

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, August 24, 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, *Member*, Michael Brangwynne, *Member*; Christopher Heep, *Member*; Also present: Gideon Schreiber, *Assistant Director of Planning*; and Sameena Pirani, *Zoning Clerk*.

Chairperson SantucciRozzi opened the meeting. She noted the Board Members in attendance and introduced the 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, due to delayed arrival of the Petitioner for 67 Bradford Rd.

Item #1: Administrative

Chairperson SantucciRozzi requested a motion to approve the Minutes from the meeting on July 27, 2022. The Motion was made by Member Ferris and seconded by Member Heep. The motion was passed 4-0, with all voting in favor.

Item #2: 65 Highland Street.

Chair SantucciRozzi introduced the first item to be heard, a petition for a Special Permit Finding at 65 Highland St., and Member Ferris read the legal notice.

65 Highland Ave. – Sandra Tsybulskiy – Special Permit Finding - §4.06(a) for relief from §5.04 to allow the creation of a dormer within a pre-existing, non-conforming setback. T (two-family) Zoning District. ZBA 2022-08.

Staff announced that the owner of 65 Highland Ave Sandra Tsybulskiy would be joining remotely so, if necessary, questions could be deferred to her during the proceedings.

Contractor Ed McDonald of McDonald Contracting in Arlington introduced the case explaining that a request for a Special Permit Finding was being made for the creation of a right-side dormer as it was within a pre-existing, non-conforming side-yard setback. This will allow the addition of a master bedroom, bathroom, and a storage area. He stated that no changes in the height of the building were proposed, just more finish per square footage.

Upon the conclusion of this presentation, Chairperson SantucciRozzi opened the floor for questions from the members. Member Ferris noted the tightness of the head-height within the dormer and consequently the bedroom proposed. He asked the contractor to confirm if the new shingles on the dormer would match the existing structure and if the entire house would be repainted.

In response to the Chair's query, Contractor McDonald explained that keeping the top ridge unchanged would allow the roof to remain shingled, in keeping with the existing style, at the pitch that was proposed. He added that an alternative to this could be a rubber roof, which was not uncommon in dormers. This will permit a lower pitch and hence more wall height. When asked if the building had been approved for compliance with clearance and building codes, he confirmed that the plans had been stamped and approved by the architect. Contractor stated that he might explore the possibility of increasing the height by an additional six inches with the architect, without eliminating the pitch.

Further examination of the drawings by Member Ferris and Chair led to the conclusion that while the low height was a subject of discussion, it was mostly consistent with the existing design- the current design had a "fairly low" ceiling, as well. Member Ferris further added that the proportions were adequate and changes to these might adversely impact the ability to do the skylights. Overall, the Board concluded that the lower height had been an observation for the resident, not so much a concern for the Board.

After confirming that no comments had been received for this proposal, Chair SantucciRozzi closed the hearing. The Chair noted that the typical 'boiler-plate' conditions the Board usually adds to, had already been incorporated in the staff recommendation for approval. She added 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 the side yard setback.

Member Ferris made a motion to approve this petition for a Special Permit Finding to allow the construction of a dormer within the setback, with conditions. Member Brangwynne seconded the motion. Motion was passed 4-0, with Members Heep, Member Ferris, Member Brangwynne and Chair SantucciRozzi voting in favor.

Item #2: 67 Bradford St.

Board members opted to give the Petitioner a few more minutes, as they had failed to appear before the Board at the time of the case. While waiting for the Petitioner, Chairperson SantucciRozzi observed

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.

that a similar case had been brought before the Board some time back. This was confirmed by Member Brangwynne and Member Heep.

Member Ferris read the Legal Notice

Legal Notice

67 Bradford - *Brian Millerick – Special Permit – Under §6.02(j) to install a front facing carport with open side and rear walls, beneath section of existing house. T (two-family) Zoning District. ZBA-2022-07.*

Owner and Petitioner Brian Millerick began the petition by introducing his neighbor, Mark, (attending in person) who also had a carport and whose design he wished to replicate. He explained that they already had a parking spot in front of the house. The carport would allow them to extend parking underneath the building. Pictures, in addition to the ones already included in the staff report, were distributed to the Board and staff. These were to offer a view of the abutter's carport, as it appeared from the rear and the side adjacent to the Petitioners property.

