



# TOWN OF WATERTOWN

## Zoning Board of Appeals

Administration Building  
149 Main Street  
WATERTOWN, MASSACHUSETTS 02472

Melissa M. SantucciRozzi, Chairperson  
David Ferris, Clerk  
Christopher H. Heep, Member  
Kelly Donato, Member  
Michael E. Brangwynne, Alternate

Telephone (617) 972-6427  
Facsimile (617) 926-7778  
[www.watertown-ma.gov](http://www.watertown-ma.gov)

### MINUTES

On Wednesday evening, October 28<sup>th</sup>, 2020 at 7:00 p.m. the Zoning Board of Appeals held a public hearing in accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20. Due to the 2020 Covid-19 emergency and to avoid group congregation, the meeting included remote access with public participation through WCA TV (Watertown Cable Access Television) and during the meeting, utilizing virtual meeting software for remote access.

In attendance: Melissa M. SantucciRozzi, *Chair*; Christopher Heep, *Member*; Kelly Donato, *Member*; David Ferris, *Member*; Michael Brangwynne, *Alternate Member*; also present: Mike Mena, *Zoning Enforcement Officer*; Gideon Schreiber, *Senior Planner*; Larry Field, *Senior Planner*; Joshua Manion, *Zoning Division Clerk*

Chair SantucciRozzi opened the meeting, welcomed the Board Members and staff as well as members of the public. The Chair then provided instruction of how the meeting would be conducted given the meeting was being held virtually, and outlined different opportunities for the public to participate in deliberations. The Chair introduced the Members in attendance, Members Ferris, Donato, Heep, and alternate Member Brangwynne.

The Chair then briefly outlined the Agenda for this meeting, and referred to the Town's Senior Planner to go over participation procedures for members of the public, and general functionality of the virtual meeting format.

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#### **Item #1: Approval of Minutes**

Chair SantucciRozzi motioned to table the approval of the September Minutes to the next meeting, as she had not been able to review them. The Board approved the motion to table approval of the September Minutes.

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#### **Item #2: 102 Hillside Rd.**

Chair SantucciRozzi introduced the architect for the applicants, Harout Kelian, who recapitulated the scope of the project and described the revisions in the proposal that were made since the previous hearing of this petition. Mr. Kelian noted the updated plans with red marking lines to show how the proposed dormer was brought into alignment with the Chair's recommendations. Specifically, Mr. Kelian showed that the roof line had been lowered slightly to be less prominent, the dormer is shown in line with the current roof line, and the railing for the balcony was pulled back about 14" from where it was

shown on the original proposal. Mr. Kelian flipped back and forth between the original and revised design proposals to give the Board a better sense of the changes they had made since the last meeting.

Chair SantucciRozzi thanked the applicant and their architect before opening up discussion to the Board.

Member Ferris confirmed the accuracy of the dates on the most recent iteration of the proposed plans that showed the revisions. Member Ferris briefly addressed some of the issues the Board originally brought up, and noted how the new proposal addressed each of them (the alignment of the dormer and existing roof line, and pulling the balcony railing back). Member Ferris then questioned the architect as to how the roof would drain rainwater effectively in this new design. Mr. Kelian noted that this proposal is not ideal in that regard, and that some sort of channel or curve in the structure would be needed to drain the rainwater off. Member Ferris made some suggestions as to how the applicants could address this drainage issue, but agreed that it would be difficult to remedy given the design changes.

Member Ferris also noted that the renderings were not updated on the plan set shown, to which Mr. Kelian explained that he had updated the renderings, but did not have time to submit them before this meeting. Mr. Kelian shared his screen with the Board to show how the ridge of the front dormer is now aligned with the original roofline, and where the railing was pulled back. Member Ferris thanked Mr. Kelian for addressing these aspects of the design, but pointed out that the overhang on the dormer is protruding a bit more than necessary, something Mr. Kelian agreed could be pulled back if needed.

Member Heep and Member Brangwynne had no further questions for the applicant. Member Donato thanked the architect for updating the plans, but had no additional questions.

Chair SantucciRozzi also thanked the architect for updating the design and bringing the proposal into alignment with the Board's recommendations, and would like Mr. Kelian to submit the updated renderings. The Chair then opened up discussion of this proposal to the public, however no members of the public wished to speak, and no public comment was submitted.

