



TOWN OF WATERTOWN

Zoning Board of Appeals

Administration Building
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MINUTES

On Wednesday evening, April 28th, 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*; 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 called roll for the Board Members in attendance; the Chair noted that Alternate Member Brangwynne was not present for this meeting. The Chair asked the Town's Senior Planner to review public participation procedures, as well as the general functionality of the virtual meeting. The Chair then outlined the Agenda for this meeting and noted that the petitioner at 23-29 Elm St. requested continuance to the next month's hearing.

Item #1: Administrative

Chair SantucciRozzi requested a motion on the Minutes from February and March, respectively. Member Ferris motioned to approve both sets of Minutes, motion was seconded by Member Heep. Motion to approve the February and March Minutes sets was passed by roll call vote, 4 – 0, with Members Ferris, Heep, Donato, and Chair SantucciRozzi voting to approve. Minutes from February and March were adopted.

Item #2: 47 Waltham St.

Chair SantucciRozzi introduced the first case to be heard and Member Ferris read the legal notice. The Chair welcomed the Applicant, Zhan Xao Zi (a.k.a. Charley), to present his petition. Mr. Zi began by outlining the scope of his proposal; noting that he intends on demolishing certain sections of the existing house and the shed located in the rear of the property. The Applicant stated he would like to reconstruct the roof and add a dormer in the attic on one side of the house; add a two and a half story addition that would serve as a garage with one parking space on the ground level, and a master bedroom for the second unit on the second floor; and reconfigure the existing parking plan to add spaces perpendicular to the proposed rear addition.

Chair SantucciRozzi thanked the Applicant for his presentation and began the Board's questioning by asking the Applicant to elaborate on how the proposed parking plan would work in practice. The Applicant noted that while there is an exceptionally wide swath of driveway to the left of his property, it is for the most part on his neighbor's property. Mr. Zi explained that there is an existing easement for the property that allows the residents at 47 Waltham St. to utilize the neighboring property's driveway to access the rear of his property. The Chair deferred her follow up questions on this aspect of the proposal until after the other Board Members had a chance to weigh in.

Member Donato questioned the turning template that the Applicant had included in his proposed plans. Member Donato noted that the vehicle shown on the template was a Toyota Prius, a rather small vehicle, and that not all future owners/residents may have such a small car. The Town's Sr. Planner commented that while the turning template as shown depicts a tight entry/exit situation for vehicles, the existing easement remedies this issue by allowing larger vehicles to traverse over the neighbor's property to access the rear parking spaces.

Member Ferris thanked the Applicant for their presentation before moving into his questions. Member Ferris asked the Applicant about what the proposed exterior cladding for the house would be; Applicant stated that the exterior materials would be either vinyl or plank, and will blend with the surrounding neighborhood. Member Ferris questioned whether or not all the siding and windows would be replaced as a part of this project; the Applicant confirmed.

Member Ferris then commented that when he went out to the site, he was struck by the sheer width of pavement located to the left of the Applicant's house. Member Ferris noted that while the easement may alleviate access concerns for the Applicant, he was concerned that the shared driveway would turn into something of a standing parking lot. Mr. Zi responded that he believes the turning template and easement show that cars would be able to enter/exit the rear of the property regardless of whether or not there are cars parked at the front of his section of the driveway. Member Ferris clarified that his concern is that the whole expanse of pavement between his house and his neighbor's house would turn into a parking lot. The Applicant explained that the easement only allows him to drive over the neighbor's property, not park in the abutting driveway. Member Ferris replied that even with that being the case, in practice it could very easily become over-parked. He then suggested that landscaping be installed somewhere in the driveway to both break-up the "street-like" appearance of the abutting driveways, in addition to preventing a potential over-parking scenario.

The Board, the Applicant, and Town Staff then discussed potential landscaping additions that would address Member Ferris' concerns. The Applicant expressed trepidation about abusing the privilege of using the abutting driveway that the easement grants him; even though he is allowed to do so legally, he does not want to create conflict with the neighbor. The Chair commented that while the Board appreciates his concern in this regard, the easement exists and the Applicant should make full use of it in order to create the best possible situation with his property. Member Ferris added that installing landscaping towards the rear of the property may be desirable for the rear-abutting neighbor, who would be able to look at some nice greenery as opposed to the mass of pavement that currently exists. Mr. Zi stated that he had already talked with his neighbor to the rear about replacing the shared fence between their properties, and that he would raise this issue with them as well.

Chair SantucciRozzi noted a number of areas at the rear of the lot that don't make sense to her as shown on the plans. In particular, the Chair noted that there seem to be a few areas where pavement is being left as is, when there is an opportunity for the Applicant to remove those areas and replace it with landscaping. Further, the Chair pointed out that the rear parking spaces do not show dimensions, and as such it is difficult for the Board to tell exactly how much pavement is back there. The Applicant

responded that he wasn't sure how much pavement is there either; the Chair stated that he should have the person who drew the plans revise this to reflect the proposed condition. Chair SantucciRozzi reiterated that no parking should be taking place on the easement, and that steps should be taken to ensure this. The Chair expressed concern that the surveyor did not pick up the easement when drawing out the plot plan for the Applicant; she then discussed with Town Staff what the actual dimensions of the easement were, as a copy of the legal document describing the easement was available for review.

Chair SantucciRozzi recapitulated the different areas of the plans that could be improved or clarified before the Board would be able to take action. She also noted that the proposed garage/second bedroom may need to be adjusted to accommodate the Board's suggestions. The Applicant agreed that some areas could be improved, and requested the Board continue his petition to allow him time to revise the plans.

The Chair then opened up discussion to the public; however, no members of the public offered comment and no written comments had been submitted.

