

FOR THE
CITY OF WALTHAM
ZONING BOARD OF APPEALS

GENERAL HEARING

May 15, 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
Marc Rudnick
John Sergi

Arlington Reporting Corporation
(339) 674-9100

Waltham Zoning Board of Appeals/5-15-18/2

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P R O C E E D I N G S

BARBARA RANDO, CHAIR: Good evening.
The Zoning Board of Appeals for Tuesday, May 15, 2018
is called to order at 7:00 p.m.

Tonight we have one continued case
before us, Case 2015-25, Alliance Realty Partners,
341 Second Avenue. It's an application for a
comprehensive permit.

The members sitting this evening are
Mr. Sergi, Mr. Hickernell, Ms. Gelineau, Mr. Rudnick,
and I am Barbara Rando.

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1 ACCEPTANCE OF MINUTES OF FEBRUARY 27, 2018

2 AND MARCH 6, 20, 27, 2018

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4 BARBARA RANDO, CHAIR: The first
5 action tonight is approve the minutes of March 27,
6 March 20, February 27, and March 6.

7 JOHN SERGI: So moved, Madam Chair.

8 BARBARA RANDO, CHAIR: Motion by Mr.
9 Sergi. Do I have a second? Second on the minutes?

10 MARC RUDNICK: Second.

11 BARBARA RANDO, CHAIR: Second by Mr.
12 Rudnick.

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. The minutes have been approved.

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1 Case Number 2015-25: Alliance Realty Partners LLC
2 d/b/s Broadstone Watch City.

3

4 BARBARA RANDO, CHAIR: Would the Clerk
5 please read the petition in Case 2015-25 for a
6 comprehensive permit under 40B?

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

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

13 MICHAEL BOUJOULIAN: Good evening.
14 For the record, my name is Michael Boujoulian with
15 the Petitioner. I'm the managing director of
16 Alliance Residential.

17 MARK HICKERNELL: Going for the
18 sympathy vote I see.

19 (Laughter.)

20 MICHAEL BOUJOULIAN: Honestly, I'm
21 starting to feel bad for myself.

22 So, thank you for having us again
23 tonight, Madam Chair and members of the Board.

24 We have -- we've brought our team

1 tonight to review a series of changes and responses
2 we've provided to the Board. I'll give a brief
3 overview of what's happened since I believe our last
4 public hearing.

5 We did submit a detailed response
6 memorandum which we hope the Board has received
7 detailing all of the issues that were laid out in
8 that hearing as we committed. We wanted to respond
9 and address each one of those, many of which we hope
10 we've responded to, some of which I understand we
11 still need to work on and coordinate with some of the
12 town departments. But some of the minor adjustments
13 we'll present tonight include adjustments to the site
14 plan, parking, and some concerns that we heard from
15 City departments there, an adjusted waiver list with
16 some waivers that the City had asked us to address
17 and remove, frankly, and a series of other mostly
18 design-related changes I think that you'll hear from
19 our architect, CUBE 3 Studio. We have Brian O'Connor
20 who is a principal with that firm.

21 So, if it pleases the Board, I'm happy
22 to ask my consultants to begin discussing some of the
23 changes. Or, if you'd like to discuss some of the
24 materials we've submitted since then, we're happy to

1 do that at your discretion.

2 BARBARA RANDO, CHAIR: I think we need
3 to continue.

4 MICHAEL BOUJOULIAN: Okay. With that
5 then, I guess Brian will walk us through some of the
6 tweaks we've made.

7 BARBARA RANDO, CHAIR: I don't think
8 anyone has questions right now, do you? Does anyone
9 have questions?

10 JOHN SERGI: No.

11 BRIAN O'CONNOR: Thank you, Madam
12 Chair, members of the Board. Brian O'Connor from
13 CUBE 3. I'm going to be five minutes max. It's
14 really quick.

15 We've made a few changes to the plan
16 in response to comments we've received. This is the
17 ground floor plan. And there's just a few key
18 changes. Most of the changes I'm going to talk
19 about, actually, are right here.

20 The first thing that we did is we
21 actually relocated the garage entry to the back of
22 the site. It used to be somewhere in the middle
23 here. And we've actually moved it back. Moving that
24 garage entry to the back has allowed a few key things

1 to happen.

2 We used to have sort of the move in,
3 loading, service, and trash functionality in this
4 front corner with access directly from the street.
5 By moving the garage entry back and replanning the
6 garage, it's allowed us to move -- to relocate the
7 move-in and loading area here. Trash is now in the
8 middle of the building. It would be brought to the
9 back of the move-in loading area and serviced
10 complete on-site. So, all of our trash, move in,
11 move out, and loading functionality, which used to be
12 in the street or coming directly off the street is
13 now completely internal to the site, which we think
14 is a great thing.

15 The other thing we did is we replanned
16 the entire garage at the ground level and the level
17 below and have maintained the same 240 parking spaces
18 that we had originally, but we now have no tandem
19 spaces whatsoever. So the parking ratio and the
20 total parking count are the same. In the last
21 iteration, there were a series of tandem parking
22 spaces within the garage, which are now all gone.
23 So, a lot of replanning at the two garage levels and
24 reorganizing the building.

1 The other big change is relocating the
2 pool, which used to be internal to the building.
3 It's now out in the courtyard space. I don't think
4 it's a huge change functionally from any sort of City
5 perception issues other than the fact that it's now,
6 you know, internal to this private courtyard and the
7 amenity space on the second level is exactly where
8 it's always been and it's connected to that pool
9 outside. So you'd have a leasing function at the
10 ground level, you'd go up to an amenity level, and
11 then connect to the pool outside.

12 That's pretty much it. The rest of
13 the project has pretty much stayed consistent. We've
14 really been focused on correcting the operational
15 issues that were challenging the garage, loading,
16 service, parking spaces, things like that. So,
17 that's pretty much the sum total of the changes that
18 I handled.

19 MICHAEL BOUJOULIAN: Unit mix, we
20 tweaked those, too.

21 BRIAN O'CONNOR: Yeah, we did tweak
22 the unit mix a little bit so that we now have -- what
23 was the change?

24 MICHAEL BOUJOULIAN: Ten studios to

1 ten one-beds.

2 BRIAN O'CONNOR: Right. So, we had
3 ten --

4 BARBARA RANDO, CHAIR: Say that
5 again.

6 BRIAN O'CONNOR: We had ten studio
7 units that have now been converted to one-bed
8 apartments.

9 BARBARA RANDO, CHAIR: No studios?

10 BRIAN O'CONNOR: No, we still have
11 studios, but we've adjusted the mix so that ten of
12 the units that used to be studios are now one-bed
13 units. So, we're just -- it's a minor adjustment to
14 the mix, but I think that change is really to try to
15 get fewer studios, more one-bed units into the
16 project.

17 MARC RUDNICK: Are you changing the --

18 MICHAEL BOUJOULIAN: They'll move pro
19 rata.

20 BRIAN O'CONNOR: It would just trace
21 right through.

22 MICHAEL BOUJOULIAN: So, I don't know
23 exactly how many of the ten. I guess it would be --
24 I guess two or three -- I don't know which way the

1 rounding went -- would have moved into the one-
2 bedrooms.

3 BRIAN O'CONNOR: The ratios are all --
4 yeah.

5 MICHAEL BOUJOULIAN: So, it was 30
6 studios; now it's 20 studios.

7 BRIAN O'CONNOR: Right.

8 MARC RUDNICK: So this atrium you're
9 showing then is on the second floor level?

10 BRIAN O'CONNOR: Yeah, so at the
11 ground -- at the ground level --

12 MARC RUDNICK: The garage is under
13 there, under the ground level?

14 BRIAN O'CONNOR: Right. We've always
15 had amenity space at both floors. And all we've done
16 is we've taken the leasing and lobby function that
17 lives at-grade right as you drive up to the project,
18 and we sort of finessed the elevator core and the
19 stair tower a little bit so that they connect
20 directly up into this amenity space at the second
21 level. And, as we've tweaked the units around just a
22 little bit, the amenity space is now really geared
23 towards creating a clear view out to the pool from
24 that amenity space. But, locationally, it's pretty

1 much exactly where it was in the last round.

2 MARC RUDNICK: And you did that
3 because you wanted to not because we --

4 MICHAEL BOUJOULIAN: It was partially
5 related to the parking. The pool has a foundation in
6 that space.

7 BRIAN O'CONNOR: Right. Right.

8 MICHAEL BOUJOULIAN: So, there was a
9 lot of moving pieces in order to get rid of those
10 tandems.

11 BRIAN O'CONNOR: The tandems were
12 really the focus here is to do that, and get the
13 loading and service off the street.

14 MARC RUDNICK: Thank you.

15 BRIAN O'CONNOR: Yeah.

16 BARBARA RANDO, CHAIR: Anything else?

17 MICHAEL BOUJOULIAN: I think that's it
18 from a design standpoint of changes. We're happy to
19 walk through our memo where we responded to others.
20 And I think we did have some -- we wanted to just
21 sort of talk on status of peer review and studies,
22 drainage, and understand where the Board's at and how
23 we can help advance that.

24 If you wouldn't mind, is it okay if I

1 don't get up every time? Or, I can switch seats with
2 him. That might be better for the microphone.

3 BARBARA RANDO, CHAIR: Yeah, we can
4 try it.

5 MICHAEL BOUJOULIAN: I'm going to
6 switch. I'll just sit on the end.

7 BARBARA RANDO, CHAIR: Maybe you'll be
8 loud enough to be heard. I'm not sure.

9 MICHAEL BOUJOULIAN: I'll get up.
10 It's okay.

11 I guess just to repeat, we're hoping
12 to talk peer review and how we could get our
13 consultants to engage with yours as far as vetting
14 our studies and advancing some of those. I think
15 traffic is probably, typically the biggest one.

16 BARBARA RANDO, CHAIR: Right. All
17 right. Tonight I had a chance to briefly meet with
18 Judi Barrett. And she will be our technical advisor.
19 And, tonight, hopefully, we're going to be able to
20 vote on any studies that we want. And she suggested
21 that the next meeting be June 26, if possible. And
22 she said that she believes that you realize how long
23 it takes for the people that we choose to get back to
24 us with their review, and it takes that long. So,

1 she suggested -- tomorrow she's on a plane and she's
2 going to -- we'll give her the studies we want, and
3 she's going to work on it while she's on the plan.

4 GEOFF ENGLER: Can I ask a question?

5 BARBARA RANDO, CHAIR: Give your name
6 and address for the record.

7 GEOFF ENGLER: For the record, Geoff
8 Engler from SEB, 40B consultant.

9 When you say Judi is going to -- what
10 does that -- I assume you're saying that Judi will
11 help you determine what peer review consultants to
12 hire and --

13 BARBARA RANDO, CHAIR: No, I think
14 we'll decide that.

15 GEOFF ENGLER: Well, what is Judi
16 advising you on? Why is her involvement critical
17 vis-à-vis the June --

18 BARBARA RANDO, CHAIR: She'll give us
19 names of people.

20 GEOFF ENGLER: Names of consultants?

21 BARBARA RANDO, CHAIR: Consultants.
22 Right.

23 GEOFF ENGLER: Respectfully --

24 BARBARA RANDO, CHAIR: And she will

1 call them.

