



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, **May 23, 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; Danielle Evans, Senior Planner; Louise Civetti, Clerk to ZBA.**

Chair Santucci Rozzi opened the meeting at 7:00 p.m. and introduced the board and staff. She then asked if the members reviewed the minutes of April 25, 2012 and if there were any comments. No comments were heard. Ms. Elliott motioned to approve the minutes as written, Mr. John seconded. Voted 5-0, Approved.

Ms. Santucci Rozzi asked Ms. Elliott to read the legal notice for the one case on the agenda tonight as the only other agenda items has been continued to June.

Ms. Santucci Rozzi swore in the audience.

Mr. John stated that he is recusing himself from the case and left the meeting. Ms. Santucci Rozzi acknowledged his recusal.

Ms. Elliott read the legal notice:

Repton Circle, Lot 806-3-0 Amendment to Special Permit/Variance
MCRT Investments LLC, 15 New England Executive Park, Burlington, MA 01803, herein requests the Zoning Board of Appeals to grant an **Amendment to Special Permit #05-45 SP/VAR** to modify the approved site plan of Phase II of Repton Place, so as to construct 206 dwelling units with the addition of a pool and recreation area and minor architectural and landscaping changes to the site, in the PSCD (Pleasant Street Corridor District) Zoning District.

Robb Hewitt, Vice President, Mill Creek, addressed the board, providing some history on the original Special Permit proposal of a two-phased, 385-unit condominium project with 60 units of affordable housing in 2005. Phase I had been constructed with 179 units, 28 of those affordable housing units. Other requirements that were completed are the two new traffic lights; roadway improvements; utilities and some pavement. Phase II was not developed at that time due to market conditions; was then subdivided as lot 2, and it is now being developed as Lot 2, Phase II rental units, otherwise,

Mr. Hewitt gave a brief history of other projects MCRT has completed and currently manages, one in particular in Concord, MA. They are a national company with a local office in Burlington, MA.

Mr. Hewitt described the meetings they held with the planning staff, affordable housing partnership – agreeing to keep the approved number (32 in Phase II) and type of affordable apartments the same; however, as rentals. The planning staff submitted a draft regulatory agreement to the state agency for approval for the affordable housing.

He stated the major changes are the rental vs. ownership; there is no new zoning relief or increase; they've added an outdoor pool and additional seating in the courtyard of building 1 and a grilling area, seating and trellis in the courtyard of building 2; added landscaping; improved circulation to the site; a one-way drive between buildings 1 and 2 from a circular drive with passive space; They have less roadway and more green space. They added more trees and increased open space from 23% to 28%. They changed the front entry of building 1 by adding parking to the left of the entrance and adjusted the

entrance from the northwest corner of the building to the direct center of the building. They added bike parking to each amenity location and outside of the front door. They added 5 electric charging stations in the garage. They changed three front entry stoops on the direct entry units to a grade level entry in accordance with the ADA requirements. On building 2, they changed the 4 direct entry stoops by moving them to the front of the building so they will have a grade level, direct-entry facing Pleasant Street. The other units use the front door, which is also facing Pleasant Street.

Mr. Hewitt said that per the Fire Department's request, they trimmed the center-landscaped island to accommodate the town's new larger/longer fire truck in the turn-around area in the front of building 1. They also made all roads 18' wide; they added a hydrant and fire department connection at the back of building 1; and added a lock-box to the emergency access gate coming off from Stanley Avenue. The emergency access gate was approved as part of Phase I but will be completed in Phase II.

Mr. Hewitt mentioned Josh Milan is the Landscape Architect and they have maintained the quantity and spacing of the trees along Pleasant Street and to the rear of the property. They added trees in the area around the pool, seating and grilling area (36 trees added). They changed the species according to what had taken well in Phase I. They added bollard lighting around the pool otherwise the lighting is the same as approved in Phase I.

