



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, Alternate
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MINUTES

On Wednesday evening, November 18, 2015 at 7:00 PM 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*; Christopher Heep, *Member*; John Gannon, *Member*; Kelly Donato, *Member*; Neeraj Chander, *Alternate Member*; Jason D. Cohen, *Alternate Member*. Also Present: Steve Magoon, Assistant Town Manager and Director of Community Development; Mike Mena, *Zoning Enforcement Officer*; and Andrea Adams, *Senior Planner*

Chair Santucci Rozzi opened the meeting at 7:05 p.m., introduced the staff and board members, noting that Neeraj Chander and Jason D. Cohen, Alternate Members, will be part of the discussion but not voting. She reviewed the Agenda, noting 6 cases, noting that case #5, Waltham Street/Lot 3 will not be heard, but is scheduled to be heard on December 16, 2015. She introduced the Board and staff members. She said the five full Members will be participating in the review and votes. She said the Alternate Members can ask questions. She administered an oath to those speaking or providing testimony.

PENDING CASES

1. 82 HIGHLAND AVENUE: Evan Hearty, Special Permit Finding (ZBA-2015-18)

Member Ferris read the Hearing Notice: "*Evan Herarty, 82 Highland Avenue, Watertown, MA 02472 herein requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with Watertown Zoning Ordinance, §4.06(a), Alterations to Non-Conforming Structures, Front and Side Yard Setbacks, so as to construct an approximately 24' by 33' second story over an existing first floor maintaining the existing Side Yard Setbacks of approximately 5.9' and 9.8', where 10' and 12' are required and further construct a landing and stairs in the non-conforming easterly Side Yard Setback. T (Two-Family) Zoning District. ZBA-2015-18*"

The Petitioner's architect, Vahe Ohannessian, described the proposed project using a colored set of drawings. This is a single story, single family property, and the proposal is to add a second floor. He said the property has pre-existing, non-conforming setbacks on the East and West sides. He noted drawing A-0, where there is a bump-out, but this would be left in place, and the new structure would be on top. Use two shed dormers and a rake overhang. He noted a small portico addition in the allowed 4 foot encroachment allowed by the Zoning Ordinance, Section 4.11(a). He noted the non-conforming setbacks using drawing A-1. He said the non-conforming setbacks would be continued up one story. There would be a new side entry on one side, but the new entry is allowed by Zoning. He said the height would increase one story, and the attic is a low pitched roof, not exceeding a half story.

Chair Santucci Rozzi asked for questions and comments on the proposal. Hearing none, she asked if anyone from 86 Highland Avenue was present in the audience? A woman identified herself as from that address. The Chair asked if the woman's letter in the record relative to this project still stands? The woman responded from the audience that her letter did not, and she had no comments.

Chair Santucci Rozzi opened the hearing up to Board Member questions or comments.

Member Cohen said he'd viewed the property and the neighborhood. He noted the mix of properties in the area. He questioned the *Proposed Second Floor Plan*, there was a dashed line, for a dormer. This is not shown on the roof plan, so is that no longer being considered? The Petitioner's architect responded the dashed line was a hold-over from a different roof configuration, which was not being pursued and so could be ignored. He said there is adequate height at the eve to make the second floor work.

Member Gannon noted the Planning Board report noted a revised design showing two shed dormers. He asked if this is what is being shown now? Vahe Ohannessian responded yes, this was the proposed plan.

Member Heep said the overall design is okay, but there is development in all directions, even if some of the new development is allowed. He said he was interested in the opinion of other Board Members.

Vahe Ohannessian responded that the West side bump-out was being used as a pantry off the first floor, with no practicable use of the door, such that it may be abandoned. He said the most usable entrance is on the East side, towards the garage. He noted the property slopes steeply down, towards the back yard, making the East side more favorable as an entry.

Member Ferris complimented the architect on the design of the second floor, with the dormers and overhang. The primary gable and the rake and dormer read like a dormer, and is similar to the neighbor to the right. Makes the new massing more subdued. He asked what the new exterior would be? He said the bedrooms on the upper level need egress sized windows. He also noted the exterior walls are pitched such to keep the proportions balanced. He asked if the windows have wood or PVC trim? Is the intent that all windows will match? He asked if the main access to the rear yard would be out the basement? He asked if new steps would be needed to the back yard?

Mr. Ohannessian responded that the house is currently painted wood shingle, and the plan would be to either strip all the exterior or match and repaint.

Evan Hearty, Petitioner, responded that some of the windows have been redone with PVC trim. He said the windows will match. The Petitioner responded that you can get to the back yard both through the basement, and via the new side entry. He also said he had no plans to add new steps to the back yard.

