

In The Matter Of:

*Town of Stoneham Board of Appeals
Weiss Farm Apartments, LLC, Re 170 Franklin Street*

*Public Hearing, Volume IX
November 12, 2015
Comprehensive Permit Request*



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Volume IX
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TOWN OF STONEHAM
BOARD OF APPEALS
Public Hearing Re
Comprehensive Permit Request by
Weiss Farm Apartments, LLC
With Regard to 170 Franklin Street
Board Members Present:

Robert Saltzman, Chairman
Lawrence Rotondi
Tobin Shulman
William Sullivan
Michael Dufour
Catherine Rooney, Secretary

Huggins & Witten, LLC (by Jonathan Witten, Esq.)
156 Duck Hill Road, Duxbury, MA 02332,
jon@hugginsandwitten.com, 781.934.0084,
for the Board.

Cicatelli & Cicatelli (by Steven L. Cicatelli,
Esq.) 266 Main Street, Stoneham, MA
02180-3502, scicatelli@cicatelli.com,
781.438.4060 - and -

Rackemann Sawyer & Brewster (by Richard J.
Gallogly, Esq.) 160 Federal Street, Boston,
MA 02110-2300, rgallogly@rackemann.com,
617.542.2300 for the Applicant.

Held at:

Stoneham Town Hall
35 Central Street
Stoneham, Massachusetts
Thursday, November 12, 2015
7:30 p.m.

Carol H. Kusnitz
Registered Professional Reporter

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

2 CHAIRMAN SALTZMAN: First up, tonight, we
3 have a guy that has come over from Melrose to talk
4 about the bicycle traffic. He's the Chairman of the
5 Melrose Pedestrian Advisory Committee. And that's
6 him.

7 (Discussion off the record)

8 CHAIRMAN SALTZMAN: Good evening,
9 everybody.

10 Are we ready to go?

11 THE VIDEO OPERATOR: Give us one second.
12 When you see the light, you can go.

13 CHAIRMAN SALTZMAN: I never see the light.

14 (Laughter)

15 THE VIDEO OPERATOR: All right. You're
16 good.

17 CHAIRMAN SALTZMAN: Good evening and
18 welcome to the Stoneham Board of Appeals. Tonight,
19 as you know, is a continuation of the Special Permit
20 application for 170 Franklin Street, a property
21 known as Weiss Farm. This has been continued, as
22 everybody knows, repeatedly.

23 Tonight, as noticed, we are going to have
24 two subject areas. First is traffic, and we are

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1 hopefully going to wrap up our traffic tonight. It
2 won't do anybody any good in the morning. The other
3 thing we're going to do is there will be some
4 discussion of water, storm water, drainage from the
5 site as well.

6 It's an ambitious agenda, but one of the
7 things that we have had a fair amount of discussion
8 about is the proposed mitigation by the Applicant,
9 specifically as it relates to a third lane for
10 approximately 100 feet as one approaches the
11 property from the west going east -- it would be a
12 left-hand turn lane -- and the effect that that may
13 have on bicycle traffic.

14 We have received a letter from Mr. Steve
15 Liebman, who is the Chairman of the Melrose
16 Pedestrian and Bicycle Advisory Committee, and Mr.
17 Liebman has been kind enough to come tonight. I'm
18 taking him out of turn, because he's got three kids
19 with him, and I believe his presentation will be
20 somewhat short.

21 And with that --

22 MR. ROTONDI: Mr. Chairman --

23 CHAIRMAN SALTZMAN: Just, if we could, Mr.
24 Liebman.

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1 MR. LIEBMAN: Thank you. I appreciate you
2 taking me out of turn and bringing the rowdier
3 citizens over.

4 So just a couple very quick points. In my
5 capacity as Chairman of the Melrose Ped Bike
6 Committee, I get a lot of feedback, suggestions,
7 commentary, obviously on topics in Melrose, but also
8 in the surrounding communities, and the topic of the
9 entire length of Franklin Street in Melrose and
10 Stoneham is a pretty common one.

11 So a super quick point would be that
12 Franklin Street, for most of its length, has a
13 decent shoulder and it acts as a de facto bike
14 lane -- it's used by quite a few bicyclists, and
15 maybe I'll have my son bring in some papers in a
16 little bit that has some quantitative measures of
17 exactly how that's used -- the point being that any
18 road redesigns that removed the shoulders would be
19 taking away existing accommodations that are used by
20 legal, recognized users of the road for which roads
21 in Massachusetts are supposed to be designed.

22 And I know this is not a Mass. DOT project,
23 but Mass. DOT, for example, has fairly strict
24 policies and is governed by Mass. General Laws

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1 stating that they have to make accommodations for
2 both pedestrians and bicyclists in projects like
3 these. Anything that went against policies like
4 that very directly should be viewed with a little
5 bit of skepticism.

6 That's the primary point I have to make.
7 I'm open to questions. I also have a piece of
8 paper, if anybody is interested, showing a few
9 relevant Mass. General Laws and Mass. DOT policies,
10 which I understand are not directly applicable in
11 this case but serve to put it in context, and also
12 information on users of the road.

13 CHAIRMAN SALTZMAN: You are aware of a
14 proposed bicycle path which would begin off of
15 Franklin Street just on the other side of Rec Park?

16 MR. LIEBMAN: Yes. So I think important
17 context for Franklin Street includes the fact that
18 the State is making investments both at the eastern
19 and western ends of Franklin Street. At the western
20 end in Stoneham, the Tri-Community Greenway is the
21 subject of a \$5 million transportation improvement
22 program grant from the State of Massachusetts. That
23 greenway is reclaiming abandoned railroad
24 right-of-way for a path through Stoneham into Woburn

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1 and Winchester.

2 Franklin Street is the primary road for
3 accessing it from Melrose, for much of Stoneham, and
4 for getting from that area -- so users from
5 Winchester, Woburn and Stoneham -- getting down to
6 Oak Grove and to the Commuter Rail and other local
7 business districts would be on Franklin Street.

8 So, the \$5 million from the State obviously
9 would not be as valuable if the main artery for
10 accessing the path were choked off.

11 Similarly, in Melrose just last year, there
12 was a million dollar Mass. Works-funded grant that
13 added bicycle and pedestrian accommodations to the
14 Melrose Highlands area, right around the Melrose
15 Highlands Commuter Rail Station on Franklin Street,
16 that is more actively and much more heavily used now
17 by bicyclists than it was even just a year ago.

18 CHAIRMAN SALTZMAN: How about Oak Grove as
19 well? Is that --

20 MR. LIEBMAN: So access from Stoneham to
21 Oak Grove, typically people travel on Franklin
22 Street. They would turn off and go south prior to
23 the Melrose Highlands area. So they would turn to
24 get down to the Lynn Fells Parkway area. And there

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1 are certainly Stoneham citizens who ride their bikes
2 to Oak Grove to commute into the city every day.

3 CHAIRMAN SALTZMAN: You said a few minutes
4 ago -- I realize the time may be growing short. You
5 said something about having brought some Mass.
6 General Laws with you. Is there anything in
7 particular that you would like to call our attention
8 to?

9 MR. LIEBMAN: Sure. Let me just grab some
10 real quick.

11 Hey, Jason, hand me those papers.

12 By the way, this gentleman here, who is an
13 eight-year-old now, used to go to Teachable Moments
14 Day Care adjacent to the Weiss Farm site.

15 And, hey, Jase, how often did you take a
16 bicycle to get there?

17 JASON LIEBMAN: Almost every day.

18 MR. LIEBMAN: He would not be doing that if
19 there were no shoulder on that road.

20 So I have a handful of these. We can pass
21 them down. I'll just keep one for myself so I can
22 see it.

23 So just to the point that bicycle riders
24 are intended users of the road, Mass. General Law

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1 Part 1, Title 14, Chapter 85, Section 11B talks
2 about "Every person operating a bicycle upon a way,"
3 as defined elsewhere, "shall have the right to use
4 all public ways in the Commonwealth, except limited
5 access highways."

6 Elsewhere there are laws explicitly
7 governing Massachusetts DOT projects, but at least
8 the spirit of the law should extend to other
9 municipal projects, where Chapter 90E states, "The
10 "Commissioner" -- in this case talking about Mass.
11 DOT Commissioner -- "shall make all reasonable
12 provisions for the accommodation of bicycle and
13 pedestrian traffic in the planning, design and
14 construction, reconstruction or maintenance of any
15 project undertaken by the Department." And it goes
16 on from there.

17 The point is that the law spells out fairly
18 clearly that accommodations specific to both
19 bicycles and pedestrians are required parts of any
20 redesign.

21 CHAIRMAN SALTZMAN: I see you've got down
22 here at the bottom, "The Mass. DOT mode shift goal
23 is to triple the amount of walking, bicycling and
24 public transit use in Massachusetts between 2010 and

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1 2030."

2 MR. LIEBMAN: Correct.

3 CHAIRMAN SALTZMAN: So they want to triple
4 the amount of bicycle use, triple the amount of
5 walking, triple the amount of public transportation?

6 MR. LIEBMAN: Right. So included on this
7 piece of paper are not just laws, but a handful of
8 goals, goals and directives that are shaping policy
9 in the state. And in particular that one is the
10 mode shift goal for Massachusetts Department of
11 Transportation, tripling the amount of walking,
12 bicycling and public transit use over a 20-year
13 period.

14 In order to achieve that goal, there have
15 been a cascade of policies that have been coming
16 down lately. A related one, for example, there is
17 legislation introduced and passed just last year --
18 Senator Jason Lewis was a co-sponsor; he was a State
19 Rep at the time -- for the Active Streets
20 legislation.

21 This is granting money directly to
22 municipalities to encourage them to do things like
23 pass Complete Streets policies. There is \$12.5
24 million released for that program this year to go to

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1 municipalities across the state if they sign up to
2 do certain things.

3 One of them would be passing a Complete
4 Street policy. And a typical policy of that nature
5 would mandate that all road redesigns include
6 accommodations for both pedestrians and bicyclists.

7 CHAIRMAN SALTZMAN: This committee that
8 you're on here, this Melrose Pedestrian and Bicycle
9 Advisory Committee, how long has that been in
10 existence?

11 MR. LIEBMAN: Since 2012.

12 CHAIRMAN SALTZMAN: And are you aware of
13 surrounding towns, how many similar committees are
14 there in other towns in the area?

15 MR. LIEBMAN: So there are many similar
16 committees. Some of them take the form of official
17 municipal, either city or town, advisory committees.
18 Some of them are independent.

19 Certainly Medford, Winchester have them.
20 Malden has a de facto bicycle advocacy group in the
21 form of Bike to the Sea that was responsible for
22 building the Northern Strand path that is another
23 rail trail project that happens to be actually used
24 reasonably heavily by people from Stoneham, heading

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1 down into Malden Center and along that path.

2 CHAIRMAN SALTZMAN: Are you aware of any
3 town that had such a group that doesn't have one
4 now?

5 MR. LIEBMAN: I'm not aware of any, no.

6 CHAIRMAN SALTZMAN: These are the wave of
7 the future?

8 MR. LIEBMAN: Yes. These are the wave of
9 the future.

10 CHAIRMAN SALTZMAN: All right. Have you
11 anything else you would like to add?

12 MR. LIEBMAN: No.

13 CHAIRMAN SALTZMAN: Does anybody else have
14 a question?

15 MR. CICATELLI: Mr. Chairman, I think we
16 probably just want to draw a distinction between a
17 bicycle path and Franklin Street. And I would draw
18 the Board's attention to VAI's October 5th comment
19 letter where, quote, "We acknowledge the shoulder
20 widths along Franklin Street do not afford
21 sufficient width for continuous bicycle
22 accommodations along the corridor, including along
23 the project site frontage. Accordingly, while
24 desirable to maintain a minimum standard width of

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1 four feet, such accommodations are not afforded
2 elsewhere along the corridor," being Franklin
3 Street, "where turn lanes are present, including at
4 Franklin Place."

