



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
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www.watertown-ma.gov

MINUTES

On Wednesday evening, **October 27, 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; **Deborah Elliott**, Member; **David Ferris**, Alternate Member; **Suneeth P. John**, Alternate Member; **Steve Magoon**, Director, Community Development and Planning; **Danielle Fillis Evans**, Senior Planner; **Louise Civetti**, Clerk to BOA. Absent: **Stuart Bailey**, Member; **Nancy Scott**, Zoning Enforcement Officer.

Chair Vlachos opened the meeting, introduced the board and staff, and swore in the audience. He noted Member Bailey is absent and both alternates will be voting. He stated that although the agenda shows 198 Summer Street and 532-542 Pleasant Street, neither of these cases will be heard as they have been continued at the Planning Board. He asked the board to continue the approval of the minutes from the September meeting until the November meeting. He noted the change to the November meeting is on a Monday, November 22nd due to the Thanksgiving holiday.

Ms. Santucci read the first legal notice:

Michael Mandel, Owner, 124 Maplewood Street, 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 existing westerly side porch for kitchen extension, maintaining existing westerly side yard setback of 3.5' and further construct rear deck, 12.9' x 13', with westerly side yard setback of 5.9' (less non-conforming than house at 3.4'), where 12' is required at **124 Maplewood Street**, located in the S-6 (Single Family) Zoning District.

Michael Mandel, Owner, together with his wife, Chantal Zakari spoke on the request to enclose a portion of their porch in the same manner two other properties in their neighborhood have done, to create a pantry as part of their kitchen remodel. They will be making the steps come forward and the steps will be narrower, creating less of a non-conformity and they will be added a deck to their large back yard.

Mr. Mandel submitted written copies of supporting e-mails (4) from neighbors and photographs of 58 Landon Street and 66 Langdon Street, both properties having 2-level enclosed porches.

Member Ferris asked if the shingles on the porch will match the existing house – they will. He asked about the material of the deck and railings - ipe wood. They haven't discussed what type of wood they will use at the front of the house. The wood will match on the porch.

Angie Kounellis, 55 Keenan Street, Town Councillor, stated that the petitioner sought out her support and she is in support of the project as long as all of their neighbors are in support, which they are.

No further comment was made from the public. A business mode was declared. Mr. Vlachos read the recommendation from the Planning Board and the Staff.

Member Santucci asked to clarify the plot plan – there is a bow window on the second floor. There will be a new door on that façade, as well.

Member Ferris noted that the second floor of the property already meets the non-conforming setback and this enclosure is an in-fill.

Ms. Santucci motioned to approve the Special Permit Finding to allow the enclosure of the porch for a party with new stairs as well as the deck to the rear based on the finding that it meets the criteria set out in the ordinance and as recommended by the Planning Board. Ms. Elliott seconded. Voted 5-0, Granted. (both alternates voting).

Documents reviewed: "Proposed Plot Plan, 124 Maplewood Street in Watertown, MA" prepared by Rober Survey and dated 7/26/2010; construction details, 3 sheets dated 8/20/10; and sketches pages 1-7 prepared by the Petitioners and stamped into the office of the Board of Appeals on September 24, 2010.



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Ms. Santucci read the legal notice:

Dafna Krouk-Gordon, President, TILL, Inc., 20 Eastbrook Road, Dedham, MA 02026, herein requests the Board of Appeals to grant a **Special Permit/Site Plan Review** in accordance with §5.01.2.a.2/ §5.00(f), New Construction Exceeding 4,000 Square Feet; §5.05(d) and **Variance** §5.04, Table of Dimensional Regulations-Side Yard (Wells Ave) Dover Amendment Waiver, Reduction in Side Yard Setbacks, **Variance** in accordance with §6.02(k), Parking Setback from Buildings/Property line, Zoning Ordinance, so as to raze non-conforming structure (Linco Tool) and construct a two-story building, 16,272 sf. 1st -57'x136' and 2nd -70'x118' including 15' rear overhang, with 8 parking spaces under overhang, located 0-1' from building, where 8' is required and providing 11.9' - 33.3' varying southerly side yard setback and 3' northerly side yard setback, where 15' is required, for use as an adult day habilitation, in accordance with educational use, c40A, §3, at **264 Arlington Street**, located in the LB (Limited Business) Zoning District.

Cliff Boehmer, Architect, Davis Square Architects, said he would give an overview but normally their client would start with more detail about the program; however, she may be stuck in traffic. He said they submitted supplemental drawings on October 20th but the footprint of the building and the relief they're requesting hasn't changed. They have developed a design that is smaller in bulk than originally requested. The two-story building on the left side facing Wells Avenue where there are two-family homes. They met with the neighbors and had an informative meeting. They met with the Historic Commission. The exterior is mostly wood and will be stained. They have a low-impact structure with all required parking on-site. Hours are Monday through Friday with typical working hours. The site now is covered with the existing building minus one small corner. They have pulled the building away from the Wells Avenue corner and are providing landscaping. They have received questions and they are prepared to address the 10 points Suneeth John brought up. The plans submitted tonight are final drawings. The information will be discussed after an introduction by Dafna.

Dafna Krouk-Gordon, President, Toward Independent Living and Learning, also known as TILL, Incorporated, a company that she founded in 1980 serving adults with development disabilities – mental retardation, cognitive disabilities and they do this through residential programs and vocational programs throughout Massachusetts – they have 60 sites. The program proposed for this site is a day-habilitation program for adults aged 22 and up to learn independent skills. They have 4 similar programs now, one on Pleasant Street in Watertown, where they have been for 10 years, which will relocate here. This space will be designed for their physical and cognitive disabilities. The services will be with trained professionals – occupational and physical therapists. They run Monday through Friday, there aren't any programs that run on the weekends; hours are typically 8:30 a.m. through 4:30. Staff meetings may run longer. The students do not drive; the majority dropped off by vans and the parking plan has accommodated the vans to turn around. The vans will not be queuing on the street.

