

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

Melissa M. SantucciRozzi, Chairperson
David Ferris, Clerk
Christopher Heep, Member
Michael Brangwynne, Member
Gregory Girard, Alternate Member

MINUTES

On Wednesday evening, July 27, 2022, 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 to the Board*; Michael Brangwynne, *Member*, Gregory Girard, *Alternate Member*. Also present: Gideon Schreiber, *Assistant Director of Planning*; Larry Field, *Sr. Planner*; Joshua Manion, *Code Enforcement Officer*, Antonio Mancini, *Zoning Enforcement Officer* and Sameena Pirani, *Clerk*.

Chairperson SantucciRozzi opened the meeting. She noted the Board Members in attendance, bringing to attention the changes in staff and introducing the new staff. Since a four-member Board was present, she announced that if the petitioners wished to request a continuance to participate with a Full Board, they could do so at the time the case was called.

The Chairperson outlined the agenda for the meeting and briefly explained the different methods of participation for the public. She also announced that the order of the cases had been reversed, taking 104 Spruce Street first.

Item #1: Administrative

Chairperson SantucciRozzi requested a motion to approve the Minutes from the meeting on April 27, 2022, and June 22, 2022. She added that some corrections had been made earlier to the Minutes. The Motion was made by Member Ferris and seconded by Member Girard. The motion was passed 4-0-0, with all voting in favor.

Item #2: 104 Spruce Street.

Chair SantucciRozzi introduced the first item to be heard, a petition for a Special Permit Finding at 104 Spruce St., and Member Ferris read the legal notice.

"104 Spruce St. -Jean Hammond and Michael Krasner-Special Permit Finding – § 4.06 (a) for relief from 5.00 (c) and 5.05 (j) to allow the expansion of a dormer having ridge and eave heights greater than allowed. T (two family) Zoning District. ZBA 2022-06."

Attorney Stephen Winnick, attending remotely, introduced the case stating that the changes proposed were “minor” and limited to the dormer located in the rear. He introduced the Project Architect Sara Gardner. He also introduced Michael Krasner, owner of 104 Spruce St., who would explain the relevant history of the house and their goals for remodeling.

Petitioner Krasner informed the Board that the house had been purchased in 1973. It was not well-cared for at that time and over the years significant improvements had been made to it for which they have been frequently complimented by neighbors and others driving by. The proposed renovation was designed to improve the interior living space. All changes would be done with a goal to maintain the classic Victorian look of the house. Additionally, most visible changes were limited to the rear and would not be seen from the front.

In response to Chairperson SantucciRozzi’s query about it being a two-family or a single-family house, Petitioner Krasner responded that at the time of purchase the house had been listed as a two-family. However, in the late 1980s the owners were notified that it was legally a single family, not a two-family house. Staff confirmed that the house had formerly been assessed as a two-family but was currently listed as a single-family home.

Attorney Winnick stated that while he wanted to leave explanation of the design elements to Architect Sara Gardner, he would like to reiterate that the changes made to the height were relatively insignificant and scarcely visible from any street. The house, approximately 4000 sq. ft., was one of the largest single-family homes in Watertown. It was situated on an oversized lot of 14,400 square feet, nearly three times the minimum lot size permitted for new construction of a single-family home or conversion to a two-family. It had large rear yard setbacks, making changes in the rear not noticeable. Attorney Winnick admitted that the house structure was legally non-conforming for height, however, no changes to this height condition were proposed. What was being changed was a small change to one of the four dormers located in the rear. He believed that it would be a change of less than 2 inches, leaving it to Architect Sara Gardner to confirm the exact dimensions.

Relevant to the application of the SPF, Architect Gardner confirmed and reiterated much of what had been explained by Attorney Winnick. She explained that the project would be a small -scale remodeling of the East (Rear Yard) dormer.

Architect Gardner detailed the proposed changes and their impact on the current layout. The half story would be completely renovated. The dormer would change from a Hip dormer to a Gable dormer which was the reason for the additional height. Architect Gardener made a correction that the eave height difference was precisely 1 ft 8 inches and not 2 inches as Attorney Winnick had previously mentioned. The Gable dormer would allow the direct passage between the two rear rooms in the house, from north to south and vice versa. This would also increase light to the renovated attic half story. Most importantly, the Gable dormer would allow increase in the current deck door height, from its current height of 5 ft 5 inches to a standard height of 6ft 8 inches, thus increasing the usability of the deck. The Gable dormer would also allow more accessibility to the “widows walk.” Architect Gardner emphasized that the ridge height would not be changed, just the eave height would change to raise the ceiling height within that space and for the door.