5 CHAIRMAN SALTZMAN: Which letter was that?

6 MR. CICATELLI: October 15th. Jeffrey
7 Dirk's October 15th.

8 MR. LIEBMAN: Sir, if I may, I would like
9 to address that just briefly.

10 There certainly are sections along Franklin
11 Street where dedicated space for bicyclists is not
12 sufficient. An example is farther down in Melrose,
13 in fact, in the Mass. Works-funded project area that
14 I mentioned earlier.

15 It has shared lane markings, so sharrows,
16 indicating bicycles may use the lane, and it has
17 signs along with that, so manual uniform traffic
18 control devices, 411 signs, saying bicycles may use
19 full lane.

20 In some places that's appropriate and
21 acceptable treatment. In that particular region it
22 is. Farther west, as the road goes up a hill,
23 traffic is going faster, bicycles are going slower
24 in the uphill lane, and having a wide shoulder there

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1 is critical as separated space.

2 When it flattens out again, there may be
3 places where it's acceptable to move back to a
4 shared lane infrastructure. But where possible it's
5 necessary to have dedicated space for accommodating
6 bicycles.

7 CHAIRMAN SALTZMAN: Thank you very much.
8 Thank your kids.

9 MR. LIEBMAN: Thank you.

10 CHAIRMAN SALTZMAN: Thank you very much.

11 MR. ROTONDI: Mr. Chairman, before we open
12 the meeting, I want to ask a few questions from last
13 meeting when I asked Cathy to get some figures on
14 what it cost that we spent.

15 CHAIRMAN SALTZMAN: The figures, I think,
16 have been provided, have they not?

17 MR. ROTONDI: Provided, but I wanted her to
18 tell me.

19 CHAIRMAN SALTZMAN: You know, we don't need
20 a public hearing to do this. We've got a lot of
21 people here. I mean --

22 MR. ROTONDI: We've got a lot of people.
23 Do they know them? You're not going to give me my
24 two minutes?

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1 CHAIRMAN SALTZMAN: I don't --

2 MR. ROTONDI: I asked for something.

3 CHAIRMAN SALTZMAN: You've been provided
4 with the figures you asked for. I mean, we can put
5 this on for our meeting next week, our regular
6 meeting, and we can have -- we can put it on the
7 agenda. We've got an agenda tonight where we've got
8 a public hearing on a significant --

9 MR. ROTONDI: The last meeting you said I
10 could get the thing that would be said at the
11 meeting. The numbers --

12 CHAIRMAN SALTZMAN: Last meeting you were
13 given the materials.

14 MR. ROTONDI: I wasn't given any material
15 last meeting.

16 CHAIRMAN SALTZMAN: Have you been provided
17 them? They're a public record. You've been
18 provided them.

19 MR. ROTONDI: You know, this whole
20 situation -- maybe I have, but has the public known
21 all the things? Why are you trying to hide it from
22 the public? You've spent over \$100,000 that doesn't
23 compare to this Weiss Farms.

24 CHAIRMAN SALTZMAN: This particular

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1 committee has not spent that money.

2 MR. ROTONDI: I know we haven't, but it
3 says on that -- on the September 3, 2013, there is
4 five items that says it's supposed to be spent
5 towards --

6 CHAIRMAN SALTZMAN: Okay. And the
7 committee that has oversight of that is the Board of
8 Selectmen. Is that correct?

9 MR. ROTONDI: Right.

10 CHAIRMAN SALTZMAN: And they have public
11 meetings. I would just respectfully suggest that
12 you bring that to their attention.

13 MR. ROTONDI: I just want to know how much
14 money we have left. Are we just beating our gums
15 around here? Are they doing an end run? I'm not --
16 I've spend a lot of time, I know you've spent a lot
17 of time, and I don't want to be used as a pawn. I
18 want to know what's going on.

19 If you want to disregard it, fine.

20 MR. SULLIVAN: \$81,000 --

21 CHAIRMAN SALTZMAN: There's nothing to
22 disregard here.

23 MR. SULLIVAN: I also have a question. I
24 just would like to ask the attorneys from the

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1 Petitioners just point-blank, are we in a situation
2 where we are still talking about a land swap? Am I
3 up here while the land swap is still in the deal?

4 MR. CICATELLI: There have been continuing
5 discussions with the Town regarding a potential land
6 swap. But our obligations under the purchase and
7 sale agreement with the current owner require that
8 we pursue with due diligence this approval. So
9 that's what we're doing.

10 MR. MAHONEY: I would just like to add to
11 that, if I could.

12 CHAIRMAN SALTZMAN: Please.

13 MR. MAHONEY: This is a project that we are
14 fully behind. You know, there's obviously been --
15 no doubt there's been discussions about a land swap.

16 We are here, and we appreciate the Board's
17 time. We are here for this project, and we believe
18 this can be a great project. So we're not -- the
19 intention here is not to waste anyone's time. I
20 just want to make that clear.

21 MR. ROTONDI: All I'm saying is we spent
22 \$100,000 on it.

23 CHAIRMAN SALTZMAN: Mr. Rotondi, I fully
24 recognize and share your frustration if our efforts

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1 here are for naught, and I would just refer people
2 to the public record in connection with all of these
3 events.

4 With that, we will be hearing from the
5 Applicant in connection with the traffic first.

6 MR. CICATELLI: Mr. Chairman, first, if I
7 could do a couple of housekeeping --

8 CHAIRMAN SALTZMAN: Yes.

9 MR. CICATELLI: I did pass out two
10 documents that had been requested. One was an
11 annotated version of the October 23rd letter
12 responding to Mr. Houston's review. There was a
13 request made that the name of the author be
14 provided, and that's been done, highlighted in red.
15 So it's the same letter you received before, just
16 indicating who the author was for each comment.

17 And also there's a letter from Jim White of
18 H.W. Moore. There was another question that was
19 posed relative to the raising of an outlet pipe.
20 Jim is here if there's a question, but that was a
21 question that the Board had.

22 So those two items were submitted.

23 On the issue of the traffic, Heather is
24 here this evening. We did receive --

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1 CHAIRMAN SALTZMAN: Just one last thing.
2 When you started the housekeeping, it occurred to me
3 that I think there is a -- we anticipate at our next
4 meeting, which is a week from yesterday, which is
5 the 18th, we're anticipating the pro forma?

6 MR. CICATELLI: We hope to submit that by
7 next Friday.

8 CHAIRMAN SALTZMAN: Would that be tomorrow
9 or a week from tomorrow?

10 MR. CICATELLI: Next.

11 MR. MAHONEY: A week from Friday.

12 CHAIRMAN SALTZMAN: We'll be here Thursday
13 if you get it done earlier. But the other thing I
14 would just submit is that I believe we have --
15 Attorney Witten has the name of somebody that we
16 would be asking to go over the pro forma.

17 MR. ENGLER: Can we have some comments on
18 that, Mr. Chairman? Do you want to take that up now
19 or at the end?

20 CHAIRMAN SALTZMAN: We might as well do
21 that now, I think if we're --

22 MR. ENGLER: You want to take it up now?

23 CHAIRMAN SALTZMAN: Sure.

24 MR. ENGLER: We received that information

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1 from Mr. Witten, and being the primary person who
2 deals with pro formas and pro forma reviews, I just
3 have a question that he can answer, which is, I
4 don't see the 40B financial feasibility experience
5 of the person he selected.

6 I see one 40B that he was involved as a
7 accountant looking at the cost certification at the
8 end of a project, seeing what was valid and what
9 wasn't valid, which is perfectly fine. But in terms
10 of understanding how developments get put together
11 and what the costs are, unless I'm wrong, I don't
12 see that experience.

13 And I wonder how he was selected, because
14 it doesn't -- I don't know the gentleman. I've
15 known most of the people who do financial reviews.
16 And so maybe Mr. Witten can explain how this came to
17 be and what experience he has. So I would like to
18 know.

19 MR. WITTEN: Thank you, Mr. Chairman.

20 Well, first let's start with what the
21 requirements are for Chapter 53G accounts. The
22 Board has the right to choose a consultant to work
23 with the Board to review any aspect of the
24 developer's project, 40B or a standard special

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1 permit project.

2 There are only two requirements that an
3 applicant can object or, based upon the applicant's
4 review, that they can object on. One is a conflict
5 of interest. The other is lack of qualifications.

6 Mr. Stankus, whose information I provided
7 to counsel and to the Board, is both a forensic
8 accountant as well as a Certified Public Accountant.
9 He's a partner in one of the nation's largest
10 accounting firms, and he would be reviewing pro
11 forma submissions by the Applicant.

12 That is typically done by people without
13 accounting degrees, including Mr. Engler. It's
14 typically done by people who have no experience
15 doing forensic accounting, including Mr. Engler.
16 And what I would say is Mr. Stankus may be the most
17 qualified person in the nation to do a pro forma
18 review.

19 Mr. Stankus was an expert witness in a case
20 that was in federal court, Town of Grafton versus
21 Pulte Homes, a \$54 million lawsuit that settled.
22 Mr. Stankus has impeccable credentials and
23 reputation, and there is nothing in his background
24 and experience that would lead any rational person

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1 to suggest he is not qualified.

2 Mr. Stankus may be the best qualified
3 individual I have ever seen in all the years I've
4 been doing 40B reviews for communities to review a
5 financial pro forma.

6 So unless Mr. Engler is prepared to
7 cross-examine Mr. Stankus or say that Mr. Stankus is
8 not qualified, I would say to the Board, the Board
9 is not going to find a more qualified individual to
10 review a pro forma prepared by Mr. Engler and his
11 team.

12 MR. ENGLER: Mr. Chairman, I didn't object.
13 I was asking questions. Just in my experience, it's
14 just another case of Mr. Witten and I totally
15 disagreeing. He's got the right -- you have the
16 right to hire him. And we can defend or pro forma
17 to anybody.

18 So I'm just very curious about it. He's
19 answered the question. He's very supportive of his
20 candidate. Let him review it. I mean, that's fine.
21 It just seems a little strange to me. That's all.

22 CHAIRMAN SALTZMAN: Fair enough.

23 Was there anything else?

24 MR. WITTEN: Other than trying to digest

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1 what Mr. Engler meant by "a little strange," no, Mr.
2 Chairman.

3 CHAIRMAN SALTZMAN: He just agreed with
4 you.

5 MR. WITTEN: That's why I have no further
6 questions.

7 MR. ENGLER: Mr. Witten knows I have a
8 master's in theology. That qualifies me to do pro
9 formas. He knows that.

10 CHAIRMAN SALTZMAN: Next time we'll have
11 you come up and see the light.

12 MR. ENGLER: That's where I pull the
13 numbers from.

14 MR. SULLIVAN: At this time are you looking
15 for a motion from the Board to -- I would provide
16 that motion that we would hire Mr. Stankus to do the
17 forensic accounting and review the pro forma.

18 MR. DUFOUR: Second.

19 CHAIRMAN SALTZMAN: Roll call vote. Mr.
20 Shulman?

21 MR. SHULMAN: Yes.

22 CHAIRMAN SALTZMAN: Mr. Rotondi?

23 MR. ROTONDI: I don't know if we've got
24 enough money in the account to keep on going, but I

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1 guess I got to go with it.

2 CHAIRMAN SALTZMAN: The Applicant is paying
3 for it.

4 MR. ROTONDI: He's going to pay for this
5 one?

6 MR. ENGLER: Mr. Chairman, that's the
7 second point I would like to raise. This is twice
8 the price that we normally see from very qualified
9 people in the last 30 years doing financial reviews.
10 So I'm not saying he's not good now, because Mr.
11 Witten thinks he's wonderful, but he's got a price
12 that's very high. So I want on the record to say
13 we're not real happy about that either.

