



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

Melissa M. Santucci Rozzi, Chairperson
David Ferris, Clerk
Christopher H. Heep, Member
John G. Gannon, Member
Kelly Donato, Member
Neeraj Chander, Member

Telephone (617) 972-6427
Facsimile (617) 926-7778
www.watertown-ma.gov
Louise Civetti, Clerk to the ZBA

MINUTES

On Wednesday evening, **January 28, 2015** 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, *Chair*; David Ferris, *Clerk*; John G. Gannon, *Member*; Kelly Donato, *Member*; Neeraj Chander, *Alternate Member Absent*; Christopher Heep, *Member*. Also Present: Steve Magoon, Director CD&P; Mike Mena, Zoning Officer, Gideon Schriber, Sr. Planner, Louise Civetti, *Clerk to the ZBA*.

NOTE: The WACTV video of this meeting is labeled as the 'Planning Board' although this is the Zoning Board of Appeals.

Chair Santucci Rozzi opened the meeting and reviewed the agenda, stating that items will be taken out of order. **65 Grove Street** is continued at the Planning Board and will not be heard this evening. **28 Fayette Street** was heard a couple of months ago and is not prepared to move forward. Ms. Santucci Rozzi asked for a motion to continue this hearing. Member Ferris motioned to allow the continuance of this petition. Member Gannon seconded. Voted 5-0, Continued.

Chair Santucci Rozzi introduced the board and staff noting Alternate Member Chander will be voting as a full member. She then swore in the audience.

Chair Santucci Rozzi asked for a motion to accept the minutes of the November meeting. Member Ferris motioned to approve the minutes of November. Member Donato seconded. Voted 5-0, approved.

Chair Santucci Rozzi stated that the case for tonight will be 631, 651-653, 655 Mt. Auburn Street & 226 Arlington Street, Coolidge Square II LLC, which is a continued case from the December meeting. That meeting heard a lot of testimony and a lot of presentation. The format for tonight will be the developer that will begin with the updates – a lot of things have been revised and amended in response to the testimony from the public, the board members and the staff. Next there will be a brief presentation from Steve Magoon, Director of CD&P in summary of those changes, as well as staff comments. Then the public comment. As there are a lot of people that would like to speak, she will limit the comments to the new presentations. There are a lot of submitted written comments from the public as well as those that were submitted at the last meeting, including 12 that came in within the past couple of days. She let the audience know that the board members have received each of them and each is recorded in the public record. She asked that people summarize their letters when they speak. She would like to hold the public comment to about 45 minutes and then close the meeting. She then requested Attorney York to approach the podium to bring the board and public up-to-date on the revisions.

Attorney York stated that they will update the changes to the plans that were made from the last meeting.

Bill Gobel, Bohler Engineering, reviewed the site plans that were updated including the rendering. Light heights were proposed at 28' and they have adjusted the parking lot light height to 20'. They added a street tree along Mt. Auburn Street in the front of the building, subject to the Tree Warden's approval. The parking lot 'green screen' has been eliminated and a more natural landscaping added with a series of Arborvitae, a natural looking hedge-wall and a shade tree to help with the upper story tree canopy. They added more landscaping to the "Citizen's" lot and the triangle lot that is not part of their application. It was previously a grass island and they added low shrubs and plantings along that entire area. They also added landscaping along the front of the CVS from the parking spaces, against the building.

Member Gannon asked if the additional plantings included the breaking up of the brick in the back of the building. Mr. Gobel said there was an 8' wide sidewalk area next to the building and they separated the area with plantings against the building. The sidewalk is now 6' wide.

Kevin Patent, bka Architects, said they looked at two changes to the building for consideration tonight. He swapped out some of the red brick with cast stone as he was attempting to lighten the presence on the intersection and the street. He also incorporated a Coolidge Square identifier into the seating wall. The public/private seating wall to engage the sidewalk and pedestrians. The letters will be put into the seating wall in a carved stone fashion.

Member Ferris asked where the spandrel glass is. Mr. Patent said there is vision glass all the way down to the stone base and the store front on Arlington has the lower section as spandrel glass to 5'. Mr. Ferris asked what the equipment is at the entry in the plan as it is confusing. Mr. Patent explained the spandrel glass is up to 5' to the left and the right storefront systems of the entry.

Member Ferris said the difference between the last plans and these plans are the vertical elements have dropped down from 22' to 20' for the raised elements. Mr. Patent said they are now at 18' as the last plans were not updated. Mr. Ferris commented that a real head-on elevation would show the extra vertical element or the storage mezzanine – there will be rooftop equipment and they do not know where the equipment will be although it will be screened, his concern is that by dropping some of these elements, he does not know where the screening is or how tall it is. Mr. Patent said a typical CVS would use a 10-15 ton rooftop unit which are 4-4.5' tall and they are now getting the visibility study of the equipment on the roof. If they cannot screen it or it is not screened by the building, they will add the screen to the equipment itself.

Member Ferris stated that by looking at the floor plan, if you were entering from Arlington at Mt. Auburn, you would walk in and see vertical duct work from something overhead to the right of the door. He asked if that is the location of equipment on the roof – close to the roof edge of Mt. Auburn Street and Arlington Streets. Mr. Patent said that nothing on this plan indicates any equipment on the roof. The rectangular areas with x's means floor space for handicapped access. A reminder for merchandising.

Member Ferris said there are no columns in the store? The building cannot support additional floors. Mr. Patent said that it is impractical with a building of this size and configuration to move forward with adding additional structure to supply additional floors.

