

In The Matter Of:

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

*Public Hearing, Volume III
July 21, 2015*



**DORIS O. WONG
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Notes

Volume III
Pages 3-1 to 3-69

TOWN OF STONEHAM
ZONING BOARD OF APPEALS
Public Hearing Re
Petition Pursuant to Chapter 40B by
Weiss Farm Apartments, LLC
With Regard to 170 Franklin Street
Board Members Present:
Robert Saltzman, Chairman
William Sullivan, Vice-Chairman
Tobin Shulman
R. Michael Dufor
Laurence Rotondi
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
Gallogly, Esq.) 160 Federal Street, Boston,
MA 02110, rgallogly@rackemann.com,
617.542.2300 for the Applicant.

Held at:
Stoneham Town Hall
35 Central Street
Stoneham, Massachusetts
Tuesday, July 21, 2015
7:31 p.m.
Alexander K. Loos
Registered Diplomate Reporter

1 had made a determination that we had met the local
2 guidelines under 40B, and now if we could just take
3 a moment and have Mr. Witten, Attorney Witten,
4 describe what happened.
5 **MR. WITTEN:** Thank you, Mr. Chairman.
6 Good evening, members of the Board.
7 Mr. Chairman, in July 24th of 2014, the
8 Board announced, pursuant to Chapter 40B, that the
9 Town of Stoneham was consistent with local needs,
10 and the Town asserted its safe harbor claim under
11 two grounds: One was that the land area in Stoneham
12 exceeded the 1.5 percent calculation, meaning that
13 more than 1.5 percent of the land area in Stoneham
14 had sufficient subsidized housing credits, or
15 sufficient subsidized housing units; and then the
16 second ground was that this application, the Weiss
17 Farm application, represented a related application
18 pursuant to the regulations, because a prior --
19 within 12 months prior to the 40B application there
20 was an approval-not-required plan endorsed by the
21 planning board for the same property, and that gives
22 the Town the ability to say that it meets its safe
23 harbor requirements.
24 One year later, the Housing Appeals

1 PROCEEDINGS
2 **CHAIRMAN SALTZMAN:** Good evening,
3 everybody. Welcome to the Stoneham Board of
4 Appeals.
5 Hello.
6 **VICE-CHAIR SULLIVAN:** Excuse me, sir.
7 We're opening the meeting.
8 Thank you.
9 **CHAIRMAN SALTZMAN:** Good evening.
10 This is opening the hearing on the petition
11 at Weiss Farm pursuant to Chapter 40B of the Mass.
12 General Laws.
13 I'll just take this opportunity to
14 introduce the members of the Board:
15 My name is Robert Saltzman. I am the
16 chairman. To my immediate left is Bill Sullivan,
17 vice-chairman. To his left is Tobin Shulman. Next
18 is Michael Dufor, and all the way down at the end
19 is -- is Laurence Rotondi.
20 Tonight we're just going to start off with
21 a -- with a brief summary of recent events.
22 Since July 24th of last year, there was a
23 public hearing at which time it was announced that
24 we would be pursuing -- we were going to be -- we

1 Committee overturned the Board's conclusion in a
2 decision dated the end of June. That decision today
3 was appealed, and the appeal was filed, both a
4 declaratory judgment seeking to annul portions of
5 the ACD's regulations, and the decision itself was
6 challenged pursuant to Chapter 30A in Middlesex
7 Superior Court. Opposing counsel will be served in
8 an appropriate manner.
9 So that matter does not require an
10 automatic stay of the proceeding, although we did
11 ask on behalf of the Board of Appeals and the Board
12 of Selectmen that the superior court does stay this
13 matter. As of tonight, though, the hearing should
14 continue because we don't have a stay in that
15 appeal.
16 So the HAC's decision reopens the hearing
17 that was suspended a year ago, July 24th, 2014.
18 Since that hearing, the Conservation Commission
19 denied this application pursuant to the Local
20 Wetlands Bylaw. That denial has been recorded at
21 the Registry of Deeds.
22 In addition, the Conservation Commission
23 has issued an enforcement order, a nine-page
24 enforcement order, against the current landowner for

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1 violations of both the Wetlands Protection Act and
2 the Local Wetlands Bylaw, and that order has been
3 recorded at the Registry of Deeds.
4 Tomorrow night, the Conservation
5 Commission, in the application of Weiss Farm
6 Apartments, LLC, will vote whether to approve or to
7 deny the Notice of Intent filed by the Applicant
8 pursuant to the Wetlands Protection Act. The
9 Commission requested an extension of that public
10 hearing, and the Applicant has refused, so the
11 Commission now must render a decision, and it
12 appears as if that decision will be rendered
13 tomorrow night.
14 So, Mr. Chairman, those are, kind of in
15 short order, the five events that have taken place
16 since we met last, and that kind of leads to a
17 substantive question for the Board to ask of the
18 Applicant, which is, under the regulations the Board
19 has 180 days to -- from opening of the public
20 hearing to close the public hearing.
21 180 days less one day, which is the day
22 that you held the public hearing on July 24th, 2014,
23 brings us to January 15th, 2016. So I would suggest
24 to the Board, if -- through the Chair, if I could

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1 ask counsel for the Applicant whether they agree
2 with that date. And if there is an agreement on
3 that date, then we can all work from the same
4 calendar.
5 **CHAIRMAN SALTZMAN:** Just one question.
6 Sure. I would ask the question.
7 **MR. CICATELLI:** Yes, Mr. Chairman.
8 We agree. We concur.
9 **CHAIRMAN SALTZMAN:** All right.
10 **MR. WITTEN:** So January --
11 **MR. CICATELLI:** January 15th --
12 **MR. WITTEN:** -- 15th.
13 **MR. CICATELLI:** -- 2016.
14 **CHAIRMAN SALTZMAN:** Good? You're good with
15 that date?
16 **MR. GALLOGLY:** Yes.
17 **MR. WITTEN:** Thank you.
18 Thank you, Mr. Chairman.
19 **CHAIRMAN SALTZMAN:** Okay.
20 All right. On -- before we get started, I
21 think we -- we -- we would be wise to -- seeing as
22 how it took us so long to get here tonight, let's
23 pick the next date before the thing gets any older.
24 Now, I know there is one member of the

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1 Board who is going on vacation until the 15th of
2 August. I would be looking at the -- the
3 availability of the week of the -- beginning on the
4 17th, Monday the 17th.
5 First of all, is there anybody on our Board
6 who would have any difficulty being around -- being
7 here that week? Is there any day that -- all right.
8 **MR. ROTONDI:** August 17th?
9 **CHAIRMAN SALTZMAN:** August 17th.
10 Is that good?
11 **MR. ROTONDI:** Okay. That's good.
12 **CHAIRMAN SALTZMAN:** You're away,
13 Mr. Cicatelli?
14 **MR. CICATELLI:** I'm away that week, yes.
15 **CHAIRMAN SALTZMAN:** You're away the whole
16 week?
17 **MR. CICATELLI:** Yep.
18 Is there availability on the week of the
19 24th? I think you probably have your typical
20 meeting on the 27th.
21 **CHAIRMAN SALTZMAN:** Yes. Very
22 knowledgeable about this Board. Yes, we are in
23 session that night.
24 How is the 25th?

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1 **MR. CICATELLI:** Are you okay?
2 **CHAIRMAN SALTZMAN:** Not quite there? No.
3 Are you missing that night as well?
4 **MR. MAHONEY:** Oh, I'm good.
5 **MR. SHULMAN:** I'm away the 25th.
6 **CHAIRMAN SALTZMAN:** Let me see that week.
7 **MR. SHULMAN:** The 25th is no good for me.
8 The 24th or the 25th.
9 **MR. DUFOR:** What day is the 25th?
10 **CHAIRMAN SALTZMAN:** There is no longer a
11 day that we have to keep track of.
12 **MR. WITTEN:** I can do the 26th.
13 **CHAIRMAN SALTZMAN:** Okay. How is the 26th?
14 It's back-to-back meetings.
15 **MS. ROONEY:** It's fine.
16 **CHAIRMAN SALTZMAN:** All right.
17 **VICE-CHAIR SULLIVAN:** Not giving them any
18 night, just the day -- no day off.
19 **CHAIRMAN SALTZMAN:** That's right. All
20 Board of Appeals, all the time.
21 The 26th?
22 **MR. CICATELLI:** Thank you, Mr. Chairman.
23 **CHAIRMAN SALTZMAN:** Good all around?
24 All right.