Mr. Vlachos asked what is the highest number of people that will be at this location at one time. Ms. Krouk-Gordon said on average, 42; classroom size is 4 adults to one teacher. Staff can be there for meetings and come and go.

Ms. Krouk-Gordon said when researching this site, they worked with the planning department and various officials to be sure we have the best building for. The destruction of the building will not be a loss. They will demolish it as soon as possible.

Mr. Vlachos asked if they are tax exempt – Dafna Krouk-Gordon they are a 501.c.3 organization.

Ms. Elliott asked how many staff will be in the building – Dafna Krouk-Gordon there will be 8.

Mr. Ferris asked if the clients are coming in through the back door – Dafna Krouk-Gordon they will be entering from the parking lot, yes.

Mr. Ferris asked if the clients stay indoors. Dafna Krouk-Gordon answered that the program is in-doors. Occasionally, a group of 4 may leave the building to get a lunch in the area but generally, they are in the building. No one leaves the building without being monitored. They watch the doors as a safety precaution. They will always be working with them and they are paid under this regulation to be always working with them.

Mr. Ferris asked about the site plan planting aspects. Ms. Krouk-Gordon said they have a plan but the final selections won't be chosen until they are in the ground.

Ms. Santucci stated they have 8 parking spaces including a handicapped space. Where will the staff park? Ms. Krouk-Gordon stated that the parking (she thought was 8+ 1 but is 7+1) is what is required. Ms. Santucci said if there are 8 employees, one will not have a place to park. Ms. Krouk-Gordon said the handicapped space is not used by anyone and is really a drop-off and pick-up spot. They cannot guarantee people that are hired in the future, however 90% of the employees don't use their own cars – they use public transportation. The employees will transfer from Pleasant Street. They have all been to the new location and she is completely confident in the amount of parking at the site. They queried her about public transportation to be sure they could get to the new site without a car.

Mr. Magoon mentioned that at the Planning Board meeting an item of discussion was the PILOT. He said there has been significant concern throughout the community and a request was made to contact the Assessor. Ms. Krouk-Gordon said the progress is that she has had about 5 exchange phone calls with Frank Golden. She is more than willing to set up a program. She understands that the city is not trying to put a burden on them but they have to be concerned about the revenue base. They are indirectly paying taxes through the rental space

Ms. Krouk-Gordon asked if the board wanted to hear from their Engineer. The Engineer said they are looking at the development of an existing site – they are still working on things like storm water, etc. but he has taken the membrane roof and infiltrate it back into the ground.

Chair Vlachos noted that the Engineer and Ms. Krouk-Gordon had not been sworn in. Ms. Santucci asked that anyone that is speaking should be sworn in. Chair Vlachos swore in all those intending to speak.

The Engineer (sworn in as Carlos Quintel but did not state his name for the record) said the utilities are one aspect of how they have to look at this particular site. He has submitted to the DPW his calculations for a 50-year storm; reducing 75% - that is not difficult at a site that is starting at 100% impervious. The shaded area on the plan shows underground leaching galleys. He explained that the galleys are chambers and the roof water will get into those; raise up to a certain level and then the bypass will go into the storm drainage where it gets to today. The parking lot drains down to Wells Avenue at the corner and into a hooded catch basin with a storm captor to separate solids and then they tie into the same storm system on Wells Avenue. On the Water side, there is a 6" water protection. They will cut that lien and use the same tap – at the recommendation of the Water Department. They will then tap in a new line for domestic water. There is a significant amount of sewer along Arlington Street and DPW wants to see plastic pipe – there is clay pipe there today. They have cut it and capped it and are proposing to put in a man hole on the north corner and tie into the existing system. Meeting with Fire and Water, they have to reconstruct the sidewalk on Arlington Street the length of the front of the building. They plan to improve on the landscaping that is there; however scarce it is, there is a plan that the board has and although he is not the landscape person, but the general intent is to grass as perennials along Arlington Street, with a fair amount of shrubs, which he has a list of and he will comment if the board requires.

Mr. Ferris asked if (the landscaping plan) that he is referring to is C-2. Mr. Quintel said it is Sheet L-1. The Board noted that they do not have L-1. Someone from their team distributed copies of plan L-1.

Mr. Quintel said a question was regarding trash pick-up and he then distributed an 8 1/2 x 11 sketch of how this would be handled. There will be two rolling trash containers as this is not a heavy trash producer. The vehicle has to back into the space and it picks up the container and dumps it in. Chair Vlachos asked how often that would happen. Ms. Krouk-Gordon said they pick-up once a week. Ms. Santucci asked about the drawing and if it was supposed to be the trash route. Mr. Quintel said he showed one car parked to get a reference for the board. Mr. John asked if there would be a fence (around it). Mr. Quintel said there will be some material – a cedar-type fencing around the trash container.

Mr. John asked through the Chair if he could address the questions he had posed through an earlier e-mail. He said he had asked about how the trash would be picked up and what the dumpster enclosure would be. The second question he had was regarding the handicapped ramp, which he could not find. He had questions about the lighting, the light throw towards the neighbors; where the snow would be stored; how deep the snow storage would be behind the dumpster area and assembly area; if the vehicles will have to back up all the way to the street; he asked about the transformer pad as there are two locations shown on the plan and whether it needed to be right in the corner; the Site Plan shows the chain link fence sitting on the sidewalk – is it a construction fence only; and lastly if they are proposing irrigation, drought tolerant plants, etc.

Mr. Quintel referred to plan L-1 and said the transformer pad has been moved about 10' along the south side of the building with the landscaping around it. He said the proposed plants in front of the transformer will be maximum 3' in height, which is about the transformer height. He asked if the board had something specific, they will consider it.

Mr. Boehmer stated that the final transformer location is a discussion with the utility company. They would like it to be set back from the corner as it would be within the site line. They think the transformer will be about 5' high. Ms. Elliott suggested they wrap grasses around it to block it from the neighbors.