Mr. Ferris said he prefers more of the brick element as opposed to the cast stone.

Member Gannon asked if the mens/womens rooms would be open to the public. Mr. Patent said that CVS has a policy not to preclude the public from using the restrooms; however, there are no wayfinding signs to the toilets. They are not locked and there is not a door to pass through to get to them.

Robert Michaud, MDM Transportation Consultants, recapped the traffic mitigation program developed with collaboration of the Department of Public Works and the outcome of an extensive peer review process. The principal elements are structural equipment replacement and maintenance. The most prominent point is the upgrade of the Mt. Auburn and Arlington Street signal. This site was pegged as a high pedestrian site to integrate a walking to-and-from the store. Because of this, they were to bring all of the crossings to ADA standards. It results in sidewalk reconstruction; replacing pedestrian signal

indicators to countdown clocks; replace pushbuttons to audible controls; replace the traffic controller unit with state of the art equipment; update to the detection at the intersection (mounted video cameras) to optimize how the signal is working; cycling, phasing and sequencing during specific times of the day. They will also landscape the northeast corner. He continued with the second major feature to the intersection of Mt. Auburn, Bigelow and Kimball, which is not 'capacity constrained' but is pedestrian oriented. They will replace all pedestrian indicators with countdown clocks and all push buttons with audible. He said these improvements cost hundreds of thousands of dollars in upgrades to meet the needs of other growth in the area. The Wells Avenue and Bigelow intersection was brought up with staff and involves placement of a 'do not block intersection' pattern (painted on the street) to promote gaps in traffic – should queues develop. They have also included pavement marking on Wells Avenue to delineate left and right-turn movement. They will also place a 'No Parking Here to Corner' sign at the end of Wells Avenue.

Attorney York concluded the review of the plans.

Chair Santucci Rozzi opened the meeting to the public.

George O'Martian, 48 Bigelow Avenue, representing himself and many people in the Bigelow Avenue complex. He apologized for the conduct of several residents at a meeting held at Coolidge Street apartments (regarding this case) – especially to Councillor Kounellis. He further explained that Ms. Kounellis was asked to give her opinion and she responded that she had not finalized it and had 45 questions and answers brought up at the meeting that no one asked for. He mentioned the parking lots, parking lights, etc. – and then commented about the size of the windows allowing ambient light to provide safety. He also requests a minimum amount of brick be used. He said the Arsenal Mall is all brick and more brick in other areas creates a canyon effect. He said there is a security wall next to Mt. Auburn Grill and if they decided to change their front, they still have a brick wall. He asked for it to be removed. He then asked for a canopy or awning to prevent the snow from falling onto the sidewalk. He asked for heated sidewalks. He mentioned the bus stop moved to the diner. He started to speak about restaurants in the area and was asked to keep his comments in regards to this application. He then showed a flyer which the board did not have and indicated he was commenting on that. His comments were about ambient lighting and how other businesses are already lit in the area (in response to residents complaining of the light in their windows at the community meeting). He then said the group wants an ice cream store or small business and then added that what you know is better than what you do not know. He then gave kudos to the president of CVS.

Susan Cook, 30 Westland Road, said she sent comments in writing and summarized that she is excited about things happening in Coolidge Square but is disappointed in the industrial-looking proposal. She believes the trucks at the CVS will deprive people in the area of sleep with the noise and fumes. She envisioned an oasis with more trees and plants and less asphalt. The trucks worry her.

Joe Levandusky, 13 Templeton Parkway, representing the Coolidge Square Neighborhood Group, said he had over 300 signatures submitted to the Planning Board and presented to the clerk of the board, another petition with 114 signatures. He said their group sees this area as unique with a small business area thriving after the recession – he names a few. He believes there isn't a need to add economic development to this area - this proposal is out of scale for the area; most businesses are less than 3000 square feet; the area is challenged with infrastructure, street layout, transportation and pedestrian environment. This proposal would hurt local business; increase traffic and intensify a stressed neighborhood. The businesses in the area are unique. CVS makes their money on volume. Their quality of life will be harmed. 80% of the people he solicited door-to-door agreed. He feels it would be foolish to ignore the residents that know this area intimately. This project is out of scale and a disappointment. This could be the gateway to Watertown and he does not see a gateway project. (clapping from the audience).

Chair Santucci Rozzi asked the resident approaching the podium to present new comments as he had a very long presentation at the prior meeting.

Dave Peckar, 24 Wells Avenue, representing the majority of Wells Avenue residents. He has new comments and would like to address comments made after his presentation at the last meeting. He said his group requested the board reject the request for this proposal based on the non-compliance of section 9.05b of the zoning ordinance. He said they had discussed the history of their efforts, the status of their concerns and a summary of the reasons. He summarized the concerns as the large size of the store proposed in comparison to the other businesses in the area; it's orientation of activity facing their homes; their concerns constitute serious detrimental adverse effects upon their neighborhood (that don't meet the criteria of that section). He continued, stating he will address comments made after his presentation at the last meeting. He said Attorney York stated the Wells Avenue residents came out against other proposed projects in the area. Mr. Peckar agreed; however, added that Mr. York further stated that they would be against any project in their area. He feels that Mr. York was stating that the board should discount the Wells Avenue resident concerns based on their prior concerns. He further added that Mr. York was seeming to say that credence should not be given to the resident concerns. Mr. Peckar then stated that 'any history of concerns that they may have had in their neighborhood has no merit or credibility to this project. Those concerns have nothing to do with the current project.'