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1 **MR. CICALTELLI:** Place and a time,
2 Mr. Chairman? Place and time?
3 **CHAIRMAN SALTZMAN:** Same place, 7:30?
4 **VICE-CHAIR SULLIVAN:** 7:30 in the banquet
5 hall?
6 **CHAIRMAN SALTZMAN:** Banquet hall, 7:30.
7 We'll see if we can accommodate everybody.
8 And it would be our expectation, beginning
9 in -- in September, to maybe schedule more meetings,
10 maybe more than one per month. Obviously, probably
11 the week -- not Labor Day week, but the week after
12 that, maybe try to get two in in September, two in
13 October, and go from there.
14 The -- as far as topics, tonight we're
15 going to get an overview of the project and a -- a
16 statement as to -- as to the nature of the proposal
17 and some idea as to what the applicant believes that
18 the course of the hearing will show.
19 I think, beginning next time, we'll be
20 breaking each -- each hearing down into specific
21 component parts. So it might be wise, when we've
22 started -- just like we're going to see the project
23 tonight, it might be wise if we started with -- with
24 architecture.

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1 **MR. WITTEN:** Or traffic.
2 **CHAIRMAN SALTZMAN:** Or traffic.
3 We could -- traffic might be a good --
4 might be a good place to start, maybe start the
5 traffic on the next meeting in August, and maybe try
6 and see if we can get through it in September, after
7 all the traffic consultants have had an opportunity
8 to return.
9 Mr. Engler, I see a question.
10 **MR. ENGLER:** Yes, Mr. Chairman. Just a
11 question of process.
12 Normally the Board would allow the traffic
13 consultant to talk to our traffic consultant, not
14 only at the meetings, but to share concerns and
15 issues and things that come up in between. That's
16 when a lot of valuable give and take takes place.
17 So that when Mr. Dirk comes back for his
18 presentation, he's had the benefit of talking
19 directly to our traffic consultant, not just reading
20 the report, and we might get some informal reading
21 before the hearing of what's going to happen, so
22 we're prepared to have our traffic consultant answer
23 some of those things.
24 So I'm just wondering if that's an

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1 acceptable procedure in terms of how you want to
2 operate this way?
3 **CHAIRMAN SALTZMAN:** You know, as much as I
4 like the element of surprise, I think that's --
5 that's probably a very sensible approach.
6 **MR. ENGLER:** Okay.
7 **MR. CICALTELLI:** Mr. Chairman.
8 **MR. WITTEN:** I would agree.
9 **MR. CICALTELLI:** I would like that to apply
10 really to all the consultants. Because that was an
11 issue that we had with Conservation. Usually peer
12 review consultants and the Applicant's consultant do
13 communicate so that we have a productive meeting.
14 And I know Jon and I had some discussions
15 on this, and he feels that the Board should
16 authorize that. So I think in terms of the request
17 that definitely for traffic, but perhaps for all the
18 consultants.
19 **CHAIRMAN SALTZMAN:** The only thing I would
20 just say is that before this discussion between
21 Mr. Dirk, or any of the other consultants, I would
22 want at least the Board to be aware of what the
23 report is, certainly a draft of the report. And
24 prior to -- prior to that discussion. I would

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1 imagine that -- that the Applicant would be in the
2 same position --
3 **MR. CICALTELLI:** Certainly.
4 **CHAIRMAN SALTZMAN:** -- with reference to
5 your consultants as well.
6 **MR. MAHONEY:** You're talking about the
7 Board's report? You have our report, obviously. Is
8 that what you're asking? That you guys receive
9 Mr. Dirk's report first?
10 **CHAIRMAN SALTZMAN:** Yeah. We would want to
11 have a look at the report before there is --
12 **MR. MAHONEY:** That makes sense.
13 **CHAIRMAN SALTZMAN:** You know, even if it's
14 a draft of the report, not even the final report,
15 but just have some idea as to, you know -- so
16 that -- so that we're not surprised by our own
17 consultant.
18 **MR. WITTEN:** The only thing I would say,
19 Mr. Chairman, members of the Board, is given the
20 sensitivity of the locus, the size of this project,
21 I think the Board's entitled to a presentation by
22 the Applicant so Mr. Dirk can hear it himself.
23 Because what's said here is different than
24 consultants speaking to consultants.

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1 So my only advice to the Board would be to
2 have the Applicant make a presentation on the
3 substantive areas, whether it's hydrology, or
4 traffic, or eventually the pro forma in a public
5 setting, and then have your -- your agents --
6 **CHAIRMAN SALTZMAN:** Right. That would --
7 that would make sense, in the sense that you are the
8 moving party, so you would be going first anyway.
9 **MR. CICATELLI:** Mr. Chairman, we don't
10 disagree.
11 The disagreement that Jon and I had was in
12 between the meetings, if the consultants do not
13 communicate, we come back and there is really
14 nothing that's been achieved. You know, questions
15 have not been answered, and we're not able to really
16 give a good presentation to the Board.
17 So yes, I agree those initial presentations
18 should be made to the Board. But in between public
19 hearings, if the consultants can speak, I think
20 we'll have a more productive following meeting.
21 **CHAIRMAN SALTZMAN:** You know, and on that
22 score, if, you know, the -- as a member of the Board
23 of Appeals of some experience, one thing that I
24 would want would be if we could get the consultants'

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1 reports, say, ten days before the hearings; that way
2 we can have some idea as to what we're looking at.
3 The -- the worst-case scenario, of course, is
4 somebody's up there talking to us and has just
5 handed us a 40-page report. And, you know, that's
6 useless. You know, you can't hear them and read at
7 the same time, and, you know, just -- it just
8 creates confusion.
9 So I would just ask, if that could be the
10 case as well, if -- for example, the next meeting,
11 there is a traffic consultant comes to the next
12 meeting, if we could have that ten days ahead of
13 time; that would be -- I think that would be very
14 sensible.
15 **MR. CICATELLI:** Mr. Chairman, you actually
16 already have the report. So what he would be doing
17 is probably reviewing that with you.
18 **CHAIRMAN SALTZMAN:** So it's the one in the
19 original --
20 **MR. CICATELLI:** The original one, yes,
21 Mr. Chairman.
22 **MR. WITTEN:** And could I ask, Mr. Chairman,
23 Steven, could you make sure that Mr. Dirk has --
24 your consultant contacts Mr. Dirk with that full

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1 report, full traffic report.
2 **MR. CICATELLI:** Certainly.
3 **VICE-CHAIR SULLIVAN:** If I have this
4 straight, Mr. Chairman, that the -- they will be
5 entering it in a presentation to this Board, which
6 is what is recorded on, and then after that time,
7 the different consultants will be allowed to talk
8 amongst each other and report back to this Board,
9 because the consultants we hire are working for us;
10 they're not working for them.
11 **CHAIRMAN SALTZMAN:** Right.
12 **VICE-CHAIR SULLIVAN:** But they could
13 possibly streamline some of the process, because
14 this is a very time-sensitive issue.
15 **CHAIRMAN SALTZMAN:** Absolutely.
16 **VICE-CHAIR SULLIVAN:** Okay. I just want to
17 make sure --
18 **CHAIRMAN SALTZMAN:** Yeah, no.
19 **VICE-CHAIR SULLIVAN:** -- what we're saying.
20 **CHAIRMAN SALTZMAN:** All right.
21 Toward that end, the -- we should discuss
22 additional consultants as we're heading into the --
23 into the coming months.
24 I believe there is a civil engineer that

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1 was proposed by -- by the Town, a Mr. Houston is --
2 I guess --
3 Mr. Gallogly.
4 **MR. GALLOGLY:** I thought we had settled on
5 Mr. Griffin --
6 **MR. CICATELLI:** Mr. Griffin.
7 **MR. GALLOGLY:** He was the consultant for
8 the Conservation Commission. He's familiar with the
9 project.
10 **MR. WITTEN:** So, Mr. Chairman, members of
11 the Board, when we first met in July, I produced a
12 memo to the Board, copied to the Applicant, with a
13 list of substantive headings for the Board's
14 consideration.
15 **CHAIRMAN SALTZMAN:** Uh-huh.
16 **MR. WITTEN:** They include the landscape
17 architecture, architecture, the pro forma review,
18 civil engineering, hydrology, wetlands science,
19 traffic engineering, and others that the Board felt
20 came along from time to time.
21 Under the statute, the Board gets to decide
22 the consultants that you need to help you review
23 this project. And the Board gets to decide when you
24 need them, and the Applicant gets to object only if

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1 the recommended consultant has a conflict of
2 interest or is not qualified. So at that time, the
3 Board agreed to retain Mr. Dirk -- the Applicant
4 agreed with that -- and to retain Mr. Griffin,
5 because of Mr. Griffin's familiarity with the
6 project.
7 That doesn't limit the Board to only those
8 two consultants. So you're now looking at a
9 six-month period of review, and you're going to need
10 other consultants, I imagine, and Mr. Houston was on
11 that list of recommendations.
12 Mr. Houston is a registered civil engineer.
13 He's also a traffic engineer, and he's been in a lot
14 of large-scale project reviews. The Board gets to
15 choose who is determined to be the appropriate
16 review engineers.
17 So at this point in time, the Board may
18 want to wait until the Applicant makes its
19 presentation, and then you may choose, choose to
20 choose the consultants you want. At this point in
21 time you have Mr. Dirk; you have Ms. Hegemann, who
22 has been reviewing the wetlands science on behalf of
23 Conservation Commission, and you have Mr. Griffin.
24 But that doesn't preclude you from hiring others.

