchese several times and went over it. He seemed to like the plans and I think he was happy that in fact that some industrial heavy or contractor use wouldn't be going in there.

And then we met with the building inspector a couple of times as to focus on how to get this done and that is the result of why we are here this evening.

We also had a neighborhood meeting in which we invited everyone within three hundred feet to come over the Chateau one night and many, many of the neighbors did come and frankly after the presentation by Andrew and Ben, they were very, very happy that some uses that occurred through the years would not occur there and that these people intended to really update it and the use would be benign compared to some of the prior uses there.

(Mr. McCourt then went on to read his brief into the record.)

Mr. McCourt: So, I think I told you already that we had a community meeting on January 27, 2016, and we went over it fully with neighbors and everything and I am going to ask Heath Cody to give you a more detailed and colorful presentation of what we are hoping to achieve from the board tonight.

Heath Cody, Architect, SGA, 200 High Street, MA, forward.

Mr. Cody: I would just like to show you a few of the areas that are coming down from the property. Just to reiterate again the intent is to kind of bring some of these smaller additions that were added to the major structure be removed. Many of them are in disrepair as you are about to see.

(Mr. Cody went over the plan and photos with the board in detail showing where the modifications would take place.)

Mrs. Rando: Mr McCourt, I have a question. This is a nonconforming site that we've been very good to them. Is the wording correct when you're asking us just to amend conditions of this or is it nonconforming?

Mr. McCourt: Yes. We are just asking to amend the conditions of the 78 variance.

Mrs. Rando: Because you're making things better.

Mr. McCourt: Better, yes, exactly. So no additional variance or impact is to happen because we are making it less, that's why this type of petition is sufficient.

Mrs. Rando: And the side facing the neighbors on Grove Street is 3.4 feet and it will be 10.9 now?

Mr. Cody: It varies, but it will be around 9 feet.

Mrs. Rando: So, the rear yard is going to stay.

Mr. McCourt: Yes, actually the rear yard just backs into the parking lot of the next door building, the Saracen building where WOW is. So it's just married into a parking lot.

(Mr. McCourt went over the plan with the board.)

Mrs. Rando: He mentioned the landscaping, but where will the snow go?

Mr. Cody: The Islands that you are seeing throughout the property here, along the edges where currently we don't have these islands on the property. It's essentially all pavement. So adding those islands, the snow is going to be able to be introduced there. So all of the landscaped areas in the wintertime will be used for snow storage.

Mrs. Rando: And, what about a dumpster?

Mr. Cody: The West side yard is existing three feet and we are increasing it to ten and a half all the way up through and then the loading dock remains as is and the trash area will remain as is as well. There's also an existing loading dock and trash here. That is an optional piece for tenants moving in.

Mrs. Rando: And the landscaping will be the responsibility of this petitioner to keep it up.

Mr. Cody: Yes.

Mr. McCourt: For those in the audience and at home, just run through these again. These are the portions that are coming off.

(Mr. Cody went over the photos of the areas that are being taken down.)

Mrs. Rando: Do you have any questions, Mr. Sergi?

Mr. Sergi: Yes. The trash on the residential side, would it be possible to relocate that somewhere away from the residential side or is that a “must have” there?

That’s kind of a key space as previously Standard Thompson has been using it. Around the site it would be difficult to move that piece of the property but that’s why we are kind of allowing this corner to be more towards the commercial side so that the ends could be used.

Mr. Sergi: Would it be possible to, I would hate to see it smell or you know sometimes these dumpsters are overloaded. It just doesn’t look nice next to a residential area.

Ryan Bianchetto, Site Civil Engineer, Allen & Major Associates, Inc., 100 Commerce Way, MA, forward.

Mr. Bianchetto: On key factor about the dumpster is that that will be screened for as right now there’s no screen on that area of the building so we are going to put a dumpster in this area (referring to the plan) that’s going to have a tall fence that will buffer for residential neighbors. So it’s not going to be an open dumpster. The height of that

fence will be taller than the dumpster not allowing any trash to blow out and there will be landscaping around that to break up the fence. That's in addition to the fence that's currently being proposed on the West side of the property along the whole entire property line that abuts those neighbors as well. A little reminder, that these are office use so there's not going to be obnoxious fumes or a significant amount of food waste. It's more from the office people.

