



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

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MINUTES

On Wednesday evening at 7:00 p.m. in the Town Council Chamber of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: Melissa SantucciRozzi, *Chair*; David Ferris, *Clerk*; Kelly Donato, *Member*; John Gannon, *Member*. *Absent*: Christopher Heep, *Member*; Louise Civetti, *Clerk*. Also Present: Mike Mena, *Zoning Enforcement Officer*.

Chair SantucciRozzi opened the meeting at 7:00 pm; introduced the Staff and Members; reviewed the agenda and announced the order: 56 Putnam Street first, the withdrawal on 101-103 Morse Street and then under 'Other Business', an extension. Mr. Mena explained that there was a condition regarding the approval as there is with all petitions regarding the expiration within one year.

Chair SantucciRozzi introduced the staff and members and noted to the petitioners the requirement of having all four members present to vote in the affirmative. She provided an opportunity for the petitioners to request to be heard in front of a 5 member board. She swore in the audience.

Member Ferris read the legal notice for the first case:

"56 Putnam Street

Olivia Zhao, NxCentury Investment Realty Group, Inc., 10 Woodbury Drive. Westford, MA 01866, herein requests the Zoning Board of Appeals grant a Special Permit in accordance with Watertown Zoning Ordinance, §5.05(r), FAR greater than .50 and not exceeding .625, so as to enclose an existing second story deck and adding a third story open deck, increasing the non-conforming FAR from .59 to .625. T (Two-Family) Zoning District ZBA-2018-27"

Ken Leitner, Attorney representing petitioner to increase the ratio. The property received a permit in 1946 to convert to a three family and the attic housed soldiers. They wish to put on a second story den, 170 s.f. and bring another egress out. He said the special permit is to find out if it is appropriate. They are removing a big shed and decreasing the footprint and adding FAR. They didn't increase the height in 1946. They are adding to the second story only. They are reconfiguring the parking by reducing the curb cut on School Street and expand 17' wide with four car parking. They will add a driveway on Putnam Street for two additional cars. The parking and traffic will be improved especially at the site line on School Street. They are improving a house that has not been improved since 1946. They meet all of the criteria of a special permit and are decreasing lot coverage and asking for more FAR. They are not increasing the buildings' envelope and are adding more green space. There have been site changes to the rough framing. They have not had a rough inspection, yet. There were two windows, they put in one and they are going to amend their permit to add two. On the bump-out, instead of 3 double hung windows in the kitchen, they are putting in one. They have changes to the rear to enlarge the windows. The front will have a common hallway and one door. They are removing the door on the left. The façade will have brick-face or stone on the bottom and wood on the top.

Mr. Mena said he took photos of the house this morning. The photos show the changes Mr. Leitner is speaking of. The building department must be updated on these changes and the plans in front of the board do not reflect these changes.

Mr. Leitner said they have made field changes and they have to amend their building permit. Chair SantucciRozzi asked why the plans that were submitted in September have not been updated. Mr. Mena noted that a building permit was issued for the internal changes and for the two doors at the front. There were changes in the field and the changes do not reflect what the building permit was issued for. That will need to be corrected. Chair SantucciRozzi asked about the elevations and noted the original siding is blue but the panels now are similar to what would be installed on a larger building. Member Ferris said it is a very thin stone that is cemented on. Chair reviewed: a set of plans were submitted to the building division and work was started. She asked if they have deviated from the plans (physically) or are just stating they will be. Mr. Leitner added that the enclosed room was not on the plans submitted to the building division as that has to be approved here. They hadn't made changes at that point.

