



TOWN OF WATERTOWN

Board of Appeals

149 Main Street

Watertown, MA 02472

Harry J. Vlachos, Chairman
Melissa M. Santucci, Clerk
Stuart J. Bailey, Member
Deborah Elliot, Member
David Ferris, Alternate
Suneeth P. John, Alternate

Telephone (617) 972-6428
Facsimile (617) 926-7778
www.watertown-ma.gov

MINUTES

On Wednesday evening, **September 29, 2010** at 7:00 p.m. in the Council Chambers on the second floor of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Harry J. Vlachos**, *Chairman*; **Melissa Santucci**, *Clerk*; **Stuart Bailey**, *Member*; **David Ferris**, *Alternate Member*; **Suneeth P. John**, *Alternate Member*; **Steve Magoon**, *Director, Community Development and Planning*; **Louise Civetti**, *Clerk to BOA*. *Absent: Deborah Elliott, Member; Nancy Scott, Zoning Enforcement Officer; Danielle Fillis Evans, Senior Planner.*

Chair Vlachos opened the meeting, introduced the board and staff, and swore in the audience. He noted Member Elliott will be absent and both alternates will be voting.

Chair Vlachos suggested they wait until the end of the meeting to vote on the officer positions and asked for a motion on the first agenda item, approval of the July 28, 2010 minutes. Ms. Santucci motioned to accept the minutes as printed; Mr. Bailey seconded; Voted 5-0, approved.

Ms. Santucci read the first legal notice:

D. Michael Anctil, 50 Winter Street, Watertown, MA 02472, herein requests the Board of Appeals grant a **Special Permit Finding** in accordance with §4.06(a), Alts/Additions to Non-conforming Structures, Side Yard Setbacks, Zoning Ordinance, so as to enclose portion- 12' long- of existing 4.8'x16' northerly open side porch, maintaining existing non-conforming side yard setback of 3.9', where 12' is required at **50 Winter Street**, located in the T (Two-Family) Zoning District.

D. Michael Anctil presented his case stating that he wants to enclose a portion of the porch to provide a sound building envelope. He will add storm windows and a door. Mr. Ferris asked if the shrubbery will remain. It will. No one spoke from the audience. A business mode was determined. Mr. Vlachos read from the Staff and Planning Board reports recommending approval. Ms. Santucci commented that it appeared to be straightforward and minimal work.

Ms. Santucci motioned to grant the request for a special permit finding by enclosing this porch. Mr. John seconded. Voted 5-0, Granted.

Documents Viewed: Plot Plan "Proposed Plot Plan #48-50 Winter Street in Watertown, MA" prepared by Rober Survey and dated 8/19/2010; and the elevations "50 Winter Street 3 Season Porch Proposal" created by Michael Anctil (owner).



TOWN OF WATERTOWN

Board of Appeals

149 Main Street

Watertown, MA 02472

Harry J. Vlachos, Chairman
Melissa M. Santucci, Clerk
Stuart J. Bailey, Member
Deborah Elliot, Member
David Ferris, Alternate
Suneeth P. John, Alternate

Telephone (617) 972-6428
Facsimile (617) 926-7778
www.watertown-ma.gov

MINUTES

On Wednesday evening, **September 29, 2010** at 7:00 p.m. in the Council Chambers on the second floor of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Harry J. Vlachos**, *Chairman*; **Melissa Santucci**, *Clerk*; **Stuart Bailey**, *Member*; **David Ferris**, *Alternate Member*; **Suneeth P. John**, *Alternate Member*; **Steve Magoon**, *Director, Community Development and Planning*; **Louise Civetti**, *Clerk to BOA*. *Absent: Deborah Elliott, Member; Nancy Scott, Zoning Enforcement Officer; Danielle Fillis Evans, Senior Planner.*

Ms. Santucci read the legal notice:

Anne M. Smith, 121 Grant Avenue, Watertown, MA 02472, herein requests the Board of Appeals grant a **Special Permit Finding** in accordance with §4.06(a), Alts/Additions to Non-Conforming Structures, Rear Yard Setback, Zoning Ordinance, so as to construct a rear shed dormer, 33.5' x 12', maintaining non-conforming rear yard setback of 10.5' – 16.8', where 20' is required at **121 Grant Avenue**, located in the S-6 (Single Family) Zoning District.

Anne Smith stated that she is looking to add a shed dormer to provide for a bathroom to the upstairs and extend the bedrooms. She sleeps upstairs and would like a bathroom up there.

Ms. Santucci asked if there is anything unusual. Ms. Smith said there isn't.

Mr. Ferris asked if they had considered building the dormer about a foot in to make the roof line stronger. Ms. Smith had not considered that. She will do whatever the town tells her to do.

Mr. Ferris asked if they will be able to match the vinyl siding at the top rear. Ms. Smith said they will.

No one spoke from the audience and a business mode was declared. Mr. Vlachos read from the Staff and the Planning Board Report, where both had recommended approval based on the finding that the dormer will not be more detrimental than the existing non-conforming dwelling.

