



TOWN OF WATERTOWN

Zoning Board of Appeals

Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

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MINUTES

On Wednesday evening, April 22, 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*; Michael Brangwynne, *Alternate Member*; Francis Goyes Flor, *Alternate Member*. Also, Present Steve Magoon, Director of Community Development and Planning, Mike Mena, *Zoning Enforcement Officer*; Gideon Schreiber, *Senior Planner*; and Amy E. Kwesell, *Town Attorney*.

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 requested a "roll call" from the members in attendance, including Members Ferris, Donato, Heep, Brangwynne, Flor, and Chair, who were all present.

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 Director of Community Development and Planning to announce why the meeting was being provided virtually rather than live, and how the town is working with pending applications and future projects/applications. The Director also announced that the application for 148 Waltham Street would not be open for public comment, and would consist only of a recommendation for a vote of "safe harbor."

The Board went on to approve the minutes from the February 26, 2020 meeting, noting that Member Ferris would be recused as he was not present for the meeting in question. A motion to approve the minutes was made by Member Heep and seconded by Member Flor. The motion passed with a roll call vote of 5-0, with Members Heep, Flor, Donato, Brangwynne, and Chair SantucciRozzi voting in favor.

The Chair also announced that the case for 52-54 Channing Road would not be heard, and would be continued to the May 27, 2020 hearing. Member Ferris motioned for the continuance and was seconded by Member Flor. The motion passed with a roll call vote of 6-0, with Members Ferris, Flor, Donato, Heep, Brangwynne, and Chair SantucciRozzi. Note: all 6 Members of the Board, including 2 alternate Members, voted when only 5 were necessary.

The Chair also announced that the case for 99-101 Lexington Street requested for withdrawal and requested a motion to allow for the withdrawal of the application. Member Ferris motioned to allow the withdrawal and was seconded by Member Donato. The motion passed with a roll call vote of 6-0, with Members Ferris, Donato, Heep, Brangwynne, Flor, and Chair SantucciRozzi voting in favor. Note: all 6 Members of the Board, including 2 alternate Members, voted when only 5 were necessary.

Lastly, the Chair announced that the case for 18-20 Clyde Road requested for withdrawal and requested a motion to allow for the withdrawal of the application. The Chair recused herself from this matter as she missed testimony in this matter. Member Ferris motioned to allow the withdrawal and was seconded by Member Donato. The motion passed with a roll call vote of 5-0, with Members Ferris, Donato, Heep, Brangwynne, and Flor voting in favor.

Item #1: 148 Waltham Street

The Chair announced the case and informed the Board and public that Member Ferris would recuse himself from the item due to a conflict, and that the merits of the case would not be heard at this meeting. The Chair read the legal notice:

“Todd Nordblom, Nordblom Development Company, Inc., requests the Zoning Board of Appeals grant a Comprehensive Permit in accordance with Massachusetts General Law, Chapter 40B, §20-23, for demolition of the existing former Sterritt Lumber buildings to construct a 253 unit residential building with first floor ground parking . Located in the PSCD-3 (Pleasant Street Corridor District) Zoning District. ZBA-2020-06”

The Chair requested a motion from the Board regarding the recommended “safe harbor” determination by Town staff.

Member Donato motioned that, “the Town of Watertown (“Town”) has achieved one of the statutory minima standards set forth under G.L. c.40B, §§20-23 and 760 CMR 56.03(3) because the Town’s Subsidized Housing Inventory (“SHI”), as maintained by the Department of Housing and Community Development (“DHCD”), on the date that the Application for a comprehensive permit was received from Nordblom Development Company, Inc. for the property located at 148 Waltham Street, comprises more than 1.5% of the Town’s total land area zoned for residential, commercial and industrial use pursuant to G.L. c. 40B, §20. The Board elects to proceed with the full local hearing, with the Board having the right to deny the Application or to grant the Application with conditions, and with a finding that the Board’s denial or grant of the Application would be consistent with local needs, and with the Applicant having no right of appeal to the Housing Appeals Committee from the Board’s decision. The Board authorizes the Chair to finalize, execute and send written notice to the Applicant, with a copy to DHCD, to invoke the 1.5% GLAM statutory minima within 15 days of the opening of the April 22, 2020 public hearing on the Application.”

Member Heep seconded the motion. The motion passed with a roll call vote of 5-0, with Members Donato, Heep, Brangwynne, Flor, and Chair SantucciRozzi voting in favor.

Member Donato made a second motion to continue review of the application to the July 22, 2020 Zoning Board meeting. Member Brangwynne seconded the motion. The motion passed with a roll call vote of 5-0, with Members Donato, Heep, Brangwynne, Flor, and Chair SantucciRozzi voting in favor.

Item #2: 85 and 101 Walnut Street

Chair SantucciRozzi announced the item, stating this was a continued hearing and that Member Heep missed testimony in December and therefore would not be participating. Both alternate Members Flor and Brangwynne would be participating in the deliberations on this item. The Chair reminded the Board and the public that these cases are two separate petitions being heard simultaneously as they are inextricably related to one another.

