

**CITY OF WALTHAM  
ZONING BOARD OF APPEALS**

**December 22, 2015**

**The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, December 22, 2015, in the Auditorium of the Arthur Clark Government Center, 119 School Street, Waltham, MA.**

**In attendance were Chair Barbara Rando, and members Glenna Gelineau, Mark Hickernell, Marc Rudnick and John Sergi.**

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

**At this time I am going to make a motion for a five minute recess due to our secretary not being here yet probably because of a parking problem.**

**Mr. Sergi seconded by motion and the board voted for a five minute recess.**

**The board reconvened at 7:05 P.M.**

**Mrs. Rando: The first action this evening is for a motion to accept the minutes of December 8, 2015.**

**On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to approve the minutes of December 8, 2015.**

**Mrs. Rando: Tonight we have one new case before us, Case No 2015-25, Alliance Realty Partners LLC d/b/s Broadstone Watch City Owner: Pierce Family Holdings LLC. , 341 Second Avenue, Waltham, MA.**

**This case is an application (for the people at home) for a Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B for the construction of a hundred and ninety-five apartment style rental units.**

**Tonight I have requested that heads, all officials of all our city boards, commissions, city councillors, school, fire and police be in attendance. And that is because their opinion is paramount in our decision whether to grant or deny the 40B. May I say the board sincerely appreciates all the department members that are here this evening just a few days before the holidays. So thank you all for coming.**

**Now we will have the clerk read the petition for case 2015-25.**

**The clerk then read Case No 2015-25, Alliance Realty Partners LLC d/b/s Broadstone Watch City. Owner: Pierce Family Holdings LLC. in an application for a Comprehensive Permit. The Petitioner, Alliance Realty Partners LLC hereby applies, pursuant to Massachusetts General Laws, Chapter 40 B, Section 20 through 23, as amended, for the issuance of a Comprehensive Permit permitting the applicant to construct 195 apartment style rental units, with associated parking and relating utilities on the approximately 77,879 +/- square feet parcel of land located at 341 Second Avenue. Location and Zoning District: 341 Second Avenue Commercial Zoning District. Said property is shown on the City of Waltham Atlas - Atlas Page R039, Block 001, Lot 0016.**

**May we hear from the Petitioner or the Petitioner's representative, please?**

**Michael Boujoulian, Managing Director for the Alliance Residential's Northeast Office in New England, One International Place, Suite 1400, MA, came forward.**

**Mr. Boujoulian: Tonight we are excited to present the details of our proposal to redevelop 341 Second Avenue. As you well know, the site currently has a dilapidated and abandoned warehouse building that is in the need of much repair and we are proposing to construct a first class amenity rich apartment community that will be directly marketed to the employees working in the millions of square feet located immediately around the site.**

**As you all know, most of these commuters and the 128 employers are currently forced to commute to the site through local and regional roads that are heavily congested. And our goal is to offer the target market an alternative and be able to live and work much closer to each other and given a much more pleasant working and living experience rather than spending so much time in the automobile commuting.**

**I would also like to thank you all for hearing us this evening as well as the various city departments and boards who so thoughtfully analyzed our proposal. We think that the conclusion of this process will arrive at a really tremendous neighborhood revitalizing opportunity that provides positive cash flow for the city, that positively impacts traffic and other infrastructure and most importantly, it solves about thirty percent of Waltham's current affordable housing deficiency.**

**I've spent most of my career redeveloping sites much like this one. This type of redevelopment where we mix residential with commercial zones initially seems unusual. That said, it has a number of tremendous advantages for the neighborhood and the broader municipality.**

**First as I mentioned, these tend to reduce traffic because they displace commercial traffic that is already on the roads at rush hour and put fewer cars per thousand feet on the**

less congested sides of the traffic. These projects are generally widely revenue positive for the city even after very conservative underwritten expenses for community costs involved for police, fire and schools. But, most importantly and probably the hardest to quantify is that these developments really breath new life into districts like this one with fifty to sixty year old product that some operations are able to redevelop into high tech but it's like this one, that some people just can't see a vision for another redevelop. So I have worked on a number of projects that have been installed residential into commercial zones with amazing results. I'll talk a little bit more about those tonight. But there's a number of good examples regionally and locally.

Our demographic that we will be targeting prefers communities such as the one that we are proposing where it's close to where they work. They prefer to be closer to area amenities to which this product is within a mile or less of a number of great amenities newly installed in the City of Waltham. Without those amenities this product would still be tremendously viable. The product I worked on in Needham was a three hundred and fifty unit 40B called Charles River Landing. It's located in the now rebranded Needham Industrial Park but that project has no walkability and no immediate retail but is proximate to a number of major employers. So I see a lot of similarities between that project and this and other projects that I have worked on. At that particular project, more than fifty percent of their leasing traffic happened at lunch time from area employees. So just to sort of reiterate how important these connections are when you place opposing leases next to each other. So that park now is permitted over thirty acres of new first class responsible mixed use development. Its created millions of dollars of new tax revenue for the town on top of itself in a vacuum being revenue positive. Similar success stories can be found in Somerville and Medford and West Cambridge, in Quincy and Chelsea and Watertown. And a number of those projects I have worked on personally with great success.

**This site features some of the advantages of the Charles River Landing although as I mentioned it has some tremendous advantages over it particularly being about three quarters of a mile both from 1265 Main and the new City Point development. As I mentioned, even without those advantages, I think this site is just a tremendous opportunity to get people off the roads to get people living closer to where they work. So, with that said, I'd like to introduce my team, Each one of these members will provide a presentation as brief as we can. Our goal is to be brief but to be detail oriented and give you the full presentation.**

**Our first up is Brian O'Connor of CUBE 3 Studio who is our Project Architect. Brian is going to discuss the locus, the site plan. If it pleases the board, I could have a project team list put together for you for contact information. It's also located in Section 5 of the application. He will be followed by a Traffic Engineer, Robert Nagi of VHB who will present all the findings of our transportation study. Following that we have Tim Williams of Allen and Major. Tim is our Civil Engineer. He will discuss some of the more colorful and settings parts of our engineering including drainage and layout materials. And finally, we have J. P. Shadley, the President of Shadley and Associates. JP is our Landscape Architect. He has an incredible resume. I don't know how much he brought to show tonight. He's worked on some fantastic City of Boston projects and we are glad to have him on the team. He's going to talk about some of the street cape improvements. We hope to do to help revitalize this part of the neighborhood and also some of the amenity spaces and open space we'll have on the site and help create some open space and amenity space for our residents.**

**So, we have assembled, as I mentioned a complete presentation that details all aspects of the development and if it pleases the board we request that questions be held to the end as we would like to answer all of the questions as we get through. Of course, to the extent that we don't, I think we will be able to keep this under an hour which, hopefully, will leave plenty of time for Q and A and for processing any follow up and however we can**

keep working with you guys to create a good development on the site. Additionally, our teams are ready and willing and able to cover however how much detail that is necessary to coordinate with all of the city departments. I know we have received some city comment letters and we are happy to work through those in detail and resolve all the matters at hand.

So with that said, I would to go ahead and introduce Brian O'Connor from CUBE 3. He's going to talk about the locus, the site plan and many of the project's architectural elements. Thank you.

Good evening. Brian O'Connor from CUBE 3: What I am going to do is take a few minutes and we're going to just briefly walk you through the outline of the project and give you a little bit of a broad overview. As Mike mentioned, we are really excited about the location. This is sort of a quick locus map of the area (referring to the plan posted on the board). The yellow band running north/south here is Route 128 and the project is kind of right in the middle.

Mr. Sergi: Excuse me sir, is there an exhibit in the booklet?

