

The April 15, 2015 meeting of the Walpole Zoning Board of Appeals was held in the Main Meeting Room of the Town Hall.

Chairman Matthew Zuker called the meeting to order at 6:32 p.m. with the following members present:

Matthew Zuker, Chairman
James DeCelle, Vice Chairman
Craig W. Hiltz, Clerk
Mary Jane Coffey, Member
Susanne Murphy, Member (arrived at 7:05 pm and left at 8:49 pm)
Timothy Foley, Associate Member

Also present:
Ilana Quirk, Town Counsel
Maggie Walker, Town Engineer
Liz Dennehy, Director of Community & Economic Development (left at 7:05 pm)
John Chessia, Chessia Consulting Services, LLC

Mr. Zuker declared that under G.L. c.30A, §21 (b) (3) and (4), the purpose of the executive session will be to discuss litigation strategy regarding litigation known as 5th Fairway Development, LLC v. Walpole Zoning Board of Appeals, Housing Appeals Committee No. 2009-09, involving a proposed 40B Comprehensive Permit for land on Baker Street as well as to discuss litigation strategy regarding litigation known as Barberry Homes LLC v. Walpole Zoning Board of Appeals, Housing Appeals Committee No. 2014-01; and Town of Walpole, et al. v Barberry Homes, LLC, Land Court 2014 MISC 481399-AHS; and Robertson v. Barberry Homes, LLC, Norfolk Superior Court NOCV2014-000129 involving a proposed 40B Comprehensive Permit for land on Moose Hill Road; A discussion of the foregoing in open session could compromise the purpose for the executive session. He further stated the board will return to open session at the conclusion of the executive session.

A motion was made by Mr. DeCelle, seconded by Mr. Hiltz, to go into executive session, under G.L. c.30A, §21 (a)(3), for the purposes and reasons declared by the Chairman and with the Zoning Board of Appeals to return to open session thereafter.

A Roll Call vote was taken and the vote was **5-0-0 in favor. (Mr. Zuker –Yes; Mr. DeCelle – Yes; Mr. Hiltz – Yes; Mr. Foley – Yes; Ms. Coffey - Yes)**

The Board returned to open session at 7:05 p.m.

David Senatore – Case #2-15

Mr. Zuker read the public hearing notice for **DAVID SENATORE, Case #2-15**, with respect to property located at 269 Pleasant Street, East Walpole, MA and shown on the Assessors Map 28 and Lot No. 23, General Residence Zoning District.

The application is for:

A VARIANCE under Section 6C of the Zoning Bylaws to allow proposed addition to exceed allowed height to setback parameter.

Dave Senatore the Applicant said that he has 5 sets of revised drawings with a surveyors stamp on them (submitted the new plans to the record). The upper drawing on the new plans is what we are proposing, the bottom one shows the gables. By doing it the way we are proposing it makes the height considerably lower. The top version is the one we are seeking to get approved.

Mr. DeCelle wanted to know if the bottom version of the plan meets the Zoning criteria.

Mr. Senatore said it would be based on what the Building Inspector said. In the back corner I am allowed 20 feet. The issue with my lot is that it drops off. The lot line goes at an angle. If you would look at the outline you can see it has a pronounced angle.

Mr. DeCelle wanted to know what the height at each section. He noted that he did not see anything on the plans that show the height or the average grade.

Mr. Senatore stated it shows the average foundation grade.

Mr. DeCelle said that there is no magic number.

Mr. Zuker noted that the Bylaw is quirky. However the only way for the Board to determine what we need to determine, we need to have those points on there. Are there alternative ways you can do this addition without needing a variance?

Mr. Senatore stated that he is trying to avoid building a retaining wall.

Mr. Zuker said on the plan that shows the proposed front elevation from the street corner, the garage you are proposing is a floor above and a roof with a dormer.

Mr. Senatore said correct.

Mr. Zuker said that as much as the Bylaw is quirky, if there is an alternative that doesn't need a variance that would be the way to go. We would need more information to show that it met all the criteria. Are there any members of the audience that would like to speak about this proposed project?

