Zoning Board of Appeals Meeting

Wednesday, September 25, 2024 at 7:00 PM
City Council Chamber, Administration Building,
149 Main St., Watertown, MA 02472

Agenda

Pursuant to Chapter 2 of the Acts of 2023, the meeting and public hearing will be conducted with remote opportunities for participation. In-person and remote participation and access methods include:

ACCESS INFORMATION:

A. This meeting will be held on **September 25, 2024** at **7:00 PM**. Location: City Council Chamber, Administration Building, 149 Main St., Watertown, Massachusetts

B. The meeting will be televised through WCATV (Watertown Cable Access Television): wcatv.org/government

C. The Public may join the virtual meeting online:https://zoom.us/j/606857230

D. Public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: 606 857 230

E. Public may comment through email:zba@watertown-ma.gov

F. Please Visit the Zoning Board of Appeals Website here: https://www.watertown-ma.gov/228/Zoning-Board-of-Appeals

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1. Administrative Business
   A. Approval of Meeting Minutes-July 24, 2024
   B. Approval of Meeting Minutes-August 28, 2024
2. Continued Cases
   A. 6 & 12 Church Hill St-*Request to be continued to October 23, 2024 Meeting*
   i. 6 Church Hill St- William T. Conti requests a Special Permit for the construction of a new three-family dwelling (existing 2266 sq feet lot expanded to 2797 sq ft). The project would include demolition of an existing single-family structure. Central Business (CB) Zoning District. See Link
   ii. 12 Church Hill St- The owner, Brianna LLC, through its manager, William T Conti, requests a Special Permit for the construction of a new three-family dwelling (existing 3373 sq ft lot decreased to 2840 sq ft). The project would include the demolition of an existing two-family structure. Central Business (CB) Zoning District. See Link

CITY OF WATERTOWN

ZONING BOARD OF APPEALS

WATERTOWN ADMINISTRATION BUILDING
149 MAIN STREET
WATERTOWN, MASSACHUSETTS 02472

Melissa M. SantucciRozzi, Chairperson
David Ferris, Clerk
Christopher H. Heep, Member
Alexander Dale, Member
Gregory Girard, Alternate
Samuel Odamah, Alternate

Telephone (617) 972-6427
Facsimile (617) 926-7778
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MINUTES

On Wednesday evening, July 24, 2024, at 7:00 p.m. in the Council Chamber of the Administration Building, the Zoning Board of Appeals held a public hearing. The meeting and public hearing were conducted in a 'hybrid' format with options for public participation both in-person and via remote means, in accordance with applicable law.

Members in attendance (in-person): David Ferris, *Acting Chair*; Alexander Dale, *Member;* Gregory Girard*, Alternate*
In attendance (remote): Samuel Odamah, *Alternate*.
Members Absent: Christopher Heep, *Member.* Melissa SantucciRozzi, *Chair*

Staff present: Gideon Schreiber, *Director of Planning and Zoning*; Antonio Mancini, *Zoning Enforcement Officer;* Sameena Pirani*, Administrative Specialist*.

Acting Chair Ferris, opened the meeting at about 7: 08 and introduced the Board Members and staff. He said that Member Odamah would be attending virtually and Member Dale would be acting as clerk. Staff explained how the meeting and methods of participation for the public could be accessed remotely.

Motion to approve the June 26, 2024, meeting minutes was made by Member Dale and seconded by Member Girard. The motion was approved by roll call vote 4-0 with Members Ferris and Dale, Alternates Girard and Odamah voting in favor.

87 Bromfield St

Member Ferris reminded the petitioner that as 4 members of the Board were present, a unanimous vote would be needed for approval of the petition. Member Dale read the legal notice. Petitioner Amadou

Gallo Thiam, accompanied by his son, gave a brief presentation explaining the scope of the project and nature of relief. They would be adding a second floor (3 rooms/3 baths) and attic (open space), opening the first floor to make space for a larger kitchen by reducing the porch, maintaining existing non-conforming setbacks on the front and both sides of the house. He said that the addition was consistent with other houses along Bromfield St. Both existing and proposed elevations of the house were displayed to demonstrate that the house would be changed from a Cape style to a Victorian. A crawl space would be added to the basement for adding structural strength to the addition. Along with an office, the basement would have a family room, mechanical room, laundry and closets. The first floor would include one bedroom. The attic would be used as a sunroom and for storage.

Following the conclusion of his presentation, Acting Chair Ferris opened discussion to the Board.

Member Girard had no questions.

Member Dale asked how the crawl space in the basement could be accessed. Petitioner confirmed that it would be closed off. It would be built to reinforce the addition. There would be ventilation. Petitioner said he would follow up to understand if any access point was necessary.

Member Dale asked if the room in the basement was currently used as a bedroom. Petitioner said that it was used as an office space during Covid. It had been used as a bedroom later by his sister when she visited. He said there was an egress staircase.

