



Zoning Board of Appeals Meeting

Wednesday, July 26, 2023 at 7:00 PM
City Council Chamber, Administration Building, 149
Main St., Watertown, Massachusetts

Agenda

Pursuant to Chapter 2 of the Acts of 2023, the meeting and public hearing will be conducted with remote opportunities for participation. Remote participation and access methods include:

ACCESS INFORMATION:

- A. This meeting will be held on July 26, 2023 at 7:00 PM. Location: City Council Chamber, Administration Building, 149 Main St., Watertown, Massachusetts
- B. The meeting will be televised through WCATV (Watertown Cable Access Television): <http://vodwcatv.org/CablecastPublicSite/?channel=3>
- C. The Public may join the virtual meeting online: <https://zoom.us/j/606857230>
- D. Public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: 606 857 230
- E. Public may comment through email: spirani@watertown-ma.gov
- F. Please Visit the Zoning Board of Appeals Website here: <https://www.watertown-ma.gov/228/Zoning-Board-of-Appeals>

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- 1. Administrative Business
 - A. Meeting Minutes-June 28, 2023 (Draft)
 - 2. Continued Cases NOTE: THE APPLICANT REQUESTED CASE BELOW BE CONTINUED TO THE AUGUST 23 REGULARLY SCHEDULED MEETING
 - A. [104 Main Street](#)- O'Connor Capital Partners LLC/ O'Connor Management LLC- Special Permit with Site Plan Review to redevelop five lots (with addresses of 104 and 116-126 Main Street, 2 Cross Street, 53 Pleasant Street, and a vacant lot at the corner of Cross Street and Pleasant Street) into a new mixed-use development. Project will include approximately 6,201 sq.ft. of first floor commercial/retail space along Main St. with 143 apartment units and 5 townhome units, and a two-level parking garage with 154 spaces, and 2 handicap surface spaces. Pursuant to §5.01 (k)(2) mixed use development; § 4.10 additional height and rooftop features; § 5.05(f) increased length of contiguous facade and building length in keeping with Design Guidelines; §6.01 (e & f) shared parking and reduced parking with encouragement of alternative modes of transportation; subject to §5.07 Affordable Housing Requirements; § 4.06 (a) alteration, change, extension of non-conforming use and structure and § 9.12 all in accordance with §9.03 through §9.05. Central Business (CB) Zoning District. **ZBA-2023-02.**

3. New Cases

- A. [30 Brookline Street](#)-Hania Masud-Special Permit Finding §4.06 (a) for relief from §5.04 to allow increase in roof height on a portion of the existing structure for construction of a bedroom and full bathroom within non-conforming front and rear yard setbacks. Located in the Single Family (S-6) Zoning District. **ZBA 2023-06**.

4. Other Business

- A. **48 North Beacon Street-Sira Naturals, Inc**
Report and review of operation "including but not limited to hours of operation, delivery hours and parking..." ([ZBA-2020-17 SP](#)) with request for modification of its operating hours from 10 AM to 8 PM to 10 AM to 10 PM.



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
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MINUTES

On Wednesday evening, June 28, 2023, at 7:00 p.m. in the Council Chamber of the Administration Building, the Zoning Board of Appeals held a public hearing. 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*; Gregory Girard, *Alternate Member*. Also present: Gideon Schreiber, *Assistant Director of Planning*; Larry Field, *Sr. Planner*; Sameena Pirani (Remote), *Zoning Clerk*; Antonio Mancini, *Zoning Enforcement Officer*.

Chairperson SantucciRozzi opened the meeting. She noted the Board Members in attendance and introduced the staff.

Staff made an announcement explaining how the meeting and methods of participation for the public could be accessed remotely.

The Chairperson outlined the agenda for the meeting, announcing the cases in the order in which they would be taken.

Item #1: Administrative Chairperson SantucciRozzi requested a motion to approve the Minutes from the meeting on May 24, 2023. The Motion to approve the minutes was made by Member Ferris and seconded by Member Heep. Motion was passed (5-0), with Member Ferris, Alternate Member Girard, Member Brangwynne, Chair SantucciRozzi and Member Heep voting in favor.

Item #2: 104 Main St: Attorney York explained that Brett Buehrer representing the applicant was arriving from New York and running a little late. Matt Marotta, from ICON Architecture, would begin the

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presentation, followed by Brett who would arrive shortly. Also attending remotely were representatives from Copley Wolff Design Group and Vhb, their landscape architects and civil engineers respectively.

Matt Marotta highlighted the changes that had been made to the plan set since their last ZBA Meeting. This included the increase in the size of commercial retail from 6,197 SF to 7,387 SF, reduction of rental units from 143 to 141 units, increased sixth floor setback from Main Street by an additional 43 feet, also leading to a reduction in GSF from 154,553 to 152,550, and in FAR from 2.51 to 2.46. Parking was also reduced from 154 garage spaces to 151 spaces due the addition of retail/commercial space. He also described some of the design modifications that included additional landscaping in the courtyard, softening some of the hard edges with more green space along the art walk area, the increase in retail depth to 50 feet, which would allow almost 900 SF of retail space. Also highlighted was the pulling away of the grills and fire pit from the neighbor's side in response to their concerns and increase in green space along the town houses and along the face of the building. Perspectives along Main Street were shared to bring some of these changes to attention, in particular to show the absence of visibility of the sixth floor from various angles.

