



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, October 23, 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*; Michael Brangwynne, *Alternate Member*; Francis Goyes Flor, *Alternate*. *Absent*: Melissa SantucciRozzi, *Chair*; John Gannon, *Member*; Also Present: Steve Magoon, *Director/Assistant Town Manager*; Mike Mena, *Zoning Enforcement Officer*; Gideon Schreiber, *Senior Planner*; Louise Civetti, *Zoning*.

David Ferris, *Acting Chair* opened the meeting, introduced the staff and members, welcoming our newest member, Francis Goyes Flor to the board and noting that both alternate members will be voting as full members. He reviewed the agenda, noting the order of the cases will change and 19 Coolidge Hill will be taken first. He swore in the audience and then asked the board for a motion to approve the minutes for August and September. Member Brangwynne confirmed that he could vote on the minutes although he had to leave that meeting early.

Member Heep motioned to approve the minutes for August 28, 2019. Member Donato seconded. Members Heep, Donato, Ferris, Brangwynne and Flor voted in the affirmative, 5-0. Approved.

Member Brangwynne motioned to approve the minutes for the September 25, 2019 meeting. Member Donato seconded. Members Brangwynne, Donato, Ferris, Heep and Flor voted in the affirmative, 5-0. Approved.

Member Heep read the legal notice for the first case:

“19 Coolidge Hill Road, Paul A. Ferreira, Blue Hawk Investments LLC, 275 Grove St., Newton, MA 02466 for 19 Coolidge Hill Owner LLC, requests the Zoning Board of Appeals grant a **Comprehensive Permit** in accordance with Massachusetts General Law, Chapter 40B, §20-23, for demolition of the existing industrial building to construct 113 unit residential building with structured parking and ancillary retail/commercial space. Located in the I-2 (Industrial) Zoning District. ZBA-2019-23”

Chair Ferris referred to Steve Magoon, *Director/Assistant Town Manager* for an explanation of the process.

Mr. Magoon provided a memo to the board addressing the 40B application. He explained that a Comprehensive Permit/40B provides for a project to be exempted from the rules and regulations of a community in order for more housing developments to occur. He said this petition was filed under Mass. General Law, Chapter 40B, section 20-23 in September. The 40B provisions provide for a municipality to consider one of two 'Safe Harbor' provisions. The most common is for 10% of housing stock to be deed restricted affordable. Watertown is not at 10%. A second provision is land area at 1.5% of the total land area or more. Watertown meets the 1.5% land area and provides the opportunity to exert Safe Harbor, as this board would find. The basics of the calculations in the memo provided show the Subsidized Housing Inventory (SHI) is 37.74 acres; Group Homes represent .63 acres and the total land area is 1,673.716 acres. Therefore, the representative acres are 2.29%, which is well in excess of the 1.5% required. Based on these numbers, the Department of Community Development and Planning suggests that the Town of Watertown has reached the statutory requirement of land area in accordance with Chapter 40B, section 20-23, and 760 CMR 56.03.3. Because the town has achieved the minimum land area, it is suggested this board consider asserting Safe Harbor by finalizing the documentation and sending notice to the applicant and DHCD within 15 days of this meeting; continue the comprehensive permit to January 22, 2020 or deny the comprehensive permit based on the finding of Safe Harbor. He asks the board if there are any questions or discussions.

No questions were asked.

Member Heep stated that in consideration of the information that Mr. Magoon presented and the recommendation of staff, he moved that the board determine that the Town of Watertown has achieved one of the statutory minimum standards set forth in the General Laws, chapter 40B, sections 20 through 23 and 760 CMR 56.03.3 because the town's subsidized housing inventory, which is maintained by the Department of Housing and Community Development, on the date that the application was received, comprises of more than 1.5% of the town's total land area zoned for residential, commercial and industrial use pursuant to General Laws, Chapter 40B, section 20 and that the board elect to proceed with the full local hearing with the board having the right to deny the application or to grant the application with conditions, with the applicant having no right to appeal to the Housing Appeals Committee of the board's decision. And finally, that the board authorize the vice chair to finalize and execute and send written notice to the applicant with a copy to DHCD to invoke the 1.5% general land area minimum, statutory minima, within 15 days of the opening of the October 23, 2019 public hearing on this application.

Member Donato seconded the motion.

Voting in the affirmative, Members Heep, Donato, Ferris, Brangwynne and Flor, 5-0. **Approved.**

Member Heep stated that he follows that with another motion that the board vote to continue the public hearing on this Comprehensive Permit for 19 Coolidge Hill Road until January 22, 2020.

Member Donato seconded.

Voting in the affirmative, Members Heep, Donato, Ferris, Brangwynne and Flor, 5-0. **Approved.**

Chair announced the next petition is **18-20 Clyde Road** and noted all five members will be voting. He mentioned Member Donato will recuse herself from 101-103 Morse Street and all four members will vote then.

Member Heep read the legal notice for 18-20 Clyde Road:

Aram Miller, 159B Trapelo Road, Belmont, MA 02478, requests the Zoning Board of Appeals grant an **Amendment to Special Permit #AA93-27**, in accordance with Watertown Zoning Ordinance, §9.00, Amend Special Permit to alter conditions of approval, condition #8, requiring installation of 3' of landscaping along length of driveway. Located in the T (Two-Family) Zoning District.

Aram Miller stated he is 84 years old and has spent 77 years in Watertown. His house burned down and he rebuilt it on the exact footing. He said the Planning Board added provisions and he agreed to them not realizing the problems they would create in the future. He needed the house to be rebuilt so he just signed it at the time. It was a two family house with a legal third occupancy and that is what it is today. He has not had a problem in 50 years and now it is a problem. He has photos and diagrams of why this will create a hardship to him.

Bruce Fitzgibbons, Attorney stated that they have information to present that had been presented to the Planning Board but apparently did not make it as part of the record.

Chair Ferris stated that if they are presenting photos they will need to be kept as part of the record. Attorney Fitzgibbons stated there are photos showing the existing property and other properties that have a split or shared driveway – they are not identified as he did not wish to make issues for them.

