

City of Waltham
Zoning Board of Appeals

March 31, 2026

The Zoning Board of Appeals held a public hearing at 7:00 P.M. on Tuesday, March 31, 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 two new cases and a continued 40B case. So the first order of business is to approve the minutes, since Carol has been out she has just given me a list so we have a number of minutes that we need to approve formally. I'll just list them off and we will do the one motion. We'll approve the minutes of January 6, 2026, January 13th, January 27th, February 3rd, February 10th, February 24th, March 3rd, March 12th, March 17th and March 24th, all in 2026.

May I have a motion to approve the minutes, please?

On motion of Mr. Taranto, seconded by Mr. Deveaux, the board voted to approve the minutes of January 6, 2026, January 13, 2026, January 27th, February 3rd, February 10th, February 24th, March 3rd, March 12th, March 17th and March 24th, all in 2026.

Mr. Sergi: So the minutes for all those sessions have been approved. Thank you.

Okay, we are going to start off tonight with Case 2026-05, Petitioner/Owner Carl Cincotta. So, if the clerk be kind enough to read the petition, please.

The clerk read the petition in Case #: 2026-05. Petitioner/Owner: Carl Cincotta.

Nature Of Appeal/Petition: Variance(s). Subject Matter: To allow for the construction of a two-family home on a lot with frontage of 50 feet and a lot width of 46.5 feet, that will sit 6 feet off of the side-yard lot line. Location And Zoning District: 72-74 South Street (lot 2); Residence B Zoning District. Provisions Of Zoning Ordinance Involved: §4.11 – side-yard setback and frontage; §4.12(10) – lot width. Specific Relief Sought: §4.11 and §4.12(10) state that frontage shall be 60 feet, the width maintained shall be 60 feet, and the side yard setback shall be 10 feet. Petitioner proposes a two-family building on a lot with 50 feet of frontage, a lot width of 46.5 feet and a side yard setback of 6.0 feet.

Mr. Sergi: May we hear from the Petitioner or the Petitioner’s representative, please?

Attorney Bret Francis, Law Offices at 10 Hammer Street, Waltham, came forward.

Mr. Francis presented a copy of his brief to each member of the board.

Mr. Francis: I am here tonight on behalf of the petitioner, Carl Cincotta who is here and as the Trustee of the Cincotta Family Trust is the owner of property located at 72-74 South Street, Lot 2, Waltham.

(Mr. Francis went on to read his brief into the record.)

Mr. Francis: I also with me some renderings. And with that, I will take any questions that you might have.

(Mr. Francis submitted the renderings to each member of the board.)

Mr. Sergi: It's a two family, right?

Mr. Francis: Correct.

Ms. Gelineau: Attorney Francis, what does Residence B require? 7000?

Mr. Francis: Six thousand. So we're well over seven thousand, six hundred in change, I believe.

Mr. Sergi: Counselor, did you see the email we got from Dr. Giglio, I guess?

Mr. Francis: I did. I got that this afternoon and had a chance to review the same. I mean I would say a lot of it is not pertinent but if the board has any questions regarding - -

-

Mr. Sergi: Well, I think we might want to read this.

Mr. Francis: Absolutely.

Mr. Sergi: Want to read it into the record, Matt?

Mr. Deveaux then read the letter from Dr. John Giglio dated March 30, 2026 into the record.

Mr. Sergi: He's an neighbor/abutter. I think you want to keep him relatively happy. Can you comment on any of these?

Mr. Francis: Well, I mean, a lot of those I think belong to different departments rather than the zoning meeting. If there is an issue with it. I am sure he complies with whatever burning leaves and debris there is but I really don't have a comment to that. If Mr. Cincotta wants to speak to it and if you guys have any questions for him regarding that. I would suggest calling the Board of Health if that's a concern. I mean the zoning board I don't - - - So that was that one.

You know at this stage, there is going to be grass behind those two parking spaces at the rear of the lot. You're going to see an open space. That's intended to be grass. In front of the two parking spaces at the front, that's intended to be grass. I don't know what he is looking for in the way of a landscaping plan at this stage. One is definitely not required and I don't think this one is required at the building permit stage but he does intend to maintain a level of grass there as well, It's not going to be an entire parking lot.

As far as, you do have these renderings that are available and will be available at the law department.

Mr. Sergi: It is a two family, right?

Mr. Francis: It is absolutely a two family.

Mr. Sergi: Or is it going to be used for more than a two family?

Mr. Francis: No. In fact, there will be an occupancy permit after the construction there will be an occupancy permit issued. They will go into the building with an as built plan, etc. You know, it's a two family building. That's what it is.

Ms. Gelineau: What's the existing house? The existing house is a four family and he occupies one of the units.

Mr. Deveau: I have a question on your Exhibit A. Marked Exhibit 1, whatever it is. On lot two it's noted by the surveyor, "Not a Building Lot", can you explain that, please.

Mr. Francis: Well according to the Bibbo's, the Bibbo brothers who did this plan and have looked at it, they think it is in error because there was no frontage requirement, or you had to have the twenty feet up until 1988 and the lot area meets it so, in their opinion, they actually think that's an error or just something that was added because the owner wanted it to be added at the time. The fact is though, it really is needed for the lot to make it buildable this variance for the frontage as well as the lot width. I asked them if they could be here, one of them is out of the country and one of them had plans. So neither of them could be available for tonight but I actually asked them to appear for that very question and they said that I could tell the board that that's exactly that they believe it's in error.

Ms. Gelineau: Well I don't believe how much relief that holds but they just believe that that's an error.

Mr. Francis: Correct. But that's why we are also here tonight to get the two variances that would make it unbuildable tonight, the lack of frontage and the lot width by getting the variances that then can become.

Ms. Gelineau: So he didn't own it when he did this?

Mr. Francis: Yes.

Ms. Gelineau: He did. And what was your understanding. Why did you subdivided it?

Carl Cincotta, 74 South Street, Waltham: I'm not sure. I remember we divided the lot and I forget what the reason was. What year was it, it was 1979?

Ms. Gelineau: Yes.

Mr. Cincotta: I can't remember what I had for breakfast this morning. I don't remember what the reasoning. I know I had no intention building on this lot.

Ms. Gelineau: Why did you get an ANR plan?

Mr. Cincotta: Back then?

Ms. Gelineau: Yes.

Mr. Cincotta: What is the ANR plan?

Ms. Gelineau: Why did you subdivide it?

Mr. Cincotta: I'm not sure. Phil McCourt was my attorney at the time, I'm not sure why we did that. I think maybe for future development or, I mean, I never had any intention of building on the lot at the time, so I didn't even know that existed. But I agree now that the lot width is allowed for fifty feet then it is buildable.

Mr. Sergi: Any further questions? Steve?

Mr. Taranto, No, not at this time.

Mr. Sergi: Glenna?

Ms. Gelineau: No.

Mr. Sergi: Matt?

Mr. Deveau: No.

Mr. Sergi: Mark?

Mr. Hickernell: No.

Mr. Sergi: I don't have any further questions, so I'll open it up to the audience.

Is there anybody in the audience that is against the petition and would like to speak?

Seeing none. Is there anyone in the audience seeking information? Seeing none. Is there anyone in the audience that is in favor of the petition?

Seeing one. Okay.

Tom Benevides, 308 River Street, No. 3, Waltham: I feel that this is an instance where it's more of in favor of zoning than not the proposal in terms of what dimensional variances they are requesting and the size of the lot and the amount of housing. If anything it is less dense and with more parking in the neighborhood as it actually exists. The zoning doesn't represent the neighborhood at all, none of the neighboring properties would comply. What he proposes, you know, is less housing than what neighboring lots would have but it is, you know, certainly within the character of the neighborhood and so I hope it will be improved with neighborliness and with burning issues notwithstanding. Thank you.

Mr. Sergi: So you're in favor.

Mr. Benevides: Yes.

Mr. Sergi: If there are no further questions of the board, I'll ask the counselor have you made any changes to the Proposed Findings of Fact and the Proposed Decision that's been on file?

Mr. Francis: No they have been on file more than two weeks and no changes.

Mr. Sergi: May I have a motion to waive the reading of the Proposed Findings of Fact and the Proposed Decision since they have been on file with the Law Department?

On motion of Mr. Hickernell, seconded by Mr. Deveaux, the board voted to waive the reading of the Proposed Findings of Fact and the Proposed Decision since they have been on file with the Law Department?

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

Mr. Sergi: So we waived the Proposed Findings of Fact and the Proposed Decision. With that done, may I have a motion on the Proposed Findings of Fact as presented?

On motion of Mr. Hickernell, seconded by Mr. Taranto, the board voted that the Proposed Findings of Fact be adopted by the board as the board's Findings of Fact.

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

Mr. Sergi: In similar fashion, may I have a motion on the Proposed Decision as presented?

On motion of Mr. Hickernell, seconded by Mr. Taranto, the board voted that the Proposed Decision be adopted by the board as the board's Decision.

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

Mr. Sergi: It's been granted.

Mr. Francis: Thank you very much.

Mr. Sergi: The next case we are going to hear is Case 2026-06, it's a new case, Petitioner/Owner: Watch City Venture. Would the clerk please read this two page petition?

The clerk then read the petition Case #: 2026-06. Petitioner/Owner: Watch City Ventures LLC. Nature Of Appeal/Petition: Applications for Variance – Dimensional and Application for Special Permit – Dimensional. Subject Matter: Pursuant to zoning relief granted in Zoning Board of Appeals Case No. 2011-20 and subsequently in City Council Riverfront Overlay District Special Permit Order #31771 dated June 25, 2012, the Petitioner completed a multiphase redevelopment and adaptive reuse of the Waltham Watch Factory complex into a vibrant mix of office, residential and retail uses with riverfront amenities. The Petitioner proposes to construct, use, and maintain an additional 140 residential units and associated parking in the Riverfront Overlay District. Location And Zoning District: 185-241 Crescent Street, 261 Crescent Street, 267-269 Crescent Street, 180 Crescent Street, and 224 Crescent Street are located in the Commercial, Riverfront Overlay, and Residence B Zoning Districts. Provisions Of Zoning Ordinance Involved: §

4.11, § 4.12(7)(a), § 4.12(7)(b), § 4.12(7)(c), § 4.231, § 4.232, § 5.22(c), § 5.42, § 5.47, § 8.444, § 8.452, § 8.4561, § 8.458(b), § 8.471, § 8.472, § 8.473.

Specific Relief Sought: § 4.231 states that no commercial establishments for the sale or dispensing of alcoholic beverages shall hereafter be erected or placed so that any entrance or exit at the street line thereto shall be within a radius of 200 feet from any entrance or exit at the street line (such as a door, walk or driveway) of any school if such entrances or exits are on the same street or on an intersecting street; nor within 25 feet of any residential district. Here, the entrance or exit at the street line is 163.3 feet from the entrance or exit of the Fitch Elementary School and 15.9 feet from the residential district zone line in the center of Crescent Street. This is the same variance that was requested and granted in Board of Appeals Case No. 2011-20.

§ 4.232 requires a 10-foot setback for a detached accessory building from a principal building and here the proposed maintenance shed is located less than 1 foot from the principal building. This is the same variance that was requested and granted in Board of Appeals Case No. 2011-20.

§ 5.42 further provides that an area equal to 40 square feet per car space shall be provided on which snow cleared from parking areas may be placed. The Cherry Street Lot has 230 parking spaces which would require 9,200 square feet of area on which snow cleared from parking areas may be placed. Here, the Petitioner proposes to provide 8,302 square feet of area on which snow cleared from parking areas may be placed. This modifies a similar variance request that was granted providing only 8,265 square feet of area for snow storage on the Cherry Street Lot in Board of Appeals Case No. 2011-20.

§ 8.444 states that owners of property within the Riverfront Overlay District may apply for a special permit to allow mixed-use development. Said development shall permit retail stores, 119 SCHOOL STREET • WALTHAM, MA 02451 Telephone: 781-314-3330 • Fax: 781-314-3341 restaurants, business offices, personal service establishments and all residential uses permitted under the Zoning Ordinance. Further, the total square feet devoted to nonresidential uses shall not exceed 20% of the total gross floor area of the project, excluding basement parking areas. Here, the total square feet devoted to nonresidential uses will be approximately 35.8% of the total gross floor area of the project. This modifies a similar variance that was requested and granted in Board of Appeals Case No. 2011-20.

§ 8.471 states that for newly constructed or rehabilitated mixed-use projects, only residential uses shall be allowed on the second through sixth stories. Here the existing commercial uses of the Waltham Watch Factory Building will remain on all floors of the building, but they will be separate from the residential uses. Additionally, residential uses are also proposed for the basement, first floor and seventh floor of the Waltham Watch Factory Building. This is the same variance request that was granted in Board of Appeals Case No. 2011-20.

§ 8.473 states that no floor shall have both residential and commercial uses. Here six floors and the basement of the Waltham Watch Factory Building will have both commercial and residential uses. This is the same variance request that was granted in Board of Appeals

Case No. 2011-20.

§4.12(7)(a) requires a front yard setback of 10 feet or 1/2 the building height (37.5 feet).

Here the Petitioner is proposing 11.2 feet (existing) to remain.

§4.12(7)(b) requires a side yard setback of 15 feet or 1/2 the building height (37.5 feet). Here the Petitioner is proposing 10.5 feet.

§4.12(7)(c) requires a rear yard setback of 25 feet or 1/2 the building height (37.5 feet). Here the Petitioner is proposing 50.6 feet (17.8 feet existing to remain).

§4.11 requires a maximum building height of 80 feet. Here the Petitioner is proposing 74.9 feet (109.1 feet existing to remain).

§5.22(c) requires 1,012 parking spaces (991 full, 21 handicap) for this mixed-use development. Pursuant to §8.458(b), the Petitioner shall request a 2/3 reduction pursuant to a City Council Riverfront Overlay Special Permit resulting in a 675-parking space requirement. Here, the Petitioner is proposing 646 parking spaces (303 full, 320 compact, and 23 handicap).

