

**CITY OF WALTHAM  
ZONING BOARD OF APPEALS**

**April 24, 2018**

**The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, April 24, 2018, in the Auditorium of the Arthur Clark Government Center, 119 School Street, Waltham, MA.**

**In attendance were Chair Barbara Rando, and members Glenna Gelineau, Sarah Hankins, Mark Hickernell and Michael Squillante.**

**The members sitting on the first two cases are: Mark Hickernell, Glenna Geliineau, Sarah Hankins and Barbara Rando.**

**Mrs. Rando: Tonight we have two continued cases and one new case before us. Case 2017-34, Waltham Farm Home Realty Trust, Daniel and Christine Wildes, Trustees, 54 Emerson Road/29 AFT Emerson Road.**

**The second case is Case 2018-05, Viewpoint Sign and Awning, Owner Genzyme % Sanofi, 153 Second Avenue, and that is also a continued case.**

**The third case is 2018-10 Woerd Ave, LLC % Hilco Realty Trust LLC, 48 Woerd Avenue and that's for a variance.**

**We have minutes to approve, so I am ready to take a motion for the minutes that were given on April 10, 2018.**

**On motion of Ms. Gelineau seconded by Ms. Hankins, the board voted to approve the minutes of April 10, 2018.**

**Will the clerk please read the Petition in Case No. 2017-34, Waltham Farm Home?**

**The clerk then read the petition in Case 2017-24, Waltham Farm Home Realty Trust, Daniel and Christine Wildes, Trustees, for an appeal of a Notice of Violation dated September 19, 2017, issued by the Inspector of Buildings. Location and Zoning District: 54 Emerson Road/29 AFT Emerson Road, Commercial Zoning District.**

**Mrs. Rando: May we hear from the Petitioner or the Petitioner's representative, please?**

**Kevin Dwyer, Esquire, 707 Main Street, Waltham came forward.**

**Mrs. Rando: Before you start, I want to apologize. We only have four members this evening. Mr. Sergi's father is quite ill, unexpectedly, and you have the right to go with four or you have the right to continue.**

**Mr. Dwyer: Madam Chair, I had a conversation with Mr. Forte in the Building Department this afternoon. We agreed to continue this matter for thirty days with the board's permission.**

**Mrs. Rando: And that's your wish?**

**Mr. Dwyer: Yes, please.**

**Mrs. Rando: How about the 22nd of May? Will that give you enough time?**

**Mr. Dwyer: Is the 29th available, Madam Chair?**

**Mrs. Rando: No, it's the day after Memorial Day and the council is going to meet that night. I can go to June 5th.**

**Mr. Dwyer: Let's go with the 22nd.**

**Mrs. Rando: I need you to sign something.**

**Do I have a motion to allow Case 2017-34 to continue to May 22nd?**

**On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to Continue Case 2017-34 to May 22nd.**

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

**Mrs. Rando: Now I need a motion to allow the hundred days to be extended to July 8th.**

**On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to extend the hundred days to act on this case to July 8, 2018.**

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

**Mrs. Rando: Will the clerk please read the Petition in Case No. 2018-05, Viewpoint Sign & Awning % Genzyme, 153 Second Avenue.**

**The Clerk then read the Petition of Viewpoint Sign & Awning, owner Genzyme % Sanofi in an application for a sign variance. Location and Zoning District: 153 Second Avenue, Commercial Zoning District.**

**Mrs. Rando: May we hear from the Petitioner or the Petitioner's representative, please?**

**Did you submit those to the Law Department? (Referring to the Proposed Findings of Fact and Proposed Decision.)**

**Keith Dubois, Viewpoint Sign and Awning, 35 Lyman Street, Northborough, MA: Yes. We did.**

**(Mr. Dubois submitted a copy to each member.)**

**Mrs. Rando: Would you like to go over your Proposed Findings of Fact?**

**Mr. Dubois read his Proposed Findings of Fact into the record.**

**Mrs. Rando: Does anyone have any questions on the Proposed Findings of Fact?**

**There were no questions.**

**Mrs. Rando: You may proceed with your Proposed Decision.**

**On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to waive the reading of the Proposed Decision since it's been on file at the Law Department.**

**Mrs. Rando: And this is a rendering of the sign?**

**Mr. Dubois: Correct. This is the proposed sign which we spoke about at the last hearing completely conforming with all the requirements from the building department as far as sign specifications, size and things like that. It's non-illuminated. It's double sided and fits perpendicular to the roadway where the existing was parallel to the road. It's single sided. It's barely visible. This one will be much be much clearly visible coming from both sides of the street.**