14 CHAIRMAN SALTZMAN: You're trying to talk
15 us out during the vote.

16 Mr. Dufour?

17 MR. DUFOUR: Yes.

18 CHAIRMAN SALTZMAN: Mr. Sullivan?

19 MR. SULLIVAN: Yes.

20 CHAIRMAN SALTZMAN: The Chair is in favor.

21 I hope you get your money's worth.

22 MR. WITTEN: Mr. Chairman, could I just ask
23 to Mr. Engler, talking about the pro forma delivery
24 next Friday, do you anticipate, Mr. Engler, is it

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1 going to be a pro forma that differs from the one
2 that was part of the package of submissions --

3 MR. ENGLER: Yes.

4 MR. WITTEN: Thank you.

5 MR. MAHONEY: It will be the same form,
6 though, if that's what you're asking.

7 MR. WITTEN: Same form, different numbers?

8 MR. MAHONEY: Updated numbers.

9 MR. WITTEN: Thank you.

10 CHAIRMAN SALTZMAN: All right. You're up.

11 MR. CICATELLI: Mr. Chairman, regarding
12 traffic basically -- and Jeffrey, I know, is here
13 this evening and might speak for himself -- but we
14 did receive correspondence dated November 9th from
15 him, and Heather can also maybe comment on this.
16 But it would appear that we have addressed the
17 outstanding comments at this point.

18 So I don't know if you want Heather to
19 summarize it or Jeff. It appears that the two
20 consultants have addressed each other's comments,
21 unless the Board has further questions or comments.

22 CHAIRMAN SALTZMAN: We're moving together
23 in the same direction tonight. This is great. If
24 you could summarize.

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1 MS. MONTICUP: Yes. No problem.

2 For the record, I'm Heather Monticup from
3 GPI.

4 As of October 20th, the last meeting that
5 we formally talked about traffic, we received VAI's
6 October 15th letter the day of the meeting. So that
7 was explained at the last meeting.

8 Since then we submitted a Response to
9 Comments dated November 5th, which, per the meeting
10 I was at, you wanted hard copies delivered to
11 everyone. I see you've received those.

12 In that we responded to some comments
13 mostly just about mitigation, and we were pretty
14 much all on the same page on that October 15th
15 letter.

16 A couple things that were added since the
17 previous presentation is the Applicant is willing to
18 give a fair-share contribution to the intersection
19 of Pleasant Street at Spring Street. So that's been
20 committed to.

21 In the past we were committed to putting in
22 an RRFB, a rectangular rapid flashing beacon, but we
23 have since switched that to a HAWK signal, which was
24 recommended by VAI. So the mid-block pedestrian

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1 crossing would now have an overhead mast arm with an
2 actual red light that will stop traffic on Franklin
3 Street as requested by VAI.

4 CHAIRMAN SALTZMAN: Franklin and Pleasant?

5 MS. MONTICUP: A mid-block crossing on
6 Franklin. So it's just east of our site driveway
7 and west of --

8 CHAIRMAN SALTZMAN: So it's a pedestrian
9 crossing lane?

10 MS. MONTICUP: A pedestrian crossing. So
11 we had always been proposing that, I believe, since
12 the second meeting. We just upgraded it a bid with
13 a actual red light signal.

14 MR. WITTEN: Mr. Chairman, could I just
15 ask, do you have a schematic?

16 MS. MONTICUP: We do, actually.

17 MR. WITTEN: Just in terms of location.

18 MS. MONTICUP: So there it is at the
19 bottom. It shows the right-turn lane, and then --

20 MR. MAHONEY: Could you explain where it
21 actually is on Franklin Street.

22 MS. MONTICUP: It's on Franklin Street.
23 There's a continuation line in the little box there
24 (indicating). So right here there's a little

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1 "Continued," and it continues right down here. So
2 this match line is that match line. We just wanted
3 to fit it all in one plan for ease of showing
4 everyone.

5 So as you can see here, we would have a
6 bump-out for the pedestrians, which is consistent
7 with all the other pedestrian crossings along the
8 corridor. There would be a crosswalk, ADA-complaint
9 wheelchair ramps, a mast arm and foundation 30 feet
10 long to hold the signal heads, as well as a small
11 traffic signal controller. And this all meets ADA
12 requirements with clearances. It doesn't require
13 any easements. There would also be advanced warning
14 signs of the pedestrian crossing ahead.

15 So it's the same thing that we've been
16 proposing, just, I guess, what VAI would consider
17 better.

18 MR. WITTEN: Mr. Chairman, could I just
19 ask, is the bump-out on Franklin Street?

20 MS. MONTICUP: Yes. Correct.

21 MR. WITTEN: So it's within the right --

22 MS. MONTICUP: It's within the
23 right-of-way, yes. See right here? It bumps out
24 into the parking lane and bumps out into the

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1 shoulder, consistent with the other bump-outs along
2 the corridor. You can ride along the corridor and
3 see them at all the intersections.

4 MR. WITTEN: And then the second question
5 is, the mast arm starts where?

6 MS. MONTICUP: The mast arm is also within
7 the right-of-way. And if you can -- it's right here
8 behind the wheelchair ramp, right at the back of the
9 ramp so that the pedestrians can hit the button.

10 MR. WITTEN: So when you say no easements
11 would be required, what -- can you --

12 MS. MONTICUP: Meaning all the signal
13 equipment will be in the Town right-of-way. It will
14 not be on private property.

15 That's really the quick summary. And on
16 November 9th we received sign-off on everything,
17 with no outstanding comments.

18 CHAIRMAN SALTZMAN: The bump-out, would
19 that have a curb? Would that be --

20 MS. MONTICUP: It would be curbed, yes.
21 It's curbed and then slopes down for the wheelchair
22 ramp so that it's flush.

23 CHAIRMAN SALTZMAN: And a cyclist could get
24 through there?

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1 MS. MONTICUP: No. It's going to go into
2 the shoulder, similar to every other pedestrian
3 crossing bump-out along the corridor.

4 CHAIRMAN SALTZMAN: So he would have to go
5 around?

6 MS. MONTICUP: Just like they do today at
7 the other locations, correct.

8 CHAIRMAN SALTZMAN: Questions?

9 MR. SULLIVAN: I have a question. How far
10 away is that located from the closest street, and
11 how far away is it from the entrance to the site?

12 MS. MONTICUP: I have that number. It
13 is -- I didn't have these memorized. It is 460 feet
14 east of the site driveway, 475 feet west of Rustic
15 Road, and 630 feet west of Gerald Road.

16 MR. SULLIVAN: So that's about in the
17 middle.

18 MS. MONTICUP: It's pretty much in the
19 middle. There's a curve on both sides. Along with
20 a vertical curve, there are not many places you can
21 put it and still meet the site distances for the --
22 the westbound direction had an 85th percentile speed
23 of 40 miles an hour, so we wanted to place it there
24 accordingly.

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1 MR. SULLIVAN: Thank you.

2 MS. MONTICUP: Our review letter or our
3 letter dated November 5th also outlined all the
4 mitigation commitments in one list.

5 CHAIRMAN SALTZMAN: With reference to the
6 light, is that something you're going to do or you
7 would be contributing toward?

8 MS. MONTICUP: We would be installing that
9 as part of the project.

10 CHAIRMAN SALTZMAN: And I know that there
11 had been an issue with the third lane.

12 MS. MONTICUP: The left --

13 CHAIRMAN SALTZMAN: The left-hand turn, and
14 that -- if that lane is not drawn, you would agree
15 that there would need to be a proportional reduction
16 in the amount of traffic coming out of the site?

17 MS. MONTICUP: I actually -- I know I
18 wasn't at the meeting where Jeff spoke about -- Jeff
19 Dirk from VAI spoke about how it would be roughly
20 120 to 125 units.

21 I know what he did explain was that -- what
22 I have calculated and verified is that if it is
23 reduced to 120 or 125 units, the left-turn lane --
24 the left turns are 5 percent of the advancing volume

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1 of traffic.

2 However, based on the methodologies that we
3 have been using and was submitted in the traffic
4 study for the warrant, we do feel that -- the
5 left-turn lane warrant is based on advancing
6 volumes, opposing volumes, and speeds on the
7 roadway. And really due to the high volume of
8 traffic on Franklin Street, almost anything along
9 that corridor is going to warrant a left-turn lane,
10 except maybe a residential home that only has, you
11 know, one car going in every now and then.

12 So any kind of development along the
13 corridor that generates traffic is going to warrant
14 a left-turn lane. So --

15 CHAIRMAN SALTZMAN: Having said that, you
16 would agree with me that a 264-unit project would
17 generate more traffic than a 120-unit one?

18 MS. MONTICUP: Yes. That statement is
19 correct.

20 CHAIRMAN SALTZMAN: And would you also
21 agree that it probably would be a lot safer for 120
22 units exiting the site into those lanes of traffic
23 without a third lane than it would be with 264?

24 MS. MONTICUP: We've run the calculations,

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1 and even if you only put in the 15 townhouses and
2 the rental office, it still would warrant a
3 left-turn lane. So...

4 CHAIRMAN SALTZMAN: So you're saying that
5 if you don't get the third lane, that you wouldn't
6 be doing any construction there?

7 MS. MONTICUP: What do you mean, if we
8 don't get it? If you don't approve it?

9 CHAIRMAN SALTZMAN: If you can't take a
10 left-hand turn with 15 units, if you don't get your
11 third lane, what are you going to do?

12 MS. MONTICUP: Well, in the traffic study,
13 we did have to analyze this without the left-turn
14 lane. That was the build-without-improvement
15 condition. It's been documented.

16 What that does is just causes additional
17 delay on Franklin Street. Cars do it along the
18 corridor now. As left turns go into Dunkin' Donuts,
19 cars queue up behind them, additional delays on
20 Franklin Street.

21 So operationally it will still work.
22 People will have to wait a little bit longer.
23 However, to reduce those delays, we recommended a
24 left-turn lane. And because we were investigating

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1 that, to back up our recommendations, we checked the
2 warrant, and the warrant is met.

3 CHAIRMAN SALTZMAN: But just logically, if
4 you've got a left-turn lane permitting access to the
5 site, that was built into your calculation as to
6 mitigation of traffic on Franklin Street for a
7 264-unit development, correct?

8 MS. MONTICUP: It wasn't a required
9 improvement of the project. You know, it was just a
10 recommendation, because it helps flow along Franklin
11 Street.

12 MR. WITTEN: Were you here -- if I could,
13 Mr. Chairman?

14 CHAIRMAN SALTZMAN: Sure.

15 MR. WITTEN: Were you here when I asked Mr.
16 Dirk --

17 MS. MONTICUP: No, I was not at that
18 meeting, but I did read the meeting minutes.

19 MR. WITTEN: Were you here when I asked Mr.
20 Dirk in prior meetings, on two occasions, whether
21 the project could be made safe without a left-turn
22 lane? Do you remember?

23 MS. MONTICUP: Yes, I do believe that. And
24 in his letter dated October 15th as well, I believe,

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1 he did put in there he also agrees with us that the
2 recommendation of the left-turn lane is a good
3 thing.

4 MR. WITTEN: So would you also agree that
5 the project cannot be made safe without the
6 left-turn lane?

7 MS. MONTICUP: I wouldn't say it's a safety
8 issue, no.

9 MR. WITTEN: So your testimony is that the
10 264-unit project would not be made unsafe without a
11 left-turn lane?

12 MS. MONTICUP: It's not being proposed
13 because of safety. It's being proposed to decrease
14 delays.

15 MR. WITTEN: So 264 units without a
16 left-turn lane, in your professional opinion, is
17 acceptable?

18 MS. MONTICUP: Will increase delays on
19 Franklin Street, correct.

20 MR. WITTEN: So you're not recommending to
21 your client a left-turn lane at 264 units?

22 MS. MONTICUP: I am recommending a
23 left-turn lane.

24 MR. WITTEN: And if there wasn't a

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1 left-turn lane, would you recommend to your client
2 to continue the 264-unit project?

