

FOR THE
CITY OF WALTHAM
ZONING BOARD OF APPEALS

GENERAL HEARING

January 10, 2017

7:00 P.M.

at

Public Meeting Room, First Floor
Arthur Clark Government Center
119 School Street
Waltham, Massachusetts 02451

Barbara Rando, Chair
Mark Hickernell, Clerk
Glenna Gelineau
John Sergi

Arlington Reporting Corporation
(339) 674-9100

Waltham Zoning Board of Appeals/1-10-17/2

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A T T A C H M E N T S

Legal Notices: Case No. 2016-41
Case No. 2016-39

Case No.: 2016-41:
Request for continuance

1 P R O C E E D I N G S

2 BARBARA RANDO, CHAIR: Good evening.

3 The Zoning Board of Appeals for Tuesday, January 10,
4 2017 is called to order at 7:00 p.m.

5 Tonight we have two continued cases:
6 Case 2016-41, Colbea Enterprises, 65 Main Street, and
7 that is for variances. The second case is 2016-39,
8 Divine Sign, Inc., 195 Bear Hill Road, and that is
9 for a sign variance.

10 I don't believe we have any minutes to
11 sign, so that will pass.

12 Will the Clerk -- well, beforehand, I
13 have to tell both of you attorneys, or both of you
14 petitioners, that we only have four members tonight.
15 That means that you have the right to go forward with
16 four or you can continue. Now, if you go ahead with
17 four, you have to have four yes votes to get it. All
18 right? So that's your option.

19 The members sitting this evening is
20 Mr. Sergi, Mr. Hickernell, Ms. Gelineau, and Ms.
21 Rando.

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1 **Case Number 2016-41: Colbea Enterprises, LLC c/o**
2 **Ayoub Engineering, Inc., 65 Main Street.**

3
4 BARBARA RANDO, CHAIR: So, we will
5 hear from the Clerk reading Case 2016-41, Colbea
6 Enterprise, 65 Main Street.

7 MARK HICKERNELL: (The Clerk reads the
8 above-mentioned petition into the record. See
9 Attached.)

10 BARBARA RANDO, CHAIR: Thank you.
11 May we hear from the Petitioner or the
12 Petitioner's representative please?

13 ATTORNEY WILLIAM PROIA: Thank you,
14 Madam Chair, members of the Board. My name is Bill
15 Proia. I'm here for the applicant tonight.

16 We had submitted a request for a
17 continuance anyway. And now that there are only four
18 members, we'd want to reiterate that. And so we had
19 submitted a letter. Should I read it?

20 BARBARA RANDO, CHAIR: Please do, into
21 the record, yes.

22 ATTORNEY WILLIAM PROIA: (Attorney
23 Proia reads request for continuance into the record.
24 See Attached.)

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1 BARBARA RANDO, CHAIR: So, do you have
2 another meeting planned with the neighbors?

3 ATTORNEY WILLIAM PROIA: We don't.

4 BARBARA RANDO, CHAIR: Okay.

5 ATTORNEY WILLIAM PROIA: And that's
6 the reason, one of the reasons, why we'd like to see
7 a countable extension because what we want to do, and
8 what we really owe the neighborhood, is to revise the
9 plan and give them adequate notice. We want to give
10 them a week or a couple of weeks, ten days, at least
11 a week.

12 We have some email addresses, but we
13 don't have everyone's email address so we will do a
14 mail notice as well as we did for the December 1st
15 hearing. So, in order to get all that done, I think
16 we're hoping for the end of February or the beginning
17 of March so we'll have enough time to do all that.

18 BARBARA RANDO, CHAIR: Tell me -- you
19 say that improvements may be possible. Have you come
20 some way with the neighbors?

21 ATTORNEY WILLIAM PROIA: I haven't met
22 with the neighbors directly, but the ownership has.
23 And I've been told that there's some progress, but
24 there's still ongoing discussions. And we really

1 need to -- again, we owe them something on paper to
2 look at. So even though there's discussions about
3 why, you know, what changes we can make, which
4 variances we can probably get away with, changing the
5 massing of the site, and maybe some flow of traffic
6 and things like that. It's hard for them to commit
7 to anything, meaning the neighbors, until they see it
8 on paper. So, it really isn't fair, again, until we
9 show them something that they can react to.

