



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
Neeraj Chander, Alternate
Jason D. Cohen, Alternate

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MINUTES

On Wednesday evening, September 27, 2017 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*. *Absent*: John G. Gannon, *Member*; Neeraj Chander, *Alternate Member*; Jason Cohen, *Alternate*. Also Present: Mike Mena, *Zoning Enforcement Officer*; Gideon Schreiber, *Senior Planner*; Louise Civetti, Clerk to the Board.

Chair SantucciRozzi opened the meeting at 7:10 p.m.; reviewed the agenda; introduced the board and staff noting the four members present creates a quorum; however, all four votes in the affirmative are required - a petitioner can request a continuance when their case is called. She swore in the audience then asked if the minutes were read and for a motion on the minutes.

Member Ferris motioned to approve the minutes of June 28, 2017. Member Heep seconded. Voted 4-0, approved.

Member Ferris read the legal notice for the first case:

"Joanne Donovan & Peter Pokorski, **42 Grenville 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 Structures, Front and Side Yard Setback, so as to convert existing side porch into livable space, maintaining non-conforming front and side yard setbacks at 20.3' and 14', where 25' and 15' respectively, are required. S-10, Single Family Zoning District. ZBA-2017-12"

Joanne Donovan and Peter Pokorski introduced themselves and explained the petition is to take a portion of their first floor porch to convert it to a bathroom without going outside of the current footprint of the house.

Member Ferris stated that the project looks nicely done and requested the bathroom vent be east-facing on the roof instead of venting in the front. He noted the trim around the windows in addition to the flat stock is recommended to be added to the new two windows.

Chair SantucciRozzi reviewed the Planning Board report, noting they recommended approval with 'boiler-plate' conditions. She made note of Member Ferris's suggestion regarding the venting and the windows and added it as condition number 6.

Mike Mena, Zoning Enforcement Officer, asked about the vent on the roof. Member Ferris clarified that he was referring to the sloped roof portion of the roof and it should be on the side, not the front. Mr.

Schreiber asked if he is referring to the fan vent or the stack as they cannot condition the stack. Mr. Pokorski stated the stack would be tied into the main stack and not a separate stack as there is a bathroom directly above this location.

Member Ferris motioned to approve the Special Permit Finding for the enclosure of the existing porch with non-conforming setbacks. Member Heep seconded. Voted 4-0, with Members Ferris, Heep, SantucciRozzi and Donato voting.

Member Ferris read the legal notice of the next case:

"65 Grove Street - Cresset Grove LLC, 120 Water Street, Boston, MA 02109, herein requests the Zoning Board of Appeals grant an Amendment to Special Permit #ZBA-2014-27, in accordance with Watertown Zoning Ordinance §5.05(d), Reduce Side Yard without Residence; so as to construct a covered loading dock, 9.4'x9.4' within the existing 17.4' side yard setback; thereby also reducing the number of shadow parking spaces from 51 to 46. I-2 (Industrial) Zoning District. ZBA-2017-13"

William York, Attorney for the petitioner, stated they were in front of this board to convert the old Ionics building, which they have done very nicely. When they renovated the building, they removed a loading dock on the same location. However, due to the tenants going into the building, they are looking to install/construct a 9'x9' covered loading bay which would allow direct access to the building. The relief is encroaching 9' into the setback which is allowed by special permit.

Ed Nardi, Cresset Development, stated they removed the loading dock for remediation of soil which was part of the AUL for a clean site and they had to install sub-surface drainage "back there". It was not part of the initial plan as they had potential tenants that were interested in the entire building and the elevators were in question. They left the shaft in place and are now putting the freight elevator back in; however, it is not complete without the loading dock.

Member Donato asked how long has it been since the work was completed and they have been looking for tenants. Mr. Nardi stated that Bosch Labs is occupying part of the space and is next to the freight elevator. They will be taking in car, HVAC and tool components that they build and manufacture and test for noise and vibration. They also have a biotech company, Lindrap as a tenant on the third floor who will also use the freight elevator.

Member Donato asked if there is an easement for the property next door. Mr. Nardi said there is an agreement with the City of Cambridge to use the property as it has been traditionally used as a parking area for Ionics. The Director of Water for Cambridge has been in contact with them for a couple of years about an agreement to use that property. The City of Cambridge asked for a survey of their land to attach to their agreement, which they delivered to Cambridge it has not been returned, as yet.

