



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, December 18, 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: Melissa M. SantucciRozzi, *Chair*; David Ferris, *Clerk*; Kelly Donato, *Member*; John Gannon, *Member*; Michael Brangwynne, *Alternate Member*; Francis Goyes Flor, *Alternate Member*. Absent: Christopher Heep, *Member*. Also, Present: Mike Mena, Zoning Enforcement Officer; Gideon Schreiber, Senior Planner; Louise Civetti, Zoning.

Chair opened the meeting, introduced the staff and members, noted Chris Heep is absent and due to his absence, she will announce which alternate member will vote as each case is presented. She reviewed the agenda and changed the order of the cases to be heard: 28 Nyack, 122 Grant, 36-38 Hillcrest, 164-166 Main and then 86 (and 101) Walnut Street. 99-101 Lexington Street has requested to be heard in January (18-20 Clyde Road requested to be continued to February).

Chair asked for a motion to approve the Minutes of November 20, 2019. Member Ferris motioned to approve the minutes as written. Member Brangwynne seconded. Members Ferris, Brangwynne, Donato and Flor voted in the affirmative, 4-0, **approved**. Member SantucciRozzi and Gannon not present that evening; Member Heep absent tonight.

Member Ferris read the legal notice for the first case at **28 Nyack Street**:

“Arsen Janikian, 28 Nyack Street, Watertown, MA 02472 requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with Watertown Zoning Ordinance §4.06(a), Alterations to Non-Conforming Setback, to construct a second floor addition within non-conforming setbacks and increasing non-conforming lot coverage. Located in the “S-6” (Single-Family) Zoning District. ZBA-2019-26”

Ken Leitner, Attorney representing the owner, spoke on the increase of the building coverage by 2% for the porch and the non-conforming front setback. He said this is not substantially more detrimental than other homes in the area. He submitted new plans with just a couple of minor errors cleaned up (front vs. side setback) –nothing changed in the plans structurally.

Chair stated that Member Flor would be the alternate member voting on this case.

Member Donato asked about the siding. Atty. Leitner said they will be residing the entire house but they haven't decided what material will be used. Member Donato asked if there were any further comments from the public since the Planning Board report. Ms. Civetti confirmed there were none.

Member Ferris asked if the siding would be uniform. Atty. Leitner stated it will be uniform and clapboard-style but they are unsure of the material. Member Ferris said there is a drawing discrepancy as there are no corner boards drawn on one of the plans. Atty. Leitner confirmed there would be corner boards. Member Ferris noted that there is a plastic pipe coming from the basement and actively dispensing water onto the sidewalk. Mr. Janikian, property owner, stated that it is underground water coming into the basement and the sump pump pumps the water out. He has had the sump pump for some time. Chair asked the ZEO if there are rules regarding that. Mr. Mena stated there are several properties in Watertown that are dumping water onto the public way and although the Department of Public Works states that it is not a violation, it is not best practices and does create a hazard. He asked if the property owner could direct the water flow onto his own property to eliminate the public hazard where the property owner would be liable if something were to happen. Member Ferris said he appreciates the orientation of the windows and the siding.

Member Gannon said that his question regarding the exterior siding has been answered but he cautions the sump pump water onto the sidewalk as in the winter it will ice up and people will fall and they will be liable - it would make sense to move it to the back or address the issue in some way.

Member Flor said the windows align in the front and back but the sides do not align – the right side bedroom window could be moved to have more uniformity on the sides. Chair confirmed it is the left side elevation with the first and second floor windows lining up. Ben, Architect said it is doable but he wanted to have more flexibility for placement of the bed. It might be left over from the previous design so they could make the change on the second floor to align the window on the first floor.

Chair said she wants make certain they revise the plans, add the corner boards, notes on the plans regarding uniformity, exterior materials. She asked if they were doing any work in the basement that could address the sump pump. Atty. Leitner said there isn't any work being done in the basement but they will address the issue and could add a dry well in the front of the property. He added that there is a small wall, which would give it more area to dissipate.

No one spoke from the audience. Chair declared a business mode.

Chair reviewed the Staff report and Planning Board report, which both recommend approval for a slight increase in coverage and non-conforming setback. They will add a condition for the plans to be updated; all of the clapboard siding will be new; vertical corner boards will be added; the window on the 2nd floor will line up with the 1st floor; and the sump pump emptying onto the sidewalk will be moved to prevent a hazardous pedestrian situation. She stated that there is a letter in support of the request signed by 25 Piermont St., 29, 31, 25, 34, 69, 22 Nyack Street and 29 Piermont. She added that there is not any one in the audience speaking against the petition.

