



TOWN OF WATERTOWN

Zoning Board of Appeals

Administration Building
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MINUTES

On Wednesday evening, August 26th, 2020 at 7:00 p.m. the Zoning Board of Appeals held a public hearing 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*; Joshua Manion, *Zoning Division Clerk*

Chair SantucciRozzi opened the meeting, acknowledging the first responders and families working to keep the community safe and held a moment of silence for those lost because of the COVID-19 pandemic. The Chair then provided instruction of how the meeting would be conducted given the meeting was being held virtually. The Chair introduced the Members in attendance, Members Ferris, Donato, Heep; and noted that because only four (4) Board Members were present, a unanimous decision must be reached in order to grant approval of any of the proposals on the docket. The Chair went on to announce that Alternate Member Flor had stated her intent to leave the Board, as she is moving away from Watertown.

The Chair introduced new Town staff that will be assisting the Board, including a new Sr. Planner, Larry Field, and new Zoning Division Clerk, Joshua Manion. The Chair also announced the town staff and attorney in attendance, and allowed the staff to provide further guidance on how the public can participate and provide comment during the live, online meeting. The "mic" was then given to the Town's Senior Planner to go over participation procedures for members of the public, and general functionality of the virtual meeting format.

Item #1: 148 Waltham St.

The Chair introduced the first item on the Agenda before the Board, and noted that the Commonwealth confirmed the Town's Safe Harbor determination, denying the 40B application for a Comprehensive Permit.

Chair SantucciRozzi then introduced Todd Fremont Smith, representing the petitioner Nordblom Development Company. Mr. Smith made a brief statement for the record, thanking the Board for their consideration and noted that the Nordblom Company will reassess the site and put together a new application that is more in line with the desires of the community.

Mr. Smith formally requested a motion to withdraw the application.

The Chair thanked Mr. Smith and the Nordblom Company for their time, stated that the Board will look forward to working with the Nordblom Company in the future to bring a new project to the site in question, and requested a motion from the Board to allow the withdrawal of the application. Chair also noted that Member Ferris is recused from the decision, consistent with the previous hearings for this case.

Member Heep motioned to allow the withdrawal without prejudice of Nordblom Development Company's Comprehensive Permit application. Motion is seconded by Member Donato, motion passes by roll call vote with Members Donato, Heep, and Chair SantucciRozzi voting in favor. Motion to allow withdrawal of application without prejudice passed, 3-0.

Item #2: Approval of Minutes

Chair moved discussion to the Minutes of two prior Zoning Board Hearings, April 22nd and May 27th, 2020; noting that Member Heep was absent for the April 22nd meeting.

Member Ferris made a motion to approve the Minutes for the April 22nd ZBA meeting. Motion was seconded by Member Donato. Motion passed by roll call vote, 3 – 0, with Members Ferris, Donato, and Chair SantucciRozzi voting in favor.

Chair asked if there is a motion regarding the May 27th meeting Minutes; Member Ferris stated that he has not had an opportunity to review the Minutes for this meeting. Chair asked if Member Ferris would like to table approval of this meeting, he stated that he would, Chair tabled discussion of the May 27th meeting Minutes to the September hearing, with no dissent from the Board.

Item #3: 102 Hillside Rd.

Chair opened discussion for the case regarding 102 Hillside Rd, Member Ferris read the legal notice:

*"Toros Vosbigian, owner 100 – 102 Hillside Rd., requests the Zoning Board of Appeals grant a **Special Permit Finding** in accordance with Watertown Zoning Ordinance, §4.06(a) for relief from §5.04 (Table of Dimensional Regulations) to increase non-conforming Floor Area Ratio (FAR) by adding stairs and improving an existing attic. Located in the "T" Two-family Zoning District. ZBA-2020-07"*

Chair asks staff to elevate the applicant in the virtual meeting room so that they could present their case.

Toros Vosbigian, owner, introduced himself and the nature of the work involved in his proposal and explained why they would like to expand their existing home.

