

FOR THE
CITY OF WALTHAM
ZONING BOARD OF APPEALS

GENERAL HEARING

August 23, 2018

7:00 P.M.

at

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

Barbara Rando, Chair
Mark Hickernell, Clerk
Glenna Gelineau
Marc Rudnick
John Sergi

Arlington Reporting Corporation
(339) 674-9100

Waltham Zoning Board of Appeals/8-23-18/2

I N D E X

<u>CASE</u>	<u>PAGE</u>
2015-25	3

A T T A C H M E N T S

Legal Notice: Case No. 2015-25

Email dated 8/20/2018 to Pam Doucette sent by
Thomas Geary

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

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

5 BARBARA RANDO, CHAIR: Good evening.
6 The Zoning Board of Appeals for Thursday, August 23,
7 2018 is called to order at 7:00 p.m.

8 Tonight we have one continued case
9 before us, Case Number 2015-25, Alliance Realty
10 Partners, 341 Second Ave. And that's an application
11 for a comprehensive permit under 40B.

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

15 The first action, we do not have any
16 minutes, so we can pass that by.

17 I'm ready for the Clerk to read the
18 Petition in Case 2015-25.

19 MARK HICKERNELL: (The Clerk reads the
20 above-mentioned petition into the record. See
21 Attached.)

22 BARBARA RANDO, CHAIR: Thank you.

23 Are there any department heads or
24 their representatives here tonight that have

1 something to say or add? I don't see any.

2 Are there any community-interested
3 people that are here that would like to speak in
4 favor or against or seeking information? I don't see
5 any.

6 All right. Unless the Board has any
7 questions, I'm going to call on the petitioner.

8 Oh, first of all, I think it would be
9 interesting if Mr. Rudnick gives us a short little
10 paragraph on what happened at the meeting, the
11 workshop meeting, and the names of who attended, if
12 you don't mind.

13 MARC RUDNICK: I'm not sure of the
14 names of everyone who attended on the applicant side
15 other than Michael and Geoff. But our consultants,
16 Cliff and Judi, were there, as well as Jeff, our
17 traffic consultant from VAI.

18 So, we had our team there. And they
19 had their architecture team and several other people.
20 We had a rousing and interesting discussion. I
21 thought we -- I was able to present reasonably well
22 to the applicant the varying opinions of Board
23 members about what kind of things they thought were
24 critical changes that still needed to be made in the

1 project. I think Mr. Boujoulian almost universally
2 said, "Give us a chance to address that one," or,
3 "Since your last meeting I think we've already
4 addressed it in some of our plan changes, and we'll
5 present that out to you over the next couple of
6 weeks," as they have done.

7 So, even though we didn't have any
8 meetings to talk about this, each of you spoke with
9 me privately about what your concerns are, I
10 presented them all. I think the applicant included
11 the summary of your comments that I gave to them in
12 the package that they've given back to you so you can
13 see what comments you made to me that I transmitted
14 to them just in case I missed anything that you were
15 interested in. You can see that.

16 I think we came down to a sense that
17 there were a variety of -- there were a whole variety
18 of smaller issues, largely that Mr. Boujoulian said,
19 "We can take care of that. We can take care of
20 that." And most of them I think you can see have
21 been taken care of in the plans that have been
22 submitted.

23 I think the two big areas that were
24 left unresolved at the time were how to approach

1 making more open space on the project, and the other
2 one was one that we were sort of not talking about
3 because these guys were directly working with the
4 fire and police departments about the public safety
5 issues.

6 So, we didn't make any decisions at
7 the meeting. It was a big listening session. And I
8 think we were listened to very well by their team.
9 And I think a lot of that is reflected in the product
10 that we've gotten back. I think there will probably
11 still be some discussion about the open space issues
12 and any other issues that Board members didn't feel
13 were addressed that they particularly had, but I
14 thought it was a good working session. And there was
15 no blood. Nobody left mad, as far as I know.

16 Maybe Judi has any other comments?

17 JUDI BARRETT: I think that's a great
18 summary, Marc. Thank you.

19 MARC RUDNICK: Okay. Thank you. Or
20 either -- no? Cliff, no?

21 CLIFF BOEHMER: No, that was good.

22 BARBARA RANDO, CHAIR: All right.

23 MARC RUDNICK: And if he's prepared
24 to, I would like to give Cliff a chance to make some

1 comments because, you know, Cliff brought the open
2 space issues to us, clearly pointed those out as
3 things that he thought were a serious deficit in the
4 project and ones that could possibly change.

5 MICHAEL BOUJOULIAN: Madam Chair, we
6 have a number of those items that were submitted last
7 week in response to that. It might make sense -- I
8 know it's up to the Board --

9 MARC RUDNICK: I'm happy to do it the
10 other way around.

11 MICHAEL BOUJOULIAN: To allow us to
12 walk through all the changes we've been making, open
13 space in particular.

14 MARC RUDNICK: Yeah, I'm just off the
15 top of my head. So, if that's okay with you, Madam
16 Chair --

17 BARBARA RANDO, CHAIR: That's fine.

18 MARC RUDNICK: -- we could just ask
19 Cliff to respond after the applicant.

20 CLIFF BOEHMER: Yeah, I think that's
21 fine.

22 MICHAEL BOUJOULIAN: We also have some
23 other responsive material to concerns Cliff raised.
24 We tried to put it all in one package.

Waltham Zoning Board of Appeals/8-23-18/8

1 MARC RUDNICK: So, back to you, Madam
2 Chair.

3 BARBARA RANDO, CHAIR: It's fine.
4 Would you like to come to the podium?

5 MICHAEL BOUJOULIAN: So, for the
6 record, my name is Michael Boujoulian. I'm with
7 Alliance Residential Company. Our address is 184
8 High Street in Boston, Massachusetts.

9 I guess, first, I'd just like to echo
10 the comments made by Mr. Rudnick. I thought we had a
11 very productive session and we covered quite a bit of
12 ground, perhaps the most we've covered in one
13 sitting, which was very helpful to have a
14 distillation of everyone's review and feelings on
15 where we were still short of what a good project here
16 is going to look like in your eyes.

17 So, following our last meeting, which
18 I believe was July 17th, multiple concerns were
19 raised: safety, school-related, and across a number
20 of -- maybe a dozen different items. So, as you
21 know, we asked to extend the public hearing process
22 to give us some time to work through those to get a
23 better understanding. And, since then, we've had
24 multiple meetings with Waltham Police, Chief

Waltham Zoning Board of Appeals/8-23-18/9

1 MacPherson, and Safety Officer Frassica. We've had
2 multiple meetings in coordination with the Waltham
3 Fire Department who had a number of issues raised at
4 that and beyond. We had the workshop, as Mr. Rudnick
5 mentioned, on the 1st. And, since, we've been
6 coordinating a lot of that. Some of these things
7 we've been able to resolve more quickly, and some we
8 had to use quite a bit more resources in our team to
9 adjust the project to try and find a good solution.

10 So, tonight, we'd like to walk you
11 through the changes and the adjustments we've made.
12 They have all been sent to you, but I think it might
13 make -- in advance -- but it might make sense to see
14 these in a large format and have an opportunity for a
15 dialogue.

16 As you know, we also have submitted a
17 revised comprehensive permit draft that included a
18 number of new and adjusted positions, mostly in
19 response to the workshop, although I do think there
20 were a handful of fire-related requests that we were
21 asked to include, which we've done and agreed to.

22 So, with that, if it pleases the
23 Board, I think we'd like to start with the site plan
24 and walk through the changes that have been made and

1 connect those to where the source of those changes
2 and the concerns related to them started. And then
3 there were a handful of other sort of non-plan-
4 related elements and issues and questions that were
5 raised. We'd like to walk through those with you as
6 well if that's okay.

7 So, just, M.T., am I okay standing
8 away from the microphone over here so they can see
9 the Board or do I need to pick this up?

10 M.T.: No, I can pick you up.

11 MICHAEL BOUJOULIAN: It will hear me?

12 M.T.: Yeah.

13 MICHAEL BOUJOULIAN: Just let me know
14 if I need to shout louder.

15 M.T.: All right.

16 MICHAEL BOUJOULIAN: So, this is the
17 current revised site plan that's reflected in the
18 plans that were submitted last week. It is colored.
19 But this is probably the best tool for a start to
20 walk through the changes that we've made.

21 So, the first, and I think the most
22 obvious, change was the removal of the surface
23 parking along the side of the project. There were
24 probably four or five competing matters that had

1 challenges associated with that surface parking lot.
2 They really touched almost every group.

3 Let me get on the right page here.
4 So, the first is -- let me make sure I get this right
5 -- so, the first is by removing that parking, we were
6 able to solve a number of challenges all at once, at
7 great cost, but I think in the end it ended up being
8 a little bit artful and it worked.

9 The first is there were very big
10 concerns raised by the Board at our last meeting
11 about the proximity of the vehicles in that parking
12 aisle and the play area, and that those weren't, you
13 know, necessarily agreeing uses, and we agree. So,
14 obviously, removing parking from that was one
15 benefit. We did also add about 4,500 feet here in
16 all of the remaining space that was available of open
17 space and landscaped area.

18 So, the idea here is we have some
19 other sketches of this, which we can show you a
20 little more closely. This was one item raised by
21 Cliff and I think Mr. Rudnick. This is just an
22 artist's sketch of the same that was once put --
23 eventually put into CAD. The idea is that we would
24 have a space that kind of accomplished a number of

1 things. This is shown with corn hole boards and
2 adirondacks, but this can be programmed as a passive
3 outdoor space, a landscaped area. We've added some
4 trees and we've put a stockade fence in to sort of
5 frame the area landscape wise, and some bollard
6 lights, fences, benches. So, the idea is perhaps you
7 come out here and read a book, or you read the news.
8 You can certainly take a small walk. You can take
9 your dog out or your pet, which some of our residents
10 do have. And it probably is a much better relating
11 use to the play area than what we had before,
12 obviously, that asphalt surface parking lot.

13 This was also raised as a potential
14 where some of the older children that might live here
15 who may not be as comfortable in a play area with,
16 you know, play structures, would have a space to hang
17 out and do things like corn hole, and throw a
18 Frisbee, and do, you know, older child type of
19 activities and play.

20 We have conducted child studies and
21 we're pleased to show actually it's tremendous
22 southerly light. So there will be, particularly
23 during the warmer months, a very good amount of
24 direct light out here. So, south is facing this way.

1 So that was a positive.

2 There were some other concerns that
3 were raised by the fire department in this area. We
4 had initially just striped a limited pedestrian
5 location here, so the exits from the building that
6 exited did not really -- they kind of just dumped
7 right out into the parking lot. So the Deputy Chief
8 made some good comments that those weren't really
9 appropriate and we sought to improve those. So,
10 we've added much more established pedestrian
11 connections through that space that are outside and,
12 of course, with the cars gone, there would be less
13 interaction between a car and a pedestrian.

14 The play area itself has been
15 enlarged. This is now approximately 20 percent
16 larger than before. It's about 1,200 feet. So, this
17 will accommodate more structures, climbing
18 structures, swings, etc., and, certainly, the
19 playground safe code-required grounding materials.
20 So that was one benefit of removing the parking.

21 The balance of the space, as you can
22 see -- oh, this is the largest play area we've ever
23 designed in this region and in my career, not just at
24 Alliance. So, hopefully, that's responsive to making

1 better accommodations for children.

2 You'll note that we've moved the
3 garage entrance from the north side -- on the west
4 side of the building from the north to all the way in
5 the south. This was primarily related to fire
6 department comments. There were concerns that if
7 there were an emergency in the garage that apparatus
8 would have to go all the way to that entrance. And
9 it also created a lot of conflicts of how cars would
10 come in and out and potentially conflict with an
11 emergency access. So, we spent a number of meetings
12 with the fire department on this and working out
13 solutions. The final piece was they did ask for a
14 widened and expanded fire lane here dedicated for
15 them, which we'll have to keep clear. As you'll
16 note, we've added a condition in the permit from your
17 transportation engineer to make sure that we keep the
18 fire lane clear for the fire department.

19 So, this will allow -- it also
20 increased the width. There was some concern by
21 Deputy Chief that at 23 feet, while technically it
22 was okay from a code standpoint, and technically
23 functional, if there were really an emergency here
24 with the outriggers on the equipment out that it

1 would be tight for the guys to get around and to get
2 around those outriggers. So, obviously, anything we
3 could have done to expand that. So, we did, in fact,
4 expand this from what was 23 to 30 feet. And there
5 is also a sidewalk here, which we didn't include in
6 that calculation, so it's technically a little more,
7 which the Deputy Chief found more than sufficient.
8 So, that was an important change to address their
9 concerns.

10 As I keep moving south along this
11 westerly façade. I mentioned the entrance change.
12 We did reorganize the garage. However, we were able
13 to conform to the layout, and dimensions, and all the
14 other parking calculus that we had committed to
15 before, reduced, compact spaces, and aisle widths,
16 etc.

17 But the main change down here is we've
18 completely redesigned the entrance. And in order to
19 do -- this was in response to some of Safety Officer
20 Frassica's concerns about school buses and some of
21 Deputy Chief's concerns about backing a truck up and
22 how they would actually need to fight a fire,
23 visibility lanes when the emergency apparatus would
24 have to arrive to the site. We did a lot of layouts

1 in coordination with them. I'll spare you the
2 details. But the big thing was if the truck were to
3 arrive that it stayed in the appropriate lane and
4 that it could make this turn and that all those turns
5 wouldn't require any extra movements or something
6 unusual.

7 So, one item -- we had an island
8 originally here that was curbed. And they asked that
9 we reduce that down to scoured concrete so that they
10 wouldn't have to worry about staying on one side or
11 the other; they could, in an emergency, just blow
12 right in here and take care of business.

13 There were also some concerns about
14 sightlines. So, we actually cut the building and
15 foundations and garage below back so that they would
16 have a more -- a good visual as they were to arrive
17 to the site. This also gave us a little bit better
18 pedestrian connections here, which I'll come back to
19 in a minute. That solved a couple of other problems.
20 Well, actually, that's the next one on the list.

21 So, one concern the Deputy Chief
22 raised was a coordination between if there were an
23 emergency, and it happened to be that day of the week
24 when we had the trash trucks coming that that would

1 obviously be a problem. So, what we've done is we've
2 added an additional sidewalk here so that we can, out
3 of the service parts of the building, manage trash
4 and recycling without having any impact or
5 interruption with that entry. So, if it's trash day,
6 we'll have that all handled over here. The trucks
7 will be able to operate as though nobody -- none of
8 that conflict were there.

9 So, some additional changes. You'll
10 notice this is sort of a half-circle. That wasn't an
11 accident. There were concerns both by Safety Officer
12 Frassica and Deputy Chief that having to back up was
13 less than optimal, for lack of a better word. With a
14 school bus, for example, she mentioned that we might
15 need spotters if the equipment needed to back up.
16 And, for the fire truck, it was just, you know, if
17 they came in and didn't need to pull into the fire
18 lane, it was just a medical emergency or something
19 that they didn't need to actually put outriggers down
20 and put a ladder up, they just wanted to be able to
21 turn around neatly without having to back up. So,
22 the new radius -- and we've submitted truck-turning
23 diagrams for the fire -- the largest fire apparatus
24 in Waltham as well as a full-size school bus, which

1 I'll come back to. And those turns, movements, can
2 all happen now by using this and then the existing
3 right of way. So, there's no need to have backup
4 vehicles or spotters related to that.

5 I mentioned that we removed the
6 southwest portion of the building. So, let's see
7 here. What else do I have? I talked about that.

8 So, the biggest piece of this,
9 obviously, what happened to all this parking. So,
10 we've been telling you for the past hearing-and-a-
11 half, and certainly at the workshop, that we were
12 working on trying to get a solution to add parking
13 here. I think the Board unanimously was concerned
14 about offsite parking and overflow. And, you know,
15 we worked really hard to get to that 1.33 per unit
16 number and recognized that that just wasn't enough.
17 So, in conjunction with adding parking spaces to get
18 to 1.5 and to solve all these problems, we also added
19 these parking spaces and the ones we were short of
20 1.5 back into the garage. And I have some plans to
21 show how we accommodated that. It sounds silly and
22 simple, but, unfortunately, it required us to use all
23 of our engineering -- geotechnical engineering,
24 architect, structural, etc. -- to confirm we could do

1 it.

2 There are some site challenges to this
3 that I won't bore you with the technical engineering
4 of. But between water table, and sites, and how we
5 actually have to build the building, engineering and
6 construction wise, we dropped another basement level
7 down below in the garage. So, by using the existing
8 ramp footprint -- this is in the same place it was
9 prior even when our access was here -- we've added a
10 second basement that will have the additional parking
11 necessary. So, we'll have to build a cofferdam and
12 shield out the earth as we excavate. Our footings
13 designs are all changed. None of this I know matters
14 for the zoning permit, but it was quite elaborate.
15 So, I apologize for how long it took us to get this
16 back to you. But we are -- we were able to get to a
17 1.5 spaces per unit ratio. And, again, just as we've
18 discussed, that does not include the calculated
19 spaces upfront. So those would put us somewhere
20 north of 1.5. I didn't do that math. Sorry.

21 So, that was the big one, which is
22 once we found the 1.5 and then realized we had to
23 remove that surface parking, we added that to this
24 lower level as well.

1 So, let's see here. So those are,
2 from a design standpoint, those are the sum of the
3 design-related changes, the major metrics in the
4 design sense. But there were a number of other
5 comments raised both at the workshop and at the last
6 hearing that we wanted to raise that we talked about.

7 So, I think the first is really a
8 point of clarification. On the pool and courtyard
9 closure, we mentioned that, due to safety, we were
10 required to close the pool and cover it during winter
11 months. But we weren't clear enough in explaining to
12 you what that also means. So, on our courtyard
13 plans, you'll notice our amenity spaces here, which I
14 want to talk some more about later. We have these
15 indoor/outdoor connections, these collapsing glass
16 walls, so that there's this great connection between
17 our amenity outdoor and indoor program. As a part of
18 that, there is a fire pit, which we've done extensive
19 coordination with Waltham Fire, but there's also some
20 grilling stations and some passive retail -- excuse
21 me -- passive amenity space where you can just relax.
22 So, we will leave some of that open during the winter
23 even though it's not a terribly popular place to go
24 sit outside in the winter. We do, you know, seasonal

1 landscaping, and pots, and plans, and all that to set
2 that area off. So, some of that courtyard will still
3 be available even when nobody really wants to be
4 outside, but particularly for grilling, which is very
5 popular. So, that was the first, just a point of
6 clarification.

7 The second was a question I think
8 raised by your architectural consultant, Cliff, and
9 it was about sun access to the pool area. So, we did
10 conduct a number of sun studies and across multiple
11 months. I believe we submitted that with the
12 memorandum last week. We're pleased at the pool's
13 location and how it structurally relates in the
14 garage. It does actually get fantastic sun on and
15 around the pool for those hours. So, you know, it's
16 not the entire courtyard for the whole time because
17 of the massing of the building, but it's certainly
18 more than a number of other projects we've worked on,
19 and I think it would be a fantastic place to lay out
20 chaise lounges and for folks to, you know, between
21 ten and two, just have a comfortable space to enjoy
22 that. So, we're very comfortable that will be a very
23 attractive amenity to our customers.

24 There were some questions about better

1 accommodations for children. I mentioned we did grow
2 the play area by about 20 percent. So, we feel that
3 that, and combined with some outdoor space for the
4 older children who might even enjoy the pool and
5 bring their tablets or their iPads outside, you know,
6 to the pool area and hang out, we've kind of opened
7 up that spectrum to better accommodate multiple age
8 groups.

9 So, on school bus logistics, I think
10 we talked -- I talked a little bit about this on the
11 site plans. So, we spent a lot of time with the
12 safety officer and Chief MacPherson at Waltham
13 Police, and we had an incredibly productive meeting.
14 All of the concerns raised were extremely good, first
15 of all. The backing up, obviously, is less than
16 optimal for a school bus. And we didn't want to get
17 into any of that. So, this redesigned entry
18 accommodated a lot of the turnaround concerns and the
19 backing up concerns.

20 There were also a couple of other
21 pieces related to the school bus routes. So, we did
22 cover all that with Safety Officer Frassica. And she
23 recommended another spot that she thought was more
24 optimal and safe for a school bus pickup at the new

1 pedestrian infrastructure we've agreed to install at
2 the corner of Second Ave. behind the island. She
3 thought that was much better for the route management
4 as well as a better spot for the children to be
5 picked up. That said, she acknowledged that this
6 does accommodate that if the school bus did need to
7 come down to Second Ave. and drop off right at the
8 front door, there would still be a full turnaround
9 capability. So, we kind of -- we have two good
10 options for how to safely manage pickups and still
11 have the routes be efficient that are already
12 servicing this area. So that I thought was a great
13 suggestion by the officer.

14 So, we'll continue to work with the
15 school department and Officer Frassica on how to --
16 on which one of those is the best and pick a horse
17 when that time comes. So, that was an important one.

18 Second, we talked about the types of
19 vehicles. So, we went back and reviewed other
20 communities, the Currents on the Charles, and The
21 Merc, Avalon at Bear Hill. And it also appears as
22 though that those communities are all being served by
23 vans and not full school buses. So, even though this
24 does work for a school bus, and should we way over

1 perform the statistics the school department provided
2 for similar projects, we still have the ability to
3 handle a larger piece of equipment. But it seems
4 like the seven to ten or seven to 11 children, based
5 on the other communities that we were discussing at
6 the last hearing, should be able to be in a van here,
7 which would be even more flexible and, according to
8 her, was a better -- I forget how the third-party
9 contracts work, but it was better than a full school
10 bus.

11 So, we were pleased to make her happy
12 there. And we talked about that. And we spent some
13 more time talking about pedestrian safety in the area
14 and the crosswalks. And we were able to get a design
15 that responded to their concerns.

16 So, the next on the list I had, this
17 was one that was mostly raised by your architectural
18 consultant, but also was covered at length during the
19 workshop. So, I brought some more materials here to
20 talk through this.

21 A.J., I think I'm going to -- do you
22 want to be my Vanna White? Can everybody see that
23 okay? I'm not in the way?

24 So, let's see here. The first is we

1 hadn't provided a lot of detail. We had a reserved
2 space on our plan, in our design. This is typically
3 one of the later pieces that we get into design once
4 we have an approved project and we're. You know,
5 rolling through the details and the structural
6 engineering is pretty good, we start picking finishes
7 and final details on layouts, tile, and wall
8 coverings. But we've done a lot of projects that are
9 very similar to this, not just an apartment
10 community, but specifically with parking below, and
11 units above, and our green roof effect for the
12 courtyard. So, we pulled together a number of
13 examples of work that I've personally worked on with
14 the same architectural team.

15 These are projects that I worked on,
16 candidly, two of them from previously life. But this
17 one in particular is an excellent analogy to this.
18 It's a very similar demographic, a young,
19 professional, pre-family, you know, well-educated
20 professional customer. And this project also
21 featured some similarities to how we've programmed
22 this building. Now, I'm a creative guy, but there's
23 some things that just work, and we want to reuse as
24 much as we can.

1 So, when you have these uses, the
2 first-floor arrival and the amenity space downstairs,
3 and then a second level above that where we have most
4 of our key amenities that, of course, connects in and
5 out to that outdoor space, that's really one big
6 envelope. So this project was almost identical in
7 that sense. You arrive on the first level. Behind
8 this space was a parking garage just like on our
9 first level here, separated by a three-hour wall.
10 And the first thing you see is a smiling leasing
11 professional ready to greet you and, you know, say,
12 "Good day. How are you? Welcome."

