



TOWN OF WATERTOWN
Zoning Board of Appeals
Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

Melissa M. Santucci Rozzi, Chairperson
Deborah Elliott, Clerk
David Ferris, Member
Suneeth P. John, Member
Christopher H. Heep, Alternate Member
John G. Gannon, Alternate Member

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MINUTES

On Wednesday evening, **July 31, 2013** at 7:00 p.m. in the Richard E. Mastrangelo Council Chamber on the second floor of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Melissa Santucci Rozzi, Chairman; Deborah Elliott, Clerk; Suneeth P. John, Member; David Ferris, Member; John G. Gannon, Alternate Member.** Absent: **Christopher H. Heep, Alternate Member; Louise Civetti, Clerk to ZBA.** Also Present: **Mike Mena, Zoning Enforcement Officer; Gideon Schreiber, Planner.**

Chair Santucci Rozzi opened the meeting, introduced the board and staff and swore in the audience. She then reviewed the agenda, stating two cases will be continued and not heard: 615 Arsenal Street and 93 California Street. She added that the minutes have been tabled.

Member Elliott read the legal notice for the first case:

Joseph and Diane Messina, 244 Edenfield Avenue, Watertown, MA 02472 herein request the Zoning Board of Appeals grant a Special Permit in accordance with Watertown Zoning Ordinance §6.02(j), Garage Attached to Front of Two-Family dwelling, so as to convert a single family to a two-family with the addition of a front approaching garage and further requests a Variance §6.02(j), Maximum Curb Cut, so as to maintain existing non-conforming driveway width of 24'3" where maximum 22' is allowed. T (Two-Family) Zoning District. ZBA-2013-19

Joe Messina, owner, said his wife, the other owner cannot be here tonight. He is here to request a front facing driveway and approach to a garage as they are attempting to turn their single family home into a two-family.

Wayne Pelletier, Architect, said the owner is planning to add a second unit to their home and in the packet of information provided to the board, there are plans drawn with quite a bit of detail on it. When they first submitted to the planning board, they were going to keep their existing driveway at 24.3' wide, the board suggested they change that to a 22' wide opening. Mr. Pelletier explained the details of the landscaping and addition; keeping the existing front tree and adding windows to the existing 2nd floor bedroom to meet egress requirements. All regulations are met and the only request is for the special permit for a 2'+ reduced-width driveway.

Chair Santucci Rozzi clarified the special permit is for the front driveway and the variance is no longer required as they reduced the driveway width. Mr. Pelletier agreed and explained there will be a two-car garage to provide parking – there is an existing one car garage.

Member Ferris said there is a substantial retaining wall in the rear that will not be affected. Mr. Pelletier agreed, that will not be touched and the next street in the rear is up higher. Mr. Ferris added that it is nice that they are working around the existing street tree. He asked if they are matching the siding. Mr. Pelletier said they are matching the siding and stepping out the first floor of the front street scape to match the existing house. Mr. Ferris asked staff if the above-grade steps effect a setback requirement. Mr. Mena stated that they do not.

Member Elliott asked what the proposed square footage is of the new unit. Ms. Santucci Rozzi said the existing footprint is 1395 and the new total is 2283 s.f. Mr. Pelletier reviewed the table. He said the lot coverage is 2283 and the total of both houses is 3996 s.f., which is 49% - under the requirement. Ms. Elliott said the new unit is 1720 s.f.. Mr. Mena said it is just over 1600 s.f. Ms. Santucci Rozzi commented that the unit is small.

Ms. Santucci Rozzi asked if brick will be added to tie in to the existing home. Mr. Pelletier said he thought the brick would appear heavy over the garage and was not planning to add it.

Ms. Santucci Rozzi asked if anyone from the audience wished to speak on the proposal. No one came forward. She closed the public hearing and declared a business mode. She read from the July 3rd Staff Report and the July 10th Planning Board report, where they both recommended conditional approval. There are standard conditions and noting the Variance is no longer considered. The special permit is only for the front approach and the additional parking. She asked for the site plan to be updated to show the 22' – Mr. Pelletier said the drawings have been updated already.

