

WATERTOWN PLANNING BOARD

DATE: April 9, 2008 PLACE: Town Council Chamber TIME: 7:00 PM COMMENCED: 7:05 PM

PURPOSE OF MEETING: Regular Monthly Meeting

PRESENT: John Hawes, Chairman; Jack Zollo; Peter Abair; Jeff Brown

Chairman John Hawes opened the meeting at 7:05 PM.

ADMINISTRATIVE BUSINESS

Jeff Brown motioned to approve the Minutes of 3/12/2008

Jack Zollo seconded the motion.

Vote: 4-0

In favor

CASE PENDING

- **24 Hall Avenue - Special Permit Finding & Variance**

Laurel Corelle spoke for herself and her husband, Richard stating they are here for a small extension of their kitchen with a bay window. The project would not increase the existing non-conformities except for lot coverage in a zone that allows 30%. The house occupies 30.8% and the 27 additional square feet would bring that to 31.4%, an increase of 6/10 of one percent. They feel that is di minimus. When they bought the house in 1994, it was a rental property. They have since made several repairs and improvements including a beautiful stockade fence enclosing the entire rear of the property making the extension non-visible from the neighbors. The small set of stairs off the kitchen began to fail and they replaced it not knowing the previous owners had not received a permit. That had been pointed out to them in the course of these proceedings. They have agreed to remove that structure and replace it with landscaping material. The square footage of the small deck exceeds the square footage of this bay addition. The extension is part of their kitchen remodel and they are trying to correct another decision by the previous owners who had

placed a contemporary kitchen including a triple slider into their 1910 colonial home. The small extension would allow them to have a table in the kitchen.

Danielle Fillis, Senior Planner, noted that the Staff finds the addition is not substantially more detrimental; will add architectural interest and look better than what is there now. The four criteria for the variance, however, Staff is unable to approve, but states it is up to the Board's discretion. There are not any special soil conditions; literal enforcement would not create a hardship as there have been additions in the past; relief can be granted without substantial detriment to the public good; it is not visible from the public way and building coverage is minimal. Desired relief can be granted without nullifying or derogating from the intent of the zoning ordinance.

Chair Hawes reiterated that the main issue was special circumstances relating to soil, topography, etc.

Mr. Brown stated it is a reasonable addition.

No comments were made from the public.

Chair Hawes said that it is reasonable and would not affect anyone. Therefore, he would entertain a motion.

Jeff Brown motioned to recommend to the Board of Appeals approval of the variance under §5.04, as it meets the criteria set out in the ordinance subject to conditions set forth in the staff report.

Jack Zollo seconded the motion. Vote: 4-0 In favor

Jeff Brown motioned to recommend to the BOA approval of the special permit finding under §4.06(a) subject to conditions set forth in the staff report.

Jack Zollo seconded the motion. Vote: 4-0 In favor

Chair Hawes stated the next two cases are together:

- **483 Pleasant Street & 10 Bridge Street - Amend Special Permit**

Dave Sheehan, representing Mike and Sue Penta from Perfection Auto Body said he has been working for the past 4 months reviewing the operations at Perfection and he has developed a parking plan to suit the current parking needs of the business. He separates the parking into three areas of the business. The first area at 10 Bridge Street is a 10,000 square foot building at the rear of 483 Pleasant Street and is entered by a 12' bay door. It is used for all automotive body work and prep except for painting. It is also used as a storage area for cars that require inside storage i.e., Police drug or accident investigation; high-end cars or an area where people want to store their cars and are willing to pay for it. The second area is the old B&M railroad land in the rear of 483 Pleasant Street, which is 900' long and an

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average width of 50'. This area is used for storage of cars that have been towed; service department cars; and cars that are waiting to go into the auto body shop. The third area is the front lot at 483 Pleasant Street which is separated into two areas: auto service and auto body office. The auto body office has been relocated to the easterly side of the building to help with the parking cluster in the front. They'll keep the cars that are ready for the paint booth on one side and the other side is for vehicles waiting for service. There is one entrance and one exit for the front lot. They temporarily blocked off the easterly side of the parking lot, which, upon approval, will have a permanent structure, a landscape island as is on other areas of the property. The police department re-inspected the property for compliance with the license for number of cars on the property. In the last 4 months they have had a few re-inspections and have found them to be in compliance with the license each time. The fire department checked the proposed parking in the rear lot for emergency vehicle entrance and by simulating the proposed parking, the emergency apparatus was able to maneuver.

