

**In The Matter Of:**

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

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*Public Hearing, Volume X  
December 1, 2015  
Comprehensive Permit Request*

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**DORIS O. WONG  
ASSOCIATES, INC.**

COURT REPORTERS

50 Franklin St., Boston, MA 02110  
Phone (617) 426-2432

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Volume X  
Pages 10-1 to 10-93

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  
Nate Cramer

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, for the Applicant.

Held at:

Stoneham Town Hall  
35 Central Street  
Stoneham, Massachusetts  
Tuesday, December 1, 2015  
7:50 p.m.

Carol H. Kusinitz  
Registered Professional Reporter

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

2                   CHAIRMAN SALTZMAN: Good evening,  
3 everybody. Welcome to the Stoneham Board of  
4 Appeals. As everybody knows, this is a continuance  
5 of the 40B application at 170 Franklin Street.

6                   Before we get started tonight, we are  
7 coming up to the end of all of this. On January the  
8 15th the hearing will be closing on that occasion.  
9 And I would just say that it would be probably in  
10 our best interest to schedule at least four meetings  
11 between now and that date, not including the hearing  
12 that we would be having on the 16th of December.

13                   Looking at the first week of January, I was  
14 just wondering if we could do the 5th and the 7th,  
15 if those dates work.

16                   MR. ROTONDI: I leave the 6th and don't  
17 come back to the 20th.

18                   CHAIRMAN SALTZMAN: All right. Well, then,  
19 if we're going to do four meetings, then we have to  
20 be between Christmas and New Year's, which was  
21 certainly not the Chair's thought on this.

22                   So we would be looking at the 5th -- you're  
23 leaving on the 7th?

24                   MR. ROTONDI: The 6th.

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1           CHAIRMAN SALTZMAN:   So we do the 4th and  
2 the 5th of January.  And the week before, how's the  
3 28th and the 30th of December?  Do those work?

4           MR. ROTONDI:  They work for me.

5           CHAIRMAN SALTZMAN:  Thank God.  So it's the  
6 28th and the 30th and the 5th and the 6th.

7           MR. ROTONDI:  The 6th I'm gone.

8           CHAIRMAN SALTZMAN:  The 4th and the 5th.

9           All right.  Does everybody have those  
10 dates?

11           (Board members nod heads)

12           CHAIRMAN SALTZMAN:  Are there any other  
13 matters that we need to take up before we get  
14 started?  (No response)

15           All right.  It's my understanding that we  
16 have a brief presentation on traffic.

17           MR. CICATELLI:  Thank you, Mr. Chairman.  
18 There were some -- in terms of traffic, I think we  
19 pretty much wrapped it up at the last meeting.  I  
20 think we addressed all of Mr. Dirk's concerns, but  
21 Heather Monticup from GPI just wanted to make a very  
22 brief presentation relative to some of the comments  
23 that were made regarding bicycle traffic.  That will  
24 be very brief, and then we can delve into stormwater

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1 management at that time if you like.

2 CHAIRMAN SALTZMAN: There might be a brief  
3 public comment on whatever the outcome is on the  
4 traffic. And I think we're probably going to have  
5 some questions on that.

6 MR. CICATELLI: Certainly.

7 MS. MONTICUP: Good evening. For the  
8 record, I'm Heather Monticup with Greenman-Pedersen,  
9 the traffic engineers for the proposed project.

10 As Steven mentioned, at the last hearing  
11 there were some things that were brought up about  
12 bicycle travel along the Franklin Street corridor.

13 So what we wanted to present tonight was a  
14 little sketch of the corridor. This figure was  
15 shown in our September 29th response-to-comments  
16 letter; however, we elaborated on it a little bit  
17 more, just to show some colors and let people see.

18 So this is the whole corridor. As you can  
19 tell -- it's kind of far away -- but the study area  
20 includes all the way from Main Street down to  
21 Perkins Street down here, and our proposed  
22 improvements are shown in this cloud right about  
23 there (indicating).

24 Looking at the sketch here, we show three

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1 different things. We show designated on-street  
2 parking, actual spaces in yellow, which is the small  
3 area right towards Main Street. Those are actually  
4 striped as spaces. The green area is any shoulder  
5 that is greater than 5 feet, 5 feet or greater. If  
6 it's 5 feet or greater, it can accommodate bicycle  
7 travel. And all the red is where the shoulder along  
8 the corridor is less than 5 feet, which is  
9 inadequate to accommodate bicycle traffic per  
10 MassDOT standards.

11 CHAIRMAN SALTZMAN: One question for you.  
12 We would like to have these diagrams so that we can  
13 show them to Mr. Dirk.

14 MS. MONTICUP: Absolutely.

15 CHAIRMAN SALTZMAN: Obviously we ended the  
16 last meeting seemingly in some agreement as to at  
17 least what the dimensions were. And so to the  
18 extent certainly that that understanding might be  
19 challenged a little bit right now, I would want to  
20 be able to show Mr. Dirk anything that we're seeing  
21 tonight.

22 MS. MONTICUP: Absolutely. It's a pdf. I  
23 can e-mail it to him tomorrow, if that works.

24 CHAIRMAN SALTZMAN: Yes.

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1           MS. MONTICUP: So, again, this was provided  
2 before, and the dimensions that are shown on the  
3 plan, particularly the 7-to-8-foot shoulder used for  
4 parking, those notes on the north side of the road  
5 and the shoulder on the southern side of Franklin  
6 Street along the corridor, how it ranges from 3 to 3  
7 1/2 feet, that was all provided and it was reviewed  
8 by Jeff. This just adds some color to the plan so  
9 you can see visually where physically the 5 feet  
10 starts and ends and stops and ends along the  
11 corridor.

12           So just to kind of put it into perspective,  
13 we've got this whole corridor. You can see the  
14 green areas where it's greater than 5 feet. We also  
15 have some areas -- there's four of them along the  
16 corridor right there, 2, 3 and 4 -- where there are  
17 pedestrian bump-outs. So the pedestrian crossing at  
18 the intersection actually comes into the area where  
19 it's 5 feet.

20           Now, again, all the area shown in green  
21 where there's a 7-to-8-foot shoulder is all used for  
22 on-street parking. There are no -- I should  
23 clarify. There a few areas where it says, "No  
24 Parking Between Signs," or "No Parking from Here to

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1 Corner," but for the most part it's used for  
2 on-street parking. They just don't want you parking  
3 close to intersections as typical.

4 So the whole length of the project here  
5 along Franklin Street is 1.15 miles or roughly 6,000  
6 feet. The area that would not allow for the bike  
7 lane currently on the north side is about 2,300  
8 feet. So that's about 40 percent of the roadway  
9 currently does not accommodate bicycle travel on the  
10 north side on the roadway.

11 So we just wanted to point that out, that  
12 although our improvements are proposed and we are  
13 taking from that shoulder on the north side in that  
14 small area -- I think it's roughly about 900 feet of  
15 the corridor -- it's not much different than  
16 anything else along the corridor.

17 CHAIRMAN SALTZMAN: Can you show us the  
18 2,300 feet? Just right now as we're looking at it,  
19 what are the 2,300 feet on the north side?

20 MS. MONTICUP: It's all the stuff that's  
21 colored, right from Main right down past --

22 MR. MAHONEY: The 2,300 is the very dark  
23 red.

24 MS. MONTICUP: I'm sorry. Yeah, yeah. The



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1 2,300 is all red, is all the very dark red. That's  
2 what that makes up, on the north side of the  
3 roadway, because on the southern side of the  
4 roadway, everything is red. There is no --

5 MR. SULLIVAN: Could you give me a marker  
6 from where it starts and where it ends? I can't  
7 really see.

8 MS. MONTICUP: I know it's difficult. I  
9 can pass this out.

10 MR. SULLIVAN: The red doesn't --

11 MS. MONTICUP: I'll make sure that Cathy  
12 gets it tomorrow as well when I e-mail it to  
13 Jeffrey.

14 CHAIRMAN SALTZMAN: Just on that point,  
15 parts of the roadway that currently have parking,  
16 those are the areas that you would say cannot  
17 currently accommodate bicycle traffic. But if the  
18 parking were to be banned in that area, you would  
19 agree that that would be a substantial change in a  
20 significant amount of the roadway?

21 MS. MONTICUP: Correct. Yes. So the  
22 yellow --

23 CHAIRMAN SALTZMAN: So that would simply be  
24 a matter of just redrawing the lines in favor of

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1 bicycle traffic.

2 MS. MONTICUP: Correct.

3 CHAIRMAN SALTZMAN: And as far as -- you  
4 know, the concern is that, even at the high school,  
5 where right now the lanes are drawn differently,  
6 whether the Town chose to do a taking or the Town  
7 just decided to redraw the map or redraw the  
8 roadway, bicycle traffic would be easily  
9 accommodated there.

10 The concern that has been expressed by the  
11 Board is that if a 264-unit development were placed  
12 at Weiss Farm and the roadway were redrawn to permit  
13 the optimum use of the three lanes, that would be  
14 it. I mean, there would be no going back from that.  
15 Would you agree?

16 MS. MONTICUP: Oh. Within the existing  
17 curb lane?

18 CHAIRMAN SALTZMAN: Within that -- yes.

19 MS. MONTICUP: Within the existing pavement  
20 width? Yes, it would be a 3-foot shoulder on the  
21 north side.

22 CHAIRMAN SALTZMAN: The concern is that,  
23 you know, the Town loses any kind of flexibility as  
24 far as accommodating bicycle traffic in that 100

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1 feet of the roadway in the event it's redesigned.

2 MR. MAHONEY: It's a similar condition to  
3 not only in front of the high school, where it's  
4 obviously public land, in front of many other  
5 private properties. So what we would propose is  
6 that we would designate an area 3 or 5 feet off of  
7 the back of the existing sidewalk, that if the Town  
8 were to move forward with such a project, we would  
9 give the Town the right to do so without having to  
10 come to us with some sort of easement or other  
11 mechanism to allow the Town -- in the future, if it  
12 proceeds with a project like this, which would  
13 involve taking private property down the way, that  
14 would not be an issue at our property, because we  
15 would pre-agree to an area to allow them to do that.

16 CHAIRMAN SALTZMAN: But the difference  
17 there is that, right now, the area, the roadway  
18 would accommodate bicycle traffic, and if the  
19 proposed project is approved, it wouldn't, if you  
20 had the three lanes.

21 My question is, what about the mitigation  
22 that was proposed where the only instance where  
23 there would be mitigation that would occur on the  
24 Weiss Farm property, the sidewalk were to be moved

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1 onto the property, and the roadway would then be  
2 enlarged to accommodate both bicycle traffic and the  
3 three lanes? Has that been considered?

4 MR. MAHONEY: We did look at it. It would  
5 be very, very difficult, is the short answer, and it  
6 would involve more than just the Weiss Farm, the  
7 property that we have under control.

8 CHAIRMAN SALTZMAN: Give us the long  
9 answer. How come it would be difficult?

10 MR. MAHONEY: There's a number of utility  
11 poles that would need to be moved, which for a  
12 private party to do is extremely difficult to do.

13 CHAIRMAN SALTZMAN: We can help you with  
14 the electric company.

15 What about the land itself? That would  
16 support a sidewalk, right, without any difficulty?

17 MR. MAHONEY: We would be happy to give the  
18 Town the right to use that land, the land that we  
19 have control over. It would go beyond the limits of  
20 our property lines.

21 CHAIRMAN SALTZMAN: But as far as the  
22 mitigation, that's not something that the Applicant  
23 would be prepared to do in terms of mitigating the  
24 harm that would be caused on the roadway whereby the

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1 bike lane would be permanently lost on one side?

2 MR. CICATELLI: Mr. Chairman, I don't think  
3 it would be permanently lost if we agreed to give  
4 the Town an easement. So what would have to happen  
5 is the Town would have to eliminate all of the  
6 off-street parking on Franklin Street, No. 1. No.  
7 2, the Town would have to take properties along the  
8 corridor, and that would require Town Meeting votes,  
9 of course, and quite an expense. And then as to our  
10 property, we would be willing to give it to you in  
11 the form of an easement.

