



# TOWN OF WATERTOWN

## Zoning Board of Appeals

Administration Building  
149 Main Street  
WATERTOWN, MASSACHUSETTS 02472

Melissa M. Santucci Rozzi, Chairperson  
David Ferris, Clerk  
Christopher H. Heep, Member  
John G. Gannon, Member  
Kelly Donato, Member  
Neeraj Chander, Member

Telephone (617) 972-6427  
Facsimile (617) 926-7778  
[www.watertown-ma.gov](http://www.watertown-ma.gov)  
Louise Civetti, Clerk to the ZBA

### MINUTES

On Wednesday evening, **October 22, 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*; Christopher Heep, *Member*; John G. Gannon, *Member*; Kelly Donato, *Member*. *Absent*: Neeraj Chander, *Alternate Member*. Also Present: Steve Magoon, Director CD&P; Louise Civetti, *Clerk to the ZBA*.

Chair Santucci Rozzi opened the meeting, introduced the board and staff and reviewed the agenda noting that case 631, 651-653, 655 Mt. Auburn Street & 226 Arlington Street will not be heard. She asked if this case has been heard at the Planning Board. Mr. Magoon said it will be heard by the Planning Board in November and when it will come to the ZBA will depend if it takes more than one meeting at the Planning Board.

Chair Santucci Rozzi stated the two cases under 'Continued Cases' have requested to be withdrawn and there will not be any of the pending cases heard tonight. There is one case under 'Other Business' that will be discussed. She then swore in the audience.

Chair Santucci Rozzi mentioned under 'Administrative' there is the voting for officer positions which will be held for two years. She opened the floor for nominations of Chair. Member Ferris nominated Ms. Santucci Rozzi to continue as Chairman of the board. Ms. Santucci Rozzi accepted the nomination. Member Gannon seconded. Voted 5-0, Ms. Santucci Rozzi is Chairman of the Board for the remainder of 2014 – the Fall of 2016. She opened the floor for nominations for Clerk. Member Gannon nominated Mr. Ferris to remain as Clerk to the board. Mr. Heep seconded. Voted 5-0, David Ferris is Clerk for the Board for the remainder of 2014 through the Fall of 2016.

Chair Santucci Rozzi stated that the minutes for January, April, May, June, July, August, September, 2014. She noted that some of the board members were not present at these meetings; however, to be able to post the minutes, they will be voted as a block. Mr. Heep motioned to accept the minutes as presented; Member Gannon seconded. Voted 5-0, approved.

Chair Santucci Rozzi presented 'Other Business' first with Alex Bardin from the Growth Companies.

Mr. Magoon introduced the case stating that the applicant is in the process of changing tenants in the building and would like to make some upgrades to the building; parking and landscaping, including renovating the clock on town property. The handicap ramp will be removed as ownership now extends into the 7-11 property and they can provide ADA access from the sidewalk across the parking lot; therefore the ramp is no longer required. That has been reviewed and confirmed by the Zoning Enforcement Officer and the Building Inspector. That will allow room for stacked parking for employees and restriping to create additional spaces. Landscaping changes and refurbishing the clock are in agreement with the staff and the board is asked to review and approve the changes to their plans.

Alex Bardin, The Growth Companies, further explained that they purchased the building at the corner of Mt. Auburn Street in 1999 as a burnt-out gas station; they did environmental remediation and built the buildings that are there now. As tenants, they've had Hollywood Video and Staples. It is now vacant. They are considering an urgent care tenant. They asked the town what they would like to see there; however, it all depends on who is willing to pay the rent. While vacant, they want to do improvements – the ramp has been patched and continues to deteriorate. It is not used. Now that they purchased the 7-11 building, there is access across the parking lot and they will remove the ramp. They will add stairs to

the street with directional signage to the handicap access and then add a low planter there. The site parking meets all of the zoning. They want to add stacked parking for employees. They have two Pear trees located on the Arsenal Street entrance and block the signage for Watertown Savings Bank and ATM. They want to remove the trees and replace with two Ginko trees. The clock tower was in storage when they purchased the building and the town asked them to install it. They'd like to put some led lights in it; modernize it and continue to maintain it. They want to redo their front planter bed. They went before the Tree Warden to remove the tree that is there and that is in the Tree Warden's hands.