Ms. Fillis reviewed the amendments against the previously issued special permits. Is the site an appropriate location for the use, structure or condition? She said it is not the highest and best use for the location, but as modified by Staff recommendations, no additional parking in the front be allowed; the additional parking on the former B&M property be allowed; and only the additional parking for indoor storage in the Bridge Street building would be appropriate; not the additional auto body inside the building. Would the use as developed adversely affect the neighborhood? She finds an additional 15 vehicles inside the structure would not adversely affect the neighborhood as there would not be additional traffic. However, front yard parking would pose a nuisance or serious hazard to pedestrians as the sight lines in front are already poor and parking is right up to the street and it is not congruent with the visions they have for Pleasant Street. Adequate and appropriate facilities for proposed use? It appears the use has exceeded the capacity of the site with the amount of cars. Staff is not sure that amending the permit will reflect the actual use. Staff recommends conditional approval with the changes.

Chair Hawes questioned the amount of spaces inside 10 Bridge Street. There is a proposed 31 spaces and Staff is recommending 25. Ms. Fillis said the original variance given for interior parking at 10 Bridge was to park the cars being worked on. She rationalize that cars parked for police investigation would stay put and would not be actively coming in and out as would 6 additional auto body cars on top of the 10 that are there. Ms. Fillis added that although 10 spaces are allowed, it is often in excess of that.

Chair Hawes said there were two pieces for 483 Pleasant – the back and the front and Staff recommends parking in the rear but not in the front.

Mr. Brown questioned the angle parking (in the rear) with a one-way flow. Would that mean you have to drive in reverse the length of the parking area to get out. Mr. Sheehan explained that there is a machine that places the cars into the spaces with the rear to the inside so they can be driven straight out. He said the westerly side of the building has stacked parking and that is only for totaled or abandoned vehicles. It is a four month process to get rid of one of these cars and the public is not going into this area. On the westerly side of the area, the cars are backed in and driven out. Perfection places the car there and the customer may drive their car out. The easterly end is not accessible to the public. These cars are waiting to go into 10 Bridge Street to be worked on. The angle parking is again not an issue as there is a machine that can put a car anywhere. However, these cars are pulled in and backed out. There is a 14' alley and there is plenty of room. He set this parking proposal up with the fire department using approximately 50 cars and it worked out.

Chair Hawes asked Ms. Fillis why they care what is going on inside the building as opposed to what is going on outside. Is the business expanding somehow that would be a concern in traffic numbers, is it just a convenience for the business to do what they can inside, or is there a concern with the inside that would have a ripple effect on the outside. Ms. Fillis said their business is expanding and this would allow for or reflect their current business practices – she is not quite sure.

Mr. Sheehan said understanding how the business operates would answer this question. There may be 10 people working inside however, each person is not working on 10 different cars. One person could be working on two cars at the same time. A worker has to go back and forth while things dry, etc. The interior is enormous. They have had to place a lot of cars in storage due to pedestrian accidents under investigation and if the police call with a demand to put a car inside, they have to find the space for that car. Perfection handles Watertown Police Department, Brookline PD, State Police, etc.