3 MS. MONTICUP: I believe that whether it's
4 the 15 units that I just spoke of or 265, the
5 left-turn lane, you know, is a good recommendation.

6 MR. WITTEN: Which is consistent with the
7 Chairman's question, which is, you need a left-turn
8 lane at least for 15 units.

9 MS. MONTICUP: Correct, just you like need
10 a left-turn lane at Dunkin' Donuts -- I'm sorry.
11 That is not correct. You don't need it. It's
12 warranted.

13 MR. WITTEN: Thank you.

14 MR. SHULMAN: I don't remember the build-
15 without conditions -- sorry, if you'd like to
16 respond.

17 MR. ENGLER: Let me just add to this
18 discussion, cut to the chase, which is, I think,
19 where some of this is going.

20 We firmly believe, under 40B, that you, the
21 Board, have the right to make all local land use
22 decisions and step in the shoes of the Board of
23 Selectmen to make this left-turn lane possible on
24 this street.

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1 If you take the position that you can't do
2 that under 40B and you won't allow us to make --
3 you'll tell us to go to the Selectmen, and they'll
4 say, "No, you can't do it," that's -- we're at dead
5 ends at that point, because we believe strongly
6 that, under the law, you have the right to make that
7 decision.

8 So if you agree with us -- and Mr. Witten
9 keeps pushing the point -- that the left-turn lane
10 should be there, we all agree, it should be there.
11 And you have the right to allow us to do it. And
12 physically it fits. So I don't know what the debate
13 is.

14 CHAIRMAN SALTZMAN: All right. Let me ask
15 you this: But you would agree that neither the
16 developer nor Mass. Housing has the authority to
17 order us to put that lane in; is that correct?

18 MR. ENGLER: Correct. I don't know what
19 they would do in the Housing Appeals Committee.
20 They may say that's a condition. But I can't speak
21 for them, so I don't know.

22 We're saying it's not a safety issue. It's
23 an issue, just like all up and down the street,
24 where it makes it better to work. But if you say

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1 it's unsafe and, "Oh, by the way, we're not going to
2 let you do it," it doesn't make sense to us, because
3 you have the power to do it.

4 So if you think it works, you have the
5 power to make it work.

6 MR. WITTEN: I would only add, Mr.
7 Chairman, that the fact that the developer wants
8 something doesn't make it so. The Town has the
9 right to control its own destiny.

10 The Applicant has chosen a site that has
11 this impediment in it, and now the Applicant is
12 going to have to ask the Town for an easement on
13 municipal property, or if not an easement, a fee
14 change to the layout of the road which is owned by
15 the Town of Stoneham.

16 I've asked you twice, Heather, whether or
17 not any of the improvements to this property were on
18 private property. I asked you in two successive
19 appearances, and you said the site synchronization
20 and the left-turn lane were on Town of Stoneham
21 property. That hasn't changed?

22 MS. MONTICUP: That has not changed. But
23 no easement --

24 MR. ENGLER: Your own consultant is

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1 recommending the same thing. So you can go against
2 what your paid professional has on how the traffic
3 works better.

4 MR. WITTEN: That distorts the record, Mr.
5 Chairman. That's not what the Town's consultant has
6 said.

7 Mr. Dirk said at the last meeting -- and
8 Mr. Dirk is here, he can speak for himself -- that
9 to avoid the left-turn lane, the number of units is
10 120 to 125. Mr. Dirk has not said anything other
11 than that.

12 MR. ENGLER: You can ask him to quantify
13 that or clarify it, if you'd like.

14 CHAIRMAN SALTZMAN: Questions from the
15 Board?

16 MR. SHULMAN: I was just -- I didn't
17 remember the build-without conditions. I mean, what
18 I remembered was that even with the left-turn lane,
19 a number of the intersections that were affected
20 were on the borderline of failing.

21 In the build-without-improvement condition
22 that you were talking about earlier that you
23 considered, did that -- I mean, I assume that, as
24 you just said, if you don't put the left-turn lane

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1 in, then traffic backs up elsewhere. It makes total
2 sense.

3 When that happens, what happens at those
4 other intersections, at Pleasant and Spring or
5 Franklin and Main?

6 MS. MONTICUP: Each intersection has its
7 own no-build without the project and build with the
8 project. So as part of the traffic study is to do
9 the no-build and the build the way that everything
10 is. And then we further went along and did -- we
11 recommended improvements, which was the left-turn
12 lane at the site driveway.

13 MR. SHULMAN: So have you looked at it with
14 the 264 units added but no left-turn lane?

15 MS. MONTICUP: Yes. And that's the build
16 condition in the traffic study. And if you look at
17 the analysis, again, not during times of congestion
18 like in the a.m. when people are backed up, but
19 after that kind of half-an-hour peak, there are gaps
20 in the traffic to get left turns into the site.

21 And so if you look at the level of service
22 on Franklin Street without the left-turn lane, it's
23 still Level of Service A, which obviously is
24 acceptable.

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1 It shows, like, a one-car queue. I'm not
2 sure that's so accurate. It's probably one or two
3 will back up as it's waiting for a gap in traffic to
4 get in. But that is all documented in the traffic
5 study.

6 Again, it wasn't a safety or it was a
7 failing condition. We just felt that the left-turn
8 lane would help move traffic along, especially
9 during the p.m. when we have most of our traffic
10 entering the site, coming home from work.

11 CHAIRMAN SALTZMAN: And you would agree
12 that the afternoon peak is longer than a half an
13 hour, correct?

14 MS. MONTICUP: Well, the thing about the
15 afternoon peak is that it doesn't coincide with the
16 school dismissal. The adjacent street traffic is
17 higher at one hour than the school dismissal.

18 The problem with the a.m. is you've got the
19 peak drop-off -- I'm sorry the drop-off of school
20 and the peak traffic on the roadway all happening at
21 the same time, and that's why the a.m. is long
22 queues.

23 CHAIRMAN SALTZMAN: With us tonight we have
24 our Town Planner, and I think we'll have you come up

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1 now.

2 MS. WORTMAN: Thank you. My name is Erin
3 Wortman. For the record, Town Planner, Town of
4 Stoneham. I was asked to speak tonight, because
5 I've been working on the Tri-Community Greenway.
6 We've obviously heard from the Melrose bikeway
7 chairman tonight, and I just want to give a little
8 more insight on kind of what we're doing regionally
9 with bike connections and how Stoneham is part of
10 conversations.

11 Obviously the Tri-Community Greenway does
12 not directly affect the Franklin Street development.
13 It doesn't. The bikeway, the greenway does not go
14 down Franklin Street.

15 However, the Tri-Community Greenway, which
16 connects Winchester, Woburn and Stoneham, is a
17 destined project and hopefully will start
18 construction in the next year. That being said,
19 there are other trails and other bike paths along
20 the state, especially north suburban, that are in
21 progress.

22 We are one of 101 communities in the
23 Metropolitan Area Planning Council's jurisdiction.
24 As such, we work with them quite a bit on planning

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1 regionally and as a group.

2 I spoke with David -- I always butcher his
3 last name, so I'm not going to say it. David, he's
4 a senior transportation planner at MAPC. He's who I
5 call "the bike guy." At MAPC transportation is, I
6 would say, probably the number one issue that we
7 talk about at MAPC meetings and regional meetings.

8 So David, we've talked quite a bit about
9 bicycle access and improving bicycle safety and
10 pedestrian access in Stoneham and in surrounding
11 communities.

12 So I called David this week to kind of talk
13 about Franklin Street and to kind of talk about the
14 Tri-Community Greenway. We'd talked a little bit
15 before. And I heard, and I understood from previous
16 conversations with MAPC, that it's MAPC's hope that
17 we will eventually start connecting these approved
18 bike paths and these approved bikeways, because
19 obviously we're trying to reduce transportation by
20 vehicles in the State of Massachusetts and increase
21 our pedestrian safety and our bicycle
22 transportation.

23 So there is a Wakefield trail system, bike
24 path, and obviously the Tri-Community Greenway. And

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1 MAPC would eventually like Stoneham and Wakefield to
2 work together by connecting those two bike paths
3 either down Franklin Street or by Elm Street.

4 When I talked to David about what kind
5 of -- what they would recommend for a bike path or a
6 connector between those two down Franklin, since
7 we're talking about Franklin, he wrote to me, and he
8 said, "I would strongly recommend that the Town
9 stripe officially five-foot bike lanes on the
10 street."

11 So that's just kind of food for thought.
12 Nothing is approved. I know that MAPC really wants
13 Wakefield and Stoneham to work together once those
14 two bike paths are completed, and I know that's kind
15 of on their list of things to do, and they hope the
16 towns can kind of work together on that.

17 Obviously it's also part of Complete
18 Streets. You don't necessarily need a dedicated
19 five-foot bike lane to be part of Complete Streets,
20 but to be a more complete transportation-minded kind
21 of community, you have to think of not just vehicle
22 traffic, you don't have to just think of pedestrian,
23 you know, walkability; you also have to think about
24 bike lanes and people kind of moving around in

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1 different kinds of ways.

2 So I just wanted to share that kind of
3 insight on the Town and kind of the direction that
4 the region is going to and the Commonwealth is
5 obviously pushing a little more and kind of the
6 trend.

7 And transportation conversations, just so
8 everyone knows, Department of Transportation, the
9 Metropolitan Planning Organization which determines
10 federal highway funding, all our transportation
11 conversations are part of a larger planning process
12 that will take us to 2040.

13 So this is not like a short-range kind of
14 thing. This will happen in this generation. So
15 it's just something to kind of be mindful of when we
16 start thinking about planning, we start thinking
17 about development, that we just don't think about
18 current things.

19 CHAIRMAN SALTZMAN: What would be the
20 effect of having the third lane on Franklin Street,
21 eliminating a bike lane in that spot at a spot where
22 there is great congestion?

23 MS. WORTMAN: Well, I don't know if a
24 shared bike transportation lane is safe. So I don't

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1 know if that would eliminate the accessibility to
2 connect it on Franklin Street, and that would only
3 tie our hands to Elm Street. I think that would
4 just need to be looked into a little further.

5 CHAIRMAN SALTZMAN: All right. As somebody
6 who is planning the long-range future of this Town,
7 what would be the effect on Stoneham of having
8 Franklin Street designated, for example, not safe
9 for bicycle traffic?

10 MS. WORTMAN: Well, in planning --

11 CHAIRMAN SALTZMAN: In that particular
12 spot.

13 MS. WORTMAN: Well, in planning in general,
14 you kind of think of where -- kind of where your
15 opportunities are. And I think especially when you
16 think of the high school being on Franklin Street,
17 and you think about most likely 75 percent of
18 students who attend the high school don't drive or
19 don't have cars at school, you have to think about
20 how are they getting from school, out of school.
21 And you also have to think about where the high
22 school is in correlation to the rest of the
23 community.

24 You go down Franklin Street and you go

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1 right into downtown. So is that where students are
2 going after school? Probably.

3 So you kind of have to think about that
4 when we start thinking about, you know, areas where
5 we develop, where we redevelop, and make sure that,
6 you know, everyone is kind of addressed from a
7 safety point of view.

8 CHAIRMAN SALTZMAN: Even as Mr. Liebman was
9 discussing earlier tonight, you could have people
10 who go to school at the high school, who work in
11 Boston, who access public transportation either in
12 the Highlands or Oak Grove by means of a bicycle.

13 MS. WORTMAN: Yes.

14 CHAIRMAN SALTZMAN: And that would involve
15 their traveling down that end of Franklin Street.

16 MS. WORTMAN: Yes. And David, who I
17 mentioned, the senior transportation planner, every
18 meeting we've had here in Stoneham, he's taken his
19 bike from Oak Grove and had some commentary about
20 riding his bike from Oak Grove to Town Hall.