12 So, no, the third lane would not prohibit  
13 the Town from doing that. In fact, our particular  
14 section would be the one section where you could do  
15 it without a taking. So, quite frankly, no, we  
16 would not be the impediment.

17 CHAIRMAN SALTZMAN: I believe what was  
18 suggested the last time would be that Corcoran was  
19 prepared to examine whether or not it was able to  
20 make -- to perform the mitigation itself on the  
21 property, and the answer to that is no. Is that  
22 what I hear?

23 MR. CICATELLI: My client did look into it,  
24 but, you know, there is the issue with wetlands,

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1 with a difference in grade, and of course several  
2 utility poles. And again that would simply be one  
3 section.

4 CHAIRMAN SALTZMAN: We would all agree,  
5 however, that this is a mitigation that is brought  
6 on by the need for Corcoran to have the third lane  
7 on Franklin Street. So this would be offsetting the  
8 difficulty that's been created to accommodate the  
9 project.

10 MR. CICATELLI: No, because the easement  
11 would be granted at that location. So the shoulder  
12 that would be lost where the third lane would be  
13 created we would give in the form of an easement.  
14 So, no, there is no need to mitigate, because we  
15 would basically be providing the land for the Town.

16 CHAIRMAN SALTZMAN: But the Town would be  
17 doing the mitigation, not Corcoran.

18 MR. CICATELLI: If the land is given to the  
19 Town, that's the landowner doing the mitigation.

20 MR. WITTEN: Mr. Chairman, could I just  
21 ask, Attorney Cicatelli, at the last meeting, I  
22 think there was a discussion about the consideration  
23 of that 5-foot easement or sidewalk being pushed  
24 further back onto your client's property. And when

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1 I saw the pro forma that Mr. Mahoney had sent, the  
2 updated pro forma, it indicates that it's 259 units  
3 as opposed to 264.

4 So my take-away -- and it sounds like I was  
5 incorrect -- was that that was a loss of five units  
6 because you had designed the sidewalk further onto  
7 the subject property. Am I mistaken?

8 MR. MAHONEY: That's incorrect. The change  
9 in units -- we described earlier in the proceedings,  
10 there was a change to add three-bedroom units months  
11 ago when we submitted that.

12 MR. WITTEN: So the 259 units on the pro  
13 forma has nothing to do with the response to the  
14 conversation from the last meeting?

15 MR. MAHONEY: That's correct. Yes.

16 MR. WITTEN: Thank you.

17 CHAIRMAN SALTZMAN: Is that in connection  
18 with the number of bedrooms in the various units?

19 MR. CICATELLI: Yes.

20 MR. SULLIVAN: So is it 264 units proposed  
21 or 259 units proposed? I'm confused.

22 MR. MAHONEY: It's 259 units, as we sit  
23 here today.

24 MR. SULLIVAN: That's what is proposed, not

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1 264 that has been on all of our items.

2 MR. MAHONEY: Right. The original  
3 application was 264. When we updated plans to  
4 incorporate the added --

5 MR. SULLIVAN: You had to have three-  
6 bedrooms. So that cut the number down to 259?

7 MR. MAHONEY: Correct.

8 MR. SULLIVAN: How many three-bedroom units  
9 were there again?

10 MR. MAHONEY: Geez. 10 percent, I can tell  
11 you that.

12 CHAIRMAN SALTZMAN: 26?

13 MR. MAHONEY: 26, I believe. I just want  
14 to make sure. Yes, 26.

15 The only other thing I'd like to offer up  
16 is, I know at the last hearing the gentleman from  
17 Melrose offered that there could be potential  
18 alternative connections to achieve bike connectivity  
19 through the Town.

20 You know, we would be willing to offer a  
21 monetary contribution for the Town to study this  
22 corridor or other corridors for the use of bicycle  
23 accommodations.

24 CHAIRMAN SALTZMAN: On that score, you



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1 know, the mitigation that the Town would be  
2 undertaking would be to redesign the lanes on the  
3 street to accommodate the third lane. And part of  
4 what the Town sought in exchange for that was a  
5 commitment from the Applicant to resite the sidewalk  
6 in that affected area.

7           It's making the redrawing of the lanes a  
8 bit of a harder sell than it was before tonight.  
9 And, you know, we're looking at what Mr. Dirk said,  
10 which is that, if you don't have the third lane,  
11 you're losing a lot of units. And the hope was that  
12 people could have met in the middle on the sidewalk  
13 issue.

14           And Mr. Dirk, I believe, had indicated that  
15 it was between 120 and 125 units to accommodate the  
16 traffic, absent the third lane.

17           MR. MAHONEY: I'm not sure we agreed with  
18 Mr. Dirk's interpretation there. And I know he's  
19 not here tonight, so it's not fair --

20           CHAIRMAN SALTZMAN: We can bring him back.  
21 We can bring him back. That's not a problem. He  
22 knows the way here.

23           All right. Continue. Pardon the  
24 interruption.

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1           MS. MONTICUP: So, again, this is the  
2 concept plan that was shown at the last hearing. It  
3 does show that left-turn lane into the site. It  
4 shows the HAWK signal further to the east there. It  
5 is a continuation, the box underneath of the  
6 roadway.

7           It was a recommendation in our traffic  
8 study to include a left-turn lane. Jeffrey Dirk did  
9 agree with the left-turn lane, thought it was a good  
10 recommendation. To justify our recommendation, we  
11 did the left-turn lane warrant, and it is met.

12           However, just because the left-turn lane is  
13 warranted, it does not mean that it's required.  
14 There are many -- or there is at least the Dunkin'  
15 Donuts down the road that would warrant a left-turn  
16 lane into the site, and it has been built and  
17 operates without one. So just because it's  
18 warranted, it does not mean that it is required. So  
19 I guess --

20           CHAIRMAN SALTZMAN: Let me --

21           MS. MONTICUP: -- you could take the left-  
22 turn lane or you could leave it. It's really up to  
23 the Town.

24           CHAIRMAN SALTZMAN: Perhaps we've been

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1 unclear on this, but my question is, I suppose,  
2 let's say that it was a condition that you do this  
3 mitigation with the sidewalk. Would that condition  
4 render the project uneconomical? Have we reached  
5 that point?

6 MR. MAHONEY: I'm not sure we're in a  
7 position to respond to uneconomical questions until  
8 we understand all the conditions that might be on  
9 the table.

10 MR. WITTEN: Mr. Chairman, if I could just  
11 add, I think there's a little bit of revisionist  
12 history going on here. Mr. Dirk testified at least  
13 twice, if not four times, that the left-turn lane  
14 was a requirement of this project. His testimony  
15 before the Board was that at 264 units or 259 units,  
16 or anything above 125, a left-turn lane was  
17 required.

18 Am I correct in recalling what Mr. Dirk's  
19 testimony was?

20 MS. MONTICUP: In his first letter -- I  
21 forget the date of it -- he stated in there that it  
22 should be required. He said it should be a  
23 requirement of the project.

24 MR. WITTEN: Is it your testimony that this

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1 project would be safe without a left turn?

2 MS. MONTICUP: It's not a safety  
3 improvement. It is to eliminate delays along  
4 Franklin Street.

5 MR. WITTEN: And do delays and safety have  
6 anything in common? So by queuing on Franklin  
7 Street --

8 MS. MONTICUP: You don't make it more safe  
9 with the left-turn lane.

10 MR. WITTEN: Your testimony is it doesn't  
11 make the project any more safe.

12 MS. MONTICUP: It doesn't make it any more  
13 safe.

14 MR. WITTEN: Thank you.

15 MR. CICATELLI: Mr. Chairman, maybe we just  
16 have to have Mr. Dirk here, in fairness to him and  
17 to the Town. The purpose of this presentation was  
18 simply really to discuss the bicycle traffic,  
19 because that was raised as the concern at the end of  
20 the last meeting by a couple of invited speakers.  
21 That's all.

22 CHAIRMAN SALTZMAN: Sure. All right.  
23 Have you anything more to say?

24 MS. MONTICUP: That was my conclusion, just

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1 to show the left-turn lane.

2 CHAIRMAN SALTZMAN: Would anybody from the  
3 public like to speak?

4 MS. LAWLER: Tara Lawler, 53 Walsh Ave.

5 I'm trying to wrap my head around the whole  
6 left turn. So you're saying that a left turn is a  
7 good thing coming out of the development, the  
8 proposed project? Because coming out of Teachable  
9 Moments, which is adjacent to there, we weren't able  
10 to take left-hand turns anymore, because there were  
11 a few accidents that have been reported, and the  
12 Stoneham Police actually recommended that we went up  
13 to the high school and did a U-turn.

14 And just even coming out of Walsh Ave.  
15 trying to take left turn with people coming up from  
16 Melrose, it just -- you can't take it out of Dunkin'  
17 Donuts. To try to get out of Stevens Street to take  
18 a left is a nightmare. I just don't see --

19 MR. MAHONEY: I think the left-turn lane  
20 we're talking about is going into the site. I think  
21 the left turns you're talking about are coming out  
22 of properties along Franklin Street, headed towards  
23 Melrose, right? So I think we're talking about two  
24 different things.

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1           MS. LAWLER:   Okay.   So yours is coming out  
2 of the property, going left?

3           MR. CICATELLI:   No.   Heading into the  
4 property.

5           MR. MAHONEY:   The one we've been discussing  
6 this evening --

7           MS. MONTICUP:   It's an eastbound left-turn  
8 lane on Franklin Street into the property is what  
9 we've been discussing.   That's what the discussions  
10 have been about.

11          MS. LAWLER:   Okay.

12          CHAIRMAN SALTZMAN:   The purpose of it is,  
13 if you're heading eastbound on Franklin Street and  
14 you're coming up to the site, rather than have  
15 everybody behind you on Franklin Street wait for you  
16 to make that left turn into the development, there  
17 would be that separate lane so they could all go  
18 around you, and that's the purpose of the lane.  
19 That's where it is, and that's why it's there.

20          MS. LAWLER:   But not widening the street at  
21 all?

22          CHAIRMAN SALTZMAN:   Not widening the  
23 street.   But what happens would be that they  
24 would -- there would be a tight drawing of the

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1 lanes, but there has been a showing that the lanes  
2 would be sufficient for traffic, assuming that there  
3 would be the third lane.

4 The issue that that raises, of course, is  
5 bicycle traffic and that this would not be a  
6 bicycle-friendly street if that were to be the case.

7 MS. LAWLER: Right. That, and what if a  
8 fire truck was trying to -- I mean, the whole  
9 construction at the site, potentially at the site,  
10 and time at the high school? If they're talking  
11 about doing that, I mean, that could be the same  
12 time happening too. So I just wanted to...

13 CHAIRMAN SALTZMAN: Sure. Thanks.

14 MR. J. SULLIVAN: Jim Sullivan, 6 Sunset  
15 Road. I have ridden a bicycle across the United  
16 States, from Seattle to Portland, Maine. So I've  
17 done a lot of bike riding.

18 I've tried to ride in this area, the way  
19 it's constructed now, and frankly, it's dangerous.  
20 And I really -- I don't see this as making it any  
21 better for me. And I really -- as far as mitigating  
22 and trying to find other alternative routes, why  
23 should I have to come out of my street and take my  
24 bicycle two or three miles out of my way to go where

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1 I want to go because a developer is creating a  
2 development that is making it unsafe for me?

3 So I don't see any mitigation. So as a  
4 bicycle rider, it's just not fair to me. And I can  
5 tell you that -- I notice people riding bikes, and  
6 just as Franklin Street is a highway for cars, it's  
7 a highway for bikes. People use it to commute.

8 I'd also say, if the parking spaces you're  
9 considering removing are the ones from Teachable  
10 Moments towards the Weiss property -- are those the  
11 parking spots you're considering eliminating?

12 CHAIRMAN SALTZMAN: Nobody on this Board  
13 is considering eliminating --

14 MR. J. SULLIVAN: Okay. Well, if that's  
15 the proposal --

16 CHAIRMAN SALTZMAN: It's merely -- hang  
17 on. What was said was the Applicant indicated that,  
18 as it's currently constituted, there is a lot of --  
19 Franklin Street, if you have cars in all those  
20 spots, then it's not a bicycle-friendly neck of the  
21 woods, if you have all those cars.

