

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

June 14, 2016

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, June 14, 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 Sarah Hankins, Glenna Gelineau, Mark Hickernell, 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 2016-15. Mass General Physicians Organization, 40 Second Avenue for sign variances and Case 2016-16, Natalya Rasdul, 124 Hardy Pond Road, and that also is for a variance.

The first action this evening is for a motion to accept the minutes of June 7, 2016.

On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to accept the minutes of May 24, 2016.

Will the clerk please read the petition in Case No. 2016-15?

The clerk then read the petition of Massachusetts General Physicians Organization, Inc, in an application for sign variances. The applicant seeks approval for the installation and maintenance of new signage. The proposal includes new wall signage, ground signage,

directional signage and projecting signage. Location and Zoning District: 40 Second Avenue (formerly 10, 40 and 52 Second Avenue); Commercial Zoning Districts.

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

William J. Proia, Esquire, Riemer/Beaunstein, Seven New England Executive Park, Burlington, Ma came forward.

Mr. Proia: Thank you Madam Chair and member of the board. I am here for the applicants tonight and with me is Andrew Barresi the designer of the signs.

So as the petition requests, we are looking for a number of variances to provide for a comprehensive signage package at the new garage and the medical office building. It really functions as a single office building, although traditionally it's had two addresses. So we have gone through a lot of permitting with the City Council and the Board of Survey and Planning. I recognize some of you from a couple of years ago when we were here seeking a temporary variance for an MRI trailer.

Mrs. Rando: How did that work out?

Mr. Proia: It worked out great, thank you. That enabled us to do the renovations that we were planning on the inside; move patients outside to the MRI trailer and work on the inside. The investment has paid off. It's really a state of the art medical campus and we are hoping to continue to improve it as medical technology improves and the medical needs of the community require.

When I was here the last time, I represented the owner at the time, essentially a real estate development company. Since then as the petition states, Mass General Physicians Organization which is an affiliation of Mass General and Partners, that group. They own the property now, which to me is a great benefit to the community, so the investment opportunities for them are greater and easier in the control of property.

Mrs. Rando: So when you say Partners, that's a business in itself, isn't it? You're saying the physicians own it also?

Mr. Proia: It's Mass General Physicians Organization Inc., is really the, I don't want to say parent, but it's the entity that owns the real estate typically, so most of the hospitals that you would see in a Partner's system are owned by Mass General Physicians Organization Inc., and then there are relationships with other entities. It just sort of depends on licensing and the internal structure of the doctors and the hospitals. So at the essence of it is that the medical folks now own the property and control the property. I think when I was here last time, they sort of alluded to that might be happening but I wasn't sure, but in any case, I think it's a great benefit because there's sort of no middle man anymore. They own it, they invest in it, they run it, they operate it and you know they are nonprofit, so their mission is medical and care and service and now that includes the real estate as well. It's really a nice situation.

Anyway, so with that, all the changes, the new garage, the next phase is to integrate all the signs into that and that means directional signs and then the branding sign which is you see the Mass General west sign and some really kind of cheerful signs that will add to the aesthetics of the building and these are the banner signs that you see out there. Andy has done a really nice job showing how those will fit into the front of the building and add to the landscaping and the aesthetic qualities of the overall campus.

So, we tried to make it really user friendly. Andy did a great job having on that first page after the title page, a table showing all the signs and then the locations of the signs on the left hand column and then as you look at the site plan you can go and see exactly where each one of those signs is going to be located on the building. So if you are opening the first page these numbers on the left hand table correspond to the numbers on the site plan So if you wanted to see where that sign was located and how it would look.

Mr. Hickernell: Madam Chair, before you do that, I need to make a disclosure. I used to represent the Massachusetts Nurses Association which has sometimes a cooperative and sometimes an adversarial relationship with Partners Health Care and I think that ought to be on the record. I think I can be objective with respect to this petition, but if anybody has an objection, please let me know.

Mrs. Rando: No objections?

Ms. Hankins: No, just thank you for saying that.

Mrs. Rando: You may continue.

Mr. Andrew Barresi, Principal, Roll Barresi & Associates, 48 Dunster Street, Cambridge came forward and went over the plans showing the proposed signage that will be located on the Mass General Property.

Mr. Sergi: Are these all internally illuminated?

Mr. Barresi: They are all illuminated.