Member Ferris motioned to approve the request for **Special Permit Finding** under §4.06(a) for constructing a second-floor addition within the pre-existing non-conforming front setback and increasing the pre-existing non-conforming building coverage, meeting the criteria set forth in the Watertown Zoning Ordinance with the updated conditions discussed. Member Donato seconded.

Members Ferris, Donato, SantucciRozzi, Gannon and Alternate Member Flor voting in the Affirmative, 5-0. Member Heep absent.

Member Ferris read the legal notice for **122 Grant Avenue:**

“Bonnie Dirr, 122 Grant Avenue, Watertown, MA 02472, requests the Zoning Board of Appeals grant an Amendment to Special Permit Finding #ZBA-2019-01 in accordance with Watertown Zoning Ordinance §4.06(a), Alterations to Existing Non-Conforming Structures, to increase non-conforming building coverage from 28.1% to 30.7% (previously approved to 28.8%). Located in the “S-6” (Single-Family) Zoning District. ZBA-2019-28”

Bonnie Dirr, Owner, explained that they came before the board earlier this year seeking relief for ADA requirements and to plan ahead for her significant other with health issues. They want to extend a wall towards Sparkle Street, add a front porch and a balcony to their future bedroom. The former architect had not planned for the space to be full capacity with a wheelchair; closet space and the walk-up to the front door did not account for a place to rest out of the elements. Chair stated that the board understands why they are seeking relief.

Member Ferris commented that the house is longer – the elevation at the ridge of the roof is longer than the other structure in the neighborhood. Ms. Dirr stated that the prior drawings/elevations of the roof did not meet the rear wall so the pitch of the roof had to change. Member Ferris stated that the quality of the new drawings are better. He stated that the garage windows are lower than the house windows. He said having the windows at the same elevation would be better. He added there is a fireplace and the flue at the left elevation of the gable and not the greatest looking. He asked if the flue could be diverted to the ridge and add a chimney or faux chimney. Ms. Dirr said she will revisit the windows and the flue with the new architect although they have looked at this and do not want the box exit. Member Ferris said they could try the box on the wall with landscaping in front of it but that does not match the house. Chair asked if he meant to have the ‘box’ inside the porch. Member Ferris said he is not sure it can be below a roof. The first idea is the better of the options – bringing the vent pipe to the ridge. The entire house will be resided.

No one spoke from the audience. Chair closed the public hearing. She stated the petitioner has come before the board earlier this year and is coming back as she realized there is a better way to meet the needs of her family. There has been a concern raised about the length of the dwelling and the length of the ridge. One suggestion to break up the ridge and the other to address the venting for the fireplace. They do not want the pipe coming up and to come up with a discreet location. The planning board and staff recommend conditional approval with standard conditions. They will add to match the exterior material, move the windows up at the garage; addressing the venting for the fireplace through a faux chimney or real chimney or venting on the façade.

Member Ferris motioned to approve the amendment to the previously approved special permit finding for modifications shown and conditions discussed tonight. Member Gannon seconded. Members Ferris, Gannon, SantucciRozzi, Donato and alternate Brangwynne voted in the affirmative, 5-0. Member Heep Absent.

Chair announced that the board will hear a continued case for **36-38 Hillcrest Circle**:

Member Ferris recused himself. Chair announced the Members that will be voting: Gannon, SantucciRozzi, Donato & Brangwynne. Ferris is recused and Flor missed testimony in August. This is a continued case from August where the Petitioner requested a continuance to make changes to the plan. She asked if the plans that were handed out this evening are the changed plans being presented. Attorney Levine confirmed they were.

Alex Levine, Attorney for the Petitioners, Kaveh Abdi and Kambiz Abdi, stated that he will not rehash what the board already is aware of. This is a request for **front yard parking** and the new plan has been submitted and a position statement submitted November 2019 –those plans exist with the red marked spaces showing the new configuration. He thanked the board for all the time spent on this and he believes this is a great plan presented to the board and stamped certified by their land surveyor. The specific spaces are shown on the plan exactly the same as prior but this plan is certified. He said this is a request for Variance in accordance with 6.02(j) front yard parking and 6.02(b) for the size of the parking spaces although the spaces are in conformance with section b. With this new configuration, this meets the requirements of a variance in accordance with section 9.14. The soil conditions and topography – this house sits on a hill where the existing driveway slopes right down and is impossible to use now. Attorney Levine stated that this would not be a detriment to the public good as the spaces fit and it is at the end of a cul-de-sac with little foot traffic. There is plenty of room to fit the full size parking spaces with a slight variance request for the dimensions would make it fully within the property and prevent any overhang to the sidewalk. If any detriment it is in no way, shape or form substantial. The fourth condition can be granted without derogating from the zoning ordinance. He referenced that the property was built in 1952 and is grandfathered in as not being subject to 6.01 of the ordinance but the requirement of this property, a two-family is to have approximately four parking spaces. It is not legally binding but seems the intent of the zoning ordinance is to provide four parking spaces for a two-family. Granting the variance would be in support of the zoning ordinance. There was the question regarding raising the grade of the existing driveway and from the Engineering Report, it can be done but the cost would be enormous and the risk to the foundation is guaranteed (not a collapse of the foundation but the risk rendering the dwelling uninhabitable is extremely high). There would be financial hardship and if the dwelling has to be vacated, that would be substantial hardship to the individuals living in the premises with Mr. Abdi living there and the tenant that has been there for 10 years.

