

**In The Matter Of:**

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

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*Public Hearing, Volume III  
July 21, 2015*

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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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**Public Hearing, Volume III - July 21, 2015**

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Volume III  
Pages 3-1 to 3-69

TOWN OF STONEHAM  
ZONING BOARD OF APPEALS  
Public Hearing Re

Petition Pursuant to Chapter 40B by  
Weiss Farm Apartments, LLC  
With Regard to 170 Franklin Street  
Board Members Present:

Robert Saltzman, Chairman  
William Sullivan, Vice-Chairman  
Tobin Shulman  
R. Michael Dufor  
Laurence Rotondi  
Catherine Rooney, Secretary

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

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

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

Held at:

Stoneham Town Hall  
35 Central Street  
Stoneham, Massachusetts  
Tuesday, July 21, 2015  
7:31 p.m.

Alexander K. Loos  
Registered Diplomate Reporter

1 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.

5 Hello.

6 VICE-CHAIR SULLIVAN: Excuse me, sir.  
7 We're opening the meeting.

8 Thank you.

9 CHAIRMAN SALTZMAN: Good evening.  
10 This is opening the hearing on the petition  
11 at Weiss Farm pursuant to Chapter 40B of the Mass.  
12 General Laws.

13 I'll just take this opportunity to  
14 introduce the members of the Board:

15 My name is Robert Saltzman. I am the  
16 chairman. To my immediate left is Bill Sullivan,  
17 vice-chairman. To his left is Tobin Shulman. Next  
18 is Michael Dufor, and all the way down at the end  
19 is -- is Laurence Rotondi.

20 Tonight we're just going to start off with  
21 a -- with a brief summary of recent events.

22 Since July 24th of last year, there was a  
23 public hearing at which time it was announced that  
24 we would be pursuing -- we were going to be -- we

1 had made a determination that we had met the local  
2 guidelines under 40B, and now if we could just take  
3 a moment and have Mr. Witten, Attorney Witten,  
4 describe what happened.

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

6 Good evening, members of the Board.

7 Mr. Chairman, in July 24th of 2014, the  
8 Board announced, pursuant to Chapter 40B, that the  
9 Town of Stoneham was consistent with local needs,  
10 and the Town asserted its safe harbor claim under  
11 two grounds: One was that the land area in Stoneham  
12 exceeded the 1.5 percent calculation, meaning that  
13 more than 1.5 percent of the land area in Stoneham  
14 had sufficient subsidized housing credits, or  
15 sufficient subsidized housing units; and then the  
16 second ground was that this application, the Weiss  
17 Farm application, represented a related application  
18 pursuant to the regulations, because a prior --  
19 within 12 months prior to the 40B application there  
20 was an approval-not-required plan endorsed by the  
21 planning board for the same property, and that gives  
22 the Town the ability to say that it meets its safe  
23 harbor requirements.

24 One year later, the Housing Appeals

1 Committee overturned the Board's conclusion in a  
2 decision dated the end of June. That decision today  
3 was appealed, and the appeal was filed, both a  
4 declaratory judgment seeking to annul portions of  
5 the ACD's regulations, and the decision itself was  
6 challenged pursuant to Chapter 30A in Middlesex  
7 Superior Court. Opposing counsel will be served in  
8 an appropriate manner.

9           So that matter does not require an  
10 automatic stay of the proceeding, although we did  
11 ask on behalf of the Board of Appeals and the Board  
12 of Selectmen that the superior court does stay this  
13 matter. As of tonight, though, the hearing should  
14 continue because we don't have a stay in that  
15 appeal.

16           So the HAC's decision reopens the hearing  
17 that was suspended a year ago, July 24th, 2014.  
18 Since that hearing, the Conservation Commission  
19 denied this application pursuant to the Local  
20 Wetlands Bylaw. That denial has been recorded at  
21 the Registry of Deeds.

22           In addition, the Conservation Commission  
23 has issued an enforcement order, a nine-page  
24 enforcement order, against the current landowner for

1 violations of both the Wetlands Protection Act and  
2 the Local Wetlands Bylaw, and that order has been  
3 recorded at the Registry of Deeds.

4 Tomorrow night, the Conservation  
5 Commission, in the application of Weiss Farm  
6 Apartments, LLC, will vote whether to approve or to  
7 deny the Notice of Intent filed by the Applicant  
8 pursuant to the Wetlands Protection Act. The  
9 Commission requested an extension of that public  
10 hearing, and the Applicant has refused, so the  
11 Commission now must render a decision, and it  
12 appears as if that decision will be rendered  
13 tomorrow night.

14 So, Mr. Chairman, those are, kind of in  
15 short order, the five events that have taken place  
16 since we met last, and that kind of leads to a  
17 substantive question for the Board to ask of the  
18 Applicant, which is, under the regulations the Board  
19 has 180 days to -- from opening of the public  
20 hearing to close the public hearing.

21 180 days less one day, which is the day  
22 that you held the public hearing on July 24th, 2014,  
23 brings us to January 15th, 2016. So I would suggest  
24 to the Board, if -- through the Chair, if I could

1 ask counsel for the Applicant whether they agree  
2 with that date. And if there is an agreement on  
3 that date, then we can all work from the same  
4 calendar.

5 CHAIRMAN SALTZMAN: Just one question.  
6 Sure. I would ask the question.

7 MR. CICATELLI: Yes, Mr. Chairman.  
8 We agree. We concur.

9 CHAIRMAN SALTZMAN: All right.

10 MR. WITTEN: So January --

11 MR. CICATELLI: January 15th --

12 MR. WITTEN: -- 15th.

13 MR. CICATELLI: -- 2016.

14 CHAIRMAN SALTZMAN: Good? You're good with  
15 that date?

16 MR. GALLOGLY: Yes.

17 MR. WITTEN: Thank you.

18 Thank you, Mr. Chairman.

19 CHAIRMAN SALTZMAN: Okay.

20 All right. On -- before we get started, I  
21 think we -- we -- we would be wise to -- seeing as  
22 how it took us so long to get here tonight, let's  
23 pick the next date before the thing gets any older.

24 Now, I know there is one member of the

1 Board who is going on vacation until the 15th of  
2 August. I would be looking at the -- the  
3 availability of the week of the -- beginning on the  
4 17th, Monday the 17th.

5 First of all, is there anybody on our Board  
6 who would have any difficulty being around -- being  
7 here that week? Is there any day that -- all right.

8 MR. ROTONDI: August 17th?

9 CHAIRMAN SALTZMAN: August 17th.

10 Is that good?

11 MR. ROTONDI: Okay. That's good.

12 CHAIRMAN SALTZMAN: You're away,

13 Mr. Cicatelli?

14 MR. CICATELLI: I'm away that week, yes.

15 CHAIRMAN SALTZMAN: You're away the whole  
16 week?

17 MR. CICATELLI: Yep.

18 Is there availability on the week of the  
19 24th? I think you probably have your typical  
20 meeting on the 27th.

21 CHAIRMAN SALTZMAN: Yes. Very  
22 knowledgeable about this Board. Yes, we are in  
23 session that night.

24 How is the 25th?



1 MR. CICATELLI: Are you okay?

2 CHAIRMAN SALTZMAN: Not quite there? No.  
3 Are you missing that night as well?

4 MR. MAHONEY: Oh, I'm good.

5 MR. SHULMAN: I'm away the 25th.

6 CHAIRMAN SALTZMAN: Let me see that week.

7 MR. SHULMAN: The 25th is no good for me.  
8 The 24th or the 25th.

9 MR. DUFOR: What day is the 25th?

10 CHAIRMAN SALTZMAN: There is no longer a  
11 day that we have to keep track of.

12 MR. WITTEN: I can do the 26th.

13 CHAIRMAN SALTZMAN: Okay. How is the 26th?  
14 It's back-to-back meetings.

15 MS. ROONEY: It's fine.

16 CHAIRMAN SALTZMAN: All right.

17 VICE-CHAIR SULLIVAN: Not giving them any  
18 night, just the day -- no day off.

19 CHAIRMAN SALTZMAN: That's right. All  
20 Board of Appeals, all the time.

21 The 26th?

22 MR. CICATELLI: Thank you, Mr. Chairman.

23 CHAIRMAN SALTZMAN: Good all around?

24 All right.

1 MR. CICATELLI: Place and a time,  
2 Mr. Chairman? Place and time?

3 CHAIRMAN SALTZMAN: Same place, 7:30?

4 VICE-CHAIR SULLIVAN: 7:30 in the banquet  
5 hall?

6 CHAIRMAN SALTZMAN: Banquet hall, 7:30.  
7 We'll see if we can accommodate everybody.

8 And it would be our expectation, beginning  
9 in -- in September, to maybe schedule more meetings,  
10 maybe more than one per month. Obviously, probably  
11 the week -- not Labor Day week, but the week after  
12 that, maybe try to get two in in September, two in  
13 October, and go from there.