The Chair opened the meeting to questions and comments from the Board. In response to Member Brangwynne’s question regarding the roof deck, Architect Gardner clarified that no dimensional/height

changes were being made to the top roof deck-only new materials. The dimensions were complying and would remain the same. Changes would be made to the stairways. The proposed dormer would clear the head height for the staircase leading to the “widows walk.” The new staircase would be straight with a landing that would allow better access.

Member Ferris expressed his approval of the proposal. He wanted to confirm that all mechanical equipment on the third floor would be under the roof, as opposed to being on top or on the “widows walk.” Architect Gardner assured that none were on top of the roof, and this had been overseen by the HVAC team.

Alternate Member Girard asked a question about the “widows walk” and the stairway. He wanted to know if the creation of the new east facing dormer originated to accommodate the way up to the roof. Architect Gardner admitted that it had not been the original reason, however, it had enabled it.

Chair SantucciRozzi acknowledged the beauty of the structure, and that the alterations proposed were minor. The Chair noted that the typical ‘boiler-plate’ conditions the Board usually adds had already been incorporated in the staff recommendation for approval.

Abutter Hannah Rakoff, resident of 87 Spruce Street, joined remotely. She apologized for being late and for missing part of the meeting. She wanted to know if she was correct in assuming that the “easement requested, or variance” was less than 2 inches. Chairperson SantucciRozzi informed her that there was no easement or variance, but a finding for the dormer on the rear of the house. After confirming that changes were only to the rear of the house, the abutter asked no additional questions.

Chairperson SantucciRozzi confirmed that no emails had been received. She said that the Planning Board had opted to not provide a recommendation on the petition. Without further discussion, she would like to request a motion for approval of a SPF for alternation of a pre-existing, non-confirming structure including the height and eave of the dormer in the back.

Member Brangwynne, made a motion to approve the relief requested with the conditions recommended by the staff. Member Ferris seconded. Motion was passed 4-0-0, with Members Brangwynne, Member Ferris, Member Girard and Chair SantucciRozzi voting in favor.

Item #2: 23-25 Molloy St.

Before reading the Legal Notice, Chairperson SantucciRozzi asked if the Petitioners would like to proceed with the case given that a four-member Board was present. She added that next month a different four would be present, so they would be down to three and this was not eligible to vote. She confirmed with the Board that no Mullin Rule had been adopted. The petitioner decided to proceed with the case.

Member Ferris read the Legal Notice.

*“23-25 Molloy St.-Traolach Cahillane-Variance- § 9.14 for relief from § 6.02 (j) to allow four parking spaces in the front yard, with two spaces being within the required 5’ front setback. T (two family) Zoning District. **ZBA-2022-03.**”*

Attorney Kenneth Leitner, representing his client Traolach Cahillane, owner of the property, introduced the case, a variance requesting four parking spaces. He referred to the new packet he had brought for distribution to the Board at the start of the meeting. The packet contained "pictures of eight streets in the neighborhood, seven of which were Dead End." The pictures were taken the day before the Board Meeting as evidence to show how cars were parked on the streets where they were not supposed to and where it was not strictly enforced. By requesting this variance, the petitioner hoped to not add additional cars to the streets. He noted that there was enough room for parking on the property; residents will be forced to park on the street if the variance is not granted. He emphasized the uniqueness of the property's shape and structure, highlighting that Molloy Street was directly in front of the house and there was no sidewalk. He pointed out that the property had no front yard except the one down Molloy Street.

Attorney Leitner referred to another case, details of which had been provided to the staff to support this one. Accordingly, unlike other houses in the neighborhood that had been torn down and completely re-built, the owner of this property had chosen to remodel it and use it as a two-family, consistent with its original purpose. He claimed that not getting four parking space on it to use it as a two-family, as is allowed in the zoning classification, would be a "statutory hardship." It would be a benefit to the public to grant the parking on the property as it would improve the safety of the neighborhood.