Chair thanked the attorney for supplementing the record and providing the revised plan. She made notes as he was talking and stated that this was advertised for front and side yard parking without the required size or buffer. She stated that what the attorney presented now meets the size but not the buffers and the front yard is a variance. Attorney Levine said this does require a variance and this configuration of parking spaces is pretty good and requires a variance but creates something more natural to the property. Chair asked the attorney if the petitioner informed him of the advice provided by the board in August to come back with a plan that had not three full spaces on the right side but two spaces. Atty. Levine asked if it was on video as he watched all of the videos of this meeting. He added that he knew the configuration of the spaces was important to the board. He said in working with Mr. Abdi and the land surveyor, this configuration was the most natural to the property.

Member Donato echoed Madam Chair's statement that the board had discussed consideration more of parking along the side and discouraged concentrated parking in the front yard. They also broached not being able to fit four cars. She was sad to see the same configuration presented. She has concerns about the maneuverability and that this request is denser than the other neighbors. The other

neighbors were grandfathered in but you do not see three with front yard parking. She is concerned with snow removal with the entire front being taken up with cars. She has visited this location twice and saw a car hanging over the sidewalk both times. She realizes they are trying to remedy this by figuring out the parking and it was unfortunate to see that happening.

Attorney Levine pointed out that this plan is different than what was previously submitted as this has two in front of the property where a previous plan has three and one was pushed to the right side of the property to try to alleviate the concerns of the board. With two cars, there is room for two parking spaces and most cars are smaller and a full parking space allows to open doors and it would not be overhanging the sidewalk.

Member Donato added that with the two parking spaces in the front, the side parking space is useless as it would work as a tandem space and the front car would have to be moved to get the car on the side out. The functioning of the space is not ideal either. Attorney Levine said he understands and the parking spaces wouldn't overhang on the side of the property. The rendering is the full length of a required parking space in accordance with the ordinance but they are requesting as a variance, the proportions of the parking spaces.

Member Donato asked about a previous meeting where there was discussion regarding a neighbor granting permission to crossover their property. Is that in play with this proposed parking or is that off the table. Attorney Levine said it is still in play but this configuration doesn't require it as you drive directly into the spaces as well as the space on the side and does not require an easement from the abutter. Although they did not have a previous objection and said if you need it, they'd give it but this plan was to alleviate that need.

Member Gannon said the last request had 7' wide spots and this has 8' wide spots and he said it seems like they are squishing cars like sausages into the front. He has a concern that Mr. Mena addressed last time about the overhang.

Mr. Mena stated that staff has concerns regarding the plan shown with the two spots in front of the residence in relation to the size of the curb opening apron; it exceeds the opening so in reality it is impossible to park two cars there without hopping over the curb. The curb opening does not meet the size for the two cars to park there. The other concern is regarding the space to the side of the house where there is 7.7' from the corner of the house to the lot line and the angle of the parking space shows the left corner clipping into the residence. He does not see how the maneuvering of that vehicle would be able to get in and out of that spot without crossing the neighbors' property – he has looked at parking plans and maneuvering for 20 years and doesn't see how this would work. From staff's perspective, he does not believe the finding, number 2, of being a detriment to the public good of the cars being able to fit and hopping over the curb is being met and also the intent of the code of 6.00 and 6.01, safe storage and maneuverability of vehicles doesn't meet that standard.