Ms. Santucci motioned to grant the special permit finding for the dormer, maintaining the non-conforming setback. Mr. Bailey seconded. Voted 5-0. Granted.

Documents Viewed: Plot Plan "Plot Plan of Land in Watertown, MASS Map 534, block 1, Lot 54" prepared by PFS Land Surveying and dated 6/21/2010; and the architectural elevations prepared by Elizabeth Cole Architecture and dated September 1, 2010.



TOWN OF WATERTOWN

Board of Appeals

149 Main Street

Watertown, MA 02472

Harry J. Vlachos, Chairman
Melissa M. Santucci, Clerk
Stuart J. Bailey, Member
Deborah Elliot, Member
David Ferris, Alternate
Suneeth P. John, Alternate

Telephone (617) 972-6428
Facsimile (617) 926-7778
www.watertown-ma.gov

MINUTES

On Wednesday evening, **September 29, 2010** at 7:00 p.m. in the Council Chambers on the second floor of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Harry J. Vlachos, Chairman; Melissa Santucci, Clerk; Stuart Bailey, Member; David Ferris, Alternate Member; Suneeth P. John, Alternate Member; Steve Magoon, Director, Community Development and Planning; Louise Civetti, Clerk to BOA. Absent: Deborah Elliott, Member; Nancy Scott, Zoning Enforcement Officer; Danielle Fillis Evans, Senior Planner.**

Ms. Santucci read the legal notice for this Continued Case:

Carmen DeMarco, SAI Communications, Inc., on behalf of T-Mobile Northeast, LLC, 231 Newbury Street, #3, Boston, MA 02116, herein requests the Board of Appeals to grant a Use **Variance** under 1996 Federal Telecommunications Act (TCA), **Variance** from §5.13(a)1, Prohibited Zone -Two-Family (T District); §5.13(a)2, Prohibited location on residential structure and less than 50' from residences, Wireless Telecommunications Facilities, Zoning Ordinance, so as to allow three (3) panel antennas within proposed faux chimney atop residential building and BTS equipment cabinets within basement/storage lease area at **240 Waverley Avenue**, located in the T (Two-Family) Zoning District.

Brian Grossman, Attorney with Prince, Lobel, Glovsky & Tye LLP representing T-Mobile, and covering for Attorney Scott Lacy who has a scheduling conflict, said that there were three items the board requested to be addressed from the last meeting:

1. How would access to the antennas from within the building be handled? There is no access from within the building. The access would be limited and rarely accessed. Routine maintenance is from the equipment room. If there is a need to get onto the roof, a bucket truck with the appropriate (police) details and OSHA requirements; however, there is rarely ever a need to access the antennas themselves.
2. The second item was an un-redacted copy of the lease. They take all requests from the board seriously but the lease provides confidential and proprietary information regarding its dealings with the landowner and their request to reveal financial terms is part of that. He said that the issue raised was regarding the income stream from the wireless antennas vs. the rental income which the landlord could then lower the rent significantly and that would be undercutting other rents in the area and lead to a depression in the rental market. Chair Vlachos added that it would have a negative effect on properties in the area and it would cast a financial shadow. Atty. Grossman said that the revenue stream from this is not so overwhelming. An example was 462 Mt. Auburn Street having T-Mobile, Clearwire/Sprint and MetroPCS – the ratio is similar to this at 6 units per installation. He has not experienced that a rental stream from wireless is so significant that they cut the rental of the residential units. He said a 4 unit building and the market share it occupies would not expect to cause a ripple effect in a community. Mr. Vlachos argued that a property that has been foreclosed on doesn't have the grass cut and is in disrepair and someone selling a property in the area would be affected by it – one structure does have an effect. Mr. Grossman said the wireless rental stream will not be the dominant income – the rental stream will be. Mr. Vlachos said he doesn't know if it is or isn't the dominant rental because they will not disclose that information and that is an issue. Ms. Santucci asked if they could give some figures of a single installation at this height that provides this coverage. If the elevation is at 150' on a monopole, the person would be charging a significant amount of money. This is not covering a large area, is this around \$1500? An average apartment in Watertown is around \$1500 a month, times 4 units. Mr. Grossman commented that without giving away trade secrets...Mr. Vlachos asked what is so secret – real estate companies disclose rental income all over town or appraisals, etc. Mr. Grossman said that this is not unique – T-Mobile; they are just not able to disclose this information. He said if the rental income of

the 4 units totals \$6000, this will be much less than that. RFP's would be able to disclose that information – above market rate would be \$2000 - \$3000. Generally, they are viewed as supplemental income. The dominant rental stream is the primary use and in this case, the apartment rental. Mr. Vlachos asked why it is a big secret then – could someone start up a telecommunications company because they heard at the Watertown Zoning Board meeting how much is being paid. Mr. Grossman continued to argue that the information is considered confidential by all carriers and it is different in an urban area with more population and use as opposed to a rural area, etc. Mr. Vlachos said he doesn't have enough information to give a positive vote on this case. This is an important aspect of it for a four unit residential structure – we have not granted a wireless permit on a small residential structure – you are changing the residential property to a commercial venture. Mr. Grossman said he doesn't actually know the amount as it doesn't really matter but he would guess it is less than \$3000 a month. If the concern is the upkeep, the landlord could let the property go anyway. Mr. Vlachos asked if there would then be more carriers at the same spot, the income stream would be from the antennas. Mr. Grossman said that there is a structural load on that building that would have to be considered and the board cannot use the possibility of future carriers as...the economics of the income stream are not significant to the owner. There is a significant gap. Ms. Santucci asked if Mr. Leone (representative for owner) was in the audience – he is not.

