



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
John G. Gannon, Alternate Member

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MINUTES

On Wednesday evening, **March 27, 2013** 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, Chairperson; Deborah Elliott, Clerk; David Ferris, Member; Suneeth P. John, Member; Christopher H. Heep, Alternate Member.** *Absent: John G. Gannon, Alternate Member.* Also Present: **Steve Magoon, Director, Mike Mena, Zoning Enforcement Officer, Louise Civetti, Clerk to ZBA.**

Chair Santucci Rozzi opened the meeting, introduced the board and staff and swore in the audience. She explained the administrative items will be tabled to the April agenda; announced the continued case will be heard at the April meeting and the case under 'Other Business' will be heard at the end of the evening. She swore in the audience; asked Ms. Elliott to read the legal notice and announced Christopher Heep will be the voting.

Ms. Elliott read the legal notice:

33 Grenville Road

Anthony & Nicole Lamacchia, 59 Lowell Avenue, Watertown, MA 02472 request the Zoning Board of Appeals grant a Variance in accordance with Watertown Zoning Ordinance §5.04, Table of Dimensional Regulations, Maximum Height and §5.05(j), Maximum Eave Height, so as to raze existing non-conforming two-family structure to construct a single-family structure with non-conforming average-grade roof height of 45.5', where existing height is 47' and where, maximum 35' is allowed and average-grade eave height of 32', where maximum 26' is allowed.. S-10 (Single-Family) Zoning District. ZBA-2013-05

William York, Attorney representing the Lamacchia's and their three young children, explained the petition as an existing non-conforming structure. They propose to demolish the structure, which has been approved by the Historical Commission and replace it with a 2 ½ story structure that meets all of the dimensional requires except height and that has to do with the incredible slope of the property that drops down 26' in grade. The structure will be setback 26' from Grenville Road. The house fits into the neighborhood and is 19' to the eave in the front. The average grade of the properties in the area and the extreme slope, as well as the 10,000 s.f. lot create the height in the rear that is non-conforming. He stated that the alternatives would not be in keeping with the character of the neighborhood and would require that the house be built much further back into the slope of the lot. It would be inconsistent and would require more coverage on the lot, including impervious coverage. If they were to build at the base of the lot, it would be more imposing to the abutters to the rear; financially more expensive, etc. Mr. York stated that there are letters written from the neighbors in favor of the petition.

Ari Koufous, 5 Bellvue Terrace, lives at the base of the property and agrees that if they were to build further back into the lot, it would overpower his property. He has lived with what has been there for the past 13 years and is excited to see this built.

Dennis Duff, 33 Spruce Street, respectfully requests that the board approve this as it is a great improvement; he is impressed they are removing asphalt and adding greenspace and the scale will improve the neighborhood.

Member Ferris asked about the material on the dormers. Mr. Lamacchia said they are hardy plank shingles. Mr. Ferris asked about the chimney cricket and suggest the chimney be wider if it needs the additional support. Mr. Lamacchia said the cricket is for the water runoff.

Member Elliott asked what the total square footage will be. Mr. Lamacchia said their house would be about 3400 square feet. She is in support of the proposal and appreciates the design on such a steep slope. Atty. York added that the benefit to the design is that there is a storm water maintenance being added and the impervious area decreased by 10%.

Member Heep said it is a great looking project, especially the setback at the front.

Member Gannon asked about the difference in the footprint from the old structure to the new house. Mr. Lamacchia said the existing structure is 32' x 32' and the proposed is 40' x 38' and the garages are underneath.

Chair Santucci Rozzi noted the drainage on the plans and asked if when the driveway goes in – the rim elevation on the catch basin – then asked if the roof drains will tie in. They are. She asked that if they are not going to berm off the driveway that it is pitched towards that corner as they are going to end up runoff from the other corner down the walls. She also noted the tests show they are not perking well and they are putting the draining a little further back; however, any exploratory work – excavation, stone, will help the abutters to the rear. Mr. Lamacchia stated that his prior life was in landscape construction. He promises this will be top-notch.