At the conclusion of his presentation, Matt Marotta invited Brett Buehrer to make additional comments. Buehrer acknowledged the "viable feedback" received at last month's meeting and their attempts to incorporate these into the plan.

Brett Buehrer reiterated the changes that had been proposed based on the feedback from the last meeting. This included the additional depth of the retail space and its proper ventilation. He also added that his company had engaged in extensive research on appropriate and state-of-the-art packet delivery and package management systems, taking lessons from one of their projects that utilized the Butterfly program. He recognized the concerns raised regarding the sixth floor and described how attempts had been made to "balance the comments" and offer respectful options. He stated that a lot of thought had been given to the public plaza and the art walk that the community was hoping to develop. He described their attempts to provide seating, additional landscaping, biking amenities, and improvements to the retail frontage. The revised plans were also reflective of the conversations with their neighbor over several issues, including those pertaining to lighting. He announced their commitment to fulfill not only the requirements of the city but also what their neighbor desired. He concluded his presentation by reiterating their commitment to being responsible developers in the community and addressing their concerns. He expressed his gratitude to the Board for giving him the opportunity to speak about the project and answer any questions.

Chair announced that they would do another round of comments from the Board members.

Member Brangwynne acknowledged that his key concerns regarding the height of the sixth story and the retail space had been addressed and he appreciated the changes. He did not have any questions at this time.

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Upon Member Heep's request, Brett Buehrer explained that the space immediately adjacent to the artwork would be a restaurant location. Walking passed it would be the public art walk within the parking garage area.

Member Heep also asked if the changes in landscaping from the last plans could be summarized. Architect Moratta with the help of Buehrer explained these changes, highlighting the five areas where more landscaping had been added in response to some of comments.

Member Heep also asked the petitioners and their consultants to explain the rationale for preserving the 5 existing townhouses.

Brett Buehrer explained that the preservation of the row houses had been based on feedback from the city administration as it was one of the few examples left of turn-of-the-century- workforce housing. Options to use it for amenity space had been explored. Eventually it had been concluded that preserving the housing element and restoring it to its original configuration would be of value to the community, based on the dialogues that had taken place.

Staff confirmed that based on the assessors records it was built in about 1887 and was currently completely intact with its original roof. Additional information included that it did not have a Form B restriction with the state, there was no confirmation regarding it being a historic asset as it had not had an inventory done. Additionally, it was the only brick worker housing complexes left in Watertown.

Member Ferris approved of the preservation of the townhouses to create the three-bedroom units. It would serve as a complementary companion to the adjacent building that was not part of the project. He also confirmed that the undulation on the top floor (page 7 and page 12 of the presentation) was the screening on the sixth floor and not the mechanicals. He also expressed his desire to see more organization and less haphazardness in the layout of the mechanicals as this was not sufficiently detailed in the drawings. He also asked for more clarity in the drawings as they represented other details such as the material around the windows—whether they were projected or whether they had a trim, thus reiterating his previous concerns about artistic licenses taken in the drawings and desiring more accuracy and certainty in the details.

Member Ferris appreciated the efforts made to increase the square footage of the retail space and the increased setback of the sixth floor. He also expressed his concern about the adequacy of space for the post office deliveries and asked about any updated information they might have. Mr. Buehrer stated that while there continued to be dialogue with them, there was no commitment made by the post office to stay in this location. Member Ferris added that if they were likely to continue then the Board should be engaged in this decision, as it would impact the volume and frequency of deliveries currently planned for. He was informed by Mr. Buehrer that conversations with the post office had not taken place at that level.

Member Ferris confirmed the percentage requirements for the affordable housing units.

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Member Ferris also asked if the applicant would have the ability to make a five-story vertical building (no sixth floor) on site without the need to come before the Board. He desired an explanation of other by right options that the petitioners could have proposed.

Staff explained that there was no by right option for a mixed used project in the CB district. The original plan included a more vertical four-story Main Street frontage building. Because of the limitations of creating a meaningfully consistent, commercial/retail first floor, going up to 55 feet would not add up to true five stories. Staff had proposed shifting the mass from Main Street. Similarly, the creation of a five-story building right up to Cross Street was an option for them to consider. However, at the encouragement of staff, they had proposed the preservation of the row houses that would allow a consistent continuous façade in the frontage of Cross Street. He also added that 55 feet was the allowed height with additional two stories based on the Boards purview.

In response to Member Ferris's observation that the removal of the sixth-floor units might make more visible the mass on the fifth floor, Mr. Buehrer stated that a lot of thought had been put into providing the mechanicals in an organized manner and accommodating the solar requirements.

