

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

June 30, 2015

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, June 30, 2015, 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, Oscar LeBlanc, Edward McCarthy and John Sergi.

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

Mrs. Rando: Tonight we have one new Case before us, Case Number 2015-10, Hobbs Brook Management LLC., 275 Wyman Street and an extension of time for 200 Moody Street and we have an Executive Session for the purpose of litigation. So we will have an open meeting. We will open the meeting and then we go into go into Executive Session and then we will come back to an open meeting and then we will adjourn from there.

So, the first action this evening is to accept the minutes of the Executive Session of June 23, 2015.

On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to accept the minutes of the Executive Session held on June 23, 2013.

Mrs. Rando: Now, if I could please ask the people to step out into the hall for a very short period of time and then we will reconvene in here. Thank you so much.

The board went into their regular meeting at 7:45 P.M.

Mrs. Rando: We have voted to go out of Executive Session into our regular meeting and the first item on the agenda is a request for an extension of time for 200 Moody Street. May we hear from the Petitioner or the Petitioner's representative, please?

Bret J. Francis, Esq., Law Offices of Harnish, Jenney, Mitchell, & Resh, 564 Main Street, Waltham came forward.

Mr. Francis: I am here on behalf of 200 Moody Street LLC, and we still have, there's a couple of things going down at the property these days, but the reason that brings me here today is we still don't have a building permit. The application has been filed. It has just not yet been issued. I really don't have a good explanation why, but it's in the building department's hands as we speak. So, at this time we are looking for another six month extension to December 20th.

Mrs. Rando: Are there any questions of Attorney Francis? Hearing none. Do I have a motion to continue Case 2013-10 to December 20, 2015.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to grant Case No. 2013-10 an extension of time to December 20, 2015.

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

Mrs. Rando: Our next case is Case 2015-10 Hobbs Brook Management, LL, 275 Wyman Street. Will the clerk please read the petition?

The clerk then read the Petition of Hobbs Brook Management LLC, 275 Wyman LLC in an application for sign variance. The locus consists of a large parcel of land containing 7.54 acres of land with an office building located thereon. The Petitioner proposes to construct, use and maintain a number of signs on the property and the building to identify the occupants and to direct visitors to the locus. Location and Zoning District: 275 Wyman Street is located in a Limited Commercial Zoning District

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

Attorney Robert E. Connors, Jr., Law Offices of Connors and Connors, 6 Lexington Street, Waltham the Petitioner's representative came forward.

(Mr. Connors introduced General Counsel, Kevin Gammons from Hobbs Brook. He then read his brief into the record along with going over plans and renderings of the proposed signs with the Board.)

Mrs. Rando: Are there any questions from Board Members?

Mr. McCarthy: The two entrance signs, you're not putting your future customer's name on those?

Mr. Connors: We have a small amount of space left. So that will go to somebody else who wants to come in and take that space. So, I have included in the proposed decision, should the board grant this, the language that says we can change the lettering on the signs which will allow us to be able to change that lettering.

Mr. McCarthy: Okay, so you're not going to put the future customer on that?

Mr. Connors: No, because we don't know who it is right now.

Mr. McCarthy: Will you be coming back when you do find out?

Mr. Connors: No, because once again, in the proposed decision one of the things that it says in there is, if this board were to grant it, it says that we can change the lettering without coming back to this Board of Appeals. We can't change the sign but we can change the lettering. This typically happens on, I think just about any sign variance that comes in.

Mr. McCarthy: The other questions that I have, is this sign you're putting on the building up on the fifth floor?

Mr. Connors: Yes.

Mr. McCarthy: You'll only be able to see that if you are coming from the South.

Mr. Connors: That's correct.

Mr. McCarthy: That's going to be adequate?

Mr. Connors: It's not the most perfect solution, Mr. McCarthy, but the way the building was designed and the way the building was put together, it's what we have. I mean the best thing would be to have a great big sign right here (referring to the rendering).

One of the things that sells these places or rents these places is people want to have views. Nobody wants to be on the first floor or the second floor any more in office buildings on 128, and they want to have glass. And nobody wants to have, if you go up there right now and want to take a look, at one time they were the best buildings in the whole Eastern Massachusetts. Now, nobody is interested in them. So this is where we were left with to put a sign. So we wind up there by default.

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

Mr. Sergi: No, I don't think so. I was concerned with the flood lights but I think you addressed that.

Mr. Connors: We are well within the requirement.

Mr. Sergi: And it's not pointing toward any residential area.

Mr. Connors: No, none whatsoever.

Mrs. Rando: There are homes behind this.

Mr. Connors: There are homes. That's correct, Madam Chair. But just to give you an example (Mr. Connors went over the plan with the board). Actually all we do is we abut ourselves which is hard to believe.

Mrs. Rando: So no illuminated light can shine.

Mr. Connors: Absolutely not, Madam Chair.

Mrs. Rando: And the illuminated signs will be 12-6?

Mr. Connors: Yes, Madam Chair. Under the Zoning Ordinance, they meet the Zoning Ordinance.

Mrs. Rando: Are there any other questions? Hearing none, is there anyone in the audience that is in favor of this petition?

One person raised his hand.

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

Mr. Sergi: Counsellor, are these the same Findings of Fact? You haven't changed the Findings of Fact or Decision that you gave us?

Mr. Connors: No.

Mr. Sergi: I will make a motion that we waive the reading of the Proposed Findings of Fact since they have been on file. Mr. McCarthy seconded the motion and the board voted to waive the reading of the Proposed Findings of Fact.

Mr. Sergi: In a similar fashion, I will make a motion that we waive the reading of the Proposed Decision since it's been on file. Mr. McCarthy seconded the motion and the board voted to waive the reading of the Proposed Decision.

Mrs. Rando. All right. Unless there are any other questions, changes or additions, I am ready to entertain a motion on the Proposed Findings of Facts.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted that the Proposed Findings of Fact be adopted by the board.

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

Mrs. Rando: Now, I will entertain a motion on the Proposed Decision.

Mr. Sergi: In a similar fashion, I will make a motion that the Proposed Decision be adopted by the board as well. Mr. McCarthy seconded the motion and the board voted to adopt the Proposed Decision.

Roll call: Mr. Sergi, yes; Mr. McCarthy, yes; Ms. Gelineau, yes; Mr. LeBlanc, 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 8:40 P.M.

After the board had adjourned, Attorney Sewell had some additional information to present to the board, therefore, a roll call vote was taken to go back into Executive Session as follows:

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

After the Executive Session, on motion of Mr. Sergi, Seconded by Mr. McCarthy, the board voted to close the Executive Session at 9:05

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

Barbara Rando 7/7/15