2 GEOFF ENGLER: Respectfully, two
3 months ago we gave this Board many names of
4 consultants. And it's difficult for me to stand here
5 and understand -- the last hearing was in March, was
6 it not?

7 BARBARA RANDO, CHAIR: No.

8 MICHAEL BOUJOULIAN: The first week in
9 April.

10 GEOFF ENGLER: The first week in
11 April.

12 BARBARA RANDO, CHAIR: April.

13 GEOFF ENGLER: So, effectively, six
14 weeks, five weeks?

15 BARBARA RANDO, CHAIR: Mm hum. Right.

16 GEOFF ENGLER: You've only just
17 retained Ms. Barrett, and you've retained no peer
18 review consultants. You haven't even contacted any
19 peer review consultants.

20 BARBARA RANDO, CHAIR: Well, that's
21 funny because she said that you people would be aware
22 -- Pam, who is our secretary -- that we tried many,
23 many different names. And this is a very busy
24 season. And most of the people were very busy.

1 GEOFF ENGLER: So, you're representing
2 to me if I called those people on the list that they
3 would say the City of Waltham reached out to us to
4 serve as peer review consultants, and we respectfully
5 declined because we didn't have the time?

6 BARBARA RANDO, CHAIR: We choose --
7 didn't we choose three names and gave them to our
8 secretary to try those three people. And I don't
9 know if she went past that list to try people. But
10 she said she had a very hard time reaching people at
11 this time.

12 GEOFF ENGLER: Well, I mean let me
13 talk a little bit about my experience of which, at
14 the expense of humility, if nothing more I have a lot
15 of experience before zoning board over many projects.

16 BARBARA RANDO, CHAIR: Mm hum.

17 GEOFF ENGLER: And I have never seen a
18 project this far into the public hearing process that
19 has not retained any 40B consultant, that has not
20 retained any peer review consultant, that has not
21 received any peer review from its internal staff.
22 And my client now --

23 MARK HICKERNELL: Well, what internal
24 staff do you think we have, sir?

1 GEOFF ENGLER: Engineering, traffic.

2 MARK HICKERNELL: Well, not internal
3 to the zoning board.

4 GEOFF ENGLER: No, municipal staff.
5 And then to say -- and I agree that it takes time to
6 get a peer review consultant, allow them time to
7 review the studies and provide a report. That I
8 don't dispute. But what my contention is, that
9 should have happened months ago. You don't need any
10 authorization from anybody else, the mayor's office
11 or otherwise, to do any of that. So, it's just very
12 disappointing to me and to my client to now
13 understand that essentially we're going to start the
14 peer review process at the end of June when the HAC
15 remanded this case back in the middle of February. I
16 just am having a hard time reconciling that sequence
17 of events.

18 BARBARA RANDO, CHAIR: Well, I think
19 they're very slow with their paperwork, too.

20 GEOFF ENGLER: Who?

21 BARBARA RANDO, CHAIR: The Housing
22 Board, the Housing --

23 GEOFF ENGLER: No, the case was
24 remanded back to the City in February. So, at that

1 point, they're out of it. They're done.

2 BARBARA RANDO, CHAIR: But I think we
3 voted in April for a peer review, didn't we? Didn't
4 you --

5 GEOFF ENGLER: Well, we're on record
6 relative to our position. And we'll see where we go
7 from here. But, the statute is very clear relative
8 to time in the 40B process. And I frequently advise
9 my clients to be generous and to work with the zoning
10 board and to try to -- to be collaborative. And I
11 think my client has. But it's a two-way street. And
12 based on where you guys are in the process, this
13 public hearing process is going to go way beyond the
14 180 days. And to go beyond a little bit because
15 we're getting close to the end and the peer review
16 consultants are getting close, they just need a --
17 we're just starting. I mean effectively we're --
18 we're five months in and we're just getting started.
19 I mean am I -- is that characterization unfair or --
20 relative to professionals advising this Board, both
21 external professionals and -- I mean we have an email
22 from your -- I forget his name -- who is the head of
23 your Transportation Division. He did not know about
24 the hearing tonight, has not been provided with any

1 of the traffic studies. If you were in our
2 situation, how would that information make you feel
3 relative to how engaged different people are in terms
4 of --

5 BARBARA RANDO, CHAIR: Who is the
6 person that did not --

7 GEOFF ENGLER: Michael Garvin.

8 BARBARA RANDO, CHAIR: I think he
9 certainly was. I'll look on my list.

10 GEOFF ENGLER: So when we see an email
11 from Mr. Garvin saying, "I didn't know about the
12 public hearing. I haven't received any studies,"
13 that doesn't make us feel good that the City is
14 working in good faith --

15 BARBARA RANDO, CHAIR: I'd have to
16 check with Mike.

17 GEOFF ENGLER: -- relative to trying
18 to move this forward. So, I'll sit down now. But,
19 hopefully, you can understand our position.

20 BARBARA RANDO, CHAIR: All right.
21 Thank you.

22 Is there anyone else? Anyone else
23 that would like to speak? Are you finished with
24 yours? That would be our -- someone from the City.

1 Are you finished with your presentation?

2 BRIAN O'CONNOR: I think the only --
3 yes, I have two --

4 BARBARA RANDO, CHAIR: Michael Garvin
5 is on the list that was sent out, if you'd like to
6 look at the list, the traffic engineer.

7 MICHAEL BOUJOULIAN: Yeah, I would
8 just -- I wasn't on the communication so --

9 GEOFF ENGLER: Michael Garvin, May
10 14th, "I wasn't informed of tomorrow's meeting. I
11 haven't had a chance to review anything yet, so I
12 don't have any comment."

13 MARK HICKERNELL: To Michael Garvin,
14 March 15th, Notice of a Public Hearing."

15 GEOFF ENGLER: I'm not disputing that
16 you told him, but the issue --

17 MARK HICKERNELL: Well, it sounded
18 like it.

19 GEOFF ENGLER: Well, the issues --

20 MARK HICKERNELL: You said we're not
21 working in good faith.

22 GEOFF ENGLER: Well, is it our
23 responsibility to have Mr. Garvin review it or is it
24 the zoning board's --

1 MARK HICKERNELL: You don't get to ask
2 the questions. This is --

3 GEOFF ENGLER: All right. Well, you -
4 - we --

5 MARK HICKERNELL: It's not your
6 responsibility. But you're telling -- you're
7 accusing us of acting in bad faith.

8 GEOFF ENGLER: I'm not accusing you of
9 acting in bad faith. I'm accusing the City of not
10 acting in accordance to what's required under 40B,
11 which is an expeditious public hearing process. Do
12 you not agree that we're many months in and you've
13 had no -- the benefit of no comment on anything we've
14 submitted?

15 MARK HICKERNELL: No, I don't agree
16 with that at all. We've had a lot of comment.

17 GEOFF ENGLER: From? Other than
18 people that have given verbal comment.

19 MARK HICKERNELL: We have comment.
20 We've had comments. We've received -- we've received
21 --

22 BARBARA RANDO, CHAIR: We have heard
23 your comments --

24 MICHAEL BOUJOULIAN: So, I'll just

1 say, Ms. Chair, Madam Chair, I agree with Judi
2 Barrett. I've worked across from Judi before. I
3 think she's -- you picked a good consultant. She's
4 very knowledgeable.

5 It does take time. And I think when
6 we left the last public hearing, what I think we had
7 discussed was that we understood it was going to be
8 five weeks between hearings and that there was a
9 comment -- I don't have it verbatim, so I'll
10 paraphrase to the best I can -- that the follow-on
11 hearings would be much more prompt because we
12 understood we had a time constraint, and that during
13 that period peer review consultants, at our
14 assistance if necessary, would be engaged and a
15 review process would begin. And I think, you know,
16 after having lost the last five weeks and, you know,
17 just after that February 14th decision was issued and
18 we were remanded back to the zoning board, we had
19 sent a letter to the Board urging that, you know,
20 there was still a lot of time left and this was a
21 good time to get started. That was in February. We
22 weren't able to meet for another five weeks, and then
23 we did that. None of the material had been reviewed
24 at that time, which is okay. But the Board had said,

1 you know, we're going to take five weeks before the
2 next hearing and, at that point, you know, we'll
3 really get going. And now I think this is another
4 six weeks out.

5 So, I mean we do want to work with the
6 Board. And I meant everything I said at the last
7 hearing. But we can't do it alone. We need you guys
8 to help us review this so that we can get this done.

9 So, you know, I don't agree with Judi
10 in that it would take until the end of June to review
11 this. Our studies are standard operating procedure.
12 I have dozens of them ongoing at any given time, so
13 particularly for traffic and drainage. These
14 scientists look through these reports and within a
15 week or two would typically issue comments in writing
16 back to our team. And, you know, at that -- you
17 know, so I would argue that with consultants engaged,
18 you know, we'd be ready to -- any consultant that we
19 would suggest you use or any that I would use, any
20 large firm that we can trust, would certainly be able
21 to not just have reviewed and commented on a report
22 before that, but, frankly, we probably would be able
23 to have multiple meetings between our teams and have
24 it completed by then.

1 So, but I guess -- so that's a very
2 long time for us. I've never had two hearings
3 successively five or more weeks apart in 20 years of
4 doing this. And I've pretty much only done 40Bs for
5 my housing career.

6 So, that is -- I disagree with Judi --
7 BARBARA RANDO, CHAIR: Well, that's --
8 that's

9 MICHAEL BOUJOULIAN: -- that that's
10 appropriate.

11 BARBARA RANDO, CHAIR: That's a
12 mystery to me because she informed me earlier this
13 evening that we'd be lucky if we got one in by the
14 26th. And, of course, we could go by that, and she
15 could give you the names of other ones that we
16 picked.

17 MICHAEL BOUJOULIAN: In six weeks?

18 BARBARA RANDO, CHAIR: June 26th she
19 suggested.

20 MICHAEL BOUJOULIAN: Wow. Yeah,
21 that's just not my experience. So, I disagree with --
22 -- respectfully disagree with you on that. We
23 mobilized a team on a project in the last two weeks
24 that came from whole cloth, an entire team, drainage,

1 civil engineering, traffic, architect. It was a
2 proposal, signed, and work is underway. So, that is
3 unusual. The last five weeks, frankly, candidly, is
4 very unusual for that type of a dry spell. So, I
5 mean we're happy to help you --

6 BARBARA RANDO, CHAIR: I don't know
7 what the wish of the Board is, but if we don't have
8 anything to discuss and we have people coming from
9 the City or different department heads, I --

10 GEOFF ENGLER: Madam Chair --

11 BARBARA RANDO, CHAIR: Excuse me.

12 GEOFF ENGLER: Sorry. I apologize.

13 BARBARA RANDO, CHAIR: I'm not
14 finished. I think that would be a problem to have
15 the public come and not receive anything.