Chair Santucci Rozzi explained that this board takes into consideration what happens at the public hearing. She does not recall Mr. York stating that. She said anyone can say what they want in this room and the board chooses to make their own determination of the various testimony.

Mr. Peckar added that another comment made by Mr. Magoon regarding the words, 'adversely affect', that the board should interpret either way. Mr. Peckar said that the comment had to do with their use of the term in their presentation which had to do with how the issues specifically relate to section 9.05b. He said people didn't understand that regulation and asked the board if he could read that regulation. Chair Santucci Rozzi responded that this was not necessary as anyone wanting to know what the regulations are have already looked into them and some people are going over their issues of the project and others are not going to be getting into that level of detail. She added that the board knows what that criteria are and that is what is important.

Mr. Peckar said another issue is not currently part of the zoning regulations but will be in the near future. The new design guidelines and standards are currently being prepared and ultimately will improve this community. They feel strongly that although this petitioner does not have to comply with these regulations, that it would be shortsighted to the community if they were not incorporated. He said this site is key in Coolidge Square – it acts as a gateway to the entire town of Watertown when traveling from Cambridge. He concluded that if the board denied this project, any new project would have to adhere to the new design guidelines. He feels there are multiple issues – real conditions that effect the neighborhood that this project does not meet within 9.05b and if the board does not consider the new design guidelines, they may be on the wrong side of history as their legacy. His group of 14 residents in 8 homes, asks that the board reject the project. He submitted a copy of his comments to the clerk.

Maryilyn Petito Devaney said she doesn't live in the east end but we should all be concerned within the 4 square miles. She said voting no could be for the people. Her four points are the location of other CVS stores; the size of this building; the number of customers coming; and the parking (and traffic but she added that was already addressed). She said none of the CVS's are located in residential areas and these residents take pride in their homes. This project will take away their quality of life forever. She said this does not meet the criteria or standards of the east Watertown area. It is 7x the size if the other buildings. She has seen what happened in west Watertown and she voted no and it changed their quality of life forever – they cannot see the river and trees were cut. This area is unique with their ethnic stores. There used to be apathy with residents and now they are speaking up. She said 42 parking spaces is ridiculous and not enough and then stated what each CVS in the area has for their number of prescriptions. She said this number of prescriptions per day is more than 42 parking spaces. Years ago Watertown was 9th in density and we are probably 8th now with the development. She said just to make change is not improvement. She wants to keep the east Watertown uniqueness and said if the board cared about the residents, they'd vote no. (clapping)

Susan Falkoff, 19 Oliver Street, Councillor at Large. She said the council sets policy and it is up to the board to figure out how to enforce it. She mentioned a clipping from 2003 that states (Watertown) needs to do planning and plan ahead. They have commissioned a comprehensive plan and it is not complete. Others stated to have a moratorium in place until it is. The council voted not to have a moratorium but to hire someone to develop design guidelines and standards. They are also almost there but not in place. She said this project feels like the poster child for what they don't want in the new plans. She asks the board to turn this down in the hopes that something better will come forward. (clapping)

Malcolm Meltamian, owner of the Mt. Auburn Grill, said his main concern is the exit from the side of the building going out to Wells Avenue – which goes behind all of the stores and through his parking lot. He said 4-500 cars and several trucks going in and out will block his parking lot once Wells Avenue backs up (queues). His customers will not be able to go in and out. He caters to the elderly with early bird specials and he does not have much parking. He does not have much parking and this will put him out of business. He pointed to his parking area and the drive aisle that was created in that area specifically for the businesses in front of it – it was not made as a passageway for all traffic. He suggests they block that off. The grill has been there for 80 years and he has been a good neighbor. He wants that area blocked from the truck and CVS traffic. He has about 15 parking spaces in the back. He was asked by Member Gannon how many parking spaces are public parking in that lot. Mr. Meltamian said he thinks there are 22 metered parking spaces and the Citizens Bank has about 22 but they tow vehicles out of that lot – even handicap. He is concerned with all of the traffic going through his parking area through the right-of-way behind his restaurant. It was put there for the businesses in the front.

Mark Ciano, 28 Wells Avenue said the developers suggest their community is a pedestrian community. The original plans and beautification of the corner but the impact to the pedestrian traffic. Most of the people take Wells Avenue as a cut-through or Merrifield and there ends up being a traffic jam at Bigelow and Wells. Their plans for improvement will not help this. They do not even have enforcement of people coming down the one-way the wrong way. At times, he can barely get out of his driveway. The meters on the street severely impacted his ability to get out of his driveway. He is not against anyone having a business or development but the size of the project does not alleviate the traffic. This is not a pedestrian business. There is no proof that the Tufts employees will walk across the street to shop at the CVS. He does not have issues with the beautification (benches, etc.) it is the traffic. The impact of trucks, dumpsters, waste is overwhelming to this area. He has to worry about backing into someone on Wells Avenue. The size of the development does not equal the traffic or parking they have proposed to support it. It will be a severe impact to Wells, Merrifield and Bigelow. (clapping)

Aaron Dusku, 10 Elmwood Ave., Councillor, commented on he and Susan Falkoff's responsibility to set policy but as a resident and in support of the signees of the petition, said a thank you to Mr. Korff for investing in Watertown and putting together a project on what he referred to as a difficult property. He said the traffic concerns are real and any project going in here would face traffic issues. He wants to know why this hadn't become a mixed use property. He'd like to see a mixed use project. He wrote a letter regarding the impact to small businesses and the economy – there is a one convenient store within a block and Armenian markets that would have trouble keeping up with the low cost of CVS products. These things make them proud of Coolidge Square/Watertown. He added that no increased revenue can buy back if they're gone. He said that the neighborhood has been so organized in resistance to this project and 'you' have to pay attention to that. He said he has had conversations with the developer and he continues to listen and if given more time, 'we' could have him hear a few more direct concerns if (the ZBA) would continue. He has an idea that he presented to the Traffic commission today and through conversations between the council and planning design about parking, to charge for parking in Watertown as every auto is a cost to society. He said Tufts employees are parking across the street all day long and they will drive across the street to CVS and park for free. He wants the parking lot not to be free on this site. The other CVS has a municipal lot where they pay for parking. By charging for parking, it would encourage people to walk there; eliminating exiting traffic on Wells; save the spaces for the restaurant; etc. He thanked the board for continuing this case.