14 The -- as far as topics, tonight we're  
15 going to get an overview of the project and a -- a  
16 statement as to -- as to the nature of the proposal  
17 and some idea as to what the applicant believes that  
18 the course of the hearing will show.

19 I think, beginning next time, we'll be  
20 breaking each -- each hearing down into specific  
21 component parts. So it might be wise, when we've  
22 started -- just like we're going to see the project  
23 tonight, it might be wise if we started with -- with  
24 architecture.

1 MR. WITTEN: Or traffic.

2 CHAIRMAN SALTZMAN: Or traffic.

3 We could -- traffic might be a good --  
4 might be a good place to start, maybe start the  
5 traffic on the next meeting in August, and maybe try  
6 and see if we can get through it in September, after  
7 all the traffic consultants have had an opportunity  
8 to return.

9 Mr. Engler, I see a question.

10 MR. ENGLER: Yes, Mr. Chairman. Just a  
11 question of process.

12 Normally the Board would allow the traffic  
13 consultant to talk to our traffic consultant, not  
14 only at the meetings, but to share concerns and  
15 issues and things that come up in between. That's  
16 when a lot of valuable give and take takes place.

17 So that when Mr. Dirk comes back for his  
18 presentation, he's had the benefit of talking  
19 directly to our traffic consultant, not just reading  
20 the report, and we might get some informal reading  
21 before the hearing of what's going to happen, so  
22 we're prepared to have our traffic consultant answer  
23 some of those things.

24 So I'm just wondering if that's an

1 acceptable procedure in terms of how you want to  
2 operate this way?

3 CHAIRMAN SALTZMAN: You know, as much as I  
4 like the element of surprise, I think that's --  
5 that's probably a very sensible approach.

6 MR. ENGLER: Okay.

7 MR. CICATELLI: Mr. Chairman.

8 MR. WITTEN: I would agree.

9 MR. CICATELLI: I would like that to apply  
10 really to all the consultants. Because that was an  
11 issue that we had with Conservation. Usually peer  
12 review consultants and the Applicant's consultant do  
13 communicate so that we have a productive meeting.

14 And I know Jon and I had some discussions  
15 on this, and he feels that the Board should  
16 authorize that. So I think in terms of the request  
17 that definitely for traffic, but perhaps for all the  
18 consultants.

19 CHAIRMAN SALTZMAN: The only thing I would  
20 just say is that before this discussion between  
21 Mr. Dirk, or any of the other consultants, I would  
22 want at least the Board to be aware of what the  
23 report is, certainly a draft of the report. And  
24 prior to -- prior to that discussion. I would

1 imagine that -- that the Applicant would be in the  
2 same position --

3 MR. CICATELLI: Certainly.

4 CHAIRMAN SALTZMAN: -- with reference to  
5 your consultants as well.

6 MR. MAHONEY: You're talking about the  
7 Board's report? You have our report, obviously. Is  
8 that what you're asking? That you guys receive  
9 Mr. Dirk's report first?

10 CHAIRMAN SALTZMAN: Yeah. We would want to  
11 have a look at the report before there is --

12 MR. MAHONEY: That makes sense.

13 CHAIRMAN SALTZMAN: You know, even if it's  
14 a draft of the report, not even the final report,  
15 but just have some idea as to, you know -- so  
16 that -- so that we're not surprised by our own  
17 consultant.

18 MR. WITTEN: The only thing I would say,  
19 Mr. Chairman, members of the Board, is given the  
20 sensitivity of the locus, the size of this project,  
21 I think the Board's entitled to a presentation by  
22 the Applicant so Mr. Dirk can hear it himself.  
23 Because what's said here is different than  
24 consultants speaking to consultants.

1           So my only advice to the Board would be to  
2 have the Applicant make a presentation on the  
3 substantive areas, whether it's hydrology, or  
4 traffic, or eventually the pro forma in a public  
5 setting, and then have your -- your agents --

6           CHAIRMAN SALTZMAN: Right. That would --  
7 that would make sense, in the sense that you are the  
8 moving party, so you would be going first anyway.

9           MR. CICATELLI: Mr. Chairman, we don't  
10 disagree.

11           The disagreement that Jon and I had was in  
12 between the meetings, if the consultants do not  
13 communicate, we come back and there is really  
14 nothing that's been achieved. You know, questions  
15 have not been answered, and we're not able to really  
16 give a good presentation to the Board.

17           So yes, I agree those initial presentations  
18 should be made to the Board. But in between public  
19 hearings, if the consultants can speak, I think  
20 we'll have a more productive following meeting.

21           CHAIRMAN SALTZMAN: You know, and on that  
22 score, if, you know, the -- as a member of the Board  
23 of Appeals of some experience, one thing that I  
24 would want would be if we could get the consultants'

1 reports, say, ten days before the hearings; that way  
2 we can have some idea as to what we're looking at.  
3 The -- the worst-case scenario, of course, is  
4 somebody's up there talking to us and has just  
5 handed us a 40-page report. And, you know, that's  
6 useless. You know, you can't hear them and read at  
7 the same time, and, you know, just -- it just  
8 creates confusion.

9           So I would just ask, if that could be the  
10 case as well, if -- for example, the next meeting,  
11 there is a traffic consultant comes to the next  
12 meeting, if we could have that ten days ahead of  
13 time; that would be -- I think that would be very  
14 sensible.

15           MR. CICATELLI: Mr. Chairman, you actually  
16 already have the report. So what he would be doing  
17 is probably reviewing that with you.

18           CHAIRMAN SALTZMAN: So it's the one in the  
19 original --

20           MR. CICATELLI: The original one, yes,  
21 Mr. Chairman.

22           MR. WITTEN: And could I ask, Mr. Chairman,  
23 Steven, could you make sure that Mr. Dirk has --  
24 your consultant contacts Mr. Dirk with that full

1 report, full traffic report.

2 MR. CICATELLI: Certainly.

3 VICE-CHAIR SULLIVAN: If I have this  
4 straight, Mr. Chairman, that the -- they will be  
5 entering it in a presentation to this Board, which  
6 is what is recorded on, and then after that time,  
7 the different consultants will be allowed to talk  
8 amongst each other and report back to this Board,  
9 because the consultants we hire are working for us;  
10 they're not working for them.

11 CHAIRMAN SALTZMAN: Right.

12 VICE-CHAIR SULLIVAN: But they could  
13 possibly streamline some of the process, because  
14 this is a very time-sensitive issue.

15 CHAIRMAN SALTZMAN: Absolutely.

16 VICE-CHAIR SULLIVAN: Okay. I just want to  
17 make sure --

18 CHAIRMAN SALTZMAN: Yeah, no.

19 VICE-CHAIR SULLIVAN: -- what we're saying.

20 CHAIRMAN SALTZMAN: All right.

21 Toward that end, the -- we should discuss  
22 additional consultants as we're heading into the --  
23 into the coming months.

24 I believe there is a civil engineer that



1 was proposed by -- by the Town, a Mr. Houston is --  
2 I guess --

3 Mr. Gallogly.

4 MR. GALLOGLY: I thought we had settled on  
5 Mr. Griffin --

6 MR. CICATELLI: Mr. Griffin.

7 MR. GALLOGLY: He was the consultant for  
8 the Conservation Commission. He's familiar with the  
9 project.

10 MR. WITTEN: So, Mr. Chairman, members of  
11 the Board, when we first met in July, I produced a  
12 memo to the Board, copied to the Applicant, with a  
13 list of substantive headings for the Board's  
14 consideration.

15 CHAIRMAN SALTZMAN: Uh-huh.

16 MR. WITTEN: They include the landscape  
17 architecture, architecture, the pro forma review,  
18 civil engineering, hydrology, wetlands science,  
19 traffic engineering, and others that the Board felt  
20 came along from time to time.

21 Under the statute, the Board gets to decide  
22 the consultants that you need to help you review  
23 this project. And the Board gets to decide when you  
24 need them, and the Applicant gets to object only if

1 the recommended consultant has a conflict of  
2 interest or is not qualified. So at that time, the  
3 Board agreed to retain Mr. Dirk -- the Applicant  
4 agreed with that -- and to retain Mr. Griffin,  
5 because of Mr. Griffin's familiarity with the  
6 project.

7 That doesn't limit the Board to only those  
8 two consultants. So you're now looking at a  
9 six-month period of review, and you're going to need  
10 other consultants, I imagine, and Mr. Houston was on  
11 that list of recommendations.

12 Mr. Houston is a registered civil engineer.  
13 He's also a traffic engineer, and he's been in a lot  
14 of large-scale project reviews. The Board gets to  
15 choose who is determined to be the appropriate  
16 review engineers.

17 So at this point in time, the Board may  
18 want to wait until the Applicant makes its  
19 presentation, and then you may choose, choose to  
20 choose the consultants you want. At this point in  
21 time you have Mr. Dirk; you have Ms. Hegemann, who  
22 has been reviewing the wetlands science on behalf of  
23 Conservation Commission, and you have Mr. Griffin.  
24 But that doesn't preclude you from hiring others.