Member Gannon asked if there are other properties where the cars are overhanging onto the public way (sidewalk). Mr. Mena said although he has not been there recently, on past inspections he has not seen that happening. Member Gannon asked if this plan would result in cars parking on the public way. Mr. Mena said it would depend on the size of the car but we cannot regulate the size of the car. If you look at the first space, the front of the vehicle is literally touching the building and is inches from the public right-of-way so a larger vehicle or truck or if someone doesn't pull all the way in, there is potential for that. Member Gannon asked about other alternatives and the hardship involved in putting parking

on the left side of the property. He asked the attorney what is the cost. Attorney Levine said the engineer quoted around \$30,000 just for the regrade but when you put extra soil against the foundation, it pushes laterally against the foundation and they did not get a quote on the foundation and that cannot be determined but they did not consult with a structural engineer to find out the cost. Member Gannon asked about the structural impact the proposed spaces would put on the foundation. Attorney Levine said they would not jeopardize the integrity of the foundation. Member Gannon asked how they knew that. Attorney Levine said there is no additional pressure on the foundation. Member Gannon asked if they consulted a structural engineer to make that determination. Atty. Levine said they did not but added that on the left side of the property you can see the exposed foundation and where the soil would go. The existing layout where the proposed spaces are, there is no need to change a structural element. Member Gannon stated that they are adding the weight of four vehicles to the front of the house where they haven't existed before and that would affect the foundation on a down-gradient slope and this would be a concern.

Member Brangwynne stated that these spaces are 18x8 and asked what the required dimensions of a parking space are. Mr. Mena said a residential parking space is typically 8x18 – the minimum width of a residential driveway is 8' wide so 8x18 is typical. Member Brangwynne asked about the existing space to the left as Attorney Levine stated it is unusable. He asked what is being done to make this space usable. Atty. Levine said the slope of the driveway doesn't slope as much at the beginning and increases in slope as you get further into the driveway. There is room for one space that is safe to exit the vehicle and there is no risk to the vehicle sliding down. It's when you get further into the driveway the slope increases and the risk to health and safety makes it unusable especially right now as it is all ice. Member Brangwynne said he agrees with what has been stated by the other members regarding the number of spaces being put on this lot. He feels for this gentleman and understands that this is something that has changed since he has owned the property but they have to consider the impact of four new spaces some of which may hang over the sidewalk. He shares the concerns regarding the plan shown today.

Chair SantucciRozzi asked Attorney Levine about the conversation with his client regarding the concerns the board expressed in August which Member Donato mentioned a couple of concerns already. Although the memorandum submitted outlines hardships, there are hardships and there is how much relief is being requested. She listed the requests – front yard parking; no side buffers; no front buffers; and another note that she doesn't see in the request is a maximum curb opening of 22'. Mr. Mena clarified if there are two driveways, the maximum is 11' each. Chair said the plan shows a spec of 8' but the curb opening is wider than that so that is probably around 11' so her next question is how are they going to get these cars up onto the property and to the right with an 11' curb cut. They cannot make another curb opening wider than 11' – even if that is something granted by DPW. How could anyone maneuver into these spaces with an 11' opening. Attorney Levine said he doesn't understand the question but a curb modification would be required. He then stated that if the variance were granted, is she asking how the cars would get on the property with an 11' opening. Chair explained that there is an existing 11' opening and with another 11' opening, how would it be wide enough to get these cars to maneuver in and out. She added that in most situations, there isn't front yard parking and there is an 11' curb opening that then widens onto the property to allow cars to get around each other (snake back). She doesn't know how anyone would get into these spaces with only an 11' opening – that would be another variance that has not been requested.

Attorney Levine said on the plan where it says 'dirt' there is an existing curb that isn't that high and would require a modification but not that much of a modification but that is up to DPW. To the right of that there is an existing opening and it is not utilizing the neighbors' property, it is just combining a

