



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
Kelly Donato, Member
Michael E. Brangwynne, Alternate

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

MINUTES

On Wednesday evening, October 27th, 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 noted the Board Members in attendance. The Chair then briefly outlined the agenda for the meeting and Gideon Schreiber explained the different methods of participation for the public.

Item #1: Administrative

Chair SantucciRozzi requested a motion on the Minutes from the September meeting. Member Ferris 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 Ferris, Donato, Heep, Brangwynne, and Chair SantucciRozzi voting in favor.

Item #2: 186 Common St.

Chair SantucciRozzi introduced the first item to be heard, a petition for a Special Permit Finding at 186 Common St., and Member Ferris read the legal notice.

Evan Nabel, owner of 186 Common St., presented his petition to the Board and described the scope of the project. Mr. Nabel explained that he is seeking to add a small mudroom to the back of the existing house, within a pre-existing non-conforming side yard setback. This addition would provide a connecting buffer area between the backyard/deck and their kitchen. Further, Mr. Nabel explained that the locus of the mudroom as requested is important, as positioning the addition further into the property would pose internal dimensional issues with the layout of their house. He noted the hip roof design and height of the addition, saying that these decisions were deliberately taken to keep the design of the house cohesive and minimize the addition's impact on their neighbors.

The Chair thanked the petitioner for his presentation and opened the Board deliberations.

Member Brangwynne asked the petitioner to confirm that the materials used for the addition will match with the existing house; Mr. Nabel confirmed he intends to match materials.

Members Heep and Donato had no questions for the petitioner. Member Ferris noted the similarities between the proposed addition and the existing house and expressed appreciation for the design.

Chair SantucciRozzi commented that this proposal seems appropriate for the site and noted the petitioner had attempted to kick the addition in, where feasible. She questioned the applicant on whether or not they intend on grading the backyard in the future; Mr. Nabel stated that is their long-term goal, however they are not sure when that project will be undertaken. The Chair then asked if the sliding door on the addition would lead onto the rear deck; Mr. Nabel confirmed.

The Chair opened discussion to the public, however, no public comments were made or submitted to staff.

Chair SantucciRozzi reviewed the staff report for this petition which recommended conditional approval and noted that the Planning Board elected not to submit a recommendation. The Chair then noted the proposed conditions outlined in the staff report and requested that Member Brangwynne's suggested condition regarding the matching of exterior materials be added.

Member Ferris motioned to approve this petition with conditions as discussed and as outlined in the staff report, to be verified by staff. Member Heep seconded this motion. Motion to approve was passed, 5-0-0, with Members Ferris, Brangwynne, Donato, Heep, and Chair SantucciRozzi voting in favor. Petition was approved with conditions.

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. Member Ferris read the legal notice before the petitioner began his presentation.

Peter Bemis, agent for the petitioner, began presenting the proposal to the Board by briefly detailing the history of the site, noting the existing addition to the east side of the building as well as the previous approvals associated with the property. He then outlined the proposed site improvements that would be included with the construction of the new addition, including new stormwater management plans; added raingardens; and new stormwater recharge sites.

Mr. Bemis went on to describe the existing parking situation for the property and how the proposal would narrow the curb cut on Water St., and then reviewed the proposed elevations for the building. Chair SantucciRozzi thanked Mr. Bemis for his proposal and opened deliberations for the Board.

Member Donato asked the petitioner if they are currently performing extended duration repairs on site, or just short-term repairs. Mr. Bemis responded that they currently perform minor repairs and servicing in the existing 'active' bay (oil changes, quick repairs, etc.), and would not be able to perform work that would extend throughout a whole workday without the proposed bay. As such, they would potentially have to seek another location in order to expand their services.

Member Ferris questioned several aspects of the proposal. First, he requested the petitioner confirm that an existing guard rail would remain where it is and whether the existing retaining wall would remain; Mr. Bemis confirmed that both elements would remain and that the guard rail would be painted

in conjunction with the project. Member Ferris commented that his chief concern with this proposal is that the stucco treatment being proposed for the new service bay would not hold up to the rigors of an automobile service shop. He also pointed out that the stucco treatment differs from the rest of the structure, which is painted brick. Member Ferris acknowledged that the stucco material would assist in insulating the building through the winters but suggested that if the petitioner go forward with this treatment, they should install some sort of protective measures to protect the longevity of the material. Mr. Bemis noted that he is not the architect for the project and was not privy to the decision-making process with respect to the cladding materials, but he trusts that this issue was raised in the design process.

Member Heep had no questions for the petitioner but commented that he appreciates the improvements to the stormwater management system and landscaping. Member Brangwynne echoed the comments made by Members Ferris and Heep and raised no further questions.

