



TOWN OF WATERTOWN

Zoning Board of Appeals

149 Main Street

Watertown, MA 02472

Harry J. Vlachos, Chairman
Melissa M. Santucci, Clerk
Deborah Elliot, Member
David Ferris, Alternate
Suneeth P. John, Alternate

Telephone (617) 972-6428
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MINUTES

On Wednesday evening, **April 27, 2011** at 7:00 p.m. in the Council Chambers on the second floor of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Harry J. Vlachos, Chairman; Melissa Santucci, Clerk; Deborah Elliott, Member; David Ferris, Alternate Member; Suneeth P. John, Alternate Member; Steve Magoon, Director, Community Development and Planning; Michael Mena, Zoning Enforcement Officer; Gideon Schriber, Senior Planner; Louise Civetti, Clerk to ZBA.**

Chair Vlachos opened the meeting, introduced the board and staff, and congratulated Mr. Ferris and Mr. John on their appointment as full members to the board. He acknowledged the death of Jack Zollo, a long time member of the Planning Board and a very long time contributor to civic life in Watertown, a hard worker for the Town of Watertown. He sent our condolences to his family. Mr. Vlachos then announced that after 14 years, his last day on the board will be tonight. His term has expired and he is allowing other residents to come forward to share in this. He encouraged them to look on the board on the bottom level of the town hall for a list of openings on all boards.

On the agenda, there are three cases that will not be heard tonight: 532-542 Pleasant Street, A. Russo & Sons; 320 Main Street, John Paicopolous; 57 Irving Street, Ralph Loftus, Bostonian Towing, all have been continued at the planning board and will not be heard tonight which means it is still in limbo and has not reached this board. He said there will only be two cases heard tonight, 42 Union Street and 52 Partridge Street. He encouraged all petitioners, members of the audience or anyone planning to speak before the board to be sworn in. He swore in the audience.

Ms. Santucci read the legal notice:

Elizabeth Gibby and John Homnick, Owners, 42 Union Street, Watertown, MA 02472, herein request the Board of Appeals to grant a **Special Permit Finding** in accordance with §4.06(a), Alts/Additions to Non-Conforming Structure, Side Yard Setback, Zoning Ordinance, so as to enclose and extend existing 3'4"x4'11" entryway by 1'1" to 3'4"x6", maintaining easterly non-conforming side yard setback of 4.9', where 12' is required for 1st floor bath at **42 Union Street**, located in the T (Two-Family) Zoning District.

Elizabeth Gibby read a summarized version of their statement which noted that their first home has been well maintained and does not look to be 111 years old. They have made updates and maintained the character of their home. They are hosting their out-of-town parents while they receive medical treatment in Boston. Their visits range from over night to one week. They now have difficulty climbing stairs to the only bathroom on the second floor. They are wanting to build a bathroom on the first floor to accommodate them. It is too difficult for them to stay in a hotel as one has no short term memory and will not know where they are if they go to a new place. Adding a first floor half bath would consist of enclosing an existing covered side porch on the rear left side. They do not use the porch as they have a second means of egress from the rear deck. The driveway is on the other side of the house and this porch does not have a use and is wasted space. The proposal will be slightly larger than the existing porch and will maintain the same roof and side yard setback that currently exists. The exterior will match the existing home and will blend in. The neighbor, William Fitzpatrick has agreed to allow the addition. They are seeking a Special Permit Finding in accordance with section 4.06(a), WZO – she detailed the dimensions. The windows will face the front and the back and will not face the immediate abutter.

Mr. Ferris stated that the bathroom will have pier support and suggested they be careful that the insulation is appropriate for the plumbing so the pipes do not freeze.

Ms. Santucci asked where the plumbing will be going and doesn't it run under the floor and up? Mr. Hornick was sworn in and stated that the plumbing will come from the floor and through the floor. They do plan on having a lot of insulation, whatever is code compliant to protect those pipes.

No further testimony was heard.

Chair Vlachos read from the Staff report which recommended approval with typical conditions; the planning board heard the petition on April 13, 2011 and also recommended the approval of the special permit finding.

Ms. Santucci motioned to adopt the planning board's recommendation. She added that the proposal seems reasonable and complimented the applicant on the quality of the submission materials. Ms. Elliott seconded. Voted 5-0. Granted.

Documents reviewed: Plans titled 'Proposed 1st floor lavatory; two plot plans: one existing, one proposed, and the petitioners statement.



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Ms. Santucci read the legal notice:

Daniel Watson, Owner, 52 Partridge Street, Watertown, MA 02472, herein requests the Board of Appeals grant a **Variance** in accordance with §5.04, Table of Dimensional Regulations, Front Yard Setback, Zoning Ordinance, so as to construct a 10'6" x 5'9 ½ " portico over existing 9'9"x5'3" front stoop creating a 4'11" front setback where the existing house setback is 10.7'and where 25' is required at **52 Partridge Street** located in the S-6 (Single Family) Zoning District.