**Mrs. Rando: I made a site view and it will be very hard when the tulips are in bloom to see the sign.**

**Any questions on the Proposed Decision?**

**Hearing none, I am ready to entertain a motion on the Proposed Findings of Fact.**

**On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to adopt the Proposed Findings of Fact as the board's findings of fact.**

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

**Mrs. Rando: Do I have a motion on the Proposed Decision?**

**On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to adopt the Proposed Decision as the Board's Decision.**

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

**Mrs. Rando: It is granted.**

**Will the clerk please read the Petition in Case No.2018-10?**

**The clerk then read the Petition of Woerd Sub, LLC % Hilco Real Estate, LLC in an application for variance and a Finding. Subject Matter:: Property currently contains a nonconforming structure. Petitioner requests a variance to increase the nonconformity of the front yard setback from Cove Street and the side yard changes and a finding from the Board of Appeals under General Laws, Chapter 40A, Section 6 that the proposed changes to the property are not substantially more detrimental to the neighborhood than the existing nonconforming structure. As part of the project, Petitioner will demolish a portion of the the building and make other modifications to the property which will reduce or eliminate the existing dimensional nonconformities with respect to front yard setback from Woerd Avenue, and snow storage. Location and Zoning District: 48 Woerd Avenue, Commercial.**

**The members sitting on this case are: Mr. Squillante, Mr. Hickernell, Ms. Gelineau, Ms. Hankins and Mrs. Rando.**

**Mrs. Rando: May we hear from the Petitioner or the Petitioner's representative, please?**

**Philip B. McCourt, Esquire, 15 Church Street, Waltham came forward.**

**Mr. McCourt: Here tonight is a rather extensive team who will present various aspects of this case, most importantly, Brent McDonald who is with Nutter McClennen and Fish, Co-Counsel, and who will be giving you the overall brief on it. Then we have Ben Spera, Andrew Chused, and Jeff Motavan from Hilco who is the current company of the**

ownership of this property; Jim DeVellis who is the Engineer and Nathan Langlais who is with the Architect.

They are going to put up a board here so you can see it. I mean you have the plans but this just will be easier and then Brent will give you an overview of the aspects of the case.

Brent McDonald, Nutter, McClennen and Fish, 155 Seaport Boulevard, Boston, MA 02210 came forward.

Mr. McDonald: We are here tonight for 48 Woerd Avenue. As noted, this is in the Commercial Zoning District. It's approximately an 11.7 acre parcel. It's bordered on one side by Cram's Cove, the Charles River; across the street is DCR property; north of the property we have residences on Crescent Street and on the other side of the property is the former Waltham landfill.

This property has a long commercial and industrial history to it. It's the former home of W. H. Nichols. It's headquartered on one end of the property and New England Mica Company was headquartered on the other end of the property along Cram's Cove.

Mr. McDonald read his brief into the record along with going over photos and plan of the proposed project.

Mr. McDonald: I will be happy to go into any more details that you would want on the legal front and we also have our engineer and architect who can walk you through the details of the project and everybody here is available for any questions you might have.

Ms. Hankins: Just on the side with the two inch variance, can you get into exactly what work you have planned for that?

**Mr. McDonald:** This will be future work. So by improving the facades on this front, it's adding to what is actually there. So it's roughly adding two inches to the exterior of the building. That facade work is currently planned at the moment is along Cove Street as well as Woerd Avenue to the extent that they wanted to do it on the third side of the building it would add two inches to that side of the building as well which is the side yard.

**Ms. Hankins:** So are they doing that work? It's not clear.

**Mr. McDonald:** It's not planned at the moment in this first phase of the work. It will be a later phase of work.

**Ms. Hankins:** Is this how it's reflected on the plans?

**Mr. McDonald:** The plans reflect the two inch setback. The plan shows that two inches and it goes from 11.6 to 11.4 but it would be the same facade work that would be shown on this plan.

**Mrs. Rando:** Where is the snow going to go?

**Ben Spera, Hilco Real Estate, 99 Summer Street, Boston, MA:** Right now Hilco Real Estate is the owner of the property and we have a property manager that handles the maintenance of the property, so typically we handle all the snow on the site.

