

## **WATERTOWN PLANNING BOARD**

DATE: October 15, 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 7:05 PM.

### **ADMINISTRATIVE BUSINESS**

Jack Zollo motioned to approve Minutes of 9/10/08 meetings.

Linda Tuttle-Barletta seconded the motion.

VOTE: 4-0 In favor

John Hawes stated, the petition for 183 Grove Street has been withdrawn. We have received a request to continue the petition for 105 Coolidge Hill Road/165 Grove Street to the next meeting of the Planning.

Jack Zollo motioned to continue the petition for 105 Coolidge Hill Road/165 Grove Street to November 12, 2008 meeting.

Linda Tuttle-Barletta seconded the motion.

VOTE: 4-0 In favor

### **CASE PENDING**

- **65 Shattuck Road;** Steve Shavell – Amendment to Special Permit Finding

Henry Wessman, Architect, the petitioner has received a variance and special permit finding in 2006 for attic alterations to construct two dormers. We are asking to amend the permit to extend the existing shed dormer by 9' toward the rear of the house. A letter of support from the abutter has been submitted.

Danielle Fillis, the staff reviewed the request. The proposal is not substantially more detrimental than the existing use and the staff recommend approval with conditions.

Linda Tuttle-Barletta motioned to recommend to the Board of Appeals approval of the Amendment to Special Permit Finding #06-35 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

- **16-18 Myrtle Street;** Patricia Martocchia – Amendment to Special Permit, Special Permit Finding and Variance

Mel Martocchia, Brother-in-law and a member of the Historical Commission, the architect is out of Town and I am here to present the request for amendment of the original permit #06-07 granted on April 5, 2006. The request is to allow the placement of the retaining wall on the property line, whereas the approved plans have placed it at 4' into the property creating a 4' buffer to the property line. The property contains 4 townhouses with garage under, this change would allow access to the unit 1 garage. A mistake was made and the wall was removed. By removing the wall we have caused damage to the trees on the abutter's property. This placement of the wall will allow the cars to turn into the garage and more space for snow removal. The original plan also had one space behind garage #1. Some changes are visible only when you start the construction. If the space stays, even vehicles exiting from garage #2 will not be able to back out. The owner had problems with the original contractor. The new contractor has improved the situation. Landscaping plan is showing trees along the property line that will provide buffering.

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Danielle Fillis, the planning staff reviewed the request especially the rear yard setback and changes to the original control plans. The literal enforcement of the Zoning Ordinance would cause substantial hardship. The request for amendment may be creating hazardous environment. Trees have been damaged. The criteria of the Zoning Ordinance have not been met and the staff recommends a denial.

John Hawes, the original design was not very attractive, this proposal seemed to improve that

Jack Zollo, what will happen to the trees since the roots have been damaged?

Mel Martocchia, the petitioner will be responsible for the damage, we will work it out with the abutter. We have tried to hire an arborist.

David Henley, 19 Middle Street, I am a direct abutter and there are more issues. The other wall was already taken down. As proposed, this will not be a buffer, it will collect trash, etc. The petitioner is offering to come 3 feet onto my property and add landscaping. We are against this proposal. The wall was removed Tuesday afternoon after discussing it Sunday before. The Zoning Board of Appeals decision states that the snow will have to be moved from the site. The original petition was asking for 4 spaces also but the Boards have refused to grant it. The cars will be parked closer to my property if this proposal is allowed. We should not suffer because the design is poorly made. The original property was in a very bad shape, we were told that if they did not get the 4 townhouses, it would stay as it is. The original plan also showed a fence. The landscaping for the 4' buffer would have provided some privacy and sound buffer. Our trees have been damaged, we do not support this proposal.

Lorraine Henley, 19 Middle Street, our family has owned the property since 1953. As my brother stated many the townhouses have not been built according to the control plans. The rear decks have been moved, the decks at the middle units had decks next to each other. We relied on the architect and the Boards. To take away the buffer would be extremely detrimental to us. The trees are over 100 years old and about 100 feet tall. This request is after the fact, and too little too late. Everything happening with this project is a problem, we will not give up part of our property as the petitioner's buffer.

Mel Martocchia, we cannot proceed with any improvements until the Board approve. The amendments. The original structure was almost at the property line. The abutters park their vehicles at the property line.

John Hawes, the rear decks seem to be moved and enlarged, this issue has to be addressed also. This is a sad situation, we had similar issues before. We can continue the petition to the next meeting to allow the petitioner to speak with the abutters. The tree needs to be pruned and look at immediately.

Linda Tuttle-Barletta motioned to recommend to the Board of Appeals approval of the Amendment to Special Permit, Special Permit Finding and Variance #6-07 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: 0-4 Against

- **575 Mount Auburn Street;** Peter J. Kaloostian – Amendment to Special Permit

Mark Styles, this is a proposal to construct a sunroom addition to the existing restaurant. This will increase the seating capacity from 29 to 59. There will be no negative impact on the neighborhood. The proposal will not have negative impact on the neighborhood.

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Danielle Fillis, staff reviewed the petition and made a determination that the proposed change would not be substantially more detrimental. One curb cut will be closed and additional landscaping will be provided. The petitioner will submit a new landscape plan. Any signage changes will need approval. Staff recommends approval of the petition.

John Hawes, the property is already completely paved. I am concerned with one parking space near the fridge.

Mark Styles, that parking space will be used by the owner only.

Anthionios Kapadouakis, owner of 15-17 Melendy Avenue, we are very concern with the very large trees in the rear of the petitioner's property that have branches hanging onto our land. The property line of this business is on higher ground and a retaining wall needs to be placed to prevent debris falling onto our property. The entire petitioner's backyard needs to be cleaned up.

Sophia Kapadouakis, there is no retaining wall in the rear and our property is being damaged. We ask that the trees be trimmed and retaining wall build.

Peter Kaloostian, we have owned the property for 50 years. I will cleanup the backyard but everyone needs to pickup the leaves. We got an approval on the parking based on the number of seats. We are not open after 2 PM and we will place a chain around the parking lot. I will have landscaper to check the trees in the backyard. I have received a certified letter from the abutter regarding branches falling on cars parked in the rear yard.

Deborah Peterson, according to the Zoning Ordinance, if there are more than 15 parking spaces, bicycle parking area is required. It does not show on plans submitted tonight.

Linda Tuttle-Barletta motioned to recommend to the Board of Appeals approval of the Amendment to Special Permit Finding #97-35 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 conditions that bicycle parking be provided, the rear yard be cleaned-up and landscape plan be submitted to the staff..

Jack Zollo seconded the motion.

VOTE: 4-0 In favor

Chairman John Hawes adjourned the meeting at 8:30 PM.

MEETING ADJOURNED: 8:30 PM MINUTES APPROVED: \_\_\_\_\_

For more detailed Minutes see tapes dated 10/15/2008 available in the DCD&P office.