



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

Melissa M. SantucciRozzi, Chairperson
David Ferris, Clerk
Christopher H. Heep, Member
John G. Gannon, Member
Kelly Donato, Member
Neeraj Chander, Alternate
Jason D. Cohen, Alternate

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MINUTES

On Wednesday evening, June 28, 2017 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 SantucciRozzi, *Chair*; David Ferris, *Clerk*; Kelly Donato, *Member*; Christopher Heep, *Member*; Neeraj Chander, *Alternate Member*; Jason Cohen, *Alternate Member*. *Absent: Member*, John G. Gannon. Also Present: Mike Mena, *Zoning Enforcement Officer*; Andrea Adams, *Senior Planner*;

Chair SantucciRozzi opened the meeting; reviewed the noting 223 Palfrey Street has requested to withdraw and the cases that will be heard are 36-38 Oakland Street and 101-103 Morse Street; she then introduced the board and staff; swore in the audience and asked for a motion on the minutes.

Member Ferris motioned to approve the minutes of May 24, 2017. Member Heep seconded. Voted 5-0, approved.

Mike Mena stated that the applicant submitted an email to withdraw the request for 223 Palfrey Street. Member Ferris motioned to accept the request for withdrawal of the petition for 223 Palfrey Street. Member Heep seconded. Voted 5-0, Members Ferris, Heep, SantucciRozzi, Donato, Cohen voted in the affirmative. No votes against. The petition for 223 Palfrey Street is withdrawn.

Member Ferris read the legal notice for 36-38 Oakland Street:

“Thomas and Sharon Stanza, 36 Oakland Street, Watertown, MA 02472 herein requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with Watertown Zoning Ordinance 4.06(a), Existing Non-Conforming Setbacks, Rear and Side, so as to enclose an existing second story porch, maintaining the non-conforming rear setback at 5.6’ and side setback at 5.5’, where 20’ and 12’ are required. (T) Two-Family Zoning District. ZBA-2017-09.”

Wayne Pelletier, Architect, representing the owners, explained that there is no requirement for relief on the side set back – only the rear setback. There is a two-story deck with a roof on the rear and they want to enclose the second floor of that rear deck to expand their kitchen. They will also do structural repairs on the rest of the decks, in kind, in size in order to support the existing deck and the new enclosure. The enclosure would have matching windows on the sides. The rear of the house does not have windows to maintain privacy and to allow interior cabinets and counter space.

Member Chander asked if the entire structure is being replaced and if this will support all of the new construction. Mr. Pelletier stated the construction materials will support the new decking and enclosure – there is only cinderblock there now.

Member Cohen asked what materials will be intended for the railing and the lattice under the deck. Mr. Pelletier said the railing will be 2x2 with square balusters with low maintenance vinyl and the lattice work will either be diamonds or straight board. The siding will match the existing vinyl.

Member Ferris said it will be fully rebuilt with the upper deck being enclosed. He confirmed they will be removing the step down into the deck area and wanted to be certain the roof height remained the same. Mr. Pelletier said the roof will remain the same and will slope towards the rear wall where the cabinets will be, maintaining the required height for headroom.

Member Donato asked if the vinyl siding will be an exact match. Mr. Pelletier said they do not make that siding anymore but the size and color will match as best they can. Member Donato commented about another house in the area with the same enclosed porch and it had more windows.

Chair SantucciRozzi asked if the dormer was added before he purchased the house. Mr. Stanizzi said they had a house fire where they added the dormer when rebuilding. Mr. Pelletier added that they also added another egress at the time. The stairs from the second floor rear will remain internal.

No one spoke from the audience. Member Ferris said it is unusual to not have any windows on the rear and he asked if they would add a window to the opposite of the door as they walk into the room to look out. Mr. Pelletier stated the windows in the rear are affected by the lights coming from Acton Street. Chair SantucciRozzi asked if they can add a "shower" window. Mr. Pelletier said there isn't any room height to add a window there. Chair SantucciRozzi would like to see windows – there are no windows on the house behind them to affect the privacy. Mr. Pelletier said they could consider adding a window. Member Cohen stated a notch in the cabinets like they have for a microwave, could be added. Member Chander suggested a spandrel. Mr. Pelletier said he has had issues with condensation from that before. Member Ferris said to match the windows and break up the rear. Member Ferris wonders if they will end up doing the siding over on the entire rear wall. He suggests that if they have to remove any of the rear wall siding, they do the entire rear wall. He said they shouldn't have two different types of siding in the rear.

