

## WATERTOWN PLANNING BOARD

DATE: September 10, 2008 PLACE: Lower Hearing Room TIME: 7:00 PM COMMENCED:  
7:00 PM

PURPOSE OF MEETING: Regular Monthly Meeting

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

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

### ADMINISTRATIVE BUSINESS

Jeff Brown motioned to approve Minutes of 7/9/08 meetings.

Jack Zollo seconded the motion.

VOTE: 4-0 In favor

### CASE PENDING

- **127-129 Evans Street;** Ani & Jak Eskici – Variance

Ken Leitner, Arty, the petitioner is proposing to raze 2-story open rear porch and rebuild the first floor porch to 6'x18' and the second story porch to 8'x18'. It will create a 3' space between the porch and the existing garage, where 10' is required. This is an undersized lot, the lot coverage will increase from existing 40% to 41% where 25% is allowed.

Danielle Fillis, the planning staff recommends an approval of the petition, all criteria for granting of a variance have been met. If denied, hardship will be created. There is no substantial detriment to the public good.

Linda Tuttle-Barletta motioned to recommend to the Board of Appeals approval of the Variance under Section 5.04 & 5.00(e) based upon the finding that it meets the criteria set out in the Zoning Ordinance subject to conditions set forth in the staff.

Jack Zollo seconded the motion.

VOTE: 4-0 In favor

- **65 Main Street;** Bruce Martin, VP, MetroPCS – Special Permit

Adam Braillard, Arty, the property is located in commercial district (CB) and the proposed use for a wireless telecommunication facility is permitted in the area, MetroPcs is a new telecommunication company. The building is used as an Armenian Library. We are proposing to install 6 panels to be located within the rooftop. The antennas will be painted to match the building. The equipment cabinets will be placed towards the center of the rooftop. Height is about 10' above the rooftop. Antennas will be concealed within the vent pipes.

Danielle Fillis, the equipment is not located on a residential structure, this is an appropriate location. It does not exceed the height limitation. The equipment does not generate any noise, or any traffic trips. The staff recommends an approval of the special permit.

Jeff Brown, the equipment is substantial, the equipment needs to be setback from the roof line and properly concealed.

John Hawes, we have had many such applications in the past. The plans presented tonight are not acceptable, it is important to see elevations of the structure and the placement of the equipment.

Adam Braillard, we have elevation and 3-dimensional drawing that are being submitted tonight.

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Linda Tuttle-Barletta motioned to recommend to the Board of Appeals approval of the Special Permit under Section 5.13 & 9.05 based upon the finding that it meets the criteria set out in the Zoning Ordinance subject to conditions set forth in the staff report with additional condition #10 that the penthouse paint would match the existing structure.

Jeff Brown seconded the motion.

VOTE: 4-0 In favor

- **531 Main Street (Union Church);** Robert Dotson, President, Omnipoint Communications/T-Mobile – Variance

Brian Grossman, representing T-Mobile, the company is looking for a use variance under the telecommunication act to install 3 panel antennas to be mounted within the existing bell tower. The property is located in a residential neighborhood where such a use is not allowed. The antennas will be mounted outside of the existing bell tower columns. The antennas cannot be fully concealed, but they will be painted. There is a gap in coverage in the area and this is the tallest structure. The relief can be granted without any detriment, there is no impact on traffic or pedestrians.

Danielle Fillis, because of the telecommunication act, this structure is a logical place to place the equipment. Hardship would be created if there was literal enforcement of the Ordinance. Equipment will be concealed and will not exceed the maximum height. Staff recommends approval.

Jeff Brown, the plans show stairs, will there be an access? What is the color of the antenna? The antennas are not placed symmetrically.

John Hawes, will the antenna be wider then the columns? Could they be placed inside the tower?

Linda Tuttle-Barletta motioned to recommend to the Board of Appeals approval of the Variance under Section 5.13, 9.14 and 9.15 based upon the finding that it meets the criteria set out in the Zoning Ordinance subject to conditions set forth in the staff.

Jack Zollo seconded the motion.

VOTE: 4-0 In favor

John Hawes, as of September 8, 2008, Mr. Steve Magoon is the new Director of Community Development & Planning.

- **105 Coolidge Hill Road & 165 Grove Street;** Roberto Huet, President, Aggregate Industries – Special Permit Finding

Steve Magoon, Director of Community Development & Planning, the staff report dealt with this application as written. The Planning Board has some options to consider tonight:

1. Hear from the applicant and the opposition and then make a recommendation to the Zoning Board of Appeals
2. Not make a finding based on the assumption
3. If the Planning Board wants more information and analysis, the petition should be continued.

We have discussed the petition briefly with the Town Attorney, and it was suggested that the Board not follow up tonight.

John Hawes. The neighbors/abutters are here tonight. The presentation will be made tonight and the Board will decide later.