Ms. Santucci Rozzi said this is a modification not a hearing. However, she opened it to the public.

Dennis Duff, 33 Spruce Street, said the board should be leary of removing two large Pear trees. They should not be removed because they block signage – the town would have to remove all the trees in the square. He mentioned being a member of Trees for Watertown and they would be upset to have these trees removed. Mr. Bardin noted that the trees are on their property and are not a Tree Warden issue. They were part of the decision and that is why they are being talked about. Ms. Santucci Rozzi clarified that the two Pear trees are on either side of the entrance from Arsenal Street and the other three trees are at the 'nose'; the corner; on town property.

Member Gannon asked how tall the existing Pear trees are. Mr. Bardin spoke from a seated position and his reply was not heard. Ms. Santucci Rozzi noted the proposed trees are 4-5 inch caliper. Mr. Bardin stated that the Elm tree on the town property was before the Tree Warden and is now with the Town Manager. If allowed, they will remove the Elm and redo the planters and the clock – which would be about \$20,000 worth of donations to the town to rework that area. The Elm tree is next to the clock and there are also two dogwoods.

Member Gannon asked what the towns area would look like after their maintenance. Mr. Bardin said there would be low slung trees; low green shrubbery; clean up the benches and redo the clock. Mr. Gannon said there should be a bond if there is any work done on the Town's property.

Member Heep asked about the sidewalk being removed for the tandem parking spaces. Mr. Bardin said the sidewalk is used for nothing. There is a door to the basement that he has never been in that is access to a sump pump but that sidewalk is to nowhere – not for customers.

Member Ferris asked about the segmented retaining wall. Mr. Bardin said the planter would be flat. He had a meeting with staff where it was decided what would happen there. He would only be required to pull a building permit. He asked Mr. Magoon for a status of his permit. Mr. Magoon said the ramp can be completed with a building permit – the parking spaces and landscaping are what is appropriate to bring back to the board. Mr. Bardin then said there will be a low slung retaining wall up top to hold the cars off the drop off; cut low; cut grade; CMU block and low planter on the Mt. Auburn Street side.

Member Ferris asked what it would look like from a pedestrian's stand point. Mr. Bardin said CMU block and then the stucco facing would match the building. Member Ferris confirmed that he is asking to take down two Dogwoods and the Elm. Mr. Bardin said the Elm is too healthy. It was planted too close to the building, which Mr. Hayward confirmed. It is growing close to the building. Mr. Ferris said he is a proponent of keeping healthy trees and is not in favor of Ginkos because they are so skinny. He wants to know if the Dogwoods are also blocking the signage of the building. The proposed trees are a dwarfed femogelia (FG) and its height is 18" – 2' tall in place of a Dogwood which is 14' tall now. The other is an HA, a hydrangea. Mr. Bardin said this is for visibility. The town benches and clock are run down with bird droppings all over making this area unusable. It is not a pretty planter – the Pete's Center in Newton Center is beautiful and that's what they'd like to do here. Mr. Ferris is not opposed to beautiful planters; he said the retailers usually put something up to block the windows and he'd rather see blossoming dogwoods twice a year than low planters with a walled-off window. He is trying to understand why he'd want these changes. He understands the Pears being replaced with Ginkos. The loading area would be used when there is not tandem parking in use? Mr. Bardin said there is no loading. The dumpster is a roll-away and is not in the way. Mr. Ferris does not have issues with the parking and does have issues with removing trees due to visibility.