Chair SantucciRozzi asked if someone parks in the paved area. Mrs. Stanizzi said they park on the paved part but not on the walkway. The family in the rear house, parks right up against the fence. She said one car parks there without hanging out to the sidewalk.

Chair SantucciRozzi closed the hearing and read from the Planning Board report of June 14th with 'boiler plate' conditions. This board suggests window on the rear façade with the tops of the windows matching and the rear or sill do not have to match. If any of the rear siding has to be replaced, they replace all of it. The first floor is to remain an open structure and the second floor only is to be enclosed.

Member Ferris motioned to approve the request for Special Permit Finding for the rear yard setback and conditions discussed. Member Heep seconded. Members Ferris, Heep, Donato, SantucciRozzi and Cohen voted affirmatively, 5-0.

Chair SantucciRozzi announced the next hearing is a continued case for 101-103 Morse Street.

Mr. Shahbazi greeted the board and introduced himself as the owner of this building. He said he was surprised and bewildered at the reception he received here last time and he apologized for his comments as he meant no disrespect. He has been working on this for nine months and has had so many renditions of the project, he wasn't certain he'd reappear tonight. He reiterated that the basis of his remarks is to hope the board will approve his project. He made changes that the board suggested and they will review them; however, first he wants to review what he has been through so far. He purchased this property as income in March 2016 through an exchange with a property in Brookline. He has been affiliated with Watertown for many years and loves Watertown although he lives in Brookline. He had concerns before he purchased the property with the soil contamination; however, through FSL Associates Engineering, they now have a closed AUL on the property for Commercial Use.

His plan was to hold onto this until his prime renter, Cortiva (Muscle Therapy School), left. Steiner Leisure, their parent company of Cortiva, decided they did not want any schools. He would not have purchased the building, had he known that Cortiva would be leaving. The other renters were similar to Cortiva – private trainers, clinics, etc. and also left when Cortiva left. He currently has two renters with 30,000 s.f. available. He pursued the change of use as he was told residential would be a good change as this is in a residential zoning district. He has worked with Planning Staff and changed his plans many times with them; he went before the Developer's Conference and changed his plans again; then through the Affordability Commission where many meetings were had; then the Accessibility Board - more changes, and finally the Planning Board where he received their recommendation. This past January, the building turned into a negative cash flow and along with the costs to change the plans with engineering, etc. he thought he was doing the right thing. He is hoping the board is happy with the changes they have made to the construction drawings. This project is a non-conforming use in a residential zone and they are converting this to residential use with vast improvements to the building. It is not the greatest looking building today and there will be many updates to the building – the exterior façade, the cladding, windows, doors, wiring, HVAC, the parking lot, etc. This will increase the property values in the area and reduce the traffic to the site as the previous use required 55 off-site parking spaces. If this building were to be built now, it would require over 100 parking spaces; this residential use would be 45 parking spaces. The affordable housing would add 6 (units) to the town's inventory; the parking in the rear would have access via an easement that they have agreed to with the town; they will widen the ramp by 4' for access by residents, guests and fire department; they've moved the trash closer to the building and will replace the fence next to the abutter. He will sell the building if this is not approved but his wish is to keep the building. However, the commercial use will require more parking than what is on-site now. This building was upgraded 10 years ago; however, he believes this is a great residential project that he has been working on for 9 months. He has reduced the number of units to 40. He may not have every detail that the board requested tonight.

Chair SantucciRozzi asked Staff to confirm that although this site is non-conforming, it does not open this to be all uses. Mike Mena, Zoning Enforcement Officer, stated that the change from one non-conforming use to another non-conforming use does require a special permit in front of this board; however, if it is an office and the change is to another office, that would not require coming back in front of this board as there is not a change to the non-conforming use. Chair SantucciRozzi stated that Cortiva was a training school. She then explained to Mr. Shahbazi that if a like-use, a school isn't going into the area that is vacant in the building; he would need to come back in front of the board anyway. Mr. Shahbazi asked if he could use it for office use. Chair SantucciRozzi stated that the special permit was granted to a massage school; otherwise, it would have to come back in front of the board. Mr. Mena confirmed that a school or educational use could go back into the area where Cortiva was and office could continue in the areas that were leased to office use. A change to all office use would require a special permit in accordance with section 4.06 (a), Non-Conforming Use, to allow the change from one non-conforming use to another non-conforming use. Chair SantucciRozzi stated that the use for Cortiva will continue in this building until another change of use is requested by special permit.