Mr. Quintel stated that the fence shown on the plan is a construction fence only. They were requested to keep the sidewalk available during construction.

Mr. Boehmer addressed the rest of the questions: the penthouse is just an overrun of the elevator. There is a roof plan showing that. It is not an occupied space. The handicapped ramp submitted in the supplemental plans shows a section-thru the ramp with a railing type they have proposed; the grade is shown on C-2; finished floor levels at 102; they are required to meet grades at 1/12. There is not chain link fence. They are trucking the snow off of the site as it is a tight site and the owner does have the snow removed from their Chelsea site. They do not have the details on the site lighting but they distributed a picture of one of the TILL facilities in Chelsea and there are building mounted down-lighting which they are proposing here without pole lighting – pretty low-key. The bike rack is beneath the overhang, private and protected. Ms. Elliott asked if the bike rack was to the standards of the Watertown Bicycle Committee. Mr. Boehmer said he didn't know. Ms. Elliott asked that he check into that.

Mr. John asked about the discrepancy on the column. Mr. Boehmer said the column falls just outside the trash enclosure. He referenced A101 and the dark circles are the down lights from the soffits.

Mr. Ferris asked about the northwest corner of the site and if it is paved. Mr. Boehmer said it is paved. Mr. Ferris asked on the Architectural drawings, there is a raised planter – will the raised planter be on the L-1.

He then introduced Melanie Coo, an Architect from his office. Ms. Coo stated that she did not stand and be sworn in as she was not expecting to speak.

Chair Vlachos stated that if there is anyone else that has not been sworn in and is then asked to speak and has not been sworn in, they will not be allowed to speak. Chair Vlachos swore in Ms. Coo.

Ms. Coo stated that the plans show a CMU planter and they are hoping to increase that area and remove the CMU planter – they are elongating the existing planter to run along the entire length of Arlington Street and it will not be raised. Mr. Ferris stated that he is happy to see the trees along Wells Avenue as the adjacent property also has trees. The Arlington Street is rough due to the above wiring and he asked Mr. Magoon if there is room along Arlington Street to plant trees.

Mr. Magoon stated that there isn't room to plant a typical town street tree. He said there are examples in town of significant landscaping that would fit trees into that small area but he doesn't recommend it. Mr. Boehmer said the planter that has growth in it now is not on their property but they have agreed to maintain it for the town.

Mr. John asked for an explanation for how the ramp works at the corner of Wells and Arlington. Mr. Boehmer said it is not a ramp, it is the existing grade and the sidewalk was just recently done.

Ms. Elliott asked if there is a representative from the construction company, A.J. Martini. Someone stated that there is but he was not sworn in. Chair Vlachos said that he will not be speaking.

Ms. Elliott asked how they are going to work on this site without disturbing the neighbors. Mr. Boehmer said he could speak to that unless they wanted to swear in the representative.

Chair Vlachos declared a 5 minute break as (the representative team) has not listened to his request (to be sworn in).

Chair Vlachos asked all of the people in the hallway to come into the chambers to be sworn in. He reiterated that anyone who wants to speak on any level, has to be sworn in. He said they can go back into the hallway due to the warmth in the room – over 10 additional people were sworn in. There were not enough seats in the Council Chambers to sit all of the interested public.

Ms. Elliott restated to the contractor her questions on the logistics for the site – how they are going to build this; minimize disruption to the neighbors; contractor parking, subcontractor parking, deliveries. She'd like for him to elaborate on these.

Scott St. Auburn, Site Superintendent for AJ Martini, started the process already. They have been in touch with the Town Officials. There has been cut and cap of the utilities on the site; they have met with the Building department; DPW; they are meeting with the Building Inspector tomorrow morning to discuss a site utilization plan for the start of the job as well as a phasing plan to give him updates and all officials updates. They met with the fire chief, the police department, the traffic control department, they are aware of what is going on as far as demolition and removal of debris on the site. They are all aware of the sensitivity to the neighbors and businesses in the area. Their discussion tomorrow will be regarding hours of operation for convenience with the abutters.

Ms. Elliott asked if the hours will be different than 7 or 7:30 to 3 p.m. Mr. St. Auburn said they may be shortened but they will not be any longer. They normally start at 7 unless there is a concern with the town and the town has stipulated what their working hours can be. They wish to have an 8 hour day but under certain circumstances, there may be concerns. They are willing to submit the plan to the board when it is complete.

Ms. Elliott asked Mr. Magoon for the town's Noise Ordinance hours. Mr. Magoon said he didn't know. Ms. Civetti said the Noise Ordinance is from 7 a.m. to 11 p.m. Mr. Magoon said he would look into it. Ms. Elliott believes it is 7 – 3. Mr. Magoon believes it is 7 – 5.

Ms. Elliott asked if there would be meetings set up with the neighbors in the event that there is a problem and they can have Nancy or Louise or Steve contact someone. Ms. Krouk-Gordon said it would be through the owner. Ms. Krouk-Gordon said she would provide a contact person with a telephone number, e-mail and name.

Ms. Elliott asked about dumpster parking (for construction) and if the fence is around the entire site. Mr. St. Auburn said there is a fence around the site and the dumpster is within that. They will have a dumpster depending on what phase they are in. There may be live loads – the dumpster pulls in, they load it and it leaves. It is not the way they wish it to be but they do not have a choice.

Chair Vlachos asked if someone will be cleaning up the streets around the site when a dumpster leaves – leaving a trail of gravel in the street. Mr. St. Auburn said he has a daily check list for the men on site. They make sure all aspects of the site are left clean and safe, including the sidewalk. The logistics will be spoken to the town on tomorrow. They do not have a full understanding of how many trucks they can have on the site for demolition. For the cut and cap, there was no interruption of traffic before 9 am.

Sub-contractor parking – there will be no on-site parking. Anyone working in the city takes public transportation or car pool. He does not know how the subcontractors will park but if there is a concern with the neighbors losing their parking, they can address it.

