



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
Michael E. Brangwynne, Alternate

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Louise Civetti, Zoning

MINUTES

On Wednesday evening, February 27, 2019, 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: David Ferris, *Acting Chair*; Christopher Heep, *Acting Clerk*; Kelly Donato, *Member*; John Gannon, *Member*; Michael Brangwynne, *Alternate Member*. Absent: Melissa SantucciRozzi. Also Present: Gideon Schreiber, *Senior Planner*; Louise Civetti, *Zoning, Clerk to the Board of Appeals*.

Acting Chair Ferris opened the meeting; introduced himself as Acting Chair in the absence of Melissa SantucciRozzi; introduced the staff and members and explained the agenda, noting two cases listed on the agenda would not be heard. He appointed Member Heep as the acting clerk and noted Alternate Member Brangwynne will be a voting member this evening.

Chair Ferris asked for a motion regarding the approval of the December 19, 2018 meeting minutes. Member Gannon motioned to approve the minutes as written. Voted 5-0 (Members Gannon, Ferris, Heep, Donato, Brangwynne voted in the affirmative).

Chair Ferris asked for a motion regarding the request to be continued to next month by **195 Mt. Auburn Street**. Member Heep motioned to continue 195 Mt. Auburn Street to the board's next meeting in March.

Member Heep motioned to continue the case to the next meeting, March 27, 2019. Member Gannon seconded. Members Heep, Gannon, Ferris, Donato, Brangwynne voted in the affirmative, 5-0. Member SantucciRozzi absent.

Chair Ferris stated there is a request to withdraw **73-75 Morse Street**. He asked for a motion. Someone asked to speak from the public. Chair swore in the audience.

Member Gannon asked Staff to explain the situation or discussing what happened. Mr. Schreiber said he is not prepared to speak on it in detail but he knows the design was reviewed and the roofline was redesigned. Separately, Staff has had a first reading before the Town Council on the ordinance regarding Accessory Structures to provide more clarity.

Dennis J. Duff, 33 Spruce Street said that Mike Mena, the Zoning Enforcement Officer and his predecessor, Nancy Scott, have done a wonderful job interpreting and enforcing the ordinances. He is impressed with Mike.

He wants the audience to know that by filing (an Appeal), it is not to impugn his integrity, and he doesn't want this to be a negative. He knows more about Zoning than he does.

Chair Ferris requested to have a motion to withdraw 73-75 Morse Street.

Member Heep motioned to authorize the withdrawal of 73-75 Morse Street. Member Donato seconded. Members Heep, Donato, Ferris, Gannon and Brangwynne voted in the affirmative, 5-0. Member SantucciRozzi absent. **Petition is withdrawn**

Chair Ferris announced the next case, **122 Grant Avenue** and Member Heep read the legal notice:

"Bonnie Dirr, 122 Grant 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 Existing Non-Conforming Structures, Lot Coverage, so as to construct a rear addition and expand existing garage, increasing non-conforming Building Coverage from 28.1% to 28.8%, where 25% maximum is allowed. Located in the S-6 (Single Family) Residential Zoning District. ZBA-2019-01"

Ms. Dirr explained the need for the garage expansion and addition in detail, noting their medical requirements.

Wayne Pelletier, Architect, stated that the garage cannot accommodate a van with a lift with room to get off of the lift, you need 16', in accordance with ADA requirements. They will be removing a 384 s.f. sunroom with stairs leading to the house, to put a lift in for access. He then explained the addition to the front of the house which will be a covered entryway and expansion to the upstairs for access. The garage is being expanded and will not be closer than the existing room. He mentioned that it doesn't matter for lot coverage, but Bonnie has removed the in ground pool for more open space. There were also two driveways, the one on Grant Avenue will be removed. They will expand the driveway to 22' but not the curb cut.

No one spoke from the audience.

Member Donato asked if they will be matching the siding that exists on the house. Mr. Pelletier said it will be a clapboard siding.

Member Ferris asked if there are any plans to place a kitchen on the second floor. Mr. Pelletier said the bonus room is only for use for their physical equipment. They will have new siding for the entire house and the windows will match.

