

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

June 21, 2016

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, June 21, 2016, in the Auditorium of the Arthur Clark Government Center, 119 School Street, Waltham, MA.

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

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

Mrs. Rando: Tonight we have one case before us, Case 2016-17, Storage Development Partners, LLC., 96 Linden Street Realty Trust c/o Babak Veysi, Trustee.

The first action this evening is for a motion to accept the minutes of June 14, 2016.

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

Will the clerk please read the petition of Storage Development Partners, LLC.? 96 Linden Street Realty Trust c/o Babak Veysi, Trustee, in an application for dimensional variances. The locus of this petition is a large parcel of land located on the westerly side of Linden Street. The locus contains 70,756 +/- square feet of land (1.62 +/- acres) with an existing one story commercial structure and surface parking thereon. The commercial building has been vacant for a number of years. Petitioner proposes to raze the existing commercial structure and parking and construct use and maintain a new four story self-

storage facility with parking underneath. Location and Zoning District: 96 Linden Street; Business B Zoning District.

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

Attorney Michael R. Connors, Law Offices of Connors and Connors, 6 Lexington Street, Waltham, MA came forward.

Mr. Connors then read his brief into the record and went over the plans showing a review of the locus.

Madam Chair, and members of the Board, as you are aware I provided the brief two weeks ago pursuant to the Board's rules. Since this board has seen the variance requests for a sub-storage facility for parking and loading area and the height, is it the board's wish that I go through the brief at this time?

(The board stated that they had read the brief.

Mr. Connors: What the petitioner does is that they get them permitted and built and then they sold those off. So this would be a new one that they are proposing to do the same way.

Mrs. Rando: So they buy it and then sell it off.

Mr. Connors: Right. They get them permitted and try to lay out in the beginning that they have contacts in the industry and through those contacts they know there's a certain product out there that the companies that purchase these want to see in shape and size. And all those parking spaces and the loading area are based on industry standards.

And as I think anyone would attest that goes by the properties, parking is not an issue. We don't have at any times cars backed up. They would be an issue if they were on Lexington Street not being able to get in a parking lot because there's no overflow parking in that area and the same on Moody Street and here on Linden.

Mrs. Rando: You made a statement, you said something about public storage or easy storage. What's the difference?

Mr. Connors: Those are just the two big players in the field.

Mrs. Rando: What's the difference between public and easy?

Mr. Connors: They are different companies. So this company gets them permitted, built and then anyone could come in and buy it and run it from that point.

Mrs. Rando: I am not absolutely sure that Waltham needs another storage facility especially one the size of this. I would like to see how many, what is they called, stalls or cubicles that each one has.

Mr. Connors: Storage units?

Mrs. Rando: Units, okay. I'd like to see how many storage units Moody Street and Lexington Street has and I would like to know how many empty ones they have.

Mr. Connors: I have a breakdown in my materials. I can provide that now. I mean the buildings have sold. Like I said, this is industry standard and that's exactly what the petitioner does is goes and seeks out sites.

Mrs. Rando: Before I allow something of this magnitude to be built with my name on it, I want to make sure that we need it.

Mr. Connors: I'll grab those comparison materials and then I also have Mr. David Levenfeld who might be able to speak more about this.

Mrs. Rando: And who is he?

Mr. Connors: He's one of the partners of Storage Development Partners.

Mrs. Rando: I have a couple of other questions too.

As far as helping out Linden Street as far as the flooding is concerned, do you really think that the removal of, I think on Page 10, "a foot of fill will be removed from the entire site to increase its flood control capabilities." One foot of fill is really going to help out Linden Street?

Mr. Connors: I'm sure you went by the site and you know the site well, it's all paved right now. So as you can see on this plan, there's a substantial landscape plan here.

Mrs. Rando: Sure, it will help this lot but what about Linden Street, the whole area?

Mr. Connors: This is better than what's existing. This is better than the proposed residential unit development, fourteen units. And it's also been approved since the Conservation Commission reviewed it. After the City Council public hearing, there were additional measures taken to address that issue, because there was such a concern as I mentioned the Ward Councilor Waddick and others at that public hearing. And as far as the amount, I mean, these are all on engineered stamped drawings and calculations that

have been reviewed by the Conservation Commission, the DEP. The City of Waltham Engineering Department had multiple reviews of materials.