**Mrs. Rando:** Where on the site?

(Mr. Spera went over the plan with the board and pointed two areas where they put all the snow.)



**Mr. Spera:** We lose some parking spaces as a result of that but we sort of work with our tenant which is Olympus to work around that when we do have snow events.

**Mrs. Rando:** How? Where will those cars go when there is snow?

**Mr. Spera:** The snow will go in the parking spaces.

**Mrs. Rando:** And you lose a couple.

**Mr. Spera:** We lose two spaces

**Mrs. Rando:** So those cars when there is snow there are going to park where?

**Mr. Spera:** There's adequate parking on the site for Olympus even with losing some of the spaces. I don't know the parking ratio off hand but I believe its just under four spaces per thousand square feet. And so we work with Olympus to manage the snow on our site and Olympus has been fine with that up to date.

**Mrs. Rando:** How many spaces are you giving them?

**Mr. Spera:** We're giving Olympus the whole property and all the spaces that come with the property. So basically, today there are in eighty-five thousand square roughly with a hundred twenty-nine thousand feet and we have an agreement with Olympus basically to expand into the whole property. We are going to actually shrink the size of the property from a hundred and twenty-nine thousand to a hundred and twenty-one thousand. So by removing the appendage at the front that people have referenced, we are actually reducing the density in terms of whats actually on the site for building area and again we think it's better for the overall property, the appearance, the curb appeal , etc., of the property. It functions better quite frankly as well and we are able to do it and do it to keep up with

what we would consider a very good employer within Waltham in Olympus. And I think just real quick, the goal here is really to bring the exterior of the property up to par with the interior so when you go to the building it's a tired looking building from the exterior and I think the plan here is to sort of elevate that appearance, and enhance it, step it off the street. Right now visibility pulling out of there is a little bit tricking. Removing the appendage is going to certainly help with that and then we will have more of a typical sort of commercial style entrance at the front when we remove that appendage that we think again will be an enhancement from what's there today.

**Mrs. Rando:** How many people do you think will be in your office part of the building?

**Mr. Spera:** We will have about three hundred and fifty to four hundred employees on the site.

**Mrs. Rando:** And how many in the other half of the building?

**Mr. Spera:** Really it's a mix of uses that go on within the premises so they have RMD that go on at the facility as well. I don't know the break out. If I were to venture a guess I would say somewhere like the sixty to seventy percent office and thirty to forty percent to RMD light assembly, that type of thing.

**Mrs. Rando:** Is there something medical?

**Mr. Spera:** They do non-disruptive technology, so they actually make sort of, I call them guns for lack of a better term. But you can shoot them at the ground and see what minerals are in the ground. You can test the thickness of pipes. Those types of things. That's what they do inside and then they sell those to large corporations. They actually do everything from soup to nuts within this facility and it's a very important facility. Quite

frankly they were looking at moving this facility and consolidating with their medical device group that's in Southborough and we were able to retain them. It's a big win for the building, the city and again keeps a lot of employees within the area.

**Mr. McDonald:** And Madam Chair, if I could just add one thing. On the parking, your earlier question about parking, under the zoning code this building would require three hundred and thirty-five parking spaces based on its square footage in its proposed mix of uses. It currently has more than five hundred spaces on the property.

**Mrs. Rando:** You have five twenty-six.

**Mr. McDonald:** So its over parking at the moment so there is snow storage which is planned in the back half of the property.

**Mrs. Rando:** Well, you have five hundred and thirty-nine parking spaces. That's five hundred and twenty-six, nine by seventeen inches, I mean feet I guess, and thirteen handicapped. That comes to what, five thirty-nine?

**Mr. McDonald:** I believe that's correct.

**Mrs. Rando:** And you have three hundred fifty to four hundred employees?

**Mr. Spera:** That's right. That's as of today. You know we could talk to Olympus about what their future projection is. I don't have all that information but certainly can check with them. They are consolidating. They are actually moving other groups into this building so that may increase.

**Mrs. Rando:** I'd like to know how many employees are going to be in there and how many people would visit this site during the day.

**Mr. McCourt:** Very few people visit there. I will just tell you from a personal interest. My nephew is an electrical engineer and works actually for Nicholas, and so doesn't his wife. Very few people ever go there. My nephew travels to many countries and everything representing them. It's a great well thought of company and it's a great asset to have it remain here. I can assure you that not many people from a visitor point of view come here. It's mostly engineers just to exchange the data and that sort of thing. I'm sure there will be plenty of parking. This back lot rarely gets used. (Mr. Spera went over the plan on the parking with the board.)

