

WATERTOWN PLANNING BOARD

DATE: April 14, 2010 PLACE: Town Council Chamber TIME: 7:00 PM COMMENCED: 7:00 PM

PURPOSE OF MEETING: Regular Monthly Meeting

PRESENT: Jack Zollo, Acting Chairman; Jeff Brown; Fergal Brennock

CASE PENDING

- **31 Katherine Road;** Pamela Kantor – Special Permit Finding

Ann Walters, AIA, representing the petitioner, the house was purchased in 2003. It is situated in SC zone on a corner 8,974 s.f. lot. The house is in process of renovation, the petitioner is proposing 10'x10'x2' box rear window located within the nonconforming 2.6' to 4.2' rear yard setback where 20' is required

Danielle Evans, staff reviewed the proposal. The proposed box window will not be substantially more detrimental than the existing nonconforming use. Staff recommends an approval of the Special Permit Finding under Section 4.06(a).

Jeff Brown motioned to recommend to the Board of Appeals approval of the Special Permit Finding under Section 4.06(a) based upon the finding that it meets the criteria set out in the Zoning Ordinance subject to conditions set forth in the staff report.

Fergal Brennock seconded the motion.

VOTE: 3-0 In favor

- **9-11 Oak Street;** Sima Mancilikli – Special Permit Finding & Variance

Tom Welch, contractor representing the petitioner, a building permit was issued on January 23, 2009 to install vinyl siding, replacement windows, and rebuild front porch and enclose 2nd floor porch, the 1st floor porch was already enclosed. During a visit from the building inspector, he indicated his approval, but was concerned with the existing gable of the house. Work on the front has been discontinued and it was determined by the building inspector and the zoning enforcement officer that architectural plans are necessary in order to straighten the 2nd floor porch. Mrs.Mancilikli is seeking a Special Permit Finding to allow for the main roof extension over the front porches align with the nonconforming front setback. A Variance is requested to allow the 2 front projection windows extend further into the front yard setback. It is a costly mistake by the building inspector.

Michael Freedman, 15 Oak Street, as an immediate neighbor, we have no objection to this project.

Danielle Evans, staff reviewed the petition, we recommend an approval of the Special Permit Finding with conditions. The Variance under Section 5.04 does not meet the 4 criteria and staff recommends denial.

Fergal Brennock, I have visited the site, the neighbor has no objection. The bay windows are not out of character with the neighborhood.

Jack Zollo, if the petition is continued, is the applicant willing to change the windows?

Steve Magoon, staff recommends approval of the Special Permit Finding, which would allow continuation of the construction. The Variance is for the 2 bay windows. It is unfortunate that it happens but the requirements of the setback have not been met.

Sima Mancilikli, the construction is very expensive, it has been going on for many months. I cannot afford to replace the two windows.

Danielle Evans, the staff recommended approval of the addition, the porches can stay but the windows cannot be approved. Zoning Ordinance states that bay windows are included in setbacks.

Marylin Devaney, Mrs. Mancilikli is handicapped, maybe a compromise could be reached.

Steve Magoon, zoning law in Mass state that bay windows projecting into the setback require a variance. Zoning Board of Appeals will make the final decision.

Jeff Brown motioned to recommend to the Board of Appeals approval of the Special Permit Finding under Section 4.06(a) based upon the finding that it meets the criteria set out in the Zoning Ordinance subject to conditions set forth in the staff report.

Fergal Brennock seconded the motion. VOTE: 3-0 In favor

Jeff Brown motioned to recommend to the Board of Appeals denial of the Variance under Section 5.04 based upon the finding that it does not meet the criteria set out in the Zoning Ordinance.

Fergal Brennock seconded the motion. VOTE: 2-1 In favor, Fergal Brennock opposed

- **2 Rosary Drive**; James Hoyt, Esq. for Clear Wireless/Sprint/Nextel – Amendment to Decision filed 4/15/04 superseding Special Permit/Special Permit Finding #99-46

James Hoyt, Esq., amended plans have been submitted tonight. This is a proposal to modify existing telecommunications facility. The property is located in the Cluster Residential zoning district. The applicant is proposing to ass three Wimax panel antennas and four dish antennas within proposed faux chimney or façade mounted Cables will run on existing cable trays. This is an upgrade of the existing equipment, there is no coverage for this system now, and this will provide complete coverage.

