TOWN OF WATERTOWN

Zoning Board of Appeals

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MINUTES

On Wednesday evening, December 16th, 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*; David Ferris, *Clerk;* Christopher Heep, *Member*; Kelly Donato, *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 introduced the Members in attendance, Members Ferris, Donato, Heep, and alternate Member Brangwynne.

The Chair then briefly outlined the Agenda and began the meeting.

Item #1: Approval of Minutes

Chair SantucciRozzi requested a motion for approval of the Minutes be made, Member Ferris requested the November meeting minutes be tabled; the Board agreed and approval of the November meeting Minutes were tabled. Member Ferris motioned to approve the minutes from the October meeting, motion seconded by Member Heep. Motion to approve October minutes was approved, 5 – 0, with Members Ferris, Heep, Donato, Brangwynne, and Chair SantucciRozzi voting in favor.

Item #2: Withdrawals

The Chair recognized two requests for withdrawal by the petitioners for 142 Forest St. and 38 Bradshaw St., respectively.

Member Heep motioned to approve the request for withdrawal of the petition regarding 142 Forest St. Motion was seconded by Member Brangwynne, and passed by roll call vote, 5 – 0, with Members Heep, Brangwynne, Donato, Ferris, and Chair SantucciRozzi voting in favor. Petition was withdrawn without prejudice.

Member Heep then motioned to approve the request for withdrawal of the petition regarding 38 Bradshaw St. Motion was seconded by Member Brangwynne and passed by roll call vote, 5 – 0, with

Members Heep, Brangwynne, Donato, Ferris, and Chair SantucciRozzi voting in favor. Petition was withdrawn without prejudice.

The Chair then asked Sr. Planner Gideon Schreiber to provide instruction on how the meeting would be conducted in a virtual format, and to outline different opportunities for the public to participate in deliberations. The Chair thanked him, and opened the first item to be heard.

Item #3: 17 Perry St.

Chair SantucciRozzi introduced the applicants and Member Ferris read the legal notice for the application for 17 Perry St.

"David Arshakyan requests a Special Permit Finding under §4.06 to construct a second story addition within non-conforming rear and side yard setbacks. ZBA-2020-23"

Mr. Arshakyan, petitioner, began by introducing himself and his wife, and noted that he had been living in Watertown since he was 5 years old. He then explained the scope of his proposal and noted that his reason for requesting relief was some existing areas of the house that encroach into the required front and side setbacks. Mr. Arshakyan further explained that they want the proposed second floor to match the first floor, and that the new construction would not extend the setback encroachment. Mr. Arshakyan also noted that there was a typo in the legal notice, the rear setback is conforming.

Chair SantucciRozzi thanked the applicant for his presentation, and opened deliberations up to the Board.

Members Brangwynne and Heep did not have any questions for the applicant. Member Ferris questioned if they intended on the first floor windows remaining as-is, and if so, they intend to have the second floor windows match. Mr. Arshakyan responded that they intend on redoing the first floor windows. Member Ferris asked the applicant to ensure that the height of the windows is uniform, and that they are achieving egress sized windows that are code compliant. Mr. Arshakyan confirmed they would do so.

Chair SantucciRozzi asked the Town Staff if the Floor Area Ratio (FAR) restrictions would affect this project, Mr. Mena, Zoning Enforcement Officer, stated that FAR restrictions do not apply to single-family homes. The Chair then stated that she was happy to see a young family who were born and raised in Watertown purchasing and rehabilitating a home in the city.

The Chair then opened up deliberations to the public, however no comment was offered and no written comment had been submitted.

The Chair closed the public portion of the hearing, and moved into the business phase. Chair SantucciRozzi recapitulated the scope of relief requested, noted the staff recommendation of approval and suggested conditions, and included a condition that all materials should be matching and the windows and siding should be uniform.

