



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
Sarah Baker, Member
Gregory Girard, Alternate
Samuel Odamah, Alternate

Telephone (617) 972-6427
Facsimile (617) 926-7778
www.watertown-ma.gov

MINUTES

On Wednesday evening, March 26, 2025, 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): Melissa SantucciRozzi, *Chair*; Sarah Baker, *Member*; David Ferris, *Member*; Alexander Dale, *Member*; Christopher Heep, *Member*; Samuel Odamah, *Alternate*.

Members Absent: Gregory Girard, *Alternate*.

Staff present (in-person): Steve Magoon, *Assistant City Manager*; Sameena Pirani, *Administrative Specialist*; Matthew Neubacher, *Planner*; Tony Mancini *Zoning Enforcement Officer*.

Chair SantucciRozzi opened the meeting. She introduced staff, noted the members in attendance and Sameena Pirani's new position, and reviewed the agenda and order of cases. She stated that different members would be voting on the various petitions. She also explained how the meeting and methods of participation from the public could be accessed remotely.

The motion to approve the February 26, 2025, meeting minutes was made by Member Ferris and seconded by Member Dale. Motion was approved (5-0) with Members Dale, Baker, Ferris, Odamah Chair SantucciRozzi voting in favor.

Cases: 77 Forest St

At Chair SantucciRozzi's request, Attorney Leitner recapitulated the modifications made to the plans. These included revisions to the landscaping plans, moving the rear door to the side of the building to allow complete access within the property, updating the survey to show the easement and the location of the shared right of way on the site plan, adding a walkway from the door to the street, aligning the

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.

floor plans with the elevations, addressing the issue of water run off by using the dry well in front of the property, the incorporation of various design features to increase compatibility with other houses in the neighborhood, and location of the HVAC equipment to minimize the noise.

Following the conclusion of his presentation, Chair SantucciRozzi opened discussion to the public.

Kelly Kurlbaum, 152 Fayette Street, wished the site would be used to support a small business versus a tiny home. She believed the applicants also managed the property on 69 Forest St, and she had concerns about it. There were on-going issues with trash piling up outside. She was largely concerned about the lack of parking for the property. It seemed that cars were always parked on the sidewalk, close to the building, regardless of the winter parking ban. She proposed adding planters to help mitigate this issue. She also questioned how the shared yard space between the properties would function, given the existing chain-link fence and added gate.

Liz Marino, 181 Fayette Street, raised concerns about the potential construction noise, traffic safety, and pedestrian safety, given the proximity of the site to the middle and high school.

Steve Magoon stated that the Traffic Commission had reviewed this intersection and approved a four-way stop as part of the ongoing reconstruction of Forest Street by DPW. More details would follow.

Attorney Leitner said that there was no connection between their client and the owners or management at 69 Forest St. He also added that his clients would be vigilant about keeping the space tidy. They also had plans for an improved fence between the properties to allow more privacy and separation between the yards.

Chair opened the discussion to the Board.

Member Odamah asked where the residents would park their cars, given the absence of on-site parking. Attorney Leitner stated that they would likely park at the middle school. Also, given the site's proximity to public transportation, the residents may not be reliant on cars.

In response to concerns raised about the shared grass area, owner Michael Delrose stated that the landscape plans had been shared with and approved by the abutters.

Member Ferris suggested that the trash bins be relocated away from the sidewalk.

Member Dale echoed concerns about the placement of the trash receptacles. He suggested moving them to the rear of the property and moving some of the plantings closer to the street line. Attorney Leitner stated that there was room to move the trash bins without losing any plantings.

Members discussed the fence design. There was a strong preference against a chain link fence, with members leaning towards a solid or slat-type fence which would help screen the trash area.

Member Ferris stated while he appreciated the updates, he would not be voting in favor of this application because of the "excessive" number of variations from the regulations and for setting a precedent. He was especially concerned about the building's proximity to the property line.

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.

Chair noted the need for updating condition 6 to reflect the three-year timeline on special permits in accordance with the current Zoning Ordinance.

Condition 7 would be added to incorporate the Board's discussion regarding fencing and trash bin location. This condition would ensure that there is an effort to work with the abutter to come to an agreement on fencing, with the stipulation that if no agreement is reached, the property will receive a new higher quality decorative fencing that is not chain-link.

Condition 8 would be modified to require both installation and maintenance of the landscaping as per the plan.

Member Heep made a motion to approve the relief requested with conditions, seconded by Member Baker. Motion was approved (4-1) with Members Heep, Baker, Odamah and Chair SantucciRozzi voting in favor, and opposed by Member Ferris. Member Dale had recused himself.

Willow Park

Member Ferris read the legal notice.