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1 In fact, we raised that issue a year ago,
2 because none of those individuals are landscape
3 architects, for example, and none of them are
4 architects, for example. And my sense is the Board
5 may want to retain that skill set as well.
6 **CHAIRMAN SALTZMAN:** We'll do that as well.
7 **MR. WITTEN:** So --
8 **MR. CICATELLI:** Mr. Chairman, our
9 understanding was I know we agreed on Mr. Dirk, on a
10 stenographer. We agreed on Mr. Griffin. And, in
11 fact, going into Conservation, we were happy that
12 they used him. And I think part of the reason was
13 that he had familiarity with the site doing peer
14 review for the abutting subdivision. And so, you
15 know, it makes sense to use him.
16 We understand it's the Board's decision,
17 but we would -- we thought that that had been
18 decided. In fact, that's why we chose him as a
19 consultant, or agreed to him being a consultant with
20 Conservation.
21 **MR. WITTEN:** I would only --
22 **CHAIRMAN SALTZMAN:** You would agree,
23 though, that this is a rather sizable project. And
24 that the -- additional consultants may be more than

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1 just appropriate. We have a job to do here as well.
2 And --
3 **MR. CICATELLI:** We would just have to
4 review scope and so forth again, qualifications.
5 **CHAIRMAN SALTZMAN:** Sure.
6 **MR. MAHONEY:** I guess we dislike -- we're
7 happy to -- we understand this is a big project and
8 a lot of work for the Board, and we appreciate that.
9 So we're happy to bring on additional consultants
10 for you, for you guys' benefit.
11 We just wanted to say the scopes are, you
12 know, not -- you know, there is specific scopes for
13 each consultant, and we're not having, you know,
14 three architecture reviews from different firms.
15 **CHAIRMAN SALTZMAN:** And you know, on that
16 point, I mean, you know, I think that each of the
17 consultants that have been brought in so far have
18 given some idea as to the scope. You know,
19 obviously give some idea as to what you're paying
20 for and, you know, that's not unreasonable.
21 **MR. WITTEN:** And I would add, Mr. Chairman,
22 until the Applicant makes a presentation to the
23 Board, so you know what the project is, you don't
24 know what --

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1 **CHAIRMAN SALTZMAN:** We're not going to know
2 what we need.
3 **MR. WITTEN:** So I think it's unreasonable
4 for the Applicant to say "tell us the scope of your
5 consultants" when the Applicant hasn't made a
6 presentation of their project, proposed project.
7 So I think first things first. If the
8 Applicant makes a presentation, then the Board can
9 more properly --
10 **MR. DUFOR:** What was that other proposed
11 civil engineer's --
12 **CHAIRMAN SALTZMAN:** Mr. Houston.
13 **MR. WITTEN:** Tom Houston of PSC out of
14 Foxboro.
15 **CHAIRMAN SALTZMAN:** Well, maybe what we --
16 we might be wise to do is revisit this question,
17 obviously, at our next meeting and take this
18 opportunity to extend to the Applicant the
19 opportunity to make an opening statement.
20 **MR. CICATELLI:** Mr. Chairman, thank you
21 very much.
22 For the record, Steven Cicatelli,
23 representing Weiss Farm Apartments, LLC. And again,
24 I think the Board's familiar with everyone, but

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1 Peter Corcoran -- I'm sorry, Peter Mahoney of John
2 M. Corcoran.
3 **MR. ENGLER:** Did you get adopted?
4 **MR. CICALTELLI:** Richard Gallogly of
5 Rackemann, Sawyer & Brewster, my co-counsel; and
6 Robert Engler, our 40B consultant.
7 What I would like to do is submit to the
8 Chair an amendment to the purchase and sale
9 agreement just so you have the most up-to-date
10 purchase and sale agreement.
11 **CHAIRMAN SALTZMAN:** Thank you.
12 **MR. CICALTELLI:** The purpose of the
13 amendment was just to extend the permitting approval
14 time based on the appeal process that we have just
15 undergone over the -- over the past year. So I did
16 want to submit that for the record.
17 And then basically, in terms of this
18 evening, what we would like to do is -- is just give
19 a presentation. It's been quite a while since I
20 know the Board has seen an overview of the project.
21 Peter's going to just do that presentation, and
22 then, again, we've already set the next meeting.
23 And, again, maybe we could just be very specific as
24 to what the Board would like us to present at the --

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1 at the next meeting so that we're prepared.
2 So with that, Peter has a presentation that
3 we can present to the Board.
4 **MR. MAHONEY:** Thank you.
5 For the record, Peter Mahoney, with John
6 Corcoran and Company.
7 So the presentation we're going to give
8 tonight was one we were ready to give a year ago,
9 so -- and I know maybe people in the room have
10 probably seen parts of it. This is a presentation
11 that summarizes, as best we can in ten minutes, a
12 very thick application that was submitted as part of
13 our application to the Board.
14 So we're excited to be here. We're excited
15 to move forward in this next step in the process.
16 We think this is a great project. We think it could
17 be a great project for the Town. We're very excited
18 about the design we've submitted and are looking
19 forward to a discussion with the Board and the
20 Board's consultants in the upcoming months.
21 So I'll give a brief overview of our
22 company, just so you know who we are, and then a
23 brief overview of the project and touch on the
24 design very briefly. All these topics we're going

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1 to go into in great detail, I know, in the next
2 months, so I don't expect this would be, you know, a
3 very -- get into every detail because that -- that's
4 going to get presented in the next few months.
5 There we go.
6 All right. So our project team, Steven
7 introduced those who are here tonight. Margaret
8 Murphy is also here tonight with the Community
9 Resources Group. You'll meet all these people in
10 the coming months. We've assembled a great team
11 we've worked with a lot in the past. Architecture
12 firm is Russell, Scott, Steedle & Capone out of
13 Cambridge. The civil engineers are HW Moore and
14 Associates in Boston. Greenman-Pedersen, our
15 traffic consultant and engineers, they will be here
16 at the next hearing. The Cecil Group are our
17 landscape architects and helped with the land
18 planning efforts. We have a geotech and
19 geo-environmental consultant, McPhail Associates.
20 And the last four consultants there have already
21 been introduced.
22 Our firm, John M. Corcoran and Company,
23 we're a local firm, based out of Braintree. We are
24 pushing 60, 65 years now, I guess. Still a

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1 privately-held, family-owned. We're primarily,
2 almost entirely, focused on multi-family rental
3 housing. That's what we do. We currently manage
4 around 10,000 homes, mostly in the Greater Boston
5 area. We -- we have a reputation, I think, over the
6 years, that we've become one of the leading
7 privately-held multi-family developers in the
8 region. We're recognized for our commitment to
9 residents' quality of life and providing exemplary
10 property management services.
11 We approach a project with a development
12 philosophy to design a community that we think would
13 be a great place to live and a great place to visit
14 and fit well within the community. We're also
15 long-term investors. Our typical approach is to try
16 to build something and own it for a long time. We
17 still own many projects that we've built in the '60s
18 and '70s. So we approach these projects to build to
19 a very high standard. We own and maintain the
20 projects going forward, and we really value our role
21 as corporate residents in the communities we build.
22 I'll show you a few images of a few
23 recently completed projects. This is -- these are
24 to show you kind of the quality and type of project

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1 we build, not necessarily to speak to the exact
2 design or features that we're proposing here.
3 So this is Lynnfield Commons up in
4 Lynnfield. This is an exterior view. In the
5 foreground you'll see the clubhouse and pool; in the
6 background, one of the apartment buildings. That
7 was a 200-apartment home community built up in
8 Lynnfield about six years ago. This is the interior
9 of one of the apartments there. Again, we -- we
10 think we build a very nice product, you know,
11 high-end finishes within the apartments, nice big,
12 spacious layouts, lots of windows, lots of light.
13 This is an exterior view of Commons at
14 Southfield Highlands, our most recently completed
15 project down in South Weymouth at the old naval air
16 station. This is one of four buildings we built
17 down there. We really spent a lot of time with the
18 landscaping, with the architecture, trying to make
19 it blend in and feel as though it's been there for
20 some time. And I think if you visit some of our
21 properties that are only five or six years old,
22 you'll get that sense. This is the interior. This
23 is the community room of that project.
24 So run through kind of a project summary

