



TOWN OF WATERTOWN
Zoning Board of Appeals
Administration Building

149 Main Street

WATERTOWN, MASSACHUSETTS 02472

Melissa M. Santucci Rozzi, Chairperson
Deborah Elliott, Clerk
David Ferris, Member
Suneeth P. John, Member
Christopher H. Heep, Alternate Member

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MINUTES

On Wednesday evening, **February 22, 2012** 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; Suneeth P. John, Member; Christopher H. Heep, Alternate Member;; Michael Mena, Zoning Enforcement Officer; Gideon Schreiber, Senior Planner; Louise Civetti, Clerk to ZBA.** *Absent: Steve Magoon, Director, Community Development & Planning*

Chair Santucci Rozzi opened the meeting at 7:00 p.m., introduced the board and staff, swore in the audience and asked the board to comment on the administrative item of approving the minutes for the past two meeting dates. No comments were made. Ms. Elliott motioned to accept the minutes for the December 28, 2011 and the January 25, 2012 minutes, as written. Mr. Ferris seconded. Voted 5-0. Approved

Chair Santucci Rozzi asked Ms. Elliott, Clerk to the Board, to read the legal notice for the first case:

Member Elliott read the legal notice:

20 Summer Street – Weston Associates Development Company, Inc. – **Special Permit/SPR**
David Mackay, Weston Assoc. Development Co., Inc., 170 Newbury Street, Boston, MA 02116, herein requests the Zoning Board of Appeals to grant a **Special Permit with Site Plan Review** in accordance with §5.01.2(h), Assisted Living Facility, Zoning Ordinance, so as to raze an existing building, formerly known as New England Fuel Institute and construct a 5-story, approximately 81,000 s.f., 90-unit assisted living facility including 1,500 s.f. 1st level retail space with 48 parking spaces (3 exterior; 45 under) and further §4.10, Exceptions to Height, Zoning Ordinance, to construct a 900 s.f. penthouse equipment room at **20 Summer Street**, located in the CB (Central Business) Zoning District.

William York, Attorney, Gilman, McLaughlin & Hanrahan spoke on the request for a mixed use, assisted living facility located at the former New England Fuel Site. He introduced the attendees for the project: David MacKay, Director of Development, Weston Associates Development Company, Inc., Mark Donohue, Principal; Patrick Mallon, Architectural Team; Cheryl Tougias & Greg Spaulding, Architects, Inc. Brad McKenzie, McKenzie Engineering; Joe SanClemente, Howard/Stein-Hudson Associates, Inc.(Traffic). Attorney York pointed out that the project is within the requirements of zoning; in line with the economic plans in Watertown; will provide a strong pedestrian presence; in line with smart growth; incorporates some 'green' design standards; anchors the square; is a gateway to the square; will provide jobs; is an investment in the community, provides revitalization and is a stimulus.

David MacKay provided a history of the projects his company has completed; their interest in assisting living facilities; the importance of investing in assisted living projects; the growth of assisted living in the next 25 years of 77%; locally the lack of assisted living is critical; they have worked with the Town Councilors and planning staff to meet the requirements. For assisted living facilities, they look for 15,000 caregivers in a 5 mile radius. This location has 45,000 caregivers to 15,000 seniors.

Member Heep questioned the intended use of the one parking space under the canopy and access for a fire truck under the canopy. Ms. Tougias stated that it would be used for short-term drop-off and an emergency vehicle (ambulance or police car) could access that area however, a fire truck could not. Attorney York added that the Police and Fire found their plan satisfactory.

Member John asked about the site not having two bedroom units. Mr. Mallon explained the Assisted Living requirement is for one bedroom units – if there is a couple, they would have their own units. He then asked about the Hair Salon, where it was clarified that they will have a built-in customer base that will be open to the public 70% of the time. He asked about a gym where it was explained that the residents are too frail to use a gym but they will have bingo, sing-a-longs, and an activity room. Member John asked about the street corner lighting. Ms. Tougias stated that there will be a light at each pier all around the building. They could have the lights mounted higher up but their lighting is not allowed to 'spill' outside of their property. Other questions included the entry area and ramp down being flush to the street – it will be; and parking space #3 is sufficient for a van to be parked.

Member Elliott stated that the area is difficult for trees to be planted and would they consider planters instead. She has concerns that without a soil test for construction, no GeoTech, they may need to excavate deeper thereby compromising parking in the area. Mr. MacKay stated they will have it secured during construction. Once built, they will have a security gate to the underground parking which is accessed via intercom to the front desk with a security camera. There will only be access to the lobby from the elevator to the garage. There are no subsidies for Watertown residents; however, if allowed, they will consider Watertown residents on a priority list. There are no affordable units. There will not be a doctor on-site and there will be a nurse on-site 12 hours a day.

Member Ferris stated that he is familiar with assisted living facilities on a professional level as an architect. He prefers trees along the 5-story building on Summer and Spring streets. He is concerned with the darkened area as the loading area is not gated. He expressed the dementia care garden on the upper floors has a barrier that is only 4' high and states it should be higher. He requested they remove the corner of the building at Summer Street and soften the 90° angle with additional plantings (provided it is possible). He questioned the exhaust for the kitchen. Mr. Mallon stated there will be an additional 2' plexi-glass wall on top of the 4' barrier. Ms. Tougias said the duct size for the kitchen will be 4x4 and will be at the center of the building. The height is not an issue.