Mr. Hendren, Architect, reviewed the changes made per request of the board at their last meeting. He displayed drawing A.100 and explained the changes: They reduced the unit count from 44 to 40; they widened the ramp by 4' to 22' wide; they moved the two handicapped parking spaces that were between the ramp and the building to the left to be in front of the townhouse wing; they reconfigured the staircase coming down from the sidewalk into the parking area and tucked the dumpster with screening into the corner and relocated bicycle racks. That is at the same grade elevation as the driveway to allow bicycles to ride down and to allow the dumpsters to be rolled out easily. They now have 43 parking spaces on their portion of the property. Other changes include relocating the bicycle storage area closer to the elevator and moved the 40 bins to the bicycle area. They continued the sidewalk in front of the building so someone could follow it down (into the property) at least for 50% before being in a drive lane for access to the park. They reallocated space within the building to change one bedroom units to two-bedroom units on each floor and they added a three bedroom unit in the upper corner. Although the bedroom number changed, the parking count requirement was reduced to 49 spaces. The HVAC condensers at the town-house wing were moved to the roof and disguised as a widow's walk. The HVAC at the rear of the building was also put onto the roof with acoustic screening that cannot be seen from the

street level. The four condensers for the townhome are on the townhouse roof and the other 40 condensers are on the other roof. Chair SantucciRozzi counted 42 condensers on the main roof and stated the plan is not accurate if it shows 42 units. Mr. Hendren said that there may be fans on the roof for the common areas but there are not extra HVAC units. He then showed the natural wood fence with lattice detail against the abutters property; the fencing for the widows walk to screen the acoustic screen; they added an 8" curbing on the ramp with a railing; fiberglass coated wood windows with dual-pane; taupe siding with cream trim from Hardy or an alternate color; and the 42" tall acoustic panel. They added windows on the rear elevation to have the same number of windows on the second and third floor. They added a window to a bedroom that did not have one. They added windows to the Morse Street elevation and lined them up.

Member Donato stated that the number of units is a step in the right direction with the bedroom size breakdown going from having one 3-bedroom unit to 2 3-bedroom units and 11 two-bedrooms to 14. She thanked them for the trash relocation and asked how they'd be picked up. Mr. Hendren explained that they would be rolled out. Ms. Donato stated that it is a tough spot to have a truck stopped in that area but it is still a steep ramp with pedestrian access, etc. Mr. Hendren said they have changed it per request but this will be convenient for the people that live there as they do not have to cross the parking lot to toss their trash out. They are open to their suggestions.

Member Donato asked about snow storage. Mr. Hendren said they would remove the snow in a large storm or a small amount could be placed in the prior dumpster location and the rear of the parking lot and the islands. They would do whatever they needed to do to keep the parking spaces accessible.

Member Donato asked the board to address the trash pick-up times. Mr. Shahbazi said they will have trash pick-up probably 3x weekly.

Member Ferris thanked them for the responsiveness to their comments. He believes the residential use is a good one for this building and asked staff about the parking study, residential vs. commercial and if one is less intensive. Ms. Adams said the prior use as Cortiva has a higher parking demand than this residential use would and the trip generation would be have different peaks and traffic patterns. Mr. Mena said their traffic study for 48 residential units reduced the trip generation and was less detrimental.

Member Ferris stated that some of the units would be hard to rent or difficult to live in and commented that plan A100 shows the lower units have a view of car bumpers at eye level and asked if they considered a type of screening or landscaping where they would not be looking out at bumpers or under cars. He added that there is an issue with the egress stair at the ground floor – you cannot have an egress stair open as it is connecting vertically to the rest of the building without a doorway – it does not meet the building code. He asked how a guest approaches – would there be door speakers. Mr. Shahbazi said there would be intercoms on both entry doors to all units. The vestibule would be locked.

Mr. Ferris asked about the new fence on the plan along the west border for the full property line to the easement point. Mr. Shahbazi said the town does not want him to fence the area of the easement so as to leave access to the park. Mr. Ferris asked if there is a rail along the retaining wall at the top. Mr. Shahbazi said there is an existing 4' rail which would remain and the stairway rendering shows the railing (A-204). Member Ferris asked detailed questions on the landscaping stating that the plan has challenges – the dwarf boxwood appears to be 5' wide and may be over-scaled on the plan shown. He continued to review details on each floor plan stating that some units have an absence of daylight and may not meet building code requirements for light and ventilation – they could be supplemented by artificial light and ventilation. He added that the quality of the housing stock in Watertown may leave some units vacant - Unit 109 does not have a view and may be better suited for fitness equipment, as a suggestion; unit 203, a two-bedroom which opens to Morse street could be reconfigured to add windows and to move the tub window to outside the tub area; unit 301 has one window. Mr. Shahbazi said there were double the dormers and Historical asked them not to make any changes to the exterior at all. Mr. Ferris suggested they add a skylight or something as some of these units will be very difficult to rent.