10 BARBARA RANDO, CHAIR: All right.
11 Especially where you say additional improvements may
12 be possible, they would have a say in what
13 improvements.

14 ATTORNEY WILLIAM PROIA: Yeah, I mean
15 we've come up with some conceptual plans as a team
16 and we've looked at them, and they just haven't been
17 adequate, in my opinion. So, we've sent the
18 designers back to the drawing board.

19 The additional improvements I mean are
20 ones we think we can still make to the project that
21 we haven't been -- we haven't shown the neighbors
22 yet.

23 BARBARA RANDO, CHAIR: Mr. Sergi, do
24 you have any questions?

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1 JOHN SERGI: What's the primary
2 concern of the neighborhood?

3 ATTORNEY WILLIAM PROIA: It's the
4 proximity of the building to the abutting residential
5 land, the scale of the new building. It's much
6 bigger than the existing building, frankly. There's
7 a programmatic design, meaning the building that
8 they're using here they tried to use in other spots,
9 and it may not be suitable for this location. So,
10 it's going back to the drawing board. It's higher.
11 It has a peak roof. It's a nicer building, but it's
12 a challenging site and the building is too big for
13 the site.

14 JOHN SERGI: So, you want to conform
15 it into the neighborhood, something like that?

16 ATTORNEY WILLIAM PROIA: Yeah, and
17 we've gotten some feedback about our traffic and
18 turns out of the site onto Barbara Road that we're
19 trying to improve maybe with some curbing that will
20 force people to only go left. Even though there's an
21 only left rule, it's a straight out intersection now
22 so people tend to cheat a little bit. So, if we can
23 maybe reconfigure those curbs -- you've seen them
24 before -- so just a left out would be really

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1 impossible for people, without risking their tires,
2 to take that right.

3 JOHN SERGI: Yeah.

4 ATTORNEY WILLIAM PROIA: So, things
5 like that.

6 JOHN SERGI: Okay.

7 ATTORNEY WILLIAM PROIA: And to do
8 that, you know, it pushes us further into the site,
9 which then requires us to look at the building again.
10 So, to take a comprehensive look at it, and we hoped
11 it went quicker than it has, but it hasn't. And we
12 want to make sure we come up with something that's
13 really responsive to all the comments we got.

14 JOHN SERGI: Thank you.

15 ATTORNEY WILLIAM PROIA: Yeah.

16 BARBARA RANDO, CHAIR: Mr. Hickernell?

17 MARK HICKERNELL: No, I think the
18 request has been justified.

19 BARBARA RANDO, CHAIR: Ms. Gelineau?

20 GLENNA GELINEAU: No.

21 BARBARA RANDO, CHAIR: You have Gore
22 Street. You have Barbara Road. You have Main
23 Street. You also -- can they cut through to the gas
24 station -- from the gas station to the restaurant?

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1 Is that a straight cross also?

2 ATTORNEY WILLIAM PROIA: I think
3 there's an island there.

4 BARBARA RANDO, CHAIR: Is there an
5 island?

6 ATTORNEY WILLIAM PROIA: Yeah. On
7 Warren Street?

8 BARBARA RANDO, CHAIR: Yes, on Warren.

9 ATTORNEY WILLIAM PROIA: Yes. No, you
10 can't --

11 BARBARA RANDO, CHAIR: So they have to
12 go around the island.

13 ATTORNEY WILLIAM PROIA: I think so.
14 I mean I think if you went out that --

15 JOHN SERGI: Oh, to get into that?
16 Yeah, you have to go around the island.

17 MARK HICKERNELL: Yeah.

18 JOHN SERGI: You have to go around the
19 island.

20 BARBARA RANDO, CHAIR: Well, there's a
21 little island. But can they go out the back of the
22 parking lot to the restaurant right into the gas
23 station?

