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FOR THE
CITY OF WALTHAM
ZONING BOARD OF APPEALS

GENERAL HEARING

January 23, 2018

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
Sarah Hankins
John Sergi

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Waltham Zoning Board of Appeals/1-23-18/2

I N D E X

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A T T A C H M E N T S

Legal Notices: Case No. 2014-29
Case No. 2017-39
Case No. 2017-45

Case No. 2014-29
Notice of decision on extension of time

Case No. 2017-39
Revised finding of facts
Proposed decision as amended

Case No. 2017-45
Proposed finding of facts
Proposed decision as amended

1 PROCEEDINGS

2 BARBARA RANDO, CHAIR: Good evening.
3 The Zoning Board of Appeals for Tuesday, January 23,
4 2018 is called to order at 7:00 p.m.

5 Tonight we have one new case, one
6 continuance, and one extension of time.

7 The members sitting this evening are
8 Mr. Sergi, Mr. Hickernell, Ms. Gelineau, and Ms.
9 Hankins, and I am Ms. Rando.

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ACCEPTANCE OF MINUTES OF JANUARY 9, 2018

BARBARA RANDO, CHAIR: The first action this evening is a motion to accept the minutes of January 9th, 2018.

JOHN SERGI: So moved, Madam Chair.

BARBARA RANDO, CHAIR: Motion by Mr. Sergi. Do I have a second?

GLENNA GELINEAU: Second.

BARBARA RANDO, CHAIR: Second by Ms. Gelineau.

All in favor?

ALL BOARD MEMBERS: Aye.

BARBARA RANDO, CHAIR: Opposed?

(No Board Members opposed.)

BARBARA RANDO, CHAIR: The minutes have been approved.

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1 **Case Number 2014-29: 92-94 Trapelo Road Realty**
2 **Trust; Ciro and Mario Zottola**

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4 BARBARA RANDO, CHAIR: Would the
5 attorney for the continuance in Case 2015-29 (sic)
6 please address the Board?

7 ATTORNEY PHILIP MCCOURT: Yes.

8 BARBARA RANDO, CHAIR: Do you have a
9 letter that you want to address?

10 ATTORNEY PHILIP MCCOURT: Yeah, I
11 presented a letter asking for one further extension.
12 I appreciate --

13 BARBARA RANDO, CHAIR: Do you have a
14 copy?

15 ATTORNEY PHILIP MCCOURT: I don't
16 actually.

17 BARBARA RANDO, CHAIR: You can read it
18 into the record.

19 ATTORNEY PHILIP MCCOURT: Attorney
20 Philip McCourt, attorney from 15 Church Street,
21 Waltham, of course, representing the Petitioner of
22 300 College Farm Road.

23 Some time ago, the Board had given us
24 a variance to allow us to alter the grade. So, I

1 wrote this letter to Chairperson Rando and members of
2 the Board.

3 This letter is to request time to
4 commence work under the above-referred variance being
5 extended for an additional six months, from January
6 22, 2018 to July 22, 2018, and the date to complete
7 the project be accordingly extended for an additional
8 two years.

9 This request is made pursuant to
10 Chapter 40A of the Massachusetts General Law.

11 The Petitioner is working with the
12 Engineering Department concerning certain aspects of
13 the project in relation to sewer connections.
14 Although work has been commenced, it is necessary to
15 obtain this extension.

16 The Petitioner anticipates no further
17 delay and requests that you present this, well, this
18 evening. I had said the 16th not realizing there was
19 not a hearing on the 16th.

20 So, the Petitioner has already put in
21 a wall out back, if anyone took the time to go have a
22 look, which has brought it up to grade and
23 everything. But, the Engineering Department had some
24 questions about altering how the sewer connection was

1 going to be made for these three units that are being
2 added to the first three units. So, technically, the
3 permit hasn't issued, although now the Engineering
4 Department has approved that sewer and the final
5 plans are in the Building Department. We expect the
6 permit momentarily.

7 BARBARA RANDO, CHAIR: So, what were
8 the other reasons for the continuance before, because
9 this is a case 2014?

10 ATTORNEY PHILIP MCCOURT: Yes. Well,
11 before that, originally, there was a question on the
12 -- preparing the structure of the wall because it is,
13 you know, a relatively high wall and it required some
14 structural engineering.

15 And then there was once it had come to
16 the winter, you know, it was difficult to begin the
17 construction. And, financing was a small problem
18 along the way also.

19 But, everything like that is all set
20 up. And the wall is now up. And the foundation
21 actually ties into the wall. But, technically, the
22 permit hasn't issued, even though the fire department
23 has approved it, but the engineering has not approved
24 the sewer connection, when this letter was written

1 they hadn't done that. They've done it, and the
2 Building Department is about to issue the permit.

3 BARBARA RANDO, CHAIR: I think that
4 40A would probably shun on us having a case from
5 2014. But we look at each case separately, and yours
6 was held up by City departments.

7 ATTORNEY PHILIP MCCOURT: Exactly.

8 BARBARA RANDO, CHAIR: All right. Are
9 there any questions of Attorney McCourt?

10 (No response.)

11 BARBARA RANDO, CHAIR: Hearing none,
12 do I have a motion to allow Case 2014-29 to extend
13 the time to July 22, 2018?

14 JOHN SERGI: So moved, Madam Chair.

15 BARBARA RANDO, CHAIR: Motion by Mr.
16 Sergi. Do I have a second?

17 GLENNA GELINEAU: Second by Ms.
18 Gelineau.

19 BARBARA RANDO, CHAIR: How do you
20 vote, Mr. Sergi?

21 JOHN SERGI: Yes.

22 BARBARA RANDO, CHAIR: Mr. Hickernell?

23 MARK HICKERNELL: Yes.

24 BARBARA RANDO, CHAIR: Ms. Gelineau?

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1 GLENNA GELINEAU: Yes.

2 BARBARA RANDO, CHAIR: Ms. Hankins?

3 SARAH HANKINS: Yes.

4 BARBARA RANDO, CHAIR: And the Chair
5 votes yes. So, it is granted.

6 ATTORNEY PHILIP MCCOURT: Thank you
7 very very much.

8 BARBARA RANDO, CHAIR: You're welcome.

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1 **Case Number 2017-39: Anchorline Properties LLC**

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3 BARBARA RANDO, CHAIR: Would the Clerk
4 please read the petition in Case 2017-39, Anchorline,
5 200 Smith Street?

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

9 BARBARA RANDO, CHAIR: Thank you. May
10 we hear from the Petitioner or the Petitioner's
11 representative please? Name and address for the
12 record.

13 ATTORNEY JOHN MULA: Good evening.
14 Attorney Jack Mula for the Petitioner and owner from
15 31 Potter Road in Waltham, Massachusetts.

16 We appeared here the third week of
17 December. At that time, what was read into the
18 record was the petition on conditions that we felt
19 justified a variance. During the public part, the
20 question and answer, there were substantial questions
21 from the audience in attendance and the neighbors.
22 Subsequently, a meeting was held. That meeting
23 produced an agreement on conditions so that the
24 original filing included the findings of fact had

1 only the condition which was usual, which was the
2 signals will be erected in accordance with the
3 Building Department standards.

4 What has been added is three
5 additional conditions. They've been incorporated
6 into the new findings of fact. And I have both the
7 memorandum and the findings of fact. It's the last
8 page in the findings of fact which has been
9 completely replaced by adding three new conditions.
10 And I can give you a copy if you don't have the
11 original one.

12 BARBARA RANDO, CHAIR: Please do. And
13 that last page is the only one that has changes?

14 ATTORNEY JOHN MULA: The only one
15 that's changed. So, here will be the memorandum,
16 findings of fact. Again, the last page of the
17 findings of fact, there's a summary sheet --

18 BARBARA RANDO, CHAIR: Thank you.

19 ATTORNEY JOHN MULA: -- because of the
20 various provisions that were involved, for the
21 benefit of the members. But it's the last page of
22 the findings of fact, which was changed. And I have
23 the original if someone needs to see that. And
24 you'll get my copy when I'm done talking.

1 I'll just, for efficiency, go right to
2 the last page of the findings of facts. You'll see
3 the petition will be granted subject to following
4 conditions:

5 The permits are issued and the work
6 commenced within one year of the date of filing of
7 the decision with the City Clerk's Office, completed
8 within two years of filing date.

9 Construction and installation of
10 signage will be in accordance with the plans and the
11 designs introduced during the hearing. That was all
12 in the beginning package that was submitted. We have
13 now that the plans as such actually illustrated that
14 the signs face -- there was concerns that the signs
15 would be facing east to west such that they'd be
16 illuminated and could actually shine into the
17 neighbors across the north entrance and the south
18 entrance. And I note both of the neighbors who live
19 directly across there are here.

20 The plans -- and there are more
21 detailed plans if the Board wants to see them -- show
22 an actual photograph because the concrete base that
23 sits in the ground is actually already in. It shows
24 the angle of the signs. They are facing north and

1 south.

2 The south sign is only facing out
3 towards Trapelo Road rather than facing across the
4 street of Smith Street into the neighbors. And that
5 is a one-faced sign.

6 The north sign faces out towards
7 Lexington and also down to Trapelo Road so that just
8 the side of each sign would be visible to the
9 neighbors across the street.

10 In addition, the illumination would be
11 limited.

12 Now, I believe you just -- I believe,
13 Mark, did you just read in there, in the original
14 petition, did you say 6 to 11?