Mr. Miller said he has a 15' wide driveway and 'they' want him to put a 3' landscaped buffer in, leaving him with 12'. He has a 2.5' jut-out (from the house) that is 5' high off the ground. If he parks there, he cannot open his door and people can bump their head walking below it.

Chair Ferris asked if the new house was actually built wider than the old house with the bump-outs but Mr. Miller only answered that the footprint is the same.

Attorney Fitzgibbons said that under the existing Special Permit, condition #8 was to allow the landscaping to be maintained, specifically, the 3' wide strip along the lot line. He stated that the chimney and bay windows are a 'choke' point in the driveway and it is difficult for a car or person to get under it. Therefore, the driveway is narrower than it should be. The existing condition has been the same since the Special Permit was granted in 1993 and MGL Chapter 40A, Section 7 states that the town would have lost the ability to enforce that special condition unless action was brought within 10 years of the violation. He said they are well past that timeframe and Mr. Miller wants to do the honorable thing by asking the board to amend that condition and consider alternatives to mitigate that pavement area – examples are pervious surfaces for storm water runoff and make the areas of the 'choke' points landscaped. He has created a sketch that he has not submitted.

Chair Ferris asked if he had presented this sketch to the Planning Board and why did he not submit this sketch to the ZBA for review with the other documents. Attorney Fitzgibbons submitted a sketch to the Chair of an older engineering plan with hatch marks and noted landscaping.

Mike Mena, Zoning Enforcement Officer, explained that this issue came about due to a Code Violation at the front of the property where there had been landscaping and is now gravel. He then discovered the

Special Permit and the conditions as well as the Building Permit to rebuild after the fire. He stated the plot plan that was submitted with the Building Permit does include the 3' landscaped buffer. The approval for the two-family with the accessory unit, allowed stacked parking with two spaces at the 'mouth' of the driveway. Beyond that area, the plot plan shows landscaping but it is now gravel. Chair confirmed with Mr. Mena that drawing allowed for 6 parking spaces. Mr. Mena added that in 1993, they allowed four stacked spaces and a 5th adjacent to the 1st space but in 2006, their plan shows 5 stacked spaces. Upon finding the plans, he notified the property owner that they are not in compliance with the original approval for the 3' landscaped buffer and ordered them to remove it or to file to the ZBA to request to eliminate the requirement for the 3' landscaped buffer. He added that the statute regarding a 10-year limit is in regards to building and structural violations and not site improvements and use.

Chair noted that on Sunday, there were two cars parked in the front yard and there were not any cars in the designated parking area on the plan – one was in front of the porch and the other in front of the bay on the crushed stone. Mr. Mena said they also noted that but were holding off on seeking action until after the petition was heard by this board.

Attorney Fitzgibbons said that the two spaces at the mouth of the driveway are considered front yard parking are allowed at the discretion of the board. Chair Ferris stated that what he witnessed would have allowed three cars parked there. Atty. Fitzgibbons agreed that the maximum allowed would be two front yard parking spaces, not three.

No one spoke from the audience.

Member Donato stated that one of the photos shows the neighbor to the right with a sign, 'Private Parking this Side'. She asked if there have been problems with cars accessing the neighbors' driveway to get in and out. Attorney Fitzgibbons said his client tells him there have not been any problems. He has a good rapport with the abutters at 14 Clyde Road and it is beneficial to both driveways to have the paved area in the middle and not have the 3' landscaped buffer. They have used a portion of the other driveway to access parking but he is not aware of any issues with the abutter.

Member Donato asked if Staff has received any complaints or comments. Ms. Civetti stated that she has received telephone calls from the direct abutter stating that she wants to put up a fence between the two driveways. Attorney Fitzgibbons stated his client would be fine with putting up a fence.

Member Donato said the drawing submitted with the building permit did not depict the front yard parking space although the prior special permit included that space. She asked if the board could condition that tonight, if it is under the board's discretion. Mr. Mena explained that the gravel area in front of the house is not what was approved previously by this board. Back then, the board had interpreted the front yard as the entire width of the front of the property. Today's interpretation is just to the front of the building. The 1993 board showed a parking space to the front side, although it is considered the side. The gravel in the front of this building is encroaching into the front yard much more than what was approved. Sometime after 2002, the landscaping was removed and replaced with gravel. They drive over the berm, which would normally be curbing, dragging gravel onto the sidewalk

and street. Mr. Magoon stated that the applicant has asked to eliminate the 3' landscape buffer to the side of the property and the front yard parking is an Enforcement issue that staff will deal with. The board should stick to the question regarding the buffer and let staff enforce the front yard parking. Chair Ferris confirmed with Mr. Magoon that the board could request a swap out of the crushed stone in the front yard for landscaping.

Member Brangwynne said he would support some type of relief if there were mitigation of the crushed stone. He confirmed with Mr. Magoon that the crushed stone will need to be addressed no matter what the conclusion is tonight. He then added that he would be supportive if there were something conditioned on that and assurances that that would be enforced.

Member Heep commented that given the request to the board, he would have expected to see more from the applicant in terms of application materials and how they are intending to satisfy the original condition. They are proposing to eliminate the 3' landscaping along the entire length of the property and all they have shown is the elimination of some of what is required and none of what they are intending. They have eliminated landscaping and crushed stone in the front yard. He is not in support of the request and definitely not in support of the level of documentation presented for their intentions. He wants to see a rigorous proposal of what their intention is.

Attorney Fitzgibbons suggested that the board continue this to next month to allow them time to present something that they are suggesting they'd like to see. Member Heep said he is speaking for himself. Member Ferris said that may be beneficial but they have handed out plans at the Planning Board that were not presented to this board. What the board is looking at in the drawing presented is not what is actually there today.

Member Flor thanked the petitioners for presenting. She would like to see more drawings on what is there and what is proposed. She asked about the 3' buffer on the other side. Mr. Mena said driveways prior to 1988 were not required to have a buffer. After 1988, if there is a buffer of any width, they are required to maintain that buffer. Member Flor agrees that more information is required to see how to mitigate that change.

