



TOWN OF WATERTOWN
Zoning Board of Appeals
Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

Melissa M. SantucciRozzi, Chairperson
David Ferris, Clerk
Christopher H. Heep, Member
John G. Gannon, Member
Kelly Donato, Member

Telephone (617) 972-6427
Facsimile (617) 926-7778
www.watertown-ma.gov
Louise Civetti, Zoning Assistant

MINUTES

On Wednesday evening, June 27, 2018 at 7:00 p.m. in the Richard E. Mastrangelo Council Chamber on the second floor of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: Melissa SantucciRozzi, *Chair*; David Ferris, *Clerk*; Christopher Heep, *Member*; Kelly Donato, *Member*; John Gannon, *Member*. Also Present: Mike Mena, *Zoning Enforcement Officer*; Gideon Schreiber, *Senior Planner*; Andrea Adams, *Senior Planner*; Louise Civetti, *Zoning Assistant*.

Chair SantucciRozzi opened the meeting at 7:00 p.m.; introduced the board and staff; reviewed the agenda noting that the order will be changed and the cases on Waverley, Arlington and Hillcrest have been continued and will not be heard tonight. She will recuse herself from the last case and Member Ferris will be acting chair. She swore in the audience and asked for a motion on the minutes for March, April and May.

Administrative:

Member Ferris motioned to accept the minutes as written for the meetings in March, April and May. Member Gannon seconded. Voted 5-0. All Minutes approved.

Cases Pending:

Legal Notice:

"10 Puritan Road

Susan Soergel, 10 Puritan Road, Watertown, MA 02472, herein request the Zoning Board of Appeals grant a Special Permit Finding in accordance with Watertown Zoning Ordinance §4.06(a), Alterations to Non-Conforming Setbacks, so as to construct a second floor expansion over existing first floor with non-conforming front (21.4', where 25' is required) and side (southerly, 7.7', where 12' is required) yard setbacks. S-6 (Single Family) Zoning District. ZBA-2018-14"

Ms. Soergel presented her request. Member Donato thanked the petitioner for the detailed plans and confirmed the new siding and windows would match the existing house. Member Gannon commented on the nice design. Member Ferris motioned to approve the request for a Special Permit Finding as it meets the requirement of the ordinance. Member Donato seconded. Voted 5-0, **approved** with Members Ferris, Donato, SantucciRozzi, Heep and Gannon voting in the affirmative.

Legal Notice:

"143 Walnut Street

Cellco Partnership d/b/a Verizon Wireless, c/o McLane Middleton, PA, 900 Elm Street, Manchester, NH 03101, herein requests the Zoning Board of Appeals grant a Telecommunications Act Variance in accordance with Watertown Zoning Ordinance §5.13, Wireless Telecommunications Facilities, so as to install 6 panel antennas plus equipment cabinets. I-3 (Industrial) Zoning District. ZBA-2018-17"

Victor Manougian, representing Cellco Partners, explained that this installation is within a zoning district that is allowed (I-3); and has updated photo simulations today, June 27th. The number of antenna is reduced from 12 to 6 and the equipment is also reduced. This building already has a generator and they will be tying into that generator as the building is owned by Verizon and he represents Verizon Wireless. There will be 6 antennas – 2 per sector; 9 radio heads – all concealed by a 4-sided screen which will be a brick-textured look to match the building. The two enclosures will be 10' x 10' x 10' tall and 10' x 12' x 10' tall. For the Variance, they comply with 4 out of 5 criteria. Across the street is a residential zone within 50'. All other criteria comply. He reviewed the details for the criteria of a Special Permit, noting the site is an appropriate location; it will not adversely affect the neighborhood; no nuisance or serious hazard to pedestrians; and appropriate facilities will be provided.

Mr. Manougian reviewed the photo simulations – each side from four locations. He reviewed the Radio Frequency benefits by street location.

No one spoke from the public.

Member Ferris asked how tall the equipment is in regards to the screen that surrounds it. Mr. Manougian confirmed that there is only one equipment cabinet for the back-up battery and communication in one.

Ole Issan, Harrison Design, explained the antenna is about 55" tall and the equipment is 7' tall and the platform is 2' (total 9'); and then the screen surrounding it is 10' tall.