Mr. John asked about the attic window that will now be blocked. Mr. Pelletier said they are adding two windows to the back roof of the existing house to meet egress requirements.

Ms. Elliott motioned to grant the special permit to allow the garage attached to the front of a two-family dwelling. Mr. Ferris seconded. Voted 5-0. The petition has been granted.

Documents Reviewed: Certified Plot Plan "244 Edenfield Ave." dated 4/15/2011 by New England Land Survey and: 8 page Planset by Construction Design Services (CDS) dated 5/10/2013 with revised Site Plan (first page) dated 6/26/2013; Planning Board Report, July 16, 2013.



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Ms. Santucci Rozzi stated that this is a continued case and the legal notice does not need to be read as the case was opened last month and the legal notice read then.

Mary Fitzpatrick introduced herself as the daughter-in-law of Theresa Fitzpatrick who is sitting in the audience. She explained that Theresa owns 38 and 40 Union Street and has resided in all 5 units over the past 60 years. Currently, she lives on the 2nd floor or 38 Union Street. She listed the tenants of all the other units and she wants to assure the board that they are responsible tenants and landlords. The reinvest money back into the apartments and keep them up-to-date. They work hard at keeping the limited green space that they have with the two properties. She noted at the last meeting that the photos she submitted were taken in April before there was greenery. She submitted others now showing the existing greenery. They plan to keep the existing greenery including the low growing hosta plants in the front of the foundation. They have worked with 3 landscape designers over the past month and they will add perennial grasses to upgrade the area. They now have a certified plot plan; a scaled landscape plan with the pavers; she submitted a few scalable copies and one in color. The landscape designer did not recommend an 18" buffer on the right side of the property. There is a small retaining wall on the right side of the property and may not be sound enough to withstand removing the pavement. The pavers abutting that wall would be more structurally sound and more aesthetically pleasant. They will do what the board decides. She thanked the staff on being certain they had everything in order. This past winter, after the main water pipe was

replaced in the street, they experienced a broken water pipe at 38 Union, where they had to dig up the entire property. They have proactively engaged a contractor to replace the water pipe into 40 Union Street. They want to make sure everything is solid before they put the permeable pavers upon approval by this board. They want to plant a tree at the end of the walkway and they learned with that the utilities will not be disturbed. They need the parking space, they are critical to this residence; they have been here for over 50 years; there have been no complaints regarding the parking. They are offering an aesthetic and environmental improvement. Losing parking would devalue the home and decrease the rent they currently get for the apartments.

Member Ferris asked if the full width will be done in pavers. Ms. Fitzpatrick said the parking will be in a gray color and the walkway will be more reddish.

Mr. Mena said the tree has not been approved or coordinated by the town arborist. If this is approved, the tree would still need to be coordinated with the town arborist. Ms. Fitzpatrick does not believe there are utility wires in front of the house.

Mr. Ferris suggested the landscaping be evergreen, in nature instead of a hosta or a grass which will go away. Something deciduous will provide something year around –. Ms. Fitzpatrick said they will investigate the options with the landscaper.

Ms. Elliott stated that her concern – agree with staff to maintain a buffer on both sides. She is conflicted – the plant beds - 17'1" and the plans have a 1' planting bed, reducing 16'1" and a parking space is 18' and the car in the photo fits. Ms. Fitzpatrick said the low growing plants allow the cars bumper to go over the planting strip. They have been able to keep cars on the property by allowing not pushing the car away from the house. They remove all snow from the front of the house. Safety is an issue with children and seniors in the house; the snow is completely removed to the sides of the home.

Mr. John asked what the width of the walkway is. Ms. Fitzpatrick said the plan from the last time is something they measured and 3.5' would be accurate. The walkway will be permeable pavers, in a different color. The photo is a representation of the color – just to show the contrast.

Mr. Gannon asked if the walkway will be raised higher than the rest of the parking area. Ms. Fitzpatrick said it will all be level. She said they have not had an issue of someone parking over the walkway in the past and it is pavement and cement now.