Member Ferris said there is a shed where space #5 is shown. Attorney Fitzgibbons said he is not sure the shed takes up all of space 5. Member Ferris said the crushed stone is along the entire front of the property including the buffer to the right. He confirmed that the units are not condominiums the parking in the front is not deeded. Attorney Fitzgibbons said the house is a two-family with a legal third floor unit. Mr. Mena said the parking of 5 spaces is the minimum required – 2 for each unit and the accessory, when approved, required one space. Member Ferris asked if 6 spaces were approved as part of the accessory apartment approval. Mr. Mena said in 1993, 4 stacked spaces were approved and a space adjacent to space 1. The parking has since crept into the front yard further.

Chair Ferris stated that options are to deny the application; to go back and provide the proposed landscaping; or vote to approve it.

Member Donato would continue it and request more information.

Member Heep agreed. Continue the request but have materials to support the changes. Member Brangwynne said the neighbor on the right side is proposing a fence and there would not be any parking there. Attorney Fitzgibbons said that is not the side with a driveway but if that is the side the neighbor wants to put the fence up, then they have no objection. Member Brangwynne suggested that the right side could be used to mitigate the landscaping (it is all concrete). Mr. Miller said there are bushes and shrubs on the right side. Ms. Civetti clarified that the neighbor on the left side proposed the fence. Chair Ferris said to the right of the house, it is crushed stone, as well. The entire front is crushed stone or bituminous. He added that the hardship is the cantilevered bays and the chimney, which is not illustrated. Those would impact spaces 2&3 but not 1, 4&5 so, he suggests a consideration of having no or less buffer at 2&3 only and more landscaping at all of the other spaces for the hardship mitigation and landscaping in the front where there is crushed stone. He said that the shed is actually in space 5 and what is there should be documented accurately and their intent should be documented accurately, as well – 2 in the front and 4 deep or 5 deep with no parking in the front. If they are coming back, the drawing should be submitted in advance with the parking clearly indicated and the landscaping should be shown vs. the extent of paved area. Atty. Fitzgibbons confirmed that the board wants existing and proposed plans. Chair Ferris confirmed that in regards to the appeal, they will need to show where they will be adding landscaping.

Member Heep motioned to **continue the petition to the next ZBA meeting on November 20, 2019**. Member Donato seconded. Voted in the affirmative, Members Heep, Donato, Ferris, Brangwynne & Flor. **Approved.**

Member Donato left the meeting at 7:48 pm due to recusing herself from **101-103 Morse Street**. Chair Ferris swore in the newly arrived members of the public. Member Heep read the legal notice:

Mouhab Rizkallah, Owner, LaCourt Affordable Trust LLC, 30 College Avenue, Somerville, MA 02144, requests the Zoning Board of Appeals grant a **Special Permit Finding** in accordance with Watertown Zoning Ordinance §4.06(a), Alterations to Non-Conforming Uses, to allow conversion to 37 units and associated site improvements. Located in the T (Two-Family) Zoning District. ZBA-2019-18

Mouhab Rizkallah, owner, LaCourt Affordable Trust LLC, stated that the Planning Board recommended approval of this petition on August 14, 2019. He said each member commented on the quality of the project and appreciated the amount of time spent in reviewing the past applications by the past owner. He believed this response led them to expect a good response from the ZBA on August 28th- they came and waited but Mr. Brangwynne and his wife were also expecting that evening... He congratulated Member Brangwynne and said jokingly that he had never experienced something like that at a ZBA meeting.

Mr. Rizkallah said his proposal is to convert 101-103 Morse Street into the Dalby Mill Residences. He provided history of the mill, showing an 1879 map of Watertown with the mansard roofed building. He stated that the board must simply find that this request, under WZO, section 4.06a, a special permit

finding, that the change is not substantially more detrimental than the existing non-conforming use. He intends to show the board that his proposal is significantly less detrimental in every possible way. He said Staff, Planning Board and abutters have recommended approval of the proposal. The proposal is consistent with the 2015 Comprehensive Plan; it will help to push Watertown closer to the 10% affordable housing requirement; and it will showcase a part of Watertown's history for more than 150 years. He said this proposal will add to historic education; historic preservation; increased housing; increased affordable housing; efficiency; and beautification.

Mr. Rizkallah provided background on his company, LaCourt Affordable Trust, LLC. His portfolio has over 100 buildings in the Boston area and has extensive experience in adaptive reuse projects. He has restored buildings as old as 1898 and has achieved Silver LEED certification on several projects. He gave examples of buildings in Somerville and Cambridge where the details of the projects showed high-end finishes and original character, dignity and form. He said they are rental buildings and they are gems to him and the neighborhoods.

Mr. Rizkallah said they now want to bring their experience to the 1871 Dalby Knitting Mill buildings, the oldest wooden structure in Watertown with a 31,000 s.f. lot and a 36,000 s.f. building. He said although it is in the two-family zoning district, it is flanked by only 7 houses – at least ½ the lot is flanked by two parks (Boyd and Casey); two commercial buildings; and one of the 7 houses is owned by Watertown Housing. He added that all of the contiguous properties are supporting this project. He said the portion of the building closest to the residential houses is two stories tall and keeping with the two-family zoning district in regards to massing and windows. He said the massing of the building is facing the parking lot and facing the two family structures, is two-family-ish and so is the lighting. He talked about the 2017 and 2018 petitions by the prior owner to convert the building from commercial to residential requesting 48 units, then 42 units, then 36 units. In 2018, the prior owner withdrew his petition and was forced to sell the property due to financial limitations. This board has already seen this project several times and although he is also presenting a conversion from commercial to residential, he has studied the prior applications, read numerous reports, and watched many hours of ZBA video and watched the prior owner struggle through the Special Permit Finding process that ended in withdrawal. He has incorporated all of the comments from every staff member into his plans – this is a vetted and complete plan. He tabled the comments from the board by member. He has incorporated every item into his plan, including Members SantucciRozzi and Donato who have recused themselves and Member Cohen who is now on the Planning Board and was very complimentary as was all of the Planning Board members. He feels he has presented his plan three times, as he has already responded to board member comments – he wanted to be respectful of the board's time and does not want this board to say the same thing again. He states that the board will find that this change is not significantly more detrimental and in fact, less detrimental. He pointed out the differences between the prior plan and this one: affordable housing – he is more generous; historical character – the prior owner hadn't any plan to showcase the property's history; quality – his quality is far superior; community improvements – they are doing more for the community; new improvement – are listed on pages 3-4 of the application; community impact solutions have been mitigated and other responsive solutions to all of the ZBA member's requests. He then commented on affordable housing, noting a requirement of 15%