§8.452 requires maximum building height of 65 feet or 6 stories. Here, the Petitioner is proposing a new building measuring 74.9 feet - 6 stories plus cellar/garage below.

§8.472 requires a minimum setback of 65 feet from an existing structure. Here the Petitioner is proposing 31.6 feet.

§8.4561 requires a minimum setback of 50 feet from the Charles River. Here, the Petitioner is proposing 50.6 feet for the new construction (17.8 feet existing to remain).

§5.47 states that the Zoning Board of Appeals may grant a special permit allowing up to 50% of the parking spaces to be designed for small cars (compact). Here, the Petitioner is proposing 646 parking spaces with 320 parking spaces (49.54%) designated for small cars (compact).

Mr. Sergi: May we hear from the Petitioner or the Petitioner's representative, please?

Attorney Michael Connors, Connors and Connors, 689 Main Street, Waltham.

(Mr. Connors went on to read his brief into the record and also went over his exhibits which are attached to the brief.)

(Mr. Sergi ask the following question while Mr. Connors went over the parking.)

Mr. Sergi: Why is that? Is it because of any special reason or was it fully occupied or - - -

Mr. Connors: Taylor will get into that later but I think over the decade we've seen it pretty close to full occupancy and this has been the experience of those parking lots and anyone driving on Crescent Street sees the seas of asphalt over there.

Mr. Sergi: Forty percent, that seems kind of hard to believe.

Mr. Connors: Like I said, later on we'll have different members of the team, the architect from SSMA, the same architects that designed the high school, we have a full team here tonight. He'll get into that study.

(Mr. Connors went on to read his brief into the record.)

Tonight I have part of the full team and I do have with me from Berkeley Investments, Mr. Young Park and Esther Chung Byun. They will further discuss the further substantial hardship that's the next hoop we have to jump through. A literal

enforcement of the provisions of the ordinance would involve substantial hardship financial or otherwise to the petitioner.

Mr. Connors went on to read his brief.

Mr. Connors: At this time, I would like to, as mentioned, hand it over for some comments from Young Park from Berkeley Investments. He is the President of Berkeley Investments and then he will hand off to Esther Byun from Berkeley Investments.

Young Park, President of Berkeley Investments, I live in Cambridge at 5 Riedesel Avenue which is actually not too far from Watertown and Waltham.

So, I started in Berkeley Investments in 1991 and we acquired the Watch Factory in 2006. So it's fair to say that the Waltham Watch Factory project has been a constant and a focal point of our activities for more than half of the length of our time that we have been in business. And throughout the many phases and all the activities associated with the Watch Factory, we are really guided by three principles. I'm not going to go back to a lot of what our counsel has described but the first one is really the architectural integrity of the project. As most of you probably remember, the condition that the Watch Factory was in. I mean there were literally trees growing out of some of the buildings. So when we approached the Watch Factory in its entirety, the issue of both the historical preservation but also the second priority which was the revitalization of the entire project, twenty-two buildings, you know, there were many more actually when we started. So we made the decision to renovate the project and do it as a historic preservation project and it took us years but I think we succeeded in really capturing the essence of what the Watch Factory represents for the City of Waltham. After all, the Watch Factory is featured in the seal of the city. The project won many preservation awards and I think that it really says a lot about how we approached it but also how I think the city and the neighbors responded.

The second priority, as I mentioned, is the vibrancy of the project and we decided to go in a mixed use direction because we felt that overlapping activities would make the project much more interesting and attractive. And that brings me to the third element which is by doing that the preservation, the quality of the design and the historic nature of the renovation combined with the vitality ended up being a real advantage competing on the commercial side initially but also on the residential side with projects that were much newer or reviewed as being more attractive. We were able to compete for the commercial space with projects that are close to the 128 belt and everyone who comes and rents space says, we love it here because it's so different from anything else and at the same time you're providing amenities and vibrancy that our employees really appreciate. And by doing that, I think that we were able to contribute to the economic base of the city as much as both the residential and the commercial are attractive but it also brings economic vitality to Waltham. So, when we look at, what we call Phase 4, which is the fourth phase, the major phases of this project our approach has not changed. And I think that this notion of architectural integrity, the vitality and the economic value creation is what's driving our proposed project in Phase 4. Thank you.

Esther Byun, 7 Westfield Road, Natick, Ma: I am the Head of Development with Berkeley Investments working with Young Park over the past ten years and I'm more recently on this project and I am joined this evening by other members at Berkeley, Kevin Longo and Tony Tanery who have had roles in the operation of the building over the past decade as well as the construction.

I would just add briefly to the remarks that Mike Connors and Young Park started with in that this next phase is also about adaptation and I think that the Chair rightly raised the question about, you know, the change in the parking utilization and that is what almost started this journey in the early 2022 a vision that we had for this project. At that time the folks remember we were, you know, you could call it at the height of Covid or maybe potentially, you know, maybe as things started to resolve but it was a time of a lot of

change in commuting patterns and how people were working and we experienced when we heard from our on the site team on the ground team that the parking utilization was down and so we evaluated how could some of this space be used better.

I will note that in early 22, there was a different conception of this project. We looked at different site which was actually one of the remote sites, I believe is the Cherry Street lot across the way and evaluated a scheme at that time, had a meeting at that time and the feedback was, you know, actually this lot is essential for some of the retail that is currently at the Watch Factory and that lot is actually much more encroaching on the residential community. So what we did is we went back and as Taylor will attest to did a formal utilization study, looked at every spot on the site, looked at it at peak week day hours, weekend hours and really did a thorough analysis to say, well what is actually the best space remaining on this twelve acres to re-envision and inject new life. And so as Young noted that vibrancy that has built up over the past decades is at an inflection point and I think there are a change in economic times right now and the Watch Factory does have to adapt. So, just request that the board listen to that intent unless the rest of the team comes up and explains a little bit more in detail about the project. Thank you very much.

Mr. Connors: Taylor Dowdy is going to speak next.

Taylor Dowdy, BSC Group, 803 Summer Street, South Boston: As Esther and Attorney Connors had mentioned, back in 2024, we did hear reports from Berkeley that the parking is underutilized and so we decided to pick a series of days to try to capture what are we finding as a peak parking demand? So we looked at weekdays, 9AM, weekday 2 PM, weekday 7PM and Saturday, 9AM. As they mentioned, the Watch Factory is a classic mixed use so we are trying to figure out which option during those time periods is the most parked. And you can see 38% and these are total numbers here, 38%, 40%, 26%, 24%.

The peak that we observed and this is also backed up by satellite imagery was 40% on a weekday at 2 PM.

As Esther had mentioned,

Mr. Sergi: Are those due mostly to commercial?

Mr. Dowdy: Most likely due to a combination of some residents working from home that live in the lofts here (pointing to the plan) and some of the employees of the on-site businesses working on site not to mention some of the smaller retail restaurant usage that are near the Prospect Street lot.

So, you know, 40% and we do have these broken up and color coded (referring to the rendering) but the two remote lots Cherry and Brown were the least usage as Brown 46% 51, 11 and 4 on the weekend, Cherry 22, 33, 36, 32. In fact, one of the days, I think it was on a Saturday there was a mini farmer's market going on in Cherry Street. I'm sure the neighborhood was excited to see that.

Mr. Sergi: The 11 and 4% utilization, what do you count that for? Is that, I mean, most of the residents would be, I would think, parked there.

Mr. Dowdy: I agree with you but this is the Brown Street lot which is a remote lot so they are probably looking for space either on the main lot or the Prospect Street, closer, that's right. But you're right, weekday at 7 P.M. you would think that the folks that do go into the office to work or at a remote location they would be coming back home and parking at that time. And then associated with that with the future build conditions for lack of a better term, we were projecting the max usage and as a start we assume that weekday 9AM and weekday 2 PM were mostly likely going to be full in the main lot and we set those numbers at 95%. But even still you can see the overall usage 60% weekday, 9 AM. 60%

weekday 2 PM, 51% weekday 7 PM and 51% Saturday 9 AM. So we still think even after this project is built if we're so allowed to do so we still don't think the parking is going to be completely full.

Mr. Sergi: These are going to be all residential units, right?

Mr. Dowdy: It is all residential units, that is correct.

Mr. Sergi: What percentage is commercial and what percentage is residential?

Mr. Dowdy: In terms of square footage space?

Mr. Sergi: Well, ya.

Mr. Dowdy: I don't have those numbers exactly but I don't believe that Berkeley has a requirement where folks have to park in certain areas. Is that right? Is it all open parking (speaking to someone in the audience).

Mr. Sergi: So it's open parking for both residential and commercial.

Mr. Dowdy: That's right.

Mr. Sergi: And what percentage of the building is commercial and what is residential?

Mr. Dowdy: I'll have to look that up and get back to you. I don't know that number off the top of my head.

Mr. Sergi: I'm just curious. Any further questions of the board?

Mr. Taranto: I know you are here just to reinforce it. 7 PM during the middle of the week when residents would be home, what was that statistic of occupancy again?

Mr. Dowdy: We say 7 PM, we observed 26% parking utilization. It's probably a combination of the folks leaving the business and some of the folks returning to the site for the apartments not yet back yet.

Mr. Taranto: And so the latest time frame that you have is- - -

Mr. Dowdy: That was the latest time frame during the week. That is correct.

Mr. Sergi: And that was 2024?

Mr. Dowdy: 2024, that's right. It was in September if I'm not mistaken. School had already started.

Mr. Sergi: And then your projecting this to be more current 2026.

Mr. Dowdy: Correct. We kind of utilized what we observed and applied it to our future build condition.

Mr. Sergi: So you're assuming that nothing's changed from 2024 to 2026?

Mr. Dowdy: Correct: We haven't done a true count since 2024 but I've been out there numerous times and they generally fit these patterns what we observed.

Mr. Sergi: It seems extraordinarily low to me.

Mr. Dowdy: As estimation, I think it's a combination of it's a perfect mixed use scenario definitely in a post Covid world commuting patterns have changed and zoning codes necessarily not just Waltham but throughout the State and the region haven't necessarily caught up to new commuting patterns.

Mr. Sergi: I would think that the residential use would utilize the parking more.

Mr. Dowdy: And that may also be approached where there is plenty of public transit opportunities within the city.

Mr. Sergi: Any further questions of the board?

Ms. Byun: I'd just like to clarify a couple of points here. To that 7 PM utilization, the figure I believe was at around two hundred spaces was utilized at 7PM on a weekday, my colleague reminded me that currently with the 163 residential units on site, there is a one car per unit system and so some of that make up is attributed to the residential units, some might be with the retail space on site as the restaurant as well and some folks working late.

Mr. Sergi: There are 163 units there currently.

Ms. Byun: Units there currently with a different mix, but our folks on site have a little more data into that. I also wanted to clarify that we have been fortunate to operate the Watch Factory with substantial occupancy and so the occupancy has been very stable on the commercial side as well as the residential side.

Mr. Sergi: Well, ya, one hundred and- - -

Ms. Byun: Which is a very fair question.

Mr. Sergi: Is it a fifty-fifty mix as far as square footage?

Mr. Connors: And that is part of the zoning relief. That's why I have the exact number. We had to get it the last time so I kind of skipped over it. So that was from the 2011 case, that was one of the modifications. So after this proposal it will be a 35% non residential uses. The provision 844 states that the total square footage devoted to non-residential shall not exceed 20%. We obtained that variance last time. Here we are asking for the total square footage devoted to non-residential to be approximately 35.8%. So 65/35.

Mr. Sergi: Thank you.

Michael Pardek, SSMA, 1000 Mass Ave., Cambridge: I live at 15 Winn Terrace, Malden. I am with SMMA: So I wanted to share some details about architectural design, a little bit about more specifics on the site plan of the proposed project. We go way back, It's always good to look back at the deep history of the Watch Factory, 1850's is really when it all started. Classic Manufacturing Industrial riverfront. There's twenty two buildings today but back then there was many more as you can see the image on the right there.

On the project site which is at the south of the site there is a couple of houses on Crescent Street and a couple of out buildings and support buildings for the Watch Factory. And over the years there's all on the right side the parking lot came down.

Fast forward to 2024, we had our first public meeting where we introduced this idea of the residential projects to be sited centrally on the footprint of the existing parking deck on the southern end of campus.

Some of the things we are looking for with the project was to get more units on the site, improve access to the riverfront and enhance pedestrian safety, as much as we could along Crescent Street.

So what we presented in 2024 to that first community meeting is this building on the right. It was a six story development that took queues from the Watch Factory for its architectural features. We got some really good feedback from the community at that meeting. We went back to the drawing boards with a “C” shape plan at first that had an amenity terrace that looked over the Watch Factory parking lot, but based on feedback we went back and really reshaped the whole project abandoning the “C” shape and going with this kind of “7” shape. We did that for a few reasons. We really wanted to pull away from the neighboring properties and pull away from the Watch Factory so we reduced the frontage from about a hundred and five feet which you can see in that image to about seventy feet, the current proposal. So we thought that did a lot for us. So it reduced our profile on Crescent Street. It also helped us open up the U corridors back down to the river, so you can see that on the right here and actually straightened out there’s a little kink today when you drive down the road into the Watch Factory it kind of kinks to the left. It’s kind of designed around the parking structure and we really kind of straightened that out to align it with Robbins Street. So as you are coming up Robbins you’ve got a direct view down the river.

The other thing, this kind of reshaping did for us, you will notice that kind of tower up the corner, we kind of pulled away the front of the building from that tower and created a natural place for the front door and on the southern side of the property we are sitting on top of the parking garage below us as this site slopes down where we have our amenity terrace that now faces south and gets some pretty good sun out there and it pulls away from the southern property line. So the major face of the building thirty feet at the narrowest point and up to seventy six feet at the terrace and ten and a half feet back where we are amongst the canopy and the trees up by the riverfront.

So you can see that near formation here of that “7” shape landing on the site and being parallel to the river and on the right side you can see the updated proposed design and you can see just dash dot line was the 2024 profile so you can see the difference in shape opening up. It’s not only about the face of the building we find it’s also about the sky plain with perception of openness. So we think this new concept really does a good job with opening up those view corridors down to the river and lessening, you know, we heard a lot of comments that it felt like a wall with that hundred and five feet, so shrinking it down almost by like 65%, 70 feet feels good.