**Mr. Hickernell:** A question, you were discussing the snow removal earlier. Are we discussing what happens now or what is going to happen after this project is complete.

**Mr. Spera:** I think it will be virtually the same.

**Mr. Hickernell:** Fixing snow removal was mentioned in the petition. So what's the change going to be with respect to the snow removal?

**Mr. McDonald:** There's a dedicated snow removal area that didn't exist and basically that can be on the back lot as identified on the plans because we want to come up with a realistic place in an area that's not frequently used but also is far away from any of the resource areas that exist on the property under the wetlands act.

**Mrs. Rando:** Are there any explosive chemicals or anything on that site?

**Mr. McDonald:** I don't believe so.

**Mrs. Rando:** Are there any other questions?

**Mr. Squillante:** I was going to ask the same question about the snow. They probably put the snow there now. Is that correct?

**Mr. Spera:** They put the snow in a couple of different areas now. Basically there's one area (referring to the plan). Today they basically put it here and then in the back and what we are saying is that is now a dedicated storage area.

**Mr. Squillante:** You say it's a pre-existing nonconforming. Is there any documentation that shows that its pre-existing nonconforming?

**Mr. McDonald:** So the building has been there in these nonconformities have been there at least since 1960. Prior structures to this which predates the current version of the zoning code for this area.

**Mr. Squillante:** Do you know what the requirements were in 1960?

**Mr. McDonald:** I do not off the top of my head.

**Mr. Squillante:** The fact that they pay taxes does not guarantee that it met the zoning requirements.

**Mr. McDonald:** That's correct. However this a long standing building there.

**Mr. Squillante:** I understand. And you have a one foot going to zero feet in the front, I guess.

**Mr. McDonald:** went over the plan. It ranges so the building's not a straight line. It bumps out in various areas. So it goes from 1.0 five feet and it's three feet in the back and roughly 2.5 feet in the front.

**Mr. Squillante:** The petition says that's going to zero.

**Mr. McDonald:** That's correct.

**Mr. Squillante:** Why is it going to zero?

**Mr. McDonald:** Perhaps the architect can talk about the facade work that's happening on that side and how it's getting there.

**Mr. Nathan Langlais, BKA Architects, 142 Crescent Street, Brockton, MA:** So the primary reason is to extend out. There already is an extension there. We are extending it out a little further and we are encapsulating the employee entrance and allow it to have a staircase in order not to protrude into the sidewalk. We are encapsulating it by some walls (referring to the photo). So they are going to have two employee entrances.

**Mr. Hickernell:** So the zero feet will just be at its closest point.

**Mr. Langlais:** Exactly which occurs at three locations.

**Mr. Squillante:** In the petition, did you discuss the other requirements of a variance: hardship, unique circumstances, etc.

**Mr. McDonald:** Yes. that's all in our brief. I will be happy to go over them with you point by point.

**Mr. Squillante:** Please.

**Mr. McDonald** read from his brief and went over the plan.

**Mr. Squillante:** I don't have a copy of the brief. I just heard about this at two o'clock this afternoon.

(Mr. McDonald submitted a copy of the brief to Mr. Squillante and went over the statutory requirements contained in his brief.)

**Mrs. Rando:** Could you tell me what you are using for your hardship?

**Mr. McDonald:** We spoke about the hardship, with respect specifically the financial hardship under the variance test. So as we detailed in our brief, and the Proposed Decision and the Finding of Fact, in order to bring this property into conformance or do anything with this property, we would be losing a significant amount of rentable square footage to move these lines back (referring to the plan) to the required setback of thirteen feet. It's roughly a twelve to thirteen foot amount along this entire side of the building to bring it into conformance and then we would also need to shave off a portion of this back part of the building in order to do that as well. So we are reducing the rentable square footage and we wouldn't be able to do anything else with this property because we are hemmed in because of the unique layout of the land.

**Mrs. Rando:** In your brief, you said that you wanted to make it more attractive and it would be easier to rent the property.

**Mr. McDonald:** Yes.

**Mrs. Rando:** If it was more attractive and - - -

**Mr. McDonald:** Yes. I mean without these renovations the existing tenant is not going to want to stay in this property and other companies aren't going to want to come to a what right now is existing conditions.