Member Ferris motioned to approve this petition; the motion was seconded by Member Heep. Motion to approve was passed by roll call vote, 5 – 0, with Members Ferris, Heep, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Approved with conditions.

Item #4: 202 Arsenal St.

Chair SantucciRozzi introduced the next item and Member Ferris read the legal notice:

"202-204 Arsenal St. - Cresset/WS Venture LLC., requests a Special Permit/Site Plan Review to convert a previously approved retail/commercial building to 87,332 sq. ft. Lab/R&D facility with 1,240 sq. ft., ground floor retail space, Sec. 5.01.5 (e). ZBA-2020-18"

The Chair introduced the applicants, and Ed Nardi stated he would be presenting the broad strokes of their proposal before turning it over to other members of the applicant's team to present some specifics. Mr. Nardi outlined the scope of the project and explained that their proposal is seeking to amend a prior decision of the Board that would build an 84,000 sq. ft. research & development/laboratory/office building instead of the 34,000 sq. ft. retail space that the site was originally marked for.

Mr. Nardi noted that they would be shrinking the footprint of the originally proposed retail building to make the site more lab-friendly. As a result of the smaller building footprint, they would be able to improve the edges of the property to create a more pedestrian friendly area and generally add value to the site.

He then briefly reviewed the series of meetings that the development team held with both Town Staff and members of the community as they were creating this proposal. Mr. Nardi gave a history of the site, paying particular attention to the difficulties that WS Development had in attracting a retail grocer to the site. Mr. Nardi explained that the parking situation would've posed difficulties, and that the site's proximity to the Arsenal Yards site made the likelihood of a grocer wanting to move into the space very slim. After four years of seeking a retail or grocery store to occupy the site, the development team decided that a R&D/Lab facility may be a more desirable use of the site. He also gave a history of the arrangement of the site and surrounding parcels, noting the land swaps that created the current layout, and pointed out the easements the site is subject to.

Mr. Nardi then turned over the presentation to John Sullivan, architect and partner at SGA, to present more details of the proposal. Mr. Sullivan again noted that they are seeking to amend a previously approved Special Permit, and that their current proposal has a footprint about 27,000 sq. ft. smaller than the originally approved retail building. He argued that this proposal was a good fit in the Arsenal St. corridor, and that it aligns with Watertown's strategic plan.

Mr. Sullivan introduced Kirsten Braun, a traffic engineer consulting for the applicants, to detail the traffic, access, and parking plan for the site. Ms. Braun gave an overview of the full transit report, and explained how they calculated some of the key figures within the report. In particular she noted that they made conservative assumptions in certain areas, but generated the number of trips based on an office use, rather than a lab use, which typically sees a higher trip total than a lab type facility. They also assumed that a coffee shop would be occupying a downstairs retail space. Ms. Braun stated that in sum, this proposed use would generate much less traffic than a retail use.

Ms. Braun went on to point out that the applicant is an original member of the Watertown TMA, and will retain an onsite traffic coordinator to mitigate potential traffic impact. Furthermore, she said that electric vehicle charging stations would be added to the site and that pedestrian and bicycle access would be enhanced. Lastly, the applicant proposed eliminating lanes on the entry road in order to expand the sidewalks and bike lanes. Ms. Braun turned over discussion back to Mr. Sullivan.

Mr. Sullivan resumed by showing the Board photographs of the existing site, noting the site entry drive's current condition. He showed where a proposed guardrail would be installed, and demonstrated how they would reduce three of the existing lanes on the site-entry drive. Mr. Sullivan went on to present a broader view of the proposed site concept, and detailed how the site's topography influenced the design of the building and parking layout. In particular, Mr. Sullivan drew attention to the fact that while the building front would be street level; the parking would be below street grade.