Mr. O'Connor: Yes, there is. Section 13. Mr. O'Connor went over the plans on the board contained in Section 13.

Mr. O'Connor: As Mike mentioned one of the really exciting things is not only the density and saturation of the employment base in this area but also the fact that we are located quite proximate to 1265 Main, shopping, grocery store, Starbucks, nice amenities down there and then CityPoint on the North side. So between the sort of location of the project itself, access from the highway and proximate location not only to employment but really fantastic amenities for residential property, so we feel very excited about the site.

As you zoom closer, this is also an exhibit in the book. The site area itself is outlined in red here showing the piece of land that we are talking about. On this piece of land on Second Ave is tucked back just a little bit from the edge of Bear Hill Road behind the TD Bank that you are undoubtedly are quite familiar with. The project is bounded by Second Ave on the front, the TD Bank on the East and then other commercial buildings on the North side, the West and the South side. And again the most exciting thing here is there's sidewalk and walkable infrastructure right through the front door of the project. It is a bit of a hike but it's about a twenty-five minute walk to 1265 Main and the MBTA is about a thirty-five minute walk and much shorter on bike, and we do have bike parking as well within the project and then MGH west is fifteen minutes and City Point is about twenty-five. So they're walkable but they are slightly longer and at a very quick pace, but we do think that the infrastructure of the sidewalk and the ability to get there right from the front door is really nice for this walk.

So the existing conditions which might also reference a little bit we're showing here in one of the other exhibits, the site has frontage all along the edge of Second Ave here and as you can see the existing building and the parking which is in the sort of gray color here really create a site that is effectively almost exclusively impervious area. The paving is in rough shape and falling apart. The building is in fairly poor condition and I think overall we're looking at this as not only an opportunity to create a real vital pieces of neighborhood but also sort of eliminate something here that we think is a potentially significant negative to the area. So we're going to take a minute here and look at some basic building plans to orient everybody.

This is an upper floor of it so everyone stays oriented. Second Ave is along the bottom of the page here (referring to the plan) and the shape of the building is effectively a large donut. The building itself is five stories[ of residential units over a floor parking at grade and one floor parking below grade. What we are trying to do, if we are being serious about really revitalizing this area and creating a meaningful sense of place, we feel like it is

very important to take that parking and push it back from the street edge and make sure that we are hiding it. So, what we are doing is along the entire edge of Second Ave, we're creating a very formal front door location up towards Bear Hill Road at Second Ave. We're proposing to really, and JP will talk about this in a little more detail, but we are proposing to really treat the edge of the street from the building face to the curb line in a really sort of meaningfully urban and thoughtful way with parallel parking spaces, new sidewalk edge, landscape buffer zones, clear articulated access into the building and what we are really doing along this entire edge is treating this with active longer duration uses that we think are going to reinforce the street as a place and make it more comfortable for pedestrians. So at the front edge, we have sort of the building lobby and the main entrance, some leasing function and lounge area for the residents and then we have Yoga rooms and fitness and then a large pool area which is actually internal to the building but will connect back to the street. So really the goal is create a front door, make it meaningfully connect back to Bear Hill Road, activate the street edge and then also really pay close attention to the service and utilities. So as you go further down the building, there's an off street loading and service area that actually lives underneath the building. So we are proposing trash, move in and move out and any other activities that relate to the service of the building are occurring off the street and under the building right in this area (referring to the plan).

This has been really been carefully designed so that there is also a resident lobby in this area that's connected to a large bike room which has direct access out to the street edge. So not only are we really trying to locate service in a way that is hidden and tucked behind the edge of the building and the edge of the street we are trying to activate but also really reinforcing the ability of the residents to get their bikes and get out to that street edge. As you go a little further down past the edge of the building you can probably see a little bit more clearly here, there's a surface parking lot along the back edge of the site on the West side which leads you to a garage entry at about mid block in this location. All of



**this parking back in here is actually at grade currently tucked behind those active uses with a ramp back here that goes down to another level of partially below grade parking.**

**On the upper floor you can see we are taking this really sort of rich active environment and in this darker color here you can see we are bringing that up to the second level so there's sort of a mix of more of these active spaces at that upper floor, you know, there's game areas, there's a theatre, there's another lounge area. What we are doing is we are taking this active use here again at the corner and we are connecting it to a large internal courtyard for residents that JP will also talk about in a little bit more detail. It's really designed to be a very lush very inviting environment and a lot of the queues on the design side that happen in that courtyard are making their way out to the street edge so you will see integrated lighting and you will see common materials and you will see a real profitable connection between what we are doing in the courtyard and how we are trying to activate the street edge.**

**So what we also wanted to do is very quickly show you the image of the building that we are proposing. On this side you can see an existing photograph of the site area. So this parking right here on the edge is the back edge of the TD Bank parking and then you can see that dilapidated sort of run down structure here, overgrown landscaping and then the sort of edge of that paving that's coming out and meeting Second Avenue in a fairly uninviting way. What we are proposing here again, this parking right here is the same edge of the TD Bank parking on the back side. We are proposing a building that really creates a neighborhood or we're hoping is the start of creating a real meaningful neighborhood here, so we are creating a strong identity at the corner to really speak for that sense of entry, connect the building back to Bear Hill Road and you can start to see, you probably have to come closer to look later but we are starting to really create a very glassy transparent edge along Second Ave to bring you down the street and to make the building and street much more positive. We are also sort of articulating the building with a mix of bays that come off the building. Masonry is what we are proposing for the first four residential levels in this**

area and down here. Were speaking about a nice metal panel at the corner and then just keeping the palate of materials very clean, very simple and really working with the building architecture to create a sense of place rather than a solid street wall at any location. It's kind of a quick overview of the building itself and then I think Tim?

Mr. Boujoulian: Thanks Brian. Up next is Robert Nagi of VHB to discuss traffic and transportation study.

Mr. Robert Nagi, Transportation Engineer, VHB, 101 Walnut Street, Watertown, MA came forward.

Mr. Nagi: I'm here to talk a little bit about the transportation issues that this project is going to generate. I'll talk a little bit about the impacts of the project on the area roadway system and basically walk you through the traffic study that is part of the submission for this project.

As you know the site is basically a dilapidated office use right now. It really doesn't have a whole lot of traffic being generated by it. Back in 2001, the site was the subject of a special permit that was issued by the city and at that point and time it was approved for about fifty-nine thousand square feet of office space. Obviously that building was never constructed and it never moved forward. But on the heels of that, this project here, the hundred and ninety-five unit residential project is basically comparable to the traffic impacts of that project and I'll walk you through that in a second here.

What we performed here was a traffic study that is essentially very traditional in its approach. It looked at the existing conditions of what happens out there, where traffic is going today, try to project traffic conditions into the future, including other projects that aren't related to this specific one as well as project impacts specific to this development and then worked on analyzing how those traffic volumes in the future, given the roadway

geometry that exists out there, will work together and provide an assessment of the project's impact.

I'll start with the existing conditions out here that exist out on the roadways. Back in early October, maybe late September, we met with the City's Transportation Engineering Department and introduced the project to them. What we wanted to do at that meeting wasn't necessarily to get any conference on the project itself but just identify the study area that the project should focus on and the map behind me here shows essentially what we thought would be the impact area of the project.

(Mr. Nagi referred to Section 10 in the booklet and went over the plans on the board with the members.)

Mr. Nagi: It essentially starts at the top at Winter Street and to orient to you, again, 128 runs north/ south, Winter Street, the goose pond if you will, Totten Pond Road to the right, 117 down here to the South, Bear Hill Road and then it transitions to the Second Ave traveling north bound. The study here that we focussed on essentially run the entire length of Bear Hill Road and Second Ave from this intersection of William Street all the way down to where it intersects 117 and Main Street.

