TOWN OF WATERTOWN

Zoning Board of Appeals

Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

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

MINUTES

On Wednesday evening, November 18th, 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; she also noted that alternate Member Brangwynne would be participating in deliberations for all items as a full Member.

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.

Item #1: Approval of Minutes

Member Ferris motioned to approve the September meeting Minutes, seconded by Member Donato. Motion to approve September Minutes passed by roll-call vote, 5-0, with Members Ferris, Donato, Heep, Brangwynne, and Chair SantucciRozzi voting in favor.

Chair SantucciRozzi requested approval of the October meeting Minutes be tabled to the next meeting. The other Board Members agreed, and the October meeting Minutes were tabled.

Item #2: 90 School St.

Chair SantucciRozzi opened up the first item on the Agenda, Member Ferris read the legal notice:

Robert and Sandra MacKerron, request the Zoning Board of Appeals grant a Special Permit to convert an existing two-family dwelling to a three-family dwelling by Sec.5.01(d); and Special Permit Finding to increase preexisting 3rd story, Sec.4.06. **ZBA-2020-12**

Ken Leitner, attorney for the applicants, introduced the applicants and outlined the type of relief they are seeking. Mr. Leitner detailed the surrounding neighborhood and described the existing conditions of the property, and how their proposal would alter the structure. He noted the addition of a new driveway and gave an overview of the parking situation for the property.

While Mr. Leitner was closing the presentation, there were technical difficulties with the online meeting which required all participants to 'rejoin' the meeting. After a delay of about ten minutes, all participants in the meeting had rejoined and Mr. Leitner resumed his presentation on behalf of the petitioners.

Mr. Leitner closed the presentation by reiterating the main points of the proposal, and Chair SantucciRozzi opened up discussion to the Board.

Member Donato questioned if the siding on the proposed dormer would match the existing materials on the house, which Mr. Leitner confirmed. Member Donato also questioned the layout of the proposed parking plan, specifically, she wanted to know if cars would be able to park on the walkway adjacent to the driveway off Cypress St. Mr. Leitner responded that the curb cut into the driveway would be removed, but confirmed that the current layout could potentially allow cars onto the driveway.

Member Ferris asked why the School St. driveway does not have a walkway connected to it, Mr. Leitner stated they could add one in. Member Ferris then questioned why the double-width driveway had an impervious walkway running alongside it, Mr. Leitner explained the reasoning was to allow easier access to the spaces furthest to the West. Turning from the driveway, Member Ferris drew attention to a large window for the basement in a sunken well facing the driveway. Member Ferris asked if it would be possible to shift the parking further away from the areaway and to add landscaping to create a visual buffer between the windows and the view of the parked cars. After some discussion about potential remedies for this issue, Mr. Leitner agreed that the applicant's team would investigate alternatives for the window and potentially installing landscaping as a buffer between the windows and the driveway.

Chair SantucciRozzi posed a question to the staff about whether this property was determined to have two front yards, as it is on a corner lot. The Zoning Enforcement Officer explained that this property would only have one front yard facing School St.

The Board raised issues with the basement floor plan, as several components of the proposed floor plan seemed incongruous with its intended use, and Member Ferris raised concerns about the amount of natural light that would be let in by the windows.

Member Heep raised another question for the staff, asking why the NB (Neighborhood Business) district permits three family homes, but not two-family homes. The Town's Senior Planner explained that the intent was to promote higher population density in the business zones. Member Brangwynne echoed concerns about the basement windows, and agreed that landscaping between the house and the driveway would be ideal.

Chair SantucciRozzi questioned multiple aspects of the proposed plans, in particular the orientation and structure of the back section of the house, which showed a deck overhanging the rear courtyard area. The Chair expressed concern that this deck would significantly darken the courtyard area, and discussed with other Board Members potential adjustments to remedy this. The Chair also noted that the basement layout seems backwards, with the bedrooms having full sized egress doors and the living area far back from the main door. Mr. Leitner explained the reasoning was to give the bedrooms a door to the courtyard, but that they had alternative layouts available.