So the materials are inspired by the Watch Factory, so we are using brick panel and some fibre cement. I’m not trying to cartoon or mimic the historic nature, we want what’s old to be old and feel traditional and well worn and what’s new to be new but it does pick up some of the characters you can see here in the images on the right and architecturally as a cadence as you’re marching down Crescent Street is these four story elements that actually pull out of the Watch Factory main building. There’s been a museum, if you’ve been to the Watch Factory museum it occupies one of those. So we think this new building as you can see on the right forms both a nice book end to our cadence and a nice gateway to the Watch Factory in the south.

Now, I’ll just walk you through the highlights of the site plan, Crescent Street on the right. When you pull on Crescent Street there will be a few parking spaces for visitors, drop offs, door dash, what have you and the main entry, like I said, is kind of opposite that tower. Marching down, obviously this is a slope. If you have been there today you will notice there’s a pretty nice slope from Crescent all the way down to the river but we’ve included this new walkway which is a nice feature. Currently today if you want to go to the river you walk down the driveway. We tried our best to carve out pedestrian only walkway down. It’s a slope so there will be some steps there to get down but it’s a nice gradual pathway down to the river. As you slope down garage entry to a secured garage that will

have a door and then you make your way to the riverwalk in this open space here. So, the riverwalk will essentially stay the same. We will move I think about fourteen parking spaces that are dedicated for public access. Those will just slide over to the other side so that doesn't change. It just relocates to the other side. Like I said, the amenity terrace on the southern edge of the development and then new trees there into the parking lot.

Mr. Sergi: How many parking spaces in the garage?

Mr. Pardek: Forty-eight, I believe.

Mr. Sergi: How do you prioritize those with the units?

Mr. Pardek: There might be some people in units that park on site if they need parking, don't know how that gets included in the rent or not.

Mr. Sergi: So, I see. You charge extra for the parking spaces.

Mr. Pardek: Yes. It's also a good bicycle storage and things in the secure garage.

Mr. Taranto: A question on the walkway that you have. You mentioned the stairs and I'm thinking from veranda there for lack of a better wording on the lower portion there coupled with your entrance there for handicapped access. You mentioned stairs flags go up with me regarding access going down to the riverfront. Has that been thought of?

Mr. Pardek: It's definitely a big challenge. We did study trying a ramp all the way down and it was just impossible. You would have to do like a quadruple switch back ramp that would take up a big chunk of the property. You know you will be able to drive down and park to get down there. That is a big challenge on a site like this.

Mr. Taranto: How about handicapped residents?

Mr. Pardek: There will be an elevator that takes people down to the lower level
garage.

Mr. Taranto: So a resident that is handicapped will be able to leave that building
and be able to traverse over there.

Mr. Pardek: Yes. As they come out this door here and be able to go there. It's pretty
flat once you get down here.

Mr. Taranto: Thank you.

Mr. Pardek: We have a few more views of just that walk down to the river and then
looking back this is the open space riverwalk and the river. You can see the garage and the
units above.

Mr. Sergi: And that's the garage door?

Mr. Pardek: Yes that's the garage door to the right there.

Mr. Sergi: Any questions of board members?

Steve, any further questions.

Mr. Taranto: No.

Mr. Sergi: Glenna?

Ms. Gelineau: No questions.

Mr. Sergi: Matt?

Mr. Deveau: No questions.

Mr. Sergi: Mark?

Mr. Hickernell: No questions.

Mr. Sergi: I have no questions at this time. Is there any further presentation?

Mr. Connors: So that's the main part of our presentation. Obviously I had some things drawn up with just with this view. This is the type of thing hat we discussed with Deputy Fire Chief Grant, you know, having access around the back of the building. So just where it's positioned that was obviously taken into consideration and was a big part of our discussion points.

Mr. Sergi: So you have had community meetings, so, I assume you talked with the abutters and so forth in the area.

Mr. Connors: Yes, we had two. So we had the first one in 2022 in March and then we had the follow up in November of 2024. I think an important thing to note where we saw that step back that terrace was I mentioned was kind of an effective setback because it varies from thirty feet to seventy-six in one area and also the reduced frontage. All those design changes were incorporated at the time of filing with the Affordable Housing Trust Fund. And the Mayor's communication is what I included as the exhibit, so she included that document. You can tell the front you saw what was proposed at the November meeting and at the back of that document which I think was Exhibit G, it's a black and white but

she sent it to the council as such. It includes that angled front as you can tell as opposed to the "C" shape. That was the original so it had the reduced frontage and then lastly is this as what I was referring to I discussed a little bit but that has numbers to it. The setback relief that we are asking for is the ten feet, ten and a half actually. Ten feet is what the parking deck is that's currently there that has 9% utilization. We're having it at 10 1/2 feet but in this area after getting feedback at the community meeting you know we think that the real setback area effective setback is more in line with these numbers here (referring to the plan). As mentioned there's a lot line right here. You can see where it changes. This is DCR land down here and you know we connect. There was discussion about handicapped access of vehicles to come down here. We connect directly to that DCR land which continues over to Woerd Ave and obviously going east bound it continues towards Prospect Street and the riverwalk.

Mr. Sergi: So for the benefit of the audience and the people watching the contribution of \$4.2 Million, explain that.

Mr. Connors: So, and my dad did Cronin's Landing and that was the last time that a monetary contribution was accepted with a residential development until St. Charles Apartments now. What changed in between there is the city council and the zoning ordinance changed from acquiring ten percent of the units for the first couple phases of residential here included ten percent of the units as affordable housing. Once that switched to fifteen and then to twenty, zero units have been produced in the city since those changes took place under a special permit. So once again, we are going for a Riverfront Overlay special permit and part of that is for FAR at .98 they can approve up to 2.0. So that was part of the discussion at the front end and a consideration for financing so I think \$1.3 Million was just handed over for the St. Charles Apartment. So that will go to a fund that the city can use to some of those objectives that have been mentioned at city council or otherwise. So that the big change is that it went from that ten percent to fifteen and then to

twenty and zero units were produced under the fifteen or the twenty. Actually they used the MBTA Zoning recently This has just transpired in the last year.

Councilor Logan asked that one of things that the State Law allowed was for an economic feasibility study and in just in yesterday's paper that they are trying to move some of those numbers and responses. That has to have its own public hearing and its own process to change zoning, so that hasn't happened yet. It's been discussed and forwarded to Rules Committee but that's where I'm getting that knowledge but also that it's recently been discussed at city council meetings that zero units have been produced at the fifteen and twenty percent. And the only units that have been produced because you would say with the current zoning applied to St. Charles, that was where the monetary contribution to the fund is similar to what we are proposing here.

Mr. Sergi: All right. Thank you. We appreciate that explanation. If we don't hear any further presentation, I'll open it up to the audience. Is there anyone in the audience that is against the petition as presented that would like to speak?

Candi Chapman, 22 Endicott Street, Waltham: I've lived in Waltham for sixty-eight years. I've lived on the island. I've listened to all this presentation but I haven't heard anything about traffic. It took me tonight at 6 PM to get here, twelve minutes. If you try to go down Prospect Street at 3:30 to maybe 5:30 it could be twenty minutes to twenty-five. And with this additional cars, a hundred forty, seventy, whatever, I haven't heard any improvements for the commute.

Mr. Sergi: It's a valid question.

Ms. Chapman: And, okay, that's my main concern.

Mr. Sergi: Okay. Thank you.

John Pizzi, 34 Robbins Street, Waltham: I've been there for fifty years. I am also the former and recently retired city engineering worker that worked with this project over the years. I've worked with Eric Eckman, I believe it's your company and I've also worked with Peter Reid. Peter's retired.

My question is and we've gone through a lot of information here about all the different variances and the codes and everything else and it's been quite a long time. But I'd like to know a little bit more information about the height of the building. But I need to know the height of the building with respect to the elevation of the street out on Crescent. How much higher is the building above the benchmark height of the street? Can you answer that?

Mr. Sergi: Go ahead if you would like to answer that.

Mr. Connors: I'm sorry. I didn't know if we were going through this at the time of comments. We have answers like we have a traffic engineer present.

Mr. Sergi: Well, you could listen to the issues and then maybe address them at a, later date if you'd like.

Mr. Connors: Well I think it would come up. I'm taking notes here.

Mr. Pizzi: All right, so we don't have that just yet. The only reason why I said it is because I think we've all heard that the building had 74 feet but is that the height of the building including the basement?

Someone from the audience: No, that's the height of the building to the average grade.

Mr. Pizzi: So for the most part it is probably close to the benchmark height of the street line.

Lady spoke from the audience. Inaudible.

Mr. Pizzi: Okay. And then there's a hundred and forty units and how much parking is for each unit? In other words, you have to have one car, two cars, three cars. How many cars does each either owner or resident of the unit, what's the maximum amount of cars? It's a hundred and forty and they are allowed to have two cars, that's two hundred and eighty cars. Am I right?

Mr. Sergi: No, I guess we can follow Mike's lead and we'll answer them at the end.

Mr. Pizzi: Part of the question that I was asking. Is typically when you go through the process including the council, as to how many parking are you supposed to provide for a hundred and forty units? Is it two forty because you only have forty-eight and that's within the building. So that means that even if there was one car per unit, forty eight off of a hundred and forty, we're looking at ninety cars that need to park somewhere else. That's the big concern that the neighborhood has is the parking.

Mr. Sergi: Well listen, again, you will have some time to elaborate on that. Let's keep it orderly.

Mr. Pizzi: You know, that's a concern. So if those individuals that have those vehicles that occupy one of the units they have to go somewhere else. Where do they go?

Mr. Sergi: Okay, valid question.

Mr. Pizzi: Now, I think it's being considered that they can use one of the vacant spots on Brown Street or on Cherry Street. Is that right?

Mr. Sergi: Well, they will answer the question. You posed it.

Mr. Pizzi: Does anybody know?

Mr. Sergi: No they will answer at the end.

Mr. Pizzi: So that's really it. And then there's parking spaces along Crescent Street. That was the other concern. Do any of the potential unit occupants because they can't park in the garage, are they parking in the street and that's going to take parking spaces away from the neighborhood.

Mr. Sergi: Thank you.

Gail Drakos, 173 Adams Street, Waltham: I live right on the corner of Robbins and Adams one block up. I live next door to Mr. Pizzi. My concern that I haven't had addressed that when Berkeley Investments with the other gentleman from New York when they were first doing all the renovations, they did an excellent job. They were right on everything that they said what they were going to do. They were great to work with. What my concern is kind of hypothetical down the road. I want to know across the street on those two other parking lots, is that considered some of the parking for this?

Mr. Sergi: The way I understand it that it seems to be.

Ms. Drakos: Okay. What is that property zoned for? From what I understand, those two lots are buildable and down the road are you planning on adding more additional units over there because I can never have anybody park in front of my house that's visiting

me. I've been there forty years. And those two parcels are big parcels. If you can get a hundred and forty out of here, how many can you get across the street on those two parking lots. And it's just incredible. I mean the over building and then not having reliable parking spots has been a bone of contention with me because when you people are giving out all these ordinances and okay they can do a little extra this or that, it should be that when you have a building going up you have to have the allowed spaces in this area because most of the homes in this area, I brought up before, were built for the people that were living or working in the Watch Factory. So those multiple houses were built with no parking because you didn't have that many cars back then. Well now, everybody especially if you have a couple of children growing up some of the houses can have three or four. So where do we start looking ahead on what properties that are around us that Berkeley Investments has investments in and what are they planning down the road because when they did that one, I said it was hypothetical but it's something that we have to think about. When we are giving away spaces, we're not making them have the spaces that they need for this system, right now, ya you have across the street, you have a street you know. I come down Robbins Street, there is hardly ever a spot open, those cars along Crescent Street. They're used constantly.

Mr. Sergi: That's a question that I have about parking.

Ms. Drakos: Well, if they have a hundred and forty spaces and there's two car per unit you have to have two hundred and something.

Mr. Sergi: No I hear you.

Ms. Drakos: And it's going to have to be on site somehow. You can't guarantee that we can keep those spaces across the street.

Mr. Sergi: Right, that's a valid question about further development and - - -

Ms. Drakos: It is. That's my bone of contention with everything in the city, everywhere, because we just keep getting closer, closer and closer and something has to be like in an ordinance or some law or something that that cannot be changed, period! Thank you.

Mark Lasoff, 33 Robbins Street, Waltham: I'm neighbors to these guys. I want to reiterate the parking. I think you need double the spots on site. Even if the satellite lots exists, I think what you will probably do human nature you're going to drive up and down Adams and Robbins and Ash Street and if you can find a spot it's a lot quicker to your apartment. The other thing is the utilization of the Town Watch City, what is it right now, sixty-five/thirty-five but they should do a test I think at maybe 9 o'clock, maybe eleven o'clock at night maybe the utilization for parking on all those little side streets and see where we are at.

The other thing is, it's very hard to pull out of Robbins Street, Crescent Street, people are buzzing around the corner there's going to be a lot more traffic and its really pretty treacherous going out. If someone is coming out of this Watch City and you're at Robbins, right/left, it's very scary as is right now with low utilization. Adding all these spots it's really going to be a danger. So you might need a light. I like the mixed use idea but you've got to add the parking in. It's really, absolutely, okay.

Mr. Sergi: Thank you.

Gerard Butler, I'm an attorney at Smith Duggan in Lincoln, 55 Old Bedford Road: Today I represent the abutter, GBL Crescent Realty, LLC, Mr. Greg LeBlanc's LLC and I've come here to oppose this petition. Sometimes things are on paper or in theory don't look the same way in practice and we heard that this parking garage, the word has been used, underutilized. Well, that maybe so, Mr. LeBlanc has taken a recent picture (Mr.

Butler submitted the picture to the board) it may be underutilized but it is most certainly utilized. And as I see this proposed development that parking deck will be completely eliminated.