Member Ferris asked if there is a way to cover the cabinet from the uphill view from Cypress Street. Mr. Manougian said they could raise the height of the enclosure to 15'. Member SantucciRozzi asked to put a roof over the equipment. Mr. Issan said they normally do not enclose the screening; however, they can use some type of mesh cover.

Member Donato asked why two other locations – Dexter or School Street did not meet the specific requirements for coverage. Attorney Manougian stated that radio frequency engineers did not feel that would help the capacity or coverage needs.

Chair SantucciRozzi clarified that all of the equipment on the roof now is only HVAC. The GPS and Dish that are mounted on the façade is probably for the occupants of the building. She commented that it is a full submission and she did not have any further questions.

Chair SantucciRozzi closed the public hearing.

Chair SantucciRozzi read from the Planning Board report of June 13th, stating that they recommended approval of the special permit for the use and the variance for the offset to residential properties. She asked how close they are to residential properties. Atty. Manougian stated he believes it is the street width, which is within 50'. She then reviewed the conditions, stating they are the standards for telecommunications facilities and added #9 – top screen of RF friendly material and the final design will be submitted with the building permit application.

Member Ferris motioned to approve 143 Walnut Street for the telecommunications variance with the amended conditions. Member Heep seconded. Members Ferris, Heep, SantucciRozzi, Gannon and Donato voted in the affirmative, 5-0.

Chair SantucciRozzi appointed Member Ferris as Acting Chair and Member Donato as Acting Clerk and recused herself from the following case:

Acting Chair Ferris swore in the audience members that just entered the room.

Member Donato read the legal notice:

"101-103 Morse Street LLC, 99 Yarmouth Road, Chestnut Hill, MA 02467, 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 Use, so as to convert a non-conforming commercial/industrial building and parking to 36 residential units. T (Two-Family) Zoning District. ZBA-2018-15."

William York, Attorney for the Petitioner, introduced the team: Kamran Shabazi, Principal and Manager; Gary Hendren, Architect; Mark Marzarelli, Landscape Architect; Brian Bizell, Traffic Engineer (Howard, Stein, Hudson), who has prepared a supplemental traffic memo to bring it up to the most recent ITE standards. Atty. York explained that last Spring/Summer, the Petitioner withdrew his petition to reconsider his options - most all of the recommendations of this Board have been incorporated into these plans. The petition seeks a Special Permit Finding to convert a non-conforming use, Commercial, to a significantly more compatible and less intense use, Residential, consistent with the Ordinance and the Comprehensive Plan. He explained that the structure is non-conforming as to front yard, side yard and height. The new design revitalizes the building with a more residential feel adding more landscaping and open space and reduces traffic impact and parking demands. It is a more compatible use to the site and a reduction of 12 units from the original submission. Parking on site is in compliance with the ordinance; with a strict parking management plan; alternative modes of transportation will be encouraged and promoted. The change from commercial to residential is not substantially detrimental and is a benefit as the building is more compatible and a less-intensive use. Attorney York acknowledged the Planning Board and Staff's recommendation of approval, as well as the letters in support received from immediate abutters and other abutters on Morse Street.

Gary Hendren, Architect reviewed the history of the building which he stated started as an industrial factory building with 9 different additions from 1871 to 1918 with many different styles of architecture and materials. They are not taking away or adding to this building. They are maintaining the exact building envelope that remains today. He described all of the drawings presented including the drainage systems for the parking lot that are being reused. He explained that the property had extensive work done when it was converted to a massage school, including sprinklers and the addition of an elevator. They have increased the width of the ramp to 22' wide; the courtyard will be landscaped and a sidewalk entrance added (handicap accessible). The emergency vehicle access to the site will allow a ladder truck to enter and a 3-point turn to exit the ramp. The fire department confirmed that they can use this ramp although it exceeds the recommended pitch.

Mark Mazarelli, Landscape Architect explained the details of the landscape plan, which will include easily maintained evergreens and ornamental grasses with groundcover beneath the existing trees, adding several other trees and spring flowers and eliminating any mulch currently used. They considered the Board's comments regarding obscuring headlights to the townhouse windows and will use juniper to block the lights.

Mr. Hendren said they lowered the number of units, which also lowered the number of required parking.

