

## WATERTOWN PLANNING BOARD

DATE: November 14, 2012 PLACE: Town Council Chamber TIME: 7:00 PM COMMENCED: 7:00 PM

PURPOSE OF MEETING: Regular Monthly Meeting

PRESENT: John Hawes, Chairman; Jeff Brown; Linda Tuttle-Barletta; Neal Corbett;  
Fergal Brennock  
Steve Magoon, Director; Ingrid Marchesano, Clerk to the Board; Gideon Schreiber, Senior Planner

### ADMINISTRATION BUSINESS

Jeff Brown motioned to approve Minutes of 10/10/2012.

Linda Tuttle-Barletta seconded the motion.

Voted 5-0 In favor

### CASES PENDING

- **378-380 School Street;** Harold & Robert Kevorkian – Variance and/or Special Permit Finding

John Hawes, this is an unusual request. We have to decide on SPF application not based on legal, based on our experience. We will state our opinion but if we do not agree, we will not vote on it. Some of the legal discussion needs to be limited.

Steve Winnick, Atty, I will not discuss this issue tonight but it will come up again. I have often asked in the past for V and SP relief, legal Counsel needs to give this Board an opinion.

This is a 2 family home on a 6,200 lot located in a T zone. It is nonconforming for having 2 parking spaces where 4 are required, both located in the front yard between 2 high retaining walls. This is a serious safety hazard, it is a narrow street and backing out of the driveway is dangerous. We are proposing to remove the 2 front parking spaces, landscape the area and place 4 parking spaces in the rear.

Avo Asdourian, Architect, photographs are showing that the 2 front spaces are falling apart. The driveway is proposed on the left side leading to the rear 4 parking spaces. Two sets of stairs in the front will provide more privacy. New retaining wall will be about 2 feet high. The driveway will be about 10 feet wide in the front and narrowed to 8.5 feet. Buffer is proposed 3' where 4' is required.

Steve Winnick, there will be minimius reduction side buffer. Proposed changes are not substantially more detrimental than the existing nonconforming use. Staff report is in favor. The overall project is beneficial to the neighborhood.

Gideon Schreiber, all the rear dimensions are conforming, the side yard also. The petitioner is asking to reduce the buffer from 4 feet to 3 feet. Staff finds the site unique, the criteria for granting of the relief have been met. The change of the front yard will improve the area. Staff recommends an approval with conditions that the sidewalk be restored with granite curb. Pervious pavers in the rear parking area will create pervious environment.

Linda Tuttle-Barletta motioned to recommend to the Zoning Board of Appeals approval of the Variance under Sections 5.05 & 6.02(j) based upon the finding that it meets the criteria set forth in the Zoning Ordinance subject to conditions set forth in the staff report.

Jeff Brown seconded the motion.

VOTE: 5-0 In favor

More discussion followed. The nonconformance has to do with structures not landscape. The Board previously approved extension of nonconformity of structures. The debate should be among legal counsels.

Steve Winnick, if the Special Permit was appropriate vehicle, the Board would vote positively.

Steve Magoon, recent case law suggested that finding is sufficient if there is minimal nonconformity

OTHER

- **Waltham Street Apartments** – Minor modifications to elevations

Steve Magoon, the Planning Board approved this project and they are always concerned with changes coming after the approval. This petitioner is back for minor change approval. The Land Court changed the lot number to have the decision properly recorded.

Richard Dickson, the business was taken away by improvements to the elevations. The closing with Wood Partners will be completed within 2 weeks and construction will start.

Philip Renzi, The Architectural Team, the balconies were increased in depth to meet ADA requirements. Awnings were deleted in lower part of buildings. The double doors on balconies were changed to pair of windows and single door to provide better weather proofing. Height of the buildings has been reduced by 18 inches, cornice changed to make it more aesthetically pleasing. The building footprint covers less area. Materials will remain the same. The unit count remains at 155.

Linda Tuttle-Barletta motioned to approve minor modifications to the control plans dated 11/2/2012.  
Fergal Brennock seconded the motion. VOTE: 5-0 In favor

Linda Tuttle-Barletta motioned to correct the following typographical error in the Special Permit, case #PB-2011-03—SP/SR as follows: wherever in the Special Permit “Lot 1” is referenced substituted therefore shall be “Lot 7” and wherever “Lot 2” is referenced substituted therefore shall be “Lot 6”.  
Jeff Brown seconded the motion. VOTE: 5-0 In favor

Chairman John Hawes adjourned the meeting at 8:00 PM.

MEETING ADJOURNED: 8:00 PM MINUTES APPROVED: \_\_\_\_\_

For more detailed Minutes see tapes dated 11/14/12 available in the DCD&P office.