Member Ferris asked about the survey and the driveway on Grant will be removed. He said there is another driveway on Sparkill that is concrete and asked if that will be removed. Mr. Pelletier said the concrete is existing and will remain. Mr. Schreiber said there are two curb cuts that are existing – actually, they had three curb cuts and one is being removed in the front. The two on the side are remaining. The pool was removed in the fall. The chain link fence will be removed and appropriate landscaping with flowerbeds in the front of the house.

Chair Ferris asked that it is a coverage request from 28.1 to 28.5%. Mr. Schreiber said it is a special permit finding to retain the existing front yard setback which was defined in the...it is the same relief and for the second floor...

Chair Ferris said there are not any conditions listed (on the Planning Board Recommendation) that are outside of the standard conditions. The only condition they might consider is that all of the siding is replaced and new so that it is homogeneous.

Mr. Schreiber stated that the condition is taking a step too far into the area of building code perspective. We wouldn't feel comfortable telling someone that the siding is appropriate and consistent with building code. Large scale projects are about the development but the small projects...Member Ferris said that our communal interest. Chair Ferris said to withdraw that but communal interest is that when it is from a first floor to a second floor, the siding will be consistent and he guesses that this vinyl siding is 20 years old but this doesn't need to be a condition if that does not seem appropriate. Member Gannon asked if they are planning to change everything anyway. Mr. Pelletier said there is enough that will be affected so the siding will be changed. Chair confirmed that there will not be any additional conditions and requested a motion.

Member Gannon motioned to grant the special permit finding as discussed with the conditions stated in the planning board report. Member Heep seconded. Members Gannon, Heep, Ferris, Donato, Brangwynne voted in the affirmative, 5-0. Member SantucciRozzi absent. **Petition is approved.**

Documents reviewed: Proposed Plot Plan, #122 Grant Avenue, Watertown, MA, by Rober Survey, Signed 5/18/18 by Clifford E. Rober, Professional Land Surveyor; EX1, First Floor – Existing, by CDS, Construction Design Services, dated 1/7/19; A1, First Floor – Relocated Entry, CDS, dated 1/7/19; A2, Second Floor Plan – Option B, CDS, dated 1/7/19; A3, Front Elevation – View from Grant Ave, CDS, dated 1/7/19; A4, Side Elevations (two shown), CDS, dated 1/7/19; A5, Rear Elevation, CDS, dated 1/7/19

Chair Ferris announced the last case is 527 Pleasant Street, under 'Other Business'. He then swore in any members of the audience that came in later.

Scott Oran explained that they had an approval by this board but due to manufacturing delays, their project was delayed from October 1st to January 1st. They are storing temporary structures for a project in Newton. They want to shift the requested four months of (temporary) use from October through February to January through April. He said they have now unpacked and moved about ½ of the boxes (a partially built building in Newton); ¼ is in Watertown and ¼ is in Quebec, where it is manufactured. The second request is to clarify the condition to 'truck' only outside of peak hours but then it said not before 9am and after 3 pm. He said peak hours are 4pm – 6pm and 7:30 am – 9:30 am. Sgt. Sampson has been directing the detail without any problems. He said the trucks from Quebec are getting here close to 3pm and then queueing which is what Sgt. Sampson finds objectionable. They could spread the (delivery) out but they do not want to be in violation. They'd like to extend the time to 4pm. Then move the boxes in the morning as their construction begins at 7 am in Newton and this would allow them to speed through the last boxes. These have been moved without incident from the Police perspective. He brought with him Scott Martin, NEI, the General Contractor who has been working with Sgt. Sampson (along with Joe Cyrillic and Jim Shute, the modular consultants).

Dennis J. Duff, asked if this is the lot across from Russo's and as a Trees for Watertown member, they have discussed the large white oak tree on this lot. The 'Board' has contacted the owner of the property without any response. To protect the tree, they request that nothing be stored within the drip line. They request that this board place a condition that this tree be protected. People do not realize that although you do not see the roots, you are compacting the soil and cutting off oxygen to the tree which will lead to its death. They request that this tree be saved.

Scott Oran stated that Condition #6 requires that they do that (protect the tree) so they will. Scott Martin, the project superintendent for NEI, stated that they put a construction plastic fence around it (the tree) and the modules are coming close to it. He will go there tonight to see what is there and remove it immediately in the

morning. He added that there are boxes coming in and out and they sit on stands that are not directly sitting on the tree. There are about 5 stands on each side that hold the 65' boxes. He apologized and said if there is something there, he was not aware of it today.