1           In fact, we raised that issue a year ago,  
2 because none of those individuals are landscape  
3 architects, for example, and none of them are  
4 architects, for example. And my sense is the Board  
5 may want to retain that skill set as well.

6           CHAIRMAN SALTZMAN: We'll do that as well.

7           MR. WITTEN: So --

8           MR. CICATELLI: Mr. Chairman, our  
9 understanding was I know we agreed on Mr. Dirk, on a  
10 stenographer. We agreed on Mr. Griffin. And, in  
11 fact, going into Conservation, we were happy that  
12 they used him. And I think part of the reason was  
13 that he had familiarity with the site doing peer  
14 review for the abutting subdivision. And so, you  
15 know, it makes sense to use him.

16           We understand it's the Board's decision,  
17 but we would -- we thought that that had been  
18 decided. In fact, that's why we chose him as a  
19 consultant, or agreed to him being a consultant with  
20 Conservation.

21           MR. WITTEN: I would only --

22           CHAIRMAN SALTZMAN: You would agree,  
23 though, that this is a rather sizable project. And  
24 that the -- additional consultants may be more than

1 just appropriate. We have a job to do here as well.

2 And --

3 MR. CICATELLI: We would just have to  
4 review scope and so forth again, qualifications.

5 CHAIRMAN SALTZMAN: Sure.

6 MR. MAHONEY: I guess we dislike -- we're  
7 happy to -- we understand this is a big project and  
8 a lot of work for the Board, and we appreciate that.  
9 So we're happy to bring on additional consultants  
10 for you, for you guys' benefit.

11 We just wanted to say the scopes are, you  
12 know, not -- you know, there is specific scopes for  
13 each consultant, and we're not having, you know,  
14 three architecture reviews from different firms.

15 CHAIRMAN SALTZMAN: And you know, on that  
16 point, I mean, you know, I think that each of the  
17 consultants that have been brought in so far have  
18 given some idea as to the scope. You know,  
19 obviously give some idea as to what you're paying  
20 for and, you know, that's not unreasonable.

21 MR. WITTEN: And I would add, Mr. Chairman,  
22 until the Applicant makes a presentation to the  
23 Board, so you know what the project is, you don't  
24 know what --

1           CHAIRMAN SALTZMAN: We're not going to know  
2 what we need.

3           MR. WITTEN: So I think it's unreasonable  
4 for the Applicant to say "tell us the scope of your  
5 consultants" when the Applicant hasn't made a  
6 presentation of their project, proposed project.

7           So I think first things first. If the  
8 Applicant makes a presentation, then the Board can  
9 more properly --

10          MR. DUFOR: What was that other proposed  
11 civil engineer's --

12          CHAIRMAN SALTZMAN: Mr. Houston.

13          MR. WITTEN: Tom Houston of PSC out of  
14 Foxboro.

15          CHAIRMAN SALTZMAN: Well, maybe what we --  
16 we might be wise to do is revisit this question,  
17 obviously, at our next meeting and take this  
18 opportunity to extend to the Applicant the  
19 opportunity to make an opening statement.

20          MR. CICATELLI: Mr. Chairman, thank you  
21 very much.

22                 For the record, Steven Cicatelli,  
23 representing Weiss Farm Apartments, LLC. And again,  
24 I think the Board's familiar with everyone, but

1 Peter Corcoran -- I'm sorry, Peter Mahoney of John  
2 M. Corcoran.

3 MR. ENGLER: Did you get adopted?

4 MR. CICATELLI: Richard Gallogly of  
5 Rackemann, Sawyer & Brewster, my co-counsel; and  
6 Robert Engler, our 40B consultant.

7 What I would like to do is submit to the  
8 Chair an amendment to the purchase and sale  
9 agreement just so you have the most up-to-date  
10 purchase and sale agreement.

11 CHAIRMAN SALTZMAN: Thank you.

12 MR. CICATELLI: The purpose of the  
13 amendment was just to extend the permitting approval  
14 time based on the appeal process that we have just  
15 undergone over the -- over the past year. So I did  
16 want to submit that for the record.

17 And then basically, in terms of this  
18 evening, what we would like to do is -- is just give  
19 a presentation. It's been quite a while since I  
20 know the Board has seen an overview of the project.  
21 Peter's going to just do that presentation, and  
22 then, again, we've already set the next meeting.  
23 And, again, maybe we could just be very specific as  
24 to what the Board would like us to present at the --

1 at the next meeting so that we're prepared.

2 So with that, Peter has a presentation that  
3 we can present to the Board.

4 MR. MAHONEY: Thank you.

5 For the record, Peter Mahoney, with John  
6 Corcoran and Company.

7 So the presentation we're going to give  
8 tonight was one we were ready to give a year ago,  
9 so -- and I know maybe people in the room have  
10 probably seen parts of it. This is a presentation  
11 that summarizes, as best we can in ten minutes, a  
12 very thick application that was submitted as part of  
13 our application to the Board.

14 So we're excited to be here. We're excited  
15 to move forward in this next step in the process.  
16 We think this is a great project. We think it could  
17 be a great project for the Town. We're very excited  
18 about the design we've submitted and are looking  
19 forward to a discussion with the Board and the  
20 Board's consultants in the upcoming months.

21 So I'll give a brief overview of our  
22 company, just so you know who we are, and then a  
23 brief overview of the project and touch on the  
24 design very briefly. All these topics we're going

1 to go into in great detail, I know, in the next  
2 months, so I don't expect this would be, you know, a  
3 very -- get into every detail because that -- that's  
4 going to get presented in the next few months.

5           There we go.

6           All right. So our project team, Steven  
7 introduced those who are here tonight. Margaret  
8 Murphy is also here tonight with the Community  
9 Resources Group. You'll meet all these people in  
10 the coming months. We've assembled a great team  
11 we've worked with a lot in the past. Architecture  
12 firm is Russell, Scott, Steedle & Capone out of  
13 Cambridge. The civil engineers are HW Moore and  
14 Associates in Boston. Greenman-Pedersen, our  
15 traffic consultant and engineers, they will be here  
16 at the next hearing. The Cecil Group are our  
17 landscape architects and helped with the land  
18 planning efforts. We have a geotech and  
19 geo-environmental consultant, McPhail Associates.  
20 And the last four consultants there have already  
21 been introduced.

22           Our firm, John M. Corcoran and Company,  
23 we're a local firm, based out of Braintree. We are  
24 pushing 60, 65 years now, I guess. Still a



1 privately-held, family-owned. We're primarily,  
2 almost entirely, focused on multi-family rental  
3 housing. That's what we do. We currently manage  
4 around 10,000 homes, mostly in the Greater Boston  
5 area. We -- we have a reputation, I think, over the  
6 years, that we've become one of the leading  
7 privately-held multi-family developers in the  
8 region. We're recognized for our commitment to  
9 residents' quality of life and providing exemplary  
10 property management services.

11 We approach a project with a development  
12 philosophy to design a community that we think would  
13 be a great place to live and a great place to visit  
14 and fit well within the community. We're also  
15 long-term investors. Our typical approach is to try  
16 to build something and own it for a long time. We  
17 still own many projects that we've built in the '60s  
18 and '70s. So we approach these projects to build to  
19 a very high standard. We own and maintain the  
20 projects going forward, and we really value our role  
21 as corporate residents in the communities we build.

22 I'll show you a few images of a few  
23 recently completed projects. This is -- these are  
24 to show you kind of the quality and type of project

1 we build, not necessarily to speak to the exact  
2 design or features that we're proposing here.

3 So this is Lynnfield Commons up in  
4 Lynnfield. This is an exterior view. In the  
5 foreground you'll see the clubhouse and pool; in the  
6 background, one of the apartment buildings. That  
7 was a 200-apartment home community built up in  
8 Lynnfield about six years ago. This is the interior  
9 of one of the apartments there. Again, we -- we  
10 think we build a very nice product, you know,  
11 high-end finishes within the apartments, nice big,  
12 spacious layouts, lots of windows, lots of light.

13 This is an exterior view of Commons at  
14 Southfield Highlands, our most recently completed  
15 project down in South Weymouth at the old naval air  
16 station. This is one of four buildings we built  
17 down there. We really spent a lot of time with the  
18 landscaping, with the architecture, trying to make  
19 it blend in and feel as though it's been there for  
20 some time. And I think if you visit some of our  
21 properties that are only five or six years old,  
22 you'll get that sense. This is the interior. This  
23 is the community room of that project.

24 So run through kind of a project summary

1 here. The total site area is about 26 acres. Of  
2 that, about 12 acres are wetlands. The wetlands  
3 have been delineated here. We're proposing 264  
4 homes, and as a 40B, one-quarter of those, 25  
5 percent, would be available restricted to moderate  
6 income households. The remainder would be market  
7 rate. The unit mix we're proposing is 27 studios,  
8 105 one-bedrooms, 114 two-bedrooms, and 18  
9 three-bedrooms.