Finally in terms of directional signs the way the new garage is working is it's primarily employee only, but it's also ambulance parking. So we don't want to actually encourage visitors to go into that entrance, so we need to mark it as an ambulance only.

Do you have the ability to handle emergencies?

Mr. Barresi: It's for patients who need to be dropped off by an ambulance because they are being picked up from a nursing home for example, and while they are waiting there they need a place to park.

Mr. Hickernell: It's not for an emergency.

Mr. Barresi: No.

Mr. Hickernell: For the treatment. It's just transporting patients back and forth.

Mr. Barresi: Yes.

Mrs. Rando: I saw in the petition that you wanted it twenty-four hour lit?

Mr. Baressi: Frankly, the drive in there is mostly highway oriented signs where we really think it would be advantageous to have those illuminated.

Mr. Rando: Where you're not going to be open twenty-four hours?

Mr. Baressi: It's mostly to let folks know that we're here. And for circuitry it's just a lot easier if they are all on the same timer so to speak.

Mrs. Rando: Are there any homes that the lighting would bother?

Mr. Baressi: There doesn't appear to be any residential abutters to the the property.

Mrs. Rando: Mr. Sergi, do you have any questions at this time?

Mr. Sergi: The narrow banners don't bother me as much as those larger banners on the building. What's the purpose of that? It seems like more of an advertisement to me.

Mr. Barresi: These were provided to present an environmental graphic of that. It's really to activate the garage and again make it look more inviting and colorful and attractive.

Mr. Sergi: It seems to me that those signs take away from the garage. No offense to you. There are not too many buildings around that have that type of signs on them.

Mr. Proia: Just another thing, when we did our landscaping with the Board of Survey and Planning and the Council as well, we tried to make it an inviting place and we have some tables and chairs planned for that area. So part of the idea was people sitting there, there would be something more than just a garage facade to look at. It would create more of a cheerful kind of place to sit and have some color to part of your experience rather than, because as you move down toward Costco it's a little more kind of commercial and industrial and this use is a very personal use for patients coming and going and families potentially waiting for people during the day. We wanted to make it inviting and have people sit and have something colorful.

Mr. Sergi: To me it looks like an advertisement. My eye goes right to that. I just don't see signs like that on other buildings in the area. To me, it doesn't fit, that type of sign.

Mr. Hickernell: I find all the signs as such are appropriate. I am also curious about that twenty-four illumination that that's from what you just said and I would be happy to hear more about it. It's just to more establish the brand and the location of it even when it's not directional because people aren't looking for this business between midnight and six. So I guess, anything more you have to say about why it's important for this particular business to have twenty-four hour illumination, I would be interested in hearing. I mean, Raytheon could say the same thing. Hey, let everybody know where we are.

Mr. Proia: I think that it's more for people traveling by on the highway because it is a medical facility. It does have that little different to me more important function than a commercial sort of property. That it's just, I think in my mind, a good way to make sure it's located in people's minds as they go by. It's really to just establish the location and to make sure it's prominent along that stretch of the road. It is sort of sunk down there if you have been by compared to the East side of 128 up on the hill where all the restaurants are and office developments. So again, it just doesn't have the location, the visual presence, so we were trying to create a recognition and we thought that would help.

Mrs. Rando: I agree with both of them on the lighting and on the banners. I think that maybe one sign that says Mass General and one that people could see when they take the turn even going south on 128. But I don't think that you need all the other ones for BearHill Road and Second Avenue. And I agree with Mr. Sergi about the banners.

Mr. Baressi: In terms of the illumination?

Mrs. Rando: Illumination, yes. And the banners, I am not in favor of those either. They do look like advertising.

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

Ms. Gelineau: No.

Mrs. Rando: Ms. Hankins?

Ms. Hankins: I guess on the banner issue, so you're relying on the pretty recent regs on our projecting signs on ordinance for the last three years or so. I don't think that there have been any signs nearly as close to this. It's allowed 64 square feet. I don't know if there have been other variances. Actually I think I was on one case where there was one variance where it was just a little bit bigger but I guess if you can talk about why you would think that sort of an ordinance that was put in place for downtown businesses who have low visibility at 64 square feet to then move on to 1500 square feet, if you could talk about why you think that would kind of work.