Mr. Sergi: It's not Biotech stuff or chemicals?

Mr. Bianchetto: It's not anticipated. It's not manufacturing.

Mr. Sergi: You mentioned what type of landscaping along Grove Street. What is that?

Mr. Cody: So along Grove Street, both in that island right along the street and the next secondary end birch trees along with some grass. No real hedges. Trees and grass is going to be there.

On the inner courtyard that will have a little bit more embellishment so trees and grass.

Mr, Sergi: Along the residential side?

Mr. Cody: And then along the residential side in this courtyard as well. some shrubs and landscaping.

Mr. Sergi: I know the site was contaminated. I was just wondering if that's been updated? What's been done with the contamination? Has it been resolved or are you going to have a mediation type of equipment on the property?

Ben Spera, Hilco Real Estate, 99 Summer Street, Boston, MA, came forward.

Mr. Spera: So, from an environmental perspective we have started remediation on site. There was some groundwater impacts on the Southeast corner of the site that we've done some bio injections and there's actually bio remediation that you do injections to clean up so there was solvent release many years ago. It's been documented with the DEP. All the remediation that we are doing is under the DEP guidelines. So we have already attacked that issue. So, again, it is an important issue from a marketability standpoint making sure that our tenants are comfortable with the site as well. So we've gone through that portion of the program. The other big piece from an environmental standpoint when you think about solvent impacts as vapors, so as part of the redevelopment we have basically a SSDS which is a subsurface steam-pressurization system and an SVE which is a solvent vapor extraction system that are going to be ultimately implemented in the development and to simplify it again in layman's terms we are making sure that there are no vapors from the solvents that impact tenants. Again, it's all being done under the Mass DEP Regs. GeoSyntec is our LLP on the property and they are doing a great job from an engineering perspective so that we can basically insure tenants and that we can market the property and then most importantly we can clean up the issues that are on site and we take, Hilco has a lot of experience doing sort of environmental work. We bought steel mills. We bought auto plants, tire plants, and other things so we have a very sort of from an expertise standpoint, we think we have the best in class team. We attack problems. We don't just let them linger and that's been our approach here as well.

Mr. Sergi: You filed a remediation report with the DEP?

Mr. Bianchetto: Yes. We have filed all the necessary documentation with the DEP. There are some notices that were required to be filed as well in terms of the remediation regs. We've done those filings as well and like I said we have GeoSyntec as sort of our LLP on site, I think they are extremely reputable, very professional and very well experienced

and they understand these issues very well. They do a lot of work in these areas. So, it's an issue that we are dealing with and we take very seriously and that from our standpoint our approach a lot different than the prior owners is be aggressive, attack the issue and go with that program. And so we have done that.

Mr. Sergi: So you're monitoring it constantly, right? You're going to be taking measurements every six months or-

Mr. Bianchetto: Yes there's periodic requirements in terms of monitoring that you have to do to stay in compliance. We are, again, very focussed on that. We've done very large projects with a lot of significant environmental impacts and then from our standpoint this is a similar situation as CenterPoint in terms of solvent release and CenterPoint has implemented some of these very similar remediation strategies. BJ's I think also has a SSDS system so they have sort of something similar again, remedies to mitigate vapors, etc. So that's really what we are focussed on, Andrew and myself. This is a project that we are personally involved in. We're both local in the area. It's something we've done a multiple times a week and we're making sure that this gets done right.

Mr. Sergi: Is it anticipated that the site ought to be closed?

Mr. Bianchetto: Yes, absolutely.

Mr. Sergi: What is the time period?

Mr. Bianchetto: I would expect three to five years or so because of projection. You have to sort of meet the regs to do so. But from our standpoint we have taken sort of a more aggressive approach in terms of how we deal with some of these issues so that we can actually remediate and go to closure versus more of a prolonged containment approach

where it might take twenty or thirty years. You're still doing things by the book but again it can take a lot longer than sort of the bio approach that we're taking.