The Board questioned the half-story calculations for the third floor and the parking layout before the Chair drew attention to apparent inconsistencies between the plot plan and the elevations in the architectural drawings. Some of the inconsistencies pointed out by the Chair would need to be revised on the plans, as they would affect the FAR calculations. The Board Members deliberated on potential revisions that could be made to the rear of the property, including improving the pedestrian accessibility and landscaping in multiple areas of the property.

Chair SantucciRozzi reiterated that the applicants would need to revise multiple components of the application, correct continuity issues of the plans, clarify the placement and dimensions of the railings along the bottom of the structure, and potentially rearrange the basement layout. The Chair also noted that due to the number of issues with this application it would need to be readvertised to accurately reflect the relief being sought. If the applicants wished to be on the December docket, they would need to revise the application and submit it to staff as soon as the next day.

After recapitulating the issues raised by the Board, and ensuring the applicant's team understood the scope of the revisions required by the Board, Member Ferris motioned to continue this petition. Member Heep seconded the motion to continue; motion was passed by roll-call vote, (5-0), with Members Ferris, Heep, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Petition was continued.

Item #3: 45 Piermont St.

Chair SantucciRozzi opened up the next item on the Agenda and introduced the applicants, Member Ferris read the legal notice:

Brett Dahlgard and Nicole Kearns, request the Board grant a Special Permit Finding to add second story to a single-family home within the front and side yard setbacks required by Sec. 4.06. **ZBA-2020-14**

The applicants, Brett Dahlgard and Nicole Kearns, presented their petition before the Board. They explained the scope of their proposal, with the chief purpose being to add livable space to their 1.5 story Cape style home. They detailed the key aspects of the proposed addition, including the addition new windows, doors, and roof. They noted they would be redoing all of the siding on the house and used the elevations on their architectural drawings to show how the new façades would look from the street. The Petitioners showed the first-floor plan and noted the changes from the existing floor plan. In closing, they pointed out that the neighborhood has outgrown their house, and that this proposal would bring their home into alignment with the surrounding area.

Chair SantucciRozzi thanked the applicants for their proposal and turned over discussion to the Board. Member Ferris noted that the rake on the existing roof is deeper than the proposed addition. Due to this, Member Ferris stated that he was not sure that the elevations are 100' accurate, specifically the windows on the right-side elevation. He noted that the left side façade has a blank space, and suggested that adding windows on that side could minimize the 'empty' effect that is currently there. Member Ferris also pointed out that the windows shown on the inside floor plans don't appear to match the placement on the elevations. Member Ferris questioned the applicants about some of the materials they intend on using on the exterior renovations, and moved on to ask if the applicants plan to do anything with the two trees on one side of the house. Ms. Kearns explained that while they are concerned that the trees may grow into their powerlines at some point, they don't want to remove them and likely couldn't anyway as they are a part of the sidewalk.

Chair SantucciRozzi questioned the applicants on the number of windows, as well as the placement and design of the new windows they wish to install. The Chair noted discrepancies between the window designs depicted on the elevations and existing windows, and asked for clarification of exactly what the windows would look like when finished. The applicants explained that their engineer took some liberties with the windows when drawing the plans, but that they did not want 'grid' style windows and would adjust the plans accordingly.

The Chair opened up discussion to the public, however no comment was submitted.

Chair SantucciRozzi closed the public portion of the hearing, recapitulated the scope of the of the application and relief sought, and noted the issues that the Board highlighted and would need to be revised before the issuance of a permit. Member Ferris motioned to approve the petition for a Special Permit Finding. Member Heep seconded the motion, motion passed by roll call vote, (5-0), with Members Ferris, Heep, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Approved with conditions.

Item #4: 48 N. Beacon St.

