

WATERTOWN PLANNING BOARD

DATE: March 12, 2008 PLACE: Town Council Chamber TIME: 7:00 PM COMMENCED: 7:00 PM

PURPOSE OF MEETING: Regular Monthly Meeting

PRESENT: John Hawes, Chairman; Jack Zollo; Peter Abair; Jeff Brown;
Linda Tuttle-Barletta

Chairman John Hawes opened the meeting at 7:00 PM.

ADMINISTRATIVE BUSINESS

Jeff Brown motioned to approve Minutes of 2/13/2008 meeting.

Jack Zollo seconded the motion.

VOTE: 5 - 0 In favor

CASE PENDING

- **48 Coolidge Avenue**; Roberto Huet, President, Aggregate Industries-Northeast Region, Inc., 1715 Broadway Street, Saugus, MA, - **Amendment to Special Permit & Special Permit Finding**

Jerry Effren, Atty, this is a request to amend a Special Permit #00-46 granted on 12/9/2000, to allow to increase the existing bag house by 4 ½ feet, to extend the hay stack height by 5 feet, to install a new hopper to store recycled asphalt pavement (RAP) and to construct 10 ½ by 18 foot concrete slab foundation for the new hopper. To install two new belt conveyors to install material from the new hopper and to construct a 4'x4' concrete slab foundation for the new belt conveyors. The operation will decrease by producing RAP.

Jeff Champa, asphalt is the most common road surfacing material. Aggregate Industries owns fifteen such plants in Massachusetts. 95% of asphalt material is crushed stone that is mined locally. Asphalt cement consists of petroleum product that originates in Venezuela. Recycled Asphalt Product (RAP) is about 40% of road asphalt. The use of RAP will not increase production.

Dennis Roy, explained the operation and presented the plans to the Board. The extended height is well within the height requirements of the Zoning Ordinance.

John Hawes, this is a complicated operation, the Board is interested to see how will the proposal affect the area and the environment.

Jerry Effren, the package submitted tonight included environmental report.

Peter Abair, this is an existing operation, the new item are the conveyors. Is there an issue with the dust?

Danielle Fillis, the proposed modifications will improve the air quality, the requirements of the Zoning Ordinance have been met. The proposed use of integrating RAP into the existing operation will reduce the amount released into the air. The Health department reviewed the application and they have no concerns. Staff recommends an approval of the petition.

Jeff Champa, the conveyors will be external but they are not visible from the street. The RAP material is not prone to dust.

Steve Winnick, Atty, representing the Mount Auburn club who is the immediate abutter. The petition is based on operation changes, the affect on the neighborhood is very important. The height of the bag

Watertown Planning Board

March 12, 2008

Page Two

house will be raised and recycled asphalt used. The petitioner tried to go to Zoning Board of Appeals on January 30, but was told to follow the proper process. The staff accepted the petitioners' statement

without evidence that there will not be additional traffic. The proposed production of RAP will replace about 20% of the existing operation. The petitioner stated that materials are stored in bins, which are now overflowing. Conditions regarding the traffic and environmental issues need to be made before any approvals. Traffic and environmental reports need to be submitted...

Jeff Champa, the Watertown facility is a winter facility, the hours of operation are 6 AM to 4 PM, there are 4 employees on site.

Bill Crowley, Aggregate Industries is currently operating in frivolous manner. Trucks park on the street waiting to be serviced, they should all park on site. Many things that were changed in 2000 and agreed upon, are not being enforced. Materials are overflowing the bins. I am behind the petitioner's improvement of the air quality but the site needs to be cleaned and parking allowed on site only. Open storage should not be allowed. We need to know the impact of the new production. These concerns need to be addressed in professional way.

John Hawes, this sounds like this is a process management issue. The ESS report does not address open storage. The petition should be continued to the next Planning Board meeting to give the petitioner the opportunity to provide traffic and environmental reports.

Curtis Whitney, representing Coolidge Avenue Condominium owners, the environmental issues need to be addressed. Trucks park along the street, traffic study is needed, this company has the ability to provide it. All the issues need to be addressed, this is a major company that deserves more scrutiny.

Jerry Effren, this is not an application for new development. This is a request to amend a previously approved and issued permit.

Angie Kounelis, 55 Keenan Street, District D Town Councilor, Watertown is a very unique community. Residential districts abut commercial/industrial areas. This site abuts residential areas. It is important to scrutinize everything – air quality, traffic, parking, etc.