Mel Miller, project manager at POAH (Preservation of Affordable Housing) introduced Cory Mian- (Senior Vice President, Real Estate Development, POAH), Architect David Saladik (Mass Design Group), Landscape Architect Emily Hunt (Copley Wolff), Steve Nolan (Public Counsel), Transportation Engineer Christa Lucas (Howard Stein Hudson), Jonathan Hedlund (Nitsch Engineering).

Jacqui Sullivan, the new executive director of Watertown Housing Authority, introduced other members of the Watertown Housing Authority.

Mel Miller provided information on the project timeline. The Housing Authority worked with POAH as its development partner. While they were denied funding in their first round of applications, they were gearing up to submit next fall. If funded, construction would begin early in 2027. Community engagement had been vital to the project. She gave an overview of the residents and community meetings, thanking the city agencies and bodies consulted during the process, particularly the City Council and the Watertown Housing Trust.

Steve Nolan from Nolan Sheehan Patten provided a background to the Comprehensive Permit requirements, permitting processes and eligibility criteria.

Jacqui Sullivan covered existing site conditions, highlighting the dated condition of the buildings, and absence of ADA compliance.

Mel Miller gave an overview of the proposed plans, including unit mix and affordability.

Architect David Saladik detailed the project design, including the three buildings, and the split-level parking deck for 65 spaces designed to minimize its perceived height and preserve open space. All three buildings would be designed to Passive House Standards to minimize heating and cooling

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.

loads and reduce energy consumption. Additionally described was the material palette, and site and building layout that created a sense of safety, security and community.

Landscape Architect Emily Hunt stated that there would be a new large community open space on Quimby Street. Also described were the outdoor recreation and play areas, accessible pedestrian pathways, and reuse and repurposing of existing materials, including bricks and granite pieces.

Christa Lucas highlighted the results of the Transportation Impact Study, stating that the project would have minimal impact on traffic operations, would result in increased bike parking, encourage non-single occupancy vehicle trips, and support transit.

Jonathan Hedlund, attending virtually, described the stormwater and site utilities.

At the Chairs request, Mel Miller presented a summary of the waivers requested.

Chair SantucciRozzi stated that the city was not claiming Safe Harbor, even though they met the General Land Area Minimum (GLAM) requirements for affordable housing. They would be hearing from the public, Board members, and discussing the waivers sought.

Rex Palmer, 52 Melendy Ave, expressed concerns about increased parking congestion on Melendy Ave. David Saladik stated that the 33 units in Building C would have 26 parking spaces, an improved ratio of parking spaces from the current, and was based on the input from residents received throughout the community engagement process. More operational details were yet to be finalized.

Dennis J Duff, 33 Spruce St, member Community Preservation Committee, spoke in favor of the project. He recognized the need for subsidized housing, especially in the east end of Watertown and asked for local preference in allocating housing, saying that it was common in neighboring communities. He also expressed his support for Building B to be six stories as it would not impact other houses in the neighborhood.

Chair stated that local preference would have to be requested by providing demographic and income information. It was not guaranteed, as the decision was made by the Executive Office of Housing and Livable Communities. The Board would condition this in the application. Mel Miller expressed support in working with the city to obtain local preference. Regarding the height request, she explained that Building B had been changed from 5 to 4 stories to align with the abutting 3-story structure and surrounding neighborhood.

Chair also supported the building being pushed further back towards the commercial structure. She suggested revisiting this later.

Vincent Piccirilli, District C councilor, Council Vice President, expressed gratitude to the team, including the Housing Authority, city staff, councilors and Community Preservation Committee for their efforts. He said that the project was going to be 100% affordable, reflecting on the community's priorities.

Councilor Nicole Gardner affirmed these words and praised the level of community engagement shown by the project team.

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.

Kevin MacDonald, 17 Quimby St, expressed support for the project and asked questions related to parking, and measures to be taken for pest control, construction management, sound protection and playground design and layout particularly its impact on abutters. Members of the team addressed these concerns ensuring the safety and well-being of residents and neighbors.

Brian Ho, 31 Elton Avenue, expressed support for the project.

Jacqueline van Leeuwen expressed her strong support for the project, highlighting the partnership between Housing Authority and POAH and the on-site POAH office in the proposed project.

Elodia Thomas (remote), 67 Marion Road, supported the project and emphasized the importance of maintaining the city's inclusivity and diversity, both economic and cultural. She expressed concerns about parking, advocating a partnership with businesses with excess parking. She supported local preference.

Following the conclusion of public comments, the chair opened discussion to the Board.

Member Ferris asked questions about the strategy for displaced residents during construction. He expressed support for the four stories for Building B which aligned with the neighborhood and the use of brick in the material palette. He suggested consideration of façade panels with some type of shadow play and use of concealed fasteners.