Mr. Gannon said the driveway is now sloped towards the sidewalk and asked if that slope will remain. Ms. Fitzpatrick said they are hoping to make it more level and the landscape designer said he could bring it (the grade) down some but not level as he would have to make some accommodation at the foundation. Mr. Gannon asked staff if the pavers would be enough to prevent runoff from the driveway into the street.

Mr. Mena said that staff has not done that analysis; however, he would expect some water to runoff and not all be absorbed by the permeable pavers. Mr. Gannon is concerned with snow melt and ice forming on the sidewalk. He asked how many parking spaces are provided. Ms. Fitzpatrick said there are two spaces to each side of the front porch. He then asked what sbdh found meant on the plot plan. Ms. Santucci Rozzi said, stone bound drill hole.

Ms. Santucci Rozzi appreciates the certified plot plan. She would support the two landscape buffers and something that is continuously green. She is having a hard time understanding how the snow doesn't block someone coming out of the back of the house getting to the front of the house. Ms. Fitzpatrick said they pile the snow on the right side of the house and the left. It doesn't block access. The left side of the house has the walkway and that is not blocked. They have a snowblower that will move the snow from the walkway so that is not a problem.

Ms. Santucci Rozzi asked about the tree on a 3.5' wide area. Ms. Fitzpatrick said staff asked that question and the landscaper said that was plenty of room. They thought they would provide the tree but if the town wants to provide the tree, they will support that. They provided the tree in front of 38 Union. Mr. Schreiber said the Tree Warden will decide that. Ms. Santucci Rozzi said she would like to be certain that the area is sufficient to plant a tree and not come back looking for more area to plant. Mr. Mena said a small tree can go there. Mr. Schreiber said the area may end up being a 2' wide planter strip and it will be the tree warden's decision if the width will be wide enough to support. Ms. Santucci Rozzi suggested that they make the 17.5' down to 17' to allow more space for a planting strip. Ms. Fitzpatrick said 17' is wide enough to allow a soften the urban feel to the home. They would prefer the tree.

Ms. Santucci Rozzi questioned the parking space between the houses at 38 Union. Ms. Fitzpatrick said it is used as a handicap parking space and if this is approved, they will use pavers in that area, as well.

Ms. Santucci Rozzi said the 18" of landscaping will make a huge difference. She drives past this street a couple of times a day and has not witnessed cars hanging over the sidewalk area – they are not even close. Ms. Fitzpatrick said they talk to their tenants at

length about this and she doesn't wish to brag but they are very careful about this. This may be rental property but they are also there. She read a letter from Michael McNiece, 43 Union Street in support of their petition. They had people here to support them last month and they were not prepared. This month they couldn't ask them to come back.

Mr. Mena said the parking space on the left side was parking over the line and he doesn't believe that it will fit with the landscaping strip. Ms. Fitzpatrick said it will be tight but it will fit.

Hector Marquez, 27 Union Street said that he has been there for 3 years and this plan is beautiful and this is a huge asset. Her tenants are great and no one ever complains there. The snow is always removed. Approving this plan and being able to keep the high caliber of tenants makes this neighborhood a great place to live.

Ms. Santucci Rozzi asked about the photos (bottom left) showing the 3-family house and the walkway - she asked if the car that parks in that spot is going to park in front of the bump-out in front of the porch. The car will not be able to park beyond the porch now. Ms. Fitzpatrick said the car was not over the property line and not on the sidewalk – it is a tight fit. They have used that space for handicapped parking and there has never been a complaint.

Member Gannon asked about the walkway and proposed a condition that the walkway be elevated to be certain it is safely used and to prevent someone from parking there haphazardly. Ms. Elliott said she is concerned that would become a trip hazard by being raised. Mr. Gannon countered that it could be high enough not to block a door opening but sufficient to allow pedestrians always have a spot to walk on. Ms. Santucci suggested a railing – she wonders how a raised walkway would tie into the steps. Ms. Fitzpatrick said there will be a curb-cut and a tree in front of the walkway and questioned why he feels someone would park on it. Mr. Ferris said raising it would create a tripping hazard and a railing would make it look tenement-line. Ms. Fitzpatrick added that it may prevent the car doors opening.