Ms. Adams stated that Mr. Shahbazi worked very hard on the existing mansard roof and the Historical Commission and the Department of Community Development and Planning asked him not to touch the roof at all.

Member Ferris stated that (his comments) are not a criticism. He is making suggestions to have nice additions to their housing stock – he'd speak the same to his clients. He reiterated the difficulty in renting some of the units. Mr. Shahbazi agrees and said they could add a dormer to the corner similar to what is there. He added that they have tried to incorporate everyone's comments up to this point and that is why they are where they are. Member Ferris reviewed all of the plan sheets beginning with the comment that a single window in a large space may be a challenge for him; A104, some coordination on that sheet is necessary; A200, lower elevation has two 'thing's' blocking the windows. Mr. Hendren said it is a chain link fence and the property line ranges from 3" to 5" in that area but he'll put fire-shutters on these. Member Ferris added that some of the units will be lesser rent due to the view. Mr. Shahbazi said they would be lesser rents but he cannot give up on the units themselves. Member Ferris added that they could do something to enhance the view. Mr. Shahbazi will replace the fencing and do whatever they can do to make it a better view. Member Ferris added that a boxwood hedge could eliminate headlights from coming into the units, as well; and to remove the units on the roof that are showing on the drawing A204. Mr. Hendren added that there will be no mechanical units on the roof.

Member Heep asked how much of the building is tenant occupied. Mr. Shahbazi said right now about 6,000 s.f. out of 36,000 s.f. Member Heep appreciates the work they have done on this since the last they met. He remains concerned about the number of units in a two-family zoning district. This is a radical departure from what is allowed by right. 40 units in a two-family zoning district is a lot and a residential development could have a detrimental effect on this neighborhood as opposed to what is there now. He said Member Ferris pointed out the units without the lack of windows, etc. that would make these units hard to rent. He said those points indicate that this proposal is too much for this district and the building itself. He has many concerns that are significant.

Mr. Shahbazi said he appreciates the comments thus far and would like the board to consider that this is an existing 36,000 s.f. commercial building in a two-family zone. They are proposing residential. They cannot knock the building down due to the historical requirements. His hands are tied. The economics of this proposal have to make sense. This building is tucked in tightly with outer neighbors. He asked if there is a magic number of units and was told perhaps 60 micro units would work. He concurs with everything being said – he was asked not to add the dormers to the third floor; etc. He said the cost to do this project will run into millions of dollars.

Chair SantucciRozzi said that is a given with every project and he has mentioned the economics four times. If the project isn't viable, then why is he here?

Mr. Shahbazi said his proposed use is a residential and that fits better into the neighborhood. The physical building is there and the amount of changes they are proposing is a lot. Member Heep said the board has to look at the change of the use of the building from commercial to residential and something like the existing windows were perfectly aligned to a commercial use; however, they may not be for a residential use.

Chair SantucciRozzi said that the board knows he has purchased the building and would appreciate it if he would not repeat that point again.

Mr. Shahbazi means no disrespect regarding his comments, he would like for the board to consider the entire picture of the project.

Member Cohen appreciates all of the work that Mr. Shahbazi has put into this project to address the specific comments that the board has made – except for a couple of small comments by Member Donato in regards to the parking although the parking is better than it was the last time. He agrees with the interior and the number of units. His metrics, in accordance with his profession, requires DHCD specifications to be only adhered to the affordable units – he asked staff to confirm if this affects the size

of the unit, the size of the room, etc. Andrea Adams, Senior Planner, stated that Mr. Shahbazi is aware of the size of the units and none of the units, except for the 3-bedroom, meet those requirements. However, the DHCD accepted the affordable units as all of the units had the same disadvantages. Now that Mr. Shahbazi has combined some of the units, they felt it was not a requirement to review again. They said they have considered the fact that he has had to answer to 'many masters'; that the building is historic and the mansard is not to be touched; etc., the partnership feels he has done his due diligence to meet his test. He will be providing the requisite percentage of units as affordable; they will be accepted by DHCD; they will count towards this towns' subsidized housing inventory; they will be under the regulatory agreement; and monitored.