15 MARK HICKERNELL: That's what I read.

16 ATTORNEY JOHN MULA: Because we agreed
17 -- I thought the ordinance was 6 to 12, and we'd
18 agreed to go one hour earlier to shut off the
19 illumination.

20 MARK HICKERNELL: So that would be 6
21 to 11.

22 ATTORNEY JOHN MULA: Right, that would
23 be 6 to 11. But I think the original was supposed to
24 be 6 to 12.

1 JOHN SERGI: It was. And it is 6 to
2 11.

3 ATTORNEY JOHN MULA: It was, yes.

4 MARK HICKERNELL: It was. But what I
5 have before me to read is a notice that says 6 to 11.

6 ATTORNEY JOHN MULA: It already says 6
7 to 11. Got you. So, it's between 6 and 11.

8 In addition, there would be plantings
9 that would camouflage concrete portion of the base of
10 both entrance signs.

11 Okay. Those three conditions were
12 added as a result of the zoning meeting.

13 In addition, there will be some
14 additional plantings that will go on. The ones that
15 are there are not mature. So, we've agreed, again,
16 with the two neighbors who are directly across, to
17 also go back in the spring once they're a little bit
18 more fully developed in the plants. And if we need
19 to add some of those, we have agreed to put those in,
20 depending upon the type, condition, and the
21 desirability of the neighbors. We're not averse to
22 adding those. So that's been known to both neighbors
23 also.

24 I can go ahead and read the proposed

1 findings of fact and decision, or I guess for
2 efficiency that could be waived and you'd just have
3 what I've submitted into the record after. Perhaps
4 you want to hear from the neighbors themselves, or
5 I'll certainly answer any questions you may have.

6 BARBARA RANDO, CHAIR: What is the
7 feeling of the Board.

8 JOHN SERGI: I'm okay with waiving the
9 readings from the finding of facts.

10 BARBARA RANDO, CHAIR: How does the
11 rest of the Board feel?

12 GLENNA GELINEAU: Fine with me.

13 MARK HICKERNELL: I'm fine with that
14 if the abutters -- we didn't close the open meeting,
15 right, so the abutters can still speak?

16 BARBARA RANDO, CHAIR: Right. Right.
17 Right. Do you have a problem with the camouflage,
18 the planting being your responsibility to keep them
19 up?

20 ATTORNEY JOHN MULA: No, not at all.

21 BARBARA RANDO, CHAIR: All right. Mr.
22 Sergi is content. Mr. Hickernell is. Ms. Hankins?

23 SARAH HANKINS: Well, I'd like to hear
24 from the neighbors before making any decision on

1 this.

2 BARBARA RANDO, CHAIR: Do you have
3 anything?

4 GLENNA GELINEAU: No.

5 BARBARA RANDO, CHAIR: Any questions?

6 GLENNA GELINEAU: No.

7 BARBARA RANDO, CHAIR: All right.
8 There is one letter. I don't know if you read it in
9 last time. She has 1-23. But you would remember if
10 you read that from --

11 MARK HICKERNELL: I'm assuming I'd
12 remember if I'd read it. If it was in front of me, I
13 read it.

14 BARBARA RANDO, CHAIR: I don't know if
15 it was or not. I don't know why she put 1-23 on it.

16 Is there anyone in the audience that
17 is in favor of this petition? One person.

18 Is there anyone in opposition? One
19 person.

20 Is there anyone seeking information?
21 One person, two, three people.

22 Would you like to come to the
23 microphone and state the reason?

24 ROBERT COLEMAN: Good evening, and

1 thank you for giving us the opportunity to address
2 you.

3 Since our last meeting, we've had a
4 successful --

5 BARBARA RANDO, CHAIR: Name and
6 address for the record, please?

7 ROBERT COLEMAN: My name is Robert
8 Coleman. I live at 249 Smith Street, directly across
9 from the north entrance to --

10 STENOGRAPHER: Could you spell your
11 name for the record, please?

12 ROBERT COLEMAN: C-o-l-e-m-a-n.

13 Since our last meeting here, we've had
14 an opportunity to meet with Mr. Mula, Kristi
15 Amendolare, who is from the property owner, and also
16 with Andrew Maher from the property owner as well.
17 We had a discussion regarding this particular
18 property and its use and as far as the signs involved
19 here.

20 And, specifically, we were informed
21 and we were provided the opportunity to see a mock up
22 of the sign. And it's our understanding that the
23 sign as submitted will have the big word post, which
24 is kind of their brand for this particular location.

1 And we understand that's the portion of the sign that
2 will be illuminated.

3 The sign will be four feet by ten
4 feet. That post portion of the sign on the southerly
5 end of the property will just be facing in the
6 southerly direction. The one at the northerly end
7 will face north and south and will be a double-sided
8 sign.

9 In addition, there is some small
10 wording. Currently, it says "Tenant 1," "Tenant 2,"
11 "Tenant 3," because there are no tenants currently at
12 the property besides the post office. And it's our
13 understanding that at some point in the future tenant
14 names will be added.

15 It also indicates that -- where the
16 deliveries are to enter the property.

17 For your information, I brought a few
18 photographs. These are photos of the southerly entry
19 sign that I'd share with you. You can see one of
20 them looks back towards Trapelo Road and faces in a
21 north-south direction. That particular sign was of
22 concern to the neighbors because of the possibility
23 of the lights affecting their use of their own
24 property. And I think part of the negotiation was to

1 put some of these plantings in to try and mitigate
2 the visibility of the sign. And I think on the ends
3 of the concrete areas, some plantings will take place
4 as well as in front, lower plantings as well.

5 In terms of the other things that were
6 discussed was the angle of the sign. And I think now
7 that we've had a chance to review the photographs and
8 look at the sign, I believe the neighbors are
9 generally satisfied with the location of the sign and
10 the direction at which it's pointed.

11 The second thing that we discussed was
12 the sign at the northerly end of the property. And
13 these are photographs taken in the area of the
14 northerly end of the property so that you can see the
15 base that's there as well. Again, the four by ten-
16 foot sign will sit on top of that three-by-ten-foot
17 concrete pad. And we've talked about the
18 illumination, just so you can see it. And so that's
19 a concern as well.

20 The other thing that was the subject
21 of some discussion was the screening that I think we
22 mentioned the last time. And at the City Council and
23 at the Board of Survey and Planning, the owners had
24 appeared, and I think I provided you the last time

1 with the decisions from that meeting, which indicate
2 that the screening will be provided to replace the
3 ten-foot-high wooden fence that was put in place to
4 mitigate the visual siting of the building that had
5 previously existing as well as noise attenuation and
6 light attenuation from the existing property, and
7 also to screen the neighborhood from the project.

8 Some of the photographs that are
9 contained there show you what is the extent of the
10 screening via the north portion of the driveway. And
11 I think the screening towards the middle and the
12 southerly end is much more significant and it is
13 difficult to see the building. But, at the north
14 end, work still remains to be done. And in a meeting
15 with Mr. Maher, he indicated that he's willing to
16 review the screening in the spring when it's a more
17 appropriate time to discuss that. And I think we
18 would be satisfied with that. We'd like it noted in
19 the record.

20 Also, I'd like to suggest, as we did
21 last time, that the decisions of both the Board of
22 Planning and Survey as well as the City Council and
23 the 1725 hearing be incorporated into your decision
24 as well. We think it would be prudent that that

1 happen so that all three groups know what is
2 anticipated as a result of each other's hearings
3 related to the property.

4 Other issues that have come up relate
5 to the hours of operation. And the owner has
6 indicated that they're willing to turn the lights off
7 an hour earlier than required by statute --
8 ordinance, I should say. And, as a result, we
9 believe that that's an improvement in the situation.

10 I won't speak for my neighbor. I'm
11 happy to let her speak for herself about that
12 situation. She's somewhat closer to the signage than
13 I am. And the signage is perpendicular, so we don't
14 feel it will be a significant detriment the way it's
15 currently staged there.

16 I think those are most of the main
17 points that we've discussed with the owner. And I
18 think they're fairly clear.

19 Are there any questions regarding the
20 photos or --

21 BARBARA RANDO, CHAIR: Any questions
22 from Board members?

23 JOHN SERGI: No, not at this point.

24 BARBARA RANDO, CHAIR: What I gather

1 from what you said is that if it were voted on
2 tonight, it would be all right, but you think that it
3 could be better.

4 ROBERT COLEMAN: The answer is we
5 would probably favor things if all of the agreements
6 are lived up to with the owners. I think that, as
7 far as I'm concerned, particularly at the northerly
8 entrance, we understand that they're going to have a
9 sign in any event. Yes, this is bigger than they're
10 allowed to have. They've interior lit the sign. It
11 just has their logo illuminated. And we think that is
12 satisfactory in terms of that particular location of
13 the sign. I think the neighbors on the southerly end
14 may feel differently. As I said, they're somewhat
15 closer.

16 They've also agreed to do the
17 plantings to kind of mitigate, attenuate the affect
18 of the sign. I'm still concerned about the screening
19 up at the north end, but have an agreement with Mr.
20 Maher that we will meet with him in the spring to
21 revisit that. I think I feel comfortable with that.

22 BARBARA RANDO, CHAIR: When you say
23 screening, what do you recommend? Why is there a
24 discrepancy?

1 ROBERT COLEMAN: I don't know if you
2 saw in the photos, they planted a series of
3 evergreens. They look like Christmas trees. And,
4 those Christmas trees were supposed to replace a ten-
5 foot-high fence that was solid and which screened the
6 property. I think in the last hearing I submitted as
7 part of the record some additional photographs which
8 you saw. And I, again, suggested those might be
9 helpful to you. If you don't have those for some
10 reason, I'm happy to provide additional copies of
11 them. I may have some here tonight so that you can
12 see.