Member Gannon asked how far the permit fence to the tree is. Mr. Miller asked if he was familiar with the plastic fencing as it is wrapped around the tree. He added that the boxes are not close to the tree. He added that they may have put plywood and 2x4's on there. He will make certain everything is removed in the morning.

Mr. Duff stated that the plastic fencing would be appropriate but around the tree defeats the purpose. It needs to be out to the drip line, which is the farthest reach of the branches. That way the zone under the tree is protected from compaction and keeps materials away from damaging the trunk of the tree. This would be about 20' in circumference and 25' around would be better. He said it is a deep lot but the tree is right in the middle.

Mr. Miller said he may not be able to put stakes in the ground as it is frozen but he will bring orange cones over and place them 25' each way around the tree with two rows of caution tape around it. They will make room for the boxes to move. He will make certain that everyone stays away from that tree.

Member Gannon asked Mr. Duff if 25' around the tree is appropriate. Mr. Duff said he didn't measure it but it looks okay. He added that they will have to do this in the snow as we are getting a storm tonight.

Member Heep noted that Ms. Civetti showed the conditions on the current decision which reads: A defined buffer separation shall be maintained at all times from the two on-site trees. Such delineation shall be made visible to all in the field and vehicles. Etc. He then stated that he read all that as there is already a condition and another condition does not need to be added. DCDP Staff shall follow-up. Mr. Schreiber stated that DCDP will be certain that it is being complied with.

Member Brangwynne asked what time the trucks leave the site to go to Newton. Mr. Oran said they will leave at 9am. Mr. Schreiber said Staff met with (the petitioners) and felt strongly that the 9am leave time was the appropriate time as the requested timeframe was the middle of the day. They feel that the 3pm time is premature and 4pm is the standard. Repton Place and Mews is directly next door and an earlier start time would impact the residential neighbors. He is aware that Sgt. Sampson wrote a letter in support of the 6:30am start time.

Member Ferris noted that the information submitted asks for 6:30-7:30am and then 9am-4pm. Mr. Oran said it was complicated. Member Ferris added that the non-delivery times were 7:30 – 9am and 4-6pm. He asked if the intention is to deliver or remove materials after 6pm and before 7:30am as this does not match what the ZBA is being asked to do. Mr. Oran said the question to him was what if the truck got stuck by arriving at 4:01pm. They could park it at the border of New Hampshire, wait until 6pm and then bring it here so the driver wouldn't make a hotel stop overnight. Member Ferris asked if the verbal request for time is sufficient as the written request is not what they are asking. Mr. Schreiber said they want the board to make that decision. He said this is an unusual Special Permit to allow a temporary use at this site. The project is designed to last 3 months. Is it reasonable to change that condition? There is flexibility if a truck is delayed for whatever reason; there is police detail, etc. It is a significant project in Newton and they need to get the trucks in and request whatever flexibility the board can provide. Member Gannon asked about the Town's Noise Ordinance stating that no construction before 7am. Mr. Schreiber said this is not construction. The town has truck operations during the night but the 7am time forward is peak time for traffic. He added that 6:30am would impact Repton or Mews with the site being used to prep. Mr. Miller said they are using two trucks to get ready for 7:30am.