22 The question is, certainly at the Town's  
23 behest, the Town could redraw the lanes, and the  
24 Town -- not this Board, but the Town, Town



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1 Meeting -- could do that, if there were to be a  
2 commitment to bicycle traffic.

3 But if this project were to go in and the  
4 lanes were to be redrawn, that 100 feet would be  
5 lost no matter what the Town decides to do with the  
6 rest of the street, because you'd have left-hand  
7 turns going in there, and that would be -- that  
8 would be pretty much for the ages.

9 So parking spaces can be eliminated, but  
10 this would be permanent, is the issue.

11 MR. SULLIVAN: I find, as a bicycle rider,  
12 left-turn lanes are dangerous, because, when you're  
13 in the traffic, a car treats you like a bicycle.  
14 When you're coming down the left-turn lane -- so now  
15 you're coming down -- you're trying to stay to the  
16 right, and now you've got two lanes, and you've got  
17 people coming from the opposite direction and  
18 they're trying to take a left from the other side or  
19 even the people coming down this way are trying to  
20 take a left, they're not looking for you anymore.

21 I've been hit by a car. I broke my  
22 shoulder. So I've been in situations where I  
23 know -- this was a situation where a car was not  
24 looking for me, because there was a left-turn lane.

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1           CHAIRMAN SALTZMAN:    Sure.

2           MR. J. SULLIVAN:    I'd also say, in regard  
3 to the parking spaces, I don't know where -- now  
4 you're going to force the people from Teachable  
5 Moments to pull into my neighborhood to park to drop  
6 their kids off. I don't know why that's better.  
7 But I'll save that for another hearing.

8           CHAIRMAN SALTZMAN:    There's a school there.  
9 They're going to be there tomorrow. They'll be  
10 there the day after.

11           Anybody else? (No response) Any questions  
12 from the Board? (No response)

13           All right. Thank you.

14           Oh. Yes. In the back.

15           MS. LEMIRE:    I keep thinking that, to me,  
16 the worst part of it is that there is no --

17           CHAIRMAN SALTZMAN:    Can you tell us who you  
18 are.

19           MS. LEMIRE:    Oh, sorry. Joan Lemire, 12  
20 Fairview Road.

21           There's no cross street between Stevens  
22 Street and quite a ways up to the north on the  
23 left-hand side. If a fire truck is coming, and they  
24 need to go anywhere past this place or past the high

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1 school, they need to go -- they can't go up Spring  
2 Street instead, because there's not a cross street.

3 And so I was just wondering, is there  
4 something that should be calculated about how well,  
5 in this density of area, you can get your fire  
6 trucks to you? I don't know what all the  
7 calculations that people do are, but I was wondering  
8 about that question.

9 CHAIRMAN SALTZMAN: Thank you.

10 Would you care to respond?

11 MS. MONTICUP: I guess, is the question how  
12 do you get emergency vehicles to the site?

13 MS. LEMIRE: How to you get emergency  
14 vehicles to the site when they can't go down  
15 Franklin Street for some reason? There are often  
16 accidents when the high school is there, and you  
17 can't get down Franklin.

18 And there is no -- from the fire station,  
19 there is no way to go -- once you hit Stevens  
20 Street, there is no way to turn left until, like,  
21 you hit Melrose.

22 So for most things you would want to come  
23 down -- say you had this accident. You'd say,  
24 "Well, I must be able to go down Spring Street,"

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1 because it's another big street, but it doesn't come  
2 back again.

3           So I thought maybe there was -- like, when  
4 you're calculating all your densities of cars that  
5 are allowed that are appropriate for a place, it  
6 would include things like it's dense, and you can't  
7 get there any other way. That's what I'm asking is  
8 whether there is some calculation you could do.

9           MS. MONTICUP: No. It's more about  
10 pavement width and can -- if a vehicle was stopped  
11 on the roadway, would an emergency vehicle be able  
12 to pass. And the answer would be, yes, because --  
13 then if you had cars stopped on both sides, you  
14 would be able to get the emergency vehicle down the  
15 middle, right? Because when an emergency vehicle  
16 comes down the road, you're supposed to pull over to  
17 the side.

18           MS. LEMIRE: I've certainly seen it when  
19 you can't get a car through. No calculation.

20           MS. MONTICUP: That's what it --

21           MS. LEMIRE: Okay. No calculation.

22           CHAIRMAN SALTZMAN: Proving, once again,  
23 there is no such thing as a five-minute conversation  
24 about traffic.

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1           At this point --

2           MR. ROTONDI: I would like to make one  
3 comment on the bike thing, if I may. All the  
4 years -- they talk about traffic and bikes and stuff  
5 on Franklin Street. I worked for the Town for 32  
6 years, I was a safety officer for 12 years or so,  
7 and I can't see any traffic of bicycles coming down  
8 there. Three or four? The way you talk, Cambridge  
9 and every place else, that's what you call bicycle  
10 traffic.

11           The amount of bikes I see on Franklin  
12 Street is very limited. And they're proposing to  
13 take care of -- put a lane in -- they're trying to  
14 do their best to make it bicycle safe. And I'm  
15 saying, to think this thing is a highway for bikes,  
16 I don't see it. You see Cambridge? How do they get  
17 around?

18           MS. McBRIDE: Bike lanes.

19           MR. ROTONDI: I'm telling you, how many  
20 bikes do you see on Franklin Street? I've been  
21 around 32 years.

22           FROM THE AUDIENCE: One bike accident is  
23 too much.

24           MS. HEMENWAY: Cindy Hemenway, 14 Fells

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1 Road.

2 Times are changing. When the Greenway is  
3 built, there will be an increased amount of bike  
4 traffic in this Town. You can bet on it. You can  
5 bet your bottom dollar there will be increased bike  
6 traffic.

7 MR. ROTONDI: That's what I want to see.

8 CHAIRMAN SALTZMAN: On that -- Mr. Wilson.

9 MR. WILSON: Russ Wilson, 35 Tamarock  
10 Terrace. I think the issue with the bike lane isn't  
11 what exists now, It's what is going to exist in the  
12 future, as people have pointed out. To put on  
13 blinders and to not understand, not be able to  
14 comprehend that need for the future is --

15 CHAIRMAN SALTZMAN: We don't need to get  
16 personal.

17 MR. WILSON: Did I get personal? Did I  
18 mention a name?

19 CHAIRMAN SALTZMAN: We get your point. You  
20 made your point well.

21 MR. WILSON: Open Meeting Law. Okay?

22 CHAIRMAN SALTZMAN: It's conducted openly.  
23 Mr. Houston.

24 MR. WILSON: Not well.

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1           MR. HOUSTON: Thank you, Mr. Chairman. We  
2 had what you call technical difficulties here.

3           CHAIRMAN SALTZMAN: We never saw it. You  
4 hid them well.

5           MR. HOUSTON: I thought it would be helpful  
6 this evening if we had a graphic which will  
7 facilitate the discussion of stormwater management.

8           Stormwater management for this site is  
9 somewhat complex. One of the concerns of the  
10 overview concerns that we had about the stormwater  
11 analysis that was submitted, fundamentally the  
12 stormwater analysis evaluated the ten-acre active  
13 building portion of the site in isolation.

14           In fact the site is part of a rather  
15 complex system, and there are stormwater management  
16 requirements in terms of when the pump station is  
17 operated. There's a dam on site with flashboards  
18 that are regulated. There are two significant cross  
19 culverts on Franklin Street, one of which has  
20 significant downgradient problems. We don't know at  
21 this point how much stormwater is outlet through  
22 those two culverts under various storm events.

23           So for that and a whole bunch of other  
24 reasons, we believe that the stormwater analysis

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1 that was submitted should be expanded to include the  
2 entire watershed that's north of Franklin Street.

3 To go through the specific issues here, one  
4 is, on site, there is a concrete dam. It's kind of  
5 a low-tech device that's probably about six feet  
6 high. It has some wooden flashboards in the middle.  
7 You can take the flashboards in and out to adjust  
8 the water level going over the dam.

9 That was put in, I understand, as a result  
10 of a DEP consent decree related to the farm. As the  
11 successor in title to that, the Applicant is  
12 responsible for maintaining that dam.

13 Right now, the dam isn't working properly.  
14 It looks like what happened, it may have been  
15 constructed without removing the organic soils that  
16 are inherent in the wetland area. So the dam has  
17 settled. It's leaking. It's out of alignment. It  
18 needs to be reconstructed.

19 Once it's reconstructed, it needs to be  
20 maintained. And there has to be an overall  
21 operating strategy developed which dictates under  
22 what circumstances the flashboards in the dam are  
23 removed or put in, with a goal towards directing  
24 runoff to one or the other culvert systems.



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1           CHAIRMAN SALTZMAN: Mr. Houston, on the  
2 issue of the reconstruction, what needs to be  
3 replaced, as far as you're aware?

4           MR. HOUSTON: Well, actually, Mr. White  
5 submitted an analysis of what he recommended, and  
6 that looked fine. Fundamentally, the dam right now  
7 is a series of large concrete blocks, probably about  
8 the size of this table. They are two or three high.  
9 So you need to take them out, excavate the organic  
10 soils under them, put a granular base there, and put  
11 the blocks back. It's like building blocks. Take  
12 the blocks out, put them back.

13           MR. ROTONDI: Do you know how deep that  
14 peat is? If you drive piles there, that would even  
15 be better, wouldn't it? Then you put the blocks  
16 inside the piles.

17           MR. HOUSTON: Whatever the recommendations  
18 for the project geotechnical engineer would be. I  
19 don't think there are any soils tests right in that  
20 area, so I think your concern would be -- there  
21 could be organic soils to a substantial depth.

22           MR. ROTONDI: So you don't know how deep it  
23 is?

24           MR. HOUSTON: I do not. But it could be

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1     engineered.

2                   MR. ROTONDI: My suggestion would be  
3 driving piles and putting the concrete in between  
4 the piles.

5                   MR. HOUSTON: If the organic soils are  
6 deep, that is an entirely appropriate  
7 recommendation.

8                   On the site, there is a stormwater pump  
9 station, and it is, I think, in my many years of  
10 practice, the only time I've seen a stormwater pump  
11 station on a private site. It's kind of unusual.

12                   The pump station, again, is kind of low  
13 tech. The building that contains it is probably  
14 about seven feet by seven feet, and there's a single  
15 pump there. There is not -- usually pump stations  
16 have two pumps and they alternate, which extends  
17 their life, and also in case one breaks down, the  
18 remaining pump can be used until the other one can  
19 be repaired. There is no emergency power there.

20                   Currently, there is kind of a variable  
21 operating strategy for that station, and the station  
22 is owned, maintained and operated, and therefore the  
23 operation is determined by Weiss Farm, apparently.

24                   My understanding is that it is used quite a

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1 bit in the spring, because this entire portion of  
2 the site is low-lying and wet, and there have been  
3 ponded water problems there for an extended period  
4 of time. So apparently in the spring that pump  
5 station is turned on. The design does not allow it  
6 to operate during the winter, so it's shut off.

7           When I was out there a month or two ago,  
8 although it was the fall and there hadn't been any  
9 immediate storm events for the few days before I was  
10 there, it was actively pumping.

11           CHAIRMAN SALTZMAN: Just a quick question  
12 on that. Should it be operating in the wintertime?  
13 Would there be -- would that result in any kind of a  
14 benefit?

15           MR. HOUSTON: Well, I think what we need is  
16 the overall analysis of this watershed, and we need  
17 to develop a strategy under what circumstances is  
18 runoff discharged to what I've called the Weiss Farm  
19 culvert versus discharged to what I call the west  
20 culvert.

21           So you need to look at the downgradient  
22 water courses, their ability to accommodate flow.  
23 You need to look at the result of ponding on  
24 adjacent neighborhoods as well as the site itself.

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1 You need to develop a holistic strategy as to how  
2 you control water there.

