



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

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

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MINUTES

On Wednesday evening, **March 26, 2014** 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, *Clerk*; Suneeth John, *Member*; Christopher H. Heep, *Member*; John G. Gannon, *Member*. Also Present: Steve Magoon, Director, Community Development & Planning; Gideon Schreiber, Mike Mena, Louise Civetti.

Chair Santucci Rozzi opened the meeting, introduced the board and staff and swore in the audience. Members Ferris has been reappointed to Full Member and Members Heep and Gannon have been appointed to Full Members. She noted that Member John is leaving the board and this is his last meeting. She presented him with a gift from the board – the audience clapped. Member Ferris wished Member John good luck and stated it was a pleasure to work with him; Member Gannon and Member Heep agreed. Member John thanked all. Mr. Mena spoke for all staff in noting the appreciation we have for his participation. Dennis Duff commented that Member John has made Watertown a better place to live in and appreciates his input.

The Board, staff and audience observed a moment of silence for two Boston firefighters who lost their lives today – one had roots in Watertown.

Chair Santucci Rozzi reviewed the agenda noting case 33 Mt. Auburn Street will not be heard as it is continued at the Planning Board.

Member Ferris read the legal notice:

“238 Bellevue Road - Robert Paarlberg and Marianne Perlak, **238 Bellevue Road**, Watertown, MA 02472, herein requests the Zoning Board of Appeals grant a **Special Permit Finding** in accordance with Watertown Zoning Ordinance §4.06(a), Alts to Non-Conforming Structure; Side Yard Setback, so as to construct a second-story addition above an existing non-conforming sunroom; maintaining westerly side yard setback of 5.8-6.0’, where 10’ is required. S-10 (Single Family) Zoning District. ZBA-2014-07”

Marianne Perlak said they are adding a closet for two people and a full bath. The addition is 8’ from the property line and is above an existing sunroom and will match the Dutch Colonial style of the home. Their neighbors are in support.

Member Heep said there is not an existing floor plan and does not see the ½ bath and existing closet.

Member Ferris asked about the tree. Mrs. Perlak said they will need to trim the tree and offered to use the neighbors’ tree person. Member Ferris said keeping the rail is a good idea. However, he has a concern with the roof line and asked if they would consider a smaller Gambrel roof line instead. Mrs. Perlak said it was not physically possible to give them head room with that type of roof. Member Ferris asked if the gutters and downspouts would spill onto the roof. Mrs. Perlak said John Cimino would figure

that out as he is the contractor and a roofer. There will not be a railing on the top of the sunroom in the rear as it is built straight on top of the foundation below it.

Chair Santucci Rozzi asked if there would be a door to the little area on the roof. Mrs. Perlak said it is only 2.5' with a rail and may be at a slant.

Member Gannon asked about the structural support. Mrs. Perlak said they haven't hired a structural engineer yet and they were told by John Cimino they would need structural support so they will do whatever they are required to do.

Member Ferris said it is hard for him to support the roofline being an architect. He doesn't want her to lose the addition for this reason, though.

Member Heep asked how the roofline would be different. Member Ferris said to outline the Gambrel roofline rather than the rail. It is close to the neighbors roof and it will be a bit boxy for a house that is very pretty. They could do a Gambrel and hold it back to the side yard and the addition would be more sensitive (to the neighbors).

Gideon Schreiber said they also looked at the roof and the Gambrel style would require a steeper pitch. He asked if they would be extending the entire house and not be subordinate. Member Ferris said the SK5 drawing is setback and is not as deep as the house and part of the roof and rail could be maintained but he is not in support of the project as presented. Mrs. Perlak said they looked at all of the options and asked Member Ferris if he could see this as the option. The Gambrel roof did not allow headroom. Member Ferris reiterated that he is not in support of this option.

Member John said he understand Member Ferris' suggestion and it would make a big difference in the design.

Member Heep is also in agreement with Member Ferris as this is very close to the neighbor on that side.

