



Zoning Board of Appeals Meeting

Wednesday, March 27, 2024 at 7:00 PM
City Council Chamber, Administration Building,
149 Main St., Watertown, MA 02472

Agenda

ACCESS INFORMATION:

- A. This meeting will be held on **March 27, 2024 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): 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://zoom.us/j/606857230)
 - E. Public may comment through email: zba@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. Executive Session pursuant to G.L. c. 30A, Section 21(a)(3) to discuss litigation strategy and the chair has determined that having such discussion in open session would have a detrimental effect on the Board's litigating position: 61 Bigelow Ave, LLC v. Watertown ZBA, Middlesex Superior Court C.A. No. 2381CV01837 regarding the property located at 61 Bigelow Avenue.
- B. Approval of Meeting Minutes
 - i. Minutes January 24, 2024--Draft
 - ii. Minutes February 28, 2024--Draft

2. Continued Cases

- A. [221 Acton St.](#) **Request to withdraw**. Edward and Claudia Hall request a Special Permit Finding to allow a full second story, a half-story attic and new roof within existing non-conforming front and rear yard setbacks. **ZBA-2023-10**.
- B. [20 Thurston Rd.](#) Ming Qiao requests a Special Permit Finding to allow construction within existing non-conforming front and sideyard setbacks to construct a full second story and a new half story within a new roof. **ZBA-2024-01**



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

Telephone (617) 972-6427
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MINUTES

On Wednesday evening, January 24, 2024, 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 (In person): David Ferris, *Member*; Alexander Dale, *Member*; (Remote): Gregory Girard, *Alternate*; Samuel Odamah *Alternate*; Michael Brangwynne, *Acting Chair*; *Absent*: Chair SantucciRozzi and Member Heep: Also present remotely: Gideon Schreiber, *Assistant Director of Planning*; Antonio Mancini, *Zoning Enforcement Officer*. In person: Sameena Pirani, *Zoning Clerk*.

Member Brangwynne opened the meeting and introduced the Board Members and staff.

Motion to approve the November 29, 2024, Meeting Minutes was made by Member Ferris and seconded by Member Girard. The motion was approved by roll call vote 5-0 with Member Ferris, Member Brangwynne, Member Dale and alternates Girard and Odamah voting in favor.

Case #1: 99 Water St

Bob Doherty participating remotely introduced himself and outlined the rationale for the extension on the Special Permit. Attributing it to the uncertainty of economic conditions this past year, he remained optimistic about the future health of the biotech market. They were in the process of actively marketing 66 Galen, the first phase of the redevelopment.

Following the conclusion of the presentation, Member Brangwynne opened the discussion to the Board.

Member Ferris asked staff to elaborate on the typical duration of a special permit. Staff described the permitting challenges faced by large-scale developments. Therefore, it was not unusual for them to seek an extension. The request for an additional two years was also consistent with state law, recently modified to allow up to three years.

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.

Member Girard asked staff what needed to be done within the two years for the process to move forward, compliant with the extension. Staff explained that in this case a physical versus administrative start to the process was necessary.

Member Odamah asked how the project would be impacted if the economic climate failed to be in their favor. Would they need to return to the Board? Bob Doherty reiterated that he was hopeful about the future. They had seen a growing interest from prospectives for the 66 Galen project and were working on making it tenant ready. Mid-size, versus big pharmaceuticals, were more likely to be interested in this development. Typically, these size firms did not commit too far in advance. If the market continued to trend upwards, they were confident about the future and the bullish trajectory.

Staff discussed options for a time frame for the extension. Since the permitting process for large-scale projects was longer, extension requests were typical. The Board could choose the timeframe, keeping in mind that extensions would need to be made prior to expiration of the Special Permit.

Bob Doherty provided the rationale for a two-year extension, versus a shorter time frame, as was proposed by Member Brangwynne. He added that there were many stakeholders including the T and the City, and current tenants of 51 Water St. They would be foregoing income from the current tenants of 51 Water St in the short and medium term. All these factors would keep them on the path of pursuing development.

Following the resolution of questions and comments from the Board and clarification from staff that this was administrative business and not a public hearing, Member Ferris made a motion to approve the request for a two-year extension of the Special Permit/Site Plan Review ZBA-2022-10 SP/SR conditional approval. Motion was seconded by Member Dale and approved unanimously by roll call vote (5-0), with Member Ferris, Member Brangwynne, Member Dale and alternates Girard and Odamah voting in favor.