Member Donato commented that the redesign looks good, and compliments 86 Highland. Given the siting, it seems the best design for the new project.

Chair Santucci Rozzi commented that who prepared the Survey? It is not stamped. Her second comment is that the plot plan does not show the addition on the driveway side. She asked how the setbacks were calculated? She asked why the Plot Plan did not reflect the proposed project?

Mr. Ohannessian responded the Petitioner did submit a stamped and signed survey for the record. He also said he took the setback measurements and generated his own site plan. He said it was generated as an Existing Plot Plan, and the architectural site plan showed enough detail.

Director Magoon said the plan on file has a signature, but no stamp or seal.

Chair Santucci Rozzi asked for additional Board comments or questions.

Member Ferris said that should the project be approved, the dormer fascia overhang should be pulled back a bit, to reduce the overhang on the first floor. He suggested mimicking the rake.

Member Gannon asked if the windows on the first floor would be the same as those on the second floor?

Mr. Hearty responded yes.

Chair Santucci Rozzi noted one letter in opposition from 86 Highland Avenue.

Director Magoon noted this letter was in reference to the first iteration of the project.

Chair Santucci Rozzi asked for comments or motions?

Member Ferris said he was in favor of the proposed project, with the caveat that if approved, the survey would need to be updated and submitted.

Chair Santucci Rozzi suggested the plans should already be stamped and updated, as the architect was not a surveyor. She said the Plot Plan does not accurately reflect the proposed project, and as such, she could not support the project. She said she had no problem with allowing a continuance. She asked the Petitioner if he was okay with updating the information, and coming back to the Board at the next meeting?

Mr. Hearty responded yes.

Member Ferris moved to continue 82 Highland Avenue to the December ZBA meeting. Member Heep seconded, and the motion was unanimously approved.

2. 25 LANGDON AVENUE: Sara Sclaroff, Special Permit Finding (ZBA-2015-23)

Member Ferris read the Hearing Notice: *"Sara Sclaroff, 25 Langdon Avenue, Watertown, MA 02472 herein requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with §4.06(a), Alterations to Non-Conforming Structures, Front Yard Setback, Lot Coverage; so as to construct a front porch addition, 17.7' from the front, where 23.2' exists, where 25' is required and where 21' allowed for open porch and further increasing non-conforming lot coverage 1.3% to 27.8%, where 26.5% exists and 20% maximum allowed. S-6 (Single Family) Zoning District. ZBA-2015-23"*

Ms. Sclaroff, the property owner and Petitioner, described the proposed project. She noted the proposal is to replicate what the house historically looked like with a front porch. She noted side views indicate the porch was substantially similar to the proposed design. Ms. Sclaroff said the Plot Plan of November 4, 2015 has accurate measurements, but the architectural renderings are an indication of what the porch and the front entry would look like. She noted the design of the project uses an average setback taken from her abutting neighbors. The packet show a houses in the neighborhood with similar porch designs, although the exact size is a guess based on the historic photos. She said the proposed porch would be at 19 feet, 5 inches. She said the roof line would be the same, except for the small roof on the front entry at the stairs.

Chair Santucci Rozzi said she was having trouble understanding what is proposed on the Zoning Chart on the project plans and what was advertised. She noted the project appears to be non-conforming now as Building Coverage, or is it Lot Coverage? She said it also appears the Open Space percentages are changing.

Andrea Adams, Senior Planner, responded that the original proposal was to use a larger porch and front entry than what is now shown. She said the design had been changed after the Planning Board review, which made the entire project smaller overall. Ms. Adams said the setback would be measured based on her abutting neighbor's setback, which is allowed. She noted the coverages have changed since the notice was first sent out, but the coverages in the proposed project are now smaller than what was noticed, as the overall project has been made smaller.

Chair Santucci Rozzi said she understood the Building Coverage, but why is there not Open Space coverage Variance if the proposed Open Space percentage is changing, to be non-conforming?

Member Gannon noted there is a different chart on the old plan set of October 12, 2015, which shows a different lot and open space percentage, and indicates the Open Space percentage is conforming.

Ms. Sclaroff said the table on the November 4, 2015 had an error. She said the 13.9% in the proposed condition on the later plans is a mistake.

Michael Mena, Zoning Enforcement Officer, said it appears the November 4th plan has a mistake, because the earlier plan has a conforming Open Space percentage, and if the overall design got smaller, the Open Space percentage would become larger, and even more conforming.

Member Ferris said when he looks at the later As Built Plan, he assumes it documents the recent project modifications. He noted the open space shows 20.4 %, which shows the front porch as presumed. He said the 13.9% number is in error, because the front porch and entry is too small to reduce the open space amount by that much.