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1 here. The total site area is about 26 acres. Of
2 that, about 12 acres are wetlands. The wetlands
3 have been delineated here. We're proposing 264
4 homes, and as a 40B, one-quarter of those, 25
5 percent, would be available restricted to moderate
6 income households. The remainder would be market
7 rate. The unit mix we're proposing is 27 studios,
8 105 one-bedrooms, 114 two-bedrooms, and 18
9 three-bedrooms.
10 Proposed amenities. We touch briefly on
11 kind of the interior finishes. You know, the units
12 have crown molding, private laundry in each home,
13 very spacious closets and well thought out floor
14 plans.
15 The -- the community-wide amenities would
16 include a resort-style pool, grilling area and
17 exterior area, fitness room, outdoor recreation
18 spaces, garage parking. We provide pet friendly
19 apartments and provide, believe it or not, pet
20 amenities.
21 We build with sustainable development
22 guidelines in mind. The project would be LEED
23 certifiable. We were the first multi-family
24 developer in New England to build a

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1 LEED-certified -- actual have the plaque on the
2 wall -- multi-family rental building in New England
3 we think.
4 The project would be 100 percent smoke
5 free, no smoking in the apartments, no smoking in
6 the hallways, no smoking on the grounds. We've --
7 the last handful of projects we've built have been
8 held to that standard, and we feel people really
9 like it.
10 The demographic we would expect, you know,
11 it's very tough to nail this down, especially before
12 you start to build. In general it's a wide range of
13 people. You know, this is going to offer another
14 housing option for the Town. It will attract
15 anywhere from, you know, empty-nesters, to young
16 recent graduates looking for their first home, to
17 single professionals, to seniors, to small families.
18 It's really a broad spectrum of people that live in
19 our communities.
20 Affordability. This is proposed under
21 Chapter 40B. The Town has about 9400 housing units.
22 Of that today, only about 500 of those are
23 registered in the affordable housing inventory,
24 through DHCD. This would obviously go a long ways

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1 to adding to that housing stock.
2 In addition, in terms of 40B goes, the HAC
3 decision, in our reading of it, it would appear the
4 Town is about five acres or so short of reaching its
5 one and a half percent land area. This project
6 would put the Town over that threshold.
7 A little more detail about the
8 affordability of -- at the project. Again, 66 homes
9 would be restricted to moderate-income households.
10 It's not low-income housing. That is defined as
11 households who make at or below 80 percent of median
12 income, which is determined by HUD. So you see the
13 income limits up there for various household sizes.
14 So for a two-person household, the median income is
15 55,800.
16 The community -- or the Board, and we would
17 be amenable to this, could also request that we keep
18 a local preference for 70 percent of those units.
19 That would mean that residents of -- current
20 residents of Stoneham, those who have family in
21 Stoneham, those who work in the Town, those who have
22 children in the schools, could all have preference
23 for those moderate-income homes.
24 Projected rents. On the market rate side

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1 we think our one-bedroom rents would be around
2 \$1,700; two bedrooms around \$2,200. And the
3 moderate income homes would be available,
4 one-bedroom around 1075, and 1170 for two.
5 So I'll touch on the design briefly. Can
6 everyone see the laser over there? All right.
7 So this is an -- existing conditions. This
8 is an aerial plan. Just to orient everyone,
9 Franklin Street is down here; Mrs. Weiss' house is
10 the triangle parcel here. Her house, house lot is
11 carved out as a separate lot at this point. She
12 plans to remain and be our closest neighbor. The
13 lot does include her -- her house, one of the barn
14 buildings and the horse corral down on the -- on the
15 east side.
16 The wetlands are delineated here. They're
17 shown in red. So we call this central area the
18 central development area. So this is where our
19 proposal is focused. We're not building within the
20 wetland area. We proposed very minor work within
21 the 25-foot buffer zone. We proposed improving a
22 pedestrian crossing to access some passive open
23 space up here, and then we're also amenable to
24 improving the buffer zone with landscaping

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1 improvements.
2 The other site --
3 **CHAIRMAN SALTZMAN:** Just not to interrupt.
4 **MR. MAHONEY:** No, please.
5 **CHAIRMAN SALTZMAN:** But is there any chance
6 that could be reduced to a picture?
7 **MR. MAHONEY:** To smaller --
8 **CHAIRMAN SALTZMAN:** Yeah.
9 **MR. MAHONEY:** -- or more blown up?
10 **CHAIRMAN SALTZMAN:** Yeah.
11 **MR. MAHONEY:** We can bring something, yes.
12 **CHAIRMAN SALTZMAN:** That would be great.
13 **MR. MAHONEY:** Absolutely.
14 One of the features I just wanted to point
15 out. The site sits -- the majority is flat, sitting
16 about ten feet below Franklin Street. There is a
17 large ledge outcropping up in this corner that, as
18 part of the proposal, would be taken down and reused
19 on site to bring the elevation up slightly.
20 This is an aerial of the proposed site
21 plan. So, again, Mrs. Weiss' house is out here.
22 Our existing -- our proposed entrance is just west
23 of the existing entrance of the farm, which is right
24 here now. So our proposed entrance is down here.

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1 We've -- we've designed it and spent a great deal of
2 time trying to orient buildings and place buildings
3 so as to minimize visual impact from Franklin
4 Street. We lined the entrance here with two small
5 townhouse buildings, and then, as you enter the
6 site, there are three more townhouse buildings up
7 here, our community room, our community building is
8 right here, and you can see the three larger
9 apartment buildings pushed back toward the rear of
10 the site. The entrance is proposed as a one lane
11 in, two lanes out access point.
12 As you enter down into the site, the --
13 using these townhouses here, the community room on
14 the left, you really create a nice street presence.
15 The townhouses will have exterior unit entrances.
16 The clubhouse will be, you know, an active space,
17 and it will create a very nice space.
18 The design also allows for this big central
19 usable open space in the middle of the project,
20 which we think is going to be a great, great
21 amenity.
22 This is a prospective view taken from
23 Franklin Street, traveling -- if you were traveling
24 back toward -- toward downtown Stoneham. You'll see

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1 the two -- two-way entrance. This would be going
2 in, and there would be two lanes coming out. We
3 have these smaller townhouse buildings which sit
4 about two and a half stories and built into the
5 grade. And then in the background you'll see one of
6 the larger apartment buildings. Again, you see the
7 broad -- the face of the apartment -- the size of
8 the building, which we've taken great effort into
9 making the architecture work, but it does reduce the
10 impact.
11 So we'll be able to present some more of
12 these types of images as we go through the process
13 when we get into the architecture.
14 This is an elevation of one of the larger
15 apartment buildings. So we have two -- two
16 different types. The two front buildings are 50 --
17 I'm sorry, 64 apartment homes each, and then the
18 rear building is a U-shaped building. It's 121
19 apartment homes and has some garage parking within
20 it.
21 The facade is clad on the ground floor with
22 a stone, which it's hard to tell here. We'll get
23 some better images that show better on slides. The
24 upper levels are clad in a combination of Hardie --

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1 which is a cementitious board -- Hardie panel and
2 Hardie plank. We -- we try to provide as many
3 balconies and patios for residential homes as
4 possible. We also have bay windows, different roof
5 lines, and different kind of facade treatments that
6 help break up the length of the -- the facade.
7 This is an elevation of one of those
8 townhouse buildings. This one shows one of the
9 townhouses that's at the entrance to Franklin
10 Street. So, again, it's about two-and-a-half
11 stories as it sits into the grade. Each of them
12 would have their own private entrance, so at
13 Franklin Street that means, you know, active outdoor
14 private people coming in and out of their homes.
15 And then, down below, a similar effect. They would
16 have garages. There are three units in each of
17 these buildings.
18 We think this helps, not only as I
19 mentioned, buffer the visual impact of the project,
20 but it also, in terms of scale, helps tie into the
21 neighborhood out at the street level.
22 This is the clubhouse, the community
23 building that we proposed. As part of the process
24 going through last -- or initial public process, we

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1 heard from the community that the -- the idea of
2 trying to imitate the existing barn building might
3 be a nice feature on the project, so that's what we
4 tried to do here. This almost exactly mimics in
5 mass and size the barn building. This would house
6 our leasing office, the amenity spaces for the
7 project, a fitness room, community space, a wifi
8 kitchen. It will also open out back to the pool
9 area, sun deck, grilling area.
10 This slide is meant to just show the open
11 space. I didn't talk about it too much. The -- you
12 know, in addition to the central amenity open space,
13 which would be a usable active space, we have this
14 great buffer that we're maintaining, as it's a
15 wetland, so we're not moving in there. So there is
16 significant buffers to the adjacent neighborhoods
17 that we're leaving. I think up to close to
18 80 percent of the site at the end of the project
19 will be vegetated open space, or green space.
20 I wanted to touch on two other topics.
21 Again, we're going to go into great detail on these
22 with the experts and the consultants, but just
23 wanted to give our summary on two topics:
24 First being traffic. We've submitted a