13 But when it came to the northerly end,
14 instead of staggering the trees, they're in a row and
15 they're wider in spacing than the trees in the middle
16 and the southerly end of the property. And so I'm
17 concerned about that. I think I submitted photos
18 showing the 35- to 45-foot trees that existed on the
19 property beforehand, which have all been cut down to
20 provide an access driveway into the property. And we
21 understand they wanted to change the location and
22 point of access, main point of access to their
23 property because it's no longer a warehouse or
24 industrial property the way it had been previously

1 with the post office. And we understand that and
2 have gone along with it. But, again, we feel that
3 there's more that can be done to screen the area from
4 the homes across the street. And that's ultimately
5 what we'd like to see happen.

6 BARBARA RANDO, CHAIR: Well, in my
7 opinion, it's something that you should discuss with
8 Mr. Mula before any decision is made because whatever
9 we put into the conditions he has to adhere to.

10 ROBERT COLEMAN: Right. And we've had
11 that discussion.

12 BARBARA RANDO, CHAIR: You can't wait
13 till spring and then say to him, "I think I want such
14 and such." He doesn't have to do it unless it's in
15 the conditions that we --

16 ROBERT COLEMAN: I understand. And
17 it's actually in the conditions from the Board of
18 Survey and Planning, and it's actually in the
19 conditions for the City Council. And that's one of
20 the reasons why I'd like to have that incorporated
21 into your decision here as well. So, it's already
22 there if you adopt that.

23 BARBARA RANDO, CHAIR: Yes. All
24 right. Thank you.

1 ROBERT COLEMAN: Okay.

2 BARBARA RANDO, CHAIR: Anyone else?
3 Please come up.

4 CYNTHIA CARNEY: Hi. My name is
5 Cynthia Carney. I'm at 9 Hersum Way.

6 BARBARA RANDO, CHAIR: I'm sorry. I
7 didn't hear the name.

8 CYNTHIA CARNEY: Cynthia Carney, C-a-
9 r-n-e-y, and I'm at 9 Hersum Way. And thank you for
10 your time, and thank you to everybody here.

11 I am directly across from the south
12 entrance. We've just be clobbered in this area. And
13 we've been working together with 200 Smith Street to
14 try to kind of recapture some of the privacy that we
15 had. I am directly affected by this. I don't know
16 the right terms as far as conditions and variances
17 and compliances and things. I do know that
18 technically there should just be one sign. You know,
19 do I have a right to say we don't want any sign at
20 all? Maybe I do.

21 This is a picture of my property.
22 It's not a great one. And I think -- if you let me
23 borrow this -- it's really not a great picture. I
24 have no problem with the way that the sign is facing.

1 I'm not saying I don't want the sign there at all.
2 Ideally, no, I don't want the sign there. It's
3 directly across the street from me. It's so close.
4 It's also going to be several feet high.

5 They put -- they, meaning 200 Smith
6 Street and the LLC, put up a fence on the corner of
7 my lot, which I greatly appreciate, and along with
8 prior, way in the beginning, I met with landscape
9 designers more than once. And the landscaping never
10 took place. It was take the fence, sign these
11 contracts, take it or leave it. And that's what I
12 did. I took it.

13 But now there's going to be a sign
14 that where I am in my living room, it's directly in
15 front of me. Yes, it's a side angle. Yes, it's
16 facing in the ideal direction. It still doesn't have
17 to be there.

18 So, there was a verbal conversation at
19 the meeting that took place a couple of weeks ago
20 with the corporation and myself to have additional
21 plantings within my fencing to somewhat shield what's
22 gone on there. In addition, the plantings that have
23 been done of the evergreens that was supposed to take
24 the place of the ten-foot fence stops way before

1 Hersum Way because they couldn't plant anymore
2 because of wetlands. There's nothing here. Nothing.
3 There's no plantings at all.

4 So, way in the beginning when I
5 agreed, when I signed a contract, you know, pages and
6 pages of legal wording, saying that I wouldn't ask
7 for another thing, it was under the conditions that
8 there was going to be this beautiful evergreen wall
9 to replace the ten-foot wall. But I have really no
10 benefit of that because it stops way before Hersum
11 Way.

12 MARK HICKERNELL: I'm not sure I
13 understand.

14 CYNTHIA CARNEY: Okay.

15 MARK HICKERNELL: Are you party to a
16 contact that says you shouldn't be testifying now?

17 CYNTHIA CARNEY: I was given a
18 contract by post 200 Smith Street, the owners, the
19 legal professionals, that take this fencing and don't
20 ask for anything else.

21 MARK HICKERNELL: And you signed that
22 contract?

23 CYNTHIA CARNEY: And I signed that
24 contract. But it was before all of this.

1 SARAH HANKINS: Did you show it to
2 anyone?

3 CYNTHIA CARNEY: I didn't show it to
4 anybody. I looked for it high and low tonight. I
5 have it somewhere.

6 MARK HICKERNELL: When you say "before
7 all of this," do you mean before this petition?

8 CYNTHIA CARNEY: Before this petition,
9 before the evergreens were planted, assuming they
10 were going to come down as far as the south side
11 entrance. They don't. And, yes, prior to knowing
12 that there was going to be a ten-foot-high sign in
13 front of my house. And in addition to there being a
14 sign at all, they want it to be 25 percent bigger and
15 lit up. And, you know, there should be one sign on
16 the property. That's when they went into this
17 project what was -- I mean it was pretty much
18 understood that that was -- I can't -- I'm --

19 MARK HICKERNELL: No, it's fine. It's
20 fine. Just do what you can.

21 CYNTHIA CARNEY: Okay.

22 BARBARA RANDO, CHAIR: You do what you
23 can do.

24 MARK HICKERNELL: How far is your

1 property from the sign?

2 CYNTHIA CARNEY: Probably from -- what
3 would you say, Bob, from here -- from the door to
4 less than where that wall is. Maybe from where I'm -
5 - yeah. I mean my property is like from here to
6 right there. It's just like crossing the street.
7 That's where the white fence is. My living room,
8 which is somewhat elevated and ground level, it's
9 going to have a direct view of -- well, I have a
10 direct view of 128 now, which I did not before when
11 the wall was up and when there was other, you know, I
12 call it shrubbery. It was just overgrown, but it
13 still was a barrier.

14 MARK HICKERNELL: I understand that
15 that view isn't as nice as it was, but they didn't
16 have to maintain those trees. It's their lot.

17 CYNTHIA CARNEY: No, but they -- it
18 was, okay, do you want an evergreen wall or do you
19 want to leave the ten-foot wall. I said, "Yeah, I'd
20 like an evergreen wall." But it doesn't come past
21 Hersum Way. Am I correct? I mean --

22 AUDIENCE: No, it goes directly down
23 where the wall stopped -- where the wall stopped. It
24 goes all the way as far as it can go up to the door.

1 BARBARA RANDO, CHAIR: Excuse me. No
2 one can hear you at home.

3 AUDIENCE: What's that?

4 BARBARA RANDO, CHAIR: No one can hear
5 you at home. So, wait until you have a chance to
6 speak.

7 AUDIENCE: Oh, I'm sorry.

8 CYNTHIA CARNEY: We did not have a
9 view of 128 prior to this. So, I guess what I'm
10 doing is saying no, I don't want to move forward with
11 a sign at the south entrance unless there is some way
12 of making my contract null and void and initially
13 doing what we talked about. There was even a berm
14 put up because they planned on putting plantings
15 within my fence. And then it was decided not to.

16 MARK HICKERNELL: Can you be -- when
17 you say it was decided not to, and I don't understand
18 who decided, was that a joint decision between the
19 parties in the contract?

20 CYNTHIA CARNEY: The corporation. It
21 was presented to me to take the fencing or you're not
22 getting anything.

23 MARK HICKERNELL: Right. And what
24 about the plantings? So you just said it was decided

1 not to put them in.

2 CYNTHIA CARNEY: I said, "Can I have
3 some plantings."

4 "No."

5 MARK HICKERNELL: Okay.

6 CYNTHIA CARNEY: So, even after
7 meeting with them, a representative of 200 Smith,
8 their landscape developer more than once, on more
9 than one occasion, they even came up with a landscape
10 design, and then they said, "No, we're not going to
11 do that. We're just giving you the fence."

12 BARBARA RANDO, CHAIR: Because of the
13 wetlands? Was it because of the wetlands?

14 CYNTHIA CARNEY: No, this is on my
15 property.

16 BARBARA RANDO, CHAIR: Oh, this is on
17 your property.

18 CYNTHIA CARNEY: Yeah.

19 GLENNA GELINEAU: How high is your
20 fence?

21 CYNTHIA CARNEY: It's six-foot.

22 GLENNA GELINEAU: And you want
23 something that would go above the six feet?

24 CYNTHIA CARNEY: Just some arbor --

1 GLENNA GELINEAU: You want -- these
2 are plantings, you want like arborvitaes or --

3 CYNTHIA CARNEY: Something that will
4 go as high as ten feet or more to shield just as far
5 as it goes -- not all the way around. I'm not -- I
6 mean -- I mean let's, you know, I'm not going to ask
7 for the world. And I've tried not to. But this is
8 my quality of life.