Ms. Sclaroff apologized to the Board for the error.

Chair Santucci Rozzi acknowledged Ms. Sclaroff's difficulties, but the Board needed to have accurate plans to approve the project.

Member Cohen said the 13.9% number is in error, and if it's more than 15% in the proposed condition then the review would be different.

Member Ferris asked the staff for clarification as to what was included in Lot Coverage, Building Coverage and Impervious Coverage in the Zoning Chart?

Mr. Mena responded that uncovered steps, porches, decks and landings would not count as Open Space, but would also not be counted as Building Coverage. He said Open Space is a taken from the Zoning District's Impervious Coverage. He said stoops, driveways, walkways, buildings and accessory structures would count towards Impervious Coverage. Mr. Mena said Open Space could also include landscaped areas and areas that are not landscaped, such as a grassy area.

Chair Santucci Rozzi said these would be deducted from the percentage of Open Space.

Member Ferris said he did not remember the Board getting into this level of discussion on these requirements on other petitions. He said perhaps the statistics are correct, if sidewalks and driveways are included, versus what's new.

Chair Santucci Rozzi asked for the Board's desires?

Several Board members expressed the need for proper plans.

Member Gannon said could the Board still provide direction to Ms. Sclaroff?

Chair Santucci Rozzi suggested the Board should provide comments on any further plan revisions.

Member Donato said the front porch design was great, and consistent with many of the other properties in the neighborhood.

Member Ferris suggested that even with the steps and walkway, he doubted whether the 13.9% figure would be accurate. He asked if the proposed exterior materials would be similar to what is on the house now? He also suggested the lattice work would not be appropriate to the period of the house. He suggested it would be more trim and creating square panels.

Ms. Sclaroff responded to Member Ferris that the materials would be the same. She also commented the project would probably not include pre-fabricated lattice, and that the area would be framed with trim, to respect the period of the house. She said the columns would also probably be round, as these are what are in the photos.

Member Heep said the front porch design is an improvement. He suggested as long as the plans were accurate, he was inclined to be in support.

Member Gannon said the plans needed to be updated, and the two plans vary, including the rear setback numbers.

Chair Santucci Rozzi said the whole Zoning Chart needs to be updated. She noted the numbers in the chart don't add up to 100%.

Alternate Member Chander said he also liked the design, but the plans needed to be updated, so that the numbers were correct.

Alternate Member Cohen said he agreed with the proper comments. He also suggested that the roof on the porch and entry should perhaps have a slight pitch to shed snow, rather than a flat roof.

Ms. Sclaroff agreed with Member Cohen's comments, noting that she really wanted to keep the existing wooden gutter on the house.

Chair Santucci Rozzi asked for public comment.

Rena Baskin, 15 Franklin Street, asked for clarification on the amount of Impervious Coverage and what counts?

Mr. Mena responded with a clarification.

Member Ferris moved to continue 25 Langdon Avenue to the December ZBA meeting. Member Heep seconded, and the motion was unanimously approved.

3. 30 PILGRIM ROAD: Patrick E. and Rebecca A. Menton – Special Permit Finding (ZBA-2015-22)

Member Ferris read the Hearing Notice: *“Patrick E. Menton and Rebecca A. Menton, 30 Pilgrim Road, Watertown, MA 02472 herein requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with §4.06(a), Alterations to Non-conforming Structures, Front and Side Yard Setbacks, so as to construct a full second floor addition located 8.3’ to the southerly side yard setback, where 10’ is required and further construct a one-story front addition, located 22.2’ to the front, where 25’ is required. S-6 (Single Family) Zoning District. ZBA-2015-22”*

Attorney Ken Leitner, representing the Petitioners, described the project. He said the Mentons purchased the property in 2006 and have a growing family. He said the proposed project is to increase the house to accommodate this, with a second story addition above the main house, for additional bedrooms. He said the third floor will be truss, without living area. He said the gable end would go up to a height to allow for the second story addition. He said the chimney would be removed, and a gable entrance created, at the existing setback. He said 1.7 feet was needed on the Northwesterly side to accommodate the proposed project. He said the plans were drawn by Mr. Francci, a Licensed Construction Supervisor, who is authorized to draw plans under the State Building Code for an addition this size, and is the father of one of the Petitioners, and will be constructing the project.

Chair Santucci Rozzi asked for public comments. Hearing none, she asked for Board comments or questions.

Alternate Member Cohen said there was a scarcity of information on the elevations. Hard to assess what the house will look like. So many questions at this point, therefore hesitant to approve the project without

more detail on the windows, and exterior materials. He said there is far less information on this project than the prior projects he's seen. He said the windows on the elevation don't align. It's not an architect's drawing, but more information is needed on the look of the project: trim, overhang.