Ms. Santucci asked about the landscaping. Ms. Fitzpatrick said the landscaper recommended the pavers as the plants will be trampled. Ms. Santucci said adding mulch and plants (Mr. Schreiber added stepping stones) would frame the entrance show the walkway better. Mr. Ferris said a ground-cover that the chair mentioned earlier would be a nice addition. Ms. Fitzpatrick agreed and Mr. Gannon agreed to remove the suggested condition.

Ms. Santucci Rozzi reviewed the conditions:

Condition 7 will be changed to two 17' openings vs. 17 ½. They will finalize a landscaping submit to staff – incorporate into records-continuously maintain; include landscaping on both sides of the walkway. Replacement of the greenery adjacent to the dwelling for 3 seasons viewing. Staff to review. Mr. Ferris asked about accommodating a tree. Ms. Santucci said the property owner will work with the tree warden to accommodate a tree. #7 – to limit to 4 cars only.

The staff recommended denial but that was based on a prior plan. The Planning Board recommended approval. The ZBA met last month and continued to today with recommendations.

Ms. Elliott motioned to grant the request for a variance for parking to remain along the 45' frontage of the site; parking within the front yard and parking without a 4' landscape buffer and 5' front setback. Mr. John seconded. Voted 5-0.

Documents Reviewed: A sketch titled, "Variance Proposed for Existing Front Yard Parking" with dimensions estimated from Deed descriptions sand showing permeable front yard and two landscaped beds along front walk by William Fitzpatrick, 35 Fuller St., Dedham, MA; Planning Board Report, June 19, 2013.



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Continued Case: Legal Notice for 65 Main Street:

65 Main Street - New Cingular Wireless, LLC by and through its' manager, AT&T Mobility Corp., c/o Brown Rudnick LLP, 10 Memorial Blvd., Providence, RI 02903 requests the Zoning Board of Appeals to grant a Special Permit in accordance with the Telecommunications Act and the Watertown Zoning Ordinance §5.13, Wireless Telecommunications, so as to install 12 panel antennas, an equipment shelter with back-up generator within faux chimneys and screened all on the rooftop of the Armenian Library & Museum of America. CB (Central Business) Zoning District. ZBA-2013-09

Joe Giamarco, SAI Representative explained the reason for the continued petition for AT&T - it was due to the equipment shelter size on the roof of the building. He mentioned that there were plans submitted for a reduced size shed but they were not submitted in time for the last meeting. The size of the shed is 16' long vs. the proposed 20' and that is as small as they can go on shelters. The shelter is still 12' wide. The photo sims were revised July 10th. From a 240 s.f. to 190 s.f. for the shelter with a savings of 400+ *cubic* feet. No reduction in height.

Mr. Ferris noted that the elements are to be painted to match the existing flues. He suggested the flues be the same color as the concrete on the building. Mr. John agreed. No further questions.

Chair Santucci Rozzi said the view on the roof shows the separation of the equipment now. She asked Mr. Ferris about the condition #10, "Building concrete elements..." Change to "...existing building concrete façade..."

She said the board had asked for revisions - for this to be scaled back and for the exterior finish to be addressed and that has been done. She read from the Planning Board report and Staff report noting the changes in the condition stated #10.

Ms. Elliot motioned to grant the special permit for 12 panel antennas with equipment shelter with back-up generator in faux chimneys with the conditions discussed. Mr. John seconded. Voted 5-0

Ms. Elliot motioned grant the Variance for the Telecommunications Act. Mr. Gannon seconded. Voted 5-0.

Ms. Santucci Rozzi stated the petition is granted and the board appreciates the revisions.

Mr. Gannon motioned to adjourn. Ms. Elliot seconded. Voted 5-0. Meeting adjourned.