Brian Bizell, Traffic, stated they did a trip generation memo, parking generation and public transportation analysis (ITE Standards from November 2017; American Survey (Census 2013) and Watertown public transportation). Using all three, they determined that the trip generation for office space would be 50 trips in and 13 out in the morning (63 total) and residential would have 17, which would be a reduction of almost 50 trips. In the evening there would be a reduction of 39 trips. He stated that compared to office space and the massage school, it would be much less impactful with the residential use. He added the parking for the site for the residential units would require 31 parking spaces based on ITE standards, where office use would require 75 parking spaces.

Mr. Hendren stated they have addressed the concerns of the Board with the reduction of the number of units and increasing the size of the units, with 75% of the units being adjusted. They added amenities: a 'social' room with a green space on the exterior; an exercise room; increased storage lockers; increased number of bike storage including long-term bike storage; they modified the entry with computerized locking bins and added a door for security; they moved the primary laundry room to this level and each townhouse was able to be widened by 16'. The dumpsters were moved and the truck picking up will not block any parking. There is also extra pavement for service parking. He added that there are drawings showing the changes. They changed the electrical room so there is only interior access. The vehicular ramp is now 22' wide. The stair was moved closer to the building. The accessible units are closer to the street level access and laundry room. The building is on a sloped site and there is a unit with existing window wells but only for the bedrooms as the main living area is above that. Each of the interior hallways has been widened to 5'. The 38 condensers are going onto the existing flat roof area with acoustic screening. They have increased the number and size of the windows on most areas except the mansard roof area, where they were asked not to change the exterior; however, they did add skylights to those units. They added two widows' walks to the roof. Mr. Hendren showed several depictions of the new look of the building(s). He then stated details: Windows will be double-hung, double-pane – Anderson 100's; fiber-cement siding; architectural shingles; acoustical screen 5' tall; package lockers; parking lot lighting heads replaced with LED's and the pole between the neighbor's property will be removed.

Attorney York mentioned the neighbors to the left are in support of the project - the fence there encroaches onto this property and along with the widening of the ramp, affects 5 parking spaces. They moved the two handicapped parking spaces on the other side that the board had concerns with. Mr. Hendren stated that they measured that area and can fit 4 parking spaces instead of the existing 5. The neighbor would like to keep the fence where it is for the length of 38'; however, they can move the fence into the neighbors' property and keep the 5 parking spaces. They would provide 40 parking spaces instead of 41. There are 36 units with 40 spaces provided and the zoning requirement is 45.

Mark Sideris, Union Street stated that going from 48 units to 36 units is a good thing; however, he has two concerns – there is an Easement Agreement that has expired and must be updated and approved by the Town Council before they could do any of this work; and the property went up for sale – twice. Mr. Sideris said Mr. Shabazi stated there would be on-site management of this property and soon after the second community meeting, a broker informed him the property was for sale again. He portrays that he will be part of this property when in fact, he may not.

Attorney York stated that the property went on the market after the last meeting with this board and it is still on the market. If this matter is approved, he (Mr. Shabazi) is committed to go forward with the residential development. He will be the one that maintains and operates this building through the construction then they will have on-site management. The Easement Agreement that was in effect was between the property owner and the Town and that has lapsed. This is a condition that is written into the approval before this board and they are aware of the requirement of approval by the Town Council.

Erminio Formato, 89 Morse Street said he considers residential to be single and two-family homes. Arsenal and Galen Streets are busy with larger residential developments and Morse Street is a side street with a little bit more traffic on the weekends – he'd support 8-12 units. Watertown is turning families away with apartment buildings. This would ruin the neighborhood and he has lived here all his life. Watertown no longer looks at the long term effects, as they used to.

Acting Chair Ferris asked Staff to explain the non-conforming use of the building. Andrea Adams, Senior Planner, stated that 'non-conforming' means that the town has rules on different types of parcels and this parcel is zoned two-family so to be 'conforming', the building that exists would be removed and a two-family home built. Because the building is there, that is what makes it non-conforming. The last approval for this building was in 2004 for the Cortiva Massage School and the rest of the building was used for other commercial businesses. She added that this board will determine if what the petitioner is suggesting is more detrimental than what is there today. Member Ferris said if the current owner of the building wanted to rent this building to another school, it could do that without the approval of this board. Mr. Formato added that if it remained commercial, it would be a 9-5 operation (probably) and no weekend activity.