3 Part of it is the pump station. Part of it  
4 is the concrete dam. So should it operate in the  
5 winter? It may be that it should at certain times,  
6 depending on the overall stormwater management  
7 strategy that's developed.

8 The reason that it's there, MassDOT  
9 installed a culvert, which is right here  
10 (indicating), under Franklin Street, and the inlet  
11 on the site side is quite a bit above the ground in  
12 that area.

13 I presume the issue was probably that the  
14 ground on this side was relatively high, so they put  
15 the downgradient end of the culvert at existing  
16 grade and extended it up. This is several feet  
17 above that portion of the site.

18 So stormwater ponds there. It's been a  
19 problem for quite a while. So the Weiss Farm folks,  
20 I believe in the 1950s, installed that pump station,  
21 and they've been operating it since.

22 Downgradient of this Weiss Farm culvert,  
23 the drainage course that conveys stormwater to the  
24 south is very problematic. There are ongoing

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1 flooding problems -- "flooding" is too strong a  
2 word -- ponding problems even after relatively small  
3 storm events.

4 I went down there with Mr. White a week or  
5 so ago, and it hadn't been raining for a few days  
6 before. There was just ponded water there. There  
7 was no sign of a channel. The ponded water was  
8 almost up to the level of the parking lot in this  
9 apartment house here (indicating).

10 So it's really a problem. If you got a lot  
11 of water through there during a storm event, it  
12 clearly would cause flooding in this apartment  
13 house, and I presume also along the properties along  
14 Sunset Road. I did have a conversation with the  
15 Director of Public Works in the Town, and he  
16 indicated to me that this drainage course was the  
17 No. 1 concern that he had about this project.

18 The reason that the water has no place to  
19 go here, apparently, when Sunset Road was developed,  
20 there is a culvert that's about 400 feet in length,  
21 and that starts just about here (indicating) and  
22 just goes to about the edge of the graphic. That is  
23 an 18-inch pipe that is installed very shallow.

24 Back in the 1960s, the then Director of

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1 Public Works wrote a letter to the developer of that  
2 subdivision saying that the pipe was too small, it  
3 should be increased in size, and it should be  
4 reinstalled at a deeper elevation, and that  
5 apparently never happened.

6 So the problem here, there's really no  
7 place for the water to go. Because of that the  
8 channel in this area is silted in. There are  
9 flooding problems. There's this 450-foot long  
10 culvert. It's too small, it's too high, and it's  
11 installed dead flat, so it has very limited  
12 capacity.

13 CHAIRMAN SALTZMAN: All of this was  
14 foreseeable 50 years ago?

15 MR. HOUSTON: Yes. Right about here, just  
16 off the edge of the graphic (indicating), there is a  
17 36-inch culvert that's been documented, and it's  
18 about seven feet below that other culvert. So  
19 it's -- I don't have information on the capacity,  
20 but 36 inches is a pretty decent size.

21 You know, a solution to this area would be  
22 to reinstall that 450-foot segment of drain line,  
23 and maybe do something about lowering the culvert  
24 where it crosses Franklin Street, and it can all go

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1 by gravity.

2 CHAIRMAN SALTZMAN: Would there be a  
3 widening of the pipe as well?

4 MR. HOUSTON: In a matter of inches, from  
5 maybe 18 inches to maybe 24 or 30, something like  
6 that.

7 CHAIRMAN SALTZMAN: Would that change -- in  
8 and of itself, would that remedy in some measure the  
9 flooding that is occurring in the area?

10 MR. HOUSTON: If you did that, it would  
11 solve it, no question. Just put a big enough pipe  
12 and put it deep enough so it flows, and that solves  
13 the problem. It's not a simple problem.

14 MR. SULLIVAN: Where does that 36-inch  
15 culvert go to?

16 MR. HOUSTON: I don't have information on  
17 that. I do know that the invert was cited as being  
18 seven feet below the 18-inch pipe. So you can  
19 clearly reinstall that pipe at a better slope at a  
20 larger size, and it would have capacity down to the  
21 36.

22 One of the things that we requested, and  
23 we'll get to our list of recommendations sort of at  
24 the end, but we did request that the Applicant do an

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1 evaluation of this drainage right here (indicating).  
2 So part of that would be figuring out what capacity  
3 issues relate to the 36.

4 A participant in the process or the problem  
5 here, MassDOT has a number of catch basins in this  
6 area which also feed into this cross culvert, and  
7 it's kind of at a low point at Franklin Street.  
8 There's a lot of water coming down there. So not  
9 only do you have water being pumped out of the site,  
10 you have a lot of roadway drainage which is  
11 contributing to the problem.

12 I think in that regard, it's opportune that  
13 the Applicant has filed an ENF or whatever they  
14 filed, a notice of project change with MEPA, because  
15 one of the participating agencies in the MEPA  
16 process is MassDOT. So involving them in the  
17 solution to this problem along this draining way  
18 here, I think the MEPA process provides a vehicle  
19 for requesting MassDOT assistance with the problem.

20 So this drainage course here is highly  
21 problematic, at least until it gets about to the  
22 edge of the graphic where the 36-inch deep culvert  
23 is. Whether there are problems beyond that, we  
24 simply don't know at this point.



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1           CHAIRMAN SALTZMAN: Tom, at what point does  
2 the responsibility connected to the subject  
3 property -- at what point does that end?

4           MR. HOUSTON: That's pretty complicated  
5 here, you know. One issue is that the Applicant is  
6 inheriting the responsibility for the pump station,  
7 and I guess it's obvious, if there is flooding here,  
8 they start pumping. What the rest of the current  
9 management strategy is, I don't know, and what it  
10 should be is kind of another question.

11           So what is the Applicant's responsibility?  
12 They have responsibility with respect to the pump  
13 station. They have responsibility with respect to  
14 the dam. I think the Applicant owes us a  
15 comprehensive evaluation of the stormwater  
16 management system in this whole wetland area.

17           CHAIRMAN SALTZMAN: Do they own the pipe as  
18 well, discharging from the -- the pipe that wasn't  
19 wide enough back in the 1960s?

20           MR. HOUSTON: That's substantially -- the  
21 18-inch pipe is, like, down here (indicating). It  
22 starts just about where that label is on Sunset Road  
23 and goes down this way.

24           So I think -- I was told that there were --

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1 this land at some point was owned, I believe, by  
2 someone who was related to the Weiss family, but  
3 it's certainly not part of this site, not part of  
4 any current deeds or anything like that.

5           So this drainage way is a problem. How the  
6 site empties stormwater into it certainly needs to  
7 be evaluated. The role that MassDOT is playing here  
8 gives them an opportunity to be involved in the  
9 process. I think this is kind of like a classic  
10 case of maybe this is a public/private partnership  
11 type of solution.

12           Coming over to the other way that water  
13 gets out of the site -- and by the way, water gets  
14 out of the site because they excavated this drainage  
15 channel through this wetland, and the idea is that  
16 runoff in this overall area can either exit through  
17 this culvert or can exit through this culvert  
18 (indicating). So you sort of have your choice as to  
19 how to let water out.

20           This culvert here (indicating on the left),  
21 Mr. White was kind enough to send his survey folks  
22 out during the past week. This is a 36-inch  
23 culvert, so it's much bigger. If you look  
24 downgradient, at least for a distance here, it's a

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1 nice open channel that flows well. I understand  
2 that that empties into a culvert system which  
3 extends through the Stoneham High School.

4 So there are no apparent or reported  
5 problems with outletting water here. There are here  
6 (indicating).

7 Getting water from one culvert to the  
8 other, that is a bit problematic right now. This  
9 drainage channel (indicating) was excavated through  
10 the wetland area. I don't think it is currently  
11 being maintained. It looks reasonably open, but  
12 there should be an operation and maintenance  
13 strategy developed for that in terms of keeping it  
14 clear and open.

15 There are some limitations on getting the  
16 flow across this portion of the wetland (indicating)  
17 over to the culvert. If you look at some older  
18 maps, this drainage channel tended to go straight  
19 across here. Apparently at some point in the past,  
20 there was fill placed in this area. Whether it was  
21 wetland or not, I don't know.

22 But at any rate, if you look at older maps,  
23 this open grass area sort of stopped here  
24 (indicating). It's extended backward, and

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1     apparently this has created some limitations on the  
2     ability of the channel to convey water.

3             It used to go straight. It looks like  
4     there was some attempt to get it around that fill  
5     area, but it is not working too well. And also this  
6     whole channel, which again is not on the Applicant's  
7     property, it's on the abutting property, but it  
8     needs to be maintained. There are silt and tree  
9     branches and this type of thing. So this is kind of  
10    a conventional maintenance type of thing.

11            So I think those are probably the key  
12    situations here.

13            Again, the dam can be used to direct water  
14    to either culvert. The channels need to be  
15    maintained, maybe for a short distance  
16    reconstructed. Again, this is kind of maybe a  
17    public/private partnership type of issue, because  
18    beyond this point (indicating), if there is any  
19    reconstruction, it's not on the Applicant's land.

20            So the Town might have a role in terms of  
21    property rights there. You know, whatever  
22    construction might be recommended down here, clearly  
23    that's not land within the Applicant's control. So  
24    there may be a role there in terms of property

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1 rights.

2 CHAIRMAN SALTZMAN: Given what's been  
3 proposed and what's been proposed to mitigate, do  
4 you see the -- what do you see as drainage issues  
5 coming -- arising from the project?

6 MR. HOUSTON: Well, we don't exactly know  
7 at this point the pre and post peak rates or  
8 volumes, because the site was analyzed sort of with  
9 respect to the A, B, C, D and E basins. But Basin  
10 B, which is located about here (indicating),  
11 discharges on this side of the dam, and the  
12 remaining basins discharge on the other side of the  
13 dam. So there is no analysis of how the water chain  
14 was here.

15 Clearly the dam now is an existing break in  
16 that watershed, and currently the land along the  
17 stream simply goes into the ditch, and if it ends up  
18 on the ditch on this side of the dam (indicating),  
19 it goes down to the pump station. If it ends up in  
20 the other, under some circumstances, depending on  
21 how the dam is operating, it may end up over here  
22 (indicating) in the west culvert.

23 So we don't know under the different  
24 operating regimes, with the dam with different

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1 height flashboards, with the pump station operating  
2 or not operating, with separate discharge points  
3 along the water course on either side of the dam,  
4 we're not exactly sure how that's all working.

5           And kind of the other issue, which is not a  
6 traditional impact issue, but the Applicant has sort  
7 of inherited a mandate to actively operate these  
8 stormwater controls. And right now there's no  
9 written strategy or management plan as to how they  
10 should be operated.

11           So I think that's more the impact of the  
12 project than anything else.

13           MR. WITTEN: Mr. Chairman, could I just ask  
14 Tom a question.

15           Tom, just while you're there, could you  
16 just provide the Board with just some general advice  
17 or guidance on the operation of the dam. I think  
18 it's fair to say that there's a cost involved in  
19 operating the dam?

20           MR. HOUSTON: Not substantial.

21           MR. WITTEN: Could you describe what the  
22 operation of the dam is.

23           MR. HOUSTON: Again, pretty low tech.  
24 Actually, I have a picture of it. It may be better,

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1 if we're going to picture these facilities anyway.

2 But we can look at the current dam.

3 MR. ROTONDI: Pull the board out or pull up  
4 the gate. No big deal.

5 MR. HOUSTON: There's the dam, and as you  
6 can tell, it's not doing well these days. The  
7 substantial leakage of water is around the left side  
8 as you're looking at it here, and right in the  
9 middle, right there (indicating), there are some  
10 wooden boards. So the operation of the dam is  
11 taking the boards out or putting them back to raise  
12 or lower the water in terms of directing it in one  
13 direction or the other.

14 MR. WITTEN: And who would be doing that?

15 MR. HOUSTON: Whoever the Applicant selects  
16 to manage the site.

17 MR. WITTEN: So if the Applicant didn't  
18 have someone to manage the site, then the boards  
19 wouldn't get lifted?

