

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

February 3, 2026

The Zoning Board of Appeals held a public hearing at 7:00 P.M. on Tuesday, February 3, 2026 in the Public Meeting Room of the Arthur Clark Government Center, 119 School Street, Waltham, MA.

In attendance were John Sergi, Chair, and members Mark Hickernell, Matt Deveaux, Glenna Gelineau and Stephen Taranto.

Mr. Sergi: Tonight we have three matters in front of us, a continuance request, a new case, and a Comprehensive Permit case that we have been hearing for quite a while.

We don't have any minutes for tonight, so I guess we'll start with the continuance request, Attorney Francis, Case No. 2023-18.

Attorney Bret Francis, 10 Hammer Street, Waltham came forward.

Mr. Francis: Tonight I am here on behalf of Son Le who is the new owner of the property. When this case was originally brought. it under a previous owner, Mr. Tortolla. We are seeking a six month extension which, I guess, expires 2/11/26. So it would be an extension to August 11, 2026 to begin the work in August 11, 2027 to complete it. The petitioner is here tonight and can answer any questions that the board might have. I know this is a multiple extension request and I think this is the third extension request but we do have good reason and I would just note that this is the type of case that cannot be refiled if it were to lapse. It's not a matter that we can refile this case. The relief that was granted in that case was very specific and if it were to expire, it expires forever.

Mr. Sergi: Wouldn't that be most important to start the work then?

Mr. Francis: Correct. The first extension was by the previous owner who was selling the property and didn't sell it until close to when that year expired. So he sought the first extension. He purchased the property in the Fall of 2024 after the year and he sought an extension in the beginning of 2025. Then in August 2025, so he's had two and this this is his third and he can explain a lot better than I can the reasons for the delay.

Mr. Sergi: I am interested to hear. I'm not too thrilled about giving a third extension.

Son Le, 56 Park Ave., Westwood, MA: I am here to talk about the project at 1130 Main Street, Waltham.

Mr. Sergi: Why are you asking for a third extension?

Mr. Le: So my main reason is because I want to minimize the effect it would have on the community with having to close the road and with all the construction that would have to happen, I want to get through all the logistics and what additional work would have to come at a later time. So I have not responded so far and this past fall I have had two sewer back ups and the sewer companies were telling me I would probably have to dig up the street and that would be two separate main lines in the street. The sewer lines are located across the street so that would be at least a couple of weeks out of work and then I jar wanted to make sure all the small matters like that were resolved so that then I would just have one chunk of time vs. smaller chunks of time to interfere with the traffic in the community.

Mr. Sergi: What are you planning there? Is it a big project that you are planning?

Mr. Le: No. It's a five unit building that I'm putting in place of a two family but as you know Main Street is a busy street. There's not really a lot of parking. Logistic wise if deliveries happen it would be terrible. Luckily I have a big lot on the property that I could have the cars pull into the parking lot and have parking spaces for the construction workers so that they wouldn't be taking up parking spaces of residents, so I'm just trying to work those out in terms of logistics because I want to try to minimize my impact just because I know these things can draw out like the projects like it's going to be like at least like a year to realize they can finish it from start to finish.

Mr. Sergi: When are you going to start it?

Mr. Francis: I would add and we discussed it, we would be okay with the condition that this is the final request for an extension.

Mr. Sergi: Oh, ya, that one's a given.

Mr. Francis: That's something we would be happy to add it into the decision as well that this if a final request.

Mr. Sergi: Well, I asked the question. When are you going to start?

Mr. Le: So I am planning to start hopefully in July with all the paper work finished and filed with the building department.

Mr. Sergi: Why aren't you doing it now?

Mr. Le: I have not talked to a civil engineer yet in terms of all the civil engineering I have to do because right now, so like, when the rain happens and snow happens I am getting sheets of water and ice on the property and so I have to get a system design in terms

of dry walls and wet walls so that will manage all the water because it's on a big hill and there's a lot of land so you can image how much run off there is on that land.

Mr. Doucette: It doesn't answer the question. why you haven't started doing that now? You should have been doing that six months ago. So you're dragging your feet on it. There's got to be a reason you're dragging your feet. Is it a financial burden or is it you don't want to do it?

Mr. Le: It's because right now, I'm in a bridge loan and that keeps me from building so I can file all my paperwork and everything, it would expire before I even get a chance to build. I just recently am talking to a bank and they said, yes, we will help you get finance but they are saying that I have to probably wait until May to get approval and then we will close hopefully some time in the summer and then I could start building.

Mr. Sergi: Steve, do you have any questions?

Mr. Taranto: No, I'm just trying to figure your start time and your closing time and how that works.

Mr. Sergi: Glenna?

Ms. Gelineau: Not really, but I sort of agree with him, you're looking for a six month extension and you're not going to file for a permit until July?

Mr. Le: No, I'm going to start filing now. I have to work out the planning to finish it because I - - -

Ms. Gelineau: I'm just saying six months sounds not long to me. I'm just saying.

Mr. Le: I mean could you give me a longer extension if that's possible?

Mr. Sergi: You know, listen, we've given you two already. I'm inclined to just stick with the six months.

Matt, any further questions?

Mr. Deveau: This is back work that already should have been done and you didn't do it. I mean you're asking a third time for six months and after this one, you're done. That's my opinion.

Mr. Sergi: Mark?

Mr. Hickernell: No questions.

Mr. Sergi: I have no further questions. So I'm inclined to give you this last extension, myself, I'm speaking for myself, but it will be the last one, no further extensions.

May I have a motion on the request?

On motion of Mr. Hickernell to grant a six month extension to commence the work and that the extension be granted.

Mr. Sergi: With the caveat that it will be the final extension.

Mr. Sergi: May I have a second.

Ms. Gelineau seconded the motion.

Mr. Sergi: Steve?

Mr. Taranto: I vote yes with those caviats.

Mr. Sergi: Glenna?

Ms. Gelineau: Yes.

Mr. Srgi: Matt?.

Mr. Deveau: Yes.

Mr. Sergi: Mark?

Mr. Hickernell: Yes.

Sergi: The chair votes yes, so you have to have that condition this is the final.

Mr. Francis: I will give it to Pam tomorrow morning.

Mr. Sergi: Okay.

Mr. Sergi: We'll hear the new case next, Case 2025-41. If the clerk will please read the petition.

The clerk then read Case #: 2025-41. Petitioner/ Owner: Fabio Varano; Varano Family Realty Trust. Nature Of Appeal/Petition: Appeal Determination of Building Inspector. Subject Matter: To allow for continued use of structure as six-family residential structure. Location And Zoning District: 3 Charles Street Avenue; Residence B Zoning

District. Provisions Of Zoning Ordinance Involved: §7.31 – (Procedure on Appeals).

Specific Relief Sought: Petitioner seeks to overturn Building Inspector's refusal to issue occupancy permit for six-family residential structure.

Mr. Sergi: May we hear from the petitioner or the petitioners representative, please?

Attorney Bret Francis, 10 Hammer Street, Waltham, the petitioners representative came forward.

Mr. Francis submitted a copy of his brief to each member of the board and then read his brief into the record.

Mr. Francis: And I will say that I have met with the building inspector more than a few times and he is totally in support of it. In fact lead us to the direction of the Marcou case which evidences clearly that these two units have been in existence since 1991. Mr. Bower wished us luck and here we are.

So, with that, I will conclude. I do have my client here if there are any other questions that the board may have.

Ms. Gelineau: Why didn't he issue him a certificate of occupancy? Why did he send him here?

Mr. Francis: Because he has no record of it. If you look at the building card it references the construction in 1968 for four units. It references Mr. Marcou going to the Zoning Board of Appeals and withdrawing his case, right there on Exhibit 1 and that's it! I don't think they've ever done any kind of an inspection as to when.

Mr. Sergi: So there was no building permits pulled for those two units?

Mr. Francis: No. He got the four and then they constructed the two. Mr. Marcou bought it in 85 as a six and continued to use it as a six until he received as well as my client there's a violation. Again, Mr. Bower, he just doesn't have the records himself to say, yes. It's a very rare case where he could find records in the building department that supports these cases. More often than not he signs off, wishes me the best of luck and sets me on its way. In this case in particular we had a sit down and again he pointed the previous zoning cases which again evidences it's a six family multi family use.

