



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, **March 28, 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; Suneeth P. John, 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: **David Ferris, Member;**

Chair Santucci Rozzi opened the meeting at 7:00 p.m., introduced the board and staff and made the petitioners aware that a four member board is present, requiring each petition to have a unanimous vote. The petitioners do have the option of coming back in April should they choose not to move forward today. No one wished to continue. Ms. Santucci Rozzi asked the board to comment on the administrative item of approving the minutes for the February meeting. No comments were made. Ms. Elliott motioned to accept the minutes for the February 22, 2012, as written. Mr. John seconded. Voted 4-0. Approved. Ms. Santucci Rozzi swore in the audience and proceeded to the first case on the agenda.

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:

24 Green Street – Mark & Heather Hartsman – Special Permit Finding

Mark and Heather Hartsman, 24 Green Street, Watertown, MA herein request the Zoning Board of Appeals to grant a **Special Permit Finding** in accordance with §4.06(a), Alts/Additions to Nonconforming Structures, Side Yard Setback(s), Zoning Ordinance, so as to expand/raise the roof to accommodate a ½ story for a new 13'x22' living area, maintaining existing non-conforming northeasterly side yard setback at 7.3', where 12' is required and southwesterly side yard setback at 3.2', where 10' is required. T (Two-Family) Zoning District.

Heather Hartsman, owner, spoke on her and her husband's intension of enlarging their living area by adding a dormer with a gable end on the third floor of their two-family home. They are not changing the footprint of the house.

Ms. Santucci Rozzi asked if just the back section of the house would have an elevated roof-line. Ms. Hartsman said originally they had it elevated but after working with Staff, they made it the same as the existing ridgeline - they didn't want to add a variance to their request. It was discovered that the plans the Zoning Board had were outdated. They will be adding a bedroom and playroom. The three dormers are not

any taller than the ridgeline. Mr. Mena clarified that the calculations of the third floor meet the requirements of a half story.

No comments were submitted from the audience. A business mode was declared. Ms. Santucci Rozzi noted that the control documents listed in the conditions of the Planning Board report were the actual updated plans – they are. No further comments from the board were given.

Ms. Elliott motioned to approve the finding as it meets the requirements of the ordinance. Mr. Heep seconded. Voted 4-0. Approved.

Ms. Hartsman asked if they would have to wait for the last board member to come back to vote. It was clarified that the petition would move forward without the member's vote.

Documents reviewed:

Planning Board Report, March 21, 2012; Plot Plan of Land in Watertown, MA prepared by Justin Maloney, PLS of Maloney Geospatial Survey dated 01/27/2012 and the plan set, sheets E-1 Existing North and South Elevations, E-2, Existing Conditions and Calculations not dated (reduced size only); DWG 1 Floor and Roof Plan; DWG 2 North and South Elevations; DWG 3 Wall Section and Elevation; and, DWG 4 Framing and Electrical Plans (DWG 1-4 all revised 2/26/12); and DWG 4 (#2) Front Elevations not dated.



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Ms. Elliott read the legal notice:

Robert Vercollone and Becky Hoffman, 21 Franklin Street, Watertown, MA herein request the Zoning Board of Appeals to grant a Special Permit in accordance with §5.01.1(B), Converting Single Family to Two-Family, SC (Single-Family Conversion) Zoning District, where the applicant is proposing to legalize an existing, unpermitted conversion of a single family residence to a two-family residence and construct an exterior 2nd floor egress stairway and deck with four (4) parking spaces.