Chair Santucci Rozzi asked if he is asking that they maintain the Gambrel. Member Ferris said the house is a straight two-story house and the Gambrel is an overhang. Mrs. Perlak asked that everyone give this presented roofline a consideration as she doesn't know if it can work by moving things.

Member Ferris noted that if they voted, it would not pass. Mrs. Perlak would like to come back. Chair Santucci Rozzi said two members would like to see what it looks like.

Dan Clark, Resident, said that by modifying the roofline, it will impact her space as the side they want to change the roof pitch (will reduce head height) and will make the addition less meaningful.

Mrs. Perlak said she would have her architect take a look at this.

No one else spoke from the audience.

Member Gannon motioned to continue the case to April; Member Ferris seconded. Voted 5-0 to continue.



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Member Ferris read the legal notice:

“86 Madison Avenue - Carl and Jan Volz, 86 Madison Avenue, Watertown, MA 02472, herein requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with Watertown Zoning Ordinance §4.06(a), Alts to Non-Conforming Structure; Side Yard Setback, so as to construct a single-story easterly side addition 15’x18.2’ & 9’x8.6’ creating a non-conforming side yard setback of 3.64’-7.54’, where existing setback is 14.58’ and where 10’ is required. The front yard setback is non-conforming at 23.26’, where 25’ is required. S-6 (Single Family) Zoning District. ZBA-2014-08”

Carl Volz said they were looking to add a family room and thought they were in compliance until they had the survey done. The property line that they were sharing belongs to their neighbor and there is a wedge of land that doesn’t appear to belong to anyone in between them. They have an attorney working on the lot line issue. The neighbor’s property is a land court that states their property line was decided by a judge and they cannot claim any portion of the wedge. The neighbors’ do not have any claim or issue with the property in question. Everything falls in line with the house as it is; the land has been maintained by them and used by them for years; however, it is not their property line.

Chair Santucci Rozzi said the board will look at what the property line is today – not what it may be two weeks or two years from now.

Mr. Volz said they have 3’ to their property line and to their neighbors’ property line, they have 10’. The family room would be in their yard.

Chair Santucci Rozzi asked the audience. The neighbor did not get sworn it; however, Chair Rozzi confirmed they were the neighbor with the property line and they are in support of the project.

Member Heep asked about the search. Mr. Volz explained that the civil engineer said it was a mistake and no one seems to know why it was done this way (to show a wedge of land not accounted for). He hired Steve Winnick, an attorney to help with the investigation. He said that since a judge made the determination and they have maintained it for 24 years and the prior owners for over 20 years, they own it by adverse possession. No one else is trying to claim it or dispute it.

Member Heep verified that it is still in the research stage. He asked about the retaining wall that Mr. Volz just replaced and has maintained. Mr. Volz said the wall is 2.5’ high and goes from the sidewalk all the way back and it has been there since they bought the house. They had it all dug out and done right. The property has been fenced in.

Mr. Schreiber said the assistant assessor had not heard of this before and there isn’t a map in town showing that this is land – no one is being taxed on it. It is just where two surveys didn’t meet. He added that the assessor’s maps do not show land there.

Mr. Gannon said he is intrigued. He reiterated that the owners of #80 Madison are not in dispute.

The owners of #80 Madison were sworn in. They did not give their names.

Member Gannon asked them if Attorney Winnick had contacted them. They said they had not been contacted but did sign a paper saying they did not wish to pursue ownership. They had their own survey done to put a fence up and just assumed the rest was their neighbors' property. The woman owner said they have maintained this property and have kept it beautiful.

Member Gannon said if it were not for the sliver of land, they would not be here. Mr. Mena said that is accurate – they are only required to get a building permit if the land belongs to them.

Chair Santucci Rozzi asked if the sliver in question is a land court issue. Mr. Volz said no. Mr. Schreiber said there isn't any land. Chair Santucci Rozzi said they cannot claim something that is not recorded as land. She is hesitant – they haven't completed a title search yet. She said if this land is in fact recorded land in the land court vs. the registry of deeds, then this land could never be theirs. Mr. Volz said they could not find it recorded. They only had one surveyor out and the attorney is investigating the property.

