TOWN OF WATERTOWN

Zoning Board of Appeals

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MINUTES

On Wednesday evening, February 24th, 2021 the Zoning Board of Appeals held a public hearing at 7 p.m., in addition to an Executive Session at 6 p.m., 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 at 6 p.m., called roll for the Board Members and noted the staff in attendance. Chair SantucciRozzi then stated that the Board would be convening a closed Executive Session to discuss the Board's position with regard to three appeals being actively litigated, as noted on the Agenda. The Chair then closed the introductory portion of the meeting and requested a motion from the Board to move proceedings into the Executive Session. Member Heep motioned that the Board go into Executive Session, motion was passed unanimously by roll call vote.

Following the Executive Session, the Chair moved proceedings back into open session and welcomed the petitioners and members of the public to the meeting. The Chair then introduced the Members in attendance and briefly outlined the Agenda for this meeting.

The Chair then noted that one case on the Agenda was being continued to the next month at the request of the petitioner. The Town's Senior Planner reviewed participation procedures for members of the public, and the general functionality of the virtual meeting format. He also 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.

Item #1: Approval of Minutes

Member Ferris motioned to approve the January meeting Minutes, motion was seconded by Member Heep. Motion to approve January meeting Minutes was approved by roll call vote, 5 – 0, with Members Ferris, Heep, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. January meeting Minutes were adopted by the Board.

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Item #2: 25 Sparkill St.

Chair SantucciRozzi introduced the first case to be heard on the Agenda, and Member Ferris read the legal notice for the record. The petitioners, homeowners Matthew and Colleen Nicholson, presented their proposal before the Board, a petition for a Special Permit Finding for the property at 25 Sparkill St.

The Applicants began the presentation by describing the existing conditions of the house and the main goal of their proposal; being that they wish to create more space for their growing family and put all bedrooms on the same level to make the house more functional for a family with young children. They detailed the scope of the project, and outlined the changes to the exterior of the house as well as the relief being sought.

The Chair thanked the Applicants for their presentation, and opened up discussion to the Board. Member Ferris noted that the windows on the first floor are slightly shorter than those on the second floor, and suggested that the petitioners take the opportunity to enlarge the first-floor windows to allow more natural light inside and create a more cohesive exterior façade. Member Ferris questioned the attic space and dormer-like structures proposed on the front-right gable, and pointed out that these features add a considerable amount of massing while not providing much additional space inside. Member Ferris also noted that these dormer features would obfuscate another feature they intend to add to the roof, and suggested that these be removed to enhance the aesthetic of the house.

The Chair agreed with Member Ferris, and commented that the dormers on the gable in question make the house appear 'top-heavy'. Chair SantucciRozzi questioned staff about a section of the roof that overhangs on the front of the house. Staff addressed this and noted that the overhang is 2' (two-feet), which is allowed, and the Applicant commented that there is an existing overhang in that area. The Chair clarified that she was just questioning this to ensure she understood the plans correctly, and that this design would protrude slightly further to the front than the existing condition.

No other Board Members offered comments. The Chair opened up discussion to the public, however no public comments were submitted.

Chair SantucciRozzi recapitulated the scope of relief being sought, noted the recommendation for conditional approval from Town Staff, and the conditions outlined in the Staff Report. The Chair questioned if Member Ferris wanted to include the removal of the two dormers on the front-right gable as a condition, he confirmed he thinks that would be the best course for the Applicants. The Chair confirmed that Town Staff would review revised plans to ensure this change.

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

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Item #3: 174 Boylston St.

Chair SantucciRozzi opened the next item on the Agenda and introduced the Applicants, Member Ferris read the legal notice. The Applicants, Seta and Richard Campbell, presented their proposal along with their project architect, Wayne Pelletier.

The Applicants described the existing conditions of the house as they relate to how the family can use the space. The Applicants explained that their children have always shared a room, however their children are older now and want their own bedrooms. They noted that they had added an addition to the house in 2003, and that they are proposing to put a new bedroom directly above that addition.

Mr. Pelletier elaborated on the relief that the Applicants were seeking, and detailed the scope of their proposal. The Chair questioned Town Staff about the 2003 addition, as some aspects appeared to be non-conforming. It was determined that this addition had not been approved by the Board when it was constructed, however too much time has passed since the addition was built for the Town to enforce compliance.