Attorney Leitner noted that the staff report recommended allowing a driveway. However, having a driveway but not the parking spaces needed, made no sense.

Attorney Leitner clarified that based on the plans completed by the engineers and surveyors, it was evident that in both parking layouts, the 5 ft front yard buffer was encroached, not the 4 ft side yard setback, and 5 ft was the appropriate measure for the front yard. He did not think it became a side yard as it was covered by the street.

Attorney Leitner stated that Mr. Cahillane, the owner, had presented this case in the past. This was questioned by Chairperson SantucciRozzi. Attorney clarified that it had been via zoom. Chair went on to ask if Attorney Leitner had represented his client the last time this petition was brought before the Board; Attorney Leitner responded that he had not originally been on the project team but was brought on to oversee the permitting process and had withdrawn the original application.

Before opening the floor to questions, Chairperson SantucciRozzi asked if the plot plans submitted were accurate. Attorney confirmed that they were. Holding up the drawing and the plot plans, Chairperson pointed out that the two did not match. Attorney restated that the plot plans were accurate and consistent with the engineering plans. They showed the landscape layout. Chairperson asked if the walkways were currently there, as she had not visited the site recently. Member Ferris intervened and reported that while his memory was "not 100% accurate", he had observed the patios in place when he visited the site last Saturday. He also recalled seeing a "nicely fenced" back yard that had been completed.

After consulting with his client, Attorney confirmed that the patios were now in place.

Member Ferris asked if there were other examples of properties in Watertown where the front yard was limited to the width of the street. Staff responded to this query and explained that there were other such properties listed as "Terraces" or "Circles." About eleven streets had a similar scenario. He detailed

the properties, referencing the one Attorney Leitner had submitted. Most of these properties had a side access. This allowed them to have a direct driveway into the “side yard.” He also added that at the 25 feet width, a site like this would be non-conforming and not currently considered a viable site for a two-family, for the ordinance.

Member Ferris asked if the previous home had been fully demolished. He also noted that from the “For Sale” listings, it looked like the construction had been completed. Attorney Leitner confirmed that it was a renovation. He added that the new design had an open front porch instead of the closed one.

Additionally, Member Ferris asked if the house had previously been used as a two family, to which Attorney Leitner replied that this was his understanding. Staff clarified, explaining that because the site was previously a two-family, this was allowed as an existing use, but that due to the sub-standard frontage a two-family dwelling would not have been permitted if it was a new-build.

Member Ferris confirmed with staff that there was not enough parking space for 2 cars per unit which was respectful of the 5 feet front yard buffer. Also, if they were to park on the side yard of their neighbor (Lot 6), they would need a 4 ft side yard buffer adjacent to this lot.

Member Ferris also added that he had visited the site on Sunday. He observed that the driveway was very generous for parking. While he did not see it as appropriate, he thought that the space could accommodate more than four cars. He believed that there should be more landscaping in front of the front porch to make sure that people were not parking head in.

Member Ferris acknowledged the uniqueness of the property in terms of its dead-end location and limited frontage. Given the size of the two houses which were listed as 3 BR and 2 BR respectively, it seemed very likely that there would be 2 cars per household. Therefore, the two options for parking, namely on site, or at the end of Molloy Street had to be carefully evaluated in terms of their impact on the neighbors.

Member Brangwynne noted that according to the staff report, part of “the hardship had been self-created.” He asked if Attorney Leitner had a response to that. Attorney Leitner stated that the option of putting all the parking to the east side had been considered and rejected as it would necessitate a 90 degrees angle when reversing and more driveway would be taken up in that.

Member Brangwynne observed that he had three plans and questioned if alternative plans were being proposed. Attorney Leitner confirmed that they were. Member Brangwynne admitted that because of the complicated nature of front yards, variances were not often granted. Appropriate landscaping was also considered essential.

Chair SantucciRozzi noted that a previous application had been submitted and substantial additions put on either side of the house. Her understanding was that the house had initially been a square and asked if Attorney could verify this with his client. Staff confirmed that a 12.5’ addition on the easterly side had been completed and a doorway with an enclosed porch removed. Previous pictures of the property were circulated to the Board members, showing the fencing that was on the property, which restricted the front yard.

