



TOWN OF WATERTOWN
Zoning Board of Appeals
Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

Melissa M. Santucci Rozzi, Chairperson
David Ferris, Acting Clerk
Suneeth P. John, Member
Christopher H. Heep, Alternate Member
John G. Gannon, Alternate Member

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MINUTES

On Wednesday evening, October 23, 2013 at 7:00 p.m. in the Richard E. Mastrangelo Council Chamber on the second floor of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: Melissa Santucci Rozzi, *Chair*; David Ferris, *Acting Clerk*; Suneeth P. John, *Member*; Christopher H. Heep, *Alternate Member*; John G. Gannon, *Alternate Member*. Also Present: Steve Magoon, Director, Community Development & Planning; Mike Mena, Zoning Enforcement Officer; Gideon Schreiber, *Planner*; Louise Civetti, *Clerk to ZBA*.

Chair Santucci Rozzi opened the meeting, introduced the board and staff, reviewed the agenda and swore in the audience. She appointed Member Ferris to be the acting clerk and asked that next month's agenda reflect an appointment to clerk.

Approval of Minutes: July 31, 2013, August 28, 2013, September 25, 2013.

Member Ferris read the legal notice for the first case:

"86 Common Street - Simon Kennedy, 86 Common Street, Watertown, MA 02472 herein requests the Zoning Board of Appeals grant a Variance in accordance with Watertown Zoning Ordinance §4.03(d), Accessory Structures, Setback, Height, so as to construct a 12'x6' tree house platform, 11' up on a Maple tree located adjacent to the property line, where 5' setback is required and taller than the required maximum 12' in height. S-6 (Single Family) Zoning District. ZBA-2013-25"

Hamid Omid, 28 Middlesex Road (direct abutter) testified that this project is not only a safety issue but a liability and privacy issue. They submitted a letter in opposition with concerns about it being located within inches of the property line and that it would create a potentially hazardous situation, especially in the winter.

The Board stated it is unusual for these circumstances to meet the criteria for a variance, especially hardship. The structure was constructed at the assumed property line (certified plot plan not prepared), where the actual setback is unknown and it is violating the height requirements. The chairman noted that although there is a petition of signatures to support the structure, there isn't anyone in the audience supporting it.

Member Ferris motioned to deny the request as it does not meet the criteria stated in the ordinance. Member John seconded. Member Gannon recused. Voted 4-0, the petition is DENIED.

Chair Santucci Rozzi announced the following two cases have requested to be continued:
[450 \(458\) Arsenal Street](#) – Junior Eagles Hockey – Special Permit**Request to Continue*
[615 Arsenal Street](#) – Home Depot – Special Permit & Amend Special Permit **Request to Continue*

Chair Santucci Rozzi announced the following is a continued case. The legal notice is for reference only.

"55 Bigelow Avenue - Vache Keusseyan, 169 Harrington Road, Waltham, MA 02453 herein requests the Zoning Board of Appeals to grant a Variance in accordance with Watertown Zoning Ordinance §7.04(b), Signs, Maximum 10 s.f. in the T-Zoning District, so as to allow an awning with signage on 3 sides (Kay's Farm Fresh) at 4'x10' and (2) at 4.5"x22.5" to remain, where the permitted approval (01/25/2012) is for a single 2'x10' sign on a 5'x19' awning. T (Two-Family) Zoning District. ZBA-2013-23"

The Board of Appeals granted the petitioner Continuances at four (4) separate meeting dates (08/28/13, 10/23/13, 11/20/13, and 12/18/13). At each requested continuance the Board of Appeals directed the application to prepare an alternative sign which may be more acceptable in order to grant the Variance requested.

On 12/18/13, the Petitioner submitted a request to keep the awning with the signage, as is, on the front and to 'blacken' the signage on the sides. He also submitted a petition with over 50 signatures to allow Kay's Farm Fresh to maintain the awning with the signage as it is. The Board of Appeals stated that this would not satisfy the requirements and the sides would appear unsightly by being "blackened" out. The board suggested the petitioner work directly with the Staff to come up with a solution and allowed the case to be continued to 1/22/14.

The Zoning Enforcement Officer made several attempts to contact the petitioner and his attorney (telephone, email, postal service) throughout the month, however, these attempts were unsuccessful.

On 1/22/14, the Petitioner, through a telephone conversation with the Zoning Enforcement Officer, stated that neither he nor his attorney would be able to attend the meeting. He suggested the Board allow him to keep the sign, as is, for two (2) years and then have the Board consider alternatives. The Board of Appeals denied an additional request to continue the case to the February meeting. The Board of Appeals subsequently voted to deny the variance.

Member Ferris motioned to deny the request for a variance as it does not meet the requirements of the Watertown Zoning Ordinance. Member Heep seconded. Voted 5-0, the request is **DENIED**.

The Board ordered the Petitioner to Cease and Desist all outdoor display of merchandise as granted by the Board previously, until the sign has been brought into compliance.

Chair Santucci Rozzi announced the following is also a continued case.

[179 Chapman Street](#) – Karen Ziminski – Appeal Determination of Zoning Officer

Several neighbors in support of the petitioner attended the meeting. One neighbor confirmed the basement is being used as a rental unit. Another neighbor said there has never been a garage located in the basement.

The Board determined that the basement is not a legally permitted separate rental unit.

Member Ferris motioned to deny the request as it does not meet the criteria stated in the ordinance.

Member John seconded. Members Santucci Rozzi and Heep voted in the affirmative. Member Gannon recused. Voted 4-0 , the petition is **DENIED**.

The meeting was adjourned at 8:30 p.m.