9 GLENNA GELINEAU: Did you have anyone
10 review that contract that you signed?

11 CYNTHIA CARNEY: No. No, it was -- it
12 was a matter of timeliness, too, you know, agree to
13 it and that was it.

14 So, there was a verbal conversation
15 yesterday -- not yesterday -- two weeks ago with
16 Andrew Maher and Kristi and yourself. And they said
17 they would consider doing plantings within my
18 property. But there was no mention of it tonight.

19 So, I guess what I'm saying is I want
20 to be on the record and try to get some sort of
21 agreement, you know, while they're all here, other
22 than a verbal agreement, you know, and a conversation
23 that they will come out in the spring and survey what
24 to plant, which is kind of what we discussed. So, I

1 don't know where to go from here.

2 BARBARA RANDO, CHAIR: All right. Any
3 other questions? Ms. Hankins? Oh, I'm sorry. Are
4 you finished? I'm sorry. Go right ahead.

5 GLENNA GELINEAU: They told you they
6 would do that in your conversation two weeks ago.
7 They agreed to that? They're not saying they won't
8 do it I guess is what I'm asking.

9 CYNTHIA CARNEY: They said that that
10 sounded good and that, you know, we'll, you know,
11 address it in the spring.

12 GLENNA GELINEAU: So they didn't say
13 they wouldn't is my point?

14 CYNTHIA CARNEY: They did not say they
15 wouldn't.

16 GLENNA GELINEAU: Okay.

17 CYNTHIA CARNEY: They said that that
18 sounds, you know, not, you know to quote someone
19 that's not here, "Yeah, that sounds good. You know,
20 do you think -- not now, but in the spring."

21 I said, "Yeah, in the spring."

22 And I actually anticipated not being
23 here. I had the dates mixed up so I thought I was
24 going to be out of town. I'm leaving Friday for, you

1 know, till the beginning of February. So, I'm glad
2 that I could be here because I'm just not sure where
3 to go from here.

4 So, ideally, if there can be something
5 on the record that I'm going to get some additional
6 privacy, then I can't see any reason to say, "Sure,
7 go ahead and put up a ten-foot sign." And I don't --
8 again, I don't mean to keep repeating myself, but I
9 just wanted to make that clear.

10 BARBARA RANDO, CHAIR: Are you
11 finished?

12 GLENNA GELINEAU: Yes, thank you.

13 BARBARA RANDO, CHAIR: Ms. Hankins, do
14 you have any questions?

15 SARAH HANKINS: No, thank you.

16 BARBARA RANDO, CHAIR: Mr. Sergi?

17 JOHN SERGI: No, not at this time.

18 BARBARA RANDO, CHAIR: Thank you very
19 much.

20 CYNTHIA CARNEY: Thank you.

21 BARBARA RANDO, CHAIR: Is there anyone
22 seeking information? Name and address for the
23 record, please.

24 GEORGE DARCY: Thank you very much.

1 My name is George Darcy. I live at 93 Hobbs Road,
2 Waltham, Massachusetts. For full disclosure, I'm on
3 the City Council. I'm a City Councilor speaking on
4 my own behalf this evening.

5 To that end, we've had very good
6 relationships with Andrew Maher, and with the lawyer,
7 Jack Mula. And they've been very responsive to all
8 the concerns of the neighbors.

9 And, to that light, I think that there
10 should be some additional conditions added to the
11 order.

12 One is to plant ten-foot evergreen
13 shrubs to shield the western side of 9 Hersum Way.

14 Number two, replacement of the two
15 very mature trees that were felled in the public way
16 without a public hearing, the size and species at the
17 recommendation of the City Arborist, Waltham City
18 Arborist Kevin Thompson.

19 Three, acknowledgment of the
20 conservation filing for any work in the resource
21 area, which the lawyer has already talked to me about
22 this.

23 Four, all seams, all asphalt seams to
24 be treated infrared treatment.

1 BARBARA RANDO, CHAIR: I'm sorry.
2 Repeat that one.

3 GEORGE DARCY: All asphalt seams to be
4 treated via infrared.

5 Five, which was mentioned by Mr.
6 Coleman, that the signage lighting timing run from 6
7 to 11, 6 a.m. to 11 p.m.

8 Six, that a sound barrier with
9 sufficient evergreen plantings with a minimum height
10 of ten feet be installed.

11 And I would ask the applicant to look
12 at what was done at the Autodesk facility on Trapelo
13 Road. They did a great job on the north -- I'm
14 sorry, on the south ramp on the Autodesk between
15 Autodesk and the Cambridge Reservoir.

16 And then, seven, that the snow to be
17 plowed onto their own property, not to be deposited
18 on Wingate or Hersum Way. We've had many issues with
19 the snow plows. And it's, obviously, it's just a
20 miscommunication with the owner and with the snow
21 plow contractor and the snow ends up going onto
22 Wingate Road or to Hersum Way. So, we want that as a
23 condition, that all snow will be plowed and placed on
24 their own property.

1 And those would be my recommendations
2 to this Board, and I thank you for letting us speak
3 this evening.

4 BARBARA RANDO, CHAIR: Thank you.

5 Anyone else?

6 (No response.)

7 BARBARA RANDO, CHAIR: Hearing none.

8 Mr. Mula? Oh, do you have a question of Mr. Mula?

9 Go right ahead.

10 SARAH HANKINS: In terms of some of
11 the improvements that you're talking about for
12 looking at into the spring, why can't that be done
13 now?

14 ATTORNEY JOHN MULA: Well, just
15 because of the winter, having the equipment and
16 having to go out and put additional plantings in
17 there. It's best left to be done in the spring.

18 SARAH HANKINS: I'm not talking about
19 doing the plantings. I'm talking about, for example,
20 you could, you know, put together for us some sort of
21 design of, you know, a mock up of what you would
22 expect. I wouldn't expect you to actually go do the
23 plantings right now in the middle of the winter, but
24 I don't see why you can't put together a design

1 that's acceptable.

2 ATTORNEY JOHN MULA: We have a design.
3 We actually had a video which was introduced as part
4 of the illustration of the plantings. It's not here.
5 Quite honestly, we didn't expect to have to go
6 through that. But it shows during the different
7 points in time how the trees that were planted will
8 fill in, how high they'll grow, and what it will look
9 like, kind of a time-lapse video. And that was
10 presented to all the neighbors at the meetings.

11 If you want to see the video, we can
12 certainly do that. There was over 200 trees that
13 were planted. There was 118 evergreen and --

14 AUDIENCE: One hundred and eighty-
15 four.

16 ATTORNEY JOHN MULA: A hundred and
17 what?

18 AUDIENCE: A hundred and eight-four.

19 ATTORNEY JOHN MULA: A hundred and
20 eight-four, excuse me, that were planted. And I have
21 no objection to planting a few more at all.

22 I'm not a party, I didn't draft the
23 agreement between the neighbor who just spoke. But
24 putting up a few more plantings over there is no

1 problem at all. I don't have any objection to that.
2 I believe that was condition two from Councilor
3 Darcy. I have no problem incorporating any of the
4 conditions from the Board of Survey and Planning or
5 the City Council. We left one open just because of
6 the fact that in the spring we should see the
7 progress of what was planted. And if there needs to
8 be more, there will be more.

9 The Conservation filing, that is still
10 -- it won't be closed. We'll need to get both
11 Building Department and Conservation to sign off.
12 The plans that were put forth with Conservation show
13 the original sign that was down on the south side and
14 this is replacing it to the same location. That is
15 part of the Conservation filing.

16 The asphalt berms, which is a
17 condition of the City Council, I believe they were
18 either not done correctly or not done at all, those
19 need to be done.

20 The hours are no problem. It's 6 to
21 11.

22 The sound barrier, again, I could
23 gladly show you a video, but over 200 trees were
24 already planted. And, if more need to be done, they

1 will be done.

2 Bob has a view, which looks like
3 Broadway now because of the center entrance of the
4 building versus the entrance over on the right side
5 where it's much more open than it used to be. There
6 was also a slip lane that was put in so that traffic
7 coming south will go into the property that's
8 actually on property belonging to the owner but it's
9 adjacent to the public way. That's being maintained.
10 And that's been a little bit of an adjustment because
11 it was not plowed during the last storm, so we had to
12 call the contractor who was a little hesitant to do
13 any plowing on the public way because of the
14 complaints on previous contractors that there was
15 plowing that went across the public way. So that was
16 attended to. I have no problem maintaining that.

17 One of the trees that George talked
18 about is on that side where Bob has a view. We just
19 haven't decided -- it's probably not the right time.
20 We want to see what grows in. And that was a product
21 that we both discussed. We want to see how it grows
22 in before we agree let's put a tree there or a few
23 more trees there because it may change. It may be in
24 the spring that we decide it's not mature enough and

1 let's continue it. That will be an agreement between
2 the landlords. I don't have any problem with keeping
3 that order.

4 I haven't seen Autodesk. I don't know
5 what it is. But, certainly, you know, whatever
6 agreements that we agree to, we'll certainly agree to
7 continue.

8 I have just a small amount of
9 knowledge that there was an agreement between the
10 landowner who had the fence erected and the owner.
11 I'm certainly not aware that there were plantings
12 because we don't have a problem putting additional
13 plantings in.

14 And I think I talked about the snow
15 already being addressed, and actually an additional
16 one, which was the slip lane that we agreed to go up
17 and continue to plow even though it's not open to the
18 public.