Mr. Sergi: How many parking spaces do you have there?

Mr. Fabio Varano, the owner of the property in question at 3 Charles St. Ave. came forward:

Mr. Varano: To answer your question, the property has off street parking and it's about ten spaces and you can easily get in and out without blocking anybody, so ten parking spots on my property.

Mr. Deveau: How has it been taxed?

Mr. Varano: As a four to eight, there's that classification, but they are right in the middle of it. It's specified and this happens to be a six. It says zero commercial units and 6 residential units. And I think this is the opposition here tonight and that centers around, again, language that we are adding two units. We are not adding two units. This has been a six unit case since prior to 1991 except for the last four months when he evicted and pursuant to the notice of violation he reacted. He should have called me then and appealed the case then when all the tenants were still there but he evicted them and decided that wasn't the right thing to do. Here we are today. There is no construction. You might hear

something about rats. There's no construction that would draw rats. The rat situation would be the exact same it's been since thirty five years prior.

Mr. Sergi: Tell me about the egress situation.

Mr. Varano: The building does have two means of egress, one in the front and one in the rear. So it's always been there. The stairs that go from the two basement units out to the front door and there's an egress in the rear just like the concrete stairs, each one of them have their own egress.

Ms. Gelineau: the apartments have two means.

Mr. Varano: Yes, they do and it was inspected.

Mr. Francis: I would just note the building inspector will not grant us our, even if you vote tonight that the six units have existed there. He will not turn around and issue the certificate of occupancy for six units unless he meets code. This does not waive his responsibility to enforce the code. If there's any code violation he still will not and those can't be appealed. Those are building code violations. So those will have to be met and taken care of and, again, we will be happy to put that into the decision as well.

Mr. Sergi: I thought you said that he had met them.

Mr. Francis: He's got the smoke detectors and all the rest of the other things. Again nothing will be granted without meeting the building code. If there's something that we've missed, something that doesn't get brought up tonight will be met before he gets the certificate of occupancy.

Ms. Gelineau: And you're saying there's ten spaces uninhibited although it looks kind of tight.

Mr. Varano: So, okay, I apologize. I didn't specify. I own both houses. Each house has five so they are a common parking area. They're next to each other and there's a driveway. The building in question the #3, there is eight parking spaces. Number 5 which they are connected driveways which is mine also has another four parking spaces. So I kind of said ten because I own the whole property so for the building in question there's eight.

Ms. Gelineau: Unobstructed not tandem.

Mr. Varano: So there's two parking spaces tandem and then there is tandem and six are unobstructed because you can park in the back two cars side by side and no parking in front so they are not blocked in. Two on the side of the building unobstructed and on the right it's tandem if you looking at the house in the front.

Mr. Francis: I would just note that no parking variance is required these are pre existing non conforming. If he was adding two units which, again, we are not adding two units then we would be here for a variance for parking but this is a total pre-existing non-conforming situation.

Mr. Varano: And as he specified that there is obviously, there will be an inspection from the building department and if there is anything to be rectified it will be rectified because as he specified I purchased punched it and I have no intention of doing anything that is not correct, sir.

Mr. Sergi: Steve, do you have any questions?

Mr. Taranto: No.

Mr. Sergi: Glenna?

Ms. Gelineau: No.

Mr. Sergi: Matt?

Mr. Deveaux: No questions.

Mr. Sergi: Mark?

Mr. Hickernell: Not at this time.

Mr. Sergi: I have no questions. So let me put it up to the audience.

Is there anybody in the audience that's against the petition and would like to come to the podium and speak?

Robert Logan, 109 Taylor Street, Waltham: I'm the ward councilor for Ward 9. The subject property is in Ward 9. I'd like to start first by just reading into the record a letter from the residents of Charles Street Ave, actually two of them, Peter Bronk and LuQuan. They sent this to Pam Doucette. I don't know if the board received it. Is it all right if I read that into the record.

Mr. Sergi: Absolutely.

Mr. Logan read the letter from Peter Bronk and LuQuan dated February 1, 2026 into the record and this letter is attached to the minutes.

Mr. Logan: Now, I'm also here in opposition and I contacted the building inspector whose decision was to deny an occupancy permit and he provided me with documentation that paints a little bit of a different picture. I apologize, I didn't have time to make copies for everyone so as I read these I'll give them to you as I pass them around. So it starts off with a March 13, 1968 letter from the building inspector notifying the owner at the time that they have been approved to divide the lot. Three and five use to be one lot. Lot 2 which is the subject premises is to contain a proposed four family dwelling. So that's where the story starts.

Then they have an application for a building permit dated July 22, 1968, which notes there and there a four family dwelling. Then the building inspector provided me with a copy of a street card from 1986 and it notes four family, and the number of bathrooms -four bathrooms. On the next page it notes four family and attached to that is a complaint dated April 23, 1990 a court complaint because of a change of existing use, permit required and lawful alterations, no plans or specifications, building instructions hereafter altered. So that was from Ralph Gaudet who was the building inspector at that time. Then in April of 1991 there was the aforementioned request for a variance to add an additional unit. So they knew at that time it was only supposed to be a four and they couldn't even have one more unit. (Mr. Logan said I'm speaking to Mr. Francis.)

Mr. Francis: Only for clarification. He wasn't seeking an additional unit.

Mr. Sergi: Bret, let him finish his presentation and then you can talk.

Mr. Logan: It's a legal four. So an additional unit is an additional unit. And, again, obviously the Zoning Board of Appeals wasn't going to do that so they asked for leave to withdraw. The owner at the time was Dave Marcou. Here's a copy of the card that they keep where every time somebody comes in for a building permit or anything, they note

it on the street card and it has “permission granted by the Board of Appeals to subdivide two lots in 1968. 1968 erect a four family dwelling building permi. In 1991 Board of Appeals case, leave to withdraw and then in 2012 strip and reroof. So there’s nothing that is in there about putting in any additional units whether it be one or two. And then finally he gave me a whole bunch of violation notices over the years: May 17, 1989 here’s one that was sent certified return receipt requested to give the owner at the time to give Dave Marcou, 1989, no permit issued for change in use of occupancy. May 31, 1989, a letter to Ralph Gaudet the building inspector at the time from Flynn, Connoyer Hardy and Cohn saying that the consultant by Mr. and Mrs. David Marcou and we are in the process of investigating this matter. They must not have conducted the investigation because in 1989 they had a different attorney. So then it was Richard Daley III. So Dick Dacey was their attorney then, April 29, 1991. David Marcou informs me both basement apartments are vacant. He will remove the cooking facilities and advise your office when an inspection can be made.

Here’s an investigative report from the Waltham Building Department June 2, 1992, a complaint, an alleged illegal apartments are in use again. Supposed to have been removed per attorney’s letter in April 19, 1991. So again, they knew it wasn’t supposed to be there but yet they are back in there. April 25, 2019 letter to David Marcou, As a result of a recent inquiry about this property it has come to our attention that this property is being used as a six family dwelling. According to our records, this is a four family dwelling, 2018. And then finally, September 30, 2025 and this was from John Jennings of the Building Department, a notice of violation, two illegal apartments must be removed within thirty days of this notice.

(Mr. Logan provided the board with all the documentation that he referred to.)

Mr. Logan: So there’s more documentation obviously, that in the additional documentation you can see shows that owners have been notified time and time again at

this location, the two basement apartments are illegal and they were supposed to have been removed. At least at one point they acknowledged that and said they were making the steps to remove them and went back in. So, it's a Residence B Zoning District which is a two family zoning district. They got permission back when the zoning board of appeals were allowed to grant use variances to go to a four and now they are looking basically to go to a six in a two family zone based on the fact that it's been an illegal one which to me rewards that behavior. It just says hey, if you've done something illegal for so many years then if they finally make you knuckle under and the building department gets on you, just go to the Zoning Board of Appeals and say, oh, it's always been a six. It hasn't always been a six because they have acknowledged at some points they've taken it out when the building department got on them and just put it back in. If it was always a six it was an illegal six. So I hope that the Zoning Board of Appeals will uphold the decision of the building inspector which is the correct decision that a certificate of occupancy should not be issued. Thank you.