Member Ferris requested the site plans be shown, as he had noted a shed in the rear of the property that did not appear on the site plan. The Applicants confirmed that this shed was not a permanent fixture with a foundation. Member Ferris then discussed the exterior materials that the Applicants planned to use, and asked them to ensure the upper and lower floors match and appear cohesive. The Applicants confirmed their intention to match exterior materials.

With no additional comments from the Board, Chair SantucciRozzi opened discussion for public comment. One member of the public, Mr. Jim Borrebach, was recognized accidentally, as he stated that he did not intend to comment on this proposal. The Chair closed the public comment period as no other comments were submitted.

Chair SantucciRozzi recapitulated the scope of relief being sought, noted Town Staff recommended conditional approval, and reviewed the conditions suggested in the Staff Report. The Chair requested the Board's suggestions regarding exterior materials be noted in the conditions.

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

Item #4: 47 Maple St.

Chair SantucciRozzi moved to the next case, Member Ferris read the legal notice.

The Applicant expressed their intent with the proposed plan is to maintain the existing front and add a separate unit at the rear of the existing building, like other properties in the area; and noted that there is an existing tree located at the rear of the lot which would remain. The Applicant included two different elevations/rooflines as options and noted that the developer's preference was the gabled option shown on Sheet A2. The Applicant also explained the intent to replicate brackets and facia on the building and went on to describe the fencing at the perimeter of the lot, with some existing to remain and the west lot line to be replaced to match the rest.

The Chair opened up discussion to the Board. Member Heep asked about the basement bedroom being code compliant. Applicant stated it would have 8-foot ceiling in basement and would comply with relevant building codes.

Member Ferris referred to plan sheet C1 and asked how wide the parking spaces depicted would actually be. The Applicant stated they are standard 8.5-feet x 18-feet. Staff noted they were concerned about a pinch point on the driveway that could impact maneuverability. Member Ferris felt the parking spaces were too close to the house and was concerned about if the parking area was sufficient to allow the vehicles to back out of the spaces. It was recommended to widen the spaces and to have a 4-foot buffer rather than 4.6' to allow more room. Member Ferris then asked about fencing and window wells that did not appear to be shown on the plan sets. Member Ferris also expressed concern with the location of window wells, but once it was noted they were very shallow and there should be no issue, did not feel the wells needed any change.

Chair SantucciRozzi supported widening the driveway and asked about the fence if they were moving into the property could be an issue for snow removal. Applicant noted moving fence to lot line could impact the neighbors parking. Chair would like to see it moved and recommended it be a condition of approval.

Chair opened to public. Staff noted Greg Girard. Mr. Girard liked the project and asked about the fence and stated he built the fence. The Chair noted the fence will be moved to the lot line. Mr. Girard asked how much it will be moved. Chair noted it will be moved 2-feet. Girard was unaware the fence and lot line issue and is ok with it and appreciates the staff.

No further comments or questions from the public and close of hearing.

Member Ferris motioned to approve this petition, with conditions to approve option A2 roofline, widen and lengthen the parking area, install a walkway between the vehicles and the building, and to relocate the fence to the lot line . Member Heep seconded this motion. Motion to approve passed by roll call vote, 5 – 0, with Members Ferris, Heep, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Approved with conditions.

Item #5: 46 Kondazian St.

Chair SantucciRozzi introduced the next item on the Agenda and Member Ferris read the legal notice. The Applicant, Konway LLC, was represented by Attorney Ken Leitner. The Applicant began presenting the proposal before the Board, detailed the surrounding area, and noted the existing conditions of the site.

Mr. Leitner explained that the Applicant's intent is to keep the single-family house look while adding two light industrial bays on either side of the existing structure. He went on to note the setback encroachments and specific relief being sought by the Applicant.

Chair SantucciRozzi thanked Mr. Leitner and opened up discussion for the Board. Member Donato questioned whether or not there would mechanical equipment on the rooftop, and if so, would screening be required. Mr. Leitner responded that there would be equipment, however it would only be in sight lines from the rear yard. That being said, the Applicant indicated that they would be amenable to adding rooftop screening if requested.

Member Ferris agreed with Member Donato's comment that the rooftop equipment should be screened. Member Ferris then questioned if ADA compliant accessibility measures would need to be installed at the front entrance of the building. The Applicant responded that they were not entirely sure what the specific requirements are for ADA compliance, but would look into it and install such measures if necessary. He went on to question the type of material that would be used to clad the exterior of the building, Mr. Leitner answered that vinyl siding was the intended cladding. Member Ferris also discussed the intended landscaping with the Applicant, and questioned whether the fencing on the right side of the building would be improved. Mr. Leitner confirmed that fence improvements were included in the scope of the proposal.