For the parking deck, Member Ferris suggested the need for screening to minimize the impact of headlights, and consideration of an egress stairway. He appreciated the sunlight in the yard and asked for more details on the fencing, especially around the playground, emphasizing the need for safety as well as visibility. The team acknowledged that they were in the early stages of design.

Member Heep asked for the rationale behind making the parking deck two stories, as opposed to something taller or different. The decision was based on input from the community and consideration of the neighbors. He asked questions about the affordability of the proposed units, especially for existing tenants. The petitioner's counsel confirmed that these tenants were protected by state laws and tax credits. He expressed concern that additional restrictions could complicate matters and lead to conflicting conditions. There was also the desire to maintain flexibility in the affordability requirements. Chair wanted to circle back to these discussions.

Member Dale appreciated the project's commitment to sustainability. He asked about the waiver for car share spaces and the impact of building height on the neighbors. He also asked how additional spaces would affect the traffic flow. He sought clarification around stormwater management, climate protections and whether the project could manage the water mostly on-site.

Member Baker asked questions about the landscaping (percentage of native plants), and location of the playground at the far end of the property. She also had concerns about parking and transportation issues—how parking spaces would be assigned to current residents, the high intensity use of delivery vehicles (such as ride shares, food deliveries) given the size of the development and if these were considered in the transportation study. Also, the location of the package rooms and elevators and the need for an intensive plan to ensure smooth traffic flow and

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.

absence of blockages. She suggested a raised cross walk at the intersection of Melendy and Nichols Ave.

Member Odamah expressed appreciation for the courtyard design and asked about the cross-programming between the buildings. Residents would be going from the smaller buildings to the main building.

Member Dale expressed concern about e-bikes being stored in an unlocked, outdoor space, backed by the Chair.

Chair Santucci-roszki suggested a more balanced approach that preserved the existing housing units with the current levels of affordability, addition of a crosswalk to slow down traffic, striking of a portion of Melindy Ave to improve parking efficiency, breaking up the massing to integrate with the surrounding neighborhood, consideration of the sufficiency of parking and availability of public spaces for overnight parking. She asked questions about the relocation of the residents and costs. She acknowledged the reports and comments received from various reviewers. She discussed the next steps. Staff would work on a draft of the conditions and these would be available prior to the next meeting.

Motion to continue the matter to the meeting on April 23, 2025, was made by Member Heep, seconded by Member Dale. Motion was approved unanimously (5-0).

9-11-13 Boyd

David Ferris, Acting Chair, opened the hearing on 9-11-13 Boyd Street. (Chair Melissa Santucci-Rozzi and Member Christopher Heep recused themselves from the case before it opened.) Acting Chair Ferris, noting that only three members of the Board and one alternate would be voting, confirmed that a unanimous vote would be required to grant a Special Permit, and that the Petitioner's counsel was attending virtually.

Maksim Bolyasnyy, President of University Prints Building, LLC, and owner, presented the application to convert two existing offices to two residential units. Bolyasnyy said more housing was good for the area. Bolyasnyy said that there were two parking spaces for the two residential units when zoning required one space, and that the spaces could be shared with the daycare already operating on site because the parents and staff for the daycare only need parking during the day. Bolyasnyy said, therefore, that there were no parking issues to be addressed and no need for any conditions relating to parking or garage parking spaces. He said that any conditions would be appealed and would cost taxpayers the legal fees necessary to defend the appeal.

Acting Chair Ferris opened the hearing to public comments.

Silvester Buscemi, 141 Galen St, expressed concerns about parking on and around the site. Buscemi noted that the two spaces in front of the building were marked for First Path Daycare. He said that shared parking was not the solution; while people used to commute to work, they don't do that now. Buscemi asked what will happen when the owner does not comply with the Board's conditions and there are parking issues. Staff said that if a party does not comply with approval conditions, they can contact the City.

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.

Bolyasnyy used an insulting word to describe Buscemi. Acting Chair Ferris said he would ask Bolyasnyy very politely not to use such language. Bolyasnyy added, in response to Buscemi, that the parking signs were forced on the owner by the Planning Board's site plan conditions for the building permit needed to convert part of the site for the daycare use.

Phil Brown, counsel for the Petitioner, asked to speak. Brown said the application represented a narrow and simple request to change the use from office to residential. Brown said one purpose of the NMU District was to expand housing. Brown said there would be no adverse impact on the neighborhood and that with a .5 parking requirement, only one space was needed. He said that with two spaces already attributable to the residential units, no more parking was required. He said that the daycare facility and its operations and parking needs should not be considered. The daycare conditions are being reviewed by the court and the ZBA should approve the application with no conditions.