In regards to the architecture – the front door has an entry feature of all brick; they have maintained the number of units (206) and the mix – mostly 1 & 2 bedroom units with a few 3 bedroom units and studios. They are using the same cement board and brick mix exterior and changing the colors to a darker brick at the bottom; blue-grey cement board in the middle and light grey at the top. It is complimentary but distinguishes the two phases. The existing phase has a light brick on the bottom, off-white and white at top. They added bays at the windows and adjusted the balcony detail.

DPW is working with them on the utilities; the Condo Association met with them and are aware of the plans and the Planning Board approved their plan on May 9th.

The same architects were hired as Phase I, The Architectural Team; they have kept the same footprint and massing; changed a few exterior details; adjusted the colors and changed some of the building entrances slightly.

Jeffrey Dirk, VHB, Traffic Engineer, gave a brief review of their traffic report. He mentioned that they were the original traffic engineers for this project. The difference now is the change in ownership – there is a slight increase in traffic with rental units. During the peak traffic hours in the am 7-9 am, 13 additional and about 22 in evening – two-way traffic 4 -6 pm. Average is 20 during the commuter hours or 1 vehicle every 3 minutes. He said this is not perceptible to the motorist and does not increase cueing at intersections. All of the off-site improvements are constructed and operational – this slight increase will not change any operating conditions at the 20 intersections evaluated. They expected the same level of service or better with the improvements.

Ms. Elliott asked why the increase with a rental. Mr. Dirk said there have been extensive studies over the past 50 years with rentals, it showed an increase with apartment buildings compared to ownership – more service-type vehicles vs. condominiums, and the number of auto ownership in rentals is higher.

Mr. Ferris asked about the direct entry units and why they exist. Mr. Hewitt said it was the original plan and adds variety to the type of units available.

Mr. Ferris said there appears to be a privacy issue with the condominiums that direct access as each of the units has their shades pulled all the way down. If it were a patio with a landscape buffer, it would be treated differently. Is there the same number of patios and balconies as in the original proposal. Yes. The landscaping is nice will there be low landscaping around the patios as exists now. The pool area has a one way to the west – two-way to get into the garages. Yes. Mechanical equipment is not visible on the existing roof – similar roof scape. Same design. They did not submit a roof plan. Nothing will be visible. The mechanicals are on the roof and are visible from the fourth floor units but not from the street. The roof is flat. Granite vs. concrete curbs – all paving is curbed. Yes. Concrete predominately. L1 plan shows larger evergreens, he requests they be reallocated to be away from the building face so that they do not block the view of the units as they mature.

Ms. Elliott asked about security around the pool, they have a 6' high fence with controlled access – a key fob system programmed hours mounted high with the gate to close automatically. The condominium owners will be able to use the pool and the common areas – fitness, grilling. Rental will be starting at \$1600 for one bedroom and \$21-2200 for two bedrooms.

Mr. Heep asked the Staff about the contributions to the traffic mitigation (conditions 11 & 12). Ms. Evans stated that all of the mitigation has been met. She wrote the conditions with the obligations of phase I vs. phase II and there are minor changes to be made to the conditions, which can be reviewed tonight.

Ms. Santucci Rozzi said she was the only member that had been there during the original Phase. She asked how long they were in business. Mr. Hewitt said they have been in business for 30 years, first as Tramel-Pro Residential, then in 2010 as Mill Creek. Tramel-Pro still exists and they kept the apartments that had been built. The planned construction is now Mill Creek. They have developed 11 new sites with this company and 1 or 2 are similar to this project with a second phase of a community that had not been developed yet. Most of their work is from the ground up.

Ms. Santucci Rozzi asked why they want to distinguish these from the originals. Mr. Hewitt said they are separate communities and one community – the wanted to separate the phases with complimentary colors with the 3 tier colors used in phase one and they did not want them to clash. What are the common elements – windows, doors, - she does not see the tie-in. The existing building is warm tones and this phase is cool tones. She wants a smoother transition when she drives from the square to Waltham along Pleasant Street.