3. The sites that were requested by the board to have comparable coverage maps (and were included in Mark Hutchins report) are: 9 Lowell Avenue, 212 Waverley and 268 Orchard Street (Fire Station). Mr. Grossman handed out the coverage maps to each board member. He then reviewed each site and clarified that each of these sites – 212 Waverley is a one-story commercial building and is 20' lower than the proposed site and would need to have a 50' level, architecturally, anything would need to be 2 ½ times as tall as the original or at least 30' and would need a tower. 268 Orchard Street is a little taller than one-story but is 10' lower than this site and it would require a tower and the fire station would require an RFP. 9 Lowell Avenue is an apartment building at 2-story – the landowner is not interested and would require adding at least half the height of the building to reach the height required. This one site is the only feasible site to provide the coverage needed and that has been confirmed by the independent RF Engineer.

Mr. Vlachos asked what forms of relief they are seeking – The submission requested relief for a Special Permit under 5.13 and 9.05; a variance for a setback and a variance for use under TCA and an extension of a non-conformity - 4 forms of relief. Mr. Grossman confirmed and stated that the height of the building requires relief due to the chimney extending above it. Mr. Vlachos confirmed that it isn't just a use variance under the Telecommunications Act. He said that he is within his purview to ask about the rental issue as it would have an adverse effect on the neighborhood – he asked if this is a legitimate inquiry. Mr. Grossman said he is not sure of the concern – is it the income from the wireless facility or the existence would alter the economic...

Mr. Vlachos said the two streams of income – one strictly commercial and one residential – an odd couple as it is only a 4 unit building could affect the use of the property as a residential property. The commercial use could be so valuable that it would have a harmful effect on the residential use. Mr. Grossman said there are commercial uses in the area, across the street. He does not believe that the way Mr. Vlachos framed his question – the economics of one use may overwhelm the economics of another use that may have an effect on other uses in the area. He gave an example of putting a Wal-mart in the area and the traffic is going to cause problems in the area, which you can look at. You can not value one economic use against another use. Mr. Vlachos said if the first floor were going to have a barber shop and a dog grooming kennel, the residents would be concerned. This is a commercial use. Mr. Grossman said it is not the same type of commercial use. It is not a manned site, etc. Mr. Vlachos asked if it is generally looked at to have more than one carrier on one site. Mr. Grossman said you can have horizontal or vertical separation between carriers – on this structure the chimney that they are proposing is appropriate and another carrier would need to go higher and it would not be appropriate aesthetically. Horizontal separation typically requires carriers in a similar band like Sprint or another carrier at 1900 MHz, they cannot plant their facility next to theirs and inside the structure are mounting apparatus, etc. it would block t-mobile antennas. There are limited options with roof space not extensive; the issue of multiple carriers would have to be addressed at the time they are presented.

Mr. Magoon added that the last application before the board did not have an alternate site analysis because the Planning Board recommended they seek sites with an existing facility. The town is encouraging co-location. Mr. Grossman stated that they look at that site first but it may not fit the criteria. There are still design limitations.

Anne Miller stated that at the last meeting, they presented a petition with over 100 signatures with objections – if this is put in one residential building what is to stop them from going onto other residential buildings. It doesn't help the neighborhood in any way – only the people owning the building will benefit. It should go into a commercial building. It is establishing a precedence that should not be allowed. Mr. Ferris asked her if she would prefer an 8' chimney as opposed to a 20' structure on top of the fire station. Ms. Miller said she understands but what is to prevent other companies from coming into any section of town and she thought there was going to be a limit to the amount of antennas in the town. Mr. Vlachos said there are a lot of antennas in the town but this is a separate issue. Ms. Miller said again that they are trying to prevent it from coming into single, two, and three family homes.

No one else spoke from the public.

Mr. Grossman said he doesn't know how else to address the economic concerns. T-Mobile has provided the RF Engineer's affidavit with 23 alternative sites and the consultant agreed. This is the only feasible site to address the significant gap in coverage.

Mr. Vlachos asked why the Legal Notice only addresses the use variance as opposed to the other 3 forms of relief. Ms. Civetti said that Carmen DeMarco, SAI, had submitted the case initially and there was question at that time on regarding what relief she was requesting. (The first request had SP, VAR, SPF, TCA VAR). Ms. Santucci stated that there is a different legal ad that she read. Mr. Magoon said that this is a Special Permit and a Use Variance. Mr. Vlachos said the other legal ad does not mention a Special Permit.