16 MICHAEL BOUJOULIAN: Receive?

17 BARBARA RANDO, CHAIR: The results of
18 the studies that we're requesting, the traffic study
19 or whatever.

20 MICHAEL BOUJOULIAN: Yeah.

21 BARBARA RANDO, CHAIR: But I think
22 we're going to choose our own, not just the ones that
23 you mentioned.

24 MICHAEL BOUJOULIAN: Oh, sure. I

1 wouldn't want to -- I wouldn't want any impropriety.
2 I don't want that. So, that just brings a challenge.

3 JOHN SERGI: Madam Chair --

4 BARBARA RANDO, CHAIR: Does the Board
5 have any questions?

6 MARC RUDNICK: Personally, I have no
7 problem having a meeting earlier. We might not have
8 the results or we might, depending how fast the peer
9 reviewers come. But, I think there's plenty to
10 discuss on this -- on this project other than just
11 our comments about the peer reviewers' studies. So
12 I'm certainly open to having a meeting in three or
13 four weeks. And if we have peer review to discuss
14 then, we'll discuss it. Otherwise, I think we have
15 plenty to discuss.

16 MICHAEL BOUJOULIAN: If you wouldn't
17 mind, oftentimes, in fact almost every time, that's
18 the case. Usually there's still some dialogue going
19 on, and there will be a review. And, typically, that
20 review takes a week or two. And even if formal
21 comments haven't been issued to the Board, there's
22 usually a hearing. Typically, our hearings are every
23 one or two weeks in other towns, in my experience.
24 And so that's oftentimes the case is that there may

1 not have been consensus reached between specialists,
2 but, "Here's what I reviewed. I have these nine
3 comments. We're actively working with the consultant
4 or, excuse me, the applicant's consultants, and we
5 should be done by the next hearing," or, "We'll have
6 the final items that we were unable to resolve,"
7 whatever. So, it's usually done sort of in progress
8 like that. That's not unusual for us.

9 BARBARA RANDO, CHAIR: Do you have
10 something to say, Mark?

11 MARK HICKERNELL: Oh, no, I wanted to
12 hear from the Petitioner.

13 GEOFF ENGLER: Rather than me moaning
14 and groaning about -- we are where we are. And my
15 comment is the same as it was five weeks ago, how can
16 we help you? We offered to contact the peer
17 reviewers on your behalf. My client was begging for
18 you to take his money to fund a 53G account to pay
19 these people. I worked on more cases than I can
20 count with Judi Barrett. Can I call Judi? Can I
21 help with these consultants? When I know who she's
22 selected, can I call them and say, "Get a proposal.
23 Getting going?" I don't think my client has -- you
24 know, within reason, is going to have issues relative

1 to the scope and the fees. But we need -- so, I'm
2 imploring you, I am offering my assistance. Can I
3 contact Judi? Can I contact the peer reviewers once
4 she's selected them to do what I can to accelerate t
5 his process?

6 MARK HICKERNELL: That's reasonable.

7 JOHN SERGI: That's reasonable. Sure,
8 why not?

9 BARBARA RANDO, CHAIR: We have no
10 objection. Yes.

11 JOHN SERGI: Do you think we need a
12 motion to do that?

13 BARBARA RANDO, CHAIR: Motion to allow
14 them to?

15 JOHN SERGI: To allow Geoff to go talk
16 to a consultant.

17 MARK HICKERNELL: I make a motion to
18 allow Geoff Engler to contact Judi Barrett to
19 facilitate the selection of the consultant and the
20 communications between the Petitioner and the City.

21 JOHN SERGI: Seconded.

22 BARBARA RANDO, CHAIR: Okay. Motion
23 by Mr. Hickernell, second by Mr. Sergi.

24 JOHN SERGI: Right.

1 BARBARA RANDO, CHAIR: To allow you to
2 speak to Judi Barrett and whoever -- okay -- and any
3 studies. All right.

4 MARC RUDNICK: Does the Board's
5 schedule allow meetings --

6 MARK HICKERNELL: Well, let's vote on
7 the motion first.

8 MARC RUDNICK: Oh, I'm sorry.

9 BARBARA RANDO, CHAIR: How do you
10 vote, Mr. Sergi?

11 JOHN SERGI: Yes.

12 BARBARA RANDO, CHAIR: Mr. Hickernell?

13 MARK HICKERNELL: Yes.

14 BARBARA RANDO, CHAIR: Ms. Gelineau?

15 GLENNA GELINEAU: Yes.

16 BARBARA RANDO, CHAIR: Mr. Rudnick?

17 MARC RUDNICK: Yes.

18 BARBARA RANDO, CHAIR: And the Chair
19 votes yes.

20 MARK HICKERNELL: So, in terms of
21 meeting, we don't have a meeting scheduled for the
22 last week of May because Memorial Day is Monday. I
23 personally could meet on Tuesday or Wednesday that
24 week.

1 MARC RUDNICK: Tuesday is the day
2 after Memorial Day?

3 MARK HICKERNELL: Right. That's when
4 the City Council would meet. So we don't usually do
5 that.

6 MARC RUDNICK: All right.

7 JOHN SERGI: I'm okay to meet that day
8 as well.

9 BARBARA RANDO, CHAIR: Glenna?

10 GLENNNA GELINEAU: Yes, I'm available.

11 MICHAEL BOUJOULIAN: Mr. Hickernell,
12 I'm sorry, is this the 5th or the 29th? May 29th?

13 MARK HICKERNELL: 29th or 30th are both
14 available for our schedule.

15 JOHN SERGI: That's the 29th.

16 MARK HICKERNELL: We just don't
17 usually meet on a Tuesday following a holiday.

18 MICHAEL BOUJOULIAN: We'll be ready
19 whenever you are. We won't miss it.

20 MARK HICKERNELL: So the 29th? So we'd
21 be overlapping with the City Council, but --

22 MARC RUDNICK: You can't you said or
23 you can on the 29th?

24 GLENNNA GELINEAU: I can't on the 30th.

1 MARC RUDNICK: The 30th. The 29th?

2 GLENN GELINEAU: The 29th is okay.

3 MARC RUDNICK: The Council can't send
4 their representative here that night, but --

5 MARK HICKERNELL: Well, not have them
6 attend a Council meeting.

7 MARC RUDNICK: Yeah, I guess it's his
8 choice. How about June 12th?

9 BARBARA RANDO, CHAIR: We have June
10 12th. We have June 5th though. Why do we have June
11 5th? We have June 5th open.

12 MARC RUDNICK: I was trying to shoot
13 for every two weeks. June 5th is a week --

14 MARK HICKERNELL: You mean in addition
15 to the 29th?

16 MARC RUDNICK: Yeah.

17 MARK HICKERNELL: Yeah.

18 MARC RUDNICK: So I'd like to schedule
19 three meetings out now.

20 MARK HICKERNELL: I understand.

21 JOHN SERGI: I can do the 12th.

22 MICHAEL BOUJOULIAN: Thank you.
23 That's fantastic.

24 BARBARA RANDO, CHAIR: So we're going

1 to have it on the --

2 GLENNA GELINEAU: The 29th and June 5th.

3 MARK HICKERNELL: June 12th.

4 MARC RUDNICK: No, the 12th. Do we
5 have cases already on June 12th?

6 JOHN SERGI: Yeah, we do.

7 BARBARA RANDO, CHAIR: Two.

8 MARC RUDNICK: Two.

9 MARK HICKERNELL: That's all right.

10 BARBARA RANDO, CHAIR: Two on June
11 12th.

12 MICHAEL BOUJOULIAN: And if we can't
13 get it all in, we'll do our best. We'll -- many of
14 these items, we may only be able to discuss one or
15 two of them based on the status of your specialists
16 or --

17 BARBARA RANDO, CHAIR: So we're going
18 to cancel the 26th?

19 JOHN SERGI: No, no, no.

20 MARK HICKERNELL: No, we'll do the --

21 MARC RUDNICK: Well, do the 26th, too.

22 MARK HICKERNELL: The 26th? Oh, I see.

23 MARC RUDNICK: We have no cases on the
24 26th?

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1 BARBARA RANDO, CHAIR: No.

2 MARK HICKERNELL: I see.

3 BARBARA RANDO, CHAIR: On June 26th?

4 MARC RUDNICK: Correct.

5 BARBARA RANDO, CHAIR: So we're going
6 to see them on --

7 MARC RUDNICK: So, we're grabbing the
8 26th. We're grabbing May 29th.

9 BARBARA RANDO, CHAIR: So, we can't do
10 it on the 26th?

11 GLENNA GELINEAU: No, we're keeping
12 that.

13 MARK HICKERNELL: We're keeping it.

14 GEOFF ENGLER: The 29th, 12th --

15 MARC RUDNICK: May 29th, June 26th --

16 MARK HICKERNELL: May 29th, June 12th,
17 June 26th.

18 MARC RUDNICK: And if we can grab
19 something in between that, even if it is June 5th,
20 only one week after the first meeting. But how about
21 -- what about the 19th?

22 BARBARA RANDO, CHAIR: Of?

23 MARC RUDNICK: Of June.

24 MICHAEL BOUJOULIAN: The 12th is right

1 in the middle.

2 BARBARA RANDO, CHAIR: June 19th?

3 MARC RUDNICK: We have several
4 hearings that day.

5 MARK HICKERNELL: Did something happen
6 to the 12th?

7 MARC RUDNICK: Did you say you had a
8 couple of hearings that night?

9 MARK HICKERNELL: We have a couple of
10 hearings every day in June except for the 5th, so it
11 does not --

12 MARC RUDNICK: Okay. Then I would
13 suggest those three dates: May 29th, June 12th, June
14 26th. That's three meetings.

15 MARK HICKERNELL: That works. Right.

16 BARBARA RANDO, CHAIR: Oh, she crossed
17 off because of --

18 MARC RUDNICK: If we go home early one
19 week because we don't have much to do, I think we'll
20 all be happy. I have a feeling we'll fill every
21 meeting with good discussion. Okay. Is that
22 satisfactory to you guys?

23 MICHAEL BOUJOULIAN: Yes, thank you
24 very much.

1 Madam Chair, one more item before we
2 turn it over I think, unless you tell me you have
3 anything else, we did bring a check tonight to
4 prefund the 53G account. We recognize you haven't
5 engaged the consultants yet, but we certainly don't
6 want you having to spend money. So, perhaps before
7 the end of the hearing we could submit that to
8 whoever you tell us is appropriate.