In response to Chair Santucci's query, Petitioner clarified that they were the contractors. He also stated that the property was currently a two-family that would be converted to two condos.

Chair asked if the plot plans distributed indicated the current layout. This was confirmed by the petitioner. Staff noted that the building permit plan set was added to the package to provide information on the building elevation, if needed for reference. The only change to note would be that the foundation of the sunroom would become columns. Contractor explained that the original plan had a one-car driveway that went around the back, with extra cars to park in the rear, closer to Lot 141. The proposed design will remove the existing bituminous concrete pavement and replace it with patio and landscaping.

Staff confirmed that the front yard parking spot was pre-existing and non-conforming. The nature of the relief being requested was explained and it was clarified that a SP was needed even though a driveway previously existed. It was also stated that the existing property had a wider side yard than its adjacent one, allowing more room to pull in and out.

At the conclusion of the presentation, the floor was opened for questions. Member Ferris asked what the pavement material of the new driveway would be. Petitioner responded that it would be pavers that extend all the way to the sidewalk, beyond the carport.

Member Ferris favored the replacement of the concrete pavement with landscaping in the rear. He commented that when visiting the site this past Sunday, he had noted that the sidewalk outside the house appeared worn and in need of repair. He asked if it would be replaced. Petitioner was not sure if they would be allowed to do so as it was owned by the City. Staff clarified that if the sidewalk was broken by the project, they would be responsible for it. A contractor approved by the DPW would be required for the replacement of the sidewalk. Petitioner also clarified that the broken sidewalk was pre-existing and had been this way before their ownership. Staff explained that the repair of the sidewalk had to be permitted by DPW.

Member Ferris expressed concern that the retaining wall closer to the front of the property line, along the side of the neighbor's driveway appeared dilapidated. Petitioner explained that it was a "planting area" and it was their plan to grow Hostas and similar plantings in that space.

Chair asked for dimensions of the width between the columns and the house. Petitioner did not know the exact measurement. He believed it would be about 11 feet. Staff pointed out that the detail sheet (2 of 3) indicated that it would be 9 feet. Petitioner dispelled Chairs concerns about it being wide enough to accommodate a car. He stated that, as their neighbors would be willing to attest, this is wide enough for both their pickup truck and mid-size SUV.

Chair pointed out that the plan did not show landscaping going all the way to the back, past the driveway. Petitioner admitted that the plans did not offer landscaping details and agreed to provide more updated plans including details of the walkway and plantings. He referred to the pictures he had distributed earlier to explain their proposed plan. Plantings would be on either side of the walkway that was created by the pavers, once again similar to what their abutter had created.

Member Ferris suggested an additional 4' landscaped bed be installed at the top of the retaining wall along the side and to the rear of the parking to provide a buffer if the side yard is used as a patio. Staff noted that the landscape condition would need to be modified to reflect this. The condition should be modified to require a revised planting plan and walkway plan that includes the 4-foot-wide landscaped bed to provide buffer planting, and it should be submitted prior to construction for staff approval.

Abutter Mark Strangio, resident of 71 Bradford Rd spoke in favor of the petition and hoped for an "expeditious completion of the project."

Member Heep recalled approval of his petition for a carport. He inquired about the functionality of the carport, given the Boards concerns with the tightness of space at the time of the petition. Petitioner responded that the space was long enough for his wife's car an Audi, but not for his pick-up truck and they understood this at that time. Additionally, now they are both off the street.

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. The Chair noted that the typical 'boiler-plate' conditions the Board usually adds to, had already been incorporated in the staff recommendation for approval and requested plans that reflected the discussed updates.

Without further discussion, she would like to request a motion for approval of a SP for parking and front facing carport. Member Ferris made a motion to approve the relief requested with the conditions recommended by the staff. Member Heep seconded the motion. Motion to approve was passed 4-0, with Members Brangwynne, Member Ferris, Member Heep and Chair SantucciRozzi voting in favor. Petition was approved with conditions.

Chairperson asked if there was a motion to adjourn. Member Heep made the motion, seconded by Member Brangwynne. Chairperson and Member Ferris voted in favor. Meeting was adjourned.