

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

October 3, 2017

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, October 3, 2017, in the Public Meeting Room of the Arthur Clark Government Center, 119 School Street, Waltham, MA.

In attendance were Chair Barbara Rando, and members Glenna Gelineau, Sarah Hankins, Mark Hickernell and John Sergi.

Mrs. Rando: Tonight we have a new case and one continued case before us. Case 2017-21, Deepak Mohapatra, 12-16 Rumford Ave., and Case 2017-28 premier Storage, 151-171 Bear Hill Road.

The first action this evening is for a motion to accept the minutes of the Executive Session and the Regular ZBA session held on 9/26/17.

On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to approve the minutes of September 26, 2017.

Would the clerk please read the petition in Case 2017-21?

The clerk then read the petition of Deepak Mohapatra in an application for variances - Setbacks, height and stories and to amend existing decision. The locus consists of a parcel of land known as 12-16 Rumford Avenue. A multifamily dwelling, three units, is situated on the locus. The Petitioner is proposing to reconstruct, use and maintain three

new residential units on the locus. The existing structure was significantly damaged by a fire. Location and Zoning District: 12-16 Rumford Avenue, Residence A-4 Zoning District.

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

Joseph M. Connors, Jr., 404 Main Street, MA, forward and introduced the Petitioner Mr. Deepak Mohapatra. He then submitted a copy of his supplemental brief to the board. He also posted renderings on the board and submitted photos of the homes in the area and the proposed house to be built. He also went over the site plan with the board.

Mr. Connors then read his supplemental brief into the record.

Mrs. Rando: Are there any questions?

Mr. Sergi: On the front of the house, I noticed the other windows on the other houses, they have a few more windows. Is there any way you can do something with the windows? It doesn't look like the front of a house.

Deepak Mohapatra, the owner of the proposed house came forward.

Mr. Mohapatra, I'm the owner of this house: The architect did talk about putting some shutters and making it more presentable to the house and giving that depth and texture. So, therefore, you will note also on the siding we tried to put flat board on top and shingles on the bottom to give that texture and depth to the design of the house.

Mr. Sergi: Okay.

Mr. Mohapatra: And also in the front we are going to take the concrete stairs away and we are going to have a garden there. We are going to improve the impervious surface there also.

Mr. Sergi: Thank you. So you can include that in your- - -

Mr. Connors: We can add a condition that the front of the house shall be - - -

Mr. Sergi: I mean, more compatible with the surrounding houses, like shutters and add some different things like a garden in the front would be good. Kind of fit it into the neighborhood a little bit.

Mr. Connors: Okay.

(Mr. Connors went over the plan with the board.)

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

Mr. Hickernell: No questions. I appreciate the efforts of the petitioner to address the concerns expressed by the board. I think this is a much better proposal.

Mrs. Rando: Ms. Gelineau?

Ms. Gelineau: No questions.

Mrs. Rando: Ms. Hankins?

Ms. Hankins: No questions.

Mrs. Rando: When you say three units, the first unit is going to be in the basement?

Mr. Connors: No. The first unit is going to be on the first floor and the basement. There's two sets of stairwells. One would be for the occupants of units two and three. But then the owner of unit one will have a separate set of stairwells on the other side of the building. So the owner of unit one will be able to come into this unit and then go down to his exclusive set of stairs to the basement to access the playroom and a bathroom.

(Mr. Connors went over the access for unit one on the plan with the board.)

Mrs. Rando: And in the other house that burned down where the fire was, there was a bedroom in the basement. They found a mattress down there or a bed down there.

Mr. Connors: I looked at the building plans I don't think there was anything there there. I don't think there was a bedroom in the basement so there may have been and we don't really know.

Mrs. Rando: I think that was one of the units, the basement and then the first floor.

Mr. Connors: It might have been an illegal unit. There wasn't supposed to be a unit in the basement. I don't know what the prior owner did. My client bought it after the fire.

Mrs. Rando: What was the height of the old house?

Mr. Connors: I believe it was twenty-seven feet from the mean average grade so the land it sat on is about twenty-seven feet.

Mrs. Rando: Isn't thirty-five the height?