Attorney Leitner said the height is not an issue, as the project is 32 feet from grade. Not exceeding the limit in Zoning. He said all four elevations are shown. Provided a list of specifications as to the type of windows and roof.

Member Chander commented that he mirrors the comments from Member Cohen. Understands the project's intent, but still has many questions. Needs more information to describe the project. Elevation drawings need to be brought up to a level of detail to allow him to understand the project.

Member Gannon agreed with the two prior Members. Not sure of the design or appearance. Need to supplement the materials submitted.

Member Heep agreed with his colleagues.

Member Ferris agreed with the other Board Members. Drawings need to be more extensive. See things in the drawings that are not synchronized. Drawings need to be more thorough. Removal of the chimney – does it contain the furnace flue? Drawing need to be clearer.

Attorney Leitner suggested the chimney is decorative.

Mr. Francci said the furnace was power vented through the foundation, and therefore does not need a flue.

Member Donato echoed the comments of fellow Members. Symmetry of windows needs to be addressed. Need another window on the front elevation.

Chair Santucci Rozzi said she was having a hard time understanding the front of the house, as the elevations don't match the plot plan. The plot plan shows a gable bump out with an addition next to it that is not as deep? She said she was questioning the addition to the side. She questioned why the bump out would seem to have a jog in it. She said the outside dimensions don't appear to match.

Attorney Leitner directed Chair Santucci Rozzi to the gable end, and said the shaded area was the fire place that was being removed. He said the 2.3 of the chimney, and add .2 to it, that creates a 2.5 gable entrance. He said the arrow on the plan as pointing to the entire house.

Mr. Francci said the front is meant to be turned to a new entrance, eliminating the chimney. He said the 2.3 is the existing chimney. He said the entry width would be as shown on the floor plan. He said he drew the plans, and can build the project.

Member Ferris said the surveyor/topographic site plan does not match the floor plan. The plot plan without the chimney is not centered, as is the case with other drawings.

Chair Santucci Rozzi said the Board understands the concept, but the drawings don't reflect the proposed project. She said if the architectural plans is what Mr. Francci intends to build, he should take these plans to the surveyor and make the drawings match, including in scale.

Member Ferris said the Petitioner should work with staff to take a look at the other applications in terms of information supplied. He suggested, for example, the windows were not of the same scale, particularly if they are egress windows.

Member Gannon said there are differences in the zoning chart in the Application and on the plans, relative to the measurements, heights, etc. He said the typos should be addressed.

Chair Santucci Rozzi said if anything is to be added to the bump out in the front, Building Coverage would change. This should be addressed in the zoning chart, unless the addition and subtraction is exactly the same. She said the elevations should be addressed, and the plot plan and elevations should match.

Member Ferris suggested the full plans should be updated, so that the plans could be compared relative to scale. He said that the requirements of the Board differed from what would be accepted for a Building Permit.

Member Cohen said the porch, steps and railings also needed to be included on the elevations and plans. More details on the front door and exterior materials.

Member Ferris moved to continue 30 Pilgrim Road to the December ZBA meeting. Member Heep seconded, and the motion was unanimously approved.

4. 195 MOUNT AUBURN STREET: Clark Elefteriadis – Special Permit Finding (ZBA-2015-25)

Member Ferris read the Hearing Notice: *“Clark Elefteriadis, 456 Belmont Street, #8, Watertown, MA 02472 herein requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with §4.06(a), Non-Conforming Use, so as to change and reduce number of non-conforming uses. SC (Single Family Conversion) Zoning District. ZBA-2015-25”*

Chair Santucci Rozzi administered the oath to members of the audience who came late to the hearing.

Attorney Michael Broadigan, representing the Petitioner, addressed the Board. He introduced the Petitioner and the architect. He noted the building was a non-conforming mixed use with a conforming residential unit, garage and driveway. Want to replace two of the non-conforming use with one non-conforming use, the Pilates Studio. The remaining non-conforming Real Estate office and the residential unit would stay. He said the replacement non-conforming use would not be more detrimental to the neighborhood.