Mr. Vosbigian asked for clarification about the Board's voting procedure given there are fewer than 5 Members present, Chair confirmed that it must be a unanimous decision with only 4 Members present. This being the case, Mr. Vosbigian requested that his petition be continued to the next hearing.

Member Ferris motioned to allow the continuance of this case, motion seconded by Member Donato. Motion passed unanimously by roll call vote, 4 – 0, with Members Ferris, Donato, Heep, and Chair SantucciRozzi voting in favor. Petition was continued to the September hearing.

Item #4: 39 Marshall St.

The Chair called on the applicant for 39 Marshall St. Member Ferris read the legal notice:

*“Franklin Vairinhos, owner 39 Marshall St. requests the Zoning Board of Appeals grant a **Special Permit Finding** in accordance with Watertown Zoning Ordinance, §4.06(a) for relief from §5.04 (Table of Dimensional Regulations) to build within an existing nonconforming setback by constructing an addition. Located in the “SC” Single-Family Conversion Zoning District and the Historic Overlay District. ZBA-2020-08”*

Franklin Vairinhos introduced the architects hired to design and build his proposal. Matthew Cummings, architect, began presenting the details of the proposal by giving an overview of the scope of the project and providing context for the owner’s desire to create a new space.

Mr. Cummings noted that there is an existing deck attached to the house, however it is not in great shape. The owner wanted to revamp the deck and create a more usable outdoors space, while still keeping with the general aesthetic of the house. A solarium or conservatory-type structure would meet both of the owner’s wants, and is consistent with the design of Victorian-style homes, as well as those of Boston more generally. The petitioner’s team also met with the historic commission to get their feedback on the proposal.

Mr. Cummings reiterated that the only relief this project requires to move forward is from the rear yard setback requirement, as the proposed solarium would infringe upon it. No issues would be created as it relates to parking, neighboring properties, trash or waste removal, etc. He also noted that the proposal would preserve the integrity of the existing house, and as the solarium would be transparent, it would not create new building massing that would block the view of surrounding greenery.

The Board expressed appreciation of the detail and comprehensiveness of the drawings and plans, to which Mr. Cummings noted that it was architect Norman Dandridge who did all of the work in that regard.

The Chair opened up discussion to the Board, none of whom had any comment regarding this proposal. The Chair moved to allow members of the public to comment; no members of the public attended the meeting and no comments had been submitted prior to the hearing.

The Chair thanked the petitioner’s team again, noting again the high quality of the design. Chair then commented that the only condition she would be interested in proposing is that should the owner want to change the enclosure from glass to a solid structure, they would need to go before the Board for approval. At this, Town Staff noted that since this house is located in a Historic District, any modifications to the structure would also need to go before the Historic Commission for approval.

Chair then closed the public portion of the hearing, and noted that no other comments had been submitted. Chair reiterated that this petition is for a Special Permit Finding, and proposed that approval be conditioned on the prospective structure remain a glass structure. Member Ferris voiced agreement with this condition.

Member Ferris motioned to approve the application for a Special Permit Finding. Motion seconded by Member Heep. Motion passed by roll call vote, 4 – 0, with members Heep, Donato, Ferris, and Chair SantucciRozzi voting in favor. Approved with conditions.

Item #5: 94 Bromfield St.

The Chair called on the applicant for 94 Bromfield St. Member Ferris read the legal notice:

"Lawrence and Janet Kessenich, owners 94 Bromfield St., requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with Watertown Zoning Ordinance for relief from Ordinance §4.06(a) to construct a dormer within a nonconforming rear setback. Located in the "S-6" Single Family Zoning District. ZBA-2020-09"

Chair turned over discussion to Lawrence and Janet Kessenich, owners 94 Bromfield St., to present their case. They explain the purpose of their intended renovations are to make their home safer for them as they age. The proposal includes adding a dormer to increase the useable space upstairs, which would allow the installation of a bathroom on the second floor so they would no longer need to go downstairs at night. They also noted that the design plan is such that the overall design of the house would not change, and the proposal would stay in step with the Cape-style homes.