affordable for projects like this – the last owner proposed 36 units with 5 affordable units. They are proposing 37 units with 6 affordable units – he is rounding up to add more affordable units. He stated that the Watertown Housing Authority Chairman noted he had never seen a developer choose to round up to have more affordable units. He then spoke about the historic map showing the mills and the waterways next to it with Cooks Pond, Boyd Pond and the bridge that connects them, which are now gone and are land depressions known as Casey Park and Boyd Park with Cooks Pond Playground. To preserve the history, he has proposed three outdoor plaques; indoor large displays; he will add a black steel railing reminiscent of a waterway railing to capture the feeling of a waterway with River Birch-type trees. Along with other details, he will replace the vinyl siding with Hardy-Plank; they will also be using trash totes vs. dumpsters. This will be a historical experience not just a building. He then reviewed the site plan starting with the courtyard, which will have limited access; the ramp will be widened for safe passage and a pedestrian access down the stairs along the walkway all the way to the park with an added level of safety. There will be a sign at the entrance of the parking lot that states yellow lines are for public parking with yellow signs (their parking spaces will be white). They will have 40 car spaces with one shadow space; 43 bike parking (23 out; 18 indoor); the public spaces were at 15 but they will have 14 spaces, with a handicapped parking spaces, as requested by the town along with public bike parking. They have also created a walking path with lighting and antique bollards as an added benefit for the neighbors. They have two handicapped parking spaces near the 1 in 20 ramp and the trash and bike area will have a pergola/trellis with ivy covering it. He showed a landscaping plan with the courtyard in red pavers with granite curbing and a central planting bed having a Japanese maple with views from the street – he added yellows and greens for year-round color. The River Birch near the ramp covers the view of the trash. At the west side is a dilapidated stockade fence which the neighbor has requested be moved to this property and in reviewing the property lines, it was discovered that a portion of the fence was on his property and a portion on their property. They will add Arborvitae to the property line providing good screening. He showed the existing first floor plan with lots of columns. His proposed level has four accessible units; where the Architectural Board requires two accessible units. They will be responsive to the affordable housing needs – the ordinance is built so the units can move. Affordable often needs accessibility and they will be able to accommodate that need. He continued to explain the rest of the floor plan; showing the accessible ramp, locker room, courtyard, elevator. Also on that level is a housekeeper quarters with someone present all day to manage package delivery with a package delivery room. Each new tenant will be provided with a packet of information explaining the rules for package delivery and a \$50 Charlie Card to help people get used to the public transportation in this area. The upper levels, level 1 has entrance from the courtyard with historic plaques. They made a revision with the corner unit, changing windows to skylights. He noted the affordable units on each floor. He stated they are not doing any construction build-outs on this building and the dormers are existing. The roof plan shows skylights that are smaller than the prior proposed and the roof is historic as a mill. There are 50 HVAC units on the roof; surrounded by a 48 inch acoustical screen. On the mansard roof, there is one skylight that was required and is not visible from the ground. The elevation shows the character of the building is unchanged (with windows changed to Fibrex). He showed a 3-D view of the property. There is an Activity and Use Limitation (AUL) on the property that was from a spill at the location of the pre-school before it was a pre-school which has leached into this property slightly and his property has been used fine as a commercial but he would

have to put into a ventilation system to take care of the AUL on this property (like the pre-school did). This property has a robust storm water system. He will add a 3,000-gallon retention cistern to water the plants.

Chair Ferris thanked him for the thorough presentation and asked the public for questions.

Annette Farrell, 59 Union Street said she read on the Watertown website about the easement onto the Capitol Street Extension and she asked what it is. Mr. Schreiber stated that Capitol Street Extension is a paper street, there was a cross-access easement to use the parking, and that needs to be renewed. There are 15 parking spaces at the back of the lot for public use and with the striping proposed; they are creating an easement agreement with the town council. They have a parking management plan so their residents cannot use that parking – it can be for visitors and the town will check the management plan on an annual basis. He added that there is a plan submitted and it will be reviewed. Mr. Mena stated that there is Staff that will enforce.

Doris Webb, lives behind this area on Boyd Street and has lived in Watertown for 23 years. She has doubts about the fence over the old river - it is now a road and it is meaningless to people in the area. There will be 37 units but how many people. Mr. Rizkallah said about 65-70 people. Chair Ferris said it is difficult to predict but the rental units may have one person or two. Mr. Mena added that there are state housing requirements to the limit of the number of people in one unit according to bedroom sizes and unit sizes. Ms. Webb said that her concern is that she uses the road all the time and it is crowded. Mr. Rizkallah showed a table that depicts density. He states that density is not detrimental. He said housing density is a solution. The impact of the density is the detriment and he states the zoning ordinance states significantly more detrimental not just detrimental. His diagram shows how density and unit count relate. The smaller unit would be less people. The larger number of bedroom would increase the amount of people living there. Two bedrooms give the lowest number of adults per unit as most single adults want a den or study area. He stated that density has to be put somewhere – an existing building with access to a river, transportation, grocery shopping – if the density were not to go here, where could it actually go. This is a two-family zone where density does not have a great impact – it is actually a solution. He proposes 22 2-bedroom units; 10 one-bedroom units; a couple of studios and a couple of 3 bedroom units. Mr. Schreiber said that based on the census data that this would be confirmed if he ran a straight number of 2.1 on average, which is about 70 on average across the town and these units are smaller than average so, it would be less than 70. Chair Ferris confirmed that it would be people not just adults.