Member Donato asked Staff if there has been issues with the trees and visibility in the front area where there is the clock. Mr. Magoon stated that there has not been any issues with traffic. Ms. Civetti added that there was a tree hearing for the Elm and the Tree Warden agreed it should come down (however, it was not approved).

Member Santucci Rozzi asked about the 2 handicapped parking spaces as there are a total of 39. Mr. Bardin said this meets ADA requirements. There is access for handicapped from both entrances. She asked about the space directly in front of the 7-11 – how do they get up on the sidewalk. Mr. Bardin said there is a curb cut there.

Member Santucci Rozzi asked if the 'nose' section was conditioned as part of the decision for landscaping. Mr. Magoon from the decision: The Petitioners shall provide and continuously maintain landscaping as shown on the plan including the

triangle land owned by the town at the corner of Mt. Auburn and Arsenal Streets. Landscaping to be located within the petitioners property and the landscaping located and maintained by the Town's adjoining park property immediately to the south of the property and served by an irrigation system at the petitioner's expense. ...relocate some trees on site with an arborist. Two street trees – size and species to be determined by Staff and Tree Warden.

Chair Santucci Rozzi clarified that this is definitely part of the conditions as opposed as just being shown on a plan. This board has more jurisdiction over that.

Mr. Bardin said that the town owns that land and if the town would like to accept a gift of having the clock and the trees redone, that is great. It's the town's land and they'd love to help and work with the town on that.

Chair Santucci Rozzi added that if this space has become unwelcoming, as he described it, then they are responsible for maintaining it. Mr. Bardin said the Dogwoods trees are perfectly groomed and there is irrigation in there. The Elm is way too large to be groomed and the benches are not within his jurisdiction. It looks pretty good with the exception of the bird droppings.

Chair Santucci Rozzi clarified that there are two separate issues – altering the ADA access; providing some employee parking noted as such and the changes to the two trees.

Member Gannon wants to understand how the petitioners purchase of the 7-11 building negated the need for the ramp on the Staples side of the property. Mr. Magoon explained that when they did not own the adjoining property, they needed to provide an ADA access to that store from the public sidewalk. Now that they own the other property, can accomplish the ADA accessible grade by coming across the parking lot down the sidewalk to Mt. Auburn Street.

Member Gannon said they are trying to encourage pedestrian access to the square and oftentimes it is necessary to see what is going on in the stores. Driving by these stores, you cannot read the signs to know what is there. He would support the effort to remove and replace the trees as they do sometimes grow to overwhelm the space.

Member Ferris respectfully doesn't agree with Member Gannon as it relates to the Dogwoods and the proposed tenant blocking the windows. Mr. Bardin is meeting with the town to provide the best signage options for the tenant while working with the board to make it cohesive. They'd love to have a restaurant there. It would be helpful to see through that space; however, an Urgent Care is going to block the windows, most likely. Member Ferris said his point is that the signage will be well above the height of the Dogwoods. He wants the Dogwoods and the Pears to stay. He does not agree to take down healthy vegetation that enhances the street-scape. He is not questioning the Tree Warden's handling of the other tree.

Chair Santucci Rozzi reiterated that the Elm is in the hands of the tree warden; the two dogwoods; and the two pears on either side on Arsenal Street are proposed to be replaced. She asked what the reason is for the removal of the pears. Mr. Bardin said they are killing their business; they are overgrown; big; out of sync with the character of the site as the rest is Ginkos.

Chair Santucci Rozzi asked what businesses are empty as it appears to be vibrant. Mr. Bardin said Staples and Watertown Savings Bank moved out; AT&T is done at the end of the month and 7-11 has been trying for 4 years to get a 24 hour operating license and they will move out if they do not receive it by their 5<sup>th</sup> year. They are slowly going back to the bombed-out gas station. There will be about 1500 s.f. of space for lease. SuperCuts is doing well.

Member Donato asked if more pruning on the pears would satisfy the need. Mr. Bardin said his landscape architect has suggested to go this route.