Mr. Sergi: What's the date of the picture?

Mr. Butler: Two weeks ago. And under their proposal this parking deck is completely eliminated. I also saw based on the plans that they seek to, it looks like now, move the public parking for the walkway which presently has twenty-eight spaces. I looked like they were eliminating that but now I hear that they are just moving it. Nevertheless, if they move the twenty-eight spaces they have for public parking on the walkway right now that means by my math they will lose ninety-seven spaces on the Watch Factory lot and they propose to add a hundred and forty units as we heard and that's almost double what the residential units are right now. There's 163 now they are going to add 140 units now. They need that deck for parking presently and they are going to lose 97 spaces which means now we are going to have 303 units fighting for the same spaces on that Watch Factory lot but I understand that there is some parking on Cherry Street and Brown Street and they propose to increase the parking, I think, six additional spaces on Cherry and seven on Brown they could mix the two but if you look at it closely while they are adding spaces they are not adding any space. It's on the same lot. What they are doing is they are reducing the regular parking spaces and they are creating more compact spaces. I think they are losing forty-five regular spaces on one lot and maybe forty-eight on another which means anybody who drives a regular size car may not fit in either one of those two lots after this development goes through and they are going to be on the street competing with the other residents trying to get some on-street parking. So the petitioner's attempt to create a little parking to mitigate the ninety-seven spaces lost on the Watch Factory lot may end up boomeranging and hurting the neighborhood with more people fighting for on street parking. And the on street parking, we've heard a couple of people mention how difficult the traffic is and the on street parking but I understand that the city has moved the one

side parking from the east side now to the west side in front of the Watch Factory. And so now the parking is allowed in front of the Watch Factory and in fact the owner of the development went to the city and asked for no parking because people were parking too close to the driveway for the Watch Factory development. The parking is that difficult for on street parking. So this parking is just going to be exacerbated. Right now there's not enough on street parking. When this development goes through it's going to be even more difficult for the folks in the neighborhood.

Now, snow storage was addressed very briefly here. But, again, it looks good on paper when you say you have sufficient square footage to put some snow in a particular place. But in reality, and this is another photograph that Mr. LeBlanc took. In reality they are dumping snow in the Watch Factory lot right now, well not now because there's no snow out but a couple of weeks ago and that snow is not supposed to be there according to the variance they sought fifteen years ago. So that snow pile that was there a couple of weeks ago, that's eating up even more parking spaces that these three hundred and three units are going to be fighting for, if they're not fighting for on-street parking with the rest of the neighbors that have existed in this neighborhood. So that's just the snow storage.

The dimensions that were talked about are also out of character with the neighborhood. Now, Mr. Connors made a good point, whenever you have a variance, of course you have a deviation from the standard and not every deviation is a derogation of the purpose of the ordinance. But at some point it becomes so great it is a derogation. And in this case they are not looking for one variance, we were for ten minutes as to how many variances they were looking for. So in the aggregate this is a huge deviation from the policies of Waltham.

The maximum height is supposed to be six stories on the riverfront layout and it's going to be seventy-five feet. And seventy-five feet, we talked about that's more the average because of the slope. On the river it's going to look like a monstrosity on that walkway.

And on the front at Crescent Street there is going to be an 11.2 foot setback but based on how big this building is there's supposed to be a 38 foot setback from Crescent Street. It's going to be only 11. And not only is this building going to be huge, it's going to be like walking downtown at the Prudential Center. You're like walking through a tandem of buildings because it's so close to the sidewalk, it's so high. And the back yard, I'm going to call it the back yard but the rear setback I understand that it's fifty feet from the river but there's that river walkway which is fifteen feet wide. This is only going to be thirty five feet from that walkway and as I understand the Section 8.4561 it's not only fifty feet from the Charles River but also any public lands abutting the Charles River and that walkway I would say is a public land so this rear setback is only going to be thirty-five from that walkway or that public land. And then the side setback which is a setback that most grievously affects my client, there is a house and it was not depicted on those nice drawings there. That nice drawing looks great but my client's two family house is not depicted there. Why is that? Because if it was depicted on that nice diagram you would see it's dwarfed. In this district there's supposed to be a setback of sixty-five feet so as Mr. Connors already mentioned, sixty-five feet from that two family house. It is only thirty-one feet at it's closest and that's a thirty-four foot encroachment. That's not a minor variance. That's a huge variance. The encroachment is far greater than the setback and while this is a peculiar seven sort of configuration that building in entirety is apparently ten feet from the lot line and it is supposed to be under the ordinance, thirty-eight feet. So this building is supposed to be thirty-eight feet from Mr. LeBlanc's lot line, it's merely ten. That's not a minor variation from the by laws.

So I appreciate you taking the time to hear from me but we would strenuously object that this is not going to be for the public good. This is for the private benefit of this developer and this, I suggest, is not an undue hardship as Chapter 40A, Section 10, envisions. This is just a developer trying to maximize the profits and I get it. Nobody should be criticized trying to maximize their profits but this is not an undue hardship as defined by the law. So, thank you.

Mr. Sergi: Thank you. Is there anyone else in the audience that would like to speak?

Anne Bidner, 71 Brown Street, Waltham: This Gentleman before me addressed some of my concerns. One is traffic. You say the lots are currently underutilized so we are looking at like a 75% or more increase of cars coming in and out of that primary entrance to the riverwalk on Robbins Street. You're already taking your life in your hands to cross Crescent at that location. We did get a cross walk put in but I'd love to see a traffic light go in there if this project goes through. Secondly, I'm not clear, how close is the building to the sidewalk on Crescent Street?

Mr. Sergi: I think I saw eleven feet.

Ms. Bidner: Eleven feet. So, this is significantly closer to the sidewalk than any other building along Crescent Street. The Watch Factory is significantly back.

Mr. Sergi: We're looking at that.

Ms. Bidner: This is going to loom and it's also going to completely block the vista view you get as you approach the river. Another concern I have is the primary entrance to this building on Crescent Street?

Mr. Sergi: It's in a little bit.

Ms. Bidner: I'd love to know where concerned community members could see architectural drawings and access that because you are going to increase the number of Uber's pulling up, the number of restaurant drop offs and more people dropping off their groceries because I'm sorry if you're in a luxury apartment you're not walking over two

blocks from Cherry Street parking lot and across the street with groceries and be pulling in and drop things off. Is there a pull in area for all these vehicles that are going to be in and out all day and all night long? I'd like to know that. I'm glad there will be some sort of a safe sidewalk to transit down but on the side streets now if you utilize those parking lots at a much higher rate, all these cars are going to be pulling in and out now and this is a heavy pedestrian neighborhood. A lot of dog walkers. A lot of people walking kids. A lot of people heading down to the riverwalk. So that's some of my concerns but particularly you know if there's an entrance on Crescent Street you know that cars are going to be stopping there to drop people off and Crescent Street is hazardous already. There's got to be something that prevents that.

Also I didn't hear anything mentioned what size the units are. Are they four bedroom units, two bedroom units, studios? What's the square footage because if you have a four bedroom two thousand square foot unit you've got to count at least three vehicles for that unit realistically. So that would be my concern like it's not relative to the number of units, it's relative also to the size of the units.

Mr. Park: The units are small.

Ms. Biden: Well define small.

Mr. Sergi: We'll get that answer.

Ms. Biden: Okay. I also would be curious to know how many existing homes now will have the view of the river cut off given to the residents of the new building because it's quite a few houses now that won't be able to see it. I'm already blocked personally, but I'm several blocks away.

Mr. Sergi: Thank you.

Laura Glazer, 22 Ash Street, Waltham: I fully agree with the objections that were already voiced tonight but I just want to stress two things. One is the height, like you're referring to the normal Watch Factory is significantly higher than the typical living space there. It would be nicer if this building were closer to the height of the majority of the Watch Factory and not the towers.

Two, I really wanted to stress the trouble that we are going to have on Prospect Street from all these additional cars. It is already so difficult to drive down Prospect Street at either morning or afternoon rush hour so I think that some sort of infrastructure improvements would have to be made to the Prospect Street bridge in order to accommodate all the additional cars. Thank you.

Mr. Sergi: Thank you.

Greg LeBlanc, 279 Crescent Street, Waltham: I am the owner of the property right next door. I've talked to Mr. Park and Esther about this project before and I oppose it because as you have heard from numerous people as well as my attorney, it's going to be a tall building right next to my property. I've driven down Newton Street when they did the Leland home and that was supposed to be five stories. I was sitting in traffic and it was three stories and it dwarfs the street. This thing is going to be six stories high on Crescent Street. It doesn't belong there. And I spend more time as anybody in this room knows in my building more than anybody. I know what goes on with the parking and the traffic down there. It's going to make it a nightmare. And you mean to tell me a person is going to live in that building, if there's a parking spot in front of that building at this time of night when you go shopping or the gym that they are not going to park in that city spot that they are going to park at Cherry Street and walk down. No. They are going to park in that parking spot. So that means the resident that lives across the street or on Robbins Street or Orange Street, Ash Street, they are going to have to go park somewhere else and it's just

going to drive the parking all the way up to other neighborhoods. So they don't have the parking for what they are talking about. People are going to park in front of that building, the people dropping off food, Ubers all that stuff is going to go on right there and that's the heart of Crescent Street. We get two inches of snow Crescent Street is at a crawl now. You hear all that stuff going on it's going to really create problems. And I understand the affordable housing thing is \$4Million to do what they are doing and I think is wrong. I think that's not how we get to affordable housing. If they are going to put affordable housing in that building, that's affordable housing. They don't want it there. They want to here's \$4Million to do what you want. Now, I grew up in the city a lot of friends of mine which includes a lot of people in this room they can't afford to live here anymore. I get that. I know there's affordable housing advocates here and I agree with them. I own two buildings next door to his project and I'm affordable housing. They pay a fraction of what they are going to pay over there and I have people that will stay with me forever. I agree, there needs to be more affordable housing. But to say here's \$4Million and we're going to put a big monster building and everybody is going to walk away. That's wrong. And I'm the jerk that bought it. I'm not a guy that lives three blocks away. I don't live there but I am in my shop all the time. And once that building goes up, it's up and I have tenants that they like to live at the water and having coffee in the morning. And I'm not a nimbe. That's not a nimbie thing here. I own the property next door and once it's up it's up. And I don't believe this building the way he's proposing it belongs where it is, the height of it and everything else. He has other options and what he is proposing with all this smoke and mirrors, that's not the proper way to go.

Mr. Sergi: Thank you. Counsel may I suggest you come up and I've got a couple of suggestions for you. You said you had some community meetings. I suggest you might have something a little more current with your neighbors to kind of go over some of the issues that were brought up tonight. It would be nice to have that discussion with your neighbors. And I'm only speaking for myself. I think with the number of issues related to the underutilization that seems very low and other questions related to the parking, I would

think a peer review might be in order here as a third party to come in and do some validation on some of the statistics. That's my feeling.

Mr. Connors: Okay, this is a city council special permit is the next step here. This isn't a 40B.

Mr. Sergi: I know that.

Mr. Connors: I don't know the history of a peer review at the zoning board.

Mr. Sergi: I'm just suggesting, you know, I'm making suggestions.

Mr. Connors: Okay.

Mr. Sergi: And the other questions maybe you could answer for the neighbors.

Mr. Connors: We do have our traffic engineer here tonight. I have one main point where someone would deal with traffic and parking but one particular question about the hypothetical on the lots. Currently nothing can be built on those lots because they are subject to a city council special permit. So nothing could be built there. We have to go through this process to change it. So if it were to move forward, once again, nothing could be built there. It's required parking so - - -

Mr. Sergi: I mean, I don't know how the other board members feel but I think maybe we'll continue the case and allow you to answer some of those questions directly and I don't know how the other board members feel about getting a third party peer review, that's my feeling. And I think the traffic issues, I don't know, we haven't talked much about the traffic and I am not too sure what the impact of this is going to be but it seems

like the neighborhood is very worried about the impact of traffic. It may be a good thing to get some input from a third party on the traffic impact.

Mr. Connors: We did a full traffic study. We filed it with the city. The city laid out the scope and we went to the Traffic Commission. That's included in the Development Prospectus. We have all signatures but for engineering.

Mr. Sergi: Maybe you could summarize it for - - -

Mr. Connors: I will say that that was reviewed by the Traffic Commission but then if we do move forward the city council then weighs in as elected officials and they take that as a recommendation much like they take the Affordable Housing Trust Fund as a recommendation. So, it's fully vetted there. That has its own public hearing so there's multiple steps in the process.

Mr. Sergi: Okay. How does the rest of the board feel or have any questions or concerns?

Ms. Gelineau: So right now the \$4Million is a recommendation?

Mr. Connors: Correct. It went to the Affordable Housing Trust Fund.

Ms. Gelineau: And the council acts on it.

Mr. Connors: Everything is subject, of course we have to go here. The city council Rule 90 says you have to obtain any variances before it can be approved for - - -

Ms. Gelineau: But it's their decision. We have no input on that, the Housing Trust money.

Mr. Connors: The zoning as it's in front of you now that - - -

Ms. Gelineau: That's strictly the council's call.

Mr. Connors: Correct and the way that the conditions are read in the proposed decision as any changes to the plans really because of City Council Rule 90 they are the last say on zoning. That's just the way it's written. We did go to the Affordable Housing Trust which is typical.

Ms. Gelineau: And I'm sure when you were here before us right the prior variance.

Mr. Connors: Yes. I represented them.

Ms. Gelineau: Why was the garage built?

Mr. Connors: Per zoning. So everything here is what zoning says. So I think here what the difference is - - -

Ms. Gelineau: If it's so underutilized, why would zoning say you have to have a garage too. Why wasn't just open parking and not - - -

Mr. Connors: The city hasn't changed the parking requirements for years. They did even in this riverfront overlay - - -

Ms. Gelineau: Is there any way for us to meet that parking requirement back then for what you were building then was to have his garage.

Mr. Connors: Correct.

Ms. Gelineau: Okay.