Mr. Sullivan then introduced Erik Bednarek, a landscape architect for the petitioner. Mr. Bednarek outlined the general landscaping improvements they intend to make, and stated that having low maintenance, water efficient plantings that incorporate native plant species would be a priority for the site. Additionally, they hope to bring in more street trees to provide more public shade while increasing the aesthetic appeal of the site. Mr. Bednarek reviewed the pedestrian walkway plan and highlighted the proposed bio retention area before passing the presentation back to Mr. Sullivan.

Mr. Sullivan began closing the presentation by overviewing the building design as a whole, emphasizing the attention paid to weaving in this site into the broader economic and aesthetic conditions being created in the Arsenal St. corridor. He recapitulated some aspects of the parking plan; noted the planned solar panel installations; and addressed potential shadow impacts and light pollution the building may have on surrounding properties. Mr. Sullivan concluded the design review and Mr. Nardi concluded the presentation.

Chair SantucciRozzi opened up deliberations to the Board. Member Donato began by asking if the owners intend to remove all snow from the site, and highlighted the 26 above ground spaces as a concern. Mr. Nardi confirmed their intent is to remove all snow from the site. Member Donato then questioned if there was an option to convert a certain portion of proposed 'shadow parking' space into another amenity if it was deemed unnecessary. Mr. Nardi expressed their willingness to evaluate parking needs and convert parking spaces into another site amenity if possible. Member Donato's final questions was regarding the chain link fence at the rear (north side) of the property, specifically as to whether or not the development team had or was willing to have conversations with the neighboring property owner about replacing/upgrading the fence. Mr. Nardi responded that they would be amenable to opening that discussion and replacing the fence if it was agreeable.

Member Brangwynne thanked the applicant's team, and noted that the presentation answered a number of questions he had. Member Brangwynne stated that he did like the look of the building, but wanted to know if one of the main materials being used on the exterior would be actual terracotta, or if it would be some synthetic material. Mr. Nardi confirmed they intend to use real terracotta produced by a regional vendor. Member Brangwynne asked, that given the amount of glazing on the building, would the lighting be turned off in the evening, so not to impact the neighboring properties.
The applicant's architect responded that lighting would be on sensors to keep night lighting to a minimum and address sensitivity to neighbors.

Member Ferris thanked the applicant's team for a thorough presentation and commented that he too liked the project and the quality of materials. He also appreciated the vertical design elements of the building and in general the attention paid to ensuring the building would fit in with the rest of the Arsenal St. corridor. Member Ferris asked if the existing bike path would remain, which the applicant's team confirmed. Member Ferris also asked where the trash area and deliveries would occur on the site. Mr. Sullivan stated that it would occur at the rear of the lot/building. Member Ferris asked the applicant to elaborate about the retaining wall and heights and any guards located at the frontage of the project, given the grade change. Mr. Bednarek stated that the guard would be provided by extended the retaining wall and a new wall at the back of sidewalk. Essentially, Mr. Bednarek stated, they would be creating a planter and an ornamental fence beyond. Member Ferris asked if a variety of landscaping would occur in the planter and the applicant responded that yes, there would be a variety. Member Ferris then inquired about the retail tenant location in center of building, but wondered if it would better be served to be at the corner of the building to activate the plaza area and further encouraged the applicant to engage the lobby with the outdoor space. The applicant's team agreed to consider relocating the retail space in question to maximize the site's engagement with the public.

Member Heep thanked the applicant's team as well, but expressed some concern about the loss of retail space that this site was initially marked for. Member Heep asked if the change from retail to Lab/R&D would be permitted, since the original permit for the neighboring residential development was predicated on a retail space occupying this site. Mr. Schreiber, Sr. Planner for the Town, explained that essentially, the retail space needed the residential space, but the residential space did not need the retail. Mr. Schreiber confirmed that the lab use would still be consistent with the mixed use assumed as part of the whole project previously approved with the residential (Gables) project.