Dorothy Connolly of 255 Pleasant Street stated that she viewed the old plans but has not seen the new plans.

The Board gave her a copy to review.

Mr. Zuker went on to read the Board comments from the Walpole Police Department, Walpole Fire Department, Building Department, Board of Health, Planning Board and Conservation Committee.

Jack Rogers of Gill Street asked what the average grade was.

Mr. Zuker said that the Board would set limits on what the height would be. For the Board to determine if it has met the criteria we would need topography, soil conditions etc. The Board would definitely need more information on topography.

Mr. DeCelle added the plans would also need to have the different heights up to the 25 foot line.

Mr. Zuker said that according to the language in the bylaw regarding variances it would be hard to make that determination if we do not have that information. His suggestion would be that the engineer has a little more work to do.

Mr. Senatore asked what exactly should he say to his engineer. What specifically does he need? Where is the 25 foot coming from?

Mr. Zuker stated that the 25 foot line is in the Town's Zoning Bylaw.

Mr. Hiltz wanted to know what part of the building is non-conforming. He stated that he would like to understand how it exceeds a height limitation.

Mr. Zuker said that the back right corner is off. As you come towards the front it varies in the setback. In the front corner you might be OK. The back you might not. We are looking for what section is going to be in violation.

Mr. Hiltz stated that the roof slopes down.

Mr. Senatore said that none of the drawing show 25 feet from the setback. They all fall in that 25 feet.

Mr. Hiltz stated that he is talking about the back corner. The edge is now more than 25 feet from the property line. Does he require a variance along the edge of the roof? It should be shown on the plan. If you go along the side of the house since your property line goes at an angle, the distance is increasing. You are going up a peak and going higher. We don't know where you need a variance for.

Mr. Senatore asked how he should show that on the plan.

Mr. Hiltz stated however the engineer wants to draw it. He would defer to the engineer.

Mr. Senatore asked if the height is based on the average grade.

Mr. DeCelle said that there is a definition of height and there is an average grade. If the height is based on the average grade, it is easier to work with one number.

Mr. Zuker said that it is a challenging engineering task to do. If there is an alternative way that you can build that might meet the bylaw criteria that would be better. It seems that the Board needs more information.

Mr. Senatore said that he thinks he is pretty clear on what the Board is requesting. What is the next step?

Mr. Hiltz mentioned that Mr. Senatore needs to provide a hardship. If you have another proposal that meets the bylaw then you are not showing that you have a hardship. You have to show us what the variance is that you are seeking but then you have to explain to us why the building alternative would be a problem.

Mr. Senatore stated that one of the things he is trying to avoid is building a retaining wall. When you talk about having a hardship that would be one of them, it would be a financial hardship

Mr. Zuker stated that we will have to continue this meeting.

A motion was made by Mr. DeCelle, seconded by Mr. Hiltz to continue this meeting until May 13, 2015.

The vote was **6-0-0 in favor** (Zuker, DeCelle, Hiltz, Coffey, Murphy and Foley voting).

Twins Realty Trust – Case # 3-15

Mr. Zuker read the public hearing notice for **TWINS REALTY TRUST, Case #3-15**, with respect to property located at 985-995 Old Post Road, Walpole, MA and shown on the Assessors Map 49 and Lot Nos. 6 & 7, Highway Business District.

The application is for:

Two SPECIAL PERMITS under Section 5B.4q.ii of the Zoning Bylaws to allow drive-in or stand for dispensing of food, beverage or goods from inside a building to persons standing or seated outside.

A SPECIAL PERMIT under Section 5B.4q.i of the Zoning Bylaws to allow outdoor dining area accessory to a restaurant or hotel on the same premises.