Mr. Connors: So it was low. If you look at the style, I think it was probably around thirty-seven feet.

(Mr. Connors went before the board to go over the plan.)

Mrs. Rando: Do you have new plans for us tonight?

Mr. Connors: I e-mailed them to Pam and they should be in the packet.

Mr. Sergi: We have them.

Mr. Hickernell: Do you have a Revised Proposed Findings and Decision as well?

Mr. Connors: Yes, I do.

(Mr. Connors submitted copies of the Proposed Findings of Fact and Proposed Decision to the board.)

Mrs. Rando: Will that still be considered 2.5 stories?

Mr. Connors: No. Three because the building inspector today interprets any type of dormer as a story.

Mrs. Rando: May I ask what the reason is for the dormers? Why you couldn't just scale down the house and make the whole house smaller? Isn't that a financial gain?

Mr. Connors: It's not necessarily a financial gain but to make it worth his while. I mean the three units that were there before, the units were so small on the second floor, they were only three room units. So, there's not necessarily a demand for that. Also I think also they had some building code compliance issues as well. So to make it financially viable

for him, and make it practical, he needed to build the three units which was already permitted. So you simply can't build kind of a three room unit and compete with other landlords in the city.

Mrs. Rando: So it is financial gain.

Mr. Connors: To some degree, yes, but I mean that's permissible under the zoning ordinance.

Mrs. Rando: But you're asking for variances just for personal gain.

Mr. Connors: Not for personal gain. We are asking for variances so this project, so it's a practical hardship to build the two and a half story building because if you add a dormer it's now being the third story. So to make a dormer so he can replicate three units like they had before, he needs to go to three stories. He just can't build the two and a half stories even though three units are permitted there. So he paid the value of the three unit building.

Mrs. Rando: Any questions? Hearing none, is there anyone in the audience that is in favor of this petition?

The petitioner raised his hand in favor.

Mrs. Rando: Would you like to state why you are in favor?

Mr. Mohapatra: It comes down to the current building codes and the fire codes and environmental codes and those things. Even if you build a small building the cost of construction has gone up significantly since 1977. So that in itself adds to the, there has to

be a fair value rent collected to make this project worthwhile. So I think that's the big thing I can see in my head.

Mrs. Rando: Is there anyone in opposition? Seeing none, is there anyone seeking information?

Kevin Buckley, owner of the house next door on Rumford Ave: I think if the front of the house was made to look like a front of the house, I think that's a really good thing. It really just looks plain and all the other homes have an entrance there. It would be nice if it was smaller, but I'd like to get something built relatively soon. It's been about a year and a half now. So I just think we have to find a solution that works for everyone.

The house is really close. My house is I think three feet from the lot line and so if they don't get any closer to my house, then I'm happy with that. Being tall is going to take some light away but I would just like it to fit in with the neighborhood and be done with it.

Mrs. Rando: Anyone else? Seeing none, you may continue with your proposed findings of fact.

On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to waive the reading of the Proposed Findings of Fact since the board has had a chance to read them.

Mrs. Rando: And the decision, did you hand us another decision?

Mr. Connors: I did. So that was amended to reflect the fact that again I'm not requesting a front, side and rear yard variance and that the plans have changed.

Mr. Hickernell: So you said you were amenable to a further condition that the front of the house shall include such - - -

Mr. Sergi: Yes, such items that would make it more in conformity to the neighborhood like shutters and what are those, like they have like little overhangs over the windows? I think that would be a nice touch that would give some dimension. What are those? Im not a contractor, I don't know what they are called.

Mr. Mohapatra: Window trims?

Mr. Sergi: Yes. Window trims that are above the windows and also include a landscaped garden in the front. I think you want to make it more homey type of - - -

Mr. Mohapatra: That is our intention.

Mrs. Rando: All right, if there are no questions, I'm ready to waive the reading of the Proposed Decision.

On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to waive the reading of the decision.

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

On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to adopt the Proposed Findings of Fact.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes; Mrs. Rando, no.

The vote was 4-1 in favor.

Mrs. Rando: And on the decision as amended?

Mr. Sergi: Could I just hear the condition phrased?

Recording Secretary: I have that the front of the house include such items that would make it more in conformity, i.e., shutters and window trims above the window and also landscaped garden in the front.