Elodia Thomas, 67 Marion Road, said she is not familiar with the case but has parked on Boyd Street recently to use the Post Office and hasn't had a problem parking. She wondered whether there was a double standard, since shared parking was allowed at 104 Main Street.

Acting Chair Ferris asked if there were any other public comments. Staff said an anonymous written comment was provided by someone who is concerned mainly about parking.

Bolyasnyy spoke again and urged the Board not to condition the approval. Bolyasnyy said that any conditions will lead to a federal civil rights lawsuit and personal liability for Board members. Acting Chair Ferris said that the Board would be as fair as possible but that he is disheartened by, and resented, the Petitioner's attitude. Ferris noted that everyone else was discussing the case in a civil way. Ferris asked staff if they had any recommendations about the Petitioner's decorum. Staff said while it is important that everyone act civilly during the hearing that the Board is limited in what it can do to control what someone says. Staff, noting that the City's counsel was available online, said that as regards the Petitioner's threat of personal liability, Board members do not need to be concerned and the City would defend their actions in deciding the case.

Member Baker asked whether residential tenants had access to the daycare facility through the basement. Bolyasnyy said the daycare facility was secure even if someone was able to gain access to the rear basement. He said that residential tenants might use the front basement, because it would be good to put a laundry machine and exercise equipment there. Baker asked about the bathroom door in Unit 2R, which seemed to swing in and hit the sink. Bolyasnyy said the plans were more of a draft. Baker asked about rear egress; Bolyasnyy said it was a building code issue and that only one means of egress was necessary. Baker asked whether the leases for the two occupied residential units included parking. The Petitioner said each tenant is currently allocated one space and that, at lease renewal, "some sort of provision" would be made for the existing units "going forward."

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.

Member Dale asked staff about the interface between the Planning Board conditions and the proposed conditions here. Staff said the proposed conditions recognize what is in place now but stand alone, looking at a single site, with a mix of uses. There would only be one parking management plan for the site. Dale asked Bolyasnyy how the parking spaces would be allocated with four units and two spaces. The Petitioner said he did not know how the two spaces would be allocated but that if a tenant did not get a space, they could rent one at a nearby garage. Dale asked why the plans had the discrepancies noted by staff, e.g., using the wrong zoning district in the zoning summary. Bolyasnyy said it slipped through the cracks.

Acting Chair Ferris asked who owns the chain link fence on the property line. Bolyasnyy said it was installed by the abutting properties because of a legal dispute over the Petitioner's right to use a portion of the adjoining parking area. Acting Chair Ferris asked staff if there had been complaints about parking. Staff said there have been no complaints to the Zoning Enforcement Officer but that neighbors have expressed concerns. Staff also said that the City has done "some monitoring" and not found problems in the morning. Ferris noted that there were several elements shown on the site plan that are not actually present at the site.

Member Dale asked if an initial parking management plan had been submitted; staff said yes.

After inquiring if there was further public comment, Acting Chair Ferris closed that portion of the hearing. Ferris noted that staff proposed changes to Condition #13 (parking management) and asked staff what was necessary to incorporate it. Staff said the Petitioner had been provided a copy of the revised condition and that reference to it was sufficient.

Counsel for the Petitioner and for the City each described their views on the proposed conditions and on the Petitioner's assertion that imposing conditions was a civil rights violation with possible personal liability for board members.

Acting Chair Ferris asked what members wanted to do on the Special Permit and the proposed conditions, including the revised version of Condition #13 proposed by staff. Members said yes. Ferris confirmed that the Petitioner had been given a copy of revised Condition #13.

Member Dale moved to issue a **Conditional Approval** of the request for **Special Permit** total of four residential units with shared and offsite parking supporting a mixed-use building, all under \$9.05, based on the finding that the proposed project meets the criteria set forth under \$9.05 and \$9.12, in keeping with \$5.01(C), \$5.08 Watertown Square/Neighborhood Mixed Use District, and Article VI (for the use, site, and shared/offsite parking) and the general purpose of the Ordinance outlined in §1.00 of the Watertown Zoning Ordinance, with the following conditions (including the revised Condition #13 in the Staff Report Addendum). Further, this Special Permit recognizes a prior Site Plan Review Approval, PB-2023-05-SR, for a Daycare center, and nothing in this decision shall supersede or alter the prior SPR and resulting building permit issued for the Daycare, and finds that adding two residential units will impact the parking conditions of the Daycare's SPR such that the four residential units will be dependent upon shared and/or off-street parking. The motion was seconded by Alternate Odamah and approved 4-0 (Acting Chair Ferris, Members Dale and Baker and Alternate Odamah voting in favor)

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.

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

The meeting ended at approximately 10:55 PM

MINUTES APPROVED:-----

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.