



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

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www.watertown-ma.gov
Louise Civetti, Clerk to the ZBA

MINUTES

On Wednesday evening, **April 22, 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*; Kelly Donato, *Member*; Neeraj Chander, *Alternate*. John G. Gannon and Christopher Heep, *Members Absent*. Also Present: Mike Mena, Zoning Officer, Gideon Schreiber and Andrea Adams, Sr. Planner, Louise Civetti, *Clerk to the ZBA*.

The Chair opened the meeting, introduced the board and staff, reviewed the agenda and explained the four member board this evening means that each case is required to have a unanimous vote of 4-0 to pass.

The Chair stated that there are minutes on the agenda for March; Member Ferris motioned to accept the minutes and Member Donato seconded. **Voted 4-0, approved.**



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Alternate. John G. Gannon and Christopher Heep, Members Absent. Also Present: Mike Mena, Zoning Officer, Gideon Schreiber and Andrea Adams, Sr. Planner, Louise Civetti, Clerk to the ZBA.

Legal Notice:

“Carol Spickler, 31 Grandview Avenue, Watertown, MA 02472 herein requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with Watertown Zoning Ordinance, §4.06, Alterations to Existing Non-conforming Structures, Side Yard Setback, so as to construct a second story rear shed dormer, 6’ x 32’, maintaining the non-conforming easterly side yard setback of 6’, where 12’ is required. T (Two-Family) Zoning District. ZBA-2015-08”

Member Ferris read the legal notice and the Applicant, Carol Spickler, described the scope of work proposed and was requesting a Special Permit Finding.

Chair Santucci Rozzi asked if there were any comments from the public and no one stepped forward to speak for or against the proposed project.

Member Donato and Ferris had questions regarding the new siding proposed and the trim, rake, being left to denote the previous roofline. Mr. Ferris expressed that he would like to see the dormer recessed in by 6-inches to have more of a “rake.” The applicant stated that her architect did consider recessing the dormer but it did not work for the floor plan they were attempting to achieve. The applicant also stated that the siding would match the remainder of the house.

Chair Santucci Rozzi asked staff to clarify that the mortgage survey submitted would be sufficient. Staff stated that the survey was sufficient for this project. Chair Santucci Rozzi noted that a letter in support of the project was submitted by an immediate abutter.

Member Ferris motioned to accept the Special Permit Finding with the conditions listed. Member Donato seconded. **Voted 4-0, Granted.** Members Heep and Gannon absent.



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Member Ferris read the legal notice:

“23-25 Green Street. Kamer Minassian, Architect for owner, Mark McCarthy, 25 Green Street, Watertown, MA 02472 herein requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with Watertown Zoning Ordinance, §4.06, Alterations to Existing Non-Conforming Structures, Side Yard Setback, so as to increase the height of the existing structure for increased interior ceiling height and further construct a second story deck above existing first floor deck, maintaining the non-conforming westerly side yard setback where 10’ is required. This project will also remove an accessory apartment approved by the Board prior. T (Two-Family) Zoning District. ZBA-2015-12”

The applicant's architect, Kamer Minassian, provided a description of the proposed project and scope.

Chair Santucci Rozzi asked if there were any comments from the public and no one stepped forward to speak for or against the proposed project.

Member Ferris asked whether the siding of the house would be patched or the entire elevation would be provided new siding and whether the new windows would be designed to match the existing windows on the residence. The applicant indicated that the whole side of the residence would be re-sided and that the windows would match the existing.

Member Ferris also enquired whether the new balcony/deck proposed over the first floor could be reduced by 1.5’ to 2’ to reduce any impact on the abutting neighbor. Member Chander asked how the sound attenuation would be addressed in the music room and Chair Santucci-Rozzi as if an additional window could be installed along the new addition/alteration to break up the long façade.

The applicant agreed to reduce the balcony/deck by said amount, assured the Board that proper sound deafening would be stalled at the music room and also agreed to install an additional window at the second floor.