Chris Higgins, direct abutter, said he is in support of this project. His grandfather used to be the dyer when it was an old mill and he has watched this building go through the many changes over his 45 years of living there. There has not been any reduction in traffic since the building has been vacant. He added that this building has been there since pre-1900 so anyone who purchased a home on Morse Street knows this building exists. Mr. Shabazi has been attentive to the neighbors since he has owned this building. He is the one that will be the most impacted by this change. It is not ideal as it is today. He supports this project.

Katherine McLeod Hornbuckel, 102-104 Morse Street is opposed to the size as there are too many units and 15-20 high-end units would be better. She is concerned that the building is up for sale and when people move in and out of this building, how will the U-Haul trucks be regulated as she questions whether they will be parked in front of her home. With 36 units, there will be a lot more Amazon deliveries. She said it looks pretty on paper but this board needs to stop and look. The condensers and screens on the roof will block some of her view. Will this project be going on nights, weekends, Sunday mornings and this neighborhood should be respected.

Attorney York said the condensers will be interior to the courtyard; traffic to this site will be significantly reduced. Construction is controlled by the town and the hours are restricted. The benefit to construction like this is that the bulk of the work will be going on inside. He added that this is a non-conforming building and they are proposing a less-intensive use. The test is very clear – is this substantially more detrimental than the commercial uses that have been there. The pretty picture is intended to dress up the neighborhood and add vitality with less traffic and it is in conformance with the zoning criteria. Ms. Hornbuckel added that they have nice homes already. She said there hasn't been any maintenance to the courtyard and doesn't believe that it will be a pretty picture in the future. Mr. Formato added that it is the same landlord and what should they expect if it is not being taken care of right now (currently owned for 2.5 years).

Joan Vachon, 93-95 Union Street and representing her daughter's family at 100 Capitol Street - said they support the project as presented tonight – there are less units, the building will look better, the people that live there will be their neighbors and like the neighborhood as much as they do. They all support this project as presented.

Member Donato thanked Mr. Shabazi for working with the neighbors and the board and being so responsive to improve the units with natural light. She believes he is waiting on the AUL for the approval by this board before the next steps to installing the vapor mitigation system as there has not been an update since the 2017 letter.

Attorney York said the building is fine for commercial occupancy and the AUL only affects certain areas of the building – the lower townhouses. Mr. Hendren said it is a vapor issue in the lower wing and they would have an extraction system installed similar to a radon extraction system. This is an easily resolved vapor issue.

Member Donato confirmed that Mr. Shabazi would continue to own the building after approval tonight.

Member Donato asked if Mr. Shabazi has experience handling affordable units and the recertification. Attorney York said there are not any affordable units and MetroWest would be the manager of any affordable units. Ms. Adams explained that MetroWest, a community oriented organization, handles all of the aspects associated with affordable housing. Typically, a developer would hire them to do the marketing plan, income certification and annual renewals.

Member Donato asked about the maintenance as there is a large tree down in the parking lot. Attorney York explained that the downed tree belongs to the town.

Member Donato asked about the site lines coming up the ramp due to the bend in the road on Morse Street. Mr. Hendren said they are cutting back the concrete side walls and they would put up a mirror on the public property across the street if they were given permission to do so. Mr. Higgins said that installing a raised table (speed bumps) on that street for traffic calming would be welcomed. Attorney York said they would be willing to work with the town as it is a DPW issue.

Member Donato asked about conditioning on-site management and limiting trash pickup hours.

Member Heep asked about Mr. Shabazi's experience managing multi-family residential developments. Mr. Shabazi was sworn in and stated that he has owned and managed multifamily properties around Boston for nearly 25 years at up to 100 units.

Member Heep asked Staff what was the legal status of the parking at its' last use. Ms. Adams stated that the 2004 permit for the massage school, caterer, yoga studio, and office space – the school was required to have 55 spaces off-site for overflow. The 15 spaces that are owned by the town were allowed to be used. At the time, there were more than 15 spaces before Cortiva was there.