Daniel Watson stated that he and his wife would like to put an open-air roof over their existing front stoop which the Planning Board does not agree with and he is at the mercy of this board. They purchased the house in 1991, it was built in the 1930's and they are requesting the variance as his wife has bronchial asthma and a slight cold will lead to a hospital visit. For 20 years they have used the rear entrance with a covered porch, which is accessed by the driveway on the north side of the house. The patio area is also on the north side of the house and in the winter with little sun, they are getting up to 6 inches of ice. He refers to addendum #1 showing 3 steps to the door with ice being present from December to March. The east facing front gets the morning sun and is easily cleared (of snow and ice) they'd like to put a roof over it to further improve their safety and visitor's safety. He and his wife find it difficult now that they are older and have more physical challenges to get in and out of the house in the winter months. He refers to addendum #2 which shows photographs he has taken of 50 similar structures with open-air roofs supported by columns; all within the S-6 zoning district and as many with the required 25' setback as there are not. He feels this roof would be in keeping with the character of the neighborhood, it is covering the existing front stoop which is 5' essentially providing a 5' setback. He feels they meet the variance criteria as follows: 1 & 2, his wife needs protection from the elements when entering the house. The topography of the house facing east, the driveway on the north getting no sun and the porch and patio getting no sun makes it a safety hazard. The roof would make a safer entrance for them, their parents, responders, etc. They also feel the proposed roof would not be a substantial detriment to the public good nor would it nullify the intent of the ordinance as it is not increasing the footprint of the house, it is only covering the existing stoop with a 3" overhang. They respectfully request a variance to put a roof over their stoop.

Chair Vlachos commented that the wall in front of the house is beautiful.

Ms. Santucci commented that the roof will be less than 5' from the street as when you are driving by it doesn't appear to be that close. She asked if the wall is within their property (it is).

Mr. Ferris commented that his house does appear to be one of the closest to the street. There is one a little closer due to a porch - #28 Partridge.

Chair Vlachos asked if there is anything that he could do change the plan to meet his needs. Can you achieve the same thing by not going out with the projection?

Ms. Elliott asked if the existing foyer could be modified?

Mr. Watson said he didn't know how that would impact zoning or the aesthetics. They considered bringing the roofline out but that would look too massive.

Chair Vlachos said this would be a stretch for the board to give this type of relief.

Ms. Elliott commented that on some of the samples, they have the overhang but they don't have the foyer that his has and his is different from the examples given.

Ms. Santucci asked if they could do something without the sides so there isn't a structure appeal with the side supports.

Mr. Watson said that everything in the neighborhood has columns and you need something to hold it up. This is no closer than the stoop.

Mr. Ferris asked if there is a retaining wall long the front yard side and the driveway (there is). He is surprised that there isn't a railing at the steps now. He proposed as part of a plan to put a railing around the stoop, as well.

Chair Vlachos swore in James Fairmont, Architect who then addressed the size of the roof, which is the same size as the stoop. He said it is an appropriate size as the door is 3' and when you open the door, you want space to stand so, 5' is appropriate. Chair Vlachos stated that it was not a question of size but location and being so close to the sidewalk.

Mr. Ferris added that the roof is actually larger than 5' as there is an overhang at 6". He asked if they have considered the logistics – someone comes down the front steps and someone else goes to the driveway to get the car and then pulling it to the street? Have they considered a couple of steps to the side yard to the right of the stoop with a couple of more steps to the driveway instead of going to the street for the car?

Mr. Watson said aesthetically that doesn't appeal to him. The simplest solution is to put a roof over the stoop. Mr. Fairmont said the suggested steps would lead to the icy driveway. Mr. Ferris said if there is always going to be ice in the driveway and there is always going to be a car in the driveway then it is always going to be a problem. Mr. Watson said it is only going to be a problem for him not his wife.

Mr. Fairmont said there will be a railing along the stairs as it is required by code with an outswinging door. Someone coming up the stairs in the winter would hold on to the rail but the rail would not be on the stoop as you would not be able to open the door with the railing there.

Chair Vlachos asked how this is different from other situations. Mr. Fairmont said it isn't different, it is the same as other homes in the neighborhood. He added that if someone slips on the ice, they are going to sue and now they have to deal with a lawsuit. Mr. Vlachos added that that is why you have insurance...

Mr. John said it appears the foyer was once open especially when you look at all of the other houses. Mr. Watson said no, it wasn't.

No one spoke from the audience.