10 Proposed amenities. We touch briefly on  
11 kind of the interior finishes. You know, the units  
12 have crown molding, private laundry in each home,  
13 very spacious closets and well thought out floor  
14 plans.

15 The -- the community-wide amenities would  
16 include a resort-style pool, grilling area and  
17 exterior area, fitness room, outdoor recreation  
18 spaces, garage parking. We provide pet friendly  
19 apartments and provide, believe it or not, pet  
20 amenities.

21 We build with sustainable development  
22 guidelines in mind. The project would be LEED  
23 certifiable. We were the first multi-family  
24 developer in New England to build a

1 LEED-certified -- actual have the plaque on the  
2 wall -- multi-family rental building in New England  
3 we think.

4           The project would be 100 percent smoke  
5 free, no smoking in the apartments, no smoking in  
6 the hallways, no smoking on the grounds. We've --  
7 the last handful of projects we've built have been  
8 held to that standard, and we feel people really  
9 like it.

10           The demographic we would expect, you know,  
11 it's very tough to nail this down, especially before  
12 you start to build. In general it's a wide range of  
13 people. You know, this is going to offer another  
14 housing option for the Town. It will attract  
15 anywhere from, you know, empty-nesters, to young  
16 recent graduates looking for their first home, to  
17 single professionals, to seniors, to small families.  
18 It's really a broad spectrum of people that live in  
19 our communities.

20           Affordability. This is proposed under  
21 Chapter 40B. The Town has about 9400 housing units.  
22 Of that today, only about 500 of those are  
23 registered in the affordable housing inventory,  
24 through DHCD. This would obviously go a long ways

1 to adding to that housing stock.

2 In addition, in terms of 40B goes, the HAC  
3 decision, in our reading of it, it would appear the  
4 Town is about five acres or so short of reaching its  
5 one and a half percent land area. This project  
6 would put the Town over that threshold.

7 A little more detail about the  
8 affordability of -- at the project. Again, 66 homes  
9 would be restricted to moderate-income households.  
10 It's not low-income housing. That is defined as  
11 households who make at or below 80 percent of median  
12 income, which is determined by HUD. So you see the  
13 income limits up there for various household sizes.  
14 So for a two-person household, the median income is  
15 55,800.

16 The community -- or the Board, and we would  
17 be amenable to this, could also request that we keep  
18 a local preference for 70 percent of those units.  
19 That would mean that residents of -- current  
20 residents of Stoneham, those who have family in  
21 Stoneham, those who work in the Town, those who have  
22 children in the schools, could all have preference  
23 for those moderate-income homes.

24 Projected rents. On the market rate side

1 we think our one-bedroom rents would be around  
2 \$1,700; two bedrooms around \$2,200. And the  
3 moderate income homes would be available,  
4 one-bedroom around 1075, and 1170 for two.

5 So I'll touch on the design briefly. Can  
6 everyone see the laser over there? All right.

7 So this is an -- existing conditions. This  
8 is an aerial plan. Just to orient everyone,  
9 Franklin Street is down here; Mrs. Weiss' house is  
10 the triangle parcel here. Her house, house lot is  
11 carved out as a separate lot at this point. She  
12 plans to remain and be our closest neighbor. The  
13 lot does include her -- her house, one of the barn  
14 buildings and the horse corral down on the -- on the  
15 east side.

16 The wetlands are delineated here. They're  
17 shown in red. So we call this central area the  
18 central development area. So this is where our  
19 proposal is focused. We're not building within the  
20 wetland area. We proposed very minor work within  
21 the 25-foot buffer zone. We proposed improving a  
22 pedestrian crossing to access some passive open  
23 space up here, and then we're also amenable to  
24 improving the buffer zone with landscaping

1 improvements.

2 The other site --

3 CHAIRMAN SALTZMAN: Just not to interrupt.

4 MR. MAHONEY: No, please.

5 CHAIRMAN SALTZMAN: But is there any chance  
6 that could be reduced to a picture?

7 MR. MAHONEY: To smaller --

8 CHAIRMAN SALTZMAN: Yeah.

9 MR. MAHONEY: -- or more blown up?

10 CHAIRMAN SALTZMAN: Yeah.

11 MR. MAHONEY: We can bring something, yes.

12 CHAIRMAN SALTZMAN: That would be great.

13 MR. MAHONEY: Absolutely.

14 One of the features I just wanted to point  
15 out. The site sits -- the majority is flat, sitting  
16 about ten feet below Franklin Street. There is a  
17 large ledge outcropping up in this corner that, as  
18 part of the proposal, would be taken down and reused  
19 on site to bring the elevation up slightly.

20 This is an aerial of the proposed site  
21 plan. So, again, Mrs. Weiss' house is out here.  
22 Our existing -- our proposed entrance is just west  
23 of the existing entrance of the farm, which is right  
24 here now. So our proposed entrance is down here.

1 We've -- we've designed it and spent a great deal of  
2 time trying to orient buildings and place buildings  
3 so as to minimize visual impact from Franklin  
4 Street. We lined the entrance here with two small  
5 townhouse buildings, and then, as you enter the  
6 site, there are three more townhouse buildings up  
7 here, our community room, our community building is  
8 right here, and you can see the three larger  
9 apartment buildings pushed back toward the rear of  
10 the site. The entrance is proposed as a one lane  
11 in, two lanes out access point.

12 As you enter down into the site, the --  
13 using these townhouses here, the community room on  
14 the left, you really create a nice street presence.  
15 The townhouses will have exterior unit entrances.  
16 The clubhouse will be, you know, an active space,  
17 and it will create a very nice space.

18 The design also allows for this big central  
19 usable open space in the middle of the project,  
20 which we think is going to be a great, great  
21 amenity.

22 This is a prospective view taken from  
23 Franklin Street, traveling -- if you were traveling  
24 back toward -- toward downtown Stoneham. You'll see



1 the two -- two-way entrance. This would be going  
2 in, and there would be two lanes coming out. We  
3 have these smaller townhouse buildings which sit  
4 about two and a half stories and built into the  
5 grade. And then in the background you'll see one of  
6 the larger apartment buildings. Again, you see the  
7 broad -- the face of the apartment -- the size of  
8 the building, which we've taken great effort into  
9 making the architecture work, but it does reduce the  
10 impact.

11 So we'll be able to present some more of  
12 these types of images as we go through the process  
13 when we get into the architecture.

14 This is an elevation of one of the larger  
15 apartment buildings. So we have two -- two  
16 different types. The two front buildings are 50 --  
17 I'm sorry, 64 apartment homes each, and then the  
18 rear building is a U-shaped building. It's 121  
19 apartment homes and has some garage parking within  
20 it.

21 The facade is clad on the ground floor with  
22 a stone, which it's hard to tell here. We'll get  
23 some better images that show better on slides. The  
24 upper levels are clad in a combination of Hardie --

1 which is a cementitious board -- Hardie panel and  
2 Hardie plank. We -- we try to provide as many  
3 balconies and patios for residential homes as  
4 possible. We also have bay windows, different roof  
5 lines, and different kind of facade treatments that  
6 help break up the length of the -- the facade.

7 This is an elevation of one of those  
8 townhouse buildings. This one shows one of the  
9 townhouses that's at the entrance to Franklin  
10 Street. So, again, it's about two-and-a-half  
11 stories as it sits into the grade. Each of them  
12 would have their own private entrance, so at  
13 Franklin Street that means, you know, active outdoor  
14 private people coming in and out of their homes.  
15 And then, down below, a similar effect. They would  
16 have garages. There are three units in each of  
17 these buildings.

18 We think this helps, not only as I  
19 mentioned, buffer the visual impact of the project,  
20 but it also, in terms of scale, helps tie into the  
21 neighborhood out at the street level.

22 This is the clubhouse, the community  
23 building that we proposed. As part of the process  
24 going through last -- or initial public process, we

1 heard from the community that the -- the idea of  
2 trying to imitate the existing barn building might  
3 be a nice feature on the project, so that's what we  
4 tried to do here. This almost exactly mimics in  
5 mass and size the barn building. This would house  
6 our leasing office, the amenity spaces for the  
7 project, a fitness room, community space, a wifi  
8 kitchen. It will also open out back to the pool  
9 area, sun deck, grilling area.

10 This slide is meant to just show the open  
11 space. I didn't talk about it too much. The -- you  
12 know, in addition to the central amenity open space,  
13 which would be a usable active space, we have this  
14 great buffer that we're maintaining, as it's a  
15 wetland, so we're not moving in there. So there is  
16 significant buffers to the adjacent neighborhoods  
17 that we're leaving. I think up to close to  
18 80 percent of the site at the end of the project  
19 will be vegetated open space, or green space.

