

## MINUTES

On Wednesday evening, **January 31, 2007** at 7:00 p.m. in the Council Chambers of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Harry J. Vlachos**, *Chairman*; **Melissa M. Santucci**, *Clerk*; **Stuart J. Bailey**, *Member*; **Deborah Elliott**, *Member*; **Carlos Fernandez**, *Member*; **Richard M. Moynihan**, *Alternate Member*; **Nancy Scott**, *Zoning Enforcement Officer*; **Louise Civetti**, *Clerk*.

Tape 1 of 2, Side A

### Legal Notice:

Reno R. James, 119 Summer Street, Watertown, MA, herein requests the Board of Appeals grant **Variations** in accordance with Section 6.02(i), Curb Opening and 6.02(j), Required Landscape Buffer, so as to install a second driveway, 8.5'x42' on southerly side having a 3.1'-3.6' landscape buffer, where 4' minimum is required and creating a combined curb opening of both driveways of 24.2', where maximum 22' is allowed at **119-121 Summer Street**, located in the T (Two-Family) Zoning District.

On January 2, 2007 via electronic mail, the Petitioner requested a continuance for the scheduled December Zoning Board hearing. At the meeting held January 3, 2007, the Board approved Mr. James' request for continuance.

On January 12, 2007 the Petitioner submitted to the Zoning Enforcement Officer, a revised Plot Plan showing the enlargement of the existing driveway which met the requirements of the Zoning Ordinance. On January 16, 2007 via electronic mail, the Petitioner submitted a formal request to withdraw his petition for Variance. Therefore, the Board approved Mr. James' request to withdraw without prejudice.

The Petition for Variance is **WITHDRAWN WITHOUT PREJUDICE** by unanimous vote (5-0) of the Board of Appeals.

Harry J. Vlachos, Chairperson

Melissa M. Santucci, Clerk

Stuart J. Bailey, Member

Deborah Elliott, Member

Carlos Fernandez, Member

Richard M. Moynihan, Alternate

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Tape 1 of 2, Side A, Continued

### Legal Notice:

Thomas and Barbara Powderly, 47 Stuart Street, Watertown, MA, herein request the Board of Appeals to grant a **Special Permit Finding** in accordance with §4.06 (a), Alts/Additions to Non-conforming Structures, Front Yard Setback, Zoning Ordinance, so as to construct two dormers, 10'8"x10'3 3/4" at rear and front which will maintain non-conforming front yard setback at 19'2", where 25' is required at **47 Stuart Street**, located in the S-6 (Single Family) Zoning District.

The site is currently non-conforming with respect to lot area at 5,000, where 6,000 sf is required and frontage at 50', where 65' frontage is required. The building is non-conforming as to the Front Yard Setback of 19'2", where 25' is required and side yard setbacks having 6.7-6.9' northerly side and 7.3'-7.5' southerly side, where 12'/10' is required.

Mr. Thomas Powderly appeared before the Board and stated that he recently purchased the subject property in April 2006, so as to stay in the same neighborhood and school system where they have lived the past 8 years. The existing house is three bedrooms and his 6-year old girl and 3 year old boy share a room on the second floor and their baby is in a

small third bedroom. They would like to enlarge the rooms in the attic, so they are proposing two small modest front and rear dormers, both the same size, 10'8"x10'3 ¾". The Board notes that the dormer located in the front is the only dormer that requires this relief, due to the fact that it will maintain the non-conforming 19'2" front yard setback, where 25' is now required. The Board further notes that the plans as submitted complies with the area of half-story, proposing 334 sf of livable area, where a maximum of 344 sf is permitted.

Mr. Powderly stated that with the additional bedroom it will provide a bedroom for his girl and the other room would be a play area for the children.

There was no one in opposition to this petition.

The Board all affirmed that the proposed dormer did not further increase the non-conformity of the front yard setback and that the addition of the front gable dormer is modest in size and adds additional character that is in keeping with the neighborhood and as such would not be substantially more detrimental to the neighborhood than the existing dwelling.

The Petition for SPECIAL PERMIT FINDING is **GRANTED** by a unanimous vote (5-0) of the Board of Appeals.

