



Zoning Board of Appeals Meeting

Wednesday, August 23, 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 August 23, 2023 at 7:00 PM. Location: City Council Chamber, Administration Building, 149 Main St., Watertown, MA 02472
- B. The meeting will be live streamed ONLY on WCATV's (Watertown Cable Access Television) website: wcatv.org/government
- 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](https://www.zoom.us/j/606857230)
- 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>

1. Administrative Business

- A. Meeting Minutes-July 26, 2023

2. New Cases

- A. [480 Arsenal Way](#)- **HEARING WILL BE OPENED AND CONTINUED WITHOUT TESTIMONY TO SEPTEMBER 27, 2023**-Alexandria Real Estate Equities, Inc (ARE)- Special Permit/Site Plan Review and Amendment ZBA #01-32SP to replace a surface parking lot with a 6-level parking garage for the existing office/lab R&D building on site and for the adjacent Watertown Mall Transformation Project (Master Plan Special Permit PB-2023-01) The site amendments also include updated landscape and pathway connections. Pursuant to: § 4.11(d) Exceptions to build to line requirements; §4.11(e) Exceptions to side yard setback requirements; §4.10 Exceptions to height regulations; §5.05 (f) increased contiguous facade and building length in keeping with Design Guidelines; §6.01 (e,g) TDM/parking management for cross site shared parking with another lot(s); all in accordance with §9.03-9.06; §9.09-9.13. Located in the Industrial-2 (I-2) Zoning District. **ZBA-2023-5**
- B. [48 N Beacon Street](#)-Sira Naturals, Inc. d/b/a AYR-Requests an Amendment to

Special Permit ZBA-2020-17 SP for a condition of approval to amend the hours of operation from 10 AM to 8 PM to 10 AM to 10 PM in accordance with §5.01.5 for Adult Use Marijuana Establishment and Medical Marijuana Treatment Center. Limited Business (LB) Zoning District. **ZBA 2023-07.**

3. Continued Cases

- A. [104 Main St-](#) **THE APPLICANT REQUESTED THE CASE BE CONTINUED TO THE SEPTEMBER 27, 2023 REGULARLY SCHEDULED MEETING-**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.**



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
Alexander Dale, Member
Gregory Girard, Alternate

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MINUTES

On Wednesday evening, July 26, 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*; Alexander Dale, *Member*; Gregory Girard, *Alternate Member*. Also present: Gideon Schreiber *Assistant Director of Planning*; Sameena Pirani, *Zoning Clerk*; Antonio Mancini (remote), *Zoning Enforcement Officer*.

Chairperson SantucciRozzi opened the meeting. After introducing new member, Alexander Dale, and recognizing his extensive education and experience in civil and environmental engineering, she noted the other Board Members in attendance and introduced the staff. Upon her request staff made an announcement explaining how the meeting and methods of participation for the public could be accessed remotely.

Item #1: Administrative Chairperson SantucciRozzi requested a motion to approve the Minutes from the meeting on June 28, 2023. The Motion to approve the minutes was made by Member Ferris and seconded by Alternate Member Girard. The motion was passed (4-0), with Member Ferris, Alternate Member Girard, Member Brangwynne, and Chair SantucciRozzi voting in favor.

Chair stated the order of the cases, explaining that the first case on the agenda, 104 Main St, had been continued to the August meeting scheduled for August 23, 2023. Motion to continue was made by Member Ferris, seconded by Member Brangwynne. Motion was passed unanimously (4-0) with Member Ferris, Alternate Member Girard, Member Brangwynne, and Chair SantucciRozzi voting in favor.

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.

Item #2: Member Ferris read the legal notice.

30 Brookline St-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.**

The petitioner Salwa Masud introduced herself, her sister Hania Masud and Clayton Ferraz lead contractor from Golden Key Construction (the latter two attending remotely). She stated that the house had been purchased for their parents in April.

Salwa Masud resided in Watertown and looked forward to having her parents move closer to her. Explaining the scope of the project which consisted of increasing a portion of the roof height within non-conforming setbacks, she clarified that the addition would not impact the existing building footprint. The current siding would be replaced with new vinyl siding. Reasons for the zoning relief being sought included the low ceiling height on the second floor which was not deemed safe for a bedroom. The increase in roof height would allow the creation of space for a bedroom and bathroom.