Member Dale noted the error in calculation of the Floor Area. Petitioner confirmed that 100 ft had been added to the base area and the second floor had been eliminated from the calculations. He also confirmed the presence of one window in the attic.

Member Dale asked if the addition had been discussed with their abutters especially the neighbor to the right as it was within the setback. Petitioner Amadou Gallo said that there would be 14 feet between the two houses on that side. He added that what was proposed was consistent with what was seen in the neighborhood. The distance between other houses on the street was similar to what they proposed. He also ruled out the impact of shadows as the house next door was also 2.5 stories.

In response to Member Odamah's concerns about maintaining the aesthetic coherence of the structure with the addition, the petitioner said that effort had been made to complement the existing, replicating the first floor.

Member Ferris confirmed that the room in the basement would be used as an office instead of bedroom as it would require appropriate window heights for emergency escape. Reiterating Member Dale's concerns about the calculations, he asked if the building coverage was accurately shown. Staff said that there was about 5% margin for the differences.

Member Ferris also confirmed that the attic would have little headroom, allowing room for mostly storage. Petitioner confirmed this and said it would be used as a sunroom or storage room.

Petitioner also confirmed that entire siding and all windows would be replaced except those in the basement.

The above minutes represent only a summary of the public hearing. For a more detailed account of the meeting, please visit the Watertown Cable Access Corp channel at, vodwcatv.org/CablecastPublicSite/gallery/47?channel=3 **where a video of the hearing can be viewed.**

Following the resolution of questions and comments from the Board, Member Ferris opened the floor for public comments.

Robert Griffin, 84 Bromfield St expressed his support for the project.

Before requesting a motion, Member Ferris confirmed that the error in reporting the Gross Floor Area had been noted. Additional conditions would include new siding and windows, and what was designated as a bedroom at the basement level would be an office.

Member Girard made a motion to approve the application for a special permit finding for alterations to the non-conforming structure with conditions, as the requested relief meets the criteria set forth in the Watertown Zoning Ordinance. The motion was seconded by Member Dale. Motion was approved by roll call vote 4-0 with Members Ferris, Dale, Odamah and Odamah voting in favor. The Petition was approved with conditions

9,11 & 13 Boyd St

Member Dale read the legal notice. Also attending this hearing was the City's attorney, Roger L. Smerage of KP Law.

Appellant's attorney Evans Huber introduced himself. He said that they were attempting to appeal the conditions imposed by the Site Plan Review. He recapped the details for the benefit of the Board. Last fall, the Zoning Enforcement Officer made the determination that the project required a Site Plan Review. After the Board upheld the determination and the appeal was denied, the petitioners appealed to the Land Court. Recognizing the time it would take to get resolved, they went through the Site Plan Review, the decision for which was filed in December 2023. The appellant believed that the right time to appeal the conditions of the Site Plan Review was when the building permit was issued. The appellant had originally filed for a Building Permit in 2023-- before the ZEO determination, but no permit had been issued. A "limited building permit" had subsequently been allowed for certain portions of work for the proposed childcare facility.

Attorney Huber said that the City attorney, earlier this week, had raised the question of whether there was any point in going forward with this appeal, given that the building permit issued did not incorporate any of the conditions from the Site Plan Review. According to Attorney Huber, if the Board agreed with this then the matter would end. However, if the Board did not agree, there would be discussion related to appealing particular conditions. Attorney Huber suggested that the Board hear from the City's attorney on what he called the first threshold question –whether or not the Site Plan Review conditions were part of the building permit.

Attorney Smerage said that the permit at issue was a standalone permit unrelated to the permit application that led to the Site Plan Review process. It was limited to the construction of two toilet rooms, one accessible toilet room, a food room, office and the installation of an exit door with exterior landing and stairs and renovation of hoist way shaft for a vertical lift. Attorney Smerage also quoted the conditions of the permit. He said that given that the scope of the work had nothing to do with the aspects of the project that triggered or were covered by the Site Plan Review and the appellant had

received the permit they were seeking, there was no jurisdictional basis for them to appeal the issuance of the permit and seek relief from the Board.

Acting Chair Ferris asked Board members for any questions.

Member Dale asked the appellant's attorney to confirm that the current permit was active and being acted on regardless of the building use, which Attorney Huber did confirm.

Member Odamah asked the appellant's attorney to reiterate what they expected from the Board this evening. Attorney Huber said that their grounds for disagreement with the City's attorney arose out of consideration for Section 9.01 of the Zoning Ordinance, which suggested that the issuance of a Building Permit implied that the project in all respects conformed to the Zoning code which in this case would include the Site Plan Review process. Recognizing that there were a lot of "pitfalls and deadlines for appealing these sorts of things" the appellants were filing this appeal to make sure no deadlines were missed. Responding to Member Odamah's question, Attorney Huber hoped to hear that there was no basis for the appeal as the conditions for the Decisions were not part of the current permit.