19 So, I really don't have any issue with
20 any of those, to be honest with you.

21 SARAH HANKINS: Is the slip lane on
22 private property or --

23 ATTORNEY JOHN MULA: It's on our
24 property, yeah, but, you know, it's a little bit --

1 trying to get the traffic off a little bit quicker.
2 And I think that's what Bob's talking about, that one
3 with the asphalt. Whatever we need to do to seal
4 that will be done. But, again, that wouldn't
5 probably be done until late spring or summer.

6 BARBARA RANDO, CHAIR: In regards to
7 the woman that had the fence, are you willing to put
8 evergreens on her property?

9 ATTORNEY JOHN MULA: Did you mention
10 evergreens or something else? Was it --

11 CYNTHIA CARSON: Well, arbor -- I'm
12 fine with arborvitaes. Actually, am I allowed to
13 speak?

14 BARBARA RANDO, CHAIR: As long as
15 they're ten feet? Come up to the microphone so
16 people at home can hear. Thank you.

17 CYNTHIA CARSON: Arborvitaes are
18 evergreen. They just don't lose their leaves.
19 They're pretty inexpensive. There's probably
20 hundreds of varieties. But they're generally
21 inexpensive. I'd just add for something significant
22 to begin with, and ten-foot is perfect and, you know,
23 fast growing. Just something significant to shield
24 that --

1 BARBARA RANDO, CHAIR: You'd want them
2 ten feet.

3 CYNTHIA CARSON: Yeah, not necessarily
4 the evergreens that were planted, you know, big
5 significant things. They generally just grow
6 straight up and they're used quite commonly as a
7 barrier, as privacy.

8 Thank you.

9 BARBARA RANDO, CHAIR: Mm hum.

10 ATTORNEY JOHN MULA: Arborvitaes are
11 fine. Ten-foot ones, as long as they make them,
12 we'll put them up. You can put that in as a --

13 BARBARA RANDO, CHAIR: Arborvitaes?

14 ATTORNEY JOHN MULA: Yes.

15 MARK HICKERNELL: So that was the
16 first condition proposed by Mr. Darcy, right, ten-
17 foot barrier?

18 GEORGE DARCY: Yes, the first one.

19 MARK HICKERNELL: All right. And you
20 walked us through, but without numbering them. So,
21 I'm trying to keep track here.

22 ATTORNEY JOHN MULA: Yeah, well, first
23 was the -- what Bob had actually suggested, which was
24 incorporating. That's for you guys. I don't want to

1 force you to try to enforce what the other political
2 bodies are holding us to.

3 MARK HICKERNELL: No, that wouldn't be
4 appropriate.

5 ATTORNEY JOHN MULA: But if you're
6 incorporating those, no problem.

7 Number two was the arborvitaes.

8 The third was the acknowledgment of
9 the Conservation Commission filing. And that's
10 noticed that that's not closed and we won't get it
11 closed if we violate any of those conditions.

12 Fourth was the asphalt sealing on --

13 MARK HICKERNELL: Be treated via
14 infrared is what he said. I don't know what he means
15 but --

16 ATTORNEY JOHN MULA: I'm not sure
17 either. I think it's the seal. Rather than just
18 throwing sand on the seal, it's treating with the new
19 --

20 GEORGE DARCY: They have a device that
21 they check to make sure that the seals are 100
22 percent.

23 ATTORNEY JOHN MULA: Got it. So
24 that's what we'll do.

1 MARK HICKERNELL: So that's -- you're
2 agreeable to that?

3 ATTORNEY JOHN MULA: Yes.

4 MARK HICKERNELL: All right.

5 ATTORNEY JOHN MULA: That's contained
6 in the City Council conditions.

7 MARK HICKERNELL: Okay. So, I mean to
8 what extent are these all in the City Council or the
9 Conservation Commission conditions?

10 GEORGE DARCY: Some are, some aren't.

11 BARBARA RANDO, CHAIR: I think we
12 still should put them in ours because the last time
13 we went by the City Council, it was told that we
14 can't -- we can't tell the City Council --

15 MARK HICKERNELL: No, we certainly
16 can't tell the City Council what to do.

17 BARBARA RANDO, CHAIR: And we can't
18 vote on what they say. We have to --

19 GEORGE DARCY: If you want, I can
20 provide what I stated here in --

21 BARBARA RANDO, CHAIR: I'm sorry?

22 GEORGE DARCY: I can provide -- I can
23 send to you --

24 SARAH HANKINS: Can you just divide

1 out what isn't in -- already in another body?

2 GEORGE DARCY: I don't know off the
3 top of my head right now, but I can submit to you, to
4 the Board, in writing all the conditions that was
5 agreed -- that I stated that was agreed to by the
6 lawyer, Attorney Mula.

7 MARK HICKERNELL: Well, you listed
8 seven where you're now --

9 ATTORNEY JOHN MULA: Yeah, 6 to 11.

10 MARK HICKERNELL: 6 to 11. That's
11 already in there.

12 BARBARA RANDO, CHAIR: Sound barrier
13 with evergreens.

14 ATTORNEY JOHN MULA: Sound barrier
15 would be --

16 MARK HICKERNELL: Is that something
17 that's in one of the other decisions?

18 ROBERT COLEMAN: It relates to the
19 height of the trees that were supposed to replace the
20 --

21 ATTORNEY JOHN MULA: Right. They're
22 supposed to be replaced. There was a loggish fence
23 up there that was taken down so that the 200
24 evergreens and other trees that were put up were

1 meant to replace that. Those are the ones that the
2 video illustrated that here's when they were planted,
3 here's in six months, here's in two years, here's in
4 four years, etc. And so what it showed was what the
5 plantings would be when they're full mature, which is
6 certainly higher than the fence was, and a little
7 denser. Other than the boards, it was the trees.

8 MARK HICKERNELL: So those are things
9 that are already in the ground and they just have to
10 grow?

11 ATTORNEY JOHN MULA: Yes. Yes.

12 BARBARA RANDO, CHAIR: I don't have
13 number seven. What was number seven?

14 MARK HICKERNELL: It was snow to be
15 plowed on their own property.

16 BARBARA RANDO, CHAIR: I thought that
17 was eight.

18 ATTORNEY JOHN MULA: No, that was --

19 MARK HICKERNELL: That was Darcy's
20 seven.

21 ATTORNEY JOHN MULA: Yeah, that was
22 seven.

23 BARBARA RANDO, CHAIR: It was seven?

24 MARK HICKERNELL: But there was

1 Darcy's -- Mr. Darcy's number two was replace two
2 mature trees in the public way?

3 GEORGE DARCY: Yes.

4 MARK HICKERNELL: What's the story
5 with that, councilor?

6 GEORGE DARCY: So, those two trees
7 were actually in the public way not in the private
8 way. So, that's why I asked that the applicant refer
9 to the City Arborist to determine which species and
10 which size should be replaced.

11 ATTORNEY JOHN MULA: I know that one
12 of them we don't want to put back because we'd rather
13 have it in another location because that's one that's
14 across from Bob's house. So that was one that we
15 decided we'd wait until the spring.

16 The other one came down when they put
17 in the sidewalk and sprinklers. And that can go back
18 exactly where it came down.

19 MARK HICKERNELL: So you can replace
20 two mature trees in a reasonable location?

21 ATTORNEY JOHN MULA: Yes. Yes.

22 MARK HICKERNELL: Will they both be in
23 the public way? I mean I'm just trying to figure out
24 how to write this.

1 ATTORNEY JOHN MULA: I believe one is.
2 One is for sure.

3 MARK HICKERNELL: Okay.

4 ATTORNEY JOHN MULA: The other one
5 appeared to, but I believe it's on our property.

6 MARK HICKERNELL: On or near public
7 way.

8 ATTORNEY JOHN MULA: Bob, what did you
9 want? You just stood up.

10 ROBERT COLEMAN: I had a picture of
11 the fence that was located across the street that the
12 bushes are supposed to replace.

13 MARK HICKERNELL: And, sir, what is
14 your purpose in showing us this? Do you feel like
15 this is not adequate, or it is adequate, or what?

16 ROBERT COLEMAN: You asked the
17 question. This is supposed -- the bushes are
18 supposed to provide the screening. And I'm showing
19 you what it's meant to replace, the trees as located
20 on the property.

21 Are those earlier photos that I --

22 BARBARA RANDO, CHAIR: In other words,
23 you want them close enough to work like a fence, to
24 close up the view?

1 ROBERT COLEMAN: Yes.

2 MARK HICKERNELL: And the Petitioner's
3 representative has said that they need time to grow
4 is my understanding.

5 ROBERT COLEMAN: And there are some
6 trees -- and you can see a few there -- but as
7 compared with what's in that photograph -- there's
8 another one here, just so you can see it -- it
9 doesn't provide a screen.

10 MARK HICKERNELL: Well, it's never
11 going to be a wall.

12 ROBERT COLEMAN: It's not going to be
13 a wall to be sure. But if they stagger the trees,
14 which they agreed to do --

15 ATTORNEY JOHN MULA: We've actually
16 got the PDF, not the video, so you can see where it
17 was planted, where the sidewalk is, where the tree
18 was removed, and where the wall was, and where the
19 trees are now put up. And you can actually observe
20 one that shows mature trees if the members would like
21 to see it.

22 BARBARA RANDO, CHAIR: And you also
23 mentioned to keep open the agreement with the
24 neighbors, to work with neighbors regarding enough

1 evergreen trees to satisfy, and the plantings on the
2 neighbor's fence.