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Mr. Abair asked how many people a day drive up for body work. Mr. Sheehan said they have 50-70 jobs right now and it is hard to say what the traffic is coming in and out. Mr. Abair questioned the need for 18 spots in the front. Mr. Sheehan said all of the auto body work is done at 10 Bridge Street except the painting. The car is then brought around to the easterly side of the front parking lot and to wait to go inside the bay for painting. The car then exits the rear of the building. They have set up the parking to coincide with the flow of the work. He left a space 85'x25' in the center for parking of new customers. They need the spaces in the front for the customer to have their car checked in for service. 18 cars parked on the 6000 square foot lot is not a lot of cars. Mr. Abair stated that this is an intensive use of this space and it has evolved over the years. He said, from a planning perspective there is more there than they would like to see. How do you continue the business and account for the volume of work without impinging on the zoning that is in place. This is stacking amendments onto amendments. Mr. Sheehan said he has read (all of the prior decisions) and that is why he has spent 4 months coming up with a plan that will work. Because of the way the business is, they are trying to work with the town in keeping in compliance with the license. He said he could see right away that the number of spaces on the lot is not what it should be. The property can handle the business. They are busy now and they may not be next month. They are preparing for the business they have today.

Mr. Abair asked if they can pass this with the recommendations by the Staff or do they have to have the petitioners come back. Chair Hawes said they can approve the parking in the back of 483 Pleasant Street but not the parking in the front. Ms. Fillis added that condition number one states "Conditional approval – approval of the reconfiguration and increased parking of the westerly side at the former B&M parcel from 51 to 82 and on the easterly side of the B&M parcel from 31 to 47. Approval is based upon the application, materials and plans as amended by these conditions.

Mr. Hawes said there needs to be a statement that they are not approving...or perhaps by omission. They want to state they are not approving it in the front. They can do that by conditions – that is all they are approving. By omission they are disapproving the front lot.

Jeff Brown motioned to recommend to the Board of Appeals approval of Special Permit at 483 Pleasant Street with conditions.

Peter Abair seconded the motion.
In favor

Vote: 4-0

Chair Hawes questioned whether they care or not what goes on inside 10 Bridge Street.

Jeff Brown motioned to recommend to the Board of Appeals approval of the Amendment to Special Permit at 10 Bridge Street.

Jack Zollo seconded the motion.
In favor

Vote: 4-0

Ms. Civetti clarified that they are approving the 6 additional spaces that Staff did not recommend (for auto body work inside 10 Bridge Street).

Chair Hawes told the petitioner they can go to the Board of Appeals and they have only denied the parking in the front (they approved the 6 spaces interior to 10 Bridge Street).

- **3-9 Townly Road & 1060 Belmont Street – Special Permit Finding, Special Permit & Variances**

Steve Winnick, Attorney representing Watertown Community Housing with Jennifer Van Campen, Director and two members of the board in the audience, stated that Watertown Community Housing is a non-profit organization that is dedicated to the creation and operation of affordable housing in Watertown. They recently acquired the site which is comprised of 3 apartment buildings. Under present zoning, they are characterized as multi-family 5, located in the NB zone. Each building has 6 units for a total of 18, of which two units are not technically legal. The zone used to be an apartment zone and was conforming to use and dimensions and especially to number of parking spaces and dimensional requirements. There was not a parking ordinance then. In the Townly Road building, had 4 units originally with a plan for 2 units in the basement but the two units in the basement were built out and used as a dental office from 1959 to 1974. When the dentist vacated, the units were built as regular apartments and relief was not sought. Through this project, they are seeking relief to legalize these two units. One unit is a one bedroom HP and the other is a studio.

Attorney Winnick continued by stating the renovations to the buildings are proposed at about \$1.5 million including extensive landscaping. Most of the lots, minus the buildings, are pavement. There is a principal parking lot and the rest is tandem and non-conforming parking. The existing parking is the concern for the relief needed. The

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project architect calculates the existing spaces at 23 (not according to the ordinance) and scattered amongst the buildings. The project overcame land constraints with a differential of about 2.5' and accommodates larger HP spaces and HP isles. Other existing conditions that are unique to this site and the structures are the way the three buildings and the existing parking is on the site. Current Zoning requires 26 spaces. They are proposing a maximum of 25 with variance relief for the proposed spaces that are not dimensionally conforming. He summarized that the relief they are requesting is a Special Permit Finding for changes to the non-conforming site and variances relating to the parking spaces and dimensions.