Chair SantucciRozzi acknowledged the difficult nature of the current situation. In effect, the petitioner had purchased the lot, made renovations without regard for the parking. Furthermore, there seemed to

be no evidence of incorporating the suggestions from the last round of hearings. Both Chair SantucciRozzi and Member Brangwyne sought an understanding of the process that had led to the creation of the current situation.

Attorney Leitner stated that the units did not need to have parking. They were seeking a variance because they would like to get parking, not because they had to have it. From a legal perspective, parking was not required. The parking had not been taken into consideration at the time of the remodeling as it was an afterthought. Driving on the front yard would have necessitated a variance and this was indicated in the staff report.

Staff explained the rationale for approval of the building permit, adding that a condition for approval had been proposed at that time.

Member Ferris remarked that the plans would benefit from additional detail. It would be particularly helpful to know the depth and width of the parking spaces and landscape inclinations.

Attorney Leitner pointed out that the dimensions were included in the engineering and plot plans. These were not in the package. After receiving additional information from Attorney Leitner, Member Ferris confirmed that based on his own visit and the information on Option 1, (east side) it seemed that the space had adequate depth for more than four spaces. After detailing various options for parking, he suggested that pairing the side-by-side parking in Option 1, and the tandem parking in Option 2, with least impact on the landscaped buffer area, was a better choice. This combination was also least generous in terms of having additional spaces. From the neighbor's perspective, parking on site would be less of a nuisance than parking on the street.

Member Girard suggested that perhaps the options presented by Member Ferris could be re-configured in a way to ensure less intrusion into the buffer area.

Staff summed up the challenges of approving a variance for a site such as this one, explaining that because the site was so unique, it provided them with a rationale for approving a variance to allow two parking spaces per unit that did not fall into the buffer. This would be consistent with the parking space the site had probably used over the last hundred years.

The options proposed by the Staff would be a more defined (versus the previously informal) parking space) plus a safe turnaround that is not in the public's way. According to Staff, the measurement from the lot line to the intersection was about 90 ft. Without a turnaround area, if someone had to pull straight in, they would have to back out this length.

Attorney admitted that there were miscues on both sides. When the staff had initially suggested that parking could be settled later through a variance, the petitioner had been led to believe that the application process would be simple.

Chair SantucciRozzi noted that the petitioner owned more than one property in Watertown and there was a similar situation on another of the petitioner's properties, suggesting that he should be aware of the parking requirements.

Member Ferris asked if the parking plan could be redrawn. He recognized the risks of backing out and the need for a safe turnaround. He reiterated that allowing parking for 2 cars per unit, that is a combination of tandem parking in Option2 (east side) and parallel parking in Option 1 (west side) would

have the least amount of triangular impact on the 5' buffer. Furthermore, this design would not encourage additional parking that could happen on the east side. It would allow parking to be limited to four cars and allow the cars to exit headfirst off of the site. Member Brangwynne agreed. For the implementation of this plan, the Board requested a resubmittal of the plans showing more details for further review.

The Board would need to review revised plans once they were completed. The plan's impact on the landscape of the property would then be evaluated. Member Ferris stated that both drawings had a different impact on the landscaping. The Board raised additional concerns regarding the inconsistencies in the plans and the new additions. These were addressed by Attorney Leitner and followed up with suggestions from Staff. It was also noted that the original structure was closer to the front yard but that an entrance vestibule had been removed and a conforming, open-air porch had been added.

After the deliberations, the petitioner made a request for continuance to the September 28th hearing.

Member Ferris made the motion to grant the request for a continuance, seconded by Member Brangwynne. The motion was passed 4-0-0, with Chairperson SantucciRozzi, Member Ferris, Member Brangwynne and Member Girard all voting in favor.

Chair asked that the revised plans be submitted in advance so staff could go over them and there was an opportunity for suggestions to be added before the next meeting

Member Ferris reiterated the request for a separate landscape plan and an accurate civil site plan.

Member Girard and Member Brangwynne confirmed their presence at the next meeting. Chairperson asked if there was a motion to adjourn. Member Ferris made the motion, seconded by Member Brangwynne. Chairperson and Member Girard voted in favor. Meeting was adjourned.

The above minutes represent only a summary of the public hearing. For a more detailed account of the meeting, please visit the Watertown Cable Access Corp channel at <https://wcatv.org/government-channel/>, where a video of the hearing can be viewed.