Member Girard expressed his approval of the improvements made to the art walk. He inquired about the nature of activities that would be carried out there to make it a vibrant space with on-going changing opportunities. In response, Mr. Buehrer stated that he had engaged in conversations with Liz Helfer, the Arts and Culture Planner and the Committee and had received approval of their plans. He expressed his excitement about these opportunities and their commitment to engage in the communities they were in, using the space for organizing formal events. He shared examples from their other developments which offered such opportunities and stated that it was an open process that would factor the needs of the community.

Member Girard, referring to one of the renderings that indicated outdoor seating along Main Street asked if that was allowed. Staff explained the regulatory process of approval for such seating. Buehrer confirmed that the outdoor seating would be on the applicant, and not the city's property. The retail space had been made slightly smaller to accommodate the space for outdoor seating. In response to Member Girard's request, the applicant's consultants agreed to look into the possibility of offering flexibility with the outdoor seating space.

In response to Member Girard's questions relating to the TDM plans, staff reminded him that these were addressed in a separate ordinance and had been approved before the petition came before the Board. Staff also confirmed that the petitioners had made substantial commitments on their TDM plans that went beyond the minimum requirements. Mr. Buehrer confirmed their commitment to contract with Vai for a third-party management program, based on the discussions from the last ZBA meeting and to extend the monthly pass program to three months to allow time for changes in behavior patterns. Later staff went over the process of incorporating these changes—either through an amendment or a change in conditions.

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Members Girard also inquired about the adequacy of bike spaces and their compliance with the Ordinance.

In response to Member Girard's questions related to the parking fee and its price elasticity to meet demands, Mr. Buehrer confirmed that market rates would be charged comparable to those in surrounding areas. The applicant also anticipated a reasonable return on building parking. He also clarified that the parking rates for the affordable units were combined with the rent.

Brett Buehrer expressed their commitment to be active participants in the WTMA, including being part of the shuttle, once again going above and beyond the minimum required.

Staff confirmed that they had also committed to the support and growth of the bike share program in Watertown Square, a heavily used facility.

Chair SantucciRozzi did not have additional questions. She expressed her appreciation of the revisions at the same time admitting that the changes were not significantly meaningful to her. She felt like the thoroughway did not look much more than a "sidewalk" and it was difficult to picture the activities that were proposed to take place in this area. She was particularly concerned by the comment made by the applicant that the townhouses were needed for profitability and that without the townhouses the project was not viable.

Buehrer explained that that was not a fair comment as they were reviewing the extent of their financial investment. The expenses of the project had grown significantly given the revisions, and the various financial contributions to the community programs. He added that there was "a meaningful cashflow associated with the sale of the townhouses," as they would be renovated.

Having no additional comments, Chair opened the discussion to the public.

Dennis Holland, 29 Nyack St, stated that looking at the picture presented, the trees along Main Street added to the beauty of the scene. He regretted the loss of the trees wishing that if changes were to take place, having more greenery would be more desirable. He also anticipated the loss of the post office, given the tight loading space and likely absence of parking along Main Street especially with the proposed bike lanes. Finally, he expressed his concerns about the future inoccupancy of the brick building adjacent to the project as it could eventually become an "empty store front." He concluded by saying that this was time for a change in Watertown Square and it was important to get it right.

Joan Gumbleton, 32 Falmouth Road, stated her concerns about the traffic and fumes that these high-density developments would bring to Watertown. They would not add to the quality of life for anyone. This project had grown from four stories to 6 stories on the grounds of profitability. She wondered how this development could help revitalize the Square given the reduction in retail from 25,000 SF to about 7,300 SF and the loss of the post office. She did not think there was any reason for the project to draw residents of Watertown to this space. She was confused by the number of proposed parking spaces, given the number of residential units. After the clarification provided on those numbers by the Chair, Gumbleton added that the affordability of the units was too high to meet the goals of the new MBTA

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zoning law. She also wondered about the need for the proposed parking spaces given the transit-oriented nature of the development. She suggested that the developer reduce the parking space count to reduce the traffic on Pleasant Street, especially during peak times. Parking would be essential for the customers of the retail tenants. Reduction in parking would also allow the addition of more units in the building without increasing the height to six stories. She believed that the needs of the potential residents and developers was being prioritized over the needs of the existing city residents.

Joan Gumbleton also expressed concern about the weight of the batteries of EV vehicles, hoping that the architects would plan for that additional weight and be mindful of the spontaneous fires associated with the batteries. She proposed reducing the number of parking spaces and having the charging stations outside the garage as a safer option. She cited two cases where lithium batteries were the cause of the accident, requiring huge quantities of water to put them out. A fire in a mixed-use building had resulted in the loss of housing for the residents and closure of the businesses. Given the history of fires along this area on Main Street, she hoped that better planning would take place to prevent them. She also listed an official website where more information on bike fire and toxic smoke was available.

Joan Gumbleton described the many five story buildings under construction near Western Avenue towards Cambridge. She said that despite the wider sidewalks and deeper setbacks, the buildings looked massive –she couldn't picture a six story on Main Street. Referring to a previous article in the Globe regarding the tension between the developers and the environmentalists, with developers taking advantage of the affordable housing requirements, cities and towns were losing open space and quality of life. While the city personnel and Board members may have the education and credentials to make decisions on the architectural, mechanical and construction details of these projects she hoped that they would also keep in mind the "human aspect" of these proposals and that comments and feedback of the residents would be taken into account.