In addition to this traffic study, VHB has been involved in a number of other traffic studies in this area so we have a very good understanding of how traffic flows through these areas and certainly are aware of the underlying issues of a lot of the traffic congestion I think people experience out here regularly.

By way of statistical evaluation, Second Ave, Bear Hill Road carries about ten thousand cars a day on it, traveling north and south on a typical week day, I should say. Saturday it's about 5000/5500 cars a day so it's obviously the office components out here

aren't generating as much traffic during those time periods for Saturday and the weekends are generally a little lighter.

If during the peak hour, which is what traffic engineers tend to focus on because we try to make sure that the traffic congestion doesn't necessarily, it's typically at its worse in the morning rush hours and the morning commuter hours and the evening commuter hours. Second Ave, Bear Hill Road carries about seven hundred to eight hundred cars an hour during the morning peak hour and during the evening peak hours about nine hundred or maybe a thousand cars an hour. And obviously it fluctuates from day to day. It can't be exact in the numbers. Saturday, by way of comparison about half of that, it's about five hundred and fifty cars an hour during the busiest hour of the day.

We conducted our traffic counts for this particular project back in October of 2015, so it's only about two months ago, which according to Mass Dot is about eight percent higher than what typical traffic volumes for this area would be. So October is a sort of higher than average a month to do traffic counts out here so we've got not necessarily the worse case scenario but a worse case scenario than what you typically see out here.

In addition to traffic volume data, we also look at crash data, safety data to make sure that we are not going to be exacerbating any specific issues out here. And as part of that we did a pretty exhaustive five year search on traffic accidents and collisions that have happened at the study area locations that I highlighted before. It's important to note that what we do is we look at the data which is provided in our traffic study. We try to identify the recurrent trends there and identify whether or not these numbers rise to a situation where there is some concern in anybody's eyes. Mass Dot, Massachusetts Department of Transportation, publishes a list of how many accidents may typically happen at a specific intersection given the amount of volume that goes through it. If you are higher than that average amount then your intersection is considered a high crash. If you are lower than

that traditional amount, then you're below average and typically doesn't necessarily doesn't qualify as an unsafe situation.

In all the cases that we looked at here, the numbers supported the below average condition of crash occurrences out here. It's important to keep in mind that Winter Street itself sees a lot of crashes happen out there but given the volume of traffic that travels through those intersections on a daily basis, the number is actually in line with what you would expect out there. So the bottom line is that there's no statistically unsafe locations out here that would rise to an above average type condition here.

We also documented what transit options exist out here. There are a few, not a lot, but a few transit opportunities out here specifically the MBTA operates a bus line that runs up and down Bear Hill Road/Second Ave and ultimately then connects to various different transit stations including downtown Waltham as well as at those other locations. They have bus stops that are located relatively close to this project here at 300 Bear Hill Road and 293 Second Ave which are relatively close to this site and a short walking distance away.

Similarly the Route 128 Business Council operates some shuttles for employees that are working in this area here where they are being picked up either at Alewife Station or downtown Waltham Center and being shuttled to their place of employment when they arrive. These routes ride right by this site and it's the intention of this development here to tap into those routes. Granted that the office users are going from the stations to these uses to the office uses, say in the morning, where is this is a residential development they would be going in the other direction. There's no reason to not use those vans in both directions if the opportunity exists and we will be working with the 128 Business Council to make sure that that happens.

As also was mentioned earlier, there's two transit stations that are relatively close to this site. Obviously the Waltham station in the downtown just over here is most certainly a

drive away it's not a walkaway from this site but as was pointed out earlier, Kendall Green station in Weston, it's about a thirty-five minute walk away from this site if somebody would maybe wanted to take up that station into the city.

As traffic engineers, now that we know what the existing traffic conditions are out there, what the volumes are statistically, we now look at what the future conditions might do. And what we have done over the past is we've looked at two ways of projecting future traffic growth out here. The first is to look at general growth in traffic numbers out here. And the second is to look at specific development related traffic that's unrelated to this project out here. Over the last ten years, traffic that's not specifically related to project specific traffic developments and project specific developments has been growing at about a half of a percent per year. It's not a very significant amount but what we do is we look at probably a seven year in this particular path, say you look at a seven year horizon because that's typically when traffic will have normalized after this project has been constructed and operating. So seven years from now at a half a percent growth, three and a half percent in traffic volumes across the board for everything out here. In addition to that, and it's really important to understand the difference between the growth, general growth and its product specific there's over three and a half million square feet of potential development in this area that's unrelated to this project here.

There are twelve specific projects that we included in our traffic study and the traffic impacts associated with them. They range from the 1265 Main Street project to projects over at City Point to projects back near Bay Colony and some of those areas in the rear, a couple of hotel projects along Second Avenue and they all sort of came together. We included the traffic projections from those projects and direct calculations as well to make sure that we considered what the traffic in the future would be like without our project, we consider that what we call a no build condition and then what we do is we add our project related traffic on top of that.

How do we estimate project related traffic? Traffic estimates are basically made through projections of land uses. In this particular case here, the Institute of Transportation Engineers which is a sort of a guiding overseer of data collections at product specific sites. They gather information from sites all across North America and take a look at how traffic is being generated with them. They consider the number of employees that may be working at sort of a retail or an office site. They consider the number of units as would be the case with this and how many people would most likely be living in those; the size of the buildings and make estimates for how much traffic is likely to be generated by them.

Based on those estimates, I have a chart here that I will show you, the traffic generation associated with a hundred and ninety-five unit residential apartment complex such as this one would generate about thirteen hundred daily trips, meaning about six hundred and fifty would be arriving, six hundred and fifty would be leaving over the course over a twenty-four hour period. Again, as I mentioned earlier, traffic engineers seem to focus down on the peak hours, the peak congestion hours, and during those periods of time we would be looking at about a hundred cars an hour being generated by a hundred and ninety-five unit development. In the morning peak hour about a hundred and twenty five trips, during the evening peak hour at about a hundred during the Saturday mid-day peak hour and those are essentially traffic is coming and going as you expect with a residential project like this. In the morning most of the traffic is leaving the site. So, of those hundred that I mentioned, about eighty of those are leaving the site and only twenty of them will be coming back to the site and the flip side is true on that. During the evening rush hour when most of the traffic is arriving at the development, people are coming home from work, as opposed to leaving it.

By way of comparison, I mentioned that special permit that had already been reviewed and approved by the city at a prior point and time and never built, if we use the same methods that we did that we used to generate traffic for the residential project, the

office project would generate a little bit more actually peak hour traffic than the residential project. Obviously the directional distribution of that traffic is different. They would be coming in the morning and leaving in the evening which is actually if it was that a case it would be compound the situation that exists out there in many of these locations where traffic is congested leaving trying to get on to 128 during the evening rush hour that would just be additive to that whereas the residential project would not be additive to that because the traffic is actually going counter to that direction. It's worth noting obviously that during the weekends the office project wouldn't be generating a whole lot of traffic because people hopefully don't work during the weekends, so the traffic there would be relatively minimal but certainly with a residential project you would have a little bit more traffic on the weekends but as I pointed out earlier, there's actually less traffic on the roadways out there during the weekend peak period so the roadway capacity, the roadway infrastructure can support that relatively easily.