9 BARBARA RANDO, CHAIR: Okay. You
10 could give it to Carol or to Mark.

11 MARK HICKERNELL: It's better to give
12 it to Carol.

13 MICHAEL BOUJOULIAN: We took a guess
14 at a number. We're ready to refund or add more as
15 necessary.

16 BARBARA RANDO, CHAIR: Okay. Okay.
17 So, it's May 29th, and then June 12th and 26th. Okay.
18 Do I have a motion to continue this -- to have this
19 case? Are we all set on that, the 29th --

20 MARK HICKERNELL: I don't think we
21 need a motion for a schedule.

22 BARBARA RANDO, CHAIR: The 12th -- the
23 29th, the 12th, and the 26th, right?

24 GEOFF ENGLER: Correct.

1 BARBARA RANDO, CHAIR: All right.
2 That is set.

3 All right. Do you have anyone else to
4 present anything tonight?

5 MICHAEL BOUJOULIAN: Those are the
6 changes we've made. We're happy to talk further
7 through some of our correspondence, but that's the
8 nuts and bolts. The big stuff was the design changes
9 I think and then some of the -- the waiver -- we
10 could walk you through the changes in waivers. For
11 example, we had a waiver for sewer I&I. We know that
12 the -- so, if that were helpful. Some of the
13 waivers, for example, tandem parking, we could walk
14 you through those changes if you found that valuable.

15 BARBARA RANDO, CHAIR: That would be
16 interesting, yeah.

17 MICHAEL BOUJOULIAN: Okay. I know
18 it's quick.

19 BOB CLARK: For the record, my name
20 is Bob Clark from Allen & Major Associates.

21 BARBARA RANDO, CHAIR: I'm sorry?

22 BOB CLARK: Bob Clark from Allen &
23 Major.

24 BARBARA RANDO, CHAIR: Bob Clark.

1 BOB CLARK: So, some of the waivers
2 are pretty self-explanatory. Number one, the
3 multifamily in a commercial district, that would be -
4 -

5 MICHAEL BOUJOULIAN: Bob, just walk
6 through the changes. They've seen the previous
7 waivers.

8 BOB CLARK: Okay. Oh, oh, okay.

9 MICHAEL BOUJOULIAN: That's helpful.

10 BOB CLARK: So, the tandem parking is
11 all changed within the building. There's 28 parking
12 spaces exterior. The remainder of the 240 spaces are
13 inside the building. So, that's really the biggest
14 item that we had was the parking.

15 MICHAEL BOUJOULIAN: The sewer I&I.

16 BOB CLARK: The sewer I&I calculations
17 were -- Steve, do you have a calculation as well?

18 MICHAEL BOUJOULIAN: We had requested
19 a waiver from the I&I as required. And, as we noted
20 in our -- I forget the date of our letter -- but
21 we're removing that waiver request. We won't be
22 asking for that. We need to do some coordination
23 with your engineering department, but we're fully --
24 we will fully comply with payment.

1 MARK HICKERNELL: No, that's
2 constructive. I appreciate that.

3 BOB CLARK: And then the stormwater,
4 obviously, the stormwater had the infiltrating the
5 100-year storm. And we're going to meet the
6 Massachusetts state regulations. That will still
7 remain. That's pretty much it.

8 BARBARA RANDO, CHAIR: Is that it?

9 BOB CLARK: Yeah.

10 MICHAEL BOUJOULIAN: That's it.

11 BARBARA RANDO, CHAIR: Does anyone
12 have any questions?

13 MARC RUDNICK: So you're still working
14 through your waiver list with engineering to know
15 exactly what you're going to waive there? You're
16 waiving the I&I, is that correct?

17 MICHAEL BOUJOULIAN: I think we had
18 gotten some information on the math and from the
19 City. So, I mean I think we still have some
20 coordination, but the numbers that the engineer -- I
21 forget his name. I'm sorry -- described, the numbers
22 that the engineer described at our last hearing
23 matched up with what the City advertised would be
24 expected to comply with --

1 MARC RUDNICK: I see the engineer is
2 here tonight, so I assume he'll have additional
3 comments.

4 MICHAEL BOUJOULIAN: We haven't
5 reached back out, but the long story short is that
6 the waiver request, which oftentimes does move like
7 this through the process as we adjust and coordinate
8 with you. Those were the two big changes with the
9 parking. We know that we heard you guys loud and
10 clear.

11 MARC RUDNICK: And the tandem is gone.

12 MICHAEL BOUJOULIAN: It's gone.

13 MARC RUDNICK: It's totally gone.

14 MICHAEL BOUJOULIAN: So we're removing
15 it.

16 MARC RUDNICK: So we're ready for
17 parking to be reviewed because we're at the current -
18 - we're at the ultimate plan for parking.

19 MICHAEL BOUJOULIAN: Yes, subject to
20 you, of course.

21 MARC RUDNICK: Good okay.

22 MICHAEL BOUJOULIAN: I think that,
23 Madam Chair, does conclude our presentation tonight.

24 BARBARA RANDO, CHAIR: All right.

1 MARC RUDNICK: The comment in your
2 response about the issues of the environmental
3 contamination, it sounds like we're not there yet for
4 either a review or understanding -- you're defending
5 your Phase 1, basically, as fairly complete, which I
6 appreciate.

7 MICHAEL BOUJOULIAN: Yeah, I think
8 there was just some confusion. There was some
9 comment that it was a limited report.

10 MARC RUDNICK: Yes.

11 MICHAEL BOUJOULIAN: And, typically
12 what's done on a site at this stage is what's called
13 a Phase 1, which is very superficial. But, in my
14 experience, and with sites in Greater Boston, which
15 oftentimes are contaminated, we don't just stop at a
16 Phase 1. So, we usually ask and volunteer extra
17 subsurface examinations to make sure those are tested
18 that are not part of a Phase 1. So, it's actually
19 technically a much more advanced study.

20 So, we wanted to correct the record.
21 We did a very -- a much more advanced than standard
22 study of the site because of our concerns. It was an
23 aluminum warehouse, and sometimes metals can bring
24 problems. We did get good news. We're happy to have

1 a consultant -- if you'd like to review that -- we
2 know that they'll find the same result, which is that
3 this is an unusually clean site, in my experience.

4 MARC RUDNICK: The mayor brought up a
5 particular contaminant when she spoke at the hearing.

6 MICHAEL BOUJOULIAN: Yes, I think it
7 might be in here. Let me see if it is.

8 MARC RUDNICK: Did you look at all
9 since then about what that was about?

10 MICHAEL BOUJOULIAN: Yes. So there's
11 no reportable conditions on the site. So, nothing
12 gets to the threshold that Massachusetts Department
13 of Environmental Protection would deem as reportable
14 or dangerous. So, there are -- that said -- you test
15 in your back yard, sometimes there are samples that
16 come up which they call background levels. So, it's
17 not unusual to find a very tiny part per million, or
18 sometimes part per billion of something. Our tests
19 are very precise. So, just because something
20 registered .001 had really nothing to do with whether
21 it was dangerous or not. There were some background
22 samples here, which we see on every site, including
23 greenfield sites that have never been developed. But
24 there is no contamin -- the site is not contaminated

1 based on our Phase 1 or our more advanced studies.
2 But, again, we're still happy to work, if you want to
3 have someone vet that.

4 MARC RUDNICK: But, at the moment,
5 you're in a lucky position, meaning no remediation
6 subsurface.

7 MICHAEL BOUJOULIAN: It's unusual,
8 frankly, very unusual.

9 MARC RUDNICK: Then in your response
10 you seem to have already agreed to permanent
11 affordability on the affordable units.

12 MICHAEL BOUJOULIAN: Yes.

13 MARC RUDNICK: That's in your pro
14 forma. You're revising your pro forma to reflect
15 that?

16 MICHAEL BOUJOULIAN: I think -- yeah,
17 we didn't underwrite -- I mean we, by financials, we
18 only underwrite a ten-year cash flow, which is what
19 the banks and the equity partners, etc. want. So, we
20 never under -- you know, anticipated a burn off of
21 that within our underwriting. So, there's no --
22 there will be no change to our underwriting on that.

23 MARC RUDNICK: I see.

24 MICHAEL BOUJOULIAN: I think the only

1 qualification was my attorney said, "You just have to
2 add to the extent allowed by law." And I've seen --
3 I went back and looked at older projects. That's in
4 every one. So it's fine.

5 MARC RUDNICK: It seems every zoning
6 board is doing it, so --

7 MICHAEL BOUJOULIAN: Yeah, I think I
8 found one project that didn't have it in perpetuity.
9 We're perfectly fine with that.

10 MARC RUDNICK: Okay. Thanks.

11 That's all I have, Madam Chair.

12 BARBARA RANDO, CHAIR: Okay. Anyone
13 else have any questions?

14 (No response.)

15 BARBARA RANDO, CHAIR: Hearing none.
16 Mr. Casazza, would you like to --

17 STEVE CASAZZA: Yes, if I could, Madam
18 Chair. Thank you. I'll be very --

19 BARBARA RANDO, CHAIR: Give your name
20 and your department.

21 STEVE CASAZZA: Yes, Steve Casazza,
22 Engineering Department, City Engineer.

23 Since the last meeting with the
24 applicants in early April, I received an extensive

1 drainage analysis and a list of waivers from the
2 drainage ordinances and rules of the City of Waltham.
3 I have also closely reviewed their site plan. And
4 I've made a report that I had submitted to the Board.
5 I have extra copies for the Board if you don't have
6 it. And I also have a package of information on a
7 permit review relative to property lines and old
8 building connections. This site has been around for
9 quite a while and there's a lot of strange utilities
10 that need to be dealt with as you go forward, which I
11 will make available to the applicant with your
12 permission, Madam Chair.

13 BARBARA RANDO, CHAIR: That's fine.

14 STEVE CASAZZA: The site right now on
15 Second Ave. has drainage pipes transversing right
16 through it off of Second Ave. These pipes conduct
17 water from Second Ave. to a drainage system in the
18 northerly portion off the site. It is my opinion
19 that it's in the City's best interest to eliminate
20 these completely from the site, whereas they're
21 corrugated metal. And that corrugated metal
22 deteriorates over time as a result of winter
23 operations. When we salt our roads, it's very
24 corrosive to this type of metal. So, these pipes are

1 probably in tough shape anyway. And they have no
2 business being on a private development of this
3 nature. So, my suggestion is that that be rerouted
4 around the site.

5 There's also a City water main that
6 meanders on the westerly property line through the
7 applicant's property. I respectfully request that
8 that be moved off the site into an easement that the
9 City maintains so that we're not disturbing future
10 tenants or residents, if you will, that occupy that
11 site.

12 The other couple of comments I have
13 relative to utilities, Madam Chair, is the City paid
14 extensively and put in a very brand new large
15 diameter water pipe on Second Ave. It did not come
16 down this spur. Bear Hill comes and connects off-
17 site up here in this intersection. And I strongly
18 recommend that the applicant's water line go out and
19 connect into that new line for the optimum pressure
20 and fire flows to service this facility.