Carolyn Gritter, 20 Watertown Street, asked to indefinitely postpone any action on the petition on account of the many unknowns. She listed her concerns. Firstly, the developers did not have "control" of the site. The developers had spent a great deal of money in hopes of getting approved. There was a lease between the Salusti Trust and the post office which was to expire at the end of August 2023. It was not known if the lease would be extended. Secondly, a study of Watertown Square was expected to be conducted and completed by April 2024. While the scope of the study was not completely known, it could be assumed that it would include the post office block parcel. Based on these unknowns, she stated that it would be "reasonable for the Board to postpone any action on this." Expressing her disapproval of the project, she described it as a "childproof response to the housing crisis." She stated that the developers were trying to squeeze as many units as possible on the site, charging market rate rents for these undersized units. Based on her own experience, rentals were going at almost \$4500 for a 2-bedroom apartment in even the older buildings. She suggested learning lessons from the high quality, low -rise, high density buildings in Somerville and Penns Landing Square in Philadelphia and from architects like Louis Sauer. She urged the Board to have the courage to postpone action on this development indefinitely.

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Council President Mark Sideris stated that he was not going to speak about the design of the project. He would leave that to the Board and other experts. He noted that the applicants had updated the plans and reduced the number of units. He did not think that a lot of residents would have or want a car in that location. He would have preferred replacing the parking spaces with some of the units. Consideration could have been given to perhaps having a little less parking. He was concerned about the precedent that would be set by allowing a sixth floor. Even though it was pushed back and hard to see, it would trigger more such requests and even higher ones.

Jamie Gordan, 84 Fitchburg Street, acknowledged that the developers since the start of the project had been very responsive to the community taking into consideration their suggestions and feedback. She appreciated this as well as their willingness to preserve the rowhouses. She speculated that all these revisions and changes would add to the costs of the building which in turn would be passed on to the renters and the potential buyers of these developments. Referring to a recent article in the Boston Globe, she described the bidding wars that were taking place in Boston's "brutal rental market." Individuals were being asked to pay significantly more than the asking price for rental units. Putting a number of rentals such as these on the market would help alleviate some of the pressure that people were feeling. Furthermore, this was not limited to Boston but included areas further away such as Malden. Many of her friends had been forced to leave Watertown for this reason. She appreciated the work that was being done to incorporate more green space and landscaping, and she looked forward to the improvements to Saltonstall Park, public way and retail space. While the proposed retail space was less than what was currently in place, it appeared that what existed was not filled at the moment. She appreciated the additional depth added to the retail and the design of the building which worked well with the rowhouses. She also added that the brick building next door to this was 100% leased. Other smaller retail that fitted the same footprint for example Tresca, Quebradas Bakery were all thriving and working efficiently in the small spaces they occupied. She asked the Board to vote in favor of their current plan. She loved Watertown Square and thought that the project would be a wonderful addition.

Joshua Driesman, 127 Nichols Ave, who had spoken remotely at the previous ZBA Meeting continued to express his approval of this project. It would provide much needed housing and green space. He was disappointed by the reduction in housing units on the sixth floor but excited by the increase in retail space. He would have liked to see less parking. He thought this was a "great project" in Watertown Square. He stated that the project qualified for having a sixth floor, as was allowed for buildings with civic significance. Given market conditions, the increased supply would be the way to respond to the high rents currently being faced. He acknowledged the high demand for housing and expressed his appreciation for the developer's quick reception of all the feedback from the community, willingness to preserve the row houses, provision of the bike amenities and bike-friendly nature of development. He stated that an underutilized piece of land was being turned into a multi-unit building in a transit-oriented location, thus making it an environmentally sound project. The additional people living in this building would support more retail and help vitalize the Square. It would encourage people working in Watertown to also live here and hence reduce some of the traffic concerns. He asked the Board to consider approval of the project.

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Marybenham Nygren, 15 Church Ln, stated her concerns for the building at the same time acknowledging the developers attempts to accommodate the comments and feedback from the community. She felt that the property did not meet any of the four criteria for the special permit under Section 4.10. Commenting on the retail space and the developers remark that it would be suitable for a “small sandwich shop” she added that additional same type of retail was not what was needed in this location. For the retail to be a destination as was hoped to be, larger retail space was necessary. The proposed space was unlikely to attract many folks and would likely just serve the needs of the residents. She also referred to the Comprehensive Plan that city officials and residents had come together to propose and would be implemented shortly. She reiterated concerns about the size of the building in this location and hoped that with the continuance of this petition, the goals of the Comprehensive Plan would be addressed.

Rita Colafella, 56 Cuba Street, urged the Board to set the precedent for the sixth floor. This would lower rents and help people, especially the younger people, overcome the challenges of the housing market. She recognized the need for people to adapt to change that would come with the development-- changes including the loss of the post office to better serve the housing needs. She asked the Board to approve the petition.