Shepherd Ferguson, 41 Ranglely Road, said that the architect mentioned the design of the building that has now changed. He has experience with screening and suggests that drawings be submitted showing

the mechanicals on top of this building. The traffic issues are major. He mentioned a Trader Joe's and a CVS (location not mentioned) where the parking lot is tight but the trucks only use the back. This project has the trucks co-mingling with the customers. He mentioned Mr. Korff and how he is creative and could work with this (on a better project).

Rosalie Howsaman, Dexter Avenue, she walks and does not have a car. She resents another CVS as there are three pharmacy's close by. The seniors are dying off and all the rental properties are going to condos. She mentioned churches and schools in the area with limited parking. She then stated the parking lot exits on Wells Avenue and a fire would be a nightmare on a one-way street. She pointed to the board and said none of them live in East Watertown. (Two board members stated that they do). She mentioned another building recently built where they bring disabled people in and out every day and they are going to be in the same parking lot as the trucks. She is not satisfied with CVS products. She thinks these big firms are coming in with money and say they are going to beautify the town but are making a highway out of a parking lot. (She was asked by the Chair of the ZBA not to raise her voice) They will be ruining a small one-way street. She said people will drive to this CVS to get their drugs they won't walk there. (clapping)

Chair Santucci Rozzi announced about 10 more minutes of public comment.

Mary Wilcox, 41 Elton Ave., understands development is going to happen but she would love to see something beautiful for east Watertown. She wants to see something nice when she comes home. A giant CVS cannot be made beautiful. 13,000 s.f of this is not going to fit into their small store environment. She wants to see something that the developers can make money on but 'really hits it for East Watertown'. She asks the board to deny the request. (clapping)

Mary Marcus, life-long resident said her dad started a business here in 1946 which is still in business. The CVS is out of scale with the existing businesses and would have a negative effect on these businesses and the residents. They would lose one of the only parking lots on this side of town. She is not against new development but is when they do not take into consideration the needs of the neighborhood and do not work with the neighborhood groups. She wants this to be scaled down and she would not have a problem. The Planning Board rejected this on March 10th and they did the right thing. She said another business owner worked with the neighborhood and created a large building that looks nice between Arsenal and Walnut Streets. She wants the town to be developed the right way. (clapping)

Helen Susu, said she lives mid-town and was angry when she heard about this. She uses Coolidge Square a lot and drives through the square at 9 and is part of the traffic. She uses CVS and knows others go to Star Market or Target for their prescriptions. Coolidge Square has been part of her life and they do not need another CVS.

Barbara Ruskin, 140 Spring Street, speaking for herself and her husband; she is the facilitator for the Sustainable Watertown Network and talks to a lot of people. She is disappointed as there are not many changes and many comments were ignored. She said they may be insoluble with a project like this. She said they don't want the 'Welcome to the New Watertown' to be a CVS. This is flawed and should be denied as the four criteria has not been met nor the standards in the comprehensive plan and design guidelines. She then went through the four criteria – 1. the use is not appropriate; she said the PSCD concepts should be considered; she said the retail chain store design is typical and these are meant to be avoided in the new world of Watertown. 2. The use will adversely affect the neighborhood – the CVS is 7x's the size of other businesses; the traffic is not resolved; the truck requirements are out of scale with the neighborhood and CVS's are generally not in residential neighborhoods; hours of operation are incompatible; the east end answered a survey stating that chain stores will ruin the existence of small businesses; this sets a precedent for other large business to buy up a bunch of small shops. 3. There will be nuisance and hazards. This development will exacerbate the present traffic; traffic patterns are overwhelming with this walkable neighborhood; crossing streets will be difficult; 4. Adequate facilities cannot be provided – the truck turnaround and unloading spaces are inadequate for a department store and will interfere with the local businesses and the walking; the hours of operation and delivery will compromise the neighborhood. There is little street scape for the pedestrian shopper – not remedied in

the developers report tonight. Drive up shoppers next to the neighborhood and the Tufts employees. She said they would like mixed use development. This is a transportation corridor that could be a more productive part of the Coolidge Square variance. This makes an impression at the entrance to Watertown. She wants the board to deny this and hopes the developer comes back with something in keeping with the qualities they enjoy. (clapping)

