



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

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

MINUTES

On Wednesday evening, **September 5, 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*; **Also Present: Steve Magoon**, *Director*; **Michael Mena**, *Zoning Enforcement Officer*; **Gideon Schreiber**, *Senior Planner*; **Louise Civetti**, *Clerk to ZBA*.

Chair Santucci Rozzi opened the meeting at 7:00 p.m., explained this meeting is a postponement of the originally scheduled meeting of August 22, 2012; introduced the staff and members of the board and began with the first administrative item on the agenda – the minutes of the last meeting.

Ms. Elliott motioned to accept the minutes of the July 25, 2012 meeting as written. Mr. Ferris seconded. Voted 5-0, approved.

Chair Santucci Rozzi read the agenda and the board received a request to withdraw the petition at 31 Russell Avenue. The petition will not be heard by the board and will not be going forward.

Ms. Elliott motioned to grant the withdrawal request from Carrie Van Brunt. Mr. Ferris seconded. Voted 5-0, withdrawal granted.

Ms. Elliott read the legal notice for the first case:

74 Lincoln Street - Special Permit Finding
Daphne Schneider herein requests the Zoning Board of Appeals to grant a Special Permit Finding in accordance with §4.06(a), Alts/Additions to Non-Conforming Structures, Zoning Ordinance, so as to extend existing structure with nonconforming rear setback for garage use. SC (Single Family Conversion) Zoning District.

Chair Santucci Rozzi swore in the audience.

Eugene O'Sullivan, contracting assistant to owner, requested that they tear down the existing garage as it is in bad repair and they want to build a new garage attached to the house but they do not have the proper setbacks in the rear of the garage.

Ms. Elliott stated that the proposal is significantly better than what is in existence.

Mr. John asked why they would remove a tree that is along the property line. Mr. O'Sullivan said the neighbor and Ms. Schneider decided to remove the tree as it is just a pine and overgrown. Mr. John asked if the tree could be trimmed instead of taken down unless it poses a health hazard and he would like to condition that as part of the decision. Ms. Santucci Rozzi stated that it is a reasonable condition.

Mr. Heep agreed and stated that it is a great improvement to the property.

Ms. Santucci Rozzi stated that board members are interested in having the tree remain as it does not have to be removed to build the garage or the driveway; therefore, if this is approved, the tree will remain as long as it is healthy and trimmed. Mr. O'Sullivan agreed.

Joe Iodice, 67 Lincoln Street, stated that his kitchen window faces that garage and the last car to fit into that garage was a 1960 or 1961 Ford Falcon and it just barely fit. A modern car would never fit. This addition would be a definite improvement to the neighborhood.

Denis Duff, 33 Spruce Street, stated the old garage was great to play stickball against when he was a kid and the new garage will be a great improvement. He is glad that the board is requesting the tree to stay.

Ms. Santucci Rozzi asked if the plot plan shows that the curb cut is going to align with the driveway, will they be bringing or fixing the section where the old driveway was? Gideon Schreiber explained that the curb cut will have DPW requirements and will require the curb be fixed and reset. The curb cut opening width is 11'.

Ms. Santucci Rozzi read from the Staff and Planning Board reports where they both recommended approval with standard conditions with the addition of #8 not removing the tree that shows on the plan to be removed. Mike Mena stated that it should be clarified that if the tree is to be removed that an arborist state that the tree is dying or in eminent danger. Ms. Santucci Rozzi stated that if the tree poses some safety hazard in the future, it could be removed.

Ms. Elliott motioned to grant the Special Permit Finding for the rear yard setback. Mr. John seconded. Voted 5-0. Granted.

Documents reviewed:

Plot Plan in Watertown, MA 74 Lincoln Street prepared by Paul DeSimone, D&A Survey Associates, Inc., July 2, 2012. and the plan set titled Schneider Residence, Option B by Leslie Saul & Associates, Inc.- A4.1 Exterior Elevations, 6/26/12; A0.0 Site Plan, 6/28/12



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Ms. Elliott read the legal notice:

124 Watertown Street – Variance

P.L. Hingorani, Trustee, Devi Trust herein requests the Zoning Board of Appeals grant a Variance in accordance with §7.03(a)1, Front Yard Setback & §7.04, Signs Allowed in the T-zone, Zoning Ordinance, so as to allow the installation of a non-conforming monument sign.