Dawn Slaven, 33 Dexter Avenue, agreed with Rita’s comments. She stated that they had not had a residential development in Watertown for a while despite other commercial development. She wished that some of the land allocated for commercial space had been allocated for residential. She appreciated the location of this site for residential use especially as it did not necessitate car use. It would enhance the vibrancy of Watertown Square encouraging other businesses to come in. The height was not a concern, given the number of commercial buildings in town that had similar heights. Watertown needed more residential units and this project would fulfil some of those needs. She would like to see more people become part of the Watertown Community.

Linda Scott, 55 Olcott St, corrected the previous statement that residential construction had not taken place in Watertown in a while. She cited the Globe to support her arguments. In 2019, Watertown had been declared as one of the top four builders for residential units in the state, even if the construction was not to liking. She agreed with previous comments about the retail space and did not think it would draw people to linger and spend time there. She approved of the small businesses that had been established in these small retail spaces but did not think that the small businesses, with the ethnic choices that they were hoping for, could afford the rents demanded. She also expressed concern that the new high rises coming up in the city would dwindle some of the historic buildings surrounding it. Just like Lowell, Lawrence and Chicopee, Watertown should be proud to demonstrate its industrial roots in its inventory. She hoped the Board would continue the petition. She expressed her disapproval of the height and wished that it was more family centered. She believed that the addition of more three-bedroom units would add stability to the building and bring residents to engage with the community as they utilized the library and visited community events and spaces. She commented on the future uncertainty of the post office, expecting them to likely discontinue in their current location. She also

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hoped that the new study would cast a fresh set of eyes on the development in the Square and hoped the new Comprehensive Plan would address some of their concerns with these developments.

Elodia Thomas, 67 Marion Rd, began by expressing her concerns that the presentation tonight was not available online. Chair confirmed that the Board had not seen these prior to tonight's meeting. She suggested that for the future, developers highlight the changes to the plan set each time revisions were made. Detailing the regulatory processes for demolitions, she stated that demolition of the row houses could have delayed the project. She also commented on the processes and standards of the TDM Plans stating that they worked in favor of the employees but not the residents. She also felt that the reports from the TDM measures should be shared with the community. Expressing her concerns about the parking spaces that would likely be underutilized, she asked if they could become metered parking spots—alternatively these proposed spaces could be used for additional retail or extra residential units. She also questioned the affordability of the one-bedroom affordable housing units, citing latest numbers for 80% and 65% AMI. She suggested “getting rid of the parking,” and lowering the height to not set a precedent. Additionally, she did not consider the throughway to be a public amenity.

Jacky vanLeeuwen, 32 Whites Avenue, urged the Board to support this proposal. She acknowledged that the developers had consistently responded to the community's comments. She wished it was more affordable. She didn't think it was unattractive. Based on the renderings that showed the building in the context of others in the surrounding area, she felt that it didn't tower over the others. She wanted to show that she was with the part of the community that supported this development. She was afraid that delays in approving this project and “other delays down the road” would merely add to its costs.

After confirming that all in-person attendees had expressed their comments, Chair invited comments from the virtual audience.

Katherine Breen expressed her support for the development. She stated that she had not heard any good reason not to support the project. Her reasons for supporting the development included the need for housing. The project would make Watertown Square more “vital” with more people, more activity and more character. She also appreciated the mixed-used concept based on her own prior experience with it. She did not want any more reductions in height even if it set a precedent. She did not see the project as “huge and looming.” She also appreciated the rowhouses as they went with Watertown's “look and feel.” She did not see the need to ask for additional amenities given its location and amenities that were already there. She also supported the proposed parking plan given that most multi-bedroom residents would feel the need to own at least one car and would not be able “to do everything on a bike or bus.”

Joshua Rosmarin, 29 Ashland St, thanked the Board for their consideration of the petition. He supported the development on grounds that more housing was needed in the Square. He was “not bothered” by the height and “excited by the density.” He referred to comments from others about the repercussions of delays and stated that additional delays would make “Watertown a less attractive place to build” and this in turn would make it more expensive to live in. He was disappointed by the loss of the two units and urged the Board to approve the development.

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Len Holt, 44 Grenville Road, followed up on his conversations from last month. He appreciated Mr. Buehrer's acknowledgment that they "were on the same page." The developers had been very responsive to his requests. He asked if the issues in his letter addressed to the Board could be incorporated into the conditions of the special permit granted.

Chair clarified that agreements made would be reflected in the control plans and submittals. She advised him to make sure that all agreements with the developers were reflected in the Record Documents as these documents run with the land.

Holt expressed his concern about the operating hours for the west side roof terrace, an amenity for the residents. He also asked if the west side walkway would be a public pathway or an emergency access walkway. He expressed concerns about the proximity of the pathway to his backyard and the possibility of it becoming a place of congregation.

Chair clarified that hours of operation of the rooftop terrace would be part of the control plans. She also advised that as an abutter, it would be important to review the plans that were presented to ensure compliance with any agreements that had been made.