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1 traffic study. We've taken a number of different
2 traffic counts. Not surprisingly, the high school
3 traffic severely impacts Franklin Street's
4 operations, particularly during the morning peak
5 hour. We're not reporting any breaking news there.
6 Our traffic that we're -- from our proposed project,
7 the traffic that we're adding is less than a ten
8 percent increase over today's daily total and the
9 peak hour total. We're proposing to mitigate that.
10 We're proposing improvements to three intersections
11 listed there. We're also proposing a restriping of
12 Franklin Street in front of the project to allow for
13 a left-turn lane on the eastbound side for people
14 turning left into the community if you're headed
15 toward -- out of Stoneham.
16 Storm water management and wetlands. We're
17 just -- as Mr. Witten pointed out, we've just
18 concluded a seven-month review process with the
19 Conservation Commission. In general -- and, again,
20 the experts will go into detail on this -- we manage
21 our own storm water on site. We have a series of
22 underground and aboveground infiltration and
23 detention systems that manage storm water that falls
24 on our site. Our opinion is that the -- the design

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1 of the storm water management system and the site is
2 in full compliance with the Mass. DEP storm water
3 management regulations. We've also proposed some
4 improvements beyond those requirements to the pump
5 station and to other drainage features that we think
6 can improve the overall drainage in the area.
7 Clearly I think, as the consultants get into it, the
8 net impact of our improvements are going to be to
9 improve the overall drainage in the area.
10 Finally I just want to -- in our mind, like
11 I said earlier, I think this can be a positive
12 project for the Town. We just want to point out in
13 our view what we think are some of the benefits to
14 the Town:
15 Today there is, we think, a big need for
16 this type of housing that doesn't exist. It's going
17 to offer new housing option for Stoneham's residents
18 and for those who want to move to the Town. It's
19 going to create a significant new annual real estate
20 and excise taxes for the Town. It's going to
21 provide for one-time building permit revenue,
22 building permit fee revenue and other
23 construction-related permit fees. It's going to
24 provide for construction jobs. It's going to

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1 provide for permanent jobs as we run the ongoing
2 operations of the project. I mentioned the open
3 space earlier. Close to 80 percent of the property
4 remains as vegetated open space. We see that as a
5 huge benefit, in addition to the sustainable
6 development elements that we're going to
7 incorporate. Again, we would be LEED certifiable.
8 We would promote very sustainable design.
9 And then finally, and the thing that we've
10 been working through the last year, is the land area
11 requirements. This, in our view, would clearly put
12 the Town over its 40B one and a half percent
13 threshold, which could restrict additional 40B
14 proposals in the future.
15 So that's a big overview of -- of a lot of
16 information. I'm happy to answer, you know,
17 questions from the Board or turn it back you,
18 Mr. Chairman.
19 Thank you.
20 **CHAIRMAN SALTZMAN:** Just to start us off
21 here, a couple of questions, just one of which:
22 You showed -- you showed the larger
23 buildings, and you said on the Weiss Farm site would
24 have 64 units in them, and -- and you had earlier

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1 showed the Lynnfield project, the development there.
2 Are the larger buildings on Weiss Farm,
3 would those be the same size as the ones at
4 Lynnfield?
5 **MR. MAHONEY:** In terms of height, the
6 Lynnfield buildings are built into a serious grade.
7 So those are four-, five-story splits. These are
8 five-story buildings.
9 **CHAIRMAN SALTZMAN:** Right. I recognize the
10 effect won't be quite the same because --
11 **MR. MAHONEY:** Yes.
12 **CHAIRMAN SALTZMAN:** -- this is at the
13 bottom --
14 **MR. MAHONEY:** Yeah. Yeah.
15 **CHAIRMAN SALTZMAN:** -- as opposed to at the
16 top.
17 **MR. MAHONEY:** Okay.
18 **CHAIRMAN SALTZMAN:** The Lynnfield ones take
19 a fair amount of sky as you look up.
20 **MR. MAHONEY:** Yes.
21 **CHAIRMAN SALTZMAN:** But I'm just looking at
22 these just to try and get a sense of what is the
23 size of them. And one day I promise to stand at
24 ground level and look up at the Lynnfield ones as

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1 opposed to driving by them on the highway --
2 **MR. MAHONEY:** Yes.
3 **CHAIRMAN SALTZMAN:** -- and being terrified
4 of them.
5 **MR. MAHONEY:** So you're asking about the
6 length or the height?
7 **CHAIRMAN SALTZMAN:** Yeah. Are they the
8 same size?
9 **MR. ENGLER:** How many units in each?
10 **MR. MAHONEY:** Yeah. The buildings are
11 almost exactly the same number of units that -- the
12 height is -- on the five-story side of Lynnfield is
13 about the same height of the four-story side, I
14 think a little shorter.
15 **CHAIRMAN SALTZMAN:** And, you know, I know
16 in the -- one other thing I was -- I was struck
17 here. You said that the -- there would be -- you
18 know, some of the traffic in the morning, you
19 understand is high school related, but also, being
20 in the geographical center of the universe in this
21 part of the world, a lot of people cut through
22 Stoneham to get to where they're going in the
23 morning. So a ten percent increase in the volume,
24 how many people would you estimate would be living

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1 at the site?
2 **MR. MAHONEY:** Oh, geez.
3 **CHAIRMAN SALTZMAN:** Not an easy question?
4 **MR. MAHONEY:** Yeah. Not an easy question.
5 If it's all right with you, there is a
6 little math involved. More than 264. If it's all
7 right with you, I could come back to the next
8 hearing with that number.
9 **CHAIRMAN SALTZMAN:** Not a problem.
10 **MR. MAHONEY:** There is a scientific method
11 to the way we look at this.
12 **CHAIRMAN SALTZMAN:** All right.
13 Because, you know, I was trying to also
14 calculate, from whatever that number turned out to
15 be, what a ten percent increase of the traffic would
16 be.
17 **MR. ENGLER:** It would depend how many cars
18 there are.
19 **MR. MAHONEY:** I think the traffic
20 engineers, there are metrics that traffic engineers
21 use for different type of uses and different --
22 Mr. Dirk will stop me if I'm over-stepping my bounds
23 here -- that they look at the apartment building,
24 they look at the number of apartment homes, and

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1 there is a certain number of automobile trips that
2 they assume in and out every day, I believe is kind
3 of the way it works. But the engineers I think will
4 be able to speak much more eloquently to that.
5 **CHAIRMAN SALTZMAN:** Just one other thing is
6 that, is there any shopping at all, any -- any
7 shopping at all on the proposed site as it currently
8 stands?
9 **MR. MAHONEY:** No. It's purely a
10 residential housing proposal.
11 **CHAIRMAN SALTZMAN:** Questions from anybody
12 else on the Board?
13 **VICE-CHAIR SULLIVAN:** I have questions.
14 Lynnfield project, you're showing those two
15 projects, I would hope, just as similar type of
16 construction.
17 **MR. MAHONEY:** Showing them just as recent
18 projects that the company has completed.
19 **MR. DUFOR:** Construction type? Because I
20 know -- I mean, I look at the Lynnfield, you're
21 right there on Route 1. And Weymouth Naval Station
22 I believe is right there on 18, not far from 3.
23 **MR. MAHONEY:** It's tucked back off of 18,
24 yeah. About maybe a ten-minute drive from Route 3.

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1 **VICE-CHAIR SULLIVAN:** Yeah. I served there
2 in the '70s.
3 **MR. MAHONEY:** Okay. You know it, then.
4 **VICE-CHAIR SULLIVAN:** So it's probably
5 changed a little since then.
6 **MR. MAHONEY:** It has.
7 **VICE-CHAIR SULLIVAN:** Traffic has also.
8 I just wanted to see if that's what we're
9 dealing with, that's the construction end of it that
10 you're showing on that model.
11 **MR. MAHONEY:** Yeah. Similar construction.
12 These are proposed as wood-framed
13 buildings.
14 **VICE-CHAIR SULLIVAN:** Okay. That's fine.
15 **CHAIRMAN SALTZMAN:** Members of the public,
16 does anybody have a question?
17 You know, sure. In the front.
18 Start in the front, work our way back.
19 **MR. EATON:** Do you want me to speak from
20 here?
21 **CHAIRMAN SALTZMAN:** Sure.
22 State your name.
23 **MR. EATON:** My name is John Eaton, 18
24 Citation Ave., Stoneham.