Mrs. Rando: You also mentioned that the amount of land that can be paved the over parking areas and for loading areas because of the drainage. I'm sure if the building was smaller, you would have more room to park cars or to give loading space, would you not?

Mr. Connors: Like I said, the number of parking spaces in a loading zone and that's Sean Keefe of our office is handing out the comparison we prepared and these are the other two in Waltham that I referenced and then Ward Councillor Waddick was also aware of a petition in Newton currently. I also included that one just to show that this is in line with that.

Mrs. Rando: I wonder how many they have in Newton?

Mr. Connors: This lays out what's being proposed there. As I mentioned, though here, and we've discussed because of the flooding here, there is higher costs involved in this type of mitigation and the size of the building on other locations with this simple chart doesn't show is that the petitioner here can't go down at all. It's all flood zone. So usually when you are working on a site, you might be able to go down a little. Furthermore, they can't even use a large portion of their first floor because that's being used for flood storage. They have the office and they only have a small percentage of it as storage units on that floor.

Needless to say in the storage industry, the last thing you want is water involved. They have taken the steps and they take it seriously. That's one of the reasons why they can't maximize at that level, so that's why the building, they do have it at the four stories which is allowed in Business B Zone and that's why it was built to a height that on a flat

piece of land it would be forty eight feet and like I said where this is being built, for people in the industry there are certain perimeters that they are looking for in the size of storage units. For instance, if you have a box spring or something, that doesn't bend around corners in the house or in a storage unit, so they need a certain height for the units and obviously there's HVAC ventilation type around it as well.

Mrs. Rando: I would like to see some evidence that the removal of that one foot of fill is really going to help down there, and that's another question that I have and, again the parking and the size of it. I have a couple of other questions but I'll let somebody else speak.

Mr. Sergi, do you have any questions?

Mr. Sergi: Could you tell me what is the total square footage of the total building, storage and office space together?

Mr. Connors: 121,425.

Mr. Sergi: How are you going to handle run off?

Mr. Connors: Everything has been fully engineered at this level of permitting stage. It's been provided like I said to the City Council. We have been going through this process since January, the Development Prospectus process, the City Council, there's been requests. They were in front of the Conservation Commission at the end of 2015, so there's been substantial - - -

Mr. Sergi: So drainage has been addressed.

Mr. Connors: Yes, Wade Putnam had issued a couple of different memos on this and we have provided information that has been requested by the Engineering Department.

Mr. Sergi: On Moody Street, we had quite a bit of discussion on the size of the building. The building is a good size and this doesn't seem like the style of it fits in to the area. It's a little tall, but it might be a little better if you maybe used different materials to kind of fit into the neighborhood a little bit and make it a little bit more residential. It looks like, to me, it looks like a high school and I understand it's a business building but on Moody Street they were sensitive to that and they built it in a way that it fit into the neighborhood a little better.

Mr. Connors: On Moody Street, there's residential houses, single and two family, directly across the street directly abutting the property on one side, there's a park there.

Down here, there's more industrial type uses but there has been improvements to the design. The ward councilor requested specific things that the roof, unlike the one on Lexington Street next to True Value by Ideal. That was added after discussions at the City Council with Councillor Waddick. It doesn't show on this plan but there's been faux windows added down here to the architectural features you mentioned to soften the masting.

Mr. Sergi: You're correct about the residential nature up on Moody Street, but here you have some residential across the street, an apartment building and it's all brick. So, it would be nice to see this match that type of design a little bit better than the way it looks now, in my opinion.

Mr. Connors: There are different circumstances on different properties. They did have issues at that Moody Street location but they didn't have the type of water table issues

that are here and they have obviously been a problem for so long that there's been little use of the site.

Mr. Sergi: I guess, just to sum up my comment, it's a huge building. I think that the size of it makes it look a little bit out of place in that neighborhood for me. What I would like to see is it maybe redesigned in a way that fits in nicer into the neighborhood with a more residential feel to it whether you do it through landscaping, whether you do it through brick work or whatever. But to me, it just doesn't fit.

Mr. Connors: As to landscaping, I mean, this is a substantial improvement to the locus and to anything on that side of the bridge.

Mr. Sergi: If you put up a couple of bushes and it's a little bit better.

Mr. Connors: I mean, the amount of green space that's added, it's just non existent there.

Mr. Sergi: But counsellor, you're building a four story building 450 square feet.

Mr. Connors: 121,425 square feet .