John Hawes, this is an existing operation and this Board cannot change it. The staff needs to meet with the petitioner and resolve the issues. The petition should be continued.

Peter Abair, have the existing issues been addressed, have the rules been enforced?

Jerry Effren, the Agregate Industries has budgeted this project for now. We would prefer for the Board to vote now and continue to ZBA. We will meet with the staff prior to the March 26 ZBA meeting.

Danielle Fillis, I have spoken with the Health department, there is an outside review going on.

John Hawes, it would be in the petitioner's best interest to provide more data, the Board cannot give positive recommendation without that.

Greg Watson, the Board has the discretion to decide whether there is adequate information.

Linda Tuttle-Barletta motioned to continue the petition of the Amendment to Special Permit #00-46 granted November 2000 to the next meeting of the Planning Board

Jeff Brown seconded the motion.

VOTE: 5-0 In favor

Watertown Planning Board

March 12, 2008

Page Three

Linda Tuttle-Barletta motioned to continue the petition of the Amendment to Special Permit Finding #00-46 granted November 2000 to the next meeting of the Planning Board

Jeff Brown seconded the motion.

VOTE: 5-0 In favor

- **34 Lexington Street and 460-464 Main Street;** Brian McDonald, Trustee, Continuous Improvement Realty Trust, 462 Main Street, Watertown, MA - **Amendment to Variance, Special Permit and Special Permit Finding**

Steve Winnick, Atty, this is a mixed use site, located in LB zone at the intersection of Lexington and Main streets. The garage was razed and 3 new condominium units were built in 2005. The building plans contained different details than the control plans. The building plans were approved, but they do not mirror the as-build conditions. The staff report recommends approval with conditions. Senior Planner Danielle Fillis recommends change to the roof line, and to re-

design the dormer. The peaked roof would have extended the allowed height. The architect flattened the roof to avoid request for a height variance, we are asking for that condition to be removed.

John Hawes, this is not a typical building, the existing design does not affect anyone. I would not recommend the changes proposed in the staff report. I would not recommend the changes. When a problem arises during process of construction, the petitioner needs to come back to the Board immediately.

Jeff Brown, how do we make sure that petitioner follow the approved control plans? It is very frustrating to be amending approved relief.

Linda Tuttle-Barletta, I am very surprised with the excuses, changes should not be made after the relief is approved.

Danielle Fillis, there might have been an oversight, plans need to be reconciled and signed by both the Zoning Enforcement officer and the Building Inspector.

Dennis Duff, 33 Spruce Street, petitioners get approvals from the Boards, make changes during the construction, and then come back asking for amendments. It is hard to believe that this was a mistake, it should not be acceptable.

Linda Tuttle-Barletta motioned to recommend to the Board of Appeals approval of the Amendment to Special Permit #04-61 granted January 27, 2005 based upon the finding that it meets the criteria set out in the Zoning Ordinance subject to conditions set forth in the staff report and that conditions #2 and #3 be deleted.

Jack Zollo seconded the motion.

VOTE: 3-2 In favor

Jeff Brown opposed

Peter Abair opposed

Linda Tuttle-Barletta motioned to recommend to the Board of Appeals approval of the Amendment to Variance #04-61 granted January 27, 2005 based upon the finding that it meets the criteria set out in the

Zoning Ordinance subject to conditions set forth in the staff report and that conditions #2 and #3 be deleted.

Jeff Brown seconded the motion.

VOTE: 3-2 In favor

Peter Abair opposed

Linda Tuttle-Barletta opposed

Watertown Planning Board

March 12, 2008

Page Four

Linda Tuttle-Barletta motioned to recommend to the Board of Appeals approval of the Amendment to Special Permit Finding #04-61 granted January 27, 2005 based upon the finding that it meets the criteria set out in the Zoning Ordinance subject to conditions set forth in the staff report and that conditions #2 and #3 be deleted.

Jack Zollo seconded the motion.

VOTE: 3-2 In favor

Peter Abair opposed

Linda Tuttle-Barletta opposed

CONTINUED CASES

- **104 Acton Street; Kevin Morrissey - Special Permit Finding & Variance**

Danielle Fillis, the petitioner was very cooperative addressing the issues raised by the Board at the last meeting. The staff recommends approval the Special Permit Finding. Due the changes made by the petitioner, variance is not needed.