20 MR. HOUSTON: That is correct.

21 MR. WITTEN: And what about the pump house,  
22 the pump station? Does that require operation and  
23 management?

24 MR. HOUSTON: Yes, it does. The Weiss

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1 family is apparently doing that now. But there are  
2 kind of two levels here. One, you could make sure  
3 the current station is maintained and operating.  
4 And I think Mr. White had a report that set forth  
5 the requirements for maintaining and doing some  
6 minor repairs to the existing station.

7 Our recommendation was to go quite a bit  
8 further and reconstruct it to have a dual pump with  
9 alternating pumps and to have standby power, better  
10 controls, and that type of thing.

11 So, in either case, you need an individual  
12 who is on top of the pump station, making sure that  
13 it is available to work when you want it to pump.  
14 And, again, the overriding question is when do you  
15 operate it and when don't you.

16 MR. WITTEN: Tom, could you just provide us  
17 with some support or guidance as to who that  
18 individual is? Is this someone who is trained in  
19 running a pump station or managing a dam, or is  
20 this --

21 MR. HOUSTON: They would presumably, in the  
22 course of managing the site, have a contract with a  
23 pump supplier, or there's actually -- I forget the  
24 name, but there's actually a firm that installed the



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1 current pump and came out to inspect in a year or  
2 two ago and came up with a short list of things to  
3 be done.

4 MR. WITTEN: And would the costs of that  
5 O&M, operation and maintenance, be traditionally a  
6 part of a pro forma for a development?

7 MR. HOUSTON: I would anticipate that any  
8 management activities required for a site would be  
9 part of a pro forma, yes.

10 MR. WITTEN: Thank you.

11 CHAIRMAN SALTZMAN: What would be the  
12 anticipated cost of a reconstruction of the pump  
13 station, as you had outlined?

14 MR. HOUSTON: I haven't even looked at  
15 that, but it would be a few tens of thousands of  
16 dollars, I would anticipate.

17 I did want to show you some of these  
18 facilities, because they're kind of easier to  
19 understand if you actually see them. That is the  
20 existing dam (indicating). Again, it needs to be  
21 reconstructed. That is the current pump station  
22 (indicating), again, pretty small, pretty low tech.  
23 Mr. White had some recommendations for doing minor  
24 upgrades to that, but our recommendations went

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1 further.

2 This is at what I called the Weiss Farm  
3 culvert (indicating), the one that connects to the  
4 pump station, and this is just on the south side of  
5 Franklin Street. And as you can see here, there is  
6 a lot of water just standing there. I would say  
7 it's within a foot of the parking lot pavement here.  
8 It hadn't rained when we were out there. There was  
9 no visible channel. There was just no place for the  
10 water to go.

11 This is the other culvert (indicating),  
12 what we call the west culvert. This is the inlet  
13 end of that. This is on the north side of Franklin  
14 Street. This is the south end of the culvert coming  
15 out, and this is the drainage course or ditch or  
16 whatever you want to call it that conveys water  
17 further to the south. Again, in comparison to the  
18 other culvert, this is flowing well. It's  
19 maintained. It looks like it's not inherently  
20 problematic.

21 Our last response to the Applicant's last  
22 letter to us, we had set forth certain recommended  
23 actions. Again, it's a complicated situation.  
24 Again, I think the Applicant has a role. I think

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1 the Town has a role. I think MassDOT has a role.

2 So the first thing we had recommended is  
3 that the stormwater analysis be expanded to include  
4 the wetland north of Franklin Street. We need to  
5 know how to manage that. We need to know how much  
6 water is coming out of the two culverts under  
7 various storm events and under various management  
8 options.

9 That should include -- the analysis should  
10 include both culverts and the concrete dam, and it  
11 should include addressing management practices.

12 We had requested that the Applicant do a  
13 feasibility evaluation of deficiencies in the  
14 stormwater conveyance system downgradient of the  
15 pump station, and that should extend to the point of  
16 free discharge.

17 We would like to know what the Applicant's  
18 thoughts are with respect to the improvements that  
19 are necessary to make that course function properly,  
20 and also identifying property ownership issues in  
21 that area.

22 CHAIRMAN SALTZMAN: Have either of those  
23 happened, the items underneath the expansion of the  
24 stormwater runoff analysis and the feasibility

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1 report? Have we gotten either of those?

2 MR. HOUSTON: No. No. We requested them  
3 in our initial comments. We have not received that  
4 analysis at this point.

5 I know that at least an initial analysis  
6 was done because one of the reports we received did  
7 include existing case flows out of the wetland area  
8 as a whole, divided by culvert, that at least said  
9 what the peak flows would be out of the entire  
10 wetland area, which I think was characterized as  
11 having a watershed of .4 square mile. So it's kind  
12 of -- my guess would be it was a limited first type  
13 of analysis. The calcs weren't provided with it,  
14 but the peak rate numbers were.

15 So the Applicant has to some extent begun  
16 an evaluation of that, but we have not received the  
17 pre- and post-development analysis of that area,  
18 which we requested in our original report.

19 CHAIRMAN SALTZMAN: One of the things that  
20 we have heard, I think more than once, it's fair to  
21 say, is that what's been proposed in terms of  
22 mitigation is intended not to make the problem  
23 worse. Is that sufficient, in your estimation?

24 MR. HOUSTON: On a lot of sites, yes. On

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1 this site, I think it isn't, simply because of the  
2 complexity of the hydraulics involved in this case  
3 and the Applicant's active role in controlling that  
4 system.

5           So the third of our sort of short list  
6 here, we're asking that the Applicant design and  
7 reconstruct the precast concrete dam in accordance  
8 with the recommendations included in a W.H. Moore  
9 report. The report looked fine in terms of what  
10 they planned to do. It just needs to be done.

11           We also asked for kind of a companion  
12 evaluation of the drainage course downgradient of  
13 the west culvert. I sort of skipped that there  
14 under Item 2, I apologize for that. So we're  
15 looking for an evaluation of what happens to the  
16 water when it leaves the site and continues south of  
17 Franklin Street.

18           We also asked the Applicant to look at the  
19 feasibility of reconstructing the drainage channel  
20 in the area of the fill. We pointed that out  
21 before, that there was some filling that interrupted  
22 the original layout of the water course. We would  
23 like to know what needs to be done to fix that  
24 problem.

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1           The second-to-last item, we asked for a  
2 design and upgrade of the stormwater pump station.  
3 As we mentioned, our recommendations went a bit  
4 further than the Applicant's initial suggestion.  
5 And then finally, a feasibility report to restore  
6 the channel upgradient of the west culvert. That's  
7 fundamentally kind of a straightforward maintenance  
8 type of thing.

9           Again, this is the culvert, the channel  
10 that leads to that culvert. As we mentioned, you  
11 know, it's silted in. There are branches there. So  
12 it's almost a routine maintenance type of thing.

13           So that sort of summarizes many of the  
14 comments in our evaluation of the Applicant's  
15 responses to our peer review.

16           Just to let the Board know exactly where we  
17 stand with that, a good many of these items we think  
18 are capable of being resolved. The language of the  
19 Applicant's responses were appropriate, but so, so  
20 many of them are describing changes which are  
21 intended to be made to the drawings.

22           With drawings of this nature, kind of the  
23 devil is in the detail. You really need to look  
24 actually at the revised drawings before you can

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1 finally sign off on them. Many, many of our  
2 responses are in that status: The Applicant's  
3 response seemed appropriate, but we really need to  
4 look at the drawings.

5 CHAIRMAN SALTZMAN: Let me ask you  
6 something, just in terms of the timing, as far as  
7 getting through all of the water issues. We're on  
8 somewhat of a stiff timeline. We're looking at the  
9 5th of January. Are we going to be able to get  
10 through all of this between now and then? I mean,  
11 if you look at the items that were requested, do we  
12 need more time than what we have right there?

13 MR. HOUSTON: Well, certainly doing the  
14 pre- and post-development of the watershed north of  
15 Franklin Street, I'm not sure what information the  
16 Applicant has and how far if at all they've  
17 progressed with that analysis. I know they've done  
18 a preliminary one, but that's still --

19 CHAIRMAN SALTZMAN: So in terms of getting  
20 an analysis of the watershed area on that side of  
21 Franklin Street, we don't have that right now, and  
22 it's somewhat difficult to imagine that we would get  
23 it between now and the 16th of December?

24 MR. HOUSTON: I would not think that's

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1 possible.

2 CHAIRMAN SALTZMAN: So would we be looking  
3 at it -- what is the likelihood we would get it  
4 between now and the 5th of January?

5 MR. HOUSTON: I think it certainly could be  
6 done in that time frame, yes.

7 CHAIRMAN SALTZMAN: But then you would need  
8 time, would you not, in order to go through that and  
9 determine what the story is there? In terms of  
10 advising us, having it really doesn't put you in a  
11 spot where you can advise us, does it?

12 MR. HOUSTON: We would need a week, ten  
13 days, or something, to look at the analysis, yes.

14 CHAIRMAN SALTZMAN: And likewise with the  
15 rest of the items? That's a lot of work between now  
16 and the end of December. Would you agree?

17 MR. HOUSTON: I would concur with that,  
18 yes.

19 CHAIRMAN SALTZMAN: Are you doing anything  
20 else besides this?

21 MR. HOUSTON: It could be a full-time  
22 employment thing, yes.

23 I did have some other comments on non-  
24 stormwater issues, based upon the Applicant's



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1 responses. I think I will just mention those which  
2 I think are sort of substantive and that we haven't  
3 reached a mutual agreement on. And they are  
4 somewhat limited, actually.

5           The first one is our Comment 8, where we  
6 suggested an evaluation of an alternative with lower  
7 building heights. And I understand the Applicant  
8 has just sort of been reluctant to come to grips  
9 with that.

10           But the reason that we suggested it, I  
11 think you could accommodate a change in height.  
12 Unquestionably there would be a reduction in units,  
13 but I don't think it would be as substantial as  
14 everybody thinks. I did a real sort of table-top,  
15 real crude type of thing, and I think I was coming  
16 within 30 units or so of what the Applicant had.

17           So I think that was why we sort of brought  
18 that to the fore. I think building height is a  
19 major concern to the community. I know that -- I  
20 don't want to dismiss the significance of 25 to 30  
21 units. That's obviously a substantial impact to the  
22 Applicant. But where it's such a concern to the  
23 Town, I really think, if the Applicant looked at it  
24 and came to grips with what it actually was, and if

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1 the Town could support that, I think it would be a  
2 significant outcome of this process.

3 So there's been no --

4 CHAIRMAN SALTZMAN: So your estimate as to  
5 accommodating the Town on that point by itself,  
6 standing alone, would be between 25 and 30 units?

7 MR. HOUSTON: I don't want to say it's  
8 going to actually come out to that. I did a very  
9 conceptual type of desktop thing, and -- I would  
10 love the Applicant to take a look at that. I think  
11 everybody might be surprised.

12 The same thing with No. 9. We had asked  
13 for any options to cut down the use of the buffer  
14 zone. To clarify that, the Applicant has respected  
15 the 25-foot no-touch buffer zone, but most of the  
16 rest of the buffer zone is really intensively  
17 impacted.

18 So anything that could be done there, I  
19 think, would be significant in terms of abating  
20 potential impacts to the wetlands.

21 I mean, that's why Mass. DEP, that's why  
22 this Town and almost every Town has a local bylaw,  
23 because it is recognized that work within a buffer  
24 zone has a high potential to impact the resource

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1 areas, and here there's a whole bunch of work in the  
2 buffer zone. So that's a concern. If anything  
3 could be done about that, I think the project and  
4 the wetland resources would be well served.

5           There are several comments, 19 through 25,  
6 which are just waiting for input from the Fire  
7 Department. A lot of it is important: What  
8 buildings have to be sprinklered, are the fire  
9 hydrant locations all okay, is the access okay.

10           Some fire departments, for example, don't  
11 like perpendicular parking in front of buildings.  
12 That would be a huge issue that comes up later. So  
13 we just need to close the loop with the Fire  
14 Department and the Police Department in terms of  
15 access, safety, fire protection type of things.