Mr. Proia: That's a good question. So, first I just wanted to go back to something that was sort of interesting in the ordinances, the way you would calculate your total area for signs based on your frontage and that sort of calculation and sort of formula. We would have something like four thousand square feet of signage that we were permitted and so, you know, we're not near that. We're way less than that so what we thought is because of the shape of the building, that we really needed to integrate it and there's really a design function and given the size of the facade even though on paper they look a lot bigger than the ordinance sort of suggests - - -

Ms. Hankins: I'm sure you're not suggesting that you fit over 64 square feet, it's sort either there or not there because 64 square feet you wouldn't even see. I'm just saying it really wasn't intended for this type of purpose therefore, I don't know, it's not oh well it's a little bit bigger than what they've allowed, so, well - - -

Mr. Baressi: I think part of what we are trying to do is define these within the parameters of the article and using as much of the language there as we can so that's kind

of how we marshal this through the process. Would we call these projected signs normally, we call them banners typically but there is language in there for that so part of the variance is that so this is maybe stretching the boundaries of the sign type but in terms of like why their function, it's really to try to create the sense of a campus and arrival and we wouldn't suggest that these would be appropriate for a downtown store or anything like that. It's really a unique situation we feel and we think it will really be a benefit to the project.

Mr. Proia: Again, I just think the scale, even though the absolute numbers for what you are saying, I understand. It just seems it really fits into the overall scale and design of what we have up there. We didn't want to make them obnoxious. I just think that the facade of the building, I think that is in scale for that spot. Again, it's a unique use. It's on a corner so I thought it would be a way to again to sort of distinguish it. All signs aren't appropriate for all uses. When you look at the ordinance, right, they don't fit in anywhere else. We don't have the ability to do a banner where some other sign ordinances and most we've seen take that into consideration and because they don't have the massing that a typical sign would have. They typically allow them to be bigger than a typical sign because they are kind of delicate and go with the wind sort of.

Mr. Barresi: In terms of the ordinance, it is fairly unusual in our experience that you are required to count the square footage of both sides of a double sided sign, typically it's one side. So I think that's kind of why some of the numbers are really bad for us.

Mr. Sergi: I understand that flat banners take away from the aesthetics of the building. To me, they look terrible. I don't think they belong there. I don't see them on any other building. I think a tree would be better. A natural type of element if you want to make a more homey atmosphere but that just takes away from the building in my eyes.

Mr. Hickernell: Mr. Sergi, I think the old Polaroid building does have one or two or has had one or two. I'm not sure they returned to us for them but there are large flat

banners on the side. Not to say that I think they are great or anything but it is in the area and I have seen that.

Mr. Proia: There will be trees there actually. What we did is we sort of ghosted the trees so we could give you a better view of the signs but they are intended to create and to be part of that what I was describing as a sort of a landscaped area behind the curb. So the trees will be closer to the street line. So those will be behind the trees.

Mr. Sergi: I understand what Mr. Hickernell is saying. In this context, we have seven banners plus those flat banners. I mean the ones at Polaroid aren't as many. I don't see a need for it and I just think it takes away from the building and the neighborhood. That's my opinion.

Mrs. Rando: I feel you have a sufficient amount of signage without the banners.

Mr. Proia: The flat?

Mrs. Rando: The flat. I also don't think you have to have them lit for twenty-four hours.

Mr. Barresi: Would it be possible to have some illuminated for twenty-four hours and others not such as - - -

Mrs. Rando: I don't have a problem with some being illuminated but only one.

Mr. Barresi: For example the ones on the highway.

Mrs. Rando: That would be fine with me. How does the rest of the board feel.

Mr. Sergi: I am okay with that.

Mr. Hickernell: I am fine with that. Also the ambulance entrance might need to be illuminated twenty-four hours even if we are not bringing in critical patients that somebody might need to be removed at any hour.

Mrs. Rando: Any suggestions? Are you in agreement. (The board was in agreement.)

As far as the banners, how do you people feel about the banners? I think they have sufficient ones for frontage.

Mr. Sergi: I think I've said enough.

Mrs. Rando: I hate to see buildings starting to have that type of signage.

How do you people feel about that? Are you for or against the banners?

Ms. Hankins: I am against the banners and maybe not for the exact reasons everybody else said but for reasons I expressed as far as the intent of the ordinance.

Mrs. Rando: Ms. Gelineau?

Ms. Gelineau: I don't really have a problem with the banners but I defer to the wish of the board.