Tony Palomba, 40 Oakley Road, Councillor-at-large, thanked the board for continuing this hearing to provide an opportunity to speak. He also realized the difficulty in dealing with the rights of the developer and the elegant proposal by the community in regards to traffic, size and scale. He said this project is not appropriate for the Coolidge area and he hopes that if the board has to decide that they will decide to deny. He then added that a yes nor a no would move this community forward. The board is constrained and they have to follow certain guidelines and zoning code; however, he asks that they think about what a particular decision like this would mean for those that support and would like to deny it. He feels it would be more appropriate for the board to make a decision that sends the parties back to the table. He said there is clear opposition and the developer has clear rights – he wants Community Planning to think about what can be there; a smaller CVS pushed back with a second story; add a pocket park on the corner with a Welcome to Watertown sign. He asked if a different design would address the issues of traffic. He suggests that if the board makes a decision that they deny or if they continue, to then set up a meeting with community leaders, elected officials, representatives of the department of community dev't and planning to work out a design that fits into Coolidge Square. (clapping)

Angie Kounellis, 55 Keenan St., Councilor, long-time resident, said that they all take turns sitting in the 'big' chairs making decisions. She thanked Mr. O'Martian for his kind words regarding a community meeting and stated a balance is needed as the issues the residents brought forward were substantiated; placed in print; addressed by the media. Residents prefer to forget, disregard or not pay attention. This is all in regards to the community meeting mentioned. She cannot be for or against a project – 'we' need balance. From August 4th – the night of the first presentation, she has said the same thing as the residents – there are concerns and the development team has made concessions but there are property owner rights. She mentioned in a meeting recently that all of the properties in the East End are land-locked in regards to vehicular circulation. She said people have held on to their properties waiting for the economic turn-around and it has come. Real Estate prices have increased and once purchased, they want to develop it to recoup the revenue and all of the development is going on in the east end. She added that this developer has over \$250,000 in mitigation for this project. She said someone else said these moneys are nothing short of bribery – she took offense at the comment. As Town Councilors they spend many hours going over the budget policy guidelines, which one states: "Continue to pursue mitigation on larger-scale projects" – they rank these (guidelines) and give them to the Town Manager who then submits them to staff. She said this is how the budget and the policies are brought forward. She then conveyed the ranking of this 'item' on December 16th as 2.9 out of 5. She defended herself against the people that said her actions for the community were conceived as bribery. She then went through the ranking by each councilor. She said the board has a difficult decision as four parcels were purchased at \$5.1 million to bring this project forward. She said the neighbors did not come to her to request another meeting with the developers – she is trying to find balance. She said this has become nasty and shouldn't be as a community should be working together.

Chair Santucci Rozzi asked the audience if anyone wanted to make one final comment.

Doug Orifice, 238 Arlington Street, said he represents and underrepresented faction of younger families. With young children they are often not able to get into the public discourse. They are the future of this town. They are busy and cannot get their voices heard. All young families at the park across the street from the CVS and a lot of those folks are making a choice of whether to stay or go elsewhere to live. He would like to stay. He said the four items are that this site is not an appropriate site as he sees 15-20 strollers in the summer (at the park) and across the street from a 14000 s.f. high-volume retailer does not make sense. It will adversely effect the neighborhood as his friends on Wells Avenue will watch their street become a turn-style of cars and delivery trucks. There will be nuisance and serious hazard to pedestrians as this is a pedestrian neighborhood and will become more dangerous as high-volume stores come in. Adequate and appropriate facilities...most CVS's this size are free-standing buildings or in

commercial zones or in more appropriate districts in centers. He suggests a smaller express drug store; residences, offices, professionals, something that would add to what the community and society wants. He added that they want a place they can live, work, play and stay. He said his comments were on behalf of other young families that are putting their kids to bed right now, to deny the project. (clapping)

Chair Santucci Rozzi announced one last comment:

Sara Ryan, 43 Paul Street, said she speaks as a citizen of Watertown and she discovered Coolidge Square 25 years ago with its' great stores and uniqueness. She said it is still great with charm and appeal and this development does not fit. They need to demand more. This is a gateway for our town and take care of the residential streets and preserve the quality of Coolidge square. There is going to be business and development; however, not this proposal. (clapping)

Chair Santucci Rozzi announced that this concluded the public comment section of the meeting and she went out of the order she stated earlier. She would like for Steve Magoon to add any comments beyond what is stated in the Staff Report and asked him to touch upon traffic engineer's report that the town hired. She explained to the public that the town hired their own third-party review of the traffic.

Steve Magoon stated that he has heard several people speak about whether or not the town needs another CVS. He clarified that it is not the town that is building a CVS – it is a property owner that is exercising their rights as a property owner. Therefore, it is not an appropriate question for the town. He said that there is also a lot of concern that the town should have small businesses, local stores, mom and pop shops as opposed to national retailers. In regards to land use regulation and the boundaries the town has to operate under, the applicant could have come in with a 19,000 s. f. box and not stated whether it would be one large retailer or multiple smaller retailers. The town cannot determine if it is a national retailer or a local retailer. The property owner and the operator of the business are the ones that are responsible for exercising their property rights and investing significant money to make the business work. Mr. Magoon then spoke about the traffic, summarizing the third party review. He said it was stated that the traffic study the applicant submitted wasn't sufficient and people didn't believe the results of the traffic study. An independent engineer reviewed the traffic study and found some deficiencies and of a concern. The traffic company did some additional analysis and produced results that the third party review found to be sufficient and adequate. The traffic mitigation that the applicant offered, is geared towards making the pedestrian access safer with ADA compliance, curb sections and pedestrian signal elements at all of the Mt. Auburn, and Arlington and Bigelow corners. Improvements are made at Arlington and Mt. Auburn where curb cuts have been eliminated and only one curb cut is proposed which is a safety improvement for pedestrians. CVS does have more traffic than some of the other uses but that is one conflict as opposed to many (for pedestrians). He continued by stating the building at the corner and windows at the street provides a pedestrian experience vs. a gas station. The third party reviewer sent letters with specific issues: Although mentioned in reverse, Mr. Magoon stated that all of the following issues were addressed: In December, it addressed the Arlington Street driveway and the queuing on Wells Avenue; impacts to Bigelow and Mt. Auburn; the site traffic, trip generation and existing traffic volumes. October: Entrance on Wells Avenue; turning movements for the trucks; September: additional signals; crash history; trip generation; capacity, mitigation and recommendations for action items: reconfigured driveway on Wells Ave., diagram for truck movements; physically restrict a left onto Arlington Street.