Chair Vlachos determined a business mode. He noted other photographs that the petitioner submitted; the staff report of March 31, 2011 which states that the petition does not meet the criteria/requirements of the ordinance. The Planning Board met on April 13, 2011 and with the request for variance under section 5.04, Table of Dimensional Regulations, the zoning requires a 25' front setback and 10.5' exists and with this new construction it would bring the front yard setback down to 4'11". The Planning Board voted unanimously to deny the request. Chair Vlachos said if they adopted what the Planning Board recommended, it would be denied. If the petitioner wanted to look at this and consider another alternative to provide protection and come back he would encourage him to do so.

Ms. Santucci said all of the photos showing the houses in the area does not equal the front of this house which has the front area so much more pronounced. There are a few that do not have supports and a few that have an angled support (bracket) as shown on #5 Partridge Street which ties very well to the overhang and has less of a pronounced look to it. Mr. Ferris said one reason it looks less pronounced is that the house roof has a deep overhang.

Mr. Ferris said the challenge is even with the covering is that you still need to be shoveling and making sure there is no ice on there – it is not as if it is being enclosed. He said that his concern is that it is so close to the street.

Mr. John asked if he has any alternatives as this is not going to pass.

Ms. Elliott agreed that she doesn't support it as requested as it is too close to the street.

Chair Vlachos said the problem that the house is very pretty and has a pretty wall but it sits too close to the street where most people just need a building permit to build something that may not be as attractive. He added that he agrees with the rest of the board and this would not get approved. He then gave him a choice to hear the vote or to come up with an alternative plan that is not so pronounced or close to the street.

Mr. Watson asked if he has to go back to the planning board and pay another fee. Chair Vlachos stated he does not have to go back to the planning board. Mr. Magoon said the staff would work with the petitioner to come up with an alternative and continue the case. He suggested the petition reserve the right to come back with an option which would leave the petition open and would allow him not to have to come back to the planning board and pay a fee, etc.

Mr. Watson said he would take the continuance. Chair Vlachos said even with a continuance, it still may not get approved.

Mr. Watson asked Mr. Magoon if he saw any 'wobble-room'. Mr. Magoon said there are some things they can talk about.

Chair Vlachos reiterated that the planning board and the staff denied this unanimously so the redesign would have to be significant to pass.

Mr. Watson said he gets that the board thinks this is too much. Mr. Vlachos said it is too close to the street. Mr. Watson doesn't know how to get around that.

Mr. Ferris said the house and yard are attractive and he would suggest thinking about the source of the issue and perhaps consider why there is so much ice in the driveway and take a look at his downspouts as this winter was particularly wet and everyone was getting ice. An investment in that area may resolve what you are trying to do versus a covered front entrance. He suggested thinking about other options as this option is too close to the street.

Mr. Watson wants to continue but asked if he could do this on an indefinite basis as he will not have anything ready for next month. Chair Vlachos said they cannot keep the case open as there are deadlines. He then suggested working with the planning staff. Ms. Santucci stated that the deadline is April 24, 2011 which doesn't seem correct.

Chair Vlachos motioned to allow the continuance; Mr. John seconded. Voted 5-0 to allow the continuance.

Mr. Magoon addressed Mr. Vlachos and thanked him for his 14 years of service to this volunteer board. He stated that it takes a lot of time to read through case files, providing advice to the public similar to what was just given; understanding cases, doing site visits; dealing with contentious issues that are not always easy to do and to do that for as long as he has is definitely going above and beyond the call of service and something that the Town of Watertown appreciates and wants to extend its heartfelt thanks. He has gone well above the call of duty as chair and he has run a fair and professional board where everyone gets an opportunity to be heard which is important to members of the public that feel when they come to the town for a case before and it is not a process that they understand having a chair that is familiar with it and it is run as professionally as he does it. He stated that he will be missed and on behalf of the staff we hope to hear from Harry with his familiarity with the town.

Mr. Vlachos stated that 14 years has flown by. He named Anthony Cristello who was on the board when he began as an alternate. He mentioned Jack McCarthy, Tony Furia, John Marshall, Elaine Gray, John Gannon and the current board who are all very competent. He knows the town is in good hands. He thanked the town manager, Mike Driscoll, for originally appointing him and giving him an opportunity to serve. He thanked the Town Council for voting to reappoint him. He thank all of the board for voting him to be chair. He thanked Louise Civetti for all of the years dropping the packages at his house; all the work and being the glue through the changes over the years. He thanked

Nancy Scott for all the work and help. He thanked Steve Magoon and mentioned his term ending and not being able to spend too much time with Mike Mena the new Zoning Enforcement Officer and also Gideon Schriber.

Steve Magoon presented Harry with a plaque inscribed with thanks to Harry for his 14 years of service.

Handshakes were given and photos were taken.

Mr. Vlachos hit the gavel one last time. The meeting adjourned at 8:00 p.m.