Mr. Francis: If I could just respond to that briefly. Number one again, if you look at the letter you might remember Mr. Bronx and he was here before this board this is exactly what he did. This is exactly what he did.

The owner of the building it was not zoned for six years when he bought it. One, I don't believe that's true. Number two, that's irrelevant. Was it used as six units? That's the question and the answer is, yes. All the units are not up to code, that's correct. He received a notice of violation and to correct those. If he gets the satisfactory decision tonight those will be taken care before he's issued an occupancy permit. I believe everything what the councilor said just verifies what I've said which is the units been there since 1991. If it was gone a year or some short time after that it was then put back. His behavior should not be penalized against my client. My client didn't do that bad behavior. He bought it as a six, used it as a six, continued to use it as a six, received a notice of violation and what was the first thing he did? He kicked the people out. He sat on it for

three or four months before realizing maybe I should go before the board and not lose the six units that I paid for when I purchased the place.

The serious rat problem on 3 Charles Street, again, having two additional units. This is not two additional units these are two existing so we will not be adding any more units to the trash.

It's a narrow street. A lot of streets in Waltham are narrow and should not affect the number of units in the building. It's irrelevant again to the actual issue.

There was obviously a good reason why the building was zoned for four units when it was. Nothing has changed to make it six units. Something did change. Someone made it six units and they did it well before my client's ownership of the property. I mean if you look at it, it's a garden style, two floors with a basement floor, two units on the top, two on the first and two in the basement and it's been like that, again, going on for thirty five years. Really the building records, and again, I do want to clarify, if you read the memorandum which I attached to the entire memorandum, they are not adding, they didn't go to that board and saying we have a four and we want a five, we are adding one unit. No, they got a notice of violation because they had a six. Went to the board and asked them to convert it down to one unit and I'm not sure if a use variance in 91 was the right vehicle to do it. He should have again appealed him but it went in on a variance which it would be a use variance so it was not allowed. And then again did nothing. He kept the two units and went about renting them. Then sold the property to my guy in 2018. He's been using it ever since just as.

Ms. Gelineau: If this is originally a Board of Appeals case, why was it ever changed from a four family without somebody coming in and saying I want something different. But this is a single family house, you couldn't make any changes.

Mr. Francis: You just do it. You do it without the building department's know how. If someone converted, you may have very well built the four units and you had two basements. At some point you turned those two basements, slapped in a kitchen, slapped in to bathrooms.

Mr. Gelineau: I get that but by the lay of the law it was a Board of Appeals case for a four family. How does it become anything else unless they come back here and ask?

Mr. Francis: Again, that's not the question. It's been in use ten years. If you've got a building permit to build a single family home but you - - -

Ms. Gelineau: This was a board of appeals case. This was four family was issued by the board of appeals. That takes that off the table.

Mr. Francis: No, not if they do it. You're right, someone could have said you're in violation of the zoning.

Ms. Gelineau: Many times.

Mr. Francis: Not till the eighties, well after. And again he came in withdrew it because I don't think he sought the right relief.

Mr. Deveau: I don't think there was a level of due diligence that was done when the property was purchased when this needs to be done. They were in violation in 2018 before your client purchased the building. If I'm buying something and they are telling me, hey, this is a six family. The first thing I am going to do is to make sure this is a six family. And if that wasn't done - - -

Mr. Francis: Again, the knowledge.

Mr. Deveau: It doesn't matter about the knowledge. It should have been something that was looked at prior to the purchase. Now it's stuck on us.

Mr. Francis: If it's pre-existing in use for ten years with that knowledge knowing he's in a two family zone, obviously he knows it's pre-existing, nonconforming. He just thinks they are all pre-existing nonconforming.

Mr. Sergi: Right, there was no permits pulled to construct.

Mr. Francis: None of these cases have. Peter Bronks case did not have a permit.

Mr. Sergi: But the evidence that we just got, he gave us more evidence than you're giving us to support - - -

Mr. Francis: His evidence only backs up what I've said to this board.

Mr. Sergi: No, it doesn't. It totally doesn't.

Mr. Francis: How?

Mr. Sergi: He's, listen, they've applied for a fifth unit right? You're saying it's one way. You're interpreting one way.

Mr. Francis: No. I read the memorandum. The memorandum makes it clear. There are six units there. We'd like to convert the two bottom into one, that's the request.

Mr. Sergi: No. There's a question.

Ms. Gelineau: They obviously withdrew because you can't - - -

Mr. Francis: Correct. He went out by a variance that's a use variance. He couldn't get a use variance. What he should have done was appeal the decision at the time - - -

Mr. Deveau: But he couldn't because it was a Zoning Board of Appeals case.

Mr. Francis: He could have. He absolutely could have.

Mr. Deveau: And we probably would have said, no.

Mr. Francis: Reading from a letter, Mr. and Mrs. Marcou, I'm representing it at the time of the closing other than by bank counselor. The property was sold as a multi-family apartment unit. No specific representations were made or requested regarding the legality of the two apartments on the ground floor.

That's how we got to where we are today.

Ms. Gelineau: It's irrelevant.

Mr. Francis: Irrelevant to show that the apartments have been in use for thirty years.

Mr. Sergi: I think you've got our input. Let me finish and see if there is anyone else in the audience that would like to speak.

Is there anyone else seeking information on this matter?

Seeing none. Anyone in favor of this case, a show of hands.

Two people raised their hand in favor.

Is there any other further questions of board members?

Hearing none, may I entertain a motion. Well, before I do that, your findings of fact and decision, have they been changed?

Mr. Francis: No.

Mr. Sergi: May I have a motion to waive the reading of the findings of fact and the decision since they have been on file.

On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to waive the reading of the proposed findings of fact and the proposed decision.

Mr. Sergi: So we have waived the reading of the proposed findings of Fact and the Proposed Decision since they have been on file and you haven't made any changes.

Do I have a motion on the Proposed Findings of Fact as presented?

Mr. Francis: Should we move to continue the case so the board would you be comfortable if we come back at a later date and provide more if that would satisfy the board? This has been in existence and used.

Mr. Sergi: How does the board feel about a continuance?

Mr. Deveaux: Absolutely not.

Mr. Sergi: Does everybody else feel the same way?

Mark, how do you feel?

Mr. Hickernell: I think we've got the information that we need about its use over some period of time; Unless there's something earth shattering, I don't think there's any more information that is needed.

Mr. Sergi: I don't think it's really going to matter with a continuance. So, may I have a motion one way or another on the Proposed Findings of Fact?

(No response from the board.)

Mr. Francis: Without a motion, should we, I don't know what else to do. Should we continue it or what if there's no motion?

Mr. Sergi: Do I have a motion one way or another to grant the appeal or not?
Guys, what do you want to do?

Ms. Gelineau: I will make a motion that the board deny the Proposed Findings of Fact.

Mr. Taranto seconded the motion.

Roll call: Mr. Taranto, yes; Ms. Gelineau, yes; Mr. Deveaux, yes; Mr. Hickernell, no and Mr. Sergi, yes.

(The vote was 4-1 in favor of upholding the building inspector's decision.)

Mr. Sergi: May I have a motion on the Proposed Decision?

Ms. Gelineau: I will make a motion that the board does not adopt the decision.

Mr. Sergi: So you have upheld the decision. so it's not to overturn the decision of the building inspector.

Ms. Gelineau: No.

Mr. Taranto seconded the motion.

Roll call: Mr. Taranto, yes; Ms. Gelineau, yes; Mr. Deveau, yes; Mr. Hickernell, no and Mr. Taranto, yes and Mr. Sergi, yes.

Mr. Sergi: Okay the next case we are going to hear is the continued Comprehensive Permit case for 245-265 Winter Street. May we hear from the petitioner or the petitioner's representative, please.

Attorney Philip B. McCourt, Jr., 272 Bacon Street Waltham, the Petitioner's representative came forward.

Mr. McCourt: So I am here with the team. Mark Baranski who is the developer's representative is here and is going to give you an update on all the information we tried to file and answer any questions that you have. I think we really responded to most of the situations that you asked. I am also here with Co-Counsel Jim Ward who can answer any questions you might have.

So Mark is going to give you a brief overview of where we are at the moment.

Mr. Sergi: Thank you counselor.

