



## Zoning Board of Appeals Meeting

Wednesday, June 24, 2026 at 7:00 PM

<https://watertown-ma.zoom.us/j/606857230>

### Agenda

Pursuant to Chapter 2 of the Acts of 2025, the meeting and public hearing will be conducted with remote opportunities for participation. Remote participation and access methods include:

#### **ACCESS INFORMATION:**

- A. This remote meeting will be held on Wednesday, June 24, 2026 at 7:00pm.
- B. The meeting will be televised through WCATV (Watertown Cable Access Television): [wcatv.org/government](http://wcatv.org/government)
- C. The Public may join the virtual meeting online: <https://watertown-ma.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](https://www.zoom.us/j/606857230)
- E. Public may comment through email: [Zoning@watertown-ma.gov](mailto:Zoning@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. Call to Order
  2. Roll Call
  3. Administrative Business
    - A. Approval of May 27, 2026 Meeting Minutes.
    - B. Board review, discussion, and approval of updated Rules of Practice and Procedure.
    - C. Board nomination and consideration of Officers.
    - D. [550 Arsenal St](#)- Developer presentation of a modified site plan following the Board's approval of PZ-26-7 on April 22, 2026
  4. Adjourn



**CITY OF WATERTOWN**  
**ZONING BOARD OF APPEALS**  
**PARKER BUILDING, 124 WATERTOWN ST.**  
**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  
[www.watertown-ma.gov](http://www.watertown-ma.gov)

## **MINUTES**

### **PRESENT:**

MEMBERS- Christopher H. Heep, *Acting Chair*; David Ferris; Alexander Dale; Sarah Baker; Gregory Girard, *Alternate Member (Voting)*.

STAFF- Gideon Schreiber, *Director of Planning and Zoning*; Matthew Neubacher, *Planner*; Hannah Jury, *Administrative Specialist – Zoning*.

### **PRESENT, REMOTE:**

MEMBERS- Samuel Odamah, *Alternate Member (Voting)*.

STAFF- Antonio Mancini, *Zoning Enforcement Officer*.

### **ABSENT:**

MEMBERS- Melissa M. SantucciRozzi, *Chair*

On Wednesday evening, May 27, 2026, 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.

Acting Chair Heep opened the meeting at approximately 7:00 p.m. He introduced staff, noted the members in attendance, and reviewed the agenda.

## **1. ADMINISTRATIVE BUSINESS**

### **A. APPROVAL OF APRIL MINUTES**

#### DISCUSSION

Member Baker requested the Minutes note the specific location referenced in her specific suggestions to the 550 Arsenal St (Watertown Mall) Site/Landscape Plans. Member Ferris noted he did not read the 550 Arsenal St portion of the Minutes as he was recused.

#### VOTE

The motion to approve the April 22, 2026, meeting minutes with changes as discussed was made by Alternate Member Girard and seconded by Member Dale. The motion was approved 5-0 in a roll call vote with Member(s) Ferris, Dale, Baker, Alternate Member(s) Girard and Odamah voting in favor, and Acting Chair Heep abstaining.

### **B. BOARD REVIEW OF RULES OF PRACTICE AND PROCEDURE**

#### DISCUSSION

Alternate Member Girard reviewed comments and suggestions for the Rules of Practice and Procedure, including corrections for spelling and grammar, opportunities for increased detail and definitions, and reordering some

subsections for clarity. Alternate Member Odamah inquired about whether Alternate Members will be upholding current responsibilities, and requested Staff consider specifying how Alternates participate in the Rules. Staff confirmed a new document with changes marked will be sent to the Board prior to the June meeting.

#### VOTE

Acting Chair Heep suggested postponing the vote on the Rules and Board Nomination and Consideration of Officers until Chair SantucciRozzi is in attendance.

## **2. NEW CASES**

### **A. 67 CAPITOL ST**

Member Ferris read the legal notice, and Acting Chair Heep clarified the four Voting Members and one Alternate, participating remotely, in the review of the proposal for a dormer addition within a nonconforming third floor. Acting Chair Heep confirmed the Members Voting as Alternate Member Odamah, Member(s) Ferris, Dale, Baker, and Acting Chair Heep.

#### PRESENTATION

Leslie Saul, Architect, provided an overview for the rationale of the project, to support aging-in-place, and reviewed the plans.

#### BOARD INQUIRY

ALTERNATE MEMBER GIRARD – Stated that the plans were well prepared, the dormer thoughtfully placed, and inquired about whether compromises were made in the size. The applicant confirmed there were compromises with size and location of laundry machines.

MEMBER FERRIS – Confirmed that the siding of the new dormer will be consistent with the rest of the house. The Architect confirmed that it will match and combine under windows.

MEMBER DALE – Noted the letters of support from neighbors but raised concern that the back neighbors would be the most impacted. The applicant explained that they were unable to establish contact, but a significant back setback and tree canopy screens the view between houses.

MEMBER BAKER – Echoed all previous comments, and stated that rear and side elevations showing existing conditions would have been helpful for review of the plans.

ALTERNATE MEMBER ODAMAH – Expressed appreciation for the architectural drawings, and inquired about the letters of support and relationships to the neighbors.

ACTING CHAIR HEEP – Stated that this project embodies the modest, reasonable, and thought out approach the Board looks for in applications for Special Permit Findings.