24 ATTORNEY WILLIAM PROIA: I'll take a

1 look. I don't --

2 JOHN SERGI: Oh, that? They might be
3 able to do that cut through, yeah. Yeah.

4 COUNCILOR JOHN MCLAUGHLIN: Madam
5 Chair, you can. You can. It doesn't happen that
6 often, but it does happen.

7 BARBARA RANDO, CHAIR: Do you want his
8 name and address for the record? Would you give --

9 COUNCILOR JOHN MCLAUGHLIN: Sure.
10 Councilor John McLaughlin. I represent Ward 4.

11 Just a quick comment if you'd indulge
12 me. I've had considerable response and concern from
13 the neighbors about the project. Mr. Proia has been
14 very upfront as a representative of the owners. I
15 appreciate the fact that he's continued this to give
16 some consideration to the concerns. But no one was
17 really happy about what was being presented at that
18 December 1st neighborhood meeting. And, through you,
19 our representative, if there's a way to give at least
20 ten days' notice for a neighborhood meeting in that
21 we can notify people the same way. Mr. Proia has
22 also been very good at -- he started a distribution
23 list for email. I've worked with him to try to build
24 that and anyone who wants their name added to that,

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1 we'd be glad to do that.

2 BARBARA RANDO, CHAIR: Okay.

3 COUNCILOR JOHN MCLAUGHLIN: And that
4 can be used also to give an update on when that
5 meeting is going to be, if and when we have it. I
6 think the later we go the better given the weather.
7 If it goes into March that would be better.

8 BARBARA RANDO, CHAIR: Is that okay,
9 March?

10 ATTORNEY WILLIAM PROIA: Yeah, like I
11 said, late February or early March, depending on your
12 schedule. But I think more time is helpful to
13 everyone. So, that would be my request.

14 BARBARA RANDO, CHAIR: All right.
15 First of all, do I have a motion to allow Case 2016-
16 41 to continue to March sometime?

17 JOHN SERGI: So moved, Madam Chair.

18 BARBARA RANDO, CHAIR: Motion by Mr.
19 Sergi.

20 Do I have a second?

21 GLENNA GELINEAU: Second.

22 BARBARA RANDO, CHAIR: Second by Ms.
23 Gelineau.

24 How do you vote, Mr. Sergi?

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1 JOHN SERGI: Yes.

2 BARBARA RANDO, CHAIR: Mr. Hickernell?

3 MARK HICKERNELL: Yes.

4 BARBARA RANDO, CHAIR: Ms. Gelineau?

5 GLENNA GELINEAU: Yes.

6 BARBARA RANDO, CHAIR: And the Chair
7 votes yes.

8 And do I have a motion to continue the
9 date for making a decision to May 2017?

10 JOHN SERGI: March? May or March?

11 BARBARA RANDO, CHAIR: No, May.

12 GLENNA GELINEAU: One hundred days.

13 BARBARA RANDO, CHAIR: We have --
14 March will be the 100 days, but then she has to type
15 it up and get Greg's great minutes and all.

16 JOHN SERGI: So moved, Madam Chair.

17 BARBARA RANDO, CHAIR: Motion by Mr.
18 Sergi.

19 Second?

20 GLENNA GELINEAU: Second.

21 BARBARA RANDO, CHAIR: By Ms.
22 Gelineau.

23 Mr. Sergi, how do you vote?

24 JOHN SERGI: Yes.

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1 BARBARA RANDO, CHAIR: Mr. Hickernell?
2 MARK HICKERNELL: Yes.
3 BARBARA RANDO, CHAIR: Ms. Gelineau?
4 GLENNA GELINEAU: Yes.
5 BARBARA RANDO, CHAIR: And the Chair
6 votes yes. So that's a go.
7 We have a case on March 7th. You have
8 your pick of the 14th or the 21st. Which would you
9 prefer?
10 ATTORNEY WILLIAM PROIA: 14, try the
11 14th?
12 BARBARA RANDO, CHAIR: March 14th.
13 Mr. Sergi, the 14th?
14 JOHN SERGI: Yes, that's fine.
15 BARBARA RANDO, CHAIR: Mr. Hickernell,
16 the 14th?
17 MARK HICKERNELL: That's good.
18 GLENNA GELINEAU: Yeah.
19 BARBARA RANDO, CHAIR: Ms. Gelineau.
20 All right. We will continue this case
21 to March 14th.
22 MARK HICKERNELL: Can I have him sign
23 this?
24 BARBARA RANDO, CHAIR: Yes.