16           For Comment 30, again, we have buffer zone  
17 concerns, but most of the snow storage on the site  
18 is in the buffer zone, and obviously the snow that's  
19 deposited there has salt and other contaminants in  
20 it, so again it has a significant potential for  
21 impacting the wetlands. Given the site layout,  
22 given the fact that it would be hard to find snow  
23 storage in other locations, but maybe there could be  
24 a commitment to remove more of the snow from the

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1 site.

2 But right now, the site is generally graded  
3 to slope down from the parking areas to the wetlands  
4 and to the drainage channels, and that's where the  
5 snow is being stored with its contaminant burden.  
6 So that's kind of a concern.

7 Our Comment 34, this is something I guess I  
8 feel more strongly about than virtually all the rest  
9 of it. I really think there should be a second site  
10 entrance here. You've got 500, 600, whatever,  
11 people that are going to be living here. I know the  
12 Applicant's response was the entrance is wide, and  
13 it is, and it's well designed and all that type of  
14 thing.

15 But it would be very simple to have an  
16 emergency entrance from the parking lots associated  
17 with the townhouses that are on either side of that  
18 entrance, particularly the one that's on the west  
19 side, you know, I think a small emergency entrance  
20 there that's maintained properly.

21 What's the probability that that one  
22 entrance gets blocked? Well, it's well designed and  
23 all that, but there's an awful lot of people here,  
24 and I think that's a key health and safety type of

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1 issue. I think that should be done.

2 CHAIRMAN SALTZMAN: Is it your position  
3 that the second entrance should be an emergency one  
4 or that it should be a useful -- just one that gets  
5 used?

6 MR. HOUSTON: That may be more a Jeff Dirk  
7 question, but my thought would be that you don't  
8 want two major site entrances in close proximity to  
9 each other. There would be vehicle conflicts  
10 created by that. So my thought is that it should be  
11 an emergency entrance. The only issue then is to  
12 make sure it gets plowed in the winter.

13 We did -- we received, after our initial  
14 report, the fire truck access plan and the SU-30  
15 truck turning plan, the SU-40 truck turning plan.  
16 They all looked fine to us. There was an issue with  
17 respect to a conflict out on Franklin Street. Our  
18 position there was to refer that to Mr. Dirk for  
19 comment.

20 One of the issues we had was, in our  
21 Comment 39, we were concerned that maybe you  
22 shouldn't be landscaping that island at the entrance  
23 in case the SU-30 or 40 trucks would have to mount  
24 it to get in and out of the site. That's not the

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1 case. The swept vehicle paths work fine. They  
2 don't encroach on the island. So the landscaping on  
3 the island is just fine.

4 Comment 41, kind of an issue here is the  
5 school bus stop. There is a bus stop waiting area  
6 that's proposed actually on the east side of the  
7 site entrance. It's a concrete pad. I'm not sure  
8 whether there is going to be a shelter provided  
9 there, but nonetheless...

10 Our recommendation was to move that to the  
11 west side of the entrance. My concern there, what  
12 you see in the morning is that parents don't like  
13 children waiting by themselves at bus stops. So a  
14 lot of time they go out and sit in the car until the  
15 child gets on board the bus. That isn't well  
16 accommodated with the bus stop where it is.

17 I think if you put it on the west side of  
18 the driveway, the parents could, for a short period,  
19 live park in what's now the right-hand-turn lane  
20 coming out of the site, and that would give the  
21 parents who choose to wait there for the children a  
22 place to live park until the children board the bus.

23 Comment 42 and a while bunch of comments  
24 that follow relate to the issue of the rock

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1 crushing. I know the Board has discussed this  
2 before. You're well informed about the impacts and  
3 advantages, essentially noise and vibration on-site  
4 with rock crushing versus an increase in  
5 construction truck traffic if you were to take that  
6 material off-site and replace it with borrow  
7 material from off-site. But that's a decision the  
8 Board needs to come to prior to the decision on the  
9 overall project.

10 Our Comment 46, where there is blasting  
11 here, it's fortunately at some distance from the  
12 residences, but nonetheless there's always the  
13 potential for structural damage.

14 What we've recommended here is that the  
15 Applicant make a deposit to an escrow account that  
16 would be administered by the Town and could be used  
17 to address claims for structural damage to any of  
18 the houses.

19 All of the blasting contractors do carry  
20 insurance, but insurance companies don't make money  
21 by paying out claims. So a lot of times you have a  
22 homeowner who has to get into an adversarial  
23 position with an insurance company in order to  
24 recoup damage to their property.

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1           CHAIRMAN SALTZMAN:  Would this be an  
2 instance where people would need to have somebody  
3 come to their property before everything starts?

4           MR. ROTONDI:  Yes, videotape.

5           MR. HOUSTON:  My recommendation would be  
6 for any homeowner to engage their own expert to do  
7 that.  The blasting contractor will request  
8 permission to come into the houses.  That's up to  
9 the individual homeowner.  But I think the immediate  
10 abutters would be well served to just have a person  
11 come in, like a structural engineer, look at the  
12 foundation of the house, take some photographs, and  
13 just have those documentation.

14           The advantage in having an escrow fund is  
15 that the Town can impartially administer that, and  
16 it doesn't put the homeowner in an adversarial  
17 situation with an insurance company.

18           Comment 50, the preliminary landscape plan,  
19 we would like that to be augmented just by  
20 indicating the caliper or height of the trees and  
21 shrubs that are being proposed, just so it's a  
22 common understanding of what is being approved at  
23 this level.

24           Comment 53, we would like to see turf grass



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1 minimized anywhere outside the perimeter of the  
2 parking area where it abuts the wetlands or the  
3 drainage channels, maybe something other than grass,  
4 some kind of wildflower mix or whatever is  
5 appropriate. In regard to that, we asked in Comment  
6 55 that the choice of those plant materials be  
7 coordinated with the Applicant's professional  
8 wetland scientist, just have him or her comment on  
9 what would be an appropriate restoration planting  
10 for the area that's immediately adjacent to the  
11 wetlands.

12 Project impacts, again, 58, that's the  
13 scale height and mass of the buildings which we  
14 haven't received a response to at this point but are  
15 hoping to.

16 Comment 60, we had asked specifically at  
17 the first public hearing for a section through the  
18 proposed buildings on the site, taken from the  
19 highest house on Ellen Road, and that hasn't been  
20 provided at this point.

21 Comment 62, there was a statement made that  
22 there would be no significant construction impacts  
23 from noise or vibration. We just noted that there  
24 is no analysis that supports that statement.

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1           Comment 63, we had asked for a designated  
2 refueling area that was impervious, either a  
3 temporary pavement or some sort of membrane with  
4 crushed stone over it or whatever. The Applicant  
5 did pick up on part of that, which is they did agree  
6 to locate that outside the wetland area, but we  
7 would like to see that detail of temporary pavement  
8 or some other measure to contain an inadvertent  
9 spill.

10           Our Comment No. 68, this is regarding the  
11 use of road salt on the site. The written response  
12 here is that the issue will be dictated by the DEP's  
13 decision on the appealed superseding order.

14           But at the hearing here, there was a more  
15 flushed out response provided, where the Applicant  
16 had some ideas about a low-salt policy and  
17 pretreating the pavement and that type of thing.

18           So that was different from just doing what  
19 the DEP decision says. So I would hope that the  
20 initial ideas that were mentioned at the meeting  
21 would be carried forward in terms of a more creative  
22 salt management policy for the site.

23           The utilities and stormwater issues, I  
24 think we've addressed those. Our Comment No. 80,

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1 the Applicant's choosing to defer the design of the  
2 sewer pump station, that's fine. I think they've  
3 indicated it will have the alternating pumps and  
4 standby power. I don't see why that couldn't be  
5 deferred, but we just wanted to make sure that, as a  
6 condition of approval, that final design is  
7 completed before building permit.

8 Comment 83, we received last week the  
9 photometric plan of the property. The Town Bylaw  
10 requires a minimum of one foot-candle. The plan  
11 doesn't meet that, but in terms of the Board's  
12 ability to waive certain Town standards, my own  
13 recommendation would be to follow the IESNA standard  
14 for residential sites, which is the Illuminating  
15 Engineering Society of North America standards.

16 They recommend a minimum of half a foot-  
17 candle on paved surfaces in residential areas.  
18 There are some areas of the site that are very dimly  
19 lit, and unfortunately the light distribution from  
20 the particular fixture that was chosen tends to be  
21 very bright at a spot and decline quickly. So the  
22 center of the parking lot aisles and the on-site  
23 intersections are some of the dark areas that have,  
24 like, .1, .2, .3 foot-candles, which is below the

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1 suggested requirement.

2           So I think our recommendation would be  
3 there, I don't see a reason why there couldn't be  
4 relief given with respect to strict compliance with  
5 the bylaw, but I think it should be, like, half a  
6 foot-candle on the paved surfaces, and maybe one  
7 foot-candle at the on-site intersections where  
8 vehicle conflicts could occur.

9           Comment 89, we are encouraging, and are  
10 hopeful, a little more extensive use of low-impact  
11 design elements. There are some elements in the  
12 courtyard that are being introduced, but to the  
13 extent that low-impact design could be expanded,  
14 that's positive.

15           The design engineer is required by current  
16 DEP practice to evaluate low-impact design measures.  
17 It doesn't mean they have to be universally used,  
18 but any increase in that I believe would be  
19 positive.

20           I guess the final thing, Comment 102, there  
21 may be some confusion here. We had asked for --  
22 because it wasn't listed, we asked for any waivers  
23 the Applicant was requesting with respect to Chapter  
24 13A, the earth removal provisions of the local

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1 bylaws. The Applicant's response was that it was  
2 included with the Comprehensive Permit application.  
3 Well, there is no relief requested there.

4 So we're just uncertain as to whether the  
5 Applicant is requesting relief with respect to the  
6 earth removal bylaw or whether, by saying it was  
7 addressed, it means they don't need relief. So I  
8 just wanted to clarify that.

9 There are many, many comments in here, and  
10 I think the concern may be that we're going to need  
11 drawings to really put a lot of these things to bed,  
12 but I think we made progress in a lot of the issues.

13 CHAIRMAN SALTZMAN: Questions from the  
14 Board? (No response)

15 Are there any questions from the public?

16 MS. LAWLER: Tara Lawler, 53 Walsh Avenue.  
17 Comment 41, you mentioned a bus stop. Is that a  
18 current one or one that you're adding?

19 MR. HOUSTON: It's one that the Applicant  
20 is proposing.

21 MS. LAWLER: To go where?

22 MR. HOUSTON: School bus stop. It's right  
23 to the right of the site entrance.

24 MS. LAWLER: To go to the elementary

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1 schools?

2 MR. HOUSTON: It's for whatever children  
3 from the development would board a school bus. I'm  
4 not familiar with the school bus system in the Town.  
5 The Applicant is providing a place for children to  
6 wait. So it's shown on the site plan as a square  
7 concrete paved area. I assume there may be a  
8 shelter there.

9 MS. LAWLER: Okay. And then you had  
10 mentioned, at the beginning of the presentation, a  
11 pipe that's currently 18 inches. If it was -- if it  
12 was replaced --

13 MR. HOUSTON: A lot of inches here.

14 MS. LAWLER: -- with a bigger one, would  
15 that also help Walsh Ave. as far as flooding? I  
16 know you said it would help Sunset.

17 MR. HOUSTON: There are reported problems  
18 of flooding in that neighborhood, but I don't have  
19 really detailed information. I do know that that --  
20 the pipe is problematic because it has insufficient  
21 capacity. The flooding problems that I am familiar  
22 with are occurring between Franklin Street and the  
23 invert of that pipe, the entrance invert, which may  
24 be 400 feet south of Franklin Street. So the exact

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1 extent of flooding problems in that area, I'm not  
2 really familiar with.

3 MS. LAWLER: And then my last question, the  
4 complex itself, as far as snow removal, are they  
5 planning on taking it off-site? Why I'm asking is,  
6 if you go to, like, a parking lot where they just  
7 have big piles of snow, I'm just concerned for the  
8 spring melting, where all that snow would go.