Member Cohen said he is surprised as the fewer units that are provided; these units will meet the requirements. He said one bedroom has to be 600 s.f. per DHCD; a living room 150 s.f.; a living room/dining room combo has to be 200 s.f. ; a bath 40 s.f., linear feet of counter space – 6' for one bedroom and 8' for two bedroom. He sees so many instances – 6 units that appear to be less than 500 s.f. – 16% lower than the DHCD minimum. The marketability of these units has to do with the happiness and health of each unit. Mr. Shahbazi quoted the square footage of three of the units as greater than 500 s.f. and Mr. Cohen said they do not add up to what he is finding. He said rent ability is a factor.

Member Cohen asked that they check the width of the egress stair that Member Ferris has been referring to. He feels the Building Inspector might have issue with a non-conforming egress stair for multi-family egress.

Member Chander did not have any questions.

Chair SantucciRozzi asked about the parking layout and asked how someone would get into the parallel parking space in front of the two townhouses. Mr. Hendren said you would pull up and back into it. The space is 9x22' and functions like a street parallel spot. There are two tandem spots. Those are meant for the two bedroom apartments. Chair asked staff if tandem spaces are allowed. Mr. Mena said there was a change to the zoning ordinance and they are allowed for multifamily home. This was addressed in a previous meeting, where it was noted that some units would have two parking spaces and some none. Staff shares the concern with the parallel parking. Mr. Shahbazi said they added the tandem spaces when the unit count was higher. Now that the unit count is lower, they do not need 43 parking spaces and he can remove that. Chair said it is about how the parking spaces function. She asked if these spaces were designed by a PE. Mr. Hendren said the tandem spaces were designed and the rest were existing.

Chair said the landscaping needs attention. Mr. Hendren said this was an exercise in calculating green space not a landscaping plan.

Chair said she asked for a fiscal impact analysis and she does not see it. Mr. Shahbazi said he did not conduct one.

Chair asked staff about the easement as there was a lot of discussion at the last meeting. She asked what has happened, what will happen, condition 8 is perpetual, what is the town's intention, 15 spaces that the town hasn't used and the public hasn't known about, the petitioner is trying to add parking by adding tandem spaces that do not function and there are 15 available spaces... Ms. Adams said Mr. Shahbazi came in to discuss several issues with Mr. Magoon and the easement is to be re-negotiated so that these issues can be adjusted, rectified or dealt with. She said you need to focus on what he has, he has. The assistant town manager said that is a separate issue to be taken off-line. This proposal should have one-to-one parking for his project without the town's property. She added that the (town's) spaces will be publicized to be used after nightfall not just during snow emergencies. Sheet A100 shows a dotted line and the town owns to the left of it. Mr. Shahbazi said the easement plan was part of the negotiations by the prior owner. Chair asked why there wasn't buffers added to the rear parking lot. Mr. Mena said this is an unimproved Capitol Street that was part of the previous agreement that if buffers were added, would have prohibited access to the residents.

Chair asked (Mr. Mena) that if the petitioner is coming to the board to go from one non-conforming use to another, how they approve all of the other non-conforming stuff. Mr. Mena said those are pre-existing

conditions. Chair said they are pre-existing conditions for a different use and there are different standards. There are no exemptions for one and two-family homes so she said it should be a variance. Mr. Mena said this has been done prior with other cases before the board, like a driveway that is paved all the way to the lot line or single family homes where they have done additions (Chair said not one family), he continued to explain that the existing non-conforming condition did not change and did not require a variance. That is typical that if it is a change in use with the non-conforming site, the condition does not need... he agrees that the parking lot is changing and staff is confident that that does not need relief. Ms. Adams said sheet A shows the property line and the town's easement and the right to pass and repass for the sewer line. This portion of Capitol Street is a paper street. She does not know if they own the fee or the street outright. If this remains as the commercial project, the language would be "cleaned up" (in the easement agreement).

Chair SantucciRozzi asked about condition 8. Ms. Adams said it exists now and if this project is approved, then this would be re-negotiated, condition 8 would be nullified and renegotiated, she believes.