Mr. Connors: So the two thirds provision I mentioned when we went through the council the last time it wasn't needed so potentially if the full two thirds that I've referenced here was granted maybe some or the parking deck may not have to had been built to the size that it is.

Ms. Gelineau: Okay. Thank you.

Mr. Connors: We do have the lived experience of seeing what it is with the mixed use.

Mr. Sergi: I find it hard to believe the utilization numbers. You know I personally would like to see some sort of validation, a little bit more validation on that. That's where I am coming from. I'm not sure if the others feel that way but - - -

Mr. Hickernell: I live in the neighborhood and walk by all the time and I think the numbers are right on spot. I don't mean in the neighborhood generally there's a ton of parking but those lots and the upper and lower part of the deck are not filled in my experience.

Mr. Sergi: So what the neighbors are saying, okay - - -

Mr. Hickernell: Their point is also what happens on the street and that I think is something to discuss.

Mr. Sergi: Ya.

Mr. Hickernell: But in terms of what the petitioners are saying that the actual lots are not full. I think that's true.

Mr. Connors: I didn't see those pictures but because they have so much extra parking, I mean moving snow around, it was quite the winter. But it's shared parking throughout.

Mr. Sergi: Speaking for myself, I don't live in the area but I would like to validate that point a little bit more. And as Mark kind of eluded to make sure that the parking doesn't happen on the streets. You know, it stays where it should be. But that's my opinion.

Matt, do you have anything to add?

Mr. Deveau: Kind of along the lines of Glenna in terms of, you know, throw money at the Housing Trust and call it done. The city is not a developer. How is that money ever going to get used? The city doesn't have a track record of doing any great brand new developments and if you want it to be affordable housing but you don't, you just want to pay for it, you don't want to do it. I don't know if that's in the spirit of what we are trying to accomplish in the city because it's been my experience the city cannot build. You know, let say \$4Million they can do two hundred units of affordable housing. Where are they going to do it and is it ever going to get done? And I know there's nuances to it and I can respect that but why wasn't this project brought to us as a 40B would be my other question. You know, like, because it wasn't it financially viable or, you know, why is it a hundred and forty units? Why isn't it one hundred units? Why isn't it five stories? It looks like someone is trying to maximize every square foot of this piece of property, when, you know, one thirty, why isn't it a hundred units or seventy five units? To me it sounds like we're going to the absolute maximum that could be allowed here and I just can't see it especially with like the character of the neighborhood, with the parking and there's also businesses

that are in the area that are going to feel this additional squeeze of traffic. And that's where I am at right now. I don't understand why it needs to be that many units and that high. That's where I am stuck right now, with number of units and height of building. I don't blame anybody for trying to make money but when you are trying to make 20 X money and ask for all of these things, that's where I have an issue especially if it's not being done in an altruistic matter, like, hey we are providing X number of units inside this building to affordable housing. You're not even doing that. To me this is a money grab which great, but the number of items you're asking us to bend our zoning rules for seems very aggressive to me currently as the case is presented now.

Mr. Sergi: Well, there are a lot of variances.

Mr. Connors: And I mentioned that I was going over it with the building inspector as we saw a lot of repeats and modifications and there has been community outreach here and we've been responsive to it the first one in 2022.

Mr. Sergi: Ya. Well, okay. You say that but it seems like there's some further questions related to that from the community. That's why I am suggesting maybe to have another community meeting and provide some more feedback on how you see the parking utilization.

Mr. Taranto: I uphold that. 2022 was the last meeting. Is that correct?

Mr. Connors: No, that was the first meeting. What I was getting at there, at that time it was envisioned maybe massing on one of the remote parking lots. Like I said it can't be done without unwinding the current special permit. So that's what was stated at that meeting.

Mr. Taranto: When was the last meeting?

Mr. Connors: It was November 2024.

Mr. Taranto: Okay. So echoing what the chairman says I also feel maybe a current meeting would be beneficial. I don't see a detriment to it whatsoever. And my second point is on the traffic flow. I can see that being a concern with the lighting, traffic flow patterns, back ups, etc., etc. So I think that's a very valid concern for this project.

Mr. Connors: We do have the petitioner's traffic engineer here. Would you like to speak?

Amy Allen, Professional Traffic Operations Engineer from BSC Group, 300 Brickstone Square, Andover, MA:

Mr. Sergi: You were hired by the developer, correct?

Ms. Allen: Yes. So we did a full traffic impact study for this development and I can just walk you through the broad overview of what that looks like. So, the first step is to coordinate with the city's traffic engineer, Engineer Garvin, and so we talked with him. We got together a list of intersections generally within a one mile radius of the site. He asked us to add one additional intersection which we did so we got that signed off by him. Went out collected the traffic counts that established the baseline traffic conditions. It was 2025 at the time, existing conditions, traffic flow for all of the nearby streets and intersections. Then from there what we do is we take the hundred and forty proposed units of housing, we use the ITE which is the Institution of Transportation Engineers they collect all sorts of trip generations data from sites all over the country going back decades now. So there's hundreds of the sites that have been collected and what they do is they aggregate all of those numbers into an average number of trips per unit of housing. So in this case, the one hundred and forty units of housing, we look specifically at the morning and evening peak

hours. So the one hour in the morning where there is currently the highest amount of traffic and then the one hour in the evening where there is currently on the road today the highest number of traffic.

So we took the hundred and forty units of proposed housing, multiplied it by the number of trips expected to be generated by each unit during those peak hours and what that came out to is during the morning peak hour a total of fifty-three vehicles in and out. Keep in mind this is one hour, this is not the whole day. And then the same thing in the PM peak hour. In the one hour of the day where there's the most traffic on the road in the evening fifty three additional trips are expected to be generated by the proposed housing development.

So what we do from there is we look at census data, so every couple of years data is collected regarding where people in each census track, people who live in each census tracked where they work. So we looked at the top ten destinations of where people who live here would be expected to work. We distribute the traffic on the roadway network based on that so we found that exiting the site driveway on Crescent Street it's about a 50-50, it's actually a 45-55 split who would be going right and left out of there depending on where they are traveling forward. From there we continued to distribute the traffic throughout the roadway network throughout the study intersections that were agreed on by the city traffic engineer. We do a level of service analysis for each study intersection under existing conditions. So we look at on average today all the cars arriving at the intersections what delay are they experiencing per vehicle today under current conditions. We then project that out seven years to say if this project were not built what would the traffic look like seven years from now just based on general background growth. That gives us a fair comparison. We can look seven years out without the project, seven years with the project and we compare those results with each other. And so what we found once the traffic was all distributed out each of the intersections that we looked at is expected to experience

overall less than one additional second of delay per vehicle without the project and with the project.

This study was reviewed by the city traffic engineer. It was presented at the Traffic Commission where all the commissioners had a chance to ask questions, they voted, they approved it so it was confirmed that the study was done according to industry standards and that there would be minimal impact to the nearby intersections.

Mr. Sergi: Okay. Thank you.

Ms. Allen: I can also talk a little bit about the proposed off site mitigations. So, I know several people here spoke about how Crescent Street under existing conditions can feel unsafe exiting the side streets. So one thing I wanted to mention was, it was also brought up about the parking that's adjacent to the exit of the Watch Factory. That was requested to be moved. It was not for a capacity reason it was safety reasons. We went out and we did a study and found that if you're stopped at the driveway trying to exit with the way that the parking was relocated, you cannot physically see far enough to exit that driveway safely so the applicant is proposing to relocate some of those spaces from that part of Crescent Street further on the north on Crescent Street to improve the site line exiting that driveway but also an attempt to increase capacity of on street parking and then also provide a traffic calming affect, kind of reduce the visual width of the pavement in an attempt to help slow cars down.

Additionally a new crosswalk was mentioned. The proponent does propose to enhance that crosswalk so adding detectable warning panels to make it ADA compliant and as well as flashing beacons that when a pedestrian approaches the crosswalk they can push a button and lights will flash. Vehicles coming in both directions will know that there's a pedestrian there and that has been found to increase yielding compliance of vehicles that block crosswalks like that.

Do you want me to talk about the parking utilization at all?

I can talk a little bit about the methodology if you want to pull up the table. So there were some questions about the number of parking spaces per residential unit. So the Institute of Transportation Engineers, the same agency that collects all the trip generation data, they also collect parking generation data so, again, a bunch of studies across the country have found that lane uses similar to this residential mid-rise which is from four to six floors of residential use average generate 1.3 parking spaces per unit. And if it's close to rail and transit that number actually goes down to 1.1 per unit. We use the higher number just to be conservative the 1.3 spaces per unit. They distribute that by time of day so they say the peak parking demand is 1.3 spaces per unit each hour during the day has a percentage of that peak usage. So what we did is we took the existing the parking data that was collected in 2024. We assumed everyone who was parks there regardless of whether they were for residential or commercial use, they would continue using the lot in the same way they are using them today. So what that means is that we had to add the additional parking generated by the new units plus we had to account for any vehicles that currently parked in the parking deck area. So we redistributed those first assuming that the new garage would fill up completely for the forty-nine spaces and there are also three ADA accessible space but we assumed that we didn't factor those into the parking calculations, again to be conservative. We assumed that once that parking garage was full the next closest lot, the main lot would fill up, we capped that in about 95% utilization so once that lot was 95% full then the remaining vehicles would locate at the Brown Street lot which was necessary for a few vehicles to go to that lot in all of the scenarios except for the weekday 7PM where the main lot still had some capacity. So that again was all done according to data that has been collected over several decades by the Institute of Transportation Engineers and added on top of existing conditions.

Mr. Sergi: Okay. Thank you. Is there anyone who wishes to speak in favor of the project.

Tom Benevides, 308 River Street, #3, Waltham: I am speaking in support of the project. I appreciate the community feedback really thinning out what is butting up Crescent Street improving the site lines. Currently it is very unsightly over there. You know it's just a parking deck that's almost entirely empty all the time. This will certainly improve it especially along the Riverwalk, the inclusion of like you know the private property being made accessible to the public for riverfront access is very nice. I use it quite frequently. It gets really ugly when you get close to the parking lot. I am looking forward to that improvement. You know, an empty parking lot generates no tax revenue for the city and it worsens the climate crisis. And housing I think is a much better use. I think you're not quite use to the fact at this point that the Waltham zoning code does require parking that residents actually use. There are at least two hundred and fifty empty parking spots on this property and if two hundred and fifty empty parking spots means that there isn't enough parking I do just ask you to consider in your mind what number is enough parking. Do we need to have 300? Do we need to have 500 parking spots or is you know 250 parking spots that are never occupied and not to say hey maybe these 250 parking spots isn't the best use of space. And part of the issue is definitely parking allocation. People are concerned like people aren't going to use the parking lots, people are going to use the street space so I think that's something that can be addressed with a parking management plan. But overall, I think we can all agree that two hundred and fifty parking spots doesn't help the new one and I understand that this is part of an issue of belief of us not necessarily trusting the numbers but you know midnight on a weekday is pretty much when this place is going to be at maximum occupancy. I highly encourage everyone just on your way home to drive by this place and I suspect all of us are going to give up counting the parking spots before we get to 250. But this does seem genuinely like an issue that we re not currently existing in the same reality and it can be hard to like trust numbers on paper vs. to what we

are use to seeing. So I highly encourage you folks to go by and see it. It will get us all on the same page a little less conflict, a little less stress.

And in the topic of affordable housing, the main reason I am here and a few other folks are here is because Waltham is in a housing crisis. Rent costs are very high we need more housing because Waltham has continued to add jobs at a faster rate. More housing is good. Specifically more affordable housing is good and as was mentioned this isn't a 40B. Affordable housing isn't at your discretion here. It's under the council's discretion if you all do approve this. The council will be able to deliberate the affordable housing requirements. It is currently a big issue that Waltham's current affordable housing requirements are not feasible. It's not because of bad intentions but it's something, you know, we don't go through the math before adopting it but Waltham City Council is in the process of adopting a new inclusionary zoning ordinance which is calculated to be more economically feasible where the affordable housing can actually be funded and built. The public hearing for the affordable housing reform is actually now scheduled for April 13th at 7 P M at City Hall, second floor. I encourage folks to attend if you want to see more affordable housing get built as opposed to a \$4.2 Million pay off. City Council is working to affect appropriate a very aggressive speed and I am very grateful to Cathyann Harris who's good at both listening to the residents and their concerns and also understanding the need for affordable housing. She has been a great leader on this inclusionary zoning reform. Ya, so April 13 is the public hearing. The city council will likely be voting on it by the middle of May if they do choose to record it, it will be adopted before the city leaves for recess over the summer the end of June. So this is a thing that City Council is working really hard to intercept this project because that way they can negotiate the developers away from the pay out and towards an inclusionary affordable housing provision that actually is feasible and that works for the development. Well that's not something that's under your discretion because this isn't a 40B project but I do hope you move this forward so that way city council who's doing all the hard work to make sure affordable housing does get built rather than the payouts. City Council is ready to intercept this project. City

Council has been working hard to make sure our inclusionary zoning works and that affordable housing actually gets built. So if the project keep moving city council will intercept that. I trust that I hope that it will be feasible for the developer. If not, there will be another series of public hearings frustrating as hell but this is something I am really excited for on the city council side and I hope you all approve this knowing that affordable housing is within city council's discretion.

Lastly in regards to traffic, I'm very happy for the traffic safety improvements at the intersection. That way it will be safer and a little less aggressive turning and less aggressive speeding in the area. And additionally as has been discussed in the past we are in a regional, very heavy traffic crisis which as long as your driven by commuters its the same dynamic that Waltham builds a lot of employment centers and not enough housing to match and then most of our traffic is cut through traffic commuters. So having more folks who can live close to where they work will go a long way to cutting down the regional traffic as well. Ya, very excited for this project. I do trust that this will change from a \$4.2Million payout to twenty-one units of affordable housing at various AMI's. But once again, it's at the discretion of the city council. They have the power of that. I hope you keep moving forward so we can keep affordable housing. Thank you.

Mr. Sergi: Thank you.