Mr. Magoon asked if T-Mobile has facilities on low density structures like this one. Mr. Grossman said that he cannot think of a couple but he cannot think of a specific site. Mr. Magoon asked what would prevent this from becoming to a preferred a site. Mr. Grossman said they would have to show a significant gap; a feasibility study; the permitting process, etc. each application is looked at individually. You need vertical or horizontal separation – the band they occupy requires physics not technology.

Mr. Bailey asked if they could close the gap using two other sites instead of this one site. Mr. Grossman said that could happen but they would still require this location.

Chair Vlachos declared a business mode.

Mr. Vlachos reviewed the file: Petition to object to wireless facilities on single and two family homes. He believes this is a factor to be considered. The Planning Board met on July 22nd and voted 0-4 to deny. The Staff recommended to approve it.

Mr. Ferris asked what basis we have to deny it other than aesthetics. Could the town say they cannot have this type of installation on less than a twelve family? Mr. Magoon said it cannot be. Mr. Vlachos said although we do not have an ordinance that states that, all options are open for consideration. Mr. Vlachos added that this request is for a special permit not just a (TCA) variance. Mr. Ferris asked if Mr. Grossman identified the ratio of income from the facility vs. the rental, would that make a difference. Ms. Santucci suggested a percentage would be helpful if the owner were here. Mr. Vlachos again reiterated his concern for the income generated from a commercial enterprise changes the nature of the property and the neighborhood, it can be the first step in the deterioration. Heath issues are not a concern for us but a lot of people perceive it that way and that would affect values.

Mr. Ferris asked if the owner knows how many neighbors were against this. Ms. Santucci said he lives right next door. Ms. Miller said she hasn't seen him in years and she doesn't see him come and go – she did not present the petition to him.

Mr. Bailey asked Ms. Miller if she would object to a 50' tower at the fire station. She said she wouldn't. It would be more appropriate to the fire station.

Ms. Santucci commented that the design at this property is site specific and given the other options in the area, this proposal is the least intrusive visually. She doesn't think anyone would know the antennas were in the chimney on this roof. A tower would be highly visible. She doesn't think the RFP at the fire station is viable as you never know what will come back – it could be higher than 50'. Typically, it is to generate income for the community and it is 2, 3 or 4 facilities. The design is non-intrusive and she is in support.

Mr. Bailey said this is the best option.
Mr. John said he is in support.

Mr. Vlachos said he would abstain as he doesn't have enough information.

Mr. Ferris said if the other members did not vote in favor, it would not pass and would it be feasible to ask the petitioner to come back with the information. Mr. Vlachos said if 4 members voted for and he abstained, the vote would pass. Ms. Santucci suggested that if there were to be someone voting against, they should state the reasons or if the board would like additional time, state so.

Ms. Santucci motioned to grant the Use Variance under the TCA to allow a wireless facility in a two-family zoning district. Mr. Bailey seconded. Voted 4-0-1 with Mr. Vlachos abstaining.

Ms. Santucci motioned to grant a Variance within 50' of an abutting residence – noting that the residence next door is the actual property owner. Mr. Bailey seconded. Voted 4-0-1. Mr. Vlachos abstained.

Ms. Santucci motioned to allow the 8' chimney to extend to 43' where 35' is maximum allowed. Mr. Bailey seconded. Voted 4-0-1, Mr. Vlachos abstained.

Ms. Santucci asked if they should vote on the Special Permit. Mr. Magoon said they do not have to vote on that as the height of the building is 35' and the 8' chimney is within the allowed 15'.

Documents reviewed: The plan set entitled 240 Waverley Avenue, Site # 4BS-0366C: T-1, Title Sheet; Z-1, Plot Plan and Notes; Z-2, Building Plan & Equipment Plan; Z-3, Elevations; and Z-4, Details all dated 11/09/09 and revised on 2/03/10 and prepared by Hudson Design Group. Petition signed by 112 residents objecting to the installation. Independent Engineer's report: Mark F. Hutchins, RF Engineer, dated June 10, 2010. Color-coded Coverage Maps received at meeting, 9-20-10 for 268-270 Orchard St., 212 Waverley Ave., and 9 Lowell Ave.



TOWN OF WATERTOWN

Board of Appeals

149 Main Street

Watertown, MA 02472

Harry J. Vlachos, Chairman
Melissa M. Santucci, Clerk
Stuart J. Bailey, Member
Deborah Elliot, Member
David Ferris, Alternate
Suneeth P. John, Alternate

Telephone (617) 972-6428
Facsimile (617) 926-7778
www.watertown-ma.gov

MINUTES

On Wednesday evening, **September 29, 2010** at 7:00 p.m. in the Council Chambers on the second floor of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Harry J. Vlachos, Chairman; Melissa Santucci, Clerk; Stuart Bailey, Member; David Ferris, Alternate Member; Suneeth P. John, Alternate Member; Steve Magoon, Director, Community Development and Planning; Louise Civetti, Clerk to BOA.** Absent: **Deborah Elliott, Member; Nancy Scott, Zoning Enforcement Officer; Danielle Fillis Evans, Senior Planner.**

Mr. Vlachos stated that the next case is under "Other Business".