Dennis Duff, resident, stated that there are 3 sizes of trees and the pear is in the small range and the Ginko is in the medium range. He recommends planting something with flowers like Stella d'oro instead of the grasses to add color. He added detail about the types of dogwoods.

Member Gannon said there are times when trees get too large for their space. Is there a compromise with these trees. Mr. Duff said Lexington has Honey Locust and low shrubs with views of the businesses between the trees. Member Gannon said the sidewalks are wider in Lexington to allow for pedestrian traffic. In Watertown, the sidewalks are sheared to allow for wider streets. Mr. Duff said the trees allow shade on the sidewalk for the pedestrians.

Member Heep said this is whether or not the trees are too large. He said the materials submitted do not demonstrate that the trees are too large, visually. He either wants to go out to view the trees or substantiate that the trees are too large for your tenants. He is not supportive of replacing the trees with the proposed ones.

Mr. Bardin said they are now proposing four different things – one he was not prepared to get involved with. The front circle he thought was in the hands of the tree warden. He asked for a vote separately. He understands that the trees in the square are touchy. If the planter is an issue, then they don't need to do it. His gift is to redo the planter and the clock which estimates at \$9700-9200 and continue with the maintenance. Ms. Santucci Rozzi clarified that this is not a gift – it is a condition of approval. Mr. Bardin said the maintenance is conditional. To redo the planter and rebuild the clock is a gift. He then said he could withdraw that. The site had three issues: the ramp; the stacked parking and the Pear trees. He will do photos and a site tour. He would like to move forward with the other issues.

Chair Santucci Rozzi said they drive by this all the time – the AT&T store has windows that you can see in; the Watertown Savings Bank was visible; the SuperCuts is visible from Mt. Auburn Street and Staples was clearly visible. She said if he is going to pursue this then he is going to have to substantiate his argument with photos, etc. Mr. Bardin said that he was going off on what he and Mike (Mr. Mena) had had a conversation on that this was a minor modification.

Member Gannon added that Mr. Heep wants to see the street view. Mr. Bardin added that once you see AT&T, you've passed the driveway.

Chair Santucci Rozzi said the Tree Warden issue is separate and there is mixed reviews on the Dogwoods. She suggested that he give the board a rendering. She offered to move forward with the ramp and the parking. Mr. Bardin said he wants a vote on all three things – he wants a vote on the trees.

Chair Santucci Rozzi asked if he was sure he didn't want to continue. She then explained that he would need 4 out of the 5 votes. Mr. Bardin did not realize that. She said they will move forward with the ramp and the parking and continue the trees.

Member Ferris thanked Mr. Bardin for allowing the discussion on the trees in Watertown Square. There are trees planted out front of the business on Mt. Auburn Street and unlike this there are entrances on Mt. Auburn as well as off the parking area. That makes a difference on viability. He is grateful for the proposed restoration of the clock and would not propose anything that would be detrimental to his businesses.

Member Ferris motioned to approve the application for the parking and the accessibility ramp with the issues of the trees to be discussed at a later time. Member Gannon seconded. Voted 5-0, granted.

Mr. Bardin noted he would like to come back next month.



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Chair Santucci Rozzi said the continued cases are for **12 Dana Terrace**, which was discussed in August for Brenda van der Merwe & Chris Elzinga was a Variance and Special Permit Finding and the petitioner has requested that the case be withdrawn.

Member Gannon moved to accept the withdrawal. Member Donato seconded. Voted 5-0, withdrawn.



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Chair Santucci Rozzi stated the continued case for 21 North Beacon Street, Boston Volkswagon was also discussed last August is requesting to withdraw a Special Permit Finding.

Mr. Gannon motioned to accept the petitioners request to withdraw their application. Member Ferris seconded. Voted 5-0, withdrawn.

Member Heep motioned to adjourn. Member Gannon seconded. Voted 5-0. Meeting adjourned at 8:10 p.m.