Member Ferris motioned to approve the proposed Special Permit Finding with staff conditions in addition to the Boards conditions to: (1) side the entirety of the new elevation; (2) reduce the deck by 1.5’-2’ from the abutting side lot line; and, (3) install an additional window at the second floor of the new elevation. Member Donato seconded. **Voted 4-0, Granted.**

The applicant asked the Board to clarify that if the permit is implemented that the existing Accessory Unit could not be reestablished. The Board stated that the implementation of the permit would in fact nullify any previous Accessory Unit approval and it could not be re-established. If the permit is not implemented the unit could stay in perpetuity as a non-conforming use.



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Member Ferris read the legal notice:

“195 Mt. Auburn. Clyde L. Younger, Owner, 188 Acton Street, Watertown, MA 02472 herein requests the Zoning Board of Appeals grant an Amendment to a Special Permit Finding granted in November 1996, #96-31, Amended October 1998, #98-15 so as to allow existing parking for 8 vehicles be allowed to continue for existing uses. SC (Single Family Conversion) Zoning District. ZBA-2015-09”

Clyde Younger, Owner, spoke on his petition to change the special use as discussed last Fall and to provide an plot plan reflecting the number of parking spaces available on the property today. It had been suggested that Bibbo Brothers did a survey on both 9 Franklin St and 195 Mt. Auburn St., however, they only did a survey on 9 Franklin Street. He was able to have Everett Brooks do a survey on his property, dated 2/4/15. It clearly outlines the number of parking spaces – 2 in the garage and 6 tandem. In the Fall, Mr. Mena measured and determined that there were not 11 parking spaces on the property at this time.

Jonathan Bloch, 9 Franklin Street, said he wanted to read his neighbors comments into the record; however, the comments were already given to the board and the board will read them. He stated he purchased 9 Franklin Street from Mr. Younger in 2007, which directly abuts 195 Mt. Auburn Street. He said the property requires 13 spaces according to DCDP and this property has 8. The Special Permit that was granted for this property is over 20 years old and required 10 parking spaces, not 11. He said the plans for the granting were erroneous and the information in the report was incorrect. He added that this incorrect information has been carried forward. He is giving 5 reasons to not grant this approval – 1. The 8 spaces is insufficient for the uses today; 2. He said the property does not support the 8 spaces in accordance with the Watertown Zoning Ordinance; 3. He said the application is incomplete; 4. He said the amendment as proposed does not address the underlying issues; 5. Better solutions exist. He then went back to each reason to clarify: He said he lives next door and works from home most days. He believes the tenants of 195 Mt. Auburn Street park their cars on Franklin Street. He then continued to state how they park and the length of time they park creating safety hazards. He has complained to the traffic commission, planning, zoning, etc. and he addressed the Traffic Commission in 2009. He adds that all of the complaints and letters are in the public record. He said the 8 spots require 4 each stacked parking; there isn't enough of a buffer and the water drains onto his property. There is not enough maneuverability. He believes a variance should have been requested, not a special permit. He said the application is not complete and could be rejected. The issue of the existing permit was based on inefficient information. He again blames the Franklin Street parking issue on this property and states that it is an 'unlawful' non-conforming use. He added that the questions regarding a special permit amendment were not addressed in the application. He stated that the town should act on the order to show cause and rescind the special permit and grant a temporary variance in order for Mr. Younger to find alternative solutions within 6 months to a year.

Cecilia Lenk, Councillor district B spoke about traffic, parking, and unsafe conditions at the corner of Franklin and Mt. Auburn Street. She said the police reports only show a small number of daily violations. For this property, there are not enough parking spaces in this solution to cover the need. She suggested

that a solution may be to park off-site. By approving this as it is it only continues the safety issues at this intersection.

Chair Santucci Rozzi swore in the remaining members of the audience.

James Morris, 16 Franklin Street said he wanted to read Rena's letter but the board already has it. He will second the comments made thus far in regards to the parking at the end of Franklin Street at Mt. Auburn – it is a mess for a 2-way narrow street with parking all day on both sides of the street. He said they call the police continuously. A commercial van was parked there for a month with only one ticket on it. He doesn't want anything from the case tonight to exacerbate the situation on Franklin Street. Member Ferris asked if the van was related to this property – Mr. Morris did not know. He added that this has been a mess for a very long time.