future curb modification, which would be 11', to the existing curb opening, which allows access to the right hand side parking area that shares a property line with the abutting property. He added that there is an opening in the area that can be added onto to create ample room for both properties to go in and out. Chair SantucciRozzi asked staff if the property can only have 11'. Mr. Schreiber said there are two options, a 22' wide space or two 11' wide spaces with space in between of 'x' feet. This property is only 31' wide. Chair said 22' contiguous would not work for them and the space that is exiting can only be 11' wide. Mr. Mena said if there is one contiguous driveway from the neighbors' side and this new driveway without a cornerstone at the lot line, they would be measuring the 11' from this lot line. Atty. Levine said he understood that they would be adding 11' from the neighbors' property. Mr. Schreiber said it is not feasible for both of these spaces to use one 11' opening to get to both of those spaces. You would have to 'pop' a curb, which is not allowed and drive across a sidewalk not an apron, which is also not allowed. Therefore, it is not just a DPW easy, quick thing. It is an issue for this board and is unsafe and not feasible, as shown. Chair SantucciRozzi said that those two spots side by side, you would need the 16' but at 11', if there is a car parked in one of the spots, there isn't room for the back of that car to swing and come behind the other vehicle. You would hit the other car. She added that drawing lines – everything looks good on paper and then does it work or make sense and at what point do you ask for so much relief that it actually causes a detriment. Back in August, they said to come back with two spaces on that side and that is not what the applicant did. She said they understand his concerns. They appreciate the report that was prepared – this plan is just too much. She said they have tried to work with him and told him to come back with two spots and he came back with three. She is not sure how these spots would work. She asked how the person that is parking all the way on to the right get to the front door. Do they jump over the hood of the other cars – there isn't a way to even get from that car. They open the front door – the back door would hit the house. If the car were backed in, they'd be on someone else's property. Attorney Levine said these are actually 8x18 parking spaces and they fit. Chair said a shopping mall parking space is 8.5 wide and you cannot open your door fully without hitting a car next to you. Attorney Levine said it is consistent with the rest of the neighborhood. Chair said the board is trying to work with the applicant and offered for him to come back with two parking spaces but he comes back with three spaces shoehorned into a different location. Another thing she can see is if the existing space is approved, the rest of the driveway will need to be removed. There is no need for that driveway as this person has demonstrated that it is unsafe and will never be used so it will be removed. Attorney Levine said that was not a request of the applicant. Chair said the board is not in the business of paving every possible inch and when you arrive at this property, it is all pavement and vehicles. She said they gave direction, he needed time to get the surveyor and she is disappointed in this plan. There are more questions. The board likes to check concerns off the list not add more. She asked Attorney Levine if his client would be interested in coming back to the board with two parking spaces in a different configuration (she doesn't know why he hasn't already done it). Member Gannon said this does not look like it would be passed by the board, based on the comments tonight. This was not what was promised when the board told his client to go back to the drawing board. Attorney Levine said his clients only want what everyone else has in the neighborhood as the curbing took them by surprise and they only want ample parking – this plan was submitted in good faith to solve questions, not create new ones.

Chair asked what they would like to do. She let them know Member Gannon would not be a member of this board after tonight so they can have a vote tonight or they can withdraw the application to review the tapes from August and make a suggestion to his client. Attorney Levine asked about continuance. Chair stated he only has two options – vote tonight or withdraw. There will only be a three-member board in the future and that is not enough for a quorum. Attorney Levine asked for a break to speak to his client. The board took a two-minute break.

Chair called the meeting back to order.

Attorney Levine would like the board to consider the variance and take a vote.

Chair asked the audience if there is anyone that would like to speak. Hearing none, she closed the public hearing and read from the Staff Report and a planning Board report from July to which both recommended denial. The board heard this in August and asked him to consider two spaces on the right side and he has presented a plan with three spaces. These additional three spaces will violate the front yard parking requirements; will not provide any side yard buffer; will provide no front buffer; will not be maneuverable with an 11' curb cut; and several questions to maneuver in an out of the property to access the cars freely and general safety regarding the spaces on the plan presented this evening and dated December 16, 2019.

Member Brangwynne stated that if the board moves forward, he cannot approach the board again for two years. He asked if his client is aware of that. Attorney Levine said he is aware.

Member Donato motioned to deny the variance request. Member Brangwynne seconded. Members Donato, Brangwynne, SantucciRozzi and Gannon voted in the affirmative, 4-0. The petition is denied.

Chair announced that **164-166 Main Street** will be heard. She swore in the new members of the audience.

Member Ferris read the legal notice:

“164-166 Main Street

Saracen Properties, LLC, 41 Seyon Street, Waltham, MA 02453, requests the Zoning Board of Appeals grant a Special Permit/Site Plan Review in accordance with Watertown Zoning Ordinance §5.01.1(k); 6.01(f) (reduced parking), 9.03, and 9.04 to construct a mixed-use five story building with 34 residential units and 1,050 square feet of commercial space. Located in the “CB” (Central Business) Zoning District. ZBA-2019-32”

Eric Brown, PCA, Principal Architect, thanked staff and planning board for their recommendation. He will review the plans briefly and then the board can ask any questions. He showed the location of the property; an aerial view showing other buildings of similar mass, height and style; they took their cues from the mid-century modern buildings in the area. He provided superimposed views from east and west. He added that the building is in complete compliance with the dimensional requirements of the ordinance. He added that they exceed the setbacks and did not push the limits of the setbacks. They step back from the building to the west to help the transition and they are adding benches to the front to contribute to the public way. The roof plan complies with solar regulations and there is stepping back in the rear with each open space terrace. A portion of the first floor commercial area has a zero setback. They have a number of sustainable goals on this project. Their approach is to make it a restrained, calm, simple background building that is not competing with the town hall or library. They will use quality material and detailing. The transformer at the northwest corner that will be screened with a wooden fence. He described the material and façade of the entire of the building. They have met with the housing committee and they are now in compliance with the affordable units.

