TOWN OF WATERTOWN

Zoning Board of Appeals

Administration Building
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MINUTES

On Wednesday evening, March 24th, 2021 the Zoning Board of Appeals held a public hearing at 7 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 and briefly outlined the Agenda and proceedings for the evening, then called roll for the Members in attendance. 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: Administrative

Chair SantucciRozzi noted that she had not been able to review the Minutes for the last month, and would like for those Minutes to be tabled. The Board agreed, the Minutes from the previous month were tabled to the next meeting.

The Chair recognized a request for withdrawal without prejudice made by the Applicant of the 90 School St. petition that the Board heard in prior meetings. Member Brangwynne motioned to accept the Applicant's request to withdraw the petition without prejudice. Motion seconded by Member Donato. Motion to allow withdrawal without prejudice passed by roll-call vote, 5 – 0, with Members Ferris, Heep, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Petition ZBA-2020-12 regarding 90 School St. was withdrawn without prejudice.

Item #2: 23-25 Elm St.

Chair SantucciRozzi introduced the first petition to be heard, noted the legal notice was read last meeting and as such it is not necessary for the notice to be read again.

Steve Winnick, attorney for the applicant, described the project and introduced the principals for the project and the technical team. Mr. Winnick further identified the relief being requested before the board was chiefly a result of the proposed garage for the site.

Andy Mann was introduced and thanked the Board for consideration and reintroduced the technical team.

Dr. Johannes Fruehauf, the biotech entrepreneur behind the project, introduced himself and noted that he is a Watertown resident, outlined his background, and described the business venture that would occupy the site in question as a new type of lab which allows startups to come into a fully supplied facility. They have incubator facilities throughout the greater Boston area. The market for this type of facility has grown rapidly the last six years. Dr. Fruehauf pointed to a graphic showing the growth in similar facilities nationwide and used this growth pattern to illustrate that demand for such facilities is strong.

Jim Borrebach, the site engineer, briefly described the project site's existing conditions and surrounding areas. The engineer explained how the project meets the development standards in the Town's Zoning Ordinance, the requirement of the special permit for the reduced side setback request, and how the site was modified to meet the requirements and conditions of the Conservation Commission. He further explained the utility plans and that they would come from Elm Street and stormwater system would be put in place to meet DPW requirements and would mill and overlay Elm Street for the frontage of the site. Mr. Borrebach also explained and provided a detailed review of the landscape plan.

Alen Westman, architect for the petitioner, described the building components and its design in detail, and reviewed the setback requirements and actual setbacks of the proposed building. David Schwarzman, partner of the development team, discussed the parking management plan and detailed the

Jeffrey Dirk, transportation consultant for the project team, provided an overview of the transportation impact analysis and its components designed to provide mitigation to reduce demand (both off-site improvements and operational, TDM, and TMA) along with design components.

David Schwarzman, partner of the development team, discussed the parking management plan and detailed certain components of it before concluding the presentation.

Chair SantucciRozzi thanked the team for their presentation and opened up discussion to the Board.

Member Heep thanked the applicant for the thorough presentation and then requested clarification of the parking plan; why the requested reduction is necessary, and how the parking plan would generally work in practice.

Mr. Dirk fielded this inquiry, and stated the peak parking capacity would be 95 spaces and their operational goal is 60%, reducing to 50-60 spaces. This would get the site at or below what is really necessary. Management would look at peak times and also look at tenants and whose staff shows up when, in addition to visitors. Discussion between the Board and petitioner's consultants concerning the open hours of the workplace and the parking management plan.

Dr. Johannes stated that many of the workers don't have cars and use bikes and acknowledged that during the winter bike use may decrease, but given the nature of the users, vehicle trips would not be significant. Mr. Dirk also looked at trip reduction allowances in the analysis and this plan would also meet the requirement. The site would still have enough parking with only achieving a 75% goal.

Member Ferris, thanked the presenters and project team. Ferris asked if there would be a valet in the stacked and felt it was very reassuring given the number of tandem spaces. Ferris also asked about the delivery service and the reality of deliveries and the ability to maneuver. Mr. Schwarzmann stated that truck size would be limited to 23-feet to allow 3-point turns and trash pick-ups would be offset from tenant deliveries. Deliveries would be scheduled for off-hours. Deliveries tend to be twice a week. Mr. Borrebach explained that staff was concerned about backing out so they designed the turnaround to help mitigate that concern. Ferris questioned the single freight elevator and asked if that would really be enough. Further, Member Ferris referenced the renderings and that the adjacent hotel location is misrepresented and actually would be closer than shown. Member Ferris expressed appreciation for the design and the rainscreen and asked if the attachment components would be exposed.