Upon the conclusion of her presentation, Salwa Masud invited Contractor Clayton Ferraz to provide additional information. Reiterating the scope of the project, he added that the new windows would match the existing and the front stoop would be repaired.

Chair SantucciRozzi opened the discussion to the public.

Two neighbors to the petitioner (28 Brookline St and 15 Brookline St) expressed concerns about the second floor and the impact of the windows. They confirmed that the addition would include new windows on the rear façade. The Chair explained the location of the rear windows, pointing out that one was in the bathroom and the other in the hallway. One of the neighbors also voiced concerns about construction-related noise. In response to a question regarding the time frame of the construction, Chair clarified that the petitioners would have one year to exercise their permit.

After confirming that there were no hands raised for comments on Zoom, Chair opened the discussion to the Board. Member Dale and Member Brangwynne did not have any questions.

Member Ferris acknowledged that the property needed work. In response to his question about the fencing, Salwa Masud stated that it would likely remain as it was given that they were focusing primarily on the interior to make it livable. They did not plan to replace the fence but would maintain the landscaping. Petitioner confirmed that the entire structure would have new vinyl siding.

Member Ferris noted that the drawings did not accurately represent the existing and proposed building. For example, the roof was shown as if it was extending significantly beyond the sides of the house, the dormers on the roof were a lot higher on the roof than was shown in the drawings. Other discrepancies included size of the dormers and the windows placed in the dormer and the projection of the gable element on the new portion of the roof.

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Member Girard spoke favorably of the larger than required side setbacks. He asked if any improvements had been considered for the property as far as landscaping was concerned. Salwa Masud stated that they would maintain the landscaping and “spruce it up a bit.”

Chair SantucciRozzi shared some of the observations made by Member Ferris regarding the inconsistencies between the drawings and the existing structure particularly with respect to the dormer size and the projection of the gable dormer. She asked if Contractor Clayton could address these concerns.

Contractor Ferraz acknowledged a few of these inconsistencies, stating that he would be working off the drawings approved by the Board.

Staff explained that these inconsistencies could be reviewed through the building permit process.

Salwa Masud confirmed that they would be changing the entire roof.

One of the neighbors (15 Brookline St) also voiced concerns about construction-related noise. In response to her question regarding the time frame of the construction, Chair clarified that the petitioners would have one year to exercise their permit.

Following the resolution of questions and comments from the Board as well as public comments, Chair SantucciRozzi requested the incorporation of additional conditions focused on:

- 1) Updating the proposed gabled dormer on the front elevation to be flush and aligned with the front wall of the house with a consistent roof overhang matching the rest of the house.
- 2) The existing and proposed elevations should be updated as part of the building permit to reflect that there will be no changes from the existing condition for the portion of the roof not being modified by the addition. The plans incorrectly show the location and size of the existing dormer to remain, the size of the existing windows, and the style and amount of roof eaves and overhangs.
- 3) The exterior wall of the proposed addition shall be flush with the existing dwelling, and the new roof should have a consistent overhang as the remaining portion of the existing roof.
- 4) The entire roof material should either be replaced or match in materials and color.

Member Ferris made a motion to approve the application for a special permit finding to allow an addition to the nonconforming structure within the front and rear setback with conditions. Motion was seconded by Member Brangwynne. Motion was passed unanimously (5-0), with Member Ferris, Alternate Member Girard, Member Brangwynne, Chair SantucciRozzi and Member Dale voting in favor.

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Item #3

Jay Youmans representing the petitioners/licensee Sarah Naturals d/b/a AYR, Inc. introduced members of their team-Kyle Ronellenfitch, Vice President of Operations, Attorney Alycia DeAngelis, and Dwan Packnett, Vice President of Government Relations & Community Investment. He explained that pursuant to condition 15 of the ZBA Decision 2020-17 SP, they were here to provide an initial report and review their operations. Also, condition 19 required the operator to comply with an operations plan, including the opening plan as approved by the planning staff and chief of police. Additionally, at this time, a request was being made to increase the hours of operation. He stated that the Planning Board had approved a similar request made by another such operation. Unique to their operations was the fact that they had gone through the Zoning Board approval process to build a newer structure, demolishing part of the previous structure at 48 North Beacon Street.