Kate Orenjek, Kathryn Orenjek Landscape Architecture, state the plan show two open space zones – one along the front and one at the rear. At the front with the concrete paving, they have bicycle racks, benches with planters, the wood screen, two existing street trees will remain and they will add a third tree (they will relocate one of the existing trees). The open space in the back has two levels - the lower level has ground cover on the base of the wall with shrub planting and the bicycle parking has porous paving. The terraced landscape area has shade trees above the retaining wall – all the plantings are native to this area. On the right side of the parking lot is a small landscaped area with groundcover and planters in the back for seasonal color. There is a fence on the neighbor’s property in the rear that will be replaced.

Bob Michaud, MDM Transportation, stated the traffic and impact study is very modest. Peak directional is around 10 vehicles and total 20 per day. The context of the site is well served by the MBTA and close to the greenway. 25% of all work-related trips use public transportation from this area. The standard peak parking for an area like this is 37-peak parking and 30 are proposed – 3 are assigned to the commercial component – 27 to the residential. The actual demand will not exceed 26 at the peak timeframe. The Zoning Ordinance, section 6.02, allows for a 25% reduction in parking for those areas that can rely on public transportation and to foster that use. This applicant’s TDM plan will provide membership into the transportation program that will encourage public transportation use. They will exceed the bicycle parking (38 spaces) and a bicycle repair station. The sidewalk area will have benches to enhance the use of public transportation (a place to sit while waiting for the bus). They will also provide unbundled parking. Anyone without a car will have to purchase or rent a parking space. In the evening, the three commercial spaces would be available.

Chair asked if the petitioner answered all of David Gambel’s questions on the 12/12 set of plans. Mr. Brown stated they did not completely comply with the request for fiber cement. This material is more appropriate facing residential zones and this has less reflection on a residential site. Chair asked if they addressed the concerns of the neighbors at their community meeting. Mr. Brown said they are putting in new fencing in the rear and add trees to help accommodate the neighbors but they have not addressed all of the concerns.

Member Gannon confirmed that David Gambel works for the town as a design consultant (peer review). He asked that Mr. Gambel clarify that on his reports.

Chair announced that there are four full members and two alternates with Member Flor voting on this case. In the event this is continued, Member Gannon will not be here but Member Brangwynne will vote on this case as he is here this evening.

Member Flor is glad the parking is being unbundled. She is a renter who does not own a car. She asked about the bike area that will be protected from the elements – will it be secure, as well. Mr. Brown stated there is fencing around the bike area. They have one bike area that is covered and one that is not. Member Flor asked about incentives for transit. Mr. Michaud said the applicant will become a member of the Watertown TMA and there are no specific offerings from the developer but the membership offers a host of incentives including ride share matching. The TMA will participate in events at the site to promote the use of public transportation. The applicant has taken action to unbundle the parking; join the TMA; exceed the requirement for bicycle parking; expand and improve the sidewalk area in front of the site – to add benches to enhance public transportation (or the experience of waiting for a bus). These actions are significant and discussed at length with the Planning Department. Member Flor asked if there are incentives for commercial renting. Attorney York stated

that there will be promotions to encourage the use of the 'T' as they are near 7 bus lines. They will provide information on where the T will take them. They will listen to anything the town suggests. They do not have a tenant yet for the retail portion. They do not know if it will be retail or office. It will not be a restaurant but the best use would be a commercial office space. They will encourage the employees to use public transportation, as well. Attorney York added that the Central Business zone was created as part of smart growth with a 4. FAR and no setbacks. Part of this was to work with and encourage the town's mission to reduce the use of vehicles.

Member Brangwynne commented that encouraging the use of public transportation and providing information on the T to new residents is a good idea or a Charlie Card with a low dollar amount on it.

Member Gannon asked if all the tenants are being charged to pay for parking, where do guests and service people park. Mr. Michaud said the MAPC did a parking study recently (MAPC – Perfect Fit Parking), indicating that the use of traditional use parking ratio is outdated – 30% or more is not used at all. Member Gannon asked which communities were used and Mr. Michaud stated the Gables in Watertown were one of the 14 surveyed communities, measuring at a maximum of .8. More specifically, they stated that the use of a 1.0 parking ratio in Watertown is excessive. He stated that this building will provide the lease noting whether there is a parking space. These units are selected because of their location to public transportation. At least 3 parking spaces (the commercial spaces) will be open for guest use at night. There is curbside parking available after 6 pm. Member Gannon has a concern that the parking plan would encourage guest parking anywhere in town. Mr. Michaud stated that during the day, the residential is less and commercial is more. Then the opposite happens. At night, the commercial is less and the residential is more.