Item #2: Continued Case

221 Acton St. Motion to approve the request for continuance to March 27, 2024 was made by Member Ferris and seconded by Member Odamah. Motion was approved by roll call vote (5-0), with Member Ferris, Member Brangwynne, Member Dale and alternates Girard and Odamah voting in favor.

Motion to adjourn was made by Member Dale, seconded by Member Ferris. Motion was approved by roll call vote (5-0), with Member Ferris, Member Brangwynne, Member Dale and alternates Girard and Odamah voting in favor.

MINUTES APPROVED:-----

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MINUTES

On Wednesday evening, February 28, 2024, 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, *Chair*; David Ferris, *Member*; Gregory Girard, *Alternate*; Samuel Odamah *Alternate* (Remote); Also present: Gideon Schreiber, *Assistant Director of Planning*; Antonio Mancini, *Zoning Enforcement Officer*; Larry Field, *Senior Planner*.

Absent: Member Brangwynne, Member Heep and Member Dale

Chair SantucciRozzi opened the meeting and introduced the Board Members and staff. She also said that since only four members were in attendance, a petition would need a unanimous vote to secure approval. Applicants could request continuance at the time their case was called if they wished to go before a full board.

Motion to table the January 24, 2024 meeting minutes to the March Agenda due to the absence of other members was made by Member Ferris and seconded by Member Girard. The motion was approved by roll call vote 4-0 with Member Ferris, Chair SantucciRozzi and Alternates Girard and Odamah voting in favor.

Case #1: 20 Thurston Rd

Member Ferris read the legal notice. The hearing was opened and motion to approve the request for continuance to March 27, 2024 was made by Member Ferris and seconded by Member Odamah. Motion was approved by roll call vote (4-0), with Member Ferris, Chair SantucciRozzi and alternates Girard and Odamah voting in favor.

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Case #2: 18 Lovell Rd

Member Ferris read the legal notice.

18 Lovell Rd-Joshua Heiber and Cara Kimberg request the Zoning Board of Appeals grant a Special Permit Finding in accordance with §4.06 (a)Alteration of Non-Conforming Structures to allow construction within existing non-conforming front and side yard setbacks to construct a second floor above an existing sunroom/garage. Located in the Single Family (S-6) Zoning District. **ZBA-2024-02.**

Joshua Hiber provided a brief overview of the project and scope of relief being sought. His family had moved to Watertown about six years ago. His two children currently attend Lowell Elementary School. The underutilized balcony space would be used to construct a bathroom and walk-in closet, much needed by his family. The project would not increase building coverage and would be consistent with the character of other homes in the neighborhood. He also added that they would match existing siding or use complimentary materials.

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

Member Girard expressed no concerns related to the project.

Member Ferris confirmed that the existing siding on the house was vinyl and the new windows would match the existing. He noted that matching new vinyl siding next to the old could be challenging. He suggested that the petitioner re-side the three “wall planes” forming the rear structure if it appears that a good color match cannot be achieved. Chair SantucciRozzi agreed and suggested that Condition 3 include that point.

Responding to Member Odamah’s question if the petitioner had discussed the proposed plans with their neighbors, the petitioner confirmed that they had been overwhelmingly supportive of the project.

After confirming that there were no public comments both in person and via Zoom, Chair requested a motion to approve the application. Member Ferris made a motion to approve the application for a special permit finding to allow the second-floor addition within the front and side setbacks, as it meets the criteria set forth in the Watertown Zoning Ordinance, with the proposed conditions and modification of Condition 3 as previously suggested. The Motion was seconded by Member Girard. Motion was approved by roll call vote (4-0) with Members Ferris, Girard, Odamah and Chair SantucciRozzi voting in favor. The Petition was approved (4-0) with the conditions below.

Case #3:390 Arsenal St

Member Ferris read the legal notice.

390 Arsenal Street-NS AJO Holdings, Inc d/b/a Ethos Cannabis/Natural Selections requests an Amendment to Special Permit ZBA-2020-21 SP to change the closing time from 8 PM to 10 PM in accordance with §5.01.5 for Adult Use Marijuana Establishment and Medical Marijuana Treatment Center. Located in the RMUD (Regional Mixed Use District) Zoning District. **ZBA 2024-03.**

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Chair SantucciRozzi asked staff if the condition in the ZBA decision initially granting the Special Permit contained the same language as that used for other cannabis operators; staff said yes.