Member Gannon asked if the changes were made after the permit was issued. Mr. Leitner said they do not need permission (from the board) for those changes. Mr. Mena further explained that a building permit was issued for the interior changes that created all of the split levels for the three units in addition to the two doors at the front; reconfiguration of the stairs; one dormer at the front (which is allowed to meet head height). The applicant wanted to submit separately from this request so they could start the work and if this piece was not approved, they could still move forward. Since then, there have been a lot of changes to the house subsequent to the issuance of the building permit. The building official is going to have to work with the applicant to correct the records in the building division to reflect all of the other changes made because the building permit approved does not match the work that has been done. The applicant met with Staff before they filed for a building permit and were guided on what they could and could not do on that property – for example, a complete third floor and several other iterations and they came up with just the addition over the first floor at the back of the house as a lesser project where Staff could support it. Member Gannon apologized for jumping to conclusions.

Member Ferris said the plans are confusing as the board is here to approve what they believe will be built and what that would look like. The lack of coordination of plans to the elevation to what is on site – is confusing. There are plans that were handed out this evening and the proposed left elevation, someone noted the dormer is in the wrong location and the elevations do not match. Mr. Mena confirmed that the elevations provided this evening were the plans issued from the building division. Member Ferris said it does not show the rear second floor mass, the extensive exterior stairway to the second unit, in fact, it doesn't show the dormer for the rear stairway. Chair SantucciRozzi said they have put the dormer on the front of the building and the dormer at the rear has not been built yet. Member Ferris said it is confusing that there isn't a plan showing the existing and the proposed. It appears that the front of the house had a dormer which is now not there and the front porch was enclosed. The gable is new and projects out 7' more. The original house had a hip roof. He asked if the applicant has accounted for the additional floor area. Mr. Mena said the gross floor area is used when calculating the ½ story – it is based on the floor plate. FAR is based on that same floor plate – no matter if the roof has changed. The applicant had to calculate the ½ story based on what is existing above 7' and what was new above 7' – stair dormers are not calculated in this and are netted out. Member Ferris said the two dormers on the left are two different heights. Atty. Leitner said he walked the area today and they looked the same although it is only framed and not built out yet. Member Ferris said the fascia height on the two is different and asked why they are not the same. He added that he is not in favor of dormers without windows. The windows at the basement level bedrooms are not to code on these plans and do not allow the proper egress and light. The family room section has two windows but does not have a sufficient amount of daylight – based on the building code and the egress from that floor is questionable. Atty. Leitner said they received a building permit from the building department for that work. Member Ferris asked why the board did not receive the same plans that were sent to the building department. The plans submitted to the board do not show the proper egresses. Atty. Leitner said the intent of the plans were for the bump-out. Member Ferris questioned the accuracy of the plans they are trying to approve. He said he would not provide a building permit based on the plans submitted. Mr. Mena said the consistency of

plans and the changes out in the field is a concern with staff and is being worked out. They expect revised plans will be provided. Member Ferris is not comfortable with the building department having a set of plans that are different from what is at the site and then the board has another set of plans that are also not what is happening at the site. Atty. Leitner said there have been changes and the building department hasn't been notified yet. He added that the board is not approving what is happening in the field. Chair SantucciRozzi said the board approves what is expected in the field. The plans should reflect exactly what is happening. She added that the calculations for the ½ story are based on the gross floor area but there isn't a floor that corresponds with the gross floor area used. She reviewed the different calculations of the floor plans and questioned all of the calculations for accuracy.

Member Ferris said the elevations show a 7'3" ceiling height in the basement and that is not to code. He is concerned with rooms intended for sleeping that do not have proper egress.

Member Donato asked about the siding of the entire house and the new den on the second floor. Attorney Leitner said they are siding the entire house except the front with vinyl siding, matching the new enclosure.

Member Gannon asked about parking. Atty. Leitner said there will be four parking spaces and then two on the side.

Chair SantucciRozzi said she is not in support of the FAR - every inch is becoming used, without any storage in any of the units. She asked how much more are they expecting to get out of this location - they have the entire basement being used, as well. She is concerned with the stacking in the back; double dormers on the side; exterior side stairs - it is all unnecessary. She feels they are 'pushing' it. Atty. Leitner said there was a deck on that second story (where the addition is going).