The constraints are on Pleasant Street and the drop off in Newton for the day school. He said he has spoken to Newton, Waltham and Watertown (police officers) to set this up and explained where the police are located. He added that it has been pretty-much effortless up to now. They have had delays and they want to catch up. He said they 'set' Tuesdays and Thursday and the trucks come down the night before. He wants the trucks ready in the morning, set with the trailers and left overnight. The trucks that do the transporting do not go back at night. They stay at a hotel. The trailer is large so it stays on site in Watertown. He further described that those trucks could be loaded, they take 20minutes, rip the plastic off so they can transport and then they are gone, right around the 7am mark. They need 7-8 minutes to get down (Watertown's) road and then turn down to Farwell. He added that at the Italian Restaurant they pick up Newton and Watertown comes back. Mr. Schreiber said it is not the truck on the road; it is the activity at the site. If there are trucks backing up, hitting the trailer hitch, making clanging noises, etc. any time in the morning before people are awake. Mr. Miller explained that the 65' box sits on 10 frames. He cannot shut off the back-up alarm but the truck has hydraulics and it lifts the box up, they pull the stand out and they drive away. Member Ferris said Mr. Schreiber's point is that minimal or not, there is noise at that hour even if Sgt. Sampson states that it would not impact traffic at that hour. The zone is mixed use – not heavy industrial. Member Heep asked if they expand the hours from 6:30-7:30, does that allow them to move more boxes off of the site or just the same two being moved earlier. Mr. Oran said he hopes it allows them to be done more quickly. They moved 9 boxes today with the intention to move 15 but there were engine issues with the truck. Member Donato asked how late they want to move –the trucks are getting to the site around 3pm, they mentioned staggering the arrivals so they are not all going at the same time. If they were to extend to 4, that's peak, but after 6 until when? Joe Sorellic, Up To Code, said the trucks would sit in NH and pull out about 6 and come in at 7:30 or 8 or even a little later. They want to be able to stock the job without being in the peak period. They want the board to consider the early hours and the late hours. These are the tools they need to get out of Watertown. Member Ferris said the confusion is with the time – the non-delivery windows would be 7-9 and 4-6 and now they are looking to do something in-between and after. They now want to have activity 7-8:30. Mr. Sorellic said that is in the evening. Mr. Schreiber said that was not submitted. Mr. Sorellic said it was not submitted but that would help them expedite and have those three periods of time – he apologizes but he wants this to be on the table to grant the times to expedite the project. Member Ferris said if people read the request ahead of time, they may not be concerned with what was asked but now it is more expansive. Mr. Schreiber said they are asking for minor modifications, this was submitted to the board and put on the agenda – there were not any advertising for this. Two weeks in advance of the meeting, the agenda was posted so from Staff's perspective, the clarification of the timeframe in the middle of the day is appropriate but adding early morning and late evening is putting twice the intensity of the site and not part of their review process. They are asking too much but he understands the project needs to be completed and this is during the day when the neighbors are least impacted. Member Donato stated that she brought it up because if (the operation) only goes to 4pm, she is not sure how active that will be regarding staggering the trucks as it doesn't provide time to stagger – there will still be back-up even if they try their best within that hour. If the board cuts the time at 4, the construction manager then needs to find out where they will stay overnight before they can come in the next day. Is the additional hour going to provide enough time. Mr. Sorellic said they want to be sure they can get the project built in the time they are telling us. With a 6-hour window and over 100 boxes, it is very arduous to get this built. They want to see if there is any relief to get this project completed. Member Ferris asked for a typical day – how many containers are arriving, starting in New Hampshire, delivering boxes and then in the morning, get them to the construction site.

Mr. Miller said the trucks leave Quebec at 6 am, they get to Maine, Kittery area around 1:30 – they pick up Mass state police at 2. They want the extension to 4 so they can stagger the truck to get 7-8 boxes down per day. They can split up the boxes at the border to prevent the back-up on River Street. They can get a few of them in between 2-4 and then push the night shift for the trucks to be in the Salisbury rest area before dark, the State Police will take them around 6 after rush hour traffic – it's 1.5 hour minimum to get here. A very large vehicle

being police escorted. They can get there as early as 7:30 but they have had a flat tire on one and they cannot leave it on the road overnight – it's too big at 13' and 70' long. Member Ferris said the first set of 4 boxes is 2-4 and the second set of boxes is 7:30 – 9:30pm. Mr. Miller said that 9:30 is the latest. This is coming in from Quebec. Going out from the site, the restriction are the traffic on Pleasant Street and the day school then another restriction from the day school in the afternoon (2:30-3:15) and having the time until 4pm would provide them with the time. There should be 12-15 boxes leaving each day but they have only done 12. They stop at 3pm. They want to go until 4. Mr. Miller added they want to roll out at 6:30 am, truck until 7:30am with one run and on the way back in, they will bring the trucks back with police escort but with no truck. They'll sit on the lot until 9 and then they'll take two boxes back and continue their trip until 2:30 and pick back up at 3:15 and keep hauling if need be. They have to put a roof on at the end of the night. They cannot stop at two – they have to cap it at night. They expect to get 10-14 between 9-2:30 and then 2:30-4, they want 1-3 depending. They will not be bringing boxes to the Newton site after 4pm. They have already installed 50 boxes and they only have 50 more over 4-5 days and 3-4 weeks, weather permitting (he cannot 'crane' in high wind). Member Ferris said 23 deliveries in an ideal day. Mr. Miller said the boxes must be sitting in Watertown before they start and the top box must be there – they cannot take chances. Mr. Oran added that they have about 6-8 delivery days and 4-6 erection days over the next month. Member Ferris asked why the trucks without boxes are still escorted. Mr. Miller explained that they are escorted back because they are going to pick up the next truck – they can drive by themselves.