The applicant (Westbrook Properties) and the applicant's team led by Matt Price of Westbrook Properties and John Sullivan of SGA opened by describing the proposed project and scope of work, refreshing the Board from the last meeting. The applicant's team presented the proposed project; the modified parking provided (removed spaces for landscape and shadow parking) and the parking garage, site layout, storm water treatment and improvements, transportation impact analysis and summary, landscaping, proposed park, garage screening, architecture elements and features, and roof equipment and screening.

Chair SantucciRozzi asked the applicant to give a brief overview of the traffic studies conducted to assess impact on surrounding area and existing traffic flow before moving on. The traffic consultant for the applicant detailed the traffic flow of the site and expected impact before the Chair opened discussion back up to the Board.

The Chair opened up discussion for the Board. Member Donato inquired into the details of the proposed green panels meant to screen the site from nearby residential homes, noting there is a gap in screening in one area and requested details of the full height of the greenery and the length of time required for the vegetation to reach that height. The applicant's landscape architect addressed these concerns and noted that it would take approximately 6-7 years for the vegetation to reach full height. Member Donato also expressed concerns about after business hours lighting for the site as it relates to the safety of the public using the pathways related to the site, to which Mr. Sullivan explained they had provided lighting for these concerns while adhering to light pollution concerns from the neighbors. A member of the public had expressed concerns about light pollution; Mr. Price stated that the lighting would be reduced to security levels at the close of business hours, DCDP staff asked for clarification on the proposed business hours to which the applicant explained that this would be undetermined until a tenant is found. Member Ferris suggested that if light pollution became an issue, an internal treatment could be applied to the building's windows to reduce the light. The Chair proposed a condition mandating lighting be reduced to security levels at close of business hours.

Member Donato asked for clarification about how the applicant intends to implement sound attenuation features to audially screen the HVAC system that will be on the roof of the building. Mr. Sullivan outlined a plan for housing that would encase the HVAC systems and provide a shield for neighbors both audially and visually. The Chair expressed concerns about the height of the screening on top of the proposed building adding to the spatial impact of the building, as the height of the screen would be in excess of ¼ the total height of the building. Mr. Sullivan reiterated the intent is to screen surrounding neighbors and the public from HVAC and other ventilation machinery on the rooftop.

Member Ferris questioned several elements of the project, allowing the applicants team to address a number of concerns from the Board including; replacing any single-width garage screen panels shown on the plans with double-width garage screen panels, limiting site building lighting after dark, height of

roof equipment and noise generation, shared fences and vegetative screening along the Birch Street properties, shadow parking, and height of the garage. Member Ferris asked for clarification on the proposed parking garage structure, indicating that the plans were unclear as to what the fully realized height of the garage would be, taking into account the solar collection structures and potential addition of another parking level.

Board Members Flor and Brangwynne echoed Member Ferris' concerns about the proposed parking garage for the site. Member Flor requested a rendering of the garage at its potential full usage, which the applicant was unable to provide. The garage shown on the plan only reflected a four (4) level parking garage (ground level partially below grade), where the applicant is proposing to allow up to a five (5) level garage, in the case the end user (tenant) requires more parking. The applicant referred to the unrepresented parking level for the garage as "shadow parking", a description which was corrected by DCDP staff as being inaccurate to the definition of "shadow parking". The Board was concerned that plans were not provided that clearly show what a five level garage would look like and proposed a condition that should the upper level be necessary, that the top level of the garage be brought back before the Board for final review of the screening and renderings. Member Ferris stated that he expects that should another level be added to the garage, the green screening will be adjusted accordingly.

Other conditions proposed by the Board included: requiring double-width vegetative screens for the garage as represented by the wider of the two vegetative screen sizes shown on the plans, that measures be in place if complaints are filed with the town due to noise from roof top equipment, reduce building lighting at the close of regular business hours, open up the surface shadow parking before looking at adding a garage level, and install a fence at the rear of the abutting Birch Street properties.

A comment from the public inquired about whether or not the park would be public, to which the applicant responded that they would own the land and maintain the park and record public easements over that portion of the property for public use. Other comments asked about a more direct pedestrian connection to Arsenal Street, requested traffic improvements on Lincoln Street, the extent of other traffic improvements and analyzed intersections (i.e., School and Mt. Auburn). Other comments and question mirrored the Boards' comments and question related to vegetative screening, trees, lighting, and shadow parking vs. garage parking. The Chair noted that a letter was sent to the Planning Board from a member of the Conservation Commission. Residents on Spruce Street noting construction noise and other comments on roof equipment sent correspondence to staff. Additionally a letter from Gamble and Associates noting the project is consistent with the towns adopted design guidelines.