Mr. Mena said the ½ story calculations on the plan are wrong. However, his calculation shows they still meet the ½ story requirements.

Chair SantucciRozzi is not in support of the room (addition) and the members want to see the full picture. She added that having the attorney come to the board and say that there have been changes made but they haven't told the building department yet – how does the board know if these changes are to code? These changes are substantial. She questioned the addition of the second dormer over the stairs without the building department knowing and it is not needed for an egress. Member Ferris said the shared egress at the front doesn't tie into the 3rd story. Mr. Mena said the stairs are already reconfigured and are not shown on these plans.

Attorney Leitner said some of the elevations are not up-to-date with the changes made. He asked to continue the case and get the updated plans to the board.

Chair SantucciRozzi said he needs to come back with a set of floor plans that are 100% of what they want to do and have the elevations to match. She said she wants to hear that he has spoken to the Building Inspector about the windows in the basement, ceiling height, egresses, etc. Attorney Leitner said the building plans have been vetted by the inspector 100%. Member Ferris said a stairway has been changed and not approved by the building inspector. He should tell the inspector ahead of time and not on the fly.

Member Ferris motioned to continue the case to the November meeting. Member Gannon seconded. Members Ferris, Gannon, SantucciRozzi and Gannon voted to continue the hearing, 4-0.

Chair SantucciRozzi suggested the architect attend the next meeting. She strongly suggests his client follow the exterior finishes on the proposed plans.

Documents Reviewed: Proposed Parking, 56 Putnam Street, Watertown, Massachusetts, by CCR Associates, stamped by Patrick Roseingrave, Registered Professional Land Surveyor, dated 4/9/18, revised 9/13/18; Sheet A-1, Approved Basement Plan and Approved First Floor Plan, Three Family Addition & Alteration, JCArchitect, dated 9/13/18, revised 9/23/18; Sheet A-2, Proposed Second Floor Plan and Proposed Third Floor Plan, Three Family Addition & Alteration, JCArchitect, dated 9/13/18, revised 9/23/18; Sheet A-3, Approved Front Elevation and Proposed Left Elevation, Three Family

Chair SantucciRozzi suggested taking **9 Hersom Street** over the next continued case.

David McMillan said they were here a year ago and were approved for their addition but will not be able to start construction before the one year expires in November. They wish for an extension for 18 months so as to allow for his wife's graduate school completion and so as not to start construction in the winter months.

Member Donato asked if 18 months would be long enough. Chair SantucciRozzi said they only have to exercise the permit (start the work) but they do not have to have it finished. Member Gannon asked if it is a precedent to provide 12 months or has others been provided longer periods. Mr. Mena stated that he has not experienced a longer extension and is not opposed to it as the state has a two-year policy and it would be within reason to provide 18 months. Member Gannon mentioned that it is time again to review our one year condition as it is more than reasonable to seek a longer extension.

Chair SantucciRozzi thanked the petitioner for their honesty and hasn't any issue with the request for 18 months with the reasons stated.

Member Ferris motioned to extend the special permit for 9 Hersom for 18 months. Member Gannon stated that the motion should include the finding, as well. Member Ferris amended the motion to include the special permit and special permit finding. Member Gannon seconded. Members Ferris, Gannon, SantucciRozzi and Donato voted in the affirmative, 4-0.

Documents Reviewed: Decision by the ZBA for 9 Hersom St, November 2017

Chair SantucciRozzi announced **101-103 Morse Street** has requested a withdrawal for the second time.

Member Gannon motioned to accept the withdrawal. Member Donato seconded. Members Gannon, Donato, SantucciRozzi and Ferris voted in the affirmative, 4-0.

Documents Reviewed: Letter from Petitioner requesting withdrawal.

Chair asked for a motion to adjourn.

Member Donato motioned to adjourn. Member Gannon seconded. Voted 4-0.