21 The other thing I noticed is their
22 sewer connection out the front goes into one of our
23 manholes on Second Ave. Typically, our manholes in
24 this area, it's called the Bear Hill Valley Trunk,

1 are constructed of brick and are, in that regard,
2 subject to leaking. We require any new developer who
3 comes along to replace them with new precast units
4 such that the infiltration and inflow is eliminated.
5 And I would also recommend that they put a clean-out
6 manhole on their site such that any problems with
7 that line can be handled internally.

8 That said, I do respectfully request
9 that Alliance follow 1632, our ordinance for I&I
10 mitigation fee. It is a requirement that the City
11 has put on by the state. We don't have a lot of
12 choice in that. And I heard tonight good news that
13 they're willing to comply.

14 One of the ways they can comply is to
15 improve the pipes out in the street or they can pay a
16 straight fee. That's allowed by our ordinance. And
17 I think I mentioned it at your last meeting.

18 The idea is one of the things that
19 we're asking developments of this size and nature,
20 which is complex, is relative to oversight during
21 construction. It's been my experience with these
22 large hotels that independent oversight is needed to
23 supplement the City staff funded by the developer.
24 And, that way there two things happen. One, most

1 importantly, the City of Waltham has assurances that
2 what is approved by the Board is followed. And,
3 secondly, we get good records of what is done that
4 can be left in the archives for the future.

5 The idea is also in developments of
6 this type, typically the contractors have a set
7 schedule and move right along and they don't
8 necessarily want to have appointments waiting for
9 City people who are taxed in other areas. So, it
10 works out well. I've found on the two hotel projects
11 where schedules are met, quality assurances for the
12 City are met, and, therefore, there's no delays in
13 their project as a result of that.

14 And I do appreciate the opportunity to
15 comment. I will submit all my comments to the
16 applicant with your permission. I will email all my
17 correspondence and copy the Board.

18 Thank you very much.

19 BARBARA RANDO, CHAIR: That's fine.
20 Thank you.

21 MARK HICKERNELL: We appreciate that.

22

23 MICHAEL BOUJOULIAN: Mr. Casazza,
24 could I ask a quick question?

1 GEOFF ENGLER: Absolutely. We're very
2 happy to receive your technical suggestions like
3 that. We will dive right in and have our engineers
4 review all of that. And we certainly would expect to
5 have some correspondence with Mr. Casazza and assess
6 the feasibility of what he's requested. I know my
7 client is receptive to that.

8 MICHAEL BOUJOULIAN: Two quick
9 comments just as we prepare. We'll have -- our chief
10 engineer's actually out. He's on -- I think he's
11 expecting his first child tomorrow morning. So, as
12 we relay these, I have two questions for Mr. Casazza,
13 if it's okay with the Board.

14 So, we're aware of the drain and the
15 water line. You had mentioned, is it -- of course, I
16 think it's a 40-foot easement on the west side of the
17 site that goes up the left side?

18 STEVE CASAZZA: Yes.

19 MICHAEL BOUJOULIAN: So when you had
20 mentioned move them off-site --

21 STEVE CASAZZA: I meant to get the
22 water main off your property and into the easement.

23 MICHAEL BOUJOULIAN: Into that
24 easement.

1 STEVE CASAZZA: Into the easement.

2 MICHAEL BOUJOULIAN: Okay. I think --

3 STEVE CASAZZA: Excuse me if that
4 wasn't clear.

5 MARC RUDNICK: So, it's an existing
6 easement, Steve?

7 STEVE CASAZZA: It's an existing
8 easement. And the pipe kind of meanders off into
9 this -- into their property line.

10 MICHAEL BOUJOULIAN: We think it was
11 originally a swale. And maybe in the '60s or '70s it
12 was buried with, as Mr. Casazza mentioned, in a
13 corrugated pipe. We've done a little bit of studies
14 there. But we're -- as soon as our team is ready to
15 meet with you, we'll reach out.

16 STEVE CASAZZA: Okay.

17 MICHAEL BOUJOULIAN: Those are
18 certainly appropriate.

19 STEVE CASAZZA: And just to elaborate,
20 we have had water breaks up here. And I would not
21 want to have to go on private property to service
22 that. So, I think it's in everybody's interest to
23 put it into the easement where we can get at it.

24 MICHAEL BOUJOULIAN: And for the

1 Board's information, the parking lot on the west side
2 of the building honors that easement, of course. And
3 that's -- so that's the location we're talking about.
4 Everything on that west side parking lot is a
5 drainage easement for the City.

6 STEVE CASAZZA: Thank you, Madam
7 Chair.

8 MARC RUDNICK: But the easement is
9 under the asphalt of the parking lot or there is a --

10 MICHAEL BOUJOULIAN: Well, it's rights
11 to install drainage -- I think drainage and water. I
12 think it's --

13 STEVE CASAZZA: I'm going to research
14 that for the Board. I'm not sure. Typically, we
15 take our easements for water, sewer, and drain.

16 MARC RUDNICK: I mean I thought -- I
17 was out there today. It seems like their asphalt
18 comes right to your property line.

19 MICHAEL BOUJOULIAN: That's right.
20 Right. So, between the property line --

21 MARC RUDNICK: So, I mean the easement
22 is under their parking lot.

23 MICHAEL BOUJOULIAN: The best way to
24 show it is, if you don't mind -- I think this is a

1 good one. This is the parking level, of course, but
2 the building would be on top. But the surface
3 parking that's -- make sure I get it right -- the
4 surface parking, our property line is actually here.
5 You can actually see the change in asphalt color.
6 So, this is roughly I think 40 feet. So, from the
7 edge of our proposed building to the property line is
8 the easement area that Mr. Casazza was mentioning.
9 So, there's utilities located in there.

10 MARC RUDNICK: Those two long rows of
11 parking, empty parking that I see, that's your
12 property?

13 MICHAEL BOUJOULIAN: Yes.

14 MARC RUDNICK: I see. I
15 misunderstood.

16 MICHAEL BOUJOULIAN: Yeah, if you go
17 back to Kinetic and take a right, you know, right
18 along our property line --

19 MARC RUDNICK: Yeah.

20 MICHAEL BOUJOULIAN: -- there's a
21 fence that's really right on the edge of their
22 parking.

23 MARC RUDNICK: Yeah, and a couple of
24 rows of parking there that look like they're theirs,

1 but they're yours.

2 MICHAEL BOUJOULIAN: No, it should
3 look like -- if you go back into that -- if you go
4 back into Kinetic, if you come down into Second --

5 MARC RUDNICK: Yeah. Yeah.

6 MICHAEL BOUJOULIAN: -- there's a big
7 power pole here. And you take this right. There's
8 like some scrubby brush here, an old chain link
9 fence. So, that's the property line. I'm sorry.
10 It's right here. Yeah, so this may not be -- yeah,
11 so this is -- so this whole area -- I'm sorry. I was
12 pointing to the wrong area. I apologize.

13 MARC RUDNICK: Okay.

14 MICHAEL BOUJOULIAN: This is the
15 parking area. This is the easement.

16 MARC RUDNICK: Yeah, that's what I
17 understood.

18 MICHAEL BOUJOULIAN: So, there is an
19 old drainage. We'll need to -- we're proposing some
20 relocation. We will want to coordinate with Mr.
21 Casazza on what the needs are.

22 MARK HICKERNELL: You said you had two
23 questions for Mr. Casazza? Was that --

24 MICHAEL BOUJOULIAN: I think that was

1 it. No, just that. I just wanted to clarify where
2 we were talking about on the plan.

3 STEVE CASAZZA: Thank you very much.

4 MARC RUDNICK: Thank you.

5 STEVE CASAZZA: Thank you.

6 BARBARA RANDO, CHAIR: Anyone in the
7 audience that would like to come up and speak in
8 favor of this petition, any citizen?

9 (No response.)

10 BARBARA RANDO, CHAIR: Anyone in
11 opposition that would like to speak?

12 AUDIENCE: I'd just like to be counted
13 in opposition.

14 BARBARA RANDO, CHAIR: In opposition?

15 AUDIENCE: Yes.

16 BARBARA RANDO, CHAIR: Two in
17 opposition. Anyone else?

18 (No response.)

19 BARBARA RANDO, CHAIR: Is anyone
20 seeking information?

21 (No response.)

22 BARBARA RANDO, CHAIR: Seeing none.

23 All right. Does anyone have any questions before we
24 continue it?

1 MARC RUDNICK: Continue the hearing?

2 BARBARA RANDO, CHAIR: Do you have
3 more questions for this evening?

4 MARC RUDNICK: I think you mentioned
5 last hearing -- I think it was you -- approving this
6 project, besides a variety of other things, would
7 immediately put the City in a safe harbor. Can you
8 explain that?

9 MICHAEL BOUJOULIAN: I could, but it's
10 probably better that my 40B expert -- can you
11 explain? It's after an approval they are going into
12 safe harbor, right?

13 GEOFF ENGLER: You don't have a
14 planned production plan, do you?

15 MARC RUDNICK: No.

16 MICHAEL BOUJOULIAN: No, but isn't
17 there a safe harbor?

18 GEOFF ENGLER: No.

19 MICHAEL BOUJOULIAN: Until our
20 building permit --

21 GEOFF ENGLER: No, you'd have no safe
22 harbor.

23 MARC RUDNICK: You're moving us toward
24 our safe harbor, but there is no immediate safe

1 harbor from a 40B, except what you now have --

2 GEOFF ENGLER: Right. I don't
3 remember anybody making -- if we did, it was in
4 error. But there's no --

5 MARC RUDNICK: Yeah, someone did
6 because I took notes. But, I thought it was in error
7 and I --

8 GEOFF ENGLER: It would be moving you
9 closer to your 10 percent clearly --

10 MARC RUDNICK: Right.

11 GEOFF ENGLER: -- but there would be
12 no safe harbor.

13 MICHAEL BOUJOULIAN: I apologize if I
14 misspoke. I'm just glad you -- I'm sorry. I'm glad
15 you followed up.

16 MARC RUDNICK: We have a communication
17 from Wade Putnam in the Engineering Department. Did
18 you guys receive that, too?

19 MICHAEL BOUJOULIAN: We did not.

20 MARC RUDNICK: I'd like it to be
21 shared with the applicant. And perhaps we can bring
22 it back up next time. But, Mr. Putnam raised a
23 variety of concerns about the ownership of the
24 private ways and the complex variety of issues around

1 the rights of the property owners there on their
2 private way that affect their frontage if you develop
3 along that private way. It's really complex. So,
4 I'd like to move that this be shared -- these should
5 all be shared with the applicant, right?