From the distribution perspective, now that we have an idea of how much traffic this project is going to generate, what we then look at is how far and where it's going to. As Michael pointed out earlier, this project is really being designed to capture the employee market in and around the project up and down Bear Hill Road, Winter Street and Second Ave is a great target area, Citypoint as well. There's certainly going to be people that travel outside of that but that's where their target market is. So what we did was we looked at how traffic would be brought in to and from this site, where the opportunities for employment exist and where traffic is actually traveling today. What we came up with and feel as relatively comfortable supported by a lot of the other projects that we've seen out here is that about seventy percent of the traffic would leave the site and travel north on Second Avenue, about thirty percent would go south down towards 117. That again, traffic engineering is of somewhat an exact science and that some of the traffic that we assign maybe north to the easiest way to get on to 128 south directionally would be to exit the site and then come back because there's really no congestion during the morning at Winter Street in that specific area and come back down Route 128. It's very possible that some of



that traffic may come down and travel through the neighborhood to get to 128 south at the Route 128 change. If we are working with those numbers, we are just working, we're shifting about ten cars from one direction to the other so the impact of that is relatively insignificant.

So that's generally where the traffic is going to be headed to and where it's going to. Now that we know the traffic generation, the distribution and the physical stuff, what we as traffic engineers like to do is then look at how the intersections are actually going to operate. We quantified, now we qualify how things are going to flow. We evaluate the flow of traffic using complex mathematical formulas and computer programs that consider a number of different factors on how roadway traffic runs well. They include roadway geometry, lane widths for example; how wide is the road; how much, is it an eleven foot lane; is it a twelve foot lane; the speed of the traffic on those roadways; traffic control; is it a stop sign; is it a yield sign; is it a traffic signal and if it's a traffic signal how much green time is allocated to a specific approach; how much delay exists out there today and how much more will exist out there with the different levels of vehicles that are going to be placed upon it and the mix of vehicles whether its truck traffic, is it pedestrian traffic, is it passenger vehicle traffic and what we do is we enter those into our models and we come out with what we call a term called a level of service. Level of service basically denotes the operating condition under which traffic is operating at each of these individual intersections. Level of Service A, if you think of a report card, means the least possible amount of congestion that could be existing out there because of the pre-flow condition. Level Service F represents a condition where it's extremely congested and it's hard for vehicles to move through that specific intersection as relatively quickly. In this case here, (referring to the rendition on the board), we model four of the specific intersections along the corridor. Starting at the North, the two Winter Street intersections, the two signals that exist out there. With Second Avenue, we analyzed those as traffic signal operations. The Second Ave/ Bear Hill Road intersection which is essentially the front door for this project and then the Main Street, 117/ Bear Hill Road intersection. In each case, what we did was

we looked at the the condition where all the traffic exists out there except for our project. We then layer our project on top of that to try to identify how much increase in delay and congestion would occur as a result of that. As you can see in the morning, the intersection that's going West bound on Winter Street as you come off of 128 Southbound as you are coming over the bridge, today that intersection is operating at a Level of Service F. There's a lot of congestion that exists at that location. if you are familiar in the morning there's no surprise in fact the whole Winter Street circle is relatively congested in that direction in the morning. Again, this is a project that is not necessarily adding too much traffic to that as traffic is leaving the site. It's not traveling through that intersection unless it's going to the Reservoir Woods Bay Colony area. Most of that traffic is headed to 128 which wouldn't go through that intersection. In the afternoon that intersection actually operates pretty well, Level Service B. Most of the congestion that exists out there today on the Winter Street circle is traffic leaving Bay Colony, Reservoir Woods, the Verizon site, the Astra Zeneca area, so there's not a whole lot of congestion that exists at that location. Conversely in the morning at the intersection of heading east bound on Winter Street, the one that's right at the intersection of Second Ave. That intersection actually operates relatively well in the morning. Level of Service B, there's not a lot of congestion there. Our project would be additive to that location. We'd add a couple of seconds to the average delay to the folks who are driving through it, but it's only two-seconds of delay calculated wise and it stays at a relatively free flow condition. In the evening, again, thinking about how traffic flows to that location, our traffic would get caught up in some of the amount of traffic as it comes back to the site. Everybody who has to go through that intersection whether you're coming from 128 or whether you're coming from the office developments, you need to go through that intersection, it would be a little bit of an impact at that location in the future.

At our site, this intersection with Second Ave and Bear Hill Road, it's actually an unsignalized location out there today, traffic out there flows relatively well through this location. There's not a whole lot of impact. There's not a whole lot of delay as it is an unsignalized intersection and traffic is traveling between Bear Hill Road and Second Ave

going south actually doesn't stop for anybody out there. It's only the traffic that's trying to get into the traffic stream from our site. You can see from our evaluation here what we do is we look at the delays for the eastbound traffic, that's the traffic that has to stop. Obviously that is where most of the traffic is going to be exiting from the site. So today, we've got a level of Service C with twenty-two seconds of delay to those folks heading eastbound to that stop sign and in the future would be added to traffic out there. I think there would be one level of Service dropped to Level Service D out there. But again that's just for the residents not for traffic traveling north/south and a slight increase in delay of about ten-seconds for those folks. Again, walking through the chart there's very little delay increases and certainly all within the normal ranges of traffic impact out here.

Finally, 117/Bear Hill Road, that intersection is relatively congested as well during the morning. The majority of that congestion is traffic that's coming through neighborhoods and going into Bear Hill Road. This project again would be generating traffic in a reverse direction. It won't be additive to that. It will be coming down Bear Hill Road and going counter to where the congestion exists in the morning and on the flip side of that in the evening the same condition would exist. You would have traffic arriving where mostly traffic would be leaving Bear Hill Road. And you can see that this is only a marginal increase in traffic impacts at that location.

Ultimately, we get to traffic mitigation for the project. Seeing that our impacts from an operation perspective on each of these intersections is relatively insignificant, we did spend a lot of time working with the developer to try to come with ways to encourage people to not necessarily get into their cars and drive but to use other forms of transportation. So what we have done is we have created a relatively robust transportation demand management plan to the site that will include active membership in the 128 Business Council working with them to get shuttles to and from the site to the business locations some of these people will be living and working at as well as to the train stations to get them into the city and out of the city. The 128 Business Council will also offer other

services to the residents of the site including ride matching services for carpooling and obviously presenting and lobbying for additional transit information and uses from say the MBTA and other folks. There will be a provision of some on site amenities that would support non-motorized vehicle usage, provision of bicycle storage racks that are both safe, secure and clean. We recommended for a project of this size that twenty-four bicycle racks be provided. They are actually providing sixty-four of them for their tenants and provision of onsite amenities that are aimed to linking up with the surrounding pedestrian environment. Having heard the presentation prior to mine, there's a significant upgrade to the sidewalk connection connectivity from the site to Second Avenue and their links that exist from there.

Lastly, I'll reiterate the point again, this project is going to be generating traffic but it's going to be generating traffic in directions that are ultimate to how most of the traffic flows out here. And I think that's a really important consideration when we look at the traffic impacts of the site. At the end of the day the impacts of this project from the traffic perspective are relatively insignificant and I think that's brought out by the information that's contained in this study. So, that's my presentation. Mike who's next?

Michael Boujoulian: Thanks Robert. Next up is Tim Williams of Allen & Major Associates who will be discussing the site engineering. I just wanted to add one item on the bicycle parking. We weren't trying to score points with adding extra bicycle spaces. In numerous projects I've worked on, sites that have similar metrics to this, distances to a Starbucks, distances to a transit stop, we find that residents are overwhelmingly predisposed to buying a bicycle and using it. So it's something that's part of the business plan. It's something that is important for our customer. So just so you know, we didn't just triple the bicycle parking because we thought we could fit it in. It's an important part of our business.