**Mrs. Rando:** Well if that is a hardship, why couldn't you make the building smaller to conform and still make it attractive.

**Mr. McDonald:** Because that would be a significant amount of work to essentially shave off this entire part of the building. You would be demolishing this whole part of the building down which you would be losing a significant amount of square footage and it doesn't make a whole lot of economical sense to - - -

**Mrs. Rando:** Economic sense, how?

**Mr. McDonald:** Because you would be expending a significant amount of money to remove all of this and you are not going to recoup that amount of money because you just lost - - - -

**Mrs. Rando:** But we can't look at that. That's a financial gain. We can't look at that, that you're not making as much money.

**Mr. McDonald:** It's a financial hardship and the fact that you are going have a property, if nobody is going to do this work, you have created a financial hardship for a property that can never be improved because of the way that the lot is configured.

**Mrs. Rando:** You just have to change the size of the building.

**Andrew Chused, Hilco Real Estate, 99 Summer Street, Boston:** So, I think and the essence of this is, if we shrunk the building our costs go up and Olympus leaves. It's



simple. They will literally go to another location whether it's Southborough, whether its Lynnfield, whether its some other place. They vacate this property. Now we have a vacant property. The bank would probably own it shortly without a tenant paying rent on the square footage. That's just the reality of the economics of doing that type of renovations. They way we pushed it is to keep Olympus here, do as much as we can to beautify the building within its existing limits. So we think what we are asking for is pretty straightforward, from a reduced the appendage; clean up the outside and we retain Olympus and four hundred plus jobs. If we don't do this they need a hundred and twenty-thousand square feet. So if we give them ninety or sixty, they just go somewhere else is the reality, unfortunately. That would be a disaster for us. It's not even about making money. We are not asking you to approve something so we can make a fortune here. We are asking to keep Olympus here in the building and improve what honestly needs a lot of work from the outside.

**Mrs. Rando:** How long has that building been vacant?

**Mr. Chused:** So, Olympus has been in the back of the building I believe for ten years or so. The front of the building used to have a company that moved out and went to North Carolina. So that's been vacant for about nine months. We finally were able to negotiate after a long protracted negotiation to have Olympus take the balance of the building, and obviously, if it's subject to them taking the balance of the building they want to see it improved. They basically said improve it or we are going to have to look at other options, build to suit out west, 495 or somewhere else because they want an institutional corporate look and feel and today the building doesn't do that for them. So we said we'll do this and improve it if you stay. And that's sort of the trade we made. Obviously we need approval, but we thought it was a, to us this was a very straight forward sort of request. We love owning buildings like this (referring to the photo). We don't like owning buildings that look like the one we have.

We are doing 152 Grove Street right now. It's the old Standard Thompson building. So we bought that in 2015. It was filled with vagrants, dead animals. There were people living in there and we have spent millions and millions of dollars to improve that building. It's very similar. We've reduced the nonconformity. We removed old appendages that looked terrible, that no one would lease there and we are proud to say we are almost done with our renovation and we actually got our first signed lease this morning with Panasonic which is a huge win for us, huge win for the town, and we are negotiating with another company today. We are trying to convince them to come from Cambridge to Waltham. So we are trying to do the same thing. We believe in our projects in terms of doing something like this. You know the legal stuff is one thing, but we're doing the right thing here. We are trying to take an ugly building and make it look good and keep our tenants and try to keep them here.

You will see what we do as we get to know each other because we are going to own Grove Street for a very long time. We're going to own this for a very long time, so we want to make sure we elevate the assets we buy to institutional quality. We don't want to own stuff that looks like junk.

Mr. Spera: Let me say one more thing. We don't take what you are doing for granted. We try to be as thoughtful as possible when we come here. So coming here and saying we're taking a hundred and twenty-nine thousand square foot building, making it smaller, reducing the nonconformity, we really try to do the right things. We are not coming here and say, we have twelve acres, we want to put three hundred thousand feet on this site. Our motto is really taking these sort of older properties and revitalizing them, giving them a new vision and a lot of these type of thing like this really require that vision and that investment of capital to make this type of thing happen. We do try to be as thoughtful as we can before we come in here to a meeting like this to tell you, hey, this is what we would like to do. We think its very beneficial for the community. Obviously we

are biased but we do think that it's a very well thought out plan. We hope we have your support. Thank you.