Andrew Stevens from The Architectural Team said the elements are similar and some are the same. The brick veneer on Building 2 is the same as 3 with the brick veneer at three stories on the corner and steps down at the entry. The windows will be similar with the same mutton pattern – 2 over 2. Ms. Santucci Rozzi wants to know what will be identical. Mr. Stevens said the cement fiberboard material will be the same, the color will be different. The window sizes are similar but slightly different – they are vinyl, residential style, 2 over 2 which will tie the them together with the look. They are not identical as the manufacturer may be different. The trim is white on the corner boards, the same as the other project. The top floor is an off-white as a request from the planning board to blend in with the sky vs. a stark white which would stand out.

Mr. Ferris said it is not unusual to have a few different pallets to eliminate it looking so big. The similarities are shown in the three-tier system on the elevation – the attic story is lighter color; the middle is the main body and the lower floor is brick. Ms. Santucci Rozzi may be concerned with just the colors.

Ms. Santucci Rozzi said she has been on a lot of projects and this does not have any identical properties. Mr. Stevens said that the similarities are shown in the building detail – the roof is unusual as it is undulating, something they are taking from the existing project; the corners have two bays above and below...

Ms., Santucci Rozzi said she cannot support this – the colors are going to be a miss-mash. These buildings are all together and looks like a rainbow. She feels the buildings should look exactly the same or very similar.

Mr. Ferris said he is okay with it as it is and would also support some color changes. The buildings have a certain amount of integrity – the characteristics are similar and he prefers that they not be identical as you travel along the street.

Ms. Elliott agrees that not having something so monolithic is better. She also prefers warm colors over cool colors but she doesn't have a preference here – she just doesn't want it to be black. She suggested perhaps changing the arch over the balcony and that may help Ms. Santucci Rozzi.

Ms. Santucci Rozzi suggested a different toned brick – Earth tones. She thinks there will be too many colors and different styles with all of the other projects on Pleasant Street. She is looking for revised elevations.

Mr. Hewitt said they will work on the color choices with Planning Staff as they are working on the construction documents soon. Ms. Elliott said if the colors are too close it will look like they tried to match it and didn't get it right – which will look worse than different colors. Mr. Hewitt said that even if the colors were exact, the original is 6 years old.

Ms. Santucci Rozzi said the original plan had all of the buildings exactly the same – she was part of that approval group and it was a continuation of the exiting facades. She is sensitive to the members' comments but she wants this to be a little bit more tied in.

Ms. Santucci Rozzi asked about the reference to floating units in the affordable unit documents and if that was just to indicate that when one moves out and another moves in there is no change to the number of units constantly maintained. Ms. Evans said that is correct.

Ms. Santucci Rozzi asked if they had discussions with the planning director regarding the shuttle. Mr. Hewitt said he spoke to the director who said there are some plans for additional bus service in the Pleasant Street area and he was looking for all of the users in that area to give a reasonable contribution if and when needed – as long as everyone is using the service. Ms. Santucci Rozzi said that one of her board members brought this up showing a shuttle line from Watertown Square making several stops along the way (WOW, etc.) to the commuter rail on Moody Street. Everyone would pitch in but it hasn't gotten to the point of who would run it as it is in preliminary stages and goes along with the decrease in bus service. Mr. Hewitt is okay with a condition to talk about this.

Mr. Ferris said the materials being used are prefinished with warranty regarding color.

Ms. Santucci Rozzi asked the audience to comment.

Angela Nunely, 4 Repton Circle, Repton Place said she has lived there since 2007 and because this separate development is including a pool, she objects to it if it causes the Condo owners a higher condo fee. She also doesn't see how a fob is a secure measure for a pool for a child. She believes the insurance will be costly and wants to know if the Phase I condo owners can vote on what goes into Phase II. She faces Pleasant Street and the traffic is bumper to bumper – to go from Repton to Watertown Square is a 20 minute ride. She doesn't think they need a pool as it will only be open a couple of months a year.