Mr. Sergi: No, it's a 450 square foot building. I finance a lot of these, councilor, I know . My point is the magnitude of the size of the building, so I think it's just a little too large for the area. That's my point I am trying to get across and whatever landscaping you do to it, it's not sufficient because the building overshadows whatever landscaping you're putting in there. The landscaping it shows, I appreciate and I think you need to do a lot more landscaping it's showing to kind of fit into the neighborhood. I'm just giving you my comments for whatever it's worth.

Mr. Connors: I take them seriously and as I mentioned through the comments that we've had numerous public hearings on this. This has been going on through the development prospectus process. You have to meet at each individual commission because of the open meeting law. I also mentioned that the ward councilor has been working with us on the design. He's been sitting in on other than last night, he's not here tonight, I'm not sure where he is but he has been sitting in on all the Ordinance and Rules Committee meetings even though he's not on the committee and I know they appreciate that.

Mr. Sergi: I'm glad to hear that.

Mr. Connors: As I mentioned, there's been changes to the design and the location was considered where that one on the Newton line, I think there are a lot more single and two family within the three hundred foot abutters where here you can see from the abutter's page filed in the plans, don't have that type. There are brick apartment buildings across the way, but as we discussed nothing has really been built on this site for quite some time and the reason for it is because similar type residential buildings don't seem to be a fit down there for public safety reasons.

Mr. Sergi: I also agree with the chair. I would like to see some statistics as far as the utilization of these other storage facilities and are they fully utilized a hundred percent in comparison to our surrounding neighbors like Newton and other cities. How many units do they have of these type of storage. I'd like to get some comparison.

Mr. Connors: Dave would you like to come up?

Mrs. Rando: I think we want to see something written so we can put in the folder?

Mr. David M. Levenfeld, Partner, Storage Development Partners, LLC, 40 Battery Street, MA, forward.

Mr. Levenfeld: I have spent pretty much my entire professional career in the sub-storage industry and live and breath it. First of all with respect to utilization, we have to rewind the clock a little bit back to 2008 when there was a tremendous disruption not only the economy as a whole but in the sub-storage industry because of what happened with the financial crisis. And essentially during that time period new development ground to an absolute halt. So supplying the industry has been fixed for a period of time. While there's been population growth, household formation, businesses have come back and the like and demand has been ever increasing but there has been no new supply. So the companies who have bought the earlier developments, one on Moody Street and Lexington Street are public companies that report their results. On a national basis, almost each quarter they smashed their historical occupancy records for well into the mid-nineties, ninety-five, ninety-six percent nationally and because there is now credit availability, there's much more ability to get new developments going and to get them financed and that's why you are kind of seeing a new round of development which is evidenced here on Linden Street.

With respect to demand, this entire affluent area of Waltham, Newton and surrounding communities, there's a supply of sub-storage that's much below the national average on a per square foot basis and the developer would not be interested in undertaking this type of expensive large scale project without confidence that there would be demand and, in fact, without confidence that the parking and circulation and road would be adequate because if we were to invest those types of funds and the project is unworkable or that it is not customer friendly it would be a bad thing for us because operationally it would fall flat and we would get a reputation that you know you can't get in there, you can't park there. It's consistent with industry standards and it's actually we have taken on a joint venture partner which is one of the public companies and they have reviewed all the plans and provided their input. So we are confident that it is a customer friendly design; that it would have no off site impact. I can't speak for the engineering, but I can certainly speak to the operational aspects of it and you know this is a solid

community. It's under supplied in terms of national norms and we would be thrilled to become part of the community on Linden Street there and I think it would be a real improvement to the site.

Mrs. Rando: Are there any questions of Mr. Levenfeld?

Mr. Sergi: Do you have statistics showing units in Waltham compared to units in Newton and surrounding communities? What I'm getting at is, I want to know how many people from Newton are using Waltham storage or how many people from Weston are using Waltham storage.

Mr. Levenfeld: That I can answer without providing exact statistics of individual facilities because those are publicly owned and privately owned and individual facility occupancy isn't available but I can tell you this. In an area of this type of density, at least seventy-five percent of your customers will come within a two mile radius which would be mainly Waltham. Newton has not only that facility that is essentially shared with Waltham on Moody Street. There's one already on the other end where close to on Needham Street meets the highway. I don't know if any of you are familiar with that area. There's a large one there, a very large one. Then there's a mixed use facility on Bridge Street which is actually not far from Waltham that's a converted warehouse that's part sub storage and part other uses and we consider it only marginally comparable because of the other uses are putting other demands on the site in terms of parking, loading, circulation, etc. Newton has basically like two and a half. Waltham has the two and I think the demand would be essentially local and welcomed by the neighborhood, particularly the residential areas although there would be a substantial minority of uses who would be small business.