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

Jeff Brown seconded the motion.

VOTE: 5-0 In favor

- **Lot 333 3A 5B Palfrey Street, a/k/a 212a Palfrey Street;** John McGeough - **Amendment to Special Permit & Variance**

Amendment to Special Permit #05-01 granted April 13, 2005, in accordance with Section 4.09, Exceptions to Lot Size, so as to allow changes to control documents – eliminated chimney at rear; rear deck - 6'x18' changed to 5'x24.5'; 2nd fl rear balcony reduced from 4'x10' to 4.4' x 8.7'. Grant a Variance in accordance with Section 4.11, Exceptions to Setback Requirements; Section 2.63, Retaining Wall higher than 6' alter and enlarge northerly exterior stairway approved 8' from northerly side yard to permit varying setback 0.0'-3.5'-7.5', where 5' required for retaining wall; 10' for uncovered stairs - located in the S-6 (Single Family) Zoning District

John McGeough, this has been a long and frustrating process. I have met with the abutter at 214 Palfrey Street and realized that there cannot be a resolution. I am proposing to remove the 4 foot section of the wall. Also the rear section of the wall caps that are 8" onto the abutter's property will be relocated onto the property line. The changes will be made within the next month, weather permitting.

Danielle Fillis, I had extensive discussions with the Zoning Enforcement Officer regarding the fence. The survey plan is showing exact end of the property and the arch of the stairs. The petition can be approved with a condition that the fence be removed from Mr.Porcaro's property.

Joe Porcaro, 214 Palfrey Street, I have met with the petitioner and the meeting did not go well. While the wall was constructed some of my plants were buried. The fence and the stair radius are on my property line, the retaining wall is 3 feet onto my property. A piece of my tree was broken during construction. Mr.McGeough built on my property without my permission. Necessary changes with appropriate setbacks need to be made, the wall and fence need to be moved from my property.

John McGeough, some of the requests are not reasonable. I spent additional money for surveyors, the fence is at slight angle, it bumps around the tree, it was not intentional encroachment. I will remove all the materials on the abutters' property. We have made improvements to this Palfrey Street area.

John Hawes, this is a legal issue between the abutter. This Board can address zoning issues only.

Watertown Planning Board

March 12, 2008

Page Five

Linda Tuttle-Barletta, the petition is in front of the Board because changes were made to the control plans. We cannot address the feud between the neighbors.

Peter Abair, our concerns are the walls that are encroaching onto the abutters' property.

Jeff Brown, a situation that is negative to the abutter was created, and now it needs to be corrected.

John Hawes, the petitioner was before this Board many times and he knows the rules. This stair was built without any thought. The petitioner is not allowed to build on the property line, 4 foot buffer is always needed. The staircase could have been built differently. There are many issues with this petition. The ZBA will make the final decision.

John McGeough, I am aware that it was my mistake, it was not reckless decision. We should have come to the Board, there is no other option of how to build it. The existing stairs do not impact anyone.

Linda Tuttle-Barletta motioned to recommend to the Board of Appeals approval of the Amendment to Special Permit #05-1 granted April 13, 2005 under Section 4.09 to eliminate the rear chimney, modify the street level rear deck from 6'x18' to 5'x24.5', to modify the second floor rear deck from the approved 4.6'x10' to 4.4'x8.7' based upon the finding that it meets the criteria set out in the Zoning Ordinance subject to conditions set forth in the staff report.

Peter Abair seconded the motion.

VOTE: 3-2 In favor

Linda Tuttle-Barletta opposed

Jack Zollo opposed

Linda Tuttle-Barletta motioned to recommend to the Board of Appeals approval of the Variances under Section 4.11, 4.03(d) to allow varying setbacks for the uncovered staircase and to allow a retaining wall based upon the finding that it meets the criteria set out in the Zoning Ordinance subject to conditions set forth in the staff report.

Jack Zollo seconded the motion.

VOTE: 0-5 Against

149 Grove Street, 165 Grove Street, 105 Coolidge Hill Road a/k/a 151 Grove Street (former Aggregate site); Kathy K. Binford, Watertown Residential LLC – Special Permit Site Plan Review & Special Permit

William York, Atty., have listen to comments made by the neighbors at the last Planning Board meeting. The issues have been addressed and changes will reduce the scale of the development. We have also met with the staff and members of the Board. Improvements will be made to the traffic flow. A meeting with State Senator Stephen Tolman regarding funds for the proposed changes was attended by the developer and Town Councilor Angie Kounelis.