Chair Santucci Rozzi noted for the board that this is a height variance and a variance for the dimension to the ridge and it is also important to note the street elevation is compliant and that is a 34.3' elevation and due to the topography, creates the challenge for this dimension.

Chair Santucci Rozzi read from written supporting letters from: Richard Tolan, 27 Grenville Road; Lucille & Thodore Carlin, 39 Grenville Road; Mr. Koufous who is here this evening; Don Sissen, 26-28 and 36 Grenville Road. The Staff report recommends approval as does the Planning Board report. There are standard conditions. There are no other proposed conditions.

Member Deborah Elliott moved to approve the Variance for height and eave height as it meets the criteria set out in the ordinance with conditions proposed, reviewed and approved by the Zoning Board of Appeals. Member David Ferris seconded. Adopted by unanimous voice vote with Members Ferris, Elliott, John, Chair Santucci Rozzi and Alternate Member Heep voting in the affirmative (5-0). Alternate Member John Gannon did not vote.

ZBA-2013-05 VAR has been Granted by the Zoning Board of Appeals.

Document Reviewed: Drawings dated 11/19/2012 and revised 1/31/2013 by Costa Architects for "Proposed New House" 33 Grenville Road with Pages: T-1, title Sheet; A-1, Foundation/Garage/Basement Plans; A-2 First & Second Floor Plans; A-3 Attic & Roof Plans; A-4 Front & Left Side Elevations; A-5 Right & Rear Side Elevations; and, Plan of Land Showing Proposed Single Family House, 33 Grenville by Bibbo Brothers and Associates, dated 12/28/12 and revised 2/7/2013



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65 Oakley Road

Dean & Elena Poillucci, 3 Oakley Road, Watertown, MA 02472, request the Zoning Board of Appeals grant Variances in accordance with Watertown Zoning Ordinance §5.04, Table of Dimensional Regulations, Setbacks, so as to raze existing non-conforming single-family structure to construct a new single-family structure using the existing foundation with non-conforming 6.5' side yard setbacks and constructing an addition with a front setback 14.3' where 25' is required. S-10 (Single-Family) Zoning District. ZBA-2013-06

Dean Poillucci, 3 Oakley Road, stated the challenges are that this is a 5100 s.f. lot in a 10,000 s.f. zoning; irregular shaped lot; triangular with no rear setback and a steep grade approaching Oakley Country Club property. He explained the details of the proposed project, including keeping the site line from the existing homes on the dead-end street (maintenance entrance for Oakley Country Club) and the front setback would be in back of the site line. The face of the proposed structure is facing the curve of the street and the setbacks on the sides are existing.

Member Ferris said the drawings are very clear and thanked Mr. Poillucci for the three-dimensional drawings. They may want larger windows for the view as the windows appear to be small.

Chair Santucci Rozzi announced Member John Gannon will be the voting alternate for this case.

Member Heep asked about 'hardship' in regards to the qualifying criteria for a variance. He added that there is an existing house on this lot and if they are trying to get a larger house, why not go with a larger house on a larger lot that conforms with Zoning. Mr. Poillucci said he grew up in Watertown and moved back in 2011, taking temporary residence at 3 Oakley Road. They have been looking for homes on the market for the past 15 months. This home offered location and accommodates a modest home size. The house is challenging as the structure was not built with good materials and is not in code with stair risers and width. Any significant renovations would require retrofits that would not allow them to meet the stretch energy code requirements and the objective of reaching an energy star 3-0 home. They looked at options for building a conforming home or modifying an existing one - this home already does not conform to side and front setbacks. The two other options within the tables would be an irregularly shaped home with angled walls or stepped back home, which is not financially feasible. There are structural issues - there is significant drainage coming off of the slope from Oakley CC; the house is set 8-10 inches too low. The house had

water and termite issues in the past. The foundation slab needs to come up 6-8 inches to stop the water problems; the top of foundation needs to come up 8 inches to be able to grade the property for proper drainage.