Chair Vlachos said there are a number of driveways and there are not many spaces available and the people that live there would like to use them. Ms. Santucci said there is a time limit of 2 hours for street parking for non-metered spaces. She suggested looking into the Greek Church at the end of Wells Avenue to park during the day.

Mr. Vlachos would like to hear from the public. Ms. Krouk-Gordon said that their attorney would like to speak and she was sworn in.

Roberta Rubin, Attorney, Klein-Horneck in Boston, said they are requested minor variances in accordance with the Dover Amendment. They have kept the variances to the minimum. They have kept the requests to where the literal enforcement would make it impractical – the side yard variance due to the shape of the lot, the building is rectangular but the site is not. The other variance is to comply with the parking – code requires the parking be setback from the building.

Chair Vlachos asked if the 501.c.3 status and if it engages in any kind of educational activity, it protects it under the Dover Amendment. Attorney Rubin said the Dover Amendment applies to any educational nature – not specific to a college or high school, etc. It does not have to be a 501.c.3.

Chair Vlachos asked if there is anyone to speak from the public.

Angie Kounellis, District A Councillor, said she will speak for the neighborhood. The last petition on this parcel, she had recused herself because of her relationship with the owner. The parcel has been sold and she is not affiliated with this owner. The property owner and the Staff met with the neighbors prior to the Planning Board. The building is a smaller footprint of the existing building, there is parking on site that does not exist now; there is landscaping that isn't there now; the hours of operation are within day time hours. She wants to follow-up on the construction schedule and she will want to know how the vehicles will leave the site – if they will be hosed down to minimize debris and dust. The business owners at the neighborhood meeting wanted to know about the non-profit status of this company. They welcome non-profits to the community but in these economic season, they want to consider the tax payers of Watertown. She hoped there would be a show of good faith at this meeting and it is unfortunate that there was none. She hopes going forward that this will be a win-win for all concerned. She remembers Boston Biomedical negotiated with the neighborhood organization and put on the table before this board a PILOT program with the current real estate taxes on the parcel with a 2% increase per year, that they have abided to and are now a part of the community with a high school scholarship, as well. They hope this is not going to be a burden on the petitioner and she hopes that something is going to be worked out. They support the project and they hope there is sensitivity to the neighborhood.

Ms. Krouk-Gordon said their intention is to work things out with the town; however, working things out was not part of the Zoning Board. They intend for it to be a win-win. They have been here for 30 years. They are not only welcomed initially, they are welcomed continuously. They are in 27 towns. They have built 12 places in the past 5 years with AJ Marini. They do not work with contractors that are not sensitive to the neighbors.

Chair Vlachos asked if there are PILOT or similar programs in the other 27 communities. Ms. Krouk-Gordon said there are two – they are residential units and are not dollar for dollar – they worked things out. Chair Vlachos asked why they would do it here if they only have done it in two other towns. Ms. Krouk-Gordon said there are towns that do not ask for it and do not include it as part of their base. Watertown has a very large number of non-profits so it is more of a tax imposition than other towns – perhaps they are more affluent or have fewer issues to deal with.

Chair Vlachos asked if there is any manufacturing going on – any workshops. Ms. Krouk-Gordon said there is not – it is not a shelter work-shop, they do not bring in piece mail from the outside. They do not do that.

No one further spoke from the public. Chair Vlachos read from the Staff Report in regards to the Site Plan Review, Special Permit and the two variances with Dover Amendment and they recommended to the Planning Board that this petition go forward. The Planning Board met on October 13th and adopted those findings.

Mr. Ferris said it is a great improvement over what is there and he is in support.

Ms. Elliott is in support and asks that there is open communication to the neighborhood to lessen the burden on the staff here – a first line of contact could be resolved before it gets to the zoning board.

Chair Vlachos said it would be nice for a PILOT program to be worked out but it is not a condition of this board.

Ms. Santucci asked for the current real estate taxes. Mr. Magoon suggested the property was assessed last year at \$12,000. Ms. Santucci was curious - that is the value of the current distressed building.

Chair Vlachos said that when this property came before the board a couple of years ago, there was a lot of neighbor concerns regarding green space, noise, etc. but that has all disappeared. He asked about the landscaping plan. Ms.

Santucci asked who prepared the plan. Mr. Boehman said Karen Krieider. Ms. Santucci asked if that was a landscape architect as the plant list is generic (not in Latin). They'd like to know the species. They added a condition as part of Condition 10 that the landscaping plan should be submitted and maintained and the Staff probably has a condition that states it has to be stamped.

Ms. Santucci asked if #7 was new. Mr. Magoon said the Health Department requested it. Ms. Evans said it has been included in other site plan control plans.

Ms. Santucci stated that she wants to have a report or plan on how the construction vehicles will be parked. Mr. St. Auburn said they have drafted a Site Utilization plan that will be discussed with the officials tomorrow. Ms. Santucci said it is the parking that she is concerned with. Mr. St. Auburn said it was not part of their plan but he will propose it. Mr. Magoon said he will attend the meeting and get what is needed.

Mr. Vlachos added a condition to truck the snow off of the site.

Ms. Santucci asked if a new set of control documents were going to be submitted. Mr. Boehman said if the board requests that but the information today was strictly supplemental.

Ms. Santucci said there are discrepancies and someone should take time to go over them. She said a full-size set of plans with the landscaping plan included.

Chair Vlachos said if they are going to change something in the future, they have to come back to the board. Sometimes things are deminimus and they have to run it by the zoning office and they run it by the board but after the fact is not a way to find out. Any tweaks, have to be checked through the zoning office.

Ms. Santucci asked if Staff was clear on the conditions. Mr. Magoon said he was.

Ms. Santucci motioned to grant Site Plan Review for the TILL facility as shown on the current plans this evening. Ms. Elliott seconded. Voted 5-0. Granted.

