



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
Christopher H. Heep, Alternate Member

Telephone (617) 972-6427
Facsimile (617) 926-7778
www.watertown-ma.gov

MINUTES

On Monday evening, **September 26, 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 Rozzi**, *Chairman*; **Deborah Elliott**, *Clerk*; **David Ferris**, *Member*; **Christopher H. Heep**, *Alternate Member*; **Steve Magoon**, *Director, Community Development & Planning*; **Michael Mena**, *Zoning Enforcement Officer*; **Gideon Schreiber**, *Senior Planner*; **Louise Civetti**, *Clerk to ZBA*. Absent: **Suneeth P. John**, *Member*.

Chair Santucci Rozzi opened the meeting, introduced the board and staff; and announced the continued cases: 532-542 Pleasant St., Appeal ZEO Determination; 22 Perry St., Special Permit, Ada Wong; 190-192 Arlington St., Reconsideration; 326 Belmont St., Special Permit Finding and Variance; and 532-560-580 Pleasant St., A. Russo & Sons, Variances.

Chair Santucci Rozzi asked for a motion to accept the minutes. Ms. Civetti clarified that they have not received the minutes. Ms. Santucci Rozzi continued to acceptance of the minutes to the next hearing in October. She then swore in the audience and announced that one of the four members has not arrived yet and explained that a unanimous vote will be required to move forward. She asked the clerk to read the legal notice for the first case.

Ms. Elliott read the Legal Notice:

Jean M. and Paul A. Humez, 69 Lowell Avenue, Watertown, MA 02472, herein requests the Board of Appeals to grant a **Special Permit Finding** in accordance with §4.06(s), Alts/Additions to Non-Conforming Structures, Side Yard Setback, Zoning Ordinance, so as to legalize and enlarge an existing deck, 5'x10', to 10'x10', maintaining easterly side yard setback of 7.2', where 12' is required. T (Two Family) Zoning District.

Jean Humez, Owner, appeared before the board to request the enlargement of an existing 10'x5' deck which, when built, apparently did not receive a special permit as it is 7' away from the property line and considered non-conforming – something they were not aware of when they purchased the house three years ago. The enlargement to 10'x10' will not bring the deck any closer to the property line. The neighbors on the easterly side will not have much of a view of the deck due to their pivot hedge and other shrubbery and trees.

Ms. Santucci asked Staff if the deck is 1/10 closer than the existing deck from 7.3 to 7.2 – Mr. Schreiber stated that the house is closer to the property line than the deck.

No further comments from the board or audience were heard.

Ms. Santucci read the Planning Board report and the Staff Report, both are in favor of the proposal.

Member Elliott motioned to approve the **Special Permit Finding** with the non-conforming easterly side yard setback with standard conditions as the request meets the requirements set out in the ordinance. Member Ferris seconded. Voted 4-0, granted. Member John absent.

Documents Reviewed: Plot Plan of Land in Watertown, MA "69 Lowell Avenue Proposed Deck" prepared by Bruce Bradford of Everett M. Brooks Co. Surveyors and Engineers dated July 12, 2011 and revised August 2, 2011 and the plan set, sheets A-1 through A-4, dated July 18, 2011 by Cornerstone Architects Inc.



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Ms. Elliott read the Legal Notice:

Fimi Kachadurian, Manager, HYE Realty, LLC, 103 Stonybrook Road, Belmont, MA 02478, herein requests the Board of Appeals to grant **Variations** in accordance with §5.04(f) Minimum Lot Frontage, Rear Yard Setback and §5.05(e) Side Yard Setback Buffer Zone, Zoning Ordinance, so as to RAZE existing two family structure and construct a two-family dwelling, 74'10"x30', with 45.5' frontage, where 50' is required and creating a rear yard setback of 17', where 20' is required. T (Two-Family) Zoning District.

At the Zoning Board meeting, Attorney Ken Leitner, Loughran & Corbett, Attorneys, Inc., presented an updated Certified Plot Plan, Revised 9/19/11, showing the proposed two-family townhouse structure meeting the requirements for setbacks, lot coverage and impervious coverage in a two-family zoning district. He agreed to a request from Member Ferris to add landscaping/plantings within the 3' area between the entry door and the garage door.

Avo Asdourian, Architect agreed to remove the "T" area from the second unit to prevent the second car in the first garage from pulling onto the City of Cambridge property in order to avoid hitting the house while backing out of the garage to then drive forward out of the driveway and he will show the radius of this turn on the updated plan. He assured Chair Santucci Rozzi that the 17'6" is adequate space for a two-car garage. He explained to Member Ferris that the dining room windows could not be made into sliders as the landing step would be within the required 10' setback. They added that the units will be rented until the market returns to sell. Senior Planner Gideon Schreiber noted that the updated site plans did not include a basement plan. The board conditioned the approval on receiving these updated plans with the layout of the laundry area and the other bathroom as there is no first floor bathroom.

Member Elliott motioned to approve the request for **Variance** in accordance with §5.04, Table of Dimensional Regulations, with non-conforming frontage at 45.5', where 50' is required, as it meets the requirements set out in the ordinance and with conditions discussed. Member Ferris seconded. Voted 4-0, granted. Member John absent.