Mr. Proia: The pedestrians that would see that really would be on the campus because there's not a lot of other foot traffic up and down. That's why we were thinking it created that integrated idea that we were trying to create on that.

Mrs. Rando: Mr. Hickernell

Mr. Hickernell: I am with Ms. Gelineau. They don't offend me, but if the board wants to strike a couple of banners, that's all right with me.

Mrs. Rando: Mr. Sergi?

Mr. Sergi: I don't think the banners belong there.

Mr. Proia: So even one or two?

Mr. Sergi: No, I don't think—

Mr. Proia: A smaller version of that on that part of the garage.

Mr. Hickernell: The same or similar width to the projected banners, but I don't know how you feel about that.

Mr. Sergi: I think just a different design there rather than a banner but like an abstract design or something. You've got a lot of banners here. You don't need any more banners. There's another six banners.

Mr. Barressi: So something more architectural?

Mr. Sergi: Yes, I think so.

Mrs. Rando: Now as far as the twenty-four hour signs?

Mr. Hickernell: If we took a quick recess you can identify the ones that we voiced concerns.

On motion of Mr. Hickernell, seconded by Mr. Sergi, the board voted for a five minute recess at 7:35 P.M.

The board reconvened at 7:40 P.M.

Mr. Proia: So for your consideration and taking your comments (Mr. Proia went over the changes on the plan.)

Mr Proia: Andrew had a good point. The building isn't open then So maybe keeping that may create the impression that it is open and people will turn in there and maybe we wouldn't want them there on Second Avenue.

Mr. Barresi: It's not emergency service.

(Mr. Barresi went back to the board to go over the signs.)

Mr. Hickernell: So if we strike Item 9 and the 24 hour illumination from 5.

Mr. Proia: So, I just wanted to ask something. So the content of the signs, meaning a word or something. I know a couple of words are going to change. For example, I think I'm allowed to say this now. Mass General west is probably going to be Mass General Waltham. It's associated with the community so there's been a real push inside to make that happen.

Mrs. Rando: Is that the only reason, just because it's in Waltham.

Mr. Proia: Yes. The old Waltham Hospital was a real historic kind of institution and so the idea is to create that sort of same community feeling on the building and sort of motivation. So I know that's going to happen but the dimensions of the signs won't change. I didn't know that before we submitted this. But I just wanted to let you know. Is that kind of change okay? The number of signs won't change. The illumination, the colors, the design, all that stays the same.

Mr. Hickernell: So what we typically do is just add that as a condition saying you're building it in accordance with what you presented but not withstanding that you can change the font and the actual wording without coming back to us. I think that is generally something we have given to other petitioners.

Mr. Proia: Again, these are diminimus kinds of changes, but no dimensional changes or anything like that. Everything the locations, colors and things like that are pretty much going to stay the same.

Mr. Barresi: I would say square footage isn't going to change.

Mrs. Rando: Any other questions from board members. Any additions?

Mr. Hickernell: So just to be clear on the record, on your proposed decision, the last page of it,

“To issue sign variances as requested allowing the use of the locus in accordance with the following plans:

1. **“Mass General West, Exterior Signage,” prepared by RoRollll Barresi & Associates, dated March 17, 2016 (Howard F. Mosher, PE, Stamp Date: 3-30-16). comprising 15 sheets;**

Adding to that: Except that Item 9 is not allowed and the 24/7 lighting for Item 5 is not allowed.

And then adding new Item 4: Notwithstanding the foregoing, the petitioner may change the content of the permitted signage but not the square footage of the permitted signage without returning to the board.

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

On motion of Mr. Hickernell, seconded by Ms. Hankins, the board voted to waive the reading of the Proposed Findings of Fact, as amended, since they have been on file in the Law Department and the board has had a chance to read them.

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

On motion of Mr. Hickernell, seconded by Ms. Hankins, the board voted to waive the reading of the Proposed Decision, as amended, since it has been on file in the Law Department and the board has had a chance to read it.

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

On motion of Mr. Sergi, seconded by Ms. Hankins, the board voted to adopt the Proposed Findings of Fact, as the Board's Findings of Fact.

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

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

On motion of Mr. Sergi, seconded by Ms. Hankins, the board voted to adopt the Proposed Decision, as amended, as the Board's Decision.

