

## WATERTOWN PLANNING BOARD

DATE: August 10, 2011 PLACE: Town Council Chamber TIME: 7:00 PM COMMENCED: 7:00 PM

PURPOSE OF MEETING: Regular Monthly Meeting

PRESENT: John Hawes, Chairman; Jeff Brown; Fergal Brennock; Linda Tuttle-Barletta  
Ingrid Marchesano, PB Clerk, Danielle Evans, Senior Planner, Gideon Schreiber, Senior Planner

Chairman John Hawes called the meeting to order at 7:00 PM.

### ADMINISTRATION BUSINESS

Jeff Brown motioned to approve Minutes of 7/13/2011.

Fergal Brennock seconded the motion.

Voted 4-0 In favor

### CASE PENDING

- **15 Auburn Court;** 15 Auburn Court Condo Assoc. – Special Permit Finding

John Hawes, we have received a request from the petitioner to withdraw the above petition

Jeff Brown motioned to approve the withdrawal of the petition for 15 Auburn Court.

Fergal Brennock seconded the motion.

Voted 4-0 In favor

- **26 Forest Street;** HYE Realty LLC – Variances

Ken Leitner, Atty, the property is the last house on Forest Street, the 5,991 s.f. property is located in T zone. The petitioner is requesting a variance relief for undersized frontage of 45.5' where 50' is required, extending to 57' width in the rear, and FAR of 48% where 50% is required, to construct a 2 town house style units with 4-space garage under. Each unit will have basement and 2 floors. The height of the structure is 27 feet, approximately 74' long, and side yard setbacks of 10 and 12 feet. The property is surrounded by 2 family homes, the proposed design does not derogate from the intent of the Zoning Ordinance.

Avo Asdourian, Architect, the entrance to the garages is on the side and is easily accessible by small cars. Larger cars will need extra maneuver

Gideon Schreiber, the proposal is for 2 townhouse style units. The Zoning Ordinance was amended in 2005 to avoid to build sideways, this project does not meet the definition of a two family house. The house was originally used as a single family and started to be used as a 2 family in the 80's, there is no record of conversion. This is a 2 family zone with many undersized frontages, the lots are used to build single family homes. The adjoining parcel is owned by the City of Cambridge. The property would be economically viable as a single family. There will be a substantial visual impact by the structure as proposed. The space for maneuvering the cars into the garage is inadequate. Staff recommends denial of the petition.

John Hawes, this is a nonconforming lot, the frontage is undersized, what is the basis for variance? Are the rear uncovered steps allowed into the setback?

Danielle Evans, this is not an alteration of existing structure. They are razing the existing structure and building a new one. The purpose of the change in the Zoning Ordinance was to avoid this type of construction. There is no need for undersized frontage, a single family home can be build by Special Permit.

Ken Leitner, a variance is needed from the minimum frontage, rear yard setback, minimum side yard setback and landscape buffer.

Jeff Brown, the staff was very clear that this petition did not meet any of the criteria.

John Hawes, #3 Desirable relief may be granted without substantial detriment to the public good. The proposed garaged would be facing a public path, which would be detriment to the public good.

Fergal Brennock, this is not an acceptable design, there might be alternatives. There are no abutters presented tonight.

John Hawes, this Board considers visual effects. The staff pointed out problems with definitions. This is a very long structure, the Board would prefer single family home.

Linda Tuttle-Barletta motioned to continue the petition to the next Planning Board meeting.

Jeff Brown seconded the motion.

VOTE: 4-0 In favor

- **66 Townly Road**; Nicholas Avtges – Variance & Special Permit Finding

Mathew O'Connell, ADG Inc., the petitioner is proposing to legalize and expend unpermitted deck/sunroom. The existing open deck will be maintained. The sunroom will align with the side of the existing house. The building coverage will increase from 27.75% to 30%.

Nicholas Avtges, the deck was build 40 years ago and 15 years ago, the deck was changed to a sunroom. We did not obtain building permits. The second bedroom was changed to a computer room, the proposed rear addition will have minimal effect on the neighborhood. We have submitted 2 letters of support from abutters, we are asking the Board for approval.

Gideon Schreiber, the petitioner proposes to tear down the existing, not permitted, covered desk/screened deck and to construct a new 191 s.f. addition. The house was built in 1959. A gable roof structure is proposed with a slight building coverage. Staff reviewed the request for a variance, the site is not unusual in topography, and there will not be a substantial hardship. The aesthetics of the site will increase. The conditions for granting of Special Permit Finding have been met, staff recommends approval of the Special Permit Finding and denial of variance.

Mathew O'Connell, the structure has 2 stairs to the basement. The rear yard setback will increase to 20' as required.

Linda Tuttle-Barletta motioned to recommend to the Board of Appeals approval of the Variances under Section 5.04 based upon the finding that it meets the criteria set out in the Zoning Ordinance subject to conditions set forth in the staff report.

