



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

Melissa M. SantucciRozzi, Chair  
David Ferris, Clerk  
Christopher H. Heep, Member  
Kelly Donato, Member  
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**MINUTES**

On Wednesday evening, January 26<sup>th</sup>, 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*; Tony Mancini, *Zoning Enforcement Officer*; Josh Manion, *Zoning Clerk*.

Chair SantucciRozzi opened the meeting by briefly outlining the agenda and then introduced the Board Members and staff in attendance, noting the appointment of Tony Mancini to the Zoning Enforcement Officer position. City staff then for the meeting and staff explained the different methods of participation for the public.

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**Item #1: Administrative Business:**

Member Ferris motioned to approve the December 2021 meeting minutes; motion to approve seconded by Member Donato. Motion to adopt the minutes was approved by roll-call vote, 5-0-0, with Members Ferris, Donato, Heep, Brangwynne, and Chair SantucciRozzi voting in favor. December 2021 meeting minutes were adopted.

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**Item #2: 93 California St.**

Chair SantucciRozzi introduced the first item to be heard, a petition for a Variance and a Special Permit Finding at 93 California St., and Member Ferris read the legal notice.

Chris Zevitas, owner of the property, introduced himself and provided a background of this project's history to the Board. Mr. Zevitas explained that they had previously sought and received approval for the proposed addition but allowed the permit to lapse due to scheduling difficulties with work and family life. He noted that no significant changes to the site have occurred since the original approval, save for minor improvements to the landscaping and drainage system.

Deb Pierce, architect for the petitioner, presented the details of the proposal to the Board, noting the locus of the site and its zoning designation within the Open Space Conservancy (OSC) district. Ms. Pierce provided context for the site with pictures of the entry and exit to the parking area, the surrounding traffic conditions, and landscaping conditions that make entry/exit to the parking area difficult. She then showed the existing building floor plan and noted that the basement and attic spaces do not meet the

qualifications for livable space, before describing the proposed floor plans and elevations. Finally, Ms. Pierce identified the scope of relief being requested, noting that both a Variance for front yard parking and a Special Permit Finding for the expansion of the existing house. Ms. Pierce pointed out that if the dimensional requirements for this district were strictly observed, this house could only occupy 10 square feet of the lot. Ms. Pierce went on to note that the project would result in a net reduction in impervious coverage and argued that given the limited configuration options available due to the topography and shape of the lot this petition meets all the conditions for a variance.

The petitioners finished their presentation and the Chair opened up discussion to the Board. Member Donato inquired about the petitioners' plans for the exterior of the new addition – would the entire house be re-sided, or would the addition be made to match existing siding? Petitioners stated they plan on re-siding the whole front of the house and would consider re-siding the whole house if necessary. Member Donato thanked them for their consideration and reiterated the Board's preference for uniformity in the aesthetic design of projects.

Member Donato then questioned staff about the status of the existing parking situation. Staff indicated that the current parking situation is compliant with the ordinance but not formalized. Removing the garage and replacing it with an addition as proposed would create a non-conforming parking area and necessitate a variance. Chair SantucciRozzi confirmed that removing the garage would create the need for a variance for the existing parking; and the Petitioner explained that due to the conditions of the house and lot, parking would always have to be in that area and they cannot currently meet the required 5' front setback for cars parked in front of an attached garage. Member Donato acknowledged these arguments but expressed concern about the Board setting a precedent for front yard parking, given that these conditions always existed as such. The Petitioners addressed this concern by explaining that there is no room for a parking area on the other side of the lot and it would be impeding on the parkland to the east. Further, the street curve to the east would make for an extremely dangerous entry and exit from the lot onto California St.

Member Donato noted that their proposal in 2013 would have seen the garage remain and create living space above it – wouldn't keeping the garage alleviate the need for a parking variance? Staff pointed out that they may not have space to comply with the parking setback requirement (totaling 23' in total) for cars parked in front of an attached garage and would still need the variance. Petitioner added that doing this would eliminate much of the added living space that is motivating this request. Member Donato commented that she wanted to understand all the possible options available to the Board.