No public comments were heard.

#### VOTE

Member Ferris motioned, and Member Dale seconded, for conditional approval of the Special Permit Finding under WZO §4.06(a) to allow the construction of the dormer addition to increase non-conforming third-floor area with a main roof over 35'. The petition was approved via roll call vote 5-0 with Members Ferris, Dale, Baker, Alternate Member Odamah, and Acting Chair Heep voting in favor.

## **B. 235 MOUNT AUBURN ST LOT A**

Acting Chair Heep opened the hearing for 235 Arsenal St Lot A at approximately 7:32 p.m. for the request to approve a new two-family use in a single-family zoning district. Voting Members include Member(s) Ferris, Dale, Baker, Alternate Member(s) Girard, and Acting Chair Heep.

### PRESENTATION

Kelly Boucher, Architect, presented the project, explained the delineation between Lots A and B, and showed a preliminary Landscape Plan that was not included in the formal submission. Property Owner, Bob Purdy, discussed continued correspondence and agreements with neighbors for fences, trees, and arbor vitae. Architect Boucher stated that any additional fences may be subject to approval by the Historic District Commission (HDC), to which Acting Chair Heep noted that it is interesting that a vacant lot is under the purview of the HDC.

Staff clarified the lot delineation following a question from Acting Chair Heep.

### BOARD INQUIRY

ALTERNATE MEMBER GIRARD – Requested further clarification on the lot delineation between Lots A and B, confirming that the garage is in Lot B, which is not the Lot under review for this hearing. Alternate Member Girard confirmed means of egress from the basement bedrooms.

MEMBER FERRIS – Commended the architectural design of the project, asked whether the deck can project further into the setback, and whether light wells for the basement impact the setback. Zoning Enforcement Officer Antonio Mancini stated these are treated the same as bulkheads. Member Ferris called attention to the trees along the lot line, and windows facing the lot line, and inquired whether the structure could be pushed closer to Lot B than the existing neighbor's property. Plan A101 was also noted to rearrange the windows on the left side elevation for consistency. In consideration of neighbors, Member Ferris suggested the exterior color be muted, requested the curb be repaired and a street tree added, and asked to condition or otherwise document coming to a resolution on the treatment of the property line with neighbors.

MEMBER DALE – Asked if it could have been allowed by-right, why did the team decide to propose a two-family, to which the applicant responded that it was too large as a single family, although the structure could have been even larger. A multi-family was not considered for utility, building code, neighborhood cohesion, and parking. Member Dale inquired about the heating and cooling system, and encouraged the applicant avoid gas, to which Mr. Purdy confirmed not connecting to gas is the more cost-efficient choice.

MEMBER BAKER – Appreciated the request for more housing. Architect Boucher stated the siding material under the porches will be mahogany lattice behind shrubs, and that the porch is shared. Member Baker emphasized the tree canopy as a public good, and is transformative to not only residents, but drivers and pedestrians alike.

ALTERNATE MEMBER ODAMAH – The applicant summarized conversations and relationships with abutters for Member Odamah, emphasizing the intention to collaborate. The applicant intends to follow requests of their Walnut St neighbor, but awaits an actionable, consistent proposal.

ACTING CHAIR HEEP – Referenced the preliminary landscape plan and confirmed that the strip along the lot line and garage is adequate with Staff, to which Staff responded it must be a pervious surface not suitable for vehicles, and plantings are not necessarily required. He questioned the location of the waste receptacles, which

are in between patio areas. The Architect clarified that fencing and enclosures would be prepared to screen the waste receptacles, subject to approval by the Historic District Commission. Acting Chair Heep concluded that a condition considering thoughtful treatment of trash and recycling location/screening would be worthwhile to include.

PUBLIC COMMENT

A resident from 32 Center St expressed concern with privacy for the garage on Lot B that the Petitioner previously indicated may become an Accessory Dwelling Unit. The resident requested fencing for privacy on both the garage and new two-family, as well as rodent mitigation during construction.

A resident from 21 Walnut St, which abuts the proposed two-family property, also raises privacy concerns. They requested the chain link fence be removed and stated that an arborist evaluated the trees and was concerned about the stability of some trees posing danger.

FINAL DELIBERATIONS

Member Ferris stated that the following topics of concern may be settled between applicant and Staff, including inquiring whether the property may be moved north. He noted that screening for waste receptacles is a good idea, although to ensure window wells are not excessively blocked. There were conflicting preferences between the Board and an abutting resident regarding trees which the Board should discuss, and Member Ferris requested that a walkway to the sidewalk be added to the landscape plan, damaged portion of curb replaced, and a street tree added. Staff clarified the curb and street tree are under the purview of the City in a reconstruction project with MassDOT encompassing Mount Auburn St and some intersections in the proximity, which may include this portion of Walnut St. If there is a portion of the curb missing, the Zoning Ordinance requires it be replaced in new construction of a two-family.

Member Dale mentioned a possible precedent for stronger language for maintaining trees, and Member Baker suggested stronger language to condition arborist review to clearly designate which trees are worth maintaining. Acting Chair Heep suggested adding to condition no. 6 *Landscape Plan*, that adequate screening and protection be provided to nearest abutters. Member Baker suggested the condition also include if fences are installed, it is a consistent material or style, although heights may vary.