Ms. Santucci motioned to grant the Special Permit in accordance with 5.05(d) as shown. Ms. Elliott seconded. Voted 5-0. Granted.

Ms. Santucci motioned to allow the Variance for 5.04, Side Yard Setbacks with the Dover Amendment. Ms. Elliott seconded. Voted 5-0. Granted.

Ms. Santucci motioned to allow the Variance for 6.02(k) Parking within 8 ft. of Building. Ms. Elliott seconded. Voted 5-0. Granted.

Documents reviewed: "New Construction of Watertown TILL, Watertown, MA" including the Plot Plan "Proposed Plan of Land 264 Arlington St, Watertown, Mass" prepared by Medford Engineering & Survey dated September 23, 2010; the engineering plans: sheet EC-1 "Existing Conditions" dated 9/22/10 and prepared by CAQ Engineering Associates; sheets C-1 "Site Plan", C-2 "Utilities Plan", C-3 "Details", and C-4 "Details; C-5 Erosion Plan", dated 10/27/10, by Davis Square Architects; architectural drawings sheets A101 "First Floor Plan", A102 "Second Floor Plan", A200 "Elevations", dated 10/20/10, by Davis Square Architects; Sheet L-1, "Site Plan-Planting Plan" dated 10/27/10, by Davis Square Architects; "Wooden Dumpster Enclosure" and "Handicap Ramp with Handrails" on one sheet, not numbered, stamped "Zoning", dated 10/27/10; Sheets A101 and A103, dated 10/27/10 by Davis Square Architects also stamped "zoning"; Dumpster Access dated 10/27/10 by CAQ Engineering.



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Ms. Santucci read the legal notice:

Claudio Coppola, President, Coppola Pleasant Street LLC, 31 Whitlowe Road, Newton, MA 02465, herein requests the Board of Appeals grant **Special Permit/Site Plan Review**, §9.03, in accordance with §5.00(f), New Construction Exceeding 4,000 sf/more than 3 dwelling units; §5.01(f), Multi-Family 4+; §5.01(g)/Multi-Family 5+, Zoning Ordinance, so as to raze existing garage and three-family dwelling structures and construct a 4-story, 44-unit residential building with 4 affordable units, providing 84 parking spaces (53 garage spaces under bldg and 16 exterior spaces) and in accordance with §6.01(h), provide 18% (15 spaces) shadow parking at the properties **118-120 & 132, and 140 Pleasant Street**, located in the I-3 (Industrial) Zoning District.

William York, Attorney, Gilman, McLaughlin & Hanrahan LLC, representing Coppola Pleasant Street LLC, introduced the team from Cresset Development, LLC: Developers Ed Nardy and Bill Curtis; Architects Joel Bargmann and Dartagnan Brown from Bargmann Henrie & Archetype, Inc.; Brad McKenzie, McKenzie Engineering Group and Traffic Engineer Ken Cramm, Landstrategies LLC.

Attorney York stated the proposal is in full compliance with Zoning regulations, stressing smart growth, enhancing the river walk, etc. This proposal has been through Site Plan Review with all relevant departments without objection. Neighborhood support and opposition are welcomed as long as it is clearly in line with the zoning ordinance and not just what someone would prefer. The relief is limited to special permit relief for with site plan review with shadow parking for 15% of the units.

Ed Nardy, Cresset Development, spoke on projects they have done in greater Boston and with Bargmann Hendrie. He said they have worked with Watertown's planning for a year ago and the neighbors have had input on the changes: They have reduced the building size, the entire corner of the building, a block of two-bedroom units to shorten the frontage to 145' as it was suggested that the building was too long along Pleasant Street. There was a concern that it was too close to the street - they stepped the top level back so you only see 3 floors. The neighbors wanted the building set back more and they agreed it would benefit the project by adding green space, as well. They reduced the height 3' and are now at 42' high, well within the 50' height allowed. The fourth floor is stepped back as the three stories will be more in concert with the 2.5 story buildings along Pleasant Street. There was also a 5 car short-term drop-off area built to avoid the traffic issues. They have shrunk the building by reducing unit size and reduced one bedroom units to studios, thereby reducing parking requirements.

Dartagnan Brown explained the landscaping plan had been submitted, dated 9/24/10. Steven Foster is the Landscape Architect. There is 32% of open space and there will be 42' of rod-iron fencing along the top of the wall.

Joel Barden explained the site areas. 1st floor plan with parking.

Brad McKenzie, McKenzie Engineering Group, stated that they meet the parking stated in Section 6, with curb cuts, directing stormwater into bio-retention systems and to "rain garden" to treat with roots, etc. More removal than. The paved area in the rear will be going into the rain garden and the roof water will be going to the front of the site. They are meeting with the Conservation Commission next week and the report from the CRWA was sent to the ConCom.

Ken Cram, Traffic submitted a letter of traffic, showing 69 parking spaces, 84 required with shadow parking.

Curtis Whitney, 43 Grandview Ave., Watertown, stated that he is in favor of the project due to the environmental clean-up of the site and the potential tax revenue to the town. He speaks highly of Claudio Coppola and Ed Nardy.

David Odette, 100 Pleasant St., Watertown, is in support of the project due to the tax revenue. He said the town cannot keep saying no.

Rena Baskin, 15 Franklin St., Watertown, stated that she is in favor of the right development at this site. She said she spoke to DCR and no notice had been received. She said it may be 4 stories from the street but it is 5 ½ stories from the river. She believes it is too high especially for the people of Conant Road. She'd like to see more 'true green' plans and suggests a roof garden with 3 stories; she suggests the use of permeable paving surfaces; she wants to know where the snow goes; wants board to be tougher on restrictions.