Rob Vercollone spoke stating his partner, Becky Hoffman could not be there tonight. They bought the house last November planning to turn it into two-family home. He said the electrical has to be updated throughout the house and they have already updated their unit, which is the front half of the second floor and the first floor. They plan to update the inside back stairs in the rear as the main entrance for the second unit which will be the rear half of the second floor and the third floor. The only exterior renovations will be to add a deck to the first floor for their second means of egress. They will also build an external set of stairs at right corner rear to mimic the architecture at the front of the house. The driveway can hold about 20 cars and consists of paving brick and asphalt. It has been a contention with the neighbor. They plan to have parking for four cars with a four foot buffer and a center median for maneuvering. They will change the curb cut, as recommended by the Planning Board to less than 22' wide, to "skinny-it-up", a guest could still park there without disturbing anyone. There will not be a deck on the second floor – it will just be a landing although the plan does state a deck. He is trying to make it as minimal as possible.

Mr. Heep asked about the floor plans – the second floor of the second unit has a kitchen area only. Mr. Vercollone said the dimensions are 18'x16', so it is more than a kitchen. There is also a half bath.

Mr. John asked what it meant to have an existing unpermitted condition. Mr. Vercollone explained that the house had two gas stoves, two full kitchens and a third half-kitchen. None of it was operational but had been used as an extended family at one time. It had been used as a boarding house between 2005 and 2009. It then went vacant. Some doors have deadbolts to lock bedrooms.

Mr. John asked Staff when does this become approved for a second family. Mr. Mena stated that this came in as a Building Permit application. This was identified as a single family only. It was then suggested that

they come before the board to legalize the second unit. Mr. Vercollone stated that they knew when they bought the house that they would have to go through this process to have it become a legal two-family.

Ms. Elliott reiterated that a condition is to update the plot plan with the planning staff. Mr. Vercollone understands this requirement.

Ms. Santucci Rozzi asked if they are planning to sell the second unit as a condominium. Mr. Vercollone said his partner works at Perkins and is happy not to have to drive to work any longer. He has been a landlord and is intending to keep it as a landlord situation. He may consider it when he is 75 years old.

Ms. Santucci Rozzi asked about the shed being on the neighbors' property. Mr. Vercollone said the shed is an eye-sore and is coming down.

Ms. Santucci Rozzi clarified that his plot plan needs attention: the shed should be labeled as coming down; he is not doing the deck – that should be revised; landscaping and curb-cut changes should be noted.

Ms. Santucci Rozzi asked Staff where the 2 ½ story comes into play. Mr. Mena said it is an existing space and probably would not meet the current ½ story requirements. He stated that the state of Massachusetts allows these types of changes or improvements if it has been in use for longer than 10 years. Ms. Santucci Rozzi said that the statute of limitations allows them not to have to remove the non-conformity; however, they can ask that they seek permits for it as they have in the past. Mr. Mena said that from the Staff's perspective, they can obtain permits for the space. He added that as part of a discretionary permit, they have the opportunity to review that. Mr. Schreiber said that the house was built in 1870 and no further space was added. Mr. Vercollone said that the renovation to the third floor is at least 60 years old and the heating system was designed to go up to the third floor when the house was built.

Ms. Santucci Rozzi said the mansard-style home typically utilized the third floor as living space.

Ms. Santucci Rozzi asked if anyone would like to speak in favor/opposition of this request.

William Chosiad, 15 Franklin Street, a next door neighbor stated that they have seen the house vacant for a number of years and is in favor and support of the petition.

Ms. Santucci Rozzi reviewed the Planning Board Report and conditions, noting the requirement to update the plot plan with all of the changes discussed.

Ms. Elliott motioned to grant the special permit to convert the single family to a two-family with the conditions described. Mr. John seconded. Voted 4-0. Approved.

Documents Reviewed: Planning Board Report, dated March 14, 2012; Plot Plan for Vercollone Residences at 21 Franklin St. Watertown, MA." dated 01/28/12 by William R. D'Entremont; CLG Associates; and the architectural plan set, "21 Franklin Street Watertown, MA" Elevations, dated 2/3/2012, and Lower Level, First Floor, Second Floor, and Third Floor plans all dated 12/14/2011.

Ms. Elliott motioned to adjourn. Mr. John seconded. Voted 4-0. Meeting ended at 8:00 p.m.