Jennifer Van Campen said this is the largest undertaking for their organization. It is important to the town and neighborhood because there aren't many multi-family properties of this type with significant size and scale that can be preserved. Someone else may have purchased it and kicked out the 18 families for perhaps luxury condos. The location is close to Waverly Square, downtown Waltham and Watertown. The unit layout is 650 square feet with 2 bedrooms, efficient and great for elders and small families. They are excited to preserve a shrinking resource - the rental housing in Watertown, which has declined with condo conversion and demolition. They are making a significant investment to an area that has declined in visual impact. She is hoping their investment will spur other investments.

Chair Hawes noted the petition states Special Permit and should be Special Permit Finding.

Ms. Fillis said Staff reviewed the proposal for Special Permit Finding, Special Permit and Variances and finds the changes are not more detrimental and meets the criteria for Special Permit Finding. Staff finds the Special Permit meets the 4 criteria for SP; the site is an appropriate location for the use; use will not adversely affect the neighborhood; will not pose a serious hazard to pedestrians or vehicles and adequate and proper facilities are provided for the proposed use. The Variance with parking as is, modified and re-stripped with the two additional spaces, appropriate facilities are provided. Regarding the variances for dimensional requirements and curb cuts, Staff finds there are not soil conditions or topography of the land that is unique to the parcel, but the shape of the parcel is peculiar and the way the buildings are sited. Also, the corner property which is not under their

ownership interrupts them and causes difficulties. Therefore, it satisfies the first criteria. Would literal enforcement create a hardship? Staff believes it would. If you were to put additional parking, it would require eliminating open space and would create a sea of pavement. The desired relief can be granted without substantial relief for the public good, Staff believes this supports this criterion. Can desired relief be granted without nullifying or substantially derogating from the intent of the ordinance and Staff finds that it can be. Staff recommends conditional approval.

Attorney Winnick pointed out typos in the Staff report. For the record, there are a total of 18 units, 16 are lawful and they are adding two (not 14 going to 16). He wanted to be sure they were approving 18 units and are seeking approval for 25 parking spaces.

Greg Watson, Director, DCDP, stated that this project uniquely meets a lot of goals, from a department perspective and community. Preservation of this type of housing stock is becoming increasingly rare and a really unique opportunity to create a development that is entirely affordable to many Watertown families. The Town has committed as much of their financial resources to this project as possible and that is a testament to the kind of goals that are being accomplished in a project like this. The Town has designated both affordable housing funds that were acquired through various tax-title acquisitions as well as some home funds through the Newton Consortium. They are continuing to work with Watertown Community Housing to use those funds to leverage additional funding through the State – whether DHCD or State low housing tax credits. They feel this meets the requested relief but goes beyond that in meeting a real community need. It is important to note that this is an opportunity to make a statement on what kind of contribution we can make to these kinds of families that can take advantage of an opportunity like this.

Mr. Brown asked about the building on the corner. Ms. Van Campen said the owner has not done anything with the building in 25 years except pay his taxes. They are in negotiations and trying to acquire the property.

Michael Sherman, 52 Knowles Road, said he has been on the Board of Community Housing since it's inception and he is also a neighbor of the property. The project serves a public purpose providing a development that is 100% affordable and an upgrade to the neighborhood. He mentioned other projects they have been involved in and their track record is to make the community better visually and through affordable units.

Jeff Brown motioned to recommend to the Board of Appeals approval of the Special Permit Finding under Section 4.06, based on the finding that it meets the criteria set out in the ordinance subject to conditions set forth in the staff report. Peter Abair seconded the motion.

Vote: 4-0 In favor

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Jeff Brown motioned to recommend to the Board of Appeals approval for the Special Permit under section 5.01, based on the finding that it meets the criteria in the Ordinance subject to conditions set forth in the staff report.