T (Two-Family) Zoning District

Attorney Morris Mason, 147 E. Merrimac Street, Lowell, MA is before the board to seek a variance for a monument sign. They want to keep it consistent with the building. They originally applied for a 5'6" sign and reduced it to 4' by taking out the bottom as requested by the planning board. Now it sits right on the ground. This property was purchased in 1983 and has been consistently improved since.

Chair Santucci Rozzi clarified that this is a sign with no legs and an interchangeable display. Attorney Mason stated that they had a base; however, it brought the height up to over the requirements of the ordinance. They do not have a preference. They felt the base provided a nicer design with landscaping and up lighting. The Planning Board removed the base so it would be flush at 4' high. The base would be a cement slab 3'x8'.

Gideon Schreiber stated that a monument sign in any district can be 20 s.f. – they asked they reach for that as a goal. They suggested they remove some of the signage component and keep the base. They proposed this as an alternative so as not to remove any of the center of the sign. In this two-family zoning district, two s.f. of signage is allowed. In any zone, 20 s.f. is allowed. Due to the unique situation of this being a former school, they were attempting to be consistent with the 20 s.f. A monument sign can be 32 s.f. including the supporting structure in specific zones.

Member Elliott asked what size sign they are allowed to have. Mr. Schreiber explained that the property is in a two-family zoning district. The variance for use is from 1983 – in the two-family zoning district, you can have two s.f. However, in any zoning district where it is allowed, you can have 20 s.f. The monument sign can be 32 s.f. including the address.

Ms. Santucci Rozzi asked if the entire sign is 20 s.f. including the address. Mr. Schreiber added that the height was too tall for this style sign. Therefore, they removed the base. Ms. Santucci said the business-listing portion of the sign is 2'4". Member John said each client has 3.3" of height and without the base, when the grass grows, snow on the ground, you are not going to see it. Ms. Elliott said there were 13 names and now there are 9. Mr. Mason said they have reconfigured the sign per the request of the Planning Board. Ms.

Elliott said other businesses put their larger clients in larger letters and leave off the smaller clients. She suggested the clients with 2.95% be left off. Mr. Hingorani said each client gets 3.3" – there are 15 clients and the board suggests only 9.

Mr. Ferris asked if these are individual letters on this sign or is it slid in. Mr. Hingorani said it is preprinted and slides in. There is a spotlight on the front and back. The base is a concrete base of 3' wide and 3' long filled with loam and planters. After meeting with the planning board, they removed the base.

Mr. Heep asked to speak about the hardship since this business has been in the school from 1983 with no sign. Mr. Morgan said it is difficult to rent a space without a sign on the building. In Newton, 300,000 s.f. of office space became empty in last year. They are knocking on door competing for 30% cheaper. No sign, no business. Strawberry Day Care wants a sign and they may lose that large client.

Mr. Heep said they said they come for appointments and would already know how to get there. Which of the tenants would rely on the sign? Mr. Hingorani tried to explain that Strawberry Day Care Center are ready to take the first floor – they have been beating on him for a sign otherwise they are not coming. They are a new business and need a sign. He has 15 tenants, the planning board cut it down to 9 but he will cut it down to 6 if necessary.

Mr. Heep said the setback is 7.5' but why can they not reach the requirements. Mr. Hingorani said the planning staff came out and decided where to place the sign. In that way, they did not have to cut any of the landscaping. Mr. Schreiber said the site is designed as a school and the use variance was granted to keep the front yard as a grand front yard – they recommended they put it closer to the parking area and the street rather than in the center of the front of the building. It is the Staff's recommendation to place it there. Originally, they had thought of placing it in the center in a landscaping strip. He added that it is convoluted when looking at an old use variance.

Ms. Elliott asked if the school had a sign. Mr. Schreiber said the front of the school building says, "Parker School".

Ms. Elliott asked who actually designed the sign. A sign designer created the sign then a sign engineer changed it and stamped it. She said she doesn't have any objection to a sign in the location proposed but it needs to be redesigned as they are taking a lot of room for the address. The tenants as a priority; the shape of the sign; putting a base (no one will see the names on the bottom); the Planning Board recommended a base – put the base on the monument and reduce the number of names. Have a sign designer really look at this with a consistent font, etc. it would be helpful to see what this would look like. Mr. Morgan said condition #5 is addressing that.