140 Pleasant St – Claudio Coppola, Coppola Pleasant Street LLC – **One Year Review of Noise/Traffic Condition #11:** The Petitioner, together with Landscape Collaborative owner shall be subject to a one year review and shall return to this Board on September 29, 2010 to hear or discuss any traffic and noise issues.

Theresa Jones, representing Coppola Pleasant Street LLC, said that everything is good and she has not received any complaints from the neighbors and neither has Landscape Collaborative. Their only issue is their Occupancy permit.

Chair Vlachos reiterated that they are here for the owners, not the tenants and they are using the property for another landscaping business, as well. Ms. Jones said they are not using it, they are on the other property at 118, which is behind 132 & 140 Pleasant Street. Chair Vlachos clarified that she was sworn in. Mr. Magoon stated that there have not been any complaints regarding traffic or noise from this property – no identified problems. Chair Vlachos said they were requested to appear back at the board in one year and asked if they were holding any relief in abeyance. Mr. Magoon answered that they have all of the relief they needed.

Margaret Pacious, 175 Pleasant Street, diagonally across the street, said there hasn't been any extra noise and there is minimal extra traffic and they are happy with how it is being occupied. The neighbors are very concerned with more traffic. They have had a lot of construction going on up there (for the better) and they hope they finish the aprons soon. She said Claudio is a good neighbor and they are very happy with the Collaborative that is there because they expected there to be a lot of noise with trucks and tractors going in and out but there hasn't been. There may be a little wait between 7 and 7:15 to get into your driveway and a little back-up but not more than that. We're happy with the little traffic and little noise.

No further comments were made by the public or members. Mr. Magoon stated that a note could be put into the file stating that the requirement to come back to the board in one year has been met.

Chair Vlachos asked for a motion to terminate our consideration regarding the relief we granted a year ago. Ms. Santucci motioned. Mr. Bailey seconded. Voted 5-0. Granted.



TOWN OF WATERTOWN

Board of Appeals

149 Main Street

Watertown, MA 02472

Harry J. Vlachos, Chairman
Melissa M. Santucci, Clerk
Stuart J. Bailey, Member
Deborah Elliot, Member
David Ferris, Alternate
Suneeth P. John, Alternate

Telephone (617) 972-6428
Facsimile (617) 926-7778
www.watertown-ma.gov

MINUTES

On Wednesday evening, **September 29, 2010** at 7:00 p.m. in the Council Chambers on the second floor of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Harry J. Vlachos, Chairman; Melissa Santucci, Clerk; Stuart Bailey, Member; David Ferris, Alternate Member; Suneeth P. John, Alternate Member; Steve Magoon, Director, Community Development and Planning; Louise Civetti, Clerk to BOA. Absent: Deborah Elliott, Member; Nancy Scott, Zoning Enforcement Officer; Danielle Fillis Evans, Senior Planner.**

Mr. Vlachos stated that the next case is under "Other Business".

32 North Beacon Street/71 Arsenal Street – United Cerebral Palsy (UCP) – David Webster, Manager

David Webster stated that he was before the board to request a minor modification to their control documents. Mr. Ferris noted that he has not been sworn-in. Mr. Vlachos swore-in Mr. Webster.

Mr. Webster continued by stating the landscape control plan changed in the parking lot area. At the construction of the parking lot area, they consulted with a disability or accessibility consultant on the proposal of the previous design architect. That plan called for Grasscrete in the area of the parking lot and brick pavers leading up from the street to the building itself. They felt that the smoothness of the surface - raised in certain areas and declined in other areas would cause public safety issues if a wheelchair was coming into the site. It was recommended by their consultant that they asphalt the entire parking lot to eliminate inconsistencies. Grasscrete is cement and within the cement there are cylinders where the grass grows out. Their thoughts were that if the grass were up higher and the concrete down lower, it would not be a smooth surface and would cause access issues with someone in a wheelchair. When they discussed it with the consultant, they said it would be more difficult to plow and to shovel with two inconsistent surfaces – one being Grasscrete and one being brick pavers. They (UCP) are using Group 7 Design to design a handicapped accessible home in Hyde Park and they recommended the asphalt throughout the parking lot area at this site. He said Nancy Scott asked for something in writing from them but he just consulted with them on the telephone.

Mr. Vlachos asked if they charged for the service. Mr. Webster said he is sure he will get a bill. He added that he has photos of the building and it is his opinion that the building came out nice. He said Nancy Scott addressed the landscaping and they have added shrubbery along the side and planted mums for fall. They have a whisky barrel planting along the parking lot that will show seasonal plantings.

Photos were submitted to the members.

Mr. Webster said he believes he is in front of the board to ask for approval of the modification of the control documents which he refers to as a slight modification from a functionality standpoint more than anything as what was to be brick pavers is now asphalt.

