



CITY OF WATERTOWN
ZONING BOARD OF APPEALS
WATERTOWN ADMINISTRATION BUILDING
149 MAIN STREET
WATERTOWN, MASSACHUSETTS 02472

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MINUTES

On Wednesday evening, December 15th, 2021, the Zoning Board of Appeals held a public hearing at 7 p.m. Pursuant to Chapter 20 of the Acts of 2021, the meeting and public hearing were conducted in a 'hybrid' format with options for public participation both in-person and via remote means, in accordance with applicable law.

In attendance: Melissa SantucciRozzi, *Chairperson*; David Ferris, *Clerk*; Kelly Donato, *Member*; Michael Brangwynne, *Alternate Member*; also present: Gideon Schreiber, *Sr. Planner*; Larry Field, *Sr. Planner*.

Chair SantucciRozzi opened the meeting and introduced the Board Members and staff in attendance, noting for the petitioners that as one Member of the Board is absent, a petition must receive a unanimous vote from the four Members present in order to obtain an approval. The Chair then briefly outlined the agenda for the meeting and staff explained the different methods of participation for the public.

Item #1: 42 Oliver St.

Chair SantucciRozzi introduced the first item to be heard, a petition for a Special Permit Finding at 42 Oliver St. and Member Ferris read the legal notice.

Joanna Reck, architect for the applicant, presented the petition to the Board. She introduced the petitioner, Chris Ives, and described scope of the project. The project would change the front face of the dormer to a gable end, raise the roof peak by roughly 3' (three feet), and add dormers to create more headspace in the existing stairwell and half-story. The Petitioner also provided a general overview of the aesthetic design of the project; noting that the design attempts to integrate the new roofline and dormers to make them appear as original elements of the house and that they intend to match the new siding to the existing materials.

Member Brangwynne asked how the third-floor space would be used; Ms. Reck explained that the intent is for it to become a master bedroom/suite.

Member Ferris asked the petitioner to explain the intent for the space underneath the proposed skylights; petitioner responded that this space is just for storage. Member Ferris expressed appreciation for the new roofline design but raised concerns about the outline of the new dormers being proposed. He noted that other homes in this area do not have similar shaped dormers and that the style of shed dormer does not feel appropriate for the age of the house. Member Ferris suggested hip dormers with shallow pitched roofs be used instead of the proposed shed dormers, noting that the sides of the house are quite visible from the street, and this change would be more in keeping with the change to the main

roofline. Staff noted that the dormer would still need to adhere to the minimum 3-12 pitch outlined by the ordinance, but the Petitioner agreed to explore the possibility of changing the shape of the dormer.

Member Donato directed attention to page A-2 of the plans and questioned whether there is a way to add a window to the right side of the house, so as to break up some of the massing and create symmetry for the house. Petitioner indicated they would be amenable to adding windows wherever possible.

Chair SantucciRozzi noted the roofline is a bit shallow and the window placement is awkward in a few areas, but otherwise she did not have any questions for the petitioner. The petitioner commented that they worked hard to adhere to the half-story calculations but that this can complicate the design of the house.

The Chair opened the public portion of the hearing; however, no public testimony was offered at the hearing. The Chair then acknowledged four different letters of support that had been submitted to staff from surrounding neighbors: Rev. Dr. Clarence Butler of 40 Oliver St.; Sharon Bauer of 62 Pearl St.; Vicki Lee Boyajian of 45 Oliver St.; Deb Neiman of 6 Oliver St. The Chair then closed the public hearing for this petition.

The Board and the Petitioner discussed options of how best to proceed considering the suggestions made by the Board Members. The Petitioner agreed to reexamine the design of the dormers and return to the Board in January.

Chair SantucciRozzi acknowledged the request for a continuance and asked the Board for a motion. Member Brangwynne motioned to continue this petition to the January 26th meeting of the Board; motion was seconded by Member Donato and passed by roll call vote, 4-0-0, with Members Ferris, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Petition continued to January.

Item #2: 115 Waverly Ave.

The Chair introduced the next item on the agenda, a petition regarding a public housing complex located at 115 Waverly Ave. (a.k.a McSherry Gardens). Member Ferris read the legal notice.