Ms. Santucci Rozzi said this looks like a civil drawing and not a manufacturer of a sign. The removal of the base is a negative, it provides a lift, more visible, etc. The proposal does not serve the benefit they are trying to serve. The base with planters is a nice touch. She'd rather they go above the height than to eliminate the base. She'd like to see more detail and the base is a benefit.

Mr. Schreiber read the monument sign language from the ordinance. Business directories are allowed in industrial districts and that is where they had to refer. Ms. Santucci Rozzi noted that none of this is allowed in the two-family zoning district so they are referencing other districts and applying a level of reasonableness to this. Mr. Magoon said in the T district, an institutional use is permitted an identification sign up to 20', staying within this would be the standard for this institution.

Mr. Ferris said the first time driving to the building; they are looking for the street number. How much can they really read when moving in a car? He is not opposed to having a sign; the street number should be the most pronounced.

Mr. Hingorani said they are giving the number and the street large areas on the sign. Mr. John asked if you need 'Watertown Street' to be that big if you are driving down Watertown Street.

Ms. Santucci Rozzi said she cannot get a feel for what this sign is looking like. She wants to know what exactly this sign will look like – glass over it; color of letters, etc. they need more detail. Mr. Ferris asked if they were to build a brick panel and then install signage is that whole structure counted. Mr. Schreiber stated the

Mr. Hingorani said the concrete of the building is the same on the sign. What is the feeling of the board – do they want a base? Mr. Morgan asked if they would rather the one foot base and be over the height.

Ms. Elliott said she is not in support of a taller sign. Mr. Ferris said he would not be in favor of a taller sign as someone riding a bicycle on the sidewalk would be less likely to be seen.

Ms. Santucci asked if they would agree to continue this case. There is only one potential case possible for the 26th of September. Mr. Morgan reiterated that they are looking for design elements, photos, etc.

Ms. Elliott motioned to continue the case to September 26th. Mr. Heep seconded. Voted 5-0, continued.

Documents Reviewed: "Parker Office Building, 124 Watertown Street, Watertown, MA" sheet A-1 dated 6/28/2010, and sheet A-2 dated June 28, 2010 and revised 7/26/2012 prepared by Kanayo Lala-P.E. Four West Road, Acton, MA.



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Ms. Elliott read the legal notice:

"Home Depot, 615 Arsenal Street, Watertown, MA 02472, herein request the Zoning Board of Appeals to grant a Special Permit in accordance with §5.02(j), Accessory Use, Zoning Ordinance, so as to allow for seasonal outdoor display and sales of merchandise and store front apron merchandising. I-1 (Industrial) Zoning District."

Pedro Figueroa, Store Manager for 10 months stated that he received a notification from the Zoning Officer that merchandising outside of the store was a violation. He said every Home Depot does this and this store has done it without a permit since they've been open and he wished to have that cleared up. The idea is to have merchandise at the front of the store, outside on the apron so when you walk into Home Depot; there are grills, snow blowers and seasonal items. In the parking lot, they wish to have a seasonal garden shop from March to August/September depending on the weather and in October and November, they have a carpet tent. There are no sales outside of the store, only display. He wants to be certain they are following the appropriate process if they have not been doing that in the past. The seasonal garden spot was there (in the parking lot) when he inherited the store – he is proposing the area be 20,000 square feet and fenced in with a cross-walk to assist pedestrian traffic and the installation of 3 additional stop signs to slow traffic down in that area. This area of the parking lot does not affect the other stores – Golf Town and the Simon Mall. This area has little vehicular traffic and not close to the entrance of the store. The carpet tent would be one quarter the size of the seasonal garden center.

Mr. John clarified that they will clear everything out after 45 days or longer then the tent will be up. Mr. Figueroa said it would be 60-80 days, depending on the weather. Mr. Mena said the conditions from the Planning Board report state that the timeframe for the garden center is April through July and the tent – carpet sale is August 15 thru October 31st.

Mr. Figueroa wasn't clear on the timeframes. Ms. Santucci Rozzi said that these are much less than what Mr. Figueroa just stated. Mr. Figueroa said he estimated the times liberally as they are not funding the tent – it is a third party that funds the tent and sets it up. He added that last year, the garden merchandise was in four different areas of the parking lot and a massive tent in the middle – most of the parking lot was taken up. The carpet tent lasted 4 months.