Chair Santucci Rozzi said the existing house appears (to be) on the road, as it is and it is hard to envision a house being closer to the street. The road goes in an upward direction and the houses look higher and higher as you go up. The houses next to this proposal are almost ranch-style houses – small and condensed and take advantage of the length of the lot. She walked around the property and saw the erosion around the foundation. This proposal is huge and high with the street going up...Mr. Poillucci said the renderings show the relationship of the proposed structure to the existing structures on the street. They rendered the proposed with the adjacent properties and the appearance of the house doesn't change. The (existing) steps to the house are actually on the road as shown in the survey. Their proposal moves the stairs back onto the property. He said although the house has a taller roof, it still a two-story structure and in conformance with the height requirements.

Ms. Santucci Rozzi said there are projects that try to maintain their non-conforming setbacks. She asked if they thought about coming to the board before they bought the house. Mr. Poillucci said they understand the risks and worked closely with the Planning Department to present a submission that they believed would meet the challenges. They tried to maintain the depth of the structure next to the neighbor, they step out 8' once away from the property line. Looking from the birds-eye view, you can see how those building lines project against the proposed project. The lot has extreme challenges.

Member John asked what the differences in height are from the existing to the proposed. Mr. Poillucci said the pitch is 5 and the front is 12 pitch not quite to the center and 8 pitch to the back. He doesn't know the exact difference but it is not 10'

Member Gannon asked if there is a difference in height in regards to the grade. Mr. Poillucci said the proposed home is taller than the existing but he does not have the exact data.

Member Elliott asked what the existing square footage of the house is. Mr. Poillucci said it measures out at 1288 s.f. and they are proposing 2500 s.f. – the first floor from 650 s.f. to 1000, where 20% is allowed for the 5100 s.f.

Chair Santucci Rozzi asked what they are doing to address the drainage problem. Mr. Poillucci said the issue is at the rear left corner of the dwelling. They will raise the existing foundation wall 6-8 inches and they will regrade the back corner and put in a drain on the surface of the yard. The drainage plan shows street runoff with downspouts. They will re-grade the back corner of the property with a drain at the surface of the yard. The propose to add a 500 gallon stone drywell to the catch basin in grass area in front of the property with overflow in the grass area towards the catch basin in the street (a sheet run-off, not a direct connection). The drywell is not on the current plan as it was discussed as an enhancement.

Wayne Pellitier, Architect, mentioned similarities between this proposed structure and the neighboring house – including the garage under; the eave height; and the front gables, although higher on the proposed house - the grade marches up towards this property. He added that the neighborhood had a lot of two-story homes with dormers on the rear upper level.

Mr. Poillucci said the eave height is less than 21.6' on the proposed home. The renderings provide the prospective from the street view. They tried to minimized the influence of the adjacent neighbor.

Chair Santucci Rozzi said their property is higher than the street and the neighbors. Mr. Poillucci said it has extreme topography and is pie-shaped. The variance is to the front portico – not to the front of the building. The face of the building is 3' further back.

Member Elliott asked if they looked at plans that did not decrease the front yard setback. Mr. Poillucci said they did and the two options they considered were submitted as supplemental information and the purple represents the existing structure, the green, the L shaped addition and the triangle is the buildable area, angular structure and the conforming step structure. They would have to demolish the good existing foundation and get less usable square footage. They are keeping the foundation and they are raising the foundation 6-8" higher.

Member Elliott asked if they were to maintain the front setback but not the side. Mr. Poillucci said that would be the step construction, which is costly and inefficient from the net to gross standpoint.