Rob Vercollone, 21 Franklin Street, agreed with all that has been said and added that he has almost been in a couple of accidents coming onto Franklin Street. There isn't enough room for two-way traffic. He said he also works from his home and cars parking near him on the street walk past the real estate company and get on the bus. He tells them that someone will call the police. He hasn't done that to the real estate office – the cars are there from 8 am – 5 pm. There are always cars in front of the real estate office that could be there for 20 minutes or all day.

Member Ferris asked if there are people parking in the driveway regularly. Mr. Vercollone said no but it is about 50/50. He said if you use more than 2 parking spaces in the driveway, it doesn't work.

Mr. Bloch said there are never cars parked in the garage. He has used his snowblower to clear spaces for the real estate company to park in the driveway during the snow.

Mr. Younger stated that the parking issues on the street are not the fault of 195 Mt. Auburn Street; there is testimony that they are parking on the street for bus stop. He said everyone is insinuating that all of the parking problems are from 195 Mt. Auburn Street.. He has been a good neighbor. He has painted lines. Tenants are all sensitive to the issues – The Writing Company has 2 cars, the real estate company is not there at 8 am and are in and out all day; the massage therapy has one car and there are no tenants in the apartment. The Traffic Commission could deem parking on one side of the street only and there is proof that the cars parking on the street are from abutters and bus stop.

Chair Santucci Rozzi asked if all of the space, except the residential, is occupied (it is).

Mr. Vercollone was concerned that the board didn't know this is a business in a residential zone. However, Chair Santucci Rozzi made it clear that the board knows it is in an SC zoning district and Mr. Younger has permission through the board to have these businesses.

Mr. Morris said that this property isn't responsible for all of the street parking; however, this property contributes to the issue. Mr. Bloch agreed.

Member Chander suggested a designated time for the parking spaces. Mr. Younger stated that there have not been any issues with the businesses. Member Chander asked if a residential tenant leaves their car there all day, it could be an issue. Mr. Younger provided a neighbor to park overnight in this driveway as there is room at night. He again stated that the Traffic Commission should be involved.

Andrea Adams, Senior Planner, said current zoning requires 13 spaces, although 1996 required 12 spaces. If there were all residential, the parking would change depending on the number of units. If this request is approved, things stay as they are. If not approved, he asked what will happen. Mr. Mena stated that the property owner would be out of compliance and this would be a code compliance issue. He looked to the board for guidance – would the board want to reduce the number of commercial uses to allow for 8 spaces; leave residential vacant; convert to a two-family or something else.

Member Donato asked how often Mr. Younger visits the property. Mr. Younger stated that he is there often and walks there. The tenants have been approaching him more recently as they are more sensitive

to the parking issues. He said there are also personality issues. Member Donato asked staff if maneuverability is a factor in the parking. Mr. Mena said the ordinance does look at maneuverability. However, this is an existing condition with limited parking. The existing parking is an existing condition. Ms. Adams said the analysis she did was only on the facts submitted.

Chair Santucci Rozzi asked if cars parked next to the garage. Mr. Younger said there were cars parked next door to the garage; however, he owned that property at the time.

Chair Santucci Rozzi asked if he had considered other parking on the sight. Mr. Younger did not want to remove green space at the property but they could not do a curb cut on Mt. Auburn Street as there is a bus stop there and they could do a curb cut on Franklin Street but cut into the green space.

Chair Santucci Rozzi asked what the garage is used for. Mr. Younger stated that it used to be for two limousines to park overnight. He said in the future, he would designate it for tenants.

Chair Santucci Rozzi said the plot plan from 2/14/15 has no maneuverability. The prior approval provided maneuverability. She asked if he contacted any professionals to help him reconfigure some of the site to make the spaces more useful. She feels the spaces are not used as best as they could. She has major concerns over the configuration of the 8 spaces. There could be ways to make some spaces more useful. Mr. Schreiber said they looked at the site and a logical space would be off of Mt. Auburn Street but there is a bus stop that completely blocks that use and that is a very utilized bus stop. They also looked at the space adjacent to the driveway (on Franklin Street), there is a 24' width allowed and this area could be expanded for one more space. The rest of the green space is on Mt. Auburn Street and would be considered the front yard and that is not allowed.

Member Chander asked if this were approved, would the situation on the street change. Mr. Mena said it would not change; however, if more parking were available at the site, perhaps that would work. Mr. Schreiber said the traffic commission could limit the parking on one or both sides of the street.

