



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

Melissa M. SantucciRozzi, Chairperson
David Ferris, Clerk
Christopher H. Heep, Member
Kelly Donato, Member
Michael E. Brangwynne, Alternate

Telephone (617) 972-6427
Facsimile (617) 926-7778
www.watertown-ma.gov

MINUTES

On Wednesday evening, November 17th, 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*; Christopher Heep, *Member*; Kelly Donato, *Member*; Michael Brangwynne, *Alternate Member*; also present: Gideon Schreiber, *Sr. Planner*; Larry Field, *Sr. Planner*; Joshua Manion, *Zoning Division Clerk*.

Chair SantucciRozzi opened the meeting and introduced the Board Members in attendance. There was a slight delay in proceedings as there were technical difficulties with the online webinar and the physical audio equipment; staff attempted to mitigate these issues while technical staff resolved the problems. The Chair then briefly outlined the agenda for the meeting and explained the different methods of participation for the public.

Item #1: Administrative

The Chair also noted that the petition regarding 115 Waverly Ave. would be continued to the December hearing and re-noticed to accurately identify the relief being sought.

Chair SantucciRozzi requested a motion on the Minutes from the October 27th meeting. Member Heep motioned to approve, seconded by Member Donato. Motion to approve the Minutes from the September meeting was passed by roll call vote, 5-0-0, with Members Donato, Ferris, Heep, Brangwynne, and Chair SantucciRozzi voting in favor.

Item #2: 133 School St.

Chair SantucciRozzi introduced the first item to be heard, a petition for a Special Permit Finding at 133 School St., and Member Ferris read the legal notice.

The Petitioner, Jacqueline Sharon, began their presentation by describing the relief being sought and the general scope of the project. She noted that there is a significant 'by-right' component of this project, for which building permits have already been obtained; the details of this by-right component were covered briefly. The Petitioner walked through the existing and proposed elevations for the house, showing the only exterior change as two skylights on the roof on the right side of the house. Ms. Sharon

made the case that as the relief being sought is a Floor Area Ratio (FAR) increase, but the added FAR comes only from the addition of an interior stairway leading from the second floor to the attic, the petition would have no substantial impact on the neighboring properties.

The Chair thanked the petitioner for their presentation and opened proceedings to the Board for questions and comments. Staff was still attempting to mitigate the technical issues

Member Donato questioned if the petitioners intended to include any augmented landscaping for the property in the course of the renovation project. The petitioner noted that the plans in front of the Board show only a portion of the project that requires zoning relief, but there is landscaping that is being implemented along with the by-right portion of the project.

Member Ferris noted that the two plot plans labeled 'existing' and 'proposed' are identical except for the half-story, height, and FAR calculations. Further, Member Ferris pointed out that the actual existing conditions on the site are not as shown on either plot plan – a retaining wall currently exists where the petitioners show a driveway/paved area on the south side of the house. Petitioner explains that the 'existing' plot plan before the Board demonstrates what the conditions of the site will be after completion of the by-right building permit. Staff offered qualifying comments: there are two active building permits for this site, one for the driveway addition to the right side of the house, another for the interior renovations and associated site improvements.

Member Ferris questioned the parking plan on the north side of the house, specifically whether whole area would be paved as an extension of the driveway, or if the width of the pavement would be narrowed down so it does not span from the lot line to the foundation of the house. Ms. Sharon indicated they do not want to narrow the pavement down. Member Ferris then questioned if the basement window wells are shown on the plans, petitioner explained they are not shown on these plans, but are on the building permit plans.

Additionally, Member Ferris noted that the proposed plans show an asphalt or paved area in the front of the house that is designated for the trash area, but on the arial photographs there is landscaping existing – he questioned the intention to remove landscaping and add this trash receptacle area to the front of the house. Petitioner stated they will install a small fence around the area to screen it, though this fence is not demonstrated on the plans. Member Ferris indicated that he is not comfortable with the proposal to remove landscaping and add more pavement to a site that already has a significant paved area. He asked the petitioner to confirm the materials being used on the outside of the house and the front porch area in particular. Ms. Sharon commented that they would be open to making improvements to the exterior or front porch. Lastly, Member Ferris noted concern about the design of the egress skylight; Ms. Sharon explained that they will ensure the skylight is compliant with all fire and building code requirements.

Before ending his questioning, Member Ferris commented that the more he reviews these plans, the more discrepancies he has identified between the plans and the existing conditions of the property.

Member Heep had the same question for the petitioner with regard to the skylights compliance with applicable building and fire codes. Staff confirmed that the Building Commissioner has reviewed and approved the skylight proposal as being up to code. Member Heep then questioned how the proposed FAR of .9 compares to what would typically be allowed by Special Permit. Staff explained that the FAR requirement was instituted after this house was originally built, so it is pre-existing non-conforming, but normally the maximum allowable FAR by Special Permit is .625. Member Heep commented that its odd to him that a loophole exists for houses that are already over the .625 FAR mark to significantly increase

the FAR. The Petitioner commented that in their view, there is a desire in the Town to preserve neighborhoods in their historical condition where possible, and that many other houses in this area already have an interior staircase connecting the second floor to the attic space; therefore, this proposal is in keeping with the fabric of the neighborhood.