Acting Chair Heep summarized the suggested conditions which included: walkway to the sidewalk, updated landscape and fencing plan for Staff review, updated landscape plan condition for cohesive fence style and stronger language for arborist review to preserve trees as determined safe, consideration of shifting proposed property north, and screening of waste receptacles.

VOTE

Member Ferris motioned, and Member Dale seconded to approve the request for a Special Permit in accordance with WZO §5.01(a) to allow a new two-family use in the SC (Single-Family Conversion) Zoning District. The motion passed 5-0, with Member(s) Ferris, Dale, Baker, Alternate Member Girard, and Acting Chair Heep voting in favor.

The Chair invited a motion to adjourn the public meeting. Alternate Member Girard motioned, and Member Dale seconded to adjourn. The motion passed 5-0 with Member(s) Baker, Ferris, Dale, Alternate Member(s) Girard, and Acting Chair Heep voting in favor.

MINUTES APPROVED:-----

**Zoning Board of Appeals**  
**RULES OF PRACTICE AND PROCEDURE**

City of Watertown



Adopted June XX, 2026

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## 1. General

### 1.1 Authority and Purpose

- 1.1.1 These Rules of Practice and Procedure (Rules) are adopted by the Zoning Board of Appeals of the City of Watertown (the Board) as authorized under M.G.L. c.40A §12, M.G.L. c.40B §§20 through 23, the Watertown Zoning Ordinance (WZO) Title XV, c.155 §9 and §10, and the Watertown Administrative Code §A-302d, are intended:
- a. To ensure the orderly and efficient conduct of business at meetings of the Board;
  - b. To facilitate the decision-making process of the Board;
  - c. To assign the roles and responsibilities of the Board and Staff; and
  - d. To provide insight and guidance into land use and planning decision-making processes involving the Board.
- 1.1.2 If any provisions of these Rules conflict with the WZO, any applicable state or federal law, including but not limited to M.G.L. c. 30A § 23 as amended (the Open Meeting Law), M.G.L. c.40 as amended, then the applicable law shall govern.

### 1.2 Adoption and Amendment of Rules

- 1.2.1 **Effective date.** These Rules, and any amendments to them, become effective when adopted by a quorum of the Board at a public meeting.
- 1.2.2 **Amendment of the Rules.** The Rules may only be amended by a quorum of the Board at a public meeting. Acknowledgement and, if applicable, review for changes of the Rules shall occur on an annual basis.
- 1.2.3 **Filing of Rules.** The Rules must be filed with the City of Watertown City Clerk and ~~the City Council President and the City Manager must be subsequently notified. forthwith notify the City Council President and the City Manager.~~
- 1.2.4 **Public Availability.** The adopted and subsequent amended Rules must be available for public access.
- a. A physical copy of the Rules will be available at the City's Planning and Zoning Office.
  - b. An online copy will be accessible on the City's website.

## 2. Board Organization

### 2.1 Board Membership

- 2.1.1 **Appointment.** The Board shall consist of five (5) Members and up to two (2) Alternate Members, all to be appointed by the City Manager and approved by the City Council.
- 2.1.2 **Term.** Members shall be appointed to five (5) year terms beginning on February 15<sup>th</sup> of the year of appointment. Alternate Members shall be appointed to two (2) year terms. Members' terms shall be arranged so that the term of at least one Member expires each year.

2.1.3 **Officers.** Each year, no later than 45 days after February 15<sup>th</sup>, the Board shall elect Members to the offices of Chair, Vice Chair, and Clerk. Officers shall be elected by a quorum of the Board. Typically, the annual election would occur at the regular March meeting of the Board.

- a. If an existing officer resigns their office and/or position on the Board, a new election for the vacated office will be held within 45 days of their resignation.
- b. A quorum consists of at least four voting full and alternate members.

## 2.2 Responsibilities of the Board

2.2.1 The Board's responsibilities specified by the Watertown Administrative Code, Article III § A-302d are to hear and decide individual cases brought by persons seeking relief from the requirements of the zoning ordinance, as provided for by the M.G.L. c.40A and WZO, specifically:

- a. To hear and decide petitions for variances.
- b. To hear and decide applications for special permits and special permit findings, and appeals upon which the board is empowered to act under the WZO.

2.2.2 The Board's responsibilities specified by the Watertown Zoning Ordinance (WZO) are:

- a. **Permit Granting Authority.** The Board acts as the Permit Granting Authority ("PGA") in applications and hearing procedures for projects which require a Special Permit ("SP") where the Board is the designated PGA/SPGA under the WZO, Special Permit Finding ("SPF"), and Variances ("V"). The Board will also review applications for amendments and minor modifications to previously approved petitions.
- b. As specified in WZO §9, the Board shall not hear a case for a SP, SPF, or V before one of the following has taken place:
  - The Planning Board submits written notification that it does not intend to submit a report; ~~or and~~
  - The report of the Planning Board has not been received by the date of the public hearing.
- c. The Board may initiate submission of a zoning amendment to the City Council.

2.2.3 The Board shall act as the decision-making authority for Comprehensive Permits in accordance with M.G.L. c.40B §§20-23 and as explained in §5 *Comprehensive Permits* of these Rules.

## 2.3 Member Roles

2.3.1 **Offices and Officer responsibilities.** Elected or appointed Board officers shall have the duties and responsibilities of their office as indicated below, in addition to all duties and responsibilities of a Member.