Providing an overview of their operations, Jay Youmans explained that there had been no zoning infractions, no calls to the police or fire department, and no issues with the parking management plan. Describing their community engagement programs, he highlighted AYR's contributions as a founding employer of the UFCW National Joint Apprenticeship Training Committee, as co-founder and creator of the CultivatED Program, and as members of the Watertown Transportation Management Association and Watertown Community Foundation.

Jay Youmans explained the market conditions for the business. Currently, customer transactions trended between 120-150 per day with the average in-store time being under 10 minutes. At the same time, peak customer demand tended to occur around 7:00 pm, close to closing time, consistent with other locations across Massachusetts. The competition in the industry due to increased number of such businesses, and the tight regulations in the industry which have made demand for their products less than what would be desirable, provide the rationale for the request in increased hours of operation. Approval of their request would allow AYR to operate more closely in line with other area businesses, all located on the same block of North Beacon –Speedway (11 PM close) China Rainbow (11 PM close), Arsenal Wine & Spirits (M-T, 10PM/F-S, 10:30 PM, Domino's Pizza (M-T, 12 AM/F-S, 1 AM)

Upon request from the Chair, staff stated and described the conditions that required a ZBA review with respect to compliance with their decision, referencing condition 15, condition 11, and condition 19 of the ZBA Decision.

Chair opened the discussion to the Board members.

In response to Alternate Member Girard's comments on the hours of operation of similar businesses, noting that they were also open from 10 AM to 8 PM, staff acknowledged that this was attributed to the common condition included in similar applications. A similar petition to increase business hours had been approved by the Planning Board, the permit granting authority for that location, in light of the approval by the Police Chief.

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The applicant informed the Board that similar requests have been made in the city of Boston and approved in recognition of the fact that consumers were looking for different hours than were currently being allowed by the municipalities. He also clarified that they were not just moving the peak demand to a different time; they were just not open at the times when the demand peaked---some people were just not able to get there sooner, and they were losing their business to competitors.

Member Dale asked about the number of participants so far in their CultivatED program. In response to his questions, Dwan Packnett stated that between the two cohorts, there had been about 44 fellows. She went on to detail the program. The fellows were selected to work for 8-10 weeks at AYR. On-the-job training was offered in retail, cultivation, or retailing/marketing that could lead to part- and full-time employment opportunities in the cannabis industry. Other benefits offered to the participants included legal services for expungement, unionized jobs, health insurance, transportation stipend, childcare expenses, etc. Along with Jay Youmans, she described some of the barriers faced by the participants such as transportation to the job site and finding childcare. Despite all of this, the program so far had a 100% graduation rate and 100% employment rate, opening up avenues for its participants and giving them opportunities to work and get back into society.

Member Dale asked how much business differentiation they expected to see across the week. Jay Youmans stated that they expected to see peak hours Thursday through Sunday.

Chair expressed concerns about the low number of per-day transactions and asked what their goals might be. Kyle Ronellenfitsch hoped that in the coming months and years, they would double their business. This would be in line with the business trends they were seeing in other locations with similar population densities. He also added that in the future they planned to come back to the city to discuss different visibility opportunities for this location, given its somewhat “non-descript” location which was not able to draw as many customers.

Chair asked how they compared with other similar businesses in Watertown, in terms of the volume of sales.

Jay Youmans acknowledged that compared to Bud’s Goods & Provisions, they had fewer transactions. Increasing the visibility of their location would help boost sales.

Chair appreciated the attention given to the building.

Chair discussed the procedural options for approving the request. She also sought clarification on options for the Board if the condition with the hours of operation was not modified. Upon resolution of the questions and suggestions received from applicants, the Chair requested a motion for a conditional extension of hours 7 days a week till 10 PM with the condition that the applicant file an amendment to the special permit within 90 days. The motion was made by Member Brangwynne and seconded by Member Dale and Alternate Member Girard. Motion was passed unanimously (5-0), with Member Ferris, Alternate Member Girard, Member Brangwynne, Chair SantucciRozzi, and Member Dale voting in favor.

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Meeting was adjourned after an announcement made by staff informing the Board about the updated Comprehensive Plan and the Open Space and Recreational Plan. Motion to adjourn was made by Member Dale and seconded by Member Girard. Motion was passed unanimously (5-0), with Member Ferris, Alternate Member Girard, Member Brangwynne, Chair SantucciRozzi, and Member Dale voting in favor.

DRAFT

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