Jack Zollo seconded the motion.
In favor

Vote: 4-0

Jeff Brown motioned to recommend to the Board of Appeals approval of the Variances under Section 6.02, as it meets the criteria in the Ordinance subject to conditions set forth in the staff report

Peter Abair seconded the motion.
In favor

Vote: 4-0

Chair Hawes stated **24-28 Arsenal Street and 15 Carlton Terrace have been continued.**

- **212 Palfrey Street (Lot 333 3A 5B)**

Michael Peirce, Attorney, 60 Walnut Street, Wellesley, presented this application before the board 2-3 years ago. The Board supported the project then. They are now asking for an increase in the variance for the side lot. This site was difficult to address initially with serious drainage problems, etc. and an excavator that fell into the hole. The site now has been transformed with a beautiful home, grounds, walls, lawns and it is easy for someone to ask what the challenge was. Attorney Peirce stated that John (McGeough) and his family didn't spend this type of money and emotion to stay in Watertown if he didn't have respect for the community. He said there are people that ask for forgiveness rather than permission and the board could say (these people) don't care. He stresses that that is not what occurred here. What occurred was the change in the stairway construction – this was a part of the number of design challenges - the street might have subsided and there were slope stabilization issues.

The issues with the neighbors at the bottom of the hill were resolved. After the foundation and framing was done, it was clear there was a mis-calculation and the wall and stair systems delivered had a riser-height issue. The result is the wall system is many feet short. They couldn't traverse this grade and safely gotten to the back yard and met building code. If they had built it with what had been approved, it was a raised stairway system, substantial rail systems, close to the house, same material, attractive but more visible than what is there now. He said instead of along side the house raised, it is sunken down along the lower level of the house, hugging the ground and is more neighborly. Although this design more violates the setback than what was previously approved (right off the edge of the driveway and starts to drop down – they had to come up with a solution and they had to find a way to get to the back yard. The minuses of this design would be disrespectful and then setting a precedent – do what ever you want and this board will bless it. The pluses are why – a combination of mistake and unavoidable situation – the benefit is the new design works and it is not any worse than what was approved. Regarding the Variances, the new design meets the uniqueness and hardship criteria; does not substantially derogate – they have avoided massing problems and a stairway system that drops down and is invisible is not detrimental. He believes the board would have approved this first time around. Regarding construction issues, the fencing and wall returns, they have attempted to work out resolution. An easement could have worked out. They have a set of plans they are handing out tonight of the places where they are going to change.

Chair Hawes stated that the retaining walls off the abutting property are a legal issue and not the board's issue.

Attorney Peirce requests the board support the variance – the staff memo suggests that it meets the 4 criteria a sunken set of stairs that blends in with the hillside has a less visual impact than a set of stairs that hugged the house but out of the ground. They request to be forgiven for an issue that is partially by the site itself and partially by a design assessment that didn't work out.

Chair Hawes asked for the Staff report as this case has been reopened. Ms. Fillis said their recommendation hasn't changed from the original February 6th report where they recommended conditional approval as it meets the 4 criteria. Conditions to change are the control documents including: plot plan which removes all intrusions onto abutting properties.

Chair Hawes reiterated that the 'other three' were approved last time. He asked what they would have done initially if the board was presented with this new design – he suggests a 4' setback as it is a walkway with steps. They would have asked the abutter's opinion regarding the setback and unless there were extenuating circumstances would they have approved a variance if the direct abutter disapproved. The other items would have been granted initially.

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Mr. Brown said that the stair way was not a code issue and is not a necessity, it is a convenience. It was for their enjoyment and violated the neighbors' territory and inflicted stress. It is not an escape stair. There are a lot of ways to solve this other than what was built. Something has to be done. What happened to the fence?