- a. **Chair.** The Chair shall:
  - Ensure the meeting follows Robert's Rules of Order as applicable and may rearrange agenda items as deemed most appropriate and efficient;
  - Call for motions and votes by the Board to open and adjourn hearings, and to approve, postpone, or deny petitions;
  - Ensure compliance with time limits for the Petitioner and Members of the public;
  - Appoint an Alternate Member, in coordination with Staff, to hear and vote in the place of an absent Member;

**Commented [HJ1]:** Appoint is maintained rather than "assign" to align with the City's Administrative Code and consistency with other Boards and Commissions.

- Appoint an acting Vice Chair to fulfill their duties if the Chair and Vice Chair are unable to do so;
  - Represent the Board in all proceedings before City Council and other City officials; and
  - Attend required trainings and coordinate with staff to disseminate materials to the Board.
- b. **Vice Chair.** The Vice Chair shall:
- Perform all duties of the Chair if the Chair is unable to perform their duties.
- c. **Clerk.** The Clerk shall have the following responsibilities. The Clerk may coordinate and rely on Staff for support in conducting their duties.
- Certify meeting minutes;
  - Ensure observance of the Open Meeting Law; and
  - Ensure maintenance of the journal of proceedings of the Board.

## 2.4 Member Standards of Conduct

- 2.4.1 **Member responsibilities.** All Members are expected to participate in all meetings and administrative business of the Board, and review meeting materials sent prior to the meeting. Unless otherwise coordinated with Staff, the Board will receive all materials digitally. Board members shall attend all required trainings relating to the execution of their duties.
- a. **Training.** Members shall attend all required trainings relating to the execution of their duties and are encouraged to attend other relevant trainings.
- 2.4.2 **Alternate Member responsibilities.** The ~~Alternate~~ ~~Members~~ ~~has~~ ~~have~~ all of the responsibilities detailed in §2.43.1 of these Rules. When the Board is the PGA, the ~~Associate-Alternate~~ Member can participate in hearings but can only vote when designated by the Chair in the case of absence, recusal, or vacancy of a Member.
- 2.4.3 **Meeting attendance.** Members are expected to attend all public meetings and executive sessions of the Board.
- a. **Remote attendance.** Members are encouraged to attend all meetings in-person. When any Members participate remotely, all votes must be taken by a roll-call vote.
- b. **Notification of absence.** Members who will be absent or abstaining from a Public Hearing or vote shall notify Staff at the earliest knowledge of their anticipated absence or recusal.
- c. **Number of absences allowed.** In the case that a Member is absent from three consecutive regular meetings, the City Manager, at their discretion, may vacate the Member's appointment.
- 2.4.4 **Conflicts of Interest.** Members shall act in accordance with the provisions of M.G.L. c. 268A, as amended. A member has the responsibility to disclose any real or perceived conflict of interest to Staff and the City Manager. If a Member believes or discovers that they have a conflict of interest, or the appearance of a conflict of interest, they shall follow the procedures as outlined in state law.
- If Members have any questions relating to ethics or conflicts of interest, they should consult with the Massachusetts State Ethics Commission for necessary clarification or consideration, and keep Staff informed.
- 2.4.5 **Open Meeting Law.** Members shall act in accordance with the provisions of M.G.L. c. 39 §§18-25, as amended.

**Commented [HJ2]:** Staff determined no additional detail should be added for Alternate Member responsibilities to allow for flexibility in meeting proceedings.

## 2.5 Hire of Consultants

The Board may employ experts, clerical, and other assistants in accordance with M.G.L. c.40A §12.

2.5.1 **Hire of Consultants.** In accordance with M.G.L. c.44 §53G as amended, the Rules must include the procedures the Board will follow to hire consultants. The Board may engage appropriate professionals (e.g., engineers, planners, traffic consultants, architects, financial analysts) who can assist in analysis of the petition and ensure legal and regulatory compliance. The consultant will be chosen by, and report only to, designated City Staff and/or the Board, with all fees paid by the petitioner.

- a. **Selection Process.** The process of selecting a consultant shall proceed as follows:
  - The Board, through its designated Staff, determines that it requires technical assistance beyond what Staff can provide to review a specific application, and prepare a written scope of services the Board is to receive. The Board, in consultation with Staff, are solely responsible for determining if a consultant is required, and for what services.
  - Staff identify qualified consultants to provide services as requested and may provide an update to the Board at the request of the Chair.
  - Staff shall notify the Petitioner following the selection of a consultant via email, first-class mail, or hand-delivered notice. The notice shall identify the consultant, the amount of the fee to be charged to the Petitioner, and a request of payment of the fee in its entirety. The notice shall also state that the application is incomplete and that no additional review or action will be taken on the application until the Petitioner has paid the consultant fees.
- b. **Payment of Fees.** Required fees must be received in full from the Petitioner prior to the initiation of consultant services. An application shall be considered incomplete until the Petitioner submits payment in full for the consultation fees specified. If the Petitioner has not paid the fees specified within 10 business days of receipt of the notice of consultant selection, the Board may deny an application as incomplete, except in the case of an appeal pursuant to §2.4.2.c of these Rules.
  - Following the initiation of consultant services, the City, through the Board, may require additional fees if necessary review requires expenditures beyond what was originally anticipated.
  - Fees must be deposited by the City in a dedicated account and kept separate from other money, as required under MGL c.44 §53G. The City may expend fees, including accrued interest, from this account for the sole purpose of consultant review for the specific application for which the fees were collected without further appropriation. The fees may be spent for no other purpose.
  - Any fees, including accrued interest, that are not expended during the course of review of the application will be returned to the Petitioner or their successor in interest. A final account of the account shall be made available to the applicant or their successor in interest.
- c. **Appeal of Selection.** Prior to payment of the fee in accordance with §2.4.2.b of these Rules, the Petitioner may appeal the designees's selection of a consultant to the City Manager. The appeal must be made within twenty (20) days of receipt of the notice of consultant selection to the City Clerk. Copies of the appeal must also be delivered simultaneously to the Board and Staff.
  - Grounds for an appeal are limited to one or more of the following:

- The selected outside consultant has a conflict of interest
- The outside consultant does not possess the minimum required qualifications including a degree in a related field or at least three (3) years of experience in the field at issue, or a similar field.
- The required time limits for action upon an application by the Board will be extended by the duration of the appeal.
- If the City Manager does not issue a decision on the appeal within thirty (30) days of the filing of the appeal, the selection made by the Board shall stand.

## 2.6 Staff Responsibilities

2.6.1 **Designated Staff.** The Staff of the Planning and Zoning Division and the Zoning and Code Enforcement Team within the Department of Community Development and Planning are specifically designated as Staff to the Board (“Staff”), including the Zoning Enforcement Officer.

2.6.2 **Staff Responsibilities.** Staff are responsible for the following:

- Preparing and maintaining records of Board proceedings, including minutes, agendas, decisions, Staff reports, Board reports, memoranda, legal notices, applications, and control plans.
- Ensuring proper notification of public hearings and meetings in accordance with applicable articles in M.G.L. and WZO.
- Drafting and filing of written Decisions of the Board.
- Assisting the Board in running an efficient and legally compliant meeting.
- Notifying the Board of trainings, educational opportunities, and relevant City events.
- Ensuring meeting materials are posted in a timely fashion.
- Informing applicants of Board rules and procedures.

## 3. Public Meetings

### 3.1 Meeting Types

3.1.1 **Regular Meetings.** Regular Meetings are typically scheduled on the fourth Wednesday of the month, unless municipal holidays or conflicts with other events require adjustment to this schedule. Staff and the Board shall maintain a publicly available Filing Deadlines and Meeting Schedule with the date of all regular meetings for the year.

- In addition to the standard items identified below in the Order of Business, Board Members may submit additional agenda items to be placed on a future agenda through Staff, with review and approval, if necessary, through the Chair.

3.1.2 **Special Meetings.** Special Meetings, including Executive Sessions, are any meeting held on a day and/or time other than those listed on the Filing Deadlines and Meeting Schedule.

- Special Meetings may be scheduled at the discretion of the Chair, or at the request of a quorum of Members.

### 3.2 Time and Location of Meetings

- 3.2.1 **Time.** Regular Meetings are typically scheduled to begin at 7:00 pm. Regular or Special Meetings may be scheduled to begin at another time at the discretion of the Chair in compliance with the Open Meeting law.
- 3.2.2 **Location.** Meetings are typically scheduled at a Municipal Facility, and specifically in the Watertown City Hall, City Council Chamber or other meeting room located at 149 Main Street or in a meeting room within the Parker Building located at 124 Watertown Street.
- 3.2.3 **Meeting Nature and Participation.** Meetings are encouraged to be in person and must be held in an accessible location as defined in 521 CMR. Remote viewing, access, and participation should be allowed to the extent feasible and as allowed by State Law.
- 3.2.4 **Posting of Recordings.** Online posting of video recording of meetings is not required, but when possible should be coordinated with Watertown Cable Access TV.

### 3.3 Noticing

- 3.3.1 **Basic noticing.** Pursuant to WZO §9.4, the Board shall, at the expense of the applicant, give public notice of an application in conformity with M.G.L. c.40A §§9 and 11. This shall include publication of a notice not less than 14 days before the date of the hearing in the following ways:
  - a. Publication in a newspaper of general circulation in Watertown;
  - b. Posting in a conspicuous place in the City; and
  - c. Mailing to all interested parties as defined in M.G.L. c.40A §9.
- 3.3.2 **Enhanced noticing.** In addition, when required, DCDP's Enhanced Noticing Requirements will apply in accordance with WZO §9.02. [For projects proposing four or greater residential units, or for non-residential projects with 10,000 square feet of new development or greater, the Petitioner shall conduct a Developer's Community Meeting. The Petitioner is responsible for distributing meeting access information to residents and property owners within 500' of the project.](#)

### 3.4 Review Criteria for Site Plan Review, Special Permits, Findings, and Variances

- 3.4.1 The Board shall ensure their comments, questions, and decisions are related to the Site Plan Review, Special Permit, Finding, and Variance criteria as listed in the WZO Article IX and other Articles as referenced.

## 4. Order of Business During Meetings

### 4.1 Order of Business for Regular and Special Meetings

The order of business for all meetings shall follow the structure below, unless otherwise indicated by the posted agenda. The Chair may choose to take business out of order during the meeting at their discretion. Should the Chair choose to take business out of order, the Chair shall announce the change and revised order.