Emily Szczypek, 241 School Street, Waltham: I am for the apartment buildings. I have worked putting plants into the ground between the underutilized parking spot and the Woerd Avenue boat ramp and the parking area I've seen it underused many times and I empathize with people who don't have enough parking in the area. I think that there could be some sort of compromise and maybe even something that may be able to benefit them but that's not my place to speak. One thing I do want to make sure that Watch City LLC does and I thanked them for doing it in the past is not to use rodenticides, second generation anti-coagulants when they are doing construction. I know it's a requirement to

use rodent maintenance when you're doing construction and I think it's also legally you're not allowed to use it near the river and so I just want to make sure that speaking for Save Waltham Wild Life because we lost an the Eagle across the river across the way on her nest that no genocides be used. We've lost too much wild life and pets and there are safe alternatives, you have two cartridges and electronics and other measures and if you have any questions you can go to the Save Waltham Wild Life site or you can even contact Mass Audubon its directors and my other comments are about traffic and I really do empathize with the abutter who is going to have their view blocked because I like seeing the sunset and the moon but I live in the city so it's a difficult situation but I have to compromise. I also had to come to the reality of traffic when Pond Street apartments went up and I thought, oh, School Street is already bad. I literally can't get in and out of my driving spot because there's no parking on School Street from Lexington to I think Columbus, something like that. Anyway, there's no parking on either side and people won't let me out of my parking spot because they want to get to that light on Bacon Street and we have schools in the area McDeavitt and Plympton around the corner and St. Mary's after school program and people whiz up the street trying to get that light and I asked for a speed bump which unfortunately it wasn't put in between Exchange and Bacon so traffic is a real concern and I appreciate that you've taken that into consideration but I really have a problem with empty spaces being utilized and you know with the green aspect of the city and that area of the South Side is particularly lacking in green space. Thank you for your time.

Mr. Sergi: Thank you.

Lorna Keith, 41 Cherry Street, Waltham: So I'm basically in favor of this development. I sympathize with the on-street parking. I live at 41 Cherry Street which is a block from 94 Adams Street where there are, I don't know, fifty plus efficiencies and about twenty parking spaces. So that hasn't bothered us in the past and I think they have alternatives for the parking in this situation. I'm also happy that they have given us access

to the riverwalk in the past and everybody uses it and anybody who walks by can see that that parking deck and the underneath is rarely underutilized. The only section that's utilized is behind the building, Cherry Street and Brown Street are not. And the height of the building, we all hate to see something that high. I hated when the Merc went in. I hated when all these tall buildings go in, but somehow they get by. So this isn't any taller than those.

Mr. Sergi: Thank you.

Anne Biden, 71 Brown Street, Waltham: I wanted to address a couple of things that came up with traffic. No one's mentioned the fact that we are having a newly developed park, much expanded park, going in literally sandwiched between the lots on Cherry Street and Brown Street. So you are going to have a big increase of traffic up Ash and Cherry with people turning into the lots and you're going to have an expanded playground presumably drawing a lot of kids and families and users at that park. And I don't know what the exact plans are for that but I would like to see that included in the traffic impact. Also you mentioned just one car out of fifty-three cars during the peak hours of traffic on Crescent. Well, that's an extra car a minute trying to pull on to Crescent when it's already really loaded up, so that doesn't seem so small to me personally. And then my other question is are parking lots going to be assigned? Are you going to be assigned the Brown Street lot, the lot behind the Watch Factory or the Cherry Street lot because if you're not people who live there are going to drive and try to get in the back street lot or behind the lot next to the building proposed and that already is at least fifty percent full during the day when the businesses were there and if you move the riverwalk parking and the current garage parking into that lot it will be at least seventy-five percent full during the day without the residents of the same building. So that lot's going to be maxed out really quickly. So you're going to have people pulling in, oh, it's all full, now I've got to drive to the Brown lot, oh it's all full now I'll drive, oh look, I found a street parking spot on the way but that's going to make cars driving around a lot trying to find a parking spot if it's

not an assigned lot. And assigning a lot might help with that. I don't know. My only other comment is that this isn't adding housing for Waltham-ites, its adding housing for people who will come into Waltham. I mean at that height it's not going to be Waltham-ites buying luxury housing or renting luxury housing. That does add to the tax base so I guess that's one pro.

Mr. Sergi: Okay, thank you.

Genoveva Tavera, 158 Marguerite Avenue, Waltham: I'm here for more affordable housing. I was involved in the efforts that moved the city from the ten percent to the fifteen percent to the twenty percent on affordable housing. That progress was the response of the need that we have in our city. The need of the people that work as clerks, as people helping in the public schools in the banks that earn around sixty thousand dollars in their households. And those are the people that are being priced out. So I'm here because I want to keep pushing for real affordability in our new developments. I just hear some statements suggesting some kind of reduction from the twenty to probably ten percent and that would be a roll back for our community. Respectfully, decisions on affordability levels are policy decisions. Any consideration of reduction should go back to Waltham City Council for a transparent and city wide discussion. Thank you.

Mr. Sergi: Thank you.

Amy Prohaska, 28 Robbins Street, Waltham: So I am in the thick of everything, Basically I am going to echo traffic around there is awful. Parking is awful and pulling out from Robbins Street onto Crescent Street has improved because we moved the parking spots to the other side of the street so we can actually see oncoming traffic on the left hand side. Coming from the left you couldn't see anything. So that was fixed and I remember at the last meeting we had about this project they showed the building right up against the sidewalk and I said to one of the people who were on the project, I said, good luck to the

people pulling out of the driveway onto Crescent Street because now they are having because the parking got moved over there, they're having the same issues that we had when the parking was on our side of the street. So it's gotten a little better for us but if you are adding a lot more people coming from that direction and coming out of that driveway they are going to have the same complaints we had and where are you going to move those parking spots. So that's my two cents. Oh, I'm sorry, one more thing. When there was talk about a restaurant, nobody mentioned any parking for the restaurant and hopefully it's a good restaurant that brings traffic in so that's more traffic- - -

Mr. Sergi: I don't think the restaurant is part of this.

Ms. Prohaska: I thought I heard somebody say restaurant.

Mr. Hickernell: There's already a restaurant.

Ms. Prohaska: No, no I thought they said the bottom floor.

Mr. Sergi: No, it's all residential.

Ms. Prohaska: So, because on the last meeting, I think there was talk of that. Thank you.

Cathyann Harris, Ward City Councilor and I am their elected representative. I agree with the chairman tonight and many of the comments that have been made. I feel we have to go back and talk to the neighborhood. The project has a lot of potential. The project has a lot of good in it and a lot of thought went into this and I know how hard you have both worked to preserve this property and the investment that you have made. What we need to do is be excited about this project as much as we were excited about the Watch Factory restoration. And there's some neighborhood challenges that I think need to get

worked out that are workable. Nothing is going to be perfect, but I agree with the Chairman, I think we could do some good work in a couple of neighborhood meetings so ~~that these issues get worked out and you're not having to hear litigate them on behalf of the~~ public. Thank you.

Mr. Sergi: Thank you.

Chris West, 372 Crescent Street, Waltham: I live very close by. I just want to say that I think it's a wonderful thing that they are willing to invest in our community and provide housing for us. I think it's a great idea that they are trying to maximum the number of units possible whether that needs to be modified or not but I think that the City of Waltham should be doing everything they can to maximize the number of units available for people who live here. I didn't grow up in Waltham. I moved here about fifteen years ago. It's a great location. It's very central and I have enjoyed living here but it's at that point where it's challenging for people to come in here. And I want people to have the same opportunity that I had to come here. I think that's important. I want to mention a couple of other things. The traffic being a concern. My wife actually was in an accident in that spot so I think that having some sort of safety pedestrian walk is important there. I didn't know about this until today. So I think that the outreach that you mentioned with the community is a good starting point, being that I'm close by that I didn't know. And the other thing that I wanted to mention too is with the traffic maybe we could kind of look back at the covid time when we shut down Moody Street. A lot of that traffic did manage to go through Crescent Street and it worked, maybe not perfect, but it absorbed a lot of that flow. So something to consider and ya, that's about it.

Mr. Sergi: Thank you. Okay, counselor.

Mr. Connors: I just have two quick comments. It's sounds like it's potentially might be a continuance. And just thank you for the ward councilor and those voluntary

community outreach meetings, and the reason I am saying it, they are unprecedented, you know, and those were coordinated with the ward councilor. So that's why they were chosen to be at the Community Cultural Center, the old South Junior.

Mr. Sergi: It seems like there should be more discussion.

Mr. Connors: It did happen.

Mr. Sergi: No, I'm not doubting that.

Mr. Connors: It's unprecedented. There has been outreach. I'm just pointing it out and I'm where the ward councilor is here I'm just saying that those were for her efforts that they brought forward if I skipped over it earlier. And then I guess as to the city, and as I mentioned it's a shortened time the city owns land. I've heard the mayor talk about this on trolley tours around Waltham that she brings up from time to time. And she brings up the Hardy School as a real example and I know this board has talked about deeper affordability. When the city owns the apartments they can control the rents and I think she's proudly stated that they haven't raised the rents, the building pays for itself. So the city does own land. They own a hundred and ninety-six acres at the Fernald School. There's been talk about housing like I mentioned, I know, veterans housing going back like six or seven years. Mike Russo was talking about specific buildings there. I know he's since retired but - - -

Mr. Sergi: I think what the board is getting at and I agree with Matt is that you know it would be nice to know if that was going to be utilized and where it was going to be utilized. Is it going to create another affordable units in another part of the city? Right? Not just sit in the bank account, so, I mean, that would lend a little bit - - -

Mr. Connors: That's why I am saying it's a shortened time in the past. It hasn't been brought forward. The city didn't have land necessarily or a building, like I said this was recents in the last - - -

Mr. Sergi: If they have a specific project, I'd like to know about.

Mr. Connors: It was in the last eighteen months the Elks was purchased. It's right there. It was purchased for affordable housing - - -

Mr. Sergi: So we can dedicate it to fifty units of affordable housing at the Elks.

Mr. Connors: Where does the money come from. If it's earmarked separately from affordable housing then it's there to be used. So that's what I'm just pointing out.

Mr. Sergi: I'm not arguing. He had a valid point, I think.

Mr. Connors: I hear him loud and clear. That's why I just wanted to be responsive to that one point.

Mr. Sergi: I don't feel comfortable voting on this tonight. I mean I'd rather see it continued and have you talk with the neighborhood.

Mr. Connors: May I have a two minute recess to speak with my client?

The board voted for a five minute recess.

After a five minute recess, the board reconvened.

Mr. Sergi: Counselor.

Mr. Connors: Thank you very much for that recess. We were just look at some calendars, it seems like where traffic is an important thing, do you want our Traffic Engineer present?

Mr. Sergi: If you could add something on the parking for me, please? Underutilization seems, I mean I don't live in the area so I don't have the benefit of, you know. So, I suggested something, if you don't think it's appropriate then if there's something else you could do to that.

Mr. Connors: Most definitely. I was just mentioning about team members being present so I wouldn't want to continue to a date where we don't have a valuable member of the team. So, I'm just looking at April vacation. I know that's also a scheduling difficulty for a number of people. I think the 7th would be too quick just based on feedback tonight. I don't know potentially, I know the board sometimes meets on a Thursday. I don't know either the 16th or the 30th are available otherwise potentially the 28th. As I mentioned the 21st is vacation week.

Mr. Sergi: What's the feeling of the board. We have two meetings already scheduled on the 14th. I'd rather not do that. Then we have two on the 28th. How's the 16th. Is the 16th doable for you guys. It's a Thursday.

Ms. Gelineau: I can't do the 16th. The 30th is fine.

Mr. Sergi: How is it to you guys, the 30th?

Mr. Connors: It does work. That's fine. Thank you for your consideration. The 30th is great if it works for the board.

Mr. Sergi: Okay. Let's do the 30th of April then. If I could have a motion to continue Case 2026-06 to April 30th.

On motion of Mr. Hickernell, seconded by Mr. Taranto, the board voted to continue Case 2026-06 to April 30, 2026.

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

Mr. Sergi: So we've continued the case to April 30th. Thank you.

All right. Let's continue to the next case. We have tonight a continued case, 40B, 455 Totten Pond Road, Case No. 2025-05.

So If we could hear from the Petitioner or the Petitioner's representative, please.

Philip McCourt, 272 Bacon Street, Waltham representing the petitioner.

Mr. McCourt: I am here with Jim Ward who you know is co-counsel and of course, Mike Cantalupa and the rest of the team are here.

So we've had a meaningful discussion as you suggested. We met with Attorney Learned to discuss many issues and I think that we've come to somewhat of a decision that perhaps we can live with and maybe you can but Michelle will fill you in.

Mr. Sergi: We've got inundated with a lot of late last minute information so I'm hoping that Counselor Michelle can summarize the activity.

Assistant City Solicitor, Attorney, Michelle Learned, City of Waltham Law

Department and your counsel: When we were here last the board had voted to authorize me to speak with the applicant's team to work out some of the outstanding issues related to the sewer capacity issues, the construction of sidewalks and the possibility of sharing, how did that get done in the city whether the city would do design work and the applicant would do the work work, whether we were willing to accept funds for that sidewalk work. Sometimes even where will the sidewalk work be. We were very clear from the beginning that the northerly side of Totten Pond Road needed to be upgraded, sidewalks constructed and put in in all places that doesn't exist now by this applicant and that the southerly side of Totten Pond would need to be upgraded all of the gap places, construction of sidewalks by the other pending 40B in this case which is close and has the same type of direct impacts on the neighborhood. They're building roughly the same number of dwelling units. When you have a meeting outside of the public session, it's very important that when we come back that we share the discussions that were had prior, you know, handouts that were passed out and anything that occurs that we can keep the public updated as to what occurred and I will do that for you today as briefly as I am able. So, just quickly before I go into the details, I did want to provide the board with copies of some of the construction estimates for the work that the city believes the construction and build of this particular development needs mitigation for.