Clark Elefteriadis, Petitioner, described the project. He noted the space his studio would take over was the massage space and Writing Company. He said the studio would be sympathetic to the neighborhood, as it was a passive use. He said most of the clients walk or take the MBTA to the studio. He noted the massage studio was relatively busier relative to his proposed use. He intended to be an owner/occupier of the site. He said this would allow monitoring of the parking, trash disposal and condition of the landscaping. Mr. Elefteriadis noted he was offering a new parking plan, and acknowledged the difficulties with parking, and the Board's comments at its October meeting. He said he reduced the onsite parking, and that the site would provide seven spaces, acknowledging that the zoning would require nine parking spaces. He said a key goal was to address cars backing out onto Franklin Street. He noted his plan involved removal of the garage, which had already been approved by the Historic District Commission. He suggested this was a safer parking configuration, and that two spaces would be permanently dedicated to the residential unit. He said his plan is less detrimental, and more realistic than the prior stacked parking plan. He noted the South Elevation which shows where the trash containers would be: tucked under the proposed new stairway and against the foundation. The space would be covered with something approved by the Historic District Commission, to hide the trash and keep it under lock and key. He noted that his studio has an aggressive recycling program, and generates very little paper waste, because reservations and receipts are done on line. He suggested his company is a good neighbor, by its sponsorship for programs for disabled and ulcerative colitis patients. Discussions with his immediate neighbors about working together in terms of parking and landscaping. Thanked the Board for the ability to propose a project.

Chair Santucci Rozzi opened the hearing to public comments.

Stephen Steadman, 91 Common Street, Church of the Good Shepard, spoke in support of the proposed project. He acknowledged the neighborhoods' concern about the present uses in the building. He suggested the proposed new use would be less detrimental. The proposed landscaping and other

upgrades a benefit. He noted that there has been trouble keeping the nearby bus stop clear of snow, and the Petitioner has offered to shovel it out.

Jan Taylor, member of Boston Body, said there are a range of people who participate in the classes and services offered by the Petitioner at his Pilates studios. She said it's very inspiring, and the proposed new studio will be an asset to Watertown.

Tom Forester Smith, resident of Watertown, said he is a current neighbor of the Petitioner. He said they are good neighbors, and civic-minded, in that Mr. Elefteriadis serves on the Condominium Association.

James Morrison, 16 Franklin Street, said the Petitioner may be a great business man, however, the Board was holding a hearing on the parking for the site. He questioned what the requirement for parking on the site was? He questioned what would happen if there were future uses of the site, after the Pilates studio? He questioned whether the business hours of the proposed businesses in the building could be controlled? He suggested a better course of action for the Board would be to make the property conform to zoning.

Robert Ferkaloni, 21 Franklin Street, noted the proposed site had been in front of the Board at least seven times. He expressed frustration at the repeated continuances. He said the issue was that cars can't make a safe turn on to Franklin Street from Mount Auburn Street, nor can they maneuver in the site's driveway. He suggested that parking space #1 as shown on the proposed landscaping plan would damage the existing tree, and as such, should be rejected. He also noted the proposed plan did not include a four-foot buffer to the abutting property on Franklin Street. He expressed frustration with the process.

Rena Baskin, 15 Franklin Street, questioned why the Board would entertain further grandfathering on the site? She noted another case where the Board required a Petitioner to create a 4-foot buffer, and suggested the same should be done in this case. She expressed support for the Petitioner as a person, but frustration with the proposed 6:00 AM start of business hours. She said this would be disruptive to the neighborhood. Ms. Baskin said the Board should require remediation for past mistakes, such as paving over parts of the site, and not having a 4-foot buffer.

Steve Macina, said he's served on several Boards in Watertown. He said he runs his own business as well. He said the Petitioner will be a good neighbor and a good business owner.

Lisa Kimble, Franklin Street, questioned the parking. She questioned what would happen if the Pilates studio was very successful: Would there be adequate parking? She expressed concern over the proposed 6:00 AM start to business hours.

Jonathon Bloch, 9 Franklin Street, noted the proposed parking plan relied heavily on offsite parking. He also noted that Sheet L-01 was not stamped. He directed the Board's attention to Section 6 of the Zoning Ordinance. He also noted that the proposed plan would cause site runoff to drain onto abutting properties, particularly if the existing garage was removed. Mr. Block said the proposed aisle width and driveway width are not adequate. He recommended the Board not allow a non-conforming situation. He noted the old Control Documents made assumptions that did not prove to be the case, but at least showed a 10-foot drive aisle and a one way arrow for circulation. He suggested that Section 6.02(d) would not apply to the proposed project, because stacked parking is only for single or two-family houses. He noted the proposed site plan does not show the required setback to abutting properties. He said it is not clear what the "side yard" is and what is the "front" or "rear" yard. He said this figures into where parking is allowed, particularly spot #1 on Sheet L-01. He said the proposed plans make no provision for storage of trash and recycling. He said the property also cannot provide onsite snow storage, which is a requirement of the Zoning Ordinance. Mr. Block questioned where the proposed bike rack would be placed? He said the table in the Planning Board report is not correct, because the square footages in the building in the prior approvals were drawn from testimony, not measurements. He said the table is also incorrect because the computations erroneously exclude areas from the parking calculations which should be included, such as covered porches. He contended the proposed uses require 11 parking

spaces, not 9, as suggested in the table. He suggested the Board, if it approved the project, should include a “not to exceed” condition in the approval. He expressed concern about early morning or late night uses of the building. He said a key question for the Board was parking congestion on the site and in the neighborhood.