Mr. Sergi: Perfect.

Mr. Connors: Want to break it out into two conditions?

Mr. Hickernell read: The house shall have such shutters and window trim as to bring it into conformity with the character of the neighborhood and the Petitioner shall maintain a landscaped garden in the front yard.

Mrs. Rando: All right, I'm ready for a motion on the Decision as amended.

On motion of Mr. Sergi, seconded by Ms. Gelineau, that the Decision as amended become the Board's decision.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, no and Mrs. Rando, no.

The vote was 3-2.

Mrs. Rando: It is not granted.

Mr. Connors: May I have a minute to talk to my client. I was a bit surprised by that.

On motion of Mr. Hickernell, seconded by Mr. Sergi, the board voted to take a five minute recess.

The board reconvened at 7:30 P.M.

Mr. Connors: I just went back to my proposal, so I was looking three forms of relief, two variances and one was an amendment. My concern is that I needed to amend the prior case of 1977 so I could build something. Now I think if we build on the old foundation, that I don't necessarily need to amend it but I'm not exactly sure because I don't want the building inspector to tell me, well because you haven't amended it with a new plan that you can't build anything.

Mrs. Rando: Why would he say that?

Mr. Connors: I don't know. Because they always say that if you have a pre-existing case, you need to go back to the Zoning Board of Appeals if you are going to change anything. So we are going to knock down what was there and we are going to use the pre-existing foundation. That's what we are going to do.

Mrs. Rando: But you're not going to do it until you get a permit to build.

Mr. Connors: True, but I mean, my concern is if he says, well, unless you build it exactly was there before you can't build it anything even though it may be two and half stories and thirty-five feet high. That's my concern and I was just going to ask for a short continuance so I can at least have a discussion with the building inspector saying, I can't build this but what can I build based on what was approved in 1977 because we are not

going to build what was approved in 1977 because it doesn't meet the state building code as it's written today. So not to say that the board can't do anything about that but I'd at least like to keep it in front of the board. I know they voted and rendered a decision but I'd like to just keep it until I have a discussion with the building inspector. So if he says I can't build anything unless it's two and a half stories and thirty-five feet, then I don't know. Maybe we can revisit that. So at least he can build something. Because as the neighbor says, he doesn't want an eyesore sitting there for another two years. Now he's got a burnt out building that's been there for a year and a half and it's going to be there for more time.

So I'd ask for a short continuance so I can speak with the building inspector as to how I address amending the case and how I build something there.

Mrs. Rando: This has never happened before in all the time that I've been on it.

Are you aware, Carol, after we've have taken a vote that they can continue?

Carol Oliveri: They did on one other case but I can't remember what it was.

Mr. Hickernell: Im aware that they have until November 21st to file the decision in this case. I don't see why we couldn't continue the public hearing in this matter at least until we have to file the decision but I don't believe Ive ever done that before.

Mrs. Rando: And they already have a decision.

Mr. Hickernell: Well, we have taken a vote there just has to be something written up and there's no reason why it has to be written up tonight.

So I make a motion that we grant a continuance to continue the public hearing on this case.

Mr. Sergi seconded the motion.

Ms. Hankins: I don't really understand what for if whatever he is deciding to now do is kind of between him the building inspector. I don't understand why.

Mrs. Rando: That's the way I look at it.

Ms. Hankins

Mr. Connors: Well, part of my application is to amend the existing case.

Mrs. Rando: I don't know if we have the right to do that.

Mr. Connors: Well I think you can continue that. I mean your vote is your vote.

Mr. Sergi: I think Barbara, whatever he does on this case, because its had variances in the past, I think he just wants to make sure that he conforms with those variances in the past with the building inspector to do what they do in the future. So I don't see any problem giving him a continuance to do that. It's not going to harm him.

Mrs. Rando: As far as I know, once we vote no on something, they have to go to the planning board with completely different plans showing that they've changed it substantially before we can change our vote. Now we voted. Are we saying that we didn't vote?

Mr. Hickernell: There's a motion before the board that's been seconded. I request that we take a vote roll call vote.

Mrs. Rando: All right we will take a roll call vote.