3 What's the address?

4 ATTORNEY JOHN MULA: Yeah, that was
5 actually number two.

6 MARK HICKERNELL: 9 Hershum.

7 BARBARA RANDO, CHAIR: Hershum.

8 And all these plantings are to be your
9 responsibility to keep them up, if they die or
10 whatever.

11 ATTORNEY JOHN MULA: Yes.

12 BARBARA RANDO, CHAIR: That has to be
13 a condition, too.

14 Mr. Sergi, do you have anything else
15 to add?

16 JOHN SERGI: No, I'm satisfied, Madam
17 Chair.

18 BARBARA RANDO, CHAIR: Mr. Hickernell?

19 MARK HICKERNELL: So, just I think the
20 third condition proposed by Mr. Darcy was an
21 acknowledgment of the Conservation Commission filing.
22 And I'm fine with that.

23 I think at some point, somebody who
24 was at the microphone suggested incorporating the

1 findings of facts of some of the other boards. I'm
2 not comfortable with that. We have to make our own
3 findings of fact, so just so that that's clear.

4 SARAH HANKINS: I agree with that,
5 yeah.

6 MARK HICKERNELL: And I don't know who
7 it was. But, you know, I'm fine with incorporating
8 compliance with other decisions, but not fine with
9 incorporating somebody else's findings.

10 ATTORNEY JOHN MULA: I think that the
11 guy with the hunting vest suggested that.

12 MARK HICKERNELL: Well, whoever it
13 was, I just want to make that clear.

14 But if the Petitioner is agreeable to
15 these conditions, then I don't see any reason why
16 they shouldn't be incorporated.

17 Thank you.

18 I'd also like, actually, to compliment
19 the Petitioner and the neighbors for working together
20 so closely on this.

21 BARBARA RANDO, CHAIR: Ms. Gelineau?

22 ATTORNEY JOHN MULA: Would you like to
23 see the video or the PDF? Sarah, you asked.

24 SARAH HANKINS: No, I'm -- we're --

1 ATTORNEY JOHN MULA: Good?

2 SARAH HANKINS: Yeah. No, that won't
3 be needed.

4 ATTORNEY JOHN MULA: Okay.

5 BARBARA RANDO, CHAIR: Ms. Gelineau,
6 any other questions? Any other concerns?

7 GLENNA GELINEAU: No.

8 BARBARA RANDO, CHAIR: Ms. Hankins?

9 SARAH HANKINS: No.

10 BARBARA RANDO, CHAIR: All right. We
11 will close the public hearing. And I believe you
12 said that the only page was the last page. So,
13 motion to waive reading of the finding of facts or do
14 we want him to read the finding of facts?

15 JOHN SERGI: No, so moved, Madam
16 Chair. Let's waive the reading of the proposed
17 finding of facts since we've had it and we've read
18 it.

19 BARBARA RANDO, CHAIR: Motion by Mr.
20 Sergi. Do I have a second?

21 MARK HICKERNELL: Second.

22 BARBARA RANDO, CHAIR: Second by Mr.
23 Hickernell. All in favor?

24 ALL BOARD MEMBERS: Aye.

1 BARBARA RANDO, CHAIR: Opposed?

2 (No Board members opposed.)

3 BARBARA RANDO, CHAIR: The ayes have
4 it.

5 You may read your proposed decision.

6 JOHN SERGI: In a similar fashion,
7 Madam Chair, we've had a chance to read that. Maybe
8 we want to add the amendments or the conditions to
9 the decision when we get to that point. I propose we
10 waive the reading.

11 BARBARA RANDO, CHAIR: Motion by Mr.
12 Sergi to waive the reading of the decision. Do I
13 have a second?

14 MR. HICKERNELL: Second.

15 BARBARA RANDO, CHAIR: Second by Mr.
16 Hickernell.

17 All in favor?

18 ALL BOARD MEMBERS: Aye.

19 BARBARA RANDO, CHAIR: Opposed?

20 (No Board members opposed.)

21 BARBARA RANDO, CHAIR: The ayes have
22 it.

23 Do I have a motion on the proposed
24 finding of facts as amended, and do you want to add

1 them?

2 MARK HICKERNELL: Were the proposed
3 findings of fact amended or just the decision?

4 BARBARA RANDO, CHAIR: I think it was
5 just the decision.

6 JOHN SERGI: He added the last page of
7 the findings of facts tonight.

8 BARBARA RANDO, CHAIR: It's just the
9 decision I believe.

10 MARK HICKERNELL: I know that's what
11 we've been saying, but it's not clear to me where
12 that is on this.

13 BARBARA RANDO, CHAIR: The last page
14 is the decision, Attorney Mula?

15 JOHN SERGI: No, no, the last page of
16 the finding of facts is what he added tonight, and he
17 outlined the changes earlier. It's the finding of
18 fact.

19 MARK HICKERNELL: Well, it's sort of
20 one document. So, he may have been -- I'm not sure --
21 -- did you actually change any of the facts or did you
22 just change the decision as proposed?

23 ATTORNEY JOHN MULA: No, just the last
24 page. I put the three additional conditions on

1 there.

2 MARK HICKERNELL: So the conditions
3 are part of the decision not the findings of fact is
4 how we would generally interpret it.

5 ATTORNEY JOHN MULA: Oh, hang on one
6 second. I'm sorry.

7 MARK HICKERNELL: That's all right.

8 JOHN SERGI: This is what he changed,
9 these changes here.

10 MARK HICKERNELL: Right.

11 JOHN SERGI: And he put the --

12 MARK HICKERNELL: Right, which is a
13 condition, which is part of the decision.

14 ATTORNEY JOHN MULA: No, I -- yeah,
15 excuse me. I had incorporated both findings of facts
16 and decision into one document. It's the last page
17 of the document, but it is the decision.

18 MARK HICKERNELL: Okay.

19 JOHN SERGI: Okay. So, the finding of
20 fact does not mention these?

21 ATTORNEY JOHN MULA: No, no, it does
22 not. The decision does.

23 JOHN SERGI: Okay. All right. I'll
24 make a motion that the proposed findings of facts be

1 adopted by the Board.

2 MARK HICKERNELL: Second.

3 BARBARA RANDO, CHAIR: Motion by Mr.
4 Sergi. Second by Mr. Hickernell.

5 How do you vote, Mr. Sergi?

6 JOHN SERGI: Yes.

7 BARBARA RANDO, CHAIR: Mr. Hickernell?

8 MARK HICKERNELL: Yes.

9 BARBARA RANDO, CHAIR: Ms. Gelineau?

10 GLENNA GELINEAU: Yes.

11 BARBARA RANDO, CHAIR: Ms. Hankins?

12 SARAH HANKINS: Yes.

13 BARBARA RANDO, CHAIR: And the Chair
14 votes yes.

15 Do I have a motion on the decision as
16 amended?

17 JOHN SERGI: I make a motion that the
18 decision as amended with all the conditions that were
19 discussed tonight become the Board's decision.

20 MARK HICKERNELL: I'll second that.

21 BARBARA RANDO, CHAIR: Motion by Mr.
22 Sergi, seconded by Mr. Hickernell.

23 BARBARA RANDO, CHAIR: All right. How
24 do you vote on the decision as amended, Mr. Sergi?

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: Ms. Hankins?

7 SARAH HANKINS: Yes.

8 BARBARA RANDO, CHAIR: And the Chair

9 votes yes. So the case is granted with the

10 conditions that we've mentioned.

11 ATTORNEY JOHN MULA: Okay. Thank you.

12 BARBARA RANDO, CHAIR: You're welcome.

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1 **Case Number 2017-45: Kimco Realty Corp.**

2

3 BARBARA RANDO, CHAIR: Will the Clerk
4 please read the petition in Case 2017-45, Kimco
5 Realty, 49-53 Linden Street?

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

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

12 Your name and address for the record,
13 please.

14 CHRIS CIMINIELLO: Hi. Good evening.
15 My name is Chris Ciminiello. It's C-i-m-i-n-i-e-l-
16 l-o. I'm from Kimco Realty Corporation. I'm an
17 associate director of development for my
18 organization. With me is my attorney Phillip Proia
19 from Riemer and Braunstein. And we're here tonight
20 to present the renovation and upgrading of an
21 existing pylon sign at Linden Plaza.

22 The pylon sign at Linden Plaza is
23 located on the southwest corner of Main Street. And,
24 as I'm sure you're aware, Linden Plaza is a 24,000-

1 square-foot shopping center on the corner of Linden
2 Street and Main Street with three tenants, Petco,
3 CVS, and Dunkin' Donuts.

4 We purchased the site in 2014, and
5 immediately took upon an extensive renovation to
6 upgrade the tired look of the shopping center. This
7 is what I'd classify as old retail where patrons go
8 to the center, get out of their cars, go what they
9 need, and go back into their cars.

10 As I'm sure you've heard, retail is
11 changing. There's a lot of pressure from online
12 retailers like Amazon. And, in order to maintain --
13 in order to be competitive in this challenging
14 environment, we undertook a very extensive façade
15 renovation.

16 BARBARA RANDO, CHAIR: Sir, is there a
17 way that you could move that so the people at home
18 can see the pictures, too?