Chair Santucci Rozzi stated that since the addition is less than 4' from that line, it is more detrimental. She would not support anything that close to the line.

Member Gannon said the investigation should not take much longer to complete and he would feel better to have that completed (before voting).

Mr. Schreiber said this was historically part of the farm land and there was a clear line to the development next door. You can see when it was one lot and all of the assessor's maps show the property line as being the same as it is shown as the 'land court property line'. The maps were actually split on separate pages back to 1901 or 1903.

Member Gannon said there is an owner for each piece of land. He would feel better knowing the owner of the property.

Member Heep would like to have the title questions answered as they are intriguing. From the zoning perspective, he is comfortable with the zoning relief even though it shows a 3.5' setback. However, he does not see an owner coming forth to claim this sliver of land. He suggested looking at the actual land court file on his neighbor's property to help them out.

Member Ferris is in support as presented and still in support after the owner of this strip of land were investigated. He cannot foresee anyone having a use for this strip of land and therefore, believes this request is acceptable.

Member John would support this.

Member Gannon is in a quandary.

Chair Santucci Rozzi stated that she agrees with Member Gannon. She would hope that when they filed this application that they had more of the investigation completed. She told them of their options – to continue this case or have it voted on and they'd get 3 votes. They need 4 votes. They chose to continue to next month, April.

Member Ferris motioned to continue; Member Heep seconded. Voted 5-0 to continue.



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Member Ferris read the legal notice:

“497-499 Main Street - Yousef Azadzoi, 27 Lory Drive, Waltham, MA 02452, herein requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with Watertown Zoning Ordinance §4.06(a), Alts to Non-Conforming Structure; Side Yard Setback, so as to construct a 6’x8’ roof over existing non-conforming front landing; maintaining side yard setback of 8.1’, where 10’ is required. T (Two-Family) Zoning District. ZBA-2014-09”

Yousef Azadzoi explained the reason for the enclosure and stated that there are other homes in the area with the same enclosure to provide shelter.

No one spoke from the audience.

Member Gannon said he grew up 4 houses away and remembers when this was constructed and is very plain – he agrees with anything to approve the functionality and look of this property.

Mr. Azadzoi said this builder has about a dozen of these same homes in the area – built around 1980.

Member John asked if the current stairs are concrete and would he put the poles into the concrete – yes, he is.

Member Heep said it looks like a good addition and he supports the application .

Chair Santucci Rozzi does not have any questions.

Mr. Azadzoi said the roof would look slightly different than what he presented. It will be softer, with a curve and bead-board inside. It will be the same dimensions, within the existing landing.

Chair Santucci Rozzi is comfortable with the change and the additional submittal. She asked Mr. Ferris to stamp the drawing as all board members agreed it is a better looking drawing.

Member Gannon said he played football in the empty lot before the house was built...there was a garage there.

Mr. Azadzoi said it is cheaply built and he is improving the inside as well as the outside.

Chair Santucci Rozzi read from the planning and staff reports stating they both recommend approval – it is a fairly simple request. There is one condition – that the porch remain open and not be enclosed. She noted to replace the drawing with the submittal tonight along with the plot plan and remove all other unnecessary drawings as they do not pertain.

Member John motioned to approve the request. Member Gannon seconded. Voted 5-0, Approved.



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Chair Santucci Rozzi announced the next case is a continued case on 172-176 Palfrey Street.

Additional material was handed out to the board from Avo Asdorian, Architect for the project.

Ken Leitner, Attorney for Brian Badrigian, Trustee thanked the board for allowing them to come back to the board with the updates. He mentioned the third story...

Chair Santucci Rozzi said they had received a set of revised plans before the meeting and they have just received another set of plans. Atty. Leitner said they are elevations to replace the existing elevations and are to be added to the set.