Motion to grant a continuance by Mr. Hickernell. Do I have a second?

Mr. Sergi: I seconded it.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, no; Mrs. Rando, no.

The vote was 3 to 2 and the motion passed.

Mr. Hickernell: The motion is granted. The continuance requires three votes.

Mrs. Rando: That's true. We have to set up a date. The date of November 14th was set to continue the hearing on the matter.

Mr. Connors: And if the building inspector, I may simply tell the board we resolved it, no need to appear and we're moving on.

Mrs. Rando: Would the clerk please read the petition in Case No. 2017-28 Premier Storage Investors, LLC., 151-171 Bear Hill Road?

The clerk then read the Petition of Premier Storage Investors, LLC. Owner: PSI Atlantic Waltham, MA. LLC in an application for dimensional variances. The locus of this petition is a large parcel of land located on the easterly side of Bear Hill Road. The locus consists of 85,229 +/- square feet of land with an existing one story commercial structure and 144 surface parking spaces located thereon. The petitioner proposes to raze the existing commercial structure and surface parking and construct, use and maintain a new

111,921 +/- square foot, three story self-storage building with 14 surface parking spaces.
Location and Zoning District: 151-171 Bear Hill Road is located in a Commercial Zoning.

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

Michael Connors, Esquire, Connors and Connors, 6 Lexington Street, MA, forward.

Mr. Connors: I am here tonight on behalf of our client, Premier Storage Investors LLC requesting two variances for a proposed storage facility. The two variances are for a reduction in the number of parking spaces required and the reduction in the number of loading areas that is required by the zoning ordinance.

Mr. Connors summarized his brief into the record.

Mr. Connors: So, Madam Chair and members of the board as you are aware, I have provided the brief two weeks ago by emailing it to the board and delivering it to the board members houses. This locus suffers from unique circumstances due to the set of soil conditions as well as the unique shape which present hardships from those conditions and the other requirements that this board needs to grant variances are listed in the brief. I can go through those specifically but given this board's very familiar with the type of relief, I don't know if the board has any questions at this time.

Mr. Sergi: I'm okay.

Mrs. Rando: Mr. Hickernell?

Mr. Hickernell: No questions.

Mrs. Rando: Ms. Gelineau?

Ms. Gelineau: No questions.

Mrs. Rando: Ms. Hankins?

Ms. Hankins: No questions.

Mrs. Rando: May I ask how many units?

Mr. Connors: The number of units and I mentioned that as far as parking and I had rough numbers here. We presented to the City Council and it's on this plan as well. It's capped as high as 775. But for instance, 945 Moody Street this board specifically limited it to 1015. So we are much smaller even though that that building is only 2000 square feet bigger as far as number of units.

Mrs. Rando: What about Linden Street?

Mr. Connors: Linden Street is roughly 933 storage units so once again at 775 we have significantly fewer.

One of the reasons for that is because there's open area in the front where they can pull in, that wasn't at some of the other locations. So you'll actually be able to pull into these doors. (Mr. Connors referred to the plan.) As you can see this U-Haul is in the building so they lose a floor of storage units potentially that could be there because this is how they build them and this is how they are across the country and this is how the site lines up to it, so it is a little different than some of the ones that are around. Those other ones, as I mentioned, if you look at a map in the city they are spread out pretty much

around so as far as ones that are granted by special permit from the City Council, this would be the best design.

Mrs. Rando: Attorney Connors, can you picture in your mind people at home hearing that you are going to offer fourteen surface parking spaces when you should have 115. You are offering one loading area, 25 by 70. Now your supposed to have five and you're going to give one?

Mr. Sergi: I think, Madam Chair, he said two.

Mrs. Rando: Two of the small ones, 12 by 70.

Mr. Connors: Yes and those people watching at home obviously live in Waltham in the general area and as I have mentioned to this board before, our office is on Lexington Street and we drive by 260 Lexington Street, I rarely see any cars there, very few. The same can be said for 945 Moody Street so we have been providing at a higher rate for that. And also as far as the loading goes, we are also providing that at a higher rate than some of the other ones.