Member Ferris questioned what type of exterior cladding is currently on the house; Petitioner confirmed that it is wood shingle. Member Ferris then questioned the intentions for the proposed attic space; he noted that roughly two-thirds of the attic space appears to have a clear height of over 7' and that in the previous approval there was habitable space in the basement and that this seems to have been moved up to the attic. Staff stated the proposal was the same for the original approval and noted that Floor Area Ratio is not regulated in the OSC, as housing was not envisioned for this area. Member Ferris asked the Petitioners what the attic space would be used for; Petitioners stated it is mostly knee-wall space that meets the half-story requirements and they plan on using it for storage and possibly for a children's playroom. Member Ferris expressed hesitation over this aspect of the proposal, pointing out that this space represents the largest volume of new space in the project. Lastly, Member Ferris echoed Member Donato's concern about the parking area and asked if the curb cut would need to be modified, noting that a 12' curb cut may be difficult to work with for two cars. Petitioner and staff indicated that the curb cut would remain as is, but this concern would be looked at.

Member Heep commented that he remembers this proposal and while he shares the concern about the parking area, the uniqueness of this lot is striking given its shape, topography, the abutting properties, and its locus in the OSC.

Member Brangwynne questioned the rationale for not relocating the parking area to the opposite side of the house; Petitioners responded that this area is further into the wetlands buffer and paving this area would be increasing the non-conformance and impact on the wetlands area. Further, the internal layout of the house makes the existing parking area make more sense. Petitioner went on to explain that they looked into the parking question extensively, but moving the parking area presented prohibitive barriers (shape of the lot would require a smaller parking area on the opposite side and increase its negative impact; Petitioner would need to secure DCR approval to move the curb cut and cross over park area). Member Brangwynne commented that this is the first request for a parking variance he has seen that makes a strong case and went on to echo Member Heep's assessment of the uniqueness of the lot.

Chair SantucciRozzi commented that she considers the unique context of this lot to be a legitimate hardship. The Chair then asked why the building coverage calculation is increasing; Petitioner responded that this is due to the addition of a storage shed. She then questioned the rationale for using permeable pavers for the driveway and the Petitioner indicated their intent was to reduce impervious coverage as much as possible to minimize impact on the OSC and wetlands area. Chair SantucciRozzi expressed concern about this aspect of the project, noting the difficulties of maintaining a driveway area with pervious pavers and that permeable pavement doesn't work well in her experience. Staff asked the petitioner to confirm the exact material being used, which the Petitioner confirmed as being permeable pavers. Staff noted that the petitioner would need to comply with the stormwater review from the Department of Public Works (DPW). Petitioner commented that one of the reasons they are moving ahead with pervious pavers was due to a recommendation from the Conservation Commission and that the project would result in a net reduction of impervious coverage by 7%. The Chair commented that she is generally supportive of this petition and while the Board's concerns about front yard parking are well taken, the singularly unique character of this lot supports the rationale for a variance.

Member Ferris questioned why the curb cut could not be expanded to accommodate two cars parking alongside one another more easily. Staff noted that this would be subject to DPW review and that opening the curb cut to the right would further encroach on the front yard, opening it to the left would encroach on the 4' buffer area required by the Ordinance.

The Board finished its deliberations and Chair SantucciRozzi opened up the public hearing for comments. No public comments were offered nor submitted in writing.

The Chair reviewed the suggested conditions put forward by the Staff Report and noted the addition of two further conditions – that the curb cut be expanded, if practicable, in accordance with Zoning and DPW requirements; and that the additions and modifications to the house should have compatible exterior cladding with the existing house.

Member Ferris motioned to approve this petition, with conditions. Motion was seconded by Member Heep and passed by roll call vote, 5-0-0, with Members Ferris, Heep, Donato, Brangwynne, and Chair SantucciRozzi voting in favor. Petition for a Variance and Special Permit Finding were approved with conditions.

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**Item #3: 42 Oliver St.**

Chair SantucciRozzi opened the next item on the agenda, a continued petition for a Special Permit Finding for the property at 42 Oliver St. Architect for the Petitioner, Joanna Reck, presented to the Board; she detailed the revisions in the plans which addressed the concerns raised by the Board at the previous meeting.

Member Ferris thanked the applicants for their cooperation and noted that the project looks much better with the revisions which sufficiently address the massing and aesthetic concerns raised by the Board Members. Member Donato echoed these comments.

No further comment was offered by the Board. The Chair opened up the public hearing for comments, but no comments were submitted.

Chair SantucciRozzi then reviewed the staff report and outlined the proposed conditions before asking for a motion from the Board. Member Ferris motioned to approve this petition with conditions; motion was seconded by Member Donato. Motion passed by roll-call vote, 5-0-0, with Members Ferris, Donato, Heep, Brangwynne, and Chair SantucciRozzi voting in favor. Petition for a Special Permit Finding was approved with conditions.

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