Mr. Sergi: The machine that you are using, is it noisy?

Mr. Bianchetto: It's going to be located in the Southeast corner so it abuts the parking lot of CenterPoint.

Mr. Sergi: They won't hear it.

Mr. Bianchetto: No.

Mr. Sergi: Thank you very much.

Mr. Squillante. I'm delighted to see something is happening here. Does Hilco normally refurbish these properties and sell them or do you manage the property?

Andrew Chused, Hilco Real Estate. 99 Summer Street, Boston, MA came forward.

Mr. Chused: So, we buy properties like this across the country. We bought a thirty-one acre steel mill all the way to vacant warehouses in Avon, MA. We own 48 Woerd in Waltham. A lot of properties on University Ave., in Norwood. So we really like this area and we focus on it probably because we live close by and can manage it. But we like properties that have challenges. We like properties that are complicated. We don't buy the simple stuff. And we typically like to hold on as long as we can. We unfortunately don't own the company but we always advocate to hold our children, if you will, as long as possible. So we have a more long term approach here. We'd like to see this closure come through. We'd like to see it alive again this property and kind of problem solved and share with incremental periods where we can revisit what our intent is. We don't leave projects

undone, so our plan is to finish the project. Have it back on with people working here and alive and well and kind of reassess. That's what our focus is on.

Mr. Squillante: Will you rent it out?

Mr. Chused: Yes we'll fully see through the rental of this property and have a lot of interest already

from neighboring towns. There's a lot of interest from single tenants who will occupy the whole thing to three or four. I think if we were to make a guess it would probably be somewhere in the one to three tenants would occupy this.

Mr. Squillante: How do you know what the leases would be?

Mr. Chused: We see, the highest and best use would be office, R&D type space. We see a lot of tenants coming getting out priced from Cambridge and even Watertown would like to see sort of a more campus like feel. This offers a great opportunity to do that. And as for our remediation process and this is very expensive to do and we want a quality tenant to come here. So we don't want to do all this and make this sort of a lower use. We see it as an opportunity to really breath a lot of new life in and get some sort of a new era of company to come in versus sort of the old Standard Thompson type of employment if you will.

Mr. Squillante: Do you have enough parking for office use?

Mr. Chused: We have three per thousand which meets the requirements.

Mrs. Rando: Is there anyone in the audience that is in favor of this petition that would like to be counted.

(Four people raised their hands in favor.)

Ira Boyd 32 Evergreen Ave, Waltham came forward.

Mr. Boyd: I live on 32 Evergreen Ave., and my daughter lives across the street from me. We're abutting here (referring to the plan). Throughout this whole process it's been very good and very efficient. We are happy with all this over here because it is kind of ready to be demolished. This site over here where like he said where the equipment is going to go, there isn't anything there, that would be half way and then there are a few houses up here which abut the old Raytheon building that's on Willow Street. So the only houses that actually abut are these houses here (referring to the plan). There's a parking lot that belongs to Raytheon in the back, so if they're moving everything there and we're taking down these older buildings, it's great for us as long as we don't have anymore crazy trucks sitting there all night because Ive lived here for twenty-two years now and Standard Thompson was still open there had three shifts running some time, sometimes only two but there's a lot of trucks sitting in the driveway overnight. We won't have any of that and it will be very nice and like I said I represent a few of the direct abutting tenants, I spoke to them and they were at the other meetings some of them and they are all in favor of all of this going on here and there doesn't seem to be anybody that has any problems.

Mrs. Rando: Any else? Is there anyone seeking information.

Karen Muisse, 101 Grove Street stated that Mr. Sergi asked all of the questions that she was going to ask.

Mrs. Rando: Do you plan on having any lighting that will be near the neighbors?

Mr. Cody: In the back corner here, (referring to the plan) there are some stream lights proposed. We are keeping them tight to the building.

Mrs. Rando: They won't shine on the neighbors?

(Mr. Cody went before the plan to show where the lights would be.)

Mrs. Rando: Is there anyone opposed?

Seeing none, you may proceed with your proposed Findings of Facts.