Dina Bastinelli, 18 Conant Rd., Watertown, read from a letter she submitted to the board. She noted that last year the massive project was not supported by the town councilors and now it is. The changes are 4 less apartments, a few feet off of the height, and set back to meet the requirements. She believes this project is being used to set an example as other larger projects have not moved forward on Pleasant Street. She owns the two corner homes on Conant and Pleasant as well as the single family on Conant and this project will block the light to all of these properties. She would like the building reduced more along pleasant Street to lessen the blocking of light and site of river. She does not object to the project but to the size. There is no visitor parking at this site and they will park on Conant Road. The DCR wading pool will be in the shadow of this building. The large building will adversely effect their small residential neighborhood.

Margaret Pacious, 145 Pleasant St., and her mom owns 141 Pleasant Street. The drawings/renderings that the developer is showing makes her house look much larger. They will lose sun and air space. She couldn't get out of her driveway to get to this meeting. There is no exiting the driveway from 6:15 a.m. on. To build their houses on Pleasant Street and Conant Road, they had to meet all of the requirements on Zoning and it took 2 years. She agrees to building something but not this high. She believes the houses across the street will never get sun.

Pam Wright, 154 Pleasant St., said she is in support of building something but the building is out of scale with the neighboring properties.

Member Ferris added that a commercial use could be built here as opposed to a residential use.

Chuck Langenhagen, 111 Pleasant Street said a two-story building should be built as opposed to a 4 story building. He added that the project is not permitted as the request doesn't meet the requirements of the Rules of Practice and Procedure in regards to the materials submitted related to traffic. He is concerned that the 5 parking spaces at grade will not fit a UPS truck; the 5% landscaping has not been provided for the underground parking and they say they meet the minimum lot area of 800 sf per dwelling unit but it is measured on average not per each DU. He interpreted an ordinance to mean that the project is to lessen traffic and this is not. He stated his concerns with the traffic study – how many full time and part time employees currently using the site or their time there; just current stats used-not future projects. He stated other issues with this traffic report vs. the last traffic report submitted. He added that the town councilors say you cannot say no to developers because of tax revenue but if they cut a floor off, they'd still get revenue.

Danielle Evans, Senior Planner stated section 9.03 of the WZO is what has been submitted and is acceptable. Steve Magoon said the requirements have been met with the volume of traffic and how the analysis would benefit the project. He added that in Section 15.2 from the Rules, it states that if there is question, the Ordinance overrules the Rules.

Clyde Younger, 15 Acton Street (Past Town Council President), said he has been through all of the discussions – the Planning Board and Staff asked the developers to make changes and the presentation tonight was done well. He said smoke screens are thrown up to delay projects. He said this project has tremendous merits for this community, not just from the tax dollar perspective, he said the actions of the town council years ago regarding the Pleasant Street corridor to be developed, traffic antidotal, but traffic in the square – only 5 cars can go through the light. The square is a bottleneck. What will happen with the new traffic lights at Rosedale, etc. they will mitigate some of the problems for people trying to get out of their driveways. Look at our community in a comprehensive way. They Planning Board and Zoning Board are supposed to question the project and he does his own evaluation of the project and does not leave it up to what he reads from others.

Susan DeLong, 26 Conant Rd., opposed to this building. Conant Road has been ignored up to tonight. She is concerned with safety and access to Conant Road. She said councilors were concerned with the traffic and the curve on the street. Conant road is on the inside of the curve, they will have issues with the sight line. She would not object to a 3 story brick building. The traffic study was not comprehensive. On average, she has counted one car per hour coming onto Conant Road and turning around as they do not see the dead end sign. She hopes there is a contact for construction complaints. In the summer there are people parking along Conant Road to the point where she cannot get out of her driveway. People cut through her yard on foot and she thinks with this will increase with this development. She is interested in safety as there are 5 young children. She does not have a lot of history but she heard the road was supposed to be widened and it was not.

Theresa Coppola Jones, daughter of Claudio, said they interviewed other developers commercial and residential and they thought this was the best project. They have heard that this building is ugly. They have owned the property for 40 years and they had a good reputation but now the neighbors don't want to speak to them. Parking was always an issue and they allowed their neighbors tenants to park at Dan's Auto. She was stuck in traffic this morning, too but there is a lot of construction on the street.

Dom Zachaninni, 23 Conant Road – They are not against the project it is just too large, 3 stories is enough. The driveway is right next to where the kids go down to the pool. Conti built 18 next door on a larger lot. This lot is too small for 44 units. Speed is also a safety issue.

Elaine Whalen, 111 Pleasant Street is concerned with traffic, parking and the length of building. 42' high and 185' long along the river. Think about 50 years from now – the councilors are saying the economy needs it now. She is insulted that a councilor said they are glad it is not in their neighborhood. Repton will be expanding. She doesn't want the area destroyed – this is too long and high; 5 stories from river. The peak of 2 families vs. building height – should be 2-story.

Angie Kounellis, Town Councillor, commented on the rezoning of parcels; applauded parking; asked that they address the issues of neighbors; consider 3 levels when PSCD – there is no tunnel effect now but this could be the start. Listen to 3 stories; no concession of bulk of building.

Cecilia Lenk thanked Cresset for addressing the questions she personally contacted them on. Her concerns are that there be no harm to the river including bio-retention along river. Member Santucci commented that these issues are being brought before the Conservation Commission.

Steve Corbett, Town Councillor, said this meets all of the requirements in the zoning ordinance and should be permitted. The concerns of the neighborhood should be listened to as long as it is feasible. The neighborhood's acceptance should not be a reason to deny this project. This will cast shadows but not substantial and a two family house would cast larger shadows. Traffic is not unique to Watertown. They should not hold hostage projects of this scale due to traffic. We should not avoid our own development because commuters are passing through the town. This is a good location for an apartment building, the scale works; it is near the square, public transportation and the bike path. This new use would be more environmentally friendly than the current use.

Tim McBride, 108 Marshall St., said he owns and manages two apartment buildings near the square and this is a beautiful building and the developer has made many concessions with backing it off the street, lowering some of the levels, and changing the parking. This will increase the neighborhoods value.