The recording did not work from 1:11:19 – 2:27:07 The following is a summary:

A resident from the townhouse was concerned with losing the direct sun. Mr. Brown stated they will lose the direct sun at 6pm in the summer months. Mr. Schreiber stated the townhouse will not lose any sunlight. Member Ferris said her building is south of the new building and will not cast shadows on her building. The resident asked to have a mirror installed as the increased traffic being created from this development will block her view. Mr. Schreiber said it is not this building, it is the existing buildings themselves that create the lack of view (of oncoming traffic). Member Ferris clarified that she is looking for a mirror on her street but that is not on the edge of this development. The Traffic Commission would have to review this request, not this developer.

The public hearing was closed and Chair stated the Staff Report and the Planning Board both recommended approval with conditions.

Member Gannon was told the garage door is left off for safety reasons.

Member Gannon believes the building is too high at 5 stories – he believes matching the building next door at 4 stories is more appropriate. This is too dense on a small footprint without any open space. Mr. Brown stated the 'Future' Watertown requires 5 stories in the CB district.

Member Ferris thanked Mr. Gamble for the design review, which sets the precedent for Watertown Square architecture. He asked about a parapet; the condensers; the metal being dented from cars hitting it; and the column supports. Mr. Brown stated that there is galvanized steel, painted and at the front they will add bollards to protect the columns. They have not designed the dryer venting.

Member Donato asked if the Affordable Units will have the same parking chances as the other units. Attorney York stated they will have the same opportunity to have a parking space. Mr. Schreiber stated the accessible affordable units come with an accessible parking, if they want it.

Member Donato confirmed key card access and security cameras. Mr. Brown confirmed rooftop greenery would serve no purpose.

Chair SantucciRozzi requested the elevator penthouse be moved back. It was confirmed that it is the stair penthouse at the front elevation. They will have the rear the stairs go to the roof so that penthouse is not part of the experience from the front sidewalk. Chair asked about sound entenuation. Mr. Brown said there is no zoning ordinance requiring that so it is not included.

Mr. Saracen stated the lease requires there be no commercial parking after 6pm.

Chair reviewed: no venting on front façade; match finishes; screening of rooftop mechanicals, if needed for visual and sound; trash and recycle picked up daily, if needed; closing commercial spaces by 6pm; no commercial parking but spaces open (to be enforced by landlord); no on-site snow storage; pursue DHCD to have Watertown as a preference for housing.

Mr. Mena clarified that the commercial business can remain open after 6 pm but the commercial parking will no longer be available to them (to be enforced by landlord).

Attorney York said they will pursue DHCD but if they say 'no', their job is finished.

Member Gannon asked about the trash pick-up hours consistent with the noise ordinance. Chair stated they are totes not a dumpster, so they'll be wheeled out to the curbside and picked up by a contracted pick up (condition 20).

Ms. Civetti confirmed that the landscaping (aside from the terraces) will be maintained by the landlord.

Member Ferris motioned to approve the Special Permit with Site Plan Review as it meets the criteria set out in the ordinance and with the conditions stated this evening. Member Donato seconded. Members Ferris, Donato, SantucciRozzi and Flor voted in the affirmative. Member Gannon voted against. (4-1) Member Heep absent.

(New DVD)

Member Ferris read the two legal notices for the next case:

"85 Walnut Street: 10-85 Walnut Owner LLC, 7121 Fairway Drive, Suite 410, Palm Beach Gardens, FL 33418, requests the Zoning Board of Appeals grant a Special Permit/Site Plan Review in accordance with Watertown Zoning Ordinance §5.01.3(a), 5.01.5(c&e), 5.05(d), 4.10, 6.01(h), 6.01(f), and 4.11(d) under §9.03 and §9.04 to construct a new 213,500 s.f. office/r&d/lab building and associated parking garage with reduced/shadow parking. Located in the "I-3" (Industrial) Zoning District."

"101 Walnut Street: New Green Apple Limited Partnership, 125 High Street, Boston MA 02110, requests the Zoning Board of Appeals grant a Amend Special Permit in accordance with Watertown

Zoning Ordinance §9.04 to amend previously approved control plan and conditions to allow an access easement and parking lot reconfiguration. Located in the "I-3" (Industrial) Zoning District."