6 GEOFF ENGLER: Yeah, could I ask a --
7 Geoff Engler, SEB -- just kind of a mechanical
8 question. Moving forward, what's the process for us
9 receive -- because Mr. Casazza obviously submitted
10 something through the Board tonight. You have a
11 document. I would imagine the flow of documentation
12 is going to get larger, not smaller. So, what's the
13 process here? How can we confirm that information
14 the Board's receiving we're receiving because we
15 obviously want to respond in a timely manner. If
16 there's an issue, we need to address it. If there's
17 something that's incorrect, we want to correct the
18 record. So, I think we need to make sure that
19 there's a process in place or a point person, maybe
20 it's Judi, but this Board would have to make sure
21 that Judi gets all the information. So, I'll defer
22 to your judgment. But we just want to make sure that
23 there's nothing -- because nothing's worse than to
24 show up and you guys have read something and we

1 haven't seen it. So, we'd just like to avoid that.

2 MARC RUDNICK: Yeah. Well, in fact,
3 this is the only one. So, I'm glad we're dealing
4 with it now. Geoff, how do you see it happening in
5 other towns or a best practice anyway?

6 GEOFF ENGLER: Usually, one of two
7 ways. I mean Judi is very capable. But somebody
8 from this Board has to make sure that she's getting
9 everything because she can't distribute things if
10 she's not receiving it. Other boards have a clerk or
11 an administrator that's the go to. Every time we're
12 submitting something, we submit to that individual.
13 So, either of those two approaches is fine, but it's
14 just -- I mean we'll know who to give it to, but I
15 think it's more of the Board knowing who the
16 repository is.

17 BARBARA RANDO, CHAIR: Judi did say
18 that they could contact her and that she would get
19 information to -- they may contact her and she will
20 keep them --

21 MARK HICKERNELL: But I mean she
22 shouldn't have to wait for them to contact her.

23 BARBARA RANDO, CHAIR: No, she said
24 that she would --

1 GEOFF ENGLER: For instance, Mr.
2 Casazza, if he submits what he submits tonight and
3 tomorrow, where does that go and who gives that to
4 Judi? Because if I reach out to Judi on a weekly
5 basis and say, "Hey, Judi, what's come in this
6 week?", we just have to make sure that she's getting
7 everything.

8 JOHN SERGI: Well, that would go to
9 Pam, right?

10 MICHAEL BOUJOULIAN: We've been
11 submitting our materials to Pam. I think Mr. Sergi
12 is --

13 BARBARA RANDO, CHAIR: Right. She's
14 the --

15 MICHAEL BOUJOULIAN: So, oftentimes,
16 when the reciprocal happens and there's a comment
17 issued, the Zoning Board would just to go Pam and she
18 would --

19 JOHN SERGI: Correct.

20 MICHAEL BOUJOULIAN: Honestly, the
21 last two 40Bs I went through were all done via email.
22 It was super convenient. So, if Pam is comfortable
23 with that, we are. Anyone from my team or Geoff,
24 we'll get it between us.

1 MARC RUDNICK: My feeling is that Pam
2 should share all the documentation with them.

3 BARBARA RANDO, CHAIR: Absolutely.

4 MARC RUDNICK: Except for things that
5 are specifically marked "confidential" --

6 MARK HICKERNELL: Yes.

7 JOHN SERGI: Absolutely. Yeah.

8 MARC RUDNICK: -- per the Board.

9 MARK HICKERNELL: Oh, yeah, unless
10 there's some special reason not to, yeah.

11 BARBARA RANDO, CHAIR: Except that
12 they'll be getting information from our people. They
13 won't be getting it from the consultants until later,
14 which will be different than --

15 MARC RUDNICK: But anybody who submits
16 to our office, I think they should get a copy right
17 from Pam, not through Judi.

18 BARBARA RANDO, CHAIR: That's fine
19 with me.

20 GEOFF ENGLER: It's all the same. We
21 don't -- we're not going to differentiate --

22 BARBARA RANDO, CHAIR: But you'll have
23 more questions when you get the consultants' report
24 probably.

1 GEOFF ENGLER: Of course. But we're
2 not going to differentiate between information
3 provided by peer review consultants or information
4 provided by municipal departments. It's all
5 important to us. We just care that we get it.

6 BARBARA RANDO, CHAIR: Oh, then fine.

7 GEOFF ENGLER: You know what I'm
8 saying? So the peer review, should that -- I mean
9 that's going to go to Pam I guess.

10 BARBARA RANDO, CHAIR: Mm hum.

11 GEOFF ENGLER: You know, and then to
12 us. And, Mr. Casazza or other people will send it to
13 Pam, and Pam will know to send it to us. So, if
14 that's the approach that the Board feels comfortable
15 with, we know Pam will be, you know, the go to
16 person.

17 BARBARA RANDO, CHAIR: That's fine.
18 That's fine with me. Is it fine with everyone else?

19 MARK HICKERNELL: Yeah, that makes --
20 it's a point well taken.

21 BARBARA RANDO, CHAIR: John?

22 JOHN SERGI: Yeah, it's fine.

23 BARBARA RANDO, CHAIR: Glenna?

24 GLENN GELINEAU: Yeah.

1 MARC RUDNICK: Of course. Obviously,
2 I mean I think you'd be free to check in with Judi
3 anyway.

4 GEOFF ENGLER: Sure.

5 MARC RUDNICK: But, yeah, I think Pam
6 should be the conduit.

7 BARBARA RANDO, CHAIR: She'll be at
8 our next meeting.

9 GEOFF ENGLER: Okay.

10 MARC RUDNICK: And we'll let her know
11 that.

12 GEOFF ENGLER: Great.

13 MICHAEL BOUJOULIAN: Thank you.

14 MARC RUDNICK: Mr. Casazza's stuff was
15 presented to us tonight as well. So we're all
16 getting that.

17 GEOFF ENGLER: No, I understand. I
18 totally understand.

19 MARC RUDNICK: I just want to be
20 clear.

21 GEOFF ENGLER: No, I understand that.

22 MARC RUDNICK: Because I recognize the
23 problem of this, and that's why I brought up the
24 Putnam thing because it's the only one that we

1 received that you didn't receive.

2 GEOFF ENGLER: Okay. Great.

3 MARC RUDNICK: So, can we make sure
4 that Pam knows to send Wade's --

5 BARBARA RANDO, CHAIR: Absolutely.
6 Any other questions?

7 MARC RUDNICK: I have a question that
8 I didn't understand. 117 Bear Hill Road.

9 BARBARA RANDO, CHAIR: What's that?

10 MARC RUDNICK: 117 Bear Hill Road, did
11 that come up in this case?

12 BARBARA RANDO, CHAIR: Not that I'm
13 aware of, 117 Bear Hill Road. Is that the other 40B?

14 MARC RUDNICK: Oh, that's a piece of
15 another big project that's going on up the street
16 somewhere, 117 Bear Hill Road. That must be down
17 toward Main Street from you.

18 BARBARA RANDO, CHAIR: Right.

19 MARK HICKERNELL: The pizzeria, is
20 that the one?

21 MICHAEL BOUJOU LIAN: That might be
22 Avalon's. We'll check. I wonder if that's Avalon
23 Bear Hill.

24 MARC RUDNICK: I guess it was mostly -

1 - it was a general concept that you're aware of all
2 the projects that are going on around you and how
3 they affect or create issues of conflict with your
4 project.

5 MICHAEL BOUJOULIAN: Sure, I
6 understand. Certainly --

7 MARC RUDNICK: I drove up there today
8 and I saw there were so many new projects I was
9 unaware of, that I just wanted to be sure --

10 MICHAEL BOUJOULIAN: Yeah.

11 MARC RUDNICK: -- that you were --
12 and, particularly, there was one at 117 Bear Hill
13 Road.

14 GEOFF ENGLER: A new one.

15 MICHAEL BOUJOULIAN: Is that a new
16 project or do you think it's an --

17 MARC RUDNICK: I think it's where the
18 Pizzeria Uno was taken out and now it's --

19 MICHAEL BOUJOULIAN: It's demolished I
20 think.

21 MARC RUDNICK: It's demolished. You
22 are aware of that project already?

23 MICHAEL BOUJOULIAN: Yes.

24 MARC RUDNICK: Okay. Great.

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1 BARBARA RANDO, CHAIR: Is that a
2 warehouse? It's going to be storage?

3 JOHN SERGI: No, it's another pizza
4 chain.

5 MICHAEL BOUJOULIAN: I thought it was
6 a restaurant.

7 JOHN SERGI: Pepe's Pizza.

8 BARBARA RANDO, CHAIR: Storage.

9 JOHN SERGI: That was storage.

10 ATTORNEY PHILIP MCCOURT: It's a
11 warehouse, storage.

12 BARBARA RANDO, CHAIR: Storage.
13 Right.

14 ATTORNEY PHILIP MCCOURT: It was
15 approved by the City Council. It is under
16 construction.

17 BARBARA RANDO, CHAIR: Right.
18 Storage.

19 JOHN SERGI: Oh, then that's not --
20 that's not -- is that Uno's?

21 BARBARA RANDO, CHAIR: No, where Uno's
22 was.

23 MICHAEL BOUJOULIAN: There is a pizza
24 place going in.

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1 JOHN SERGI: I think that, what you're
2 talking about, was next to Uno's. And I think Uno's
3 is another chain.

4 BARBARA RANDO, CHAIR: There's a 40B
5 in Weston. In fact, they're going to be
6 entering/exiting into Waltham.

7 MICHAEL BOUJOULIAN: Oh, 117, I know
8 what 117 --

9 BARBARA RANDO, CHAIR: But that will
10 affect Main Street.

11 MICHAEL BOUJOULIAN: I'm sorry. 117
12 is the Hilltop is what we're calling it. It's been
13 on the market for a long time, the quarrying
14 operation that was up by the antenna. You know
15 there's like a switchback road all the way up the
16 hill.

17 BARBARA RANDO, CHAIR: Mm hum.

18 MICHAEL BOUJOULIAN: I don't think
19 there's anything planned there. In fact, I spoke
20 with the --

21 MARC RUDNICK: Up the Bear Hill, the
22 AT&T --

23 MICHAEL BOUJOULIAN: They've been
24 marketing it for a long time. It requires a

1 substantial --

2 JOHN SERGI: That's the Sweetser site,
3 yeah. I know where that is.

4 MICHAEL BOUJOULIAN: David Sweetser.

5 JOHN SERGI: David Sweetser, yeah.

6 MICHAEL BOUJOULIAN: So, yeah, the
7 site requires basically a quarrying operation to
8 capture, which I think a lot of development has been
9 remiss to --

10 MARC RUDNICK: It was just a general
11 point that there's a lot of new stuff up there.

12 MICHAEL BOUJOULIAN: Yeah, it's a busy
13 neighborhood.

14 ATTORNEY PHILIP MCCOURT: Sweetser's
15 is 110.

16 MICHAEL BOUJOULIAN: Are you sure?

17 ATTORNEY PHILIP MCCOURT: Yeah,
18 because I did it.

19 MICHAEL BOUJOULIAN: Oh, you worked
20 for him. Okay.

21 ATTORNEY PHILIP MCCOURT: Across the
22 street, I think 117 is the --

23 MICHAEL BOUJOULIAN: That's Uno's? I
24 had it backwards. 110 is the hill, the Sweetser

1 site. And 117 is the Uno's site that apparently will
2 be a warehouse. Sorry. That ruined the record. I
3 tried to fix it.