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1 I understand there are 264 units; 198 will
2 be market rate and 66 will be low to moderate
3 income.
4 My question is, after this construction is
5 done, how long do the 66 units remain low to
6 moderate income?
7 **MR. ENGLER:** Forever.
8 **MR. MAHONEY:** It's moderate income, no low
9 income, and it's in perpetuity.
10 **MR. EATON:** Thank you.
11 **CHAIRMAN SALTZMAN:** Next. Sure. Go ahead.
12 **MS. WEBBER:** Terri Webber, 185 Franklin
13 Street.
14 You said in the traffic that it's going to
15 be a ten percent increase from today. So what's
16 today's traffic and what is that ten percent, what's
17 that number? And doesn't matter --
18 **MR. MAHONEY:** Again, I think the traffic
19 consultants are going to be at the next hearing.
20 They'll be able to get into the numbers in much more
21 detail.
22 **CHAIRMAN SALTZMAN:** In the back.
23 **MS. COLARUSSO:** Hi. Caroline Colarusso, 4
24 Patrick Circle, member of the Board of Selectmen.

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1 I would like to know if we could be
2 provided a copy of that traffic study. And I would
3 like to also know when it was performed. Was it
4 summer? Was it when the school was in session?
5 Or --
6 **CHAIRMAN SALTZMAN:** Just if -- the traffic
7 study was in the application. I believe that's on
8 the Town website.
9 **MS. COLARUSSO:** Just one more question --
10 **CHAIRMAN SALTZMAN:** Keep going.
11 **MR. COLARUSSO:** -- towards Mr. Witten.
12 Is there a formal certification from the
13 Commonwealth that says at ten percent you are no
14 longer to -- have to have projects like this be
15 proposed to the Town?
16 To my knowledge, there isn't a formal
17 certification. I just want the residents to know
18 that. I know we're getting the impression this
19 evening that at ten percent the valve -- the gate is
20 shut. And I'm just not completely confident that
21 that's accurate information.
22 **MR. WITTEN:** It's totally inaccurate
23 information being -- being at 1.5 percent, being at
24 ten percent, or being at any of the other safe

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1 harbors doesn't preclude future 40B applications.
2 Cambridge and Amherst are two excellent examples.
3 Cambridge hasn't said no to a comprehensive permit
4 in a long time. They're well above ten percent.
5 Same with Amherst.
6 So being that a milestone, even if the
7 Housing Appeals Committee were to agree that you're
8 at the milestone -- which, in and of itself, is a
9 task -- doesn't preclude future 40B applications
10 from being submitted or approved. The statute
11 doesn't preclude new applications. It simply says
12 that if the Board chooses to deny, or approve with
13 conditions, the applicant doesn't have an appeal to
14 the Housing Commission.
15 **MR. MAHONEY:** I would just like -- if I did
16 say it absolutely precluded, that was -- I should
17 not have said that. I thought I said it could
18 preclude. Somebody in a developer's -- like
19 ourselves -- shoes, if the Town had met the one and
20 a half percent.
21 And also on the traffic study, we did. We
22 took traffic counts spring, summer and fall, I
23 believe. So we've taken them during the school year
24 to answer your question.

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1 **MS. COLARUSSO:** Just one final question.
2 I'm sorry.
3 I'm a mother of a high school student, and
4 obviously it relates to the traffic study. Have you
5 taken into consideration emergency vehicles? There
6 is the -- there is The Arbors there. It's an
7 old-age home. There is also lot of elderly in the
8 residents. And, as you know, I'm on the Board of
9 Selectmen.
10 Is that something you folks have
11 considered, the accessibility for emergency
12 vehicles, ambulance, fire, things of that nature?
13 And in your -- in your presentation, in terms of
14 benefits, there is -- probably should be a cost side
15 to that as well, in terms of we have more residents,
16 we have more students.
17 So certainly, from my position, obviously,
18 being on the Board, there is -- you know, you
19 present the benefits, but there is also a flip side
20 to that, that incurs costs for the Town, from
21 education, to public safety and so on. So I think
22 it's disingenuous, again, to present this in a
23 favorable way to your company and what you're trying
24 to accomplish tonight without being honest with the

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1 folks and letting them know that there will be
2 impacts that will permeate our society and will
3 change our Town and will have costs associated with
4 it.
5 **CHAIRMAN SALTZMAN:** One thing on that
6 point, which I understand the spirit in which it was
7 offered, but the Board cannot consider the effect of
8 those costs on the Town in its deliberations.
9 Just -- I don't know if you know that or not, but
10 it -- it didn't fall on deaf ears, but it fell on
11 ears that can't consider them.
12 **MS. COLARUSSO:** I'm fully aware of that. I
13 just want the general public to know there is a flip
14 side.
15 **CHAIRMAN SALTZMAN:** Sure. That's more than
16 reasonable.
17 Yes.
18 **MR. DELACEY:** My name is Brian Delacey.
19 I'm a resident actually of Malden.
20 And just to get back on the traffic study,
21 is that available on the website? I've asked
22 several times, and I have not yet received a copy of
23 it.
24 **MR. MAHONEY:** I don't know if it's

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1 available on the website. It's been submitted to
2 the Town.
3 **MR. DELACEY:** So will someone take an
4 action item to make it publicly available?
5 **CHAIRMAN SALTZMAN:** The entire proposal was
6 available on the website. I have looked at it. I
7 haven't looked at it today, but it was, in its
8 entirety, available on the Town website.
9 **MS. ROONEY:** If our server can handle it,
10 it will be on the website.
11 **MR. DELACEY:** Okay. Great. Thanks.
12 Then the other question is, when I do get
13 to read that, does it go as far as to, for instance,
14 Fellsway East and our neighbors in Malden, the same
15 road I came over? It doesn't have ten percent, or
16 five percent, or even three percent of sort of
17 buffer in the morning commuting hours, and I presume
18 some people who live in this facility will do the
19 same thing in coming cutting through Malden.
20 But that's all. Thank you. I'll read the
21 stuff.
22 **CHAIRMAN SALTZMAN:** Anybody else?
23 **MS. LAWLER:** I do.
24 **CHAIRMAN SALTZMAN:** Yeah.

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1 **MS. LAWLER:** Hi. Tara Lawler, 53 Walsh
2 Ave.
3 I have a question. You said that you were
4 going to make an extra lane for an entrance.
5 Franklin Street's a two-way lane. How are you going
6 to make an extra lane?
7 **MR. MAHONEY:** Excuse me.
8 Within -- no. No. No.
9 Well, there is two things we said. Within
10 our property, our driveway access has one lane in,
11 two lanes out. That's on our property.
12 The -- the curb to curb area of Franklin
13 Street is wide enough with that shoulder right in
14 front of our property to allow us to design for a
15 second lane headed east to allow for a left-turn
16 lane into our project and then traffic to continue
17 by so it doesn't back up.
18 **CHAIRMAN SALTZMAN:** Mr. Witten.
19 **MR. WITTEN:** So Mr. Chairman, members of
20 the Board, because Mr. Engler is here, and I'm not
21 sure if Mr. Engler is going to attend all the
22 meetings, the Board has, in its rules and
23 regulations, the requirement of a submission of a
24 pro forma. The pro forma is a critical component of

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1 the Board's review at a later point in time,
2 pursuant to the new regs. But the Board's entitled
3 to a pro forma.
4 So with Mr. Engler here, I thought it would
5 be an appropriate time for the Board to ask, or for
6 me to ask through the Chairman, to the Applicant
7 whether the Applicant's going to provide the Board
8 with a pro forma and, if so, when the Board will
9 receive that pro forma.
10 **MR. ENGLER:** Mr. Witten, you're well aware
11 of the regulations, and we agreed that if the -- the
12 process is if the Board finds the project doesn't
13 meet certain land use criteria and wants to modify
14 the development or impose conditions that we believe
15 renders the project uneconomic, you have every right
16 to ask us to defend that position with a pro forma
17 that then you can hire a consultant to review.
18 That comes at the end of the whole process
19 when you have decided, or you have discussed
20 conditions that we can't live with. If there are
21 conditions we can live with and the development
22 meets all -- you know, we're happy with those
23 conditions, there is no need for a discussion of the
24 pro forma. So it only comes at that point in time

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1 when the Board has looked at everything, they've
2 heard from traffic, engineering, everybody else and
3 come to that decision that they want to impose
4 conditions. And then we get to look at the
5 conditions and say three or four of those are fine,
6 a couple of them aren't; they're going to make the
7 project not financeable. That's when we'll be happy
8 to give you a pro forma.
9 So I don't know the date. I don't know
10 what you are looking for for us to tell you, because
11 we'll be happy to do it if it arises at the
12 appropriate time based on the regulations.
13 **MR. WITTEN:** So what I would say,
14 Mr. Chairman, members of the Board, is your
15 regulations -- perhaps Mr. Engler hasn't reviewed
16 them, but your regulations require the filing of a
17 pro forma as a part of the submission. In fact,
18 your regulations say:
19 "A detailed and accurate pro forma is
20 considered an indispensable document to
21 ensure the Board's ability to review the
22 economic viability of the project. The
23 submission and review of the pro forma
24 shall be conducted in conformance with" --