Mr. Westman stated that some of those details had not been determined, but the intention is to have an industrial feel. Ferris also asked about the barrier for the garage or would access be closed. Mr. Westman responded that the access would be gated.

Member Brangwynne asked about the aluminum exterior material and asked for more information on how it would look. Mr. Westman stated the intent is that it would have a sheen, not glossy, but the exact product had not been picked out yet.

Member Donato asked staff about the encroachment to conservation area (i.e., wetlands). Staff stated the existing building precedes the current setback/buffer requirements. Mr. Winnick explained that the current project and its encroachments were approved by the Conservation Commission and any changes would have to review by that body. Donato also asked if off-hours delivery actually meant off-hours with regard to peak use time, not during the non-business hours. This was confirmed by the project team.

Chair SantucciRozzi, questioned the curb-cuts, given the proximity to the hotel curb-cut and stacking on Elm Street. The Chair asked Mr. Dirk to explain if the stack was past or before the curb-cut? Mr. Dirk stated the driveway may be temporary blocked, but not as much if there was no traffic light installed. The Chair also asked about the number of tandem spaces and raised concerns about how the parking and valet would work. The Chair's view was the building is too big and the amount of tandem the parking is concerning – given these conditions, voting to approve would be difficult for her. The Chair then asked if they have other examples with this building size to parking ratio.

Mr. Schwarzman stated that they have another building and can get recommendations with parking garages with 50% to 100% tandem. He asserted that they have experience and can make it work. It takes communication and a lot of coordination. Andy Mann explained at most would be six tenants and may be less. The Chair asked about the rationale for the spaces being so small? Andy Mann explained that decision was taken in conjunction with town staff and with experience of other sites. The Chair reiterated that the parking doesn't work for her and maybe they need to reduce the size of the building or something else to make it work. The Chair also asked about shadow and asked if a study was done.

Alan Westman stated a study had not been done and the plan was to do one. The Chair asked when that would be done. The response was when final design was being done with windows to understand how that would work. The Chair also questioned the stormwater design given the size of the building and its proximity to wetlands.

The Chair then asked if they own other lab buildings. Dr. Fruehauf stated that they don't own any others, but their company manages several lab/R&D buildings throughout the U.S. Mr. Mann described how Dr. Fruehauf management and the coming and going of the tenants; he stated that Dr. Fruehauf really understands how the tenants operate and would use the parking. The operation would be organized much more than the Chair is representing.

The Chair reiterated her skepticism of the parking plan, but moved on to open the public comment portion of the meeting.

Councilmember Kounelis commented that the building is too big for the relatively small lot and the discussion from the Board reinforces her concern. The councilmember asked if workers would need to leave vehicle keys so the parking tenant can move them. The applicant stated, yes. The councilmember was glad to hear there would be visitor spaces and asked if there was a drop off location for ride-shares. Mr. Westman stated that earlier design did have a location for that but town staff did not support it and therefore it was located in the garage or access to the delivery driveway. Councilor Kounelis asked about the delivery access and trash truck. The applicant stated that it was designed to work and provided dimensions. Kounelis stated that in her opinion this is not going to work and it does not fit.

Staff read a question regarding housing needs and future workers at the site.

Paula Halpin, a resident, asked if there was any discussion with the hotel. The Chair indicated that earlier in the presentation the applicant stated that they did coordinate, and the hotel had no issue. The Applicant also stated that future reviews are required to ensure compliance with parking and traffic.

Councilor Kounelis commented again to remind everyone that the Planning Board was not unanimous and had the same concerns addressed at this meeting.

The Chair expressed again that the project is pushing the boundaries and 50% tandem parking is too much and she is not convinced it will work.

Attorney Winnick stated that Councilor Kounelis' representation that the Planning Board vote wasn't unanimous is disingenuous, the disagreement was with regard to design and material. Mr. Winnick reiterated the project team's experience with this type of project; and the Planning Board was not intending to allow this project without oversight, actually oversight is required for review under the TDM plan. Mr. Winnick expressed concern about potential denial and if so, would like to continue the project. Mr. Winnick and the Chair continued to discuss the parking concern and Mr. Winnick argued that professional staff and other professional board members have reviewed and supported the parking plan as is.

Chris Penland from the public stated that he is in the lab industry and felt that this would work given his experience. He also stated that he would love to walk and bike to work and loves Watertown and sees this as the future and would meet the needs.