Mark Baranski, Trammel Crow Residential, 40 Washington Street, Wellesley, MA:
I am going to give you a brief update on what has occurred since our last meeting. It was about a month ago maybe three and a half weeks ago. There was an indication from members of the board as well as the public about the traffic study and logic thereof that were presented and I believe the request of the board was that we have Bob Michaud of MDM available. In addition we have our Traffic Engineer Professional, Matt Keeley available. At about one o'clock a letter was submitted to Pam Doucette's attention. I don't know if it was received.

Mr. Sergi: We got it. We haven't had much time to digest it.

Mr. Baranski: I understand but that's why these professionals are here to answer any questions and I think they will give you great comfort this study was done in the fullest way possible.

As well, there were questions with regard to engineering. We have had the benefit of meeting with Mr. Winn a couple of times since the last meeting. They have been quite meaningful and understanding his concerns. Our Civil Engineer, Carlton Quinn is here to answer questions and a letter was submitted to Mr. Winn's attention, I believe, maybe last Friday, kind of responding to some site specific questions and concerns and tweaks to the calculations were all done.

I understand Mr. Winn's here to answer any questions you may have and all the professionals are available.

Lastly there was a motion to allow us to proceed to a decision and that decision document, I would say, is in on our side is in the ninetieth percentile plus we'll be prepared to lease that over to town counsel in very short order.

So with that, I am available to answer any questions that you may have as always, but I think you would rather hear from the professionals. Thank you.

Mr. Sergi: Do you want to bring up your traffic —

Matt Keeley, Traffic Engineer, VHB, 260 Arsenal Place, Watertown: I want to just go through a couple of comments that we heard and some responses we touched on the last time. Mr. Michaud was not here the last time so I'm just going to touch on the first two one more time and give you some additional information that we mentioned that you would get at the last hearing.

So the first letter I want to respond on is Mr. Watchko. He had two main points, one about the scope of the traffic study and two, about the discrepancy between our study and the 455 Totten Pond Road study and why those results were slightly different.

So first touching on the scope of the traffic study, Mr. Watchko pointed out there are three intersections on the west side of I/95 that weren't included and we gave a brief explanation the last time of why they weren't included first reason being the Waltham Zoning Ordinance requires inclusive intersections within half mile of the site. These are outside that radius. We also confirmed with the City of Waltham and MDM that the intersections that we chose for the study were appropriate.

We talked about the percent increase of our traffic and what our traffic would have on those intersections and we didn't at the time have those volumes because we didn't have them in our study. We have since obtained some volumes from the traffic studies from 55 First Avenue and just as an example one of those intersections Winter Street eastbound at Second Ave. Our traffic increase there is 41 P.M. peak hour trips. The total volume at that

intersection is 4,745 vehicles during that P.M. peak hour. So our project increase is only .86 % at that intersection.

As I mentioned briefly last time, Madd DOT TIA Guidelines state that intersections or roadway segments where site generations increase - - -

Mr. Sergi: Does that include the other project? Does that include the Totten Pond Road project as well?

Mr. Keeley: There will be an increase of 41 trips is just for our project.

Mr. Sergi: Just for your project. So, it doesn't you combine the two - -

Mr. Keeley: They are all included in the base number but our increase is 41.

Mr. Sergi: So that was included.

Mr. Keeley: Correct. So Mass DOT guidelines say that where site generated trips increase the peak hour traffic by 5% or more at a location or more than a hundred vehicle trips and neither those criteria are satisfied for these intersections.

Mr. Deveau: One second on that one. You're saying more than a hundred vehicle trips, and so your project is 41. What is the existing coming from the completed Winter Street number of trips and what are the number of trips on the proposed Totten Pond Road? If you add those together that's more than a hundred.

Mr. Keeley: 41 is - - -

Mr. Deveau: 41 is your project.

Mr. Keeley: That is what the guideline is.

Mr. Deveau: But we asked you to couple the impact of all three and take that into consideration.

Mr. Keeley: Those are in the 47 - 45.

Mr. Deveau: You're saying your project is 41. What is Totten Pond Road big trip hours?

Mr. Keeley: I don't know that number of the top of my head but that's not relevant to the guideline.

Mr. Deveau: But what we asked is we wanted you to look at it collectively for all three projects because of the overall traffic impact and you're choosing not to do that. Because you're saying the guideline says you don't have to. We asked you to do that and you're not doing that.

Mr. Keeley: I'm sorry I didn't tell you it's not relevant to the selection of study area. The selection of a study area intersection for a traffic study is based on the number of trips at that project as to that location.

Mr. Deveau: I remember us asking you to look at existing and proposed projects to understand the overall traffic impact regardless of what Mass DOT says for your project. We asked for overall effect because we wanted you to work collectively with all of the other parties both in the traffic and in the sewer so it's both things that we asked you.

Mr. Keeley: I can give you that number but it does not change the study for our traffic study.

Mr. Sergi: I think he's asking, if you're saying the 47 45 includes the other project, he's asking what that number is.

Mr. Keeley: Ya, I know that number is segregated out. It's not - -

Mr. Sergi: Why don;t you get that for us, okay?

Mr. Deveaux: Just based off the volume of units that are in the existing project and the other proposed project, it would bring it up over that one hundred.

Mr. Keeley: But that one hundred is only applicable to the traffic study that I'm conducting.

Mr. Deveaux: I understand that but again we asked for a collective look at it and you're choosing not to do that so your prerogative, you can do that. It does go to our overall consideration of the project.

Mr. Keeley: I did not choose to do that. I'm summarizing the numbers that are relevant to our study. Maybe I'm giving you too much information. I can give you that number, but it doesn't have influence on a study for a traffic study in the City of Waltham.

Mr. Sergi: Okay. Just give us that.

Mr. Keeley: Okay. So the second point was some of the differences between the 245-265 Winter Street study on the 455 Totten Pond Road it touched on how with every traffic study we revisit we revisit the background projects that are included in the future

projections there are some different projects within those six studies that on came out from the 455 study and some went in to the 245 study and one of the projects that was added to our study was 460 Totten Pond which is a lab project. As part of that project there was mitigation that provided a direct connection from Fifth Ave to Totten Pond Road. So that diverted some volumes away from the Third Avenue intersection which is why you see some differences in the analysis of that intersection in the future conditions.

The second letter we wanted to address was the Barrington Place Condo letter dated January 26th and specifically Exhibit A. There was a discussion about levels of service at a couple of intersections, first being Totten Pond at Winter Street where the southbound movement degrades from LOSE to LOSF in the PM peak hour. As we state in our traffic study in Chapter 5 Transportation Mitigation, we are proposing signal timing improvements at that location so we will see improvements as part of those mitigation letters.

Mr. Sergi: When you say signal timing, what do you mean?

Mr. Keeley: Just in what you say, Winter Street needs more green time and we take a couple of seconds away from Totten Pond Road. It's just sort of optimizing the signal timings at that intersection to better balance the - - -

Mr. Sergi: Who is responsible, is it the city?

Mr. Keely: No we propose that as part of our study.

Mr. Sergi: So, ya, you proposed it but who's responsible for implementing it?

Mr. Keeley: We would ultimately see that it is done. Similarly Wyman Street at the I/95 north bound ramps, northbound left turn operates at a level of service after the AM

peak hour. Again in Chapter 5 of our study in Table 8 we summarize that we are making signal timing improvements at that location as well which improves the level of service, Level of Service E, as a result of our mitigation.

And then the final intersection - -

Ms. Gelineau: Excuse me. How do you just get to make those signal changes? Who gives you the authority to make signal changes for the city?

Mr. Keeley: We propose them as an improvement and you grant them as mitigation.

Ms. Gelineau: So the city says, oh good, great, and then you implement them wherever you want them.

Mr. Keeley: As long as they are approved by the city, ya. By the city as part of the permitting process we are proposing improvements. I guess I don't understand the question.

Ms. Gelineau: The city just implements them at your suggestion. If you say we feel like Winter Street should get a little bit longer green light because that profits your project the city just says, oh, that's a good idea and that changes the light.

Mr. Keeley: It's reviewed by the City's Traffic Department as well as the peer reviewer to see if they agree that's an improvement.

Ms. Gelineau: So they agree to it. So you don't - - —

Mr. Sergi: That was a question that I was trying to get at.