The Zoning Ordinance doesn't necessarily consider this type of use. They obviously went around to the ones basically that I mentioned. There were other buildings that have had a different purpose before that kind of morphed into these, but this is the day and age where people move back in the house after leaving or you put your house on the market, people put their everything in storage for a couple of months. The turnover like that all the time which is what people did without before but now everyone has so much stuff.

Mrs. Rando: You realize that we look at each case individually.

Mr. Connors: I do. Yes.

Mrs. Rando: And this isn't Linden Street. This is Bear Hill Road and if there are fifteen people that want to use your facility that day, where does that fifteenth car park on that curve on Bear Hill Road?

Mr. Connors: Well I think as a board typically the concern for overflow of parking would be is if it crept into a residential area. And here, there's not a residential abutter within three hundred feet.

Mrs. Rando: No, I am talking about someone who wants to use your facility.

Mr. Connors: Like I said, we provided parking greater than the industry standards. As to those numbers I had Mr. J. Tillman here from Premier Storage Investors and this is the standard that they have matched.

Mrs. Rando: Why do you have so few parking?

Mr. Connors: This is just how they design the buildings.

Mrs. Rando: Correct, so again it's for your own self gain. Variances are to be used sparingly. And the traffic in that area and you are building it bigger when you can build it smaller and have more parking. I can't see it.

Mr. Connors: As I mentioned, in Exhibit C, it shows that actually there will be a reduction in parking and traffic to the area during the peak hour by sixty-eight percent. It's a unique user to have up there. And I think it fits this road and the problems with traffic that it has and it will bring in so many tax dollars and a nice new looking clean building and yet not bring the traffic with it. The restaurant that was there obviously was

failing and there were a bunch of restaurants being built directly across 128 at the old Polaroid site.

Mrs. Rando: you don't have a hardship of why you have to go that big? What is your hardship?

Mr. Connors: Well we do have a hardship that apply not only to us but anyone who wanted to use the locus and that's why I was asking about the brief, the sub soil conditions.

Mrs. Rando: That's one of them. But what about a hardship that it has to be that size and they have to have that few parking?

Mr. Connors: It's not that it has to be this size, and the law reads financial or otherwise. In here financially it would cost a lot of money to dig into the property if we had to build subterranean parking but otherwise the state would say we can't do it because its contaminated land and by moving that land we'd be prevented. So it's not simply throw more dollars at it and you will be able to put it here at the site and that would apply to any user. So it had been capped as almost all asphalt. This is a use that works there knowing that you can't dig into the site. That also prevents other types of structures. Here we are in a commercial zone and technically you can build up to eight stories in height. This isn't maximizing that aspect of it and the City Council can grant up to 2.0 FAR and we requested 1.21.

Mrs. Rando: That's my feelings. Does anyone have anything to say?

Mr. Sergi: I just have a curious question. We've seen a lot of these types of structures being proposed and I'm just curious in the demand there is in the city. Is this going be seen that there's been others being built just recently or others in the process of being built because what I hate to see is that this being built and then a year then or two

down the road say, oh, we have to close and again we have to petition for a reuse. I'm just curious.

Mr. Connors: I think that I made mention of the petitioners. Like I said this is all they do. The numbers of Premier Storage Investors LLC have done over 3.5 billion in deals across America. They came and they purchased this property outright. So sometimes, for instance, we'd have at 96 Linden but nothing against them but typically as you know or as anyone on this board would know the deal is subject to permits. So they came in and bought it outright. As I mentioned, if you took an overview, of Waltham this is kind of spaced out from other areas where those ones that I mentioned that have been granted by special permit. So they do have the landscaping. They do have the proper layout and they do have some parking.

Mr. Sergi: So you're saying that they had the confidence in buying the property.

Mr. Connors: As far as the demand.

Mr. Sergi: So they have done their own studies showing the demand is there. Maybe there is a different clientele they are appealing to vs. the storage on Linden Street.

Mr. Connors: Location wise?

Would the board like to hear from Mr. Jay Tillman from Premier Storage Investors as to that?

Mr. Jay Tillman, Premier Storage Investors, 44 Tin Barfield Road, Memphis, Tenn, 38177: We did do market studies on this. Waltham is a vibrant community and there's a lot of demand. The storage facilities here have always been in excess of ninety percent.