13 This is our wow space. We have a lot
14 of wow spaces, but this one in particular is your
15 first impression. So, you'll see we use extremely
16 high-quality materials. We have a two-story volume
17 here, which we're also going to be using that tool
18 here where normally this is the floor for the second
19 floor, but we'll have that open all the way up to the
20 amenity space so it feels like one, big, grand
21 arrival and it feels very high quality and very open,
22 very -- a lot of light. This is also a south-facing
23 arrival as ours is. So it brings a ton of light in.
24 And you can see the windows above. We'll use that

1 same technique to really brighten and make the space
2 feel big.

3 We have some other programming down
4 here that will be the same on Second Avenue. There
5 is some activated space where some seating and lounge
6 space is. We want, when our customers arrive, to
7 feel like they're coming to someplace that's fun and
8 exciting, not, you know, going into a library and
9 it's all quiet.

10 There's also some conference rooms.
11 We'll use those for dual purpose, if a resident wants
12 to have a private call, a telecommuter, which is
13 common these days, or perhaps our leasing team might
14 need it or management team might need it for a
15 meeting.

16 But downstairs, beyond that, we have
17 mailroom, package deliveries, the grocery cold
18 storage facilities, and other really sort of -- you
19 come home, you grab your mail, and you go upstairs to
20 your home.

21 So, one of the things that we also are
22 going to employ here -- we won't be using an art deco
23 theme, but we will have a feature stair so that when
24 you arrive in there, there's something that's very

1 grand. And, again, it's really a connection to the
2 amenity space beyond just your arrival. So, let's go
3 upstairs.

4 This is the same building. So, we do
5 a number of things similar, and my competitors do,
6 too. You may have seen them in some other
7 properties, where we try to create a number of
8 different spaces with ranging privacy. And that's
9 important because so many people's hours nowadays are
10 not your old nine to five, particularly in this
11 demographic. For the people working in Thermo
12 Fisher, they may be in process dynamics and they need
13 to run tests overnight. So, they're working funny
14 hours, and they're not -- their lines between going
15 home and going to work are much more blurred than the
16 old way, at least what I'm used to.

17 So, we try to create spaces where they
18 may just open their tablet and read the news, or
19 listen to some music, and then maybe a second tier
20 where it's a little more semi-private. You'll see
21 like we have some spaces that are open and they're
22 part of the action. But, if you had a phone call,
23 you could quietly and politely take it over there
24 without, you know, imposing on someone else. And

1 then we'll have secondary, even third, more private.

2 A lot of the space is now -- I think
3 it's the next one. Don't flip off this one just yet.
4 I want to make sure. Okay. Good. We've stolen some
5 ideas from some other groups, which I'll explain.

6 But this space is also for that sort
7 of casual, leisurely hanging out or pseudo work time,
8 but also for entertaining. We'll allow residents to
9 lease these spaces out. And I think I've mentioned
10 this before. It may be football at 1:00 on Sunday
11 and you have your five friends come over, and your
12 girlfriend has her five friends come over, and you'll
13 watch the game, and you'll have the sandwiches
14 delivered, and, you know, sandwiches from Pizzis, and
15 have a great day in there and have a space.

16 So, you'll see we have some, you know,
17 some refrigerators and some counter space and some
18 games. You know, we have a pool table here. We
19 might do, you know, bubble hockey, or foosball, or
20 something very youthful again. This is the 25 to 34
21 year old slice that we're trying to appeal to. But,
22 beyond that, it's still very high quality materials.
23 In this one, we were mixing wood with tile and
24 carpets. We have some very cool but high-quality

1 furniture. The light fixtures are some different and
2 interesting, wall coverings, and a lot of media. A
3 customer just wants to be saturated and overwhelmed
4 with media. So, you'll see a lot of television. The
5 wifi is all free, of course, and all that.

6 So this is just beyond that space.
7 Same floor. In fact, you can see the two-story
8 volume that you saw from downstairs looking up.

9 This is when I mentioned we were
10 stealing ideas from others. So you've heard maybe of
11 Workbar or these co-working spaces, which have become
12 a very big deal. So, we're finding that a lot of our
13 customers and our residents want to have that type of
14 experience near their home, not in it. They don't
15 want to do this in their unit, but they will want to
16 come downstairs where there's a little more activity,
17 like at a Workbar rather than, you know, your old-
18 school, standard office, and have your laptop open,
19 and your music on, and be in a really cool space. So
20 that's what we modeled this after. There's actually
21 a very similar program at the Workbar right by my
22 office downtown.

23 You'll see we continue to use high-
24 quality materials, really cool light fixtures,

1 something that's making a statement, and really a lot
2 of connection, making the space feel open. So this
3 is also included.

4 So, this is a must. This happens at
5 all of our communities. Everybody loves coffee. So,
6 we'll have a branded coffee station located here.
7 This one is Starbucks. It's typically Starbucks.
8 That's kind of the buzzword. And, you know, we'll
9 have the water with the lemons in it and, again,
10 trying to create this sort of hospitality style
11 arrival and environment.

12 Again, you'll see cool stuff. We've
13 got a full custom -- this is actually in Cambridge.
14 I did this in Fresh Pond -- and stainless steel tiles
15 and, you know, custom counters, and all that. So,
16 again, this is that wow space.

17 We've got some really cool sustainable
18 flooring used here, and some hardware floors mixed
19 with tile. Again, all high-quality finishes. So
20 this will, again, all be on that second level.

21 This is similar to the Cambridge
22 project. This was a little bit more older
23 demographic than we're going for here. It does still
24 have a youthful -- so we wanted to have a pool table,

1 but it had to be, you know, about five years older on
2 the demographic scale. We had a lot of residents and
3 graduate students that would be in our target market
4 here. But, again, you'll see a lot of similarities,
5 a very cool two-way fireplace, a neat light fixture,
6 some spaces so that you can entertain.

7 If you look on the wall here, there's
8 actually -- all of our media is automated on touch
9 screens in various spots through the clubhouse.
10 Again, stainless steel tile and high-top tables. So,
11 if you wanted to have an event in here, you know, you
12 could rent this out or you could just come in here
13 and hang out on a Saturday and enjoy yourself with
14 your friends.

15 So, this room actually in Cambridge
16 connected through pocket doors to a dedicated
17 theater. So, again, you'll see we have a lot of fun
18 with doing things different. We actually used
19 wallpaper on the ceiling for the tray and uplit it.
20 These are all wood walls. This room had a seven-
21 speaker THX surround sound system and I think it was
22 a 70-inch screen, high-def screen. We're moving away
23 from the dedicated theater these days. So, we won't
24 have a dedicated theater here. We're finding that

1 our customer doesn't want to just go to the movies in
2 their apartment community any longer. They want to
3 experience that stuff, but they're not going to go
4 sit in this big comfy chair. They want to be up and
5 active. So we're integrating those a little
6 differently with our lounge and common spaces. But
7 we'll definitely have a great sound system and a huge
8 screen. That's a very big deal.

9 So, no first class community like
10 we're proposing would be complete without a full-
11 scale fitness center. These are -- can you top this?
12 We will have Peloton bikes. All of our equipment,
13 you'll see here, this is actually two years old.
14 They're doing an even cooler job with integrating how
15 your internet and your television are right on the
16 machine. All of our music from your phone directly
17 connects to the piece of equipment you're using. So,
18 you know, so you'll see we're using typical things
19 you'd see in a nice fitness facility, the rubberized
20 flooring and all that.

21 So, these usually also have a sister
22 room. And we're still deciding on which one will go
23 here. They used to just be called stretching room.
24 But now they're using them for barre, for yoga, and

1 it's not unusual to contract with the local yoga
2 media operator or barre. And we haven't checked all
3 these rules yet. But if we're able to have someone
4 come in for a class once a week on the house and have
5 a great yoga class, and sometimes when the weather is
6 better, we'll do it outside. You know, we'll have a
7 yoga session on Saturday morning and you come outside
8 for your lemon water and a great stretch.

9 So, you'll see a lot of these things
10 we're trying to stitch together a sense of community.
11 We're trying to have these spaces where people are
12 all interacting, everybody knows their neighbor's dog
13 name and that sort of thing.

14 So, this is Medford and Cambridge.
15 This is the same landscape architect I've used and
16 I'm using here. You'll note this project also has a
17 garage underneath. So this is the same where there's
18 an enclosed courtyard. This is actually the same
19 height so you can get an idea of the scale when
20 you're in there. It is tall, but it's not like
21 you're imposing.

22 So, we actually work with the
23 structural engineers to put the pool into the deck.
24 And you'll see we have cool stuff like arbors and

1 cabanas and separate little al fresco tables near the
2 grills, chaise lounges, and have just sort of a
3 really great outdoor space.

4 We actually have very, very comparable
5 shadow studies on this building, south. It is less
6 favorably located here, but we still positioned the
7 pool to the north so that we could capture as much of
8 that light and it's a huge success. It's one of our
9 most popular pools.

10 So, this is another one, another must.
11 I think our permit is currently -- we have a
12 condition for two charging stations. We're doing
13 some more studies nationally on what the future holds
14 for electric cars. The short answer is more. So, we
15 may do more than two. These are electric car
16 stations in the garage, very similar to how we're
17 proposing it here. In fact, they're even cooler now.
18 They're much smaller. Connect with your phone. But
19 this is something we will absolutely have at every
20 community Alliance builds, and certainly at this one.

21 So, we hope that was a good
22 representation of the sort of quality we want to
23 bring and how we create community within these
24 developments and how it's an important part of our

1 brand and an important part of us being successful.
2 If we don't really do that, we're just not going to
3 compete with The Merc on Moody and Main or the
4 Currents on the Charles. They all have done a really
5 nice job of that.

6 So, I'm sorry. I know most of -- some
7 of this is regurgitating what we've already shared
8 with you last week. We talked about the amenity
9 program details.

10 So, one was community need. This is
11 the one that we talked about a couple of times, the
12 community need and affordability. And we've
13 mentioned before that the additional subsidy at 60
14 percent of AMI is a heavy burden. These projects are
15 investment vehicles, and that's how we're able to
16 build them. However, we've run the numbers. And
17 we've squeezed. And we're proposing to offer -- I
18 think someone had asked, I forget which member, for
19 two units to be offered at 60 percent of AMI and
20 qualified at 60 percent of AMI, which is that lower
21 level. So, we answered that. And we will continue
22 to commit the \$60,000 we had already committed to you
23 to -- for the Board to decide where that goes for
24 affordable housing initiatives. We worded the

1 condition flexibly, so if the Zoning Board decided
2 there were another group or another initiative that
3 were special to the Board, they would have
4 flexibility where that goes. We said the Affordable
5 Housing Trust or any other organization. So, we did
6 not remove that and trade it for the two 60 percent
7 units. So, we hope that's found acceptable.

8 So, I guess just on the general
9 affordability, we were asked to look at Waltham's
10 inclusionary zoning, which I believe is a 10 percent
11 requirement for affordability at 80 percent of AMI.
12 So, particularly with the two units at 60 percent,
13 this project will exceed all of the local zoning
14 requirements for Waltham for affordability both at
15 the number of units because, of course, we'll be at
16 25 percent, certainly for the qualifying element, and
17 then, again, for the rents for those units. And,
18 again, we're also providing an additional payment,
19 which I believe the zoning, if I read it correctly,
20 allows for a payment in lieu. So we're, of course,
21 offering some monies in addition to the extra
22 affordable program that we proposed here. So, we
23 feel like this is definitely a responsive proposal
24 with regard to affordability in Waltham.

1 So, I'm almost done, so bear with me.

2 The shuttle transportation -- there
3 was some request that we take a hard look at that
4 condition, and we have. Marc, I believe this might
5 have been your request. The easy answer to this is I
6 think we agree with you. We want the shuttle service
7 that touches this project not just to touch the area
8 employers who we're going to be marketing so heavily
9 after, but, ideally, to hit Waltham Center, which is,
10 of course, the heart of the city. You know, where
11 Moody hits Main and beyond, from Biagio up, we want
12 our residents to enjoy the City and everyone to be
13 welcome residents, and then certainly the MBTA
14 connection there.

15 So, the current Shuttle Route B is the
16 one we've been discussing with the 128 Business
17 Council. They are making some adjustments. It
18 sounds like for now it's meaningfully the same. But
19 we've made a commitment to seek out the routes that
20 will serve those -- you know, we're not, as you
21 mentioned, we're not interested in serving Alewife.
22 We're trying to solve a localized issue of
23 transportation in mixed-use and modern planning.

24 So, that's the route we've been

1 targeting, we've been speaking with 128 Business
2 Council on. And that's the one -- we worded the
3 condition such that we'll specifically seek that out.

4 We've also added some language that if
5 the community is so robustly engaged with the shuttle
6 system and a dedicated bus were required, we will
7 fund a bus. And we've spoken with the Business
8 Council about how that works. And I think we get it.
9 So, we've added that condition to the permit draft as
10 well.

11 So, I will say that the Waltham B
12 route is definitely our favorite. It currently
13 serves our immediate area. The stop is about a
14 thousand feet -- we've been talking about the stop
15 moving with the Business Council, which they're
16 elated about. I thought that was fantastic. So, the
17 stop will either be immediately at our project or, if
18 it's more convenient, maybe right at the end of
19 Second Ave. But, right now, that stop serves Sanofi,
20 and Genzyme, and Bioverativ, and all of our
21 neighbors, and also Bright Horizons daycare, which is
22 just a bit -- it's next to that stop.

23 So, hopefully, those changes to that
24 condition, you know, we really wanted to focus in. I

1 think we agreed on the purpose of the shuttle and how
2 to best integrate it.

3 So, I think those are the big items.
4 I guess at that point, you know, I know it's a lot to
5 digest. Sorry.

6 MARC RUDNICK: Michael, I know you
7 have changed language about the sunseting of the
8 shuttle bus. Can you point that out?

9 MICHAEL BOUJOULIAN: A.J., do you want
10 to speak to that? Do you want to come up?

11 A.J. ALEVIZOS: Yeah.

12 MICHAEL BOUJOULIAN: Yeah, I think we
13 did -- we did some research. There was one piece to
14 that that I actually forgot to mention, which was how
15 to tie it to the affordable units, which is very
16 tough to do legally. So, that was one challenge.

17 The second was I think did the
18 sunseting language change or --

19 A.J. ALEVIZOS: No, it did remain the
20 same.

21 MARC RUDNICK: Really? I thought it
22 was a change.

23 MICHAEL BOUJOULIAN: We tweaked it.
24 But I think the idea was that it was -- well, we

1 removed -- I think that was in a previous draft,
2 Marc. We removed that. We just said that we wanted
3 to -- we weren't going to remove it. We just said we
4 want to be able to adjust it to demand.

5 MARC RUDNICK: Yeah. Yeah.

6 MICHAEL BOUJOULIAN: Up or down.

7 MARC RUDNICK: Oh, that came one draft
8 before this. I didn't notice that, but, okay.

9 MICHAEL BOUJOULIAN: I think it was.
10 I'm sorry.

11 MARC RUDNICK: I just wanted to make
12 sure that we understood that there wasn't going to be
13 sunsetting anymore as long as the bus was actively
14 being used.

15 MICHAEL BOUJOULIAN: Yeah. We just
16 want to be able to adjust it. Obviously, that goes
17 both ways. If we need to increase it to meet demand,
18 we intend to.

19 MARC RUDNICK: Yeah.

20 MICHAEL BOUJOULIAN: We feel strongly
21 the project needs to be closely linked with that.
22 It's a major commitment.

23 So, while I've got all of the pretty
24 boards up here, any questions or --

Waltham Zoning Board of Appeals/8-23-18/42

1 BARBARA RANDO, CHAIR: Does anyone
2 have any questions?

3 JOHN SERGI: On the play area, you
4 said a stockade fence. Is it going to be surrounding
5 the whole play area? Will it be all surrounded?

6 MICHAEL BOUJOULIAN: So, I should have
7 been more clear. So, the stockade fence is for the
8 entire edge here, and, of course, the back two
9 corners. But then there will be a gate and a fence
10 here as well. I believe this is chain link, however,
11 sort of visibility so you can see in and out. We
12 didn't want to -- this will be cedar boards.

13 JOHN SERGI: Okay.

14 MICHAEL BOUJOULIAN: And the idea is
15 that this stays as something visible.

16 JOHN SERGI: Where is the road?

17 MICHAEL BOUJOULIAN: So this is the
18 end of the fire lane. So, if you're looking at it
19 like this --

20 JOHN SERGI: I see. Okay.

21 MICHAEL BOUJOULIAN: So that's the
22 back of the fire lane.

23 JOHN SERGI: Yeah. Yeah. Okay. I
24 get it. Thank you.

1 MICHAEL BOUJOULIAN: So we won't --
2 obviously, that will be heavily striped and
3 coordinated with the fire and how the fire department
4 wants that labeled, how the curbing works for
5 mounting and all that. But this is -- this is never
6 -- this will be never used unless it's a terrible
7 emergency, of course.

8 BARBARA RANDO, CHAIR: Anything else?

9 JOHN SERGI: That's all I have for
10 now.

11 BARBARA RANDO, CHAIR: Mr.
12 Hickernell?

13 MARK HICKERNELL: Nothing at the
14 present.

15 BARBARA RANDO, CHAIR: I have a
16 question. You had stated that the courtyard was not
17 going to be plowed during the winter. I'm wondering
18 if now because you have a bigger area for kids to
19 play, will that be plowed in the winter?

20 MICHAEL BOUJOULIAN: So, are we
21 speaking of the courtyard or here?

22 BARBARA RANDO, CHAIR: Both of them.

23 MICHAEL BOUJOULIAN: Okay. So, I
24 think --

1 BARBARA RANDO, CHAIR: Because you
2 said the fire pit, they would be able to use, and
3 that's in the courthouse -- courtyard.

4 MICHAEL BOUJOULIAN: Yeah, so we'll
5 clear that immediate area here. We won't plow it.
6 It will be shoveled, of course. So that will be
7 cleared where the grills are and where that little
8 outdoor area is.

9 BARBARA RANDO, CHAIR: Right.

10 MICHAEL BOUJOULIAN: I mean, you know,
11 I suppose it something we could consider. I mean we
12 don't typically see a ton of people hanging out in
13 January or February outside during daylight hours.
14 So, I mean we'll certainly be clearing the fire lane.
15 And I believe where the exit is here we have to clear
16 by code. We'll have to clear the path to get back,
17 so from the building's entrance. But, beyond that,
18 no.

19 BARBARA RANDO, CHAIR: You couldn't
20 see teenagers with a snowball fight or something out
21 there?

22 MICHAEL BOUJOULIAN: No. Honestly, I
23 don't see -- I have a number of teenagers in my
24 family, and I'm impressed if they're not looking at

1 their phone or their tablet. So, but, so I don't --

2 GEOFF ENGLER: The sidewalks will be
3 cleared, Mike.

4 MICHAEL BOUJOULIAN: Yeah, so the path
5 -- the sidewalks have to be cleared by code. We have
6 to maintain fire egress, of course. But, you know,
7 if they want to have a snowball fight out there, I
8 mean they probably don't want it cleared. They
9 probably want to get out there and start mowing up
10 balls and throwing them at each other. So, no, I
11 think this will be --

12 BARBARA RANDO, CHAIR: Also, the gym,
13 what age student would be allowed there? And would
14 there be a spotter?

15 MICHAEL BOUJOULIAN: No spotter or
16 trainer. So, and I believe our gyms are all
17 restricted to 18 plus.

18 BARBARA RANDO, CHAIR: Eighteen-plus.

19 MICHAEL BOUJOULIAN: So it's an adult
20 zone. So I think we do allow with adult supervision
21 that, you know, someone under that could go in. But
22 that's pretty customary. You'll see that at The
23 Merc's gym and Currents on the Charles. You know, we
24 don't specifically bar the children. So if a parent,

1 you know, wanted to go in with their 16-year-old, I
2 suppose. But, typically, we see, you know, this is
3 young professionals going in there before work and
4 then going out. You know, for seven to 11 kids, this
5 whole community, we don't see a lot of that.

6 BARBARA RANDO, CHAIR: Now, where the
7 school bus is going to stop, there is some type of a
8 trellis did I see?

9 MICHAEL BOUJOULIAN: There is not.

10 BARBARA RANDO, CHAIR: No?

11 MICHAEL BOUJOULIAN: No. So, the two
12 stops that we were talking about with the safety
13 officer were at the pedestrian accommodation. We've
14 committed to put this flashing pedestrian light and
15 to redo the sidewalks out there. So that was one
16 location.

17 BARBARA RANDO, CHAIR: Oh, but there
18 would be no covering --

19 MICHAEL BOUJOULIAN: No.

20 BARBARA RANDO, CHAIR: -- for students
21 to sit while they're waiting for the bus if it was
22 raining or anything?

23 MICHAEL BOUJOULIAN: No.

24 BARBARA RANDO, CHAIR: No.

1 MICHAEL BOUJOULIAN: No, we didn't see
2 that at any of the other communities in Waltham
3 either. So it seems like the kids pretty much run
4 out there when the time is -- they're usually
5 running.

6 BARBARA RANDO, CHAIR: The movie
7 theater, how does that work?

8 MICHAEL BOUJOULIAN: Yeah, so --

9 BARBARA RANDO, CHAIR: Who chooses the
10 movie or --

11 MICHAEL BOUJOULIAN: So, the movie
12 theater, we might have, you know, music on or have
13 something in there that's just sort of general when
14 the spaces aren't reserved. Typically, the spaces
15 aren't reserved. You know, football season is very
16 popular. You'll see the media rooms reserved. But,
17 other than that --

18 BARBARA RANDO, CHAIR: So you have to
19 reserve the movie theater and bring your own?

20 MICHAEL BOUJOULIAN: You don't have
21 to. You could go in there if there's nobody in there
22 and turn it on. There's no restrictions. But if
23 someone was to have a big event, you know, obviously
24 cater it, they'll want some privacy.

1 BARBARA RANDO, CHAIR: But that would
2 be rented.

3 MICHAEL BOUJOULIAN: Yeah, so they
4 would do that like a Sunday afternoon for the game or
5 something. Sports are really the big one. There was
6 a number of television shows that were very popular
7 where people were forming these clubs, like Mad Men.
8 And, you know, they would all get together and rent
9 the rooms out for those, which was pretty neat. But
10 there really is -- you know, it's funny. When I
11 started this business, we built a lot of these
12 amenity spaces really as a marketing tool to get
13 people excited about coming there. But even the pool
14 or the fitness centers just weren't heavily used.
15 And maybe ten or 15 -- maybe 15 years ago, something
16 changed. And everybody started hanging out
17 everywhere. And there really did become this sense
18 of community. The people that had these Mad Men
19 parties didn't know each other before they moved in.
20 And, you know, they would just get on the same, you
21 know, whatever on Facebook or whatever or on Twitter
22 and coordinate it. So, the sense of community is
23 sort of dog kind of catches truck here. So, it's
24 really neat to watch how the people interact and all

1 become, I don't know, like a team. So, those spaces,
2 the movie theater is one that's going to be used just
3 like that.

4 But, you know, again, it will be a
5 little bit more of like a social lounge atmosphere
6 here. We don't do a dedicated movie theater.
7 They're just not as popular as they used to be like
8 that. Same function, just updated.

9 BARBARA RANDO, CHAIR: I'm sure that
10 everyone at home is listening to all the suggestions
11 that you have, the yoga coming in, the movie theater
12 that they could use. Who is going to police to make
13 sure that you follow through with these things?