And so there are three potential areas in the infrastructure mitigation that the city believes should be taken care of by this particular applicant. As I just said, it was the northerly side for the sidewalks on Totten Pond Road. There is a potential for the sewer capacity issue also on Totten Pond Road and then our city traffic engineer in his communication to the board asked for the city to and this board to explore the possibility of having sidewalks installed on Wyman Street from where the Winter Street right there is up for a portion of Wyman Street. And so what I am handing to you now, and it was prepared by the city engineering department. They are construction estimates for those three

infrastructure projects. These were provided to the applicant's representatives during that meeting that we held yesterday and a very productive meeting might I add.

The point of providing these particular estimates was to show and back up and provide data for what amount of mitigation funds would be sufficient to handle such projects which are directly tied in the city's view to the developer's construction. And, so, that is one thing that was provided.

Evaluating those figures what was ultimately discussed and then what the applicant has come back and acknowledged they are willing to offer as mitigation is now a \$2Million contribution and based on the city engineer's actual, he would be more interested in being able to be in charge of the oversight of the project. If the splitting got a little too complicated, we would be doing the design work which would cost certain funds and they would be doing the construction of the work. We would also be trying to do the same thing for the other 40B applicant. When we bundle our infrastructure projects together and have the ability to contract it out, put a bid out for contractors to respond and that way the price for doing these things can be more better for costs for the city. And if we were doing that solely for the design work then those design costs would have been higher for the city. And although we might have been able to pass that design cost off, it would have been a higher cost to split the project. And, so, with that in mind the city engineer was okay with their offer to accept a lump sum payment for these three works in addition to making sure that the \$300,000 contribution to the fire department was met. At one point during the day, I do know that you received an email from me forwarded to Pam and that was a separate document that specifically outlined how the \$2Million would be allocated to those infrastructure improvements as well as the fire department's contribution and I'll just briefly go over that communication. There is, like I said, the comprehensive permit to mitigate the impacts that are reasonably attributable to the municipal infrastructure and services, the petitioner shall provide a mitigation payment in the amount of \$2Million. The timing of the payment will be prior to the issuance of the building permit. That's to make

sure that we have enough time to get the work done before anybody occupies the development and the dwelling units. There is a priority of the use of the funds that will be codified in the decision. The words in that word document that I gave to you will, in fact, be one of the provisions. They are going to replace a former provision, 5 and maybe 11. Those two will not be there anymore and this will replace it in that former last comprehensive permit that you had before you the last time. So we categorize these mitigation payments and the use of funds into priority infrastructure and public safety mitigation which is the Totten Pond Road sidewalks and the sewer capacity on Totten Pond Road and the fire department mitigation payment as priority one. And then if there are any remaining funds after those projects are done, then we can take care of not to exceed \$300,000 to the offset increase educational service demands to the school department, then \$100,000 to the police department to offset their increased public safety service demands that are directly attributable to the project. Then, again, if there would be if any funds remain, the ability to use them on design and construction of sidewalks and pedestrian movements on Wyman Street. One of the reasons why that particular request is sort of moved down in the priority is that it's location involves some very delicate intricate conversations with the State because of its location they get to weigh in on it. It also if you can see from the estimation of construction costs associated with Wyman Street, there are some very costly amounts that are attributable to a required retaining wall that would have to be installed for that. And so, there were some great discussions that were had actually on the Friday before they joined us with respect to, well, maybe there could be the removal of a lane and maybe there could be something where sidewalks on Wyman Street are shifted out so that the retaining wall cost wouldn't be there. But all of that would require the State to be involved and our Traffic Commission and some more serious vetting of ideas like that. And so, with that in mind, we put that a little lower on the prioritizing of what work could be done at what time and how these allocated funds could be spent.

And then finally, to make sure in the off chance that perhaps that Wyman Street project doesn't go forward. There's some mechanisms here if there is any remaining funds

for it to be put in the Traffic Safety Infrastructure Maintenance Fund to be used for anything in that area related to transportation and infrastructure improvements.

Mr. Sergi: Michelle, before you go on from there were talking about Wyman Street, there was some talk, I think, board member Taranto brought it up related to the bus stop. Was that been finalized where that's going and if it's going to be covered and - - -

Attorney Learned: You know that's not actually and to my knowledge it hasn't been finalized. There is a bus stop that is being moved and that's included as one of the other conditions in our decision.

Mr. Sergi: Okay. Thank you.

Attorney Learned: It was requested by the DPW Director and it has been added into the decision.

I do point out that the way that this has been crafted there could be a shift in these priorities. We did sort of let that perhaps the mayor might be able to weigh in on how those additional sort of secondary infrastructure funds could be the priority of those. But the priority of the fire department mitigation, the sewer capacity mitigation and the sidewalks on Totten Pond Road mitigation are set.

Ms. Gelineau: How is it possible that there's funds left over based on these estimates?

Attorney Learned: So, for the sewer capacity issue until you go in and look at the data and you catch the rainfall, it's a flow monitoring that has to occur which the applicant has agreed to do and some recalibrating of the model that the city has by Brown and

Caldwell the applicant has also agreed to pay \$10,000 towards that upgrade. Once that study is done, we would be able to know the extent of the sewer repair work that has to happen. ~~What actual linear footage of pipe has to be done whether there has to be an~~ upgrade to a twenty- four inch pipe where there has to be an upgrade to an eighteen inch pipe, so we gave you the estimates that could be the worst case scenario but the estimate could come in under. And then, if that's the case there would be additional funds that could trickle down to these other matters. It is the applicant's representation that they don't think that there is a sewer capacity issue and our city engineer believes there is. But truthfully until you get that recalibration of the city model you don't a hundred percent know. When we were here before you the city engineer provided you with photographs of actual time manholes lifted manhole covers off and see what is going on with the sewer capacity at that point. We do point out that 305 Winter Street is at 80 - 85 percent capacity right now. So there's some folks from there that will be contributing to this and then with both of these developments it is our city engineer's position that it is very likely that this work will have to be done. But when the applicant had it studied their engineers didn't think so. So there's a possibility that there could be those funds used eventually on some of these other matters.

It is important for the city with this particular build that the sewer capacity issue and the sidewalks on Totten Pond Road and the fire contribution be the priority that any monetary contribution takes care of first and foremost.

So essentially if we remember when we were here last, they had been at one point \$7Million and not doing the flow monitoring or not doing the \$10,000 contribution or at least we were discussing those things and they were at eight deeper affordability units at 60%. When we were here last they did hear our strong interest in urging for that to be increased and so that night they had increased the eight to eleven. At this meeting that we had yesterday we stressed that that figure and I stressed again over and over again, I'm not a voting member and it is the board that is here and will go through some of these items but

that it appeared to me that what was offered at that point was not sufficient. And so as a result of those very productive conversations yesterday, you know they went away and came back and reported that they found a way that they could increase the number of deeper affordability units that are offered at 60% AMI by two more. So it will be a total of 13. And that is certainly in the range of all 40B developments that have come before you. Truthfully there are others that have provided more but there are others that have provided less of the deeper - - -

Ms. Gelineau: And there are others that have provided more.

Attorney Learned: It could be that but again I am not a voting member but I do believe that this decision is in a position that the hearing could be closed this evening and it could be in your hands to discuss and have the decision voted on within the requisite forty days. It is pretty much in the shape of a decision that could come together rather quickly if you agree to the substantive items.

Late last night after the meeting I did spend a lot of hours here and trying to get my edits to the draft that they provided you on March 17th and I submitted that to Pam and she forwarded it to you I think early this morning. And then as the day went on we had a few additional conversations that were designed to make sure that certain waivers were added because something had been removed in order to fund this additional \$300,000 that was being offered by the applicant and to fund the additional units at the 60% AMI in perpetuity. And so I do point out that one of the trade offs was the removal of any reduction in the fee for parking spaces for the affordable tenants. That is where the applicant was able to find the money to come up with the \$300,000 and to also be able to provide the additional two units at the deeper affordability.

I do want to additionally point out that our city traffic engineer also provided correspondence to the board today, late in the afternoon. So his correspondence dated

March 31, 2026 was in response to the applicant's representative VHB's response to his initial comments to you and it's really focused on two particular issues that I concur should be included into the final decision when it is made. In his original correspondence to the board, he suggested some egress and ingress restrictions like, are you going to take a left out only, or are you going to take a right out, and it appears from their applicant and highlighting that the peer traffic reviewer also weighed in on what they were putting forward. And so the city traffic engineer we asked him to re-look at what they have advanced and see and double check if that was acceptable. And so, in his correspondence to you he does put forward and recounts in words as opposed to making everybody look at a particular plan to see these what restrictions that it would be. He did want to add, however, that a clause and this is in Item 2 of his correspondence that if upon the 80% occupancy of the building if the city traffic engineer based on that data discovers that something is not working, if the operations on Winter Street or Totten Pond Road are not working the way that everybody believed that they would that there would be some mechanism incorporated into the decision to allow some recalibration of the exits out restrictions. And so, he suggested the language that could be included in the draft decision.

And then finally, at number 3 of his correspondence and this is particularly I understand with my conversations with the developer's counsel that I believe that they are okay with this is that the traffic signals on Totten Pond Road at the Winter Street extension and Prospect Hill Veterans Park Veterans Memorial Ice Skating Rink shall be coordinated at the sole cost of the applicant prior to the issuance of the occupancy permit and he has some additional language that he would like to see in there. I think it was a product of the city traffic engineer using the industry terms and perhaps the drafters not fully understanding that there was a difference between signalization and coordination so he has advanced this to make sure that the right level of signalization and coordination is used and to include that traffic light that is in front of the ice skating rink. There was a point where the applicant in their draft decision that you've seen had indicated that they would like to

add a waiver request for a fuel storage license. We've had some discussions they are no longer going to pursue that so that will be removed from the draft.

I did confirm with the CPW director there was a requirement some correspondence that he had put forward and the former draft decision clause that dealt with repaving curb to curb and the applicant had let us know that at some point the CPW Director said, no, it can be curb to centerline in this circumstance and this is only for the, they are going to do the work for the linear footage that is their abutting parcel. And so when they do that they have to make sure the trenches that are done are repaved in our right of way and that will require to the center line. I did confirm with the DPW director that that was okay and he did say that.

Throughout the decision and I have mentioned this to the board before that there is legal language that is necessary when an offer is being made for the mitigation that could be viewed as above what the State requires. And so when that occurs it needs to be in a donation verbiage as opposed to a "shall" verbiage and so if we come to the meeting of the minds, and I say we, again, it's the board not me but when you come to the meeting of the minds on the substance the applicant has agreed to put all of the necessary legal terms back in that the law department believes is required for the sustainability of these conditions should any outside entity a third party makes some sort of appeal. And so, that includes some very specific language that is tied to a lead case that's called Amesbury and so that type of language and the fact that this particular applicant won't argue that things are null and void if we've gone above what the State requires, they have agreed to put back into the decision provided the board and the applicants agree on the substance of the mitigation package.

You were also given a draft decision by the applicant that purports to fuse the two things together. There are at times language in the draft that I propose that doesn't appear in the draft that was provided by the applicant. It's not by, it's really just by the fact that

we were all doing this rather quickly between the meeting yesterday and the meeting now. And so what the applicant and I thought would be a good way to handle this is, they've gone through and said, yes, Attorney Learned, I agree that that language could go back in, these matters that I believe are necessary but aren't necessarily substantive and we thought that the hearing could be closed and the attorneys and I could just go one by one and iron out all that language in the next couple of days. And we sort of have gone through one by one there all the items that have been provided to the board, the draft decisions, and they are all available for the public should anyone want to understand this more fully and see exactly what the terms of the comprehensive permit will say.

One of the reasons why I believe the public hearing can be closed this evening is how you can do that is when there is no other information that needs to be submitted to the board and late in the afternoon today there were two plans that the building inspector had requested to be added to the plans to be made part of and incorporated into this decision and one needed some editing of which number of parking spaces were in the parking garage vs which were surface parking they're sort off by one. That one edit has been revised and that plan has been updated and then the building inspector requested that a plan be incorporated that actually designates and allows him the ability to calculate the open storage requirements and so the applicant has done that. And so with the documents that I gave you today and the traffic engineer's submission and those plans, it doesn't appear that the city department heads need to provide you with any other information.

I did have a conversation with the Director of Housing and if you remember there was a correspondence back to her correspondence from the applicant about the breakdown. She just had made a request that when the range of square footage is included for a particular bedroom type size that is not just the smallest square footage that's articulated to just provide us with the range. One bedrooms can be six hundred and thirty square feet to whatever the highest it could be for all types and that will resolve the issue that she had in her prior communication.

One item that the city engineer was willing to give if it turns out that the sewer capacity work the upgrades to those pipes is indeed done, has to be done, there would be the ability to provide an I/I credit to the applicant based on that work their funds are what would be paying for it and because they are paying for it they would get the I/I credit. The city engineer makes a report to DEP and so he does say that he is able to do that. In the event that no work is done and let me back up, it wouldn't be the full credit because part of counselor Gelineau to answer your question some of those estimates are high but I point out that they would be split between this applicant and the Winter Street applicant so that the figure that is put forward in the estimate for what we estimate that the sewer sewer infrastructure upgrades would be which I think so that the public knows what we are speaking about which could be \$606,540 that amount would be split. And if so there is an I/I split with 245 and 265 Winter Street, the other 40B, so if there is a credit that is had that credit would be split in half as well.

Ms. Gelineau: Despite the sharing of the cost, they're still planning the 200 despite sharing the cost.

Attorney Learned: Correct and we anticipate that that would be the amount that 245 and 265 Winter Street what their mitigation package would be as well.

Ms. Gelineau: Isn't the I/I fee significant though? Didn't we say that was a pretty substantial amount of money?

Attorney Learned: It is a substantial number.

Ms. Gelineau: So once again, they are just moving the money around.

Attorney Learned: So then we, just back up a little. That \$2Million contribution is in addition to them doing the I/I requirement.

Ms. Gelineau: Right. So why do they get a credit?