David Pollak, principal for Abacus Architects representing the petitioners, introduced the project team: Anthony DiGiovanni, representing the Watertown Housing Authority; Julia Patten Project Manager (participating via Zoom); Michelle Kayzerman, civil engineer (participating via Zoom). Mr. Pollak provided a brief history of the housing complex, noting that it is primarily a facility that services elderly residents, and pointed out that in its roughly 60 (sixty) year history, it has not had any significant renovations or additions.

Mr. Pollak cited requirements laid out in 521 CMR that limit the amount of investment that can be made on properties before triggering full accessibility code compliance as one of the primary reasons the petitioner is seeking relief from the Board. Mr. Pollak also noted that the ADA (Americans with Disabilities Act) requires that programs and services be accessible; and as of now, the community room and laundry facilities are not. Mr. Pollak then provided an overview of the project, noting certain aspects, such as the addition of access ramps, that would improve access to the site. The Petitioner acknowledged that Variances have a high bar to clear to gain approval, but they believe this is a strong case for one.

Chair SantucciRozzi thanked the Petitioners and opened discussion to the Board Members.

Member Donato had no questions but expressed strong support for this petition, stating that improving accessibility and affordability to Watertown's housing stock are a high priority and that this project is doing a good job of working within such a tight site.

Member Ferris and Member Brangwynne echoed Member Donato's comments, both stating strong support for the project.

Chair SantucciRozzi reiterated the importance of improving and expanding Watertown's affordable housing stock and thanked the Petitioners for putting together a strong proposal. The Chair questioned where the funding for this project had been obtained; petitioner explained that the Housing Authority had received a grant from the Department of Housing and Community Development (DHCD) in the amount of \$1.85 million for accessibility improvements, which were used in addition to other grants and Housing Authority funds.

The Chair then opened the public hearing portion of the meeting, however, the public offered no comment during the meeting and no written comments from the public were received by staff. The Board reviewed the scope of relief being sought and the proposed conditions recommended by the Planning Board and Staff. Member Ferris motioned to approve the petition with conditions, motion was seconded by Member Donato. The Board approved this petition with conditions 4-0-0, with Members Ferris, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Petition was approved with conditions.

Item #3: 133 School St.

Chair SantucciRozzi introduced the next item on the agenda, a continued petition for a Special Permit Finding to add a staircase to an existing third floor, which would result in a substantial increase to the Floor Area Ratio (FAR) for the site. As this was a continued petition, the legal notice had already been acknowledged in a public hearing.

Jacqueline Sharon, petitioner, described the revisions that were made to the petition to incorporate comments made by the Board and neighbors at the previous meeting. Ms. Sharon briefly outlined the revised plot plan; noting that corrections were made to inaccuracies on the original plan and that the proposed trash area had been removed from front of the house. She also detailed the driveway on the right side of the house, providing justification for continuing non-conforming aspects of this area by saying that the pavement there doubles in use as a walkway to reach the basement door. Additionally, they have proposed two cut-outs of the concrete in the rear that would have landscaping to screen and break-up the mass of paved surface on the site. Further, they propose to lower the fence adjacent to a neighbor's garden area so as to mitigate the sun-shading effect of the fence. Finally, the Petitioner indicated that they opened discussion with the contractors performing the work on the site to address concerns about water leaking into the basement, as well as the apparent structural issues with the front porch.

The Petitioner concluded their presentation and the Chair opened up discussion to the Board.

Member Brangwynne questioned whether the Applicant had discussed the revised fence height with the neighbor who had raised concerns about the lack of sunlight getting to her garden. Ms. Sharon stated that while there had not been a follow-up conversation about this issue, they did revise the plans to show the shortened fence. Member Brangwynne then questioned if the retaining wall would be kept in

place; Petitioner indicated that both retaining walls on the property would remain. Lastly, Member Brangwynne asked the Petitioner to confirm that no changes were made to the interior layout plans; Petitioner confirmed.

