



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
Samuel Odamah, Alternate

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MINUTES

On Wednesday evening, September 27, 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*; Alexander Dale, *Member*; Gregory Girard, *Alternate Member*; Michael Brangwynne, *Member*; Samuel Odamah, *Alternate Member*; Also present: Larry Field, *Senior Planner*; Gideon Schreiber, *Assistant Director of Planning*; Sameena Pirani, *Zoning Clerk*; Antonio Mancini, *Zoning Enforcement Officer*.

Chairperson SantucciRozzi opened the meeting. She introduced the new alternate member, Samuel Odamah, and noted the other Board Members and staff. Staff explained how the meeting and methods of participation for the public could be accessed remotely.

The chair stated the order of the cases. She explained that the petitioners for 104 Main had requested continuance to allow the full board that had sat on this matter to participate. The motion to continue to October 25, 2023 was made by Member Ferris and seconded by Member Girard. The motion was approved 4-0 with Member Ferris, Member Brangwynne, Alternate Member Girard and Chair SantucciRozzi voting in favor.

The motion to continue 480 Arsenal Way was made by Member Ferris and seconded by Member Dale and Member Girard. The Motion was approved (5-0) with Member Ferris, Alternate Member Girard, Member Brangwynne, Member Dale and Chair SantucciRozzi voting in favor.

Administrative Chairperson SantucciRozzi requested a motion to approve the Minutes from the meeting on July 26, 2023. The motion to approve the minutes was made by Member Ferris and seconded by

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Member Girard. Motion was approved (5-0-0) with Member Ferris, Alternate Member Girard, Member Brangwynne, Member Dale and Chair SantucciRozzi voting in favor.

The Motion to approve the minutes for August 23 was made by Member Ferris and seconded by Member Girard. Motion was approved (4-0-0) with Member Ferris, Alternate Member Girard, Member Dale and Chair SantucciRozzi voting in favor.

Chair announced the voting members on 200 Palfrey St-Member Dale, Member Brangwynne, Member Ferris, Chair SantucciRozzi and Alternate Member Odamah.

200 Palfrey St-Hasan Rahim- Requests a Variance in accordance with §9.04 for relief from §5.04 Table of Dimensional Regulations to allow the southwesterly side yard setback to be decreased along the length of the building with a varied setback (9.1 to 7.1 feet front to rear), where 10' is required, because of conflicting survey at completion of the project. Located in the Single Family (S-6) Zoning District. **ZBA-2023-08.**

After introducing himself as the owner and contractor for 200 Palfrey St, Hasan Rahim invited the surveyor Anthony Szerszunowicz to detail results from the land survey.

Anthony Szerszunowicz explained that three surveys had been completed for this location. He first began working on the survey around the beginning of March 2021. After multiple revisions, the plot plan was approved for construction and a building permit was granted in summer 2022. In fall 2022, development began on the adjacent property, 210 Palfrey St. It was at this time that the difference between the two surveys was discovered. The two surveyors met in the field to understand the reasons for the differences and discuss their sources of information. Owing to the conflicting results of the two surveys, there was mutual consent by both owners to hire a third surveyor, Joe Porter, from VTP Associates. Based on a more extensive survey that found other convincing monuments, the accuracy of the third survey was confirmed. After verification of these findings and accepting the solution from VTP Associates, Anthony Szerszunowicz changed his drawings, recomputing the boundary lines and showing the new setbacks on the final as-built plan. He described the challenges of surveying the site given the overgrowth of vegetation, erosion, and difficulty locating the monuments.

Following the conclusion of his presentation, Chair SantucciRozzi opened the discussion to the Board.

Member Girard asked if the challenges described by the Surveyor, such as the age of the monuments and excessive vegetation were common and frequently encountered. He also asked if he believed that the evaluation was accurate.

Surveyor Anthony Szerszunowicz described the location of the key monuments used in the third survey. He stated that the two iron rods were amid thick overgrowth due to much of the land being previously vacant. He had been confident of his findings given that the boundaries were based on the angles found in two recorded plans. Since the conflicting surveys were attributed to calculations derived from two different directions, the owners agreed on hiring a third surveyor for verification.

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Anthony Szerszunowicz stated that he believed the results of the third survey were accurate, especially given that it was more extensive.

Member Ferris confirmed that the location of the corners along Palfrey St were consistently accurate. He also confirmed that the results of the third survey had not been documented in a formal survey.

Member Brangwynne admitted that the Board had very high standards for issuing a variance. A mistake in a survey was not to be regarded as a way to get a variance--this was a unique situation.

Chair SantucciRozzi acknowledged that these were rare cases—occurring maybe once in twenty-five years.

In response to Chair SantucciRozzi's question, Surveyor confirmed that he had recomputed his original survey for the As-built plan to adjust the angles based on the findings of the third survey.

The Chair stated that it would be advantageous to reach out to the land court to discuss the issue with their engineers. They might be able to reset some of the monuments.

Staff also suggested that since a variance was being sought, the As-Built plan be recorded.

Based on concerns to allow repetition of such an error in the future, Chair added Condition 6: The petitioner shall inform the Land Court in writing of their findings from the survey and its outcome. Staff shall be provided with a copy of this for their records.

The chair opened the discussion to the public.

Ross Kelly, 14 Everett Avenue, asked if both properties were satisfied with the outcome. Both staff and the Chair clarified that the actual space between the two structures as built was the same if zoning were to be followed. Since the property line for 200 Palfrey had shifted, the adjacent property on 210 Palfrey now had more space on the common side than they had thought they did prior to the findings.

After confirming that there were no hands raised for comments on Zoom and no emails to staff, the Chair closed the public hearing. She also stated that she was not concerned about setting a precedent by approving this request for a variance given the topography of the land and the nature of the error. Member Brangwynne made a motion to approve the relief requested with the conditions discussed. Motion was seconded by Member Ferris and approved unanimously (5-0) with Member Ferris, Member Brangwynne, Member Dale, Alternate Member Odamah and Chair SantucciRozzi voting in favor.

The motion to adjourn was made by Member Ferris and seconded by Member Dale. The 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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