

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

November 22, 2016

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, November 22, 2016, in the Auditorium of the Arthur Clark Government Center, 119 School Street, Waltham, MA.

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

Mrs. Rando: Tonight we have one new case before us, Case 2016-40 Bentley University, 400 Beaver Street and that is for variances.

The first action this evening is for a motion to accept the minutes of November 15, 2016.

On motion of Mr. Sergi, seconded by Mr. Cotton, the board voted to accept the minutes of November 15, 2016.

Mrs. Rando: Will the clerk please read the petition in Case No. 2016-40, Bentley University?

The clerk then read the Petition of Bentley University in an application for variances - dimensional (setbacks) and Parking Requirements. The proposal includes a new Multipurpose Arena, with associated parking, landscaping and site improvements. Location and Zoning District: 400 Beaver Street, Residence A-3 Zoning District.

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

William J. Proia, Riemer/Braunstein, 700 District Avenue, Burlington, MA, the Petitioner's representative came forward.

Mr. Proia: I will give a brief presentation and then if there are questions I can't answer I have folks here that can help out.

I want to thank the board for having a special hearing tonight to take this petition. I really appreciate it. Thank you.

So as described, we are here seeking variances, dimensional variances, from setback requirements and parking requirements and we are doing that under the board's variance granting power as in the papers noted, just for the record, we are reserving our rights under Section 3 in the Zoning Act as they may apply to educational institutions.

We are, again, given the precedent that has been set over time with the board and the University and because there were findings in the past that the variance test was met on this piece of land, we are preceding this evening that way.

So, essentially, just so that people can get oriented (Mr. Proia went over the plan with the board showing the locus and where the proposed Arena is going to be located.

So the normal setbacks will be seventy-five feet from the edge of Beaver Street to the closest face of the building, and three hundred and fifty feet from the residential lot line on the other side of Beaver Street to the closest point of the building. So those are the two setback variances we are seeking. The other one as described relates to parking and we are seeking fewer parking spaces than would otherwise be required. Just a note on that, the

code doesn't have specific parking ratios or requirements for educational uses, so the best we can do and what the building department does, it tries to find a similar use and apply those parking requirements to the use. So we have things like theaters that we're stuck with that kind of category, typically commercial buildings and it assumes that everyone that is going to use it is driving to that specific place. Here it's a campus setting. A lot of the people who are going to the events live on campus, so there's a real reason not to have that many parking spaces. And, also, you will see the traffic impact will be less than a typical commercial building for that very same reason. A lot of people are already there. They live there so they are not driving anywhere to get to these events.

Just another quick note on traffic. There is a Transportation Impact Assessment done for this project. It was provided to the City Engineering Department and Traffic Engineering Department. Comments came back. They were integrated into the final report and that report again was sent to the Traffic Department. In this case, because there's not a special permit that's being triggered by the proposal, these are variances, the Traffic Commission has decided it won't be holding a hearing specifically. So the best we were able to do is present the data and the assessment to the engineering folks. Again, have them review it, comment and integrate those comments back into our report and that's how we will instruct and operate if we get the relief we are seeking this evening.

Essentially, again, as noted in some of the papers, there are variances on record that have been granted by the board in the past. They are dimensional variances very similar to this and there was a series of very thorough decisions written by the board and granted and recorded, obviously, finding that the statutory variance test was met on this piece of property. So, again, we are proposing this on that piece of land where the board has found in the past that the soil conditions, you're familiar with the standards and the variance test have been met, so in our papers we cite that and we did update our argument and the facts that fit this particular project and proposal and we did rely on what the board had found in

the past and noted that and to be incorporated into our discussion now in the papers submitted by reference. So, that's really it.

If the board has any questions I'll try to answer them, if not, I can hand you over to folks who really can.

Mrs. Rando: I have a couple of questions. You are required to have 6,487 parking spaces and you claim you have 744. Now those 744, are those new spaces or are you including spaces that you already have?

Mr. Proia: They are existing spaces.

Scott Thornton, Vanasse & Associates, 35 New England Business Center Drive, MA, forward.