Member Heep asked about the acoustical rating of the 38 air conditioning condensers with the acoustical screenings on the roof. Mr. Hendren said there is not a sound engineering report but they do run into this type of situation a lot – the sound screen they are using will reduce the noise by 30% and the noise level will be 40 decibels. These condensers will be very small with vibration isolation pads and will not be heard from the street. Attorney York said that an audio report with the decibel level could be required as a condition. Member Ferris added that these screens will absorb the sound at the level it exists and deflect the sound above the barrier. Member Donato confirmed there will be acoustical panels on the townhouses, as well.

Member Gannon asked Staff to provide an update on the Easement Agreement. Ms. Adams stated that Condition #9 in the Planning Board report, states that the easement details must be finalized before the building permit can be issued.

Member Gannon said there isn't any signage stating that there are town-owned parking spaces available at the rear of this property; these spaces are not listed in the Town's off-street parking list and there isn't any enforcement of long-term parking. He suggests placing a buffer between these spaces by fencing to allow the public to know where they can park. Add a condition that there is signage to state these spaces are available.

Ms. Adams said the condition (#9) requires a monitoring program for his site and further requirements would be determined – the town's parking would need to provide public safety access. Member Gannon stated that he was not asking for a barrier but believes striping a different color would suit this requirement. He further suggests that the town take care of the overgrowth in that area. He added that a trash delivery schedule be set-up to prevent 4am pick-up. He did not see a room in the plan for an on-site management office. Mr. Hendren said the parking lot level plan (A100.3), behind the front door is an office. Member Gannon suggests adding a condition that the office remain after condos are sold with appropriate staffing. He asked about the handling of the Affordable Units. Ms. Adams said that the developer pays for that and the on-going monitoring has to happen – she takes a representative sample annually to be certain they are counted appropriately. This annual report is submitted and signed annually. Attorney York said they are specific regulatory requirements according to the State. Member Gannon asked if developers pay town staff for this service. Ms. Adams explained that the developers can provide the monitoring by hiring MetroWest, SEB or pay the town directly at the same rate for Staff (no one uses the town to monitor).

Member Ferris clarified that Member Gannon only requests striping the resident parking spaces or labeling 'reserved' – something that delineates the private parking from the public parking. Attorney York stated that the TDM shows the parking spaces are labeled and numbered.

Member Ferris confirmed the units will be for rent not for sale with standard 12-month leases. Ms. Adams added that the affordable units have requirements of a year-long term. The Historical Commission was concerned with the mansard portion of the roof although the building is not in the Historic District in town and not on the historic registry. Mr. Schreiber added that the commission only commented – there is no requirement.

Member Ferris asked about the leases as his clients are looking for short-term leases, which indicates more move-ins and move-outs. Attorney York assured the annual leases. Mr. Shabazi said if someone ends their lease early, he may sign a 9-month lease in order to bring them to the annual timeframe. Ms. Adams said that also happens in the Affordable Units. Mr. Schreiber said they may not want to get into tenant laws as some tenants may end up going month to month.

Member Ferris asked how the wastewater will be managed on the site. Mr. Hendren said there are existing downspouts and gutters and 6" pipes that go under the building. Member Ferris said DPW reviewed the storm water conditions and signed off but asks what is being done with the parking lot. He then asked what is new – the sidewalk in front of the property, etc. Mr. Hendren said where the ramp is expanding will have new curb stones and fixing the sidewalk to level it. Mr. Schreiber said that DPW will review the sidewalk and curbing and will determine if the sidewalk would need to be replaced. Mr. Hendren said the parking lot will be top-coated and re-striped. Mr. Ferris repeated that they are adding a thickness of bituminous pavement over the existing pavement with new striping. Mr. Hendren added that the handicapped spaces are being moved and the concrete ramp is being reworked – there will be an inch of top-coat on the lot. The walkways are concrete (the detail may not be on the plan). Mr. Hendren explained that the area where the trash is will be wide enough for a moving truck to back in and go right to the front door and to the elevator only temporarily blocking the trash.

Member Ferris stated that if the plan is approved, the package area should not block the egress door and many buildings do not have large enough package rooms. If a box doesn't fit into the package system, it may be left on the floor in the vestibule. He said he doesn't believe packages will be delivered later in the day.