4 MARC RUDNICK: Mr. Garvin, in his
5 written comments -- he's the traffic engineer -- he
6 pointed out this question about you guys compared
7 something to the study done for the previous
8 developer for the site, and he commented that you
9 transposed the numbers incorrectly and you were using
10 the wrong data for the previous traffic study for the
11 previous use of the site. Did you address that one
12 already or --

13 GEOFF ENGLER: Well, Mr. --
14 respectfully, we haven't seen those comments. I mean
15 I'm sure we have an explanation.

16 MARC RUDNICK: This is a letter we had
17 at the last hearing. You didn't see that? It was
18 the same letter as the very first hearing. It's from
19 the original hearing a couple of years ago.

20 MICHAEL BOUJOULIAN: December 2015?

21 MARC RUDNICK: But then he just
22 resubmitted it to us last -- at the April hearing.

23 MICHAEL BOUJOULIAN: We had updated
24 our study. We just want to --

1 MARC RUDNICK: I mean if you think you
2 don't have it all, let's get Pam to get all of it.

3 GEOFF ENGLER: Let us confirm, and we
4 will provide a response. I would -- knowing VHB, I'm
5 sure they'll stand by their analysis. And if there
6 was some sort of error or omission, it will be
7 corrected.

8 MARC RUDNICK: Yeah, it just seemed
9 like a transposition error. So, if you wouldn't mind
10 just asking Pam --

11 GEOFF ENGLER: Yeah. Yeah.

12 MARC RUDNICK: -- if you have received
13 all of the documents that we have received because I
14 would say that maybe eight department heads wrote to
15 us in the original hearing a couple of years ago.
16 And then you submitted this.

17 GEOFF ENGLER: Yes, that I --

18 MARC RUDNICK: So you have all those?

19 GEOFF ENGLER: Yeah.

20 MARC RUDNICK: That's where the Garvin
21 one was also.

22 MICHAEL BOUJOULIAN: We're going to --
23 we'll confirm.

24 GEOFF ENGLER: Yeah.

1 MICHAEL BOUJOULIAN: We'll probably
2 send someone down to spend a half an hour with Pam
3 and just make sure.

4 MARC RUDNICK: I appreciate that.
5 Thank you.

6 BARBARA RANDO, CHAIR: And the police
7 and fire should have theirs in shortly.

8 MICHAEL BOUJOULIAN: Great. We did
9 have some preliminary discussions with police and
10 fire, again, a year, two years ago. But we're
11 certainly ready to cooperate with them.

12 MARC RUDNICK: In the interest of
13 giving you as much as I can give you tonight so that
14 you've got stuff to work on, because I know you
15 probably don't have a lot to do besides coming here,
16 we got a letter of support for your project from the
17 128 Business Council, maybe through you, maybe
18 directly.

19 MICHAEL BOUJOULIAN: I know some folks
20 over there, yeah.

21 MARC RUDNICK: Well, we all got this
22 letter of support from them. Again, I know that was
23 in the April 23rd hearing, but I think it was also in
24 the 2017 hearing as well. And, you know, I -- I mean

1 we're going to have a lot of discussion about the
2 availability of public transportation. To me that's
3 going to be a big issue, you know, because we're
4 going to have low-income families here who are not
5 necessarily going to fit the profile of I work in the
6 office park next door and I'm walking over there to
7 my, you know, next job. We don't know. As you know,
8 we don't know who becomes the residents of the
9 affordable housing because you have a process to
10 bring those folks in. And it's hard to say if you
11 don't work at, you know, an address on Bear Hill
12 Road, you can't live here.

13 So, I was really hoping that -- and we
14 all know that there's an issue with the public
15 transport here. There is some, but it's pretty
16 limited and it's focused around a trip configuration
17 that supports people coming from elsewhere to this
18 neighborhood.

19 So, I assume you're going to improve
20 our sense that there's a good network of
21 transportation available for our residents here. But
22 it seems to me that the 128 Business Council and
23 their mini-buses are going to be a key element to
24 making this work. And there was nothing in the

1 letter from the 128 Business Council that even
2 remotely gave me the sense that they were working
3 with you on a plan. They liked your project. They
4 said a lot of nice things about it. Some of the
5 things they said were the exact same things you said
6 in your presentation about the project, and I mean
7 word-for-word. But, what they didn't say is we'll
8 commit seven buses, we'll make a route for it.
9 Nothing tangible.

10 MICHAEL BOUJOULIAN: Sure. We're
11 happy to expand on that.

12 MARC RUDNICK: I'm looking for, again
13 -- I'm not looking for any comment tonight, but
14 that's something I'll be asking you guys more about.
15 What arrangements are you making to improve or even
16 what lobbying you're doing to improve the public
17 transit so we have some chance of having well-
18 supported low-income families living in this project?

19 MICHAEL BOUJOULIAN: You've got it.

20 MARC RUDNICK: Thank you. Now I'm in
21 good shape.

22 BARBARA RANDO, CHAIR: I do have one
23 question. You have 240 spaces and you require 390,
24 correct?

1 MICHAEL BOUJOULIAN: Required by the
2 zoning, right.

3 BARBARA RANDO, CHAIR: Did you ever
4 consider any remote parking, looking for remote
5 parking?

6 MICHAEL BOUJOULIAN: We haven't. We
7 feel, you know, the demographics we have here, we
8 spent a lot of time studying parking. Anyone that
9 has their own home or who rents an apartment knows
10 how important it is, assuming you drive. Some people
11 don't anymore. But your garage of your home is an
12 extension of your home. So, for us to deliver
13 quality homes to our customers, it's extremely
14 important we can provide what they need. So, the
15 short answer is no. We think we've got the right
16 parking ratio for the site, and for this target
17 market, and for this location. But we're willing to
18 hear you out. If you have a good idea, there's no
19 monopoly on it. So --

20 BARBARA RANDO, CHAIR: So, did you
21 mention all the waivers you're asking for tonight?

22 MICHAEL BOUJOULIAN: I think we had in
23 the previous hearing, Madam Chair. But tonight we
24 only mentioned changes we've proposed to those --

1 BARBARA RANDO, CHAIR: Changes.

2 MICHAEL BOUJOULIAN: -- to accommodate
3 some of the questions and comments made.

4 BARBARA RANDO, CHAIR: So there will
5 be more waivers coming?

6 GEOFF ENGLER: Well, maybe. Not
7 necessarily more; there could be less. I mean what
8 happens over the course of the public hearing
9 process, for instance, many of the comments that we
10 heard tonight from an engineering standpoint, some of
11 those may necessitate a waiver. Some of them may
12 eliminate the need for a waiver. So, rather than
13 chasing the waiver request every hearing, what
14 typically happens is we collectively arrive at a
15 point where everybody feels like the plan is the plan
16 and there aren't going to be any more changes. At
17 that point, it's our responsibility to make sure we
18 submit a thorough and representative waiver list, and
19 that's really what the Board will be reviewing and
20 voting upon rather than -- I mean I understand the
21 need. And the I&I removal of that request is a
22 biggie that was a point of a lot of contention at the
23 last hearing. So, it was important to get that on
24 the record. But if there's some other things that

1 get modified or tweaked, we would suggest let's wait
2 till the end rather than at every hearing say, "Well,
3 because we're now putting something in this easement,
4 or we changed a location, we don't need this waiver,"
5 or, "We need that waiver." It just becomes
6 confusing. We'll submit a best and final waiver list
7 at the end and that will be what we'll work from.

8 BARBARA RANDO, CHAIR: Okay. Any
9 other questions?

10 JOHN SERGI: No.

11 BARBARA RANDO, CHAIR: Shall we vote
12 on a site view? We haven't taken a vote on the site
13 view. And the public is invited. They may not
14 address us, but they are invited to come to the site
15 view.

16 So, when would the Board like to make
17 a site view? We don't have any cases on Tuesday,
18 June 5th.

19 JOHN SERGI: I can't do June 5th. I'm
20 not going to be in Waltham.

21 BARBARA RANDO, CHAIR: You're not
22 going to be in Waltham?

23 JOHN SERGI: No.

24 BARBARA RANDO, CHAIR: June 19?

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1 MARC RUDNICK: Are you thinking about
2 a morning there, too?

3 BARBARA RANDO, CHAIR: Well, whatever
4 is available for most people.

5 MARC RUDNICK: June 19th?

6 BARBARA RANDO, CHAIR: We could make
7 it in the afternoon. It's up to the majority.

8 JOHN SERGI: I can do the 19th.

9 BARBARA RANDO, CHAIR: Can people do
10 the 19th?

11 MARK HICKERNELL: Yeah, not between
12 12:30 and 2:30, but I could do it.

13 MARC RUDNICK: Is that your window,
14 12:30 to 2:30, or not -- that's an exclusion?

15 MARK HICKERNELL: That's when I'm not
16 available. I have something going on on my agenda.

17 BARBARA RANDO, CHAIR: 12:30 to 2:30.

18 MARK HICKERNELL: It's an awards day
19 for the kids.

20 BARBARA RANDO, CHAIR: Okay. Do we
21 want to make it 4:00 on the 19th? Can everyone make -
22 - is that available, 4:00?

23 JOHN SERGI: Yeah.

24 BARBARA RANDO, CHAIR: Mark?

1 MARK HICKERNELL: Works for me. Does
2 it work for the applicant?

3 MICHAEL BOUJOULIAN: We're at your
4 service. This Saturday?

5 BARBARA RANDO, CHAIR: I'm sorry?

6 GEOFF ENGLER: No, no, June 19th.

7 MICHAEL BOUJOULIAN: I'm sorry. I'm
8 in the wrong month. I'm having a tough night
9 tonight. Bear with me. Tuesday, June 19th, sure.

10 MARC RUDNICK: What did you say, 4:00?

11 BARBARA RANDO, CHAIR: At four. We're
12 waiting for the applicant. Is that all right with
13 you, June 19th at --

14 MICHAEL BOUJOULIAN: Oh, yes. You'll
15 have at least -- at least one of us. We'll probably
16 bring an architect. I will bring some boards to help
17 with the visuals. How the site situates, it's
18 difficult sometimes to see how it relates to the
19 existing buildings.