Mr. Thornton: We prepared the Traffic Impact Assessment for the project and the 744 relate to spaces that are contained in six or seven existing parking lots located south of Beaver Street.

Mrs. Rando: So you have those parking spaces.

Mr. Thornton: Yes.

Mrs. Rando: You're not saying that you're taking that off of the 6000 that you need.

Mr. Thornton: No, those are existing spaces.

Mrs. Rando: Do you have any idea of how many people attend one of your hockey events, students?

Mr. Thornton: We do have those numbers, yes.

Mrs. Rando: Could you share it with us?

Mr. Thornton: Sure. This is from the 2015-2016 season and it's generally between fifty and say three hundred students.

Mr. Cotton: There will be another team that will be playing, obviously. How many would they need?

Mr. Thornton: The total attendance ranges between a hundred and twenty-one attendees and about six hundred and seventy-four and of those, again the numbers, actually Bentley students range between seven and three hundred and fifty so the rest of those are taken up by some alumni, by some parents and by some visitors. Generally there's not a lot of visitors that come to these events. It's mostly home attendees and they are currently playing at the Ryan Arena in Watertown. So we would expect a higher attendance from the students. They just have to walk down to the arena as opposed to what they have to do now which is either catch a bus or drive out there.

Mr. Sergi: What is the seating capacity of the arena?

Mr. Thornton: Right now it's nineteen hundred and seventeen seats.

Mr. Hickernell: What's the parking capacity over at the Ryan Arena? It's not very much over there.

Mr. Thornton: It's not very much. I think we counted maybe a hundred and thirty spaces, so there's a lot of carpooling that's taking place there.

Mr. Hickernell: And the seven hundred and forty-four spaces you're counting that are already there are all south of Beaver Street not the North campus spots?

Mr. Thornton: That's correct. There's additional parking spaces located on the North campus and the main lots up in this area (referring to the plan).

Mrs. Rando: Are you planning on adding any other parking?

Mr. Thornton: No. We feel that there's sufficient capacity with the lots to the south of Beaver Street and the lots to the North. We actually did some walking time to find out how long it would take to walk from the furthest lot on the North campus down to the arena and it's not quite fifteen minutes. It's down hill, probably a little slower going up hill on the way back but we have recommended that for heavily attended games, Bentley may want to have some shuttle busses running back and forth. We think there's sufficient capacity between the lots on the two campuses.

Mrs. Rando: Have you done any research of other colleges or universities that have an arena that size and how many parking spaces they have? Boston College is building a new one. I'm wondering if you have done any research.

(A gentleman in the audience answered but did not give his name or come up to the mike.)

Mrs. Rando: I'm sure this facility is going to be outstanding and you are going to have a lot of games there that Waltham students will want to attend too. And it kind of scares me when I look at the numbers and I see 6,487 and you're not giving us anything. You have nothing. You have zero parking as far as I am concerned because the 744 you already have. So you're not giving us any extra parking.

The other attorney mentioned that you came before us for other variances and that they were granted. Do you have any idea what those variances were and did it have to do with parking? I remember you coming once before us and you required a parking garage. Im sure that was for the dorms.

Mr. Proia: Well, I mean, it's a multi use area so the parking is related to all the uses on that piece of land, so you might call administrative uses; there are dorms; there are fields as you can see. So one of the variances that was similar in my mind to this was for the bleachers for the football field. So, again, it's seating for an event so that the variance was related to the setback. The parking was discussed in the same sorts of ideas and questions were asked at the time. So, I think the answer is, again, it's a lot of shared parking so when the hockey game is going on, the office use isn't going to be active. So there won't be typically football games going on. Those happen during the day typically so the bigger events are going to tend to be scattered. And some of the events that happen at the Dana Center are going to happen here now. So, similar thing where that parking that is adequate for those sorts of events and it exists is just going to be used in the same way just in a different building. So those are the kinds of calculations that Scott is talking about and why he as an expert feels like there is adequate parking. As you saw, the numbers aren't huge and most of the people who will attend these games live within walking distance. So that's a really important consideration. And, again, the shared parking concept is very, very active and valid for a situation like this.