Dennis Duff, 33 Spruce Street, confirmed that this is not in the PSCD zoning district. He said that it is insinuated that the board has to pass this as it meets all requirements. A similar project on Grove Street met all of the requirements but the board rejected it due to its size. He remembers when the petitioners came to the board to change the zoning, stating they wanted 4 units for their children and a year later they come back with 44 units. Projects like this need to be limited. On Charles Street, every side yard was developed because the building inspector said he has to give a permit because zoning says so. He resigned and the town changed the zoning. Bradshaw Street met the zoning by an inch but was way out of scale. This is a single and two family neighborhood. This is a big project and will change the feel of this neighborhood. If they allow this here, it can be allowed in any neighborhood. He is also concerned with the ivy on the back as English ivy is banned by the state.

Vincent Piccarelli, District C councilor, said this is his district. He did not speak out against this project at the Planning Board meeting but he also did not speak for it. The Economic re-development in Watertown is for underutilized industrial properties. They requested Community Development be active in obtaining developers for these properties. The long term financial health of this community depends on the utilization of these properties. Commercial properties are almost double taxed the rate of residential. 2/3 of the land is residential and 1/3 commercial. You would think that with this formula, the commercial portion provides 1/2 the tax revenue. However, it only provides 1/4. The last 20-25 years these properties have been abandoned or underutilized. Under 2 1/2, the tax does not go away, the burden shifts to the homeowner. Their Budget Priority Guideline was a way to protect these properties by seeking a better use than an empty lot or a one story garage. He would be a hypocrite to go against this development. He voted for the policy of economic development. Everyone is for Economic Development until it happens across the street from them. The Town Council's job is policy guidance and the Planning Board and Zoning Board decide whether or not this building gets built. We are bound by law, the Zoning Ordinance. The complaints come down to the view and size issues and the traffic and parking issues. The dimensional regs allow a larger building; there is no law regarding a view across an abutting property without a view easement; the question is 9.03 c.2 the decision by the ZBA is whether they have brought the building into harmony with the zone – there are 4 zoning districts: I-3 (industrial); R.75 (apartment bldg); T (two family) and the Open Space Conservancy along the river. It is not exclusive to one zoning district. Traffic and visitor parking is an on-going concern. There is no parking on Pleasant Street and the only parking is on Conant Road; resident driveways are used to turn around; they should not be burdened. He asks that the board add three conditions: 1. The lease for tenants should explain all parking is to be in garage; surface parking for pick-up/drop-off/deliveries and shall not be used for long-term parking. No parking or stopping on Pleasant Street and no parking on Conant Road. 2. There should be signs for pick-up/drop-off/deliveries only and no long term parking. 3. signs in lobbies describing same. He also asks the Petitioners to install 2-hour parking signs on Conant Road in cooperation with DPW and the Police Department. Frequent ticketing on Conant Road will dissuade parking.

Chris Chapron, 22 Conant Road, lives there with wife and two kids said he was dismayed at Planning Board to approve this decision. This 4 story building will be the white elephant. This building may not be the most appropriate but it is the most profitable. This increases population density. He can see over the one-story garage to the river now and this building will shadow his house. He wants to see something built here that is responsible and maintains the integrity of the neighborhood.

Mark Sideris, 30 Union St., Town Council President. Said he had an opportunity to vote on this project when the zoning change came before the town council and between then and now, he has attended the neighborhood meetings and the Planning Board meetings. They consider the needs of the entire town. We all want economic development and we have turned down econ dev. When campaigning, he hears about taxes. We are losing our commercial development which is putting more pressure on the residents. If we continue to say no, there is no economic development. They need to take these things into consideration.

Mr. Magoon noted that a letter was sent in to the Planning Board from John Donohue, Town Councillor, in support of the project. He will provide a copy for the record.

Dartagnan Brown, Architect, talked about the shadow study and presented a board showing the shadows at several times of the year. Attorney York indicated that this building does not cast shadows any more than a two-family home would.

Attorney York stated that the by-law is there for a reason; this site is being cleaned up with bio-remediation through the Conservation Commission and the Charles River Watershed Association. This is a green building. Smart Growth is all about this building. Support all of the departments that already support this project.

Chair Vlachos declared a business mode. He noted that stamped in today is a petition of 10 pages and 12 signatures per page are in support of Mr. Coppola. The Staff Report analysis recommends approval to the Planning Board. The Planning Board met on October 13th and with a 3-1 vote, they approved the project. Chair Vlachos stated that this reminds him of the Grove Street project that they turned down. He has no doubt the developers will do a good job. The support of Mr. Coppola indicates people agree. He has been on this board for at least 10 years and he has never received this much testimony from councilors past and present. He hopes this isn't a polarizing position. He is in favor but not this size. What makes Watertown unique is its proximity to Boston and its congestion and the third is the Charles River. We have a historic river passing through and it has not been paid attention to over the years. Anything along the river should be scrutinized. His concern for the corridor is that one by one parcels will be bought and parceled together and large condos will be built. He is in favor of the project but not at this size. It can still be done profitably reduced.

Member Ferris asked for specifics – height? Chair Vlachos said if they lower the height, the number of units would be lower. The length along the river is too imposing. He said he has lived here his whole life and he knows what this can be. This town is congested and we have to be careful of what we build. The project on Waverley Avenue looked one way on paper and now that it is almost complete, it looks massive. His view on the river is that this is too big.

Member Ferris asked if the zoning regs read that the height is at the median level of the pitched roof. Mr. Magoon said it is height and number of stories. Height is the peak and the number of stories.

Member Ferris asked about the 3 story plus roof across the street and how the board would feel if they had 4th floor spaces that would be tucked into a roofscape scenario with dormers – if it would be more or less objectionable. Chair Vlachos said he could not answer that.

Member Santucci said this should be continued it is late and although she is in support, she wants more time to review the material that was submitted tonight. She is interested in the Conservation Commissions take although this is not within their jurisdiction. If they change certain components within the river front it might change some of the plan. She has lived here her whole life and the only view of this site has been one that she chooses not to see. She just needs additional time to review all of the material.