Chair SantucciRozzi raised a number of questions concerning the site's history and zoning status, given that this petition is to amend an existing Special Permit for the site. First, the Chair noted that the previous Special Permit was for the parcel at 110 Galen St. only; but this proposal includes the parcel located to the rear of 110 Galen St. in determining the zoning table calculations. Mr. Bemis replied that he was under the impression it was all one lot, as they are under common ownership. The Chair then questioned the setbacks shown on the plans, as they show a setback of 50.8 feet from the rear of the addition back to the side lot line of the parcel located at 123 Water St. Chair SantucciRozzi commented that it is not clear how the petitioner has calculated these setbacks and that if they intend to use the parcel at 123 Water St. to demonstrate zoning compliance, these parcels should be formally combined.

Further, the Chair disagreed with the determination that the setback from the rear of the addition towards the parcel at 123 Water St. is the 'side' setback, as this appears to be the rear of the property despite the fact that 110 Galen St. is a corner lot. Staff explained that a determination was made previously that 110 Galen St. is a corner lot with two fronts and two sides for the purpose of determining setbacks: so in effect, the parcel at 123 Water St. would be the 'side yard', assuming these parcels were appropriately combined.

Chair SantucciRozzi returned discussion to the previous Special Permit, noting that the site does not appear compliant with some of the conditions of that permit. Mr. Bemis agreed with that statement and explained that this was a motivating factor in redesigning the stormwater management system and landscaping plan. The Chair asked where the snow storage for the site is; Mr. Bemis explained that the snow storage on site is limited and would eventually need to be removed; but that the Department of Public Works (DPW) determined that the plan is compliant with regulations.

Chair SantucciRozzi then engaged the petitioner in discussion over the 'Class 2' license associated with this property and what the implications of that license are with respect to the operations and parking plan for this site. The Chair sought to confirm that the proposed plans do not conflict with any requirements set by a Class 2 license, or any plans filed with the Licensing Board. Staff confirmed that a Class 2 license is held by the property owner, however, this license would need to be updated and the expectation was that this process would be completed after a decision was rendered by the Board of Appeals. Neither staff nor the petitioner could confirm the number of parking spaces that are required by a Class 2 license. The Chair asked if the Class 2 license covered both 110 Galen St. and 123 Water St.; the petitioner was not sure.

Chair SantucciRozzi reiterated the importance of being sure that this site is compliant with both the Class 2 license and the previous Special Permits issued by the Zoning Board. Furthermore, the Chair

underlined the point that this petition represents an intensification of operations on the site; adding bays will add patrons, which will require more parking, and it is not clear how the business plans to deal with additional materials storage and parking that this would entail. Mr. Bemis stated that while he appreciates these concerns, he is anxious to get an approval so they can implement the stormwater management provisions ahead of the coming winter. Mr. Bemis suggested that some of the concerns raised by the Board could be addressed in the conditions of an approval – the Chair responded that there are too many unknown variables for her to feel comfortable moving forward.

The Board had no further comments or questions for the petitioner, so Chair SantucciRozzi opened up discussion to the public. No public comments were submitted to staff or raised at the hearing.

The public hearing portion was closed, and the Board resumed deliberations to determine how best to proceed. Member Ferris asked the Chair about the viability of conditioning the site to address the concerns raised in the hearing. Chair SantucciRozzi indicated that some things, such as snow storage and removal, could be conditioned, however some of the concerns related to vehicle storage and the Class 2 license were too serious to sidestep. The Chair stated that she'd want to see Class 2 storage of vehicles prohibited if the Board were to vote on the petition as-is. Member Heep commented that he's not sure the Board has enough information to proceed with the petition as-is, he'd like to see these issues resolved before voting. Member Ferris concurred with Member Heep. Chair SantucciRozzi summarized the concerns raised during the hearing before asking the Board for a motion on this petition.

Member Heep motioned to continue this petition to the November 17th meeting. Motion was seconded by Member Brangwynne. Motion was passed 5-0-0, with Members Heep, Brangwynne, Ferris, Donato, and Chair SantucciRozzi voting in favor. Petition was continued to the November 17th Board of Appeals meeting.

Item #4: 23-25 Molloy St.

Chair SantucciRozzi asked staff to confirm the request by the petitioner to withdraw without prejudice the Variance petition regarding 23-25 Molloy St. Staff confirmed, the petitioner submitted a written request to withdraw the petition. Member Heep motioned to accept the withdrawal of this petition without prejudice; motion was seconded by Member Ferris. 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 Brangwynne, seconded by Member Heep. Motion to adjourn passed, 5-0-0, with Members Ferris, Brangwynne, Heep, Donato and Chair SantucciRozzi voting in favor. Meeting was adjourned.