James Brown has lived at 83 Morse Street for 68 years. He commented that Mr. Rizkallah is building a golden castle. He said that for 30 years he has tried to keep the south side of Watertown not to look like Alston. This is a beautiful property but in reality, the south side of Watertown is 19 streets with two terraces and you have to cross a bridge to get to the south side. It is very congested and Morse Street cuts through the entire south side. He said Mr. Rizkallah has avoided the traffic situation. Three new houses have been built. There is home with autistic children and they are accepted in the area. One stepped off the curb and almost got hurt. The neighborhood is more concerned about safety than traffic. Theurer Park is a small street less than 80 yards from here and last March the families put cones

up to stop the traffic to protect the 10 children because the traffic is so bad but the police had them take it down. His own house is 85' from this property and all of the abutters he is talking about are not on Morse Street except the one that he has traded property with. The other abutters are on Union Street and are not affected by the traffic. He asked about the winter parking spots being protected and if they are not, someone would have to walk through Casey Playground (formerly Parker Park). Mr. Schreiber stated that if the easement is not worked out with the Town Council, not the Zoning Board, then they cannot use our parking and we cannot use it either. It will become a paper street again. They do not have a legal right to it and we do not have legal access to it. Chair Ferris added that the public can police these spots, as well. Mr. Brown thought Mr. Rizkalla requested a variance to take those parking spaces and he now knows that is not the case. Mr. Brown made comments about Mr. Rizkalla. Mr. Brown said in one half hour, he counted 100 cars passing his house. He then added that the people that do not live on Morse Street are the ones supporting this. He stated that there is a sharp turn on Morse Street and although the ramp is widened, the site line is more than dangerous. He said from April to September, there are cars parked along the street for softball games at Boyd Park, which will make the street more narrow. He said the prior use was for a massage school and they created a crosswalk where two people were killed and no accidents have been reported since the school closed but there will be quadruple the amount of use of the sidewalk with this proposal. He said this is a small, congested area and this is a 37 unit building on a side street. It is overwhelming. He asked the board to consider the safety. Groups in the neighborhood could be in danger. He anticipates something happening at that driveway with the cars speeding down Morse Street. He wishes the project were smaller.

Joan Vachon, 93-95 Union Street and partial owner of 100 Capitol Street Extension, which is at the top part of Union Street and not a part of this plan. She said there are four streets to get through including Union Street that everyone goes through for Morse Street or to get to Morse Street and their streets are just as impacted. Her feeling is that 30 more cars are a drop in the bucket compared to what is happening now and this development will not have that much of an impact. She is not sure what the neighbors want there but the vacant, unlit building is a hazard. They are happy to see it developed to something nice without changing the footprint, as there are a lot of things that could happen there. They are glad that the historic integrity is being saved. She has been here for 46 years and there have been other noisy and traffic-laden businesses there but that people living there is better than people business-ing there. She noted that they live beside this building and they have never seen a car parked overnight in the public parking spaces (on Capitol Street Extension).

Chair Ferris asked Staff if the parking will be available for the public. Mr. Schreiber stated that they are in the midst of finalizing the easement agreement and the expectation is that it is not only for winter parking. He added that this residence will have a parking management plan where only the visitors can use the public parking. They are allowing public access across their property for parking for the park year-round. It is better for the town as the park only has 6 or 8 spaces on the other side of the park and this would allow for overnight parking.

Chair Ferris asked what types of uses are allowed as of right. Mr. Schreiber said that is a slippery slope with the history of this site. He said there are components that are by-right but with pieces that are not.

A school of any sort could go there by-right and this is a large site with a lot of square footage and there are other uses, too. Chair Ferris said there are other uses that would have different traffic scenarios. Mr. Brown said Ms. Vachon said there would be 30 cars but there will be 70 cars and delivery. He added that Morse Street is the only direct cut-through and is used more than Union or Capitol.

Victoria Landers said she is a 17 year resident with 4 kids and is pleased to support Mr. Rizkallah. She appreciates the other neighbor's concerns for the children but she also lives on this cut-through street and with 4 kids it is upsetting but Mr. Rizkallah is developing a gem in Watertown – it is old and causing problems. She said Mr. Rizkallah cares about the details and thinking about families and children in his plans. She knows Mr. Rizkallah personally and has seen his professional work -he goes beyond to make things better and is an expert in real estate development. As a testimony to his character, she said he designed a kitchen for a pre-school on his own time.

Nick Asombly, Chief Operations Officer for LaCourt. He would be the one that would have the car towed if it were a tenant – even before the town would be involved. He does this at two properties already and lives .9 miles away in Newton and is the one that shows up in the middle of the night. He is on Morse Street two times a week for his daughter and he would be the one monitoring the construction and he would give everyone his telephone number to contact for any reason.

Reed, an employee of LaCourt said he lives at 58 Morse Street with 3 children and he moved his family across country to work for Mr. Rizkallah. He agrees with what he is doing and he will be there.

Shawn Richman, 63 Edenfield, a 17 year resident, stated that he doesn't live in the neighborhood, but he has known Mr. Rizkallah and his family for 17 years. As a local pastor, he speaks highly of Mr. Rizkallah and he is a man of his word. He will go above and beyond. He will do a good job on this project.

Ellen Ridge, 88 Union Street, said she appreciates the beauty of the project but it is too dense for the street. Morse is a busy, cut-through street and with an additional 70 cars and trash, delivery, landscaping, snow plowing, etc. trucks, the 22' wide driveway isn't big enough. They haven't provided enough parking spaces and without winter street parking, that has not been addressed. This is too dense and should be reduced in size. Mr. Schreiber said the limitation is 40 parking spaces and not more than 40 cars. Member Flor asked if there are 41 parking spots including the town's parking. She read that the renters will have to pay for their parking spaces. Mr. Rizkallah said there are currently 15, soon to be 14 separate parking spaces owned by the town. This project has 41 parking spaces, with one shadow parking space, which means that it is going to be covered by something else (bicycles, which can be converted). According to their traffic plan, they have more than enough parking with 40 spaces.