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1 and it cites the regulation.
2 The Board is entitled to receive the pro
3 forma today. So my question to Mr. Engler is when
4 will the Board receive the pro forma? If the Board
5 doesn't receive the pro forma, then your 180-day
6 clock, to which we just agreed was January 15th,
7 technically does not commence.
8 So it would be foolish for the Applicant at
9 this early stage of the process to start withholding
10 information that the Board knows it needs down the
11 road during subsequent hearings.
12 **VICE-CHAIR SULLIVAN:** All right. Just a
13 question, Mr. Chairman.
14 Mr. Witten, that would be the requirement
15 under our Chapter 18, Article 6 of the Stoneham Town
16 Code, which under Section 18-33, Section K requires
17 the pro forma, correct?
18 **MR. WITTEN:** That's correct, Mr. Sullivan.
19 **VICE-CHAIR SULLIVAN:** Thank you.
20 **MR. CICATELLI:** Mr. Chairman, is it the
21 Board's opinion that the application is not
22 complete? I think that's what Mr. Witten --
23 Attorney Witten is referring to.
24 **CHAIRMAN SALTZMAN:** Is it the Applicant's

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1 position that the Board is not entitled to the pro
2 forma?
3 **MR. CICATELLI:** No. It is our position
4 that the application is complete and that that was
5 something that must have been waived because we --
6 we were asked to do an impact study, which we did.
7 It was a vote of the Board that the application
8 would be deemed complete upon our submission, so --
9 **CHAIRMAN SALTZMAN:** Say --
10 **MR. CICATELLI:** -- there may have been some
11 other requirements in the regulations that, again,
12 were waived. But the application has been deemed
13 complete, and I think Attorney Witten is saying that
14 perhaps it's not complete. I think we should have
15 that discussion.
16 **CHAIRMAN SALTZMAN:** So is it -- is it the
17 Applicant's position that we were entitled to it,
18 but by not insisting upon it, we have somehow waived
19 it? Is that the Applicant's position?
20 **MR. ENGLER:** Not at all. No.
21 We're following the regulations that say
22 the requirements of the local board have to be
23 consistent with the Chapter 40B, and Chapter 40B is
24 explicit, and they worked hard on the regulations in

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1 2008, 2011 to indicate the proper process for
2 reviewing a pro forma. There is quite a section in
3 there on when it should be shown and how it gets to
4 be reviewed.
5 We're agreeing with all that, and we're
6 willing to live with that. And we're suggesting
7 that your local regulations go above and beyond
8 that, but they'll still meet at the end. There is
9 no reason to hand you a pro forma now that there is
10 no reason to review it. So we'll do it if it
11 becomes necessary. It may not become necessary.
12 So Mr. Witten is making a point that I
13 don't see the value of just -- we already
14 accepted -- we thought we had a complete
15 application. We're moving forward. We're doing all
16 these reviews. You mentioned a pro forma
17 consultant. I assume that will happen if it comes
18 to pass. But at this point in time it's, like, the
19 last thing In the whole process, not the first
20 thing.
21 **MR. WITTEN:** Mr. Chairman, Mr. Engler, I'm
22 sure, knows this portion of the regulations, which
23 state that you can't -- the Applicant can't
24 challenge the Board's regulation independent of

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1 challenging the comprehensive permit. So your
2 regulations are valid. They've been adopted by the
3 Board. They've been filed with the Town Clerk. The
4 Applicant has a copy of them. So unless the Board
5 chooses to waive its regulations, they're valid and
6 the Applicant must comply with the regulations.
7 It's also completely asinine to suggest
8 that the Board reviews the pro forma at the end of
9 the project, the way the regulations suggest. Your
10 regulations say, "Obtain the pro forma now. Review
11 it during the course of the project, so you have a
12 milestone, you have a metric to measure the revised
13 pro forma down the road." If you don't have a pro
14 forma today, you don't know what the Applicant is
15 supporting for its 264 units. You're entitled to a
16 pro forma based on your regulations.
17 **CHAIRMAN SALTZMAN:** Does the Applicant want
18 to take a couple of minutes?
19 **MR. ENGLER:** No, Mr. Chairman.
20 The pro forma that was submitted to Mass.
21 Housing is part of the site approval application.
22 We're not hiding anything. It's just that the --
23 Mr. Witten is claiming that the regulations are
24 asinine. This is a standard kind of a process.

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1 **CHAIRMAN SALTZMAN:** Let me ask you this --
2 **MR. ENGLER:** We follow the regulations.
3 **CHAIRMAN SALTZMAN:** If I can cut to the
4 chase:
5 Would it be possible to submit to the Board
6 the same pro forma that was submitted to Mass.
7 Housing?
8 **MR. ENGLER:** Why not? It's in the -- you
9 already have it, a census -- you have a copy in our
10 application, I'm sure. You get that.
11 **MR. MAHONEY:** Yes.
12 **MR. CICATELLI:** We would be happy to do
13 that.
14 **MR. WITTEN:** Mr. Chairman, that pro forma
15 submitted to Mass. Housing is not the pro forma
16 required by your regulation. The pro forma
17 submitted to Mass. Housing is a rudimentary,
18 two-dimensional analysis. Your regulations require
19 a lot more. The Board is entitled to that
20 information.
21 The Board will respect the regulations, the
22 CMRs that suggest that your analysis of those pro
23 forma numbers come at the iterative process when the
24 applicant says, "No, you can't impose that

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1 condition." But the Board and the public is
2 entitled to a detailed pro forma consistent with
3 your regulations.
4 If the Applicant had objected to that
5 requirement at the beginning, they could have. The
6 regulations haven't changed in a year. They've been
7 on notice. This should be no surprise.
8 **MR. ENGLER:** We did object, Mr. Chairman.
9 We objected to the regulation that said the --
10 whoever wrote the -- or prepared the pro forma had
11 to sign under pains of perjury, which has never been
12 seen before. We objected. You remember we went
13 through all that.
14 **CHAIRMAN SALTZMAN:** Right. Right.
15 **MR. ENGLER:** And you accepted that we had a
16 complete application.
17 **CHAIRMAN SALTZMAN:** We accepted that it
18 didn't have to be submitted under pains and
19 penalties. We agreed on that.
20 **MR. ENGLER:** And the pro forma submitted to
21 the subsidizing agency -- which, by the way, is the
22 only agency that has the right to review this in
23 terms of what the Supreme Court has said about the
24 details of that -- we gave -- we'll give them the

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1 same pro forma that the subsidizing agency reviews.
2 It's schematic drawings. It's preliminary
3 engineering. The details are vague because they're
4 not there yet. It's not working drawings. It's not
5 a bid process.
6 So we'll give you the same numbers we gave
7 Mass. Housing. That, in our mind, is sufficient for
8 you to have to carry forward, and let's see what
9 happens when we get to the end of the process.
10 There is no further information that we have other
11 than what we've filled out for Mass. Housing.
12 **CHAIRMAN SALTZMAN:** Board members, is there
13 any -- with reference to this, I would -- I would
14 propose that, without waiving our right to any
15 further information as to the specific financials
16 under the pro forma under our regulations, that we
17 defer until the next meeting, review what we have
18 and determine what, if anything, we need further
19 under our regulations.
20 **VICE-CHAIR SULLIVAN:** I think that's a good
21 idea. I have different notes in here from a year
22 ago.
23 **CHAIRMAN SALTZMAN:** Yeah. I guess I'll
24 make that in the form of a motion, and ask for a

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1 voice --
2 **VICE-CHAIR SULLIVAN:** So moved.
3 **CHAIRMAN SALTZMAN:** So moved; seconded?
4 Mr. Rotondi?
5 **MR. ROTONDI:** Yes.
6 **CHAIRMAN SALTZMAN:** Mr. Dufor?
7 **MR. DUFOR:** Yes.
8 **CHAIRMAN SALTZMAN:** Mr. Shulman?
9 **MR. SHULMAN:** Yes.
10 **CHAIRMAN SALTZMAN:** Mr. Sullivan?
11 **VICE-CHAIR SULLIVAN:** Yes.
12 **CHAIRMAN SALTZMAN:** All right. The Chair
13 is in favor.
14 We may do this again.
15 **MR. MAHONEY:** We'll make sure you have the
16 Mass. Housing information.
17 **CHAIRMAN SALTZMAN:** At this point, is there
18 any other business?
19 Oh, sir.
20 **MR. WANTMAN:** Martin Wantman, 20 Gerald
21 Road, abutter to the project.
22 I'm curious if this commission is going to
23 be reviewing the drainage and flooding also, or are
24 you not going to be considering it?