20 I wanted to touch on two other topics.  
21 Again, we're going to go into great detail on these  
22 with the experts and the consultants, but just  
23 wanted to give our summary on two topics:

24 First being traffic. We've submitted a

1 traffic study. We've taken a number of different  
2 traffic counts. Not surprisingly, the high school  
3 traffic severely impacts Franklin Street's  
4 operations, particularly during the morning peak  
5 hour. We're not reporting any breaking news there.  
6 Our traffic that we're -- from our proposed project,  
7 the traffic that we're adding is less than a ten  
8 percent increase over today's daily total and the  
9 peak hour total. We're proposing to mitigate that.  
10 We're proposing improvements to three intersections  
11 listed there. We're also proposing a restriping of  
12 Franklin Street in front of the project to allow for  
13 a left-turn lane on the eastbound side for people  
14 turning left into the community if you're headed  
15 toward -- out of Stoneham.

16 Storm water management and wetlands. We're  
17 just -- as Mr. Witten pointed out, we've just  
18 concluded a seven-month review process with the  
19 Conservation Commission. In general -- and, again,  
20 the experts will go into detail on this -- we manage  
21 our own storm water on site. We have a series of  
22 underground and aboveground infiltration and  
23 detention systems that manage storm water that falls  
24 on our site. Our opinion is that the -- the design

1 of the storm water management system and the site is  
2 in full compliance with the Mass. DEP storm water  
3 management regulations. We've also proposed some  
4 improvements beyond those requirements to the pump  
5 station and to other drainage features that we think  
6 can improve the overall drainage in the area.

7 Clearly I think, as the consultants get into it, the  
8 net impact of our improvements are going to be to  
9 improve the overall drainage in the area.

10 Finally I just want to -- in our mind, like  
11 I said earlier, I think this can be a positive  
12 project for the Town. We just want to point out in  
13 our view what we think are some of the benefits to  
14 the Town:

15 Today there is, we think, a big need for  
16 this type of housing that doesn't exist. It's going  
17 to offer new housing option for Stoneham's residents  
18 and for those who want to move to the Town. It's  
19 going to create a significant new annual real estate  
20 and excise taxes for the Town. It's going to  
21 provide for one-time building permit revenue,  
22 building permit fee revenue and other  
23 construction-related permit fees. It's going to  
24 provide for construction jobs. It's going to

1 provide for permanent jobs as we run the ongoing  
2 operations of the project. I mentioned the open  
3 space earlier. Close to 80 percent of the property  
4 remains as vegetated open space. We see that as a  
5 huge benefit, in addition to the sustainable  
6 development elements that we're going to  
7 incorporate. Again, we would be LEED certifiable.  
8 We would promote very sustainable design.

9           And then finally, and the thing that we've  
10 been working through the last year, is the land area  
11 requirements. This, in our view, would clearly put  
12 the Town over its 40B one and a half percent  
13 threshold, which could restrict additional 40B  
14 proposals in the future.

15           So that's a big overview of -- of a lot of  
16 information. I'm happy to answer, you know,  
17 questions from the Board or turn it back you,  
18 Mr. Chairman.

19           Thank you.

20           CHAIRMAN SALTZMAN: Just to start us off  
21 here, a couple of questions, just one of which:

22           You showed -- you showed the larger  
23 buildings, and you said on the Weiss Farm site would  
24 have 64 units in them, and -- and you had earlier

1 showed the Lynnfield project, the development there.

2 Are the larger buildings on Weiss Farm,  
3 would those be the same size as the ones at  
4 Lynnfield?

5 MR. MAHONEY: In terms of height, the  
6 Lynnfield buildings are built into a serious grade.  
7 So those are four-, five-story splits. These are  
8 five-story buildings.

9 CHAIRMAN SALTZMAN: Right. I recognize the  
10 effect won't be quite the same because --

11 MR. MAHONEY: Yes.

12 CHAIRMAN SALTZMAN: -- this is at the  
13 bottom --

14 MR. MAHONEY: Yeah. Yeah.

15 CHAIRMAN SALTZMAN: -- as opposed to at the  
16 top.

17 MR. MAHONEY: Okay.

18 CHAIRMAN SALTZMAN: The Lynnfield ones take  
19 a fair amount of sky as you look up.

20 MR. MAHONEY: Yes.

21 CHAIRMAN SALTZMAN: But I'm just looking at  
22 these just to try and get a sense of what is the  
23 size of them. And one day I promise to stand at  
24 ground level and look up at the Lynnfield ones as

1 opposed to driving by them on the highway --

2 MR. MAHONEY: Yes.

3 CHAIRMAN SALTZMAN: -- and being terrified  
4 of them.

5 MR. MAHONEY: So you're asking about the  
6 length or the height?

7 CHAIRMAN SALTZMAN: Yeah. Are they the  
8 same size?

9 MR. ENGLER: How many units in each?

10 MR. MAHONEY: Yeah. The buildings are  
11 almost exactly the same number of units that -- the  
12 height is -- on the five-story side of Lynnfield is  
13 about the same height of the four-story side, I  
14 think a little shorter.

15 CHAIRMAN SALTZMAN: And, you know, I know  
16 in the -- one other thing I was -- I was struck  
17 here. You said that the -- there would be -- you  
18 know, some of the traffic in the morning, you  
19 understand is high school related, but also, being  
20 in the geographical center of the universe in this  
21 part of the world, a lot of people cut through  
22 Stoneham to get to where they're going in the  
23 morning. So a ten percent increase in the volume,  
24 how many people would you estimate would be living



1 at the site?

2 MR. MAHONEY: Oh, geez.

3 CHAIRMAN SALTZMAN: Not an easy question?

4 MR. MAHONEY: Yeah. Not an easy question.

5 If it's all right with you, there is a  
6 little math involved. More than 264. If it's all  
7 right with you, I could come back to the next  
8 hearing with that number.

9 CHAIRMAN SALTZMAN: Not a problem.

10 MR. MAHONEY: There is a scientific method  
11 to the way we look at this.

12 CHAIRMAN SALTZMAN: All right.

13 Because, you know, I was trying to also  
14 calculate, from whatever that number turned out to  
15 be, what a ten percent increase of the traffic would  
16 be.

17 MR. ENGLER: It would depend how many cars  
18 there are.

19 MR. MAHONEY: I think the traffic  
20 engineers, there are metrics that traffic engineers  
21 use for different type of uses and different --  
22 Mr. Dirk will stop me if I'm over-stepping my bounds  
23 here -- that they look at the apartment building,  
24 they look at the number of apartment homes, and

1 there is a certain number of automobile trips that  
2 they assume in and out every day, I believe is kind  
3 of the way it works. But the engineers I think will  
4 be able to speak much more eloquently to that.

5 CHAIRMAN SALTZMAN: Just one other thing is  
6 that, is there any shopping at all, any -- any  
7 shopping at all on the proposed site as it currently  
8 stands?

9 MR. MAHONEY: No. It's purely a  
10 residential housing proposal.

11 CHAIRMAN SALTZMAN: Questions from anybody  
12 else on the Board?

13 VICE-CHAIR SULLIVAN: I have questions.  
14 Lynnfield project, you're showing those two  
15 projects, I would hope, just as similar type of  
16 construction.

17 MR. MAHONEY: Showing them just as recent  
18 projects that the company has completed.

19 MR. DUFOR: Construction type? Because I  
20 know -- I mean, I look at the Lynnfield, you're  
21 right there on Route 1. And Weymouth Naval Station  
22 I believe is right there on 18, not far from 3.

23 MR. MAHONEY: It's tucked back off of 18,  
24 yeah. About maybe a ten-minute drive from Route 3.

1 VICE-CHAIR SULLIVAN: Yeah. I served there  
2 in the '70s.

3 MR. MAHONEY: Okay. You know it, then.

4 VICE-CHAIR SULLIVAN: So it's probably  
5 changed a little since then.

6 MR. MAHONEY: It has.

7 VICE-CHAIR SULLIVAN: Traffic has also.

8 I just wanted to see if that's what we're  
9 dealing with, that's the construction end of it that  
10 you're showing on that model.

11 MR. MAHONEY: Yeah. Similar construction.

12 These are proposed as wood-framed  
13 buildings.

14 VICE-CHAIR SULLIVAN: Okay. That's fine.

15 CHAIRMAN SALTZMAN: Members of the public,  
16 does anybody have a question?

17 You know, sure. In the front.

18 Start in the front, work our way back.

19 MR. EATON: Do you want me to speak from  
20 here?

21 CHAIRMAN SALTZMAN: Sure.

22 State your name.

23 MR. EATON: My name is John Eaton, 18  
24 Citation Ave., Stoneham.

1 I understand there are 264 units; 198 will  
2 be market rate and 66 will be low to moderate  
3 income.

4 My question is, after this construction is  
5 done, how long do the 66 units remain low to  
6 moderate income?

7 MR. ENGLER: Forever.

8 MR. MAHONEY: It's moderate income, no low  
9 income, and it's in perpetuity.

10 MR. EATON: Thank you.

11 CHAIRMAN SALTZMAN: Next. Sure. Go ahead.

12 MS. WEBBER: Terri Webber, 185 Franklin  
13 Street.

14 You said in the traffic that it's going to  
15 be a ten percent increase from today. So what's  
16 today's traffic and what is that ten percent, what's  
17 that number? And doesn't matter --

18 MR. MAHONEY: Again, I think the traffic  
19 consultants are going to be at the next hearing.  
20 They'll be able to get into the numbers in much more  
21 detail.

