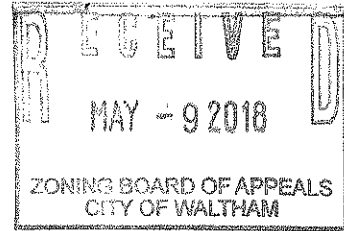


FOR THE  
CITY OF WALTHAM  
ZONING BOARD OF APPEALS



GENERAL HEARING

February 27, 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  
John Sergi  
Mr. Rudnick

Arlington Reporting Corporation  
(339) 674-9100

Waltham Zoning Board of Appeals/2-27-18/2

**I N D E X**

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**A T T A C H M E N T S**

Legal Notices: Case No. 2018-01  
Letter: Case No. 2018-01

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

2 BARBARA RANDO, CHAIR: Tonight we have  
3 one case before us, one new case before us and we're  
4 going into Executive Session Meeting.

5 Case 2018-01: Aggregate Industries,  
6 537 South Street and that is for a special permit.

7 The members sitting this evening are  
8 Mr. Sergi, Mr. Hick, oh they changed seats. Mr.  
9 Hickernell, Mr., I don't have his name down here, let  
10 me write that, Rudnick, Miss. Gelineau are the  
11 members that will be serving this evening.

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1 BARBARA RONDO, CHAIR: Could I speak  
2 to the attorney for --

3 ATTORNEY JOSEPH M. CONNORS, JR.: Good  
4 evening Madam Clerk. My name is Joseph M. Connors,  
5 Jr. I'm an attorney representing Aggregate Industries  
6 Northeast Region, Region, Inc. My office is at 404  
7 Main Street here in W Waltham.

8 I am not sure if you recall but there  
9 was a note in the ah, the ZBA Application sign up by  
10 the Building Inspector noting that we needed a  
11 variance for the height of the silos and ah the  
12 original petition did not include that request. So,  
13 I am not sure if you're aware of the, kind of the,  
14 the process to determine height in the City but you  
15 know you gotta take the average, average aggregate  
16 elevation and so initially the Petitioner did not do  
17 that. So, since that time we've done that and  
18 determined that we do indeed need a height variance  
19 for the silos that are proposed in this case.

20 So, today I have filed a new case with  
21 -- with your office, the Zoning Board of Appeals  
22 Office and I have a hearing scheduled for April 10<sup>th</sup>.  
23 So, that hearing is specifically to address the ah  
24 the height variance request for the silos.

25 So, I'm therefore, re ah, respectfully

1 requesting that we continue this matter to April 10<sup>th</sup>  
2 and I need two forms of relief.

3 I need a special permit on a 37222 and  
4 I also need a height variance and, and it's for the  
5 same project. It's all kind of wrapped up together  
6 so I would ask for that continuance so that both  
7 matters may be heard together by the same five board  
8 members that sit that night and then we can address  
9 both cases simultaneously.

10 I do have a letter Madam Chair that  
11 requests essentially that, a continuance until April  
12 10<sup>th</sup> to hear both matters concurrently. (Handed Madam  
13 Chair the letter.)