Chair Santucci Rozzi asked if the summary was that the applicant responded to all of the items raised by the third party review either by addressing the issue directly or in the form of mitigation. Mr. Magoon said yes, and added at the last ZBA meeting, a condition was discussed regarding a traffic impact study at a future date. There is again some level of concern regarding the adequacy of the traffic study. He proposed a condition to measure and compare that to the traffic study and if there were significant discrepancies, to revisit that and bring the applicant back in to address it. He added that he appreciates the input by the people that live in that area and know that area better than he or an engineer. That resulted in a 'do not block intersection' painted on the street and a 'no parking here to corner' sign on the street. He thinks it is important to have an objective measurable standard to evaluate traffic. Although

the knowledge of a site is difficult to measure and hold to a standard. The traffic impact studies done by an engineer to measure is the appropriate way to measure.

Attorney York stated that the traffic analysis went through extensive work with an independent engineer who found no significant impacts. As part of the mitigation project to the area, there are intersection improvements, access improvements, lighting, do not block, reconfiguration, handicap configuration, all geared to improve traffic in general but to also improve the pedestrian feel in this area. He said this project is larger than other sites in this area -almost 40,000 s.f. but is governed by lot coverage allowing 80% - this is only built out to 33%; FAR allows 1.0 and this is .36. They are putting in a footprint of 13,000 s.f., which is less than the existing gas station and the Sousa & True building. The CVS is further away from Wells Avenue at 141', where 81' is there now. The open space is 10% and they improve it to 19%. This project also provides parking and loading areas which most of the other businesses don't provide any. He said the Zoning Board has an interesting task as the Supreme Court system will have determined that zoning is not a popularity contest – the responsibility is to look at the case and interpret the ordinance and the laws that apply. He concluded stating that this property owner met with the town and staff for a retail business in a retail zoning district. Staff and DPW made suggestions that they acquire the Elks site. After great effort, he did acquire that site and fulfilled a street scape that wrapped the corner that brought in appropriate urban design to dress up the area. He mentioned Mr. Magoon stated that the business of CVS is not up to the board to vote on. There are CVS's in centers and urban areas throughout our community. Good quality pharmacy's that lots of communities request for the convenience it brings. He mentioned the quality design with brick and stone elements and windows that were opened up to add 'eyes' onto the area. He said it will bring some vitality to other businesses in the area. He said not much has happened in Coolidge square over the years – there are some nice restaurants and ethnic shops and this may bring some vitality to the area. He said all of this is consistent with the by-law.

Chair Santucci Rozzi closed the public hearing and turned to the board.

Member Gannon stated that he worked with the City of Somerville when the CVS went into Davis Square and although it is not a Coolidge Square, is there a CVS model that worked in an area with residences nearby. Atty. York said most of them do have residences nearby - Trapelo Rd., Belmont abuts two residences behind it; Belmont Center has residences behind it. Walgreens on Main Street...Lexington Center; Wellesley Center – there are a large number of them. He said there is effort with this plan to provide a buffer between the residences and provide appropriate parking.

Member Gannon asked about the town leasing of parking spaces. Robert Korff, Applicant, stated that the CVS has a 25 year lease on the 40 spots that they are providing; the back lot of 47 spaces is under lease to Citizens (bank) – he purchased that property and they have exclusive right to those 47 spaces. That agreement predated his ownership. That arrangement provides 23 or 24 metered spaces back to the town. Mr. Magoon noted the lease for the town's spaces is around 20-23 years, entered into in the last 3 years.

Mr. Korff stated that there is a CVS in Newtonville that has frontage on the main street, parking in the rear and residences behind and Walgreens on Washington Street where a fence is buffering the residences. He does not believe that the Watertown residents want a fence.

Member Ferris asked about the allowable delivery times. Attorney York said the CVS trucks cannot be larger than W.B. 40 trucks are twice a week between 7 a.m. and 11 p.m. excluding Saturday and Sunday. Vendor deliveries can deliver during operating hours of 7 a.m. – 10 p.m.

Member Ferris asked what the largest vehicle would be in regards to the site plan – to see how it may affect the restaurant next door. Atty. York stated a W.B. 40 would pull up and unload from the side of the truck – it will not extend down. It is expected to come off of Arlington Street and take a right turn (around the building) and leave through Wells Avenue.

Member Ferris asked about the parking spaces being dedicated to the use of this building as opposed to municipal spaces – the businesses in the area only have street parking. He commended the applicant on the strong street presence of the CVS – similar to Newton Center and Belmont Center with the parking in the rear and Brookline with shared parking. He asked if they would allow general parking as opposed to restricted use by CVS. Mr. Magoon stated that the town's perspective is that most metered spaces are public property and the Wells Avenue lot is not public property but has an agreement with the property owner to establish public parking. He said in order to expand the parking with meters, it would require the cooperation of the property owner.