21 CHAIRMAN SALTZMAN: Does he like what he
22 sees?

23 MS. WORTMAN: I think he sees some
24 opportunity.

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1 MR. MAHONEY: I guess -- I mean, we've all
2 established, our consultant and the Board's
3 consultant, that the result, if this was done, would
4 be very similar to other intersections along
5 Franklin Street.

6 So if there was to be a bike lane along
7 Franklin Street, this same exact condition that
8 we're looking at up on the screen exists elsewhere
9 on Franklin Street and would need to be addressed,
10 probably with sharrows.

11 So, I mean, if we're talking about sharrows
12 here, we'd be happy to be a part of trying to
13 incorporate a broader restriping of Franklin Street
14 to create a bike lane. I guess I just don't --
15 there's a disconnect between singling out this one
16 piece here and -- which is a condition that exists
17 up and down the corridor.

18 CHAIRMAN SALTZMAN: You know, the problem I
19 see -- and I'm glad you brought that up, because,
20 you know, how dare we mention the inability to have
21 a bike lane as an issue.

22 The difference here is that if we build 264
23 units, you're institutionalizing the lane; the lane
24 can never move. We can change the lane at the high

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1 school by various means to incorporate a bike lane
2 into it.

3 The only problem we have is, once you've
4 got it built -- I mean, I'm not aware of any
5 apartment buildings that have ever fallen down --
6 you're going to be there for a long time, and I
7 think we're looking at decades where we're really
8 dug into this particular spot; whereas the high
9 school bike lanes, the extra lane at the high school
10 could be changed. The Town does have remedies at
11 its disposal where it could widen the street.

12 I don't know, but one thing we can't do is,
13 once we put that lane in in front of the Weiss Farm,
14 that's there forever.

15 MR. MAHONEY: I guess I would say the
16 sharrows are used in a lot denser places than this,
17 and they're used effectively. And I don't see why
18 that would not be a good solution here, as well as
19 other intersections up and down the corridor.

20 CHAIRMAN SALTZMAN: Mr. Sullivan.

21 MR. SULLIVAN: I have a question. Where is
22 that proposed bike path in Wakefield going? From
23 where to where?

24 MS. WORTMAN: I'm not sure.

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1 CHAIRMAN SALTZMAN: She's the Stoneham
2 Planner.

3 MR. SULLIVAN: Well, no. You're talking
4 about Franklin Street. It's obviously not going up
5 Greenwood. You have a hard enough time getting two
6 cars going up Greenwood Street at the same time.

7 MS. WORTMAN: I can provide that
8 information.

9 MR. SULLIVAN: I was just curious how
10 Franklin Street came into play on it. That's all.

11 MS. WORTMAN: So MAPC recommended those two
12 routes to us for future discussion, either Elm or
13 Franklin for those connectors.

14 CHAIRMAN SALTZMAN: Does Melrose have a
15 path, a bike path?

16 MS. WORTMAN: I have no idea. Sorry.

17 CHAIRMAN SALTZMAN: Okay.

18 MR. WITTEN: I'm all set. Thank you, Mr.
19 Chairman.

20 CHAIRMAN SALTZMAN: Thank you very much.

21 MS. WORTMAN: You're welcome.

22 CHAIRMAN SALTZMAN: At this time, it
23 makes -- Mr. Dirk.

24 MR. DIRK: Good evening, Mr. Chairman,

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1 members of the Board. Again, for the record,
2 Jeffrey Dirk, principal with Vanasse & Associates,
3 the Town's traffic consultant on this project.

4 So I think the Applicant's engineer
5 summarized basically where we are with respect to
6 the review process. And I think as I had mentioned
7 at the last hearing, our expectation at least as to
8 where we would be tonight was to have before you a
9 list of mitigation measures, and I think that's kind
10 of where we're at.

11 The mechanical aspects of the traffic study
12 that led us to the list of mitigation that you have
13 in the Applicant's letter have all been addressed.

14 So I think we're down to pretty much what
15 you're speaking about tonight, which is the design
16 and kind of the more detailed aspects relative to
17 these improvements that the Applicant has proposed.

18 I think we start with the item that we've
19 been speaking about at least for the majority of the
20 initial part of the hearing tonight, the
21 improvements at this intersection. And I think as
22 we have spoken about since probably the opening
23 hearing where we've talked about traffic, the issue
24 that we've kind of struggled with is not whether

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1 there are similar conditions that exist up and down
2 this corridor. From the Board's perspective and
3 from the Town's perspective it's really what are you
4 giving up to achieve these improvements.

5 I think that what we've said from the first
6 hearing is that we all know the way this is being
7 achieved is that we're not widening the road. So to
8 provide the additional turn lane, the way it's being
9 done is we're reducing the shoulders down from what
10 is there today.

11 So the shoulder widths that are there
12 today, at least in this section of roadway, are
13 sufficient for the shared use, bicycle travel and
14 motor vehicles in the travel way. And to achieve
15 the turn lane, they're reducing the shoulders
16 down -- the travel lanes and the shoulders are being
17 reduced down to a point where, from the State's
18 standpoint, it would not be considered as a shared
19 travel lane. You need 14 feet minimum from the
20 center line to the curb line, and we will no longer
21 essentially have that at this section of road. So
22 you're giving something up to allow for this left
23 turn to be put in place.

24 Now, relative to the left-turn lane, I

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1 think, as was mentioned, we wholeheartedly agree
2 that, for the proposal that's before you, the turn
3 lane is necessary. And I think the thing that I
4 wanted to comment on relative to the turn lane is
5 there are -- there's defined criteria or guidance
6 provided to know when it's suggested that you
7 install a turn lane. As you heard, it's based on
8 the volume of traffic that's being moved or
9 advanced, being pushed along the road past the site,
10 and the opposing volume.

11 And it's very easy. You go on a chart. If
12 you know the speed or volume on the roadway, you
13 know the volume of traffic, you go on a chart and
14 you can see whether a turn lane is warranted.

15 And at this area, basically for 40 miles an
16 hour, there is a set volume. And what it says is
17 that if you look at the volume that's trying to go
18 by the site, so heading towards Melrose, if 5
19 percent of that volume is left-turning traffic, then
20 it says, based on guidance, that you want to have a
21 left-turn lane.

22 So it's very easy to calculate when you
23 need a left-turn lane and when you might fall below
24 that 5 percent threshold.

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1 So it was an easy calculation for me to do
2 based on the volumes and the speed of the traffic
3 that's on the roadway.

4 So that in looking at the speed of traffic
5 and the volume of traffic on the roadway during the
6 peak hour, we can see if no more than 5 percent of
7 the vehicles heading towards Melrose can make a
8 left-hand turn, we can easily calculate what the
9 volume of traffic at the site can generate that
10 would get it to fall below that 5 percent threshold,
11 and that's the 120 to 125 units.

12 At that level, you fall below the guidance
13 level in the chart, because it basically says, as
14 the Applicant's engineer had mentioned, there are
15 enough gaps in traffic that's opposing those left
16 turns so you don't get the queuing that happens in
17 the roadway.

18 So that -- I mean, I wouldn't say it's a
19 simple calculation, but you can go in the chart and
20 do these calculations and then back into the number
21 of units. And at that level of the 120 to 125, what
22 it says is the potential for blockages to happen in
23 the traffic that's going away from the site is
24 reduced to a level of that you don't really need a

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1 turn lane in that case.

2 We think it's a good idea. If the
3 Applicant hadn't proposed it, we would have
4 recommended that they do that. But the question was
5 asked, at what level do you not need the level of
6 improvements that are proposed here? As you start
7 to get below 125 to 120 units, at that level you
8 generally would not necessarily need the turn lane
9 in that area.

10 So, again, getting back to these
11 improvements, I think it's really a question of what
12 you are giving up to gain the improvements. And in
13 fact I think the question you have as well is,
14 should we be giving up these things in relation to
15 the project that's here?

16 I don't know that the Applicant has tried
17 to design something that could accommodate minimum
18 four-foot shoulders in this area, would require the
19 road to be widened. I think at this point what
20 they're trying to do is not widen the roadway and
21 just stick within the pavement lanes.

22 So I don't know that they've gone that step
23 to see, can we provide accommodations in this area
24 that would at least be able to have bicycle

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1 accommodations that currently exist through this
2 section of our road.

3 CHAIRMAN SALTZMAN: How much room is there
4 to widen the road?

5 MR. DIRK: I'm not sure -- I would have to
6 look at the plans in a little more detail. I don't
7 know that they're showing the right-of-way lines on
8 the plans here.

9 But basically, in some of the areas where
10 you see they have a wide median that's there, it may
11 be a matter of shrinking down some of that median
12 and nipping and tucking on either side of the
13 roadway to be able to get the required four-foot
14 shoulders in there.

15 CHAIRMAN SALTZMAN: Would you be taking
16 that from the sidewalk?

17 MR. DIRK: What they would do is basically
18 move -- the sidewalk would have to be moved. You
19 couldn't reduce the width of the sidewalk. It has
20 to be the six feet that's there. So basically
21 you're widening and pushing the sidewalk back. You
22 wouldn't reduce the width of the sidewalk.

23 CHAIRMAN SALTZMAN: What they could do is
24 they would locate the sidewalk on the property --

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1 MR. DIRK: They certainly --

2 CHAIRMAN SALTZMAN: -- and that would then
3 create the additional space.

4 MR. DIRK: There is certainly an
5 opportunity to do some things like that.

6 MR. SHULMAN: So this is a simple math
7 problem, though, isn't it? It's a 50-foot
8 right-of-way?

9 MR. DIRK: Correct.

10 MR. SHULMAN: So I don't know all the
11 numbers offhand, but you need six feet on each side
12 for a sidewalk, 12 feet. So you're at 38 feet left
13 over for paved road. So then you need three lanes
14 at whatever you get, 12 1/2, 13 feet there?

15 MR. DIRK: It's a combination -- it's an
16 engineering exercise based on the math of what's
17 available. And then from the Applicant's standpoint
18 it's a cost exercise.

19 MR. SHULMAN: Sure.

20 MR. DIRK: It's a matter of how much does
21 it cost to widen the road to provide the lanes. But
22 you're right --

23 MR. SHULMAN: I was ignoring the cost
24 aspect -- forgive me for that -- for a moment. But

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1 if it's not physically possible, then it doesn't
2 matter what it costs.

3 MR. DIRK: That's exactly right. But I'm
4 not sure that the Applicant has looked at doing
5 that. And maybe that's something that the Board
6 wants to request, that they look at it and they see,
7 can they provide accommodations similar to what you
8 have out there today, in that you're not losing the
9 ability of bicycles to travel through this section
10 of roadway.

11 So then at least if the Board was to grant
12 a condition that looked like that, you would at
13 least know that you were not giving something up
14 that the Town currently enjoys in this section of
15 roadway.

16 CHAIRMAN SALTZMAN: The other aspect of the
17 Heather's testimony was that this is not -- at what
18 point -- I guess she said that this was not about
19 safety; this was about traffic. I guess -- and I'm
20 not looking to be unfair on this score, but at some
21 point it would seem to me that it stops being about
22 traffic and it starts being about safety. Could you
23 help us on that issue?

24 MR. DIRK: Well, I think some of the

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1 guidance that's provided in terms of when you need a
2 left-turn lane and suggesting when you should have a
3 left-turn lane and when you don't, it does get into
4 that area of both traffic operations but also safety
5 as well, because if you start to create a congested
6 condition, you know, the possibility of having -- if
7 you have cars backed up, the possibility of having
8 rear-end crashes or things like that obviously
9 increases.