Stephen Barnagian, Attorney for the Real Estate company, addressed the Board. He said his clients’ opposition to the proposed project was narrow in scope. He noted the Real Estate office had entered into a lease with the current owner that has been extended to 2021. He said the Petitioner has ignored this lease. He said the lease allows the Real Estate office to have exclusive occupancy of 1,400 square feet, while the Petitioner’s plan attributes 1,028 square feet to the Real Estate office. He said his clients have no intention of giving up that exclusive use space, which is shown on the Petitioner’s floor plans as “*common area/foyer.*” He said asking the Real Estate office to do this is in violation of the lease. He also noted that the Real Estate office objects to having a stairway to the basement walled off.

George Mavrogiannidis, a realtor in the Real Estate office in the building, said the staircase to the basement is currently part of the Real Estate office’s conference room, but as a result of the proposed plan, it would become part of the Pilates studio.

Stephen Barnagian, Attorney for the Real Estate company, said his clients did not learn of the Petitioner’s proposal to change the amount of square footage attributed to his clients’ business until the Planning Board report. He said his clients want to enforce the lease. He submitted a letter to the Board.

Ms. Baskin noted that the floor plans (A-01) shows 8 Pilates machines. She questioned how this related to the onsite parking?

Zena Gold, the Petitioner’s spouse, and also a co-owner of Boston Body, said the proposed studio at 195 Mount Auburn Street would have a maximum of 5 clients at any one time. She said in addition to the Pilates machines, the studios use a variety of other equipment. She also noted the studio’s entrance is on Mount Auburn Street, and suggested this would strongly encourage clients to park on Mount Auburn Street. She said the Planning Board report recommended business hours of 6:00 AM to 9:00 PM, which would be satisfactory for the Pilates studio, although few if any clients are there that early, and staff are not generally on the site before business hours.

Dennis Duff, Templeton Parkway, expressed concern about snow removal. He suggested that the Petitioner’s parking plan was not workable. He said a 6:00 AM start to business hours was too early. He suggested that if the Board was inclined to approve the project, it should place conditions on the number of machines in the studio, and/or a limit on the number of clients. He expressed concern that the studio, if approved, make provision for disabled clients.

Chair Santucci Rozzi asked for further comments from the audience? Hearing none, she began the Board questions by asking the Petitioner if he had a plot plan with a turning radius, dimensions, and stamped and signed by an engineer? She said the Board needed a plot plan with this information as a minimum. She complimented the Petitioner on the proposed landscaping plan, but said it was inadequate as a plot plan. She said the Petitioner needed to provide the Board with the width, depth and sizes of the proposed parking spaces.

Alternate Member Cohen questioned the square footage amounts attributed to the Pilates studio and the Real Estate office. He questioned why there was a difference between the square footage amounts shown in the table in the Planning Board report relative to Mr. Bloch’s comments? He also asked if the proposed deck was for the residential unit?

The Petitioner’s architect, responded that the deck was for the exclusive use of the residential unit. He said it’s for the unit’s convenience, and provides an additional egress.

Attorney Michael Broadigan, representing the Petitioner, addressed the differences in square footages. He said the area that the Real Estate company’s Attorney has indicated is exclusive use is currently a

foyer, and is currently used for building egress. He noted the Real Estate company paid a reduced rent amount, acknowledging that this area was common space. He said the area designated on the floor plans as "Tenant B" is for the Pilates studio.

Alternate Member Chander said he needed to see a definitive parking plan, drawn as Chair Santucci Rozzi was recommending.

Member Gannon said he needed clarity on the lease issue. He needed to know where the proposed bike rack would be.

Member Ferris said the Petitioner should remove any references to an interconnection with the adjacent condos from Sheet L-01. He noted the proposed occupancy would go from 3 to 2 tenants. He questioned how the Town or Board would control, if at all, what would happen on the site in the future? He said the Board needed to better understand what floor space is counted, and what's not in the parking calculations.

Director Magoon said the Board could limit the amount of square feet per tenant, noting this would be the impact of an approval of the Petitioner's floor plans as Control Documents. He said that the Board's decision, if a conditional approval, would run with the land, not the owner.

The Petitioner responded that part of the space in the basement is for the Pilates studio, and part is for general storage.