Member Ferris stated that he shops at the CVS on Trapelo Road and although he does not know the scale of this store; there are generally maybe 25 parking spaces in use, and the lot has more than 25 spaces available – he said the extra spaces could be used for the community to provide for the smaller businesses. Mr. Korff said that if the spaces at this CVS are enough and if the extra spaces are used by a shopper for another business, there will not be a person enforcing the metered parking for CVS use only. The property is leased for the exclusive use by CVS; however, if they are not using those extra spaces, he feels they can be used by the community. Mr. Korff would not entertain the idea of putting metered spaces at the CVS. He repeated that the overflow of parking would go to the community.

Member Ferris stated that the un-metered spaces would cause confusion as the bank will tow a car parked in those spaces. Mr. Korff said he looks at it as this provides parking for the neighborhood, especially from a merchant that is gaining economically from this area. He added that a person dining will not have to worry about running out to feed the meter.

Member Donato asked if the delivery time could be modified to 9 p.m. Mr. Korff said it is a reasonable question – he requested that the deliveries be up to 10 p.m. as they like to have the extra hour to unload (11 p.m.).

Member Donato commented that there has been concerns regarding the highest and best use and the same concerns and challenges will still exist even with a mixed use development. A mixed use development could exacerbate some of these concerns.

Member Gannon stated that the Tufts Health Plan came before the board within the last year and he brought up the bike path that is adjacent to their property and suggested a donation be made to the DCR Stewardship program. He said the bike path would be a benefit to CVS, as well. It would be a win-win for his project and the DCR Stewardship. Mr. Korff said it is noted and he would be happy to look at it.

Member Ferris commended the applicant for working so deliberately with the neighbors and thanked the neighbors for expressing their concerns eloquently. He added that the common concern is the use – traffic will be a part of any application and what is before them is well within the current zoning regulations. The small parking lot is a model for what works well –such as Newton Centre, etc. He mentioned a concern about Wells Avenue last month for a parking garage that would be landscaped screened – he would never advocate for that. This is a more friendly neighbor in regards to low landscaping. He said the 40 people here – most are opposed, which is significant and one spoke in favor. He suggested a continued dialog regarding the site accommodating an entry point on Arlington with an exit more required to be at the southern portion of Wells Avenue as opposed to exiting at the north. It is not a residential neighborhood – it is mixed use. The parking lot had to have been there at the time that any of the residents purchased their homes on Wells Avenue. He would be in favor of a continued dialog for more of an accommodation.

Attorney York stated that closing the northerly entrance at Wells Avenue and keeping only the southerly one was part of the original plan. The neighbors and the town preferred to have both openings due to the other businesses truck traffic that comes through that lot accessing that (northerly) point. They redesigned the northerly entrance to accommodate that. They have had significant dialog up to this point and the opposition is to the use and the size of the use and there is nothing further that they can do to address that. The scale of the store fits the site and works on the site.

Member Ferris asked the other board members if further discussion is warranted or if this should come for vote this evening. Chair Santucci Rozzi repeated the question to the board members.

Member Chandler said they should continue discussion.

Member Gannon agrees.

Member Donato has no objection to continued discussion.

Chair Santucci Rozzi stated that the board is encouraging continued dialogue, which she doesn't believe is the worst idea. She asks what this dialogue would entail – this meeting and the last meeting was about scale and traffic (opposition). This included the traffic report; the third party review of the traffic report; DPW comments; town planners comments; the board has fully reviewed this; the mitigation package; and the proposed monitoring, putting them 'on the hook' for another \$100,000 of improvements if warranted is a guarantee for the community that if the traffic doesn't do what they say it will, they will be back to fix it. The scale of the project is not even close to meeting the maximum requirements in this zoning district. She stated that if the board wants to continue dialog, it should state it specifically. She added that things brought up at last meeting have been addressed. They need to be specific for the developer to come back with something. She reiterated that they have heard comments; they've seen progress and they are still hearing the same comments. She is not sure the opinions (of the commenters) is going to change regardless of what the developer proposes.

Member Gannon said that he does agree that the developer has made huge strides addressing the concerns – he is generally in favor of the project but not 100% yet. He stated that he encourages dialog between the parties to come up with something amenable to both parties.

Attorney York said that they are in a Catch-22 – you have a plan that meets the legal criteria and scale and the board recognizes that. They have done everything they can to improve the site, make it work, mitigate the area, and have gone overboard for this size of project. The building itself is a footprint of 13,000 s.f. as a CVS and they have to maintain that. That is the size of the store that fits that area – it has been designed to fit in that area. Safety concerns had them enlarge the area and any reasonable suggestion, they have resolved. Changing the mix of the store; adding elements to have another store; changing the use to another project – this is the plan that is in front of the board. There is nothing else they can add to this project – even if they came back next month.

Mr. Korff has completed 150 of these projects and he is proud to say that he has never had a deal go to litigation. He has worked with the neighborhoods, the people, the boards, the staff, and he knows how to do this. He is a commercial real estate developer – there was commercial property available, he looked at the by-laws, hired an attorney, secured a tenant and had the deal in place. He worked with staff and Steve pushed this in the appropriate direction. He looked at the existing conditions and the proposed conditions – he is well under what the by-law required. He has mitigated traffic, sidewalks, landscaping, - this is endless. There has to come a point in time when the by-laws are the by-laws. He could not find a way to satisfy everyone. He should have taken the as-of-right deal.

(someone from the audience spoke out – Chair Santucci Rozzi reminded that person that the public comment section of the meeting is closed)

Member Ferris complimented him on the process. He added that the applicant has been very quiet during the public comments and he does not feel it is appropriate for the public to be making comments when the applicant is speaking. He asked the audience to stop that.