22 CHAIRMAN SALTZMAN: In the back.

23 MS. COLARUSSO: Hi. Caroline Colarusso, 4  
24 Patrick Circle, member of the Board of Selectmen.

1 I would like to know if we could be  
2 provided a copy of that traffic study. And I would  
3 like to also know when it was performed. Was it  
4 summer? Was it when the school was in session?  
5 Or --

6 CHAIRMAN SALTZMAN: Just if -- the traffic  
7 study was in the application. I believe that's on  
8 the Town website.

9 MS. COLARUSSO: Just one more question --

10 CHAIRMAN SALTZMAN: Keep going.

11 MR. COLARUSSO: -- towards Mr. Witten.

12 Is there a formal certification from the  
13 Commonwealth that says at ten percent you are no  
14 longer to -- have to have projects like this be  
15 proposed to the Town?

16 To my knowledge, there isn't a formal  
17 certification. I just want the residents to know  
18 that. I know we're getting the impression this  
19 evening that at ten percent the valve -- the gate is  
20 shut. And I'm just not completely confident that  
21 that's accurate information.

22 MR. WITTEN: It's totally inaccurate  
23 information being -- being at 1.5 percent, being at  
24 ten percent, or being at any of the other safe

1 harbors doesn't preclude future 40B applications.  
2 Cambridge and Amherst are two excellent examples.  
3 Cambridge hasn't said no to a comprehensive permit  
4 in a long time. They're well above ten percent.  
5 Same with Amherst.

6 So being that a milestone, even if the  
7 Housing Appeals Committee were to agree that you're  
8 at the milestone -- which, in and of itself, is a  
9 task -- doesn't preclude future 40B applications  
10 from being submitted or approved. The statute  
11 doesn't preclude new applications. It simply says  
12 that if the Board chooses to deny, or approve with  
13 conditions, the applicant doesn't have an appeal to  
14 the Housing Commission.

15 MR. MAHONEY: I would just like -- if I did  
16 say it absolutely precluded, that was -- I should  
17 not have said that. I thought I said it could  
18 preclude. Somebody in a developer's -- like  
19 ourselves -- shoes, if the Town had met the one and  
20 a half percent.

21 And also on the traffic study, we did. We  
22 took traffic counts spring, summer and fall, I  
23 believe. So we've taken them during the school year  
24 to answer your question.

1 MS. COLARUSSO: Just one final question.  
2 I'm sorry.

3 I'm a mother of a high school student, and  
4 obviously it relates to the traffic study. Have you  
5 taken into consideration emergency vehicles? There  
6 is the -- there is The Arbors there. It's an  
7 old-age home. There is also lot of elderly in the  
8 residents. And, as you know, I'm on the Board of  
9 Selectmen.

10 Is that something you folks have  
11 considered, the accessibility for emergency  
12 vehicles, ambulance, fire, things of that nature?  
13 And in your -- in your presentation, in terms of  
14 benefits, there is -- probably should be a cost side  
15 to that as well, in terms of we have more residents,  
16 we have more students.

17 So certainly, from my position, obviously,  
18 being on the Board, there is -- you know, you  
19 present the benefits, but there is also a flip side  
20 to that, that incurs costs for the Town, from  
21 education, to public safety and so on. So I think  
22 it's disingenuous, again, to present this in a  
23 favorable way to your company and what you're trying  
24 to accomplish tonight without being honest with the

1 folks and letting them know that there will be  
2 impacts that will permeate our society and will  
3 change our Town and will have costs associated with  
4 it.

5 CHAIRMAN SALTZMAN: One thing on that  
6 point, which I understand the spirit in which it was  
7 offered, but the Board cannot consider the effect of  
8 those costs on the Town in its deliberations.  
9 Just -- I don't know if you know that or not, but  
10 it -- it didn't fall on deaf ears, but it fell on  
11 ears that can't consider them.

12 MS. COLARUSSO: I'm fully aware of that. I  
13 just want the general public to know there is a flip  
14 side.

15 CHAIRMAN SALTZMAN: Sure. That's more than  
16 reasonable.

17 Yes.

18 MR. DELACEY: My name is Brian Delacey.  
19 I'm a resident actually of Malden.

20 And just to get back on the traffic study,  
21 is that available on the website? I've asked  
22 several times, and I have not yet received a copy of  
23 it.

24 MR. MAHONEY: I don't know if it's



1 available on the website. It's been submitted to  
2 the Town.

3 MR. DELACEY: So will someone take an  
4 action item to make it publicly available?

5 CHAIRMAN SALTZMAN: The entire proposal was  
6 available on the website. I have looked at it. I  
7 haven't looked at it today, but it was, in its  
8 entirety, available on the Town website.

9 MS. ROONEY: If our server can handle it,  
10 it will be on the website.

11 MR. DELACEY: Okay. Great. Thanks.

12 Then the other question is, when I do get  
13 to read that, does it go as far as to, for instance,  
14 Fellsway East and our neighbors in Malden, the same  
15 road I came over? It doesn't have ten percent, or  
16 five percent, or even three percent of sort of  
17 buffer in the morning commuting hours, and I presume  
18 some people who live in this facility will do the  
19 same thing in coming cutting through Malden.

20 But that's all. Thank you. I'll read the  
21 stuff.

22 CHAIRMAN SALTZMAN: Anybody else?

23 MS. LAWLER: I do.

24 CHAIRMAN SALTZMAN: Yeah.

1 MS. LAWLER: Hi. Tara Lawler, 53 Walsh  
2 Ave.

3 I have a question. You said that you were  
4 going to make an extra lane for an entrance.  
5 Franklin Street's a two-way lane. How are you going  
6 to make an extra lane?

7 MR. MAHONEY: Excuse me.

8 Within -- no. No. No.

9 Well, there is two things we said. Within  
10 our property, our driveway access has one lane in,  
11 two lanes out. That's on our property.

12 The -- the curb to curb area of Franklin  
13 Street is wide enough with that shoulder right in  
14 front of our property to allow us to design for a  
15 second lane headed east to allow for a left-turn  
16 lane into our project and then traffic to continue  
17 by so it doesn't back up.

18 CHAIRMAN SALTZMAN: Mr. Witten.

19 MR. WITTEN: So Mr. Chairman, members of  
20 the Board, because Mr. Engler is here, and I'm not  
21 sure if Mr. Engler is going to attend all the  
22 meetings, the Board has, in its rules and  
23 regulations, the requirement of a submission of a  
24 pro forma. The pro forma is a critical component of

1 the Board's review at a later point in time,  
2 pursuant to the new regs. But the Board's entitled  
3 to a pro forma.

4 So with Mr. Engler here, I thought it would  
5 be an appropriate time for the Board to ask, or for  
6 me to ask through the Chairman, to the Applicant  
7 whether the Applicant's going to provide the Board  
8 with a pro forma and, if so, when the Board will  
9 receive that pro forma.

10 MR. ENGLER: Mr. Witten, you're well aware  
11 of the regulations, and we agreed that if the -- the  
12 process is if the Board finds the project doesn't  
13 meet certain land use criteria and wants to modify  
14 the development or impose conditions that we believe  
15 renders the project uneconomic, you have every right  
16 to ask us to defend that position with a pro forma  
17 that then you can hire a consultant to review.

18 That comes at the end of the whole process  
19 when you have decided, or you have discussed  
20 conditions that we can't live with. If there are  
21 conditions we can live with and the development  
22 meets all -- you know, we're happy with those  
23 conditions, there is no need for a discussion of the  
24 pro forma. So it only comes at that point in time

1 when the Board has looked at everything, they've  
2 heard from traffic, engineering, everybody else and  
3 come to that decision that they want to impose  
4 conditions. And then we get to look at the  
5 conditions and say three or four of those are fine,  
6 a couple of them aren't; they're going to make the  
7 project not financeable. That's when we'll be happy  
8 to give you a pro forma.

9 So I don't know the date. I don't know  
10 what you are looking for for us to tell you, because  
11 we'll be happy to do it if it arises at the  
12 appropriate time based on the regulations.

13 MR. WITTEN: So what I would say,  
14 Mr. Chairman, members of the Board, is your  
15 regulations -- perhaps Mr. Engler hasn't reviewed  
16 them, but your regulations require the filing of a  
17 pro forma as a part of the submission. In fact,  
18 your regulations say:

19 "A detailed and accurate pro forma is  
20 considered an indispensable document to  
21 ensure the Board's ability to review the  
22 economic viability of the project. The  
23 submission and review of the pro forma  
24 shall be conducted in conformance with" --

1 and it cites the regulation.