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

Mrs. Rando: It is granted. Good luck.

Will the clerk please read the petition in Case No. 2016-16?

The clerk then read the Petition of Natalya Radul in an application for a variance. The Petitioner seeks to build a 6 foot by 16 foot mudroom onto an existing single family residence. Location and Zoning District: 124 Hardy Pond Road; Residence A-4 Zoning District.

May we hear from the Petitioner or the Petitioner's representative please.

Natalya Radul, 124 Hardy Pond Road, Waltham came forward.

Ms. Radul: I bought this house two years ago. Before that builders purchased the house and then they complete renovation of the house inside and outside including the driveway. I would like to propose to build a mudroom 6 by 16 square feet in front of the existing main entrance to the house. (Ms. Radul submitted a copy of her brief to each of the board members.)

I ordered a survey and they created a plot plan which shows the size of the mudroom is within the roof. The only problem is the zoning coverage. It will increase the foot coverage up to 27% so it's going to be 2.1% more.

Regarding the hardship, currently it's a kind of a new house but because it's built on an old plot, just to the main entrance, there is old brick which is uneven and they put some gravel and some old asphalt which doesn't look very good and besides it's uneven and when you walk it's really very wobbly and looking ugly.

Another thing for you to consider, this mudroom is not big, actually it's small. It will be created with the same material as the house and it will be inside the perimeter of the of the house. It will not be extended outside of the existing borders of the house. From the public perspective, it won't affect anybody and maybe it will be even better. So that is my proposal.

Mrs. Rando: May I say you're doing such a great job. I am so impressed.

Ms. Radul: Thank you. I did a lot of work. I learned a lot about the hardship and I read a lot on line.

Mrs. Rando: And Pam helped you.

Ms. Radul: She helped me a lot. Like when I was denied by building department I said, oh well, but they encouraged me to go to you guys.

Mrs. Rando: I must say that Pam spoke very highly of you. She said you were a very nice lady.

Ms. Radul: Oh, thank you.

Mrs. Rando: And you also went in front of the Conservation Commission?

Ms. Radul: Yes, and they went out there. They had a hearing and then they come out there and really looked at the area and they approved it. They said there was no additional drainage needed because it's really small.

Mrs. Rando: Carol, on the last page if you could put in the usual verbiage at the end of the conditions.

Mrs. Rando: Mr. Sergi, do you have any questions at this time?

Mr. Sergi: No.

Mrs. Rando: Mr. Hickernell?

Mr. Hickernell: No questions. I would say that I am not usually not in favor of taking a structure out of compliance but where this one is already in excess of the 25%, I support it.

Mrs. Rando: Ms. Gelineau?

Ms. Gelineau: I am usually lenient, but I have a hard time seeing the hardship which I think the board has been kind of sticklish about lately so I would like to hear some argument from you or the board that that constitutes a hardship.

Ms. Radul: It really doesn't look very nice and I was thinking about what to do when I was buying it because it's really old brick and wobbly. So if I cover this area (referring to the plan).

Ms. Gelineau: But you could dig it out and make a patio.

Ms. Radul: I have a big patio and big deck, so I don't need another deck actually.

Ms. Gelineau: I can see that, but I have a problem saying that that's a hardship. That's all I'm saying. And I just think the board has been really fussy about that so I am curious just how they define this.

Mrs. Rando: Well, I can say it's a safety matter if you're saying it's so uneven and all.

Ms. Radul: Yes.

Mrs. Rando: Well she is going to do it and fix the bricks. Those houses are so small there. I think you make some leeway to - - - Every case we look at differently. A hardship on one may not be a hardship to another. I think because of your area, because of the water table down there, because of the safety, I can see that constituting a hardship myself. I don't know about the rest of the board.

Ms. Hankins, do you have any questions?

Ms. Hankins: I agree with Glenna that I don't see the hardship but I guess I find that in a lot of cases, so I'm a little bit torn in that regard but just having that uneven surface, like Ms. Gelineau said, there's all types of options within the zoning code. So I guess maybe if you could just elaborate a little bit on, do you feel that you are specifically building something that is going to help that situation.