Chair Santucci Rozzi asked if they did something to the slope. Mr. Poillucci said it is too expensive to take the slope out. Ms. Santucci said they could put a wall in. Mr. Dean said that would be a high-cost solution. She asked if that is contributing to the drainage issues. Mr. Dean said the water is coming from that side and no matter what, the water has to be managed and the same amount of area needs to be drained. Ms. Santucci said she sees options. Mr. Dean said that would render the yard useless. This is not a street-view impact as the building curves around a corner. Ms. Santucci said it is doubling the square footage. He said it is a 2 ½ story building and it would not be impactful without the ½. Mr. Gannon said they are going from 1288 square feet to 2500 square feet – double the size.

Ms. Santucci said the board can approve it on paper but when it is built, they'll say that house is huge. She is trying to picture the house at double the size - is hard to picture. Mr. Dean said the 8' jog should help.

Ms. Santucci said it is very tight up there. She cannot picture anything bigger and closer to the street there.

Mr. Gannon reviewed the data table showing the required, existing and proposed dimensions, noting the front setback is *decreasing* from 23.4' to 14.3'; the left side setback is *decreasing* from existing 15' to 11.7'; the right setback is remaining the same; and the building coverage is *increasing* from 13% to 20%.

Mr. Ferris said if this were to be a new lot, it is half the size of the required area. Mr. Mena said the lot is substantially undersized. Staff worked with the applicant to prepare the exhibits and with the unique size, shape and topography, felt this met the findings and they are recommending approval.

Mr. Ferris pointed out that this is a substantial issue that this lot size is so small compared to what would be allowed today. He would be more understanding in order to maintain a grade scenario at the rear of the house and he is more accepting of the projection in the front as it is not a typical street scenario and there are not a lot of houses.

Mr. John asked why the patio is sitting further out. Mr. Dean said there are 2-3 steps down to the patio and they did not want the patio to be hard against the house.

Mr. Ferris feels for the neighbor on the lower house but if the proposal were to be increased, the neighbor would feel the impact greater from that vista – a detriment to their view.

Mr. Magoon said they have had a lot of conversations with the applicant and since the street is not extending beyond the driveway, and the neighbor to the north and rear being the Oakley Country Club and open spaces, there was a suggestion to the applicant that the expansion to that direction would be preferable to expansion where there are existing houses. That was the direction the staff suggested would be a preferable one. Chair Santucci Rozzi asked if they discussed it 'coming out this far'. Mr. Magoon said they discussed that with the applicant and told him that this board is the decision making body and the applicant made the case with the aerial and existing facades of the other homes on the street.

Chair Santucci Rozzi asked how close the new foundation is to the bottom of the slope (as the applicant had said earlier that they cannot build close to the bottom of the slope). Mr. Poillucci explained that the slope changes

dramatically when you go from the side yard to the back. The further back, the steeper it is. They are building against the more-gentle grade.

Chair Santucci Rozzi said the existing house is close, the addition is very close and his response in the back is 'we can't be close'. Mr. Poillucci explained that they cannot be at the toe of that slope – not at the back corner as that is where it begins to climb very steep. The slope is very difference as you approach the back of the yard. It is more flat. You can always build something with enough money but the cost of building an irregularly shaped home, a stepped-back home or a home that requires tackling that hill as part of the construction is a cost prohibitive solution.

Ms. Santucci declared a business mode. No testimony was heard from the audience or in writing. She read from the Planning Board report and the staff report, both recommended approval. No conditions on drainage and no plans on drainage. If approved, add drainage plan with the installation of a drywell...

Mr. Ferris motioned to approve the application considering the undersized lot and the building area is within the allowable size for this undersized lot and the approach to adding on to the outline of the building is more respectful to the adjacent neighbors' who would want to live there because of their view vista towards the golf course verses the street scenario.

Mr. John seconded.

Voted 3-2 with Members Ferris, Elliot and John voting in the affirmative and Members Santucci Rozzi and Gannon voting against.

The petition is required to have a quorum vote of (4); therefore, the petition is **denied**.