Member Donato specifically asked about condition number 8 on the Planning Board report asking about a parking conversion if deemed necessary. Without (a land use) agreement in place, it doesn't seem feasible. Mr. Nardi said the City of Cambridge was deciding on the agreement and it would be either license agreement or longer term. Sam Corde of the Cambridge Water Department was coordinating that effort. They have provided the survey and the text to attach to the agreement.

Member Donato said they have more than enough parking now but this would allow more flexibility. Attorney York said the parking on the site exceeds the requirement from Zoning and the shadow parking shown on this plan is in excess. Chair SantucciRozzi said this was part of their original plan and what they are looking at now is just the area around the proposed loading dock. Mr. Schreiber said they modified the condition to state that it would be reviewed by CDCP and with the approval of the City of Cambridge, as well, if it ever changed from shadow parking. They had requested the asphalt be removed and convert it to cinder so it would be pervious and they did that as part of the redevelopment. Historically, it had been used as parking for over 50 years. Mr. Nardi said the City of Cambridge was out at the site several times to check in on the aqueduct.

Member Donato asked if the final agreement would be forwarded to staff. Mr. Schreiber said if it were ever to be converted from shadow parking to real parking, they would want the property owner to sign off, as well.

Member Ferris asked when deliveries will take place and how will a truck get in there. Mr. Nardi showed how on the monitor. Member Ferris clarified that trucks would turn in the area marked, 'dedicated to fire/emergency'.

Member Ferris asked if there is a type of vehicle. Mr. Nardi said the largest tractor-trailers cannot fit but the average truck can and the tenants are aware of that.

Member Donato asked what the hours of delivery will be as they will be coming through the residential area. Mr. Schreiber said there had been a substantial amount of work done on changing the plans as all of the traffic from this site would come through the residential neighborhood in the past. He added that there was substantial mitigation added so vehicles could not speed through the residential neighborhood. This area was designated for trucks and the other entrance was for the regular deliver route (UPS, etc.). He added that the expectation would be not to have night time deliveries.

Chair SantucciRozzi asked if there were conditions in place that they do not see that would satisfy Member Donato's concerns.

No one spoke from the audience. Chair SantucciRozzi stated the Planning Board unanimously recommended approval with conditions, mostly boiler-plate, except the parking one. She assumes the neighborhood is happy as there isn't anyone here.

Mr. Mena said there was no previous condition regarding hours of delivery. Chair SantucciRozzi said she assumes this will be 9-5 operations – not three shifts. Mr. Nardi said first class office and labs which they are 30% occupied now. Chair suggested restricting the hours of delivery from 7pm – 6 or 7 am. Mr. Nardi said they do not expect heavy loading and they want to be as flexible as possible until full occupancy. Mr. Schreiber said the condition should state that it is from the Crawford Street entrance.

Chair SantucciRozzi asked if they can live with 7 pm – 7am with only large trucks coming in from Crawford Street. Mr. Nardi said they will live with it and if not, they will come back to the board for an adjustment. Attorney York clarified that they would come back under 'Other Business' not a full request. Chair SantucciRozzi clarified that if they want all day, 3 shifts, that would not be possible.

Dennis J. Duff, 33 Spruce Street, wants to remind the board that there is an issue with Sterrit Lumber where they have a delivery time set but the truck arrives earlier and waits. Chair SantucciRozzi said they will address that issue by stating there will be no idling in the neighborhood even though it is a state law.

Chair SantucciRozzi reviewed that condition #9 will be revised for the Crawford Street side delivery times. This is a request for Special Permit for the side yard setbacks on the proposed dock and the reduction for shadow parking spaces.

Member Ferris motioned to approved the request for amendment to Special Permit for the construction of a loading dock as noted and with conditions as discussed. Member Heep seconded. Voted 4-0 with Members Ferris, Heep, SantucciRozzi and Donato voting in the affirmative.

Chair SantucciRozzi announced the last item on the agenda for **101-103 Morse Street** has requested that his application be withdrawn.

Member Ferris motioned to allow the request for withdrawal. Member Heep seconded. Voted 4-0. Members Ferris, Heep, SantucciRozzi and Donato voting in the affirmative.

Member Heep motioned to Adjourn. Member Donato seconded. Voted 4-0 to adjourn at 7:40 p.m.