Attorney Peirce said the fence is located a fraction to a couple and up to 6 inches over the line and it will be relocated totally over to their edge of the property based on the survey. They will saw off the retaining walls and pret returns so they work; they're safe and are esthetic. They are sawing off a little bit of the concrete from the steps where they are curved to create a little landscape area between the concrete and the fence. They would welcome an easement but if people feel uncomfortable, they can not enforce it. He added that if this design were initially in front of the board, the buffer zone would have been a beneficial landscape buffer as none of it would have been visible from the neighbor's property. A buffer zone doesn't work well here as it would on other sites.

Chair Hawes said that a fence is not a permanent structure the way the concrete walk is. The maintenance of the fence can be an issue. He reiterated that the retaining is going to be moved and asked the abutter how he feels about the lack of the 4' buffer zone.

Joseph Picaro, 214 Palfrey Street, said the board suggested at the last meeting that Mr. McGeough come back with the original design. The grade was raised several feet along the property line and buried his plantings and his retaining walls. The bases of his trees were damaged during construction and a tree that has healed itself over and was buried. There are 4 areas where the retaining wall is encroaching onto his property. The stairs were built without the required buffer and the encroachment of the retaining walls onto his property is trespassing. He feels limited use of his property. The stairs were put in illegally and with disregard. Mr. Picaro said Mr. McGeough told him that he told the board of the changes and that is not so. The zoning laws are there to protect abutters like him from aggressive neighbors. The board said he (Mr. McGeough) would come back with something different and it isn't different. He is still against the variance for the stairs that should be 6' away. He still feels threatened for his property.

Chair Hawes said this is the third time they have heard this and the dilemma is not what was created but the process of not informing the town and going through the normal process. He said the petitioner is well aware of the ordinances. He doesn't want to see the stairway moved back 4' and he doesn't want to approve this without penalty. He'd like this to go to the ZBA and have some sort of financial issue worked out with the petitioner. He added that a number of these cases have come to the board recently and this one is not innocent. You do not build onto your neighbor's property and to the lot line where you know there is a setback. A penalty should be involved. He said this is a town issue and some discussion could go on within the next 3 weeks. This is a town issue although it is partially an issue with the abutter. They should continue their vote from the last meeting and pass this onto the ZBA. The town has to come up with a method. We are all reluctant to have someone move something. This is not a huge hardship to the abutter and it is a bigger hardship to move this 6 inches and that will disrupt the retaining wall all over again and have a negative impact on plantings, etc. An easement which would have a monetary would have been a good way to go.

Attorney Peirce said he doesn't know enough about the process but he would rather the board abstain vs. 4 votes against it.

Mr. Zollo said that the past vote was 3-2 to approve. Chair Hawes corrected the vote as it was 0-5 to deny. Mr. Abair asked if the motion would be the same wording as the last meeting and wouldn't account for any of the suggested changes brought to this meeting. Chair Hawes said that is all in the record and would be part of the discussion. He asked how the information is transmitted to the ZBA. He asked Mr. Watson if he attends the ZBA meeting. Mr. Watson said Mr. Merkel and Ms. Scott attend. Ms. Fillis said a Planning Board report is written for the ZBA. Chair Hawes asked if there was agreement on his comment about other arrangements with the Town and suggested that she could discuss that. Attorney Peirce volunteered to work with Ms. Scott in the interim.

Chair Hawes suggested a motion in a positive light and they would vote against it.

Jeff Brown motioned to recommend to the Board of Appeals approval of the variance under Sections 4.11, 4.03(d), etc. allowing varying setbacks to the uncovered staircases and to allow the retaining wall based on the finding that it meets the conditions set out in the finding.

Peter Abair seconded the motion.

Mr. Zollo said he made a motion to reconsider and if we say nothing, he is defeated. Chair Hawes suggested voting.

Vote: 0-4 Denied.

Chair Hawes reiterated that they approved the chimney and the balcony and disapproved the variance for the stair.

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- **48 Coolidge Street**

An MS PowerPoint presentation was being set up; however, the overhead projector timed out and wouldn't connect up with the PC.