Mr. John asked if there were updated plans and then commented that all of the space in front of the building is now paved. Mr. Webster said all of the area in the back and all of the area in the front that was Grasscrete or brick pavers is now asphalt. He would be happy to supply the board with a revised drawing, if necessary.

Mr. Magoon stated that the frontage along North Beacon Street was supposed to be Grasscrete and the width of a parking space would be paved. On the Arsenal Street – a grass area; a brick paver sidewalk and then the Grasscrete and landscaping along the gas station side.

Mr. John said when the plans were approved there wasn't any intention of getting the Grasscrete in there with respect to pervious parking and we already knew this should be ADA accessible and the whole idea of pervious gets thrown out of the window...

Mr. Magoon added that the environmental impact that is created by asphalt versus a pervious treatment; the drainage and stormwater calculations have changed; aesthetics and an urbanized area where Grasscrete and landscaping were intended to provide some relief.

Mr. John said he would not approve this. A lot of things have changed and this was not approved – they just did it and then came back.

Mr. Magoon said they did not get pre-approval from the Town - when they had gone out to inspect the site, the entire area was paved.

Mr. John spoke about changing around the urban life with the Grasscrete and the aesthetics changing with the black top. Mr. Magoon said with there are a lot of products that are ADA compliant especially for wheelchairs. The Zoning Office provided options via e-mail.

Mr. Ferris asked how many cars on the Arsenal Street side. Mr. Webster said two visitor parking spaces. Mr. Magoon said it is very tight parking. Mr. Webster said the design shows a visitor would have to roll their wheelchair over the Grasscrete area and with the clumps of grass, they wouldn't be able to move. Mr. Bailey said the grass could be mowed if it were to get too long. Ms. Santucci said they could take care of that area.

Ms. Santucci said they deal with handicapped people all of the time so why did they agree to these – and pavers and bricks are okay for sidewalks in all metropolitan areas and cities but they are not okay for your front door – people drive over them, walk over them, wheelchairs...high-traffic areas use them but they are not okay here. And to come in and say they spoke to this person and they recommended this – she would expect to see that person here giving the justification. She doesn't believe this is in the code but it could be – the code says you cannot use pavers? There was a lot of discussion on this during the original hearing. A lot of discussion and for him to go and change it based on a phone conversation – she is not in favor of any of this. She wants to see it built to plan for the reasons they spent several months discussing this and removing all of the Grasscrete significantly increases your impervious coverage – if not doubles – do you have any drainage calculations to support the additional pavement – did you increase your subsurface drainage system? Mr. Rogan said they did. Ms. Santucci said they then knew for some time that they were going to do this as they put the drainage in towards the beginning of the project – they knew then they were going to do pavement.

Mr. Vlachos noted that Mr. Rogan was not sworn in. Ben Rogan then was sworn in by Mr. Vlachos.

Ms. Santucci asked when the drainage was installed. Mr. Rogan said it was installed in late July, early August. They put the drainage in after they built the building, one of the last things they did outside. Mr. Webster said it was revised. Mr. Rogan said they also added drainage from the China Rainbow. The existing building that was on the site before this building was 100% paved. They have significantly reduced runoff with the landscaping and tying all of the roof drains and storm water – 90% of the water is contained on the site.

Mr. Ferris added, 'from the roof' and whichever the grade went, that is where the water would run. Mr. Rogan agreed. Mr. Magoon said 100% of the storm water would have been contained on site but by now from any of the paved areas, will run out to the street. Mr. Rogan argued that they have probably reduced the runoff from the site by 75-80% of what it was pre-construction. Mr. Ferris said the part that was supposed to be Grasscrete is no longer Grasscrete and anything that lands in that area is heading away from the building and off site.

Mr. Ferris confirmed there are two accessible parking spaces on the Arsenal Street side of the building and asked why that would affect the parking on the North Beacon Street side of the building. Mr. Webster said it wouldn't., "A handicapped accessible person normally would pull up to the Arsenal Street side. The back stairs are not ramped so they would pull up to the front door."

Mr. Ferris said the Grasscrete would still be feasible on the North Beacon Street side of the – that side would not be paved. He said there are a number of options to the Grasscrete – that address just one issue. He noticed that there is no sod – it is all mulch and there is a sweeping curve on the plan that does not match the installation that they have.

Mr. Bailey asked if they removed the ramp from the North Beacon Street side and added steps. Mr. Webster confirmed that there are now stairs there. Mr. Bailey stated that if the North Beacon Street side is no longer handicapped accessible, why not go back to the original approved Grasscrete if that was the main reason for pulling it out. Mr. Webster said they just felt that it would be asphalted around the entire building. They would pull the Grasscrete out consistently around the building.

Mr. John stated that the handicapped accessibility is not the reason they put asphalt on North Beacon Street. Mr. Webster said the premise is that if someone parked on the North Beacon Street side, there isn't any handicapped parking spaces there so, the Individual that would pull up to the building would park on 71 Arsenal Street or park in the two guest spots in front of the building. That's why they removed the ramp from the rear of the building. It is infrequent that they would have more than two handicapped vans in the front of the building at the same time. Mr. John concluded that they put asphalt on the North Beacon side just to match what they had on the other side.

