

WATERTOWN PLANNING BOARD

DATE: October 10, 2019 PLACE: Town Council Chamber TIME: 7:00 PM COMMENCED: 7:00 PM

PURPOSE OF MEETING: Regular Monthly Meeting

PRESENT: Jeff Brown, Chairman; Payson Whitney; Jason Cohen; Gary Shaw; Janet Buck
Steve Magoon, Director; Ingrid Marchesano, Clerk to the Board

ADMINISTRATIVE BUSINESS

Payson Whitney motioned to approve Minutes of the 9/11/2019 Planning Board meeting.
Janet Buck seconded the motion. VOTE: 5-0 In favor

CASES PENDING

- **18-20 Clyde Road; Aram Miller – Amendment to Special Permit #AA93-27**

Bruce Fitzsimmons, this is a request to amend existing Special Permit to alter condition #8 requiring 3' of landscaping along the length of the driveway. This is a 2-family house plus accessory unit that requires 5 parking spaces. The driveway is located on the left of the 5,000 s.f. lot. The bay windows extend above the driveway. The petitioner is asking for elimination of the 3' buffer between his and the neighbors driveways.

Steve Magoon, the property is located in T zone. The 1993 permit allowed the 3rd accessory unit with a condition that a 3 ft. planted buffer will be provided. There are 4 Special Permit criteria, #1 has not been met, there is not enough width to allow the minimum 8' required for parking spaces. #2 – met, six of the 9 abutting driveway do not have buffer, the proposed elimination would not substantially adversely affect the neighborhood. Criteria #3 - not met, there will not be separation between the driveway, which is not preferable. #4 met – there are 5 parking spaces which meets the requirements. Staff recommends denial of the proposed amendment.

Bruce Fitzsimmons, the Zoning Enforcement officer stated that front yard parking is not allowed. It is allowed under the Special Permit. The petitioner proposes paver system in the front.

Jeff Brown, the original submittal did not propose any pavers.

Steve Magoon, it would not allow for any vegetation, other property owners suggested the same but it was not allowed.

Janet Buck, the site plan does not reflect what the petitioner is saying, showing the parking on the side only. I am looking for a plan that would show the front space. What was actually permitted for the site?

Steve Magoon, we are concerned about the front yard parking but todays request is only about the 3' buffer.

Jason Cohen, even if the 3' buffer is eliminated, the driveway would only be 10' wide, not enough for 2 cars next to each other. Information provided prior to this hearing is not sufficient.

Bruce Fitzsimmons, the petitioner and his neighbor are accommodating each other.

Payson Whitney, was the neighbor's driveway in existence in 1993? Zoning Board of Appeals granted the Special Permit then which included the 3' buffer, it should have been done.

Elodia Thomas, 67 Marion Rd, the area between the houses is total pavement. We are trying to make improvements in the neighborhoods. They should follow the agreement that was done 26 years ago.

Janet Buck motioned that the Planning Board recommend to the Zoning Board of Appeals denial of the Amendment to Special Permit #AA93-27 based upon the finding that it does not meet the criteria set forth in the Zoning Ordinance.

Gary Shaw seconded the motion.

VOTE: 5-0 In Favor

CASES PENDING

- **311 Arsenal Street; Arsenal Athena LLC– Special Permit**

Bob Corning, Stantec, this is a request to lease up to 500 parking spaces in the existing garages. The site has a significant surplus. Athenahealth was approached by businesses that are in need of parking. The West garage has 1300 spaces, the two top floors have been closed, and there are 713 surplus spaces at peak hours. Both garages are equipped with Smart Park Technology, there is 35% surplus in East garage. St. Elizabeth Hospital is asking for 250 spaces for 18 months, Tufts 100 spaces for 6 months. Arsenal Yards will be in need of offsite parking during the construction. Shuttle bus will pick up and drop off in several locations, 7-10 am and 4-7 pm. We have not updated the original parking study, but the parking need is significantly below what was projected. Campus is not fully build up and not fully occupied.

Steve Magoon, this is a request for a Special Permit under the Arsenal Overlay Development District Section 5.12(d) to add parking for gain, to lease out spaces. There are a total of 3,031 parking spaces in 2 garages and some surface. The petitioner is asking to allow 500 parking spaces to be leased for 2 years. SPR was received in July 2016. Campus presence has reduced since, some tenants also reduced. We have received many letters in opposition – Kathy Santoian, Marcia Ciro, Leslie Evans & Rena Baskin. There are 4 criteria that have to be met. #1 – met, the petitioner is asking to allow to lease 500 spaces to users not on the Arsenal on the Charles. None of the buildings originally proposed have been built, Bldg. 2, Office 1, 3, 4, 6 and Retail 5. If built, those buildings would require 708 parking spaces. In addition, the campus is down from its peak. #2 – met, the site is underutilized, but 500 leased spaces would increase traffic, staff suggests that prior to finalizing any lease agreements, parking management plan be approved by the staff. #3 – met, there will be no risk to pedestrians or vehicles. #4 – met, no additional signage or facilities are required. Staff recommends the granting of the Special Permit with conditions 1 to 4.