Chair SantucciRozzi asked about the dimensional table and if the stated Floor Area Ratio (FAR) of 88,000 included the garage as well, as it seemed that the listed FAR is low considering the size of the proposed building. Mr. Sullivan responded that it does not include garage, but does include the interior access to the garage. The applicant's team explained that the FAR was based on the whole project of this site and the adjacent residential (Gable's) site next door, as the entire site was permitted together in 2014. The Chair went on to ask if the Special Permit application includes a request to build beyond the maximum height imposed by the Zoning Ordinance, as the building's stated height was 59' 5", where the maximum permitted height was 55'. Attorney for the applicant, Mr. York, confirmed the application took this into account and requested that relief.

The Chair inquired about deliveries, and the applicant indicated that they would occur at the rear and the turning radius would work, as shown on the plans. The number of deliveries would not interfere with activity space at the rear and landscape materials and other components would protect area. The Chair stated that it seemed the traffic counts did not take credit for "pass-by" trips. Ms. Braun responded that they did take credit for the pass-by trips, consistent with ITE standards, and briefly went over the calculations used to produce the figure in question.

Chair SantucciRozzi asked if any Members of the Board had additional questions before opening up discussion to the public. Libby Shaw, a resident of Watertown and representing Trees for Watertown followed up on a question she had at the Planning Board meeting for the project, as to the longevity of trees and what species would be planted along Arsenal St. She also inquired about the volume of structural soil that would be used and if they would be planted. The applicant's landscape architect, Mr. Bednarek, stated that structural soil would be used beyond concrete sidewalk, providing sufficient growth area. Ms. Shaw also asked about the expected longevity of trees to be planted. Mr. Bednarek stated that they would work with the town and decide what is best and most durable and try to stay with native, with the hope that they can achieve a longevity expectancy of up to 40 years for the trees planted.

John Labadini, resident, expressed support for the project and applauded the applicant's team for the quality of the proposal. Mr. Labadini noted that he grew up on nearby Beechwood Ave., and that he is happy that this lot is being developed. He went on the say that while he would have preferred a retail use for this lot, he is nonetheless excited that it will no longer be vacant.

Curtis Whitney, a Watertown resident and broker, endorsed the project and noted that he had helped introduced the development team to this site, and was happy to see it all come together.

The public comments portion of the meeting was closed, and the Chair asked Town Staff if any written comments from the public had been received. The Town's Sr. Planner confirmed that one comment had been received from Mr. Labadini, echoing his statement of support.

Chair SantucciRozzi then moved deliberations into the business phase of the hearing. The Chair recapitulated the scope of the proposal, and noted that the relief sough is a Special Permit and Site Plan Review. The Chair also noted a design review submitted by the Town's consultant, David Gamble, and noted the Staff and Planning Board recommendations for conditional approval. Chair SantucciRozzi brought up Member Donato's suggestion that a condition allowing for the re-assessment of shadow parking for the site be included, as well as a condition enforcing snow removal from the site.

Member Ferris motioned to approve the applicant's petition. Motion seconded by Member Donato. Motion was approved by roll-call vote, 5 – 0, with Members Ferris, Donato, Heep, Brangwynne, and Chair SantucciRozzi voting in favor. Approved with conditions.

Item #5: 615 Arsenal St.

Chair SantucciRozzi recused herself and stated Member Ferris will step in as Chair for this item, and wished everyone safe holiday season and end of year. Member Ferris, acting as Chair, requested another Member of the Board read the legal notice for the last item on the agenda, Member Heep read the legal notice:

"615 Arsenal St. Home Depot USA, Inc., requests an Amendment to Special Permit ZBA-2016-16 ASP to increase the available parking in the existing lot by adding a net 50 spaces along the southern edge of the property. ZBA-2020-19"

Applicant, Andrew Copelotti, presented the proposed scope of work and relief requested. The applicant stated that they are more or less, just asking to add back in 50 spaces, which were originally slated to be removed under the previous proposal for this site, due to a realignment of Frontage Road. The spaces would be added back with a slightly different configuration from previous plans.