Mr. Magoon asked for clarification – did they say they wouldn't have more than two handicapped vans in front of the building at any one time? Mr. Webster said he said "it would be unlikely that they would have more than two handicapped vans in front of the building simultaneously at the same time". Mr. Magoon said he thought when they were originally in front of the board, that they didn't have any clients that came to this facility, it was just administrative staff. Mr. Webster said a staff person would bring a client and perhaps someone coming for an interview. They have an adult workshop at nighttime that is a resource group that comes to use their conference room and in that case there would be a couple of more vans than usual but that would be after hours. It is not a steady flow of vans being parked out front, just for meetings, etc. and it is for administration purposes but the program people come there for various needs, meetings, etc.

Mr. Vlachos asked how would the board know how intense that use is going to be. Mr. Ferris said he is sure the work they are doing is very good and people with disabilities need to get into the building regardless of the use of the building but it seems unfortunate that what was approved was not built and it is very different than what the drawings show.

Mr. Webster said he remembers there was not a concern with offering up green space on this site. They were offering up a lot more than was there previously as the whole lot was building and asphalt. A member of the board said there has to be two parking spots in the front and as a result they made it more asphalt and more Grasscrete. He doesn't know how much the Grasscrete adds to greenage. The plan that was presented was not the right design for the use as it looked more like a lawn than a parking lot. They have to stripe the parking spaces to identify where people should park – right now it is a free-for-all on the Arsenal Street side. They haven't finished the asphalt there because of this meeting and because the final seal-coat hasn't been put on. They cannot paint grass.

Mr. John said you can mark Grasscrete with different colors. His concern is that they went through the whole process for the building and the area around it to enrich the experience of the public and you are doing all of these things. You promise something and then you change it. Everyone could start to do that for different reasons.

Mr. Webster said if the average person walked past their building they would say this is an ugly building and built very unprofessionally and unappealing – that is what you are saying.

Mr. John clarified that what he said refers to the difference between Grasscrete and grass popping out.

Mr. Ferris said that going through the process of coming to the board and having something approved and for someone that abuts the property, the finished product doesn't reflect what was approved – any neighbor would ask why they would come to support it or be against it if they didn't build what they drew. He finds it disconcerting that what was built out was done so without discussion after it had been approved.

Mr. Ferris asked if they were to identify the two spaces in the front of Arsenal Street, it wouldn't take up the length of the Grasscrete – they do not measure the length of the curbcut. Mr. Webster said the spaces are angled in. Mr. Ferris asked if there is the potential of doing another sod area to the east of the spaces. Mr. Webster said that where their planters are now, they could add more green. Mr. Ferris asked if they could put sod there, for example. Mr. Webster agreed – the cars are parking at an angle to the building. There are 4 plantings to the right – near the Hess. They could offer the same type of bed with shrubbery and trees. Mr. Ferris asked if they could cut up the bituminous and add

some sod or plantings to the other area. Mr. Webster said they would take out the planters and offer up a planting bed there, as well.

Mr. Ferris said he walked around the building, squeezing between the restaurant and their building and it is fully bituminous and he is wondering if there are areas where they do not need to park or they do not need a dumpster that they could chop out the bituminous and do plantings. He is not asking to remove the raised planter.

Mr. Webster agreed to come back with a design plan that would show offering up some of the asphalt and showing some plantings, flowers and beds.

Mr. Ferris asked if the board would consider if they come back with designs offering up some of the bituminous and showing revised drainage calculations.

Mr. Vlachos said that the decision on August 2009 on page 6, shows a boardmember asking why they would chose Grasscrete to park on and Mr. Webster said it would add green space to the area as the planning board suggested they do. Mr. Webster stated that they have one visitor per day...

Mr. Ferris said that he hears often about the Grasscrete material but he has not walked on it; however he agrees that it doesn't sound like the appropriate material for someone in a wheelchair or crutches.

Mr. Vlachos asked if they are still saying there is one visitor a day. Mr. Webster said it could be one per day or no visitors in a week. Mr. Webster then asked if he were asking about visitors or handicapped accessible visitors. Mr. Vlachos said it is what he is reading from the decision where it states there are 10-12 employees...Mr. Webster said we have more than one visitor per day as people come to the building to apply for jobs. That was probably referring to handicapped visitors per day. There could be 3, 4 or 5 visitors per day. He said he would hate to have a beautiful building and have cars parked in front of it all day so the idea was to have two visitor parking spots in the front.

Mr. Vlachos said Mr. Ferris' request is a reasonable one. Ms. Santucci said it is also important to see what changes were made as they are looking at the approved plan and the photos do not match up with them, especially the landscaped area where it has been cut back significantly. She would like to see a site as-built including what they are going to propose as changes.

Mr. Rogan asked how would the process work – they would submit it to the zoning officer. Mr. Vlachos said to run it by them to be sure it is what they are looking for before they etch it in stone. This whole project was tight to begin with and when changes are made that harm the aesthetics of it, it raises eyebrows and may not be a good thing to do. The board wants to be sure these things are taken care of now so as not to raise issues in the future.