Member Girard asked if the appellant was concerned that work being done under the building permit at issue would conflict with the Site Plan Review conditions. Attorney Huber said no, the appellant objected to conditions relating to operational matters—conditions that would come into play when the childcare facility was on the verge of opening. The work currently done was unaffected by those conditions.

Member Ferris asked the City's attorney whether the Board, if it wished, could address the Site Plan Review conditions. Attorney Smerage said that there was nothing about the building permit's scope of the work that would allow the Board to address the conditions, e.g., conditions relating to parking or site circulation. The work under the current permit was permissible regardless of the building use.

Acting Chair Ferris then asked members of the public for their comments or questions. Claire Holland (20 Boyd St) asked that if the Board were to follow the advice of the City's attorney, would the conditions imposed by the Site Plan Review come into play at a future date. Staff clarified that the Building Department signed off on this permit on specific work to the building, not to a future use and not involving the Site Plan Review conditions. Silvester Buscemi (141 Galen St) asked if the appellants were attempting to appeal the decision of the Planning Board. Staff clarified that discussion of those conditions was not part of this hearing.

Chair Ferris read the staff recommendation aloud. Member Dale moved to deny the appeal, and Member Girard seconded the motion. Motion was approved unanimously by roll call 4-0 with Members Ferris and Dale and alternates Odamah and Girard voting in favor. The petition is denied.

Motion to adjourn was made by Member Girard, seconded by Member Dale. Motion was approved (4-0) with Members Ferris, Dale, Odamah and Girard voting in favor.

Meeting ended at approximately 8:15 PM

MINUTES APPROVED:----------

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DRAFT

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MINUTES

On Wednesday evening, August 28, 2024, at 7:00 p.m. in the Council Chamber of the Administration Building, the Zoning Board of Appeals held a public hearing. The meeting and public hearing were conducted in a 'hybrid' format with options for public participation both in-person and via remote means, in accordance with applicable law.

Members in attendance (remote): Melissa SantucciRozzi, *Chair*; Alexander Dale, *Member;* Christopher Heep, *Member;* David Ferris, *Member;* Samuel Odamah, *Alternate*.

Members Absent: Gregory Girard*, Alternate*

Staff present (in-person): Gideon Schreiber, *Director of Planning and Zoning*; Antonio Mancini, Sameena Pirani*, Administrative Specialist.*

Chair SantucciRozzi opened the meeting at about 7:07 PM, after the resolution of technical difficulties. Due to the light agenda, Chair had approved of all members being remote. She introduced the Board Members and staff and went over the Agenda. Staff explained how the meeting and methods of participation for the public could be accessed remotely.

At Member Ferris's request the minutes were tabled to the ZBA Meeting on September 25 given the absence of some voting members who had attended the meeting. Motion to table the July 24, 2024, meeting minutes was made by Member Ferris and seconded by Member Dale. The motion was approved by roll call vote 5-0 with Members Ferris, Dale, Heep, Odamah and Chair SantucciRozzi voting in favor.

Cases: 6 & 12 Church Hill St

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DRAFT

Member Ferris read the legal notice for both projects. Motion to continue the petition to the September 25 meeting was made Member Ferris, seconded by Member Dale. The motion was approved by roll call vote 5-0 with Members Ferris, Dale, Heep, Odamah and Chair SantucciRozzi voting in favor.

Motion to adjourn was made by Member Heep, seconded by Member Dale. Motion was approved (5-0) with Members Ferris, Dale, Heep, Odamah and Chair SantucciRozzi voting in favor.

Meeting ended at approximately 7:12 PM

MINUTES APPROVED:----------

DRAFT

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2024 OCT 12 AM 11:13

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Administration Building
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Extension Agreement
Special Permit

PETITIONER/OWNER: 6 Church Hill St (William Conti); 12-14 Church Hill St (Brianna LLC/William Conti)

PROPERTY LOCATION: 6 and 12-14 Church Hill St, Watertown MA

Now come Kenneth J Leitner, Jr *,Attorney representing the Petitioner(s) in the above-entitled Petition for a Special Permit 6 Church Hill St ZBA-2024-09 (SP) and 12-14 Church Hill St ZBA-2024-10 (SP), filed: July 22, 2024, and hereby specifically waive their right to a Hearing of the Board within 65 days following the date of submittal. In accordance with the provisions of M.G.L. Chapter 40A, Section 9, and Section 9.04(f), Watertown Zoning Ordinance, the Petitioner(s) and the Zoning Board of Appeals of the City of Watertown, hereby agree at the request of the Petitioner(s), that the time within which the Board's request to hear the above-entitled Petition be hereby extended to: October 25, 2024.*

PETITIONER(S):

Attorney for Petitioners

Gideon Schreiber,
Director, Planning & Zoning
Community Development & Planning

Special Permit ***#ZBA-2024-09 (SP)/ ZBA-2024-10 (SP)***

A COPY OF THIS AGREEMENT TO BE FILED WITH THE CITY CLERK