Jerry Effrem, Attorney, met with DCDP & the Police Traffic Supervisor at the suggestion of this board and submitted a report stating that they agreed with a mandatory detail during specific times or when required by the police. Their study on the environmental dust states that all piles of aggregate including sand be housed only within the concrete bins that are approved in the material storage building. These two items to be included as conditions to the decision. Also on the suggestion of this board, they contracted Peter Gouldberg of Tech Environmental who prepared a report on environmental issues including fugitive dust. They spoke with the abutter regarding issues on traffic and daily management issues including dust which is part of this operation. They are drafting a dust suppression protocol and would detail all the measures utilized in fugitive dust. Attorney Effrem noted that prior to the meeting, he and Attorney Winnick, for the Mt. Auburn Club, were able to come to an agreement.

Peter Gouldberg, President, Tech Environmental, Waltham (with 34 years of air quality experience) read from the written report presented stating that the new low-emissions dryer which heats the crushed stone used in making asphalt, will help to improve air quality. The existing burner can burn either oil or gas, whichever is less expensive at the time, however, oil fired asphalt plants produce a greater amount of pollutants than gas fired plants and they propose to use only clean, natural gas. The use of recycled asphalt pavement (RAP) eliminates up to 20% of the crushed stone that is heated in the process. According to the EPA, when RAP is part of the mix, less asphalt cement is needed. This will reduce the potential of odors that could occur under adverse weather conditions. They are not increasing the production rate at the plant, simply replacing some of the material. There will be a larger bag house, allowing for more filtering of air and will achieve EPA standards of the 'best available control technology' and in particular, the fine particulate matter (aerosol) is linked to odor and this will result in less potential odor. The taller bag house stack will allow better dilution whatever plant emissions remain. Aggregate will

maintain the water spray system to eliminate fugitive dust on windy days. A vacuum sweeper is used several days a week to reduce the roadway dust. The material storage will hold the crushed stone, etc. and away from wind. He has submitted a graph showing the EPA emissions factors and with the future emissions listed as the Particulate Matter (PM) or dust, a decline of 50% is shown from existing factors.

Ms. Fillis said the only change would be the two new conditions outlined by Attorney Effrem and the implementation of a dust suppression system, which could be added to condition #2.

Chair Hawes read from a memo from Sgt. Deignan stating that a traffic report was not necessary. The amount of truck traffic is stated as infrequent. Mr. Brown added that the report states: "Aggregate, now a full-time asphalt facility, infrequently gets busy with truck traffic. It has not been the source of any recent complaints and when they are open to provide municipalities with asphalt during January in February, truck traffic waiting in the queue can back up substantially on Coolidge Avenue." This is a contradiction to the prior sentence.

Steve Winnick, Attorney for the Mt. Auburn Club, said Aggregate initially sought approval for changes to the site administratively and without this approval process. They (Mt. Auburn Club) requested the hearing as there was not enough information presented to address traffic and fugitive emissions and odors. Aggregate has made a good faith agreement on the dust suppression and the traffic and they now support this petition provided details are worked out between now and when the ZBA meets (on April 30th).

Jeff Brown motioned to recommend to the ZBA approval of the Amendment to Special Permit under Section 4.06(a) as it meets the requirements subject to conditions set forth in the staff report

Jack Zollo seconded the motion.

Vote: 4-0

In favor

Jeff Brown motioned to recommend approval of the Special Permit Finding under Section 4.06(a) as it meets the requirements and provided the protocol is worked out prior to the ZBA.

Ms Fillis added that the first condition is to do with traffic and the second is about storage of the materials and the third is about suppression.

Peter Abair seconded the motion.