20 BARBARA RANDO, CHAIR: Oh, that's
21 excellent.

22 MICHAEL BOUJOULIAN: So we'll do our
23 best to make it so that visually everybody
24 understands how this works --

1 BARBARA RANDO, CHAIR: That's
2 excellent.

3 MICHAEL BOUJOULIAN: -- and what we're
4 proposing.

5 BARBARA RANDO, CHAIR: All right.
6 Then the site view will be on June 19th at four in the
7 afternoon. And, as I said, the public is invited.

8 Do we want a motion on that? Do you
9 think we need a motion?

10 MARK HICKERNELL: I don't think we
11 need a motion for a site visit.

12 BARBARA RANDO, CHAIR: No? Everyone
13 agrees with that.

14 All right. What about -- what about
15 what departments we want to get input from? Do we
16 want a traffic study? Do we want an architect? Do
17 we want a civil engineer?

18 MARC RUDNICK: We're not doing a
19 traffic study. They did the traffic study. Garvin
20 needs to review it. I think he did. We need a peer
21 review specialist to review their traffic study.

22 BARBARA RANDO, CHAIR: To review,
23 right. Okay.

24 MARC RUDNICK: Traffic and civil

1 engineering are two that we need --

2 BARBARA RANDO, CHAIR: Traffic and
3 civil engineering.

4 MARC RUDNICK: We might want a
5 financial consultant, but I assume we'll wait till
6 near the very end for that because finances are going
7 to change throughout this project.

8 MICHAEL BOUJOULIAN: Yeah, they're
9 static. I'll just add one more, adding insult to
10 injury. But there was a request, I think by the
11 mayor, to add an environmental consultant. Again,
12 we're happy to make sure we fund all that if you want
13 to review our study.

14 MARC RUDNICK: Okay. So that's two
15 different -- civil -- well, that is civil
16 engineering, right?

17 MICHAEL BOUJOULIAN: That would be an
18 LSP.

19 GEOFF ENGLER: No. Yeah.

20 MICHAEL BOUJOULIAN: Judi will be able
21 to help you.

22 GEOFF ENGLER: Yeah.

23 JOHN SERGI: Well, I already suggested
24 a name.

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1 MARC RUDNICK: For the LSP?
2 JOHN SERGI: Yeah, three weeks ago.
3 BARBARA RANDO, CHAIR: For the
4 environmental?
5 JOHN SERGI: Yeah.
6 BARBARA RANDO, CHAIR: And what is the
7 name?
8 JOHN SERGI: Jeff Mosholder.
9 BARBARA RANDO, CHAIR: Jeff -- how do
10 you spell the last name?
11 JOHN SERGI: M-o-s-h-o-l-d-e-r.
12 BARBARA RANDO, CHAIR: All right.
13 He'll be our environmental if everyone's in favor of
14 that.
15 Stormwater, do we want stormwater?
16 GEOFF ENGLER: That's civil.
17 MARC RUDNICK: That's civil
18 engineering.
19 BARBARA RANDO, CHAIR: That's civil.
20 MARC RUDNICK: They'll look at all of
21 the stormwater and I&I. But these guys are
22 stipulating to the I&I anyway.
23 BARBARA RANDO, CHAIR: All right. I
24 guess the architect will address open space I take

1 it?

2 GEOFF ENGLER: I'm sorry?

3 BARBARA RANDO, CHAIR: The architect
4 will address open space?

5 MICHAEL BOUJOULIAN: Civil probably
6 will.

7 GEOFF ENGLER: Well, what are -- I'm
8 not understanding your question. I'm sorry.

9 BARBARA RANDO, CHAIR: An architect
10 will talk about the open space, the architect?

11 GEOFF ENGLER: A peer review
12 architect? Yeah, among other things --

13 BARBARA RANDO, CHAIR: And your
14 architect will, too, when you bring him at the site
15 view.

16 GEOFF ENGLER: Oh, at the site visit?
17 Yes. Yeah.

18 MICHAEL BOUJOULIAN: We'll have our
19 architect there. And either someone from Alliance or
20 certainly the architect will speak to -- you know, as
21 you get more technical, we bring more specialists.
22 Yeah.

23 BARBARA RANDO, CHAIR: All right. Any
24 other questions, Mr. Sergi?

1 JOHN SERGI: No.

2 BARBARA RANDO, CHAIR: Mr.
3 Hickernell?

4 MARK HICKERNELL: No.

5 BARBARA RANDO, CHAIR: Ms. Gelineau?

6 GLENNA GELINEAU: No.

7 BARBARA RANDO, CHAIR: Mr. Rudnick?

8 MARC RUDNICK: Michael, I think you
9 mentioned at the last hearing that you've done other
10 projects --

11 MICHAEL BOUJOULIAN: Yes, sir.

12 MARC RUDNICK: -- that are going to
13 bear on my opinion about this project maybe, meaning,
14 you know, a project in a commercial area, a
15 residential project that's sort of the first one in
16 that town using a commercial area, a 40B I'm
17 assuming.

18 MICHAEL BOUJOULIAN: Some, yes.

19 MARC RUDNICK: I'd like to see one.
20 I'd like to talk to somebody at one of your projects.

21 BARBARA RANDO, CHAIR: I think you had
22 your Needham one, didn't you.

23 MARC RUDNICK: Can you get me a list
24 or get me one that I could go and -- in

1 Massachusetts, I hope.

2 MICHAEL BOUJOULIAN: Yeah. So, from a
3 40B -- a number of my projects, frankly, whether
4 they're 40B or not -- I don't just use 40B to -- we
5 build in --

6 MARC RUDNICK: But it's hard to build
7 in a commercial zone residential housing unless
8 you're a 40B.

9 MICHAEL BOUJOULIAN: So, we did do one
10 in Cambridge. It was a former cannery in an
11 industrial zone. That was not a 40B, but that's a
12 good example of sort of use and why it's important to
13 mix.

14 The friendly 40B I worked on, gosh,
15 ten years ago in Needham, was on Second Avenue.
16 Gosh, is that right?

17 MARC RUDNICK: Oh, that's the one you
18 mentioned.

19 MICHAEL BOUJOULIAN: 2 Second Avenue.
20 Is that the -- anyway, so Second Avenue in Needham.
21 I think I may have forwarded some contact information
22 to the town who I worked with in Needham.

23 MARC RUDNICK: But their planning
24 department is going to know.

1 MICHAEL BOUJOULIAN: Yeah, planning or
2 economic or community development, depending on
3 whichever municipality has --

4 JOHN SERGI: Marc, I might be able to
5 help you with that. I know the members sitting on
6 the ZBA. I spoke with Jon Tamkin. Do you recall --

7 GEOFF ENGLER: Oh, yeah. Yeah, I know
8 Jon.

9 JOHN SERGI: So I can put you in touch
10 with Jon if you'd like.

11 MARC RUDNICK: Great. Thanks you.

12 MICHAEL BOUJOULIAN: Is Jon a town
13 councilor?

14 JOHN SERGI: He sits on the ZBA.

15 MICHAEL BOUJOULIAN: He was on the
16 ZBA. That's right.

17 JOHN SERGI: Yeah.

18 GEOFF ENGLER: Do you want -- Marc, do
19 you want to specifically talk to the town about their
20 experience or do you want to actually see the
21 physical properties?

22 MARC RUDNICK: No, I am more
23 interested in talking to the --

24 MICHAEL BOUJOULIAN: I'm happy to do a

1 tour as well.

2 GEOFF ENGLER: Yeah, there's a
3 management company there, too. So --

4 MICHAEL BOUJOULIAN: Yeah, Devra
5 Bailin is the community development director in
6 Needham. And if I didn't forward that, I apologize.
7 But we -- oh, is it in this? Oh, in our April 6th
8 letter -- and I'll leave this with you -- we gave a
9 name and number for a handful of folks. We just
10 completed a friendly 40B in South Billerica, which
11 was, again, in a very commercial zone where they were
12 looking to mix uses and kind of get a more youthful,
13 you know, sort of 21st century master planning
14 initiative going on. They actually suggested the
15 friendly 40B in that town. So, that's Needham.

16 If it's just 40Bs, those are probably
17 the first two. We did -- we are under construction
18 on a 40B in Hingham, which was an old office
19 building. It's not quite the same. It wasn't as
20 compact and industrial, but it was a commercial site.
21 So, we're happy to --

22 MARC RUDNICK: I'm not as interested
23 in it being a 40B. I just presume most of them are.
24 I'm interested in a residential building being built

1 in a completely commercial area like we're doing.

2 GEOFF ENGLER: Needham is a good one.

3 MARC RUDNICK: Thank you.

4 MICHAEL BOUJOULIAN: Needham is
5 probably the best analogy.

6 GEOFF ENGLER: Yeah.

7 MICHAEL BOUJOULIAN: And it was a 40B.

8 GEOFF ENGLER: Yeah.

9 MARC RUDNICK: Oh, thanks very much.

10 MICHAEL BOUJOULIAN: But I can give
11 you more as well.

12 MARC RUDNICK: Thanks. That's all,
13 Madam Chair.

14 MICHAEL BOUJOULIAN: And there are
15 numbers just in that April 6th letter. So, if you --

16 MARC RUDNICK: Oh, we have one from --

17 MICHAEL BOUJOULIAN: You wanted a
18 phone number. I gave some contact information on
19 there.

20 BARBARA RANDO, CHAIR: All right? Any
21 other questions?

22 (No response.)

23 BARBARA RANDO, CHAIR: Do I have a
24 motion to continue the case to May 29th?

1 MARC RUDNICK: May 29th at 7:00 p.m.

2 MARK HICKERNELL: Second.

3 BARBARA RANDO, CHAIR: Motion by Mr.
4 Rudnick. 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 GLENN GELINEAU: Yes.

11 BARBARA RANDO, CHAIR: Mr. Rudnick?

12 MARC RUDNICK: Yes.

13 BARBARA RANDO, CHAIR: And the Chair
14 votes yes. So, we will see you on March (sic) 29th.

15 MICHAEL BOUJOULIAN: May 29th.

16 BARBARA RANDO, CHAIR: I mean May 29th.
17 And I will ask Pam to send you any letters that we
18 receive from any department heads.

19 GEOFF ENGLER: Pam.

20 BARBARA RANDO, CHAIR: Pam.

21 GEOFF ENGLER: Right.

22 BARBARA RANDO, CHAIR: One more motion
23 is in order.

24 JOHN SERGI: Motion to adjourn, Madam

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1 Chair.

2 BARBARA RANDO, CHAIR: Do I have a
3 second?

4 MARK HICKERNELL: Second.

5 BARBARA RANDO, CHAIR: All in favor?

6 ALL BOARD MEMBERS: Aye.

7 BARBARA RANDO, CHAIR: Opposed?

8 (No Board members opposed.)

9 BARBARA RANDO, CHAIR: The ayes have
10 it. We're adjourned at 8:26. Thank you.

11 (Whereupon, the hearing was adjourned
12 at 8:26 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

Judith Luciano