



TOWN OF WATERTOWN

Zoning Board of Appeals

Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

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David Ferris, Clerk
Christopher H. Heep, Member
Kelly Donato, Member
Michael E. Brangwynne, Alternate
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Louise Civetti, Zoning

MINUTES

On Wednesday evening, January 22, 2020 at 7:00 p.m. in the Town Council Chamber of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: Melissa M. SantucciRozzi, *Chair*; David Ferris, *Clerk*; Christopher Heep, *Member*; Kelly Donato, *Member*; Michael Brangwynne, *Alternate Member*; Francis Goyes Flor, *Alternate Member*. Also, Present: Mike Mena, *Zoning Enforcement Officer*; Gideon Schreiber, *Senior Planner*; Absent: Louise Civetti, *Zoning*.

Chair SantucciRozzi opened the meeting, introduced the staff and members and announced the cases that will NOT be heard this evening: 99-101 Lexington St; 19 Coolidge Hill Rd has been continued at the Planning Board, 85 and 101 Walnut St has postponed to February for a 5 member board; and 18-20 Clyde has requested to be heard in February. Cases for 18-20 Porter St and 23 Elm St will be heard and then a request for withdrawal for a comprehensive permit at 19 Coolidge Hill Road. She then swore in the audience.

Member Ferris read the legal notice for **18-20 Porter Street**:

"18-20 Porter Street – Olga Ban, Ramol Partners LLC, 381 Elliot St., Newton, MA 02464, herein requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with Watertown Zoning Ordinance §4.06(a), Alterations to Non-Conforming Driveway, to extend existing non-conforming driveway to add parking. Located in the "T" Two-Family Zoning District. ZBA-2020-01"

Olga Ban of Ramol Partners referenced that some changes to the proposed plan had been made post the Planning Board meeting, based on their comments and recommendation. The Chair asked for clarification of the existing non-conforming setback/buffer from the side lot line. It was clarified that the existing setback is 2-feet from the side lot line and staff has recommended that the setback/buffer not be lessened as a result of the proposed expansion. The Chair also asked about the turning radius and if sufficient maneuvering would be accommodated so that the vehicles could drive out without backing out. The applicant stated the vehicles would have to back out.

The Chair and the Board expressed concern regarding the ability for the vehicles to fit into the spaces shown and suggested alternate design approaches, including spaces to the right of the building in addition to the existing driveway to the left; however, alternate parking layouts would require a variance from the rear and far side setback/buffer limitations. Other alternative suggested by the Chair was to have four-stacked parking. The applicant stated that was not their desire given the units would be condo units and stacked parking would not be ideal for such a situation. The Board stated additional concerns regarding the configuration and access to the spaces shown on the plan, and the change in grade with an existing retaining wall recently constructed at the perimeter of the property and curbing

referenced at the rear perimeter of the driveway intended to prevent vehicles from driving on the grass (setback/buffer areas).

Three residence spoke on the proposed project including Mr. Dennis Duff, Mr. Paul Gorham, and Ms. Hanna Rakoff. The public's comments consisted of need for trees, the property owner's need for due diligence regarding the Town's parking and driveway regulations prior to purchasing the property, limiting the approval to only two parking spaces at without such a significant extension, views from adjacent rear yards to a large asphalt "parking lot," concerns for lacking of turning ability and backing out to the street, safety of pedestrians with backing out of spaces with such a long stretch, "creeping" of additional cars and parking, and the lack of green space.

Given the Board's concerns referenced above, the applicant requested a continuance to revisit the proposed plan and come back to the Board with a proposal that would be consistent with addressing the Board and public's concerns.

A continuance to the February meeting was motioned by Board Member Heep and Member Donato seconded the motion to continue the proposal and mentioned the Board would be looking for an "off-set" for the additional pavement, details of retaining walls and curbing, in addition to turning templates and pervious options to the proposed asphalt. The motion passed with a 4-0 vote, Member Brangwynne absent.