Mrs. Rando: When you drive up Beaver Street right before the light going into the sports facility, there's a hill there that I never have seen anyone playing on. I think it was a softball field. Did you ever think of taking something like that for parking?

Mr. Proia: I think the answer is, we just think we have adequate parking. I mean we wouldn't want to create a situation where we didn't have enough parking, but we don't

want to plow a green field under and pave it for parking we don't think we need. So there's a balancing act, but again we wouldn't be creating a situation where we thought we would be short changing ourselves with parking. So, in this case we wouldn't consider doing that.

Mrs. Rando: And I'm sure you consider my dilemma when I see what is necessary and you're giving us nothing.

Mr. Proia: Well again, those parking requirements don't really apply to educational uses on a campus setting. Those things are if you plop down a theatre on Main Street in Waltham. Everyone coming to that theatre has to drive, theoretically. So, and I tried to make that point during the initial presentation. Those numbers are imperfect because they're not designed for a college campus. You've heard testimony about BU or Harvard and the evidence about those sorts of settings is you need drastically less parking than you would need for say for a commercial theatre or commercial sports arena like the Boston Gardens or the TD Bank, whatever we call it these days. So, I think you're going to need to keep that into consideration. The need for parking on a campus for a campus kind of event is just not translatable to the parking ratios in the code for a commercial building. But we are stuck with those. We have to apply them so we have to say to the board, ya, those apply. We need the relief from those because that's what the code says but practically speaking they're not applicable to a college campus.

Ms. Gelineau: Is it based on the size of the structure or the number of seats?

Mr. Proia: That number and they're on the plan it's part of that zoning code. It's the number for all the uses on the campus on this piece of property. You know what I mean for all the bleacher seats that are there; for all the office space; for all the seats in the proposed arena.

Ms. Gelineau: It's not specifically for this one.

Mr. Proia: No. for all the dorms that were there. So that's the number of spaces we're supposed to have for all those uses. But again, they're not happening all at the same time and so that's a way to think about it. It's really a shared parking situation. And when these events are going to occur, the parking demand is not going to be what you think it's going to be because of those numbers because lots of those other uses are not going to be happening at the same time.

Mr. Thornton: If I could just chime in on that.

Mr. Cotton: How many seats are going to be in the new arena?

Mr. Thornton: Nineteen seventy-one.

Mr. Cotton: When I went down there today there's a parking lot to the left there. Are you going to use that?

(Mr. Thornton went over the plan showing the various parking spaces.)

Mr. Thornton: One of the things that we did to make sure there was sufficient parking at the campus, was we did parking utilization counts of a number of the lots during the times that the hockey games would be in attendance or in play and typically there are seven o'clock games on Friday and Saturday evenings. So we did counts from six p.m. to ten p.m. at a number of lots both South of Beaver Street and North on the main campus. So what we found is that the lots that are there were utilized to about twenty-seven percent. So we counted of the two thousand one hundred thirty-six total spaces that we observed, the maximum time, only five hundred and twenty-nine were occupied. So

that leaves about seventy percent or so of those spaces, fifteen hundred spaces available for use during the time that the hockey games would be in place.

So we think that that, in combination with the fact that the students are going to be within walking distance of the arena, kind of reduces the need for parking. As Bill mentioned, this is a shared parking component that's available and some of these lots that aren't going to be used during those time periods, Friday nights and Saturday nights. So we would expect if there is a need for overflow parking there's plenty of space available.

Eric Hubert, Project Manager, Bentley University came forward:

Mr. Hubert: I think these gentlemen explained it but I did want to make clear the numbers you cited the six thousand is for the concurrent use of all buildings on that south piece of property so that assumes you have four thousand people at the football game, three thousand people for Dana Center all at the same time. Bentley is committed to not running concurrent events with this new arena. They don't have the staffing to run them even if they chose to. In addition at the building inspector's request, we only listed these spots on the South Campus. Currently Bentley runs larger events, football games, basketball games. They can park people on the North Campus where there's significant empty spots. They have shuttle service to bus people down. They hire Waltham Police details to direct traffic. We assign details to try to prevent parking on side streets in residential areas. So I think what Scott said, the numbers are misleading. Bentley's currently having larger seated events. A lot of the events they are currently having will continue to have just in the new facility and they are able to handle the parking for these larger events and this building will be smaller than their other facilities and that's part of the reason that we feel that the parking will be adequate.

