



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, Alternate
Jason D. Cohen, Alternate

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Louise Civetti, Clerk to the ZBA

MINUTES

On Wednesday evening, August 24, 2016 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*; Kelly Donato, *Member*; John G. Gannon, *Member*; Neeraj Chander *Alternate Member*; Jason D. Cohen, *Alternate Member*. Also Present: Mike Mena, *Zoning Enforcement Officer*; Andrea Adams, *Sr. Planner*; Louise Civetti, *Clerk to the ZBA*.

Chair Santucci Rozzi opened the meeting, introduced the board members and staff. She read through the agenda. Then read:

“The Chairman declares under MGL c. 30A, section 21, the Executive Session is to discuss strategy and one or more potential votes in regards to litigation known as:

Ziminski etal vs. Zoning Board of Appeals etal. Middlesex Superior Court Case #1381CV05086, is an appeal of the Zoning Board of Appeals decision, filed with the Town Clerk on November 6, 2013 to uphold the Watertown Zoning Enforcement Officer’s Code Compliance Order requiring the Plaintiff to cease use of an illegal basement dwelling unit at 179 Chapman Street.

As discussing the case in an open session may have a detrimental effect on the town and the board.”

Chair asked for a motion to convene into Executive Session:

Member Gannon motioned to go into Executive Session with the return to Open Session;

Roll Call Vote: Members Ferris, Heep, Gannon, Donato, Chander, Cohen and Santucci Rozzi – affirmative. The board physically exited to the Council Conference Room with Steve Magoon, Mike Mena and Louise Civetti at 7:05 p.m.

The board reconvened regular session at 7:40 p.m.

Chair Santucci Rozzi announced the first case at 11 Molloy and asked Member Ferris to read the legal notice. Before the notice was read, the chair swore in the audience.

Member Ferris read the legal notice:

“Michael Boris, 11 Molloy Street, Watertown, MA 02472 herein requests the Zoning Board of Appeals grant a Special Permit in accordance with Watertown Zoning Ordinance, §6.02(j), Front Approaching Garage, so as to construct a new two-family structure with an attached, front approaching two-car garage. T (Two-Family) Zoning District. ZBA-2016-11”

Ken Leitner, Attorney, representing the Boris family – a third generation living at this home. The original house was in front of the Historic Commission and received permission to take it down. The lot is 8500 square feet. Newlywed Foods with silos is in his back yard. The house will be a two family with only two stories. They want a garage in the front so they are requesting relief from section 6.02(j) to have pavement in the front yard – a regular-sized curb-cut with a flare-out to the garage doors. The building meets all of the dimensional regulations. They'd like to put a master-bedroom suite on top of the two-car garage. This manner would leave more green space. It is an appropriate use. There are two new houses built that are similar. This would not adversely affect the neighborhood and would take cars off the street. This would not produce any hazard to pedestrians and appropriate facilities will be provided with the Watertown DPW. It is minor relief for the garage. They'd like to keep the Boris's there for another 2-3 generations.

No comments were received from the audience.

Member Cohen asked about the total number of parking spaces for the house – two for the rental unit on the opposite side and four for the owner's unit. Atty. Leitner said the owners would use the garage but could potentially use the space in front of the garage.

Member Cohen said if we wanted to mitigate the amount of paving, there could be one car in the garage and one tandem in the driveway to make the space narrower and aesthetically pleasing. Atty. Leitner said they want the two car garage and although they could access the garage from the side, this plan would leave them the most green space. Member Cohen reiterated that it would be better to have two parking spaces vs. four.

Member Gannon stated that there will not be fencing in front of the property. Atty. Leitner said they will be adding trees there. It will be stick-built and the same builder as 8 Molloy Street. Member Gannon added that you have to have a reason to get down to that section of town.

Member Heep first thought the replacement of a single family with a two family on the lot was too much; however, it meets all of the requirements and he has no further comments.

Member Ferris asked about the builder – he has built two properties in the neighborhood. What is the siding? Atty. Leitner asked the builder and it will be cedar impression shingles in the front and vinyl on the sides and rear. The entire front will be cedar impression.