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1 ATTORNEY WILLIAM PROIA: I just wanted
2 to ask one thing. So there's going to be a
3 continuance for us to provide more time for you to
4 make the decision, is that --

5 BARBARA RANDO, CHAIR: Right. We'll
6 hear the case. But I do need you to sign a couple of
7 pieces of paper.

8 ATTORNEY WILLIAM PROIA: Yes.

9 BARBARA RANDO, CHAIR: And I'll have
10 Pam send you a copy.

11 ATTORNEY WILLIAM PROIA: Sure. Right
12 here?

13 BARBARA RANDO, CHAIR: Yeah. And
14 there's your second one.

15 ATTORNEY WILLIAM PROIA: Sign both?

16 BARBARA RANDO, CHAIR: Mm hum. Did
17 someone get in touch with the neighbors that we were
18 going to continue tonight?

19 ATTORNEY WILLIAM PROIA: We did. We
20 did, yes.

21 BARBARA RANDO, CHAIR: Oh, that's
22 good.

23 ATTORNEY WILLIAM PROIA: We sent them
24 a copy --

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1 BARBARA RANDO, CHAIR: I hate to have
2 them come here and then continue.

3 ATTORNEY WILLIAM PROIA: Yeah. Oh,
4 no, no, no. We don't want to have them come out for
5 no substantive reason.

6 BARBARA RANDO, CHAIR: Good.

7 MARK HICKERNELL: What's the date
8 we're extending the 100 days to?

9 BARBARA RANDO, CHAIR: May -- any date
10 you want in May, the 1st of May.

11 MARK HICKERNELL: Sure, the 1st.

12 ATTORNEY WILLIAM PROIA: Thank you.

13 BARBARA RANDO, CHAIR: Thank you. I
14 have your signatures. Okay.

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1 **Case Number 2016-39: Divine Sign, Inc., 195 Bear**
2 **Hill Road.**

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4 BARBARA RANDO, CHAIR: So, will the
5 Clerk please read the petition in Case 2016-39,
6 Divine Sign, 195 Bear Hill Road?

7 MARK HICKERNELL: (The Clerk reads the
8 above-mentioned petition into the record. See
9 Attached.)

10 BARBARA RANDO, CHAIR: May we hear
11 from the Petitioner or the Petitioner's
12 representative please?

13 SCOTT SULESKI: Hi. My name is Scott
14 Suleski. I'm from Divine Sign.

15 STENOGRAPHER: Spell your last name,
16 please.

17 SCOTT SULESKI: S-u-l-e-s-k-i.

18 BARBARA RANDO, CHAIR: Scott, I have
19 to tell you that there's only four of us and you have
20 to get four yes votes --

21 SCOTT SULESKI: Okay.

22 BARBARA RANDO, CHAIR: -- before you
23 go on.

24 SCOTT SULESKI: All right.

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1 BARBARA RANDO, CHAIR: You have the
2 right to continue or to be heard this evening.

3 SCOTT SULESKI: I was going to ask --
4 it would probably be better to continue because Paul,
5 who knows more than I about this, got stuck in
6 Florida with all the stuff going on at the airports,
7 and then the snowstorms. People I guess couldn't get
8 out. So, he's not going to be back here. So, he
9 asked me to come tonight, you know, because he didn't
10 want to take up your time. But if you're willing to
11 continue it, I'm willing to, too.

12 BARBARA RANDO, CHAIR: Oh, okay. All
13 right.

14 John, would you mind looking to see if
15 there's any more of these over here? They're called
16 extension agreements.

17 JOHN SERGI: Do you want two of them?

18 BARBARA RANDO, CHAIR: Two of them.
19 Thank you.

20 We have February 28th and March 7th.
21 February 28th or March 7th?

22 SCOTT SULESKI: February 28th is fine.

23 BARBARA RANDO, CHAIR: All right. Do
24 I -- any questions?

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1 JOHN SERGI: No.