Attorney Learned: So when you have an I/I project given to you, you're adding one gallon of I/I to the system and the requirement that our amended consent order has in place is that you, therefore, must remove four. So what happens is, the city engineer says, okay there's a project on this street, there's a project on that street that you could do to put in new pipes and make it so there's not more I/I, right. So what is contemplated here is that if the new pipes are upgraded and they were the entity that was funding that upgrade - - -

Ms. Gelineau: For their project. To make their project viable. How should they get a credit for the I/I and another credit from the city? They're just moving the money around.

Attorney Learned: It could be considered that. Again I am not a voting member. This could be something that you might want to discuss and ah - - -

Mr. Sergi: So you say the city engineer is agreeable to this.

Attorney Learned: The city engineer did report to me that it would be okay based on whatever I/I is removed based on the actual figures he would be able to offset that from the I/I obligation.

Mr. Sergi: So, he's saying that these repairs are going to even improve the overall city number that would allow him too give a credit. That's why I'm leading into that.

Attorney Learned: Well, that will improve the I/I that is in that area.

Mr. Sergi: But not solely for this project.

Attorney Learned: No, not solely for the project. It would be for the Totten Pond Road area. And so that the concept is, well, instead of making them do that I/I over here, he's doing it there.

I think I've covered clearly the substantive issues that resulted from the meeting that was had yesterday, unless I forgot anything, but and so the question becomes for the board you can deliberate after the public hearing is closed but I believe that before the final decision is voted on, before the language is put back in that assists the law department in defending the case that the substance of what's been put forward to you, the mitigation package and addition to the number of affordable units, the 60% AMI, that the board should sort of consider the substance of it before all the verbiage is actually finalized.

Mr. Sergi: Okay. Well we have time to deliberate.

Mr. Taranto: I have just one question for you. What bus stop are you talking about moving? Was it the Wyman Street one down the hill closer to Totten Pond Road?

Attorney Learned: So this is in the record. It was the letter from the Director of Public Works Michael Chiasson to the board dated January 13, 2026, it was his third comment: "455 Totten Pond Road will be relocating the MBTA bus stop because of the new driveway opening. The existing bus stop has a bench for patrons to sit while they wait for the bus. I recommend that the applicant at 455 Totten Pond Road should be required to include seating and a shelter at the new bus stop. These simple amenities will help entice pedestrians to use the public transportation system." And as I read that I see that we may not know exactly where it is being moved to so perhaps - - -

Mr. Cantalupa (from the audience): It's going to be on Totten Pond Road.

~~**Attorney Learned: Well it still remains in front of their site.**~~

Mr. Taranto: I didn't know if that was the one that's king of going up the hill on Wyman St. Okay, thank you.

Attorney Learned: Any other questions?

Mr. Hickernell: Ya. Are we going to hear from the petitioner with respect to the traffic engineer's comments before we're done tonight? I don't mean now because I still have questions for you but I'm interested in their response to those for considering putting in an amendment in the decision. Even Item No. 2? If you're fine with it, great.

Someone from the audience spoke and did not come to the mike.

Mr. Hickernell: Okay. It's late so I hesitate to really ask anything and I don't want to make it sound like I'm actually against this but I recall the board's priorities being the 60% apartments and the sidewalks and then the sewer thing came into it as well but now we've got the fire department's contribution being ranked above some of the other contributions and I'm curious as to how that happened. I am not saying I'm against that but I'm curious as to how that happened.

Attorney Learned: Sure. Based on the submissions that were provided to the board, the fire department has provided you with multiple correspondence explaining the financial burden on the fire department with a number of response calls and emergency calls that there would be, the increase in their municipal services to this particular development. And they communicated all of that additional financial burden pretty well in their correspondence. And, so, for example, the police department did not submit

correspondence to the board so the priorities get shifted a little and a little bit based on the fact that the area currently because it's a commercial area when you have the residential dwelling units coming into an area that the current fire houses were not designed necessarily to handle the response times and are going to be impacted. And in addition, the limited commercial area which is where this is, with offices, how you address things are usually during work hours and so now when you have dwelling units and residential occupancy they will have to put more firemen employees on and the shifts will have to be overnight as well. So the increase in personnel that is required and I think that's what they had communicated to you in those correspondence.

When I was putting this together, I did put forward that based on your previous granting of 40B's in each and every 40B that has come before you there was consensus from the board about making sure that the fire department the increase on their municipal services was somehow, and it won't be entirely compensated for. They will incur a lot more financial burden than what \$300,000 is going to help with but at least it is a portion of mitigation to help with that.

Mr. Deveau: So the schools get nothing.

Ms. Gelineau: I thought it was pretty compelling to the school department especially with both developments they are all going to the same school.

Attorney Learned: So again, I am not a voting member of the board. So if you also believe the priorities should be arranged differently that is certainly something that you can certainly deliberate and vote on and as you go through the next forty days. And as far as the applicant's mitigation package they're offering a sum of money and I think they don't necessarily care how the city uses that money and so it would be up to the board to think that out and I do point out that this particular order of priorities was put forth based on the correspondence that has come before the board. So you had three department heads

that are very concerned about this development's affect on the infrastructure in that area and there were other departments that did not put forward the communication.

Mr. Hickernell: Thanks. That's all I have right now.

Mr. Sergi: Thanks Michelle.

Mr. Hickernell: Thanks for all your work on this.

Mr. Sergi: Do you want any closing statements? Anything else you want to add before we go to the next step?

Mr. McCourt: We've attempted to do our best in helping providing this additional money. A lot more money, for instance, I though \$7Million wouldn't even be in this but it seems to be a high priority. But as I think Michelle indicated to you that the sum of money if, in fact, you decided should have a different priority list or whatever that would be up to the city. You know we've done it in conversation with Michelle in how we thought it must be the best way to lay it out but if you need to lay the money out differently, that's all right. We've also done our best to providing a couple of more units all is a the cost of the development.

Mr. Sergi: Okay.

Mr. McCourt: And then, of course, on some of it it has nothing to do particularly with this but there's another one coming along that might be doing something similar then there would be a lot of situations that might be able to be cured jointly and that's why the city is the best one to be in charge.

Mr. Sergi: Okay. Thank you. Okay with that said, are we ready to have a motion to close the public hearing?

Mr. Deveau: I think we need to hear from the public. There are some people here.

Mr. Sergi: Are there any further comments that would like to be made?

Gang Xing, 300 Winter Street. Waltham: I have been here a couple of times. I just want to mention three things you know communications with developer. But first, I really appreciate this rigorous progress and I think this is the way it should be done to move a project. The three things I am going to mention, the first place is construction hours because in the correspondence we see they are going to have from 7 to 5 during the weekdays work and then Saturday also from 8 to 4. To our direct abutter it's just one day for recovery is really too harsh for us. So even if they consider take off that Saturday work hour - - -

Mr. Sergi: That's a double edge sword. You take away a day that's going to that's going to put a length the project right.

Mr. Xing: But for us you can shorten the time like from starting from eight you can start from nine or ten. That's just the one thing. Another thing is we have concern because we see in the decision the portable bathrooms. We want to make sure those portable bathrooms are in a specified location not just lined up in front of us.

Mr. Sergi: I'm certain they will work with you on that. The third thing would be a fence on Totten Pond Road because when the sidewalk's constructed, this is different for the fence, we talked about a playground. This is along the sidewalk. If the sidewalk is constructed and our back yard is quite open to pedestrian traffic and you know people sometimes take a short cut and goes directly through our property. That is our concern.

Mr. Cantalupa: A temporary construction fence or a permanent fence?

Mr. Xing: A permanent fence. We don't ask for some fancy fence we are just asking for a physical barrier to prevent people from trespassing through our property. So that's the three items.

Mr. Sergi: Okay.

Mr. Xing: I appreciate it.

Sean Chen: 300 Winter Street, Waltham the same condo unit: I will also be brief. It's quite late adding a few additional comments. So looking at this project realistically it is one of the densest projects in this region, 340 units it is a very dense project by all measures. It will have a very big impact over privacy of our lives and over our property values and we do have these concerns despite all the contributions that they have agreed to make the sidewalk will help I appreciate that but it probably won't mitigate all the traffic it will cause on us. So I still encourage members of the board to think long term particularly at a point and time where the city has achieved Safe Harbor. We've done our fair share in terms of 40B in Massachusetts so I encourage members to think long term is it really a value added project in the long term. Thank you.

Mr. Sergi: Thank you. With that portion of the hearing closed,, may we entertain a motion to close the public hearing and further deliberate on the decision.

On motion of Mr. Deveau, seconded by Mr. Taranto, the board voted to close the public hearing on this matter.

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

Mr. Sergi: So we will continue this. We will need to set another date.

Attorney Jim Ward, Nutter and McClennan, Lawyer for Davis: I think as Michelle indicated there is a thousand emails going back and forth today with draft decisions language and everything so there's a bunch of language that is fine with us putting in and like she said there's some language that we'll put in assuming that I guess in our proposed mitigation package is acceptable to the board and if you say it is then we'll turn the decision around in a couple of days and work with Michelle and then get it back to you. So we have forty days to do that which we don't propose to take. So I think we just need an indication of the board so that we can get at putting that language in and getting everything set and then I would say and I don't know when your next meeting is but we could easily have it by your next meeting.

Mr. Sergi: How does the board feel would the board feel to give permission to move forward with the substance of what's being discussed tonight? If that's the case you would make a motion to allow Michelle to go forward in drafting a final decision for our review.

Mr. Hickernell: I personally probably would arrange some of the mitigation differently but I recognize that all of us on the board probably have somewhat different priorities so in that spirit, I am willing to proceed with the mitigation package in its present form.

Mr. Sergi: So that's a motion - - -

Mr. Hickernell: It's not a motion. It's just my opinion. If other people want to come back and discuss or discuss it more tonight, I guess we could do that too, but -

Mr. Sergi: How does the board feel?

Mr. Taranto: I'm with Mark.

Ms. Gelineau: I guess I sort of agree with Mark but I would like to, I understand that we closed the public hearing but I would like everyone to think about applicant included that now maybe strengthening that number of thirteen but again I defer to the wishes of the board but then again I'm not saying, I'm just not happy with it. So everybody rethink it. I don't know if you need to deliberate about it. It's just my thoughts.

Mr. Sergi: We can discuss that as well. Steve? The substance, good enough to move forward?

Mr. Taranto: I would say so. Yes. I'm leaning towards that although I have some concerns.

Mr. Sergi: Matt?

Mr. Deveau: Is there any more dollars that can be squeezed out? That's my question. If you can give me \$2Million, maybe you can give me 2.2 and then everybody gets a little more happier.

Mr. Taranto: Maybe the parking consideration if that goes to affordable housing could be reconsidered. I think that goes hand in hand in an element of fairness quite typically.

Mr. Deveau: My problem with the mitigation is it's fixing a problem that they are causing and the leftover funds don't even buy a half of a fire truck and the schools get left

out and it's just where I am at with it. In the case before this we had someone pay money in lieu of and that is a lot smaller project and they found \$4Million. This is a lot bigger project and we had to squeeze to get 2, so that's where my head is at. So I don't know if I'm real happy with the mitigation package. In the interest of time, I will move forward with it unless the applicant wishes to say that they want to put more money on the table. That's where I am at with it.

Mr. Cantalupa: Do you want us to address that?

Mr. Sergi: If you'd like to.

Michael Cantalupa, Davis Companies: I have no idea what the circumstances were with the other project that's being referred to. My understanding limited from being out in the hallway it's an existing building or existing property with economics that are flowing which are not happening with this project. So my sense is with material differences between that project and this one where we are building from ground up construction. All I can say on this project is I think you've succeeded in pushing us to the end of our rope on this. The economics do not work really. As I mentioned at the last board meeting this was intended to be an entirely different project and so from an economic perspective it's not a success. And so, we have nothing left in the kitty to contribute here and we pushed the envelope in consideration of what the board was asking for additional mitigation dollars from where we were before in additional units, we have nothing left. And so, I know there are alternatives, you know if the board doesn't agree with the package but we think we are offering a fair package and we would appreciate if the board in consideration of all the work that's been done on this over a number of years and in particular I would like you to consider the late hours that Michelle has had to work through on the decision and we think we have worked cooperatively in the last week in engaging that we believe that we have come to the table here and you've squeezed the last penny out of us.

Mr. Sergi: I agree with your comment related to the other project as well. I think that is an additional thirty five thousand feet of commercial space which adds quite a bit of value.

Mr. Cantalupa: Economics are just different.

Mr. Sergi: No. I understand. Thank you.

Mr. Cantalupa: Thank you.

Mr. Sergi: So I guess there's a consensus to move forward with the comments you've heard here.

Mr. Hickernell: All right, I'll make a motion that we consider our deliberations closed except the mitigation package in its present form and ask Michelle to give us a final paper to vote on.

Mr. Sergi: I agree with that.

Mr. Taranto seconded the motion and the board voted to close their deliberations with the exception of the mitigation package in its present form and request Attorney Learned to give the board a final paper to vote on.

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

A lady from the audience asked about the fence.

Mr. Cantalupa: All I can say is if we can agree to work together to locate a mutually agreeable fence then we'll go along with that. If I understand correctly you asked us to consider a permanent fence that would prevent trespassing across your property and all I was suggesting was that if we can work together to develop a mutually agreeable location and fence, if we can agree to that, it would mean that we would need to work in the future to locate that we would be willing to do that.

Mr. Sergi: We can incorporate that.

Jim, should we set up another meeting date?

Mr. Ward: Since its not a public hearing you can just tell us when your next hearing is.

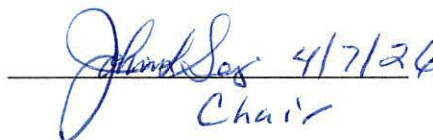
Mr. Sergi: So the 14th. Is that too early?

Mr. Ward: No.

On motion of Mr. Hickernell, seconded by Mr. Taranto, the board voted to continue this matter to April 14, 2026.

One more motion is in order.

On motion of Mr. Taranto, seconded by Mr. Deveau the board voted to adjourn at 11:18 P.M.


Chair