Gerald Blair the Applicant's attorney stated that they need a drive thru window for each of the buildings. As a procedural matter, I request that all three be joined in one hearing. In attendance besides myself is Mr. John Glossa of Glossa Engineering and Jack Gillon of Gillon Associates. The applicant's property is at 985-995 Old Post Road. Building B is expected to become a Dunkin Donuts. The other building A contains 1290 Square Feet will possibly be a bank or a convenience store. They have requested a Special permit. The Applicant is seeking an outdoor dining area. The Applicant has submitted a traffic assessment. Building B can accommodate 18-19 patrons at one time. He looked at Building A which could be a retail store. If it is a bank or convenience store it would not create a traffic impact. The Glaropoulos family has 4 current Dunkin Donuts. They have a good sense of how many cars & customers they get on a daily basis. The proposed Dunkin Donuts will have a drive thru lane of 430 feet. In all of the years the

Applicants have been operating these shops they have never had a problem. We meet the criteria in Section 2.2B of the Zoning Bylaw. The proposed dining area is on the same premises of the restaurant. It will not adversely affect the immediate neighborhood. It is located in the Highway Business Zone as stated earlier. The immediate neighborhood has Mick Morgan's (a restaurant), a fence shop and 2 hotels. The traffic impact assessment states it will not adversely affect the roadways in Walpole or Sharon. The Applicants property is near OPR and Providence Highway. They are expecting 9-10 employees at the Dunkin Donuts. They are anticipating 100+ people visiting the Dunkin Donuts during peak hours. The peak hours for the retail operation would most likely be later in the morning. By 10:00 a.m. the Dunkin Donuts business drops off considerably. Clearly the number of employees or customers will not adversely affect the neighborhood. Mr. Blair said he would like to submit a memo to the Board. He then wanted to let Mr. Glossa to give more details for the Board to consider.

John Glossa of Glossa Engineering said that he will not take a lot of time. He explained that the road way is in Sharon the building is in Walpole. Brookline Movers is currently on the lot. The building is currently served by 2 cesspools and a 1 inch water line. He showed a picture of what the existing building looks like. It is parcels 1, 2, 3 and 4. We are going to redo the curbing; we will do 3 curb cuts. The proposal is to construct these 2 buildings. The larger building might be a CVS, a bank or a pharmacy. We would have the drive thru at the rear of the building. The smaller building will be the Dunkin Donuts. The customer would use the middle entrance; go around the building to order then exit. That is how the site is laid out. Mr. Glossa stated that he will let Mr. Gillon answer questions regarding traffic. The outdoor dining is at the back. There are a few tables outside where people could sit and enjoy their bagels and coffee. The benefits of doing this project are esthetics. We are taking this large building down then constructing 2 modern and clean looking buildings. The other benefit is the tax revenue this will add without any additional expenditure to the town. The Applicant will replace the water main to an 8 inch main. It will provide better water pressure and flow along Common Street and Old Post Road.

Mr. Zuker asked where the Applicant stands with the Planning Board.

Attorney Blair stated that he believes everything will be wrapped up with the Planning Board on May 7, 2015. This plan has been revised a couple of times.

Mr. Zuker said that he knows the Applicants do a good job. He noted that the Applicant is asking for a blind permit for the other building. Not knowing what that building will be it is hard for the Board to grant that.

Attorney Blair stated that the Applicant used a convenience store because it was the most intense. Anything else will be less intense.

Jack Gillon of Gillon Associates said they have looked at a number of options. It is anticipated that 12-13 parking spaces for the Dunkin Donuts will be needed and 18-19 parking spaces for the other larger building.

Mr. Zuker asked what improvements the Applicant is proposing for Old Post Road.

Mr. Gillon said that they are widening the pavement width on Old Post Road so that a left turn lane could be added which will enable the other cars to be able to pass on the right.

Mr. DeCelle said that he drives that street every day going to work. He has concerns about the rate of speed people actually drive on that road.

Mr. Gillon said that the average speed is 35 MPH. If we have signs installed and a speed plate for 25 MPH that should bring the speed down. During the peak hours the traffic is slowed down anyway by the light.

Mr. Zuker said that he imagines some of these traffic issues would be brought up at the site plan meeting as well. He went on to say that we are lucky to have the Town Engineer, Maggie Walker at our meeting tonight. He asked Ms. Walker if she have any concerns regarding this project from a safety standpoint.