Harry J. Vlachos, Chairperson

Melissa M. Santucci, Clerk

Stuart J. Bailey, Member

Deborah Elliott, Member

Carlos Fernandez, Member

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Tape 1 of 2, Side A, Continued

Legal Notice:

Terese Hammerle, 41 Bancroft Street, Watertown, MA, herein requests the Board of Appeals grant a **Special Permit Finding** in accordance with §4.06 (a), Alts/Additions to Non-conforming Structures, Side Yard Setback, Zoning Ordinance, so as to raze existing garage and construct a one-story rear addition 7.5'x23.2', maintaining westerly side yard setback at 8.2' and varying to 9.7' at northwesterly corner, where 12' is required at **41 Bancroft Street**, located in the T (Two-Family) Zoning District.

The site is currently non-conforming with respect to the lot area having 3,855 sf, where 5,000 is required. The building is non-conforming as to the westerly side yard setback of varying 9.7' - 8.2', where 10' is required.

Terese Hammerle, owner appeared before the Board and gave an overview of her proposal. Her single-family home is located on the corner of Bancroft Street and Westminster

Avenue. The detached single-car garage (217 sf) is accessed via Westminster Avenue and is in poor condition. The existing building coverage is at 28% and with the proposed addition, will exceed the allowable 30%. Therefore, it is her intent to raze the garage, to be in compliance with 27% building coverage. She indicated that she would like to expand her kitchen and add a mudroom. She intends to construct a one-story rear addition 7.5'x23.2', maintaining the non-conforming westerly side yard setback at 8.2' and varying to 9.7' at northwesterly corner, where 12' is required. The rear addition expands the length of the house and due to its siting on the corner lot, the easterly corner at Westminster Avenue will maintain the required 10.3- 10.7' side yard setback. It is the northwest corner of the dwelling that is 8.2' from the side property line and the addition will attach and extending out 7.5' feet, at which point the farthest northwest corner will be 9.7', more conforming than the existing 8.2'. The plans submitted show a well designed addition in both character and size. The Board there was no opposition to this petition. Chairman Vlachos read a letter of support from Councilor Marilyn Petitto-Devaney, 98 Westminster Avenue.

Zoning Officer asked if she intends to leave the concrete floor of the garage to park and Ms. Hammerle states she intends to remove the concrete and grass that area. The remaining driveway area will be utilized.

The Board finds that the proposed addition as shown on the submitted plot plan together with the architectural plans, will not further increase the non-conformity and will not be a substantially more detrimental to the neighborhood than the existing single-family dwelling.

The Petition for SPECIAL PERMIT FINDING is **GRANTED** by a unanimous vote (5-0) of the Board of Appeals.

Harry J. Vlachos, Chairperson

Melissa M. Santucci, Clerk

Stuart J. Bailey, Member

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Richard M. Moynihan, Alternate

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Tape 1 of 3, Side A, Continued

### Legal Notice:

Ryan Hanna and Rossella Mercuri, 11 Langdon Avenue, Watertown, MA, herein request the Board of Appeals grant a **Special Permit Finding** in accordance with §4.06 (a), Alts/Additions to Non-conforming Structures, Side Yard Setback and a **Variance** in accordance with §5.00(e), Minimum Distance Between Structures, Zoning Ordinance, so as to raze attached 6'x16' rear storage structure and dog-house entry to basement and construct a rear deck 8.6'x18.9'x11.5', maintaining northerly non-conforming side yard setback at 4.6'-4.9', where 10' is required and further located 4.5' from the accessory garage, where 10' is required at **11 Langdon Avenue**, located in the S-6 (Single Family) Zoning District.

The property is non-conforming as to lot area and frontage-having 4,275 sf and 45' frontage, where 6,000 sf/65' is required for the S-6 Zoning District. The single-family dwelling is currently non-conforming with respect to the front setback at 15.4', where 25' is required; northerly side yard setback varying 4.1' – 5.6', where 10' is required. Maximum

building coverage is also over the allowable 25%. The detached garage sits on the rear lot line and side lot line.

Ryan Hanna appeared before the Board and stated that he and his wife purchased the property in June, 2004. He indicated that there were two other rear structures –greenhouse attached to the side of the garage and an attached 6'x16' basement and grade storage area accessed by a doghouse entrance with stairs down. (Pictures were provided to the Board). Both of these structures in the rear were removed to allow for the construction of the deck, 8.6'x18.9'11.5'x2' (194.6 sf). A picture window in the rear wall, was replaced with a sliding door so as to access the new deck.