Mrs. Rando: Do any of the board members have any questions?

Mr. Sergi: I do, just a few.

What is the hockey season and how many home games do you have? I don't assume you are there year round, are you?

Bob DeFelice, Athletic Director, Bentley University came forward.

Mr. DeFelice: We'll start playing in October. The regular season ends in February and the playoffs are in the first couple of weeks in March. And actually, they go to a common site after the first round so we would not exceed those dates as far as playing is concerned.

Mr. Sergi: So five months. Thank you.

How many home games do you have?

Mr. DeFelice: We can play thirty-two and we hope at the new arena we will be able to play fourteen of them at home.

Mr. Sergi: And those games are usually held, what did you say, on Fridays?

Mr. DeFelice: Typically the schedule is Friday night. Our league is committed to a Friday night and a Saturday night. If there is a change, the next available date would be on Sunday afternoon.

Mr. Sergi: And the duration of an event of the games?

Mr. DeFelice: The games begin at seven. It usually ends at nine thirty or quarter of ten and usually at six is when the teams start warming up. People will start coming at six thirty to seven.

Mr. Sergi: Is the facility going to be rented for any other uses?

Mr. DeFelice: The current plan, as it was presented to our university, is that it will be a facility for the students, for our student population. Other events, public skating and that's not the goal, nor will we be equipped. It was presented to the Board of Trustees and that's what was voted for. It's an arena to be utilized by the Bentley community and in some cases that we have done in the past with the Waltham community.

So we are not running bantam hockey playoffs or bringing in shows. It's exclusive for the Bentley community.

Mr. Sergi: And if you do have public hours, they will be strict hours, specific time periods or dates.

Mr. DeFelice: Typically most places try to run it during the lunch time, you know that time frame. But it would be a time that would be accommodating to people. So it wouldn't be like at ten in the morning or four o'clock in the afternoon.

Mr. Sergi: So, does the arena close down at all during the summer or is it open year round?

Mr. DeFelice: We take the ice up at the end of the season, probably April 1st. We'll put it back down, so we'll go April through September and the intent then is to utilize the facility for some of the things we do on campus. We have rented tents in the past for events that will be now run in that facility. But, again, it will be our student population events

that we have on campus. No plan to use it as an auxiliary. Well, again, it's not designed or equipped to be used as an auxiliary facility for camps or such.

Mrs. Rando: Are there any other questions?

Is there anyone in the audience that is in opposition to this petition?

Randy LeBlanc, 21 Linden Circle, Waltham: It's not that I am speaking totally in opposition of the rink and they mentioned the Dover Amendment and we could possibly appeal it. I was sort of surprised that Bentley did not have a building permit yet. One of the thoughts is, I live right around the corner. There will be definitely traffic impact. It's more than a hockey rink. It is a multi purpose arena and there will be some traffic impact. Usually when I come home in the evenings, you see once a week, its either fire or the ambulances up there once a week so they do detract from the emergency services in Waltham and one of the questions is, you know, they are here for a special permit. They got a special meeting and, you know, they are the largest company in Waltham and they don't pay any taxes. So they are here trying to get something, you know. What are they willing to give back to the community? I know they use to have the Park and Rec Department up there and use the fields. I don't think that that's any longer. Waltham Youth Hockey could definitely use some ice time. And they have a lot that they can give back to the community if they chose to and I did go to the public meeting and nice want to accommodate for the neighbors. What about the community at large that is impacted? On record are they going to give City of Waltham Youth Hockey, ten hours and the right of first refusal. Just for curiosity, I want to ask the board what benefits vs. what negative does the arena hold? That's my thoughts. Thank you.

Mrs. Rando: Anyone else that would like to come to the microphone and speak in opposition?

Seeing none, is anyone seeking information?

Robert Waddick, 129 Church Street, Waltham, MA came forward.