Member Santucci Rozzi asked about the ground water infiltration and since the roof drain is connected to the Spring Street 72" pipe, have there been tests done for seasonal high ground water. Mr. MacKenzie stated that TSS removal meets the standard and there is not much treatment required from the roof. Attorney York stated that the Penthouse previous design was allowed at 15'; however, it is now reduced further. Mr. SanClemente stated that the traffic report used a shopping center for the calculations to be as conservative as possible and for all encompassing they use larger trip generations.

Public Comment:

Tim McGoldrick, Attorney representing the Fraternal Order of the Eagles, owners of 44-54 Mt. Auburn Street, stated that they are not against the project; however they are concerned with the potential flooding of their basement and the possible disruption to their renting tenants that use the rear parking lot.

Doctor Mack (full name unknown), business at 15 Summer Street, said she is concerned with traffic and parking. Since the road construction (repaving and widening of Summer St), they lost 10 on-street parking spaces and now her clients park in her driveway where her tenants (residents) park. She

questioned where the overflow parking from this proposal will park and if there is adequate parking, will local businesses be allowed to use their parking facility. She asked where the overflow of trucks getting to the loading dock will end up and she expressed concern with water in her basement as she had hired Basement Technologies to prevent water in her basement.

Susan Muller, 7 Maude Terrace, stated that she is the neighborhood representative for 6 properties on Maude Terrace. They are pleased and impressed with the response they have had from the developers regarding their concerns of the scale and massing of the building – the developers set back the 5th floor and removed the corner at Spring and Summer to prevent shadowing or blocking the sun. They added landscaping in response to the 5 stories being bleak. Although they are not opposed to the project, they would like the trees replaced along Summer Street that they have lost in the past 10 years.

Steve Corbett, Town Councillor, stated that the 5 story building at Baptist Walk and Spring Street worked out well and he has confidence that this project will, as well. It is good for Watertown Square and the Central Business district and a great benefit for the community; low intensity of use, attractive and a plus to the Town's economic development. Other parcels are underdeveloped in the area.

Tim Eaton, resident, stated that he is in favor of the project; however, has concerns for parking of residents.

Conditions reviewed as proposed from the Planning Board report:

#9: "Any work within the Right of Way...", it is suggested that the detail of the four on-street parking spaces be added. They will support the retail operation at the development.

#11: "Final species selection, tree pit design...", it is suggested to combine #18, which states that the petitioner shall plant an additional (remove the words 'up to') 10 street trees along Summer Street and Maude Terrace unless it is not possible and then to consider private property. Further discussion on whether or not to plant trees on the Summer Street side of the property at the front of the building as opposed to planters took an informal vote by the board of 3-2 in favor of planting trees and to add two more trees on the Spring Street side of the property between the entrance and exit of the loading area (not street trees).

Add a condition for a Construction Management Plan reviewed by the Building Inspector for phasing of the development, point person or contact name and phone number, and to prevent disruption to traffic or businesses in the area.

Add a condition to have a full size set of plans, including landscaping and the 2nd floor roof plan landscaping within 15 days.

Member Elliott motioned to approve the Special Permit with Site Plan Review with the conditions discussed and with the submittal of a new full set of scalable plans, including landscaping.

Member John seconded. Voted 5-0. The proposal is GRANTED with conditions.

Documents reviewed:

Planning Board Report, 2/8/12; Revised Documents, 2/17/12: Spalding Tougias Architects-Level 5 Plan – Levels 3 and 4 Similar, Landscape Concept Plan with Street Parking, View from Spring / Summer_Rev, Aerial Site Plan View_Rev; Location Map of 20 Summer Street stamped Received 2/17/12 Board of Appeals; Narrative for Site Plan Review Submission, 12/15/11; Permit Application Form 1/10/12; Transportation Impact Assessment, Howard/Stein-Hudson Associates, Inc. 1/10/12; Drainage Calculations and Stormwater Management Plan, 1/10/12; Shadow Impact Reports 9-10-11; Visa Lighting – LT-1 thru LT-3; Bound, Spalding Tougias Architects, 2/1/12, Aerial Site Plan View, View from Watertown Square, Aerial View One, Aerial Site Plan View, Summer Street Elevation, Spring Street Elevation, West Elevation, South Elevation, Aerial Site Plan View, First Level Plan, Alternate First Level Plan – No curbside parking, Below Grade Level Plan, Level 2 Plan, Levels 3-5 Plan, Roof Plan, First Level Lighting Plan, Building Elevations A-6, Building Elevations A-7, Landscape concept Plan without Street Parking, Landscape Concept Plan with Street Parking, Roof Garden Concept Plan, Design Reference Image Board R1, Planting Reference Image Board R2, Existing Conditions Plan C-1, Site Development Plans C-2, C-2A, C-3, C-3A, C-4, C-5, C-6; Letters: Dr. Mack, 15 Summer Street, 1/30/12 concerns: Parking, Traffic, Size and Shadow, Ground Water; Rena

Baskin, 15 Franklin Street, 2/8/12 Opposition as too large a structure too near the square; Dennis Dyer, New York Diner, 39 Mt. Auburn St., 2/17/12 in support; Michael Iodice Chatham Development, Newton – Opinion – Assisted Living is perfect for site; Susan Muller and Peter Manning, 7 Maude Terrace, 2/22/12: Trees, Shadowing, Parking concerns; Robert Manzelli Munhall Fuel, 40 Summer Street, 2/21/12 in full support.

Ms. Elliott motioned to adjourn. Mr. Heep seconded. Voted 5-0. The meeting adjourned at 9:30 p.m.

These minutes have been reviewed
and approved by the Zoning Board of
Appeals on: March 28, 2012