Jeff Brown, individual cell phone companies are coming again and again, why can't they share the equipment.

Steve Magoon, the cost is significant, this is an existing carrier. The more established they get, there will be less carriers creating new networks. The staff will present the report based on the original changes.

James Hoyt, it is less expensive to upgrade, the Town will benefit because it will create better facility.

Tony Dieso, 23 Desmond Avenue, my concern are the electronics, how will they impact the household electronics. Will it interfere with our phones, TV equipment, etc?

Danielle Evans, the petition was already approved, these changes will not affect existing conditions. The new antennas will be concealed, hidden within the faux chimney. The proposed use will not adversely affect the neighborhood. Staff recommends conditional approval.

Marilyn Devaney, we have been here in the past, health hazards cannot be discussed but that might change in 10 years. I have asked Congressman Markey if a limit could be placed on the number of facilities within a town, and received no response.

Jeff Brown motioned to recommend to the Board of Appeals approval of the Amendment to Decision filed 4/15/04 superseding Special Permit/Special Permit Finding #99-46 under Section 5.13 based upon the finding that it meets the criteria set out in the Zoning Ordinance subject to conditions set forth in the staff report.

Fergal Brennock seconded the motion. VOTE: 3-0 In favor
Watertown Planning Board

April 14, 2010

Page Three

- **805 Mount Auburn Street;** James Hoyt, Esq. for Clear Wireless/Sprint/Nextel – Amendment to Special Permit/Special Permit Finding/Variance #99-33

James Hoyt, the applicant is proposing to add 3 Wimax panel antennas, two Backhaul dish antennas, and associated equipment on the roof of existing building. The panel will be placed back to back pointing in different direction. The site is located in LB district.

Angie Kounelis, District A Councilor, we already have too many antennas in our Town. I am opposed to all tonight's submissions. This equipment is located on top of a residential property, located within few feet of residents. Tenants living in the apartments have not been informed. The building permit is placed in the building during construction only, a permanent sign informing tenants of the equipment should be placed permanently. The Boards need to address this problem.

Marilyn Petitto Devaney, the landlords are making money, it is time to say no.

Steve Magoon, the only time the Board can say no is when the aesthetics are not acceptable or if the service can be provided elsewhere. The proposed antennas are being placed onto existing antennas.

Fergal Brennock, I have decided not to rent in this building because of concerns with these antennas. If the petitioner follows the FCC guidelines, we cannot deny the petition. It is not detrimental to add to existing antennas.

Danielle Evans, this is a modification of facility that was approved in 1996. The existing facility is not concealed and it is an eyesore. The antennas should be painted to blend with the structure. Staff recommends conditional approval of the Amendment to Special Permit/Special Permit Finding/Variance #99-33 with additional condition that the visual has to be improved.

Jeff Brown motioned to recommend to the Board of Appeals approval of the Amendment to Special Permit/Special Permit Finding/Variance #99-33 based upon the finding that it meets the criteria set out in the Zoning Ordinance subject to conditions set forth in the staff report.

Fergal Brennock seconded the motion.

VOTE: 3-0 In favor

- **75-85 Main Street;** James Hoyt, Esq. for Clear Wireless/Sprint/Nextel – Amendment to Special Permit #00-30

James Hoyt, the applicant is proposing to add 3 Wimax panel antennas, two Backhaul dish antennas, and associated equipment on the roof of existing building, within the existing screen wall. 3 antennas will not be visible, the 2 antennas will be mounted to existing pole and chimney and will not be any higher. This will have minimal impact, avoiding necessity for any towers. The green area on the map is showing coverage up to 0.3 miles, depending on surrounding areas, trees, hills, etc.

Marilyn Petitto Devaney, this town is only 4 square miles, how many antennas are sufficient?

Danielle Evans, this is an amendment to previously allowed facility. The equipment is located on commercial building. Conditions for granting of the amendment have been met. This is an appropriate district for such a use, it will not create serious hazard, adequate facilities will be provided. Staff recommends conditional approval.