Mrs. Rando: Is Bridge Street considered in Watertown or Newton?

Mr. Levenfeld: It's a Newton address, 128 Bridge Street.

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

Mr. Hickernell: How many square feet did you say?

Mr. Connors: 121,425.

Mr. Sergi: It's 425,000 square feet.

Mr. Connors: It's not.

Mr. Sergi: I just heard it.

Mr. Connors: No, its 121,425.

Mr. Sergi: Total square footage of the building, how much is it?

Mr. Connors: 121,425 square feet.

Mr. Sergi: How much is it per floor?

Mr. Connors: Roughly thirty-thousand per square.

Mr. Sergi: Okay. So I misunderstood.

Mr. Connors: The first floor, as I mentioned, because of the water table that there's a, you can see how the constraints that are there. It's only sixty-eight hundred, ninety-one

on the first floor and then thirty-eight thousand, one hundred and seventy-eight feet for the additional three floors above.

Mr. Sergi: Okay. I misunderstood. I thought I heard four hundred and twenty-five thousand square feet. So it's one hundred and twenty-one thousand total square footage.

Mr. Connors: It's 121, 425. Similar so on the breakdown sheet that we handed out tonight, it shows that number and it shows that how it compares to - - -

Sorry for any confusion there.

Mr. Hickernell: I would just add that I don't live far from the Moody Street facility and conform that there is not an issue with the parking. I drive by all the time. The lot is never filled.

Mrs. Rando: Ms. Hankins?

Ms. Hankins: Did the issue of the flood storage come up in front of the city council like if there was enough, or adequate?

Mr. Connors: Yes, as I made mention the experts in the field at the conservation commission. So those numbers were reviewed there, by the Mass DEP and then Wade Putnam typically is from the Engineering Department in response to City Council special permit filings and he raised the issue. It was discussed extensively. It was comment #18 in his memo. As I made mention, there were further design changes to address that. There was crawl space on the first floor prior. There was potential for maybe more of a use in the sixty-eight hundred and ninety-one square feet and the city council accepted that and the Ordinance and Rules Committee accepted that design change and further added a

condition that that design change couldn't be used for storage and for the business of storage. It could only be used specifically for flood storage.

Ms. Hankins: Was there any issues in front of the Law Department. Can you give me some color on some of the issues that the law department addressed?

Mr. Connors: We haven't received the Law Department comments back.

Ms. Hankins: Did they relate it all to the flood storage?

Mr. Connors: The law department hasn't had any comments back. But another city council member who did make comment and I was aware of it, Councillor George Darcy former Chair of the Conservation Commission, he raised the issue like I said the design - - -

Ms. Hankins: Did he raise some issues with the law department and the city council is still waiting to hear back. I guess that's what I am trying to ask. So how can we make a decision about something relating to the flood storage if there are some questions outstanding at the law department is still addressing.

Mr. Connors: We haven't received comments from the Law Department but the proper entities that deal with flood storage, the engineering department, the conservation commission, they've reviewed it and have been satisfied with what's been provided as long as the councilors and the ordinance and rules committee that deal with these types of issues all the time. The law department is reviewing the proposed order.

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

Mr McCarthy: Can you show me on that map the area where you are going to excavate to create this 22,331 cubic feet flood storage?

Jeff Bord, P.E., Senior Engineer, BL Companies, 355 Research Parkway, Meriden, Ct came forward.

Mr. Bord went over the plan regarding the flood storage area with the board.

Mr. McCarthy: Currently what is that land used for?

Mr. Bord: Now I believe it's a used car lot. There's piles of material, pavement and right now it's currently flowing untreated into Beaver Brook.

Mr. McCarthy: I'm just wondering, have the Army Corp of Engineers done anything to mitigate the problems that we had had down there with the last flood that we had?

Mr. Bord: That I don't know off the top of my head. I know it was asked of us to grant the city permission to come in here at some point to dredge and clean up the river which essentially would help the deposits that's in this area here (referring to the plan).