2 BARBARA RANDO, CHAIR: Any questions?

3 GLENNA GELINEAU: No.

4 BARBARA RANDO, CHAIR: Do I have a
5 motion to continue Case 2016-39 to February 21st?

6 JOHN SERGI: So moved, Madam Chair.

7 BARBARA RANDO, CHAIR: Motion by Mr.
8 Sergi.

9 Do I have a second?

10 GLENNA GELINEAU: Second.

11 MARK HICKERNELL: Excuse me. Is it
12 the 21st or the 28th?

13 GLENNA GELINEAU: The 28th.

14 BARBARA RANDO, CHAIR: Oh, the 28th?
15 The 28th, yes. Thank you. We can't sit on the 21st
16 for some reason.

17 GLENNA GELINEAU: It's a holiday.

18 BARBARA RANDO, CHAIR: President's
19 Day. That's it.

20 Did you second, Glenna?

21 GLENNA GELINEAU: Yes.

22 BARBARA RANDO, CHAIR: All right.
23 How do you vote, Mr. Sergi?

24 JOHN SERGI: Yes.

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1 BARBARA RANDO, CHAIR: Mr. Hickernell?
2 MARK HICKERNELL: Yes.
3 BARBARA RANDO, CHAIR: Ms. Gelineau?
4 GLENNA GELINEAU: Yes.
5 BARBARA RANDO, CHAIR: And the Chair
6 votes yes. And we'll have to extend the 100 days I
7 think, too.
8 MARK HICKERNELL: Yeah.
9 BARBARA RANDO, CHAIR: Let's do that
10 in April sometime.
11 MARK HICKERNELL: April 1st?
12 BARBARA RANDO, CHAIR: April 1st.
13 April 1st, yeah. Yeah, that's plenty of time.
14 All right. We'll extend the 100 days
15 to April 1st.
16 Do I have a motion?
17 JOHN SERGI: So moved, Madam Chair.
18 BARBARA RANDO, CHAIR: Mr. Sergi.
19 Second?
20 GLENNA GELINEAU: Second.
21 BARBARA RANDO, CHAIR: Ms. Gelineau.
22 How do you vote, Mr. Sergi?
23 JOHN SERGI: Yes.
24 BARBARA RANDO, CHAIR: Mr. Hickernell?

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1 MARK HICKERNELL: Yes.
2 BARBARA RANDO, CHAIR: Ms. Gelineau?
3 GLENNA GELINEAU: Yes.
4 BARBARA RANDO, CHAIR: And the Chair
5 votes yes.
6 So, we'll continue the case to
7 February 28th. All right?
8 SCOTT SULESKI: Do you want the
9 package now or do you want me to bring it on the
10 28th?
11 BARBARA RANDO, CHAIR: We have them.
12 Bring them on the 28th because we do have it on our
13 computers.
14 SCOTT SULESKI: Okay.
15 BARBARA RANDO, CHAIR: Unless anyone
16 wants to take theirs home.
17 BARBARA RANDO, CHAIR: All right.
18 Thank you very much.
19 SCOTT SULESKI: Thank you very much.
20 BARBARA RANDO, CHAIR: All right. One
21 more motion is in order.
22 JOHN SERGI: Motion to adjourn, Madam
23 Chair.
24 BARBARA RANDO, CHAIR: Second?


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1 MARK HICKERNELL: Second.
2 BARBARA RANDO, CHAIR: Second by Mr.
3 Hickernell.
4 All in favor?
5 ALL BOARD MEMBERS: Aye.
6 BARBARA RANDO, CHAIR: Opposed?
7 (No Board Members opposed.)
8 BARBARA RANDO, CHAIR: The ayes have
9 it. And we're adjourned at 7:20. Thank you. Good
10 evening.
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22 // *Barbara Rando*
23 // *d/24/17*
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Waltham Zoning Board of Appeals/1-10-17/22

C E R T I F I C A T E

I, Judith Luciano, do hereby certify that
the foregoing record is a true and accurate
transcription of the proceedings in the above-
captioned matter to the best of my skill and ability.



Judith Luciano

Arlington Reporting Corporation
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