2 The Board is entitled to receive the pro  
3 forma today. So my question to Mr. Engler is when  
4 will the Board receive the pro forma? If the Board  
5 doesn't receive the pro forma, then your 180-day  
6 clock, to which we just agreed was January 15th,  
7 technically does not commence.

8 So it would be foolish for the Applicant at  
9 this early stage of the process to start withholding  
10 information that the Board knows it needs down the  
11 road during subsequent hearings.

12 VICE-CHAIR SULLIVAN: All right. Just a  
13 question, Mr. Chairman.

14 Mr. Witten, that would be the requirement  
15 under our Chapter 18, Article 6 of the Stoneham Town  
16 Code, which under Section 18-33, Section K requires  
17 the pro forma, correct?

18 MR. WITTEN: That's correct, Mr. Sullivan.

19 VICE-CHAIR SULLIVAN: Thank you.

20 MR. CICATELLI: Mr. Chairman, is it the  
21 Board's opinion that the application is not  
22 complete? I think that's what Mr. Witten --  
23 Attorney Witten is referring to.

24 CHAIRMAN SALTZMAN: Is it the Applicant's

1 position that the Board is not entitled to the pro  
2 forma?

3 MR. CICATELLI: No. It is our position  
4 that the application is complete and that that was  
5 something that must have been waived because we --  
6 we were asked to do an impact study, which we did.  
7 It was a vote of the Board that the application  
8 would be deemed complete upon our submission, so --

9 CHAIRMAN SALTZMAN: Say --

10 MR. CICATELLI: -- there may have been some  
11 other requirements in the regulations that, again,  
12 were waived. But the application has been deemed  
13 complete, and I think Attorney Witten is saying that  
14 perhaps it's not complete. I think we should have  
15 that discussion.

16 CHAIRMAN SALTZMAN: So is it -- is it the  
17 Applicant's position that we were entitled to it,  
18 but by not insisting upon it, we have somehow waived  
19 it? Is that the Applicant's position?

20 MR. ENGLER: Not at all. No.

21 We're following the regulations that say  
22 the requirements of the local board have to be  
23 consistent with the Chapter 40B, and Chapter 40B is  
24 explicit, and they worked hard on the regulations in

1 2008, 2011 to indicate the proper process for  
2 reviewing a pro forma. There is quite a section in  
3 there on when it should be shown and how it gets to  
4 be reviewed.

5 We're agreeing with all that, and we're  
6 willing to live with that. And we're suggesting  
7 that your local regulations go above and beyond  
8 that, but they'll still meet at the end. There is  
9 no reason to hand you a pro forma now that there is  
10 no reason to review it. So we'll do it if it  
11 becomes necessary. It may not become necessary.

12 So Mr. Witten is making a point that I  
13 don't see the value of just -- we already  
14 accepted -- we thought we had a complete  
15 application. We're moving forward. We're doing all  
16 these reviews. You mentioned a pro forma  
17 consultant. I assume that will happen if it comes  
18 to pass. But at this point in time it's, like, the  
19 last thing in the whole process, not the first  
20 thing.

21 MR. WITTEN: Mr. Chairman, Mr. Engler, I'm  
22 sure, knows this portion of the regulations, which  
23 state that you can't -- the Applicant can't  
24 challenge the Board's regulation independent of

1 challenging the comprehensive permit. So your  
2 regulations are valid. They've been adopted by the  
3 Board. They've been filed with the Town Clerk. The  
4 Applicant has a copy of them. So unless the Board  
5 chooses to waive its regulations, they're valid and  
6 the Applicant must comply with the regulations.

7 It's also completely asinine to suggest  
8 that the Board reviews the pro forma at the end of  
9 the project, the way the regulations suggest. Your  
10 regulations say, "Obtain the pro forma now. Review  
11 it during the course of the project, so you have a  
12 milestone, you have a metric to measure the revised  
13 pro forma down the road." If you don't have a pro  
14 forma today, you don't know what the Applicant is  
15 supporting for its 264 units. You're entitled to a  
16 pro forma based on your regulations.

17 CHAIRMAN SALTZMAN: Does the Applicant want  
18 to take a couple of minutes?

19 MR. ENGLER: No, Mr. Chairman.

20 The pro forma that was submitted to Mass.  
21 Housing is part of the site approval application.  
22 We're not hiding anything. It's just that the --  
23 Mr. Witten is claiming that the regulations are  
24 asinine. This is a standard kind of a process.



1 CHAIRMAN SALTZMAN: Let me ask you this --

2 MR. ENGLER: We follow the regulations.

3 CHAIRMAN SALTZMAN: If I can cut to the  
4 chase:

5 Would it be possible to submit to the Board  
6 the same pro forma that was submitted to Mass.  
7 Housing?

8 MR. ENGLER: Why not? It's in the -- you  
9 already have it, a census -- you have a copy in our  
10 application, I'm sure. You get that.

11 MR. MAHONEY: Yes.

12 MR. CICATELLI: We would be happy to do  
13 that.

14 MR. WITTEN: Mr. Chairman, that pro forma  
15 submitted to Mass. Housing is not the pro forma  
16 required by your regulation. The pro forma  
17 submitted to Mass. Housing is a rudimentary,  
18 two-dimensional analysis. Your regulations require  
19 a lot more. The Board is entitled to that  
20 information.

21 The Board will respect the regulations, the  
22 CMRs that suggest that your analysis of those pro  
23 forma numbers come at the iterative process when the  
24 applicant says, "No, you can't impose that

1 condition." But the Board and the public is  
2 entitled to a detailed pro forma consistent with  
3 your regulations.

4 If the Applicant had objected to that  
5 requirement at the beginning, they could have. The  
6 regulations haven't changed in a year. They've been  
7 on notice. This should be no surprise.

8 MR. ENGLER: We did object, Mr. Chairman.  
9 We objected to the regulation that said the --  
10 whoever wrote the -- or prepared the pro forma had  
11 to sign under pains of perjury, which has never been  
12 seen before. We objected. You remember we went  
13 through all that.

14 CHAIRMAN SALTZMAN: Right. Right.

15 MR. ENGLER: And you accepted that we had a  
16 complete application.

17 CHAIRMAN SALTZMAN: We accepted that it  
18 didn't have to be submitted under pains and  
19 penalties. We agreed on that.

20 MR. ENGLER: And the pro forma submitted to  
21 the subsidizing agency -- which, by the way, is the  
22 only agency that has the right to review this in  
23 terms of what the Supreme Court has said about the  
24 details of that -- we gave -- we'll give them the

1 same pro forma that the subsidizing agency reviews.  
2 It's schematic drawings. It's preliminary  
3 engineering. The details are vague because they're  
4 not there yet. It's not working drawings. It's not  
5 a bid process.

6 So we'll give you the same numbers we gave  
7 Mass. Housing. That, in our mind, is sufficient for  
8 you to have to carry forward, and let's see what  
9 happens when we get to the end of the process.  
10 There is no further information that we have other  
11 than what we've filled out for Mass. Housing.

12 CHAIRMAN SALTZMAN: Board members, is there  
13 any -- with reference to this, I would -- I would  
14 propose that, without waiving our right to any  
15 further information as to the specific financials  
16 under the pro forma under our regulations, that we  
17 defer until the next meeting, review what we have  
18 and determine what, if anything, we need further  
19 under our regulations.

20 VICE-CHAIR SULLIVAN: I think that's a good  
21 idea. I have different notes in here from a year  
22 ago.

23 CHAIRMAN SALTZMAN: Yeah. I guess I'll  
24 make that in the form of a motion, and ask for a

1 voice --

2 VICE-CHAIR SULLIVAN: So moved.

3 CHAIRMAN SALTZMAN: So moved; seconded?

4 Mr. Rotondi?

5 MR. ROTONDI: Yes.

6 CHAIRMAN SALTZMAN: Mr. Dufor?

7 MR. DUFOR: Yes.

8 CHAIRMAN SALTZMAN: Mr. Shulman?

9 MR. SHULMAN: Yes.

10 CHAIRMAN SALTZMAN: Mr. Sullivan?

11 VICE-CHAIR SULLIVAN: Yes.

12 CHAIRMAN SALTZMAN: All right. The Chair  
13 is in favor.

14 We may do this again.

15 MR. MAHONEY: We'll make sure you have the  
16 Mass. Housing information.

17 CHAIRMAN SALTZMAN: At this point, is there  
18 any other business?

19 Oh, sir.

20 MR. WANTMAN: Martin Wantman, 20 Gerald  
21 Road, abutter to the project.

22 I'm curious if this commission is going to  
23 be reviewing the drainage and flooding also, or are  
24 you not going to be considering it?