Mr. Hewitt said the cost of construction, insurance, etc. for the pool will be to the management company. They may hire someone else to manage the pool. There was an agreement by the condo association that the condo owners be allowed to use all of the common areas for a period of 10 years. There were also details like the play area for Phase I would not be used by Phase II and vice versa; the grilling areas, and any additional amenities can be accessed by the other Phase with a fee. There will be a nominal fee for both Phases for the pool use. They have not set prices yet. Their clubhouse and pool in Concord is \$300 per year and is an elective fee. The apartment users have that fee included in their rent.

Ms. Nunely asked if the grilling areas will be park-like grilling areas as the grilling areas in Phase I are literally in front of the first floor tenants patio area and she would not bring her stuff there to grill in front of her neighbors unit. Mr. Hewitt said the agreement in place now specifically excludes each Phase from using each other's grilling areas. He would talk to the condo association about it. Ms. Santucci Rozzi suggested that Phase II may be able to make additional amenities for Phase I as Phase II has nice amenities. She reiterated that the pool and fitness are shared, separate grill areas and people can walk their dogs and say hello across easement lines.

Brad Hamilton, 4 Repton Circle, Board of Trustee member for the condo association, said he is in favor of Phase II as it is proposed and he likes the different colors as it separates the condo owners from the renters. In the event there is something negative with the renters, they want to be separate and they still want to use the pool. The entire board is in favor of the proposal.

Mr. Hewitt said another part of the agreement is not to call Phase II Repton. They do not have a name yet and are open to suggestions. Ms. Elliott asked how that would affect the signage. Mr. Hewitt said there is an open spot on the other side of the entrance and they will put their sign there. Mr. Ferris stated that they are curved stone, monument-style signs.

Ms. Sntucci Rozzi closed the public hearing and began to review thte conditions.

Ms. Evans stated the amended decision conditions apply to both Phases; however, the original decision conditions still apply to Phase I. Ms. Santucci Rozzi asked how they filed for the decision.

Debbie Horowicz, Attorney for MCRT said they are not changing anything in the Phase I use – they want to be clear on what is an obligation to Phase I and what will be Phase II so it will not get confusing in the future. The Staff has added a column labeled 'status' – an example is traffic as it is completed/perpetual – they do not go away but they are completed. They are not changing anything in regards to their status but the conditions will show what remains to be done.

Ms. Evans continued with Conditions 10, 11, 12 are related to the mitigation of Phase I and are completed. They will strike 'perpetual' from the status. Conditions 13, 14, 15...14 is slightly changed for phase II; 16 is regarding the updated traffic study and 17 is the Parking analysis – 80% for Phase I.

Ms. Santucci Rozzi stated they may not reach an 80% threshold like the condos and asked if it should change that to 100% and use that to compare to the traffic. She then agreed to leave the condition as is.

Ms. Evans stated that Condition #20 regarding the 5' wide foot access easement along the westerly border of the development should have Phase II stricken from that. She then mentioned that the conditions of Phase I show they were obligated to provide the easement but not to construct it. She said there was one plan that was one of the condo docs that stated a planned easement but nothing that has been recorded. She added that the trigger was when Walker Pond became open to the public – which it still has not. Walker Pond will become public at the Waltham Street Apartments completion where they will be restoring the pond and opening it to the public. Again, there are no requirements to construct it only to provide the easement. She suggested that perhaps when LIG's property is developed...she reiterated that this was Phase I's obligation and not Phase II. Ms. Santucci Rozzi agreed that it is Phase I's condition and said that it can be interpreted both ways (meaning to construct it as well as to provide the space for it).

Condition #21 is new and requests to allow multimodal access and improvements on, along and across Stanley Avenue as well as the former B&M Railroad property to Stanley Avenue to the north and the Town-owned passageway to the south.