**Mr. Williams: Good evening Madam Chair and Members of the board. My name is Tm Williams, Project Manager, Allen & Major Associates, Inc. 100 Commerce Way, MA, and if I may through you Madam Chair, I have handouts of the colored plan. I don't know if it was included in your documentation.**

**I am going to touch on some of the proposed site layouts and as well speak to the utilities and the site drainage on the site. The existing site conditions was touched on, it's about 1.8 acres with a twenty five thousand square foot building on the site serviced by municipal utilities**

**The drainage itself is a tricky animal. Right now the site drains unmitigated down to the northwest corner of the site. There's also drainage infrastructure on Second Ave which is picked up in the catch basins and actually brought through our site and discharged back in the corner of the site as well and I'll get into more detail on that.**

**The site has essentially one curb cut and there's a curb cut in back. You can see the vast amount of asphalt within the site. We'll be consolidating the curb cuts into one but the existing conditions plan really shows the amount of impervious surface that currently exists on the site today. The storm water management system in its existing conditions captures storm water and discharges it untreated and unmitigated back to the closed drainage system in the northwest corner of the site.**

**Proposed site conditions again, same 1.7 acre site. Existing building footprint will be about fifty-five thousand square feet and what we've done is incorporate it about, I have a number of 28 surface parking spaces along the back. As you can see, we talked about the curb cuts. Those curb cuts are going to be consolidated down to one curb cut in the back of the site. Brian talked about the entrance into the structure itself. Twenty-eight surface spots inside the building itself will be a two hundred and five structured parking spots. What we do is we're eliminating what would normally be surface parking lots and putting**

them in a closed controlled environment. The drainage system itself that we propose is a ten fold improvement over what is out there today. We had to take into consideration again the same drainage that's currently being picked up in Second Ave and brought through the site for discharge to the northwest corner. What we've done, we've actually captured Second Ave, we're bringing it down into the site and we're bringing it across and discharging it and treating it back into where it currently drains to. As well, we will be capturing the parking lot and the roof drainage and putting that in an underground infiltration system. And what that does is it actually improves the site, storm water for both quality and quantity and in the drainage report you can see we significantly reduced the rate of run off as generated off the site by incorporating this infiltration system. As well, the infiltration system will have water quality treatment devices and that comes into the quantity side of that equation. So the water being discharged off the site will be drastically improved over what's happening out there today. We have shared our drainage report with the Cambridge Water. They have actually written a letter and really appreciate the fact that we have made some drastic drainage improvements not for just the site but also to the infrastructure out in Second Ave and because again we are in the Cambridge Water Shed and they are in the business of water and they look closely on all these projects and how each of these developments are going to improve the water shed as a whole.

We talked about the curb cuts, the surface parking and we heard testimony on the sidewalk along the front of the building right now as proposed. We are going to bring a sidewalk from the TD Bank curb cut down through the site and pick up five points of egress out of the building and JP can get into a little bit more about some of the landscaping that's going to be done in through here (referring to the plan) but we have made those points of activity out along the sidewalk where there is no sidewalk today. It's really just a vast expansive of asphalt.

The site utilities, right now the existing building is serviced by municipal water, sewer, gas and electrical. That same will be held through for the existing building. We'll be

tying into the existing infrastructure on Second Ave and as we continue to work through departments that we have received from both the DPW and the City Engineering Department, we'll address their comments related to the increases in flows generated from the site and from the sewer side of the equation.

The drainage system, some of the things that we have incorporated were low impact development strategies. You will notice along the northeast corner of the site where we have green space, that's actually going to be a wet water quality swale which will treat storm water that's generated from abutting properties as well as ours and we are going to bring that down through and tie that back into our infiltration system.

So, overall the site is a drastic improvement over what is out there today on the storm water side of things and it will be an improvement on the utility side of things as well once we get down working with the Engineering Department and the DPW.

Mr. Boujoulian: Next up is our Landscape Architect, JP Shadley and he will talk about the street scape and some of the other green spaces on the property that we are excited about.

J. P. Shadley, Landscape Architect, Shadley & Associates, 1730 Massachusetts Avenue, Lexington, MA came forward.

Mr. Shadley: Mike, i'm not sure you mentioned it, but I think four or five of us here have been on teams with Mike for about twenty years and we've probably done at least thousands of quality housing developments and several award winning projects.

Most importantly, today we are talking about what's going on here on the site and I think I am going to show both of these at once (referring to the landscape plan on the board).

The approach to the site is one we're trying to bring significant native trees into the edge condition. There's a clean contemporary look about the building and so we're coming in with Pin Oaks, excellent wildlife habitat which is significant here because there's a large green space and then a drift of River Birch. They'll get up taller quickly and have a beautiful kind of aesthetic in terms of the stems and the winter interest. There's also, high quality lighting that's going to be at the front of the building at pedestrian scale, but they are high quality fixtures. We're working with Omni Light to buy a good quality fixture so it won't look cheap on the front.

There is about a twenty foot wide setback for the sidewalk and the landscape. There are a couple of parking spaces in front and the size of the site have a rain garden which will help for water quality and a series of trees along the edges that help to screen the building and reduce the scale of the building as it goes around the back side. There's naturalistic planting around the edges and we've got a dog run area to keep some of our tenants well managed in that regard because they are not always. And then, a children's play area even though we don't intend or expect to see all that many families in the project. Also some screening down the far edges of the site. The core focus of the site from the point of view of the people who live here will be that we are creating an internalized space that is garden like in almost a Japanese kind of way, a contemporary and clean kind of way. Mike's been working on several water features, a couple of different pavement types internally and again a very interesting plant palate.

I'm just going to stop there because I feel like you guys have listened to an awful lot. If you have more questions about the landscape, I'll be happy to answer them. Thank you.

Mr. Boujoulian: So that concludes the presentation we have for tonight. As I mentioned earlier I just want to reiterate that obviously as we process all the comments from the board from the community and other department heads we are happy to work on



line, off line and make sure that we resolve everybody's questions that are perhaps in more detail or perhaps something that we failed to mention. Whatever we can do to cooperate. We're excited to work with you guys. I think we have a great project that is additive to the city and to this disstrict. That concludes our presentation. Thank you.

All right, at this time I am going to allow any board member, I believe Ms. Cagle from the Planning Board has signed in. Would you like to be first?

Catherine Cagle, Planning Director, City of Waltham came forward.

Ms. Cagle: In response to the ZBA's request for information on this proposal, I am here to provide Waltham's Chapter 40B Land Area Calculations for Affordable Housing as prepared by the Planning Department. Waltham has exceeded the 1.5 percent land area minimum calculation required under 760 CMR 56.033B. Waltham's percentage is 1.616. To be in compliance with Massachusetts General Law Chapter 40B, Section 20, Waltham is required to have 76.591 acres of subsidized housing inventory also referred to as FHI Eligible Land Area. As of December 21, 2015, Waltham has 82.52 acres of FHI eligible land area. I'm providing through the chair a copy of our calculations in the back of material for the ZBA. Thank you.

Mrs. Rando: That's interesting. Before you say anything, let me finish what I have to say. If we have used all our eligible land then at this time should we not consider writing a letter to the Department of Housing and DHCD and ask their opinion? I believe we have fifteen days to write that opinion and ask for an opinion from them. Fifteen days to write it and mail it and you have fifteen days, if I am correct, to appeal it? And then, do you know how long it takes for them to get back to us? Is it within thirty days that they have to give us an answer?

**Mr. Boujoulian:** If it pleases the board, I'd prefer to have one of my consultants on affordable housing speak to us. This is Geoffrey Engler of SEB.