Maggie Walker, Town Engineer stated that the Walpole Police Department reviewed the Applicant's plans and did not have a problem therefore she is OK with the plans as well.

Mr. Zuker read the Board comments from the Walpole Police Department, Fire Department, Town Engineer, Conservation Commission, and Economic Development.

Mr. Glossa said on the plans it is shown that you cannot take a left at this turn, similar to the Home Depot in Norwood.

Mr. Zuker said that the turning lanes are helpful.

Frank Orlandi of 681 Common Street said at the last meeting it was said this building would be a Walgreens.

Mr. Zuker stated that this is the first meeting the Applicant has had in front of the Walpole Zoning Board. Perhaps you are talking about the Planning Board meeting. He went on to say that it sounds like the Applicant does not have a definitive tenant.

Attorney Blair stated that the Applicant does not know what is going in there as of right now.

Mr. Hiltz said that he was interested in the cuing coming out east bound. What is the amount of the cuing to the lights?

Mr. Gillonn said that it does cue back and it does clear out. The Applicant could box it out. Which means to put white stripes in and a sign that states to not block this boxed area. It does clear out every cycle. The cycle is about 185 seconds per cycle. He went on to say that 80% of the traffic is already on the roadway passing by.

Mr. Hiltz wanted to know what time of year was the traffic study done.

Mr. Gillonn said in the fall.

Mr. Hiltz said that he is happy the traffic study was done in the fall. He wanted to know what the hours of operation of the Dunkin Donuts would be.

Mr. Blair stated it would be 24 hours.

Bill Glaropoulos stated it will be either the drive thru open 24 hours OR the inside will be open 24 hours. It would be one or the other. The two Dunkin Donuts on Route one are 24 hours.

Ms. Murphy said are you looking for the other building to be 24 hours as well?

Mr. Glaropoulos said it depends on what will go in there. A Walgreens for instance might want to be 24hours.

Mr. Zuker stated that he is completely on board with the Dunkin Donuts. He is having a hard time saying yes on the other building. He went on to say that he is not opposed to a drive thru at that location he is more concerned that he does not know what that building will be.

Ms. Murphy said that she doesn't feel comfortable with that either.

Mr. Glaropoulos said that they could put restrictions on it.

Mr. Zuker said we could allow a bank, pharmacy or dry cleaner and nothing else.

Mr. Glaropoulos said it would be nice to have these permits when they approach potential tenants.

Mr. Zuker said he would love to hear how the rest of the Board feels.

Mr. Hiltz said he is OK with it as long as the Applicant does not mind the Board conditioning it.

Ms. Coffey said she does not feel the town needs another 24 hour CVS. She went on to say that the Applicants run a very good business in Walpole and she has no issues with the Dunkin Donuts. She said like Mr. Zuker she has a problem with not knowing what the other building will be. While she feels comfortable with the Applicant and what they will do she has some concerns with the next person who might come before the Board and try to do the same thing because they knew someone else was able to do that. She does not want to set a precedent.

Mr. Zuker said that they can condition it.

Ms. Quirk said that the Board can put reasonable conditions on the Special Permit. I have not looked at the Bylaw relating to the house.

Ms. Murphy stated that it goes per case.

Ms. Quirk said the Board could grant the drive thru for the other building but put restrictions to not allow the building to have a 24 hour drive thru however they will allow the Applicant to come back and get a modification on the drive thru once they know who the tenant will be.

Ms. Murphy liked that idea and said that way the Applicant can still approach potential clients.

Mr. Zuker said the Applicants are well liked in town and do a wonderful job with their business. He does feel that the turn will be tough.

Mr. DeCelle brought up the call box causing problems with the neighbors if it is being used all night.

Ms. Quirk said that you can condition that there will be no call box.

Mr. Blair wanted to know what hours the Board would be comfortable with.

Mr. Zuker said perhaps 8 am to 8 pm.

Ms. Coffey felt they could come back if they needed anything to be changed.

Attorney Blair wanted to know if they could ask for a greater period of time to be open. Once a definite use is in place for that building then they could come back.