Documents Reviewed: The packet dated 2/12/2013 pages 1-11 with: Plot Plan, 65 Oakley Road, dated 2/11/2013 updated 2/27/2013 prepared by John McEachern of Bowditch & Crandall, Inc.; Pages 2-11 by Construction Design Services with Front, Right, Left, and Rear Elevations, Foundation & Basement Plan, 1st-3rd Floor Plans, Roof Plan, and Landscape Plan



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Chair Santucci Rozzi announced the last case is under "Other Business" and does not require the Legal Notice to be read. The request is for **20 Summer Street** for modifications to the control documents.

William York, Attorney representing LCB Senior Living, spoke on the modifications to the control document changes from last month and the board requested some changes. The project architect will review the revisions.

Anthony (last name unknown) stated that a letter sent by Ed SanClemente, LCB talked about the modifications between the previous hearing and now. He said there are two primary items. Before he began, he stated that after the February meeting, they sat with Gideon Schreiber, Steve Magoon and Mike Mena to discuss the comments from the board and to receive additional feedback. He said the first change is the height of the pre-cast band and they were asked to raise the height of the band. They were able to raise the band 16". These are shown on the plan dated 3-20-13 (with bubbles addressing the changes). The wall section next to the elevations show the cross-section through the first floor and the banners for the store front are shown graphically and the summer street elevation shows this in a grey tone. Raising the band 16" enlarged the storefront and brought the dolomite base in line with the storefront. They carried the band elevation to the back and across all the facades. The next item was to provide a site plan and they provided a site planting plan without the names of the plants. The relocation of the transformer was the reason for the request and after their research on NSTAR they discovered that NStar required 10' clearance around the transformer. The dimensions on the plan show 20' from the sidewalk curbline to the transformer and the other dimension is to a screen to disguise the transformer and they cannot have any plantings within 10' of the transformer. They have to get feedback on this location. They have a fence with a 1' buffer and direct access to the transformer from the delivery bay for the transformer company.

Chair Santucci Rozzi asked about the 6' walkway and the dimension to the property line of 4' which is what NStar requires. Mr. Magoon stated that there is not a requirement for a setback of a fence.

Ms. Santucci Rozzi mentioned the opening of the vestibule. Mr. Anthony said the board requested that there be a visual connection between Spring Street and Summer and they have created an entire entryway of glass. The only physical doorway is on Summer Street.

Member Gannon asked if the retail spaces will be geared towards the residences or will there be coffee shops open to the public. Mr. York said the hair care facility will be a dual service for the residences and the public. The other spaces will be for retail and open to the public. There is only one other retail store – facing Summer Street.

Member John thanked them for solving the issues.

Member Ferris thanked them and asked if they are using Spandro Glass. Mr. Anthony said there may be and the awnings will be at least 9' but they do not have details. Mr. Mena added that the awnings do not require separate permits unless they are used for signage.

Member Ferris asked what the difference between GB2 and the GB3 trees are. The location of the trees has changed and graphically the "street" trees looked the same and now they do not look like Ginko's. The receiving area could use more greenery. Mr. Anthony said they will talk to the landscape architect. Mr. Mena stated that since there are street trees, these will be decided by the Tree Warden. The condition is to provide up to 10 trees for that area. The condition stands as originally approved. They will work out the screening for the transformer and hope to use the same fencing around the building.

Member Ferris asked if they would provide a covered area from the drop-off to the doorway. Mr. Anthony said there is about 3' that you would be uncovered. Member Ferris said he suggests it but is not making it a condition.

Chair Santucci Rozzi said the modifications that they are accepting, the two sheets, are dated March and the site planting plan, which is not a full landscaping plan is not accepted and for record keeping, she wants to keep the original plan, not this one.

Member Elliott motioned to accept the modifications as discussed. Member Ferris seconded. Voted 5-0.

Chair Santucci Rozzi stated for the record **462 Mt. Auburn Street** is being continued. Member Elliott motioned to continue the petition. Member Gannon seconded. Voted to continue to April.

Meeting adjourned (no vote).