



TOWN OF WATERTOWN

Zoning Board of Appeals

Administration Building

149 Main Street

WATERTOWN, MASSACHUSETTS 02472

Melissa M. Santucci, Chairperson
Deborah Elliott, Clerk
David Ferris, Member
Suneeth P. John, Member

Telephone (617) 972-6427
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MINUTES

On Wednesday evening, **May 25, 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: **Melissa Santucci**, *Acting Chairman*; **Deborah Elliott**, *Acting Clerk*; **David Ferris**, *Member*; **Suneeth P. John**, *Member*; **Michael Mena**, *Zoning Enforcement Officer*; **Daniel Evans**, *Senior Planner*; **Louise Civetti**, *Clerk to ZBA*.

Ms. Santucci opened the meeting as the Acting Chairperson and announced that she will be the acting chair person until a vote is taken. She introduced the members and staff and as the first order of business, asked for a nomination for chair. Ms. Elliott nominated Ms. Santucci to be Chair; Mr. John seconded. Voted 4-0. Ms. Santucci is chair to the Zoning Board of Appeals. Chair Santucci asked for a nomination for clerk. Mr. John nominated Ms. Elliott for clerk. Mr. Ferris seconded. Voted 4-0. Ms. Elliott is clerk for the board.

Chair Santucci swore in the audience. She announced that the following cases on the agenda have been continued at the Planning Board and would not be heard tonight: 532-542 Pleasant St., A. Russo & Sons; 320 Main Street, John Paicopolous; 532, 550-580 Pleasant St., A. Russo & Sons; 52 Partridge St., Daniel Watson.

Chair Santucci announced the first case is for 57 Irving Street. Ms. Elliott read the legal notice:

Ralph Loftus, President (tenant), Bostonian Towing, Inc., 185 Oakley Road, Belmont, MA 02478 herein requests the Board of Appeals to grant a **Special Permit** in accordance with §4.06(e), Non-Conforming Uses, Zoning Ordinance so as to replace existing non-conforming office use for a non-conforming office use with parking for 6 tow trucks at **57 Irving Street**, located in the R.75 (Residential) Zoning District.

Chair Santucci stated that the petitioners attorney requested to withdraw. Ms. Elliott motioned to accept the request to withdraw. Mr. Ferris seconded. Voted 4-0. Withdrawn.



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Chair Santucci announced the case they will be hearing tonight is 24-26 Copeland Street.

Ms. Elliott read the legal notice:

24-26 Copeland Street, S-6 (Single Family) Zone

Harish K. Chawla, 24 Copeland 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 Structures, Side Yard Setbacks, Zoning Ordinance, so as to allow the enclosure of a portion 12'x10' and 13.5'x6' of the first floor deck, 25.5'x10', maintaining the southerly side yard setback of 8.9', where 12' is required and the northerly side yard setback varying from 5.5'-5.6', where 10' is required.

Harish K. Chawla stated that he lives at 24 Copeland Street and then introduced his architect, 'Mr. Wayne'.

Wayne Pelletier, Architect, stated that Mr. Chawla is intending to enclose the first floor portion of the two story deck. He said there is already a cover to divert water from the second floor deck. They had first drawn the plans enclosing the area under the stairs which was just over 30% but the planning staff recommended dropping back and not enclosing the stairs. The revised plot plan shows two enclosures 20'x6' and 10'x5' forming an 'L' and having 173s.f. of enclosure keeping it under the 30% of lot coverage, eliminating the 28 s.f. below the stairs. Everything is being done on an existing deck and they will be maintaining the non-conforming side yard setback as they exist.

Ms. Santucci said everything but the stairs will be enclosed. Mr. Pelliter referred to drawing 2 showing exactly where the enclosure will be.

Mr. Ferris asked if they propose to enclose the landing under the stairs and asked what the water diversion is that is there now. Mr. Pellitier stated that they are enclosing the landing under the stairs and there is a PVC system that brings the water to gutters on the sides and down to grade. They are not looking to insulate the porch – only 3 season.

Mr. Ferris asked if the existing decking has anything underneath and would it be open-air underneath. Mr. Pellitier explained that there isn't a diversion system underneath and they may add some screening for bugs but no solid floor.

Mr. Ferris asked if they were not to enclose the area under the landing, how much would that impact the project. Mr. Pelletier stated that the petitioner was just looking to gain storage for toys for his young child as the existing floor deck is only 6' deep.

Mr. Ferris asked if there is an interior stairway from the second floor. Mr. Pelletier said there is an interior stair at the front.

Mr. Ferris commented that it is not good use to have storage under a stairway, especially if it is a second means of egress in terms of the landing.

Ms. Santucci asked if the back door is being moved. Mr. Pelletier said it is not moving – you come out a slider to the area to the 6' area, then down the 4 steps to grade.

No one spoke from the audience.

Chair Santucci declared a business mode; read from the staff report which recommended approval and read from the Planning Board Report which met on April 11 and in which they recommended approval with standard conditions.

Ms. Elliott motioned to approve the Special Permit Finding.

Ms. Santucci read into the record that Tina Conlon, a neighbor, sent a letter (e-mail) in support of the enclosure.

Mr. Ferris seconded for discussion: the stairway construction will leave an area under the stairs that will not be enclosed and will have a railing from the outdoors and he is concerned with using the enclosed area under the landing for storage. He asked if it was considered not to enclose the area under the landing or if enclosing that area would be within the enclosure.

Ms. Evans said enclosing the area below the stairs would bring the building coverage over the 30% and would have necessitated a Variance. She said they felt it would be a safer condition to have the stairs open so that the snow wouldn't get packed in there. She said the area under the landing does not put this over the coverage. Their discussions initially were to recommend no enclosure on the L portion and it remain open for usable deck space but they did not push the issue.

Mr. Ferris said it is a funny area where there is an outdoor deck space with a railing that snow will sit inside and the area will gather leaves, etc. He does not support doing any storage under the stair but suggests having it enclosed but walled off from the interior. They may end up storing things under the stair from the outside. If

Ms. Evans said that would bring them into the variance and they would have had to postpone the meeting to June as they would have had to advertise the request for variance.

Mr. Ferris said he is not opposed to it as requested.

Chair Santucci reiterated that there was a motion by Ms. Elliott and a second with discussion by Mr. Ferris.
Voted 4-0. Granted.

Documents reviewed: "Certified Plot Plan, 24-26 Copeland Street, Watertown, MA" prepared by Boston Survey, Inc and dated May 18, 2011; and the architectural drawings "3 Season Enclosure, 24-26 Copeland St., Watertown, MA" pages A3 prepared by Construction Design Services dated 3/25/11 and A1 & A2 revised 5/9/2011 for 173 SF enclosure.

Ms. Elliott motioned to adjourn. Mr. John seconded. Voted 4-0. The meeting ended at 7:30 p.m.