Member Ferris complimented the Petitioner on his aspirations for the property, but did not find giving the Real Estate office only two parking spaces as realistic.

Chair Santucci Rozzi summarized the points made by the Board:

- Need to show location of bike racks
- Need to show surface treatment of parking areas
- Need to account for snow storage
- Need to describe hours of operation for Pilates studio
- Need to describe the peak use of the Pilates studio, in terms of membership
- Need a plot plan/parking plan that's drawn by an engineer and stamped
- Need a plot plan/parking plan that's dimensioned and has a zoning table

She opened the hearing up for additional comments from the audience.

A woman from the audience said she applauded the Petitioner for his desire to upgrade the property. She appreciated his desire to reach out to the neighborhood, but also expressed concern about the hours of operation, and the parking.

A man from the audience said that if the site was connected to the adjacent condo project, it would become a cut through. He expressed frustration that the application is incomplete.

Mr. Bloch said he had the same concerns as the last speaker. He also said he was conflicted, because the Petitioner seems to want to improve the site, however, he can't achieve what he wants to. He cautioned the Board that there was erroneous information in the Planning Board report.

Ms. Baskin asked what would happen next? What if the Real Estate office moves out of the building?

Chair Santucci Rozzi responded to Mr. Bloch by noting he could challenge the information in the Planning Board report, and the Board would take the information from him, the Planning Board and other sources into consideration in its deliberations.

Member Ferris moved to continue 195 Mount Auburn Street to the December ZBA meeting. Member Heep seconded, and the motion was unanimously approved.

Director Magoon noted that some cases come before the Board without Plot Plans not because they haven't been advised to do so by DCDDP staff. He noted that Petitioners sometimes decide to move forward despite this.

Member Heep suggested the Board could create a Memorandum from the Board, to provide staff support in this message.

CONTINUED CASES

1. 124 WATERTOWN STREET: Bell Atlantic dba Verizon Wireless – TCA Use Variance (ZBA-2015-19)

Member Ferris read the Hearing Notice: *“Matthew Whitehead, Esquire for Applicant, Bell Atlantic Mobile of Massachusetts Corporation, LTD, d/b/a Verizon Wireless, c/o McLean Law Firm, 900 Elm Street, Manchester, NH 03101 herein requests the Zoning Board of Appeals grant a Variance in accordance with the Telecommunications Act of 1996 and the Watertown Zoning Ordinance, §5.13.a.1, Wireless Telecommunications, so as to install 16 rooftop panel antennas (4 antenna per sector) with associated equipment, generator and equipment shelter at ground level surrounded by stockade fencing. T (Two-Family) Zoning District. ZBA-2015-19”*

Attorney Victor Manougian, representing the Petitioner, described the proposed project. He introduced the other members of his project team. Mr. Tim Yee, with Structure Consulting Group, Jose Xavier, of Hudson Design, and Socol Anzoni of C-Squared Systems who did the Radio Frequency Report and Dr. Donald Hayes a radiation safety specialist. He said the proposal was to install cellular equipment at 124 Watertown Street. He noted he'd brought examples of the faux chimney material. Project would also include an equipment shelter under an exterior staircase, behind a 6 foot stockade fence. Asking for Special Permit/Variance due to the zoning and proximity to residential properties. Telecommunications Act requires the Petitioner must show a gap in coverage. The Radio Frequency Report shows such a gap in coverage. Should also help public safety officials and potentially free up space on existing facilities.

Chair Santucci Rozzi asked Attorney Manougian to review the coverage maps.

Attorney Manougian, using colored coverage maps, explained the gap in coverage. He noted the different colors on the coverage plots show how the new site allows the existing two adjoining sites to overlap.

Dr. Hayes, using the colored topographic maps, noted that the topography is such that a new site is needed between two existing sites. Each site has different colors, and the new site allows coverage between each facility so that signals don't degrade enough to drop a call.

Chair Santucci Rozzi asked if the Petitioner had analyzed existing sites?

Attorney Manougian said the company's search ring was such that this is where the site was needed to cover the gap. He said the site was in the center of the search ring, considering the existing adjacent sites.

Member Gannon asked about the Crowne Plaza on Newton Corner was looked at?

Director Magoon said there was an alternative analysis.

Attorney Manougian said the existing sites would not help the Petitioner address the coverage gap.

Chair Santucci Rozzi said her point wasn't relative to existing cell sites, but rather if other locations (with no existing cellular) were looked at that would not need a Variance? Did the Petitioner look at sites in Newton?

Member Gannon said for example, there are church steeples that are higher than the proposed site that could have been surveyed.