14 MICHAEL BOUJOULIAN: Well, I mean we -
15 - first of all, that's usually -- the management
16 company will do most of that work. They'll want to
17 make sure. And that's something that is sort of once
18 the development is done and delivered, there's
19 Alliance's operations company. We manage about
20 100,000 units nationally. They'll coordinate locally
21 to make sure we're following all the rules. But you
22 don't need to force us to do those. Those are the
23 things that make us attractive to our customer. So,
24 you wouldn't need to force me to use high-quality

1 materials any more than I'm showing them to you.
2 We're proposing that. Those are the things that we
3 propose from the get-go.

4 BARBARA RANDO, CHAIR: I also noticed
5 you mentioned the coffee station so that people that
6 are arriving could feel comfortable and have a cup of
7 coffee. Is that going to be every day for everyone?

8 MICHAEL BOUJOULIAN: Yeah, in fact,
9 it's -- we do offer it to potential residents when
10 they come in to tour. But, honestly, most people
11 will come downstairs and we'll have a transportation
12 center set up that's connected to the Business
13 Council. We have a great RSS feed function. I've
14 connected with it before. And so we'll have a
15 television that shows where the bus is. Of course,
16 it will be relating to the app, so you'll know if
17 you've got -- if you run downstairs and go, "Oh,
18 shoot. I've got four minutes," and you'll grab a cup
19 of coffee before you run out and get on the shuttle.
20 So there's sort of that whole morning that's really
21 for our -- I mean it's not restricted from anyone
22 else, but the residents really love that. And, you
23 know, we make that whole sort of morning experience
24 where, again, you see a smiling leasing professional,

1 and you grab your coffee, and go off to work, and get
2 on the shuttle.

3 BARBARA RANDO, CHAIR: I also noticed
4 that the upstairs work area was on the second floor
5 and there was a small, probably five feet high fence.
6 And couldn't they just fall over, a student? I mean
7 it didn't seem --

8 MICHAEL BOUJOULIAN: We have a number
9 of codes. So, no is the short answer. But I think
10 on that one -- on that one --

11 BARBARA RANDO, CHAIR: It didn't seem
12 child-friendly to me.

13 MICHAEL BOUJOULIAN: Yeah, we -- no, I
14 mean you'd be shocked at the codes.

15 BARBARA RANDO, CHAIR: The second
16 floor.

17 MICHAEL BOUJOULIAN: There's actually
18 a full glass wall. So, there is a railing there to
19 give you that look. And this is actually the back of
20 the feature stair, but this is all glass.

21 BARBARA RANDO, CHAIR: So how -- oh,
22 there's a glass wall?

23 MICHAEL BOUJOULIAN: It's hard to see.
24 If you look here, see this line? It's actually a

1 seam.

2 BARBARA RANDO, CHAIR: Oh, that's
3 great.

4 MICHAEL BOUJOULIAN: So they're full
5 glass panels.

6 BARBARA RANDO, CHAIR: Oh, that's
7 great.

8 MICHAEL BOUJOULIAN: Yeah, we
9 wouldn't, you know.

10 BARBARA RANDO, CHAIR: Okay. One
11 other question. You mentioned perpetuity for the 80
12 percent. Are the two 60 percent units also in
13 perpetuity?

14 MICHAEL BOUJOULIAN: Yes, the
15 affordable program as proposed, in perpetuity.

16 BARBARA RANDO, CHAIR: Okay. And you
17 also mentioned -- I'll give someone else a chance --
18 a freezing or a cold unit in the mailroom?

19 MICHAEL BOUJOULIAN: Yes, so I mean we
20 -- yes, so we have -- I mean we've spoken a little
21 bit about this. And one of the commitments we've
22 made is we'd like to partner with a grocery delivery.
23 We've heard a lot from the Board about even though
24 we're about a mile away from a grocery store, which

1 is pretty darn close, a lot of our residents are
2 already using grocery delivery, Instacart, Peapod.
3 There's a couple other competitors out there.
4 Instacart I think is the leader.

5 So, Instacart in Waltham connects to
6 an unbelievable range. In my hometown -- and I have
7 used it. My younger brother uses it quite a bit more
8 than me. We connect to I think three grocers. The
9 one in Waltham I think had six grocers. It had the
10 Stars -- the Shaws, excuse me, the Hannaford's, the
11 former Victory, of course --

12 BARBARA RANDO, CHAIR: Stop & Shop?

13 MICHAEL BOUJOULIAN: It had Stop &
14 Shop. It had Costco, which is great. And it had --
15 who am I forgetting -- Petco.

16 AUDIENCE: Wegmans.

17 MICHAEL BOUJOULIAN: And Wegmans was
18 on there. Thank you.

19 JUDI BARRETT: Boy, are you lucky.

20 MICHAEL BOUJOULIAN: So, I don't --
21 that must be the Burlington Wegmans. Anyhow, so what
22 happens is we have to have -- usually when our
23 residents are ordering their groceries, they're not
24 home, which is why. They're on the way home from

1 work or, you know, it's -- so, our management staff
2 has to coordinate, one, all the packages, which has
3 become -- we have a whole system called package
4 concierge to manage it. We have residents that will
5 literally move in via Amazon. Bedposts arriving,
6 mattresses, I mean we have massive facilities to
7 handle this now rather than it being out at the front
8 door where like your boxes and packages might come.

9 So, in addition to that, we have a
10 cold storage locker, which is all keyed. And it's
11 all keyed to the residents' community app so that,
12 you know, when their groceries arrive, they can go
13 into their locker, the cold storage, and know exactly
14 which groceries and food is theirs and just grab it
15 and go upstairs.

16 And the way the system works, it's
17 actually pretty slick. You get a text on your phone,
18 "Your package has arrived from Amazon," or, "Your
19 groceries are here. They're in the cold storage
20 facility. Be sure to pick it up on the way home."
21 And then you go in. You check into that machine.
22 It's a big unit. Package Concierge is actually a
23 company. And it will tell everybody that you got
24 your stuff and got out of there so we can track it

1 and so that people know, you know, when they're
2 getting new stuff.

3 So, yeah, the mail has become much
4 more than your old mailroom of old. Our customers
5 get everything shipped to them.

6 BARBARA RANDO, CHAIR: Now, with the
7 extra bicycles, do you have any concerns about the
8 winter with them driving down that hill or driving up
9 the hill with food on their handlebars?

10 MICHAEL BOUJOULIAN: I don't. I mean,
11 candidly, I'm not a bicycle rider. But I think that
12 bicycle riders know their limits and their equipment
13 pretty well. So, we don't have any -- they'll feel
14 comfortable doing whatever they're comfortable doing.

15 BARBARA RANDO, CHAIR: All right.
16 That's all for right now. Thank you very much.

17 MICHAEL BOUJOULIAN: Sure. Thank you.

18 BARBARA RANDO, CHAIR: Ms. Gelineau?

19 GLENNA GELINEAU: Not right now.
20 Thank you.

21 BARBARA RANDO, CHAIR: Mr. Rudnick?

22 MARC RUDNICK: Thank you for that
23 presentation.

24 How is guest parking going to be

1 handled?

2 MICHAEL BOUJOULIAN: So it's by -- you
3 have to register your guests. So, and this is in the
4 lease. So if I have a guest coming, I'll go down and
5 talk to management or call down and say, "I have a
6 friend coming in," or -- and they'll get a special
7 key for the garage. It's all access-controlled, of
8 course. And the key has a fuse on it. So it will
9 expire. Eventually they'll lose their ability to get
10 into the garage. So they'll have to say who is
11 coming. That person checks in.

12 You know, we have -- the security is a
13 massive part of our programming here. People need to
14 feel secure in their homes, in a multifamily
15 community, of course, close to others. So, we make
16 sure everybody's registered when they come in. Their
17 access to the garage is regulated and controlled and
18 limited.

19 MARC RUDNICK: So what happens when
20 the guest shows up and the tenant hasn't done the
21 proper procedure in advance and now we need a parking
22 space?

23 MICHAEL BOUJOULIAN: Well, one is the
24 tenant better be there. And then we'll make them

1 come down and fill it all out and do all that stuff.

2 MARC RUDNICK: So, there would be a
3 procedure to do it ad hoc if that happens.

4 MICHAEL BOUJOULIAN: Most people don't
5 do that more than once.

6 MARC RUDNICK: Yeah, I figured.

7 MICHAEL BOUJOULIAN: Because we don't
8 let the person in.

9 MARC RUDNICK: Yeah.

10 MICHAEL BOUJOULIAN: I mean we're --

11 MARC RUDNICK: Yeah, I get that. But
12 they'll be in the parking garage, ultimately --

13 MICHAEL BOUJOULIAN: Yeah.

14 MARC RUDNICK: -- with an assigned
15 spot?

16 MICHAEL BOUJOULIAN: Yes.

17 MARC RUDNICK: The spots on the
18 street, you're going to put a sign that it's "No
19 Parking," or it's a commercial loading zone or
20 something?

21 MICHAEL BOUJOULIAN: So, we've added -
22 - we've added some language in the permit condition.
23 We talked about this with Chief MacPherson, Safety
24 Officer Frassica. There's no parking in that whole

1 area now. The concern is, you know, they weren't
2 exactly sure how limited they wanted that parking to
3 be, if it's 15-minute only or not. So we've left
4 that condition open that we'd be required to
5 coordinate with the police department. And if they
6 so required certain "No Parking," or "Limited
7 Parking" signs, we'll install them.

8 MARC RUDNICK: Because you're
9 depending on those spaces to be your utility spaces -
10 -

11 MICHAEL BOUJOULIAN: Yeah.

12 MARC RUDNICK: -- for your trash
13 pickup and --

14 MICHAEL BOUJOULIAN: We'd love them to
15 be 15-minute only. And that seemed to be typical.

16 MARC RUDNICK: So you're working that
17 out with the City?

18 MICHAEL BOUJOULIAN: Yeah.

19 MARC RUDNICK: So, you know, in terms
20 of the open space improvements along the driveway
21 side, obviously it looks an awful lot nicer than a
22 parking lot. I don't want to fight with the fire
23 department but we're dedicating an awful lot of the
24 space with zero purpose other than for emergencies.

1 I understand you wanted to do the nice, you know,
2 grassphalt and they didn't want that. I was sorry to
3 see that.

4 MICHAEL BOUJOULIAN: They went back
5 and forth on it.

6 MARC RUDNICK: But it's their game.

7 MICHAEL BOUJOULIAN: But they changed
8 their mind at the end and said they'd rather the
9 asphalt than the grasspave.

10 MARC RUDNICK: When I look at the
11 elevation on that side of the building, on the first
12 floor, what looks like garage doors all the way along
13 are just some kind of panels or something, right?

14 MICHAEL BOUJOULIAN: Oh, on this? I'm
15 sorry.

16 MARC RUDNICK: The only opening is a
17 pedestrian door at the end and the real garage door
18 at the beginning.

19 MICHAEL BOUJOULIAN: You mean here?

20 MARC RUDNICK: Along the west side of
21 the building.

22 MICHAEL BOUJOULIAN: There's only one
23 garage door, the short answer.

24 MARC RUDNICK: Yeah.

1 MICHAEL BOUJOULIAN: So, what we were
2 trying to do was just -- it's going to be an enclosed
3 garage and mechanically ventilated. This is
4 something else we worked on with the police
5 department on how smoke evac systems --

6 MARC RUDNICK: Okay. So that's what
7 I'm getting at. So what I'm seeing as a series of
8 panels along the first floor of the building that
9 someone as foolish as me might mistake for garage
10 doors, but they're just panels. They're just
11 concrete or something?

12 MICHAEL BOUJOULIAN: Yeah, they won't
13 look like garage doors. It will be masonry.

14 MARC RUDNICK: And they're not
15 ventilation for the garage either?

16 MICHAEL BOUJOULIAN: Some of them
17 might be. And, I actually have my architect here.

18 So, are you assuming some of these
19 would be -- I think most of our ventilation is
20 aerals, right, so they're not on the building?

21 BRANDON EATON: Aerials will be for
22 the sublevels below. And then we'd have -- these
23 would be sort of accent panels within the garage
24 façade mixed with the mechanical ventilation louvers

1 as well. So, the idea that --

2 MARC RUDNICK: Oh, mechanical, not
3 passive ventilation.

4 BRANDON EATON: Correct.

5 MICHAEL BOUJOULIAN: Yeah.

6 MARC RUDNICK: So, it would be blowing
7 air out into the fire department space.

8 BRANDON EATON: There would be an
9 intake.

10 MICHAEL BOUJOULIAN: And a return.

11 MARC RUDNICK: Oh, it's returned on
12 that side. Okay.

13 BRANDON EATON: Yeah, you know, we
14 coordinate with a mechanical engineer and work out
15 intake and exhaust locations.

16 MARC RUDNICK: Yeah, I'm not trying to
17 question the technical. I'm trying to see if we can
18 put a couple of basketball hoops on the wall there so
19 kids can play basketball. You think the fire
20 department is going to say no to that?

21 MICHAEL BOUJOULIAN: The only thing,
22 we did have one condition that we added to the permit
23 that was based on comments from yesterday, from the
24 transportation individual. So, the permit that we

Waltham Zoning Board of Appeals/8-23-18/62

1 submitted last week and that's in front of you, we
2 made I think two very small changes. One was
3 wordsmithing. Your engineer asked that we commit to
4 not blocking the fire lane, which, of course, we're
5 fine with that. So, we've added that. You know, so
6 don't park any cars or put any planters there.

7 As long as they -- we'll certainly
8 talk to them about that. If it's something that they
9 were agreed to and they didn't have any safety
10 concerns with that, I think that would be great.

11 MARC RUDNICK: And you've provided
12 some more open space. I see that. And then we have
13 that huge chunk there that that could be used as, you
14 know, as a basketball -- I mean just a half-court
15 basketball --

16 GEOFF ENGLER: Half-court, yeah. Good
17 idea.

18 MARC RUDNICK: It's not going to
19 interfere with the police department. You know, I'll
20 go talk to them myself. I think that would -- that
21 would add a really nice amenity for teenagers --

22 MICHAEL BOUJOULIAN: I think that's a
23 great idea.

24 MARC RUDNICK: -- that you're not

1 quite accomplishing with the lovely garden spot.

2 MICHAEL BOUJOULIAN: Our initial plan
3 -- we had a couple of iterations in order to satisfy.
4 And we had put grasspave there. And they walked it
5 back. And my goal was to go back, and once we get a
6 little further along, beg and plead to get the grass
7 back because we did -- we were able to do a little
8 more landscaping with that. But if that weren't
9 okay, obviously, safety is first.

10 That would be a great -- I mean even
11 if you put it here, you might get --

12 GEOFF ENGLER: Yeah, that's good.

13 MARC RUDNICK: I mean I know they
14 don't like kids playing basketball on asphalt
15 anymore, but I survived that.

16 MICHAEL BOUJOULIAN: I think that's a
17 great idea. That's something we'll definitely
18 pursue. I mean I think any way we can --

19 MARC RUDNICK: Okay. So, thanks.

20 MICHAEL BOUJOULIAN: -- any way we
21 cannot just have a sheet of asphalt.

22 MARC RUDNICK: If you can do something
23 with that.

24 Okay. That was guest parking, fire

1 lane. I don't know if I read this or not. Did we
2 touch on the issue of a second parking space for the
3 affordable units, for the large affordable units? We
4 chatted about it at the work session a little bit.

5 MICHAEL BOUJOULIAN: So, we did chat
6 about it and we looked at it. I think what we ran
7 into was what we want -- the first is, and this is
8 only on aside I suppose -- typically, the affordable
9 units don't have two cars, even the larger units.
10 That said, if we were going to comply with that
11 condition, which is something we looked at, it would
12 end up having -- requiring us to reserve up to I
13 think it was 26 --

14 GEOFF ENGLER: Twenty-five.

15 MICHAEL BOUJOULIAN: -- 25 parking
16 spaces, which was almost all of the spaces we added
17 to get to 1.5. So, we were afraid that reserving
18 that would -- we might run into trouble with you guys
19 saying, well, those are going to -- if they are going
20 to be empty, which, candidly, they mostly will, that
21 we really were just kind of unwinding the 1.5 effort.

22 MARC RUDNICK: If you wind up finding
23 that you have extra parking all the time, those are
24 just going to be empty spots then, right?

Waltham Zoning Board of Appeals/8-23-18/65

1 MICHAEL BOUJOULIAN: Yeah, they'd be
2 empty and available.

3 MARC RUDNICK: I mean I'm not
4 criticizing your guesstimate of how many spots you
5 need, but it happens.

6 MICHAEL BOUJOULIAN: Yeah, I mean we
7 were torn. You know, we're trying to serve kind of
8 both of those.

9 MARC RUDNICK: Yeah. Okay. Okay.

10 MARK HICKERNELL: How many affordable
11 threes are there again?

12 MICHAEL BOUJOULIAN: I should know
13 this off the top of my head. Forty-nine total. Is
14 it -- it's five I think, or four?

15 GEOFF ENGLER: Five. Four or five.

16 MICHAEL BOUJOULIAN: I'll confirm. I
17 think I have it here. It might be four.

18 MARC RUDNICK: So, you know, you
19 showed us this. Did you want to continue on, Mark?

20 MARK HICKERNELL: Well, maybe just --
21 maybe at least the threes should get a second spot.
22 I don't know. It seems to me more likely that they
23 would have two cars.

24 JUDI BARRETT: The three-bedroom

Waltham Zoning Board of Appeals/8-23-18/66

1 units?

2 MARK HICKERNELL: Yeah.

3 GEOFF ENGLER: Five.

4 MICHAEL BOUJOULIAN: It's five.

5 MARC RUDNICK: I mean it seems like
6 you could use the spots for something else if you
7 don't have an extra two cars in the three-bedroom
8 units.

9 MICHAEL BOUJOULIAN: So, while we were
10 drafting the condition, in order to make sure we
11 could meet that obligation, we would have to keep
12 them reserved. So that as a unit rolled, we would
13 have to have that available.

14 MARC RUDNICK: Do you want to take a
15 swipe at some numbers that would work for you?

16 MICHAEL BOUJOULIAN: Was it four or
17 five?

18 GEOFF ENGLER: Five.

19 MICHAEL BOUJOULIAN: I think that's
20 fine.

21 MARC RUDNICK: Okay.

22 MARK HICKERNELL: Great.

23 MARC RUDNICK: So you showed us the
24 lovely package of amenity photographs. But, of

1 course, they're all of other buildings. And your
2 amenity package in this plan is, you know,
3 understandably, just a big, blank, white space. Are
4 we going to be able to condition something on the
5 order of the amenities will be substantially similar
6 to the set that you presented to us other than, as
7 you said, the seating in the movie theater would not
8 be that kind of thing?

9 MICHAEL BOUJOULIAN: Yeah, I mean we
10 could talk about it. So much engineering still has
11 to go into this space. So our concern is that we
12 don't want to -- no offense -- to come back. So,
13 assuming we're so fortunate that we get an approval,
14 you know, there's some language on what's de minimis
15 and what is an acceptable change and what isn't. I
16 mean we feel very strongly committing that this is
17 the level of quality or, candidly, better. I think
18 this is a better community and zip code than Quincy,
19 so we'll have to shoot a little higher than that.
20 But, you know, for something that we really won't
21 know what it looks like until we know how the steel
22 is going to lay out, and how the firewalls are going
23 to be arranged, and the chases for the HVAC. It's
24 really hard to make --

1 MARC RUDNICK: No, I agree. This is a
2 hard one to --

3 MICHAEL BOUJOULIAN: I will say that
4 we did add these photos and materials into the record
5 as a part of our package to you so that -- to make
6 sure it was in the record --

7 MARC RUDNICK: Okay.

8 MICHAEL BOUJOULIAN: -- of what we
9 were committing to. This is the --

10 MARC RUDNICK: So the Board
11 understands that your presentation was a good example
12 of what we might expect from this project.

13 MICHAEL BOUJOULIAN: We want to commit
14 that this is the level of quality representation. We
15 can't commit to the exact details of room and that
16 sort of thing. And so, honestly --

17 MARC RUDNICK: Yeah, I know. I'm not
18 looking to make this hard.

19 MICHAEL BOUJOULIAN: No, I understand.

20 MARC RUDNICK: We just don't want to
21 be surprised when, you know, not even you guys, but
22 your contractor, you know, I'm a contractor, like you
23 run out of money. You'd have to start making
24 decisions. And I wouldn't want those decisions to be

1 that the entire amenity package becomes, you know, a
2 bocce court on the second floor or something.

3 JUDI BARRETT: That would make the
4 project unmarketable.

5 MICHAEL BOUJOULIAN: We'd fail.

6 JUDI BARRETT: I think I think that's
7 kind of --

8 MARC RUDNICK: Okay. Thank you, Judi.

9 JUDI BARRETT: I don't want to speak
10 for the applicant. I'm just -- the point is --

11 BARBARA RANDO, CHAIR: Can you hear?

12 JUDI BARRETT: -- 75 percent of these
13 units --

14 BARBARA RANDO, CHAIR: Excuse me for a
15 minute. Can you hear?

16 AUDIENCE: Yeah, it's fine.

17 JUDI BARRETT: I'm sorry. Seventy-
18 five percent of these units are for market rate
19 tenants.

20 MARC RUDNICK: Yeah.

21 JUDI BARRETT: That's what's driving
22 the entire design.

23 MARC RUDNICK: Yeah, I got it.

24 JUDI BARRETT: It's not the 25 percent

1 affordable units. So, the applicants would be
2 shooting themselves in the foot if they did not have
3 a competitive amenity package in this development.

4 MICHAEL BOUJOULIAN: I will also say
5 that those are with a group I was with before. And
6 not to besmirch competitors, but I left that group
7 voluntarily to join Alliance because we have a --
8 sorry -- we have a much higher standard here at
9 Alliance than I did in those. So, if you check out
10 our website, every project is can you top this like
11 that. It's all --

12 MARC RUDNICK: I've got it.

13 JUDI BARRETT: That said, there may be
14 some way to sort of have a condition that doesn't tie
15 your hands to the point that I -- I can respect what
16 your concern is, but also give the Board some
17 guarantee that what they're seeing tonight, in some
18 way is going to sort of manifest itself in the
19 project. I don't have the right wording right now.
20 But I think -- I think the question is a fair one.

21 MICHAEL BOUJOULIAN: Yeah.

22 MARC RUDNICK: Okay. Here's -- oh, so
23 you went down a floor with your parking garage. Does
24 the engineer, the city engineer, know that?

1 MICHAEL BOUJOULIAN: We'll have to go
2 through all the building department to do that.

3 MARC RUDNICK: That's part of your
4 process, to go through --

5 MICHAEL BOUJOULIAN: We're not
6 violating any codes or anything by doing it. It's,
7 honestly, it's a number of technical matters,
8 physics, that we need to conquer there rather than
9 anything regulatory.

10 MARC RUDNICK: Yeah, this is way over
11 my head. So, I don't even know what you're talking
12 about. I just want to know that there's a process
13 where you still, you know, the underground stuff
14 changed.

15 MICHAEL BOUJOULIAN: Yeah, so we
16 actually --

17 MARC RUDNICK: So the engineer has to
18 know.

19 MICHAEL BOUJOULIAN: Yeah. Yeah,
20 nothing that will -- nothing that would change our
21 coordination with the building department beyond when
22 we submit the plans.

23 MARC RUDNICK: Yeah.

24 MICHAEL BOUJOULIAN: And they're going

Waltham Zoning Board of Appeals/8-23-18/72

1 to see -- they're going to want to see the registered
2 engineer stamps on there.