Member Elliott is in support but hasn't spent enough time reviewing the river side and the additional material submitted tonight. She'd like to hold off on a vote until next month.

Member John would like to see some sections cut-thru showing how the relationship between the building, the wading pool and then the river to get a sense of it. There is too much information to process. He added that this is a beautiful building but he wants everyone to buy into it.

Ms. Elliott added that this is a big deal and they need to spend more time on it.

Chair Vlachos said this is such a polarizing project – his is one vote. He does not need more information.

Mr. Ferris said he is primarily in favor and the reasons are the challenges of the site as it is zoned for a 4 story office building or a car wash – more uses that would be less pleasant than this. He said the building has more integrity than another developer would bring. This could be a 5 story proposal. The retaining wall needs to be replaced up to 9 feet and he is in support of more trees planted along the rear line to soften the view up from the river.

Attorney York indicated that they would like to continue until next time.

Ms. Elliott stated that she is not looking for more information but she would like to learn what the Conservation Commission decides at their meeting next Wednesday.

Mr. Magoon reiterated Mr. John's request for a cross-section by the river.

Ms. Santucci motioned to continue. Ms. Elliott seconded. Voted 5-0, Continued.

Documents Reviewed:

Supplemental drawings received at the ZBA Meeting 10-27-10 in 11x17 size: Cresset projects page, BH&A Projects page, Major Revisions page, "L-1" Landscape Plan by Steven C. Foster ASLA; 4 photos on one page-not labeled; Traffic Volumes with two aerial photos on one page; Stopping Site Distances Aerial photo; "Traffic Summary" page, 111 Pleasant Street Observation and Projections page; Parking Ratios page. Letter from Dina and David Bastianelli, 18 Conant Road, dated 10-17-10; Letter from McKenzie Engineering Group, Inc. to Charles River Watershed Association, dated 10-27-10; Letter from Vincent Piccirilli, District C Councilor, dated 10-27-10; Copy of The ZBA Rules and Regulations, §4, from Chuck, dated 10-27-10.



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

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MINUTES

On Wednesday evening, **October 27, 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; Deborah Elliott, Member; David Ferris, Alternate Member; Suneeth P. John, Alternate Member; Steve Magoon, Director, Community Development and Planning; Danielle Fillis Evans, Senior Planner; Louise Civetti, Clerk to BOA.** Absent: **Stuart Bailey, Member; Nancy Scott, Zoning Enforcement Officer.**

Chair Vlachos announced the next case is a one year review of Cortiva Institute formerly Muscular Therapy Institute regarding amendment to special permit to review issues as it relates to Sunday operation for educational classes.

Chair Vlachos asked the President if there has been any complaints. There have been none. Mr. Magoon stated that there has not been any complaints received in the office.

Dianne Polseno, President, Cortiva said they have been respectful of their Sunday usage and the classes have been minimal. Teachers do not want to teach on Sundays. They have had 2 classes per month at the most. She may have 4 classes this month with an average of 14 students. A meeting with the Neighborhood Advisory Committee indicated that there have been no complaints and there was unanimous support from the neighbors and she has proof of that support.

Chair Vlachos said there has been a boom in massage chains and that must be helping their business. Ms. Polseno said there is a lot of jobs out there.

Ms. Santucci asked if they have had an increase in students at the facility. Ms. Polseno said, 'no' and wondered why she was asking. Ms. Santucci said she has noticed an increase in pedestrian traffic from the Hibernians. Ms. Polseno said they have a maximum of 60 spaces there and they have 7 less students this year than last.

Mark Sideris, Town Council President said he has been a part of the advisory committee since the first day Ben Benjamin stood before the board. They met last week and the school goes out of their way to be sure their students are not parking in the neighborhood and that they are respectful. They give their students tickets if they are parking in spaces that they are not supposed to park in. Each student signs an agreement. The owner of the building has stopped coming to the advisory meetings. He is expanding the use of the building. He has a yoga studio that opens at 6 a.m. seven days a week. He is renting rooms to graduates of the school as a massage studio. The school president has asked him to clearly mark which spaces are for Cortiva and he hasn't done that. Mr. Sideris is concerned that the building owner will take away parking spaces for other uses and Cortiva will be blamed. Other than that, people have been very supportive of the school, including some that were not in support at the beginning.

Cecilia Lenk, District B Councillor, said she is in support of the school and she speaks to residents that are not part of the advisory committee and whom speak highly of the school. Some people are concerned with other renters and other uses of the building.

Dan Rosati, 18 Jewett Street said they originally came to the board for a special permit for a non-conforming building with only a few parking spaces. He sees more traffic on Saturdays and Sundays. They first said they did not need Sunday operation. A year ago, he wrote Nancy Scott a letter saying that they are parking on Jackson Road in Newton. He said this board said they cannot do anything about it. There are more cars on Sunday. He has always been opposed to Sunday operation.

Ms. Polseno said one of the factors this board brought up last year was the 'creep' factor – they would want more and more. If anything, they have used it much less than they have requested. They have not used the building on Sundays anywhere near they thought they would. They have plenty of parking at the Hibernians. She then submitted 4 letters of support.

Ms. Santucci asked Staff to go out and investigate what Mr. Benjamin is doing. Mr. Magoon agreed to do so.

Ms. Santucci asked if they are ever there late at night. Ms. Polseno said their classes end at 10 p.m. The cleaning people are there at 1 a.m.

Mr. Rosetti spoke from the audience but it was not recorded as he was not at the microphone.

Ms. Santucci said something in the back was paved recently.

Mr. Sideris responded but again, not in the microphone and it was not recorded.

Ms. Santucci motioned to pass this item on to next year. Ms. Elliott seconded. Voted 5-0.

Ms. Santucci motioned to adjourn. Ms. Elliott seconded. Voted 5-0. The meeting ended at 12:10 a.m.