He explained to the Board that he did not believe a building permit was necessary, due to the fact that he was replacing something that was already there. Board notes that there is no record of a building permit being issued for either structure that was removed. Mr. Hanna's mea culpa on his outright ignorance in believing no permit was necessary was given to the board.

The existing dwelling is non-conforming on the northerly side lot line, however, they wish to continue the deck 8.6' out further maintaining the non-conforming 4.6' and 4.9' side yard setback. There is 12.5' that allows access to the two-car garage on the southerly side. With the proposed deck in place, the garage is 4.5' away, where 10' is required by the Ordinance. See companion Variance decision

While construction without a valid permit and then requesting approval is always a concern of the Boards. Member Santucci visited the site and felt that while the plan looks particularly close, the site visit proved that there was sufficient room, while not 10', to access the rear yard and to access the side of the garage. However, she believes a condition should be placed on this approval that would prohibit the enclosure of the deck.

Members clearly found that the continuation of the northerly non-conforming side yard setback for an additional 8.5' is not substantially more detrimental to the neighborhood and poses no risk to public health and safety.

The shape of the lot is not unique and there are no topographical features that affect the ability to fully utilize the property. However, the undersized nature of the lot and the configuration of the existing dwelling together with the existing 21'-wide two-car garage suggest no other viable alternative for the location and dimensions of the rear deck. The existing building coverage is non-conforming at 35.8%, which limits livable space. The deck could be expanded from 8.6' to 14', but the width of it is limited to 7', providing 10' to the

garage. Circumstances relating to the shape of the structures together with the non-conforming lot size are unique but do not affect generally the Zoning District in which it is located.

Literal enforcement of the Zoning Ordinance would require the Petitioner to remove the recently constructed deck and forfeit

any use and/or benefit derived from the structure. It is unfortunate that the owner did not investigate the need for a building

permit prior to its construction. Member Santucci after visiting the site finds that there is sufficient room to get by; however,

she believes that this open deck should remain open and that she will propose a condition stating as such. Literal

enforcement of the Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the appellant/petitioner.

The reduction of the setback between multiple buildings on a lot by 5.5' will not create a substantial change to the appearance

or character of the existing dwelling. In fact, the deck is not observable from public view at the street or sidewalk. The deck

also does not infringe further on the non-conforming nature of the side yard of the property. Desired relief may be granted

without substantial detriment to the public good.

The desired relief to allow the deck to remain and legalize its existence through the grant of a Variance in accordance with

5.00(e) will not nullify or derogate from the intent of the ordinance. Desirable relief may be granted without nullifying or

substantially derogating from the intent of the Zoning Ordinance.

The Petition for SPECIAL PERMIT FINDING is **GRANTED** by a unanimous vote (5-0) of the Board of Appeals.

The Petition for VARIANCE is **GRANTED** by a unanimous vote (5-0) of the Board of Appeals.



Harry J. Vlachos, Chairperson

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Tape 1 of 2, Side A, Continued

Other Business:

In a letter dated December 27, 2006, Donald J. MacDonald requested an Extension of Special Permit Finding, #04-38 for the property at 230 Main Street. Having recently acquired the property from the former owner, Dr. Francis X. Shea, he requests an extension of 6 months to coordinate construction documents.

The request for an extension of 6 months, July 2007, is **GRANTED** by a unanimous vote (5-0) of the Board of Appeals.

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Tape 1 of 2, Side A, Continued

Legal Notice:

Mary Ann DiRoberts, President, Cortiva Institute d/b/a Muscular Therapy Institute, 103 Morse Street, Watertown, MA, herein requests the Board of Appeals to grant an **Amendment to Special Permit/Special Permit Finding # 04-18**, Conditions #12 & 13, granted August 18, 2004 to further allow vocational classes in July & August, excluding Sundays; allow evening vocational classes on Monday; allow continuing education courses September to June on two Sundays per month; increase from 3 professional massage therapists on Sundays 12 noon to 5:00 pm to 6 therapists at **103 Morse Street**, located in the T (Two-Family) Zoning District.