Member Ferris reiterated the written request was for activity between 6:30am and 7:30am and then 9-4 but the verbal request is for 6:30-7:30, 9-4 and then 6-9:30pm. Mr. Schreiber said that Sgt. Sampson noted that if a truck were delayed, it could not be delivered until after 6pm. Member Brangwynne noted that Sgt. Sampson stated after 6:30pm but they wouldn't be there until 7:30 anyway. Mr. Oran said 6:30 not 6. There are 105 boxes and they have 52 left. Mr. Schreiber said there has been a call but just for curiosity and about the hours of operation. Member Ferris asked what the regulated hours of delivery are for the businesses on Pleasant Street. Mr. Schreiber said there are no regulated hours. Member Donato said if they are to match the hours with the ordinance at 7am and then Newton has a restriction, would 7-7:30 even work for them? Mr. Miller said the half hour to unwrap the boxes. He could make 7am work. He could unwrap the boxes in Newton and they would not lose down time. He said he is only in Watertown for 7 minutes. Member Ferris asked how the board felt about the evening hours. Mr. Miller said they can stagger between 2-4 and 7-9:30. He added that they can drop the boxes off in 10 minutes. 3-4 trailer trucks together and 3-4 escorts. Two Watertown Police cruisers are used. State Police assist coming into the state. Member Brangwynne asked about the back-up. Mr. Miller said they had about 5 boxes bottle-necked. They can request a ten minute delay. That would help stagger on Pleasant and River Streets. No issues finding police detail. Member Ferris asked if the boxes sit dormant in Watertown. Mr. Miller said they do not – they move out quickly (except the delay with the wind). 7-8 trucks coming down over two days. By Friday, he will have 30 left. In a perfect world, he only has a few days left. The two month extension is to allow to put the parking lot back together. They have a bond for the crack in the sidewalk and they will put things back together by the end of April.

Member Donato thinks 9pm ending due to the housing development. Mr. Miller said there are no weekend requests. They have talked about Saturday but not Sunday. They cannot start in Newton on Saturdays until 8am. Member Donato would support the evening hours if it helps with the staggering. Member Gannon asked if weekends would be occasionally. Mr. Miller said put Monday – Friday as they are good with that. He added that Newton needs affordable housing and whatever they can do to help speed that up. He would support 7 am and the later hours.

Member Brangwynne said there may be a little more noise in the morning and evening but if it gets the job done quickly, he'd be supportive.

Mr. Miller asked if they could have Saturday as an option (Mr. Sorellic asked him to ask the board). Member Ferris said that Saturday would be difficult – especially with Russo's Market. Mr. Schreiber said the peak hours are on Saturday.

Ms. Civetti reviewed the conditions approved and Mr. Schreiber said the clarity is during the week for an expedited process and the Saturday would be complicated and not something that was previously discussed.

Member Ferris repeated the Monday through Friday hours of 7:00am–7:30am; 9am–4pm and then 6:30pm–9pm. Mr. Miller agreed. Member Ferris said one of the conditions would be a 10-15 minute delay to stagger the deliveries. Mr. Miller agreed and reiterated the delivery times for the boxes arriving at the site and leaving the site. Mr. Schreiber said that could be guidance and not a condition as that would be difficult to enforce.

Member Ferris repeated the request is to extend the timeframe from February 28 to April 30, 2019 and modify the hours of delivery and removal from 7-7:30, 9-4 and 6:30-9 Monday through Friday only.

Member Heep motioned to allow the operational hours to be extended from 7am–7:30 am; 9am-4pm; 6:30pm-9pm, M-F. Member Donato seconded. Members Heep, Donato, Ferris , Gannon and Brangwynne voted in the affirmative, 5-0. Member SantucciRozzi absent. **Extension of Hours and Extension of completion to April approved.**

Member Donato motioned to adjourn. Member Heep seconded. Voted 5-0. The meeting ended at 8:30pm.