Ms. Radul: Of course. I'm not spending all this money just to make this even but I'm sorry I'm not so experienced. I read on line that the hardship should be hardship to the plot not to me. So for me, of course, if you can imagine there is no entrance. I mean there is entrance outside. And you are coming right into the entrance of the house and in the middle of the house is a beautiful new hardwood floors. I don't want dirty shoes, especially if a lot of people come in so it makes a mess especially when its winter and there's a lot of salt and just to be prevent the floors, just to be able leave the shoes. It's not hardship I know.

Mrs. Rando: Is your land any different than the land next door? Does it slope down? Does it have - - -

Ms. Radal: You know what, my land that I've noticed, somehow both of my neighbors, their land is way higher about at least feet or a feet and a half higher than mine. I don't know why. It's very older houses. It feels like they were filled with something, maybe it was the ground. But mine are like lower on both sides.

Mrs. Rando: Do you get water from them?

Ms. Radul: Yes, I get water.

Mrs. Rando: Is there anyone in the audience that is in favor of this petition?

Two people raised their hands in favor.

Mrs. Rando: Is there anyone in opposition? Seeing none, is there anyone seeking information?

All right, how does the rest of the board feel on this case?

Mr. Hickernell: There is a change in elevation and it is an irregular squared off lot so those are sometimes for dimensional variances hardships.

Mr. Sergi: If you add that into your hardship.

Ms. Gelineau: Doesn't that need to be established or proven?

Mrs. Rando: I'm sure we put in some cases without a site view.

Ms. Hankins: She says in there that the surface is uneven in her hardship.

Ms. Radul: That is true. You will see it if you go.

Mr. Hickernell: The surveying plan that you paid for shows that the elevation changes from the front to the back.

Ms. Gelineau: They all do that.

Nanette Fisher, 136 Hardy Pond Road, Waltham: I am an abutter to this property. I don't know everybody on the Hardy Pond, on that strip, so I don't know if anybody lives there who is here on the board or knows that street well, but the houses, so you know the houses can be really tight on the lots and there's a lot of different looks when you are driving down the street and I completely appreciate how important it is what you do and that you keep a consistency to the way things are built and the way things look. I appreciate what a difficult position you guys are in.

But I think from this, what she is asking for know what it is like to need a mudroom there because it would ruin your house without having that covered entrance to and some

place to walk in. It's not going to protrude. I find as a neighbor, it's not going to be an issue for me driving by the house. I know that it's got nothing to do with zoning but I think other houses there have probably challenged the zoning regulations and are grandfathered in so it's also not going to stand out as being an awful allowance because of that. I think there's already changes in that neighborhood. Anyway, I don't know anything but I think she did a nice job with this.

Mr. Sergi: Let me ask you a question. Do you agree with her on the elevation, that the elevation is a little off from her property compared to others?

Ms. Fisher: Others, ya and again, yes, I agree with her on that. If you drove down you would see there's houses on rock ledges across the street.

Mr. Sergi: And different size lots and different configurations.

Ms. Fisher: Exactly, sir.

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

On motion of Mr. Sergi, seconded by Ms. Hankins, 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 board has had a chance to read them.

Mr Hickernell: If I could make an amendment to the motion, additions to the decision, also to the finding of fact because those are actual findings by the board with respect to the shape and elevation.

The following was added to the Proposed Findings of Fact and also the Proposed Decision:

There is a change in the elevation on the Petitioner's lot which is lower than the abutter's property. There is a run off of water as a result in the change in elevation. The lot is also an irregular shaped lot.

The above will also be added to the Proposed Decision.

With regard to the Proposed Decision.

On motion of Mr. Sergi, seconded by Ms. Hankins, the board voted to waive the reading of the Proposed Decision since it has been on file in the law department and the board has had a chance to read it.

Mrs. Rando: I am ready to entertain a motion on the Proposed Findings of Fact, as amended.

On motion of Mr. Sergi, seconded by Mr. Hickernell, to adopt the Proposed Findings of Fact, as amended, a roll call was taken:

Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, no; Ms. Hankins, yes and Mrs. Rando, yes. The vote was 4-1 in favor.

Mrs, Rando: All right, on the decision as amended?

On motion of Mr. Sergi, seconded by Ms. Hankins to adopt the Proposed Decision as amended, a roll call was taken:

Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, no; Ms. Hankins, yes and Mrs. Rando, yes. The vote was 4-1 in favor.

Mrs. Rando: So it is granted. Good luck.

One more motion is in order.

**On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to adjourn at
8:10 P.M.**

Barbara Fonda, Chair