3 MARC RUDNICK: Yeah, you go right back
4 to the I&I process --

5 MICHAEL BOUJOULIAN: All the
6 affidavits.

7 MARC RUDNICK: -- and the building
8 process there.

9 MICHAEL BOUJOULIAN: That's right.

10 MARC RUDNICK: Okay. Mildly off
11 topic, but I've been seeing a competitor to 128
12 Business Council buses maybe. It's called GRID.
13 Have you seen those buses around?

14 MICHAEL BOUJOULIAN: I have seen GRID,
15 yeah.

16 MARC RUDNICK: Are they theirs or is
17 it some other company? They're all over Waltham.

18 MICHAEL BOUJOULIAN: They're not 128
19 Business Council, but they are a competitor. I don't
20 know how well they're servicing. And, honestly, the
21 Council is actually based in Waltham, which is
22 partially why they have so many routes, which is
23 attractive to us.

24 I do believe, I will say I think the

1 permit draft doesn't commit us specifically to the
2 Business Council.

3 MARC RUDNICK: To a company, exactly.

4 MICHAEL BOUJOULIAN: I think we do
5 name them, but we do say, "Or other."

6 MARC RUDNICK: Yeah, that's how I --

7 MICHAEL BOUJOULIAN: So if for some
8 reason someone offered a better route, we would like
9 the flexibility to give what our customers are trying
10 to get to, work and --

11 MARC RUDNICK: So the existing bus
12 stop of the 128 Business Council is how far from your
13 building?

14 MICHAEL BOUJOULIAN: It's like 1,100
15 feet. It's at Sanofi, 154 Second Ave., I believe.
16 It's just past the new hotel development.

17 MARC RUDNICK: So, you're going to
18 want a condition, unless you already have it in
19 there, that it can't be any farther than that.

20 MICHAEL BOUJOULIAN: Yeah, like I said
21 --

22 MARC RUDNICK: If it's going to be
23 relocated, it's going to be relocated closer.

24 MICHAEL BOUJOULIAN: The proposals

1 that we're working on right now have it at our
2 community.

3 MARC RUDNICK: Yeah, and that would be
4 lovely, you know.

5 MICHAEL BOUJOULIAN: Yeah. We wanted
6 --

7 MARC RUDNICK: If you want to
8 condition that, that sounds great.

9 MICHAEL BOUJOULIAN: We want it -- I
10 don't think we can commit to how they're going to do
11 it. But, you know, they're excited, again, because
12 we're filling the deadhead routes on these buses.
13 So, they seem to be pretty cooperative.

14 MARC RUDNICK: So, but it sounds like
15 we can condition equal or closer than the existing.

16 MICHAEL BOUJOULIAN: I don't think you
17 can only because we don't control their business and
18 their routes. I mean I think they've been great
19 cooperating with us --

20 MARC RUDNICK: I see. I see.

21 GEOFF ENGLER: Yeah.

22 MICHAEL BOUJOULIAN: -- but I can't
23 make a commitment on behalf of them.

24 MARC RUDNICK: Okay. So, we'll leave

1 it softer. You'll make every effort to keep the
2 station as -- the stop as close to your building or
3 utilize their current stop.

4 You know, I'm an old man with very
5 little pleasure in my life. It would really please
6 me if you got a bus to stop at Market Basket. It
7 would be just so spectacular for your tenants if the
8 bus just stopped at Market Basket on the way downtown
9 to downtown Waltham.

10 MICHAEL BOUJOULIAN: We've mentioned
11 it. They're looking at it as a potential option.
12 Once we engage in actually a real -- that was
13 something we floated.

14 BARBARA RANDO, CHAIR: That's a great
15 idea.

16 MICHAEL BOUJOULIAN: Yeah, it was
17 something we floated to them and they --

18 MARC RUDNICK: I mean Costco, too, I
19 would say, but --

20 MICHAEL BOUJOULIAN: I think it --
21 well, I don't know exactly where the stop is.
22 There's one -- I think there is a stop --

23 MARC RUDNICK: I assume you can get
24 close to Costco on the bus.

Waltham Zoning Board of Appeals/8-23-18/76

1 MICHAEL BOUJOULIAN: Oh, yeah. Well,
2 it does that route.

3 MARC RUDNICK: I kind of think that
4 when it leaves Bear Hill Road and goes to downtown
5 Waltham, it doesn't make any stops until it gets to
6 Central Square.

7 MICHAEL BOUJOULIAN: Right now, as I
8 understand Shuttle Route B, it does -- once it gets
9 out to, you know, Wolfers Lighting and takes a left,
10 I think it goes straight.

11 MARC RUDNICK: Yeah, just right down
12 Main Street to Central Square.

13 MICHAEL BOUJOULIAN: Yeah.

14 BARBARA RANDO, CHAIR: But we have no
15 way of knowing if that would go through, do we?

16 MICHAEL BOUJOULIAN: No, I just can't
17 make a commitment on behalf of them. Like I said,
18 they have been really great. I think they're going
19 to do whatever I ask. But it would be hard for me to
20 make a commitment for them. They're psyched that
21 we're coming.

22 MARC RUDNICK: Thank you, Madam Chair.
23 No other questions. Thank you.

24 BARBARA RANDO, CHAIR: But we don't

1 know about that. That's too bad.

2 The management hours, what will the
3 management hours be? Will there be someone at the
4 front desk 24 hours?

5 MICHAEL BOUJOULIAN: Not 24 hours,
6 although we will have a management -- we'll offer --
7 we keep our manager, our lease community manager, on
8 site. So we give -- we don't give them a unit. We
9 give them a dramatic discount to encourage them to
10 stay. And, oftentimes, we'll have one of our
11 maintenance and service personnel on-site 24 hours as
12 well.

13 BARBARA RANDO, CHAIR: Oh, there will
14 be?

15 MICHAEL BOUJOULIAN: They'll live
16 there. So, while they're there 24 hours, and they're
17 on-call 24 hours, you know, we will turn off the
18 lights at, you know, 6:30, unless it's a great
19 Saturday they might leave them on. But, typical
20 business hours is for leasing.

21 Imagine, a lot of our business is
22 similar to retail in that we want -- we need to be
23 open when someone might stop to go look at an
24 apartment before work or after work. But, otherwise,

1 pretty standard leasing hours.

2 But we will have an emergency contact
3 for that leasing manager, for example. And this is
4 something that we require in our contracts with our
5 employees, that, you know, there's always someone to
6 call at the community that will pick up the phone.

7 GLENNA GELINEAU: How many total guest
8 spaces do you have?

9 MICHAEL BOUJOULIAN: So, we don't
10 dedicate. If we have spaces available, they are
11 available. But we don't, you know, specifically mark
12 them off. We'll assign spaces to each unit. But the
13 way I understand it is, how the IT manual works, that
14 these ratios include all of your, you know, the
15 ratios for parking include, you know, the load
16 required by your residents, the load required by your
17 guests, by, you know, your five or six employees,
18 etc. So, but we don't designate.

19 GLENNA GELINEAU: Do you get a
20 designated spot with your unit?

21 MICHAEL BOUJOULIAN: Yes. Yeah,
22 that's become popular. We'll actually number the
23 spaces and people seem to like to park in the same
24 space every time.

1 GLENNA GELINEAU: So, why can't you
2 backtrack and know how many guest spaces you have?

3 MICHAEL BOUJOULIAN: I just -- I don't
4 know how to predict that. Maybe I'm
5 misunderstanding. I wouldn't know how many. You
6 know, we would probably have some spaces that
7 obviously weren't dedicated, that weren't already
8 assigned to a resident. And those would be the ones
9 we would -- if someone says, "I have a guest coming
10 tonight," well, they're parking in space 245 or
11 whatever.

12 GLENNA GELINEAU: And what if your
13 guest -- what if your parking lot is full? The guest
14 goes home?

15 MICHAEL BOUJOULIAN: Yeah, we won't
16 give them a parking spot. I don't think that's a
17 real risk given where our studies are at. But I've
18 never encountered that.

19 GLENNA GELINEAU: And each unit, with
20 their lease, gets one space?

21 MICHAEL BOUJOULIAN: Yes. Well, each
22 affordable unit gets one space for free. Is that
23 what you mean?

24 GLENNA GELINEAU: Right. But each

Waltham Zoning Board of Appeals/8-23-18/80

1 lease provides for one space, one parking space, each
2 lease?

3 MICHAEL BOUJOULIAN: Well, we have --
4 yes. I mean just by math sake. We don't guarantee --
5 - maybe I'm misunderstanding the question. Ask me
6 once more.

7 MARC RUDNICK: It sounds more like
8 other than the affordable units, spaces are not
9 assigned. You're hoping that people don't want a
10 car.

11 GEOFF ENGLER: No, Mike. The market
12 rate rent does not include a parking space. They
13 have to pay for that.

14 MICHAEL BOUJOULIAN: That's right.

15 MARC RUDNICK: The market rate renter
16 has the option to rent a parking space as well.

17 GEOFF ENGLER: Yes, you hit -- you
18 have it, Marc.

19 MICHAEL BOUJOULIAN: We find in our
20 smaller units, people don't always want it.

21 GLENNA GELINEAU: Can they rent two?

22 MICHAEL BOUJOULIAN: Yeah.

23 GLENNA GELINEAU: Okay.

24 MARC RUDNICK: And then the affordable

1 units are getting one free. And we're hoping that
2 three-bedroom affordable units get two.

3 GLENN GELINEAU: Two.

4 BARBARA RANDO, CHAIR: We're hoping,
5 but we're not going to know until when?

6 MARC RUDNICK: I think we're writing
7 that as a --

8 GEOFF ENGLER: No. That should --

9 MARC RUDNICK: No? You're studying
10 that question?

11 GEOFF ENGLER: I'll need to talk to my
12 client, but it will be available. It makes no sense
13 to give units two parking spaces if they only have
14 one car.

15 MARC RUDNICK: No, I totally agree.
16 That's not what I'm -- the same understanding as
17 we're talking about for the other units.

18 MICHAEL BOUJOULIAN: He's talking
19 about the three-bedroom, I think, you're talking
20 about the three bedrooms?

21 MARC RUDNICK: If an affordable unit
22 resident comes along and says, "I have a car,"
23 they're getting a free parking space. If an
24 affordable unit resident comes along who is getting a

1 three-bedroom until and says, "I have two cars,"
2 they're getting two parking spaces.

3 MICHAEL BOUJOULIAN: That's right.

4 MARC RUDNICK: If they have one car,
5 they're getting one. That's what I'm thinking. I
6 don't want -- I don't want you to have empty parking
7 spaces because there's a second unit -- a parking
8 space assigned, a second one. So only if they
9 present.

10 MICHAEL BOUJOULIAN: That's right.

11 MARC RUDNICK: Okay. Thank you.

12 I'm sorry, Glenna.

13 GLENNA GELINEAU: No, I'm done.

14 BARBARA RANDO, CHAIR: Do you have a
15 contract with the 128 business vans?

16 MICHAEL BOUJOULIAN: No, we wouldn't
17 sign that --

18 BARBARA RANDO, CHAIR: It's at will?

19 MARC RUDNICK: But you will in the
20 end?

21 MICHAEL BOUJOULIAN: We will in the
22 end, yeah. There's a member -- a very stout annual
23 membership fee and all kinds of other pieces. So,
24 we'll have to -- and I think the way we've worded the

1 condition in the permit is that we're -- that's what
2 we're committing to, to be a member. And the member
3 does bring quite a bit of benefits to us. It will be
4 the connection to our transit center, so our
5 residents can track buses, and schedules, and the
6 guaranteed ride home program. And it's a great,
7 really great operation they're running.

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

10 MARK HICKERNELL: Yeah, and I'm not
11 sure if this is for the petitioner or for the
12 consultants. But condition four says the permit will
13 lapse if you haven't started work within three years.
14 Usually when we grant something, it's within one. I
15 understand this is a much bigger project, so I don't
16 necessarily have a problem with three, but is three
17 normal?

18 JUDI BARRETT: Yeah.

19 MARK HICKERNELL: Okay.

20 JUDI BARRETT: For comprehensive
21 permits, yes. Yeah.

22 MARK HICKERNELL: Okay.

23 MICHAEL BOUJOULIAN: I will note that
24 we are, assuming we're so fortunate to get a vote,

1 we're eager to get started.

2 MARK HICKERNELL: I understand. I
3 imagine so. Okay. Thank you.

4 MICHAEL BOUJOULIAN: So, Madam Chair,
5 I just -- I know there were a couple extra pieces
6 thrown around here. So, we do have revised permit
7 drafts here with us. These are the same permits that
8 we gave you a week ago. However, we've incorporated
9 the transportation engineer's concerns about blocking
10 the fire lane and the condition for that, and some
11 other language on trimming trees, which was already
12 in there and he adjusted it.

13 So, we'd like to -- these are dated
14 for today. We'd like to think that up until now,
15 particularly the past five weeks working with you,
16 your consultants, and the rest of the City
17 departments, that we've been able to incorporate if
18 not all, certainly the vast majority of the requests
19 that the Board's made. We do think it's a responsive
20 permit and a proposal where we're at right now. And
21 I know that we're nearing -- I think tonight is
22 technically the end of the hearing process, of
23 course. But, as I noted back in May, this is -- 40B
24 has a terrible brand. And this is a collaborative

1 process in every town I've ever been in and done a
2 40B in. And I feel strongly that tonight, the spring
3 and summer's work with you and your team has yielded
4 a far better proposal than what we initially applied
5 for, even in May of '15, but certainly, again --
6 excuse me, December of '15, but, again, in May of
7 this past year, or this year.

8 So, the first is I think you picked an
9 excellent professional team who made great comments,
10 and certainly the City departments with regard to
11 safety, and school, and all these things. We think
12 the project is in a much better place. So, the first
13 is, again, I wanted to thank you for that.

14 We think the opportunity to develop
15 this blighted building -- I mean this building is in
16 really tough shape. And so our goal, and I think
17 what your goal was, was to help us get to a point
18 where we've got a project that the City could be
19 proud of and that, eventually, the future residents
20 can be proud of. The 195 units that we're proposing
21 are going to be filled with Waltham residents, and
22 many of them will already live in Waltham and will
23 move here from another community or home in Waltham.
24 So, we're excited. And we think the opportunity to

1 fix this -- we hope we've been as responsive as we
2 can. But we'd like to give you these permits tonight
3 and ask that the Board vote on this permit, and ask
4 for the Board to cast a motion to vote.

5 Now, there were a couple of conditions
6 that were floated tonight, which were verbally agreed
7 to. And if it please the Board, or whoever were to
8 make the motion, to add those language for those
9 conditions, we'd like to finish up with you guys
10 tonight. And I think we're at a place where we've
11 spent a ton of time working through this with you
12 guys. And I feel like we're there. I feel like
13 we're at a project that hopefully you agree is there.

14 So, I wanted to give you these. I
15 think we have six.

16 BARBARA RANDO, CHAIR: There are a
17 couple of questions as far as the extra parking that
18 Mr. Hickernell mentioned and the bus stop to say
19 Market Basket.

20 A letter from the abutters, two people
21 asked for letters from the abutters saying that they
22 were in favor. And I wasn't satisfied with the
23 comment that they didn't want to take the time to
24 write it if it's vital for you and for us to make a

1 decision, those letters. It's something that we ask
2 all our --

3 MICHAEL BOUJOULIAN: Well, I would
4 just say that we did reach -- I did mention we
5 reached out to them. And we did have support from
6 our neighbors. They did not want to write a letter.
7 And they did not want to come and speak in person.
8 But I think that would be terribly unusual in my
9 experience. And I don't know about your experience.
10 We do not see, particularly with a project that has
11 been in play for three years, and certainly for the
12 past seven months -- it's been on television, it's
13 had multiple news articles, it's been publicly
14 noticed. There's been an incredible opportunity for
15 anyone to write a letter to you, to email the Board,
16 to show up here. And, typically what we see are
17 negative comments.

18 JUDI BARRETT: Right. Right.

19 MICHAEL BOUJOULIAN: We don't get --
20 if people are okay, they stay quiet. So, I think who
21 is showing up to this hearing is a testament to how -
22 - I had a friendly 40B last year and we had people
23 coming out to speak in opposition. So, this has been
24 an unusually positive, perhaps the best I've ever

1 seen, reception from the neighbors. So, the
2 expectation that letters would be written is just not
3 something I've ever seen. It's just not realistic.

4 BARBARA RANDO, CHAIR: Well, see, I
5 have the opposite. I think that maybe they don't
6 want to be negative and have to perform next to you.

7 MICHAEL BOUJOULIAN: I'd just say one
8 thing. I would also note that, through the time
9 we've spent with you here this past spring and
10 summer, we haven't seen that but from very few other
11 projects, like a back deck where a neighbor showed
12 up. But when the 100-foot tower that was proposed
13 for Fifth Avenue, nobody came to that, and that was
14 unanimously approved.

15 BARBARA RANDO, CHAIR: Well, that
16 weighs very heavily when we make our decision, I want
17 you to know.

18 MICHAEL BOUJOULIAN: So, I haven't
19 seen that -- that standard applied to other projects
20 with you guys.

21 BARBARA RANDO, CHAIR: Right. We
22 would have asked them again.

23 MICHAEL BOUJOULIAN: And I don't know
24 that we would -- again, it's not something I've ever

1 seen with a 40B. So, that's not a good determinant
2 of support.

3 GEOFF ENGLER: For the record, Geoff
4 Engler from SEB representing the applicant.

5 As part of my profession, I have the
6 opportunity to sit through a lot of public hearings
7 and a lot of different applications, large, small,
8 homeownership, rental. With the exception of two,
9 I've never seen this little public participation.
10 And, unequivocally, the public participation is
11 always negative. Always. So, the Board should see
12 the fact that people are not coming as either
13 positive or indifference. Asking for letters of
14 support from neighbors, that is highly unusual. I
15 would ask you to ask your consultant if she ever sees
16 anything like that or the Board ever asks for
17 anything.

18 The Board, in our experiences, are
19 very excited when they don't have neighbors at the
20 hearing shouting at them saying, "Protect us. I live
21 here. I've lived here for 30 years. This is going
22 to cast a shadow on my back yard." None of that is
23 going to happen here, which is one of the beautiful
24 things about this project. There's not a roomful of

1 people complaining, which is typical for many 40Bs.
2 So, to ask the applicant to assertively have
3 neighbors come and -- or write letters of support,
4 that's highly unusual, Madam Chairwoman. I mean it
5 never -- I mean in my 14 years doing that, I've never
6 seen that. I mean that's not to say on an occasional
7 project somebody doesn't write a letter of support,
8 but they do that kind of for various reasons, not as
9 a request of the Board, certainly.

10 So, I would think this would be
11 successful relative to how this public participation
12 has occurred.

13 Thank you.

14 BARBARA RANDO, CHAIR: You are
15 surrounded by three different businesses, are you
16 not, or two businesses? And there will be children
17 maybe riding their bikes in their parking lot, or
18 people walking their dogs. And there is one company
19 that when I drove by, they came out and wanted to
20 know where my badge was. So, I don't think they're
21 going to be too happy when people are in their --

22 GEOFF ENGLER: Based on my experience,
23 if people feel strongly in opposition to an
24 application, they are going to either attend or they

1 are going to have their legal counsel attend. And I
2 can say that unequivocally I've dealt in this year
3 alone 14 different public hearing applications. If
4 people care or they don't like it, they're going to
5 come and they're going to speak their mind. So, if
6 those businesses that you referred to are so
7 distressed, or unhappy, or don't like, they would
8 have written --

9 BARBARA RANDO, CHAIR: Some people
10 don't want to put it down on paper.

11 GEOFF ENGLER: So if they don't want
12 to put it down on paper, how can you ask my client to
13 have them --

14 BARBARA RANDO, CHAIR: Well, they're
15 going to be next to you. They're going to be next to
16 you.

17 MICHAEL BOUJOULIAN: I will just say
18 we did honor your request. I did work hard. I've
19 spoken with them. They said, "Look, we're in favor
20 of your project. We're not coming. We're not
21 writing you a letter." So, I'm sorry --

22 BARBARA RANDO, CHAIR: I think two
23 people, two members requested that.

24 MICHAEL BOUJOULIAN: I'm sorry that I

Waltham Zoning Board of Appeals/8-23-18/92

1 wasn't able to get that. I do know the Kinetic Group
2 and I've spoken with the building owner. He lives in
3 New York City. And he's a very busy man and he did
4 not want to write a letter. He was in favor of the -
5 - I'm sorry I couldn't get them. I really did try
6 when you asked. But one of the groups said, "Why
7 aren't you happy that I'm not there? You know, we're
8 not coming. What's the big deal?" So, we tried. We
9 couldn't do it.

10 JOHN SERGI: May I ask you -- give you
11 a suggestion?

12 MICHAEL BOUJOULIAN: Yes.

13 JOHN SERGI: Why don't you put an
14 affidavit in place that on such and such a day, I
15 contacted this individual, we discussed it, and --

16 MICHAEL BOUJOULIAN: I suppose. Look,
17 we really want to wrap this up.

18 JOHN SERGI: Just to put it to bed.

19 MICHAEL BOUJOULIAN: We have had an
20 unusually low level of opposition.

21 BARBARA RANDO, CHAIR: It weighs very
22 heavily on the Board.

23 MICHAEL BOUJOULIAN: Candidly, we just
24 -- we don't have opposition to the project. They

1 haven't showed up. They've had three years, public
2 hearings at the state, public hearings locally,
3 multiple news articles, televised announced. I mean
4 we do not have opposition. So the lack of
5 affirmative support, which I've never seen before, is
6 not a determinant of people's dissatisfaction with
7 the project. And perhaps your own consultant could
8 speak to that, who has seen more 40Bs than I have.

9 MARK HICKERNELL: I think I would take
10 Geoff up on his suggestion to ask our consultant to
11 comment on that.

12 JUDI BARRETT: Yes, I would be happy
13 to.

14 I also serve on the Board of Appeals
15 in my own town. And it is very helpful when people
16 come forth and say they're fine with a proposal
17 because there's a comfort level in that.

18 I think a comprehensive permit is a
19 different creature because it includes affordable
20 units, and many people don't want them. So, when
21 people hear comprehensive permit, if they are
22 opposed, they will show up at the hearing.

23 Geoff's been doing this for 14 years.
24 I've been at this for 30. I have seen occasions

1 where locally initiated -- I can't talk tonight --
2 comprehensive permits, towns will sort of offer town
3 land or buildings and they're working collaboratively
4 with a developer, sometimes with that kind of very
5 feel good project you might have some local advocates
6 come and encourage the Board to grant the permit.
7 But, by and large, people who support these
8 developments don't come. People who are opposed will
9 show up in droves.

10 I would -- I guess I'd also just
11 remind the Board you have a specific jurisdiction
12 under the statute. It's public health, public
13 safety, environmental impact, open space, design, you
14 know, and other kinds of sort of physical or
15 aesthetic matters of the project that you can
16 control. Satisfying the abutters is not one of them.

17 So, I applaud you in wanting to sort
18 of know that the abutters are okay with it. But I
19 guess I have to advise you that that's really kind of
20 beyond your jurisdiction. You can ask for it. It's
21 a good ask. But you really can't make the decision
22 based on whether people from the community come to
23 support it.

24 BARBARA RANDO, CHAIR: Anyone else?

Waltham Zoning Board of Appeals/8-23-18/95

1 MARC RUDNICK: Remind us that a 40B is
2 just like all of our other cases that you had a
3 mandate to notify all of the abutters about the
4 project and certify that, the same as we do on all of
5 our others.