Mr. John clarified that the permit is for 45 days – you cannot go over October 31st. Mr. Figueroa asked if that was the case. Mr. Mena said the tent sale can only be August 15th through October 31st but could be shorter.

Ms. Santucci Rozzi asked if he was given any history when he took over as manager of this store. She explained that this store has been in front of the board before and has been asked to keep the parking lot clean, corral the carts appropriately and to keep the location orderly. She said she visited at 6:50 p.m. this evening and witnessed the landscaping display still there (well past 7/31), flat orange carts in several locations, triple level planter carts in a few locations, stacks of blocks on pallets in the middle of the parking lot, and four gas grills lined up along the side entrance – opposite the garage of the former Bug-a-boo location. The parking lot was a mess right before this meeting tonight.

Mr. Figueroa said the carts are customer carts; the pallets are blocks from the carpet tent that went up and is now gone after some conversations. Ms. Santucci Rozzi asked why there are pallets of blocks in the middle of the parking lot. Mr. Figueroa explained that they were used to set up the tables for the carpet tent. The history that he got was that this store has not been a great partner for this community in the 10 years it has been here. He learned more when he inquired about opening at 6 am and saw back in 2006 that they were requested to do a better job cleaning up the parking lot. He added that the parking lot has been cleaner in the past 10 months than it has ever been. They have cleaned up the parking lot, the area around it and they are starting on the conservation land. Today, the parking lot was a rough parking lot. He plans to stay with the store and not go anywhere. His goal is to rebuild relationships. They do not own the site; they lease the building and parking lot. They do not own the tent or the merchandise but it is still part of Home Depot. Ms. Santucci Rozzi said she doesn't see rugs as a major component in the sales at Home Depot. Mr. Figueroa said on the contrary, they carry everything that goes into the home and rugs are a huge category within their business. Orientals and area rugs are huge especially for college students and especially in this area. Other Home Depot stores have the space to carry the rugs within their building, they do not. The carpet tent has been a success at this location year after year and is significant revenue.

Ms. Elliott asked if the carpet sales are a private entity but the revenue goes to Home Depot, how does that work. Mr. Figueroa said Home Depot pays them for everything they sell at a pre-negotiated marginal rate. They bring it all in, Home Depot keeps track through their POS system and then report the sales back to the vendor. They do not have to worry about absorbing that inventory.

Ms. Santucci Rozzi asked why the store doesn't incorporate this. Mr. Figueroa said they do not have the physical space on a permanent basis.

Mr. Heep asked that they provide a crosswalk from the store to the parking lot. Mr. Figueroa said the crosswalk is already there.

Ms. Elliott asked about the diagram for the garden center showing a drive-through area. Mr. Figueroa said there is no drive-thru any longer – just storage.

Mr. Ferris asked if there is any component that is permanent in the parking lot or will there be any modification to the islands in the parking lot. Mr. Figueroa said there would not be. The tent will be fireproof canvas and Captain Russo walked the property and approved the fire rating.

Ms. Elliott commented that there will be fire extinguishers in the tent. Mr. Figueroa said when Captain Russo walked the site in April; he did not have any issues.

Mr. Ferris asked about the one entry/exit point for the tent. If something blocks that one entry/exit, how does someone get out? Mr. Figueroa said the back is open. He added that at the beginning of the season, the area is larger and as the merchandise goes down, the area shrinks.

Mr. Ferris asked about the trees that are dead in the islands. Mr. Figueroa said that is up to the property owner.

Mr. John asked about the lighting. Mr. Figueroa said as soon as the garden center closes, the lights go off.

Dennis Duff, 33 Spruce Street, asked how many parking spaces are being lost, as he was an original member of the redevelopment committee and does this violate the original permit.

Ms. Elliott stated there are 92 parking spaces lost. Ms. Santucci Rozzi said the parking analysis submitted states there are 709 parking spaces existing; required is 459; this area of 20,000 s.f. adds 57 to the required spaces totaling 516; they have over 600 spaces.