**Mrs. Rando:** Were you in front of the Conservation?

**Mr. McDonald:** Yes. When was that?

**Mr. Chused:** About a month or a month and a half ago.

**Mr. McDoanld:** And the ConCom granted the approval for the work.

**Jim DeVellis, DeVellis Zrein, Inc. :** I am a Professional Civil Engineer and we presented a full Notice of Intent to the Conservation Commission and they issued an Order of Conditions. Some of the highlights we talked about, not to be redundant, but we did pull the building back and we increased the landscaping by four thousand three hundred square feet. So where you see pavement, broken up pavement, you are going to see four thousand square feet of landscaping. We cleaned up all the area. We put in storm sectors. We put in a full operational plan that either did not exist and was not adhered to before. We went to one meeting and basically they said thank you very much. They thought it was a good opportunity.

**Mr. McCourt:** We also discussed the updating of this building and our intent both with the former city councillor and the current city councillor. All approved it and both of whom were very happy that this building would be updated and that Olympus would stay and this would become a much more attractive site, frankly.

**Mr. Squillante:** The plot plans that you have that show the flood zone, all that property is the same piece of property that's on your parcel?

**Mr. McDonald:** Yes.

**Mr. Squillante:** So you have a lot of area that you just can't use.

**Mr. McDonald:** That's correct.

**Mr. Squillante:** I think that the fact that it's desirable, is not enough. I think the fact that you could meet the requirements of the zoning code that would actually involve moving the building or changing the shape of the building or moving a wall really does constitute a hardship.

**Mrs. Rando:** Mr. Hickernell, do you have any questions?

**Mr. Hickernell:** No. Just an observation to do anything because of the current location of the building with respect to the public way, you need a variance and this project reduces the nonconformity substantially. So that makes a lot of sense.

**Ms. Hankins:** No questions. I just echo that I think the public way definitely creates a very difficult situation for making improvements on the building but it's definitely a building that I think needs to be improved. I think that this project, you certainly are not asking for too much so to speak.

**Mr. McDonald:** If I may, you can also see that this photo gives you a good illustration. This is also Gateway, As you can see the DCR land, across is the Charles River where people coming to see the Charles River or come boating. This property is the first thing that they see if that's their first exposure of Waltham. And certainly this is a much more beautiful picture of what happens in Waltham than what's currently there.

**Mrs. Rando:** You mentioned in the beginning of your speech that something was in Phase One. Is that the one inch?

**(Mr. McDonald went over the plan of the work that was contemplated.)**

**Mr. McDonald:** The only thing that would be future work is facade improvements on the side of the building.

**Mrs. Rando:** Why is it Phase Two? Do you plan on coming back with more changes to the building?

**Mr. McDonald:** No. We would be looking for the board to essentially approve the two inch change to the setback in this back corner to allow this same work to happen on that side. When you have a nonconforming structure, if you're adding two inches to it, you would be triggering the need for a variance.

**Mrs. Rando:** So that's the only thing you would be coming back for.

**Mr. McDonald:** Well, we would be seeking approval to essentially do the same thing. The way the decision is written it would be to do essentially to do the same facade work on that side which would be adding the two inches. It wouldn't include a new entrance or anything of that nature so we wouldn't be bumping it out the four feet we need on this side, it would just be essentially we would be seeking the 0.2 feet change in side-yard.

**Mrs. Rando:** I am concerned about the parking and are you sure that you are able to keep all the snow off the street and that you are able to keep it all on your locus.

**Mr. McDonald:** I don't see why not. We have a significant amount of space and as I indicated earlier we have more than two hundred parking spaces which is more than what is required in the zoning.

**Mrs. Rando:** And you would not mind that being a condition?

**Mr. McDonald:** No.

**Mrs. Rando:** Is there anyone in the audience that is in favor of this petition?

(Eleven people raised their hands in favor.)

Is there anyone in opposition? Seeing none. Is there anyone seeking information.

**Bruce Reynolds, 4 Riverview Avenue, Waltham:** I think it's great that they want to improve the facade. My question is, currently, is it three hundred and fifty or four hundred employees. I am curious as to the maximum number of employees that can be housed there. Specifically, if they are asking that, where Olympus consolidates their Newton office into that building.

**Mr. Chused:** Their current location in Newton, I believe, is twenty-five thousand square feet. So it's small. It's about forty to forty-five people I believe. So that is what I believe is coming in. They'll never go over more than what they have for parking but I would assume plus or minus four hundred people is what we are dealing with here. It's probably in that range.