**Geoffrey Engler of SEB, LLC, Affordable Housing Consultant, 165 Chestnut Ave, Brighton, MA** came forward.

**Mrs. Rando:** Geoffrey, is it correct that we have fifteen days to write a letter?

**Mr. Engler:** You're correct and relative to you have fifteen days to write a letter and provide the supporting information relative to the land area minimum calculation.

**Mrs. Rando:** And the petitioner has fifteen days to appeal it?

**Mr. Engler:** The petitioner has fifteen days and then DHCD, based on my experience, there have been several one and a half percent land area minimum assertions, Stoneham, Newton, I believe Norwood and most recently DHCD, I don't believe statutorily has a time frame but based on our experience it could take about thirty days to provide an assessment of that analysis and because it has happened a little bit more, I mean for literally fifteen years, no municipality asserted the land area minimum. It's become a little bit more common in the last year and a half or so. The DHCD is becoming a little bit more, for lack of a better description, sophisticated in evaluating those assertions. So I would anticipate that's a very long winded way of saying, I think that that thirty days expectation is okay for them to get back relative to their findings.

**Mrs. Rando:** Thank you for that information. With that information and due to the fact that some of the boards are not able to be in attendance, I think we also may want someone to oversee their traffic study. And I have a couple of legal questions whether the board does or not. I have a couple of legal questions that I would like answered, a consultant, maybe a peer review. I think that we should continue this case until we have

more information and we receive a letter. But before that, anyone who is here who would like to stand up and give the information now they may, but it will be open and you will have more information and you may want to give it at that time or you may not need to hear it, correct?

So it's up to you, the boards, the commissions, fire and police. Actually no fire and police are not here and there's one other commission that is not here. Would you like to speak now?

Councillor Logan, 109 Taylor Street, Waltham, Councillor from Ward 9, representing the City Council came forward.

Councillor Logan: Thank you Madam Chair and members of the board. Tonight I am here representing the Waltham City Council which voted unanimously by a fifteen to nothing roll call vote to oppose this project. And so they also elected me to represent the City Council here tonight. So tonight, I am actually representing the entire City Council.

I'm glad to hear, I knew that the Planning Department was working on calculating the land area minimum. I suspected that we met it. In fact the previous chairman of the Ordinance and Rules Committee had done some back of the envelope calculations back at the time that Indian Ridge was approved and he felt that we met it back then. And since that time, a number of rather large developments have been approved that have affordable housing component and also some open space was acquired which you can deduct from the total land area of the city, so I'm not surprised but obviously they did a lot of work. That's quite a thick binder and so definitely thank the Planning Department for all their hard work.

I have to really kind of approach this from two different ways because it appears that we meet the land area minimum. As you know, if you meet that threshold then it

basically makes it easier for you to deny the special permit. If you don't meet the threshold then it becomes much more difficult. So, obviously, even meeting the threshold, it's up to the Zoning Board of Appeals ultimately whether or not to issue the Comprehensive Permit. But, the position of the City Council is we oppose this. But as I go through my remarks, some of the things that I will say are, but if you end up approving it there are certain things that you should do, but don't take that as an endorsement that we're saying, well maybe we might approve it. We oppose it but ultimately the decision is yours so - -

Mrs. Rando: May I ask you one question before you continue? Where we have met the land area, you said that we can deny it but we could also grant it with conditions, could we not?

Mr. Logan: You could.

Mrs. Rando: I just wanted to make sure.

Mr. Rudnick: I don't see that actually the impact of the land area changes what the board can do. We currently have the ability to approve with conditions or deny it. It changes what the developer can do in terms of seeking redress from the state.

Mr. Logan: You're technically correct. If you vote to deny and you've met the threshold, it's easier to uphold the decision, is what I am saying. Either way, your position is for denial.

First of all, the proposed use is not allowed either by right or special permit. It's not an allowed use in that area. That's part of the planning of the City of Waltham. That area up there along 128 has always been a commercial zone. That's what it was intended for. That's what it's zoned for. The existing land use patterns along Bear Hill Road and Second Avenue are all commercial. The use is totally inconsistent.

The density of the proposed development is beyond ridiculous. It's, as far as I'm concerned, it's actually offensive. Again, I wish I had been able to make one of my full size charts but I was only able to print these out at home. (Mr. Logan submitted a colored charge relative to units per acre.)

As you know under our zoning ordinance there's two measurements of density, floor area ratio and units per acre. If you look at this, you'll see the first one in blue is the number of units per acre allowed in the Business C Zone and I picked the Business C Zone, that's the downtown zone, where we allow high density development because it's right near transportation centers. You have every bus route in the city and the commuter rail goes through your downtown. So, if there is a place where it makes sense to have high density development, it's in the downtown. So by right that's what you can do in the blue.

By Special Permit, that's what you can do in the Business C in the green, The yellow, that's what they are asking for in terms of units per acre. So you can see that the density being requested is more than three times the highest by right allowed in any district in the city and almost two times the maximum allowed by Special Permit anywhere in the city. So the density is quite extreme.

The Floor Area Ratio is excessive given that the maximum floor area ratio downtown is only 2.5 and they are asking for 4.2.

They are asking waivers under Section 3.5 and if you look in the Zoning Ordinance, basically when a special permit is granted, basically when you issue a comprehensive permit, that's a standard in the place of the city council, issuing a special permit and normally we have to make all these findings. It includes that the parking is adequate. That the traffic flow meets safety standards and that no light shines on adjacent property. But there's other things there too, your pavement and traffic infrastructure improvement plan,

and a whole list of things. There's like a number pages of requirements and standards that have to be met and basically they are asking for a waiver from all of that.

Certainly if you should decide to go ahead and grant anything, you should go through Section 3.5 and require them to prove all the determination and provide everything that is required in those section.

The parking, okay. We had a little bit of a controversy recently downtown. I brought in a zoning ordinance amendment to change the Riverfront Overlay District which is along the Charles River near the downtown. Only if this property is located within one thousand feet of a community rail station, so basically, the only commuter rail station in the downtown is Waltham Station. It doesn't include Brandeis because that's not the Charles River Overlay and the proposal was to change the parking requirement from two spaces per residential unit for residential uses down to 1.5. And that was controversial even though there is no place in Waltham that is better served by public transportation, numerous bus routes, the commuter rail, taxi stands, everything right there. Yet that was controversial.

What are they looking for? The parking proposal claims two hundred and thirty-three spaces but thirty-six of those are tandem spaces. As I said before in other proposals that have come before you, tandem spaces are really no good because what happens is people don't use them. They park in one of them because if somebody comes in first and somebody comes behind them the other person in front is leaving in the morning then they have to go down and change their cars and they just don't do it. So they park one there, they park another one on the street or they park wherever they can. But tandem parking, when you provide two tandem spaces, you might as well be only providing one in reality in terms of how it actually functions in place.

So it's important to note that the handbook approach to Chapter 40B Design Reviews prepared for the Massachusetts Department of Housing and Community

Development, Mass Development and Massachusetts Housing Partnership State that, and I quote:

**“Individual parking spaces should be designed, maintained and regulated so that no parking or maneuvering incidental to parking is on any public street or sidewalk and so that any automobile may be parked and un-parked without moving another automobile.”**

So that is from DHC in terms of Chapter 40D Design. So you really have to discount those spaces. So that means they are really only providing one hundred and ninety seven spaces. The standard is two spaces per unit. If they were really providing two hundred and thirty-three spaces per unit, they would only be providing a 1.9 spaces per unit and one hundred and ninety-seven spaces, you're only providing one, half of what's allowed. If they were complying with their parking requirement in the zoning they would now need three hundred and ninety parking spaces. So what they are providing is totally inadequate and you know they are grasping for straws when they say, well there's the commuter rail downtown is within driving distance. You still need your car to drive. That doesn't do anything to eliminate the number of cars in the space or, it's only a thirty-five minute walk. You're talking about grasping for straws. Come on get serious! You might have two or three people but seriously that is not a solution. Areas that are that far away from this one bus route, it's not an area that's really substantially served by public transportation. That is where you have to have the two parking spaces per unit.