Jeff Brown motioned to recommend to the Board of Appeals approval Amendment to Special Permit #00-30 based upon the finding that it meets the criteria set out in the Zoning Ordinance subject to conditions set forth in the staff report.

Fergal Brennock seconded the motion.

VOTE: 3-0 In favor

Watertown Planning Board

- **240 Waverley Avenue;** Carmen DeMarco, SAI Communications, Inc. on behalf of T-Mobile Northeast, LLC – Variance

Brian Grossman, Esq., this is a petition to install and operate a Wireless Telecommunications facility to be located at a multifamily house located on a 5,757 s.f. parcel in a Two family zoning district. The petitioner is proposing to install 3 panel antennas to be mounted in one vertical array and completely concealed from view within a fiberglass chimney. The BTS cabinet will be placed in an enclosed, screened, temperature controlled space in the basement of the building. People rely more on mobile phones and the need for more equipment increases. The facility will comply with all FCC regulations. A list of sites researched in the Town is provided with the statement. The proposed location is centralized and will provide best service.

Marilyn Petitto Devaney, this Board has denied previous request for a cell tower. This is a residential area and such use should not be allowed.

Angie Kounelis, I am opposed to this proposal. What type of noise level will the equipment generate, what type of maintenance will the unit require? There are 4 apartments in this building, the cooling unit will be placed next to someone's apartment.

Brian Grossman, this is a very small unit that you would expect to find on residential property. The unit is necessary to cool the equipment, it will be concealed by landscaping. There is a battery backup, the equipment is monitored 24 hours a day, if there is malfunction, a technician will be dispatched immediately.

Vince Piccirilli, District D Councilor, this equipment is necessary. This residential building is 2-1/2 story high and is located in T zone. There are no other antennas of this type in Watertown. The approval would be a mistake and it would set precedent to install such equipment on any home in T zones around town. This type of industrial equipment belongs in commercial zone.

Fergal Brennock, the proposed chimney is completely out of proportion, it is not aesthetically appropriate. Why couldn't the equipment be placed in attic area.

Jack Zollo, the Zoning Ordinance states that it would not be allowed on residential structure.

Steve Magoon, the application cannot be denied because it is in residential district, it can be denied based on the aesthetics. The applicant places the antennas on properties that would provide the best coverage. This is an accessory use, not commercial. The federal government states that we have to allow it through FCC, which says that we cannot preclude such use but we can regulate based on aesthetics.

Danielle Evans, staff reviewed the request, the zoning ordinance is not consistent with federal laws. The Federal Communication Act states, that we cannot prohibit such a use. The petitioner evaluated 23 other sites, none were feasible. The Board has to grant the approval.

Brian Grossman, the properties that were considered are: Fire Station on Orchard Street, 212 Waverly Avenue, Emerson Rehab on Coolidge Hill Rd, Verizon at Arsenal Mall parking lot, Bottled Liquor on Mt.Auburn, Tufts Health Plan on 705 Mt.Auburn, St.John's United Methodist Church on 80 Mt.Auburn St, former First Baptist church at 134 Mt.Auburn, Arsenal Smokestack at the Watertown Arsenal, Coolidge School on Mt.Auburn/Arlington, St.James Church at 465 Mt.Auburn, Brigham House at 341 Mt.Auburn, Hampshire House apartments at 462 Mt.Auburn, MJ Pirolli on Irving St, Oakley Country Club at 410 Belmont St, 107 Spring Street, 190 Mt.Auburn St Condo, 12-20 Church St, Watertown
Watertown Planning Board
April 14, 2010

Page Five

Housing Authority on Waverley Ave, Lowell Ave Apartments, St.Joseph Hall Condo at 2 Rosary Drive, St.Luke's parish at 132 Lexington Street, Belmont.

Jeff Brown motioned to continue the petition to allow the petitioner to provide more material and peer review.

Fergal Brennock seconded the motion.

VOTE: 3-0 In favor

Steve Magoon, a peer review would mean that they need to provide additional information about alternate sites.

OTHER

Chairman John Hawes adjourned the meeting at 9:25 PM.

MEETING ADJOURNED: 9:25 PM MINUTES APPROVED: _____

For more detailed Minutes see tapes dated 4/14/2010 available in the DCD&P office.