Jeff Brown, the application request is for 2 years, staff recommends 1 year.

Gary Shaw, Jeff and I are the only members present when the garage was approved after a very difficult process. There was a clear opposition by the community with many negotiations. Athena made many promises, some were done but many were not. Community building was not build, the garage is of no benefit to the Town. Now the applicant is trying to benefit at the community expense. There are many difficulties between the Community and the owners. Retail space at Kingsbury Ave did not happen. If approved, the additional traffic will happen without any benefit to the Community.

Jason Cohen, the request is infuriating; the garage was overbuild by 2 stories and caused lot of frustration to the neighborhood. Now we are being asked by the petitioner to help them. Which of the original conditions were met? I cannot support this request unless the conditions were completed. We have received letters of opposition from the neighbors.

Janet Buck, I support my colleagues. The garage was built based on projections, neighbors were concerned that employees would park in the streets. I read the abutter letters, I do not agree with all.

Payson Whitney, I am a direct abutter of the campus. My job is to review what was submitted. There was lot of discussion about what is happening with parking in the neighborhood. Petitioner is proposing to split the surplus spaces between both garages. Have all the conditions been met?

Steve Magoon, the conditions have not been met. There is a lack of performance, not for lack of trying to bring I cube to fruition. There is a commitment by Athena and the Town that all is addressed. The community building on Arsenal Street has not been constructed which the approval was based on. Now we have a blank concrete wall facing Arsenal Street.

Payson Whitney, there have been reports that Athena is looking to sell the campus. Would this permit, if approved, be transferable?

Steve Magoon, it would be transferable to the new owner with the same requirements. If the property sells, there would be a conversation about additional buildings to be built.

Marcia Ciro, 13 Bay Street, there was parking in the neighborhood during the construction. Does the West garage have an occupancy permit? 6.4 million dollars was proposed for mitigation, how much was spent so far? There are problems with lighting. We did not ask for an emergency road along the west side of the property. During the garage construction employees parked on North Beacon Street. The petitioner stated that there is less traffic in the area, we do not agree. Traffic Data was supposed to be submitted to DCD&P, has that been done? Not enough information has been submitted to the Board in order to vote on it. It is a bad idea until the petitioner complete what was promised.

Steve Magoon, they only have temporary occupancy permit which gets renewed every 6 months. In order to receive permanent occupancy permit they have to comply with all. The mitigation has not concluded yet.

Mark Sideris, Town Council President, the garage was not overbuild. We are very concerned with the site being for sale now. Bright Horizon headquarters are leaving. When the site is sold, where is everyone going to park? We should not commit to leasing any spaces now.

Angie Kounelis, District A Councilor, this is unknown entity, and we never know what is happening on this site. We want to be good neighbors but this is concerning. The site can build up very quickly.

Anthony Donato, Councilor at Large, I have a serious concern with this proposal. Leasing some of the spaces would be more detrimental to the neighborhood. If the development was complete and extra parking spaces were still available, I could understand it better. Offsite traffic would be coming to this site, Athena should not benefit.

Jason Cohen, there are different ways to interpret overbuild. Until all the proposed buildings are constructed, this garage is considered overbuild.

Elodia Thomas, Marion Road, when the garage was proposed, we had many meetings. Lots of promises were made. The garage lighting is glaring into abutting homes. I cube started in 2015 to provide access to the community, where is this money now? Town keeps getting pounding, Athena could sell for 5.7 billion, garage is not completed, they only have temporary occupancy permit. How much will the Town get from leasing the parking?

Sarah Ryan, 43 Paul Street, the Board has to deny this request. We have logged so many hours into this project. Quality of life was impacted by this project. Athena will be a tenant when the new corporation buys the site. We cannot blame Athena for everything, but we should not allow more cars into this area. Lighting is a large issue that needs to be solved. We need a plan to improve what is there, the abutting neighborhood is miserable.

Tony Palomba, Councilor At Large, I have been approached by neighbors, some cannot park cars on their properties in the winter. Athena could set aside 50 parking spaces for area residents.

Elodia Thomas, the petitioner already made a parking agreement with Tufts. Athena did not live up to agreement with the Town.

Marcia Ciro, we talked to Athena about using the shuttle, we were told no. Why it is not allowed?

Mark Blair, shuttle bus program is setup for employees only, we are not aware of any residence program.

Steve Magoon, we have envisioned resident shuttle program through TMA, we are still working on it. At this point it has been expanded to Tufts employees.

Payson Whitney motioned that the Planning Board deny the petition for Special Permit under Sections 5.12 & 5.01 to permit to lease up to 500 parking spaces in the West and East garages based upon the finding that it does not meet the criteria set forth in the Zoning Ordinance.

Gary Shaw seconded the motion.

Vote: 5 -0 In Favor

OTHER

Steve Magoon, the petitioner for Arsenal Yards Signage requested continuance.

Jeff Brown adjourned the meeting and public hearings at 8:35 PM.

MEETING ADJOURNED: 8:35 PM MINUTES APPROVED: _____

For more detailed Minutes see the DVD dated 10/10/2019 which is available in the DCDP office.