#### 4.1.1 Call to Order

- a. Chair calls the meeting to order.
- b. Chair notes the Staff in attendance.

- c. Chair notes the Members in attendance, participating remotely, and absent.
- d. Chair determines if roll call votes are required, due to one or more Member(s) participating remotely.

4.1.2 **Administrative Business.** Including, but not limited to:

- a. Approval of previous draft meeting minutes.
- b. Staff or Board determinations for minor modifications.
- c. Board discussion of general processes but not hearings.
- d. Election of officers.
- e. Staff and Board project updates, announcements, presentations, and similar activities.
- f. External communications
  - Drafted and submitted to Staff for initial review.
  - Final draft to be approved by majority vote.
- g. General discussion for the Members in regard to current and long-range planning and zoning activities.

4.1.3 **Zoning Amendment Hearing (if any).**

4.1.4 **Public hearings (Petitions).** Described in §4.2 of these Rules.

4.1.5 **Adjournment.**

**4.2 Regular Order of Public Hearings (Petitions)**

The following section repeats for each case listed on the Agenda. The order of public hearings will be as listed on the posted agenda or changed at the discretion of the Chair. The Public Hearing for each case will follow the below format.

- 4.2.1 **Opening of Hearing.** Chair opens (or re-opens) the hearing, and identifies if either/both Alternate Members will be voting, as necessary.
- 4.2.2 **Overview of Public Hearing Process.** Chair or Board designee may provide an overview of the procedural guidelines for the public hearing.
- 4.2.3 **Reading of Legal Notice.** Board designee acknowledges or reads legal notice for the case.
- 4.2.4 **Petitioner Presentation.** Petitioner/Agent must state their name and affiliation for the record, and present the project. The presentation must be succinct and focus on the relief sought. Project presentation should not exceed 30 minutes, unless otherwise determined by the Chair, but in many instances the presentation should be much shorter. Presentations at subsequent meetings should be no more than ten (10) minutes, unless otherwise determined by the Chair, and focus on changes made since the least presentation.
- 4.2.5 **Presentation of Staff Report.** Staff may present a summary of the Staff Report or Planning Board Report prepared for the project at the discretion of the Chair.
- 4.2.6 **Member Clarifying Questions.** Members of the Board may then request clarification on specific items from the Petitioner.

Commented [HJ3]: Switched the order of these points.

- 4.2.7 **Public Testimony.** Public testimony is intended to allow for comments relevant to the hearing, not to engage in dialog with Members of the Board or Petitioner.
- a. A designee reads or acknowledges public comments submitted for the record, if any. In the case of a large volume of submitted public comments, Staff may provide a written or spoken summary of public comments received prior to the meeting. Comments submitted less than four (4) hours before the scheduled meeting are not guaranteed to be added to the record at the time of the hearing during Public Testimony.
  - b. Members of the public may provide verbal comments in the meeting room or virtually, after being called on by the Chair or designee.
  - c. Members of the public present in the meeting room wishing to provide verbal comment may only speak from the podium/microphone, one at a time, in an orderly fashion, after being recognized by the Chair.
  - d. Any public commenter must first state their full name and address prior to making their comments. All comments shall be directed to the Board through the Chair. Any questions for the Petitioner or Staff will be noted by the Board and, at the Chair's discretion, posed by the Board to the Petitioner/Staff at an appropriate time. The Petitioner may not engage directly with Members of the public during the hearing and shall only respond to comments from Members of the public when directed to by the Chair.
  - e. Speakers may act as the personal or legal representative of others. Such speakers must identify the person(s) or entity they are representing and are subject to the same time limit as other speakers, regardless of the number of people or entities the speaker represents.
  - f. Each member of the public will be limited to two (2) minutes of speaking time, unless the Chair chooses to grant additional time.
  - g. Each person has an opportunity to speak once, but may have additional opportunities for testimony after the first round of comments by all those wishing to speak.
  - h. Speakers are encouraged to briefly state agreement but to avoid repeating points previously made by others.
  - i. Following public testimony, the Board may request responses from the Petitioner and/or Staff concerning questions raised during Public Testimony.
- 4.2.8 **Close Public Testimony.** The Chair closes the public testimony portion of the hearing or if the case is continued, the Chair may either conclude public comments for the hearing to proceed to deliberation or allow reopening of the public testimony on the case at the subsequent meeting.
- 4.2.9 **Deliberation and Vote.** Following closing of the public testimony portion of the hearing, the Board will deliberate and vote.
- a. Members of the Board may share comments and critiques. The Chair shall always be the last Member to respond to the case.
  - a. Staff, the Petitioner, and other Members may respond to questions when prompted by the Board.
  - b. The Chair shall entertain a request to continue the Petition if necessary.
  - c. The Chair shall entertain a Motion and Vote by the Board on the Petition.

### 4.3 Withdrawal, Extension, and Continuance of Applications

- 4.3.1 **Request Process.** At any time during the application and hearing process, the Petitioner may request a withdrawal, extension, or continuance as follows:
- a. **Withdrawal.** A Petitioner may request a withdrawal of an application following the proper procedures as outlined in M.G.L. c. 40. Typically, this would require submitting a written request to withdraw to the PGA, with a vote confirming the request by the Board and subsequent filing with the City Clerk.
  - b. **Extensions.** A Petitioner can agree to an extension of the opening of the hearing and/or the period within which final action (e.g., public hearing before the PGA) is taken by submitting to the Board a form signed by the Petitioner and city representative and filed with the City Clerk.
  - c. **Continuance.** If additional information is necessary or if time does not allow for the Board's deliberation, a Petitioner can request a continuance of the hearing to a subsequent meeting, noting the specific date and time.