Mr. Hendren confirmed the individual electric meters will be inside the electrical room. The water lines will be in the hallways; sub meters into the unit; they are debating on gas or electric appliances. If gas, they have to

consider venting, etc. Member Ferris clarified that there is not a boiler room. He added that there could be 36 venting systems through the walls. Mr. Hendren said he would like to have venting hoods over the range that would go through the walls but he would consider vertical. Bath exhaust will go through the roof.

Member Ferris verified that the residents dump their own trash into the dumpster and the dumpster can be seen by looking down from Morse Street. Mr. Hendren said it will be an enclosed unit with landscaping between it and the street. Mr. Ferris asked if they could add a trellis to that area.

Member Ferris said there are four or five letters written in support of the project. He said that a residential use is more friendly than commercial. He is concerned with the lower level windows and mentioned adding landscaping on the one unit fully below grade; the drawing of the plan is not coordinated well with the window placements; specific units could be more amenable with more attention spent; the dormer windows could be paired better; he mentioned the trim is not on the plan along with the gutters and downspouts; the site plan does not show which fence is new and which is existing; can there be landscaping on the easement at the property line where Capitol Street is.

Mr. Formato said that a 36 unit building is not what he considers residential and does not know if this is actually better than commercial. Mr. Ferris explained again what existing non-conforming is and Mr. Mena clarified that this building was constructed before zoning was put into place. The intent of this project is to change if from one non-conforming use to another non-conforming use. Mr. Ferris said this building could be a private elementary school and the buses would be coming in and out of this site. Mr. Heep added that he is correct that a 36 unit residential building is not necessarily better than a commercial use. Mr. Schreiber said a lot of these sites are what makes up the fabric of the town.

Member Heep said we are stuck with non-conforming uses that can remain as long as they want. When we have a change to an intense multi-family use, someone at a legislative level has determined that large multifamily developments are appropriate. He said this building was not designed for residential.

Attorney York stated that St. Theresa's church would have been demolished had it not been converted to 9 units; Coolidge School was converted to 50+ condo units; the church on the corner of Common Street – this building is not attractive but it is being upgraded. The state law allows them to do this as long as they meet the requirement of not more substantially detrimental.

Member Gannon confirmed that the snow removal plan is in place. Attorney York said it would be hauled off site.

Member Ferris asked that the board decide whether to have the petitioner come back with more details or if there is a concern with the number of units.

Member Gannon said he is concerned with the number but when he compares with the possibility of other uses, he is undecided.

Member Heep said he does not have enough information to close the hearing or vote tonight. He is not persuaded that at 36 unit residential building is not more detrimental. He wants to see more presentation and details. His concern is the 24 hour noise and the residential use brings and the building is directly on the lot line and that will increase in intensity when fully occupied. He remains concerned about some of the units are configured in strange ways. The applicant has improved on these since the last meeting but they should all be modern units.

Member Donato said they need to have more information and she is struggling with whether or not 36 residential units is more or less detrimental.

Member Ferris said this is what he does for a living and he mentioned specifics in the units so there is enough ventilation and day light in each rooms. He is not sure about the laws regarding the number of windows and the distance to the property line – there is code impact for fire rating. So, he is aware that there are limitations to adding windows – they may want to speak to the fire department regarding adding sprinklers if they have more windows. There are units that are right on the sidewalk – the bathroom use may be better thought. He will give the list of comments he wrote down to Louise Civetti.

Member Heep commented that he will not be here in July and this would need to be continued to August.

Member Heep motioned to move this public hearing to the August meeting. Member Donato seconded. Voted 4-0 to continue.

Member Gannon motioned to adjourn. Member Heep seconded. Voted 4-0. The meeting ended at 10:25 p.m.

Member Ferris's notes:

Easement expiration

Office on site and managed on site

Speed raised table/empty drive visibility

Waste pickup and recycling

Acoustic report be provided to staff prior to approval

Acoustic panel behind widows walk

Buffer between applicant spaces and town parking spaces and outside fence signage for public parking

Office must be used for ongoing management

Full new cover of bituminous

Concreate walkways

Gas meters

Dryer vent/range hoods

Trellis?

Easement – resolution and landscaping

Snow removal

Member Heep:

Quantity of unit

Use and proximity to property lines

Unit configuration