9 MR. HOUSTON: Well, that was our comment,  
10 that snow storage is proposed within the buffer  
11 zone. So as the snow melts, the contaminants that  
12 are in the snow that's plowed there would go  
13 immediately into the wetland and the drainage  
14 channels. So that would not be ideal.

15 MS. LAWLER: Thanks.

16 MR. MANGINO: Angelo Mangino, 22 Landers  
17 Road. You're talking about blasting at the site,  
18 and then abutters should be in touch with their  
19 insurance companies to -- before pre-blasting. Who  
20 is responsible for covering that cost, the homeowner  
21 or the Applicant?

22 MR. HOUSTON: There's been no discussion of  
23 that. But it wouldn't be really your insurance  
24 company. My recommendation would be to have a

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1 structural engineer look at it and document it.

2 MR. MANGINO: A structural engineer is not  
3 going to come out for nothing.

4 MR. HOUSTON: That would be correct.

5 MR. J. SULLIVAN: Just a quick comment,  
6 looking at the drainage. I'm not an engineer. I  
7 know that there are hundreds of metric tons of  
8 organic and vegetative material that captures the  
9 rainwater and holds it. So I don't know how  
10 replacing that with parking lots and buildings with  
11 roofs on them is going to allow that to do that.

12 So I know you're talking about water  
13 leaving the site. You forgot to mention 6 Sunset  
14 Road. There is one more pumping station in my  
15 basement, and I run a hose out across my front lawn  
16 into the culvert in front of my house.

17 CHAIRMAN SALTZMAN: Get to a question for  
18 Mr. Houston, please.

19 MR. J. SULLIVAN: So I want to understand,  
20 where are you proposing -- if the pumping station is  
21 working at full blast, and it's pumping water over  
22 to Sunset Road, you all haven't figured out where  
23 it's going from there. I mean, it isn't -- you're  
24 going to get all this water off the site now. I can



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1 tell you where it's going. It's going into the  
2 ground, because when you see that standing water, my  
3 pump -- my sump is just about up to the bottom of my  
4 basement floor.

5 So I guess my question is, you're talking  
6 about improving the pumping station, and you're  
7 talking about this work over here, but where do you  
8 expect that extra water that the site isn't  
9 containing now, where is it going?

10 MR. HOUSTON: Under existing conditions, it  
11 is ponding up in that area. I'm sure it's  
12 contributing to an increase in groundwater  
13 elevations, et cetera.

14 That was the reason that we think that area  
15 should be studied, because there is a physical  
16 solution to the problem, which is to put in a  
17 drainage pipe which is of adequate capacity that  
18 will eliminate the upgradient ponding and convey  
19 water through that area in a pipe. So that's --

20 MR. J. SULLIVAN: So now it's going down to  
21 Citation and Fieldstone? I mean, are you just  
22 moving the water from my neighborhood to somebody  
23 else's?

24 MR. HOUSTON: I think that relates to the

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1 question one of the Board members asked about the  
2 adequacy of the 36-inch pipe. That's part of the  
3 question.

4 MR. J. SULLIVAN: I'll mention too that to  
5 get to that pipe, there is a tennis court, an in-  
6 ground swimming pool, two in-ground swimming pools,  
7 and an above-ground pool that that pipe is running  
8 underneath, so on the opposite side of -- in the  
9 backyards on Sunset Road. So that should be a  
10 consideration. There's going to have to be  
11 mitigation there to go in and take everybody's yard  
12 apart and put it back together.

13 MR. HOUSTON: We briefly characterized that  
14 as property rights issues, but those can be both  
15 complicated and costly. This is not going to be a  
16 simple solution even if the Applicant evaluates it  
17 and tells us what has to be done. Actually  
18 implementing the solution is a significant issue.

19 CHAIRMAN SALTZMAN: Just remember,  
20 everybody, you know, brevity is the soul of wit. If  
21 we could just get to a few more people.

22 Mr. Wantman.

23 MR. WANTMAN: I don't know where people are  
24 going to be able to see this best. It's not

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1 illuminated. Where would you like me to put it?

2 CHAIRMAN SALTZMAN: The easel.

3 MR. WANTMAN: This is a 2010 schematic done  
4 for the current owner, the property known as Weiss  
5 Farm. It's not of my making. And it shows that --  
6 there are actually two versions of this. One shows  
7 the ditch in the northwesterly section dead-ending  
8 off of Weiss property. This one shows it on, and it  
9 shows the flow of the water. No water goes to the  
10 west. The water comes down. The arrows indicate  
11 that it comes easterly and then southerly, which is  
12 why there are problems on Sunset Road, and on Gerald  
13 Road, which no one has mentioned as yet.

14 Prior to -- I did not bring the map with  
15 me, but the Applicant has it. The Commission should  
16 have it also. Prior to 1946, there was no way for  
17 the water to come south from the northern area, to  
18 Gerald Road, to the pump station, to Sunset. All  
19 the water had to go in the east-west channel in the  
20 northerly side of Weiss, and it was forced west.

21 Since the ditches were filled in to the  
22 west of Weiss -- and the Applicant submitted to the  
23 Board a document entitled "Comments of Weiss Farm,  
24 Weiss Farm Watershed Study." They have fantastic

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1 overhead shots of the fill going into the west of  
2 Weiss. There it is in 1968, 1971 -- or '69.

3 CHAIRMAN SALTZMAN: Mr. Wantman, just stay  
4 with me for a second. You have a lot of  
5 information here. Mr. Houston has been retained by  
6 the Town and is working on behalf of the Board to  
7 help us understand this.

8 You have a lot of technical information. I  
9 would simply ask that you share that with Mr.  
10 Houston so that he can present that to the Board.

11 MR. WANTMAN: I can tie it up.

12 CHAIRMAN SALTZMAN: If you can wrap it up.

13 MR. WANTMAN: I can wrap it up real  
14 quickly.

15 Back in 1985, a lot of us remember the  
16 Ellen Road and Tamarock Terrace extension was cut  
17 out of Weiss Farm. There is a spring that is formed  
18 by the water that is shed from the higher areas down  
19 to this junction that I'm pointing to (indicating),  
20 and the water goes to the west and the water goes --  
21 I'm sorry, the water goes to the west and the water  
22 goes to the south.

23 The water that goes to the west dead-ends  
24 and is ultimately forced back to the south by water

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1 pressure. The administrative consent order from the  
2 DEP allows more than one check dam in the north-  
3 south ditch. Were the westerly ditches to be opened  
4 and an additional check dam put where the water goes  
5 through the wye, all the water will go to the west,  
6 there will be virtually no flooding problems on  
7 Gerald Road and not a lot of water to be dumped to  
8 Sunset Street.

9 All the water will then -- if there were  
10 two check dams, one to the north and one here  
11 (indicating), you could regulate the water flow, and  
12 the majority of the water that will have to be  
13 pumped to Sunset will be off of Franklin Street,  
14 Gerald Road, and in rare occasions the water from  
15 Ellen Road comes over to Gerald.

16 That's the easy solution. Clean out the  
17 western ditch, two check dams, maintain the pump as  
18 you proposed. It's an easier solution than people  
19 believe.

20 CHAIRMAN SALTZMAN: Thank you, Mr. Wantman.  
21 Mr. Houston.

22 MR. HOUSTON: The W.H. Moore report that  
23 the gentleman cited, we did review that, and that  
24 served as the basis for portions of our

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1 recommendations. So we're aware of that. We're  
2 aware of the fill that was placed and the blockage  
3 or at least the deterioration of the carrying  
4 capacity of the channel.

5           The second part of the gentleman's comment,  
6 which was putting in an additional check dam and  
7 forcing water the other way, I'm not even sure if  
8 you need the second dam. The existing one may be  
9 sufficient.

10           But of greater import, that's exactly the  
11 type of overall management strategy that needs to be  
12 developed for this area. Is it okay to divert all  
13 the water, quote-unquote, to the west culvert? Can  
14 it handle it? Are we talking about intercatchment  
15 transfers, which that's of concern to the  
16 Conservation Commission, because they want to kind  
17 of maintain existing drainage patterns.

18           That's exactly what we're asking for, is a  
19 way to manage this system so it's compatible with  
20 protection of wetland resources and also helps the  
21 neighbors who are experiencing flooding problems.

22           CHAIRMAN SALTZMAN: What Mr. Wantman was  
23 suggesting is that the -- historically the water  
24 went on that other culvert, the ditch, and that

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1 certainly would be a far -- it would seem to be a  
2 lot easier than to have all the water come in and --  
3 come out that exit across Franklin Street.

4 MR. HOUSTON: If it is simply restoring a  
5 formerly existing drainage pattern, that would be  
6 easier. But I don't know that that's the case. I  
7 don't know historically what portion of water -- I  
8 would suspect that even prior to the construction of  
9 these channels in the '50s that there was some water  
10 going in both directions, but I don't really have  
11 documentation of that.

12 CHAIRMAN SALTZMAN: Very briefly.

13 MR. WANTMAN: I have walked the watershed.  
14 The water is supposed to go to Doleful Pond, which I  
15 understand used to have fish in it and now is bone  
16 dry.

17 CHAIRMAN SALTZMAN: I caught those fish  
18 myself, sunfish.

19 MR. WANTMAN: And Bob sitting next to me, I  
20 believe, has a concern that that water might affect  
21 his property, I believe.

22 MR. VERNER: Because all the homes back  
23 there are all splits, and they don't go down far  
24 because of the water table. That's going to affect

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1 that, whether they say it is or isn't, no matter  
2 what. It's only common sense.

3 MR. ROTONDI: Where would it be?

4 MR. VERNER: Tedford Drive, Sparhawk,  
5 Citation. All the homes there are splits, because  
6 of the high water table.

7 MR. SULLIVAN: All this talk about  
8 directing all this water to the west, down the old  
9 channels, and you get a 36-inch culvert there, I  
10 would like to know where that other culvert goes.

11 Maybe most of the people in the room might  
12 remember when those apartments weren't there, and  
13 that was a pond there. That was all wetland. And I  
14 would like to know where these culverts go. Those  
15 Brook Meadows condos, that's probably why they call  
16 them Brook Meadows. The basements flood out on a  
17 pretty regular basis.

18 So if you're going to take all of the water  
19 and put it to another location, is it really fair to  
20 other people to ruin their life and clean up someone  
21 else's?

22 MR. HOUSTON: Exactly why we need a  
23 management plan, exactly why we need to explore the  
24 carrying capacity of the downgradient water courses.



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1 We need to have an analytical basis for responding  
2 to those issues, certainly that one.

3 CHAIRMAN SALTZMAN: Could we ask the  
4 Applicant, would it be possible to provide us with  
5 such a study?

6 MR. CICATELLI: I think we want to address  
7 all the comments at once, if we could.

8 MR. MAHONEY: Could we have a few minutes.

9 CHAIRMAN SALTZMAN: Sure, take a minute.  
10 Take a five-minute recess.

11 (Recess)

12 CHAIRMAN SALTZMAN: We're back on the  
13 record, and we're still on the air.

14 Mr. Cicatelli, have you an answer for us?

15 MR. CICATELLI: In a way we do. We did not  
16 receive Tom's report until Monday. I think it was  
17 sent on Saturday, but we didn't really receive it  
18 until yesterday. So we're not in a position to  
19 answer the questions this evening, particularly with  
20 the additional information we received.

21 What we'd like to do is basically compose a  
22 response in writing and deal with the procedural and  
23 substantive issues presented at the next meeting,  
24 actually before the next meeting, and then we can

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1 have Jim White, you know, go over that in sort of a  
2 summary form. But we're not really prepared to  
3 address all of the issues that have been raised at  
4 this point, because we just received the response.

5 CHAIRMAN SALTZMAN: We don't want an answer  
6 for all 88 or whatever number we have, but one  
7 question that I have is, with reference to the  
8 watershed study, is there any prospect we could get  
9 that done?