David Hall, we have tried to address the issues between the neighbors and the Hanover Company. The changes will be shown in the PowerPoint presentation. The original project was too massive and too close to the Grove/Coolidge corner. We have reduced the project by 15,000 s.f., lowered the roof parapets and ornamentation on the building. The setback was increased to 25 feet on Grove Street, and the structure simplified. Building façade was changed from brick to stucco, tower elements were reduced to 3. 4 parking spaces with one-way vehicular drop-off will be located in the front. The shadow study is showing lesser impact on the nearby homes. The number of units is now 169 with 355 parking spaces. Ms.Kounelis was asking if we could have right turn only, it is better to disperse the traffic in both directions.

Watertown Planning Board

March 12, 2008

Page Six

William York, traffic study was prepared by Vanasse. Hanover, at significant expense, will provide traffic mitigation, sidewalk improvements and signalization. It has been a group effort by Councilor Kounelis, staff and Senator Tolman to provide funds for the improvements.

Matt McKenna, Senator Tolman office, Senator Tolman was approached by Town Councilor Kounelis regarding this intersection. The money for the improvements were allocated in 2004 as part of the transportation bond bill. We have approached DCR with a proposal that the developer will provide traffic study and verbal agreement was reached. We are seeking the best avenue to secure the funding. This will be one of Senator Tolman's priorities.

Danielle Fillis, we are pleased that the developer was cooperative, it was a collaborative process, and the staff is in support of the Special Permit.

Peter Abair, we need to compliment the petitioner, all the concerns have been addressed.

Jeff Brown, this is still a very large project, but the issues have been addressed.

Alison, 143 Grove Street, I am representing the neighborhood. We have been working with the developer but the massiveness of the project does not relate harmoniously with the neighborhood. The structure will dwarf all surrounding businesses and the shadow will impact our homes. We are concern with the noise and disruption to our neighborhood. The lower parapet will increase the amount of equipment noise. We appreciate Councilors Kounelis and Devaney efforts, but we are asking the Board not to approve the project.

John Airasian, 43 Bailey Road, this is a wonderful opportunity to improve this intersection, but the structure is still too large. The reduction is only 3% of the total project.

Bill Patterson, ... Kondazian Street, the developer has done a good job, built it is still too big. I am very concern with the intersection, there is no firm commitment from DCR to provide the funds. We need to have definitive funding before any approvals are given.

Angie Kounelis, I do commend the developer on meeting with the neighbors. Changes were made, the proposed parking is 17 spaces over what is required. It is a massive structure, 169 units are too much for this site. The courtyard in the center is very narrow and will have minimal light. The building will create shadow over the neighbors. We need a quality development for this site, the building needs to be further reduced. The neighbors suggested that 3 story structures would be more appropriate. There are major traffic issues in the area. We need to make sure that if we get funds for this intersection, we do not get bumped for other projects.

Linda Palance, 59 Kondazian Street, this is a commendable effort but the building is still too big for this site. Smaller units, which will make smaller structure, would be preferable.

John Hawes, some of the green space is in the courtyard. The retaining wall takes away from the open space. Could the developer take off more units? This design is still too big for this site. Could the building be 3 stories in the front and 5 in the rear? We have changed the zoning to allow more flexibility. Could the developer reduce the structure further to 151 units?

Peter Abair, the petitioner met many of our concerns. I would like the project to progress to ZBA.

Jeff Brown, the Board listens to neighbor concerns. Would the developer try to reduce it further? We cannot be rushed, this is an important project.

Watertown Planning Board

March 12, 2008

Page Seven

William York, it has been a long process. We have tried to address all the issues and would like to continue to ZBA. We will be presented with the same issues at the ZBA.

Linda Tuttle-Barletta, it is important to work with the neighbors. If these are the final numbers, we should not continue.

Linda Tuttle-Barletta motioned continue the petition to the next meeting.

Jack Zollo seconded the motion.

VOTE: 5-0 In favor

Chairman John Hawes adjourned the meeting at 10:25 PM.

MEETING ADJOURNED: 10:25 PM MINUTES APPROVED: _____

For more detailed Minutes see tapes dated 3/12/2008 available in the DCD&P office.