



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
Michael E. Brangwynne, Member
Gregory Girard, Alternate

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

MINUTES

On Wednesday evening, November 30, 2022, at 7:00 p.m. in the Council Chamber of the Administration Building, the Zoning Board of Appeals held a public hearing. 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* (Absent for 8 Warwick Rd, present for 171 Watertown St.) Gregory Girard, *Alternate Member*. Also present: Gideon Schreiber, *Assistant Director of Planning*; Larry Field, *Sr. Planner*; Sameena Pirani, *Zoning Clerk*; Antonio Mancini, *Zoning Enforcement Officer*.

Staff made an announcement explaining how the meeting could be accessed remotely as well as methods of participation for the public. They also added that Member Heep would be joining later in the sequence of events and participating remotely via Zoom.

Chairperson SantucciRozzi opened the meeting, noting the Board Members in attendance and outlining the agenda. She also announced that the order of the cases had been changed as Case A (99 Water St) would be continued at the Planning Board. Case C (8 Warwick Rd) would be taken first, followed by Case B (171 Watertown St). She concluded her announcement by giving a brief explanation for not going forward with Case D (490 Arsenal Way).

Item #1: Administrative

Chair SantucciRozzi requested a motion on the Minutes from the meeting in September 2022. Upon request, the motion for the Minutes was tabled until the next meeting and added to the Agenda for December.

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, vodwcatv.org/CablecastPublicSite/gallery/47?channel=3 where a video of the hearing can be viewed.

Case #1 8 Warwick Rd.

Chair SantucciRozzi introduced the first item to be heard, a petition for a Special Permit Finding at 8 Warwick Rd. The legal notice was read by Member Ferris.

8 Warwick Rd. - Mahit and Aditi Bhatt - Special Permit Finding: §4.06(a) for relief from §5.04 to allow an increase in roof height and construct dormer within a pre-existing, non-conforming side yard setback. Two Family (T)-Zoning District. **ZBA-2022-12.**

Architect from JTA, Nadya Voitenok, spoke on behalf of their client and petitioner and described the scope of the project and the relief being sought. She explained that the proposal to rebuild the roof would allow for extended head height and a livable space that includes a master bedroom, walk-in closet, bathroom, and a nursery for the baby. She highlighted that a portion of the rebuilt roof as well as a new egress dormer over an existing staircase would be within the existing non-conforming setback. After detailing the drawings in terms of the existing non-conformity, the half-story calculation, and the roof height, she clarified that there would not be work on the first floor or basement; second-floor renovations would be limited to the kitchen and some space configuration; third-floor changes would include removal of the roof and addition of the new non-conforming dormer on the right, as well as an additional dormer including the new bathroom. The new roof design would be a hip roof at the rear, intentionally chosen to reduce the extent of the non-conformity and adhere to the 50% half-story floor plate requirement. Prior to the meeting, the Board had submitted a question, seeking to understand how the secondary emergency egress would be provided from the newly created top-floor Primary bedroom. According to the architect, this would be provided by an operable skylight with a height that adhered to code requirements.

The Acting Chair thanked the Petitioner for their proposal and opened the floor to the Board for questions using roll call.

Member Brangwynne confirmed that the second-floor kitchen would remain in its existing location with updates.

In response to Member Ferris's observation of the siding, the architect confirmed that the proposed siding would match the existing, contractor to confirm.

Member Ferris thanked Architect Voitenok for addressing the egress plan from the newly created bedroom. While he noted that the skylight visually looked small, he hoped that this would be worked out with the Building Dept in terms of providing the required egress from both spaces.

Alternate Member Girard asked to explain the project in terms of how it was situated on the land. Referring to the site plan drawings, Architect Voitenok briefly explained the building envelope including the setbacks, adding that the house sat on a slope and had a garage on the lower level, with access to the basement.

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Chair SantucciRozzi confirmed that the entire roof was being replaced and new dormers would be added. She also asked if the second-floor ceiling was being raised. Using the drawings, the architect explained that based on the recommendations of the structural engineer the interior floor plate would be raised by approximately 3 inches because the existing joist needed reinforcement. Member Ferris explained that shallow ceiling rafters might be built to support this. The architect agreed and noted that structural reinforcement provided the rationale for the proposed changes.

An attendee on Zoom who identified themselves as Karen Lalazarian, resident of 13 Hardy Ave., reported that they had addressed concerns in a letter. As a rear abutter to the property in question, she made a statement in opposition to the proposal due to the height being added to the existing structure. Clarification was sought on the dimensions of the proposed height. The abutter added that raising the height of the roof would block the view they had at the back of their house and would create a “closed-in” effect.

Upon reviewing the submittals, Chair explained that the proposed height would be within the Zoning allowance for maximum height. In response to further questioning, she explained that it would be a hip roof in the back, a sloped-roof view on the front, and dormers on the side. Staff further explained that the hip roof would reduce the mass from the rear; the peak would be further away from the rear property line.

To illustrate this further the plan set was re-shared with attendees (A-201). Abutter responded that it was hard for them to visualize the changes and wanted to express their opposition to the project.

Member Ferris confirmed the statements made by staff, reporting that the new ridge would be further away from the existing given the new design—the added two feet would be physically away from the abutter because of the hip roof in the rear.

After reading the letter addressed to the Board and making sure there were no further comments, Chair announced that she would like to close the public hearing and go into their business mode. Stating that the Planning Board had opted to not make a recommendation on this petition, she requested a motion for approval of a SPF for alterations of the roof within the nonconforming side setback.