Member Ferris thanked the Petitioner for their presentation and for attempting to address the Board's concerns. He then drew attention to the driveway on the left side of the house – can the Board assume that the three parking spots shown here are all 8' (eight feet) wide? Petitioner confirmed. Member Ferris then asked what would prevent them from installing a landscaped buffer between the 8' parking space and the property line. Petitioner responded that they hoped to keep the cars as far away as possible from the house. The Board and the Petitioner discussed possible configurations for this area, so as to potentially include a landscaped buffer as well as the parking spaces. The Petitioner explained their rationale for not further augmenting this area; arguing that the landscaping improvements they have already incorporated restrict the parking area and do a good job of screening the area, and that further landscaping here would worsen the drainage situation on this side of the property.

Member Ferris returned discussion to the front porch area and addressed the Petitioner's comment that the unevenness of the front porch is due to a difference in height between the columns on either side of the porch. He expressed skepticism that a column-height difference is the cause of the slope and offered another explanation: the foundation under the front porch is "settling." This being the case, Member Ferris indicated that he would not be willing to vote to approve this project unless structural issues such as this are addressed. Lastly, he noted the parking plan on the right side of the house is somewhat ambiguous with regard to how many cars will/should be parked there and this is a concern for the Board.

Member Donato reiterated the Board's position regarding the landscaping and the parking areas, saying that with so much of this site being paved, reducing the impervious surface along with the redevelopment would be more desirable. Additionally, Member Donato echoed Member Ferris' comments about the parking plan on the right side of the house; this area could easily become overparked, and the Applicant has an opportunity to mitigate that concern and reduce the amount of pavement by adding landscaping in this area. The Petitioner responded that they cannot do this because this area of the lot slopes significantly towards the neighboring property.

Chair SantucciRozzi commented that the ambiguous parking area noted by Members Ferris and Donato is not something that this Board would approve and that the slope is not a valid reason for keeping the pavement as such, because it could be graded down during the development process. The Chair then questioned the Petitioner over the apparent lack of buffer space for the parking area on the North side of the house, noting that it is not dimensioned and does not appear to have the required buffer space from the front lot line. After discussion with Staff and the Petitioner, the Chair commented that it seems that in the attempt to address other concerns raised by the Board, the Petitioner has created non-compliant conditions in this parking area.

Chair SantucciRozzi stated that the number of issues identified by the Board indicates that the Petitioner is attempting to do too much with this lot. Staff commented that often in cases where a site is pre-existing non-conforming, the City has few options to bring the property into compliance outside of conditioning an approval from the Board of Appeals. Staff intimated that this petition presents such an opportunity, and as the scope of relief being sought only involves the creation of a staircase to the attic, an approval with conditions could substantially improve a site that would otherwise remain non-compliant. The Chair acknowledged this but indicated that given the errors and omissions on the plans and the state of this property more generally, an approval would be difficult to justify.

The Board, Staff, and the Petitioner engaged in a discussion about the various issues raised by the Board Members; the implications of not approving the petition; and the implications of this project more generally. Member Ferris noted that should this petition be denied, the Petitioner would not be able to re-apply for the same relief for two years. He went on to outline a path for the Petitioner, in which they could withdraw and re-work the proposed plans so as to address the Board's concerns and substantially improve the site before re-applying to the Board for relief.

The Petitioner requested to withdraw this petition without prejudice. Member Ferris questioned Staff to confirm the difference between a withdrawal and a continuance. Staff explained the distinction, the Petitioner confirmed their intent to withdraw the petition. Member Brangwynne motioned to accept the Petitioner's request to withdraw without prejudice; motion seconded by Member Ferris. Motion to allow the withdrawal of this petition without prejudice passed 4-0-0, with Members Ferris, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Petition was withdrawn without prejudice.

Item #4: Administrative

Chair SantucciRozzi requested a motion on the Minutes from the November 17th meeting. Member Ferris motioned to approve this set of minutes; motion seconded by Member Donato. Motion to approve the Minutes from the November meeting was passed by a vote of 4-0-0, with Members Donato, Ferris, Heep, Brangwynne, and Chair SantucciRozzi voting in favor.

Motion to adjourn made by Member Ferris, seconded by Member Donato. Motion to adjourn passed, 4-0-0, with Members Ferris, Brangwynne, Donato and Chair SantucciRozzi voting in favor. Meeting was adjourned.