10 MR. CICATELLI: That's something that we  
11 want to talk about amongst ourselves. We really  
12 still haven't had time --

13 CHAIRMAN SALTZMAN: That's why we took that  
14 break, you know.

15 (Laughter)

16 MR. CICATELLI: But we definitely will  
17 answer that in our correspondence to the Board.

18 CHAIRMAN SALTZMAN: All right. You know,  
19 it is the season. We would take an early Christmas  
20 present.

21 We're going to be on the site walk on  
22 noontime on the 12th. That's correct, right?

23 MR. CICATELLI: Yes.

24 CHAIRMAN SALTZMAN: We've confirmed that.

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1 We're good to go on that?

2 MR. CICATELLI: For the Board.

3 CHAIRMAN SALTZMAN: The Board and any of  
4 our consultants.

5 MR. CICATELLI: Right.

6 CHAIRMAN SALTZMAN: That would be members  
7 of the Board only on that.

8 MR. CICATELLI: Correct.

9 MR. WITTEN: Mr. Chairman, could I just  
10 make a comment and then ask a question. The comment  
11 on the watershed study is -- and the Chairman of the  
12 Conservation Commission is here -- the Conservation  
13 Commission asked for the macro watershed study that  
14 Mr. Houston has raised tonight that the Board has  
15 asked the Applicant to provide. That was six months  
16 ago.

17 So Mr. Houston's suggestion and the Board's  
18 request is not new. It's been part of this process  
19 for at least six months. So that's my comment.

20 My question is whether, if the Board would  
21 like to have Mr. Houston join you on the site walk,  
22 of course it would require the Applicant's  
23 permission, and I don't know if Mr. Houston is  
24 available, but I think it might benefit the Board to

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1 have Mr. Houston present at that site walk.

2 MR. CICATELLI: The consultants are  
3 welcome, Mr. Houston is welcome. That question was  
4 asked, and you're correct, Jon.

5 CHAIRMAN SALTZMAN: And Cathy would be  
6 welcome as well.

7 MR. CICATELLI: Of course.

8 CHAIRMAN SALTZMAN: Mr. Houston, are you  
9 available?

10 MR. HOUSTON: I am available and would be  
11 most pleased to be there.

12 CHAIRMAN SALTZMAN: Delighted to have you.  
13 One other item. I don't know if this is  
14 anything that we can get soon, but it would be very  
15 helpful to us. The height of the buildings does  
16 appear to be an ongoing issue. And so that the  
17 Board might best understand what we're looking at  
18 and how it impacts the surroundings, would it be  
19 possible to get a model drawn to scale of the site?

20 Mr. Engler, you're disappointing us.

21 MR. ENGLER: Let me just say --

22 CHAIRMAN SALTZMAN: It doesn't have to be  
23 an expensive one.

24 MR. ENGLER: We did the cross sections.

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1 People can see the buildings from where they are,  
2 which is important. I don't know what you get out  
3 of looking at the model more than if you're out on  
4 the site and people can figure out how tall 60 feet  
5 is or whatever it is. I just don't see a value in  
6 doing a model.

7 CHAIRMAN SALTZMAN: If we were starting  
8 this today, we would insist upon one, because,  
9 instead of people pointing at some spot on the map  
10 up there, they could walk up here, and they could  
11 show everybody in the room what they're pointing to  
12 and what we're looking at.

13 But also the height of the buildings is a  
14 significant issue here, and I guess if -- I believe  
15 it's your position that the buildings are not too  
16 high, and that they don't pose any major issues for  
17 the abutters, those in the surrounding areas. But I  
18 think the easiest way for the Board to visualize  
19 what we're talking about, when we're talking about  
20 it here, would be if a model were to be produced.

21 MR. ENGLER: Well, I've had lots of models  
22 done in my nonillustrious career, and it points out  
23 problems. People don't believe the model, they get  
24 down low, they look at it.

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1           CHAIRMAN SALTZMAN:  If you tell us it's  
2 accurate, Mr. Engler, I will believe you.

3           MR. ENGLER:  Let me just say this.  There  
4 is no obligation under this particular process,  
5 Chapter 40B, in terms of impacts -- impacts are very  
6 important, but there is nothing that says you have  
7 to hide your building from the neighborhood.  I  
8 think the issue that we all hear is, "I see the  
9 building.  I don't want to look at building.  The  
10 building is tall."  There is no obligation to hide a  
11 building.

12           Does it work on the site, and those are the  
13 issues we're wrestling with, traffic and stormwater  
14 management and those things.  And if you don't like  
15 the height, I can appreciate that.  We think it  
16 works.  We're not going to redesign the building.  
17 We're not going to take a story off.  You're going  
18 to have to deal with that building.

19           CHAIRMAN SALTZMAN:  We're only asking that  
20 you produce a model of that design that you're so  
21 proud of.

22           MR. ENGLER:  Some day, but not between now  
23 and January 5th.  That can't be done, and I don't  
24 think we need to do that.

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1           MR. WITTEN: Mr. Chairman, the statute that  
2 Mr. Engler is so fond of citing specifically states  
3 building and site design and open space as the  
4 criteria for consistent with local needs. So it's  
5 totally, 100 percent within the four corners of the  
6 statute and the Board's authority to request design  
7 impacts on abutting properties and the Town as a  
8 whole.

9           MR. ENGLER: Which we have provided.

10          MR. WITTEN: Well, the Board is asking for  
11 some specificity as opposed to a one-dimensional  
12 drawing. The Boards is asking for what every  
13 architect known in North America has done for large  
14 projects, and that is to build a scaled model.

15          MR. ENGLER: I didn't know you knew every  
16 architect in North America.

17          MR. WITTEN: You know, Mr. Engler --

18          MR. ENGLER: They have not, many times they  
19 have not.

20          MR. WITTEN: I do know, as a licensed  
21 planner, about site planning and site design, as  
22 does Mr. Houston, who is also a licensed planner.  
23 And we are both aware of the use of models to  
24 demonstrate impact, visual and buffering impacts of

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1 large projects.

2 Mr. Houston's testimony has been that the  
3 height of the buildings will have a negative impact,  
4 building and site design, within the four corners of  
5 the statute, on abutting properties, and the Board  
6 has asked for a very inexpensive architectural  
7 model, which most architects building large projects  
8 would prepare.

9 MR. ENGLER: Thank you.

10 MR. WITTEN: Thank you.

11 MR. ENGLER: I was not aware of that.

12 CHAIRMAN SALTZMAN: Not asking for it in  
13 the --

14 MR. ENGLER: I shouldn't speak for my  
15 client. If he wants to do a little balsawood model  
16 or whatever you think is inexpensive, it's not  
17 inexpensive, it's time consuming, and it was not  
18 asked for at the very beginning, so coming up at the  
19 very end of the process --

20 CHAIRMAN SALTZMAN: It has become an issue,  
21 and I would just ask that --

22 MR. MAHONEY: I think the model -- the  
23 electronic model that we provided accomplishes the  
24 same thing that the Board is asking about, and we



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1 would be happy to bring our planner back in, Steve  
2 Cecil, and run through it again. But we went  
3 through the visual impacts. We have been through a  
4 three-dimensional electronic model on the screen.  
5 It serves the same purpose.

6 CHAIRMAN SALTZMAN: So is the answer no?

7 MR. MAHONEY: Yes.

8 CHAIRMAN SALTZMAN: Duly noted.

9 MR. DUFOUR: Would it be possible to have  
10 balloons marking the corners of the buildings at the  
11 height prior to our visit and our walk-through? It  
12 might be very helpful. Is that a possibility?

13 MR. ENGLER: We've done balloons, and then  
14 the wind blows them, and they're not up there. It  
15 is not expensive. I can't say we won't do it, but I  
16 don't know if the balloon -- you can try and get it  
17 up there. If it's a calm day and you put it up  
18 there, great. If it blows around, it's not going to  
19 be helpful at all. But if you want to see --

20 CHAIRMAN SALTZMAN: We'd like some good-  
21 faith if we made the attempt to --

22 FROM THE AUDIENCE: How about a crane?

23 MR. ENGLER: We thought of a drone that  
24 would come right over the site.

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1 (Laughter)

2 MR. ENGLER: The balloon test is possible.

3 CHAIRMAN SALTZMAN: So we're all set for  
4 the 12th?

5 MR. MAHONEY: Yes.

6 CHAIRMAN SALTZMAN: Mr. Wantman?

7 MR. WANTMAN: Concerning the 12th, you will  
8 not be able to see the blockage in the main ditch.  
9 I spoke to Mr. Houston during the break. He thought  
10 he would talk to counsel. I am begging you to come  
11 onto my property, as you cannot see the condition of  
12 the main ditch that needs to be cleaned out unless  
13 you come on my property.

14 CHAIRMAN SALTZMAN: We'll discuss it with  
15 the Board. We appreciate the offer. Thank you.

16 MR. BENNETT: Would that be Sunset Road  
17 too, walk-through?

18 CHAIRMAN SALTZMAN: Okay.

19 Do we have any other business?

20 MR. WITTEN: Mr. Chairman, the only  
21 question that I would ask through the Board is, to  
22 Attorney Cicatelli, Steven, the waiver list that the  
23 Board has was part of the original application. Is  
24 there an updated waiver list from the Applicant?

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1           MR. MAHONEY: We'll look at that now. I  
2 think Mr. Houston pointed out maybe one that needs  
3 to be updated.

4           MR. CICATELLI: Relative to the fill.

5           MR. WITTEN: Other than the fill bylaw, are  
6 there any other anticipated changes to the waiver  
7 list?

8           MR. CICATELLI: We don't anticipate any,  
9 but we'll look at everything one more time just to  
10 make sure.

11           MR. WITTEN: The reason why I'm asking is  
12 at the next meeting the Board anticipates that Mr.  
13 Stankus will be in attendance, and he will have  
14 reviewed the pro forma, and then Mr. Mahoney's  
15 supplemental pro forma prepared, I guess, by Mr.  
16 Engler. And one of the questions for him will be  
17 the impact of the waiver analysis. So it would be  
18 important to know whether -- it sounds like what the  
19 Board has is the waiver list, perhaps with one  
20 addition.

21           MR. CICATELLI: Mr. Chairman, do we have an  
22 agenda for the next meeting? Is it stormwater and  
23 then the pro forma?

24           CHAIRMAN SALTZMAN: It would be stormwater

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1 and then the pro forma.

2 MR. MAHONEY: Mr. Chairman.

3 CHAIRMAN SALTZMAN: And Mr. Dirk as well.

4 MR. MAHONEY: In the interests of time, if  
5 there's a way to see a report from the Town's  
6 consultant on the pro forma ahead of time, obviously  
7 it helps expedite things.

8 CHAIRMAN SALTZMAN: Sure. We'll check with  
9 him. It took him long enough to get it.

10 At this time the Chair would entertain a  
11 motion.

12 MR. SULLIVAN: Make a motion to adjourn for  
13 the evening to continue until I believe it's -- I  
14 don't think the site visit is our continuation, so  
15 the next continuation would be December 16th at 7:30  
16 p.m.

17 Are we in the hearing room or are we  
18 banished to down here?

19 MR. ROTONDI: Everybody can hear better.

20 MR. SULLIVAN: What day is it?

21 CHAIRMAN SALTZMAN: It's a Thursday.

22 MR. SULLIVAN: So I think it would be going  
23 to the hearing room.

24 MR. WITTEN: It's a Wednesday.

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1           MR. SULLIVAN: December 16th is a  
2 Wednesday.

3           CHAIRMAN SALTZMAN: Wednesday the 16th.  
4 All right.

5           MR. SULLIVAN: Continue to the hearing room  
6 December 16th, at 7:30 p.m., to continue the matter  
7 of Weiss Farm.

8           CHAIRMAN SALTZMAN: So moved.

9           MR. DUFOUR: Second.

10          CHAIRMAN SALTZMAN: It's been seconded.  
11 All those in favor say aye. (Chorus of ayes) Those  
12 opposed? (No response) All right. See you on the  
13 16th.

14                               (Whereupon the hearing was  
15 adjourned at 9:55 p.m.)

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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 X, is a true and  
accurate transcription of my stenographic notes  
taken on December 1, 2015.



Carol H. Kusinitz

Registered Professional Reporter

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