Chair thanks the applicants for their time, and opens up discussion of the proposal to the Board.

Member Ferris made a comment about the dormer and how it attaches to the main structure of the house. Member Ferris asked the applicants if the new siding that would be on the dormer would match the existing siding. The owners noted that the existing siding of the house is actually cement-painted shingles, and that they hope to match but are unsure about the availability of these shingles. Member Ferris asked when those shingles had been installed, as they aren't very common in this area. Owners state they had been installed in the last ten years or so; Member Ferris commented that if that is the case, they shouldn't have an issue finding matching material.

Member Heep asked if the roofing material on the dormer would be the same as the material on the rest of the house. Owners deferred this question to their contractor. Proposed plans show rubber material used as roofing, Town Staff made a note that with a 3/12 pitch for the proposed roof, which is very shallow, it would be difficult to use the standard asphalt roofing that is found on the rest of the house.

Chair commented that the dormer not being pinched in more on the sides is concerning, and asked if it was possible to steepen the pitch of the roof so that non-rubber material could be used. Contractor replied that the current roof pitch is as steep as possible given the height requirements on the inside of the structure.

Mr. Kessenich stated that he originally did not like the look of the proposed design, and did want the dormer more pinched in from the sides of the existing roof, however doing so would make it difficult to put furniture on the inside of the house. The Board Members agreed that ideally the sides of the dormer would be pushed in more from the side-roof line.

Chair reiterated that the dormer shouldn't run the full width of the back of the house, noting that the pitch of the roof is a complicating feature. Staff commented that with similar cases in the past, the Board and Staff worked with the applicants to find a compromise, as pinching in the dormer to the desired area would require reworking the layout of the internal area of the house. Contractor stated that he has worked on similar projects in the past where such compromises were necessary.

Member Ferris noted that the applicants' home is in a unique situation; it's a small lot, and the lot fronts on a street and a park. Member Ferris suggests a solution that would allow the outside of the dormer to

be pinched in, but keep the interior space useable. Member Ferris also proposed a potential solution to solve the pitch issue, and taken together the two proposals would pinch the dormer in, steepen the pitch of the roof, and retain usable space inside the house. Chair asked the applicants if they found Member Ferris' proposal agreeable, if so, the Board could vote to approve the proposal with the condition that the plans be amended to meet the Board's condition that the dormer be pinched in and the roof pitch be steepened. Owners agreed, saying that they felt comfortable with the conditions so long as their contractor thought the proposed changes were viable.

Chair opened up discussion to the public, however no members of the public were in attendance. No comments regarding this proposal were submitted.

Chair closed the public discussion, and asked the contractor if he was comfortable making the alterations to the applicants' proposal as discussed by the Board. After the contractor confirmed, the Chair reviewed the conditions the Board created for the proposal, and stated that new plans showing the discussed revisions would need to be submitted prior to issuance of a formal decision.

Member Ferris motioned to approve the proposal. Motion seconded by Member Heep. Motion passed by roll call vote, 4 – 0, with Members Ferris, Heep, Donato, and Chair SantucciRozzi voting in favor. Approved with conditions.

Item #6: 55 Phillips St.

Chair calls on the applicant for 55 Phillips St. Member Ferris read the legal notice:

*Ronald Goode II, owner 55 Phillips St., requests the Zoning Board of Appeals grant a **Special Permit** in accordance with Watertown Zoning Ordinance §5.01 to convert a single family dwelling to a two-family dwelling. Located in the "SC" Single Family Conversion Zoning District. ZBA-2020-10*

Ron Goode began presenting his proposal to the Board, and noted that as a resident of Watertown he designed his proposal with the aim of minimizing the impact on the surrounding community while adding value to the neighborhood.