The play area, again, it's totally inadequate. They say that they are not going to have families but they've got forty-nine affordable units, 195 units, some of them are one some of them are two, even three bedroom, twenty-nine affordable units, there. You're going to have families here. There's going to be an impact on the schools. You're going to have to bus kids from this location. They are going to be living there and no where near a playground within walking distance. So a terrible place for this proposal.

They are requesting a waiver for new sign application. They are requesting a waiver of the sewer permit in the I/I fee. We are under a consent decree from the EPA on the I/I fee. This kind of a development should not be getting a waiver from the I/I fee. All that does is it passes the cost on to everybody else in the city for what they are required to do by the EPA. And believe me, a hundred and ninety-five units is going to put a lot of flow into our system and it's going to use up capacity in that area that could be used for commercial development which is what that area is intended for.

Apparently they are proposing a thirty year deed restriction. And again, obviously we have feeling for habitat for humanity here. Their objective here is not to provide affordable housing. As far as I am concerned the extent, the density, the number of waivers isn't an attempt to provide affordable housing. It's an abuse of the 40B system. When you look at the number of units by right by special permit, if they were in the Business C, the downtown, what they could build on that size piece of property they could build a hundred and seven units. They'd do it by special permit and ten percent round up eleven units, they have to be affordable ninety-six market rate. Here they are basically proposing forty nine affordable, one hundred and forty six market rate, so they are going to be able to build fifty more market rate units than they would be able to under a special permit in the downtown and another thirty eight affordable. Keep in mind, they are not losing money on the affordable units. They are going to rent those at a profit, not as big of a profit as the market rate is, but they are not losing money on anything. As I said, it's not habitat for humanity here.

And finally, a peer review, the chair mentioned the peer review. State law does provide for peer reviews to be conducted at the expense of the petitioner and if the board should decide to move ahead that they think this is something that should be granted, in addition to making sure that they meet all the requirements and not having these waivers, certainly the density would have to be knocked down, parking spaces increased that you really want to have a peer review consultant for the traffic study and especially for the pro-



forma to see exactly what they are making but there's state law that limits the profit they can make. Obviously they are allowed to make a profit but the state law and some attorney generals and even the federal government have investigated some of these developments for excessive profit. When I look at this number of density and how many additional market rate units they are being allowed to build, you know. I'm sure they'll have a rebuttal for it but I wouldn't take their word for it. I'd hire somebody who is an expert on examining these and measuring what's being proposed and what the projected profits would be against what they are allowed for profit under the state law because to me, this just looks like profiteering.

So again, the city council voted fifteen to nothing unanimously in opposition to this proposal. You've heard from the Housing Department tonight that we meet the land area threshold and I know that the board will be requesting DHCD review that. I would honestly urge you to work with the Planning Department and with our Law Department to make sure that our submission, because we are all in this together, the City of Waltham, and that that submission is complete and accurate and meets all the requirements that DHCD will need to find in our favor so that we can proceed to deny this proposal. Thank you.

**Mrs. Rando:** Are there any other departments who would like to speak.

William Creonte, Chairman of the Board of Survey and Planning came forward.

**Mr. Creonte:** Thank you for enlightening us on this Comprehensive permit.

The Board of Survey and Planning had a meeting after the request and I am just going to read a few bullet points that we had discussed and the Planning Board was absolutely in opposition to this request. We think it's a very unreasonable request. The City, I don't want to go over what the councillor so eloquently stated but many of the

concerns are the same. We have safety concerns. The project location, as he said, it's in a commercial zone. In my business, I happen to be up there three, four times a week, you probably all know it very, very well. I think the traffic up there now is, I was always under the assumption that we had one of the intersections as an F and I thought the Bear Hill section was a COD as far as concerns of going in the opposite directions. If you have been up there, if I were to come home by the Totten Pond Road area you would have to go around the pond and get into all of that traffic to head back east to then go south on Second Ave. So you really are adding as many cars as you bring in and bring out and I believe it was said that it was half of the number per hour that they would be coming in and out and that would add to that. As far as the Bear Hill location, the traffic coming east on 117 in the mornings, usually generally gets backed up to Lincoln. So any traffic coming out of that residential location in the mornings and it's going to head east on our Main Street, it's just locked up for miles. So there is a tremendous impact on traffic.

As far as public transportation, there is no public transportation. I believe there is one bus possibly. They talk about sidewalks. Sidewalks to where? Where are you going to go? There's no schools. As the councillor said, there's no parks. There's no places for people to go. As far as bicycling, I wouldn't want to walk down Bear Hill Road. We had a site view up there, I would say six or eight months ago, and we went up at peak hours, I believe, it was four or five o'clock in the evening, we were standing on the sidewalk and I'm telling you we were nervous just being there.

So, it is no place for a residence. It's so overcrowded now. Our boards, our council, we have to do our best to try and hold down traffic.

As far as the drainage and the infrastructure, the schools, I think we're all overtaxed on this. As far as parking, you heard from the councillor. We had the same issues. I don't know about the curb cuts. I don't know if they are within a hundred feet of

an intersection. We'll have to find that out. And the size of the curb cuts, that comes under our purview.

On record, the Planning Board is very much opposed. Thank you so much for having us.

Drew M. Echelson, Superintendent of Schools came forward.

Mr. Echelson: Good evening Chair Rando and other members of the Zoning Board of Appeals. I am the very proud Superintendent of Waltham Schools.

I want to begin by sharing that I have the deepest respect for your board and know that you will make the best decision for our city and for the City of Waltham. However, as leader of the school department, I respectfully wanted to share a few of concerns that I have about the project at this time.

First let me provide some context to some short and long term enrollment capacity concerns. There are two issues that the School Department has been working over a period of years to resolve. One is the short term concerns and second is the long term concern. Currently we have some schools that are over-enrolled that are specifically the Fitzgerald, The Stanley and the Plympton. The Plympton is important in this case because if there were students and families, these students would be assigned to the Plympton. Other schools in the district are currently underutilized specifically the MacArthur and the Northeast School. The short of it is that in the short term we have enough capacity for the students that we need to currently serve but that there isn't a lot of additional capacity. So we will require some short term districting so that we can better maximize our current space. The plan is not a deal but does provide immediate enrollment, parity of cost elementary schools and remedies over enrollment concerns of the crowded concerns of the short term.

Our second issue that we need to resolve is a longer term concern. According to multiple independent enrollment reports we expect based on birth rates and without any new development, an increase of a thousand to twelve hundred new students over the next five or ten years. Six hundred of these students are expected to be at the elementary level. The school committee shares my desire to make progress in planning for long term enrollment concerns. Our best case scenario is that we will be only able to add additional space in the next two to three years.

In the short term, students at the Second Avenue site would be assigned to Plympton Elementary. Plympton Elementary as I mentioned is one of our more crowded elementary schools albeit less than the Fitzgerald and Stanley. Plympton will find some enrollment relief for next year but not a ton. We are likely aware that there is no expansion potential at the Plympton. We also expect that this proposal would add sixty-five thousand dollars to the transportation budget in the short term and would likely require additional staffing costs and require additional before and after school care that we had not planned for.

Those are some of the concerns of the School Department. Thank you.

Mrs. Rando: Is there anyone else?

John Duffy, 9 Willow Street, Waltham came forward.