Kevin Bradley, representing the petitioner NS AJO Holdings, Inc., d/b/a Ethos Cannabis/Natural Selections introduced himself and briefly described the petition. They had been operating for about three years, and had done a lot of community service. Chief of Police had been in support of their request. Part of the decision to expand their hours stemmed from similar action from their competitors.

Following the conclusion of this presentation, the chair opened discussion to the Board. There were no comments and questions from Member Ferris, Member Gerard and Member Odamah. The Chair acknowledged that the other operators had been allowed to expand their hours to 10 PM and noted that the letter from Police Chief Rocca was important.

After confirming that there were no public comments both in person and via Zoom Chair requested a motion to approve the application. A motion was made by Member Ferris to amend the special permit to expand the hours of operation to 10 PM. The motion was seconded by Member Girard and approved by roll call vote (4-0) with Member Ferris, Member Odamah, Member Girard and Chair SantucciRozzi, voting in favor.

Case #3: 20 Irving Park

[20 Irving Park](#)-Douglas and Lauren Syer request the Zoning Board of Appeals grant a Special Permit Finding in accordance with §4.06 (a)Alteration of Non-Conforming Structures to allow construction within existing non-conforming rear yard setback and increasing existing non-conforming FAR to construct a mudroom/rear entryway and an office. Located in the Two Family (T) Zoning District. **ZBA-2024-04.**

Lauren Syer provided a brief overview of the project and scope of relief being sought. The house had been a two-family rental from 1988 until 2005. They have been living here for the past 19 years. Updates were overdue and they would like to make the home suitable in the long term. The proposed mudroom would be within existing non-conforming rear yard setback and the existing non-conforming FAR would increase from .66 to .69. The mudroom would be in the rear corner of the house, furthest from the intersection of Royal and Irving Park. Hence, it would not be visible to the public. Also, the entire building would be re-sided to keep the material consistent. There would no change in the character of the house and its historical nature.

Since the property was a corner lot, Chair SantucciRozzi asked staff to confirm that Irving Park was considered the front, and that Royal Street was not considered a second front. Staff said this was the determination and that this did not affect whether zoning relief was required. Member Ferris asked whether all windows were being replaced; the Petitioner said they were replacing many but had not decided on whether all would be replaced. Member Ferris confirmed that the replacement windows would be one-over-one and that the entire house (not just the Petitioner's portion) would be re-sided. Member Odamah asked whether the Petitioner had talked to neighbors. The Petitioner said they talked to others nearby, including the two abutters, and they were fine with the proposed plans. Chair SantucciRozzi asked whether the condominium documents provided their unit exclusive use of the additional space; the Petitioner said yes.

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After confirming that there were no public comments both in person and via Zoom, Chair requested a motion to approve the application. Member Ferris made a motion to approve the application for a special permit finding to allow construction of the proposed mudroom/rear entryway within pre-existing, non-conforming rear setback and construction of the proposed mudroom/rear entryway and proposed office increasing the pre-existing, non-conforming FAR. The Motion was seconded by Member Girard. Member Ferris, Member Girard, Member Odamah and Chair SantucciRozzi voted in favor. The Petition was approved 4-0 with conditions.

Motion to adjourn was made by Member Girard, seconded by Member Ferris. Motion was approved by roll call vote (4-0), with Member Ferris, Chair SantucciRozzi and Alternates Girard and Odamah voting in favor.

MINUTES APPROVED:-----

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Edward and Claudia Hall
221 Acton Street
Watertown, MA 02472

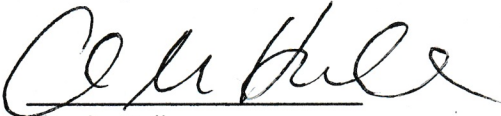
Watertown City Hall
149 Main Street
Watertown, MA 02472

March 18, 2024

To: Staff and Members of the ZBA

My wife and I are withdrawing our request for a Special Zoning Permit for the address of 221 Acton Street located in Watertown MA.

Sincerely,


Claudia Hall
Edward Hall