1           CHAIRMAN SALTZMAN: That would be certainly  
2 a part of our review.

3           MR. WANTMAN: Thank you.

4           CHAIRMAN SALTZMAN: Sir, in the back. Yep.

5           MR. WILSON: Russ Wilson, 35 Tamarock  
6 Terrace.

7           It seems to me that we don't have detail,  
8 yet your -- the intent for you to work with this  
9 lack of detail, it sounds like you have to pass it,  
10 so to speak, before you know what's in it, the way  
11 our Senate has worked in the past.

12           So it would be helpful to know what you're  
13 actually going to do before you can expect these  
14 people to handle it. Right now we don't have  
15 detail. No detail, then you can't possibly handle  
16 it. It just doesn't make sense.

17           CHAIRMAN SALTZMAN: Just for what it's  
18 worth, tonight we had asked for a -- an overview of  
19 the project. And we will be seeking further details  
20 the next time we're in here. We're going to be  
21 going through the traffic the next time in, and we  
22 will review further what we have in terms of  
23 financials and then determine what we're going to be  
24 seeking at that point pursuant to our own

1 regulations.

2 MR. WILSON: It just seems where we are now  
3 in terms of what they provided is so lacking in  
4 detail that I don't see anything happening in the  
5 next month or two, within the time frame you're  
6 looking for.

7 I guess that's the point.

8 CHAIRMAN SALTZMAN: Yep.

9 MR. DELACEY: Just a question.

10 Are those large binders the actual  
11 application?

12 CHAIRMAN SALTZMAN: Yeah.

13 MR. DELACEY: Is there a copy of that  
14 available at City Hall or some public --

15 CHAIRMAN SALTZMAN: There was one in the  
16 library. I don't know if it's still there.

17 MR. DELACEY: It would be hard to sneak out  
18 with.

19 MS. ROONEY: There is one in the Town  
20 Clerk's office, and there is one in my office.

21 MR. CICATELLI: So Mr. Chairman, at the  
22 next meeting -- and as you mentioned, this was just  
23 a preliminary presentation. There is a lot more  
24 information to be submitted as well as reviewed by

1 the Board and the peer reviewers. So at the next  
2 meeting we're going to deal with architecture,  
3 mass --

4 MR. ENGLER: No. No.

5 CHAIRMAN SALTZMAN: Traffic.

6 MR. CICATELLI: So you said to go right  
7 into traffic?

8 CHAIRMAN SALTZMAN: Traffic.

9 MR. CICATELLI: And then we will submit a  
10 copy to your consultant of the traffic report.

11 CHAIRMAN SALTZMAN: Please.

12 MR. WITTEN: Mr. Chairman, could I ask,  
13 Steven, do you have -- other than the P&S extension,  
14 is there anything else you are submitting tonight?

15 MR. CICATELLI: No.

16 MR. WITTEN: Thank you.

17 CHAIRMAN SALTZMAN: And if there is  
18 anything else to be submitted in connection with the  
19 traffic, if you could to it to us ten days ahead of  
20 the next meeting, that would be --

21 MR. CICATELLI: It's basically the traffic  
22 reports that you have.

23 MR. ENGLER: They have.

24 MR. CICATELLI: Yep.

1 CHAIRMAN SALTZMAN: Okay. Yes.

2 MS. McBRIDE: Ellen McBride, 30 Butler  
3 Ave., also on the Con.Com.

4 I just have a question. When was the first  
5 day that you introduced this to the Town?

6 Roughly.

7 MR. MAHONEY: Summer of 2013.

8 MR. CICATELLI: 2013.

9 MS. McBRIDE: So, like, two years ago.

10 MR. CICATELLI: 2013.

11 MS. McBRIDE: So my guess is you had some  
12 preliminary look at what your -- what your  
13 development was going to be, some rough -- you know,  
14 whatever you presented to Mass. Housing in the form  
15 of a pro forma.

16 And since then you've met with us at least  
17 six or seven times, and we've made -- you've made  
18 changes and alterations, and it just makes no sense  
19 to me -- and I couldn't just walk out of the meeting  
20 without saying it -- it makes no sense to me that  
21 you wouldn't have changed the financials at some  
22 point after all the work you've done with us. So  
23 there should be some updated pro forma available for  
24 this commission other than what you presented to



1 Mass. Housing.

2 MR. CICATELLI: Well, with all due respect,  
3 we don't have a decision from you, so --

4 MS. McBRIDE: That's not my point.

5 MR. CICATELLI: -- so there really haven't  
6 been any changes.

7 MS. McBRIDE: My point is you've made  
8 changes to the original project, which is what this  
9 gentleman whose name I don't know -- I'm sorry --  
10 said it's all just -- you know, it's basic stuff,  
11 but in two years you've made changes.

12 MR. MAHONEY: But I think the application  
13 that has been submitted to the Board last summer is  
14 the application, the plans, the documents that we  
15 submitted, that's the current application they're  
16 reviewing.

17 MS. McBRIDE: And you haven't made changes  
18 to that?

19 MR. MAHONEY: We have not, to the Board,  
20 no. But the application to the Board.

21 MS. McBRIDE: But to the overall project  
22 yes, you have. That's what I --

23 MR. MAHONEY: We don't have a decision --  
24 if you're referring to the discussion we've had with

1 the Commission in the last seven months, we don't  
2 have a decision on that. So once we do, and if we  
3 feel that the plans have changed, we will submit  
4 those plans to the Board.

5 MS. McBRIDE: Okay. You understand my  
6 point, I think.

7 CHAIRMAN SALTZMAN: Yes.

8 MS. BARCCIOTTI: Mary Lou Barcciotti, 36  
9 Broadway.

10 I just think it's unfortunate that you have  
11 a set of regulations, and you have your standards,  
12 and you quickly said, "Okay. We won't use our  
13 standards; we'll use theirs, and we have to accept  
14 that as a community."

15 CHAIRMAN SALTZMAN: I don't believe that's  
16 what we said.

17 MS. BARCCIOTTI: Well, I know you didn't  
18 say it in those terms, but that's my interpretation.

19 Why did you -- why did you not use your  
20 regulations? Why did you not enforce that?

21 MR. WITTEN: I think the Board is enforcing  
22 its regulations.

23 MS. BARCCIOTTI: You think so?

24 CHAIRMAN SALTZMAN: We haven't waived

1 anything.

2 MR. WITTEN: Under the statutory scheme,  
3 the Applicant gets to ask for a waiver from every  
4 local regulation.

5 MS. BARCCIOTTI: Uh-huh.

6 MR. WITTEN: The Board is in charge of  
7 determining which of those waivers to grant, or none  
8 at all.

9 MS. BARCCIOTTI: Okay.

10 MR. WITTEN: And 180 days from tonight, or  
11 thereabouts, the Board will make a decision  
12 rendering on each of those waiver requests.

13 So it's not that the Board isn't sticking  
14 to its regulations, or the Zoning Bylaw the Town has  
15 adopted for the last 50 years. It's just that the  
16 Applicant has asked for the Board to throw many of  
17 them out the window, so it's up to the Board to  
18 determine which of those waivers might be grantable,  
19 if any, or to deny the project in its entirety. And  
20 that is what plays out now for the next several --  
21 several months.

22 MS. BARCCIOTTI: Okay. Thank you.

23 CHAIRMAN SALTZMAN: Yes.

24 MS. LAWLER: I know traffic's next meeting,

1 and I know a few people have asked and I haven't  
2 heard the answer.

3 When was the traffic study done for the  
4 report that will be discussed?

5 MR. MAHONEY: The traffic counts actually  
6 were done?

7 MS. LAWLER: Yeah. Because I thought it  
8 was in June.

9 MR. MAHONEY: There was one set of counts  
10 done in June. We did additional counts during the  
11 school year.

12 MS. LAWLER: During the school year?

13 MR. MAHONEY: Yes.

14 MS. LAWLER: Thanks.

15 CHAIRMAN SALTZMAN: Okay.

16 Any other business from the Board?

17 At this time the Bord will entertain a  
18 motion.

19 VICE-CHAIR SULLIVAN: Motion to adjourn the  
20 meeting, concluding this meeting, to August 26,  
21 7:30, at the same location, which I believe we're  
22 going to be here anyway, but we'll have a motion to  
23 adjourn.

24 CHAIRMAN SALTZMAN: Do I hear a second?

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1 MR. SHULMAN: Second.

2 CHAIRMAN SALTZMAN: All right.

3 All those in favor of adjournment signify  
4 by saying "aye."

5 (Chorus of ayes)

6 CHAIRMAN SALTZMAN: All those opposed?

7 (Silence)

8 CHAIRMAN SALTZMAN: All right. We are now  
9 adjourned.

10 (Whereupon, the hearing was  
11 adjourned at 8:41 p.m.)

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C E R T I F I C A T E

I, Alexander K. Loos, Registered Diplomate Reporter, do hereby certify that the foregoing transcript, Volume III, is a true and accurate transcription of my stenographic notes taken on July 21, 2015.



Alexander K. Loos

Registered Diplomate Reporter

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