Jeff Brown seconded the motion.

VOTE: 4-0 In favor

Linda Tuttle-Barletta 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: 4-0 In favor

Linda Tuttle-Barletta motioned to strike condition #3 in the staff report.

Fergal Brennock seconded the motion.

VOTE: 4-0 In favor

- **190-192 Arlington Street;** Alison Bengel & Janet-Schmiege Ferguson - Reconsideration

John Hawes, this case was heard by the Planning and Zoning Board in 2010. The request is if to hear the petition again. I do not see any change or reason to hear it.

Danielle Evans, the petitioners are not in compliance with the Zoning Board of Appeals decision #10-24 ASPF/AVAR granted in December 2010. They are asking the Board to reconsider the case 2 years before allowed. The request would have to be significantly different from the previous request.

Janet Schmiege Ferguson, I owned the property jointly with Alison Bengel and her husband. I have purchased the property from Mr. Ozcan in October 2010, Alison in November 2010. Mr. Ozcan filed a petition to allow the 4 parking space on September 27, 2010. The ZBA made the decision in December 2010 without us who were the owners of the record at that time.

Husband of Alison Bengel, co-owner, we have received a letter from the Town that we were in violation of the decision. Former owner, Mr. Robert Ozcan, filed an application to amend previously issued Special Permit Finding and Variance to legalize unpermitted work which has already occurred on the site and which was in violation of previous permit. The request was made without out knowledge, the final decision was made after both units were sold to us. We are here asking the Board for reconsideration. The site is zoned 2 family, there are commercial properties nearby and all the available. It is important for each unit to have two off street parking spaces.

Danielle Evans, when the previous owner filed in September, he was the owner of record. There was no error on the Town's part, the previous owner had a complete disregard for the Zoning Board of Appeals decision. This is a civil matter between these owners and the previous owner. The original approval was for 3 parking spaces and landscaping. Mr. Ozcan paved the entire front yard. He came back in September and was denied. The violation notice went to the new owners of record. Today we took pictures of the front of the house, nothing has changed. The dwelling is nonconforming, the Zoning Ordinance does not allow front yard parking.

John Hawes, the petition was denied because of the fourth parking spaces. It is an unfortunate situation but the Board will not change it. Many 2 family homes in Watertown do not have any off street parking. The petitioner could ask for a variance from the width of the parking spaces.

Danielle Evans, it is possible that the previous owner did not explore other options. The Board could continue the request to allow for the petitioners to explore other options.

Linda Tuttle-Barletta, it is a terrible situation, tonight's vote is if the petition should be reconsidered.

Linda Tuttle-Barletta motioned to continue the matter to the next meeting of the Planning Board  
Jeff Brown seconded the motion. VOTE: 4-0 In favor

- **22 Perry Street;** Ada H Wong – Special Permit

Linda Tuttle-Barletta motioned to continue the petition to the next Planning Board meeting.  
Fergal Brennock seconded the motion. VOTE: 4-0 In favor

- **326 Belmont Street;** Dr. Mark Strokowski – Variance & Special Permit Finding

Vahe Onanessian, Architect, first floor of this dwelling is used as a dental office by the petitioner, second floor as a rental unit. We are proposing to expand the attic to allow for additional living space.  
Watertown Planning Board

Special Permit Finding is requested for the shed and gable dormer additions. A Variance is requested for increase in FAR from 0.547 to 0.695.

Danielle Evans, the original variance relief was for maximum eave height. The architect met with the staff and many design changes to allow downsizing were made. Now the staff is able to recommend approval. The criteria for granting of a variance have been met. There will be no alteration to change character of the neighborhood, there are other similar properties in the area.

Jeff Brown, the location of the dental office on the first floor is not appropriate.

Fergall Brennock, does the petitioner live in the residential unit?

Danielle Evans, a use variance was granted in 1971. The petitioner does not live there, but potentially might in the future. This is a 2 unit property, the only allowed use is for 2 units, one residential and because of the granted variance, the dental.

Linda Tuttle-Barletta motioned to recommend to the Zoning Board of Appeals approval of the Variance under Section 5.04 based upon the finding that it meets the criteria set forth in the Zoning Ordinance subject to conditions set forth in the staff report

Fergal Brennock seconded the motion.

VOTE: 4-0 In favor

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

Fergal Brennock seconded the motion.

VOTE: 4-0 In favor

Fergal Brennock motioned to adjourn

Jeff Brown seconded the motion.

VOTE: 4-0 In favor

John Hawes adjourned the meeting at 9:05 PM.

MEETING ADJOURNED: 9:05 PM MINUTES APPROVED: \_\_\_\_\_

For more detailed Minutes see tapes dated 8/10/2011 available in the DCD&P office.