Dr. Johannes assured the Board that given the age of staff in this industry and they do not use cars nearly as much and would not take a risk of building this parking and have it not work. He would hate to reduce the potential for this building to accommodate cars.

The Chair asked about review of parking and traffic for other projects in the area; staff noted that lab is overparked and that town staff and the Town's Transportation Planner support the proposal based on the data they have.

Member Heep is raised concerned the Board is pressing staff on this data; it is the applicant that needs to justify their proposal with numbers and they haven't. Member Heep does not agree that we can approve and see what happens, the Board needs data prior to approval. While the building itself is not offensive, the Board needs to be assured that parking will work.

Mr. Winnick stated that he had heard enough and suggests that the Board continue the project to the next month so the petitioner can pull together the data the Board needs.

Councilor Feltner commented that she appreciates the Board's discussion to get the right building and right parking and she agrees that as of now, we don't have the data to support the parking plan as proposed – however Councilor Feltner is generally in favor of reducing parking.

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

Item #3: 46 Kondazian St.

After a brief recess, Chair SantucciRozzi introduced the next item on the Agenda and recognized the attorney for the petitioner, Ken Leitner. Mr. Leitner thanked the Board and summarized the scope of the petition and noted the changes to the proposal based on the Board's last meeting.

The Chair asked about whether or not ADA access would be required. Mr. Leitner stated that they coordinated with the Building Official and he confirmed that they did not need to meet this standard.

The Chair then opened it up to the Board for questions.

Member Ferris thanked for the information regarding ADA and noted surprise about the response. He also noted that some items on the plans are over-scaled (the landscape plan in particular). Leitner confirmed that the plan seems out of proportion and it is the applicant's intent to fully screen the parking and if necessary, to plant more vegetation to ensure the screening. Member Ferris stated that the windows are now aligned from the previous plans and asked to reference the exterior materials. Mr. Leitner indicated it would be white vinyl siding. Member Ferris indicated that the foundation and siding it off and would need more screening. Mr. Leitner stated that the whole building will be resided and he is correct that any foundation would be screened by landscaping. Member Ferris referenced the front and rear elevation and that the roofs would have different material. Mr. Leitner responded that the entire roof would be redone and match and windows also match. Member Ferris reiterated that he wants to ensure the tenant/owner maintains property in good order.

Member Donato thanked the applicant for addressing the Board's concerns about the roof.

Chair SantucciRozzi asked about the northwest side of the building and the paved area in that location - what is the intent for that area? The applicant indicated that area will be used for vehicle maneuvering, but would agree to provide further landscaping to that area. The Chair was fine with leaving a portion paved for access to the site, but only what is necessary.

Member Ferris asked if the adjacent building ends where the landscaping ends, his concern being that they terminate in synch. The Board discussed the opening to the site, and resolved to condition the width of the opening. Chair SantucciRozzi asked the Applicant if a 24-foot opening would be sufficient - the applicant agreed.

The Chair then opened deliberations to the public.

Marshall Carter, head of the Atrium School, commented that he and the Applicant, Tim Shannon, were able to meet and talk about traffic, landscaping and fencing; and he is satisfied with the plans.

Councilor Kounelis commented that she did receive confirmation from the school and glad they are satisfied.

Member Ferris followed up on the Atrium School concerns about peak traffic flow; did he understood that there would be no traffic flow between the sites? Mr. Carter confirmed that he did understand some flow of vehicles would take place.

Councilor Kounelis asked if a small truck or other trucks could also access to Kondazian St? The Chair stated that she is understanding this it would be used as infrequent and could be conditioned. Councilor Kounelis asked that it be conditioned to eliminate more traffic onto Kondazian.

The Chair then closed the public comment portion of the hearing.

Chair SantucciRozzi recapitulated the scope of relief being sought and summarized the deliberations from last meeting, the current meeting, and the public comments. The Chair then noted staff and Planning Board recommendation of approval, and enumerated the Board's proposed conditions; including: limiting traffic across properties, access to atrium only life safety or other access denied to Grove St.; landscaping to screen parking on Kondazian St.; materials, siding, roof and windows to match; rooftop mechanicals to be screened.

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

Item #4: 390 Arsenal St.

Chair SantucciRozzi introduced the next item on the Agenda and Member Ferris read the legal notice.

Attorney Michael Ross introduced the team and wanted to refresh everyone on why they were before the board. Due to the redevelopment of the originally permitted property, 23 Elm St., the Applicant needed to relocate. Mr. Ross detailed the original permitting process before he went on to introduce the team.