Chair SantucciRozzi closed the public portion of discussion, and turned back to the Board to discuss the two designs for this proposal. Mr. Kelian commented that the homeowners prefer the original design, and hope that the Board agrees. Member Ferris stated that he does like the original design more, and felt that the drainage issues posed by the updated design negate any aesthetic concerns from the first. Member Brangwynne agreed, he preferred the original design from an aesthetic point of view. Member Donato and Member Heep concurred with Members Ferris and Brangwynne, the original design is more aesthetically pleasing and does not pose a logistical problem with rainwater drainage.

Member Ferris asked the Chair if she was comfortable with approving the original design. Chair SantucciRozzi stated that while she still has reservations about how the dormer and balcony would look in real life, as the design is unusual and she feels it would be aesthetically awkward, she would defer to the rest of the Board if they all felt comfortable with the original design.

Member Ferris motioned to approve this petition with the original design, with full projections of the balcony and railings, with conditions. Motion was seconded by Member Heep. Motion to approve was passed by roll call vote, 5 – 0, with Members Donato, Ferris, Heep, Brangwynne, and Chair SantucciRozzi voting in favor. Special Permit approved with conditions.

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**Item #3: 19 Loomis Ave.**

Chair SantucciRozzi introduced Ken Leitner, the attorney for the applicants. Mr. Leitner reintroduced the applicants and reviewed the scope of their petition. Mr. Leitner addressed a number of concerns that the Board raised during the previous hearing, specifically: the landscaping plan was updated to show patio and yard space for both units, and the basement windows facing Loomis Ave. were removed; the elevations showed that by lowering the foundation the height of the building was lowered by a foot; new dimensions were shown on the attic; each unit's basement had an egress door instead of a bulkhead; basement windows were reduced in size; and the gables connecting the two units were reduced in size and the roof overhangs were made uniform along the entire house.

Chair opened up deliberations to the Board. Member Donato thanked the applicant and their team for their time, and for revising their proposal to address the Board's concerns. Members Heep and Brangwynne did not have questions at this time.

Member Ferris raised a few questions about the driveways shown on the landscaping plan, specifically wanting to confirm the dimensions as shown on the plans. He also inquired as to whether or not the left side driveway should be adjusted to allow for a walkway. Mr. Leitner noted that one driveway is already tapered down to 8' to accommodate the patio of the front unit.

Member Ferris then drew attention to a potential drawing issue on the plans, as the roof overhang on the left side is not consistent with the rest of the roof. Member Ferris also asked the applicant's team to examine page A5 of the proposed plans, and noted that the frieze trim that separates the first and second floor has gaps shown in it. Member Ferris then made a few design suggestions that would increase the proposal's continuity, suggesting that the front unit entrance be improved and the trim along the basement windows be included along the basement doors.

Chair SantucciRozzi stated that her chief concerns with the proposal were addressed with the revised plans, however she raised issues with the landscaping plan. The landscaping plan would need to be revised and done professionally, as there is not enough screening for the two patios or in front of the two entrances, and in general the plan as shown is not up to the Board's standard. Additionally, there was a 6" curb shown along the edge of one driveway that was presumably meant to help drain the driveway into the street, however that feature would not be permitted by the Town, the driveways would need to be graded in such a way that they drain normally. The Chair also suggested that the A/C condenser for the front unit be moved to the opposite side of its patio, to be better screened from the street.

Mr. Leitner asked if the revisions and suggestions the Board made regarding the landscaping plan could be imposed as conditions, so as not to delay this petition further. Chair SantucciRozzi agreed to this, but reiterated that the landscape plan included in the plans was not well drawn, and would not serve as a control document. Mr. Leitner confirmed the landscaping plan would be redrawn, and that the berm/curbing would be addressed in addition to the general landscaping revisions.

The Board discussed with Town staff the possibility of adding coverings to the entrances for each unit. Staff confirmed that adding the coverings would increase the Floor Area Ratio of the project, however the applicants have room to spare in that regard so it should not be a problem. The Chair also noted that the basement windows may not be up to building code, and that the staff should follow up on that aspect during permitting and construction.

Mr. Leitner listed out the revisions that the applicants' team would make to the proposed plans: matching trim would be added along each basement door; frieze boards separating the first and second story would be continuous along the entire façade of the house; roof overhangs and eaves will be identical lengths; the asphalt and shingles on the gable ends will be uniform; and coverings could be added over the entrances if required by the Board.

Member Ferris suggested that a covering only be added over the entrance on the left side of the structure facing the street, and the other entrance could be covered at the owner's discretion. Member Ferris raised the driveway width again to the Board, and the Board considered potential avenues for widening the driveway.

Chair SantucciRozzi reiterated that the plans for this proposal would need to be updated, and the Town staff would need to confirm the revisions were made correctly to ensure compliance.