Bob Calnan, the builder and the owner of 7 Molloy Street stated that the house will be all vinyl sided with cedar impression in the front and scalloped at the gable – it is slightly different than what the architect drew.

Member Ferris asked about the elevation on drawing A-7 – the section and the elevation do not match the floor plan. This shows the garage form brought up flush to the front of the house but the plans show the form 4.5' back. He wanted to point out the discrepancy in the drawings. Otherwise, he appreciates the landscape plan and feels this will be an enhancement to the neighborhood. He added that the first house (at 7 Molloy Street) is also an enhancement. It is good to see the healthy vegetation proposed.

Member Donato asked about the driveway for the tenant space – it appears on the rendition that the driveway is in the front. Atty. Leitner said the drawing is off – as it appears that the color would

be purple and that is not the case. The driveway runs along the side of the house and it will not be in the front of the house. The rendering is off.

Chair Santucci Rozzi commented that there are other discrepancies – the plot plan and the landscape plan, specifically the walkways. Atty. Leitner clarified that the plot plan is not accurate and the landscape plan is accurate with the walkways coming off of the driveway – not going straight from the door to the street.

Chair Santucci Rozzi asked about the first floor office with doors and a closet. She asked staff if this would be considered a bedroom. Mr. Mena said this could be a bedroom but it does not change the parking requirements.

Chair Santucci Rozzi asked what the length is for the tenant driveway. Atty. Leitner said is about 9' by 40' – it does not go into the back yard. He said 3 cars would fit.

Member Ferris addressed Member Cohen stating that he is in support of the two-car garage as imposing a single-car garage would detrimentally affect the upstairs plan. Member Cohen said then he would have a smaller sized garage door maintaining the size. It is not a huge issue for him but it would be better aesthetically with less asphalt and more grass.

Chair Santucci Rozzi confirmed the driveway starts at 11' and flares out to the width of the garage. Chair Santucci Rozzi asked Member Cohen if more landscaping would help aesthetically, as there is landscaping between the dwelling and the driveway which would help. Member Cohen said he is concerned with the width of the pavement as they may park in the driveway in the summer and in the garage in the winter; however, given the neighborhood, it would not be unusual to see cars parked in the driveway. He said in a different neighborhood, he would have greater concerns but he is okay with this plan in this neighborhood. Attorney Leitner added that there are silos in the back of this house. Chair Santucci Rozzi stated that this petition is before the board for this reason and Member Cohen is making valid concerns that need to be taken into consideration. She added that in order for the residents to get to the walkway, they wouldn't be able to have a car parked beyond that point. She anticipates one car in the garage and one in the driveway.

Member Ferris mentioned that streets are narrow in this neighborhood and believes it is beneficial to get as many cars off of the street as possible. The adjacent home is an enhancement to the neighborhood.

Atty. Leitner stated that they would update the 'as-built' plot plan with the change in the walkways. Chair Santucci Rozzi added that the elevations will also change to reflect what the builder described with the front façade, cedar impressions. Member Ferris added that A-7 should also be adjusted for the record.

Chair Santucci Rozzi closed the hearing and opened a business mode, stating that the Planning Staff and Planning Board both recommended conditional approval. She noted that the walkway will be as noted on the Landscaping Plan; the color rendering will be discarded and the builder's comments regarding the elevations with the cedar impression material with scalloped detail at the 3rd floor and most of the conditions are boiler-plate and added #9, regarding the architectural features in the front. The plans will be updated before the decision is filed.

Atty. Leitner stated that they would like to have continuity in the front and just have the cedar impression shingles – not the scalloped.

Member Ferris motioned to approve the request for front yard parking including the conditions for material and sidewalk. Member Heep seconded. Members Ferris, Heep, Santucci Rozzi, Gannon and Donato voted in the affirmative (5-0). Alternate Members Chander and Cohen did not vote.



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Chair Santucci Rozzi announced the next case on the agenda is a continued case. She welcomed the petitioner's representative.