Qibin Ye, 16 Olcott Street, expressed his concerns about the setbacks particularly along Main St and the precedent set by this project. The sidewalks were not wide enough to accommodate such structures. He was also concerned about the public parking spots that would be taken up along Main Street by residents and visitors to the building. He added that the traffic analysis did not reflect this. He urged the Board to postpone any decision on this petition in anticipation of the new Comprehensive Plan, following suit with the Planning Board decision to deny the 600-resident petition that was recently heard.

Joseph Levendusky, 13 Templeton Parkway, wanted to correct the misconception that increasing the supply of housing would ease the prices. He stated that the cost of housing had increased significantly and the only way to attack the affordability issue was to build affordable housing either by the private sector or the government. He was not opposed to the development. However, it had to be realized that the real estate market was complex and not "slavishly subject to the law of supply and demand." Building luxury houses would not affect affordability beyond what was mandated by law. He appreciated several design gestures the developer had made including the preservation of the town houses and the brick facade on Pleasant Street. However, the public should have a chance to review the up to date set of plans. Allowing one or two days before the meeting was not enough time to review new plans. He acknowledged the improvement to the plans. However, they were "not ready yet." He agreed with Council President Mark Sideris that this was a precedent-setting project and they had to build appropriately to the site and the surroundings. He suggested that parking be uncoupled, that parking be reduced given the projects proximity to transit. This would solve the sixth-floor problem and allow room for more retail. He agreed with a previous commentator that the retail space was not enough to add a signature restaurant. Not enough has been done to activate Main Street and the passageway. The city needed to come to finalize their goals for Watertown Square. Currently, the Square was "choked with traffic." Projects like this one would worsen the traffic. Public transportation did not have the capacity

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and reliability to handle more riders. While the project had “nice touches architecturally” he would like to see more architectural distinction in the core building that would help with the “looming problems” and allow it to “blend in better with the surrounding buildings.” He urged the Board to continue the matter, and that the developer return with an updated set of drawings distributed well in advance of the meeting.

Staff read an email from Yasmin Daikh, 17 Hersom St, expressing her objections to the project. She wrote that the development would be out of scale in Watertown Square and would overshadow other prominent buildings in the Square. The city lacked the roads and infrastructure to accommodate such a development and there were plenty of empty properties that would benefit from occupancy and revitalization. She also felt that moving forward the height of new buildings should be capped at 3 stories.

Chair also highlighted some of the points raised in the letter of support submitted by a group of residents. Reasons for supporting included appropriate location, easing the pressure on the existing housing stock, the need for affordable housing.

Joan Gumbleton asked if thought had been given to how snow would be removed and handled on the terraces on Main Street.

Chair stated that she would like to give the Board another chance to provide comments and ask questions.

Member Brangwynne asked about the flexibility of parking within the Zoning bylaw, given the suggestions to reduce parking to make space for additional retail or for other reasons.

Staff explained the regulations acknowledging that it would not allow lopping off half the parking. A reduction of 25% was allowed in the calculation of one space per unit in the Central Business District. For the commercial component parking would vary with the use with 1 per 4 seats in a restaurant and 1 per 350 SF of retail. Attorney York confirmed that the reduction requested was a little under 10%. Staff also explained that although the row houses would stay residential, new residential units were not permitted on the first level in this district.

Member Heep stated his primary reason for concern for the project, which he otherwise supported, was the nature of public amenities provided in exchange for additional height. He would also like to see retail occupants that would be a “resource to the community.”

Member Ferris thanked the Board and staff for their thoughtful comments. He noted the (nearly) even tally count between those opposing and those in favor of the project. He appreciated the flexibility of the demising wall in the drawings which allowed flexibility in the size of retail space. He also noted the “submerged” location of the dog area in relation to the adjacent property. He recognized that this, along with other reasons, did not make the first floor viable to fit additional units as was suggested in some of the comments. He concluded by saying that he was “relieved to see an application for housing versus

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some other application” and was “generally in support of it”, also of the massing if the sixth floor were to occur. He would like to see more detail in the drawings as he had requested earlier.

Member Girard approved of the direction this was taking and appreciated the collaboration and commitment the developer had demonstrated in response to his concerns about the traffic and the management coordinator. He “very much liked the visual appearance of the project” recognizing that there was a “lot of complexity...and character to it.” He appreciated the step backs and the endeavor to reduce the visibility of the sixth floor. Additionally, “expanding the commercial space was also a good step in the right direction.” He was glad to have the parking options clarified, noting that giving up some parking spaces for more housing while appealing would not be practicable. Overall, he thought that they were moving in the right direction, and he “generally supported the project.” He was glad that the developer was taking into consideration the points raised by the Board. He concurred with Member Ferris that the community was in a somewhat split for the project. They recognized and supported the need for more housing. He stated that this was “not luxury housing.” Instead, it was “market rate housing with some level of below market rate housing.” Overall, he was “happy” with the project.