Anything ninety percent is considered a hundred percent leased in our business because of the turnover that happens. So we feel very confident in that the demand is there.

The other thing I wanted to talk about and lead on to is the attorney is talking about how classifications are for storage and he's reading the ordinance requirements for parking as it relates to warehouse uses. The self-storage is lumped as warehouse space but it probably it needs its own category, frankly. We operate a lot of self storage facilities all over the country. We build them with as few as four parking spaces. So what you actually have here is fourteen parking spaces plus you have six loading bays so it's actually larger once you realize the place that sees more activity is the loading. But we did extensive traffic studies as well and you know he uses information based on industry accepted standards that shows that we don't generate a lot of traffic to the site and we can easily live with the parking that we have provided. But from somebody that operates actual traffic counts we don't get that much traffic. Most people put their stuff in storage and don't even check on it for months at a time.

Mrs. Rando: Any questions? (There were none.)

Mr. Connors: Mr. Rob Nagi is here from VHB if there's questions about Exhibit C. It's a memo to the Traffic Engineer or otherwise we also have the Civil Engineer from VHB.

Mrs. Rando: Does anyone have any questions?

Mr. Sergi: I like your rendering here showing the sidewalks. Are you going to make the sidewalks it's going to be at least pedestrian friendly and the landscape is going to look like that?

Mr. Connors: Because it's part of the city council, it's an ongoing condition of the city council special permit. The sidewalks were something that were discussed and we agreed to during the traffic commission meeting. There's also a traffic fee just paid for when you ask for a special permit calculated on the FAR not on the use so they will be making that as well as referencing the other things that are attached to the special permit review which include the landscaping, significant improvement, the drainage. We can't get down in certain areas of the site. Other areas we have to have basins to catch the water but this is by far a better condition than existing conditions which is almost 75/80% asphalt with just the water running off site.

Mrs. Rando: Attorney Connors, how many people will be working there?

Mr. Tillman: Two.

Mrs. Rando: So people will be responsible to take their own whatever out.

Mr. Tillman: Correct.

Mrs. Rando: And, who puts things in the bins?

Mr. Tillman: In the trash facility?

Mrs. Rando: The loading area. They have to put things in the loading area themselves?

Mr. Tillman: Yes, mam.

Mrs. Rando: So you have only one or two employees. And no one in any offices?

Mr. Tillman: There will be only two employees and most of the time there will just be one.

Mrs. Rando: So you'll have only twelve parking spaces.

Mr. Tillman: This is a climate controlled self storage where people will be moving stuff onto the pallets that we provide and carrying it into the storage rooms and it's climate controlled. It's very secure with state of the art cameras.

Mrs. Rando: And people can get in there, what hours?

Mr. Tillman: The office will be open from 10 to 6. The ability to get into that code will at six in the morning to ten at night.

Mr. Connors: For the people at home, or anyone else, just as far as access, the front door. The petitioners also agreed to a provision that was asked for by Councillor George Darcy just that the front door also be handicapped accessible with a push button at the height of someone in wheelchairs.

Mrs. Rando: The egress. Does it change from the egress from the restaurant?

Mr. Connors: No, it's the same curb cut that's consolidated down to one. As I mentioned, National Tire and Battery which is down this side, there's an easement coming in and that also prevents from building on that part of the locus and that is also included in the brief as far as site limitations. That would be for anybody trying to use the site, not just this petitioner.

Mrs. Rando: Does anyone else have any questions? (There were none.)

(No one appeared in opposition or seeking information.)

You may continue with your Proposed Findings of Fact.

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

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

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

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

On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted that the Proposed Findings of Fact be adopted by the board.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, no.

The vote was 4-1 in favor.

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

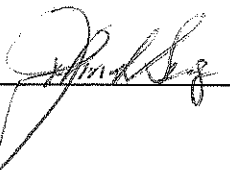
On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted that the Proposed Decision become the decision of the board.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mrs. Rando, no.

The vote was 4-1 in favor.

Mrs. Rando: One more motion is in order.

On motion of Mr. Sergi, seconded by Ms. Gelineau, the board voted to adjourn at 8:15.

 10/17/17