Mr. Goode continued by describing the scope of the project, including the general style of the proposed addition. He showed a series of historical pictures depicting farmhouse style homes in Watertown. He outlined the dimensional features of his lot, noting the larger-than-average size of the lot and that his proposal does not maximize the potential setback available to homeowners in the SC district. Mr. Goode reiterated that it is not his intention to impose on his neighbors, and that he felt the design he proposed reflects that.

Chair requested that the petitioner show a photograph of the lot, and to further describe the shared lot line between his property and a neighboring property. Mr. Goode then outlined his plan to rearrange the driveway and off-street parking to allow better access to the proposed addition. This would involve creating a new driveway on the left side of the lot, and lengthening the existing driveway on the right side, so that it would provide access to the proposed rear unit.

The applicant showed various angles of the proposed structure, and showed on the landscape plan that there is a tree in the rear yard that would provide screening for the rear abutter, and additional landscaping that would provide additional screening.

The Chair commented that it appears the proposed addition would be well screened from the street. Chair also noted that the surrounding neighborhood has some general inconsistencies that would make this proposal more agreeable.

The applicant and the Board discussed a few cursory features of the proposal, as well as the existing house, including; whether or not the siding on the proposed house would match the existing house, or if it they would complement each other; certain windows the applicant would like to change to match the proposed house; and color of the existing and proposed house.

Chair opened up discussion to the Board for questions and comments. Member Donato questioned the material that would be used for the proposed walkway along the right-side driveway, which the applicant identified has permeable paver stones. Mr. Goode also noted that the driveway and the walkway would be clearly differentiated.

Member Donato also questioned whether or not the proposed fence along the back-left side of the property would match the existing fence that runs along the property boundaries. The applicant stated that his intention was to replace the existing fence to match the newer fence, as the proposed fence would be upgraded and more aesthetically pleasing. Member Donato also drew attention to the right side (north elevation) view on the plans, and suggested that a window be added to break up the façade, as the current view is continuous and fairly imposing. Mr. Goode noted that one of the only suitable locations for a window would not be in alignment with the first-floor window, and that the window would be in a closet.

Member Ferris followed up on Member Donato's suggestion for an added window on the right side, and the Board deliberated on how best to fit another window in. Member Ferris also raised some concerns about the front-facing windows on the rear unit, noting that they would be looking directly into the front unit, creating a potential privacy concern. Member Ferris made a few suggestions about the design and placement of windows on both the top and bottom floors of the proposed units.

Member Ferris then asked questions about how the new fence demarcating the two units would interact with the surrounding properties. Mr. Goode gave specifics about the type of fence that would be installed, as well as measures he plans to take to renovate the existing fence. He rebuffed the Board's suggestion of a lower, picket fence separating the two units, citing privacy concerns for the courtyard of the first unit.

Chair returned discussion to the landscaping and driveways in the front of the property.

The Board questioned various features of the proposed driveway adjustments; notably, how the applicant plans to deal with landscaping on the right-side driveway, and whether or not the proposed left-side driveway would meet the dimensional requirements set forth by the Zoning Ordinance.

The Chair was concerned that the driveway on the right side appears to be too narrow, with landscaping, to allow easy entry/exit into a vehicle. Chair feels as though this would ultimately lead to the walkway area being used as parking. Otherwise, the Chair likes the proposed landscaping. Staff noted that the landscaping would need to be well trimmed to remain compliant with Zoning Ordinances regulating sight lines for driveways.

The Board and the applicant had an extensive discussion about the left-side driveway. The Chair stated that in her estimation, there would not be enough room between the side of the driveway and the side lot line to allow for the 4' landscaped buffer required by the Zoning Ordinance. A further complication

for the driveway on this side is that an easement had previously been granted to the abutters on the left side (61-63 Phillips St.), allowing for a driveway to access the rear unit on that property. The lot line for 55 Phillips St. actually falls on the existing driveway for 61A Phillips St.