19 CHRIS CIMINIELLO: Sure.

20 BARBARA RANDO, CHAIR: Maybe to the
21 left of the podium?

22 CHRIS CIMINIELLO: Oh, absolutely.

23 BARBARA RANDO, CHAIR: At an angle.

24 CHRIS CIMINIELLO: Sure.

1 BARBARA RANDO, CHAIR: Thank you. I
2 appreciate that.

3 CHRIS CIMINIELLO: Do you want it here
4 or on that side?

5 BARBARA RANDO, CHAIR: On the other
6 side I think.

7 CHRIS CIMINIELLO: Is that better?

8 BARBARA RANDO, CHAIR: I think you can
9 see better from there. Yes, much better.

10 CHRIS CIMINIELLO: So, again, this is
11 a before picture of when we purchased the shopping
12 center before we renovated it. And here is our
13 upgraded shopping center, which features new columns,
14 decorative corners, cornice elements, faux brick.
15 What you don't see here is a lighting upgrade to
16 improve safety and a parking lot upgrade. When we
17 purchased this shopping center, it was like alligator
18 skin. So, we really renovated the parking lot to
19 make it much safer for traffic.

20 The missing ingredient to complete our
21 site transformation is renovating our pre-existing
22 obsolete pylon sign to match the architecture of the
23 shopping center, and also to remove the unused ground
24 sign.

1 Just very briefly, some features about
2 our renovated -- our proposed pylon sign. It will
3 maintain 35 feet in height. It's double-faced,
4 internally illuminated with LED lighting. That
5 utilizes the existing bases. There will be divider
6 bars and Lexan spaces so in the event a tenant
7 vacates, we can easily replace their sign panel.
8 They will be push through acrylic at the top with
9 tenant Lexan faces decorated with vinyl logos and
10 lettering, and a custom fabricated topper and accents
11 and, again, to replicate the building architecture.
12 And we're doing that because we want to provide some
13 cohesiveness between the pylon sign and the shopping
14 center that we recently renovated.

15 Our application seeks to improve the
16 overall look and feel of Linden Plaza by removing an
17 unused sign and upgrading a pre-existing pylon sign
18 by using the current structure.

19 Our proposed sign will maintain the
20 existing height and upgrade lighting to promote
21 safety for passerby traffic and provide maximum
22 visibility for our tenants.

23 We believe these improvements will
24 allow our tenants to remain competitive in this ever-

1 changing and challenging retail environment with
2 online retailers continuing to gain market share, and
3 will give them the best opportunity to continue to
4 succeed in the City of Waltham.

5 Thank you very much. And I'm eager to
6 hear your questions and comments. Thank you.

7 MARK HICKERNELL: Madam Chair, may I
8 inquire?

9 BARBARA RANDO, CHAIR: Go right ahead.

10 MARK HICKERNELL: So, you're removing
11 the one smaller pylon sign on the left to your
12 diagram, is that correct?

13 CHRIS CIMINIELLO: Yes, we'll be
14 removing this pylon sign, the ground sign.

15 MARK HICKERNELL: Okay. And the sign
16 to replace the other one that you have there is
17 similar in form in that it's got three pylons, it is
18 the same height at 35 feet, and it's slightly wider?

19 CHRIS CIMINIELLO: That's correct.
20 Well, it's slightly taller than what's there right
21 now, meaning this section here is slightly taller
22 than what's there right now.

23 MARK HICKERNELL: But from the ground
24 to the top, it looks like on the -- it looks like

1 it's 35 feet on both of them, is that correct?

2 CHRIS CIMINIELLO: Yes.

3 MARK HICKERNELL: Actually, maybe even
4 -- no, it looks like 35 feet.

5 CHRIS CIMINIELLO: Both the existing
6 pylon sign and the new proposed pylon sign are both
7 35 feet.

8 MARK HICKERNELL: So, you're not
9 looking for a bigger sign that that is presently
10 there?

11 CHRIS CIMINIELLO: Correct, not
12 taller. Not taller.

13 MARK HICKERNELL: Or taller anyway.

14 CHRIS CIMINIELLO: Correct.

15 MARK HICKERNELL: All right.

16 BARBARA RANDO, CHAIR: Isn't the sign
17 that's there 288 square feet?

18 ATTORNEY PHILLIP PROIA: Madam
19 Chairman, members of the Board, I'm Phil Proia for
20 the applicant.

21 Essentially, yes. So, it's 12-by-12,
22 both sides, so it's 280 square feet essentially. And
23 where the extra surface comes from, which includes
24 the entire sign -- you have to -- under the

1 ordinance, you have to measure everything, whether
2 it's actual sign or not. So, the extra hundred feet,
3 roughly, comes from lowering the sign about five
4 feet. So, right now, the bottom of the sign is 25
5 feet from the ground. This will end up being about
6 20 feet. So, roughly 50 feet on each side; that
7 makes up that extra 100 feet.

8 But, one thing that I would like to
9 point out for the Board, the actual area of the
10 signs, the words, are less. So, it's eight feet,
11 which is this dimension, eight feet, which is the
12 width of the panels, by essentially ten feet. So,
13 it's about eight feet per side, which is about 160
14 feet of the actual letters; whereas, this whole sign
15 right now, there is no, as you can see, there is no
16 detail, no siding, no cornice, no architectural
17 features. So, it's essentially just a panel that the
18 area of each side is 12-by-12, 144 square feet
19 basically on each side of nothing but sign. And by
20 that I mean text.

21 MARK HICKERNELL: What's the surface
22 area of the -- what you referred to as the ground
23 sign on the left that you are taking down?

24 ATTORNEY PHILLIP PROIA: It's probably

1 -- it's a question that I -- I mean it's a scale
2 photograph, so I'd say it's probably about 170,
3 something like that, 180 square feet.

4 MARK HICKERNELL: So, the proposed
5 sign is less than the two old signs put together?

6 ATTORNEY PHILLIP PROIA: Oh, yes.
7 Yeah.

8 MARK HICKERNELL: That's all I have.

9 ATTORNEY PHILLIP PROIA: Yeah, by far.
10 The extra area is being really made up by lowering
11 the bottom of the sign and essentially adding these
12 architectural details that we don't have anything of
13 right now. So, the location is the same. The edge
14 is the same. So, the setback is the same. We're
15 trying to work within that plan for the sign.

16 BARBARA RANDO, CHAIR: Well, isn't the
17 setback zero and it was six feet?

18 ATTORNEY PHILLIP PROIA: The
19 requirement is six feet.

20 BARBARA RANDO, CHAIR: Right.

21 ATTORNEY PHILLIP PROIA: But the
22 existing sign is zero.

23 BARBARA RANDO, CHAIR: Is zero.

24 ATTORNEY PHILLIP PROIA: And we're

1 leaving it exactly like that, correct.

2 And, again, I wanted to point out to
3 the Board, I know you're familiar with the property,
4 and clearly the sign has been there many, many years.
5 And it was chosen for its visibility, safety, for
6 guiding people into the property, especially when
7 you're coming from Main Street. And I know you know
8 when you start to head down the hill, so it really
9 has to be in that location. Historically, it's been
10 there for that very reason. It makes the most sense.
11 It's the safest and most visible place to guide
12 people, again, safely into the plaza.

13 And because we don't own this corner
14 lot, you know, another option would be if you did,
15 maybe where you would put your sign is here. But
16 since we don't own it, and when it was constructed
17 originally back when -- I think Stop & Shop was there
18 for years and years -- that explains the historic
19 location of the sign. So, we're proposing --

20 BARBARA RANDO, CHAIR: Have there been
21 accidents in that area?

22 ATTORNEY PHILLIP PROIA: Nothing
23 unusual. I mean no. I mean we went to the Board of
24 Survey and Planning for a proposal that's not going

1 to happen, and the City Council, and I don't remember
2 there being any --

3 BARBARA RANDO, CHAIR: So, you're not
4 saying that hardship would be safety?

5 ATTORNEY PHILLIP PROIA: Well, we are
6 saying it. I mean it's because of the location, the
7 topography right there, we do think there's a safety
8 aspect to it.

9 MARK HICKERNELL: Well, it's a hairpin
10 turn that you have to make to get into the mall.
11 And, if you don't, you're in the residential area.
12 So, it seems to make sense to me.

13 ATTORNEY PHILLIP PROIA: Yeah, and,
14 again, the other piece of it is the building. If you
15 know the building, it's sort of separated from the
16 roadway by the railroad.

17 BARBARA RANDO, CHAIR: Right.

18 ATTORNEY PHILLIP PROIA: You know, so
19 you don't even get warning of the building from this
20 direction. So, again, until you hit here --

21 BARBARA RANDO, CHAIR: So what else
22 are you using for your hardship?

23 ATTORNEY PHILLIP PROIA: The shape and
24 topography that we just --

1 BARBARA RANDO, CHAIR: Well, the
2 topography is one thing you have to have. But you
3 have to have a hardship, too.

4 ATTORNEY PHILLIP PROIA: The hardship
5 is, well, I mean I'm not going to -- I'll just refer
6 to the brief. But the hardship is if we're not able
7 to have a sign in that location of that size, we
8 won't be able to direct customers safely into the
9 center.

10 BARBARA RANDO, CHAIR: Well, it
11 certainly isn't that you're not making money or that
12 the three companies that are there have been there
13 for many, many years, so it's not like they're ready
14 to move out. So, I think I read that you're afraid
15 that you're going to lose tenants because --

16 ATTORNEY PHILLIP PROIA: Well, as
17 Chris mentioned, we're trying to be competitive in a
18 changing retail environment.

19 BARBARA RANDO, CHAIR: You're also
20 going to have more wording on the sign. You're going
21 to have the company's name and the rental agency?

22 ATTORNEY PHILLIP PROIA: Again, for
23 the same reasons. We'd like to --

24 BARBARA RANDO, CHAIR: I mean isn't

1 that going to be more dangerous for people trying to
2 read the whole sign?