Mr. Waddick: I'm the Ward 6 City Councillor representing this area. I am speaking tonight seeking information. I just want to relay to the board some of the things that have gone on.

Early in this process, the President of Bentley, Gloria Larson, had a meeting with some of the members in the surrounding neighborhood to provide an overview of the project. Subsequent to that, I put together a meeting with the officials of Bentley College for a more detailed presentation of the project which was well attended by the folks in the neighborhood. And, they have also established a website to provide updates on the progress of this. A representative of the President's office provides email updates to the people in the neighborhood regarding developments with the project. So at least with respect to their outreach to the neighborhood, they have been very accommodating, very transparent in the process and especially Mr. Hubert has been at many of these meetings and Coach DeFelice has made himself available at all of these meetings in the neighborhood. So I just wanted to point that out to the board that the Bentley community has worked very closely with the neighbors in the surrounding area to try to address their concerns.

We had a meeting just the other night with respect to landscaping. The neighbors that live on Cedar Hill Lane that are the most impacted by this project as well as some of the folks on Beaver Street, what they offered to do for those folks along that buffer line was to either provide fencing or additional greenery trees for screening and not just one or the other. If one resident wanted fencing and another wanted greenery, they would accommodate everyone's needs. So they have attempted to address some concerns of the folks and, you know, frankly it's a big building. It's a big change to this area. From the

very beginning, the neighbors have had a lot of concerns about how this whole project is going to impact their lives because there is going to be a big change to that area. And a lot of these folks that have lived in this area, for a long time lived next to a farm. So they have gradually adjusted to the activities taking place next to them on the Bentley campus and now there's this considerable change which is going to generate traffic and noise, and, you know, lights and vehicles coming and going. So it is a big change.

One of the things that I think folks are concerned about, and the relief that they are requesting tonight, one of the things they are concerned about, is the creation of additional parking. You know the folks that live in close proximity are concerned that this parking lot at some point could become a parking deck and they don't want to see that. They prefer to have the open space and the buffer zone and not to create additional pavement in the area and additional parking. So, I suspect that most of the people in the neighborhood are very comfortable with the fact, there was some confusion when the notice went out, people were asking me, do they want more parking? Are they going to build another seven hundred and forty-four spaces? And I said, no. They are looking for relief. They don't want to build any more parking. So people responded favorably to that. And I just wanted to point that out to the board.

I do want to underscore what Mr. LeBlanc has said. I think when something like this comes into the city, we certainly are hoping that Bentley is going to help with our youth hockey and our programs and give back to the community. They have indicated that they will. If the way they have handled the communications with the neighborhood and handled the neighbor's concerns is an indication of whether they will follow through on that, I'm encouraged.

What I am seeking additional information about to get to the point, and they may have addressed it in the case in chief, but I think on behalf of the neighbors, I would like just some assurance that the parking lot that is closest to Cedar Hill Lane is not at some

point going to become a parking deck because there is more than three hundred and fifty feet of setback there. That area is open and I think to put another large structure next to the hockey arena would certainly not be advantageous to the neighborhood. So, if at some point if somebody could respond and give us some assurance that that won't take place, but I would appreciate it.

Again, I just want to say that from my perspective as a City Councillor, Bentley has been very accommodating and transparent in this process and I'm hoping that that relationship continues. Thank you.

Mrs. Rando: Is there anyone else that would like to speak in favor of this or seeking information?

George Darcy, 93 Hobbs Road, Waltham came forward.

Mr. Darcy: I'm the Ward 3 Councillor and I echo the words that were stated by the Ward 4 Councillor whose area this lies in and, of course, Mr. LeBlanc, who spoke before him.

First of all, thanks to the Building Inspector, Mr. Forte, for doing his job. Very briefly, I hope that Bentley would reach out to the residents of Waltham and provide weekly scheduled low or no cost public skating for Waltham residents during normal hours and also weekly lease of the rink to local youth groups such as the Waltham Youth Hockey, again during normal hours, again, at low or no cost. If not as a condition of this ZBA ruling, and certainly as a gentlemen's agreement. The residents and neighbors of Waltham specifically in that area of Ward 4 will bear the brunt of this very large development which specifically by passes local zoning submitted under the Dover Amendment. Neighbors will endure construction, associated noise, increased traffic, more events and everything that comes from that development.