Ms. Gelineau: That he didn't answer.

Jim Ward, Nutter McClennan, 155 Seaport Blvd, Boston: So the comprehensive permit will operate as the permit for all local approvals. So, if the permit issues and part of our proposed mitigation for our traffic impacts is to do the traffic signal timing then it is required of us to pay for and get the signal timing done. So we are proposing that. Your traffic engineer is reviewing it and if he thinks and you think that that will benefit the city based on our impacts will be a condition of the decision and then we would have to do it.

Ms. Gelineau: Fine, so the city makes the decision.

Mr. Ward: Ya, you can say no and then - - -

Mr. Sergi: Will you implement it or does the city implement it?

Mr. Ward: No, no, we do it. It's our sole cost and expense.

Mr. Sergi: I thought it was the Wiring Department that went in there and did the - -

Mr. Ward: It would be somebody we would hire. I'm not really sure if its computers or what.

Mr. Sergi: Thank you.

Mr. Keeley: And then lastly there was a comment on the Winter Street/Wyman Street Intersection that says westbound movement degrades to LOSF during the PM peak

hour. Based on my review of Table 6, I am not seeing what was pointed out in this comment. We see it as LOSF for no build in build so there's no degradation from B to F.

Mr. Sergi: So it's always that.

Mr. Keeley: From no build and in build, ya.

Ms. Gelineau: If there's no degradation from E to F, why don't they just leave it at E?

It was misquoted that it's A and E. It's already F for the westbound.

Mr. Sergi: Do you do anything to improve it?

Mr. Keeley: That intersection has been under a lot of study and it's something that's it would be like every study that has come forward has either contributed to mitigation funds but there's not more lanes that you can build there. There's definitely some signal tweaks you can make. I would defer to MDM and the city to see if that's something they would be interested in doing the study but- - -

Mr. Sergi: We'll see if we can do a little bit more research on that.

Mr. Keeley: But there is no degradation for at least the main point.

Mr. Sergi: Thank you. Joe do you want to give any comments to that?

Mr. Baranski: Mr. Michaud is here if you want to hear from him.

Mr. Sergi: Yes, I would like to hear from him.

Robert Michaud, Managing Principal, MDM Transportation Consultants, 28 Lord Road, Marlborough: Chair and board members, we are now aware that the board has some questions relative to some abutter commentary. VHB has submitted formal response to that. When I became aware of these comments and the board's desire to have input from our firm, we were in receipt of some commentary through Joe. We reached out to VHB to make sure that they're working on a response which they provided. I provided very initial commentary to the board in an email format which I believe Joe may have read in the record at the time. Since then, I've gone back through the files to try to provide a more definitive response if you will to enlighten the board as to some of these issues and I would point out as it relates to comparing impacts between projects. As the board is aware our firm conducted the review of 455 Totten Pond Road development. We had a series of comments that related to the inclusion of certain projects in the area like 460 Totten Pond which we then responded to that as part of that process for that project. And I think some of the confusion perhaps that was expressed in commentary by abutters had to do with comparing the originally submitted traffic report for 455 to the 265 project when in reality there is some supplemental analyses that was provided for 455 in response to our peer review. It actually shows that there is a very high level consistency between what was eventually documented for 455 and its impacts and what the 265 traffic impact study documents. There's literally very little difference between the two.

Mr. Sergi: So can you answer the question that we had related to the impact of both projects on that intersection?

Mr. Michaud: Right. So to wrap up the comment on discrepancies and levels of service between the two reports there are no discrepancies between the two. They are actually working from the common data set based on a review in the inclusion of projects that we identify and that your Traffic Engineer here, Mike Garvin, had also indicated during that review. So, as it relates to the study area, the impact of the project west of 95,

the western portion of Winter Street, the premise of a Traffic Impact Study is to identify the relative change in volume that's specific to the project at hand. And certainly as was the case with 455 is an obligation to include background growth and assumptions which was done as part of the 265 project. There are thirteen individual background projects that have been considered and incorporated into the study at 265. The same background projects were in fact included and eventually the 455 study through its response to peer review. And so the background growth assumptions are essentially equivalent from one study to the other and there's a lot of growth. No question, thirteen projects worth.

Your question and the question I think that stemmed this conversation was why isn't the portion of Winter Street west of 95 being studied? And my initial response to that question was that the amount of traffic that will be added to those locations falls within the day to day fluctuation of volume that you would see in that area. A one to two percent change is normal day to day fluctuation and so when you look at the number of vehicles that would be added that westerly portion of Winter Street relative to the volumes that exist today that number is less than one percent. And through a peer review lens and we look at this from industry standards and we look at it from what standard Traffic Impact Study guidelines suggest needs to be studied as the applicant's engineer has properly pointed out its very unusual to consider inclusion of locations that don't rise to that five percent change number or a hundred or more vehicles relative to the specific project at hand. Every project has to prepare its own traffic study to identify its own relative impact to an area and the Traffic Study Guidelines that are published by Mass DOT that are used at the State level that are consistent with industry standards nationally would say that any project that has a sustained impact and from a volume perspective of less than five percent or less than a hundred additional new vehicles per hour really doesn't rise to the level of material impact. It's not like with a show of meaningful change of levels of service or delay or queuing.

And so, my opinion is that what has been included in the traffic study as was the case with 455 was an appropriate series of intersection study and it did not include locations west of 95. It doesn't mean that those locations operate really well and those locations certainly accommodate a lot of traffic and you've heard a number of more than four thousand vehicles an hour. We're not saying that those locations don't sustain delays or queues or anything like that, we're saying in the realm of our peer review that the relative change in delays, queuing, traffic operations at those locations would be immaterial based on the number of vehicles that are being added from this specific project to those locations.

Now, I haven't quantified for the thirteen projects what that change is. That's really more the subject that I would call a corridor study and frankly in a contexts how projects get permitted, in the City of Waltham there's an infrastructure fund, right, Transportation Infrastructure Fund and one of the purpose of that fund is to have individual development entities contribute to it so that more meaningful infrastructure projects including for instance, it could include signaling timing could be affected by the community to address the cumulative impact of the development in the area.

So as we were conducting our peer review of their project, we clearly understand that the primary gateways for that project, for 265 would be the Totten/Winter Street intersection which is signalized and the northbound I/95 ramp systems just north of Wyman Street and those locations do show a meaningful change in levels of service that require some action. Mitigation goal is to at least offset the impact of a project. It's not necessarily to solve an F that might pre exist. It is to identify mitigation actions, for instance, signal timing that would at least offset the additional delays that a project introduces. And their mitigation package which does include the retiming of those two signals does show that that offset can occur if the signal retiming is implemented and we have agreed with that in our commentary.

Mr. Sergi: Let me ask you a question relate to the F intersection, okay. The statement was made that you could not do any movements to an F intersection. If has there historically been any improvements to an F intersection?

Mr. Michaud: So signals are complicated things, right, especially if they have a lot of lanes coming into them. The job of a traffic signal is to balance those delays among the various lights so that the overall amount of delay from experience is minimized.

Mr. Sergi: When you connotate an F on an intersection it solely relates to delay?

Mr. Michaud: Delay. Correct.

Mr. Sergi: Because it's not related to safety or anything like that?

Mr. Michaud: There's been a safety review done as part of the traffic study. My recollection and it's documented is that those locations are not high crash locations. Certainly with high levels of delay, there could be driver frustration and everything else that we all experience in locations that have long delay. But in the context of their impact assessment, the safety aspects of this really are not the focus then the levels of service of F do exist at certain movements particularly at the Third Ave Intersection, the signal there.

As the board is aware, substantial upgrade to that intersection has occurred, geometric improvements, it continues to have delays for certain movements. It's simply a location that has to handle a lot of traffic. So there are movements that are failing of have a level of service F designation now and as individual projects and cumulatively those projects add more traffic those delays will increase over time. It's just a fact. And that's one of the objectives of why the Transportation Infrastructure Fund exists because the cumulative contribution to that fund would then allow the city to pursue additional more

substantial improvements at lanes for instance at appropriate points and time based on their available funding.

Mr. Sergi: That was my question, how can you improve an F situation? So you're telling me it's adding lanes.