Chair SantucciRozzi said all of the changes are positive and this layout and unit configuration is unlike any she has seen. She does not want this board's action to undercut the quality of this town's units as people invest a lot of money into their properties and this board holds them accountable for high standards. She noted that the number of units has been reduced but it is about the quality of the units. She said Member Ferris has made more comments about the (lack of) quality of these units than any other project she has worked with him on. That means to her that he has concerns and other members share that concern. She added that Member Heep has concerns with this type of development. She said if this building is going to be converted to residential, it should be the highest and best quality that it can be - what type of assurance as a board do they have that this is sustainable; if he doesn't get the rent he wanted and the money isn't going back in to the building for maintenance, landscaping, etc. and he is saying that it is so tight (economically) and that is the opposite in Watertown. She asked what type of rent he is projecting into these figures he is calculating. Mr. Shahbazi said other newer construction in town is getting significantly higher rents than he is projecting. The average size of the units, although they will be brand new, will be small. The 500+ s.f., one bedroom unit is projected at \$1600 (Unit #G-2). Chair asked if there is any validity in getting more rent for a larger unit. She asked how he is going to address some of the concerns spoken about tonight. Mr. Shahbazi said he could add skylights. The window issue would be there even if the units were combined. The cost of the construction would not go down if the numbers of units were reduced and the units were larger. It may be desirable to have 24 magnificent units but that cannot happen.

Member Ferris clarified with Staff: The client owns property and on that property there is a building and that building has historic significance. Does that mean that the client or someone else cannot change what is on the site and develop it differently? Mr. Mena said, no, this is not in the historic district and it is not on the historic register. He clarified that it went to the Historic Commission and there were comments - the issue previously with the dormers is that this is a non-conforming building and once you put dormers on, you are increasing the non-conformity and would require a Variance (as well as the special permit finding). Staff felt it would be difficult to make the findings for a variance. So there were comments from Staff and other committees and commissions and the fact that he would want to stay out of the need for a variance. Mr. Ferris continued speaking to Mr. Shahbazi, stating that the building has compromises as he understands with the income impact but he wanted to make clear is that the site is one thing and the building is another. He further explained that some of the board members are struggling with the number of units and he, Mr. Shahbazi is struggling with putting a use into the building that is not original to the building. He repeated that there is a piece of land and on that land is a building. Someone else may wish to remove the building and do something else on the site. He wants to be certain he understands that he can do something else on that site, as well. Mr. Shahbazi said the Historic Commission told him this was the third oldest building in Watertown and he felt that would be fought if he were to raze it. Mr. Mena said if he were to demolish the building, it does go before the historic commission and they can put a one year moratorium on the razing of it. Member Ferris said that some of the members are concerned with the use; all are concerned with how the use is integrating with the existing building. Mr. Hendren said if you demolish the building, you can only put 4 houses there. Member Ferris said that might not be a bad thing.

Dennis Duff, 33 Spruce Street, said that there was contamination on the site and it was cleaned to a commercial level. He would have to have it cleaned to a residential level. Chair explained that he would need to do more work if this board approves this. Mr. Shahbazi said his engineer was in touch with DEP and their plan is the right plan for residential.

Mr. Duff said the parking issue is confusing for the 15 spaces. If the town is going to let the residents use the 15 spaces, he would only have 25 spaces. Chair explained that he has 43 spaces plus the 15. Mr. Duff asked if the unit will be assigned a space or if you have to rent one. Chair said he would be renting the spaces. Mr. Duff said that has created a problem in the past as people don't want to pay the rent for a parking space and they will park in the street. He thinks going back to commercial is not a bad idea. He added that commercial pays more taxes than residential and if more spaces were needed, they could rent from the Hibernia Club. He doesn't want to have to pay more taxes than he can afford and then have to move out of Watertown. He added that Boxwoods as shrubbery tends to have winter burn and there are other shrubs, like yews or global arborvitae.

Chair SantucciRozzi asked the members if they are going to continue this. Member Heep said it is up to the applicant – does he want another opportunity to respond or not. Mr. Shahbazi commented about the taxes and the cost of this conversion would be close to \$6M and the assessed value would increase tremendously and the tax revenue to the town if it remained would be \$80k vs. \$100k should they go forward. Chair SantucciRozzi said that it is just not the taxes, it is services, too – water, etc. and this is why they asked for the fiscal analysis. Mr. Shahbazi said the DPW is adding that they do an INI on they are gaining from this project and the trash is picked up privately. Chair SantucciRozzi asked why he didn't put that together. Mr. Shahbazi said it is costly to put that information together and he was more focused on the comments of the last board meeting. For instance, the parking was a huge issue at the last meeting and he showed the parking was reduced based on this conversion and traffic, too, although it would change as there would be parking in the lot overnight. He commented that the last use was required to rent 55 spaces off-site. Chair SantucciRozzi commented that the lot was never full. Mr. Shahbazi said the parking is reduced with this use. He said this project is going to add so much to the town. He asked the board if there were suggestions and conditions, he would accept them, as well. He did not think he would be in front of the board tonight. He asks the board to look favorably upon this project and add the conditions they think are appropriate, including the tandem spots could be removed. He doesn't intend to rent them unless he has to. He could even take the trash out to the other side of the ramp and take out another two spaces. He does not believe he is going to need 38 parking spaces with the bus line, bike parking, storage bins, etc.