Chair offered a few comments, in conclusion. She agreed with Member Heep about the public amenities proposed in exchange for the increased height. She stated that the revisions made since the last meeting addressing those concerns needed to be reconsidered. She did not think that the changes proposed would draw more people to this area, encourage them to linger and spend more time here if they were not residents or users of the retail. She also expressed her concerns about the sixth floor admitting that the removal of two units did not influence her. She reiterated her concern about the amenities offered. Based on the comments from the Board, she anticipated a request for continuance, if a vote was taken.

A two-minute break was announced by the Chair to allow time for the applicant to concur with their counsel.

Meeting resumed in about two minutes. Attorney York admitted that it was difficult to design by committee. He described some of the challenges of the site especially the tight open space, given the preservation of the rowhouses. The sixth floor was allowed because of its location in Watertown Square. He announced that after hearing the comments of the Board, the team would like to request a continuance to the next meeting scheduled for July 26, 2023. Motion to continue was made by Member Heep and seconded by Member Girard. Motion to continue to the next scheduled meeting on July 26 was approved unanimously (5-0) with Alternate Member Girard, Member Ferris, Member Brangwynne, Member Heep and Chair SantucciRozzi voting in favor.

Motion to adjourn was made by Member Brangwynne and seconded by Member Girard. Motion to adjourn was approved unanimously (5-0) with Alternate Member Girard, Member Ferris, Member Brangwynne, Member Heep and Chair SantucciRozzi voting in favor.

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OPERATIONS REPORT

TO: City of Watertown Zoning Board of Appeals
RE: Operations Review Report
DATE: July 10, 2023

Pursuant to Condition 15 of the City of Watertown Zoning Board of Appeals' ("ZBA" or the "Board") special permit decision (the "Decision") dated November 20, 2020, Sira Naturals, Inc. d/b/a AYR ("AYR") is subject to an initial report and review of its operation, "including but not limited to hours of operation, delivery hours and parking, with additional reviews, as determined by the ZBA."

Founded in Massachusetts in 2013, Sira Naturals, Inc. d/b/a AYR is one of Commonwealth's first medical marijuana treatment centers and remains one of the most respected vertically integrated cannabis producers nationally. Now operating internationally as a publicly traded company, AYR's vision is to be a force for good and to bring lasting positive change to our communities, our industry, and our world. This mission is underpinned by the recognition that, in order to operate at scale, we must be mindful of the impact that we have on the communities in which we operate, the environment, the people we serve, and the members of our team.

It is with this dedication in mind that AYR has become the "gold standard" for retail operations both here in Massachusetts and beyond. In fact, AYR was the first cannabis company in Massachusetts to successfully enter into a collective bargaining agreement with its workforce, voluntarily seeking partnership with The United Food and Commercial Workers International Union (UFCW) Local 1445. This industry ground-breaking agreement supports stable, livable wages, upward mobility, higher education opportunities, and the creation of the UFCW Cannabis Industry Apprenticeship Program.

AYR continues to be a national leader in diversity and inclusion through our Seeds to Success program, which aims to empower underrepresented communities, build business leaders, and bring diverse individuals into the regulated cannabis industry. By focusing on bridging the gap for minority communities, our efforts span job fairs, educational services, accelerator programs, and other resources for people breaking into the industry to ensure industry success. And all of this work is based on initiatives started right here in Massachusetts. This includes founding the first-in-state Accelerator Program to support and mentor empowerment entrepreneurs, allowing access to AYR's Manufacturing and Distribution Networks, as well as co-founding The CultivatED Program: a first-in-the-nation jails-to-jobs program focused on education, job readiness and employment of individuals harmed by the Failed War on Drugs.



Hours:

AYR operates from 10AM to 8PM.

It is important to note that when AYR received all applicable City approvals in 2020, the cannabis landscape looked much different. Today, as the cannabis industry expands and becomes more mainstream, there are far more options for consumers, including shopping when it's most convenient for them. Our customer demand is at its highest at 7PM – one hour before we close at 8PM.

Here at AYR, we are “customer obsessed” so we are eager to meet customer expectations of quality and convenience by operating within hours that enable us to better serve a sizable and vocal portion of our customer base, many of whom have requested the convenience of expanded hours.

Delivery:

Pursuant to Condition 11, no deliveries are made by AYR to customers or medical patients from this location.

Operations and Safety:

As per the City's ZBA staff, AYR has had zero zoning infractions or deficiencies. To date, the dispensary has received no complaints from residents living in the vicinity of the building or in the surrounding area regarding traffic, noise, congestion, or dangerous activity.

AYR maintains a series of industry-leading operational measures, including:

- Maintaining 360 degree, 24/7, live-monitored security infrastructure providing coverage of the entire Site and immediate surrounding area;
- Maintaining a zero-tolerance rule for any consumption or loitering on-site or within its retail store's vicinity. Any customer found consuming or loitering will be permanently banned from all AYR store locations;
- AYR maintains dedicated security personnel to monitor the site and conduct routine perimeter sweeps;
- Maintaining a first-in-class staff training in addition to the state mandated four-hour Responsible Vendor Training and four-hour on the job training, our tailor-made cannabis education modules increase staff competencies and significantly reduce the risk of product diversion.