Vote: 4-0

In favor

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- **149 Grove Street:**

William York, Attorney for Hanover Residential/Hanover Company stated that David Hall has just distributed copies of the plans with the changes. This is the third meeting with this board and the comments that the board and neighbors have made are added to the plans as well as the positive staff report. Relief is for Special Permit/Site Plan Review for a use that is promoted in an I-3 zone. The plan is in compliance with the dimensional criteria of the ordinance, replaces a heavy trucking use, incorporates dressing up the corner including the building on Coolidge Hill Road. It is a high-quality residential use, fits well into the site, provides a green corridor which will unify a pedestrian walkway and compliment the building. The setback from the corner directly impacting the three houses up from Grove Street was at 60' and is now 40' beyond that and the building is setback an additional 5' from the requirements of zoning and the setback gets larger the further you go into the property. Mitigation concerning the traffic studies, peer review, etc. on Grove Street is busy traffic wise and the subject of traffic studies, peer reviews and intersection and roadway improvements will be done in this area. They will continue to work with Senator Tolmans' office on getting the Greenough extension intersection funded and the Senator and Ms. Kounellis are dedicated to that project. Other benefits are long term annual tax benefits; money invested into the site and community up to \$70 million and an improvement to the homes in the area and in the industrial zone, in general. The shadow studies have shown a minimal impact and will benefit more from the additional changes. The proposal is a win-win situation.

David Hall reviewed the plans submitted in detail; how the building rotated a few degrees and is now angled to follow Grove Street, creating a wider drop off area, further from Grove Street. The red area shows what was taken away from the Grove Street and Coolidge Hill corner and the blue shows the addition from the prior plan. The differences in setbacks at various points on the Coolidge Hill side show how the building is pulled back 3' – 5'. The tables show the 39.1' that the building has been set back since the beginning of these meetings. They can not reduce the building further in size or units – it is a matter of economics and is driven by the cost of the parking. They have been responsive to the requests and they will be open to façade treatments, parapet heights and other changes that help with the sense of reduction in scale.

Mr. Watson said the Staff has continued to work with the petitioner and they have been as responsive as they are able to be. The sense is that most in the room would like a smaller project and the Petitioners have tried to at least reduce the perception of the impact of the mass of this structure. The petitioner has come back to the board with changes at each subsequent meeting and they have gone as far as they are able with the exception of some suggestions the board may have on addressing the Coolidge Hill elevation – articulate the façade further and apply more visual interest that breaks up the mass of the substantial wall.

Chair Hawes asked about substituting the two B4 units with B1's. They can be 35' in width vs. 45' and pull the elevation at the corners in. There would still be the same number of units. You can't change the control plans and the outside is more of a concern than is the inside.

John Arasian, 43 Bailey Road, said they have been here 3 months and they have asked for a reduction in the size of this project. What has changed has been minimal - the project is too large for the site and out of scale with the neighborhood. He cost of accumulating these parcels may have created this massing, but the town nor the neighborhood should have to bear the burden of that. Increased density is what this project is bringing.

Alyson Kericuzian, handed in a shadow study done by...which showed the homes being in shadow during certain seasons at specific times. Also the impact of the noise. She is representing 6 people (each stood up at the meeting).

Angie Kounelis, massive, wants #units reduced. The developer is has not designed a building for this specific site. The height of the building and the air handlers need further consideration.

Marilyn Devaney, the developer is from Texas and will be committed to this site for only 2 years then they are gone. She is concerned with the shadowing; losing classification base, and losing the people of Watertown.

Tim Eaton, Union Carpenter is in favor of the project.

Tom Standpope is in favor of the project.

Chair Hawes reiterated that the issues are density, parking underground vs. above ground with no shadow effect.

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Anne Donnelly, Traffic, noise

Mr. Brown, where is the financial proof that 169 units are required vs. a lower number of units. Bedrooms with no windows, 7' from retaining wall, shadowing, density, too large, noise of A/c on roof top, but within zoning ordinances.

Jeff Brown motioned to recommend to the Board of Appeals approval of the SP/SPR as it meets the requirements of Ordinance.

Mr. Abair seconded the motion.
Abair for

Vote: 1-3 Peter

Hawes, Jack Zollo, Jeff Brown

John

against

Chairman John Hawes adjourned the meeting at 10:15 p.m.

MEETING ADJOURNED: 10:15 PM MINUTES APPROVED:

For more detailed Minutes see tapes dated 4/9/2008 available in the DCD&P office