Member Ferris read the legal notice for **23 Elm Street**:

"23 Elm Street – Brandon Banks, NSAJO Holdings, Inc., d/b/a Natural Selections, P.O. Box 391313, Cambridge, MA 02138, herein requests the Zoning Board of Appeals grant an Amendment to Special Permit # ZBA-2017-03, in accordance with Watertown Zoning Ordinance §5.01.5(I), Adult-Use Marijuana at an approved Medical Marijuana establishment. Located in the "RMUD" Regional Mixed-Use District, Zoning District. ZBA-2020-03"

Mike Ross, Attorney at Prince Lobel, representing NSJ Holdings said he was before the board two years ago. He introduced the team for the proposed change from a solely medical marijuana dispensary, previously approved, to a medical and retail combination dispensary. The tenant was issued all applicable building permits and completed all construction for the tenant and marijuana use, under the previously approved Special Permit. The tenant is ready to open, but is still waiting on state permit process. The site plan had been updated per the conditions of the previously approved permit, and accepted by town staff, with some minor changes. The changes include moving three parking spaces, move one space to building 1, relocating a dumpster to building 3 and removing one dumpster to add one additional space and some restriping, for 22 parking spaces. Mr. Ross continued his presentation by updating and refreshing the Board with the previous approval, regarding the interior tenant improvements.

Member Heep stated his concerns regarding the parking provided would meet the needs for the use, beyond what zoning would require. Mr. Heep asked whether the applicant had any data indicating that the zoning compliant parking (22 spaces) would be sufficient. The applicant indicated that the use would not be open until December 2020; given the state's permitting process and that additional marijuana retail stores in the area would be open by then, the demand for this location would be reduced. The applicant referenced that their use would not be a "Neta" situation, referencing an existing retailer located in Brookline, which has long lines outside the location, affecting the neighborhood.

The Board's Chair noted that the location in Brookline had long lines outside vs. the location in Newton, which had no lines, noting that the Newton location was by appointment only. The Chair stated that she would want the use to be by appointment only, if even for a limited amount of time. There should be no loitering and hanging out at the location; perception is important that it does not become reality and appropriate parking would be certain.

The applicant's representative noted that there was a condition proposed in the Planning Board report for reservation during a soft opening and that in coordination with the town could implement the reservation system at any given time. The applicant understood the Board's concerns, but also noted that appointment only can lead to vehicles circling the neighborhood waiting for their appointment time. The applicant requested flexibility to work with the town's police department and other town staff to determine when appointment only would be required, rather than have a condition that limits to reservation in perpetuity. The applicant's security consultant indicated the parking lot would be monitored and if necessary, the operator would have parking attendants on busy days and/or weekends. The use would have a working application for phones to update customers when appointment only system would be initiated to prevent any parking and traffic issues.

Member Farris also expressed how the appointment only, would be instituted without proper notice and details. Member Flor and Donato also commented that the location was appropriate for such use, however, also expressed same concerns regarding parking and appointment vs. no appointment conditions.

After significant discussion regarding the concern for parking demand, Member Heep recommend adding a condition allowing for a temporary appointment only during until such a time that information has been submitted to the Chief of Police and the Director of Community Development and Planning that the appointment system can be lifted, with ongoing measurable performance requirements to determine when the appointment only limitation would be implemented again. The performance measures include that the use shall: (1) be managed at all times so that there are no outdoor lines, (2) no loitering of customers in front of the business, or (3) no traffic issues related to customer vehicles cueing on Elm Street or the surrounding neighborhood. Additionally, the applicant would be required to have a six (6) month review after opening and require an operation and maintenance plan prior to the grand opening of the applicant for the first week of operation.

Member Flor asked for clarification of what a "line" or "loitering" would be defined as. Would just one person outside constitute a violation? The applicant stated that the waiting area/reception inside the building should be sufficient to prevent any customers waiting outside. Staff stated they would continue monitoring the site and make the professional judgement whether the use was compliant.

No public testimony was provided at the meeting.

Member Heep motioned for approval with said conditions and Member Donato seconded the motion with a 4-0 vote, Member Brangwynne absent.

Under Continued Cases, 19 Coolidge Hill Road: Chair Melissa M. SantucciRozzi, thanked staff for their work to prepare the documents for "safe harbor" from the proposed 40B, Comprehensive Permit at 19 Coolidge Hill Road. Member Heep motioned for acceptance of the withdrawal request by the applicant and Member Donator seconded the motion. The motion passed 4-0, Member Brangwynne absent.