6 MICHAEL BOUJOULIAN: Correct.

7 MARC RUDNICK: So we know that that
8 happened.

9 MICHAEL BOUJOULIAN: Abutter
10 notification.

11 MARC RUDNICK: That was in your
12 original submission, right?

13 MICHAEL BOUJOULIAN: Yes.

14 GEOFF ENGLER: Correct.

15 MARC RUDNICK: Thank you.

16 JUDI BARRETT: I would also, just to
17 finish the thought, I was involved a few years ago
18 with another community where there was a proposal to
19 develop mixed-income housing in the middle of an
20 industrial area. And so they were all non-
21 residential abutters, kind of like this situation.
22 And they didn't want the project, and they showed up.
23 So, I think that they just -- they were concerned
24 about use conflicts, you know, with residential use

1 next to their properties. The fact that you don't
2 see that here, I mean it doesn't mean they're happy,
3 but I think you can take kind of comfort that they're
4 not opposed.

5 BARBARA RANDO, CHAIR: Anyone else?

6 JOHN SERGI: No.

7 MICHAEL BOUJOULIAN: Could I just ask,
8 Madam Chair, for the record, I think there were three
9 additional conditions, and I wanted to make sure I
10 understood what they were.

11 The first was that the applicant will
12 endeavor to add an additional stop at the Market
13 Basket, or actually to the shopping center site at
14 1265 Main on the shuttle route. Was that -- that
15 we'll work with them to try and get that done?

16 MARC RUDNICK: I'm sorry. Please go
17 ahead.

18 MICHAEL BOUJOULIAN: So, I think the
19 first was that we'll work with the 128 Business
20 Council to try and add a stop on our route to the
21 shopping center.

22 MARC RUDNICK: Mm hum.

23 MICHAEL BOUJOULIAN: The second was
24 that we'll make available a second space as so

1 required for three-bedroom units, affordable three-
2 bedroom units. I think that was Mr. Hickernell's
3 request.

4 And the third was that -- I think this
5 was the third -- that we'll provide an amenity
6 program, you know, I don't know what the term -- but
7 meaningfully similar to the examples we've provided.

8 JUDI BARRETT: Just work on some
9 language for that one.

10 MICHAEL BOUJOULIAN: Yeah. So, I know
11 that those are a few -- a handful of loose ends. And
12 we've covered a lot tonight. But, again, we would,
13 if it suited the Board, we would love to hear a
14 motion for approval of the project subject to the
15 addition of those three conditions, which we are
16 amenable to and we do agree we could accept.

17 JUDI BARRETT: Madam Chair, if I could
18 please, before we go any further? I know that the
19 other peer review consultants were asked to review
20 the revised plans and comment. And I know you have
21 received their input. Unfortunately, the architect
22 was not given the opportunity, as I understand it, to
23 review those plans and comment. So, he is here this
24 evening. And I think if there's any other issues, we

1 probably should hear them tonight. If not, that's
2 fine. But, we need to know. So, I think before you
3 go any farther, it would be a good idea to at least
4 hear from your architectural consultant, what his
5 comments are.

6 BARBARA RANDO, CHAIR: Of course. All
7 right.

8 Do you have anything that we have not
9 added?

10 CLIFF BOEHMER: I think I do.

11 BARBARA RANDO, CHAIR: All right.
12 Give your name and address for the record, please.

13 CLIFF BOEHMER: I am Cliff Boehmer,
14 Davis Square Architects. I certainly learned tonight
15 I am not cool enough to live in this building.

16 (Laughter.)

17 MICHAEL BOUJOULIAN: Me neither.

18 CLIFF BOEHMER: I do have a plug-in
19 car though, so I get a couple of points, but other
20 than that. But, anyway, I concur that there has been
21 -- that the proponent has really been listening and
22 listening in great detail. But I do want to go over
23 some things that maybe haven't come up tonight, or I
24 think maybe need some more clarification.

1 I will point out one thing that wasn't
2 pointed out that actually was one of my bigger
3 concerns. Yeah, it's on these plans. So, picking up
4 the additional space, I totally concur with Marc's
5 comment. It was one that I was thinking myself about
6 this, in fact, being very programmable space, as you
7 know it will be whether you say it is officially or
8 not. It will be used. So, that was a big, a really
9 big important change I think.

10 Learning about the amenities and that
11 is -- I think is very helpful in kind of getting your
12 mind around the market, who it is you're really
13 looking for to live here. I found all of that very
14 helpful.

15 But what they didn't point out, which
16 was actually was one of my biggest concerns was
17 actually how do you get to this space because in the
18 previous plans it wasn't so nice. You had to
19 actually go through the parking garage. That's not
20 this plan. But you had to go through the first level
21 of the parking garage and around the north side to
22 get there. It was --

23 MICHAEL BOUJOULIAN: No, we had a
24 direct access from the residential area to it via

1 stair and elevator. So, we never had -- we didn't
2 have access through the garage. And we now, as
3 you'll see, have a stair and an elevator so you can
4 directly walk down your hallway, get in an elevator,
5 and you're immediately at that space.

6 CLIFF BOEHMER: From here, yes. So,
7 that's working. All of that I think is working
8 really well. I think the comment about leaving it
9 open in the winter is a very good thing.

10 I had a couple of questions though.
11 So, one is so you've obviously been talking to the
12 fire department, which was part of what generated
13 this or worked well with it. I'm curious what they
14 did say about the north and the east sides because,
15 obviously, they're not counting on ladder access on
16 those sides. So, maybe you can talk a little bit
17 about those sides of the building?

18 MICHAEL BOUJOULIAN: Sure. Yeah, it
19 was primarily related to hose connection distances
20 and what typical hose connection, hose distances are
21 required, by code as well as what Waltham prefers.
22 So, we haven't designed that level of plumbing
23 drawings yet. However, the distances all did meet
24 their requirements. And we committed that before we

1 go back for a building permit, should we get there,
2 of course, there's typically a meeting with the
3 building department and the fire department together,
4 where some of those things like stair overrides,
5 hose, final hose locations, are coordinated. We did
6 cover some of those items, for example, the type of
7 fire panel we would propose to use, smoke evacuation
8 controls, turnoff limits for gas for the fireplace at
9 convenient locations, where they want them at doors.

10 So that one we're, you know, once we start getting
11 to a point where we're laying down plumbing drawings,
12 we'll go back before a building permit and coordinate
13 hose connection locations for those distances.

14 CLIFF BOEHMER: And the reason I
15 brought that up is other fire departments -- I'm just
16 confirming what they were thinking because it's not
17 always the same. Other fire departments have asked
18 to have enough space to safely erect a ladder in the
19 back if they don't have access. But if that -- and
20 the architects know that that isn't strictly a
21 building code requirement, but it is sometimes a
22 concern of the fire department.

23 Another point I'd say -- and pardon me
24 for jumping around a little bit because I was

1 learning some of this tonight. I did review the
2 documents before tonight, but I learned some more
3 tonight.

4 One thing that I think isn't on the
5 plans anymore in the first floor space, although it
6 seems like it should be easy to accommodate, I think
7 you have move-in space designated on the parking
8 level. I didn't see it this time, but you have even
9 more space available now than I'm seeing having that.

10 I think all of the life safety
11 upgrades -- I saw detail about turnarounds -- that
12 all looks really good and I think it actually
13 benefitted the plan in some other ways.

14 MICHAEL BOUJOULIAN: It's a more
15 attractive entrance I think.

16 CLIFF BOEHMER: It definitely is.

17 MICHAEL BOUJOULIAN: By accident.

18 CLIFF BOEHMER: That worked -- I
19 thought that worked very well.

20 There is another patio space up here.
21 I wonder if that -- we didn't hear about how that was
22 programmed, but I think that wasn't in the previous
23 iteration either. Is it -- can you --

24 MICHAEL BOUJOULIAN: I'm sorry. I

1 didn't hear you.

2 CLIFF BOEHMER: There is another patio
3 up in the southeast corner. Is that programmed, have
4 any specific program?

5 MICHAEL BOUJOULIAN: We'll activate
6 it. We'll have benches. And the idea is to try to
7 create a welcoming arrival there, something that's
8 easy to clear from snow and is safe for pedestrians.
9 But, you know, there will be benches. There will be
10 lighting, street lighting, as you've seen we've
11 programmed along that. So the idea is that it's a
12 sort of more urban arrival, a little more welcoming
13 than just sort of the edge of sidewalk.

14 CLIFF BOEHMER: It could be a place to
15 wait for Ubers and things like that.

16 MICHAEL BOUJOULIAN: Certainly.

17 MARC RUDNICK: But that was new, as
18 Cliff was saying?

19 MICHAEL BOUJOULIAN: Yeah, it was
20 added.

21 CLIFF BOEHMER: That's new on the
22 plan, additional outdoor space.

23 One thing that I think from the
24 documents it looks like you added 35 parking spaces.

1 Is that right?

2 MICHAEL BOUJOULIAN: That's right.
3 That's how we get up to 1.5.

4 CLIFF BOEHMER: Okay. All right. So
5 there were 35 additional spaces. And I think you
6 know that they did that through adding that third
7 level down. I think that -- and I think the team
8 has --

9 MICHAEL BOUJOULIAN: I'm sorry, second
10 -- second level.

11 CLIFF BOEHMER: Right. It's the
12 second level down. Right. Three levels of parking,
13 two were underground. And the I guess comment I
14 would make, I've reviewed a couple of projects, and I
15 think Geoff's aware of them and I know Judi is, too,
16 where there were representations made that were
17 connected to geotechnical reports and connected to
18 associated costs. And it turned out that it wasn't
19 always possible to do it.

20 So, I guess I would say -- I mean I
21 would recommend having somebody peer review the
22 geotechnical report that talks about that.

23 GEOFF ENGLER: Could I respond to
24 that? For the record, Geoff Engler.

1 That's at the applicant's risk. So,
2 if the geotechnical doesn't work and, you know, we
3 can't get a building permit because it doesn't work,
4 and you have a permit that says you have to do a
5 ratio of 1.5 spaces per, he's got a problem. That's
6 his risk. We're not going to do a geotechnical peer
7 review because it's not necessary. So, I think my
8 client has demonstrated throughout the process his
9 team is exceptional. His geotechnical, and
10 structural, and the full engineering team will be no
11 less. So, we're comfortable with that being our
12 risk. If the permit says you have to have 1.5 spaces
13 and he's representing that it can work that way,
14 we're comfortable with that.

15 MICHAEL BOUJOULIAN: I'll also just
16 add that we'll be required, in order to get a
17 building permit, in order to apply for a building
18 permit, to have registered engineers, including
19 geotechnical, stamp on their personal liability to
20 certify that that building is sound. So, in some
21 ways, we will have a peer review in that sense in
22 that our engineer has to literally put their entire
23 profession on the line in order to even just submit
24 for a building permit.

1 And we'll be using Haley and Aldrich
2 here, who is a world-class -- they are a truly
3 somewhat overpriced, excellent geotechnical
4 engineering firm.

5 CLIFF BOEHMER: And I acknowledge all
6 of that. I'm bringing it up more in the context of
7 if there did turn out that there was a problem,
8 they'd have to appear in front of you again to modify
9 that.

10 GEOFF ENGLER: We acknowledge that.

11 MICHAEL BOUJOULIAN: Certainly.

12 CLIFF BOEHMER: Okay.

13 MICHAEL BOUJOULIAN: That's what we
14 spent so long studying was to make sure we knew how
15 to do this. We've actually already started
16 conceptual footing design to make sure we knew how it
17 would -- we were making a promise we could keep.

18 CLIFF BOEHMER: A couple other
19 comments. I'm not -- I think this goes back to the
20 walkthrough, but I'm not sure it came up at the last
21 hearing. At the walkthrough, we talked about Zipcars
22 and whether you have spaces dedicated for shared car
23 services. Is that in the plans at this point?

24 MICHAEL BOUJOULIAN: I believe it's in

1 the permit conditions. We have added a --

2 MARC RUDNICK: I believe it is in the
3 permit, yeah.

4 MICHAEL BOUJOULIAN: -- we added a
5 condition that would require us to keep a car share -
6 - car share? What was the term?

7 GEOFF ENGLER: Ride sharing options.

8 MICHAEL BOUJOULIAN: Ride sharing
9 option. So, we usually use either Zipcar or
10 Enterprise Ride Share. There is a third group that's
11 coming out now. Candidly, we'll use whoever is the
12 most technologically connected, which is what our
13 customers want. They want it on their phones.

14 CLIFF BOEHMER: Terrific. Okay.

15 MICHAEL BOUJOULIAN: But, yes, we are
16 committed to that.

17 CLIFF BOEHMER: One thing that was --

18 MARK HICKERNELL: Condition 14, yeah.

19 CLIFF BOEHMER: Great. One thing that
20 I didn't see on the plans were the material callouts
21 on the building elevations. And I think you were
22 talking before about the high quality of the
23 amenities on the inside and finishes that make this a
24 really long-term sustainable project. The material

1 callouts, what the building is actually made of, what
2 it's clad in, I don't think I have seen that. And I
3 would say that's very important.

4 MICHAEL BOUJOULIAN: I believe it is
5 in our application. And we called that out in the
6 narrative, the architectural narrative.

7 CLIFF BOEHMER: But maybe in any
8 revised drawings that are submitted, you know, I
9 would need to be able to see that and opine on that.

10 MARK HICKERNELL: So, Condition 1
11 lists all of the current, you know, plans, and
12 drawings, and so forth, and incorporates them into
13 the decision. And I don't know which one of them, if
14 any of them, would have that. But can you point us
15 to it?

16 MICHAEL BOUJOULIAN: I'm sorry?

17 MARK HICKERNELL: So, Condition 1
18 lists and incorporates all of your plans that you've
19 submitted.

20 MICHAEL BOUJOULIAN: Yes.

21 MARK HICKERNELL: There's a huge
22 amount of them. Can you point us to which, if any of
23 them, include the cladding and so forth?

24 MICHAEL BOUJOULIAN: So, I believe it

1 was in our -- I'll double check, and I can walk
2 through them if necessary. But I thought we included
3 it in the application.

4 MARK HICKERNELL: Well, I'm sure you
5 did. But in terms of putting it in the decision,
6 where is it?

7 CLIFF BOEHMER: It has to be current.

8 GEOFF ENGLER: There's a reference to
9 site approval application in the decision, the
10 submittal. I mean the site approval application, by
11 definition, is submitted to the municipality. It's a
12 requirement. So it was submitted as part of the
13 record. But, I grant you, it's probably not as clear
14 as it should be.

15 JUDI BARRETT: The site approval
16 application gets submitted, but the Board doesn't
17 have jurisdiction to intrude on that. So it's just
18 informational. It's not really anything the Board
19 acts on. So, I think it's a valid question.

20 MARK HICKERNELL: So, can we get it in
21 if it's not already in?

22 JUDI BARRETT: Yeah, just add it.

23 MICHAEL BOUJOULIAN: Yes.

24 CLIFF BOEHMER: Well, it would be

1 adding a drawing that has material callouts.

2 JUDI BARRETT: Right.

3 MICHAEL BOUJOULIAN: But our
4 application -- not the PEL application, our regular
5 application has an architectural narrative that
6 speaks to that, contemporary masonry detailing,
7 exterior walls. I mean --

8 GEOFF ENGLER: Right.

9 MICHAEL BOUJOULIAN: Material palette
10 includes brick at southern and eastern facades, a mix
11 of cement board and lap siding as well as metal
12 panels to introduce different textures and rhythms.
13 The building will feature a flat roof. So, we do
14 discuss that.

15 MARK HICKERNELL: Okay.

16 MICHAEL BOUJOULIAN: And we have added
17 -- I will note, we have added the rendering as the
18 last page in the design. So you have an actual
19 artists', you know, description of the building as
20 well as on the renderings. So, we do describe it in
21 the narrative, and then as reflected on the plans.

22 MARK HICKERNELL: And is that included
23 within these 25 documents listed as Exhibit A --

24 MICHAEL BOUJOULIAN: That's right.

1 MARK HICKERNELL: -- is what I want to
2 know?

3 MICHAEL BOUJOULIAN: That is I think
4 the last one --

5 MARK HICKERNELL: Open space sketch,
6 341 Second Avenue. That's the last one I have, so
7 that's not the last one.

8 MICHAEL BOUJOULIAN: It's W and X.
9 Sorry.

10 MARK HICKERNELL: W and X. Okay.
11 Rendering --

12 CLIFF BOEHMER: Should I expand? But
13 what I don't have is -- it may be in a narrative that
14 there is metal panels, but is it that, is it that, is
15 it that?

16 MICHAEL BOUJOULIAN: The narrative
17 describes it by dimension. We could add some more
18 detail. But the idea is that this is a mix of
19 masonry and cement board. The brick is the white
20 product. The cement board is the balance. And then
21 using a metal or another cladding, metallic cladding,
22 for the main entrance to the building.

23 MARK HICKERNELL: I mean could you
24 spend a couple of minutes this evening -- we could

1 take a short recess -- to make sure that we get what
2 we need attached to the proposed decision?

3 MICHAEL BOUJOULIAN: Yes.

4 MARK HICKERNELL: All right. Do you
5 want to do that now or after? Is there more to
6 discuss here?

7 MARC RUDNICK: Do you have more,
8 Cliff?

9 CLIFF BOEHMER: Yeah, I do. I do.
10 But, again, I'm just cautioning you that it's an
11 important point.

12 BARBARA RANDO, CHAIR: It is.

13 CLIFF BOEHMER: And I think you need a
14 physical representation of that. And I'm not
15 convinced --

16 MARK HICKERNELL: Well, we won't
17 necessarily have it at the end of your short break,
18 but we will at least know what you -- what would
19 satisfy you.

20 CLIFF BOEHMER: Which way we're
21 leaning. Okay. Okay. That's a point.

22 Next is I think the bike storage went
23 up by 120 square feet. I don't know how many bikes -
24 - is that stated somewhere -- how many bikes actually

1 fit in these rooms?

2 MICHAEL BOUJOULIAN: Those are
3 reviewed by the transportation engineer. We do have
4 a condition in the permit with a minimum amount. I
5 think the additional space will probably add some
6 bicycle spaces. We did not go back and restripe and
7 put that in, but we do have a minimum bicycle
8 allowance that's been applied for.

9 CLIFF BOEHMER: Okay. One thing I
10 didn't quite understand, and the architect can
11 probably explain this, there's a chart in the new
12 drawings. It talks about building height. And it
13 has one building height for building code and another
14 building height for zoning.

15 MICHAEL BOUJOULIAN: So this was a
16 response to a request from Mr. Forte at the building
17 department. On our site tour, he noted that in his
18 plan review we were using the MA State Building Code
19 for our height calculations. And he acknowledged, of
20 course, that that is the governing matter. But,
21 given -- he said on a local permit we should also
22 include the Waltham calculation. So, that was just a
23 response to give him both figures.

24 CLIFF BOEHMER: So, is it considered a

1 high-rise?

2 MICHAEL BOUJOULIAN: No.

3 CLIFF BOEHMER: Not a high-rise?

4 MICHAEL BOUJOULIAN: No.

5 CLIFF BOEHMER: Okay. Again, I
6 haven't had a lot of time to review these, but that's
7 what I've come up with so far. And I can certainly
8 answer any questions you might have.

9 BARBARA RANDO, CHAIR: Do you feel
10 that you need more time to review them?

11 CLIFF BOEHMER: Well, I haven't
12 reviewed the conditions either because, obviously, a
13 lot of what I'm concerned about may be covered in the
14 conditions. I would say the things that I mentioned
15 tonight, it's mainly knowing what the building is
16 built out of --

17 BARBARA RANDO, CHAIR: Right.

18 CLIFF BOEHMER: -- what the facades
19 are made out of.

20 GEOFF ENGLER: Can I make a suggestion
21 that's commonly done? I think it would actually be
22 more helpful for Cliff if you would be comfortable,
23 you know, with a condition that allows Cliff to
24 review the building permit application, which will

1 call out all of the materials and whatnot. I think,
2 Cliff, it's consistent with everything you reviewed
3 in Brookline, which you've opined is fine.

4 CLIFF BOEHMER: Yeah.

5 GEOFF ENGLER: So, but that will have
6 all the detail. And we can submit, if the Board, if
7 it pleases the Board, to have language to that effect
8 in the decision that the architectural peer reviewer
9 will be provided with a copy of the building permit
10 application to confirm the materials as represented
11 during the public hearing are consistent, or
12 something with that, I mean is that --

13 CLIFF BOEHMER: That would be a good
14 way to do it, actually. I mean I feel a lot more
15 comfortable with that than trying to make some
16 decision tonight and then we miss something. But,
17 just to clarify that, and I know Geoff knows this,
18 but I'm not concerned about meeting the building
19 codes. That's not what he's talking about. I think
20 what he's talking about is I review the materials, I
21 review the narrative and give you an opinion of
22 whether I think the narrative is reflected in the
23 working drawings.

24 I think, Geoff, is that capturing what

1 you're saying?

2 MICHAEL BOUJOULIAN: Well, for
3 example, you know, a condition something like prior
4 to building permit review, applicant shall also copy
5 the Board's design consultant to review the drawings
6 for consistency with the application drawings -- the
7 approved drawings -- excuse me -- and the design
8 narrative as a part of the application, something
9 like that, basically to confirm we haven't gone off
10 the highway with what we've designed. Is that what
11 you meant?

12 JUDI BARRETT: But if the details
13 aren't in the decision, what are you reviewing?

14 MARC RUDNICK: Right. That's what I
15 don't understand.

16 MICHAEL BOUJOULIAN: Well, they are in
17 the narrative.

18 JUDI BARRETT: I'm asking. You know,
19 I don't --

20 CLIFF BOEHMER: No, no, Judi, that's -
21 - that's why I brought this up.

22 JUDI BARRETT: I understand. Right.

23 CLIFF BOEHMER: Unless it's
24 specifically attached to drawings, it is hard to

1 know.

2 JUDI BARRETT: Right.

3 CLIFF BOEHMER: You know, I think it's
4 just a question of to what degree the -- I like the
5 language about looking at it before you apply for the
6 building permit because the building department may
7 have an opinion about part of it. I just want to be
8 able to report back to these folks about the
9 longevity of the materials. The colors don't really
10 matter to me so much. It's really what they're going
11 to be seeing over the next 20 years.

12 MICHAEL BOUJOULIAN: I could walk you
13 through tonight what they are.

14 BARBARA RANDO, CHAIR: That makes
15 sense.

16 MICHAEL BOUJOULIAN: It's not a
17 complicated thing.

18 GEOFF ENGLER: But, if I may, if
19 that's your concern, Cliff, then the way we've
20 structured it will do just that because what is going
21 to be on that permit, what's on that set, is the
22 critical -- I mean that's what the applicant is
23 proposing to build as opposed to what might be on a
24 schematic. So, those plans have all the materials

1 listed out, and you're comfortable that it's of a
2 high quality, it has durability, it's, you know,
3 energy efficient, etc., etc., I mean that's what
4 you're trying to determine, right?

5 CLIFF BOEHMER: Oh, absolutely.
6 Absolutely.

7 GEOFF ENGLER: And that's where we see
8 it is on the --

9 MARC RUDNICK: So, rather than
10 debating this in front of the Board, I'd like to go
11 back to the suggestion that we take ten minutes'
12 recess for you guys to talk this over with Cliff.
13 We'll probably wind up with your suggestion anyway.
14 But let's just clear the air so you guys can just
15 talk to each other without us listening to it as a
16 debate.

17 MICHAEL BOUJOULIAN: Okay.

18 MARK HICKERNELL: I move the Board
19 take a ten-minute recess.

20 JOHN SERGI: Second.

21 BARBARA RANDO, CHAIR: I have a motion
22 for a ten-minute recess.

23 MARC RUDNICK: Second.

24 BARBARA RANDO, CHAIR: Second. All in

1 favor?