Mr. DeCelle stated no call box at all on that drive thru.

Mr. Hiltz said in terms of types of use, he felt comfortable with a bank, pharmacy or a dry cleaner. He felt 7am-9pm was fair in terms of hours of operation.

Attorney Blair said if there was another use besides the ones listed above that the Applicant would have to come back before the Board.

Mr. Zuker stated it is hard not knowing what we are saying yes to. A drive thru does have more of an impact on a neighborhood. It would be nice to know what that Building will be. He wanted to know when the Applicant was going back to the Planning Board for site plan.

Attorney Blair said on May 7th.

A motion was made by Mr. DeCelle, seconded by Ms. Murphy to close the Public Hearing.

The vote was **6-0-0 in favor** (Zuker, DeCelle, Hiltz, Coffey, Murphy & Foley) voting

Mr. Zuker said the hearing is closed and the Board will deliberate and make a decision at the next meeting on May 13, 2015.

7:00 pm – Barberry Homes, LLC – Case #21-13 (cont'd from, 2/5/15) (Zuker, DeCelle, Hiltz, Foley)

Matthew Zuker read the Public Hearing notice for **BARBERRY HOMES, LLC, Case #21-13**, with respect to property located at 272 Moose Hill Road, East Walpole, MA, which consist of approximately 14.33 acres, as shown on Assessors Map 36 as Lot Nos. 66, 66-1, 62 and is located in the Residence A Zone, to obtain a comprehensive permit under G.L. c.40B in order to allow construction of a rental project with 157 units, 25% of which shall be affordable units.

The application and revised plans are on file with the office of the Board of Appeals at the Walpole Town Hall.

Mr. Zuker stated that this meeting is a continuation from April 1, 2015. Thank you for waiting. We are here again.

Adam Costa Attorney for the Applicant stated that we were last before you 2 weeks ago tonight. The most outstanding item was the final analysis. Which we will addressed later. There had been some discussion at the last meeting about the Curran's regarding concerns they had raised about the headlights coming from the cars going in and out of the complex. The Applicant has met with the Curran's on 2 separate occasions and they have devised a landscape plan that is to the liking of the Curran's. Mr. Costa went on to say that he had spoken with Town Counsel since the last meeting. I have made modifications to the decision and I addressed each comment that Town Counsel had. I will now turn the floor over to Rob Truax.

Rob Truax of GLM Engineering said at the last meeting the concern was the ground water mounding. Last Wednesday we hired a company to bore a hole in the site. Mr. Carter asked me if there was any way to move the basin, a concern of the neighbors. That day we brought in a backhoe and changed the plan and created an underground system. It did not require a lot of change to the plan. We did move the sewer back a little and we rearranged the inlets. The old area with the basin will now be landscaped and grassed. The drill went down 47 ½ feet at the new basin area and it was all clean sands. We read the monitors on Friday. We gave the new reading to the Board and Mr. Chessia. The Applicant wanted to show that we wanted to accommodate the concerns that were brought up. We did look at parking as well. That maintenance area discussed at the previous meeting was already accounted for. Therefore we did not lose a spot for maintenance. As for the handicap spaces, we are showing 8 on the site. The requirement is 7. There was not a big overflow of handicap spaces on this project.

Mr. Zuker mentioned that the reading was done on April 9, 2015, The Board has a letter from the Applicant dated April 10, 2015 and we have something from Mr. Chessia addressing the new numbers.

John Chessia of Chessia Consulting Services, LLC said that he has updated his letter. His main issue was the ground water mound and elevations. All of the new numbers made sense, the math made sense. The soils look great and the depth is there. That was the main point he had and the Applicant has addressed it.

Mr. Hiltz asked the Applicant if they had seen all of the conditions.

Mr. Costa said that they have reviewed them. We acknowledged them. If there are any modifications then we would be required to come back before the Zoning Board. We are well familiar with the process and we are comfortable with those conditions. There are several conditions that state will go to a certain date. We have a condition stating that those will be sent at that time. Generally we feel we addressed them all.