3 ATTORNEY PHILLIP PROIA: We don't
4 think so. I mean these are -- you know, it's an
5 informational purpose of that and, you know, we want
6 to sort of brand the plaza, so Linden Plaza here, and
7 the rest of this side, if you have to reach the
8 landlord of the property. Again, we think it's
9 informational, you know, aspect that makes sense.
10 So, if people are trying to, for whatever reason,
11 they want to get in touch with the landlord, it's a
12 simple way to do that. It's very standard for retail
13 or office settings to have some landlord information
14 or contact information as part of the sign. If they
15 want to report something to the landlords, trash or
16 other things that they think are important, we think
17 it's a nice shorthand, quick, convenient way to have
18 that information available to tenants and visitors
19 and patrons.

20 BARBARA RANDO, CHAIR: Thank you. Do
21 you want to discuss your hardship? Is that what you
22 mentioned?

23 ATTORNEY PHILLIP PROIA: Oh, I was
24 just citing the brief we had submitted, which was

1 very thorough. It went through the statute, you
2 know, Section 10 of the Zoning Act for each of the
3 criteria involved, and the same for the ordinance. I
4 mean I can read through it and cite that if you want.
5 I just was going to say for the record it's in there.

6 BARBARA RANDO, CHAIR: Well, you said
7 that the conditions reasonably could diminish a
8 tenant's long-term visibility in the plaza, or
9 viability in the plaza.

10 ATTORNEY PHILLIP PROIA: So, as Chris
11 was saying, too, that, you know --

12 BARBARA RANDO, CHAIR: And it can't be
13 monetary. Your hardship can't be monetary.

14 ATTORNEY PHILLIP PROIA: Financial or
15 otherwise is actually the statute.

16 BARBARA RANDO, CHAIR: Right. But it
17 doesn't mean making money. It means that if you had
18 ledge on that side and you couldn't put the sign
19 where it's supposed to go, we could give you the
20 right to move it to the other side even though you
21 don't have sufficient side yard or whatever. But
22 it's not to help you actually make money.

23 ATTORNEY PHILLIP PROIA: Well, I would
24 disagree with that a little bit since some of the

1 cases -- and we cited authorities in the brief, so
2 I'll just leave that. I don't want to be
3 argumentative, Madam Chair.

4 BARBARA RANDO, CHAIR: Any questions,
5 Mr. Sergi?

6 JOHN SERGI: Well, really not a
7 question. I'm okay with the sign. I would hope that
8 you would consider putting a base at the bottom of
9 the sign. There's a lot of these signs going up in
10 the City, and a lot of them have a decorative base
11 whereby it's surrounded by either a concrete base or
12 like a flowerpot type thing where you put plantings
13 and such. I would ask that you would consider that
14 so that at least it would be, you know, matching
15 other similar signs in the City.

16 CHRIS CIMINIELLO: We're fine with
17 that. We presented something like this to keep it as
18 simple as possible, knowing that we had these three
19 column features. But I hear your point, and we'll
20 certainly consider that. And I can redesign it in
21 such a way.

22 JOHN SERGI: Okay. Thank you.

23 BARBARA RANDO, CHAIR: Mr. Hickernell?

24 MARK HICKERNELL: No. Just to

1 reiterate, the proposed sign is the same location as
2 the present sign and less surface area than the two
3 signs that are presently there?

4 ATTORNEY PHILLIP PROIA: Yes.

5 MARK HICKERNELL: Thank you.

6 BARBARA RANDO, CHAIR: Ms. Gelineau?

7 GLENNA GELINEAU: No questions.

8 BARBARA RANDO, CHAIR: Ms. Hankins?

9 SARAH HANKINS: No questions.

10 BARBARA RANDO, CHAIR: Is the sign
11 going to be illuminated?

12 ATTORNEY PHILLIP PROIA: Yes,
13 internally illuminated.

14 CHRIS CIMINIELLO: The existing sign
15 is internally illuminated with old halide light
16 bulbs. The new sign will be renovated so that it's
17 internally illuminated with LED lighting.

18 BARBARA RANDO, CHAIR: All right. Is
19 there anyone in favor? Just the two attorneys.

20 CHRIS CIMINIELLO: Can I raise my
21 hand?

22 BARBARA RANDO, CHAIR: Sure you can.

23 Is there anyone in opposition?

24 (No one in opposition.)

1 BARBARA RANDO, CHAIR: Seeing none, is
2 there anyone seeking information?

3 (No one is seeking information.)

4 BARBARA RANDO, CHAIR: Seeing none,
5 the public hearing is closed.

6 All right. You may continue with your
7 proposed finding of facts.

8 MARK HICKERNELL: Madam Chair, I move
9 that we waive the reading of the proposed findings of
10 fact as they've been on file at the Law Department.

11 BARBARA RANDO, CHAIR: Have you
12 changed anything in the finding of facts?

13 ATTORNEY PHILLIP PROIA: No, we
14 haven't.

15 BARBARA RANDO, CHAIR: Motion by Mr.
16 Hickernell to waive the reading of the finding of
17 facts. Second?

18 GLENNA GELINEAU: I'll second it.

19 BARBARA RANDO, CHAIR: Second by Ms.
20 Gelineau.

21 All in favor?

22 ALL BOARD MEMBERS: Aye.

23 BARBARA RANDO, CHAIR: Opposed?

24 (No Board members opposed.)

1 BARBARA RANDO, CHAIR: The ayes have
2 it.

3 You may continue with your proposed
4 decision.

5 MARK HICKERNELL: I make the same
6 motion with respect to the proposed decision as it
7 has likewise been on file in the Law Department.

8 BARBARA RANDO, CHAIR: Motion by Mr.
9 Hickernell. Second?

10 GLENNA GELINEAU: I'll second it.

11 BARBARA RANDO, CHAIR: Second by Ms.
12 Gelineau.

13 All in favor?

14 ALL BOARD MEMBERS: Aye.

15 BARBARA RANDO, CHAIR: Opposed?

16 (No Board members opposed.)

17 BARBARA RANDO, CHAIR: The ayes have
18 it.

19 I'm ready to accept a motion of a
20 proposed finding of facts?

21 JOHN SERGI: I'll make a motion that
22 the proposed finding of fact be adopted by the Board.

23 BARBARA RANDO, CHAIR: Motion by Mr.
24 Sergi. Second?

1 GLENNA GELINEAU: I'll second it.

2 BARBARA RANDO, CHAIR: Second by Ms.
3 Gelineau.

4 How do you vote on the proposed
5 finding of facts, Mr. Sergi?

6 JOHN SERGI: Yes.

7 BARBARA RANDO, CHAIR: Mr. Hickernell?

8 MARK HICKERNELL: Yes.

9 BARBARA RANDO, CHAIR: Ms. Gelineau?

10 GLENNA GELINEAU: Yes.

11 BARBARA RANDO, CHAIR: Ms. Hankins?

12 SARAH HANKINS: Yes.

13 BARBARA RANDO, CHAIR: And the Chair
14 votes no.

15 Do I have a motion on the decision as
16 -- no, it hasn't been amended.

17 JOHN SERGI: Well, I'd like to add the
18 condition of the base, Madam Chair.

19 BARBARA RANDO, CHAIR: Oh, you did.

20 JOHN SERGI: And I would allow them to
21 design it of their choice, but I'd like to see a base
22 added that would conform to more similar signs in the
23 City. So, if we could just add a condition that
24 would indicate that, you know, you would design a

1 decorative base for the sign with maybe some
2 landscaping to go along with it.

3 BARBARA RANDO, CHAIR: A decorative
4 base designed to their taste.

5 How do you vote on the decision, Mr.
6 Sergi? Oh, no, do I have a second on that, first of
7 all?

8 JOHN SERGI: I make a motion that the
9 decision as amended becomes the Board's decision.

10 BARBARA RANDO, CHAIR: Well, you
11 motioned it, but do I have a second?

12 GLENNA GELINEAU: I'll second it.

13 BARBARA RANDO, CHAIR: Second by Ms.
14 Gelineau.

15 How do you vote on the decision as
16 amended, Mr. Sergi?

17 JOHN SERGI: Yes.

18 BARBARA RANDO, CHAIR: Mr. Hickernell?

19 MARK HICKERNELL: Yes.

20 BARBARA RANDO, CHAIR: Ms. Gelineau?

21 GLENNA GELINEAU: Yes.

22 BARBARA RANDO, CHAIR: Ms. Hankins?

23 SARAH HANKINS: Yes.

24 BARBARA RANDO, CHAIR: And the Chair

1 votes no. So, the case is granted. Good luck.

2 GLENNA GELINEAU: Good luck.

3 CHRIS CIMINIELLO: Thank you very
4 much.

5

6

7 BARBARA RANDO, CHAIR: One more motion
8 is in order.

9 JOHN SERGI: Motion to adjourn, Madam
10 Chair.

11 BARBARA RANDO, CHAIR: Motion to
12 adjourn by Mr. Sergi. Do I have a second?

13 GLENNA GELINEAU: Second.

14 BARBARA RANDO, CHAIR: Second by Ms.
15 Gelineau. All in favor?

16 ALL BOARD MEMBERS: Aye.

17 BARBARA RANDO, CHAIR: Opposed?

18 (No Board members opposed.)

19 BARBARA RANDO, CHAIR: The ayes have
20 it. We are adjourned at 8:35. Thank you very much
21 and good evening.

22

23 (Whereupon, the hearing was adjourned
24 at 8:35 p.m.)

Arlington Reporting Corporation
(339) 674-9100

Barbara Rando, Chair
2/1/18

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

Judith Luciano