Not in every case. In many cases you can re-time a signal so that allocates the amount of green time more efficiently so that someone who only waits thirty seconds - - -

Mr. Sergi: Ya, but he's going to do that and its still going to be that.

Mr. Michaud: Well, at the locations they are proposing to re-time there will be more than an offset of any delay that they introduce because of the project. And at the Totten/Winter Street intersection, for instance, that's actually from an overall delay perspective a level of service of C or better. There's one particular movement, the southbound movement at Winter Street, that the left turn in particular will sustain a longer delay with this project in place and through their re-timing effort, they eliminate what would have been a level of service F and they brought it down to something less than that and the overall levels of service actually remain at C or better.

So that's an example of re-timing to address the F issue that you mentioned to make it better and balance the delays.

At the northbound, I/95 ramp system, the northbound left movement which carries more than five hundred an hour is the focus for delay. The other movements work quite well with far less delays. So the idea of re-timing that is to provide more green time for that particular movement during certain hours of the day so that it clears and has less delay during those critical periods while perhaps introducing slight delay to someone who might only have to wait twenty seconds, might have to wait twenty two where someone who

otherwise would have had to wait seventy seconds only has to wait fifty. So that's the balancing act that you would achieve through the re-timing and that's what we are proposing to do. It would be incumbent on the developer in this case to implement those as a commitment for its conditioned approval if the board so chose to include that as a condition.

The Third Avenue intersection is an entirely different beast. It's a much more complex intersection. It's really the knuckle of that whole interchange if you will and there are initiatives that are proposed by others, 416 Totten Pond Road, for instance, the lab that is going to introduce a bypass road to that intersection that will make a notable difference in how it functions,.

Mr. Sergi: The F.

Mr. Michaud: Ya, that's the F, right. So that F may not be bad as an F once that bypass road from Prospect Hill Road/Fifth Avenue is constructed. And I know, I went back and I revisited that. There's a memorandum from March 12, 2025 that was prepared on behalf of that proponent. It actually identified very specifically what that will include and it looks like and what its effect would be in terms of diverting traffic. It's diverting hundreds of cars of traffic.

Mr. Sergi: Who knows when that's going to happen.

Mr. Michaud: Right. But, again, in the lens of how a traffic study is prepared because there is an ongoing commitment to do that because the look ahead for a project like this is seven years. That development and its mitigation is assumed to be in place under that seven year horizon. So it could take a lot more to get it implemented for sure but because its proposed - - -

Mr. Sergi: Can you get these guys to do it?

Mr. Michaud: Any mitigation as I would advise any board needs to be proportional to the actual impact of the project. A five hundred thousand square foot lab is a much different animal and its mitigation package is appropriate for its level of impact.

Mr. Sergi: Are you saying that that's really the only meaningful improvement that can be made to that intersection? There isn't anything else that can- -

Mr. Michaud: Ya. It's relatively new infrastructure. So in terms of expanding the intersection with additional lanes, I don't see that happening. Optimizing the signal timing to make sure that it's operating as efficiently as possible is absolutely feasible and should be done and can be done. That improvement is typically funded through the city's infrastructure fund.

Mr. Sergi: Okay. Anybody else have any questions for Mr. Michaud. Oh, yes Michelle.

Michelle Learned, Assistant City Solicitor, City of Waltham representing the board came forward.

Ms. Learned: I actually did have a quick question. You mentioned that there were thirteen sites that were included in the developmental growth. Was one of those sites 455 Totten Pond Road and was it considered as a residential build with the 340 units?

Mr. Michaud: The answer is yes. So the projects were proposed relatively close to one another but the 455 preceded the filing of the 265 project so the 455 traffic was incorporated into the 265 report.

Ms. Learned: You're talking about the increased 340 units not the originally proposed 315?

Mr. Michaud: Right. Based on the originally proposed unit count for 455, that's what's built into their study. The 455 project did increase its unit count and they submitted a supplemental technical memo that quantified that impact. So, in October 28th they actually quantified that difference in trips and what it showed was that the AM peak hour had a vehicle increase of 8 vehicles and the PM had a change of 2 vehicles. So those changes are essentially accounted for by what's known as a background growth rate. So the background growth rate is a catch all growth factor that accounts for smaller projects that may not rise to the level of specifically being included in the report, that might be a small subdivision that will be a couple of miles away, things like that and/or adjustments to projects like this that have, yes, a change in volume but a change that is fairly minimal. So while it doesn't explicitly include the two additional trips the PM and the AM those fall well within that half percent annualized growth assumption that's built into the report. So its essentially accounted for.

Ms. Learned: So hopefully that helps with the board's inquiry about looking at the traffic intersections sort of collectively.

Mr. Sergi: Ya.

Ms. Learned: So among those thirteen properties is our 455 Totten Pond Road.

I did want to point out that I think I want to be assured that this project is not seeking a waiver from the Traffic Mitigation fee. We hear a lot about the need for future study in this particular area and I do believe at one point there was some request for a waiver from that contribution and I suggest that if they continue to seek that, that that request be denied.

Mr. Sergi: Okay.

Ms. Learned: I don't know if you want to commit to paying the traffic. Traffic Mitigation Fees here in the City of Waltham are based on the square footage of your proposed build. It's sort of a dollar per square foot and I point out that in the City of Waltham none of the 40B's have ever, they've withdrawn their request to have that fee. And so, you guys can get back to us on that if you want to or if you are ready to say, yes, I'll pay our traffic mitigation fee.

Mr. Baranski: Just to speak briefly, it's my recollection that the peer review response recommended that we contribute to the fund. Correct?

Mr. Michaud: That is correct.

Mr. Baranski: And I don't recall, I apologize, I don't recall the specific dollar value or the recognition to be prepared to pay.

Mr. Michaud: Through the chair, it did not have a have a specific value in mind, we would rely on Mr. Garvin to help.

Mr. Sergi: Okay, thank you. Come to the podium, please.

Mr. Ward: So the traffic infrastructure fund is based on the delta of over the committed square footage and then whatever your increasing it by. I know there's a commercial rate and there's a residential rate. I don't know what they are off the top of my head. I don't know what the delta is off the top my head. I know that in the draft decision they have a paragraph that has a blank there right now and I think as part of the way that the format that we are using which is the Main Street Decision. It's got a lot of

blanks for different issues and as my client goes through that they look at the costs and the economics and everything else. We'll fill all those blanks in.

Mr. Sergi: Okay, so you comply is what you are saying.

Mr. Ward: I don't know if we are going to comply but we are going to have blanks and we'll talk about it.

Ms. Learned: Again, from my recommendation to the board is that there will not be a waiver. It's calculated via the ordinance. I actually have city building inspector double checking what that amount will be. We'll relay that to you in his communication.

I did think that it might warrant right now for the record, just since there has been some time delay, just a quick recap of the communications that you received from our departments and to let you know that first of all you have yet to receive something from the city traffic engineer but he is working on a communication for you. He will quickly review that last neighbor's communication that came in as well before he provides something but it's this week perhaps that you will receive it. Similarly the building inspector is working on a communication for you as well and the timing of that will be hopefully quicker as well. You have already received the communication from the engineering department and he does have two issues that sort of remain open on that but he is here to discuss with you. For the record that communication came in January 13, 2026. You received a communication from the DPW Department Director of Public Works, Michael Chaisson, that was also on January 13, 2026. For the record you received two communications from the Fire Department on January 13, 2026. So there are two letters. They deal with different issues. One is more the safety aspects and one is some financial considerations. Then you received way back on June 27, 2025 a communication from our Housing Department and on August 18th a communication from the school superintendent.

Mr. Sergi: Correct.

Ms. Learned: I think it might make sense for our City Engineer to speak.

Mr. Sergi: Yes. I'd like to hear from our city engineer.

Ms. Learned: And there might be at times some questions that he still has for the engineers for the applicant and maybe it would be good if you could just jump and ask some of those questions.

Mr. Sergi: Thank you Michelle. If we could hear from the City Engineer.