The Chair then opened discussion to the public. Libby Shaw, member of Trees for Watertown, commented on the landscaping plan, and pointed out that one of the suggested features on the plan was an invasive, non-native, plant type called "Burning Bush," which is banned from sale in Massachusetts. Ms. Shaw suggested Chokeberry bushes and a number of other native plant species that would be good replacements. Chair SantucciRozzi and Mr. Leitner agreed that a landscape architect would be brought in to revise the landscaping plan and that appropriate landscaping would be installed.

No other public comments were submitted; the Chair moved the discussion back to the Board. Chair SantucciRozzi enumerated the conditions that would accompany the Board's approval of this proposal: covering will be added to the North facing unit entrance, other entrances could be covered at the owner's discretion; matching trim would be added along the basement doors to align with the trim along the basement windows; A/C condenser for the rear unit will be moved for better screening; an accurate landscaping plan will be submitted reflecting the Board's suggestions for front and patio screening, as well as the concerns raised by the public; no raised berm will be installed along the driveway; the Board will allow the applicant the ability to revise the driveway width down to the 4' buffer to allow a walkway; rake and apron for the roof will be uniform along the entire structure; and the frieze element dividing the two stories would be continuous along the entire house.

Member Ferris motioned to approve this petition, with conditions. Member Heep seconded this motion. Motion passed by roll call vote (5-0) with Members Donato, Ferris, Heep, Brangwynne, and Chair SantucciRozzi voting in favor. Special Permit granted with conditions.

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#### **Item #4: 142 Forest St.**

Member Ferris read the legal notice for this petition:

*Callaghan McCarthy, 142 Forest Street, Watertown, MA 02452 requests the Zoning Board of Appeals grant a Variance in accordance with Watertown Zoning Ordinance §6.02 (j), Location requirements, to allow a front yard driveway to access parking, and to consider the potential for reduced side yard buffers for improved landscaped areas along the frontage. Located in the T (Two-Family) Zoning District. ZBA-2020-13*

Cal McCarthy, the petitioner, introduced himself to the Board and outlined his proposal. Mr. McCarthy explained that the street tree on the right side of 142 Forest St. is the chief reason he is seeking relief. Mr. McCarthy had gone to a tree hearing in hopes of removing the tree, however that avenue of relief

was unsuccessful. With that tree still in place, the only way to provide parking for the two-family house being proposed is a driveway with a center curb cut that branches off onto either side of the house.

Chair SantucciRozzi opened up discussion to the Board. Member Heep commented that the lot in question is relatively small, and this proposal feels like too much is being squeezed onto it. Member Heep also noted that one driveway on the left side of the proposed house would be the more obvious solution, despite creating a difficult parking situation for the future residents.

Member Donato questioned the staff as to whether or not the petitioner had a pathway to providing less than four (4) spaces for a two-family home; staff explained that he could apply for a variance from parking requirements. Member Donato concurred with Member Heep's assessment that the lot feels too small for what is being proposed.

Member Ferris noted that this proposal is similar to another recent proposal heard by the Board, with the street tree being the notable exception. He suggested that the depth of the pavement could be lessened to accommodate more landscaping, to reduce the visual impact of the proposal. Member Ferris also commented that he doesn't see how the cars on the right-hand side would be able to park, as there is shown on the plans a stoop on the right-hand side of the house that would block part of a parking space. In addition, Member Ferris noted that the retaining walls and steps on the right side don't appear to be depicted accurately.

Mr. McCarthy confirmed that the steps on the right side of the house would push the parking spaces up about 6', but stated there would still be adequate room to park. He also noted that he was proposing permeable pavers in the front of the house in an attempt to keep the front yard from looking like a parking lot. Mr. McCarthy then explained that the plot plan shown is not entirely accurate, he had made revisions that would push the entire house back about 9'.

Member Brangwynne echoed the other Members' comments that while there are some unusual circumstances with this lot in regard to the street tree, the Board does not issue Variances lightly.

Chair SantucciRozzi expressed concern about the level of coordination that went into the plans, given that they are not accurately reflecting the applicant's proposal. The Chair also pointed out that there are two area wells in the basement that project out about 2' towards the left side driveway. Mr. McCarthy explained that it was his intention to remove these window wells to the front of the house, but he did not have enough time to get the plans back to the architect.

The Chair echoed Member Ferris' concern about the stairs on the right side of the house obstructing a parking space, and that the general configuration being proposed would allow cars to park in front of the house.