**Mr. Spera:** Because we are reducing the size of the building from one hundred and twenty-nine thousand to one hundred and twenty-one thousand, so the reduction of eight

thousand feet, you would think would reduce the amount of people there since two or three years ago when the building was fully occupied.

Mrs. Rando: Sir, did you live there two or three years ago?

Mr. Reynolds: I did.

Mrs. Rando: Was there a problem with parking at that time?

Mr. Reynolds: No. I don't believe there was. But the reason that I asked is, because I live on the corner of Rumford and Woerd and Riverview, that section. That pass thru gets used by over a thousand cars a day. And at the end of January, there was a dog walker that was almost hit by a car running the stop sign and so there was a number of people that called Waltham PD and they were fantastic about putting a squad car there for about two weeks. They had the patrol car there at five in the morning through seven in the morning and then again from four thirty at night to about eight p.m. and they were pulling cars over every five minutes. It was just a light show and the number of people who stop at that stop sign, a full stop, is about ten percent. Everything else is a rolling stop or cars that completely disregard it.

So the concern is that there are dog walkers, there are children, there are bus stops there, runners and people who are using the trail that goes from beyond the Watch Factory on to Auburndale. People were concerned that people were going to get hurt. And with the addition of the five thousand square feet that Newton has approved, I think that's Newton, on Rumford Avenue, now we have more tenants that are going to be there and I'm more concerned about more people coming to Woerd Avenue because a lot of people are using the pass thru to circumvent some of the traffic on Lexington and Moody in addition to the people who actually work there and live there.

**So that was my concern. I appreciate the board just being aware of that.**

**Mrs. Rando: Is it the wish of the board to continue or to have them get more information on the maximum number of people that could work there and parking?**

**Mr. Hickernell: I am satisfied that they've got sufficient parking for the square footage.**

**Mr. Squillante: I am all set.**

**Ms. Gelineau: I am fine.**

**Ms. Hankins nodded her head in agreement.**

**Mrs. Rando: You may continue with your Proposed Findings of Fact.**

**On motion of Mr. Hickernell, seconded by Mr. Squillante the board voted to waive the reading of the Proposed Findings of Fact since they have been on file in the Law Department.**

**Mrs. Rando: You may continue with your Proposed Decision.**

**On motion of Mr. Hickernell, seconded by Mr. Squillante, the board voted to waive the reading of the Proposed Decision since it has been on file in the Law Department.**

**Mrs. Rando: Do I have a motion on the Proposed Findings of Fact?**



**On motion of Mr. Hickernell, seconded by Mr. Squillante, the board voted to adopt the Proposed Findings of Fact as the Board's Findings of Fact?**

**Roll call: Mr. Squillante, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.**

**Do I have a motion on the Proposed Decision?**

**Mrs. Rando: I would like a condition that the snow will be contained on the property and maintained by the owner.**

**On motion of Mr. Hickernell, seconded by Mr. Squillante, the board voted to adopt the Proposed Decision, as amended, as the board's decision.**

**Roll call: Mr. Squillante, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.**

**Mrs. Rando: It is granted.**

**Mrs. Rando: We are going to take a five minute recess. Mr. Hickernell seconded the motion and the board voted to recess at 8:15 P.M., for five minutes.**

**The board reconvened at 8:20 P.M.**

**Mrs. Rando: We are here to pick three names that the Massachusetts Housing Partnership had given us of a copy of people's resumes and we are picking three to help us with the 40B Project that is before us.**

**Mr. Hickernell:** I would suggest that Judi Barrett and Lynne Sweet be two of the three based upon the projects they have done. At least several of their projects are either the ones we are familiar with or acted in cities that are of a similar size as Waltham.

**Mr. Squillante:** I suggest that Joseph Peznola, PE be selected as the third person. He was on the zoning board of appeals which I think would qualify him.

**Mr. Hickernell:** I move that we submit those three names to Pam Doucette to see if one of them is willing to become our technical assistant for this project and if more than one is available, I would say we delegate to her to pick the one with the most attractive offer.

**Mrs. Rando:** I have a motion by Mr. Hickernell do I have a second?

**Mr. Squillante** seconded the motion.

**Roll call:** Mr. Squillante, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, yes.

**Mrs. Rando:** We will present those three names to the Law Department.

**One more motion is in order.**

**On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to adjourn at 8:25 P.M.**

*Barbara Rando, chair*