Mary Ann DiRoberts, President, Cortiva Institute d/b/a Muscular Therapy Institute, (MTI) (CI-MTI) appeared before this Board and gave an overview of the requested relief. Specifically, she indicated that there was a business decision by its corporate parent, Cortiva to switch from a two-quarter/semester based program to a four-quarter based program, which runs throughout the calendar year. The Board notes that a Temporary Modification was granted July 19, 2006, allowing Cortiva to have educational classes for two groups of students (totaling 28) during the months of July and August, 2006 only. Ms. DiRoberts took responsibility for the inadvertent mistake in signing up students starting in July, 2006, where the original decision did not contemplate classes in July and August. She indicated that she and Dr. Ben Benjamin, the founder of MTI, and now owner of the property, coordinated the formation and function of the Neighborhood Advisory Committee (NAC), which the original decision #04-18 SP/SPF conditioned. She and Dr. Benjamin have recently held 3 neighborhood meetings (two in December) and have sent over 300 invitations/letters to the surrounding neighbors inviting them to hear the requested schedule changes to their program. 7 people showed up at the first meeting; three people showed up at the second meeting scheduled at the school. The third meeting was held January 6, 2007. There were a total of 11 people at the three meetings.

The Board notes Cortiva's requested changes:

1. Eliminate Conditions #12 & #13 as shown below:

12. Hours of operation begin at 8:30 am and end at 9:20 pm. Day classes will be held weekdays and weekends, with Sunday operation being restricted as provided in Condition 13 below. Evening classes are held Tuesday, Wednesday and Thursday evenings.

13. Upon receiving occupancy permit and commencing of school operation, a 6-month probationary period for the Sunday operation/activity is authorized to operate from 8:30 am- 6:30pm - one class with approximately 30 students and one Introductory Workshop with approximately 20 students. Additionally, no more than 3 professional massage therapists will operate from 12 noon to 5 pm only. Petitioner may request a modification to this condition at the 6-month review hearing.

2. Allow educational (vocational) classes to be held during July and August (excluding Sundays)
3. Allow Monday evening classes
4. Allow a maximum of 6 therapists in the professional clinic on Sundays, 12 noon to 5pm.
5. Allow twice a month on Sundays continuing education courses September to June.

Ms. DiRoberts indicate that through the NAC, they have agreed to adjust their program in lieu of their requested changes. They have agreed to:

1. CI-MTI would cease offering educational (vocational) classes on Sunday;
2. Restrict Introductory Workshops to a total of 4 Sundays during July and August.
3. Shut down the professional clinic on Sundays during July and August. Maintain hours on Sunday from 12 noon to 5 pm.

She indicated that due to unexpected and drastic changes in the market place since 2004, CI-MTI is not viable as a business without the requested schedule modifications. They were originally a semester based program-enrolling students twice a year, which is problematic for adult students waiting to go to a 900 hour diploma program-school. During vacation of July and August, MTI held continuing education courses for their graduates. During 2005, the industry developed rapidly with multi-campus schools – Bryman Institute, Career Education Institute and Salter Institute - offering massage therapy programs. They saw an immediate 30% drop in inquiries and enrollment declined. Prospective students were less willing to wait the time between the two semesters-enrollment period. Cortiva, the parent company, knew that for MTI to economically survive, they needed to provide a one year program and be able to enroll prospective students 4 times a year. The implementation of the quarter based program which runs throughout the calendar year provides student breaks in between quarters, rather than the summer-July and August. They had

enrollment in June and September, 2006 which has helped with the on-going decline in enrollment. In September 2006, their enrollment was 272, 5% less than the previous year. However, due to normal attrition by December 15, 2006, the enrollment was below 260 students. As of January 2007, the enrollment is now 256. There is an average of 56 students in the building at any given time.

Ms. DiRoberts states that being a good neighbor and working very diligently with the NAC, MTI has put significant restrictions on their schedule, which has a financial impact, but are willing to do so to stay in Watertown and show their commitment to the neighbors.

Chairman asked if the school was in full operation this week and last week. The reason being, Chairman Vlachos visited the site on a couple of occasions and did not find anything out of the ordinary.