Ms. Quirk said there was one condition on page 19 regarding snow storage locations that she had noted.

Mr. Chessia said that the Applicant has more space now that they have moved the basin. There is now more space to work with. However we wouldn't want the snow to be piled on a buffer or in the wetland.

Mr. Truax said that they will need to file an NOI with the Conservation Department. The Conservation Commission will have some input on that. They usually have the most input on that sort of thing.

Mr. Zuker said that they will need to keep the snow storage away from the 25 foot buffer. Does moving the basin have any impact?

Mr. Costa said that they do want to get to the Conservation Commission meeting and have them want the snow storage someplace different the Zoning Board wanted it. Then we would have to change our plans and come back to the Zoning Board.

Mr. Hiltz asked if there were sufficient options for snow storage.

Mr. Truax said yes the old access road area is an option as well as the basin. We have created new options with the changes to the plans.

Mr. Hiltz wanted to know if we have a concept of how much is required.

Mr. Chessia stated that is tough. The norm is to push the snow to the edges. With excess snow the revised plan does give more room for them to be able to pile the snow.

Mr. Zuker said if there is another winter like the last one they will just have to truck some of the snow out of the complex. He then asked if Ms. Walker was OK with everything.

Ms. Walker stated that she is all set.

Mr. Zuker said that Ms. Vaite is not here tonight. I would imagine the Applicant pulling the basin away from the cold water fishery would make her happy.

Mr. Chessia said that it has now been moved back 50 feet.

Mr. Hiltz wanted to know if it would stay cooler because it was underground.

Mr. Chessia said it would help. Moving it back is an improvement for sure.

Mr. Zuker asked if any members from the audience had anything they would like to add.

Dante Ferrera of 275 Moose Hill Drive said the idea of moving the basin back is what we have been fighting for from the very beginning. That is a positive. However I think dumping snow where that basin was going to be is a bad idea. He believes that area should be marked as a NO snow area. No one will be there to monitor that.

Mr. Zuker mentioned that the Applicant will have to go through Conservation Commission first. This is an issue for the Conservation Commission.

Mr. Ferrera said but you see my point correct.

Mr. Zuker said he does see his point.

Mr. Hiltz said he also sees Mr. Ferrera's point. However Conservation is the place to have that conversation. The Zoning Board does not want to set a condition just to have that condition be reset by the Conservation Commission.

Patricia Curran of 261 Moose Hill Road stated that she is the neighbor that the Applicant will be doing the landscaping for. We did come to a happy medium last night. She just wanted to get a copy of the plan from the Applicant.

Ms. Quirk pointed out that it was a private agreement between the two parties so the Board does not need to have a copy of that plan.

Mr. Costa mentioned that they will provide the plan to the Curran's. The Applicant wants it noted that they are working cooperatively with the Currans to provide the planting and landscaping. He agrees with Ms. Quirk in that it is a private arrangement but the Applicant has no intention of renegeing on that deal.

Mr. Zuker said that all parties involved have been working at this for a real long time. If we close the hearing then what is next.

Ms. Quirk mentioned that the Applicant and the Town are in litigation so they are able to have discussions beyond the public hearing.

Mr. Costa said that their intention was to ask the Board to close the public hearing. No other peer reviews are outstanding. John Chessia is satisfied and there is no new evidence that will come into the record. It is now just a question of appropriate language. With respect to the waiver list that was submitted with the original application, there was a list of 17 waivers. Two of those waivers have been withdrawn. The only one that was to be modified was Barberry requested a waiver for the wetlands. Then we made a commitment that we would address the wetlands waivers at the appropriate time. Mr. Truax and I went through the wetland bylaw; we only need 3 waivers from the regulations themselves. This Board does take the place of Conservation

Commission on those. We do not need to apply for a site plan review. These are nothing new and they are in the record.

Ms. Quirk said that is exactly what we have been talking about in the settlement process. Ms. Quirk mentioned she would like to see the limits of work and the clearing to also be shown on the plan.