Erminio Formato, Morse Street said that everyone agrees that Mr. Rizkallah would do a great job. He said Watertown is facing congestion and a lot of traffic. He and his brother had a traffic study done on Morse Street and there are 3,000 cars a day on Morse Street and adding cars to this huge problem will not help it. Any children on this street should be concerned. There is nothing to slow down the vehicles on this street. This situation is getting worse because of the allowed development. People have moved out of Watertown when it was time to put their children in school because of the density, congestion and traffic. He has been a landlord for 35 years and problems happen with apartments. He stated again

that 3,000 cars a day didn't even count the cars from Union Street onto Morse then Jewett. He said the study was not posted until Monday but if anyone has questions, he will answer them. Mr. Schreiber said that Watertown has a regular traffic count on Morse Street and it is town wide and has been done since 2016, which collects data 4x per year. Mr. Formato said this was collected over 3 days in September. He said they should be able to compromise – 37 units are too much. This is a dangerous situation and there is nothing being done to make it better. He added that there is a steady stream of cars from 6am – 6pm. These problems should be fixed before it gets worse. He stated a residential project is a good thing but the numbers are too high. He asked if it is going to be okay to have people live there when the soil tests poorly.

Kathrine McLeod Hornbuckle lives across the street and said Mr. Rizkallah is a better owner than the last one. She is concerned with 37 units. She said they are smaller than the average and squeezing 37 units in there is not the right number. She asked about the 50 units on the street and her property is slightly elevated and she will not have the nice view of the trees. She asked how people would feel if there were going to be 37 units across the street from their homes. She lives and works here. There is too much traffic – everyone backs into their driveways, as they cannot get out onto the street. They need to look at the traffic, size and scope.

Maria Vachon, Morse Street, said she would rather see the property used for residential vs. commercial and Mr. Rizkallah has been very thoughtful and considerate.

Danny Pierce, Carey Avenue, said he understands the concerns but he and his family were overseas for 7 years as missionaries and they were looking for a place to live recently and Mr. Rizkallah gave his family with four kids, a place to live free for 6 months in Powderhouse Square, Somerville. He said Mr. Rizkallah has done everything they can to be a good neighbor.

Patrick Mertens, 103-105 Union Street, said their property is the only one surrounded by non-two-family houses. They have gone through a number of changes with this building and reminds his neighbors of the time in the 80's when workers hung out on the sidewalk seeking employment. Other uses are possible and could be worse than the proposal at hand. The parking on the street for activities at Boyd Park are illegally parked and can be enforced. He has had a conversation with Mr. Rizkallah and he is impressed with his dedication to improving the neighborhood (with the fence and plaques). He said he doesn't know where the notion of 3,000 cars a day came from (there was an outburst from the audience) as he does not have any issue driving down that street in either direction.

Mr. Formato said he had a traffic study done and these are real numbers – 3,000 cars a day. This is on the website and should not be ignored. Mr. Schreiber said the town looks at this in a different way as the number of trip generations is reduced so they did not require a traffic study to be done. They provided a memo with more details than they require. He would be happy to have this traffic count added to the town's data. What Mr. Formato is showing is the number of trips on a road, not for this site and the interaction of this site. The hearing is about this project and not about Morse Street. Mr. Formato said he is trying to show that this is going to add to the problem, not make it better. Chair Ferris said that this isn't really part of this application but staff will take the counts. Mr. Formato said he

doesn't believe there will be 37 units put in and a traffic study is not a part of it. He said people are talking about safety and traffic. Again, he said that a project like this will add to the issue. Member Heep said that the information submitted by the applicant states that the traffic counts will actually go down in comparison with a different project. Member Brangwynne explained that the comparison is not with a vacant building but with what it is zoned for. Some of the uses, like a school, would generate more traffic. Mr. Schreiber said the Town of Watertown has a Traffic Commission, a Transportation Planner and the Department of Public Works, which Mr. Formato can meet with to discuss the traffic on Morse Street to discuss any violations and traffic calming measures. He wants Mr. Formato to understand that staff looks at the numbers for this particular project, which shows that a residential project would reduce the traffic by more than half. Chair Ferris said he understands his point. Mr. Brown said that Morse Street has sections for 1 and 2 hour parking. Chair suggested that they meet with other officials regarding the traffic and allow this board to get to the project at hand.

Member Brangwynne said the concerns he hears most are parking and monitoring the public spaces. He asked how that would work. He also asked how the traffic will be addressed. Mr. Rizkallah said they were not required to do a management plan or any complex transportation plans. Under a special permit finding, they could have done very little. He had VHB, a Watertown traffic company; prepare a memo comparing the existing use (not the vacancy) to the proposed use, which shows the numbers going down to 43% of current and 33% in the pm. This is significant. They have also stated that they can have as little as 37 parking spaces. They have additional parking, bike parking and parking for the neighborhood. In these types of buildings, there is less required parking. If the parking is included in the rent, there will be a car parked there – if it is not included, people no longer need their cars. He said that VHB wrote their summary stating that 37 units will be less detrimental in a transportation sense than the current uses. The prior use required 96 spaces.

Member Brangwynne asked if his residents are parking in the public spaces, how he will monitor that. Mr. Rizkalla said that the public does not have access to those spaces and he is not interested in obtaining them, as he does not need them. However, he plans to keep the space, plow it, manicure it, and protect it as a public service. People will use it incorrectly but they will police it as well as the town policing it. If someone parks there and walks towards the building will be the easiest way to know it is being abused.

Member Brangwynne thanked him for his patience (and his new daughter thanks him). He said their role is to compare the impacts of what could be there even though this is now an empty building. This proposed use is less impactful. He addressed the abutter that had the traffic study done and said the town will use that and he expects the town will be able to verify that the traffic is a non-issue.