Member Brangwynne raised a question about the intended use of a paved space in the rear of the lot. The Applicant stated their intent was to use that space to allow vehicles to turn around or otherwise reorient themselves.

Member Heep questioned the stated use for these light industrial spaces. During the presentation, the Applicant indicated that while there was no tenant lined up as of yet, they intend to lease the space to a basket making business, or another similar business involving low-impact product assembly. Member Heep commented that this sounds awfully innocuous, but asked the Applicant to elaborate on what sort of business was being considered. Mr. Leitner noted that the site is located in the I-2 (Industrial-2) Zone, and thus light industrial manufacturing or assembly would be permitted, but went on to confirm that a basket maker and a cabinet maker were in contact with the Applicant about leasing the space. Mr. Leitner also reiterated that no customer activity would be taking place on site and that the central space of the building would be reserved for office space.

Chair SantucciRozzi questioned the parking layout in the rear of the building, following up on Member Brangwynne's comment regarding the paved space in the rear that the Applicant had stated would be providing maneuverability for vehicles. The Chair made it clear to the Applicant that this space was not to be used for parking. The Chair then raised a general concern for this project, that it would be difficult to grant relief for encroachment into the required setbacks without knowing exactly what sort of businesses would be occupying the space. Chair SantucciRozzi also asked about a landscaping plan, noting that this project has been in the works for months now, and that no landscaping plan had yet been submitted. Mr. Leitner confirmed that the Applicant was still working on a landscaping plan, and that they would submit this once ready.

Chair SantucciRozzi recapitulated the issues raised by the Board, then questioned whether a Stormwater Management plan was need for this project. Staff explained that the Applicant would need to go through the DPW Site Plan Review process, in which a stormwater review would occur.

The Chair then opened up the public comment portion of the meeting.

Marshall Carter, Head of the Atrium School, spoke on behalf of the school. Mr. Carter stated that while they are tentatively supportive of the proposal, he raised a number of concerns about the project that they would like to be addressed. Specifically, Mr. Carter wanted more information regarding the forecasted use of the property and what sort of impact (noise, environmental, etc.) the School could expect from the tenants. Mr. Carter also asked about the traffic expectations and what peak traffic hours for the site would be. He then noted that the School shares a fence with this site; this being the case, screening measures would be appreciated.

Councilor Angie Kounelis also commented, thanking the Board and Mr. Carter for their commitment to good developments in Watertown. She reiterated the need for HVAC screening measures, requested that certain containers on site be removed, and that snow removal from the site be conditioned upon approval of this proposal. The Councilor's final comment was that she would like to see a condition prohibiting bad or potentially invasive uses from the site.

Chair SantucciRozzi closed the public comment portion of the hearing, and asked if the Board had any additional comments. Member Ferris requested that the applicant include plantings up to the curb line, and that he would appreciate additional depictions to understand the placement of the building.

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

Item #6: 705 Mt. Auburn St. & 64 Grove St.

Chair SantucciRozzi introduced the next item on the Agenda, a Special Permit/Site Plan Review/Special Permit Finding request regarding the parcel at 705 Mt. Auburn St., in conjunction with an associated project at 64 Grove St. Member Ferris read the legal notice. The Applicant was represented by a number of individuals, principally by Mr. Michael Rak (representing the property owner) and Mr. David Manfredi (architect for the Applicant).

Mr. Rak began presenting their petition to the Board by describing the background of the company and explaining the scope of their proposal. Mr. Rak introduced the team that assisted in putting the proposal together, and turned over the presentation to Mr. Manfredi. Mr. Manfredi detailed the specifics of the proposal; reviewing the changes to the site, building structure, landscaping, and building floor plans. Mr. Manfredi was assisted by Mr. Rich Hollworth. Mr. Vinod Kalikiri provided in depth explanation for the changes to the traffic circulation and parking plan, as well as analysis for the pedestrian/bike connections and associated amenities on site.

Chair SantucciRozzi thanked the Applicants for the presentation and requested the attorney for the applicant, Mr. Bill York, to summarize the relief being requested. Once Mr. York completed describing the relief being sought, the Chair opened up discussion to the Board.