2 ALL BOARD MEMBERS: Aye.

3 BARBARA RANDO, CHAIR: Opposed?

4 (No Board members opposed.)

5 BARBARA RANDO, CHAIR: Ten-minute
6 recess.

7 (Whereupon a ten-minute recess was
8 taken off the record.)

9 BARBARA RANDO, CHAIR: The meeting is
10 now back in session.

11 MICHAEL BOUJOULIAN: So, pardon us if
12 we're late. We decided to have our attorney draft
13 the language that we discussed with Cliff on how that
14 condition might look for your review. And then we
15 also took a shot at drafting the language that we
16 might read into the record for the other conditions
17 we mentioned, adding working with the Business
18 Council to add a stop at 1265 Main, the shopping
19 center; the parking spaces for three bedrooms; the
20 amenity program to be provided similar to what we
21 submitted in our August 16th memo and as presented
22 tonight, same material; and then the language that we
23 discussed with Cliff, which I'll not butcher until
24 the draft gets here, if that's okay. So, if it

1 pleases the Board, we'll read those into the record
2 and then for -- to see if they're appropriate. And
3 they're on the way. She's writing.

4 MARC RUDNICK: Oh, I see. So, you're
5 not asking to extend --

6 MICHAEL BOUJOULIAN: She was on the
7 last one when we ran back down here. And I could
8 have written this much faster. It's just that no one
9 would have been able to read it but me. So, bear
10 with me.

11 So, I'll start with Cliff's -- the
12 condition for the architecture: Prior to building
13 permit application, applicant shall submit working
14 elevation drawings with material callouts to the
15 Board's architectural consultant to confirm
16 consistency with the approved drawings, and quality,
17 and durability of materials.

18 CLIFF BOEHMER: That's fine with me.
19 That's fine. And, actually, we did talk about it
20 prior to submission for the building permit, right?

21 MICHAEL BOUJOULIAN: Yeah. So, I
22 think these will be working drawings --

23 CLIFF BOEHMER: Yeah, I think that is
24 fine.

1 MICHAEL BOUJOULIAN: -- not
2 necessarily the application set. We might do both if
3 they're more advanced.

4 CLIFF BOEHMER: No, that's fine.

5 MICHAEL BOUJOULIAN: Okay.

6 MARC RUDNICK: Could you read it one
7 more time, Mr. Boujoulian?

8 CLIFF BOEHMER: Well, we talked about
9 possibly certifying it to the building inspector.

10 MICHAEL BOUJOULIAN: Well, we wanted
11 to do it prior to application in case there were
12 changes.

13 CLIFF BOEHMER: Well, one thing we
14 were worried about is this building inspector being -
15 - he's probably the one who's going to look at these
16 conditions and try to figure out if you're meeting
17 all of them. So, we thought it might be advantageous
18 to add a line that the peer reviewer would certify to
19 the --

20 JUDI BARRETT: To the Board.

21 CLIFF BOEHMER: Well, to the Board and
22 probably the building.

23 MICHAEL BOUJOULIAN: That's up to the
24 Board. I mean, typically, our architect will have to

1 provide a narrative that confirms that with a stamp
2 on it. So, whoever wants to stamp it, I don't --
3 whoever wants the stamp on it, it's fine with me.

4 GEOFF ENGLER: No, I think what Cliff
5 is saying is he would represent to the building
6 inspector that that condition in the permit has been
7 satisfied.

8 CLIFF BOEHMER: That's right.

9 MICHAEL BOUJOULIAN: Oh, I see. I
10 see.

11 CLIFF BOEHMER: That's what I was
12 saying because the building inspector would probably
13 have trouble trying to reconcile a narrative with the
14 drawings.

15 GEOFF ENGLER: So what was the final
16 clause, Cliff, if you would, at the end, after that?

17 CLIFF BOEHMER: Well, I guess, "After
18 consultation with the Board, the peer review
19 architect would certify to the building inspector
20 that that condition has been met."

21 MARC RUDNICK: Or not.

22 CLIFF BOEHMER: Does that make sense.

23 GEOFF ENGLER: Well, if it hasn't been
24 managed -- yeah.

1 CLIFF BOEHMER: They would read it
2 eventually. I guarantee you they would.

3 MICHAEL BOUJOULIAN: So, at the end,
4 it calls for the Board's architectural consultant to
5 confirm consistency with the approved drawings and
6 quality and durability of materials in order to
7 certify to the building inspector this condition has
8 been satisfied.

9 CLIFF BOEHMER: I would only insert
10 that after reporting to the Board, right, because I
11 think they want to know, and we would want them to
12 make sure they know.

13 MICHAEL BOUJOULIAN: After reporting
14 to the Board. Okay. Okay. And I'm going to give
15 you this, but if I can read it through again?

16 MARC RUDNICK: Once through again, Mr.
17 Boujoulian.

18 MICHAEL BOUJOULIAN: Prior to building
19 permit application, applicant shall submit working
20 elevation drawings with material callouts to the
21 Board's architectural consultant to confirm
22 consistency with the approved drawings and quality
23 and durability of materials in order to certify to
24 the building inspector this condition has been

1 satisfied after reporting to the Board.

2 CLIFF BOEHMER: No, I'm fine. I'm
3 fine with it. Yeah. Okay.

4 MICHAEL BOUJOULIAN: So, we also took
5 a shot at the others.

6 Applicant shall endeavor to coordinate
7 with the shuttle service provider to add a stop at or
8 near the 1265 Main Street shopping center.

9 GEOFF ENGLER: That's a good one.

10 MICHAEL BOUJOULIAN: No, I loved it.
11 I mean it's --

12 MARC RUDNICK: I would say "in or
13 near," "in or near."

14 MICHAEL BOUJOULIAN: I think they
15 can't drive on private property, as we've found out
16 with trying to get them to turn around on our lot.

17 MARC RUDNICK: That's public road. It
18 goes through their property and comes out to Totten
19 Pond Road at the other end.

20 MICHAEL BOUJOULIAN: In, at, or near,
21 how about?

22 MARC RUDNICK: Beautiful. Good
23 compromise.

24 MICHAEL BOUJOULIAN: In, at, or near.

1 I want it right at the front of Market Basket, or
2 maybe Starbuck's.

3 MARC RUDNICK: I want it in the
4 freezer aisle, but I'm not --

5 (Laughter.)

6 MICHAEL BOUJOULIAN: So, the next was
7 applicant shall provide an amenity program similar to
8 the exhibit marked "Representative Examples of
9 Amenities and Common Spaces," dated August 2018,
10 attached to applicant's response to comments from the
11 August 1, 2018 workshop meeting dated August 16,
12 2018. Got enough dates in there for you?

13 JUDI BARRETT: Yes.

14 MICHAEL BOUJOULIAN: So, we, of
15 course, had that material submitted in that letter
16 from August 16th. So, we thought we'd just tie it to
17 that.

18 And then I think the last -- so, we
19 labored over whether we should add a second condition
20 for the three-bedroom spaces or to just -- we already
21 had a condition for the spaces for affordable units,
22 the one-space per unit, affordable unit. So, I think
23 this one was add to the end of Condition Number 18
24 the following language, "and an additional parking

1 space free of charge to each tenant of an affordable
2 three-bedroom unit if required to accommodate a
3 second vehicle."

4 MARK HICKERNELL: Great.

5 MARC RUDNICK: I'm sorry. One more
6 time?

7 MICHAEL BOUJOULIAN: Sure. So this is
8 to be added to the end of Condition 18, the following
9 language.

10 MARC RUDNICK: Which is the one that
11 discusses the free parking space for the affordable
12 units.

13 GEOFF ENGLER: Correct.

14 MARK HICKERNELL: Yeah.

15 GEOFF ENGLER: Do you want to read?

16 MICHAEL BOUJOULIAN: I could just read
17 it through with that, if you prefer.

18 GEOFF ENGLER: Yeah.

19 MARC RUDNICK: Great. Thank you.

20 MICHAEL BOUJOULIAN: The applicant
21 shall make available one parking space free of charge
22 to each of the affordable units, and an additional
23 parking space free of charge to each tenant of an
24 affordable -- it should be just to each affordable

1 three-bedroom. If there's five people in there --

2 MARC RUDNICK: Right.

3 MICHAEL BOUJOULIAN: An additional
4 parking space free of charge to each affordable
5 three-bedroom unit if required to accommodate a
6 second vehicle.

7 MARC RUDNICK: Great.

8 MICHAEL BOUJOULIAN: I'll do that once
9 more. We kind of butchered that.

10 MARC RUDNICK: No, that's all right.

11 MICHAEL BOUJOULIAN: So, I think the
12 draft that's in front of you --

13 GEOFF ENGLER: Are you going to read
14 that one again?

15 MICHAEL BOUJOULIAN: Oh, do you want
16 me to read it?

17 MARC RUDNICK: I don't need it. It
18 makes sense.

19 GEOFF ENGLER: Oh, I'm sorry. I
20 misunderstood.

21 MARC RUDNICK: But back to the Market
22 Basket one. That's a soft condition. You're just
23 saying you're going to try and negotiate that.
24 Aren't you going to try and negotiate the stop coming

Waltham Zoning Board of Appeals/8-23-18/128

1 closer to your building, too?

2 MICHAEL BOUJOULIAN: Sure.

3 MARC RUDNICK: In the same soft way,
4 can't we just put that in?

5 MICHAEL BOUJOULIAN: I'm going to make
6 that the same one.

7 MARC RUDNICK: Those are two asks that
8 you'll be making of the 128 Business Council,
9 relocate the stop closer to your own building that's
10 now something like a thousand feet away, and provide
11 in, at, or on top of market basket.

12 MICHAEL BOUJOULIAN: Okay. Let me try
13 that Number 1 again. So, applicant shall endeavor to
14 coordinate with the shuttle service provider to add a
15 stop in, at, or near the 1265 Main Street shopping
16 center and to relocate the stop at or near the
17 proposed development.

18 MARC RUDNICK: Relocate the stop
19 closer to --

20 GEOFF ENGLER: You have to say "closer
21 to," yeah.

22 MARC RUDNICK: -- the proposed
23 development.

24 MICHAEL BOUJOULIAN: At or closer to -

1 - at or closer to the proposed -- we'll try once
2 more.

3 MARC RUDNICK: Oh, did you have "at"
4 in? I didn't hear the "at" the first time. I'm
5 sorry.

6 MICHAEL BOUJOULIAN: Yes.

7 MARK HICKERNELL: Yes, he did.

8 MICHAEL BOUJOULIAN: At or as close to
9 as I can get it.

10 MARC RUDNICK: That's great. That's
11 awesome.

12 MICHAEL BOUJOULIAN: So, I think that,
13 combined with the draft we put in front of you dated
14 today that did include an extra comment about the
15 fire lane from the transportation consultant -- go
16 ahead. I'm sorry.

17 MARC RUDNICK: Oh, yeah. That was my
18 question to you. The only difference between what
19 you submitted today or the things that got picked up
20 in Geoff's review?

21 MICHAEL BOUJOULIAN: That's right.
22 There was one about trimming trees --

23 MARC RUDNICK: Right.

24 MICHAEL BOUJOULIAN: -- which was

1 already a condition. He elaborated on it. And then
2 to not block the fire access lane.

3 MARC RUDNICK: Okay.

4 JUDI BARRETT: I think there was a
5 little wordsmithing on one of the other conditions,
6 but it was just, you know, substantively the same.
7 Substantively the same.

8 MICHAEL BOUJOULIAN: Condition 17 is
9 upon the police department's request, we shall
10 provide sufficient funds to the City to allow for the
11 installation of "No Parking" signs along both sides
12 of Second Avenue west of Bear Hill Avenue where
13 parking is to be prohibited.

14 MARC RUDNICK: And how did that
15 change?

16 MICHAEL BOUJOULIAN: It was only on
17 one side.

18 A.J. ALEVIZOS: I think it was just
19 that we would install --

20 MARC RUDNICK: Oh, and now you're
21 paying for it.

22 A.J. ALEVIZOS: -- and we took Mr.
23 Dirk's recommendation of the language.

24 MARC RUDNICK: Great. Thank you.

1 MICHAEL BOUJOULIAN: So, combined with
2 that 8/23 draft in front of you, and the conditions
3 we read into the record, which I'm happy to submit --
4 and most of this is actually very legible except for
5 mine -- again, we would ask that -- I think we've
6 addressed the Board's concerns, the concerns of your
7 consultants. We've certainly had a great amount of
8 people reviewing the permit draft and conditions,
9 including yourselves, and at our workshop we
10 incorporated some of that. So, we'd love to find a
11 way to wrap this up with you guys. We think we've
12 got a great project because of you guys and your
13 input with our team.

14 MARC RUDNICK: So, you are not aware
15 of any other input that you're expecting or that you
16 would expect that we would be getting that would
17 encourage you to keep the public meeting open?

18 MICHAEL BOUJOULIAN: No.

19 MARC RUDNICK: Thank you.

20 Okay. Could I hear from Cliff again?

21 MICHAEL BOUJOULIAN: Should I give
22 this to you?

23 BARBARA RANDO, CHAIR: Sure.

24 MICHAEL BOUJOULIAN: Is that

1 appropriate? This is what we read into the --

2 BARBARA RANDO, CHAIR: I can give it
3 to you.

4 MARK HICKERNELL: Let me take a
5 picture.

6 BARBARA RANDO, CHAIR: Yeah.

7 JUDI BARRETT: Isn't it amazing now?

8 MARK HICKERNELL: Yeah, I don't have
9 to copy it over.

10 JUDI BARRETT: It's great.

11 MARC RUDNICK: Cliff, so I think we
12 worked together around getting the open space issues
13 addressed on this parcel, and he talked a little bit
14 about them tonight. I'm looking for your opinion
15 about do you think your concerns about open space
16 were reasonably addressed by numerous amenities that
17 they've added to their open space plan?

18 CLIFF BOEHMER: I do think they have
19 been. I think part of -- I will add one caveat, and
20 I think there's probably space and ability to address
21 it. But I'm still just a little bit underwhelmed by
22 the number of children that they're projecting will
23 be in the building. So, you know, I don't know if
24 there's a Plan B if it turns out that there are 25

1 children or 30 instead of 19. So, having
2 flexibility, the way that that would be addressed
3 architecturally would be to have some flexibility in
4 the plans to be able to address that.

5 I think that, obviously, the increase
6 in open space is dramatic. And I know that the fire
7 lane will end up being programmable space. So that's
8 all good.

9 So, I would say yes. I think that the
10 more I've learned about the target audience, and
11 certainly if they achieve hitting that target, then I
12 think their projections fit the building that we're
13 seeing.

14 MARC RUDNICK: Okay. Thanks.
15 Anything else for Cliff? No. Thank you very much.

16 CLIFF BOEHMER: No? Okay.

17 BARBARA RANDO, CHAIR: So, if there
18 are no more questions, do you feel that you would
19 benefit with an extension of time or do you feel
20 completely certain that you can rest with what you've
21 said tonight, if you're ready to close the public
22 hearing where we cannot get any more information from
23 you?

24 MICHAEL BOUJOU LIAN: Well, I think

1 we've --

2 BARBARA RANDO, CHAIR: As far as these
3 questions that --

4 MICHAEL BOUJOULIAN: We've heard from
5 all the Board's consultants, all the City
6 departments. And I feel like we've had a number of
7 interactions with you, and we've addressed all the
8 concerns that we were able to, which happen to be the
9 vast majority, including some that were very painful
10 on cost, the garage, the extra spaces, the extra
11 affordable units. So, I do. I feel like we've got a
12 project here that, hopefully, addresses the concerns
13 that you and your specialists have raised, and the
14 City departments have raised, and that we can execute
15 on.

16 This permit we can execute on,
17 particularly with the conditions as guided there and
18 the additional conditions we agreed to tonight, we
19 think that is a project we can deliver on. So, yes.

20 BARBARA RANDO, CHAIR: Mr. Sergi, how
21 do you feel?

22 JOHN SERGI: I'm okay. I mean I think
23 that the developer has worked with our requests as we
24 described them. And I appreciate your cooperation

1 and willingness to make the adjustments when
2 appropriate.

3 BARBARA RANDO, CHAIR: Mr. Hickernell?

4 MARK HICKERNELL: I agree with Mr.
5 Sergi that the developers have come a long way in
6 addressing the concerns raised by the Board and by
7 the Board's consultants. I personally have gone
8 through the redlined decision and have a couple dozen
9 mostly minor changes that I would want to go through
10 with the Board. They're not adding a substantive
11 condition or anything like that. So, I don't feel
12 like I need to run them by you to see if they're deal
13 breakers. But that's still something that I want to
14 do as we, you know, discuss how to dispose of the
15 application.

16 BARBARA RANDO, CHAIR: Ms. Gelineau,
17 what are your feelings?

18 GLENNA GELINEAU: I agree with both
19 Mr. Sergi and Mr. Hickernell. I think they did a
20 really good job. They really, I think as Mark or
21 someone said, really listened. And I am okay. But
22 in terms of going forward, I defer to whatever the
23 Board decides in terms of the vote.

24 BARBARA RANDO, CHAIR: And, Mr.

1 Rudnick?

2 MARC RUDNICK: Yeah, I see no value in
3 holding the public hearing open or requesting that.
4 It seems like the developer is satisfied that they've
5 made a good-faith effort. And I certainly agree that
6 they made significant efforts to address the concerns
7 of the Board. And it's pretty much down to the
8 details of a decision at this point. So, unless
9 there's more input from the developer, I'd make a
10 motion to close the public hearing.

11 BARBARA RANDO, CHAIR: All right. I
12 have a motion to close the public hearing.

13 MARC RUDNICK: Unless you guys have
14 something else?

15 MICHAEL BOUJOULIAN: I would just add
16 if it were possible to go through your comments while
17 we're -- I know there is still a structure where we
18 can work on the permit drafts with you. But, you
19 know, our goal is to get approval on the permit. So,
20 if it were something that we could walk through your
21 changes tonight and incorporate those, you know, our
22 goal is to get a vote on the project. And, you know,
23 I think we've touched every department and every
24 consultant and all of your concerns. We'd like to,

1 if it's possible, we'd like to go through that and
2 get a vote on that as well.

3 BARBARA RANDO, CHAIR: When you say
4 you're going to try to incorporate, say the stop to
5 the Market Basket, what if you can't?

6 MICHAEL BOUJOULIAN: Well, we can't be
7 conditioned -- a permit can't be conditioned on
8 someone else's, you know.

9 BARBARA RANDO, CHAIR: Right.

10 MICHAEL BOUJOULIAN: So, I mean we're
11 certainly going to try our butt off. I mean we think
12 it's a great addition --

13 BARBARA RANDO, CHAIR: Well, it would
14 help us if we knew that you were able to pull it off.

15 MICHAEL BOUJOULIAN: Yeah, I don't
16 think I can speak for someone else is the challenge
17 there. We're certainly going to work hard to get
18 that done because we want it it sounds like as much
19 as you. We asked for it before, candidly, you
20 mentioned it. So, we're going to work pretty hard to
21 do it, but I can't be held --

22 BARBARA RANDO, CHAIR: And there were
23 a couple of other questions, too.

24 MICHAEL BOUJOULIAN: -- held up for

1 someone's else's -- 128 Business Council --

2 BARBARA RANDO, CHAIR: Right.

3 MICHAEL BOUJOULIAN: -- I don't know,
4 saying, "We can only do it, you know, next to it,"
5 you know, I don't run the Business Council. So,
6 we're going to try very hard. That's why we said we
7 shall endeavor.

8 JOHN SERGI: I second the motion on
9 the floor.

10 MARC RUDNICK: I didn't really make a
11 motion.

12 JOHN SERGI: Oh, I thought you --

13 MARC RUDNICK: I was giving these guys
14 a chance to --

15 BARBARA RANDO, CHAIR: No, not yet.

16 MARC RUDNICK: So, Mr. Hickernell,
17 what kind of timeframe do you think it would take to
18 discuss all of the items or are you unwilling to pass
19 through those tonight?

20 JUDI BARRETT: I would just like to
21 point out, the Board doesn't -- you know, you have 40
22 days to file your decision with the City Clerk.

23 MARC RUDNICK: Yeah.

24 BARBARA RANDO, CHAIR: Right.

1 JUDI BARRETT: So, you don't have to
2 go through non-substantive changes here tonight.

3 BARBARA RANDO, CHAIR: Right.

4 JUDI BARRETT: I mean I think the
5 issue is what's the spirit of the Board with respect
6 to the project. But, you know, but as for trying to
7 get all the details of the decision done, you don't
8 have to do that tonight. You can if you want to.

9 BARBARA RANDO, CHAIR: We understand
10 that.

11 MARC RUDNICK: Yeah. And I'm not
12 implying --

13 MICHAEL BOUJOULIAN: Yeah, I'm not
14 forcing.

15 JUDI BARRETT: I know you're not.

16 MICHAEL BOUJOULIAN: I feel like we've
17 covered a lot.

18 MARC RUDNICK: I'm not include to
19 either.

20 JUDI BARRETT: I understand, Mike.
21 I'm just trying to give them the ability to also -- I
22 mean if there's an attorney on the Board who's got a
23 lot of picky comments, which is great, they may not
24 require a discussion before the hearing closes.

1 That's what I'm trying to say.

2 MARK HICKERNELL: Right. I --

3 JUDI BARRETT: They're not
4 substantive, right? They're technical?

5 MARK HICKERNELL: I would characterize
6 them as such, yes.

7 JUDI BARRETT: Okay.

8 MICHAEL BOUJOULIAN: We'd probably be
9 inclined to take the counsel's word for it.

10 JUDI BARRETT: In your opinion -- in
11 your opinion, they're non-substantive, they're
12 technical?

13 MARK HICKERNELL: They're not
14 substantive and they don't require any further input
15 from the petitioner --

16 JUDI BARRETT: Right.

17 MARK HICKERNELL: -- or from our
18 consultants, frankly, I think.

19 JUDI BARRETT: Right. Right. You
20 don't need more evidence in order to deal with them.
21 Right.

22 MARK HICKERNELL: No. No, I think it
23 would just be a matter of discussion for the Board.

24 JUDI BARRETT: That's the point about

1 the hearing is do you need more evidence. If you
2 don't need more evidence or testimony, then you can
3 close the hearing.

4 MARC RUDNICK: Well, let's close the
5 hearing.

6 MICHAEL BOUJOULIAN: And I'll just say
7 my only concern is, again, that we know this permit
8 is -- we know this permit works. So, you know,
9 there's a little bit of, you know, once we let that
10 go, if there aren't anything more than some lawyerly
11 changes --

12 JUDI BARRETT: Sure. Yeah.

13 MICHAEL BOUJOULIAN: -- you know, then
14 we would, you know, obviously we could manage that.
15 It sounds like they're de minimis. We could handle
16 those tonight if the Board is so inclined. You know,
17 we'd rather not wait 40 days and have this thing go
18 on.

19 JUDI BARRETT: Sure. I understand.

20 MICHAEL BOUJOULIAN: I'm not trying to
21 force anyone tonight.

22 JUDI BARRETT: And I do understand
23 that. I respect --

24 MICHAEL BOUJOULIAN: It's just a

1 request.

2 JUDI BARRETT: Sure. Sure.

3 MICHAEL BOUJOULIAN: We'd love to have
4 a vote with the hearing closed. And if there's still
5 pieces that are outstanding, certainly that's
6 something we want to hear about tonight.