Chair SantucciRozzi introduced the last item on the Agenda and Member Ferris read the legal notice:

Sira Naturals, Inc. requests a Special Permit for an Adult Use Marijuana Establishment, Sec. 5.01.5.l; and a Special Permit Finding for continuance of existing non-conformity, as the site has parking area and existing structures within the setback requirements set forth by the Zoning Ordinance, Sec. 4.06. **ZBA-2020-17**

Steve Winnick, attorney for the applicants, outlined the scope of the application and the particulars of the relief sought. He noted that the chief relief being sought is use-related relief, as any adult-use marijuana establishment must obtain a Special Permit per Watertown's Zoning Ordinance. Mr. Winnick briefly described the community meeting process that the applicants engaged in prior to coming before the Zoning and Planning Boards, and noted that they had received approval recommendations from the Planning Staff and Board, Police Chief, Fire Department, Conservation Commission; and had generally received support from the public during the community meetings. Mr. Winnick also noted that the applicants do not own the site, but do have a sale agreement in place and as such are on a tight timetable.

Mr. Winnick then introduced Jay Youmans, principal agent for the applicants, who would be directing the rest of the presentation. Mr. Youmans introduced the applicants' team and gave some background details of the owners and founders of Sira Naturals. He noted Sira Naturals' status as one of the first companies in Massachusetts to obtain state licensing to operate an adult-use marijuana facility, as well as their track record as a 'training ground' for state regulators. Mr. Youmans pointed out that Sira Naturals is the first and only cannabis shop to seek out and establish union agreements for their employees.

Pivoting from discussion about the company itself, Mr. Youmans discussed Watertown's general support for cannabis legalization, having voted in favor of legalizing marijuana by a twenty (20) point margin, 60-40. He detailed the community feedback they received during the public meetings, and pointed to Sira's pledge to hire Watertown residents as an example of the company's commitment to be a good partner in the community. Mr. Youmans described various company policies intended to curb potential delinquency in and around the proposed store, as well as the measures Sira Naturals will take to ensure the surrounding neighborhood is not impacted by the business.

Mr. Youmans presented a brief outline of the existing site and buildings, and noted particular features of the site that would be improved. He then introduced Tom Scott, an architect for the applicants, to further detail the proposed building plan. Mr. Scott gave an overview of the general building plan, highlighting the reduction in square footage, security features such as window treatments to prevent looking into the store, and how the design meshes with the proposed use of the building. Mr. Scott turned the presentation over to Hugh Hahn, another member of the project team. Mr. Hahn detailed the site plan and pointed out the structures to be razed and noted that the existing non-conformities of the site would not be extended. Mr. Hahn also discussed the parking plan, amendments to the existing curb cuts, traffic flow, and noted accommodations made for bike lanes.

After further discussion about the parking lot layout, traffic flows, and landscaping in the parking area, Sean Manning joined deliberations to present certain components of the traffic and transportation impact reports on behalf of the applicants. In particular he noted that Sira Naturals was committed to providing alternative and sustainable commuting options for its staff, and had secured overflow parking spots for staff to maximize on-site parking for customers.

In conclusion, Mr. Youmans recapitulated the scope of relief being sought by the applicants, reiterated the applicant's qualifications to operate a retail cannabis establishment, and noted the alignment this proposal would have with the Town's comprehensive plan.

Chair SantucciRozzi thanked the applicants and their team for the presentation, and opened up deliberations to the Board.

Member Ferris had a number of questions, beginning with where the inventory deliveries would be taking place. Mr. Scott responded that the deliveries would occur through the door on Arsenal St. that was intended for staff and would mostly be smaller packages. Member Ferris then questioned the shared border this site has with neighbors, and wanted to know the applicants' intention regarding new fencing or landscaping. Erik Bednarek, a landscape architect for the petitioners, described the proposed trees and other landscaping that they intend to plant near the neighbors that would act as fencing.

After a brief pause in deliberations due to technical difficulties with a Board Member's connection, discussion resumed.

Member Ferris continued his line of questioning regarding the fencing, and asked if the team had reached out to the neighbors. Mr. Youmans responded that they would be happy to work with the neighbors, and would discuss with them about a potential fence. Member Ferris asked if the dumpster would be screened, and what all would be disposed of in that dumpster area. Mr. Youmans assured the

Board that no cannabis materials would be disposed of in the dumpsters, and in general no products will be left unsecured outside or inside the building. Member Ferris engaged in a discussion about potential issues with the parking plan and noted that a parking lot lighting plan had not been submitted with these plans. Member Ferris' last question was whether or not there would be rooftop mechanical equipment, and if so, would it be screened. Mr. Scott confirmed that the equipment would in fact be screened.