Norman Kherlop, Architect, stated that he read the comments from the previous meeting and believes the board is looking for a design to make the house interesting and simple. The existing first floor is a bit short in height in relation to the second floor, so they raised the first floor height and used freeze board and molding and introduced an overhang to accentuate the totality of the building and to break the building height. The windows were arranged to be over one another for balance which was a request from the board, as well. He tried to create a shed dormer at the front to make sure that this is a smaller house and not to try to imitate the big arched windows of colonial dwellings. This is a smaller dwelling than any around it, especially the one next door with its great architectural features, turrets, etc. and this would be a humble structure in comparison. He tried to continue the front wall instead of recess it. If they recessed the front wall, they could do it by right and not have to be in front of the board. However, the extensive cost to add beams to the structure for stabilization (would not make it cost effective). They tried to create a structure that would be agreeable to the owner and the board.

Member Donato thanked the architect for the revised plans. She stated that there will be all new windows which was a concern with the last plan. She noticed that this plan mirrors another home on Everett Street, nearby.

Member Ferris said this is a big improvement from last time and a distinction is the third floor. This does not have livable space on the third floor. The dormer appearance that is created is a great improvement. He asked Staff if there were any comments from the neighbors as there had been many comments in opposition prior. Ms. Civetti and Ms. Adams agreed that there has not been any comments in opposition received although the new plans have been posted onto the website and available for viewing. Member Ferris asked about the satellite dish in the front yard.

Mr. Karachi, owner, said the satellite dish will be removed as it does not work.

Mr. Kherlop confirmed that there is a new entry door with side light (windows) and vinyl siding.

Member Ferris commented that the chimney will need to be taller than the ridge. The rake extension for the lower body sticks out more than the dormer. The amount of overhang of the first floor roof to the right and left is about 2' and the rake on the second floor simulation of the dormer is about 1'. He would like to have the drawings dimensioned and keep them different the way he is showing them. The bottom 1.7' and the upper is 1'. He just wants to make certain the rakes are dimensioned on the plans with the bottom larger than the upper (about ½ the size).

Mr. Kherlop asked if the owner could put skylights in the back of the roof just to add light. Member Ferris stated that the height of the 3rd floor is 5'4" and he does not have opposition to the skylights but does not see the logic as it is not habitable space. He does not have a concern in the rear of the house.

Member Ferris concluded that Mr. Kherlop addressed the concerns the board had previously.

Member Heep thanked Mr. Kherlop for the new plans and stated that the house is significantly improved. He said he is not sure that the changes are responsive to his concerns of the house being too much upward construction in the front yard setback. He said the height of the house remains almost identical but is 6" shorter and the 2nd floor plan is entirely unchanged – it looks much better aesthetically but this much construction in the front setback is not what he was looking for.

Mr. Kherlop said the last proposal was not measured from the average grade and the actual ridge height was much higher. He had the surveyor calculate the average grade and they then determined the height from the average grade. The building is actually lower in height. The regulations allow a higher house and he can do it by right if he doesn't encroach in the front. He added that it becomes subjective if he should have more or less space on the second floor. He added that the rooms are on the smaller side so it is not a large second floor.

Member Heep asked what the actual height difference is between this proposal and the last proposal. He said drawing A-5 shows the elevation as 30'-3.25" and the prior was 30'-9".

Mr. Kherlop tried to explain that the roofline is flatter and the prior roof height was not measured from the proper elevation. He said the yard at the back is lower and that brings down the average grade. The front yard is less.

Member Heep said if the house is the same height and the building is essentially the same, how are the numbers different. Mr. Kherlop explained that the building height from the prior plans was not measured in accordance with the regulations – if you measure from the front yard, then the front yard is higher than the back yard. You are supposed to measure from the average grade and the average grade is lower than the front yard.

Member Ferris said the vertical measurements are both shown from the peak of the roof to the grade of the front porch.

Mr. Kherlop said the difference is about 1'8" difference. Member Ferris said the scales (for measurement) are different – he added that if you were to try to draw the same window on the third floor, you would not be able to. Member Heep is satisfied with the explanation.

Member Gannon does not have any questions that have not already been answered.