The applicant disagreed with the Chair's assessment of the space available on the left side, and stated he had no intention of infringing on the driveway at 61A Phillips St., or otherwise impeding the existing easement. The Chair reiterated her concerns about the dimensional constraints for putting a driveway so close to the abutting lot, and stated that the only apparent avenue for the creation of a driveway here would be to take up part of the neighbor's driveway that is a part of the 55 Phillips St. lot. Additional concerns were raised by the Board regarding the landscaping plan on this side, which was deemed to be incomplete and did not accurately reflect the space available. Mr. Goode contested this determination, but the Board felt that too many questions remained unresolved for this application to be approved.

Chair SantucciRozzi suggested the case be continued, citing the Board's concerns about the windows for the proposed addition; landscaping plans along the existing and proposed driveways; and fencing separating the two units on the lot, as well as the fencing separating the existing properties. Board Members agreed, felt that they needed more information before making a determination.

Chair opened up discussion to the public before going any further.

Multiple questions and comments had been submitted by the public, and were entered into the discussion by Town Staff. Most of the questions had been deliberated already, but reinforced some of the Board's concerns. A question regarding the number of parking spaces on the lot was submitted, the Board felt this had been adequately addressed in their discussion.

A neighbor from 58 Phillips St., Paul Moreton, joined the conversation, and stated that the neighborhood is decidedly not in favor of this proposal. He relayed multiple conversations between himself and the surrounding neighbors, their chief concerns being: lack of adequate parking for another unit on this property; added congestion in the neighborhood; and general density concerns, given that the large apartment building at 130 Arsenal St. already felt like an intrusion to their neighborhood. Mr. Moreton further added that some of the elderly neighbors living in surrounding properties were uncomfortable raising their concerns, stating that they did not feel like they could "go against" Town Hall. Chair SantucciRozzi questioned if Mr. Moreton was representing the property owners in the neighborhood, Mr. Moreton responded that yes, he told the owners of 60-62 Phillips St., 61-63 Phillips St., that he would attend the meeting and voice their opposition to this project.

The Chair addressed these concerns, specifically about the neighbors feeling like Town Hall is imposing its will against them, by saying that the Board and the Town Government always welcome input from the community regarding development projects. She stated that it is the goal of the Board and the Town Administration to work with the community, and that if members of the public are uncomfortable speaking in public, there are multiple avenues for participation in the deliberations regarding development projects via written comments, letters, etc.

Another neighbor, Lauren Boudreau, joined the conversation and raised a question about the parking density of the proposed driveways. Ms. Boudreau noted that Phillips St. is very narrow, and that parking along the street would quickly become an issue. She stated her wish would be to limit the amount of parking to 2 cars per unit, and reiterated previously raised concerns about the driveway to 61A Phillips St., and noted that there have been street parking issues in the past. Chair asked her for clarification, does she want to see more or less parking on the 55 Phillips St. lot? Ms. Boudreau replied that she

would like to see a maximum 4 total spaces allotted to 55 Phillips St. She also corroborated Mr. Moreton's statements regarding the neighbors' feelings about this project.

Chair recognized a letter submitted from Diane LaMagia, 61A Phillips St., and John Niccoloro, 42 Irving St.; in opposition to the project, specifically the proposed additional unit. Chair noted that the specifics of their concerns were consistent with the Board's reservations about the project.

The Chair recapped the various issues the Board had with the proposal, and the changes the applicant will need to make before the Board votes on this application, including: replacing the front windows and re-doing the exterior of the existing house, Board wants these changes reflected on the revised plans; pavers on the left and right-side driveway, Board wants clarification and confirmation of the dimensions of the driveways and the separation of the driveway and the walkways; landscaping plan showing compliance with Zoning Ordinances; windows on the back structure; front door on the front structure; clarification of the fencing to be added to separate the two units; and improving the entry on the back unit.

Chair closed deliberations on this case, the Board continued this application to the September hearing.

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