On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to waive the reading of the Proposed Findings of Fact since they have been on file in the Law Department.

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

On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to waive the reading of the Proposed Decision since it has been on file in the Law Department.

Mrs. Rando: Now I am ready to entertain a motion.

On motion of Mr. Sergi, seconded by Mr. Squillante, the board voted to adopt the Proposed Findings of Fact.

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

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

On motion of Mr. Sergi, seconded by Mr. Squillante, the board voted to adopt the Proposed Decision.

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

On motion of Mrs. Rando, seconded by Ms. Gelineau the board voted to take a two minute recess at 7:58 P. M.

The board reconvened at 8 P.M.

Mrs. Rando: Will the clerk please read the petition in Case No.2016-11?

The clerk then read the Petition of Robert S. and Linda B. Pettigrew in an application for variance - curb cut. The petitioner seeks permission to continue use of two driveways for property. House was built in 1975 and have been using a 17 foot driveway and a 20 foot driveway for forty years. Location and Zoning District: 17-19 Cedar Street, Residence B Zoning District.

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

Mr. Pettigrew, the Petitioner came forward.

Mr. Pettigrew: I'm the petitioner and we have owned this property and bought it in 79. Basically it has two parking areas and I have this thing, I'll show you. (Mr. Pettigrew went before the board to go over the plan.) We've had Bibbo, Bibbo did the drawing. What we want a petition for is to get the twelve foot and have a twenty foot for the second

parking area. These parking areas are separated. There's a a little buffer here but its separate. So, basically it's two parking areas on one lot. It's not a single parking area, it's two parking areas. What we have is a situation where one tenant parks two cars and the second tenant parks two cars and we should like to keep it that way.

Mrs. Rando: And you own the two parking areas?

Mr. Pettigrew: We own them. What we have is a situation where one tenant can park two cars and the second tenant can park two cars and we'd like to keep it that way by having the twelve foot and twenty foot

Ms. Gelineau: You're not using the curb cut now? No, not really. It's basically, well there is kind of a curb cut and that is it's sort of like an asphalt sidewalk an asphalt sidewalk connected to the street.

Mrs. Rando: It's like a berm that you have.

Mr. Pettigrew: Yes, its something like that.

(Mr. Pettigrew went over the plan showing the parking with Ms. Gelineau.)

Ms. Gelineau: So what brought you here?

Mr. Pettigrew: Well, I was told that the law says that if you have a single piece of property that you can have a single twenty foot cut or two twelve foot cuts. And what I am petitioning for, instead of two twelves is to have a twelve foot and a twenty foot to the area where the cars park side by side. Where the cars park side by side, if that was a single twenty foot, it would be very difficult for the cars to get in and out.

Ms. Gelineau: Okay, but you said you bought it in 1979, why are you here tonight?

Mr. Pettigrew: I was told we had to petition - - -

Ms. Gelineau: Who told you?

Mr. Pettigrew: The Engineering Department sent us down here.

Mrs. Rando: Is that because they are doing the street over?

Mr. Pettigrew: Oh, I'm sorry. They are redoing Cedar Street and they are putting in granite curbing. And when you are putting in granite curbing you have a choice of two twelves or a single twenty if they are putting in granite curbing and the sidewalk.

Mrs. Rando: So the smaller driveway, you have tandem parking?

Mr. Pettigrew: Yes, side by side and that's why we need the twenty because - - -

Mrs. Rando: You have a side by side on the 17?

Mr. Pettigrew: Okay, I see what you mean. We have one behind the other on this driveway.

Mrs. Rando: That's called tandem parking.

Mr. Pettigrew: Oh I don't know the word. But then side by side here. That's our problem.

Mr. Hickernell: It's been that way since 1975?

Mr. Pettigrew: Yes, it has. (Mr. Pettigrew went over the parking plan again with the board.)

Mrs. Rando: And this is rental property for you.

Mr. Pettigrew: Yes and it would bother us considerably to try and park two cars and get them in and out with the twelve foot wide. I went down to Star Market and you need nine feet between parking spaces. Nine feet and nine, that's eighteen. So we need a twenty foot gap. Oh, the other thing we would need to park two cars for the upstairs tenant.