Tape 1 of 2, Side B

Attorney William York, for the petitioners, arriving late due to unforeseen traffic at his downtown office garage, gave a brief history of the school and its operation.

Dr. Ben Benjamin indicated that as the owner of the building he is committed to the neighborhood and being a good neighbor. He meets with the NAC at least 4 times a year and is in constant communication through email. If there are issues, he addresses immediately. He fixed the building up to code making it handicap accessible; landscaping, parking, just recently put in a stairway because the driveway ramp was slippery. His main job with Cortiva is vice president in charge of neighborhood relations. He gave the Board several examples of their response actions—he paid for a new crosswalk on Watertown Street, where the students park at the Hibernians Club.

Ms. DiRoberts closed with the submittal of a petition signed by 38 people who supports the requested modifications. Chairman asked for input from the public:

Daniel Rosati, 18 Jewett Street, is in opposition from the beginning because it is too big and proven true. Three areas he will cover in opposition. He handed to the Board, written information regarding other schools; a computer printout from Natural Healers website, listing massage therapy schools in Massachusetts; Newton GIS data-pictures, photograph taken January 5, 2007 of vehicles parked in Rand Company, Newton (Watertown portion); Cortiva –Building Use Chart as of 10/24/06, with writings by Mr. Rosati on the number trip generation of students. He believes they should be held to no classes in July and August. He has no opposition to the Monday evening classes, they are there anyway with the

professional clinic. Increase to 6 therapist means more clients more cars in the neighborhood on Sundays when the neighborhood should be quiet. He questions whether they are giving up anything at all. They are proposing to restrict Introductory workshops to 4 Sundays, July and August. July has 5 Sundays and 4 Sundays in August, for a total of 9 Sundays. They will then be giving workshops every other Sunday. MTI claims that in 2005, a dramatic and unanticipated change in the industry occurred. He has called all of the schools (noted on his handouts). They came into existence in 2003, as MTI was already operating in Cambridge. He doesn't understand the figures and dates of the decline in enrollment. Most of the schools do not hold classes on weekends. He feels MTI is not being forthright with this Board – the weekend operation is an edge on the other schools as they hold classes Monday – Thursday. He questions whether MTI is now enrolling students for July and August, before this Board approves it. He then referenced the chart – Cortiva Institute Building Use as of 10/24/06. He has taken into consideration that 25% of the students take public transportation. Total trips for the week is 2173 – cars coming and going in this neighborhood. He then looked at it on a daily basis and concluded 108 – 99 – 168 -254 cars and doubling that-several hundreds of cars impacting this neighborhood. Member Fernandez commented that some of the numbers written down by Mr. Rosati do not add up correctly; specifically 65 students take public transportation—that should be doubled 130. Member Fernandez states that currently there are less students than the number 262 that Mr. Rosati is using. Therefore, Mr. Rosati's facts are in error; current enrollment; assumption of who takes public transportation or not; therefore, the chart should be amended or removed from the record. Mr. Rosati agrees to remove it from the record. Chairman Vlachos indicated that there were three public meetings and only 11 people total showed up. He asked Mr. Rosati how he views that. Mr. Rosati has lived in the neighborhood for 45 years, and he's talked with the neighbors and in many cases those people who don't respond are intimidated – they say "what's the use!" Mr. Rosati did go to the neighborhood meetings. He then turned to the parking and explained that MTI is parking in the Rand Company, Newton and they are parking on a wetland buffer and was notified in 1986. Member Fernandez states that Mr. Rosati is basing his opinions on assumptions and errors of fact. The Police have said the school has not generated an increase of traffic. The Board has all viewed the property and unanimously agree that it is quiet, given the commercial use. The building owner has been responsive to all issues brought to his attention. Mr. Rosati directs the Board's attention to Condition #8, which states "The petitioner shall provide proof that they have an agreement in place for off-site parking and that the party providing the additional parking spaces is properly licensed by the Town of Watertown to lease parking." The land that they are parking on is in Watertown. He requests the Board not grant the weekend and summer hours.