## 4.4 Meeting Management

### 4.4.1 Expectations

- a. **Board Preparation.** Board Members are encouraged to prepare clarifying questions on plans, the presentation, and materials submitted by the applicant prior to the meeting, focused on the criteria of the WZO specific to the relief sought.
- d. **Board Comments.** If the Board wishes to share critiques, appreciation, or statements on the Petition, they should do so during the Board Deliberation.

### 4.4.2 Time Limit

- a. During regular meetings, at approximately 10:00pm, Staff will notify the Chair who may pause the Public Hearing and hold a vote to either continue unfinished business to the following meeting, conclude after the current case, enter a recess, or proceed with some or all remaining agenda items on the agenda.

### 4.4.3 Additional Meeting Tools

- a. **Recess.** At the discretion of the Chair, the Board may take a break at any time during the meeting or hearing. The Chair shall announce the current time and length of the recess prior to and following the recess. [The Chair shall remind Members define to the Board what they are and are not permitted to do during the recess in accordance with Open Meeting Law.](#)
- b. **Executive Session.** In accordance with M.G.L. c. 30A § 21, the Board may enter an executive session after the following:
  - The executive session is included as an item on the posted Agenda;
  - The Chair shall take a roll call vote on whether to enter an executive session;
  - State the purpose; and
  - Announce whether the public meeting will reconvene after the Executive Session.
- c. **Joint Hearing.** The Board may hold a combined public hearing or meeting with another Board, City Council, or Committee with time, place, and agenda to be coordinated with Staff and other Chairs.

## 5. Application Process and Records

- 5.1.1 **Application Materials and Guidelines.** The Board has designated Staff to develop and maintain necessary public documents and guides that encompass the full application process, including but not limited to:
- Filing Deadlines and Meeting Schedule;
  - Noticing deadlines and requirements;
  - Pre-application requirements;
  - Formal application requirements;
  - Application Form;
  - Fee Schedule;
  - Procedural handouts.
- 5.1.2 **Records and Retention.** Records shall be kept in paper and/or electronic format as required by the Commonwealth, and in addition, as further determined by the City Clerk and this Board.
- 5.1.3 **Completeness.** Members reserve the right to vote not to approve a project if inadequate or incomplete information has been submitted.
- 5.1.4 **Decisions.** When the Board makes a ruling as the PGA, Staff will prepare a Board Decision to be stamped and recorded with the City Clerk no later than 14 days after the Board has heard and voted on the Petition, in accordance with the WZO.

## 6. Comprehensive Permits

### 6.1.1 Authority

a. This section addresses only applications (i.e., Comprehensive Permits) subject to M.G.L. c.40B §§20 through 23 (i.e., Chapter 40B) and the Executive Office of Housing and Livable Communities (EOHLC) 760 CMR 56.00: *Comprehensive Permit; low or moderate income housing*, (i.e., Comprehensive Permit Regulations) as amended.

a-b. [A Comprehensive Permit allows for the consolidation of local approvals into one, streamlined permitting process reviewed by the Board. With a Comprehensive Permit, petitioners may request waivers of local requirements for eligible projects \(i.e., projects with a substantial amount of affordable housing and have received a project eligibility letter from one an authorized Subsidizing Agency\).](#)

b-c. Sections 1 through 4 shall apply to Comprehensive Permits unless otherwise stated. In the case of provisions conflicting with the above Rules, the requirements of this Section shall apply.

c-d. If any provisions of the following Section conflict with Chapter 40B, Comprehensive Permit Regulations, or any applicable state or federal law, as amended, then the applicable law shall govern. These Rules must be read in conjunction with and implemented in a manner consistent with the applicable state law and regulations.

### 6.1.2 Application

- Submission Requirements.** Staff shall, on behalf of the Board, establish submission requirements for Comprehensive Permits. Submission Requirements may not require

Commented [WD4]: I've proposed an alternative wording.

information that would not be required for a non-Comprehensive Permit application of the same scale. In accordance with 760 CMR 56.05(2), documents must include, at a minimum, the following basic requirements:

- Preliminary site development plans with the locations and outlines of proposed buildings; the proposed locations, general dimensions, and materials for streets, drives, parking areas, walks and other paved areas; and proposed landscaping improvements. Any project of five or more units must have a site plan stamped by a registered professional architect or engineer. A project of four or fewer units may submit a sketch of the requirements of §5.1.2.a.1 and , which do not have an architect's signature.
  - An existing conditions report on the proposed site and the surrounding areas, including existing buildings, on-site infrastructure and utilities, wetlands and buffer delineation if applicable, existing street elevations, traffic patterns and character of open areas, if any.
  - Preliminary, scaled architectural drawings prepared by a registered architect, with typical floor plans, elevations, and sections, including construction type and finishes.
  - Tabulation of proposed buildings by type, size (including number of bedrooms and floor area), and footprint, impervious coverage, and open space, including percentage of tract to be occupied by buildings, parking and paved vehicular areas.
  - A preliminary subdivision plan, if applicable.
  - A preliminary utilities plan (water, wastewater, drainage, and storm water management facilities).
  - Documentation that the applicant fulfills the jurisdictional requirements of 760 CMR 31.01.
  - The Project Eligibility Letter (PEL) issued by the Subsidizing Agency.
  - A list of requested waivers from local ordinances and regulations.
  - A complete pro-forma, detailing the projected costs and revenues of the proposed project
  - A preliminary traffic report/study.
  - A filing fee based upon the number of proposed housing units and the structure of the Petitioner.
- b. **Peer Review.** The Board retains the right to hire peer review consultants at Petitioner's expense as outlined in §2.4.2 of these Rules, if determined to be necessary by the Board. Peer review shall not include the commission of new studies or design.
- c. **Substantial Change in Application.** If the Petitioner proposes changes in its application or project plans during the course of the hearing project that the Board determines to constitute a material or substantial change to the project, the Petitioner shall provide a new PEL from the designated subsidizing agency, or a written statement from the subsidizing agency that the changes to the project remain covered under the current PEL.
- In the event of material or substantial material changes, the Board may request , and the Petitioner shall provide, revised versions of any or all of the documents required in §5.1.2.a of these Rules. These revisions shall be shared with all entities identified in §5.1.3.a of these Rules.

### 6.1.3 Timeline

- a. The Comprehensive Permit must be distributed to relevant municipal boards, commissions, and departments and their comments requested no later than seven (7) days after the

application is received by the Board. The following boards, commissions, and departments should receive a copy of the Comprehensive Permit, and requested to provide comments:

- City Council
  - Planning Board
  - Conservation Commission
  - Board of Health
  - Affordable Housing Trust
  - Department of Public Works
  - Police Department
  - Fire Department
  - Building Inspector
  - Historic District Commission, if applicable
  - Historical Commission, if applicable
  - Community Design Division
- b. The City must advertise notice of a public hearing on the Comprehensive Permit as outlined in §3.3 of these Rules at least 14 days before the hearing.
- c. The public hearing must be opened no later than 30 days after the application is received by the Board.
- The public hearing must be opened as outlined, even if the application is deemed incomplete. However, all information required for the Board to make its decision, including all required documents and information, must be received during the hearing process, or the Board may deny the application for lack of sufficient information.
- d. Written notice must be provided to the developer and the Executive Office of Housing and Livable Communities (EOHLC) that the Board believes it can deny the permit on one or more “Safe Harbor” grounds, including the factual basis and documentation of evidence no later than 15 days after the opening of the public hearing. The City of Watertown has twice in the past determined and defended that the City meets safe harbor for land area dedicated to affordable housing.
- e. If applicable, the applicant must challenge the Board’s “safe harbor” by providing written notice to EOHLC and the Board, along with any supporting documentation no later than 15 days after the written notice from the Board.
- f. EOHLC must determine whether the “safe harbor” qualifies no later than 30 days from receipt of the applicant’s appeal.
- g. The applicant or Board may appeal EOHLC’s decision with the Housing Appeals Committee (“HAC”) no later than 20 days after the date of EOHLC’s decision on a “safe harbor”. The public hearing must remain open until the conclusion of the appeal.
- h. The Board must close the public hearing within 180 days from the opening of the public hearing, unless the applicant has agreed in writing to an extension.
- i. The Board must file a decision with the City Clerk based on a majority vote no later than 40 days after the closing of the public hearing. The decision will be delivered to the Petitioner by certified mail or by hand to the address indicated on the application.
- The applicant must file an appeal with the HAC in the case of the Board denying a Comprehensive Permit or approving with conditions unacceptable to the applicant no later than 20 days after the Board’s decision is filed.

- Other aggrieved persons must appeal to either the Land Court or Superior Court no later than 20 days after the date the decision is filed.

6.1.4 **Decision.** The Board may dispose of the application by a majority vote in one of the following manners:

- a. Approval of the Comprehensive Permit on the terms and conditions set forth in the application;
- b. Approval of the Comprehensive Permit with conditions that do not render the construction or operation of the housing uneconomic.
- c. Denial of the Comprehensive Permit as inconsistent with local needs. The grounds for denial are detailed in §5.1.5 of these Rules.

6.1.5 **Safe Harbor and Grounds for Denial.** The Board may deny a Comprehensive Permit and not be overturned by the HAC provided that their decision qualifies as consistent with local needs. "Safe Harbors" refer to the following conditions under which a Board shall decide to deny:

- a. The number of low- or moderate-income housing units in the city or town is more than 10 percent of the total number of housing units reported in the most recent federal (decennial) census;
- b. Low or moderate-income housing exists on sites comprising 1.5 percent or more of the community's total land area zoned for residential, commercial or industrial use;
- c. The comprehensive permit before the Board would lead to construction of low- or moderate-income housing on sites comprising more than 0.3 of 1 percent of the community's total land area zoned for residential, commercial or industrial use, or 10 acres, whichever is larger, in one calendar year.
- d. EOHL has certified that the community complies with its affordable housing production goal under its approved Housing Production Plan.
- e. The community has met EOHL's "recent progress" threshold.
- f. The project before the Board is a project that exceeds EOHL's definition of a "large" project.