10 And that's why going from an unsignalized
11 intersection to a signalized intersection, because
12 you're physically stopping that traffic, you tend to
13 have crashes go up. That might not seem to make
14 sense, but because of the fact that you're
15 physically stopping cars that didn't have to stop
16 before, you have an increase in rear-end type
17 collisions happening.

18 So if you imagine, you know, not having a
19 traffic signal here but having cars queued up
20 because of the fact that you don't have a turn lane
21 to get them out of the way, then you start to
22 introduce the possibility of having increased
23 rear-end type of crashes just because you have the
24 backups happening.

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1 CHAIRMAN SALTZMAN: Or you could have
2 somebody who is cautious at the front of the line
3 who is being told by those behind him or her that
4 now is the time, and they don't have the same view
5 as he does, and panic can sometimes get the better
6 of people.

7 MR. DIRK: Right. And that's why really
8 this guidance is published for us as designers to
9 look at when should you have the turn lanes. And it
10 is based on speed and volume and the volume of
11 turning traffic, which is a result of -- whatever
12 development or the traffic generator happens to be
13 at that level is going to generate a certain volume
14 of traffic. And that, in comparison with the volume
15 of traffic on the roadway, says when you should
16 potentially have turn lanes to get it out of the
17 way.

18 CHAIRMAN SALTZMAN: So when Heather
19 indicated earlier that if there were 15 units, a
20 left-hand turn lane would make things better, that's
21 a fair statement; it would make things better.

22 MR. DIRK: Absolutely.

23 CHAIRMAN SALTZMAN: But the chart that you
24 use, it's universally applied, correct?

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1 MR. DIRK: Yes, it is. It's a national
2 standard.

3 CHAIRMAN SALTZMAN: And is it a safety
4 chart?

5 MR. DIRK: It's a design chart is basically
6 what it is. So it's for designers. And it's
7 published by the Federal Highway Administration. It
8 is used by the State. It's actually a requirement
9 as one of the design guidances that is provided.
10 You know, it's based on all of those numbers, and,
11 yes, it's readily accepted as a standard.

12 CHAIRMAN SALTZMAN: Just one other thing, I
13 guess. You know, with the discussion about the bike
14 lane, would it be your opinion that the third lane,
15 as designed right now, would or would not make the
16 road safer or less safe for bicycle traffic, where
17 they would be required to share the lane on either
18 side?

19 MR. DIRK: Compared to what you have there
20 today, it would be -- you're putting the bicyclist
21 -- physically forcing them into the travel lane.
22 They have to ride in -- if you have the white edge
23 line that's there, keeping -- separating the traffic
24 from the curb, today the bicycles can ride basically

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1 between the white line and the curb. They're not
2 riding where the motor vehicles are.

3 With this design, that bicyclist basically
4 is going to be either right on that white line or in
5 the travel lane, because they don't ride against the
6 curb.

7 So from the standpoint -- compared to what
8 you have there today, it's something where now
9 you're putting the bicyclist in with the motor
10 vehicle traffic. Today they don't have to be.

11 CHAIRMAN SALTZMAN: Okay. What you're
12 proposing there in terms of locating the sidewalk on
13 the property, if that were to be done, would that be
14 the only physical improvement that the Applicant
15 would be undertaking on the Weiss Farm property?

16 MR. DIRK: In terms of improvements along
17 Franklin Street?

18 CHAIRMAN SALTZMAN: In terms of the traffic
19 mitigation.

20 MR. DIRK: For the traffic mitigation, yes.

21 CHAIRMAN SALTZMAN: Okay.

22 MS. MONTICUP: Can you just repeat what you
23 asked. I guess I misunderstood.

24 CHAIRMAN SALTZMAN: It was so good.

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1 MS. MONTICUP: I know, it was so good.

2 CHAIRMAN SALTZMAN: If the sidewalk were to
3 be located onto the physical property of Weiss Farm,
4 would that be the only mitigation that would be
5 undertaken by the Applicant which would be actually
6 on the property. And the answer, I believe, was
7 yes.

8 Is that your answer as well?

9 MS. MONTICUP: Correct. For traffic,
10 correct.

11 CHAIRMAN SALTZMAN: Any other questions?

12 (No response)

13 CHAIRMAN SALTZMAN: How about we take a
14 break for about ten minutes.

15 MR. WANTMAN: No.

16 MR. SULLIVAN: That wasn't an option.

17 (Recess)

18 CHAIRMAN SALTZMAN: We're back. At this
19 point, we're going to be hearing from the Applicant
20 and Mr. White in connection with groundwater and
21 water in general.

22 MR. CICATELLI: Mr. Chairman, there's also
23 a slide that Jim wants to show you. There was a
24 question that one of the Board members had regarding

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1 snow storage.

2 If you recall from the last meeting, it was
3 our understanding that Mr. Houston was going to
4 reach out to Mr. White, and there was going to be
5 some work that went on between them so we could be
6 prepared, perhaps either this evening or clearly
7 next week, to discuss storm water. That never
8 happened. We haven't heard.

9 So we've responded to Mr. Houston's
10 comments, but we haven't heard back. Jim did try to
11 contact him yesterday, and we haven't heard back.

12 So I guess the question would be how you
13 want to handle next week's meeting. If we're going
14 to be talking about storm water and we don't have
15 any response, are we going to -- does Mr. Houston
16 have time to respond, and then do we have time to
17 respond for that meeting?

18 CHAIRMAN SALTZMAN: Mr. Witten?

19 MR. CICATELLI: Actually, Jim has a
20 conflict.

21 CHAIRMAN SALTZMAN: Let me find out.

22 MR. WITTEN: I would assume, Mr. Chairman,
23 that Mr. White and Mr. Houston can connect and agree
24 on a process for next Wednesday.

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1 I know Mr. Houston has received the letter
2 from Rackemann. Tonight you handed out an
3 identification of, I guess, the source of the
4 comments. So we'll send that to Mr. Houston, and,
5 Mr. White, you and Mr. Houston can coordinate the
6 next --

7 MR. CICATELLI: Well, we've actually had
8 that letter, Jon. All we did was indicate who the
9 authors were. You had requested that. But we've
10 had the letter. At the last meeting we acknowledged
11 receiving the letter. It's just a question of Jim
12 receiving comments and the two of them working
13 outside the meeting.

14 So my question is whether, Mr. Chairman,
15 that's going to occur before next Wednesday, which
16 it probably won't. So -- and Jim has a conflict
17 anyway next Wednesday.

18 MR. WHITE: I can reach out to Mr. Houston
19 again and see if we can get together. But Mr.
20 Houston wants to get together to review this, he
21 mentioned at the last meeting.

22 CHAIRMAN SALTZMAN: I don't see why he
23 wouldn't. Is there any --

24 MR. WITTEN: I have no -- I'm not a party

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1 or aware of any reason why he wouldn't get back to
2 you, Mr. White.

3 MR. WHITE: Okay. I'll reach out to him
4 again tomorrow and see if we can get together.

5 MR. WITTEN: Is the question what would be
6 on the agenda for next Wednesday?

7 MR. CICATELLI: Well, I think even if Jim
8 contacted Mr. Houston and they meet, let's say, on
9 Tuesday, I don't know if either one is going to be
10 prepared for Wednesday. Jim has a conflict next
11 Wednesday. We were anticipating that that was
12 probably -- that we were going to have some
13 discussion tonight on storm water.

14 So I guess the question is, does it make
15 sense --

16 CHAIRMAN SALTZMAN: Is this a round-about
17 question as to whether or not we should be meeting
18 next Wednesday or whether we should be talking about
19 something else?

20 MR. CICATELLI: That would be the question.
21 I don't want to waste the Board's time if the
22 consultants can't speak of storm water management
23 because they haven't had a chance to meet and
24 prepare. That doesn't make sense to have that as

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1 the agenda item.

2 MR. WITTEN: I would agree, Mr. Chairman,
3 it may be that next week's meeting be postponed
4 until a convenient time in the first week of
5 December.

6 CHAIRMAN SALTZMAN: What would the 30th of
7 November look like? I know that we're losing
8 somebody.

9 Mr. Rotondi, you're not around -- you're
10 leaving on the 1st.

11 MR. ROTONDI: The 2nd.

12 CHAIRMAN SALTZMAN: So either the 1st or
13 the 30th.

14 MR. ROTONDI: The 2nd through the 11th.

15 MR. WITTEN: Mr. Chairman, for what it's
16 worth, I couldn't do the 30th. I could do the 1st.

17 MR. MAHONEY: Likewise.

18 CHAIRMAN SALTZMAN: So how is the 1st of
19 December?

20 MS. ROONEY: That's fine.

21 MR. SULLIVAN: It's almost Christmas
22 already?

23 MR. DiPINTO: We're meeting that night, the
24 Board of Selectmen. So you can meet, obviously, but

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1 you will not meet here.

2 MR. SULLIVAN: I thought we were more
3 important.

4 CHAIRMAN SALTZMAN: We'll flip a coin.

5 MR. DiPINTO: I'm sorry I said that.

6 MR. SULLIVAN: Thank you for the
7 information.

8 We'll be banished downstairs.

9 MS. McBRIDE: It's nicer downstairs.

10 MR. DiPINTO: There is more room in the
11 Banquet Hall anyway.

12 MR. ROTONDI: So next week is cancelled?

13 CHAIRMAN SALTZMAN: Well, we're thinking
14 about it.

15 MR. SULLIVAN: There is nothing else that
16 we can discuss other than storm water and that's it?
17 We'll be done after that?

18 MR. WITTEN: One thought would have been
19 the financials, but that timing won't work either.

20 MR. SULLIVAN: They won't have that until
21 after.

22 MR. WITTEN: So if the Board does reconvene
23 on the 1st, Mr. White and Mr. Houston can coordinate
24 perhaps also with Mr. Griffin, who did the storm

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1 water work for the Conservation Commission, and then
2 maybe we can have Mr. Stankus prepared for the 1st
3 as well.

4 MR. SULLIVAN: I just cancelled my dinner
5 with my wife on my 50th wedding anniversary. Now
6 I'm going to have to go out to eat?

7 (Laughter)

8 MR. ENGLER: We can recommend some good
9 restaurants.

10 CHAIRMAN SALTZMAN: All right. So we're
11 looking at a couple of nights perhaps the week of
12 the 14th, where Mr. Rotondi is going to be gone
13 until the 11th. So we're looking at the 1st and
14 then maybe the 15th, 16th. Oh, yes, Merry
15 Christmas, everybody.

16 MR. ROTONDI: Are we meeting that night
17 too?

18 CHAIRMAN SALTZMAN: What about the 15th?
19 Are you meeting again on the 15th?

20 MR. DiPINTO: Yes. Actually the Town Hall
21 Christmas party is here before our meeting, so the
22 room is booked all night.

23 MR. SULLIVAN: I hope it's alcohol free.

24 MR. DiPINTO: Absolutely. We have a

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1 meeting after.

2 CHAIRMAN SALTZMAN: How's the 16th? Can we
3 do that?

4 MR. ENGLER: Mr. Chairman, I would just
5 recommend -- that's fine with me -- through Mr.
6 Witten, if the consultant on the financial review
7 has adequate time if we get it to him on -- what day
8 are we getting it to him?

9 CHAIRMAN SALTZMAN: Next Friday.

10 MR. ENGLER: That he get it to me so he and
11 I can talk before we meet on the 15th, so he doesn't
12 just present it, and I say, "Oh, I've got to look at
13 that," and then we go on and on. So if he can get
14 it to me a week ahead of time, we'd both be ready to
15 have the discussion.

16 MR. WITTEN: I think that makes sense. You
17 said the 15th. We're talking the 16th?

18 CHAIRMAN SALTZMAN: The 16th. The 16th of
19 December.

20 MR. ENGLER: The 16th?

21 CHAIRMAN SALTZMAN: Yes.

22 MR. ENGLER: Disregard what I just said.

23 Same thing. If he can get it to me a week
24 ahead of time, great. Or I can sit with him,

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1 whatever...