Member Heep states that the 40 spaces is what is required under the Zoning bylaw but he asks how do they know 40 parking spaces will be sufficient to serve 37 dwelling units. 1.08 parking ratio is considerably lower than what he has seen on other projects. Mr. Schreiber said he has been working with MAPC on this topic and the town has had their larger apartment complexes counted at night to see what the occupancy rate was and they were substantially underused. There were more 2-bedrooms but the number fluctuates. The change in Zoning still shows a higher requirement than what is actually

used. The parking ratio for MAPC is less than 1 per unit without certainty. Mr. Rizkallah said they do not need additional parking as they buy great properties in great transportation areas. The metrics are too high. Member Flor said the data for that shows that 33% of all spaces remain unused. Member Heep suggested that these were based on a parking ratio of something other than what... Mr. Schreiber said that includes Watertown with the current parking ratio that he has used for this site. He gave an example of Greystar/Elan, etc. Mr. Rizkallah said there are metrics that suggest less than 1 but he brings back the 'is this substantially more detrimental' and they could increase by 40% and still comply. Member Heep asked again if 40 parking spaces is sufficient for 37 residential units. Mr. Rizkallah said they would be. Member Heep stated that at 1.08, he is skeptical that it can. He believes that residents will have one car registered with him and another car parked somewhere else. He is not convinced the public transportation available is sufficiently equipped to bring the ratio down to 1.08.

Member Heep asked if there are reports available that state what the sound will be at the property line from the 50 condensers on the roof. Mr. Rizkallah said he has had conversations with engineers but that is not documented. However, he will agree to have a condition that states an acoustical engineer write a memo that they comply with the ordinance. He added that when you're looking at data that was written for planners, they are agreeing with what he is saying. He said that there are projects within his portfolio that meet this requirement – 40 Norris St., Cambridge, near Davis Sq.; 2-8 Broadway, near Sullivan Square. Mr. Schreiber said the range for Watertown is from 1.7-1.2. Gables is trying to give away their spaces because they have them. There are two levels of extra parking in the garage.

Member Flor said that outside of unbundling the spaces, he offers a \$50 Charlie Card and asked about a car-share space. Mr. Rizkallah said that would be a great location for that. He said that makes sense. He is insured for people to come across his property and he is neighborly. Member Flor said she depends on public transit and is an urban planner, she notes that single family homes have the highest rate of car usage. Apartment rentals have the least amount. She said the MAPC statistics shows that every space costs about \$20,000 to build, which is then added to the rental/housing costs, which makes these homes less affordable to live in. Having less parking helps with having less cars and more people walking on the street, which creates less hazard. She asked about the accessible parking - how do they enter the walkway. Mr. Rizkallah clarified the spaces that are adjacent to the building, would unload and go directly up the ramp. Member Flor was looking at a notation on the plan, which could be a painted line.

Chair Ferris asked about the landscaped treatment on the east side, which is difficult to walk through. He then asked about the floor plans for level 1 & 2 for units 108, 109 and 110, actually look into a tiny light well fully submerged underground and the level 2, which is at ground level, the bedrooms for these units will look at an old fence and the living rooms will be underground and would be very hard to live in. Mr. Rizkallah said he struggled with these units, as well. He explained that the topography is a slope and the windows become increasingly visible and the addition of windows provides light. Chair Ferris wanted to be sure that the windows provided light and the proper egress – he is concerned with the quality of life for someone in those units as the living room will be 15' below where there is actual light. Mr. Rizkallah said basement units have to be nicer than other units and anyone wanting more natural light would not rent this apartment – but these are two levels with the bedrooms above and the

common space being below can be more comfortable with windows closed, TV on, pictures on the walls, etc. sparse ambient light can have a nice feel with illumination from other light. Chair Ferris said he is certain they can add light but someone living there will have to look at their phone or TV to know if it is sunny out. Mr. Rizkallah said they will get some light and they are hard units but when it is completed, it will be fabulous and cozy. He said the basement units have to be nicer than the other units. Chair Ferris said his concern is an event in the building and as someone that designs units for a living; this is a difficult unit to live in. Mr. Rizkallah said he doesn't have to have operable windows as the building has sprinklers. There will be people happy to have these units at a lower price. Chair Ferris does not agree.

Chair Ferris asked about the site plan on the east and north - what will be done throughout the whole area – who's fence is it and will it remain, etc. Mr. Rizkallah said the fence belongs to the housing authority and he doesn't want it against his building so he will have to talk to the town about what he can do. They could remove some of the concrete and put landscaping but he'd have to do something with the fence. Chair Ferris said he stood on the corner by the day care and it has not been maintained. Mr. Rizkallah said the area that Mr. Mertens owns, can be modified with the landscaping. Mr. Schreiber said they could add a condition that the staff could follow-up with what should be there. Mr. Rizkallah would like it to be a condition so he can work with the people in the neighborhood to consider a planted buffer vs. a stockade fence. Chair Ferris said a fence or plantings would not be taller than 6'. Mr. Schreiber said that if they consider planting on the neighbor's property, to condition it so that staff could be involved. Mr. Mena said that window wells being too close to the property line would be within the Building Code but he does not recall there being a code for it. Mr. Rizkallah said there are existing window wells but they are covered and they will either be re-used or rebuilt. Chair Ferris like to be certain that the view from the window is not of a run-down window well, although he believes that would not happen.

Chair Ferris is pleased that the ramp will be expanded by 2' as it is narrow. There should be low landscaping on either side of it to prevent volume blocking the sight line. Mr. Rizkalla said the Japanese maples will be low growing. Chair said to use only ground cover here.

Chair announced a closed session and summarized that there were a number of people that spoke, as well as ½ dozen letters in the file; with one in opposition and the others were in favor. Mr. Schreiber reviewed the Planning Board conditions – he said the control plans will be submitted; finalizing an easement agreement (which has been submitted and is being reviewed by attorneys); parking facilities of the ingress/egress repaired in working order; monitoring parking program; in addition to the Transportation Demand requirements, although this does not trigger TDM review; affordable housing; waste management with 7am-7pm; storm water; landscaping; exterior lighting; keeping existing trees where feasible. Chair stated they spoke of the parking ratio and traffic generation and an acoustic engineer for the root top mechanicals. Member Heep stated the traffic generated and exiting the driveway – Mr. Schreiber said there are limited options as DPW has reviewed this and they considered moving the ramp but there is a substantial storm water drain, which was the original brook, running through the property and cannot be relocated; it has been there and is existing – the previous use had more entering and exiting traffic – there were not any further or better options for the ramp. Member Heep asked if an engineer would say the site lines are okay. Mr. Schreiber said he is not a traffic

engineer but you would have to come up with a device for the curve in the road but this is all existing; mirrors could be a benefit but not in this situation. If the average speed is 25 mph, this is slower than the average on other streets. The DPW engineers, fire department, etc. did not find any issues, especially with the 22', which is the size of a two-way street.