Mr. Connors: Just to the point, other uses at this site wouldn't have the ability to not have parking there.

Mr. McCarthy: If you didn't do all this work, you would have so many more parking spaces. And I know for a fact on Lexington Street, I've been down there so many times and that lot is always empty.

(Mr. McCarthy asked about the parking and Mr. Bord went over the plan and explained parking.)

Mr. McCarthy: Do you have the impact this 167,000 gallons of water that this can store would have. Could you explain that how it works?

Mr. Bord: Yes. Essentially when you look at the volume that goes back and forth, you look at the existing conditions. We have roughly four hundred thousand feet of storage on site right now. If that were to fill up, it's roughly four hundred thousand. What we are providing after the fact is roughly four hundred thirty-thousand gallons so there's that much more room by going deeper. So that being said, when you look at the parking, the previous application from a residential standpoint, you have residents parking there with more parking than is shown here, and it would be there overnight. As Michael alluded to, from the storm water standpoint, we already do some peak flows so in essence what's running off site right now, untreated into Beaver Brook, is being brought down so we are reducing peak flows and although it appears like a lot of impervious, the impervious from the roof is considered clean. It's not hitting the parking fields. There's no chance for oil spills and what we did, which doesn't show on this plan, was provide an underground detention system that was not needed because we're reducing, just as a precautional measure, and to have additional storage under the parking facility that would then release the amount of control structure treated into the brook. So, essentially we are pulling back the peak flows already discussed.

Mrs. Rando: Attorney Connors, I know I've been mentioned as being a stickler for hardship, but again, what is the hardship if he can make use of the land the way it is in a manner which is allowed by the zoning ordinance? He can put up the fourteen - - -

Mr. Connors: That's not the standard that's laid out in General Laws. It's compared to the other lots in the Business B Zone.

Mrs. Rando: That's right, but you have to have all of them. Do you want me to cite every one that you have to have?

Of course you have to have the soil conditions.

Mr. Connors: We don't have to have all of them. At this locus we actually have and we provided in the brief extensively as to shape, soil conditions and topography. You don't have to have all of them. Mass General Laws, we cite the language in the brief.

Mrs. Rando: Chapter 40A, you have to have a variance that is granted upon appeal of the denial, which you have. The variances specifically for a particular parcel, yup. There has to be circumstances relating to soil conditions, shape, topography of the land or structure, okay. These circumstances affect the land or structure that are the subject of the petition but do not affect generally the zoning district in which it is located. 5. A literal enforcement of the zoning ordinance would involve a substantial hardship financial or otherwise and financial doesn't mean money. And 6, Desirable relief can be granted without substantial detriment to the public good and 7, a variance does not nullify or substantially derogate from the intent or purpose of the ordinance. This is 40 A Section 6.

Mr. Connors: And we addressed those are all in bold face and sectioned off in the brief that's filed .

Mrs. Rando: That's right and then - - -

Mr. Connors: I had asked and it was decided which is typical for this board that since it is filed two weeks prior that we no longer read the entire brief into the record.

Mrs. Rando: Okay, Kirkwood vs. the Board of Appeals in Rockport, “If the property has significant financial value and that the property owner can reasonably make use of the property in a manner which is allowed by the zoning ordinance for purpose of determining whether a grant of a variance is authorized, substantial hardship is usually present from the land owner cannot reasonably make use of his property for purposes or in a manner allowed by the zoning ordinance.” Kirkwood vs. the Board of Appeals in Rockport, 1984. He can make use of that land by building the fourteen apartment houses, so how do we justify?

Mr. Connors: Well the fourteen apartment houses aren’t before us and as I mentioned, numerous people think there’s public safety issues there. But the standard is compared to the other lots in the zoning district as I mentioned before.

Mrs. Rando: It’s just the hardship that I have a problem with. He can make use of the property, the land, by putting up an apartment house which he has already been okayed with by the council.

Mr. Connors: The conservation commission, not the council because it’s a by right development.

Mrs. Rando: You’re absolutely right. The conservation has allowed that. So if he can do that, why are we talking about this?

Mr. Connors: That’s not the petition that’s before.

Mrs. Rando: I’m trying to find a hardship here. Give me another hardship. You have to have all of the prerequisites, not just four or five of them. You’re supposed to have all of them.

Mr. Connors: And they are laid out completely in the brief. I can read from the brief if you would like.

Mrs. Rando: No. I read the brief.