Member Brangwynne had no questions beyond what the other Board Members already addressed.

Chair SantucciRozzi asked the petitioner to confirm the number of existing and proposed bedrooms; petitioner noted there are four existing bedrooms, two for each unit, and eight proposed bedrooms, four for each unit. The Chair then followed up on Member Ferris' question regarding the pavement width, asking why they want to keep pavement running up to the foundation of the house. Ms. Sharon explained that given the slope of the site and existing paved space, water comes in at the side of the house where no concrete runs to the foundation. Where concrete meets the foundation, no water trickles through, so they want to keep the paved space as a leak-prevention measure for the basement.

Chair SantucciRozzi commented that the paved trash area in front of the site is not desirable, and that in general it looks as though two cars could be parked side-by-side due to the width of the paved driveway area. The Chair also noted that this project as a whole represents a significant intensification of use for the site, despite the relief being requested is limited to the addition of an attic stairwell.

The Chair then engaged the Petitioner in discussion over the discrepancies and apparent edits to the plot plans before them. Petitioner confirmed that they added notes and details to the plot plans after issuance, but with no intention of misrepresenting the site. Petitioner also confirmed that there are inaccuracies on the plan. Chair SantucciRozzi reiterated that this project is in her estimation a substantial intensification of use on the site, and that the plot plan should not have any post-issuance notes and should accurately depict the site as proposed.

Staff addressed clarifying questions from the Board, explaining that some elements shown on the existing plot plan are 'existing' in the sense that they have been permitted by the Building office, but have not yet been built. The Petitioner addressed the concern about water infiltrating the basement by describing the French drain and sump-pump systems that will be added to mitigate this concern. Member Ferris commented that water could be potentially coming up through the ground as well, and expressed concern that the mitigation measures proposed would not be sufficient to protect the basement.

With no further questions from the Board, Chair SantucciRozzi opened discussion to the public. Staff noted a written comment from an abutter to this site, Melissa Manoogian of 137 School St., that indicated general support for the proposal but is concerned about the installation of a fence alongside the driveway that would block out sunlight from her garden space. Ms. Manoogian was able to join the meeting remotely and detailed her comment further - the space she identifies in the written comment is the only place on her property that faces south, is concerned that no other place will support garden. She is worried that 6' fence would be too high and block out the sun from her garden, and is just requesting this fence be lowered or otherwise altered to allow sunlight through. No further comments were submitted from the public, and the Chair closed the public hearing portion of the meeting.

As the Board moved into the next phase of the meeting, Member Heep commented that he feels that the numerous issues with the plans should be corrected prior to the Board making any determination on this petition. Petitioner asked if this meant the plot plans or architectural plans; Member Heep clarified that the site plans have multiple issues that should be addressed.

Member Heep indicated that while the Board does have conceptual issues with the plan as proposed, he may be persuaded to vote to approve this petition if the plans and project more generally represent a high-quality project – but noted that he is only speaking for himself in this regard. Members Donato and Brangwynne echoed Member Heep’s statements, and Member Ferris reiterated the concerns he previously raised and noted that these would need to be addressed if the project is to proceed.

Petitioner asked the Board for a short recess so that their team could confer about the best way to proceed with their petition; noting that the Board seems to have conceptual issues with the project, so they are unsure if correcting the plans would help their case in that regard. Upon their return, the Petitioner agreed that a continuance to the December hearing would be best, and requested the Board grant a continuance.

Chair SantucciRozzi acknowledged the request for a continuance and asked the Board for a motion. Member Heep motioned to continue this petition to the December 15th meeting of the Board; motion was seconded by Member Ferris and passed by roll call vote, 5-0-0, with Members Heep, Ferris, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Petition continued to December.

Item #3: 110 Galen St.

Chair SantucciRozzi introduced the next item on the agenda, a request for an amendment to a Special Permit (ZBA-68-908; ZBA-97-07) for the addition of a 765 square foot service bay. Chair SantucciRozzi asked staff to confirm the request by the petitioner to withdraw without prejudice the petition to amend Special Permits regarding 110 Galen St. Staff confirmed, the petitioner submitted a written request to withdraw the petition. Member Ferris motioned to accept the withdrawal of this petition without prejudice; motion was seconded by Member Heep. Motion was passed 5-0-0, with Members Heep, Ferris, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Petition was withdrawn without prejudice.

Motion to adjourn made by Member Heep, seconded by Member Brangwynne. Motion to adjourn passed, 5-0-0, with Members Heep, Ferris, Brangwynne, Donato and Chair SantucciRozzi voting in favor. Meeting was adjourned.