2 MR. WANTMAN: Do you need to schedule a
3 site walk before we have snowfall?

4 CHAIRMAN SALTZMAN: If there is a site
5 walk, it would just be the Board members.

6 MR. WANTMAN: But shouldn't you schedule it
7 before --

8 CHAIRMAN SALTZMAN: We ought to...

9 MR. WITTEN: If I could ask, while we're
10 talking scheduling, so the Board's calculated, with
11 Attorney Cicatelli's, I think, agreement, but I'm
12 just asking for confirmation, that the public
13 hearing process, without an extension, that the
14 hearing must close January 15th. So I think there's
15 agreement on that?

16 MR. CICATELLI: (Nods head)

17 MR. WITTEN: So short of an extension from
18 the Applicant, the public hearing must close on the
19 15th. That's a Friday.

20 So it may be, now that we're talking about
21 December dates, that only gives the Board literally
22 15 days in January before you're going to have to
23 close the hearing.

24 So it might -- either this meeting or when

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1 we meet again December 1st, it might be worth just
2 identifying open, outstanding issues in terms of
3 evidence that the Board might want to require the
4 Applicant to produce, or the Applicant may wish to
5 produce on its own.

6 Just a simple observation. We only have
7 six weeks left.

8 CHAIRMAN SALTZMAN: I would also -- you
9 know, if there's any movement on the sidewalk issue,
10 the sooner we're made aware of that, the better.

11 MR. MAHONEY: We're going to study it.

12 CHAIRMAN SALTZMAN: So right now we're
13 looking at December 1st and December 16th. That's
14 good for everybody?

15 MR. CICATELLI: (Nods head)

16 MR. SULLIVAN: The 24th too?

17 CHAIRMAN SALTZMAN: We'll hold off on that
18 one. Maybe in the morning. Bring the coal.

19 MR. CICATELLI: So, Jim.

20 MR. ROTONDI: So we're not going to meet --

21 CHAIRMAN SALTZMAN: We're not meeting next
22 week. The next time we meet will be the 1st of
23 December.

24 MR. SULLIVAN: Right before you leave.

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1 CHAIRMAN SALTZMAN: Pack and then come
2 here.

3 MR. MAHONEY: So we really only have -- we
4 provided all of our information to Mr. Houston. So
5 we really just have one slide to respond to -- the
6 Board had a question about snow storage, and what
7 Jim is showing here is a plan for it.

8 MR. WHITE: It doesn't show up too well on
9 this slide, but the snow storage locations are the
10 areas shown shaded on the edges of the parking lot
11 on this plan, and you can see that quite a bit of
12 the area has snow storage.

13 We used the calculation of, I believe it's
14 40 square feet for a parking spot for snow storage.
15 There's no real standard. That's the standard the
16 City of Waltham uses, the only municipality that I
17 know of that has a standard. And based on that
18 standard, we far exceed on this plan the required
19 amount of snow storage areas for this size of a
20 parking area.

21 We also added notes to the plans stating
22 that -- I think Mr. Houston ask for a note stating
23 that snow should not be placed within wetland
24 resource areas. This plan shows that our snow

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1 storage areas will not be in wetland areas.

2 We also added a note stating that we'll
3 limit the use of salt or chemicals on the parking
4 area. So the parking area -- in the parking lot,
5 there's a tiny bit of salt in that sand. So there
6 will be a limited amount of salt that's being used.

7 There's also types of salt now that are
8 mixed with molasses that kind of stick to pavement
9 that work very well. And by using those, you use
10 far less salt than you would -- or chemicals than
11 you would otherwise use.

12 So our methods use reduced salt. Mass.
13 Highway has reduced-salt locations on their highways
14 where they don't put salt, they put sand, with a
15 tiny bit of salt in it.

16 So that's what we're proposing. That's
17 pretty much commonplace in many locations these
18 days.

19 MR. SHULMAN: Did you say molasses?

20 MR. WHITE: Yes. They mix molasses with
21 the salt. And I know a lot of office parks do this,
22 and it works very, very well. And they put it down
23 before it starts snowing, and it sticks to the
24 pavement. When it starts showing, they don't get

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1 that ice forming on the pavement. It all melts.
2 And then they can just plow it off very easily. And
3 when they finished plowing, there is no snow or ice
4 left on the payment.

5 It works very well. Places that I've
6 talked to that have used it are very, very happy
7 with it.

8 MR. SULLIVAN: Have you thought about
9 radiant heat, due to the fragile ecosystem?

10 MR. WHITE: I don't know of any place that
11 uses radiant heat in their parking areas.

12 CHAIRMAN SALTZMAN: Why wouldn't you do
13 snow removal, get it all out of there?

14 MR. MAHONEY: For the site?

15 CHAIRMAN SALTZMAN: Yes. Just given the
16 wetland, given, you know, where it finds itself, I
17 would have just thought you would...

18 MR. MAHONEY: I mean, if you end up with a
19 winter like you did last winter, sure, we would
20 probably be doing some of that, because this would
21 not be sufficient. But this, in our experience, for
22 a project like this, this is sufficient for the kind
23 of normal --

24 CHAIRMAN SALTZMAN: We're on a bit of a

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1 roll, though. We seem to have had three in a row.

2 MR. MAHONEY: And if we have one like that,
3 last winter, we would obviously need to remove it,
4 if this wasn't sufficient.

5 MR. WITTEN: Is the snow storage area, Mr.
6 White, in the buffer zone, a portion of it in the
7 buffer zone?

8 MR. WHITE: Portions are -- some of it is
9 in the buffer zone.

10 MR. WITTEN: And as part of your Notice of
11 Intent filing with the ConCom, the snow storage area
12 that's shown on this plan, was that part of the NOI
13 filing?

14 MR. WHITE: Yes, it was.

15 MR. WITTEN: So this is part of the filing
16 with the DEP as well?

17 MR. WHITE: It was, except we added the
18 notes I just mentioned.

19 MR. WITTEN: So the size of the snow
20 storage areas haven't changed?

21 MR. WHITE: No.

22 CHAIRMAN SALTZMAN: So the chemicals that
23 you would be treating snow with, what would those be
24 again?

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1 MR. WHITE: It's mostly -- it would be a
2 low salt --

3 MR. ROTONDI: Calcium chloride?

4 MR. WHITE: Typical sand. And any time --
5 Mass. Highway, in order to use sand on roadways and
6 parking lots, there has to be a tiny bit of salt
7 mixed in or the sand is going to clump together. So
8 it will be just simple roadway sand used on the
9 parking lots.

10 I mentioned the molasses thing with the
11 salt, because that is used some places with very
12 good success.

13 MR. ROTONDI: They have calcium chloride
14 mixed with it too.

15 MR. WHITE: Yes. They also use liquid, and
16 the liquid works very, very well. It doesn't -- it
17 stays on the roadway. New Hampshire is very big on
18 it.

19 It doesn't, like -- when they put salt
20 down, it sprays all over the place, typical rock
21 salt, where the water just stays on the roadway.
22 And they can use far, far less salt with the liquid
23 than they would with the typical salt.

24 CHAIRMAN SALTZMAN: Questions from the

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1 Board?

2 MR. SULLIVAN: Well, are we still on storm
3 water? I'm still waiting for that answer on the
4 generator. Where would that go?

5 MR. WHITE: The generator? The generator
6 is located in this area (indicating), right across
7 from where the pump station is, right between the
8 two townhouses.

9 MR. SULLIVAN: In between the end two
10 townhouses?

11 MR. WHITE: Let me see if I can put up the
12 site plan.

13 The two townhouses along in here
14 (indicating), it's going to be in this area.

15 MR. SULLIVAN: And then the pump?

16 MR. WHITE: The pump is right there
17 (indicating).

18 MR. SULLIVAN: Is right there also?

19 MR. WHITE: Yes.

20 MR. SULLIVAN: And we don't know what we're
21 going to use --

22 MR. WHITE: We intend to use natural gas as
23 a fuel, unless someone in Town says they don't want
24 that.

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1 MR. SULLIVAN: Just out of curiosity, have
2 you approached the Fire Department on that, or would
3 that be too premature? I know I've mentioned it
4 twice that it's local jurisdiction. I'm just
5 curious.

6 MR. MAHONEY: We'd be happy to check with
7 the Chief.

8 MR. WHITE: We can check with the Chief.

9 MR. SULLIVAN: It's just a phone call.

10 MR. WHITE: I've never had anyone object to
11 natural gas.

12 MR. SULLIVAN: Yup.

13 MR. WHITE: If we go with diesel fuel, then
14 we most likely would need a permit from the Fire
15 Department.

16 MR. ROTONDI: With the diesel fuel, you've
17 got to put tanks there and you have to store it.

18 MR. WHITE: The tank is located underneath
19 the unit.

20 MR. MAHONEY: Above ground.

21 MR. WHITE: It's part of the package you
22 get, and it's a double-wall tank. But as I said, we
23 plan on using natural gas, which --

24 MR. ROTONDI: Gas is a better.

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1 MR. WHITE: -- is the way everyone is doing
2 it now.

3 CHAIRMAN SALTZMAN: All right. Have you
4 got anything else, anything to add?

5 MR. WHITE: That's it.

6 CHAIRMAN SALTZMAN: Is that it for you guys
7 tonight?

8 MR. MAHONEY: Yes.

9 CHAIRMAN SALTZMAN: All right. I think we
10 have one other person. It will be you, Ellen
11 McBride.

12 You guys remember the Chairman of the
13 Conservation Commission.

14 MR. MAHONEY: Of course.

15 MS. McBRIDE: Mr. White, can I ask you to
16 put up the slide that had the snow storage again,
17 please.

18 Ellen McBride, 30 Butler Avenue. I'm
19 Co-Chair of the Conservation Commission. I'm
20 speaking as the Co-Chair of the Conservation
21 Commission.

22 When you said the snow storage wouldn't be
23 in the wetlands, tell me what you mean by
24 "wetlands." You mean it won't actually be in the

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1 wetlands, but will some of it be within the 25-foot
2 no-disturb zone?

3 MR. WHITE: No.

4 MS. McBRIDE: Not in the northwest corner
5 there?

6 MR. WHITE: Everything is outside the
7 25-foot no-disturb zone.

8 MS. McBRIDE: Okay. And where will you
9 keep your pile of salt for --

10 MR. WHITE: We would not be keeping piles
11 of salt.

12 MS. McBRIDE: So there will be no piles of
13 salt on the property at all?

14 MR. WHITE: There will be no stockpiles of
15 salt. There might be a bag of material that you put
16 by a front door. But there is no pile of --

17 MR. MAHONEY: We keep it in bags. It would
18 likely be in one of the garages.

19 MS. McBRIDE: Okay. And then you said at
20 the last meeting that you had filed with MEPA?

21 MR. MAHONEY: We had -- I'm sorry. We
22 had -- not at the last meeting.

23 MS. McBRIDE: I'm sorry. Since the last
24 meeting, you have filed with MEPA?

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1 MR. MAHONEY: Correct.

2 MS. McBRIDE: Because it's on our website,
3 but it's not on Environmental Monitor yet.

4 MR. MAHONEY: That's correct.

5 MS. McBRIDE: So when will it be, I guess?

6 MR. MAHONEY: I think the next --

7 MR. WITTEN: The next publication date.

8 MR. MAHONEY: The next one.

9 MS. McBRIDE: So do you know yet when the
10 public comment period ends?

11 MR. LOWRY: Actually, we are submitting a
12 slight modification to that that includes an
13 alternatives discussion. So the comment period will
14 be bumped out. I don't have the dates off the
15 top --

16 MS. McBRIDE: Can you tell us what's in
17 that alternative?

18 MR. MAHONEY: You'll get a copy of it.

19 MR. LOWRY: It will be provided to
20 everybody on the circulation list. It will be going
21 out in the next several days.