Mr. Ferris said construction wise, get rid of the bituminous, get rid of all the under stuff and cut a clean edge and put top soil with planting. It is economical – they are not saying tear the whole thing up. He suggests that they approach it as whatever doesn't need to be parked on or walked on both sides of the building – landscape and drainage plans should be submitted. Mr. Webster said that it sounds fair.

Mr. Bailey asked that they show how the two parking spaces work without going over the sidewalk. The board discussed the requirements for an accessible space – extra wide. Mr. Ferris said he doesn't know what the regs are for the width but they can share the aisle. Mr. Webster said it didn't specify handicapped parking in the front and it they changed that decision now, and said they had to be handicapped, they don't think they could do that.

Ms. Santucci asked that the plans they bring in be scalable.

Mr. John asked where the handicapped parking is. Mr. Webster said there are two handicapped spaces on the street on the Arsenal Street side. Mr. John then clarified that the handicapped parking is on the street – not in the lot.

Mr. Rogan added that they knew there would be two parking spots in the front of the building but they wouldn't conform to any dimensions. They were the existing spaces and the original footprint of the building hasn't changed. Mr. Webster said they were grandfathered 4 parking spaces on that site.

Mr. Bailey said then if there isn't any handicapped parking on the site why then would they put asphalt in the lot and not the Grasscrete. Mr. Rogan said even if they are dropped off, they still have to get to the door.

Mr. Ferris then asked them to clarify if they are supplying a handicapped accessible space and if they are, then they can show it as being right up against a handicapped accessible walkway from the driver side and if the passenger needs to have it – it is their client and they should provide it.

Mr. Magoon stated that condition #11 of the previous approval states that two parking spaces shall be provided on the Arsenal Street side of the site and the petitioner shall work with Staff to provide 5 parking spaces on site while maintaining pervious surfaces.

Ms. Santucci said they would have to change that condition in order for that area to become impervious. Mr. Magoon said if they are going to approve asphalt, they are going to have to change the condition. It was envisioned but not standard size because of the constraints of the site, but two cars would park on the Arsenal Street side.

Ms. Santucci said if they are assigned, then no one else could park there and if they provided (handicapped accessible) parking on the lot, they could take the two off of the street. Mr. Magoon said the handicapped spaces would remain on the street.

Mr. Rogan said they will just have to do the best they can with the space they have.

Mr. Vlachos repeated they have to consult with the Zoning Officer before they come back again and hopefully, next time it will be resolved.

Ms. Santucci asked if this is going to have to be re-advertised, etc. Mr. Magoon said that depending on what they come back with, yes. Mr. Vlachos asked if they are going to ask for a change to condition #11. Mr. Magoon said unless it gets amended in the way it implies.

Ms. Santucci asked if they have occupied the building. Mr. Webster said they have.

Mr. Magoon said from his perspective it would make sense to withhold the final Certificate of Occupancy until this issue has been resolved.

Mr. Vlachos noted there wasn't anyone from the public to speak on this issue. Although there was someone here earlier that left.

Ms. Santucci, noting that it is September, suggested they get something in within the next week as she does not want it to become winter and then they are not going to do the work until spring. Mr. Webster agreed that it is important they get this resolved.



TOWN OF WATERTOWN

Board of Appeals

149 Main Street

Watertown, MA 02472

Harry J. Vlachos, Chairman
Melissa M. Santucci, Clerk
Stuart J. Bailey, Member
Deborah Elliot, Member
David Ferris, Alternate
Suneeth P. John, Alternate

Telephone (617) 972-6428
Facsimile (617) 926-7778
www.watertown-ma.gov

MINUTES

On Wednesday evening, **September 29, 2010** at 7:00 p.m. in the Council Chambers on the second floor of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Harry J. Vlachos**, *Chairman*; **Melissa Santucci**, *Clerk*; **Stuart Bailey**, *Member*; **David Ferris**, *Alternate Member*; **Suneeth P. John**, *Alternate Member*; **Steve Magoon**, *Director, Community Development and Planning*; **Louise Civetti**, *Clerk to BOA*. *Absent: Deborah Elliott, Member; Nancy Scott, Zoning Enforcement Officer; Danielle Fillis Evans, Senior Planner.*

Mr. Vlachos stated that the last item on the agenda is under Administrative and it is the Voting of Officers. He asked if the board wished to wait for Ms. Elliott to return. Ms. Civetti commented that Ms. Elliott sent in her vote via e-mail and wishes to vote for Ms. Santucci as Clerk and Mr. Vlachos as Chairman.

Ms. Santucci nominated Mr. Vlachos as Chairman. Mr. Bailey seconded. Voted 5-0
Mr. Vlachos nominated Ms. Santucci as Clerk. Mr. Bailey seconded. Voted 5-0.

Both current Chairman and Clerk will remain – as voted.

The meeting adjourned at 9:35 p.m.