Alex Hardy, the Chief Operating Officer for the Applicant, presented the project to the Board. He noted the original facility opened for medical use in July 2020 and adult-use recreational in December. They have since averaged 225 customers a day with 60% of orders coming online, which helps manage customer flow. Estimated $300K-400K to the Town as part of host agreement. Lease up in 2022 at existing site. The Applicant went on to describe the existing conditions of the site and the proposed project. Including parking, architecture, security, discussion with neighbors and how this would be bettering the site.

Member Donato asked how many employees there would be. The Applicant stated they currently have 12-15 employees with each shift having 8-10 staff on hand, and that they expect this would carry over. Donato asked how many spaces staff is using. The Applicant stated that they use 3-4 spaces.

Member Brangwynne asked about communication with police, commenting that it sounds like things are going well so far. Dan Linskey stated that he as coordinated with the Chief of Police and they have indicated that have had no concerns.

Member Ferris asked staff about establishments about location limitations and if there are requirements. Staff stated there are limitations of proximity to other similar marijuana uses but not liquor stores or pharmacies and also noted that all licenses are taken up. The member also asked about replacing the fence if on their property. Member Ferris appreciated the street trees and thought the south west corner may have an opportunity to add another tree. The Applicant stated that working with their landscape architect to consider if it would be appropriate and keep vehicle sightlines. He also asked about rooftop equipment and screening. The Applicant said there would be three small units set back far enough that they would not be visible.

Member Heep asked if the Council had already approved the location and host agreement and the Applicant stated it had been approved.

The Chair asked about the loading area and space and if it is blocking the door. The Applicant stated that the space would not block the door and park closer to the shadow parking area. Given security did want to place behind the building, could it be relocated to the loading area to better reflect actual parking area? The Chair commented that she would want a condition to move the space further back. Loading may also take place through the front also, for security reasons they do not have a pattern of deliveries.

The Chair asked about curb side pickup and deliveries. The Applicant stated that they would be precluded from curbside, but delivery possibilities could be revisited in the future. The Chair further asked why not close one curb opening to the site? The applicant stated that they worked with staff and had that discussion and looked at ways they could address this, ultimately deciding to make traffic flow one way and reduce the width of the openings.

The Chair disagreed with having two openings to the site. The Applicant further referenced that there is existing two and there was already much discussion and this is where it ended. The Chair stated that patrons don't pay attention to one way in and one way out and going to create a problem with two openings. The Chair stated she is going to recommend to condition to only have one opening. To be reviewed and approved by staff and the Town Engineer.

The Chair asked where the customer base is coming from. The Applicant stated it seems they are coming from surrounding areas, along with local residents and those who are working in Watertown.

After discussion with town staff, the Chair noted that staff should takeout word variance in condition referencing previous approvals.

Councilor Feltner commented that she appreciated the landscaping and that she thinks a single curb cut will be good for area and bike path.

Councilor Kounelis commented that she has no information from the public regarding support or no support for one or two curb cuts.

Anne Fitzpatrick, resident, commented that she seems they have been good neighbors in Watertown and new plan will help eyesore and good to hear about coffers to towns revenue. She supports.

Councilor Kounelis noted that an immediate abutter to the west of the site requested an onsite meeting, and that they did hold one; and at one point that abutter was not looking favorably on the project but she is not here to speak.

Chair SantucciRozzi then closed the public hearing, and enumerated the conditions the Board would attach to approval: close one curb cut to the site; realign loading and parking areas – to be approved at staff level.

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

Item #5: 85 Walnut St.

Chair SantucciRozzi introduced the last item on the Agenda, a request for an extension for the Special Permit at 85 Walnut St.

Jared Eigermann, representing the Applicant, explained their reasons for coming back before the Board and detailed the staff level processes that led up to this hearing.

The Chair noted an email from a Councilmember and stated that they need to be addressed. Chair SantucciRozzi gave the Applicant a two-week time frame to address issues in the email. Staff to give update to the Board regarding compliance. The Board will not tolerate impact to residents and the issues raised need to be resolved. The attorney Jared Eigermann indicated he was unaware of the issues and asked for a copy of the email and would contact the Councilor and would address the issues.

Councilor Feltner thanked the applicant and stated that she was unaware of the procedure of no public hearing for amendments, but thanked the Board for taking these issues seriously. Attorney indicated team is the same and he would work with them to resolve the abutters issues

Member Ferris motioned to approve the request for a one-year extension, Member Heep seconded the motion. Motion to approve one-year extension passed by roll call vote, 5 – 0, with Members Ferris, Heep, Donato, Brangwynne, and Chair SantucciRozzi voting in favor.

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