7 JUDI BARRETT: Sure. Understood.

8 MARC RUDNICK: But, of course, the
9 decision period is also open meeting so you could --
10 you won't have to wait the 40 days. You could just
11 come and hear us discuss it and know what we're --

12 JUDI BARRETT: But you can't take
13 testimony.

14 MARC RUDNICK: No, you can hear us
15 discuss it --

16 JUDI BARRETT: Yeah.

17 MARC RUDNICK: -- so you won't be
18 waiting 40 days for the surprise.

19 MARK HICKERNELL: So, actually, let me
20 just ask before we close the record, did you -- so,
21 between the July 24th and the present, the August 16th
22 versions of the decision proposed by the petitioner,
23 there's several paragraphs added at the beginning
24 setting for the legal standard. Did you review

1 those?

2 JUDI BARRETT: That language may have
3 come from me. I have the 40B findings that I
4 typically put in my decisions.

5 MARK HICKERNELL: Yeah.

6 JUDI BARRETT: So, I haven't had time
7 to review this, any further changes to this, but I
8 did ask that that language be added.

9 MARK HICKERNELL: Okay. And it's the
10 section that begins, "At present, the City of Waltham
11 does not meet the statutory minimum set forth in
12 General Laws, Chapter 40B."

13 JUDI BARRETT: Right. Yeah.

14 MARK HICKERNELL: That's from you?

15 JUDI BARRETT: Those are findings that
16 you make as any Board of Appeals.

17 MARK HICKERNELL: Right. Right. But
18 they weren't in there before and they're in there
19 now. I want to make sure you've seen them.

20 JUDI BARRETT: That probably is
21 because I asked for them.

22 MARK HICKERNELL: Okay.

23 MICHAEL BOUJOULIAN: Yeah, I'll just
24 say those are comments provided by --

1 MARK HICKERNELL: Okay. All right.

2 MICHAEL BOUJOULIAN: There was a
3 series of them. I think there was --

4 JUDI BARRETT: Yeah.

5 MICHAEL BOUJOULIAN: Seven or eight.
6 There might have been more, a couple of pages.

7 MARK HICKERNELL: Yeah, paragraphs one
8 through seven and then -- yeah. Okay. Then I'll be
9 less inclined to monkey with them.

10 (Laughter)

11 JUDI BARRETT: Well, I mean the Board
12 -- the Board should make findings relative to 40B in
13 order to establish its jurisdiction to grant waivers
14 and all of that.

15 MARK HICKERNELL: Absolutely.
16 Absolutely.

17 JUDI BARRETT: Okay.

18 MARK HICKERNELL: I just wasn't sure
19 where they came from.

20 JUDI BARRETT: Okay. Okay. All
21 right.

22 MARC RUDNICK: Are there any other
23 things you're concerned about that might not meet the
24 de minimis test?

1 MARK HICKERNELL: No, and I don't'
2 think my changes to that would be any more than de
3 minimis anyway. There's just, you know, a couple
4 dozen that I'd want to walk through with the rest of
5 the Board before we voted.

6 MARC RUDNICK: Well, in that case, I
7 move that we close the public hearing.

8 MARK HICKERNELL: Oh, sorry. Before
9 we do that, the Chair just pointed out that there are
10 a couple of correspondences to the Board, which we
11 didn't read in previously. And, unfortunately, it
12 might be my job to read them in.

13 BARBARA RANDO, CHAIR: Please do.

14 MARK HICKERNELL: (Email dated
15 8/20/2018 to Pam Doucette sent by Thomas Geary read
16 into the record. See attached.)

17 BARBARA RANDO, CHAIR: Thank you.

18 MARK HICKERNELL: And then dated
19 August 16th, letter to Barbara Rando, Chair, regarding
20 341 Second Avenue, response to comments from the
21 August 1, 2018 workshop meeting.

22 "Dear Chair Rando and members of the
23 Board, below..." So, this one, actually --

24 BARBARA RANDO, CHAIR: Yeah, that's

1 not the Superintendent one.

2 MARK HICKERNELL: This is not, no,
3 sorry. I grabbed the wrong one. Strike that. Where
4 is the Superintendent's letter?

5 MARC RUDNICK: I didn't see that.

6 GLENNA GELINEAU: I didn't see that.
7 Did we get an email? I didn't see it.

8 BARBARA RANDO, CHAIR: You gave him a
9 scribbled one, didn't you?

10 MARK HICKERNELL: I thought I had it -
11 -

12 BARBARA RANDO, CHAIR: Oh, here it is.
13 Is this it?

14 GLENNA GELINEAU: That's an old one
15 though.

16 BARBARA RANDO, CHAIR: Oh, that's the
17 old one. But it's -- it's the same.

18 MARK HICKERNELL: This is July 13th.
19 But the --

20 BARBARA RANDO, CHAIR: There was a
21 later one, too.

22 MICHAEL BOUJOULIAN: Could we -- I
23 don't think I had seen that letter.

24 MARC RUDNICK: I didn't -- you saw the

1 letter from --

2 BARBARA RANDO, CHAIR: July 13th from
3 the Superintendent?

4 MICHAEL BOUJOULIAN: The
5 Superintendent I saw, I think.

6 BARBARA RANDO, CHAIR: That's what I'm
7 asking.

8 MICHAEL BOUJOULIAN: Assuming it's the
9 same one I saw. The one that was just read in, I had
10 never --

11 MARK HICKERNELL: So this was sent --

12 BARBARA RANDO, CHAIR: That just came
13 today.

14 MARC RUDNICK: That just came today.
15 That's why he read it in.

16 MARK HICKERNELL: That just came. It
17 just came this week.

18 MICHAEL BOUJOULIAN: We just haven't
19 been copied on that? Is there a chance we could get
20 a copy of it or --

21 MARK HICKERNELL: You can, although I
22 think you've already responded substantively to that
23 particular individual's allegations. But I certainly
24 don't have a problem providing you with a copy of it.

1 MICHAEL BOUJOULIAN: Great.

2 JUDI BARRETT: Well, I think a bigger
3 question, too, is how are those comments -- how do
4 those comments relate to the Board's jurisdiction
5 under 40B?

6 MARK HICKERNELL: Well, I think the
7 question is -- answers itself kind of, doesn't it?

8 JUDI BARRETT: That's why I'm bringing
9 it up.

10 MARK HICKERNELL: Yeah.

11 BARBARA RANDO, CHAIR: Well, I think
12 it was a letter that was sent in.

13 MARK HICKERNELL: It just goes into
14 the record.

15 JUDI BARRETT: I understand. But I'm
16 now speaking to you.

17 MARK HICKERNELL: Yeah.

18 JUDI BARRETT: You know, as a Board,
19 you're trying to figure out what you do with this
20 kind of information. The question is how does this
21 relate to your jurisdiction under 40B?

22 MARK HICKERNELL: Right. It's my
23 understand that as important as following, you know,
24 best practices in contracting and labor and

1 employment law are, 40B doesn't grant us any
2 jurisdiction to make any conditions on a project with
3 relation to those subjects.

4 JUDI BARRETT: That's right.

5 MARK HICKERNELL: Obviously, if there
6 are any issues with any contractors, whatever
7 remedies are available under state and federal law
8 still exist. But, I don't think -- yeah, and I hear
9 you as our advisor telling us that we can make any
10 conditions on this project based on that.

11 JUDI BARRETT: I don't know what your
12 -- I don't know how you would do that because it
13 doesn't seem to relate to the matters that the
14 statute affords you jurisdiction to control. That's
15 why I'm asking the question.

16 MARC RUDNICK: Yeah. So this is a
17 matter --

18 JUDI BARRETT: It's one thing to get a
19 letter. It's another thing, what do you do with it.

20 MARK HICKERNELL: Yeah.

21 MARC RUDNICK: Well, so far all we've
22 done with it is read it into the record.

23 JUDI BARRETT: Sure. Understood.

24 MARC RUDNICK: Now, if the applicant

1 would like to review and respond to it, we can make
2 some time right now, you can ignore it right now, or
3 you can ask for an extension of the deadline so you
4 can review it and submit information. And I'm sorry
5 that you did not receive it in advance. I'm
6 certainly --

7 BARBARA RANDO, CHAIR: It just came
8 in.

9 MARC RUDNICK: -- willing to make the
10 time right now for you to read it over, and discuss,
11 and give us a comment on it. But, as Judi is saying,
12 there is very little that the Board has to do with
13 this letter other than read it out in the public
14 hearing.

15 JUDI BARRETT: Acknowledge that it's
16 been received.

17 MICHAEL BOUJOULIAN: Certainly, before
18 the hearing were to close, I'd just want to read it
19 again and make sure that there's nothing that would
20 prompt a response from us. It sounds like that's the
21 case. I just would want to --

22 MARK HICKERNELL: Yeah, I mean I think
23 that the individual did -- and, as he says, he's been
24 attending regularly and voicing these concerns.

1 There may be some new allegations in particulars, but
2 maybe not in their substance. But you're welcome to
3 review this letter.

4 MARC RUDNICK: And then where are we
5 at with the Superintendent?

6 MARK HICKERNELL: Yeah, if there was
7 another letter from the Superintendent.

8 MARC RUDNICK: I did not get a copy of
9 the Superintendent's letter. Are you sure you're not
10 just looking at the July one?

11 MARK HICKERNELL: I'm not sure.

12 BARBARA RANDO, CHAIR: He sent us a
13 newer letter, but I can't seem to find it.

14 MICHAEL BOUJOULIAN: This wasn't
15 submitted today. This was submitted on Friday, or
16 the 20th, excuse me.

17 MARK HICKERNELL: It says Monday the
18 20th.

19 BARBARA RANDO, CHAIR: Monday.

20 MICHAEL BOUJOULIAN: Not today, just
21 for the record. I think it was on the record that it
22 was today.

23 BARBARA RANDO, CHAIR: Mm hum.

24 JUDI BARRETT: I would just,

1 generally, just -- for the record, Judi Barrett. I
2 would be concerned about someone writing a letter or
3 an email like that and making allegations about --
4 they have to do with the reputation of the applicant.
5 It's really -- it's just not appropriate. It's not
6 within -- I understand that you have to accept it
7 into the record.

8 MARC RUDNICK: Yeah.

9 JUDI BARRETT: I'm not questioning
10 that.

11 MARC RUDNICK: It's not our place to
12 say whether it's appropriate or not.

13 JUDI BARRETT: But I mean I just think
14 that --

15 MARC RUDNICK: Only our actions will
16 have to be appropriate. But our job is to read it
17 into the record. We're giving a courtesy to the
18 applicant to see if he wants to say anything about
19 it.

20 MICHAEL BOUJOULIAN: Yeah, I don't
21 think I have a response. They're just unfounded
22 allegations. It's crazy.

23 MARC RUDNICK: Okay. And, for the
24 record, that came on August 20th, which was Monday not

1 Friday.

2 MICHAEL BOUJOULIAN: Yeah, the 20th.

3 Sorry. I think I --

4 BARBARA RANDO, CHAIR: I just got it
5 today.

6 MARC RUDNICK: Do you have a desire to
7 make any comment on that?

8 MICHAEL BOUJOULIAN: No.

9 MARC RUDNICK: Okay. Excellent.

10 MICHAEL BOUJOULIAN: I guess I'm
11 inclined to let the hearing close. I feel like,
12 again, we've covered everything. But my concern is
13 that some -- you know, obviously, we won't be able to
14 respond to anything that's new. So, you know,
15 depending on the comments or how long Mr. Hickernell
16 needs for his edits, is there anything else that
17 we're expecting to be included here? And if it were
18 something that Mr. Hickernell were expected to
19 promptly, you know, in the next week or so, and there
20 were a chance we could have the vote on the permit as
21 well as close the hearing at the same time where we
22 would still have an ability to opine if necessary,
23 that would be preferable. But I don't know if that's
24 the case.

1 MARC RUDNICK: I mean are you
2 suggesting that we potentially keep the public
3 hearing open and do the decision in the public
4 hearing process --

5 MICHAEL BOUJOULIAN: Well, yeah.

6 MARC RUDNICK: -- so that you can
7 continue to have a dialogue? Am I understanding
8 that?

9 MICHAEL BOUJOULIAN: If the Board felt
10 that you were close, but for Mr. Hickernell's de
11 minimis comments and other minor things, but if
12 otherwise the permit were meaningfully appropriate,
13 by your opinion, next week, you know, we could have a
14 meeting or something like that. If you were planning
15 on meeting, and it was going to be prompt, you know,
16 that might be something we'd consider.

17 JUDI BARRETT: I guess that's the
18 issue, you know, in fairness to the applicant, is if
19 the matters that you still need to discuss are
20 technical and not something that you need further
21 testimony on or evidence, then I don't see why you
22 can't close the hearing. But if you are expecting or
23 anticipating that some additional substantive matters
24 may need to be discussed at your level that you may

1 want to introduce which have not been part of the
2 drafts as they've been evolving, then I think you
3 should let the applicant know because they may want
4 to provide additional -- I mean you can make a
5 decision, but I mean at least let the applicant know
6 whether you're imagining issuing a permit within 40
7 days that's got stuff in it that is not in the draft
8 you're seeing now. That's I think what I'm trying to
9 say. You don't have to vote tonight, but give the
10 applicant a sense of where you are, whether there are
11 conditions you're going to want to introduce that are
12 not in the draft that I think you're discussing now.

13 MARK HICKERNELL: So, I can say that
14 the changes and edits I have in mind for the proposed
15 decision in the last iteration received from the
16 applicant, again, I consider them non-substantive.
17 There are no new conditions. Definitely changing the
18 wording of some things, but I don't believe that they
19 would put the applicant out. I'm perfectly happy to
20 go through that process, you know, in another meeting
21 next week if the applicant really -- if you want a
22 chance to see, to confirm, and make sure that you
23 agree with me that they're not substantive, they
24 don't change the permit that you're seeking, I'm fine

1 with holding the meeting open. But I'm also fine
2 with closing it because I don't think that's going to
3 happen.

4 JUDI BARRETT: Yeah.

5 BARBARA RANDO, CHAIR: But that
6 doesn't mean you're going to be ready to make a
7 decision next week.

8 MARK HICKERNELL: I'll be ready to
9 vote when all five of us are all ready to vote.

10 BARBARA RANDO, CHAIR: Right.

11 MARK HICKERNELL: But I don't get the
12 sense that all five of us are.

13 BARBARA RANDO, CHAIR: Well, he said
14 if you're ready to make a decision.

15 MICHAEL BOUJOULIAN: Well, that's --
16 and that's exactly what I'm saying. I mean if it's,
17 you know, if -- I'd love to have a read tonight on
18 how the Board feels. Obviously, if there are
19 substantive things that we still haven't addressed --
20 and I think we have, based on all of the notes and
21 documents we've been trading back and forth with your
22 team and with you guys, but it would be nice to know
23 tonight. If there were still major substantive
24 things the Board is considering, then maybe the

1 hearing should stay open. So I would like to hear
2 the Board's take on that.

3 JOHN SERGI: I mean I -- from my
4 opinion, I think I agree with you. I don't think
5 there's anything new around the corner I don't
6 anticipate to introduce to keep this hearing open.
7 So, I'm satisfied that we can close the hearing
8 tonight.

9 JUDI BARRETT: Not that this should
10 sway your decision, but just so you know, I'm leaving
11 on Saturday for a badly needed vacation. So, if you
12 meet next week, I'd have to call in from Gaspe Bay,
13 Quebec.

14 (Laughter)

15 BARBARA RANDO, CHAIR: Nice. Nice.
16 We do have a meeting on the 28th.

17 JOHN SERGI: I'm not available that
18 night.

19 BARBARA RANDO, CHAIR: Tuesday.

20 MARC RUDNICK: Oh, yeah, you're
21 already off the cases for that night.

22 BARBARA RANDO, CHAIR: Well, we could
23 have it --

24 MARK HICKERNELL: Well, when -- I mean

1 we're going to meet one way or the other.

2 BARBARA RANDO, CHAIR: Right.

3 MARK HICKERNELL: When do you get
4 back, John?

5 JOHN SERGI: I'm just not available
6 that night.

7 MARK HICKERNELL: That night. Okay.
8 So, next --

9 MARC RUDNICK: How about Thursday?

10 MARK HICKERNELL: Next Thursday?

11 MARC RUDNICK: The 30th. Just to see
12 when the next available meeting is for us, whether or
13 not we're going to keep the hearing open.

14 JOHN SERGI: Yeah, I'm okay with the
15 30th.

16 BARBARA RANDO, CHAIR: I could make it
17 on the 29th, but not the 30th, Wednesday the 29th.

18 JOHN SERGI: I'm okay with the 29th as
19 well.

20 BARBARA RANDO, CHAIR: Of August?

21 JOHN SERGI: Yeah.

22 MARK HICKERNELL: Could we meet maybe
23 a little bit later? I've got something at 6:00 that
24 night.

Waltham Zoning Board of Appeals/8-23-18/159

1 BARBARA RANDO, CHAIR: Yes, I think we
2 could make it later if everyone is in agreement.

3 MARC RUDNICK: Any chance for Monday?

4 BARBARA RANDO, CHAIR: Huh?

5 MARC RUDNICK: On Monday, the 27th?

6 MARK HICKERNELL: I'll just be getting
7 back into town on Monday. I may not make it.

8 BARBARA RANDO, CHAIR: Okay. Yeah.
9 Monday is okay.

10 MARC RUDNICK: I have another meeting
11 that night, but I can certainly beg off of that for
12 the Wednesday.

13 MICHAEL BOUJOULIAN: Do any of the
14 other members have any -- I mean we heard from Mark.

15 MARC RUDNICK: So, this date works for
16 everybody, Wednesday the 29th?

17 MARK HICKERNELL: Wednesday, the 29th,
18 you know, the later the better for me.

19 MARC RUDNICK: John?

20 JOHN SERGI: I'm sorry, what day?

21 MARC RUDNICK: Wednesday, the 29th?

22 JOHN SERGI: Yes, that works for me.

23 MARC RUDNICK: Okay. So we have a
24 date. Now, whether to keep the hearing open --

Waltham Zoning Board of Appeals/8-23-18/160

1 BARBARA RANDO, CHAIR: What time
2 though? How late do you want it, Mark?

3 MARK HICKERNELL: Eight.

4 BARBARA RANDO, CHAIR: Eight.

5 MARK HICKERNELL: Is that too late?

6 MARC RUDNICK: What?

7 MARK HICKERNELL: Meeting at 8:00?

8 MARC RUDNICK: It works for me. It
9 gives me some time at my other meeting.

10 BARBARA RANDO, CHAIR: Is 8:00 okay?
11 Glenna, eight?

12 GLENNA GELINEAU: Yeah, that's better
13 for me.

14 BARBARA RANDO, CHAIR: John?

15 JOHN SERGI: Yes.

16 BARBARA RANDO, CHAIR: Eight o'clock.

17 MARC RUDNICK: So, I would certainly
18 say not only do I appreciate all the work done since
19 the work session on this project, but I haven't made
20 a word-by-word review, but I have read every
21 submission that came in since then, and there are no
22 outstanding large issues for me that I feel a further
23 discussion with you would elucidate. So, I'm
24 satisfied to close the public hearing. And while I

1 can't say that a discussion among the Board members
2 wouldn't raise issues that might concern me, none of
3 those issues were coming from my own read of what
4 you've submitted.

5 MARK HICKERNELL: Yeah, I would agree
6 with that.

7 BARBARA RANDO, CHAIR: All right.
8 Wednesday, the 29th at 8:00 p.m. if we can get a room
9 here.

10 JUDI BARRETT: So you're continuing
11 the hearing to the 29th?

12 MARK HICKERNELL: No, no. We're going
13 to meet one way or the other.

14 MICHAEL BOUJOULIAN: Don't close it
15 yet.

16 JUDI BARRETT: Do you want me to be
17 able to call in? I could do that. I could be
18 available remotely if it would be of help to you.

19 MARK HICKERNELL: Well, if the meeting
20 stays open, I can send you my redline anyway
21 tomorrow.

22 JUDI BARRETT: Okay.

23 MARK HICKERNELL: And you could get
24 back any comments if you have any, or let us know you

1 have no comments, you know, before you go away to
2 Quebec, or from Quebec if you prefer, but I wouldn't.

3 JUDI BARRETT: Do you think it matters
4 whether the hearing is open or not if I see them, if
5 they're non-substantive?

6 MARK HICKERNELL: I don't think it
7 matters. But if there's any argument as to whether
8 they're substantive, obviously --

9 JUDI BARRETT: I see what you're
10 saying. Okay.

11 MARK HICKERNELL: -- we should keep
12 the hearing open.

13 JUDI BARRETT: Well, that's up to you
14 folks.

15 MARK HICKERNELL: Yeah.

16 JUDI BARRETT: But I'm happy to review
17 them tomorrow. I'm happy to review them on the road.
18 It doesn't matter to me. And I'm happy to call in if
19 you need me to.

20 MARK HICKERNELL: Okay. Well, I think
21 we appreciate that.

22 JUDI BARRETT: I'd just need to know
23 how to call you.

24 MARK HICKERNELL: Yeah.

Waltham Zoning Board of Appeals/8-23-18/163

1 GLENNA GELINEAU: You are a team
2 player.

3 JUDI BARRETT: Well, you know, I owe
4 it to you. So, I just need this vacation really
5 badly, as does my husband.

6 MICHAEL BOUJOULIAN: Could we have two
7 minutes to just confer?

8 MARK HICKERNELL: I make a motion for
9 a two-minute recess.

10 BARBARA RANDO, CHAIR: Two-minute
11 recess. Second?

12 MARC RUDNICK: Second.

13 BARBARA RANDO, CHAIR: All in favor?

14 ALL BOARD MEMBERS: Aye.

15 BARBARA RANDO, CHAIR: Opposed?

16 (No Board members opposed.)

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

19 (Whereupon, a brief recess was taken
20 off the record.)

21 BARBARA RANDO, CHAIR: We're back in
22 session.

23 KATIE THOMASON: For the record, I'm
24 Katie Thomason from K&L Gates representing the

1 applicant.

2 I think what we'd like to do, I'd like
3 to be able to --

4 GLENNA GELINEAU: You should go to the
5 microphone.

6 KATIE THOMASON: Sorry.

7 STENOGRAPHER: Could you spell your
8 last name for the record, please?

9 KATIE THOMASON: Yeah, T-h-o-m-a-s-o-
10 n.

11 I'd like to be able to review the
12 comments prior to closing the public hearing just --
13 they likely are non-sensitive, but I would just like
14 to be able to take a look at them and make sure that
15 we -- if we have any responses to them, we can still
16 have a dialogue with that.

17 I'm happy to also get you a clean copy
18 with all of the changes, including the additional
19 revisions that we put in tonight, so if you have
20 additional wordsmithing, you know, it can all get
21 done at the same time.

22 MARK HICKERNELL: Okay. I think that
23 would be -- that would be helpful. And if we're
24 going to hold the open meeting -- sorry, hold the

1 meeting open for that, then I'll also make sure that
2 any proposed changes I've made while the meeting is
3 open are also put on file at the law department so
4 any other members of the public could review, and if
5 they wanted to comment they could.

6 But, yeah, can you get me that
7 tomorrow do you think?

8 KATIE THOMASON: Yes.

9 MARK HICKERNELL: Okay. Or just send
10 it to Pam, and she'll give it to all of us.

11 KATIE THOMASON: Yeah.

12 JUDI BARRETT: I'd like to see it,
13 too.

14 MARK HICKERNELL: Yes.

15 KATIE THOMASON: Yeah, absolutely.

16 BARBARA RANDO, CHAIR: So, we're
17 leaving it open --

18 MARC RUDNICK: So we're suggesting a
19 180-day extension to Wednesday night, I mean either
20 Wednesday or are we looking for Thursday morning?