Mr. Duffy: Thank you Madam Chairman and members of the board. Merry Christmas to you all.

I would like to preface my remarks by addressing the gentleman who made the traffic impact presentation. It's not supposed to be a filibuster. You know it's the numbers, level of service, that's what we are interested in. That's based on thirty-five years of

listening to traffic impact statements. I'm a member of the Board of Planning and Survey and my remarks have nothing to do with the board at all. The action of the Board were presented by Mr. Creonte and we'll go with that. My remarks are strictly my opinion and they are as follows.

I can't imagine that the legislature and its wisdom thought it was appropriate to put residential housing as deeply buried into a commercial zone as this is on the edge of a commercial zone abutting residential or business zones where there are amenities that can be associated with residential living. I would think that's probably what they had in mind. As far as this project is concerned, there are no amenities that can be construed as residential living for a neighborhood. To go over a little bit on what Councilor Logan said, having to do with the profit folks can make on this, State Law allows them to make a twenty percent profit. Anything over that goes back to the city or town.

The Inspector General in the past three to four years has ruled there's a hundred and thirteen million dollars of Chapter 40B Housing in excess profits. They have not come back to the cities and towns. And nothing seems to be getting done about that.

So all and all, I think that this is one that is inappropriately located. It's almost discriminatory to put people out in this kind of a location to live in as a resident especially affordable housing. It's so far away from everything that is an amenity that can be construed as residential living. It just doesn't make sense. Thank you for your kind attention.

Mrs. Rando: Is there anyone else that would like to speak this evening? Seeing none. At this time I would consider a motion to grant the Chair permission to write a letter to DHCD on behalf of the board.

**On motion of Mr. Hickernell, seconded by Mr. Sergi, the board voted to grant permission to the Chair to write a letter to the DHCD on behalf of the board.**

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

**Mrs. Rando: Now do I have a motion to continue Case 2015-25.**

**On motion of Mr. Sergi, seconded by - - -**

**Mr. Hickernell: You want to continue without any further input?**

**Mrs. Rando: Well, I think we are going to have a lot of other departments here. We'll have fire and police which is very important. We are going to have legal questions for the law department that I am going to request, plus the letter.**

**(Mr. Bouljoulian started to speak.)**

**Mrs. Rando: Excuse me, Mr. Duffy had asked a question first.**

**(Mr. Duffy asked about the time frame.)**

**Mrs. Rando: I believe we have a hundred and eighty days and I also believe that if they are in agreement, we could extend that if necessary, if I am correct. Am I correct?**

**Mr. Engler: One hundred and eighty days at the open of the meeting..**

**Mrs. Rando: I am not closing the public hearing. We have other departments to hear from.**

Mr. Boujoulian: Just two very quick comments. One is, I just want to clarify that the waivers that we have identified in our application are not for us to obviate city requirements. It's simply that some of these requirements are specific in their language but they require certain boards and committees to hear those particular items. So, for example, the DEP Mandated Consent Decree on sewer and waste water. We certainly expect to comply and work with the city on all of that. However, the City Engineering Department I think is by Waltham's law is designated as the administrator and arbiter of that. And we simply wanted to clarify that as that as part of the Comprehensive Permit all of those approvals are consolidated under this process. So just to clarify, we did not intend to obviate or, you know, Mr. Logan any of the major elements, traffic of course and all these things are germane to this process. We just wanted to clarify and through the books and through the rules make sure that we were seeking for those waivers so that they would be headed here locally.

Mr. Engler: One point I would make and defer to the board's preference is and I think intimated by somebody earlier, as part of any public hearing process we are not asking the municipality to take our word for anything that we are providing. You want a peer review, traffic consultant, civil engineer, landscape architect and financial consultant. The councillor was correct. It's our obligation to fund those peer review processes so that the municipality is comfortable with the information that you are being provided. So, I don't know if the board or the city in general has peer review consultants that it's used in the past, but we certainly would think it would be, regardless of how the one and a half percent plays out, we understand that that's obviously critical but for discussion sake, it might make sense for the board to start to compile a list of potential peer review consultants that you might solicit and proposal to review what has been submitted.

Mrs. Rando: I am sorry Mayor. Go right ahead.

**Mayor Jeanette McCarthy came forward.**

**Mayor McCarthy: I had to get up when I heard that they weren't requesting waivers. Respectfully, could I read that into the record?**

**Mrs. Rando: Yes, you may.**

**Mayor McCarthy: 341 Second Avenue, Waltham List of Special Permits and Waivers:**

**Special Permits**

**Chapter Z (Zoning) Section 3.511 - Special Permit for Intensity of Use - Allowing for a maximum Floor Area Ratio greater than 0.4.**

**Chapter Z (Zoning) - Section 3.512 - Special Permit for Use - Allowing for a multi-family dwelling not allowed by right in the Commercial District.**

**Waivers**

**Chapter Z - Section 3.4 - Table of Uses - Allowing for a multi-family dwelling not allowed by right in the Commercial District.**

**Chapter Z - Section 3.52 - Waiver of requirement from Development Prospectus Comments**

**Chapter Z - Section 3.53 - Waiver of requirement from Determinations.**

**Chapter Z - Section 3.618 - Allowing a multi-family dwelling not allowed by right in the Commercial District.**



**Chapter Z - Section 4.11 - Dimensional Regulations**

- **Waiver of requirement for a minimum Front Yard Setback of 40 Feet.**
- **Waiver of requirement for a minimum Side Yard Setback of 40 feet.**
- **Waiver of requirement for a minimum Rear Yard Setback of 40 feet.**

**Chapter Z -Section 5.2 - Off-Street Parking.**

- **Waiver of requirement for a minimum of 2 parking spaces per dwelling unit for multifamily dwellings.**

**Chapter Z - Section 5.4 - Design of Parking Areas more than 5 Cars**

- **Section 5.41 - Waiver of requirement for a minimum drive aisle of 20 feet.**
- **Section 5.42 - Waiver of requirement allowing paved surfaces within 5' of any lot or street line, not within the front yard setback.**
- **Section 5.43 - Waiver of requirement from providing 1 tree for every 10 cars in proposed lot.**

**Chapter Z - Section 6.3 - Permits & Certificates**

- **Waiver of requirement for a new sign permit.**

**Chapter 16, Article 11**

- **Section 16-22 - Waiver of requirement from Class 1 Building Sewer Permit and Fee**

- **Section 16-32 - Waiver of requirement from Infiltration and Inflow Mitigation Fee**

**Chapter 25, Article 1 - Storm water Management Permit - for any construction project that results in a land disturbance of greater than 1 acre of land draining to the City's municipal drainage system.**

**Board of Health - Indoor Pool/Whirlpool Fee**

**Note:**

**The project is located within a "Surface Water Supply Protection Zone" Therefore, the project is subject to review and approval by the City of Cambridge Water Department.**

**Mayor McCarthy: For the record those are the waivers they seek and I will be attending the next meeting.**

**Mrs. Rando: All right, on my motion to continue Case 2015-25 and I believe it's going to have to be February. What day is the board available in February? Probably late in February so we get the answer. A couple of the board members cannot make February, so March 1st was the date set to continue this case.**

Mr. Engler: If we could get a copy from the Planning Department of that binder. Is that a reasonable request?

Mrs. Rando: They will provide that to you.

All right, I would like to entertain a motion to continue Case 2015-25 to Tuesday, March 1, 2016.

On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to continue Case 2015-25 to March 1, 2016.

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

Mrs. Rando: All right, one more motion is in order.

On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to adjourn at 8:50 P.M.

*Barbara Rando, Chair*  
*Jan. 5, 2016*