Mr. McCarthy stated that as he did not think the house was the subject of his proposal, he did not update the house plans, just the plot plan. Staff noted that they had not reviewed the architectural plans for this reason.

Chair SantucciRozzi reiterated Member Heep's suggestion that a driveway could be installed on the left side of the property that would accommodate four (4) parking spaces. Mr. McCarthy conceded that point, but he did not want to subject the future residents to a difficult parking situation. The Chair also echoed Member Brangwynne's comment that this type of relief is rarely granted.

Chair SantucciRozzi then opened up discussion to the public.

Jason Gerdomb, resident of the neighborhood, was recognized and expressed agreement with the Board's feeling that the lot is small for what is being proposed. He noted that the lot is sloped from front to back, and if the entire front yard is pavers and asphalt, the project will feel more substantial than the current appearance. Mr. Gerdomb also pointed out that if the parking spaces on the right are shifted up 6', its likely that the 2<sup>nd</sup> car would be parked in such an angle that makes it look like its in front of the house. Finally, Mr. Gerdomb commented that he's been to three hearings for this property and doesn't feel like the builder has been very thoughtful during the process, and is disregarding the neighborhood's concerns.

Councilor Vincent Piccirilli was recognized and spoke at length about the perceived unfairness that would be created if the Board granted this proposal, after denying so many other homeowners front yard parking space. Councilor Piccirilli commented that he wasn't happy to see that the staff had recommended approval, as it is known that front yard parking is a sensitive issue in Watertown. Further, Councilor Piccirilli addressed the criteria for issuing a Variance and asserted that this lot does not meet any of the qualifiers, and that a street tree does not represent a substantial hardship. In closing, Councilor Piccirilli reiterated his and the neighborhood's vociferous disapproval of this proposal.

Libby Shaw, representing Trees for Watertown, thanked Councilor Piccirilli for his comments, and expressed to the Board concern about the long-term health of the street tree if construction takes place in the front yard of this property.

Ray Fuller, resident of the neighborhood, recapitulated a number of concerns that he had submitted to the Board via letter. He recounted the difficulties he had encountered in the past when attempting to widen his driveway, and noted that two other nearby neighbors who applied for front yard parking were denied. He too addressed the criteria for approving a Variance as outlined on the application, and argued that there was no standing to approve this proposal. Mr. Gerdomb commented that the developer should have known that it would be difficult to remove the street tree, and agreed with previous comments that this does not seem like a substantial hardship. Mr. Fuller finished by saying that it seems like the builder is asking for forgiveness before permission with this proposal.

Chair SantucciRozzi recapped the concerns raise by the public, and Town staff noted and read out another comment that was submitted in writing from another neighbor, Sharon Bromberg-Lin.

The Board then deliberated at length about the significance of and higher standard of review for a Variance application, as well as what alternative options Mr. McCarthy had available to create the required parking. Member Brangwynne asked if the four (4) deep tandem parking arrangement could be done by right, staff confirmed that yes it could. Members of the public interjected and claimed that work was being done on the lot and tree already, and that they are concerned about the builder's intent to put too much on this lot and sell it off without regard to the neighborhood.

Mr. McCarthy addressed the public's concerns by stating that while he does not live in Watertown, he does live only three (3) miles away, and does not represent some large development firm that is not invested in the community. He argued that he is not "asking forgiveness before asking permission," and pointed to the Historic Commission meeting, the Tree Hearing, and this Zoning Board meeting as proof that he is committed to doing things the right way. Mr. McCarthy explained that he did not understand the sensitivity of the front yard parking issue, and did not consider that the community would be so against the removal of a street tree. Mr. McCarthy apologized for stirring up the community, but stated his intent was only to create value in the new house and provide adequate parking for the future residents.

Chair SantucciRozzi restated the concerns raised by the public and the Board, and outlined the different pathways for the applicant to proceed. Member Ferris further explained the implications of the options (continuance, withdrawal, asking for the Board to vote), and asked for staff confirmation of his explanation.

Mr. McCarthy requested a continuance of his petition so that he could reconvene with his lawyer and architect before moving forward.

Member Brangwynne motioned to continue this petition to the November meeting, this motion was seconded by Member Heep. Motion to continue passed by roll call vote, 5 – 0, with Members Donato, Ferris, Heep, Brangwynne, and Chair SantucciRozzi voting in favor. Petition continued to November.

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Motion to adjourn made by Member Heep, seconded by Member Brangwynne. Motion to adjourn passed by roll call vote, 5 – 0, with Members Ferris, Donato, Heep, Brangwynne and Chair SantucciRozzi voting in favor.