Bob Winn, City of Waltham Engineer, 124 Chaffee Avenue, Waltham: So the main concerns remaining from my comments are associated when I think it's been discussed here before is the sewer and the impact of the sewer system both on Winter Street and then it connects into Totten Pond Road. And we've been going back and forth on Winter Street. I recently received an updated analysis from the applicant. It does look a lot better. I didn't finish going through it. I just received it and have been kind of busy but I will finish that but it does look a whole lot better. So, hopefully Winter Street is okay but the main issue that I brought up in my last comments and that I also brought up on the 455 Totten Pond Road is Totten Pond Road sewer at the bottom I think based on my preliminary calculations, I don't have a calculation for 455. They were supposed to do an analysis on Totten Pond Road, I don't have that but as we are getting closer on this project at the Winter Street when it flows, I just kind of looked and I said, oh, I think we have a problem at the bottom of Totten Pond Road where the sewer flattens out, the capacity goes down, and I think it's going to have to be addressed.

Mr. Sergi: So both projects impact that - - -

Mr. Winn: So both projects ya, they are both going into Totten Pond Road. So that's my biggest concern at this point with this project and 455.

Mr. Sergi: I addressed that when the last applicant was in.

Mr. Winn: Okay. So hopefully they will finish their analysis and we'll see what the results show. And then I did have a question on the stormwater. There was one question that I had, the response was, we have a requirement for a very short and intense storm because our drainage system when it floods it's usually a high intensity short duration storm. So we have a requirement for a thirty minute hundred year storm. It's 2.1 inches and you get that really quickly in thirty minutes and I was hoping it will be able to address that in the stormwater and they have indicated that they have which is good but I looked at the recent stormwater report and I couldn't find the calculation. They said its in there but it's five hundred pages and it wasn't referenced anywhere so if they could help me with that.

Mr. Sergi: Okay, if you could address that. Do you want to address it now or do you want to do it separately? You would like to see that in writing I assume at some point.

Mr. Winn: Ya, I asked for the calculations. They said it was in there, I just couldn't find it.

Carlton Quinn, Allen and Majors Associates, 100 Commerce Way in Woburn: We have a hydrant calculations it is several pages. There's a section in there dedicated to this storm which shows that there's no water coming out of our infiltration system for that storm. I can summarize it in a memo for Mr. Winn.

I will note two items.

Mr. Sergi: Could you give it to his specifications?

Mr. Quinn: Absolutely. We will be communicating back and forth through email.

The drum at the top we completely comply with all the stormwater regulations. The hill coming down we are keeping the existing stormwater so that roadway probably doesn't meet the requirement. I will note though that we are accepting a bunch of city water from Dobbins that's coming into our property from the bottom of that. We are accepting it into our system and we are including that into that calculation and so we are holding that kind to offset the roadway that we might not be making before , so the roadway of Dobbins comes right into our property and we will include that into our stormwater system and meet the requirements.

Mr. Sergi: And you are okay with that?

Mr. Winn: I am. So those are the two main items. I think they wanted some additional information on the I/I project that I assigned to them and I think they want some back up information on that to understand it better which I don't have a problem giving it to them. So I will get that to you.

The other items I think we are okay with. I think we've all agreed that the items would be part of approval conditions.

Mr. Sergi: Okay and Thank you very much.

Ms. Learned: And I did want to clarify just for the attorney at some times they have made requests to move the triggering date for the I/I requirement. I just want to clarify that the covenant needs to be entered into, executed, recorded prior to the issuance of the building permit but the execution of the project has to be completed before tying up into the sewer.

Mr. Sergi: Okay. One question I have for the projects is the sidewalks on Winter and Totten Pond Road. I know that the other project has committed to one side. I want to hear your comments related to that. I know we discussed it and you're open to it but I haven't heard many comments related to it.

Mark Baranski, Trammel Crow: Yes. So, again in the draft of the decision yet to be distributed, we referred that two questions with regard to sidewalks. Question 1, or actually something that we have brought up and we were under a misunderstanding but it is our intent to be building approximately 365 foot of sidewalk to the bus stop on Totten Pond Road which is the west bound from Winter Street.

Mr. Sergi: I'm glad you brought that up. Did you read the most recent correspondence from the Department of Public Works, Mr. Chaisson?

Mr. Baranski: I did broadly with regard to sidewalk.

Mr. Sergi: He was also talking about a bus stop making sure that it remains or if you are going to move it that it has the shelter that it has today.

Mr. Baranski: I'll have to take a closer look at that.

Mr. Sergi: He also talked about the 300 but all the way down on Winter or Totten Pond, whatever side north or south but there's gaps and we want a full sidewalk from Wyman Street to Lexington Street.

Mr. Baranski: Yes, and it is my understanding that 455 Totten Pond Road is also contributing to that.

Mr. Sergi: They are going to do one side.

Mr. Baranski: Okay, so I didn't know that. We have been in the midst of pricing that to understand what the cost impact to that is. Ultimately the cost impact to that will be factored into our mitigation response. You know, in the end there's a bucket of money and it can go to a lot of different places and we would work with the board to- - -

Mr. Sergi: Can you discuss that with Mr. Chaisson so he can give you some information for that.

Mr. Baranski: Yes, gladly.

Mr. Sergi: Thank you. Any other questions before we open it up to the audience?
 Hearing none. All right I will open it up to the audience.

Is there anybody in the audience that would like to come up to the podium and comment?

Steven Zieff, 255 Winter Street, #401: Through you, Mr. Chairman, I have a question about and this is appropriate for MDM I guess to answer which is the north movement from Winter Street going towards Route 128 north is an un-signalized intersection at Wyman Street. How will that be affected with all this going on here?

Mr. Michaud: So in our review we did look at specific trip increases at that location which is a channelized island it's not signalized. Anyone coming from the development that wanted to get to 95 would be channeled to the right. Right turn movements are not typically long delay movements. They are fairly easy to make especially where gaps would be created by the nearby signal at Third Avenue and Wyman Street. With the relative trip increase that is reported in the

study for that particular movement, in the morning it's twenty vehicles per hour, one vehicle every three minutes and ten vehicles an hour in the evening one vehicle every five or six minutes. So the relative impact of that particular location is fairly modest and because it's a right turn movement not a left turn movement it sustains very little delay, frankly. So that's been quantified in their capacity analysis in their traffic report and that movement to actually quantify it is Level Service B. Today it will remain at B and during the evening peak hour it goes from a B to a C so there's about a three second increase, um, there's not even a three second increase. There's within a once second increase in delay of that movement. So it's not material. The real impact is going to be at the signal itself.

Mr. Zieff: So my second question is we have two entrances on Winter Street and the proponent has one entrance on Winter Street. They're fairly proximate to each. Do you have any concerns about the proximity of those two entrances and what will happen (inaudible).

Mr. Michaud: It's a good question. So, again through the chair, the driveway exists today is historically functioned as an office driveway at an intensity that is likely to have been greater than what's currently being contemplated for residential use. That said, we looked at that to insure that the sight line visibility as folks would be leaving the driveway looking left or right meets safety standards applicable sight line standards. And that would include visibility to adjacent driveways so that if somebody were attempting movements from your driveway or any other driveway in that what we would call sight line triangle, that it would not present a safety issue. You know, as a matter of context the number of vehicles that would be added, so you would be to the west of - - -

Mr. Zieff: East.

Mr. Michaud: So just to give you a sense as to what those volume increases would look like from your prospective, your driveway, in the morning we would expect there to

be, it's 80 left turns an hour. It's about a little more than one vehicle every minute making the turn. So it's absolutely quantifiable. If you visualize this in terms of a minute by minute approach, you would typically see one extra vehicle every minute thereabouts. So it's not an extraordinarily high volume. It's quantifiable and it's not likely to materially affect your ability to get out of your driveway.

Mr. Sergi: Okay, with that said, yes

Sima Saslavsky: 255 Winter Street: Good evening. I don't know if you received our letter that we left.

Mr. Sergi: Yes, we did.

Ms. Zaslavsky: My question, for traffic document there is degradation from level of service E to Level of Service to F.

Mr. Sergi: Miss, I think we have addressed all of those if I'm not mistaken.

Am I mistaken with you? You went all through those?

Mr. Keeley: Yes, I went all through those.

Mr. Sergi: So do we need to go through them again? So do we need to go through those again?

Ms. Zaslavsky: All data was done in this document based on 2024 year when building Winter Street 305 was not functional and they are just going to the full capacity based not in this year. So all this affects these issues - -

Mr. Sergi: It's not my understanding. My understanding is that they have everything up to date.