Atty. Leitner addressed the concern with the massing of the building. They reduced the absolute height and the overall height of the property. From the front elevation, they stepped back the front and rear mansard roof and made a deck – he showed the railing in the front and rear yard. They reduced the pitch of the roofs. The absolute highest point is 39'9", where it was over 44'. It is 30'6" to the end of the second story – the front is lower. The average grade fell by a foot from 37 3/4' to 36 5/8'. They stepped back the rear and the front to have it appear less monolithic. He pointed to an area on the second floor that was enclosed and they removed the enclosure and added an open porch to the rear unit. They reduced the size. They were not trying to get more than 3 bedrooms but what they did was made bigger bedrooms and eliminated the offices so, there is not a concern of these becoming 4 bedrooms. They changed the third floor with the decks and showed how it reduces the floor plan and gives a nice look with the railings around it and the recessed doors. They reduced the rooflines by 6' in the front and the back; eliminated living area on the second story; combined the bedrooms on the second story in the front units and eliminated 400 s.f. of living area, thereby reducing the floor area ratio from 98 to 94%. They built-up the landscaping plan. He reiterated the one curb cut that they have and the tree they are adding to the front and then mentioned the issue with low-lying plants on the westerly side with their landscaping plan. However, they could see the see the foundation so they are planting 'Hick' yews in varying heights. He reviewed the plan for the front landscaping and mentioned the side landscaping have added 2 dogwoods onto the patios; Norway spruce in the rear; and 4 arborvitae along the back corner for more screening. There are a great number of trees that exist in the rear on Forest Street. They added rhododendrum boxes along the side, as well. They had a grading plan showing the elevation changes; where the property changes grade about 1 foot down for every 10' length along the side. He showed the elevation plans

again with the dotted line being the walkway. They added grass-crete block in the rear. The legal analysis was reviewed – this is in an LB zoning district and no one wants a commercial use there, They are coming in with the second lowest use with a 4-family and the first lowest use is a 3-family and they cannot do one or two as of right. They do not wish to continue with the two-family and there will not be a delay in removing the one that is there. They can cover 80% of the lot in an LB zone; they are at 35%; they can have impervious up to 90% and they have 65%; open space minimum is 10% and they are providing 30%. The neighborhood is changing. The newer residences are larger. Attorney Leitner showed the proposed project with the other projects within the T zone with ratio's that are similar. The height across the street is 41+' and another is 43'. He also showed the length of the other buildings compared to the side that cannot be seen on their proposed project. He feels the 4-family is appropriate; the architecture is very nice, etc. and parking with 8 cars under is the best in the area. This has been a long project – they started in August, they've been through many changes, this has been supported by the planning staff and site plan review. This is appropriate.

Member Gannon appreciates the additions.

Member John said the changes are better and more sensitive to the neighborhood. His concerns have been addressed.

Member Ferris appreciates them taking a vigorous look at the proposal and making substantial changes. He also thanked them for the roof plan. He asked about the roof – the front elevation at the third floor, the corner of the mansard is clipped off. He asked if the actual roof could be returned. Mr. Asdorian said it is the same color shingle as the roof will be on the cap and then added that they can wrap the roof on all 4 corners and have the rail come into it. Member Ferris asked to extend the railing across the two windows. Mr. Asdorian agrees with the suggestions.

Member Heep asked how the porches will be separated. Mr. Asdorian said they will have a screen separating them – a type of fence from the wall to the railing, it will slope from the railing to the fascia. The board did not like that in the front and Mr. Asdorian said they would match it to the railing height and of the same material.

Member Heep asked about the landscape plan in the rear – why is there a gap between the trees. Atty. Leitner said there are trees on the other side of the fence and a 6' fence is being proposed at the rear of the property with a small grass area for the residents. They also removed the patio's as the board objected to them.

Chair Santucci Rozzi said she is pleased with the revisions to the floor plans and the elevations – the porches and bringing up the landscaping and soften the site and take away the concerns of the massing that she had. She asked if they could put in 8-10' arborvitae. Attorney Leitner said the Giant Arborvitae are 10' high. He does not have a formal list of plantings and will submit it to the staff. A wooden fence (as shown on the plan). The walls will be versa lock (or that type). He is not certain if they will be condos – either the petitioner or the trust of the condo to maintain the drainage system.