Member Ferris asked what the minimum amount of parking spaces that are required is. Mr. Mena said he would have to calculate the 40% parking the change of use would be entitled to. The ordinance changed last year allowing one non-conforming use to convert to another non-conforming use, as long as the intensity of the use did not increase the parking demand by more than 40% and would be not be considered an impact and the project would not be required to meet the current parking obligation. In this case, the residential was significantly less. Chair SantucciRozzi said there is a note on the plans that reference a deduction in the parking by 13 by special permit. Mr. Mena explained that they did not apply for a special permit to reduce the parking. Mr. Hendren said the note is a reference. If they applied for a special permit, they could reduce the parking by 25% if they had a traffic oriented development; however, that is not what they are asking for. Ms. Adams said the parking is confusing given the use by Cortiva and their parking off-site, so the planning staff determined that if this project met the one-to-one parking or provided 40 good quality parking spaces for 40 units, they felt he met his burden.

Chair SantucciRozzi asked the board for other questions or comments as she is sensing a little hesitation. She doesn't know if this is something that can be resolved; if this is something that they are displaying displeasure with or other items of concern. Ms. Adams stated to Mr. Shahbazi that the board is hesitant. She asked him to articulate what it is he wanted them to do. She asked if he wanted a vote today. Mr. Shahbazi said he would like for them to vote to approve. He is not asking to go down to a certain number of units; he can go down to 40 units and arrange the parking lot a little; move the trash out of the area; remove the tandem parking space – he'll be happy to do this. If there are conditions that the board thinks are necessary, he will be happy to do them, if he can. He cannot change the building. He cannot change

what is or where it is. The overall project is beneficial from so many different factors. He would like the board to look favorably on this despite its' shortcomings.

Chair SantucciRozzi reiterated that it is not the number of units, it's the quality (of the units and the) quality of the project. This is (a request) to go from one non-conforming use to another without any fiscal information. The landscaping plan is just a plan with things drawn on it for the sake of drawing; the parking is not ideal but has potential to work. She creates a checklist and looks at things that are getting better or things that are getting worse and he is trying to convince this board that this is an improvement but she questions why he doesn't spend any time doing a landscaping plan. She added that the effort put in to this project is realized by this board and although he went back to the drawing board, they have questions about the landscaping and his answer about just putting something there is not acceptable. Mr. Shahbazi said there is very little space for landscaping improvements and they have added green space to the site that is not there now. Chair SantucciRozzi asked him who told him there wasn't enough space to add landscaping as he has not had a landscape architect look at this site. She added that she has seen very small spaces landscaped beautifully. Mr. Shahbazi said he plans on landscaping the site beautifully – he just doesn't have a plan in front of them. Chair SantucciRozzi stated that the landscape plan is part of what this board approves as well as drainage, lighting, parking, etc. Mr. Shahbazi said he would submit landscape plans for any suggestions the board has. Member Cohen stated that the one consistent comment the board members have said is the quality of the space and the size of the units. He has done a number of adaptive projects in his past and he would have suggested that the appropriate number of units at this site would be around the mid 30's. They look at the quality of the units being in line with the new construction in Watertown. He understands that this is an existing building without amenities and the rents would be lower but there is a point where they would not be marketable and then it would be a cash flow issue for him. He said this needs to be de-densified and the spaces need to be more appealing.