Member Cohen reiterated that even with the difference of 1'8", the sections from the original plans and the plans from today, the building does not look much shorter – the math actually creates a 2'6" difference. However, he appreciates the aesthetic 'trick' of the overhang and the projecting gable but it is still almost as tall as the original proposal. The way to lower it was to use shed dormers. There are ways to make it a comfortable second floor without having a ridge that high. He sees the improvements but it is still as tall and this was the neighbors' concerns. He assumes that the neighbors have had a chance to review.

Chair Santucci Rozzi asked Mr. Karachi if he met with the neighbors to show them the new plans. Mr. Karachi said he did not meet with them.

Mr. Kherlop presented the previous application drawing, A-2 to compare with his plans to show the second floor ceilings are as low as they can be and the first floor is higher. He said he is not trying to get tall ceiling heights. He said the big windows created bigness to the drawings.

Member Cohen said the height is twice the size of the original house. It is going from a small house to a house as tall as any other in the neighborhood. He added that the plans should show the slope of the roof. The control docs should show the height and the slope.

Mr. Kherlop said the petitioner could push the second floor back and make a much larger and taller house by right.

Ms. Adams interjected that Mr. Karachi came to the Staff knowing he could build something by-right that could be taller but he persevered and Staff came up with this type of plan showing the shape in the front providing an aesthetic look that would be balanced. She defended Mr. Karachi stating that he wanted to please the board and the neighbors by working on a plan that would suit both. Staff used a couple of iterations on copy paper and suggested to hire an architect to finish them. He did follow the recommendations of staff to follow the design requested by the board so far as they understood them.

Member Ferris said they are getting confused over the dimensions but added that the ridge is about 3' lower than the original plan. He added that the ceiling height being added to the first floor is beneficial. The drawing is a trick of the eye but there are many gambrel roofs that trick you into

thinking that a two-story box is a gambrel by doing a longer 'rake'. This is effective and compared to the first proposal which was a box on top of a box, this is more sensitive to the neighborhood. There are houses of all different sizes in this neighborhood.

Chair Santucci Rozzi appreciates the effort in minimizing the massing. She asked where the chimney is on the second floor. Mr. Kherlop said jokingly that it is invisible – it will be on the middle bedroom back wall.

Chair Santucci Rozzi asked why they suggested doing vinyl siding due to the budget and yet want to put skylights in that will break up the roof. Mr. Kherlop said changing to cedar clapboard is more expensive than skylights. If the budget goes beyond what is expected, that may change. He is keeping the brick on the first level.

Chair Santucci Rozzi said the devil is in the details and this design has achieved a reduction in the massing, in her opinion. She thinks this is something that she can support.

Chair Santucci Rozzi, upon hearing no comments from the audience, read from the Staff Memo which commented on the half story being compliant, the new design is consistent with the footprint and they noted errors (chimney) and architectural features are missing from the drawings. Ms. Adams stated the missing chimney on the second floor; columns and corbels making it all match. The drawing should be updated to make certain the small inconsistencies are correct and to recommend approval with a staff-level approval of the drawings so the board is confident that what they approve is what will be built.

Chair Santucci Rozzi said the Planning Board voted unanimously to approve the plans without any unusual conditions. Staff will require plan revisions. She asked the board for opinions on the skylights. Member Ferris said he is not opposed to the skylights on the rear. This will become condition #6 – skylights on the rear only.

Member Ferris added that if approved, the rake condition on would be that the upper floor would be half the rake of the lower floor (approximately 1.8") thereby making the second floor about 10".

Member Ferris asked if the drawings are resubmitted, the roof pitch dimension should be added. Chair Santucci Rozzi asked that all of the information required be added to the plans.

Member Ferris motioned to approve the addition of a second floor based on the drawings submitted and comments added. Member Gannon seconded. Members Ferris, Gannon, Santucci Rozzi and Donato voted in the affirmative; Member Heep voted against. (4-1). Members Chander and Cohen did not vote.



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Chair Santucci Rozzi asked for a motion to approve the last item on the agenda – the minutes of the June meeting.

Member Gannon motioned to approve the minutes of the June meeting. Member Donato seconded. Members Gannon, Donato, Santucci Rozzi, Ferris and Heep voted in the affirmative. (5-0).

Member Gannon motioned to adjourn. Member Ferris seconded. All in favor. The meeting adjourned at 9:50 p.m.