Jerry Effren, Arty, we are seeking to reestablish historical use of the property under Section 4.06(a). We are proposing to re-purchase the premises from RK Associates who purchased the property in

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partnership with Hanover Limited Partnership. Their petition to construct housing was denied. We are proposing to use the site as a cement ready mix newer plant. Aggregate Industries-Northeast Region has used the site until 2007 when it was sold to RK. The original property

was larger, now we will only occupy smaller portion. There is no fuel storage, no large office building, just a trailer. The impact on the neighborhood will be reduced.

Don Meyer, Eng., number of buildings were scattered at the site and large storage were placed. The plant will now be more compact. Coolidge Hill entrance to the site will be closed and the site will be fully connected to the town utilities. We are proposing water management for the site and have contacted DPW regarding curb cuts.

Wayne Tan, Aggregate, the facilities are more compact and very few trucks will be parked on the site. All trucks will continue to the main facility in Waltham. We recycle all the water, this plant has 2/3 capacity of the former plant.

Danielle Fillis, the staff evaluated the facility on the basis of nonconforming use as determined by the Zoning Enforcement Officer. The proposed use is no more detrimental than the existing nonconforming use. This is a much smaller site, with one curb cut to be removed. The request is not substantially more detrimental and staff recommends approval.

Dennis Lydon, Aggregate Industries, the conveyer is placed near the trailer, it is not a very noisy piece of machinery. The trucks will get loaded, and before they exit the property, they will get rinsed. The only noise will be truck generated, other sounds will be contained within the site. The truck traffic pattern does not allow for us to move the pad. All the bins containing the cement are covered, this is a very different process from the previous use. We are proposing a 10 foot landscape area near the Coolidge Hill Rd.

John Hawes, a wall similar to walls on the express way could be build between the site and the residential area,

Alyson Karakouzian, 143 Grove St, we did not hear anything about the air quality and we are asking the petitioner to provide a study. The previous plant covered our homes with dust. Is the loading area and the conveyer belt covered? We did not receive any communication from Aggregate prior to this hearing. We would prefer trees instead of a wall.

Dennis Lydon, the bins are covered on 3 sides and dust collection system will be installed. The conveyer belt will be partially covered. This is only a satellite plant. The hours of operation are 24 hours a day, 6 days per week.

Don Meyer, the entire site will be fenced in and the slope will be filled and safety fence added. The existing residential homes are at elevation 100, the plant is located at elevation 65. The entire site is flat.

John Hawes, do we need more information? Are there environmental reports that we should request? Watertown has been very accommodating to mixed uses.

Angie Kounelis, District A Councilor, for a number of years we have wanted this use to go away. The residential proposal that came before us last year had too many units. Many issues still need to be addressed, such as how many trips per day and the 24 hour operation. Grove Street is now repaved and it is important for the trucks to be properly rinsed. This property is a direct abutter to Phillipello Park

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and security needs to be provided. What are the delivery hours and which route will trucks use, they should not be allowed in residential areas.

Brian Levy, Counsel to Proprietors of the Cemetery of Mount Auburn, this hearing should be continued to allow the planning director to research the abandonment issues. What is the proper interpretation of the Bylaw? Watertown has not amended its Bylaw to pick up language from Section 40A(6). We have provided a chart to summarize the difference between Chapter 40A Section 6. Section 6 is designed to minimize nonconforming uses. This property was sold to RK on February 10, 2005. The cleanup of the site shows that they are trying to abandon its nonconforming use. The new application was filed on July 18, 2008. We urge the Board to strongly condition this permit for environmental compliance, we are asking the Board to continue the petition as presented tonight.

Jerry Effron, Section 40A preserves land owner's rights. This Board is well qualified to rule on this application. The ZBA ruling can be subject to a challenge, the PB decision is not. The issues should be dealt with before going to ZBA. Aggregate Industries would prefer to respond

to the comments and then move on to ZBA. This matter should be continued to allow the PB staff to work on these issues.

John Hawes, the site is now empty. We should continue the petition to allow the town attorney to research the issues. The petitioner needs to speak to the neighbor.

Angie Kounelis, the Attorney General office reached a settlement with Aggregate Industries which resolves alleged violations of the Mass Clean Air Act. The company must pay a \$587,000 civil penalty, \$75,000 of which will be waived if the company complies with the terms of settlement. We can only move forward. Regulations are now more stringent, this is a very dense community.

Linda Tuttle-Barletta motioned to continue the petition until the next meeting of the Planning Board to allow the petitioner to provide more information and the town attorney to do more research.

Jack Zollo seconded the motion.

VOTE: 4-0 In favor

- **183 Grove Street & Parcel #1505-2A-0;** David Barnett, Acting President, Proprietors of the Cemetery of Mount Auburn – Appeal of the Determination of the Zoning Enforcement Officer

Linda Tuttle-Barletta motioned to continue the above petition until the next meeting of the Planning Board to allow the petitioner to provide more information.

Jeff Brown seconded the motion.

VOTE: 4-0 In favor

Chairman John Hawes adjourned the meeting at 9:10 PM.

MEETING ADJOURNED: 9:10 PM MINUTES APPROVED: \_\_\_\_\_

For more detailed Minutes see tapes dated 9/10/2008 available in the DCD&P office.