Transactions:

Customer transactions are now trending between 120-150 transactions per day. Transactions vary from advanced pre-order for in-store pickup to first time consultations. However, the average time in store per customer is under 10 minutes.

Parking:

48 North Beacon has 17 on-site parking spaces supporting the business. Additionally, AYR has dedicated 8 public and 4 employee bicycle spaces, as well as sponsorship and hosting of a new Blue Bike station. AYR offers paid Blue Bike memberships for employees and 65% subsidization of MBTA passes. AYR voluntarily agreed to the highest standards of transportation management and recognizes the critical importance of traffic management in this area. To-date, AYR has had zero zoning infractions or deficiencies.

Community Engagement:

Through our community engagement we've found that many people from the communities that were the intended beneficiaries of marijuana legalization have spent much of their adult lives staying far away from cannabis. As a result, many people do not fully understand the economic benefits—from employment, to entrepreneurship, to investment—that the industry has to offer. This is why AYR has dedicated itself to a series of virtual webinars and in-person events across Greater Boston to do the kind of intensive community outreach that overcoming the industry's related stigma requires.

Locally, this has included sponsoring the Watertown Foundation's Trivia Night, supporting the Dorothy and Charles Mosesian Center for the Arts, and participating in the Watertown Faire on the Square.

Additionally, AYR has focused outreach and recruitment efforts as follows:

Watertown Transportation Management Association: AYR is a board member of the WTMA, which is public-private partnership that increases access to the Watertown labor market for workers, particularly low-income transit-dependent workers, by developing and promoting efficient and sustainable transportation options.

Watertown Community Foundation – AYR had the opportunity to provide a donation of \$4,000 to Watertown Community Foundation's May program called Watertown Helps Out. This program is designed to provide essential funding to directly address Watertown resident and partner issues affecting communities of color and other underrepresented groups.

UFCW National Joint Apprenticeship Training Committee: AYR is a founding employer of the UFCW National Joint Apprenticeship Training Committee (JATC.). The JATC is developing



curriculum, standards, and is hosting materials on a Learning Management system. The apprenticeship programs are delivered at the local level and the bulk of the funding for programs will occur at the local level and will launch in January 2022 as a pilot program. The National Trust will assist in funding select pilot programs to give local chapters time to establish local trust funds.

The CultivatED Program: Is a program that empowers, educates, and employs Massachusetts residents who themselves have a past drug arrest, conviction or whose parents or spouse have past drug arrests or convictions. Program participants receive Responsible Vendor Training, an “Introduction to Cannabis and the Law” course at Roxbury Community College, and job experience at one of CultivatED’s industry partners.

AYR is one of the industry partners and a founding member of the CultivatED program. While created for the cannabis industry, the CultivatED expungement and sealing program is not limited to potential cannabis industry employees as a CORI is an incredible barrier to any employment, housing or accessing federal programs like student loans.

The Accelerator 2.0: AYR empowers entrepreneurs through our Accelerator 2.0 program. Accelerator Fellows—primarily Economic Empowerment or Social Equity Entrepreneurs—receive hands-on mentorship and training to open and sustain retail stores across the state, while gaining access to AYR’s manufacturing and distribution know-how and networks.

The Accelerator 2.0 curriculum includes mentoring participants in the following core competencies:

1. Build out / floor plan / furniture and visitor flow;
2. Creating Standard Operating Procedures and preparing for CCC inspections;
3. Setting-up business operations (staffing; software; points-of-sale stations; money transport);
4. Supplying the business (inventory; deliveries; product selection and menu curation);
5. Wholesale agreements and allocation programs.

We are proud of our Fellows who bring, not only the passion of successful entrepreneurs, but the audacity to be pioneers in a new industry, the soul of community, and resolve that comes from overcoming challenges. For example, Marvin Gilmore of Western Front, is a community leader, a WWII vet, a co-founder of Roxbury’s Unity Bank—the first Black-owned and operated bank in Boston, was instrumental in creating the Mass Housing Finance Agency, and was the recipient of many honors from being named a “Chevalier” of The Legion of Honor by the French Republic, to receiving an honorary degree of Doctor of Humane Letters from Endicott College. Or, Jody Mendoza, the co-owner of Randolph’s Mojitos Country Club, a multi-venue entertainment complex, where she manages a multi-cultural staff of nearly 100 employees, and the president of the Boston Music Conference, whose mission is to empower aspiring talent to pursue music careers. All of our Fellows have demonstrated their commitment to providing support to others in



their community in all of their endeavors and are helping us to create a community that cannabis entrepreneurs who are committed to supporting each other and serving our community.

Requested ZBA Action:

At this time, AYR formally requests that the Board approve modification of its operating hours to align with hours granted to other Watertown cannabis retail facilities, allowing for the operating hours of 10AM – 10PM. Such approval would also allow for AYR to operate more closely in line with other area businesses, including – all located on the same block of North Beacon – Speedway (11PM close), China Rainbow (11PM close), Arsenal Wine & Spirits (M-T, 10PM / F-S, 10:30PM), Domino's Pizza (M-T, 12AM / F-S, 1AM).