Member Heep had some additional questions about the parking situation, and noted that while the proposed plan exceeds the number of parking spaces required, similar establishments have seen significant lines and have created parking/traffic issues, particularly right after opening. Mr. Manning responded that while that was true initially, since the addition of more adult-use retail marijuana stores the line and traffic concerns have been mostly resolved. Mr. Youmans pointed to their Davis Square location as an example of a similar store that has operated without such traffic concerns or lines, and after some discussion about the similarities in operation and layout between that site and this proposed site, Member Heep's concerns were alleviated.

Member Donato questioned the number of employees that would be present at any given time, the team indicated between 7 – 10 employees would be on staff at once. Member Donato also stated she would want to see a condition included that mandates snow removal from the site, which the applicant's team agreed to.

Member Brangwynne echoed the Sira Naturals team by saying he thinks the line issue would not arise, as these stores are much more common now. Member Brangwynne brought up the opening plan, and wanted to know if the Watertown Police Department would be involved in security for the opening of the store. Mr. Youmans said that while they coordinated the opening plan with the WPD, they do not foresee the need for a police detail, instead they had contracted a private security firm that they would be regularly working with.

Chair SantucciRozzi returned discussion to the parking plans, specifically asking if any other spaces would be available in addition to the six (6) overflow spaces they had secured ahead of the store's opening. Mr. Youmans confirmed they had additional spaces available. The Chair then questioned the delivery plan, and voiced concern that there was not a dedicated delivery space for incoming products. The team explained that the intent was for smaller delivery vehicles to be making the deliveries, and that parking on Arsenal St. and crossing over the sidewalk into the staff door would allow them to maximize the parking spaces for customers. The Chair was not satisfied with this plan, arguing that the delivery of products over the public sidewalk was not acceptable and by parking on the street, the delivery vehicle could potentially create an issue with the bike lanes and street traffic. After workshopping some alternatives, the Board and design team agreed that a dedicated delivery space would be accounted for in the parking plan, and that no deliveries would occur in the public right of way. The applicants team also provided an outline of operations at the Chair's request, and it was determined that no curb side pick-up option would be allowed, and that the appointment-only service would continue until demand has slowed to a level at which the parking plan could accommodate all customers.

Chair SantucciRozzi reiterated the importance of keeping the site from being crowded and reducing as much as possible the impact of the store's operations on the neighborhood. The Chair then opened up discussion to the public, however no members of the public commented and no written comments had been submitted to the Town.

Chair SantucciRozzi moved deliberations into the business phase, recapitulated the scope of the petition, and noted that two Special Permits and two Special Permit Finding were being requested. The Chair also noted that this proposal would be bringing the physical aspects of the site into greater compliance with the Town's Ordinance, and that the use was in line with the Town's Master Plan. After noting the conditions and that the site would be subject to a six (6) month review after opening.

The Chair stated each vote would be held separately, and Member Ferris requested the following conditions be imposed: that any rooftop mechanical equipment would be screened; that the petitioner should work with the neighboring property owners to install a fence, if desired; and that the petitioners should work with the Tree Warden to determine the best situation for the existing street trees.

Member Heep motioned to approve the Special Permits for medical and recreational marijuana sales. Member Ferris seconded this motion. Motion passed by roll call vote, (5-0), with Members Heep, Ferris, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Approved with conditions.

Member Heep then asked if the best course would be to deny the application for additional parking spaces, or to allow the applicants to withdraw. The Board determined a withdrawal would be best, to allow more flexibility for a new parking proposal in the future. The petitioners requested to withdraw without prejudice the application for dimensional relief to allow additional parking. The Board allowed withdrawal without prejudice.

Member Heep motioned to approve the Special Permit Finding for the extension of non-conformities on the site. Member Ferris seconded this motion. Motion passed by roll call vote, (5-0) with Members Heep, Ferris, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Approved with conditions.

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