14 BARBARA RANDO, CHAIR: Thank you.

15 Mr. Rudnick: Thank you.

16 BARBARA RANDO, CHAIR: All right. Are  
17 there any um any motions to continue Case 2018-01 to  
18 April 10, 2018?

19 JOHN SERGI: So moved Madam Chair.

20 BARBARA RANDO, CHAIR: Motion by Mr.  
21 SERGI.

22 Do I have a second?

23 GLENNA GELINEAU: I second it.

24 BARBARA RANDO, CHAIR: Second by Miss  
25 Gelineau.

1                   How do you vote Mr. Sergi?  
2                   JOHN SERGI: Yes.  
3                   BARBARA RANDO, CHAIR: Mr. Hickernell?  
4                   MR. HICKERNELL: Yes.  
5                   BARBARA RANDO, CHAIR: Mr. Rudnick?  
6                   MR. RUDNICK: Yes.  
7                   BARBARA RANDO, CHAIR: Miss Gelineau?  
8                   GLENN GELINEAU: Yes.  
9                   BARBARA RANDO, CHAIR: And the Chair  
10                  votes yes.  
11                  I think we have to extend the 100  
12                  days.  
13                  ATTORNEY JOSEPH S. CONNORS, JR.: I  
14                  think we do yeah. I think we need to --  
15                  BARBARA RANDO, CHAIR: -- case.  
16                  ATTORNEY JOSEPH S. CONNORS, JR.:  
17                  extend some --  
18                  BARBARA RANDO, CHAIR: I'm sorry.  
19                  ATTORNEY JOSEPH S. CONNORS, JR.: Do we  
20                  have to extend anything for the hearing date?  
21                  MR. HICKERNELL: One hundred days  
22                  expires on April 26<sup>th</sup>.  
23                  BARBARA RANDO, CHAIR: Oh because then  
24                  we don't have to.  
25                  ATTORNEY JOSEPH S. CONNORS, JR.:

1 Okay. with the hearing date.

2 BARBARA RANDO, CHAIR: April 26<sup>th</sup>.

3 ATTORNEY JOSEPH S. CONNORS, JR.:

4 What's the pro -- is there a limitation on when we  
5 have to have a hearing?

6 BARBARA RANDO, CHAIR: No.

7 ATTORNEY JOSEPH S. CONNORS, JR: No.

8 MR. HICKERNELL: We just continued the  
9 hearing.

10 ATTORNEY JOSEPH S. CONNORS, JR.:

11 Okay.

12 MR. HICKERNELL: What do you mean?

13 ATTORNEY JOSEPH S. CONNORS, JR.: All  
14 right.

15 BARBARA RANDO, CHAIR: We could extend  
16 it later if we have to --

17 ATTORNEY JOSEPH S. CONNORS, JR.:

18 Okay.

19 BARBARA RANDO, CHAIR: -- to make a  
20 decision.

21 ATTORNEY JOSEPH S. CONNORS, JR.: Yeah  
22 we should be able to address that at the April 10<sup>th</sup>  
23 date. Right? Okay thank you.

24 BARBARA RANDO, CHAIR: All right. We  
25 need you to sign, no we don't. We will wait until we

1 see if they make a decision on the --.

2 ATTORNEY JOSEPH S. CONNORS, JR.: --

3 (speaking to the audience) you know to make it --.

4 Thank you.

5 AUDIENCE: Thank you.

6 MR. HICKERNELL: Thank you.

7 MR. RUDNICK: Thank you.

8 MISS GELINEAU: Thank you.

9 BARBARA RANDO, CHAIR: See you April

10 10<sup>th</sup>.

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4 BARBARA RANDO, CHAIR: Okay.

5 All right. Now we would like to go  
6 into Executive Session meeting um for the purpose of  
7 pending and/or anticipated litigation related to Case  
8 2015-15 25 and then we will, re, adjourn from there.

9 Do I have a motion to go into  
10 Executive Session?

11 MR. HICKERNELL: So moved.

12 BARBARA RANDO, CHAIR: Motion by Mr.  
13 Hickernell.

14 Do I have a second?

15 MR. SERGI: Second.

16 BARBARA RANDO, CHAIR: Second.

17 MR. SERGI: Yes.

18 BARBARA RANDO, CHAIR: All right. Mr.  
19 Rudnick.

20 MR. RUDNICK: Second, second.

21 BARBARA RANDO, CHAIR: How  
22 do you vote Mr. Sergi?

23 MR. SERGI: Yes.

24 BARBARA RANDO, CHAIR: Mr. Hickernell?

25 MR. HICKERNELL: Yes.

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1 BARBARA RANDO, CHAIR: Mr. Rudnick?

2 MR. RUDNICK: Yes.

3 BARBARA RANDO, CHAIR: Miss Gelineau?

4 MISS GELINEAU: Yes.

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

7 All right. We will be going to  
8 Executive Session Meeting.

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17 // *Barbara Rando, Chair*

18 // *5/15/18*

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C E R T I F I C A T E

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I, Kathryn A. Leahy, do hereby certify that

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the foregoing record is a true and accurate

8

transcription of the proceedings in the above-

9

captioned matter to the best of my skill and ability.

10

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13

*Kathryn A. Leahy*

14

Kathryn A. Leahy

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