Tim Yee, Structure Consulting Group, said the Radio Frequency engineers give his company a search ring, which is the area that would most cover the gap. The Crowne Plaza Hotel is too far outside the search ring, and can't help cover the service gap. He said his company did look at other properties inside the search ring, but since the gap is relatively small, the search ring is relatively small, and most of the properties inside the ring are residential, therefore this property was the best location to cover the service gap.

Member Heep if the site is permitted, is there room for other co-locating cellular companies' equipment, and where would it go?

Mr. Yee said that's a question for the other co-locators, such as AT&T, T-Mobile and Sprint. He said the equipment cabinet in the proposed project is strictly for Verizon's equipment.

Ms. Adams noted that based on her experience permitting other cellular sites of various types, this is common for carriers. They typically design the equipment only for themselves. Also, it is unlikely in this case that the equipment cabinet would be sized to accommodate other carriers, or that other carriers would want to locate in the cabinet. They would typically install their own cabinet.

Member Ferris noted the proposed equipment cabinet is located under a fire escape. He suggested this might be a problem, and why the enclosure could be moved to the other recess in the building?

Ms. Adams noted that she had directed the Petitioner to the Fire Department for comment on the proposed equipment cabinet, but has not heard back from the Department as to whether this installation is acceptable to the Department.

Member Ferris suggested that it might be better to install the cabinet in the other alcove in the building, as it's not used for emergency egress. He suggested there might be fire in the cabinet under the egress.

Attorney Manougian said the proposed installation would be done in such a way as to not block any egress. He also said the siting decisions on the property are typically directed by the landlord's preferences.

Ms. Adams suggested that her experience indicates the battery cabinets don't catch fire. Typically, the cabinets are fire-rated, and they include backup batteries. However, the batteries now usually use a gel material as electrolytes, rather than lead-acid.

Attorney Manougian said they could look at moving the cabinets, noting that this would require a re-negotiation of the lease with the landlord.

Member Gannon said the Board could require a condition for a fire-suppression system in the equipment cabinet.

Member Ferris suggested that the cabinet was in the open air.

Chair Santucci Rozzi suggested that typically, the cabinets are in a chain-link fence enclosure, so people can see what's in the enclosure. She asked why the proposed use of stockade fence?

Attorney Manougian agreed with the Chair, but noted in this case, the desire was to provide aesthetic screening for the enclosure, hence the use of stockade fencing.

Jose Xavier, Hudson Design Group, said the equipment cabinets are about the size of refrigerators. They are to be two of them. They are rated for outdoor use, and don't catch fire. They are safe to be where they are to be placed.

Member Gannon and Member Ferris said the alcove is used for fire egress. Member Ferris acknowledged that things don't spontaneously combust. Seems to make sense to move the equipment.

Dr. Hayes suggested the setup is to allow a shorter cable line on the roof.

Member Ferris suggested the cable runs on the roof appear to be identical, regardless of which alcove is used for the equipment shelter. He said the roof plan appears to be symmetrical. So, it does not seem to provide for a shorter cable run.

Attorney Manougian said he understood this.

Member Gannon noted a letter that expressed a concern about Radio Frequency Radiation (RFR) from the proposed facility.

Dr. Hayes said he reviewed the RFR report, and it was done properly. The appropriate values were used in terms of antenna sectors and frequencies. The appropriate FCC formula was used. A graph in the RFR report indicates that the potential RFR emissions over distance will be approximately 7% of the acceptable emissions. He said the figure indicates the site could have approximately 30 additional of these units and still be compliant. Dr. Hayes said the RFR field was also calculated in terms of elevation. Based on this, no one could be exposed above 5% of the allowable standard.

Chair Santucci Rozzi summarized the questions posed to the Petitioner by the Board:

- Location of equipment cabinet – Move to the other alcove in the building
- Alternatives analysis/Other sites analysis should be provided – Why do you need to be on this site?
- Coverage Plots need to be updated – Show the existing site and new site – Show why the new site is needed? Clearer plans and a narrative.
- More clarity on the coverage gap and more clarity on the alternative analysis

Member Ferris moved to continue 124 Watertown Street to the December ZBA meeting. Member Heep seconded, and the motion was unanimously approved.

Chair Santucci Rozzi asked for a motion to adjourn. Member Ferris moved to adjourn the hearing. Member Heep seconded, and the motion was unanimously approved.

Adjourned at 11:00 PM.

*These minutes have been updated per request of Chair Santucci Rozzi, 1-26-16 lc

Member Ferris motioned to approve these minutes at their meeting on January 27, 2016. Member Heep seconded. Voted 5-0, with Members Santucci Rozzi, Ferris, Heep, Donato, Gannon voting in the affirmative. These minutes have been approved.