Ms. Santucci Rozzi stated that she is extremely disappointed with the condition of the parking lot. She was on the board in 2006 and they were adamant about cleaning the parking lot up. It is not cleaned up and it is not acceptable. Mr. Figueroa asked what are the Town's expectations. Ms. Santucci Rozzi said it has been 6 years and asked what are they going to do to improve the condition of this lot. There was supposed to be a plan in place to keep this lot orderly. Mr. Figueroa said this store has challenges that no other Home Depot has. The parking lot is not perfect but it is much better than 10 months ago. He stated that he believes they withdrew their application back in 2006 to extend their hours to 6 am because of the parking lot. Ms. Santucci Rozzi added that it was withdrawn because it was not going to be approved.

Ms. Santucci Rozzi asked what the grills are beside the building. Mr. Figueroa said they are used for employee cookouts. They are there year-round as there is no other area to use. This Home Depot you cannot drive around and there is no storage area in the back. This is the 3rd largest store for volume in the region – out of 150 stores. They do not have pallets to store things – everything ends up in the front of the store and they do their best to manage it all within the confines of the Arsenal Mall. Their biggest mistake was not taking over the Golf Town space when Linens-n-Things moved out.

Ms. Santucci Rozzi asked about other consumers using that lot to get into the back of the mall and to Golf Town and with that tent, she believes it will be chaos. She is disappointed that this is not better after 6 years.

Mr. Figueroa said they had one week with the carpet tent up and it was very well organized. He said last night the tent was physically still there. The rest of the items will be cleaned up and shipped out.

Mr. John asked if there is something the Chairperson would like to have as a specific condition other than a general clean up of the parking lot. Ms. Santucci Rozzi said it was made very clear in 2006 and the store manager should put something together as a plan to keep the parking area clean; the carts corralled and the lot orderly. She is surprised that was not presented this evening. She is surprised that he is not aware of the requirements from 2006 and is here to show how he has improved from that situation. She is not in favor or adding more chaos to that parking area.

Mr. Ferris said a couple of weeks ago; he did not see a garden center or a tent. He suggests that staff go out there and organize the lot on a more frequent basis. Mr. Figueroa said he has 5 associates that are responsible to handle the parking lot. Mr. Ferris suggested they go out more frequently to corral the carts.

Mr. Magoon stated that he doesn't think it is debris and he doesn't think someone needs to go out hourly. He said either products or material associated with the sale of these items occasionally spills out into the parking area that is the problem and that has to be brought back in or stored somewhere else but not in the parking lot. He added that he has been working with the applicant and he is trying to be a better partner with the Town and has done a better job in cleaning up some of the debris around the parking lot and the things that fall off the back of the parking lot and keeping the trees and shrubs presentable.

Mr. Figueroa asked if they could have a storage container in the rear of the parking lot. Ms. Santucci Rozzi stated that there are two trailers there now and asked if they were Home Depots. Mr. Figueroa said no but one belongs to the carpet tent and the other is gone. He said they have 3 bays at their loading dock and one trailer was swapped out. The other trailer has \$1M worth of carpet in it and that will be gone tonight. Ms. Santucci Rozzi asked if they keep trailers on site when the sale is going on. Mr. Figueroa said they unload the trailer and it goes away. There is no trailer when the sale is going on.

Mr. Figueroa said he is looking to have a storage unit in the back of the lot. Mr. Magoon said he would have to come back to the board for that request. Mr. Figueroa said that there will be empty garden racks – up to 15-20 by the end of the day and that is why he is asking for a storage container. Mr. Magoon said having a section of the parking lot filled with empty racks or used for a storage area is a problem and that is what the Chair is trying to convey.

Ms. Santucci Rozzi declared a business mode. She read from the Planning Board report that the Staff recommended approval as did the Planning Board with condition #6 restricting the use of the tent by product and date.

Ms. Elliott asked if a review in one year would be satisfactory to the Chair. Ms. Santucci Rozzi said the tent is premature and they should address the issues with storage, cart, and operation of the parking lot before a tent is put into the parking lot. She thought this would have been a part of Home Depot's presentation tonight given the history from 2006.

Ms. Elliott proposed a condition for a one-year review – in September 2013, which will provide the store manager time to clean up after the garden center and have the carpet tent up and running.

