

FOR THE  
CITY OF WALTHAM  
ZONING BOARD OF APPEALS

GENERAL HEARING

February 7, 2017

7:00 P.M.

at

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

Edward McCarthy, Chair  
Mark Hickernell, Clerk  
Glenna Gelineau  
Sarah Hankins

Arlington Reporting Corporation  
(339) 674-9100

Waltham Zoning Board of Appeals/2-7-2017/2

I N D E X

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A T T A C H M E N T S

Legal Notices: Case No. 2016-35  
Case No. 2016-49

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

2 EDWARD MCCARTHY, CHAIR: Call to  
3 order.

4

5 Case Number 2016-35: 67 Ash Street, LLC.

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7 EDWARD MCCARTHY, CHAIR: Mr.  
8 Hickernell?

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

12 EDWARD MCCARTHY, CHAIR: May we hear  
13 from the Petitioner or the Petitioner's  
14 representative please?

15 ATTORNEY BRET FRANCIS: Good evening,  
16 Mr. Chairman. My name is Bret Francis here on behalf  
17 of Petitioner 67 Ash Street, LLC.

18 Without having a quorum here tonight -  
19 - I guess we only have three members who have sat on  
20 this case -- no sense going forward. I guess I'd  
21 like to request a continuance to the most early date  
22 available, which I guess we discussed is March 7<sup>th</sup>.

23 EDWARD MCCARTHY, CHAIR: Any  
24 discussion from the Board?

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1 (No response.)

2 EDWARD MCCARTHY, CHAIR: Anybody want  
3 to make a motion to continue this to March 7<sup>th</sup>?

4 GLENNA GELINEAU: I make a motion that  
5 we continue 67 Ash Street to March 7<sup>th</sup>.

6 EDWARD MCCARTHY, CHAIR: Is there a  
7 second?

8 MARK HICKERNELL: Second.

9 EDWARD MCCARTHY, CHAIR: How do you  
10 vote, Ms. Hankins?

11 SARAH HANKINS: Yes.

12 EDWARD MCCARTHY, CHAIR: Ms. Gelineau?

13 GLENNA GELINEAU: Yes.

14 EDWARD MCCARTHY, CHAIR: Mr.  
15 Hickernell?

16 MARK HICKERNELL: Yes.

17 EDWARD MCCARTHY, CHAIR: And the Chair  
18 votes yes.

19 ATTORNEY BRET FRANCIS: Thank you very  
20 much. I appreciate it. Thank you for your time.

21 EDWARD MCCARTHY, CHAIR: Okay. Okay.

22 MARK HICKERNELL: And can you also  
23 sign our 100 days? We should also continue the 100  
24 days, make a motion to that effect, continue the 100

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1 days to April 7, 2017.

2 GLENNA GELINEAU: I make a motion that  
3 we continue the 100 days to what, April 7<sup>th</sup>?

4 MARK HICKERNELL: April 7<sup>th</sup>.

5 GLENNA GELINEAU: April 7, 2017.

6 MARK HICKERNELL: I'll second it.

7 Bret, could you sign this?

8 ATTORNEY BRET FRANCIS: Yes.

9 EDWARD MCCARTHY, CHAIR: Ms. Hankins,  
10 how do you vote for that?

11 SARAH HANKINS: Yes.

12 EDWARD MCCARTHY, CHAIR: Ms. Gelineau?

13 GLENNA GELINEAU: Yes.

14 EDWARD MCCARTHY, CHAIR: Mr.

15 Hickernell?

16 MARK HICKERNELL: Yes.

17 EDWARD MCCARTHY, CHAIR: The Chair

18 votes yes.

19 ATTORNEY BRET FRANCIS: Thank you,

20 guys.

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1       **Case Number 2016-49: Robert Foucher and Ann Foucher.**

2                   MARK HICKERNELL:    Shall I read the  
3 case, Mr. Chair?

4                   EDWARD MCCARTHY, CHAIR:    Yes, let's  
5 read Case No. 2016-49.

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

9                   EDWARD MCCARTHY, CHAIR:    May we hear  
10 from the Petitioner or the Petitioner's  
11 representative please?

12                   ATTORNEY SHAWN KEEFFE:    Good evening,  
13 Mr. Chairman, Members of the Board, My name is Shawn  
14 Keefe and I'm an attorney with Connors & Connors with  
15 offices at 6 Lexington Street here in Waltham.

16                   I'm here tonight on behalf of our  
17 clients, the Petitioners Robert and Ann Foucher of 30  
18 Sanders Lane, the property which is the subject of  
19 this petition.

20                   Earlier this afternoon, our office was  
21 informed that there would not be a full board sitting  
22 this evening. After discussing this matter with our  
23 clients, they determined that they would like the  
24 benefit of having their hearing before a full five-

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1 member board. Therefore, I'm here to respectfully  
2 request the continuance of tonight's hearing until a  
3 new date certain can be determined, which I believe  
4 we discussed was March 28<sup>th</sup>.

5 EDWARD MCCARTHY, CHAIR: Any  
6 discussions from the Board, any questions?

7 MARK HICKERNELL: No.

8 EDWARD MCCARTHY, CHAIR: So, we need a  
9 motion to extend this to March 28<sup>th</sup>?

10 MARK HICKERNELL: I'll make the motion  
11 to continue this case to March 28, 2017 without  
12 having first opened the public hearing.

13 EDWARD MCCARTHY, CHAIR: And is there  
14 a second?

15 GLENNA GELINEAU: Second.

16 EDWARD MCCARTHY, CHAIR: Ms. Hankins,  
17 how do you vote?

18 SARAH HANKINS: Yes.

19 EDWARD MCCARTHY, CHAIR: Ms. Gelineau?

20 GLENNA GELINEAU: Yes.

21 EDWARD MCCARTHY, CHAIR: Mr.  
22 Hickernell?

23 MARK HICKERNELL: Yes.

24 EDWARD MCCARTHY, CHAIR: And the Chair

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1 votes yes.

2 MARK HICKERNELL: I make a further  
3 motion that we continue the 100 days in this case to  
4 -- what do we have on that form, May something?  
5 Sorry, May 12, 2017.

6 EDWARD MCCARTHY, CHAIR: Is there a  
7 second?

8 GLENNA GELINEAU: Second.

9 EDWARD MCCARTHY, CHAIR: How do you  
10 vote, Ms. Hankins?

11 SARAH HANKINS: Yes.

12 EDWARD MCCARTHY, CHAIR: Ms. Gelineau?

13 GLENNA GELINEAU: Yes.

14 EDWARD MCCARTHY, CHAIR: Mr.  
15 Hickernell?

16 MARK HICKERNELL: Yes.

17 EDWARD MCCARTHY, CHAIR: And the Chair  
18 votes yes. It's been granted.

19 ATTORNEY SHAWN KEEFE: Thank you very  
20 much.

21 EDWARD MCCARTHY, CHAIR: One more  
22 motion is in order.

23 GLENNA GELINEAU: Motion to adjourn.

24 EDWARD MCCARTHY, CHAIR: Second?



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1 MARK HICKERNELL: Second.

2 EDWARD MCCARTHY, CHAIR: All in favor?

3 ALL BOARD MEMBERS: Aye.

4 EDWARD MCCARTHY, CHAIR: And there it  
5 is. The shortest meeting in the history of the  
6 world.

7 MARK HICKERNELL: That's pretty short.

8 (The meeting was adjourned at 7:10  
9 p.m.)

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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

*Barbara Rando 3/7/19*

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