Is there anyone in this audience that is in favor of this petition? (Six people raised their hands in favor.)

Is there anyone in opposition? Seeing none, is there anyone seeking information? Seeing none, are there any questions from the board that they would like to see or are they ready to go forward?

Mr. Sergi: I am ready to go forward, but again, I want to reiterate. I think it is detrimental to the neighborhood the way it's designed. I think it's too close to the road. I think you're abutting a campus atmosphere, Bentley, and you have a number of apartments there, not just one across the street. So, I do want to emphasize that.

Mr. Connors: Is there any as to that point. Is there any specific items?

Mr. Sergi: I mentioned a few counselor in the fact that I think the design, if you would maybe change the design to kind of fit into the neighborhood a little bit better and more landscaping, maybe more brick, you know, maybe take out the commercial kind of aspect of the building a little bit and have a more campus atmosphere, you know, apartment style. You do have retail on one side and you have residential across the street. We have a University behind you, a campus atmosphere, and you also have another apartment building down the street plus residential houses very close to this facility. So, that's what I would like to see.

Mrs. Rando: So, Mr. Sergi is questioning the design.

Mr. Hickernell: I think like a couple of the board members. I know there's demand for more storage but I really don't think that that's one of the issues before us. I think this would be a vast improvement over what's down there.

Mrs. Rando: Ms. Hankins?

Ms. Hankins: Yes, my concern is that this is in front of another board and obviously, they are waiting on us to rule so I don't want to get into any type of catch 22 situation but I feel like there are questions in front of that board about the flood storage that I'm not comfortable ruling on until we have the answers out of the Law Department. I understand that the Petitioner's attorney says that a number of other boards and experts in the field have ruled so to speak but obviously in front of some other boards questions about flood storage. I am very uncomfortable about ruling on something that would affect that.

Mrs. Rando: Mr McCarthy?

Mr. Connors: I guess I have heard a number of things. If it's the board's wish we can kind of address the concerns, as to the design - - -

Ms. Hankins: I might add, I have no problem with the design at all. It's strictly on getting answers on the question and I don't have a problem that the project. I just want to make sure that, you know I've worked in the city and experienced the flood problem and it's a very difficult situation. So, I feel like before we move forward as a city in that location we need to make sure we really, really cover all our bases.

Mr. Connors: And we can provide additional information to the board and I'd like to thank you on behalf of our client for meeting tonight. It seems like there's a request for more information and we can provide that even though I made mention of the timing

typically required to that level of detail but we would certainly provide it and we'll have to reconvene at a different date.

Mr. McCarthy: Looking at what's there now, it's a tremendous improvement as far as I am concerned to what's there now. I do think it would be better than an apartment building without allowing for some type of water storage it would only make it a bad situation again once it floods again.

Mrs. Rando: And probably when we do speak to the law department in regard to hardship, they may say that the good that is being done down there will be beneficially better for the City of Waltham and the neighborhood.

Mr. McCarthy: There is one thing, Madam Chair. If we decide to postpone this, I would like to get some information from the Army Corp with regard to the mitigation efforts they made in the last flooding situation and to see how they feel about the impact of what your proposal is if that's possible or from the conservation commission or anybody else that is associated with that flooding.

Mr. Connors: We would be happy to supply more information. If I could just ask for a slight recess just to discuss with my client.

At 8:02 P.M., on motion of Mrs. Rando seconded by Mr. Sergi, the board vote to have a two minute recess.

The board reconvened at 8:06.

Mrs. Rando: Attorney Connors?

Mr. Connors: Thank you very much Madam Chair and members of the board. As I stated, these items have been filed with the appropriate parties. We have been going through an extensive review since January. It's been reviewed by the proper parties on the items as to flood storage with the conservation and engineering department but we would like the opportunity to provide the board with some of that information as been previously filed and update for instance as to board member McCarthy's comment as the Army Corp of Engineers. The petitioner has been in\contact with the city, with the CPW Director about some of the dredging down there and we can look at additional design features and also as to board member Hankins comments at the next meeting I would think that we would have the law department responses so that would take away any questions.

Mrs. Rando: All right. Do I have a motion to continue Case 2016-17 to July 19th.

On motion of Mr. Sergi, seconded by Mr. McCarthy the board voted to continue Case 2016-17 to July 19th.

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

Mrs. Rando: One more motion is in order.

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

Barbara Rando, chair
6/28/16