Member Heep added that there are things that the board can condition and then he would revise them; however, this is not one of them. We need to see these things on a plan, including landscaping. Chair SantucciRozzi asked Mr. Shahbazi why he would think the board would create a landscaping plan for him. Mr. Shahbazi said he wasn't really asking the board to create it, he was saying he would abide by the conditions. The reason he doesn't have a plan is that there is very little area to landscape. He said the viability of the project – if this were a run-down old mill building, what he has, what he can build in there with a \$6M project. He is stuck at 40 units because of the breaking point cost wise. Chair SantucciRozzi said he was at the breaking point at the last meeting. Mr. Shahbazi said he has tried to come up with something that he could live with; including extending the ramp that was a concern of hers and the trash. Chair SantucciRozzi said going in and out of that ramp is not easy. She added that two cars wouldn't fit on it. Mr. Shahbazi said it isn't going to be 22' and the expanded ramp would address that issue. He's added places to be landscaped; the parking is matched with the number of units. Member Ferris said the building now is not an attractive building. It is vinyl sided and the applicant is proposing a nicer material. A residential use would be a decrease in traffic flow and a viable use of the building. These are two positives for the project. The layout of the parking, landscaping plan, etc. is not enough to say it is approvable with some comments. Maybe he could take a look at the quality of other projects because when he makes comments on the lack of a railing or something like that, it is not a good thing - these things should be much clearer to the board. If he is going to pursue this, it is an investment that he has to make to lay it out. He doesn't think any specific number of units would do as there are limitations with the windows. If a decrease in the number and the size of the units meant there could be a decrease in parking for more landscaping...he would feel badly for the units with headlights into their windows. Mr. Shahbazi said two bedroom units would require 1.5 parking spaces. Chair SantucciRozzi said it is not the number of units. The introduction of this number of units and the quality being presented on this site is substantially more detrimental in her opinion. He has not taken the proposal to a level to convince her that this is not substantially more detrimental. Is residential a more acceptable use over commercial? With the right units, the right plans and it all coming together would make sense but not saying to condition the landscaping plan and remove this and that – he needs to look at this building and come up with the best possible scenario from the board's perspective. Would he live in or have his child live in that dark unit? They have seen a lot of projects and there are a lot of choices in Watertown for all types of units – why would someone chose this building. Mr. Shahbazi said it would be more affordable

and people would chose to pay \$1600 per month. Chair SantucciRozzi said she can get two bedrooms in a two-family with parking and a back yard for \$1600 per month. Mr. Shahbazi said he cannot touch the exterior of the building and how can he change this building. He said is the existing use the best use then? He wasn't planning to come before the board for anything if the building stays the same. He said all of his improvements would have enhanced this building. He wanted to double the mansard roof but he couldn't because of Historical. He said all of these months with Staff and other boards. Chair SantucciRozzi said he is not concerned with time as he wanted to come back in September and the board encouraged him to come back sooner. Mr. Shahbazi said this is his first time in this business and forgive him if he is naive about some facts.

Mr. Shabazi said he is in front of this board with a unanimous vote in favor of his project from the Planning Board. He met with the affordable commission three times and they approved it and the state approved it and he has incorporated all of the comments that have been made from the site plan review on along the way. From his perspective he has done everything required of him. If the board wants him to take away parking to create landscaping, he will do that. He addressed the issues of traffic and parking. He was aware there would be conditions attached but there is unknown (conditions). He disagrees that this is detrimental – the traffic, parking, the use, the non-conformity, all aspects of improving the physical structure. What is there is no comparison to what he is proposing. It would be a shame to let it go.

Member Cohen commented that although this is his first time, he could ask staff to show him projects of this scale that have been approved and the quality of design and documentation that it takes to convince this board to approve. He may get a better idea of what it takes for documentation.

Mr. Shahbazi asked if the process is broken as he has made it to this point as he shouldn't be in front of this board if he is inadequate with his plans. With respect, the other (boards approved this). He added that at the Developer's Conference, had he known what this boards' comments would be, he would have designed this project with those thoughts. He feels this is unfair. If he requested a continuance, what would the board want in detail.

Chair SantucciRozzi said a landscaping plan and presenting something to this board that is not subpar. He can take a vote this evening or address the issues and come back to this board with top quality units.

Mr. Shahbazi asked what top-quality units are. Chair said adding natural light. She added that someone on the board should not be calling out the deficiencies. There are flaws that need to be improved upon.

Mr. Shahbazi said the process gave him unanimous approval before he got to this point. He requests a continuance.

Member Ferris motioned to continue the hearing (to the next month). Member Heep stated he will not be available. Member Cohen will not be available. Chair stated the board will meet again in August (on this project) in August for a quorum. Mr. Shahbazi said that would be okay. Member Heep seconded to continue this case to August. Member Cohen said he does not know if he can make the August meeting. Chair said four members is a quorum but he would need all four votes to pass. She suggested to continue to August and check then for any issues. She reiterated that there was a motion and a second to continue to August. A vote of 5-0 was heard. Members Donato, Ferris, Santucci-Rozzi, Heep and Cohen voting in the affirmative. Member Chander present, not voting.

Member Heep motioned to adjourn. Member Ferris seconded. Voted 5-0.
The meeting ended at 10:30 p.m.