Member Ferris elaborated that the applicant is stable and secure on what the package is and the major opposition is that it is a CVS. He doesn't know if it were another retail store if it would make a difference. He does not see that further discussion would yield any different results. He would feel comfortable taking a vote this evening.

Chair Santucci Rozzi asked Staff if the existing building could have been remodeled with a building permit. Mr. Schreiber answered that it could have been. She said that would have been less costly to the

developer with zero mitigation and zero landscaping, zero safeguards to the community. Mr. Magoon added the major storm water improvements; curb cuts, parking on the corner as opposed to a building that relates to the sidewalk – a lot of the improvements that this developer provided would go by the wayside if he applied for a building permit.

Chair Santucci Rozzi said that is a reality of what could happen on this site. She wants to make sure people are aware of that. There was a plan with that on it at one point.

Chair Santucci Rozzi answered Mrs. Ruskin that the public comment section of the meeting has already been closed. Mrs. Ruskin continued to say something outside of the microphone to the board. Chair Santucci Rozzi said there has already been 5 hours of testimony from the public at the last hearing and the meeting went on to midnight. (the board) is not going to do that tonight. Mrs. Ruskin continued to speak – Chair Santucci Rozzi asked her to please stop talking as the board is deliberating.

Member Ferris requested that people stop doing that (speaking out) as it is impolite. He said everyone was quiet when she was speaking and he respectfully requests that she do the same. Mrs. Ruskin continued to speak. Other people started to shout out from the crowd. Chair Santucci Rozzi said she would use the gavel if people did not stop. She stated again that the public has had 7 hours of testimony from the public and that is sufficient time; they have submitted several letters; ample opportunity to provide public comment and there is no more public comment. The board has heard all of the comments and the board knows people's positions. She asked please to allow the board to deliberate.

Member Ferris continued by saying a concern is the appropriate screening for the mechanical equipment on the roof. He asked if it would be visible and well screened. Chair Santucci Rozzi said that is mentioned in Condition #13C. Mr. Ferris said that as long as there is a condition to it. He prefers to have the more extensive use of brick – similar to what they saw last month. That would be more appropriate for street scape. The design of the building segregated into isolated bays is beneficial to an eventual different use where it may become several retailers – it is a more responsive design. The parking behind to enforce the street scape is a good one. He is in favor of the application with some modifications.

Chair Santucci Rozzi asked the architect to highlight the areas where the brick was eliminated. The architect said the areas above the store front windows was originally designed with brick. He spent time aligning with the existing architecture. He felt better when he changed the area above the windows so it was not a continuation of brick. It is brick and cast stone is appropriate for this block (the bank, etc.). Member Ferris said using a combination of material does not have a big box feel. Member Chander added that he also prefers the original plan as the scale is more to the vernacular. The original drawing was passed around to the board members. All board members agreed. They asked that the 'Coolidge Square' wording be kept.

Chair Santucci Rozzi said the parking will work itself out when CVS opens. They will become a good neighbor.

Mr. Magoon commented that the landscape architect suggested limited structural soil for the tree planting and he'd like to condition that subject to the approval of CD&P or the tree warden.

Member Gannon suggested a donation from the applicant to the DCR stewardship program to facilitate the building and maintenance of the bike path.

Member Gannon asked if it is anticipated that there will be a CVS Minute Clinic at this location. What would that require from Zoning. He asked who would regulate it.

Mr. Schreiber said that there are regulations from public health on clinics. He clarified that the CVS on Watertown Street is in Newton. Mr. Mena said that zoning would allow the use; parking is the same for medical use and that would not change. He added that he wouldn't know if the traffic report would be impacted.

Member Donato suggested revisiting the hours 7a.m. – 9 p.m. excluding Saturdays and Sundays. Member Ferris agrees; Members Gannon and Chander feel it is too restrictive. Chair Santucci Rozzi said the store closes at 10 and they want to get the deliveries in and sorted. She suggested the delivery be done by 10 p.m. and the store is closed and then the exterior activity is finished at 10 p.m. Member Gannon would support that; Member Donato agrees.

Member Gannon asked if there is a condition on trash pickup. Chair Santucci Rozzi read that it is limited to 7 a.m. – 11 a.m. These are also restricted to the number of times – 2 x's. Member Gannon suggested that state law prohibits restricting trash pickup aligning with the noise ordinance. However, the ZBA can restrict this (with a condition).

Chair Santucci Rozzi repeated the conditions discussed: trash pickup, delivery hours, traffic monitoring, the conditions relating to the common wall with Mt. Auburn Grill.

There were no further comments.

Member Ferris motioned to approve the application as submitted with the added conditions to modify delivery times of 7 a.m. – 10 p.m. excluding Saturdays and Sundays, exterior brick to be as presented last month without the precast cement, coordination of additional structural soils, if required for tree planting.

Member Gannon seconded.

Mr. Magoon asked if the conditions presented to the board (by the Planning Board Report) and discussed at the last meeting are included. Chair Santucci Rozzi said that they are included. She said #18 is the soils and #19 is the Stewardship donation.

Chair Santucci Rozzi announced that a motion has been made to approve the application with the conditions discussed, revised and amended up to this evening; with the original elevations included.

All members voted in favor (Santucci Rozzi, Donato, Chander, Ferris, Gannon). No one opposed. Voted 5-0. Member Heep absent.

Member Gannon motioned to close the meeting. Member Donato seconded. Voted 5-0. The meeting adjourned at 10:00 p.m.