Member Gannon asked if they French drains go into the ground. Atty. Leitner said there is a gas separator in the garage and 10 retaining systems in ground that will hold water and disperse it over time.

Chair Santucci Rozzi reiterated that they discussed last month that they will be getting the proper soil test borings and if you need to go shallower or wider, that you make those adjustments and show it on your as-built plan as this is important.

Chair Santucci Rozzi asked where the snow storage will be. Attorney Leitner stated that it is not shown on the plan and pointed to 3 areas – rear (westerly) corner; on the grass area in front of the trees at the opposite corner of the property and where the visitor parking is shown – he added that that is why the patios were removed. He noted that it will be hauled away if need be. Chair Santucci Rozzi stated that since it is not specified on the plan, a condition will be written regarding the snow is to be stored at the rear of the property not to impede access, flow, circulation and in large storms, removed from the site.

Chair Santucci Rozzi asked if there are two infiltrators in the front, as well. All of the patios are gone except for the side.

Member Heep clarified that the gravel noted on the grading plan will not actually be gravel.

Member Ferris clarified the corner roof comment with Mr. Asdorian.

Chair Santucci Rozzi noted that the plans will be changed slightly for the corner roof plan; a table for the landscaping will be submitted, the two sheets submitted tonight will change again. Mr. Asdorian said they will submit a complete set of new plans.

Ralph Todino asked how high the bushes will be next to his property (on the west side). Attorney Leitner said they boxwoods would be about 30" high.

Ellen Todino said they appreciate everything they have done – the boxwoods, the curbing. They are concerned with flash-freezes (they live on Waverley Avenue below this property) and they did not want an auto to end up in their yard. She addressed Attorney Leitner, stating that he does not live in the neighborhood and he should not be saying how they need to accept the changes. Her husband is third generation in their home and her son is fourth. She finds it offensive. There are other families in this neighborhood.

Chair Santucci Rozzi stated that the board is sensitive to the neighborhood, as well.

Member Ferris questioned the curb along the driveway mentioned by the neighbor. Attorney Leitner said there is curb along the driveway however, it is not labeled. Chair Santucci Rozzi said they will add a condition to have a 6" granite curb. Attorney Leitner said it would be asphalt curbing. Chair Santucci Rozzi said that asphalt berm would not be acceptable – sloped curbing will run the full property length and then granite on the radius and then an inlet at the catch basin.

Member Heep asked staff how this parcel was zoned LB instead of residential. Are there others? Mr. Schreiber said there is another brick home next door that is LB zoned. There was another that was converted to residential. This was suggested to be changed; however, the property owners asked that it not be changed. It used to be an industrial area in the area that was cleaned up.

Member Gannon said they are trying to get rid of industrial uses and this seems like a throw-back.

Member Heep suggested that this area become a residential zone so the other properties do not come to the board with large projects.

Chair Santucci Rozzi declared a business mode. She read a letter of support from 106 Forest Street; photos of the landscaping will be added to the record with all landscaping to remain as part of this plan; she had crossed out condition #10 and she will replace it with the revised landscaping plan with the scheduled table of plantings, sizes, caliber, all medium sized and add condition 11 proposed to be removed with stormwater and drainage approved with the supplied test pit data installed drainage with perpetual maintenance; add snow storage; add the note on the changes to the decks and the separator will be the same height as the railing and the sloped granite curbing, heading into the property, a granite radius at the corner to be certain the water is directed to the drain. A full set of revised plans will be submitted.

Member Ferris stated the 90 degree return of the 3rd floor mansard roof at the 4 corners, as discussed.

Condition 12 is to remain the energy assessment.

Chair Santucci Rozzi read from the planning board report which was a favorable recommendation; a 4 family is allowed by SP in this district and she believes this meets the SP criteria.

Member Ferris motioned to approve the Special Permit with the conditions added this evening. Member Heep seconded. Voted 5-0, Granted.

Member Gannon motioned to adjourn. Member Heep seconded. The meeting ended at 9:00 p.m.