Mr. Costa said yes, from Section 1.1.4 of the Wetland Bylaw regarding the erosion control barriers.

Ms. Quirk said exactly what you have asked for. So will you submit the waivers then.

Mr. Costa said he has a listed that out in the Draft Decision.

Mr. Ferrera said just a quick clarification about the parking waiver that has been granted.

Mr. Zuker said nothing has been granted yet. It looks like we would close the public hearing and then we would go through the list of waivers and what we want to add to the draft decision. We have not gotten that far yet. We will not deliberate and vote on that tonight.

Mr. Ferrera said sorry I missed some of the meetings. I was surprised that there were more units than planned. The back unit now has the bottom garage removed and units instead.

Mr. Hiltz said that there have been many changes. The ratio of parking spaces to units is actually better.

Mr. Ferrera said that whole bottom level is now units though?

Mr. Truax said the whole plan has changed. We have taken units off. We also have more parking spaces per unit than before.

Mr. Ferrera said they have made a big issue about dropping the town houses units which were the best part of that place in his opinion. Now they have put units underneath the back building.

Mr. Zuker stated that all of this is part of the record.

Mr. Ferrera asked how many parking spaces were available on that original plan.

Ms. Quirk said that we started out with a project that had 174 rental units and we are now down to 157 rental units.

Mr. Ferrera said but that still doesn't satisfy the bylaw.

Mr. Zuker mentioned the Board could tell the Applicant to pave more and have more spaces. What is the point of paving extra spaces that are not going to get used?

Mr. Hiltz mentioned that there are multiple elements going on. It is a Comprehensive Permit we are going through. We are looking at the entire project with the parking being a piece of that project. Where we started from and where we are ending up, it is actually a better plan.

Mr. Zuker stated that the Board spent a lot of time on this matter regarding parking and spaces. We hired our own traffic consultant to advise us on this. We have not voted on anything yet.

Mr. Ferrera said that the bylaws are there for a reason. He does not see any reason for the Applicant to not be in compliance. The size and scope of this project has been a major concern to this neighborhood. Anything that would reduce the size would be to everyone's advantage.

Attorney Costa gave the Board an updated draft decision to add to the record.

Ms. Quirk said that all of this will be a part of the deliberations. She asked the Board to confirm with Attorney Costa what the deadline will be. Ms. Quirk also suggested that the Board could have a meeting just to deliberate.

Mr. Costa said the Applicant will work with the Board. We understand it is a difficult time of year with Town Meeting. We also believe we have come a long way. You should have a draft decision from me. We have extended the deadline by 30 days.

Ms. Quirk asked if everyone was in agreement that May 29, 2015 is the deadline.

Mr. Costa said they do not have any concerns in the regard of the deadline. If the meeting could be sooner rather than later that would be nice. We have a lot of balls in the air. The sooner we can get it done the better.

Ms. Quirk said maybe the first week of May to just deliberate would work for everyone.

Mr. Hiltz mentioned the more buffer they can have the better in terms of the deadline.

Ms. Quirk suggested Wednesday April 29, 2015 at 7:00 pm to deliberate.

Mr. Zuker mentioned that he understands 40 B's are tough and this has been a unique case. We have made a lot of progress. The Board has worked with the neighbors and the Applicant. We are trying to do the best job we can as a Board. I'm glad we have gone through this process finally. I wish it was last year but what can you do. I would like to thank the Applicant, our Consultants, Town Counsel, the Abutters and the Residents. I truly do care a lot about this case and this process.

Mr. Hiltz added just to be clear; once the Public Hearing is closed the Board cannot accept any other evidence.

A motion was made by Mr. Zuker, seconded by Mr. DeCelle to close the Public hearing.

The vote was **4-0-0 in favor** (Zuker, DeCelle, Hiltz and Foley voting)

A motion was made by Mr. Hiltz, seconded by Mr. DeCelle to adjourn the meeting at 9:52 pm

The vote was **4-0-0 in favor**. (Zuker, DeCelle, Hiltz and Foley voting)

Craig W. Hiltz
Clerk

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Minutes were approved on May 13, 2015