Member Heep motioned to continue this petition. Member Donato seconded this motion. Motion to continue passed by roll call vote, 4 – 0, with Members Ferris, Heep, Donato, and Chair SantucciRozzi voting in favor. Petition was continued to the May hearing.

Item #3: 23-25 Molloy St.

Chair SantucciRozzi introduced the next item on the Agenda and Member Ferris read the legal notice. Tavis Babbitt, representing the petitioner, began presenting the proposal by describing the existing conditions of the site. Mr. Babbitt noted that property is situated at the end of a street in such a way that creates a unique dimensional problem for accessing the house. Mr. Babbitt described the existing parking situation and noted that as is, it does not satisfy the parking requirement set forth in the Zoning Ordinance. He then detailed the proposed parking plan and accompanying landscaping before concluding the presentation.

Chair SantucciRozzi asked for clarification on the actual relief that is needed from the Board; as it appears from the plans that two Variances would be required: one to allow front yard parking and one to allow parking within the 5' (five-foot) front setback. Town Staff confirmed that two Variances are technically required. The Chair noted that Variances are typically held to a stricter standard of scrutiny than special permit applications, and that the Applicant should be prepared for that.

Member Ferris noted that this particular street is quite tight, and that when he visited the site to observe the existing conditions, he needed to execute a three-point turn to get back out. Member Ferris then questioned the type of fence that the Applicant is proposing; Mr. Babbitt explained it would likely be a PVC or similar material fence. Member Ferris also noted the neighbor's backyard is very close to the proposed parking spaces, and that the fence is an appropriate measure to help screen the parking. He closed his remarks by reiterating how tight the street feels and that this property does have a unique dimensional situation with regard to parking.

Member Donato echoed the Chair's comment that the Board heavily scrutinizes Variance applications; however, parking on this property does seem to present significant challenges due to the proximity of the surrounding houses and the narrowness of the street. Member Donato also questioned the fence to the left side of the property; Mr. Babbitt indicated that fence belongs to the neighbor and wouldn't be affected by this proposal.

Member Heep commented that his initial reaction to seeing a proposal with front yard parking was not positive, as this issue has been hotly contested by the community over the years. That being said, he did agree that the property is presented with some unique spatial challenges due to its position at the end of a dead-end street. Member Heep noted that a number of building permits had been issued recently, he asked if these permits were in any way related to the current proposal. Mr. Babbitt pulled up the plans for the referenced permits, noting that the permits were 'by-right' construction, and described the areas of the building that had been modified. Member Heep noted that the areas of new construction reduced the area in which parking spaces or a driveway could have been added; this puts the Board in an awkward situation, as the Applicant has, in effect, created their own hardship with regard to parking on the lot.

Chair SantucciRozzi concurred with Member Heep's assessment; the Applicant appears to have created an additional hardship with the building additions. The Chair further expressed disappointment that the building construction was permitted to go ahead without any consideration for the parking situation. Town Staff noted that the property owner was asked to augment their originally proposed parking plan to lessen the amount of pavement that would be added. Additionally, Town Staff pointed out that regardless of the building additions, the property owner would need a Variance for a front yard driveway. Chair SantucciRozzi questioned the Applicant's team as to whether or not they were aware of the implications of creating their own hardship; Mr. Babbitt confirmed, but stated they believed the Variance was going to be needed anyway, and they wanted to reduce the amount of pavement on the lot.

Member Ferris noted that despite the additions, he feels this site is very uniquely positioned and is subject to unusual dimensional constraints due to the street and surrounding houses. He also commented that he appreciates the added landscaping depicted on the plans.

Chair SantucciRozzi reiterated her displeasure with the lack of planning on the part of the property owner, the application now presents potential legal pitfalls for both the Applicant and the Board if they approve this Variance based on hardships that the property owner created for themselves. Town Staff again weighed in, saying that a Variance would be required even if the additions weren't there and the Applicant had routed parking to the rear or sides of the house. The Board and Town Staff engage in discussion about the recommendations and revisions made to this proposal before it came before the Board. Mr. Babbitt showed another version of the plans that had been shelved, due to Staff concerns that it could have been easily overparked.

Member Ferris comments that he agrees the parking could be further compressed to reduce the amount of pavement on the lot; however, it may create a difficult situation for cars attempting to exit while other vehicles are parked there.

The Chair asked the other Board Members if anyone feels strongly enough to make a motion regarding this petition; Member Heep expressed concern about the precedent set if the Board grants a Variance to an Applicant who has created conditions that prevent them from constructing a parking layout without a Variance from the Board. Member Heep acknowledged that the Town Staff had put thought into this issue as well and that he is sensitive to the desire to reduce as much as possible the amount of pavement on the lot. Finally, Member Heep indicated that potentially reducing the parking footprint even further may be desirable.

Member Ferris agreed with Member Heep's comments, but noted that even with a tandem parking layout, a significant amount of pavement would need to be installed in order to accommodate a vehicle's turning radius. Member Donato supported further revisions and reductions to the parking

layout. Chair SantucciRozzi questioned the Applicant as to whether they would be amenable to going back to the drawing board in order to incorporate the Board's comments, Mr. Babbitt confirmed they would be willing to do that. The Chair further commented that the Applicant should consider having a civil engineer look at these plans and decide what the best and most efficient parking plan could be. The Board reiterated how sensitive the community is with regard to the front yard parking issue; and that the Applicant should be accounting for that. Mr. Babbitt acknowledged these concerns and stated that he would discuss the matter with the property owner.

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

Item #4: 23-29 Elm St.

Member Heep motioned to continue this petition, based on the Applicant's request. Motion was seconded by Member Donato. Motion to continue passed by roll call vote, 4 – 0, with Members Heep, Donato, Ferris, and Chair SantucciRozzi voting in favor. Petition was continued to the May hearing.

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