Mrs. Rando: Then you wouldn't be able to have a two family.

Mr. Pettigrew: We could not rent the apartment if you could only park one car in today's world. In today's world, you need two workers to pay the rent.

Mrs. Rando: I know. It's a very congested area to have two cars parked behind each other.

Mr. Pettigrew: The other thing, the cars get off the street when the snow plows come through. The cars are not on the street. You can have cars park on the street but we get them off the street because of snow plows.

Ms. Gelineau: Why is this not a planning board issue?

Mr. Pettigrew: I went to the planning board. They said I have to come to the board of appeals. The building inspector refused it.

Mrs. Rando: He believes that it's a variance to be able to have more than two twelve foot openings. You can only have two twelve foot openings on one lot.

Mr. Pettigrew: My understanding was the two twelve feett was for a circular drive.

Mrs. Rando: You're only allowed to have two twelve on one lot.

Mr. Sergi: Madam Chair, do we have the right to grant a curb cut?

Mrs. Rando: I think it's in our purview.

Mr. Hickernell: There's already a curb cut. He's looking for a variance on how big it can be.

Ms. Gelineau: He'll have a curb cut once they put in the granite. There's no curb cut now. It's a paved area. Berms aren't curb cuts.

Mr. Sergi: He'll need another curb cut, right?

Mr. Hickernell: Right now you can drive in right from the street to both spots.

Mr. Pettigrew: It was built in 1975 and it was accepted and that's how the property was set up.

Mrs. Rando: Was that a single family home at one time?

Mr. Pettigrew: Never. It was built as a two family right from the beginning.

Mr. Sergi: I didn't think that you could have two separate curb cuts on one lot. You're saying he has a right to do that?

Mrs. Rando: Well, if he had a two family he would have a driveway on either side. He can have a twelve and twelve.

Ms. Gelineau: Have we ever issued a variance on a curb cut before? Is it under our purview?

Mrs. Rando: I think we did once, but it was so long ago, I can't remember.

Mr. Pettigrew: The problem that we have is actually for forty years we had the two cars parked side by side. And then the tandem parking would be here (referring to the plan). If I have to reduce the twenty to a twelve I'd have to take a five room apartment and rent it as a studio. I'd have to rent it to one person. I'd have to reduce my rent.

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

Mr. Sergi: I wonder if they have to go to the planning board to show the two driveways.

Mr. Pettigrew: We made a map and sent it to the planning board. They have the map. But the planning board were the ones that said we have to see you folks. It was their suggestion.

Mrs. Rando: Isn't it the building inspector?

Mr. Pettigrew: His suggestion as well.

Mrs. Rando: If we are not sure, we can get an opinion from the Law Department. It's up to the board members.

Mr. Sergi: I just want to see him do the right thing. Even if we grant the variance here, does he still have to go to the planning board to show the two driveway?

Mr. Pettigrew: Yes we did. We have a map.

Mr. Sergi: Did they approve it?

Mr. Pettigrew: They couldn't approve the map. They said we had to go to you folks to approve the map.

Mr. Sergi: Do you have to go back to them?

Mr. Pettigrew: Here is the map. They requested the map and this was presented. But anyway the drawing is down at the planning board and the building engineering group have this map. But they said we had to petition to get your approval because instead of two twelves we are requesting a twelve and a twenty.

Mr. Sergi: I am wondering if we grant this, if you still have to go back to the planning board to get an approval.

Mr. Pettigrew: Probably I would. I think that's true.

Mrs. Rando: So when they put in the sidewalk, how much room will you have for the cars? Will they be sticking out over the sidewalk.

Mr. Pettigrew: Oh, no, they never would.

Mrs. Rando: You don't have a sidewalk now?

Mr. Pettigrew: We don't have a sidewalk but the cars are at least five feet, six feet inside.

Mrs. Rando: You have sixteen feet. What's the length of a car? The normal car is fifteen.

Linda Pettigrew, the other owner. Excuse me, but if you look at this drawing where you see the proposed sidewalk, there is an asphalt sidewalk there now. The town calls it a sidewalk. If you park on that you get a ticket for parking on the sidewalk.