The Board found that the proposed site changes to 101 Walnut Street and the redevelopment of the 85 Walnut Street, with conditions noted, would be in keeping with the Findings prescribed in Section 9.05b, Special Permit, in that: (1) the specific site is an appropriate location for such use, structure or condition, (2) the use, as developed, will not adversely affect the neighborhood, (3) there will be no nuisance or serious hazard to vehicles or pedestrians, and (4) adequate and appropriate facilities will be provided ... Additionally, the Board found that the proposed would be consistent with the criteria set forth in Section 9.03c, Site Plan Review.

Member Ferris motioned to approve the proposed application at 101 Walnut Street and Member Donato seconded. The motion passed with roll call vote of 5-0, with Members Ferris, Donato, Flor, Brangwynne, and Chair SantucciRozzi voting in favor. Approved with conditions.

Member Ferris motioned to approve the proposed application at 85 Walnut Street and Member Donato seconded. The motion passed with roll call vote of 5-0, with Members Ferris, Donato, Flor, Brangwynne, and Chair SantucciRozzi voting in favor. Approved with conditions.

Item #3: 215-217 Orchard Street

The Chair called on the applicant for 215-217 Orchard Street. Member Ferris read the legal notice:

"215-217 Orchard Street - Sardar Jajan, 217 Orchard Street, Watertown, MA 02472 requests the Zoning Board of Appeals grant a Special Permit Finding, in accordance with Watertown Zoning Ordinance, §4.06(a) Alterations to Non-Conforming Setback, Rear Setback, to construct a one-story addition, decreasing the rear yard setback from 12.4' to 7.5', where 20' is required. Located in the T (Two-Family) Zoning District. ZBA-2020-04"

The applicant explained the proposed project and requested the Board approve his addition. The Board reviewed the plan as described by the applicant and questioned the applicant on his proposal. Member Donato asked if the applicant would ensure the windows on the proposed addition would match the rest of the house, the applicant confirmed that would be the case. Member Ferris asked if the applicant would be re-siding to match the existing materials on the primary building. The applicant confirmed that the addition would match and that he would be re-siding the entire dwelling with matching materials. Member Brangwynne pointed out that the trees along the rear lot line would screen the addition from neighbors. Chair SantucciRozzi commented that though this proposed addition is modest, any work of this nature needs to be permitted by the Town prior to construction. No persons from the public requested testimony on this item.

Based on plans and commitment of the owner to match windows and siding of the addition to the primary building, the Board found that the proposed one story addition would not "be substantially more detrimental than the existing non-conforming use, structure or building to the neighborhood."

Member Ferris motioned to approve the request based on the Finding herein and Member Heep seconded. The motion passed with a 5-0 vote, with Members Ferris, Heep, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Approved with conditions.

Item #4: 18-20 Porter Street

The Chair noted that Members Brangwynne and Ferris would not participate on this item. The Chair also noted that the Board had previously requested a revised plan for better consistency between plans and to better show how the space would be used.

The applicant presented the changes to the plans from the last meeting and the Board went on to deliberate and review the new plans presented by the applicant. The applicant's revised site plan incorporated: a detailed plot plan showing the required buffers for the proposed driveway extension, reduced parking for only three (3) vehicles at the rear to address concerns about turning radius in the driveway, landscaping, fencing, stormwater drainage and driveway material. The Chair addressed a public concern about fencing and proposed a condition limiting fencing on property and requiring a 6' fence to screen the vehicles parked on site.

The Board discussed the comments from the three (3) members of the public and one written comment. The concerns from the public included loss of green space, trees, the height of the perimeter fence.

Based on the revised plans with additional conditions specifically addressing maintenance of existing mature trees, location and installation of a partial perimeter fence, and limiting the number of parked vehicle in the rear yard, the Board found that the proposed driveway extension would not “be substantially more detrimental than the existing non-conforming use, structure or building to the neighborhood.”

Member Heep motioned to approve the request based on the Finding herein and Member Donato seconded. The motion passed with roll call vote of 4-0, with Members Heep, Donato, Flor, and Chair SantucciRozzi voting in favor. Approved with conditions.

Item #5: 735 Mt. Auburn Road.

The Chair announced the next item and noted the time. The Chair asked the applicant’s representative if he and his client would like to continue the item in full to the next meeting or provide a brief a presentation. The applicant agreed to continue the project to the next meeting to be held on May 27, 2020 and stated item would be first on the agenda.

Member Heep motioned to continue the item. Member Donato seconded. The motion passed with a roll call vote of 6-0, with Members Ferris, Heep, Donato, Brangwynne, Flor and Chair SantucciRozzi voting in favor. Note: all 6 Members of the Board, including the 2 alternate Members, voted when only 5 were necessary.

Motion to adjourn made by Member Heep, passed 6-0 by roll call vote with Members Ferris, Heep, Donato, Brangwynne, Flor, and Chair SantucciRozzi voting in favor to adjourn.