As a not for profit, Bentley pays no real estate taxes to the City of Waltham and Waltham does not have a pilot program. Pilot stands for Payment in lieu of taxes where an institution makes a voluntary tax payment to the city as they do in Boston and in Cambridge based upon the institutions tax exempt property value.

Those are my comments. I want to thank the board and thank all the people that came out to speak and hear what's going on this evening.

Thank you and Happy Thanksgiving.

Mrs. Rando: Is there anyone in favor who would like to come to the microphone?

Paul Pavone, Business Manager for the Laborers International Union of North America Local 560, 681 Main Street, Waltham came forward.

Mr. Pavone: We are here tonight with some of our members to support this project and support Bentley College. Why? Because they support us. They hire our contractors. They give us many jobs year after year for the last many years. They have been our lifeline. We get a lot of work from Bentley College and we certainly appreciate that. So we are here to support them. We hope the job moves forward because we have members out of work and need their health insurance and certainly especially around the holidays, it's nice to have a job. So we appreciate your time. Thank you.

Mrs. Rando: Thank you. Anyone else?

Thomas Geary, lifelong Waltham Resident from 55 Briarwood Road came forward.

Mr. Geary: I think Bentley has been a good neighbor to the city and I'm also a member of Carpenters Local 275 in Newton which also covers Waltham and I know this project will directly put people to work including myself which I think is good for the city and like I said, they have been good neighbors to us and I think it's a good project for the City of Waltham.

Mr. Hickernell: Sir, are you satisfied this project will be done in accordance with area standards?

Mr. Geary: I believe so. Absolutely. They are working with our contractor that we trust.

Mrs. Rando: Is there anyone else? Seeing none, does anyone have any questions?

Would you like to address the people that spoke?

Mr. Proia: A couple of things. I think Bentley has been very generous with the city over the years and I just wanted to point out this Annual Report of cooperation that they prepare every year that outlines all the activities, all the local causes and groups they support. Just today they hosted, I think, probably for the twenty first or second time a thanksgiving luncheon for the city's seniors and Holiday Toy Drive, Waltham Partnership for Youth, Service Learning Center, and the Library is open for city residents. They give financial aid to the children that attend the university. So I think their record is impeccable in that area. (Mr. Proia submitted a copy of the Annual Report to the board.)

Mrs. Rando: How would you address that counsellor? Would you be willing to,
um- - -

Mr. Proia: We are willing to talk about that once the facility gets built and is up and running and we see how it's operating in the campus community. I'm sure there will be opportunities to integrate some city programs and some skating, I think the Athletic Director mentioned. But committing right now with specific kinds of things like that just is impossible. We really need to know how this is going to work for the campus and the students of the university before we are able to do that, but you have heard we are always open to dialogue. The university again is very generous. It's very accommodating. So anything along those lines that can be reasonably done, I'm sure the university will step up and accommodate the Waltham community.

Mrs. Rando: Thank you. Could I speak to the Athletic Director again?

Mr. DeFelice came forward.

Mrs. Rando: You're not opposed to opening it if there is free time for students in Waltham?

Mr. DeFelice: No. We have if you look to some credibility to that in the past since I've been there for quite a few years, our facilities have been open to the Waltham School system for almost everything they have asked. We have had a tremendous relationship with them through the years using our facilities when they were down. They use our courts. We still have games played there. We have swimming membership for members of the community of Waltham. There are probably thirty-five or forty swimmers that come in on a regular basis. The gym is open to them. It's been an open door policy. There has never been any negative reaction to anything that they have requested.

So I would say historically speaking. Its been ongoing. We've continued to keep that relationship. It has always been our intent to do the same. So when the arena is finished, normal hours, I don't know if we are going to have normal hours, but I am sure, as I said,

we would accommodate the community as a lot of other places have for public skating which would be. As I said, historically I think the relationship has been pretty significant.