Mr. Copelotti elaborated that this request is due to comments by staff, the Conservation Commission and in part, by Home Depot and future tenant, Roche Bros., as a result of building "G" of the Arsenal Yards project, changing from residential to an R&D building. He stated that the Home Depot dumpster will remain in same location. Other proposed changes on westerly portion of site are for pedestrian safety and better pedestrian access to the movie theater and other areas of the development. The applicant is also looking to add to pedestrian path on backside of existing parking lot of Home Depot to add to more pedestrian safety, which would be under the jurisdiction of the Conservation Commission.

Member Ferris, acting Chair, thanked the applicant and opened discussion up to the Board. Member Brangwynne asked if the plan sets they have are completely updated. Mr. Copelotti confirmed they were, and apologized for any potential confusion, explaining that as this proposal was subject to the jurisdiction of three different Boards, some aspects of the plans could be difficult to read.

Member Donato asked which use or tenant the 489 spaces in the lot serve. The applicant indicated that Home Depot uses those spaces, but that they also serve the movie theater during the off-peak hours for Home Depot. Member Donato noted that the report states that 50 spaces could serve the life science building. Mr. Copelotti stated that the parking provided in Building "F" would support Building "G" and that there are additional spaces under "G". Staff and the applicant noted that there is also a receptacle parking agreement between the two sites.

Member Donato inquired about shade trees and asked with the relocation of some of the landscape islands if the project would be gaining or keeping same number of trees. Mr. Copelotti responded that there would be no net loss, and that the proposal will actually result in an increase in green space with some of the landscaping around Building G.

Member Heep asked if there was an expectation that dumpster area is going to get redone. The applicant stated that the Home Depot dumpster area would stay in the location it is today, but be redone to address drainage, screening, etc. Condition G of the Planning Board report states it will be redesigned and would not impact river area, etc.

Member Ferris asked about condition H and other pedestrian connection requirements. Staff stated that the condition may have been overly worded and the request by the applicant to modify the conditions was supported by staff. Member Ferris asked about the location and entry to grocery store. The applicant oriented the Board regarding the tenant location in Building F. Member Ferris also asked about planned speed tables, which was a condition of original master plan. The applicant stated that other traffic calming measures have been incorporated to address traffic speed. Member Ferris also asked about all the landscape islands, trees, and the change of materials shown on the plan in one of the crosswalk areas. Mr. Copelotti stated that the change of material is intended to be a traffic calming feature and change in elevations. Member Ferris requested that this area be changed to be landscaping.

Member Ferris asked if any Board Members had additional questions before opening up discussion to the public. Libby Shaw, a resident of Watertown and representing Trees for Watertown asked if the new landscaped islands would be able to support such large shade trees; stating that to be successful the trees will require large amount of healthy, structural soil. Mr. Copelotti explained that the proposed tree islands would have structural soil area of 18' deep by 14' wide, and they believe this is more than sufficient to support a large tree. The applicant's landscape architect indicated that they are planned to have discussion about planting details for the islands, which are quite large themselves (10'x14').

With no additional public comments, and no written comments submitted, Member Ferris closed the public portion of the meeting and moved into the business phase of the hearing. Member Ferris also submitted that a condition be included stipulating that the area shown on the plan as change of material near the pathway to Greenough Boulevard, be landscaped.

Member Heep motioned to approve the petition with Member Ferris' suggested condition. Member Brangwynne seconded the motion, motion passed with a roll call vote of 4-0-1, with Members Ferris, Heep, Brangwynne, and Donato voting in favor. (Chair SantucciRozzi recused). Approved with conditions

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Motion to adjourn made by Member Heep, seconded by Member Brangwynne. Motion to adjourn passed by roll call vote, 4 – 0 – 1, with Members Ferris, Donato, Heep, and Brangwynne voting in favor and Chair SantucciRozzi abstaining (absent).