

WATERTOWN PLANNING BOARD

DATE: March 9, 2016 PLACE: Council Chamber TIME: 7:00 PM COMMENCED: 7:15 PM

PURPOSE OF MEETING: Regular Meeting

PRESENT: John Hawes, Chairman; Jeff Brown; Linda Tuttle-Barletta; Fergal Brennock
Ingrid Marchesano, Clerk to the Planning Board; Steve Magoon, Director; Andrea
Adams, Senior Planner

ADMINISTRATIVE BUSINESS

Jeff Brown motioned to approve Minutes of 12/9/2015.

Linda Tuttle-Barletta seconded the motion.

Vote: 4-0 In Favor

CASES PENDING

- **8 Hardy Avenue;** John G. Neylon – Special Permit Finding (ZBA-2015-26)

Nancy Scott, representing the Petitioner, introduced the Petitioner's representatives. The petitioner is requesting a Special Permit Finding to create two tandem vehicle parking spaces in the side yard. The petitioner is proposing to expand the existing driveway an additional 26.4 feet. The existing parking space is only 10 feet long. We would extend with a non-conforming zero lot line setback to the adjacent lot line. Sloping property causes a need for a sloping wall at 8% grade. We would also include a fence on the top of the new wall, which would be made wholly out of concrete. The existing fence would be removed, and a new vinyl fence would be installed, to be agreed upon by the Petitioner and Mr. & Mrs. Dorr, the immediately impacted abutters. The parties met on site to discuss the project. The owners take seriously any impact to the Dorr's property. The Petitioner would also work with the Dorr's to restore their property in a satisfactory manner. The new expanded driveway would provide two parking spaces that are conforming in length. This will regularize parking for the Petitioner, particularly during the Winter Parking Ban. The new parking area without the 4-foot buffer is not substantially more detrimental to the neighborhood than the existing condition.

Andrea Adams, Senior Planner, described the proposed project site, noting that the lot is non-conforming in size and also non-conforming for the Southeasterly Side Yard, having 6.9 feet where 10 feet is required. The dwelling is also non-conforming with respect to the Front Yard setback with 13.2 feet where 15 feet is required. In terms of the test for approval in Section 4.06(a), of the "*change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use, structure or building to the neighborhood,*" The proposed project would not be substantially more detrimental than the existing non-conforming condition. The petitioner proposes to build a retaining wall on the property line and will install a fence, with a style as determined by the most impacted abutter, the Dorr's. The stairs have been relocated to be as far from the property line as possible to minimize impact to existing trees on adjacent properties. The issue of topography prevents an easy option for providing a landscaped buffer but also works positively by providing screening of the second parking space. The site line at the street is maintained as is which provide a safe egress and view of pedestrians. Also, the required 5 foot buffer adjacent to the sidewalk is now provided. Based on this, the staff recommends conditional approval of the requested Special Permit Finding.

Jeff Brown, the intent is simple: Provide parking for a second car, and thereby, get a parked car off the street. It seems like a reasonable request.

Fergal Brennock, a clarification regarding the request type is needed? The notice and some of the Petitioner's paperwork included a request for a Variance?

Andrea Adams, the correct request was for Special Permit Finding only.

Fergal Brennock, the retaining wall next to the house will be a challenging engineering undertaking, caution is needed.

Nancy Scott, the Petitioner's engineer and the Dorr's engineer looked at the house. The house has a 16-inch stone foundation, so care would need to be taken, and plans would be submitted to the Building Department for approval. The wall could be smaller in scale, if the foundation was solid, it will be determined in the field.

Allyn Dorr, neighbor, we had several meetings with the Neylons and their engineer, including his own contractor. We had clarified with the Neylons their concerns about impacts to their yard. At the same time, me and my wife Joan, have come to an understanding about the project with the Petitioner, and we are in support of it. We were told to expect a document spelling out indemnification to Mr. Neylon. Is this something that the Planning Board would make as part of a conditional approval of the project?

Steve Magoon, this would be a matter between Mr.Dorr and Mr.Neylon, and not a matter for the Town to become involved in. However, this would be a good idea to discuss with the Neylons.

Allyn Dorr, we are satisfied to this point, and satisfied with the interaction between the contractor and the Neylon's engineer, and are in general support for the project.

Linda Tuttle-Barletta motioned to recommend to the Zoning Board of Appeals approval of the Special Permit Finding under Section 4.06(a) based upon the finding that it meets the criteria setforth in the Zoning Ordinance subject to conditions setforth in the staff report.

Fergal Brennock seconded the motion.

Vote: 4-0 In Favor

- **72 Winsor Avenue;** Diana Kierein – Special Permit (ZBA-2015-22)

Diana Kierein, the Petitioner, described the project using copies of previously submitted materials projected on the public access TV screens. I and my husband love the residential nature of the area. My practice is now in Newton Highlands, and one of the key reasons for me to establish a Home Occupation in Watertown is to not have to travel back and forth from Watertown to Newton Highlands several times a day to accommodate client appointments. Sometimes there is an hour or two between clients. The proposed use is secondary to the home use, and it will be in the rear of the building. It's hidden from view by a fence and row of trees. The work is confidential, and my practice involves play therapy for children, or for divorce or separation issues, and is family focused. My practice does not involve clients with serious mental illnesses, or addiction. I am the only clinician in my practice. The practice would take up a small portion of the home. The other point is that I would rarely have the 68 clients described in the Staff Report, but I acknowledge that it reflects flexible hours for my practice. I suggest that this would represent the maximum I could potentially have, although my typical case-load is approximately 25. I also have another job with similarly flexible hours.

Andrea Adams, described the subject property, the driveway and parking are located along the Southerly side yard, and as a single-family house, the subject property must have at least two parking spaces. The property meets this requirement. The existing driveway width is compliant but does not have an existing parking landscape buffer. The project is conversion of part of an existing first floor Family Room into a psychotherapy office. No major changes are proposed to the exterior of the structure, although some windows will be replaced as part of the conversion of interior space to the office and a new bathroom. The proposed Home Occupation requires a Special Permit. Using the proposed hours listed in the Conditions Matrix, the expected client load could be up to 68 client appointments per week. However, the actual number of clients will be lower based on the Petitioner's narrative. The Petitioner would also not be commuting to work, reducing the number of trips created.

The site is non-conforming in regard to the required 4-foot vegetated buffer along the existing driveway. As part of this request, the Petitioner is improving the existing condition by providing a vegetated buffer on the Southwest side of the driveway, which will help obscure visiting clients from the abutting property. The proposed site plan could create a third space, if necessary, which would require a shift in the parking to the rear. This potential third space can be accommodated by moving the raised bed next to the house. The additional parking space would be created using a pervious surface. Staff suggests that the third space be a *shadow* space that would be required to be built only if needed. Staff recommends conditional approval of the requested Special Permit/Home Occupation.

Linda Tuttle-Barletta motioned to recommend to the Zoning Board of Appeals approval of the Special Permit/Home Occupation under Section 5.02 based upon the finding that it meets the criteria set forth in the Zoning Ordinance subject to conditions set forth in the staff report.

Fergal Brennock seconded the motion.

Voted: 4-0 In Favor

Jeff Brown motioned to adjourn the meeting at 7:30 PM.

Fergal Brennock seconded the motion.

Vote: 4-0 In Favor.

MEETING ADJOURNED: 7:30 PM MINUTES APPROVED: _____

For more detailed Minutes see the DVD dated 3/9/16 which is available in the DCDP office.