Mrs. Rando: I know that you have Waltham Day for basketball for Waltham students. They come and get a jersey and other things which is great. They were able to attend games. Is it free?

Mr. DeFelice: They're always free. There's never a charge.

Mrs. Rando: So would these games be free for Waltham children/students?

Mr. DeFelice: We always have agreed that for students there will no charge. That's in all our events. I think we are going to stay consistent with that policy.

Mrs. Rando: Thank you. Are there any other questions of the Athletic Director?

Mr. Sergi: Just one more, Madam Chair, not of the Athletic Director. Just Councillor Waddick touched on the landscaping. You weren't very specific on the landscaping but I have to compliment you. You do a very good job on landscaping in the city. You have had some nice dogwoods along Beaver Street. What are your plans to replace the landscaping along Beaver Street?

Philip Laird, Architectural Resources in Cambridge came forward.

Mr. Laird: I live at 22 Mt. Pleasant Street in Cambridge. I'm the architect who's representing Bentley on the project.

This is a site plan of the site. (Mr. Laird posted a site plan for the board to see.) He

went over where they would be planting trees and where pavers would be which they discussed with the Conservation Commission and the concrete to tie in with the rest of the campus.

One of the things I'd like to point out is we are planning on putting solar on the roof so we could be generating a fair amount of the energy for the building off the roof.

Mr. Sergi: Is it fair to say that you are replacing the same number of trees that are there today?

Mr. Laird: Yes, they will be smaller.

Mr. Sergi: What is the caliper?

Mr. Laird: I don't know the caliper size but usually they are three to four and half inch caliper size. I can double check on that.

Mr. Sergi: But there will be trees not bushes?

Mr. Laird: Yes.

Mrs. Rando: And it will be the responsibility of Bentley to keep them up if something should die?

Mr. Laird: yes.

Mr. Hickernell: You mentioned the Conservation Commission. I know that was

part of the petition packet that came to us. Could somebody from the petitioner just briefly summarize for our record what your interaction with the Conservation Commission has been?

Eric Hubert: Bentley filed a Notice of Intent with the Conservation Commission in June related to this project. But before they accepted the plans as Philip alluded to and they made some changes at the Conservation Commission's request mainly to turn this the concrete patio area to make it all purpose pavers to allow stream water to get into to the ground. (Mr. Hubert went over the plan with the board.) There is an Order of Conditions that's recorded with this project that Bentley will adhere to.

Mrs. Rando: Any other questions?

You may continue with your proposed Findings of Fact that you submitted to us. Has everyone read it? Do they want him to read the Proposed Findings of Fact?

Mr. Cotton: I just want to say that I attended a lot of football and basketball games there going back to Peter Yetten and Bobby Connors. We never had a problem with parking and it was pretty well organized and they had the police. You do a good job there.

Mr. Cotton made a motion to waive the reading of the Proposed Findings of Fact. **Mr. Hickernell** seconded the motion and the board voted to waive the reading of the Proposed Findings of Fact.

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

Mr. Cotton made a motion to waive the reading of the Proposed Decision. Mr. Hickernell seconded the motion and the board voted to waive the reading of the Proposed Decision.

Mrs. Rando: I am ready to entertain a motion on the Proposed Findings of Fact.

On motion of Mr. Cotton, seconded by Mr. Hickernell, the board voted that the Proposed Findings of Fact become the board's Findings of Fact.

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. Cotton, yes and Mrs. Rando, yes.

Mrs. Rando: Do I have a motion on the Decision and did anyone want to change the decision or add anything?

On motion of Mr. Cotton, seconded by Mr. Hickernell, the board voted that the Proposed Decision becomes the board's Decision.

Mr. Cotton: I don't think that there is anything to add. They have covered just about everything.

Mrs. Rando: We can't make it a condition that you adhere to the public skating but it has been mentioned.

Mr. Proia: It has been mentioned.

Mrs. Rando: We would appreciate it.

All right, how do we vote on the decision?

Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. Cotton, yes and Mrs. Rando, yes.

Mrs. Rando: One more motion is in order.

On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to adjourn at 7:50 P.M.

Barbara Rando, chair. 11/29/16