Member Ferris said the Writing Co has 2 cars and 2 people, no clients; the real estate has 6 agents that are there at different times plus clients; massage therapist has one person plus clients and tenants have 2 cars – any future use, come back to the board.

Mr. Bloch said he eventually blocked his property from use by the cars parking at this property. He said that the board should take a closer look at the number of parking spaces needed – it could be more or less. He said there are three units there.

Mr. Younger defended himself at hearsay from Mr. Bloch. Anything being presented should be in writing.

Chair Santucci Rozzi read a letter into the record from Rena Baskin, 15 Franklin Street – traffic, police and town council have been approached regarding concerns at entering/exiting Franklin Street from Mt. Auburn Street; SUV's block the site line; the 2 hour parking limit is not enforced; it is not prudent to grant this where more parking is needed. To approve this is not in the town's best interest. Public safety is paramount. Some other parking could be encouraged. Maneuverability is not present.

Chair Santucci Rozzi said a letter from John Airasian, owner 4-6 Franklin said there has not been any issues with the property owned by Mr. Younger. He feels 8 spaces is sufficient. Mr. Younger said there are other letters written in support from the tenants. They do not appear to be in the Zoning office records.

Chair Santucci Rozzi would like to give Mr. Younger an opportunity to come up with a plan to comply – not fully comply but make the spaces, 7, 9 whatever is available to maneuver properly, etc.

Chair Santucci Rozzi is aware that the property has a completely non-conforming situation but suggests hiring a professional engineer to see if the 8 spaces could actually work.

Member Ferris said there may be an opportunity to lease other spaces in neighborhood – maybe at condo complex. Mr. Mena said a revised plan would need to be submitted for off-site parking.

Member Chander said it is a no win situation. 8 cars can fit, but not in reality.

Member Donato said she would welcome other study but there doesn't appear there would be enough parking for the density of the uses.

Member Ferris, not safe backing out of driveway, not opposed to other solutions.

Mr. Younger said the only way to conform is to convert back to 2 family – he would have to buy out the leases of the businesses. The only real opportunity is to convert it back to a two-family. He again suggested that he is not the fault of all the parking on the street. Chair Santucci Rozzi said the board is only looking at his property and trying to find out if there is a situation that will work with him. Mr. Younger said he cannot get 12 parking spaces. Chair Santucci Rozzi said the board cannot make him comply today but the board can require him to become less compliant – can 8 spaces be laid out better than 10, maybe. Mr. Younger said he would look at a layout that is better but even his house required a backing out of the driveway.

Chair Santucci Rozzi, there is not a lot of support for existing

Member Chander motioned to continue the case to the May 27th meeting; Member Donato seconded. Voted 4-0 to continue.



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Chair Santucci Rozzi announced an agenda item under, "Other Business":

Mark Duchane, Boylston Properties, stated that he is here for 570 Arsenal Street, the former Charles River Saab site. They have a 2014 approved plan from the board and they have a modification where on

the 6th floor, they had assigned an area for an amenity for the residents. There is a bar on the first floor and they do not want to add another bar to the second floor with additional staff, etc. They will turn the space into two rooms from 148 to 150. The two extra rooms will be upgraded with higher ceilings, It increases the number of rooms to 150 and parking to 117. They would like to propose that and amend their building permit.

Member Chander asked if the elevation plans show the window panes are popped out but on the new elevation they are not. The window in the middle on the 5th floor doesn't show it but it hasn't changed.

Member Ferris asked if there is expansion of lounge space on the first floor. Mr. Duchane said the lounge space will be nicer.

Chair Santucci Rozzi was going to ask if they could add more windows but they cannot as that is where the kitchen is. They will provide new drawings showing the new room. Staff will put together a modification notice – the plans and the decision will match. This is to modify the decision and will be recorded.

Dennis Duff said he doesn't like the height of the building and he is worried about the canyon-ism. He is glad that the room is being removed.

Member Ferris motioned to approve the modification for the control documents; Member Donato seconded. Voted 4-0, approved.

Member Ferris motioned to adjourn at 9:15 p.m.; member Donato seconded, voted 4-0, adjourned.