Ms. Elliott asked about Condition #3, the petitioner shall provide evidence of recording...is that for the garden center or the tent. Mr. Mena stated that part of the permitting process is to have the recording of this decision at the Registry of Deeds. The fencing around the Garden Center will still require permitting, whether by the Fire Dept. or by the Building Department. The fence would have to meet all requirements for life safety and that is why Captain Russo went to review the area. Mr. Figueroa said he did not file any paperwork with Captain Russo; he came out and walked the property. Mr. Mena suggested that the condition be modified to reflect that prior to the garden center's use and building permit for the tent, that the decision is recorded. Ms. Elliott stated that she wants this to be in the conditions to be certain the fire department reviews it for signage and egress, etc.

Ms. Elliott motioned to grant the Special Permit for accessory use of outdoor display and storage of merchandise with conditions discussed. Mr. John seconded. 4 voted in favor; 1 vote against. Granted.

Documents Reviewed: "Eastern Development Watertown, MA" Issued for title insurance, modified May 14, 2001 stamped May 23, 2001 by Dana Standley, ALTA/ACSM Land Title Survey; and, "Proposed Garden Center Expansion Project" store #2602, dated 02/22/2012 by Cary Outlaw.



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Ms. Elliott read the legal notice:

805 Mt. Auburn Street - Amendment to Special Permit/Finding

Sprint Spectrum, L.P. herein request the Zoning Board of Appeals to grant an **Amendment to Special Permit/Finding #99-13; #10-10** to replace existing antennae and equipment. LB (Limited Business) Zoning District.

Adam Braillard, Attorney, Prince, Lobel & Tye, LLP spoke as the representative for Sprint Spectrum explaining the modification of an existing installation at 804 Mt. Auburn Street. He first reviewed what is existing – 3 panel antennas, one per sector, in two different stealth (screened) enclosures. Two cabinets with battery back-up, located in the middle of the building on an existing platform as well as GPS and ancillary conduit. They will replace those panel antennas, in the same location behind one screen and then replace the other screening and add another antenna. Replace the cabinets and the GPS at the same location and then add Remote Radio Heads (RRH) behind the screening, under the antennas. He further explained that when he and Brian Grossman (also an attorney for Prince Lobel) met with Staff, the concerns were with the matching of the building paint and faux flue pipe (chimney). Paint is not an issue, and they changed their proposal to a square chimney, so that the screening goes further down, closer to the deck, of the top of the penthouse – the antenna is screened as well as the hardware. Staff conditioned their recommendation on working with them on this material.

Mr. Ferris reiterated that the new stealth enclosure over the entrance facing the parking lot is going to be bigger and wider so that you do not see the supporting elements from the street.

No further questions from the board. No comments from the audience. Chair Santucci Rozzi declared a business mode and reviewed the Planning Board report and the Staff recommendation, noting that the antenna now sticks out a little bit.

Ms. Elliott motioned to grant the amendment. Mr. Heep seconded. Voted 5-0. Granted.

Ms. Elliott asked if the town has hired an independent RF Engineer. Mr. Magoon replied that they have and the first draft of their conclusions is almost complete. This will be presented to the town council and copies will be available to the boards. The report will show the signal strength of all the carriers within the town and then compare that to town owned property to see if there are any carriers interested. He believes the report will be concluded in September.



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Chair Santucci Rozzi stated that there are two modifications on the agenda under 'Other Business'. She announced 105 Rutland Street; the petitioner corrected the address as 109 Rutland Street.

Ms. Elliott stated that the case is from 2009 and there is no notice to read for this modification under 'Other Business'. Mr. Mena stated that this was not noticed.

Matt Shine, 109 Rutland Street, Watertown stated that they went through the procedure before the board in 2009 to modify their front porch – a portion of which was going to be enclosed. They were approved by the board at that time; however, matters came up and they were not able to file for the permit. They are requesting this modification as they are now making the porch smaller than previously requested.

Ms. Santucci said they are cutting it in half and leaving it open.

Mr. Ferris said that a number of houses on the street have porches and this is appropriate. He asked about architectural elements. Mr. Shine said they are working with an architect and they may have a wooden floor or Trex and it will be the most economical. Mr. Ferris wished to know what the posts are made of and said the material should be consistent with the material of the house.

No further questions were asked by the board. Mr. Ferris added that the building department will receive a more detailed drawing and requested that the posts match the character of the house. Mr. Mena stated that this is a modification and conditions are not added; however, the conditions of the original approval are still in place and the intent is to match the existing colors and character of the house.