Mrs. Rando: I didn't see any sidewalk when I was there.

Mrs. Pettigrew: It's just a small raised berm. They ticket it as if it's a sidewalk. That measurement you see is the proposed sidewalk and then that still shows sixteen feet beyond that which is the car space. And that's part of the problem. The only way two cars can fit there is if they park side by side. There's no way they can pull into that in any other fashion.

Mr. Pettigrew: Between the bumper of the car there's five feet from the street.

Mr. Hickernell: It looks like five feet on this.

Mr. Sergi: The plan is done properly but it needs to be approved. Whether we give the approval first or - - -

Mr. Pettigrew: But they said you had to approve it first.

Mr. Sergi: Subject to planning approval?

Mrs. Rando: You can do that or we can get an opinion before we vote.

Mr. Sergi: We never had this.

Mr. Pettigrew: There will be other instances because you're going to the granite curbs. That's different.

Mrs. Rando: What is the wish of the board? Do you wish to continue?

Mr. Sergi: I'll go along with what the board wants go do. I just want to make sure we take the proper steps.

Mr. Hickernell: I feel like we have the authority to vote tonight but I don't oppose if somebody wants that to get the input of the law department. I will also note they don't have a Proposed Decision and Findings of Fact so they will need more time also.

Mrs. Rando: correct.

Mrs. Rando: Ms. Gelineau?

Ms. Gelineau: That sounds good.

Mr. Squillante: How will we get proposed findings.

Mrs. Rando: He was given different packets but we don't have a findings of fact or decision.

Pam in the Law Department gave you different copies of findings of fact and decision and I think you thought it would be sufficient. We need a findings of fact and the decision, unfortunately.

Mr. Hickernell: She can point out to you how it should look and you put in the information applicable to your case.

Mrs. Rando: I think she's given you a few.

Mr. Squillante: To get a variance there are a number of requirements you have to meet. You really need to get a model. You have to address the four or five issues that allow us to give you a variance.

Mr. Pettigrew: Well the reason for the hardship —

Mr. Hickernell: You have to write it all out for us. I would suggest that the shape of the lot may be a hardship that you might want to look at because it's an unusual shaped lot. Take a look at the models of finding of fact and decisions that Pam gave you and if it doesn't make sense you can ask for what it means.

Mrs. Rando: We are going to continue this case to another date. We are going to seek an opinion from the law department.

Mr. Sergi: Madam Chair, can we ask the law department whether we can give a dimensional variance subject to planning board's approval if necessary.

Mr. Squillante: Do you know what the schedule is for the paving?

Mr. Pettigrew: I don't. It's very, very soon.

Gentleman in the audience: They will be finished in August.

Mrs. Rando: I would suggest that you talk to Councillor Marchese because Im sure that he could speak to someone to find out exactly when it's going to be done.

Stop in by the Public Works Department.

Mr. Pettigrew: I talked with Phil McCourt, Joe Goode, Assessor, William Forte, Inspector of buildings. They are all aware of why Im here. Mike Chiasson I talked with him. He sent me over here.

Mr. Hickernell: you just have to address the problem of granting a dimensional variance.

We will continue Case 2016-11 to June 28.

Mr. Hickernell: Mr. Pettigrew you need to submit your Proposed Findings of Fact and Proposed Decision to Pam at the Law Department well in advance of June 28 so she can distribute them to everybody and the public can read them.

Mrs. Rando: Is there anyone in the audience that is in favor of this petition. (Three people raised their hands in favor.

Is there anyone in opposition? Seeing none, anyone seeking information? Seeing none, if there are no more questions we will ask for an opinion from the law department and we will continue this case until the 28th of June.

How do you vote on continuing the case to June 28th Mr. Sergi?

Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. Squillante, yes and Mrs. Rando, yes.

Mrs. Rando: One more motion is in order.

On motion of Mr. Sergi, seconded by Mr. Squillante, the board voted to adjourn at 8:40 P.M.

Barbara Rando, Chair
6/7/16