Mr. Keeley: Through he chair, 305 was added.

Ms. Zaslavsky: Another one of my questions. What about school capacity analysis because high school on Waltham Street was designed in 2020 was came in life in 2024 and based on todays enrollment data high school capacity - - -

Mr. Sergi: We've discussed this internally with the Superintendent of Schools and they're addressing that. That's going to be part of the mitigation.

Ms. Saslavsky: Okay. Another, public safety because we have huge issue with the traffic, For example, school capacity, traffic issue, what about public safety?

Mr. Sergi: We've discussed that as well. That's why I am asking to put sidewalks there and they are going to be putting in additional capacity for bus stops.

Ms. Sl: But for example, traffic, emergency vehicles.

Mr. Sergi: The fire department has addressed that as well and that's going to be mitigated.

Ms. Zaslavsky: When will you have final results when everything will be mitigated and we'll see how this new building comes to Winter Street, this issue will be resolved.

Mr. Sergi: We are doing that now. We are putting together all of that currently.

Lady who did not identify herself? I'm talking about status down on Winter Street and Totten Pond Road west of Winter Street. There's a new traffic signal if you go on Totten Pond Road, west. Before Winter Street there's a new traffic signal. It has already had some congestion. This traffic signal then Winter Street signal and then they go to 95. If they are going to mitigate this traffic signal of Winter Street and Totten Pond Road meaning will decrease the time for Totten Pond Road but this new traffic signal its going to create more traffic on Totten Pond Road.

Mr. Sergi: I think he addressed that.

Lady: I didn't hear that.

Mr. Sergi: Did you address that signal?

Mr. Keeley: To the east. It was not included.

Lady: That's one thing.

Mr. Sergi:: Why wasn't it included?

Lady: They mentioned something about 500 yards away. So it is within Winter Street project. It's very close so it should be included. Another thing, even if they tweak this traffic light on Winter Street/Totten Pond Road and they say it will be better the left turn. There's only one lane right turn or left turn. This traffic is only one lane. They don't have right lane so it won't help. So it's going to be long line to go through this traffic light. It's not just left signal its both from the one lane on Winter Street.

I just can't comprehend how 315 units on 305 Winter Street, 350 or something units on 245 - 265 will only add eight cars per hour. I can't understand.

Mr. Deveaux: I can't either.

Lady: You know the hotels, they are leaving the same time.

Mr. Sergi: I mean they did the traffic studies, we had a peer reviewer look at and that's what the numbers show.

Lady: I am very skeptical about all that. Thank you.

Mr. Sergi: Do we have some comments on that. I know it's not part of the study but that light she's talking about.

Mr. Michaud: I was trying to figure which light that was.

Mr. Deveaux: I think it's a flashing yellow crossing.

Lady: No it's not flashing anymore. It used to be flashing now its a full signal light.

Mr. Deveaux: Like the crosswalk ones?

Lady: Yes.

Mr. Deveaux: So it's yellow to red. No greens, right?

Lady: No green.

Mr. Deveaux: So it's a full signal?

Lady yes.

Mr. Sergi: That's the one at Winter Street and Totten Pond we are talking about.

Mr. Deveau: No. At the rink.

Mr. Sergi: At the rink, that's what I am talking about.

Lady talking from audience. inaudible.

Mr. Deveau: Is that a full time active light or is that a request for - - -

Mr. Michaud: Any time a signal goes from flashing yellow to activated, it would be full time. So that said, what I would suggest is that that's a very good example of the commentary that we had in our peer review that there may be instances that the city needs to apply its resources through the transportation infrastructure fund to make signal adjustments over time. It's a normal maintenance activity, quite frankly. As development happens it should be the case where a community goes out and revisits locations that could stand to be optimized and updated from a signal timing perspective.

Mr. Deveau: Is it safe to say that they have to re do that traffic study because of this.

Mr. Michaud: No.

Mr. Deveau: Why wouldn't it be. Just give me the reasons why it would not be prudent to redo the traffic study when there's a brand new signal in there that was not included in any of the studies.

Mr. Michaud: So the change in volume on Totten Pond Road from this project, again they're quantified here in the report and we concur and I understand that - - -

Mr. Deveau: No. I am asking if we didn't include a signal in the study that now exists how does it not make sense to re look at that regardless of whatever factors that the state's going to allow, like it's a signal.

Mr. Sergi: Maybe you can look at it and then give a recommendation.

Mr. Michaud: I'd like to actually see it in the field so that I have a better - - -

Lady interrupted from the audience. It's within a half mile.

Mr. Deveau: A quarter mile.

Mr. Michaud: Understood. What I would be looking for, based on a review of it, is whether it is interconnected or not with the other system, right. When you have a fully functional signal that's located within an eighth of a mile of another signal it's often the case that it's coordinated either physically connected with copper or as a time based element built into the control box. So I need to understand better what's here and how its designed.

Mr. Sergi: Can you work with them to answer that question. I think it's a good question. Thank you.

Mr. Michaud: Will be glad to.

Mr. Sergi: Thank you. I think if we could have have the petitioners representative up here. I think we might have to extend because there's quite a bit of information we still have to gather and I think currently is where are we at?

Mr. Deveaux: Right now, February 27th is our current date so March 31st would be a recommendation.

Mr. Sergi: March 31st.

Mr. Ward: For the 180 days?

Mr. Sergi: No.

Mr. Deveaux: For the conclusion of the public hearing.

Mr. Sergi: Are you okay with that?

Mr. Ward: Yes. Hopefully we will get it done before that.

Mr. Sergi: Yes. We will continue it to another date.

Mr. Ward: I was just asking Matt. So he thinks a couple of weeks. I don't want to be overly contentious but we are not responsible for fixing the city's system. So we'll make some kind of contribution or something.

Mr. Sergi: Miss, do you want to come up and ask your question quickly please.

Ms. Zaslavsky: Applicant is planning to build a new building extremely close to our foundation extremely close and dangerously close and we ask if damage to our foundation

exceeds cost of insurance the company has to cover all damages. Will you guarantee that our insurance will not provide the coverage of building damages.

Mr. Sergi: I think they are liable for that. They need to provide insurance coverage for damages.

If it exceeds maximum insurance coverage who will cover difference.

Mr. Sergi: Do you want to answer that?

Mr. Keeley: I don't know what she said.

Mr. Sergi I guess in the construction process I guess if they blast- - -

Mr. Ward: Ya, ya. There are state regulations relating to blasters. Mark probably knows all the blasting regs by heart and that will be a condition on the decision if there's blasting we've got to comply with the state law. A State law is a State law.

Mr. Baranski: This did come up and we did do a research as I think I mentioned and I certainly share with Sima the process for blasting pre-demolition surveys requires for insurance are regulated by the state so the requirements from the state are those that we have to comply with. It's worked for every other project in Massachusetts for a long time so we believe that complying with the state's requirements is more than sufficient to fulfill the needs of our neighbors.

Mr. Sergi: Okay. So have we decided on the date to continue?

Mr. Ward: I don't think you suggested anything.

Mr. Sergi: Is everyone available on the 24th of March?

Mr. Deveau: Do you feel we will be able to close the public hearing on the 24th.

Mr. Sergi: I would hope so.

Mr. Ward: We'll have you a draft decision well in advance of that and get all the answers.

On motion of Mr. Deveau, seconded by Mr. Taranto, the board voted to continue this case to March 24, 2026.

Roll call: Mr. Taranto, yes Ms. Gelineau, yes; Mr. Deveau, yes; Mr. Hickernell, yes and Mr. Sergi, yes.

Mr. Sergi: So we'll continue this until March 24, 2026 and hopefully we'll have all this information.

Mr. Hickernell: Motion to adjourn.

Mr. Sergi: We're thinking about doing the election.

Mr. Hickernell: I move that we extend the term of office to the current officers for the coming year.

Mr. Taranto seconded the motion.

Roll call: Mr. Taranto, yes Ms. Gelineau, yes; Mr. Deveau, yes; Mr. Hickernell, yes and Mr. Sergi, yes.

Mr. Sergi: So that part is done. The election is done. We need one motion to adjourn.

On motion of Mr. Deveau, seconded by Mr. Taranto, the board voted to adjourn at 8:51 P.M.

John Sergi, Chair
2/10/26