Ms. Santucci Rozzi said the staff will review the building permit to be certain the modification is in keeping with the boards' request.

No comments were heard from the public.

Ms. Elliott motioned to approve the modification. Mr. John seconded. Voted 5-0, granted.



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, **September 5, 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; Also Present: Steve Magoon, Director; Michael Mena, Zoning Enforcement Officer; Gideon Schreiber, Senior Planner; Louise Civetti, Clerk to ZBA.**

Ms. Santucci Rozzi announced the last case as another modification.

Brian Lau representing the owner of 14 Fayette Street stated that they made a couple of changes to the documents as they were doing the construction. The project was difficult and more complicated than they originally thought. They gutted unit 2 down to the walls and rebuilt from the ground up. The foundation wall was not to code so they added one row of concrete block to make it more compliant. The wall is 4 inches above the original wall. They maintained the original footprint but the homeowner modified the design and apologizes to the board.

Mr. Mena said the homeowner was approved by the board for a special permit finding to raze the roof to add more ceiling height to the non-conforming rear setback of the house. The building inspector went out and realized the roofline was different than what was on the plan. The inspector issued a 'stop work order' until the owner could come back to the board to modify the rear roof; two covered landings – one to the front unit and one to the rear unit and on sheet A5 compared to A4 on the original, a trim was removed and the trim appeared as a dormer but it is only a trim that was removed.

Mr. Magoon said the lower portion (rear) of the house roofline is more attractive now than what had been suggested by Mr. Ferris at the meeting previously.

Mr. Lau said the major changes are the rear of the building – they had one gable roof connected to another and physically, they could not connect the two roofs, they decided to create two gable roofs, perpendicular to each other. Other minor changes are window dimensions and a porch roof on the existing landing – this was on the certified plot plan.

Ms. Santucci Rozzi summarized that they added a couple of covered entryways, and modified the roofline, which was an improvement.

Mr. Ferris asked if the drawings the board has are the ones submitted to the building inspector. Mr. Mena said they are waiting approval of this board first. Mr. Ferris said the new elevation, bottom left, side elevation the two-story part and the one-story – there is a funny area there and it is not clear on the plan. Mr. Lau said they want to put a shallow pitched roof. Mr. Ferris said he is not concerned with the appearance, however, as a record for the building inspector, the elevations are not accurate to the plan. The part that is in between the one story and the two story, the floor plan has areas that are projecting and the building official would not have a clear idea of what is being built. Mr. Lau said they will take another look and fine-tune the plans. Mr.

Ferris said on the floor plans to the left of the three windows, there is more of the building shown that is not indicated on the elevation plan. Mr. Lau agreed that the plans are not showing correctly. He said it will be a shallow pitched roof.

Mr. Ferris said on plan A1, drawing 3, the space above the two-story does not indicate what is there. Mr. Lau said he understands the area that Mr. Ferris is pointing out and two areas that come together is like a breezeway and the roof slopes both ways. Mr. Lau said he will correct the plans.

Mr. Ferris said the plans are not clear on what is being built out. Mr. Lau said the three windows are in the correct location but the roof connection is not clear. Mr. Ferris said the property is fenced off and he cannot walk onto the property (because the job is shut down).

Mr. Mena said the staff can work with the building official to be certain the plan is correct or they can have the petitioner come back. Mr. Ferris stated that he doesn't recommend that the petitioner come back but the major area of this project is not clearly understood. Mr. Mena said the building inspector is working with the applicant and the architect regarding some interior modifications regarding floor levels, etc. these were not applicable to the architectural changes that were being reviewed by the board.

Ms. Santucci Rozzi stated that the board will allow the petitioner to work with staff and the building official to clarify these issues and if it is something raises a red flag, then they will come back to the board.

No further questions by the board.

Ms. Elliott motioned to grant the modification to the control docs. Mr. Heep seconded. Voted 5-0. Granted.

Mr. Magoon mentioned that there has been issues with some boards that their members are emailing other members, which is a violation of the meeting law. If one member has a question, send it to staff and it will be distributed properly.

Ms. Elliott motioned to adjourn. Mr. Heep seconded. Voted 5-0. The meeting ended at 8:50 p.m.