Member Donato questioned the Applicant about upgrades to the parking garage, and whether or not there would be electric vehicle ("EV") charging stations added. The Applicant confirmed that they intend to add EV charging stations and relocating the existing charging stations from outside to inside the garage. Member Donato then asked for more details about the "Transportation Coordinator" position referenced in the initial presentation. The Applicant indicated that the lead property manager and their team would be assuming that role in the long term. Member Donato's final question was with regard to the potential noise generated by trucks/other vehicles, and suggested to the Board that a condition prohibiting idling be added.

Member Ferris complimented the quality of the proposal before questioning the Applicants about what measures would be taken to ensure that rooftop mechanical equipment would not disturb the surrounding area. The Applicant confirmed that they intend to screen rooftop equipment, at which point Member Ferris requested that the screening materials be consistent with the coloration of the roof/building. Member Ferris also discussed the coloration of paving materials with the Applicant, as well as a potential opportunity to light the distinctive building tower to create an aesthetically pleasing effect on the building.

Chair SantucciRozzi questioned the parking analysis, and asked Town Staff how many parking spaces such a building and use would be required to have by the Ordinance. Staff outlined the parking requirements set forth by the Ordinance, and clarified a few questions the Chair had regarding parking layout at the site. The Chair discussed the potential tenant for the building with the Applicant, who explained that they have not yet engaged that part of the process, and would first need to complete primary plans, but they do have some tenants in mind. The Chair then asked what the timeframe for construction would be, Applicant estimated 12 – 18 months to complete the project.

The Chair opened up the public discussion portion of the hearing, and a number of Town residents commented. Sophia Galimore of the Watertown Transportation Association asked what the square footage of the secondary site associated with this project, 64 Grove St., would be; Applicant indicated it would be 480,986 sq. ft. Ms. Galimore then asked if blue bike stations would be installed; Applicant replied that it was being considered, but they had not reached a decision as of yet. Ms. Galimore's last question was with regard to a bike/shower facility in the building that appeared on plans; Applicant explained that a shower facility was already existing in the 705 Mt. Auburn St. building and that they intend to keep it in use.

Susan LaDue, resident, questioned the Applicant about the proposed building's carbon footprint and how that matches up with the Town's stated goal of reducing the overall carbon footprint, and followed up with a question about what percentage of the building's overall power use would be drawn from the rooftop solar panels on the parking garage. The Applicant detailed the proposal's LEED silver qualifications, and explained that they would not be able to determine the percentage of power covered by the solar array until a tenant is found.

Councilor Angie Kounelis questioned the parking plan, noting that the former use for the site had effectively maxed out the parking allotment, and that the surrounding neighborhoods had been dealing with overflow parking from the site for decades. The Applicant stated that the parking plan was rated to accommodate office or lab use, but Councilor Kounelis remained skeptical as the plan represented a reduction in parking spaces and reiterated the history of parking issues with this site. Chair SantucciRozzi signaled that Board would be open to reassessing the parking requirements for this site if it posed an issue in the community.

Michael Wilkins, abutter at School Lane, raised concerns about the shadow study as well as about the noise coming from the site during and after construction. Mr. Wilkins noted that previously residents were able to resolve issues with the building owner, as it was owned and used by only one company, and that he is concerned that this relationship would breakdown if the building is owned and occupied by two different entities. The Applicant replied by saying they are committed to working with the community, and that their onsite building manager would be able to fulfill this role.

Mary Delaney raised concerns about the walkway adjacent to School Lane, as her mother lives there and currently the only thing separating her property from the walkway is a chain link fence that does not provide much privacy. The Applicant explained that the walkway's use was not to be intensified by their proposal, they had simply outlined the walkway to highlight the connectivity of the site. The Applicant further explained that there wasn't much they could do to address Ms. Delaney's concerns given the narrowness of the area.

Town Staff read into the record that there is an existing standpipe located in the narrow area. Councilor Kounelis added that during the Planning Board meeting there was a decision made to restrict public access to the abutting streets from the greenway. The Chair closed the public discussion portion after no further comments were submitted.

Chair SantucciRozzi recapitulated the scope of relief being sought, recommendation of conditional approval from the Planning Board, noted the suggested conditions in the Planning Board Report, and reviewed the additional conditions discussed by the Zoning Board Members. Specifically, the Board would add the conditions restricting vehicle idling on site, enforcing consistency of color for rooftop screening and equipment with the roof/building., and restricting pedestrian access from the Greenway to the abutting streets.

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

Item #7: 23-29 Elm St.

Chair SantucciRozzi opened the next item on the Agenda, but noted that due to the lateness of the hour the Board would continue this project to the March meeting.

The Applicants agreed, and the Board continued the hearing of this project to March.

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