21 MICHAEL BOUJOULIAN: Is Wednesday -- I
22 didn't -- did we land on Wednesday?

23 MARC RUDNICK: Wednesday at 8:00 p.m.
24 we're talking about.

1 JUDI BARRETT: Are you all right with
2 that, Mike?

3 MICHAEL BOUJOULIAN: Yeah. And you
4 said you could dial in if necessary?

5 BARBARA RANDO, CHAIR: Wednesday at
6 8:00 a.m., if it's at --

7 MARK HICKERNELL: Eight p.m.

8 BARBARA RANDO, CHAIR: Oh, 8:00 p.m.

9 MICHAEL BOUJOULIAN: So this is
10 Wednesday the 29th, 8:00 p.m. Okay.

11 BARBARA RANDO, CHAIR: We'll have to
12 let you know where because I'm not sure there's a
13 room here.

14 JOHN SERGI: Yeah, just send out a
15 notice, Barbara, so --

16 BARBARA RANDO, CHAIR: Yeah, of
17 course.

18 MICHAEL BOUJOULIAN: Are there notice
19 requirements for that or --

20 JUDI BARRETT: Well, I think what they
21 would say, my opinion is you would say that you will
22 convene here, or, in another location, you would post
23 it on the door or at the city hall so people who are
24 interested could at least know where to go --

Waltham Zoning Board of Appeals/8-23-18/167

1 BARBARA RANDO, CHAIR: Right.

2 JUDI BARRETT: -- to find out now
3 where you are.

4 BARBARA RANDO, CHAIR: Right.

5 MARK HICKERNELL: Yeah.

6 MARC RUDNICK: Well, a public meeting,
7 there's no question it will be posted, but I think we
8 would also call the applicant and tell them if the
9 room got changed.

10 JUDI BARRETT: Yeah, but I was
11 thinking about the general public. You know, that's
12 --

13 MARC RUDNICK: Yeah. So, do you still
14 think the next morning, Geoff, or the next morning,
15 or midnight, or --

16 GEOFF ENGLER: Well, I usually advise
17 because, heaven forbid, it goes past midnight and
18 then the extension is invalid, so we usually make it
19 for the day after.

20 MARC RUDNICK: Okay.

21 JUDI BARRETT: Yeah, that's a big
22 point.

23 GEOFF ENGLER: Yeah.

24 JUDI BARRETT: We have seen a few of

1 those happen.

2 GEOFF ENGLER: I've had that happen.

3 JUDI BARRETT: We have. I know.

4 MARK HICKERNELL: So the meeting will
5 stay open until the 30th?

6 MARC RUDNICK: So, I'd like to move
7 that the -- I'm sorry.

8 MARK HICKERNELL: The meeting will
9 stay open till the 30th?

10 MICHAEL BOUJOULIAN: So, maybe I
11 misunderstood. Is the idea that -- I think all the
12 counselor is asking is to make sure that there's
13 nothing, even though I suspect they are all de
14 minimis any changes, but the idea of keeping it open
15 would be to make sure that there isn't something
16 major that arises.

17 JUDI BARRETT: Right.

18 MICHAEL BOUJOULIAN: So are you going
19 to coordinate directly with Mr. Hickernell or how
20 does that work, or through Pam?

21 MARK HICKERNELL: So, yeah. Yeah,
22 through Pam with the usual distribution to the entire
23 Board, to Judi, to, you know, and it will also be on
24 file.

1 JUDI BARRETT: Madam Chair, I think
2 the issue is whether there will be something
3 additional coming from the Board. I'm sorry.

4 MARK HICKERNELL: That's okay.

5 MICHAEL BOUJOULIAN: So, I just want
6 to make sure that for the time -- it's a short period
7 of time.

8 BARBARA RANDO, CHAIR: Oh, I
9 misunderstood. I thought it was any question.

10 MICHAEL BOUJOULIAN: So you're
11 available? It's only a few days really if it's till
12 next Wednesday. We have Friday, Monday, Tuesday,
13 right? So, do you have -- are you okay to work?

14 KATIE THOMASON: Yeah.

15 MICHAEL BOUJOULIAN: And you've made
16 the comments, so you're --

17 MARK HICKERNELL: Yeah. So what I'll
18 do is I'll receive the latest version with the new
19 language from tonight. They'll get that tomorrow.
20 I'll input my changes and circulate it back to the
21 Board, to the petitioner, to the consultant, as well
22 as putting it back on file in the law department.
23 And then, you know, hopefully everybody will be ready
24 to discuss it on Wednesday.

1 MARC RUDNICK: So that will be all in
2 advance of the public meeting next Wednesday night.

3 MARK HICKERNELL: Yeah.

4 JUDI BARRETT: Could I ask just a
5 procedural question? If you send your markup to the
6 legal department, will that trigger a response from
7 them to review it? I mean I'm just wondering if
8 we're -- should we expect anything further from them
9 at this point? I don't know how that works here.

10 MARK HICKERNELL: Yeah. Yeah. We
11 did, a few meetings ago, make a motion, which passed,
12 to request draft decisions from the legal department
13 and, you know, from any possible outcome. And then
14 the -- then, Geoff, I think you, at that point, said,
15 "Hey, we'll provide the draft affirmative decision."

16 So, the motion's been made. The request has already
17 been made of the law department. I guess if, you
18 know, if the Board votes this proposal down, then the
19 law department has already been requested to give us
20 a decision to that effect. But I'm not sure what
21 else I can tell you about that.

22 JUDI BARRETT: Okay. I just didn't
23 know if they would be providing any comments on the
24 draft at this point.

1 MARK HICKERNELL: I think only if we
2 requested it.

3 MARC RUDNICK: Unfortunately, the
4 Board doesn't know the answer to that, Judi.

5 BARBARA RANDO, CHAIR: Right.

6 JUDI BARRETT: Okay.

7 MARC RUDNICK: We have made a motion
8 in the hearing several meetings ago to request that
9 they review the documents. And after our work
10 meeting, I went up and met with the law department
11 and, again, asked that they, you know, make comments
12 on the draft review that we had in front of us at
13 that point. Their comment to me was they would
14 rather hold their comments until the final draft. I
15 know that seems unusual. We have an unusual law
16 department. Obviously, they're their own bosses.

17 JUDI BARRETT: Right.

18 MARC RUDNICK: I mean the attorney
19 certainly did say to me that her concern was that the
20 Board might be -- that the Board's -- or that their
21 comments might be used against them in the future
22 were there to be litigation around the case, and,
23 therefore, they'd like their comments only to be on
24 the final product.

1 MICHAEL BOUJOULIAN: I just want to
2 reiterate --

3 MARC RUDNICK: I'm a carpenter, not a
4 lawyer, so I don't know how great that is.

5 JUDI BARRETT: The final product as
6 approved by the -- in other words, the Board could
7 approve a decision --

8 MARC RUDNICK: Yeah, whether we adopt
9 their decision or provide our own instead, whichever
10 it is, that's what they want to review.

11 GEOFF ENGLER: Marc, is there a
12 decision that they've provided to this Board?

13 BARBARA RANDO, CHAIR: No.

14 MARC RUDNICK: No, not that I'm aware
15 of.

16 GEOFF ENGLER: Oh, all right.

17 MICHAEL BOUJOULIAN: So, I just want
18 to reiterate, and I think I mentioned this earlier,
19 but I think in good faith we've collectively done a
20 lot of work together to get to this draft permit.
21 And part of the reason why I wanted to discuss with
22 my team about leaving this open for a few more days
23 is because of -- because we know this permit works,
24 or one at least substantially similar to it subject

1 to lawyering. But dramatic changes, you know, could
2 jeopardize the ability of us to perform on the
3 permit. And that, obviously, you know, would be a
4 shame because I think in good faith we've come a long
5 way together. So, that's part of the reason why I
6 want to leave this open is to find out, you know, if
7 there is something substantive that would jeopardize
8 this and we wouldn't be able to perform on the
9 permit, I want to have the ability to tell you that.

10 JUDI BARRETT: Sure. Sure.

11 MARC RUDNICK: Well, I will tell you
12 now that we have no communications from the law
13 department that address any of these questions, and
14 that we are happy to hold the public hearing open for
15 you through next week in order to resolve these
16 issues in a collaborative way. Obviously, we're all
17 risking the possibility of other input that we're not
18 aware of coming because we're going to advertise
19 another public hearing. So, we can't control that
20 and neither can you. But I think you can certainly
21 trust what the Board tells you tonight that we all
22 believe we don't have substantive changes based on
23 reading your documents. That may change by a
24 discussion among us.

1 MICHAEL BOUJOULIAN: I understand.

2 MARC RUDNICK: But there's nothing
3 tonight that we're holding back --

4 MICHAEL BOUJOULIAN: And that's your -
5 - it's certainly within your authority.

6 MARC RUDNICK: -- except for the few
7 de minimis changes that Mr. Hickernell has talked
8 about.

9 MICHAEL BOUJOULIAN: So, ideally for
10 us, you know, again, the permit is, in the form it's
11 in, is subject to non-substantive changes, works for
12 us. And the reason why we want to leave that open is
13 because, hopefully, we can get to a point where the
14 hearing closes coincidentally with your decision on
15 and a vote on the permit. So, that's the idea. I
16 just wanted to put that out there.

17 MARC RUDNICK: I'm glad to support
18 that. It probably would be better for all of us to
19 just keep it open one more time. And, in that case,
20 I am moving now that we roll the 180 days forward to
21 noon on August 30th. That's the day after our
22 intended next meeting, which is 8:00 p.m. in this
23 room unless otherwise advertised and communicated to
24 you, on Tuesday the 29th.

1 MICHAEL BOUJOULIAN: Fine.

2 BARBARA RANDO, CHAIR: Wednesday the
3 29th.

4 JUDI BARRETT: Wednesday. Wednesday
5 the 29th.

6 MARC RUDNICK: Wednesday the 29th at
7 8:00 p.m. is the hearing in this room or other room
8 if we let you know that.

9 MICHAEL BOUJOULIAN: For the record,
10 I'd rather it be midnight that night. I don't think
11 going to the next day -- I've never done that. I'd
12 rather -- I don't think we have four hours to
13 discuss. And, if we do, we'll have a copy of this to
14 extend if necessary to the following day. So I'd ask
15 for it to be on the date of the hearing if that's
16 possible.

17 MARC RUDNICK: The Board is happy to
18 agree to whatever extension you want of the 180 days.
19 And so I will amend my request to be Wednesday at
20 midnight. I guess we could always extend it at 11:59
21 if we need to.

22 MICHAEL BOUJOULIAN: I've done that.

23 MARC RUDNICK: Great. Okay. Does the
24 Board understand the motion?

Waltham Zoning Board of Appeals/8-23-18/176

1 JOHN SERGI: I second it.

2 BARBARA RANDO, CHAIR: We have a
3 motion by Mr. Rudnick, second by Mr. Sergi.

4 How do you vote, Mr. Sergi?

5 JOHN SERGI: Yes.

6 BARBARA RANDO, CHAIR: Mr. Hickernell?

7 MARK HICKERNELL: Yes.

8 BARBARA RANDO, CHAIR: Ms. Gelineau:

9 GLENNA GELINEAU: Yes.

10 BARBARA RANDO, CHAIR: Mr. Rudnick?

11 MARC RUDNICK: Yes.

12 BARBARA RANDO, CHAIR: And the Chair
13 votes yes. So the meeting will be continued to
14 August 29th at 8:00 p.m., and the 40 days will start
15 after midnight on the 29th, correct?

16 MARC RUDNICK: Unless further
17 extended.

18 BARBARA RANDO, CHAIR: I'm sorry.

19 JUDI BARRETT: Midnight on the 29th?

20 MARC RUDNICK: Correct.

21 BARBARA RANDO, CHAIR: All right. Do
22 we want to set up a working meeting?

23 MARK HICKERNELL: Well, we've already
24 got an open meeting. I don't think --

Waltham Zoning Board of Appeals/8-23-18/177

1 BARBARA RANDO, CHAIR: I don't mean --
2 a working meeting, a workshop for us. Or do you want
3 to wait until after next Tuesday's meeting to set up
4 a date?

5 JUDI BARRETT: A workshop for what
6 purposes, Madam Chair?

7 BARBARA RANDO, CHAIR: Just for the
8 Board to discuss.

9 JUDI BARRETT: Oh, oh, okay. All
10 right. A deliberation.

11 MARC RUDNICK: Yeah.

12 JUDI BARRETT: I call that a
13 deliberation meeting. So that's --

14 BARBARA RANDO, CHAIR: Okay.
15 Deliberation.

16 MARC RUDNICK: Yeah, I think we ought
17 to now that we're giving away next Wednesday's
18 meeting to be the public hearing. I think we need to
19 set our next meeting after that one.

20 BARBARA RANDO, CHAIR: Okay. I have
21 open --

22 MARC RUDNICK: Do you guys have cases
23 the next Tuesday?

24 CAROL OLIVERI: Absolutely. Yeah.

Waltham Zoning Board of Appeals/8-23-18/178

1 MARC RUDNICK: Tuesday the 4th you
2 already have an agenda?

3 BARBARA RANDO, CHAIR: I have the 5th
4 in the auditorium.

5 JUDI BARRETT: The 5th of September?

6 BARBARA RANDO, CHAIR: Right.

7 MARC RUDNICK: The 4th is election or
8 something?

9 BARBARA RANDO, CHAIR: I'm sorry?

10 MARC RUDNICK: Why not the 4th?

11 MARK HICKERNELL: The 4th is an
12 election.

13 MARC RUDNICK: Is it Election Day?

14 MARK HICKERNELL: Primary day.

15 MARC RUDNICK: Oh, it's the primary.

16 Okay.

17 BARBARA RANDO, CHAIR: The 4th, yeah,
18 state primary.

19 MARC RUDNICK: Wednesday?

20 BARBARA RANDO, CHAIR: Wednesday I
21 have the auditorium at night, and Thursday I have the
22 auditorium until 7:00. If we wanted to meet from
23 5:00 to 7:00 on Thursday --

24 MARC RUDNICK: Do you want to set up

1 both of those nights and cancel the second one if we
2 don't need it?

3 BARBARA RANDO, CHAIR: Well, we could
4 meet in the afternoon on the 6th in the auditorium,
5 but I don't know if everyone could make it in the
6 afternoon.

7 MARC RUDNICK: There's a few people
8 still working on this Board, so --

9 BARBARA RANDO, CHAIR: So do you want
10 to make it on the 5th and the 6th or do you want to
11 make it on the 12th? We have the auditorium on the
12 12th.

13 JOHN SERGI: No, I can't do the 12th.

14 MARK HICKERNELL: Let's do the 5th and
15 the 6th, and hopefully we're done on the 5th.

16 MARC RUDNICK: Yeah.

17 JOHN SERGI: I can't do the 12th.

18 BARBARA RANDO, CHAIR: The 5th and 6th.

19 MARC RUDNICK: My only concern is that
20 we have two deliberation sessions before the --

21 CAROL OLIVERI: The 5th and when,
22 Barbara?

23 BARBARA RANDO, CHAIR: I'm sorry?

24 CAROL OLIVERI: The 5th and when else?

Waltham Zoning Board of Appeals/8-23-18/180

1 BARBARA RANDO, CHAIR: September 5th
2 and September 6th. The 5th is on a Wednesday, and the
3 6th is on a Thursday.

4 CAROL OLIVERI: Five o'clock? What
5 time?

6 BARBARA RANDO, CHAIR: Five o'clock to
7 seven on Thursday. Is that all right, five to seven,
8 Mr. Sergi?

9 JOHN SERGI: Yeah, just it's --

10 BARBARA RANDO, CHAIR: Mr. Hickernell?

11 JOHN SERGI: Can you send out a
12 confirmation to remind us?

13 MARK HICKERNELL: Sure.

14 BARBARA RANDO, CHAIR: Mr. Rudnick?

15 MARC RUDNICK: Yes.

16 GLENNA GELINEAU: What about
17 Wednesday.

18 MARC RUDNICK: Did you say a time for
19 Wednesday?

20 BARBARA RANDO, CHAIR: Let's just do
21 one at a time.

22 MARC RUDNICK: Oh, okay.

23 BARBARA RANDO, CHAIR: Five to seven.

24 MARC RUDNICK: My calendar goes in the

1 other direction.

2 CAROL OLIVERI: And what about
3 Wednesday? What's the hour for Wednesday?

4 BARBARA RANDO, CHAIR: And on
5 Wednesday, we have the auditorium at night. So it
6 could be at 7:00 if you wanted, or you could be at
7 6:00. It doesn't matter.

8 MARC RUDNICK: Anybody care?

9 JUDI BARRETT: If you do it at 7:00,
10 I'll probably be back.

11 MARC RUDNICK: So, how about 7:00 p.m.
12 on Wednesday and 5:00 p.m. on Thursday?

13 BARBARA RANDO, CHAIR: It will be 7:00
14 in the auditorium upstairs, Judi.

15 JUDI BARRETT: Okay.

16 BARBARA RANDO, CHAIR: And Thursday
17 will be up in the auditorium also at 5:00.

18 MARK HICKERNELL: Do we have an
19 extension form for the petitioner to sign?

20 BARBARA RANDO, CHAIR: I'm sorry?

21 MARK HICKERNELL: Do we have an
22 extension form that we could get the petitioner to
23 sign?

24 BARBARA RANDO, CHAIR: John, could you

1 get the extension?

2 GEOFF ENGLER: Madam Chair, could I
3 ask one question. We're not sure -- we're not
4 understanding what the 6th -- the meetings on the 5th
5 and the 6th are.

6 JUDI BARRETT: Deliberation sessions.

7 MARC RUDNICK: We have 40 days to
8 deliberate about this project. And we're using two
9 of them.

10 JUDI BARRETT: They're just scheduling
11 deliberation meetings now.

12 GEOFF ENGLER: I understand. But
13 we're going to have a final decision more or less as
14 of Wednesday of next week --

15 MARC RUDNICK: Where did you get that?

16 MICHAEL BOUJOULIAN: Well, that's the
17 reason why we were hoping to leave it open.

18 GEOFF ENGLER: That's why we're
19 leaving it open.

20 MICHAEL BOUJOULIAN: So we could get
21 these final de minimis comments until we try and have
22 --

23 MARC RUDNICK: Well, I misunderstood
24 this completely then.

1 MICHAEL BOUJOULIAN: That's why I had
2 mentioned we were hoping to have a coincident --

3 MARC RUDNICK: I understand you're
4 hoping for those things, but the Board gets to
5 deliberate for 40 days whether you hope or not. So,
6 I thought we were holding the public meeting open so
7 that we could get past Mr. Hickernell's items.

8 MICHAEL BOUJOULIAN: Finalize minor
9 comments that are remaining.

10 MARC RUDNICK: That didn't mean the
11 Board was voting yes or no.

12 GEOFF ENGLER: No, I understand. We
13 certainly respect that. And you absolutely
14 statutorily have 40 days. But I guess we're just
15 confused as to hours of deliberation over a permit
16 that essentially next Wednesday is going to be in
17 final form, not finalized, but --

18 MARC RUDNICK: Well, you're welcome to
19 come and watch us on those two nights. And maybe
20 we'll get done in the first night. But a lot of this
21 is based on the fact that I have a schedule that will
22 not allow me to be here during the 40 days. So, I
23 need whatever has to happen that's going to take my
24 input to the Board really needs to happen in the

1 first week or two of the deliberation time of the
2 decision time. That's why we're scheduling meeting
3 two nights in a row. I'd love it if ten minutes into
4 the first meeting we've decided. But, you know, give
5 us a break. We gave you --

6 MICHAEL BOUJOULIAN: No, we're just
7 trying to make sure we're speaking the same language.

8 GEOFF ENGLER: Yeah, I think you're --

9 MARC RUDNICK: Okay.

10 GEOFF ENGLER: I apologize. I think
11 you --

12 MARC RUDNICK: Maybe I misunderstood
13 you, Geoff.

14 GEOFF ENGLER: Yes.

15 BARBARA RANDO, CHAIR: All right. Mr.
16 Sergi, will you get two of the extension --

17 JOHN SERGI: She said she has them.

18 MARK HICKERNELL: Counsel has them?

19 JOHN SERGI: Counsel has them, Madam
20 Chair.

21 Barbara, for my benefit, could you get
22 Pam to send a confirmation of those two meeting
23 nights.

24 BARBARA RANDO, CHAIR: To who? To

1 you?

2 JOHN SERGI: Yeah.

3 BARBARA RANDO, CHAIR: Confirmation.

4 JOHN SERGI: Yeah, confirmations.

5 BARBARA RANDO, CHAIR: Okay. He wants
6 a confirmation from Pam to remind the people of the
7 dates and the time for the deliberation.

8 CAROL OLIVERI: Okay. Okay.

9 BARBARA RANDO, CHAIR: The 5th and 6th.
10 And on the 5th it's at 7:00, and on the 6th it's at
11 5:00. Excuse me.

12 CAROL OLIVERI: Okay. You wanted --

13 BARBARA RANDO, CHAIR: And on the 5th
14 it's in the auditorium. Both of them are in the
15 auditorium, the 5th and 6th. But the 5th is at 7:00
16 and the 6th is at 5:00. And the Board should be
17 reminded.

18 Shouldn't it be two? If we're making
19 a decision, final decision, 40 days?

20 MARK HICKERNELL: No, no, just for
21 extending the public hearing is what we're doing.

22 BARBARA RANDO, CHAIR: Okay.

23 MARK HICKERNELL: The 40 days operates
24 at the end of that no matter what.

1 MARC RUDNICK: We are here
2 collectively. They are watching us. And there will
3 be no more opportunity for input. But they're
4 welcome here.

5 GEOFF ENGLER: That's not true.

6 MARC RUDNICK: Yeah, if we want it.
7 Explain that to me, Geoff.

8 MICHAEL BOUJOULIAN: We're not allowed
9 to put any testimony in.

10 GEOFF ENGLER: Yes, we're not allowed
11 to provide any new testimony. But if there's a
12 question or the Board wants clarification, we don't
13 have to sit here in silence. Granted, it's a
14 different meeting from the hearing, but not exactly
15 as you represented.

16 MARC RUDNICK: I appreciate your --

17 JUDI BARRETT: As long as it's a non-
18 rebuttable matter. That's kind of my standard. If
19 it's a non-rebuttable matter, then I think you could
20 ask for clarification.

21 MARC RUDNICK: So, is that clear?
22 They'll be here. We can talk to them. No new
23 evidence to be submitted by anybody, including them.

24 BARBARA RANDO, CHAIR: All right. I

Waltham Zoning Board of Appeals/8-23-18/187

1 believe one more motion is in order.
2 JOHN SERGI: Motion to adjourn, Madam
3 Chair.
4 BARBARA RANDO, CHAIR: Motion to
5 adjourn by Mr. Sergi. Do I have a second?
6 MARK HICKERNELL: Second.
7 BARBARA RANDO, CHAIR: Second by Mr.
8 Hickernell.
9 All in favor?
10 ALL BOARD MEMBERS: Aye.
11 BARBARA RANDO, CHAIR: Opposed?
12 (No Board members opposed.)
13 BARBARA RANDO, CHAIR: The ayes have
14 it. We are adjourned at 10:15. Thank you very much.
15 Whereupon, the hearing was adjourned
16 at 10:15 p.m.)
17 //
18 //
19 //
20 //
21 //
22 //
23 //
24 //

Waltham Zoning Board of Appeals/8-23-18/188

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

Arlington Reporting Corporation
(339) 674-9100