Tape 2 of 2, Side A

Margaret Cloherty, 16 Morse Street, is in opposition due to the traffic and the school would be quite an addition to what they already have. Ms. Cloherty has an electrolysis home occupation and has lived at the property for 30 years. She doesn't think the school should be operating on Sundays. She did not go to the neighborhood meetings. Pat Farrell, 67 Union Street, she is opposed to the weekend hours and concerned if it doubles in size, but states they have been good neighbors. Member Fernandez asked where she heard that the school would be doubling in size. She states that in order for them to survive it has to increase—enrollment had to be increased. Factual information is not being heard, there is no evidence submitted that they are intending to double the enrollment states Member Fernandez. Katherine Hornbuckle, 104 Morse Street, resides opposite the school. She focused her comments on Sundays in July and August, which is the biggest issue for her now. The introductory workshop has an unknown number and Sundays should be kept for

the neighborhood. The school should not be in operation on Sunday during July and August.

Those supporting the petition then spoke: Connie Christone, 66 Morse St., she went to the meeting, there is more traffic, but is wondering if Sundays could be eliminated. Chris Higgins, 125 Morse St., lived there for year and half and supports the petition. He's not sure what a quiet Sunday is on Morse Street. Morse Street is historically a very busy street. Councilor Mark Sideris, 30 Union St., and member of NAC. As a businessman, he understands that businesses must make changes to accommodate the market. MTI has done a tremendous job reaching out to the neighbors. He called several neighbors himself and found that they all see MTI as a great neighbor. MTI has opened its doors inviting the neighbors in to tell them what they are doing wrong and then proceeds to address them. He admits he was skeptical at first, but drives by two-three times a day and doesn't see an issue. He is supporting MTI. Issues of parking can be addressed and they are good neighbors. The overall picture is the greater number supports MTI. Patrick Mertens, 103-105 Union St., is a direct abutter and has supported this operation from the beginning. If he ever thought there was anything offensive about this enterprise he would have opposed it. They do not contribute to the traffic in the neighborhood. He questions those in opposition about the noise, when in fact this business does not produce any noise, it is a quiet use. He agrees with the comments of Mark Sideris. Next, Kate James, 106 Morse Street and owns 108 Morse Street and is a member of the NAC. She supports the petition and no problem with Sunday operation. Susan Sidiropulos, 69 Union Street, also a member of the NAC. She will echo Mark Sideris positive comments. Any issues brought to them, they take care of it.

Mr. Daniel Rosati rebutted some of the comments made by the previous speakers. In closing, Maryann DiRoberts explained that to give up the Sunday professional clinic is a big economic burden.

Member Santucci now understands there is a student clinic and a professional clinic. She is not grasping how an increase of professional therapists has anything to do with staying competitive. Ms. DiRoberts indicates that it produces income when their income is down. Member Santucci states she was unaware of all the stated activities and requested what would MTI not be doing now if the Board grants this approval. Dr. Benjamin states Vocational classes – 29 students- on Sundays will be suspended for the entire year. They have the professional clinic in the summer on Sundays—there will be no professional clinic on Sundays during July and August. They are giving up the ability to have introductory workshops every single weekend in the summer, which the Board approved in 2004. We are cutting that back to 4 weekends only. Member Santucci believes that the increase of 3 additional therapists is far more intense from an outsiders point of view, rather than having 29 students who stay all day-then leave. In monetary value the one class of 29 students would produce more income than the clinic would all year. This was a compromise made with the NAC. They are increasing to three therapists for five hours only. The parking lot at the school is primarily empty, so there is sufficient room for all clients to park on site. Since the Knights of Columbus building is gone, there are now 60 spaces at the Hibernian's Club. Also, satellite lots, are also available. Member Santucci notices that the driveway-curb cut is not wide enough to allow for cars exiting and one car coming in. You have to stop and let the person so. The sight lines coming out of driveway towards the left are minimal. Right sight line is sufficient. The curb cut is not sufficient in size. The driveway is too narrow – approximately 16'. However, the ramp down would have to be enlarged and enlarging that would take up additional parking area space. Attorney York believes this is a very expensive undertaking.

The site is in a predominantly residential congested neighborhood that includes some commercial uses. Historically, this non-conforming structure has been used for not so residential-friendly businesses. The street is a primary connector to major arterials of Watertown Street and Galen Street where many times everyone tries to side-step the square and cuts through Union and Morse Streets. Therefore, the Board cannot find that increased traffic is solely contributed by the school use. Members have visited the site on several occasions and have found no disruption. The building has been brought up to the building code; elevator; handicap accessible. The school has been operating here since 2005 without incident, therefore this Board finds that: The specific site is an appropriate location for such a for profit massage therapy school and mixed office use.