22 MS. McBRIDE: Okay. So I just wanted to
23 take this time to let people who are watching at
24 home know that now is the time. If you have

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1 comments you want to make about the project, now is
2 the time -- check the Stoneham website. And I guess
3 your revision will be up once you submit that to
4 MEPA also?

5 MR. LOWRY: Correct. That's right.

6 MR. WANTMAN: I couldn't find it on the
7 Stoneham website. Where is it?

8 MS. McBRIDE: It's on the Weiss Farm page.
9 I'll show you.

10 MR. WITTEN: Just follow up on that. So I
11 checked the Environmental Monitor. It didn't make
12 this current round. It was dated October 30th, I
13 guess, Mr. Lowry, when you sent it in. And it
14 missed the November 2nd publication date, so that
15 would put it two weeks out.

16 The public has 20 days to comment. And,
17 Mr. Chairman, the reason I wanted just to mention
18 that, to follow up on Ms. McBride's comment, is, on
19 behalf of the Board, I will submit comments, if the
20 Board wants me to, on the ENF that's been filed
21 today. It sounds like there's going to be an
22 addendum to that.

23 The Board has a right to comment as a
24 public agency. What the Applicant has provided the

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1 Commonwealth is claiming that this project is an
2 Environmental Notification Form project, an ENF, and
3 what the Town has the right to do is argue, if it
4 can in good faith, that the project should require
5 an EIR.

6 That is what will be before the Board of
7 Appeals once that 20-day period commences, and that
8 20-day period is going to commence probably in the
9 next two weeks.

10 CHAIRMAN SALTZMAN: What would be the
11 effect of an EIR?

12 MR. WITTEN: Well, the purpose of an EIR is
13 to require a level of study that's not involved in
14 the ENF. So it's the details so that the permitting
15 agencies at the Commonwealth level can make an
16 informed decision on the project, particularly a
17 large project.

18 That's why we have MEPA. That's what MEPA
19 is all about. At the federal level it's called
20 NEPA. At the state level it's called MEPA.

21 One of the issues for the Board to raise is
22 mistakes or errors in the ENF. I haven't seen, none
23 of us have seen the addendum that Mr. Lowry is
24 referring to, but, for example, one of the comments

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1 which is just patently wrong is that the Applicant
2 is claiming no financial assistance from the
3 Commonwealth.

4 Well, of course there's financial
5 assistance from the Commonwealth, because the
6 Project Eligibility Letter has been issued by Mass.
7 Housing. Mass. Housing is an agency of the
8 Commonwealth.

9 So that's the kind of material that the
10 Board of Appeals has the right to weigh into. And
11 whether or not that is sufficient for the elected
12 officials and the appointed officials in the
13 Commonwealth to recognize that this is deserving of
14 an EIR is obviously up to them.

15 MR. ENGLER: Mr. Chairman, may I comment?
16 The financial assistance from Mass. Housing does not
17 qualify as financial assistance from MEPA. There is
18 no financial assistance --

19 MR. WITTEN: Mr. Engler perhaps has not
20 read the Supreme Judicial Court decision in
21 Middleborough which stated quite clearly what
22 "financial assistance" means.

23 MR. ENGLER: Thank you, Mr. Witten. I'll
24 take a look at that.

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1 CHAIRMAN SALTZMAN: I was just going to
2 say, the two of you may have mistaken this body for
3 an Appellate Court, but the Appellate Court has
4 weighed in. So we will adopt their findings,
5 whatever they are.

6 So what kind of a time frame do we have in
7 connection with the --

8 MR. WITTEN: Well, I would agree with Mr.
9 Lowry, if the Applicant is submitting an addendum,
10 MEPA probably will extend the comment period. But I
11 think to play it safe, the publication date will be
12 two weeks from Monday. That's the 23rd. That would
13 give the Board and the public 20 days, 20 calendar
14 days from the 23rd of November to submit their
15 comments to MEPA. So that puts it into the second
16 week of December.

17 CHAIRMAN SALTZMAN: All right. Which is a
18 fairly busy time of the year.

19 So what is the Board's pleasure on that?
20 It would appear that we should take a vote on that
21 issue, as to whether or not -- it doesn't seem that
22 the projects would -- if it were to get additional
23 scrutiny from an environmental point of view, it
24 would seem that the Town's interest would be

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1 enhanced.

2 MR. SULLIVAN: It can be enhanced through
3 the Conservation Commission to help guide us.
4 That's their forte.

5 CHAIRMAN SALTZMAN: I guess the question
6 would be, would we want Attorney Witten to submit
7 comments on behalf of the Board.

8 MR. SULLIVAN: Yes. But I would like to
9 consult with ConCom before those comments are made.

10 CHAIRMAN SALTZMAN: Absolutely. That's
11 fine. I think that's very wise.

12 MR. SULLIVAN: I think ConCom has had some
13 issues all along, and I'd like to discuss that with
14 the ConCom. And if we're going to file, they're the
15 governing body in this community, and they're
16 familiar with the process. So they should help us
17 out.

18 I would make that in the form of a motion.

19 MR. DUFOUR: I'll second that.

20 MR. ROTONDI: What are we voting on? I
21 couldn't understand what you were saying. You're
22 speaking awfully soft. I'm hard of hearing. I
23 didn't hear the whole thing.

24 MR. SULLIVAN: Would you like me to buy you

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1 a hearing aide for Christmas?

2 What I said was, I wanted guidance from our
3 Conservation Commission to help us with Mr. Witten
4 filing within the appeal period.

5 MR. ROTONDI: Okay.

6 CHAIRMAN SALTZMAN: We'll do a voice vote
7 on that. All those in favor, signify by saying
8 "aye." (Chorus of ayes) Those opposed? (No
9 response) The ayes have it.

10 We'll be working with you.

11 MS. McBRIDE: What a concept.

12 CHAIRMAN SALTZMAN: There is just one other
13 issue, and I would just submit that, you know, at
14 some point in December, before it snows, we would
15 like to do a walk-through, just a site visit. And
16 maybe we'll schedule that the next time we're in.

17 Does that make sense, or do you want to
18 take a shot at it now?

19 MR. SULLIVAN: Well, for me any time now.
20 Most of the leaves are gone.

21 MR. SHULMAN: You can see the site.

22 MR. SULLIVAN: The neighboring sites.

23 MR. WANTMAN: That's what I was going to...

24 CHAIRMAN SALTZMAN: I don't know if we can

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1 get in before Thanksgiving.

2 MR. SULLIVAN: Unfortunately, it gets dark
3 early.

4 MR. ROTONDI: I'm available all day.

5 CHAIRMAN SALTZMAN: Is there any spot that
6 works for --

7 MR. SULLIVAN: I still work.

8 MR. MAHONEY: If the Board could give maybe
9 a date or two, I can check with Mrs. Weiss to see
10 what works with her as well. If I had a few days,
11 we could have a surveyor go out there and stake some
12 of the corners of the buildings to help guide us.

13 CHAIRMAN SALTZMAN: How about just after
14 Thanksgiving? Do you want to do the 30th or the
15 1st, something like that? We have a meeting on the
16 1st. Maybe go down there in the afternoon on the
17 1st? Does that make sense?

18 MR. SULLIVAN: A weekday during the
19 afternoon is very difficult.

20 MR. ROTONDI: Everybody don't get out of
21 work. Me, I'm retired. I'm available any time.

22 MR. SULLIVAN: I'm self-employed, but I'm
23 extremely busy. A Saturday or --

24 MR. ROTONDI: Saturday is good.

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1 CHAIRMAN SALTZMAN: Do you want to do
2 December 12th? Does that make sense?

3 MR. SULLIVAN: As long as it's not Pearl
4 Harbor Day.

5 CHAIRMAN SALTZMAN: He's going to be gone
6 through the 11th. He'll be back the 12th.

7 MR. SULLIVAN: That's fine.

8 MR. ROTONDI: Is that a Saturday?

9 CHAIRMAN SALTZMAN: That's a Saturday.

10 MR. SULLIVAN: I have an issue as to not
11 wanting to take any time off during the day. That's
12 no problem.

13 MR. SHULMAN: If we could shoot for the
14 middle of the day on the 12th?

15 MR. ROTONDI: Noontime?

16 MR. SHULMAN: Noontime is perfect.

17 CHAIRMAN SALTZMAN: High noon?

18 MR. MAHONEY: High noon. I'd just like to
19 check with Mrs. Weiss first.

20 CHAIRMAN SALTZMAN: Absolutely. We'll
21 confirm it on the 1st.

22 MR. SULLIVAN: December 12th, Mr. Chairman?

23 CHAIRMAN SALTZMAN: December 12th, high
24 noon.

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1 At this time --

2 MS. McBRIDE: I just have a question.

3 Ellen McBride, 30 Butler Avenue.

4 Would it be beneficial to the Zoning Board
5 for anybody from ConCom to be on that site walk or
6 to have our -- the people who have already walked it
7 and know it and walked it with the Applicant, Bob
8 Griffin or Ingeborg?

9 CHAIRMAN SALTZMAN: Can we extend it to the
10 Board and one or two others?

11 MR. MAHONEY: I can check.

12 CHAIRMAN SALTZMAN: At this time, we'll
13 open the hearing for a few minutes of public
14 comment. I didn't think that we would get to this
15 point, because I thought that we were going to be
16 going longer. But if somebody has something they
17 want to ask or want to say.

18 MR. WANTMAN: Martin Wantman --

19 CHAIRMAN SALTZMAN: Just before you start,
20 I just want to apologize to anybody that left early
21 and didn't get to say their piece. This wasn't
22 intended to exclude anybody from speaking.

23 All right. Let's have it.

24 MR. WANTMAN: Real quickly, just to keep it

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1 brief, I'm the major abutter on Gerald Road, and I
2 would -- I can't insist, but I would heartily
3 recommend that you walk on my property, because you
4 can see the condition of the ditch that is there and
5 the ditch that ends there and the ditch that should
6 be there.

7 If you would like, I can show you. If
8 you'd like, I'll stay away and you can walk my
9 property.

10 I would think that Mr. Bennett would want
11 you to walk his property also.

12 MR. BENNETT: 7 Sunset Road.

13 CHAIRMAN SALTZMAN: That's a great
14 invitation, and the Board, I think, will take it in
15 the spirit in which it is offered. Thank you.

16 MR. WANTMAN: That will be it.

17 CHAIRMAN SALTZMAN: Anybody else?

18 MR. SULLIVAN: Hearing none, Mr. Chairman,
19 at this time I make a motion for adjournment.

20 MR. ROTONDI: I second.

21 MR. SULLIVAN: To continue until December
22 1st at 7:30 p.m. I believe we'll have to be in
23 the --

24 MS. McBRIDE: Dungeon.

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1 CHAIRMAN SALTZMAN: We'll be in the
2 basement.

3 MR. SULLIVAN: So bring your gear.

4 MR. MAHONEY: We've been there before.

5 CHAIRMAN SALTZMAN: So moved and seconded.
6 All those in favor of adjournment, signify by saying
7 "aye." (Chorus of ayes) Those opposed? (No
8 response)

9 See you on the 1st.

10 (Whereupon the hearing was
11 adjourned at 9:28 p.m.)

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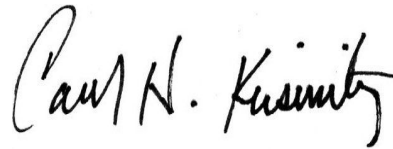
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C E R T I F I C A T E

I, Carol H. Kusinitz, Registered Professional Reporter, do hereby certify that the foregoing transcript, Volume IX, is a true and accurate transcription of my stenographic notes taken on November 12, 2015.



Carol H. Kusinitz

Registered Professional Reporter

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