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1 **CHAIRMAN SALTZMAN:** That would be certainly
2 a part of our review.
3 **MR. WANTMAN:** Thank you.
4 **CHAIRMAN SALTZMAN:** Sir, in the back. Yep.
5 **MR. WILSON:** Russ Wilson, 35 Tamarock
6 Terrace.
7 It seems to me that we don't have detail,
8 yet your -- the intent for you to work with this
9 lack of detail, it sounds like you have to pass it,
10 so to speak, before you know what's in it, the way
11 our Senate has worked in the past.
12 So it would be helpful to know what you're
13 actually going to do before you can expect these
14 people to handle it. Right now we don't have
15 detail. No detail, then you can't possibly handle
16 it. It just doesn't make sense.
17 **CHAIRMAN SALTZMAN:** Just for what it's
18 worth, tonight we had asked for a -- an overview of
19 the project. And we will be seeking further details
20 the next time we're in here. We're going to be
21 going through the traffic the next time in, and we
22 will review further what we have in terms of
23 financials and then determine what we're going to be
24 seeking at that point pursuant to our own

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1 regulations.
2 **MR. WILSON:** It just seems where we are now
3 in terms of what they provided is so lacking in
4 detail that I don't see anything happening in the
5 next month or two, within the time frame you're
6 looking for.
7 I guess that's the point.
8 **CHAIRMAN SALTZMAN:** Yep.
9 **MR. DELACEY:** Just a question.
10 Are those large binders the actual
11 application?
12 **CHAIRMAN SALTZMAN:** Yeah.
13 **MR. DELACEY:** Is there a copy of that
14 available at City Hall or some public --
15 **CHAIRMAN SALTZMAN:** There was one in the
16 library. I don't know if it's still there.
17 **MR. DELACEY:** It would be hard to sneak out
18 with.
19 **MS. ROONEY:** There is one in the Town
20 Clerk's office, and there is one in my office.
21 **MR. CICATELLI:** So Mr. Chairman, at the
22 next meeting -- and as you mentioned, this was just
23 a preliminary presentation. There is a lot more
24 information to be submitted as well as reviewed by

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1 the Board and the peer reviewers. So at the next
2 meeting we're going to deal with architecture,
3 mass --
4 **MR. ENGLER:** No. No.
5 **CHAIRMAN SALTZMAN:** Traffic.
6 **MR. CICATELLI:** So you said to go right
7 into traffic?
8 **CHAIRMAN SALTZMAN:** Traffic.
9 **MR. CICATELLI:** And then we will submit a
10 copy to your consultant of the traffic report.
11 **CHAIRMAN SALTZMAN:** Please.
12 **MR. WITTEN:** Mr. Chairman, could I ask,
13 Steven, do you have -- other than the P&S extension,
14 is there anything else you are submitting tonight?
15 **MR. CICATELLI:** No.
16 **MR. WITTEN:** Thank you.
17 **CHAIRMAN SALTZMAN:** And if there is
18 anything else to be submitted in connection with the
19 traffic, if you could to it to us ten days ahead of
20 the next meeting, that would be --
21 **MR. CICATELLI:** It's basically the traffic
22 reports that you have.
23 **MR. ENGLER:** They have.
24 **MR. CICATELLI:** Yep.

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1 **CHAIRMAN SALTZMAN:** Okay. Yes.
2 **MS. McBRIDE:** Ellen McBride, 30 Butler
3 Ave., also on the Con.Com.
4 I just have a question. When was the first
5 day that you introduced this to the Town?
6 Roughly.
7 **MR. MAHONEY:** Summer of 2013.
8 **MR. CICATELLI:** 2013.
9 **MS. McBRIDE:** So, like, two years ago.
10 **MR. CICATELLI:** 2013.
11 **MS. McBRIDE:** So my guess is you had some
12 preliminary look at what your -- what your
13 development was going to be, some rough -- you know,
14 whatever you presented to Mass. Housing in the form
15 of a pro forma.
16 And since then you've met with us at least
17 six or seven times, and we've made -- you've made
18 changes and alterations, and it just makes no sense
19 to me -- and I couldn't just walk out of the meeting
20 without saying it -- it makes no sense to me that
21 you wouldn't have changed the financials at some
22 point after all the work you've done with us. So
23 there should be some updated pro forma available for
24 this commission other than what you presented to

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1 Mass. Housing.
2 **MR. CICATELLI:** Well, with all due respect,
3 we don't have a decision from you, so --
4 **MS. McBRIDE:** That's not my point.
5 **MR. CICATELLI:** -- so there really haven't
6 been any changes.
7 **MS. McBRIDE:** My point is you've made
8 changes to the original project, which is what this
9 gentleman whose name I don't know -- I'm sorry --
10 said it's all just -- you know, it's basic stuff,
11 but in two years you've made changes.
12 **MR. MAHONEY:** But I think the application
13 that has been submitted to the Board last summer is
14 the application, the plans, the documents that we
15 submitted, that's the current application they're
16 reviewing.
17 **MS. McBRIDE:** And you haven't made changes
18 to that?
19 **MR. MAHONEY:** We have not, to the Board,
20 no. But the application to the Board.
21 **MS. McBRIDE:** But to the overall project
22 yes, you have. That's what I --
23 **MR. MAHONEY:** We don't have a decision --
24 if you're referring to the discussion we've had with

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1 the Commission in the last seven months, we don't
2 have a decision on that. So once we do, and if we
3 feel that the plans have changed, we will submit
4 those plans to the Board.
5 **MS. McBRIDE:** Okay. You understand my
6 point, I think.
7 **CHAIRMAN SALTZMAN:** Yes.
8 **MS. BARCCIOTTI:** Mary Lou Barcciotti, 36
9 Broadway.
10 I just think it's unfortunate that you have
11 a set of regulations, and you have your standards,
12 and you quickly said, "Okay. We won't use our
13 standards; we'll use theirs, and we have to accept
14 that as a community."
15 **CHAIRMAN SALTZMAN:** I don't believe that's
16 what we said.
17 **MS. BARCCIOTTI:** Well, I know you didn't
18 say it in those terms, but that's my interpretation.
19 Why did you -- why did you not use your
20 regulations? Why did you not enforce that?
21 **MR. WITTEN:** I think the Board is enforcing
22 its regulations.
23 **MS. BARCCIOTTI:** You think so?
24 **CHAIRMAN SALTZMAN:** We haven't waived

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1 anything.
2 **MR. WITTEN:** Under the statutory scheme,
3 the Applicant gets to ask for a waiver from every
4 local regulation.
5 **MS. BARCCIOTTI:** Uh-huh.
6 **MR. WITTEN:** The Board is in charge of
7 determining which of those waivers to grant, or none
8 at all.
9 **MS. BARCCIOTTI:** Okay.
10 **MR. WITTEN:** And 180 days from tonight, or
11 thereabouts, the Board will make a decision
12 rendering on each of those waiver requests.
13 So it's not that the Board isn't sticking
14 to its regulations, or the Zoning Bylaw the Town has
15 adopted for the last 50 years. It's just that the
16 Applicant has asked for the Board to throw many of
17 them out the window, so it's up to the Board to
18 determine which of those waivers might be grantable,
19 if any, or to deny the project in its entirety. And
20 that is what plays out now for the next several --
21 several months.
22 **MS. BARCCIOTTI:** Okay. Thank you.
23 **CHAIRMAN SALTZMAN:** Yes.
24 **MS. LAWLER:** I know traffic's next meeting,

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1 and I know a few people have asked and I haven't
2 heard the answer.
3 When was the traffic study done for the
4 report that will be discussed?
5 **MR. MAHONEY:** The traffic counts actually
6 were done?
7 **MS. LAWLER:** Yeah. Because I thought it
8 was in June.
9 **MR. MAHONEY:** There was one set of counts
10 done in June. We did additional counts during the
11 school year.
12 **MS. LAWLER:** During the school year?
13 **MR. MAHONEY:** Yes.
14 **MS. LAWLER:** Thanks.
15 **CHAIRMAN SALTZMAN:** Okay.
16 Any other business from the Board?
17 At this time the Board will entertain a
18 motion.
19 **VICE-CHAIR SULLIVAN:** Motion to adjourn the
20 meeting, concluding this meeting, to August 26,
21 7:30, at the same location, which I believe we're
22 going to be here anyway, but we'll have a motion to
23 adjourn.
24 **CHAIRMAN SALTZMAN:** Do I hear a second?

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1 **MR. SHULMAN:** Second.
2 **CHAIRMAN SALTZMAN:** All right.
3 All those in favor of adjournment signify
4 by saying "aye."
5 (Chorus of ayes)
6 **CHAIRMAN SALTZMAN:** All those opposed?
7 (Silence)
8 **CHAIRMAN SALTZMAN:** All right. We are now
9 adjourned.
10 (Whereupon, the hearing was
11 adjourned at 8:41 p.m.)
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1 C E R T I F I C A T E
2 I, Alexander K. Loos, Registered Diplomate
3 Reporter, do hereby certify that the foregoing
4 transcript, Volume III, is a true and accurate
5 transcription of my stenographic notes taken on July
6 21, 2015.

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10 

11 Alexander K. Loos
12 Registered Diplomate Reporter

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