The Board heard from members of Neighborhood Advisory Committee (NAC). The majority of them have praised the school in being responsive to the neighborhood. Dr. Ben Benjamin is now the property owner and is the liaison for Cortiva, the parent company. Traffic concerns have been brought up; however, MTI has secured 50 spaces at the Hibernian Club, some 100 yards away. Additionally, a new cross walk, paid for by MTI, was installed across Watertown Street, for the safety of their students. Sufficient parking is available on site for use by the other 4 tenants and clients of the professional clinic. 62 on-site spaces are available to MTI during the weekend. Prior to the request before this Board, the NAC had three public meetings inviting 300 or so neighbors to the school so that MTI could explain to them their changes and answer any questions. Unfortunately, a total of 11 neighbors showed during the 3 meetings. In lieu of proposed amended operation days/hours, MTI/Cortiva has offered to suspend educational (vocational) classes on Sundays for the entire year. Restrict introductory workshops on Sundays in July and August to a total of 4 Sundays. Maintain the Noon to 5 pm Sunday operation of the professional clinic with 6 therapist from September to June and cease such professional clinic operation on Sundays during the months of July and August. The Board recommends that MTI continue to work with the NAC and meet to discuss any issues that may arise in the future. The continued communication between MTI and NAC provides the benefit of assuring the amended use as conditioned by MTI and this Board will not adversely affect the neighborhood.

The required parking for the project is supplied and designed to be in substantial compliance with zoning requirements. A portion of the required parking is provided off-site at satellite spaces and must be maintained in order for the petitioner to benefit from the Special Permit approval. The Hibernian Club on Watertown Street provides 30 spaces. Of the 62 spaces on sit, there are 23 spaces available to MTI. In a Memo from Sgt Joseph Deignan, Watertown Police Department, he cites "volume of traffic on Morse Street has increased on Morse Street during the morning and afternoon commute hours. It is popular to use Morse Street to travel from Galen Street to Watertown Street and vice versa." "for motorists to avoid the square or get from Galen Street to Watertown street during the left-turn restriction hours. Morse Street is the "cut through". He further states "homeowners are concerned with the expansion of MTI and the increase in the volume of traffic; however, I have no evidence that would suggest that MTI is responsible for the problems." Ms. Santucci is concerned that the curb cut is too narrow-prohibiting two-way traffic safely. Students of the school park

at the Hibernian Club, cross over Watertown Street and continue up Morse on sidewalks. MTI with the cooperation of the Traffic Division installed at their expense, a cross walk on Watertown Street. Furthermore the NAC that has been established and is committed to maintaining oversight of the operation of the facility and to notify the petitioner of any adverse impacts to the neighborhood. There are no known nuisances or serious hazard to vehicles or pedestrians at this time.

The building is appropriately sized and configured to accommodate the proposed for-profit educational use. The original Special Permit/Finding allows MTI up to 19,000 sf for its school use. There is adequate parking provided for the proper operation and circulation of on-site traffic. However, Member Santucci finds the exist curb opening at the driveway ramp down to be narrow causing one car to wait while the other car exits. She would ask that a study be conducted by a traffic engineer to review the curb opening and a sight line assessment. Member Fernandez states that the topography is not ideal-difficult and sight lines are not the best. There is, at best an additional 10-12 people coming to the facility. Dr. Benjamin has provided a new stairway down to grade, so that students do not need to use the driveway ramp. Adequate and appropriate facilities have been provided for the proper operation and safe occupancy of this proposed school use.

The structure is non-conforming to front, side, and rear setback requirements.

The use of the property is a pre-existing non-conforming commercial use located in a residential zone.

The proposed modifications to the MTI business operation does not increase the existing dimensional non-conformities. The Board finds that MTI is operating within the parameters of the original Special Permit/Special Permit Finding #04-18 SP/SPF.

The Petition to AMEND SPECIAL PERMIT and SPECIAL PERMIT FINDING is **GRANTED** by a vote of 4-1 of the Board of Appeals, with Melissa Santucci voting against.