Condition #22 – states they will work with planning staff to provide a connection to the pedestrian and bike path that Wood Partners, Waltham Street Apartments and Farley White connectivity between their site and that amenity because of the small increase in traffic they wanted to provide as many options as possible to provide travel between the development to the street without having to get into a car and drive all the way around. This will be before the building permit is issued.

Ms. Santucci Rozzi asked if there is an as-built for Phase I. Ms. Evans said the original condition stated an as-built for the entire project. Mr. Schreiber said it is the site-plan as-built not the entire set of - phase I were not required to be submitted at that time. Mr. Mena stated that the building department usually requires an as-built when the foundation is in to meet the setback requirements. The condition was carried over from the original. Ms. Santucci Rozzi said that if there isn't a completion of Phase II, they will never receive a Phase I as-built. Ms. Horowicz said they have struggled with this as this could be enforced when their phase is completed. Mr. Ferris stated that they should have an as-built for both to show the connection between the two phases. Ms. Evans said they have approved plans from 2005 that were not built and plans for phase II graded out – it makes more sense to have a total overview of the entire project, both phases, amending one special permit broken into two phases.

#24 requests that they provide evidence all easements (pedestrian, emergency, utility, etc. be executed and recorded, subject to DCDP review and approval and Town Consuls approval not to be reasonably withheld. Ms. Evans clarified that they have seen some easements on some plans and not on others and they want one plan showing all of the easements.

#28, 29 & 30 show the affordable units. The application has not been submitted to the state – the local action is the Special Permit Amendment and once approved, the Regulatory Agreement would be submitted to the state.

#30 states 60 units are complete for phase I. However, it should state 28 are complete (and on the LIP rolls). The number will be changed. The 32 rentals will be submitted for LIP.

#32 is regarding the curb cut – Approval by DPW and State is required prior to the eastern curb cut on Pleasant Street – it shall be removed and the curb and sidewalk installed by owner of the property. Prior to curb cut removal, it needs to be approved. The original approval did not have a curb cut there but a curb cut appeared. Atty. Horowicz said the curb cut was there and improved but not approved by DPW.

#33 the status time should be changed to certificate of occupancy as opposed to building permit.

#34 is added to contribute to a shuttle service. Ms. Santucci Rozzi said that it is a conceptual and there is no forecasting of cost; however, there are other developments that have come together to hire a van with a driver and everyone loves it. Atty. Horowicz agreed that if and when it becomes more than a conceptual plan, they will participate.

Ms. Santucci Rozzi said the only thing they do not agree on is the colors. She wants condition #35 to reflect this.

Mr. Ferris suggested a similar tone, Earthy colors but darker and keeping the connectivity in architectural features with the attic story, middle body, and brick on the bottom – the buildings work together as they share the same trim size, the windows are the same - 2 over 2, the siding is the same product but a different color. The blue-grey may be the most troubling and a green-gray would be better than a sky palette. Ms. Santucci agreed. Atty. Horowicz said the architectural aspects are the same but they may not purchase them from the same manufacturer. They will look at what colors are available and work with staff on a final color scheme.

Mr. Ferris requested condition #36 that the evergreen trees be planted at least 8' away from the building – not the shrubs, the ones that grow to be 40' tall, so there is a view from the windows.

Ms. Santucci Rozzi reviewed the May 2nd staff report and the May 9 Planning Board voted 4-0 in support of the project with the conditions suggested and the 3 discussed this evening.

Ms. Elliot motioned to grant an Amendment to Special Permit 05-45 SP/VAR to modify the approved site plan of Phase II of Repton Place to be named something else. Mr. Heep seconded. Voted 4-0.

Ms. Elliott motioned to grant an Amendment to the Variance for sections 5.04, 9.08d and 6.02h. Mr. Heep seconded. Voted 4-0. The project is approved.

Ms. Elliot motioned to adjourn. Mr. Heep seconded. The meeting ended at 8:45 p.m..