Documents Reviewed: The Control Plans shall be: the Proposed Plot Plan "#26 Forest Street" in Watertown, MA prepared by Clifford Rober of Rober Survey dated January 6, 2011 as revised by conditions and updated plan set dated 03/15/2011 and revised 9/ 9/2011 with sheets T-1, S1, A1-A3 by Avo Asdourian Architect, Planning, and Interior Designs Inc.



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Ms. Elliott read the Legal Notice:

455-465 Arsenal Street – Arsenal Associates – Amend Special Permit/Amend Variance
Andrew M. Bourne, Agent, Gilbane Company, c/o Arsenal Associates, LP, 7 Jackson Way, Providence, RI 02903, herein request the Zoning Board of Appeals to grant an Amendment to Special Permit and Amendment to Variance #80-81-5, and further #81-82-2, so as to remove the landscaped courtyard and 16 perimeter parking spaces and replace it with 39 space parking lot. I-1 (Industrial) Zoning District.

Chair Santucci Rozzi read a letter from the petitioner, dated September 26, 2011 into the record requesting a Leave to Withdraw without Prejudice.

Member Elliott motioned to accept the request for withdrawal without prejudice. Member Ferris seconded. The board voted unanimously, 4-0 to allow the withdrawal. Member Suneeth John absent.



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Ms. Elliott read the Legal Notice:

480, 525-541 Pleasant Street – Farley White Aetna Mills LLC – Variance & Special Permit Finding
Sam Altreuter, Farley White Aetna Mills, LLC, 155 Federal Street, Suite 1800, Boston, MA 02110, herein requests the Zoning Board of Appeals grant a Variance in accordance with §5.04 Table of Dimensional Regulations and Special Permit Finding, §4.06(a), Alts/Additions to Non-Conforming Structures, Build-to Line, Zoning Ordinance, so as to construct a new vestibule entryway with a canopy 88' long at the front of 480 Pleasant St., with a setback of 0' where a build-to line of 10' is required. PSCD (Pleasant Street Corridor District) Zoning District.

Speaking at the Zoning Board meeting were Petitioner/Owner Sam Altreuter, Farley White Aetna Mills, LLC; Civil Engineer Jim DeVellis, DeVellis Zrein, Inc. and Architect Matt Spagnolo, Spagnolo Gisness & Associates, Inc. They answered questions from the board and commented that the front vestibule is about half of the area being depicted - the rest is covering the existing mechanicals and tower; the covering is clear glass glazed panels and new resin-type of material; the sidewalk ramp will be concrete and the area will have plantings; a future drain will be considered; a condition was agreed upon to limit the light from the front building light fixtures to cascade on their property only; signage for the building to be brought forth through the permitting process; no double-parking of delivery vehicles in the front of the building; their 100 year flood plain plan has been approved by the Conservation Commission; they are adding infiltration and the greenery is being trimmed within the existing parking area; they are keeping the existing landscaping at the building and the one existing tree in the parking lot across the street; all curb cuts exist; no curbing in the interior parking lot and dips or gullies used to bring water away from parking area; fencing is to be determined; the 1 acre lot next to the parking area across the street will remain empty.

Dennis Duff, 33 Spruce Street stated that the materials being used at the entrance are in contrast to the old-style brick; however, accents the entry nicely. He inquired about drainage at the bottom of the entry ramp.

Member Elliott motioned to approve the Variance with the 0' build-to line setback with the conditions discussed as it meets the requirements set out in the ordinance. Member Ferris seconded. Voted 4-0, granted. Member John absent.

Member Elliott motioned to approve the Special Permit Finding with the 0' setback with the conditions discussed as it meets the requirements set out in the ordinance. Member Ferris seconded. Voted 4-0, granted. Member John absent.

Documents Reviewed: The Plan Set submitted August 18, and last revised August 25, 2011, titled "Riverworks 480 & 525-541 Pleasant Street", issued for the Watertown Site Plan Review Committee, for Farley White Aetna Mills LLC, by DeVellis Zrein Inc. (Civil Engineer and Landscape Architect), Spagnolo Gisness & Associates Inc. (Architect), and Precision Land Surveying, Inc. (Surveyor)



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Ms. Elliott read the Legal Notice:

Atsuko Polzin, 383 Orchard Street, Watertown, MA 02472, herein requests the Board of Appeals grant a **Variance** in accordance with §4.03(g), Accessory Structures Adjacent to Public Way, Zoning Ordinance, so as to allow a 10'x12' shed to be located 5' from the side lot line, where 15' is required at 383 Orchard Street, located in the T (Two-Family) Zoning District.

Chair Santucci Rozzi stated that due to the fact that the petitioner did not appear to defend or change any of the findings by Staff or the Planning Board, which recommended to the ZBA to deny the request, the Zoning Board of Appeals must deny the request as it does not meet the requirements set out in the ordinance.

Member Elliott motioned to DENY the request for Variance. Member Ferris seconded. Voted 4-0, Denied. Member Suneeth John absent.

Ms. Elliott motioned to adjourn. Mr. Ferris seconded. Voted 4-0. The meeting ended at 8:30 p.m.