Chair said it doesn't sound like we are looking for new information.

Member Brangwynne said the ramp is a blind area but a pre-existing use. He suggested a bump in the road for traffic calming. Mr. Schreiber said that this is an improvement over the existing. Member Brangwynne said there are traffic concerns but that is a neighborhood street issue not this project; there could be safety concerns with the ramp but the ramp is improved; there are many over and above themes on this project and his overall impression is that this would be a good fit.

Member Heep said he has wrestled with three iterations of this project and appreciates everything the applicant has done to attempt to address all of the concerns. He has no enthusiasm due to 37 units in a two-family zone is a lot in a building that was built for other purposes other than residential and was not planned to accommodate that number of units. He doesn't believe there are enough parking spaces but will respect the experts. There continues to be several units that would be tough to live in and that speaks to 37 units being too many. The interior could have been divided differently than what was proposed. He is struck by the fact that staff has looked at this and the Planning Board has given a recommendation to support it; other concerns regarding site lines to the driveway and traffic on the roadway are okay by DPW, the fire department and police are all okay with it – he is still not enthusiastic but others have not poked holes in it and he is grudgingly coming around and submitted for the record.

Chair asked if there are conditions that could be added to make this more appropriate. Member Heep said he would wait for others to be heard.

Member Flor said she respects that and fully disagrees with this not being the right use. She works a lot with neighborhoods that have vacant properties that become hazards and blighted, which are a safety and health hazard especially for kids but also bring down the market value. She said they also fall into the broken-window syndrome, where a window is broken and then it gets worse from there especially the longer it stands vacant. It is very close to the bus station and she would like to be that close, as someone who depends on a bus every day. The bus stop is within a block; near a mixed use area; this is a good place for multi-unit housing and it is a building that has been there for a very long time and this building has been part of the character of the neighborhood. She said it is good to hear the data that shows parking has been over-built. She is happy to hear the different departments agree and is happy the affordable units are being increased. She added that with friends in basement apartments, she would rather choose that which is near a bus and closer to her job than live further away and pay more. She said it is not the best design but there will always be someone happy to live there. The traffic is a town issue and the town is working with 'Complete Streets' to mitigate these issues.

Chair Ferris said they have talked and gone through a number of iterations regarding this property. The quality of the exterior materials is nicer than some of the other buildings in Watertown. The roof top mechanicals with the 4' screen is an acoustical benefit. He has a hard time with the units on the lower floor 108, 109, 110 with level one being fully submerged below grade in a tight space. He notes these units are duplexes; these could be three studios on the upper level that were not duplexes without living space below. He would want strict and rigorous characteristics of the light wells, finished with a light finish, in good repair and with a suggestion of the ground cover be a pachysandra or something similar so that people are not looking out to crushed stone or a gray wall and struggling to see what is outside. If this were to be approved, it should be conditioned that the north and east border of the building fencing or landscaping with a maximum height of 6' so that people get as much daylight as they can and provide privacy to the neighbors. He wonders about the traffic calming – if it should be studied after approval regarding the egress of the building. Mr. Schreiber said that would be through DPW and he could suggest traffic calming along the frontage or ask to consider options to DPW and the town would have to approve them – storm water could be one among other reasons something is not approved. The width of the road may be narrow. An option could be to have bump-outs at the entrance so the curb line went into the street more, if the street is wider there, to create a landing. This is a raised road – other scenarios could be further down the road. Speed tables are not a good option due to trucks passing and being more disruptive. He also suggested a raised road with a stop sign – these are reviewed by the traffic commission and DPW. Chair said extending the curb line out would put the exiting car further into the road way. He asked if the length of the ramp could work. Mr. Schreiber said that was looked at but accessing the ramp would be difficult. Chair asked for a condition. Mr. Schreiber said that if there is a potential for any type of alteration of the sidewalk or street frontage, to suggest street calming with review by the town. Mr. Mena said any mitigation as part of that study would have to be tied to some impact from the project. If there is an accident from traffic going through the street, it is not related to the site. Mr. Schreiber said that if the board feels strongly that there needs to be a better situation at the top of the ramp, then that would be traffic calming or a change in the way the geometry works that is feasible for this project to be approved or there is monitoring and that would be difficult to tie to this project as there are 2,000 cars on this road. Member Flor asked about a flashing light but Mr. Schreiber said that is typically used to alert a pedestrian, it is not used for traffic. He added that there are lots of roads in Watertown with sight-line issues and people have to creep out and traffic accommodates that.

Chair asked how many units were in the previous applications. Mr. Schreiber said 47 and 36 but they were removing the interior beams and not supporting the historic structure. Chair said he is generally more in favor than opposed and he thinks a residential use would be more comfortable than a commercial use that is tied to a time clock, where people arriving or leaving for work could coincide with children going to/from school. This seems to be a safer use. For conditions, the board talked about rooftop mechanicals and acoustic engineering; light well treatment; perimeter fencing along the east border; low planting along the sides of the ramp; considering street calming components for the ramp exit.

Member Brangwynne motioned to approve the project with the addition of the conditions mentioned acoustical engineering study for approval, landscaping along the east/northeast property line; attention to the window wells for adequate lighting; traffic calming at the exit ramp; sight lines with respect to landscape plantings and all other conditions by the Planning Board. Member Flor seconded. Members Brangwynne, Flor, Ferris and Heep voted in the affirmative, 4-0.

Member Brangwynne motioned to adjourn. Member Heep seconded. Voted 4-0. The meeting ended at 10:40 p.m.