The motion to approve the special permit finding request for constructing a dormer within the pre-existing non-conforming side yard setback was made by Member Ferris and seconded by Member Brangwynne. The motion was approved 4-0, with Alternate Member Girard, Member Ferris, Member Brangwynne, and Chair SantucciRozzi voting in favor.

After confirming that Member Heep had not yet joined the meeting, Chair invited Attorney York representing 490 Arsenal Way to confirm that re-advertisement had been requested and the public hearing for it would be opened at the next ZBA meeting scheduled for December 21. Attendance of the members currently present was confirmed at this time.

Recess was announced till the arrival of Member Heep, who would join remotely.

The meeting was resumed upon his joining remotely.

Item#2: 171 Watertown St.

Member Ferris read the legal notice:

171 Watertown St – *The Stop & Shop Supermarket Company, LLC – Special Permit §5.02(s) and §5.03(19) to allow as an accessory use designated parking spaces for outdoor transfer of retail goods to customer. Two-Family/Limited Business (T/LB) Zoning District. ZBA-2022-11.*

Attorney Bill York speaking on behalf of the Stop and Shop Supermarket Company explained that Frank Maglio, head of the real estate division was unable to attend the meeting due to a personal conflict. In his place, Kenneth Staffier who is very familiar with their operations would detail the procedures and answer questions pertaining to them.

Attorney York explained the nature of the relief being sought. With more than 680 parking spaces in the mall area where Stop and Shop is the major property holder, 8 spaces would be designated for that purpose.

Delving into the history of the retail site, he explained that in 2021 many large retailers such as Target and Stop and Shop had set up such operations for remote orders of their customers. While it was not a significant money maker, it offered tremendous convenience and service to clientele such as the disabled, elderly, young families with children in their cars, and individuals returning home from work. He added that such operations have been preceded at approximately 400 other Stop and Shop locations as well as by competitors in the surrounding community. In 2021, the retailers had approached the city staff to implement this operation thinking they could work directly with the Building Department, only to learn that it was not covered in the Ordinance. A Zoning amendment that allowed such accessory uses as a special permit was approved by the City Council earlier this year. Before concluding his presentation, Attorney stated that a similar petition had been made by the Stop and Shop located at 700 Pleasant Street. Because of its location within the Pleasant Street Corridor, the permit granting authority was the Planning Board. The petition had been unanimously approved a few weeks ago.

After briefly describing the processes of remote pick-up, Attorney invited Kenneth Staffier to explain the nuts and bolts of the operation and the rationale for locating the signs in selected areas; First, an order is received through the app or the online application. Then, an associate within the store fulfills the order, bringing it to a central location in the store where it is stored till delivered to the customer waiting in those designated spaces. An associate loads the order into the car to complete the transaction. Considerable thought is given to the location of the storeroom to maximize the customer experience as well as make this operation as effective as possible. The goal is to be able to guide customers easily to those parking spaces and to have them in close proximity to the exit door of the storeroom without taking up the prime parking spaces for their in-store customers. Currently, remote customers park in those designated spots and then walk in to pick up their packages. The special permit will allow a change in signs so an associate can bring out the packages to the customer instead of having them come inside the store for pick up.

After the presentation, Chair opened the floor to questions from the board members. Member Girard stated that he was familiar with this retail procedure, also referred to as BOPIS (Buy Online, Pick-up In Store), and he recognized the importance of this operation. He asked if there had been any study of the number of vehicles coming in, the length of time taken to complete the transaction, and whether there would be any spillover of cars in the limited number of 8 parking spaces. In response, Staffier reported that to his knowledge there had not been a follow-up study. When this had been initially investigated, fulfilling 8-12 orders per hour had been anticipated. Orders were currently parsed out in 5-minute increments. To date, no instances had been reported of spillage of cars. Typically, 4-8 spaces were sufficient to make it work at the stores.

Member Ferris confirmed that accessible parking spaces were not impacted by the petition.

Member Brangwynne confirmed that no alcohol was sold at that location and acknowledged the hard work and effort put into this petition by the applicants.

Chair had a question and a comment to add. She admitted her familiarity with the site and parking spaces. She expressed her disappointment at not seeing any attention given to the landscaping on the site and asked about improvements to existing landscaping in the spring. She looked to staff to see if they could reach out to the property owner to give attention to this matter. Changes did not have to be extravagant; the mulch-heavy islands could be spruced up with options like grasses and seasonal plantings.

Attorney York stated that as tenants and not landlords of this site, they did not have control over the landscaping. Given their limitations, it would be difficult to fulfill those conditions. Attorney reassured the Board that their message would be conveyed to the landlord by Mr. Maglio.

Member Heep had no concerns, given that parking was ample, and the designated spots were not taking up needed space.

Chair and Staff confirmed that no public comments were received at this time.

In reviewing the signage conditions (Condition #6) recorded in the Planning Board Report dated November 17, 2022, Chair confirmed compliance with staff. Attorney confirmed that the new signs were the same size as the ones they were replacing. However, they would run them by staff for compliance.

Chair requested a motion to approve the request for a special permit. Member Ferris made a motion for approval, seconded by Member Gerard. The motion was approved by roll-call vote, 5-0, with Members Girard, Ferris, Heep, Brangwynne, and Chair voting in favor. The petition was approved with conditions.

Motion to adjourn passed unanimously, 5-0, with Members Ferris, Girard, Heep, Brangwynne, and Chair voting in favor. The meeting was adjourned.