Matt Price, Vice President, Westbrook Partners, the owners and prospective developers for 85 Walnut Street. He thanked the board for staying late and letting them get through their presentation. He said they have been meeting with the town for over a year and will provide the evolution of the design changes in this project. The team members are all here that have worked this project. They were encouraged by the town for this commercial development. This site is a commercial site in a residential area and they want to be sensitive to the neighbors. They have moved the massing away from the residential area and creates a natural buffer. They improved site access by providing access through Arsenal Street, reducing the impact on residential streets, etc. They will have a signaled intersection and dedicated turning lanes; realigning the sidewalk with Louise Street, providing a safer pedestrian access.

Chair stated that there is a lot of information in the packet and (due to the late hour), requests they get to 'it'.

John Sullivan, SJ Architects, stated the focus of his business is life science and R&D projects. They designed the Lynx project in Watertown. He highlighted the location near Arsenal Street as being in-line with the Comprehensive Plan and the strategic framework and stated this is the right use for this site. He described the current site briefly and stated the building will be for R&D and office use. They are within zoning compliance with 1.0 FAR at 213,500 square feet and four stories; 398 parking spaces with reduced shadow parking; 96 bicycle parking; and more than 30% open space. He described the reasons they are placing the building where it is proposed – the requirements of zoning plus the 25% slope in topography. The frontage is on Walnut Street. There is no frontage on Arsenal (there is another building). They worked with town staff on building placement and will keep the existing green space at the Walnut Street end and put the parking further away from the residential area on Walnut Street and place the R&D Building at the lowest location of the site, closer to Arsenal Street. They are using an easement to combine the driveway to Walnut Street and another easement to align the exit onto Arsenal Street with Louise Street, providing two access points to the site instead of one. He explained working with DPW on the pedestrian crosswalks with bump-outs and signage; improved site onto Cypress and the improvements at Arsenal and Louise Street. There is a lot of open space on the site as it connects the neighborhood to the site with seating and bike parking, for neighborhood gatherings with perhaps an amphitheater. Lighting was designed to be sensitive to the neighborhood with low bollards shining light onto the driveway only; motion sensors in the garage and the top for with shields and solar panels. The design of the building is for sustainability with solar use (90% of the garage and 50% of the building); LEED silver certifiable but will hit LEED Gold; Storm water management will reduce runoff; with David Gambell, they celebrate the industrial vernacular of the design using one inspirational example of the Clark's building in Waltham. The building is in two wings with a cutout in the middle for the entrance; they've articulated the roof and kept the industrial look of the building.

Chair asked about the traffic and wants to know more about the trip generation and the new curb cut, etc.

Giles, VHB said they spent time meeting with the neighbors, staff, peer reviewed, etc., using standard IT generation numbers (they used office space and the R&D is 30% less). Now 100% of the traffic is onto Walnut Street and they moved the main access drive to the shared driveway on Arsenal Street,

reducing the traffic onto Walnut Street (55% onto Arsenal and 45% onto Walnut). Speeds were a concern to the neighbors and they will add 3' bump-outs to slow the traffic; add signage; flashing beacon at the pedestrian crosswalk; DPW wanted to close up the Cypress Street and they made it narrower. They will add left turns on to Arsenal Street, where there is no left turn now and a signalized crosswalk.

Chair asked how this will be integrated to the other signals being added onto Arsenal Street. Giles stated the signals will communicate. They meet several warrants with the heavy traffic from Louise Street. The town steered them towards this design. They have a detailed travel management plan.

Member Ferris stated the presentation was impressive. His concern is the neighbors with backyards closest to the parking garage. He wants to know what the finish is; landscaping, etc. He is also concerned regarding the massing of the mechanical enclosure on the roof.

Chair asked if they have perspectives from the neighborhood to the sight. They showed one perspective of the building from Birch Street but nothing from Birch Street towards the garage.

Chair asked the board to state their questions for the team that they can come back with next month. She wants to see the perspectives of the site from the neighbors on Birch Street; she wants more on the drainage -more civil stuff. Member Flor would like to see the elevations of existing and proposed.

Chair asked the audience for questions.

Paula Halpin, 86 Walnut Street, said one neighbor on Birch Road said that the only thing they will see is the corner of the parking garage. She believes the corner has been angled and asked if it could be rounded more to give him more of a view.

Member Gannon wants to see a vegetation plan.

Mr. Price said he met with the neighbor on Birch and showed them where the building would be located. Member Gannon said these neighbors feel 'burned' by the Gables project.

Lisa Feltner, District B Councilor, said the residents that look down into this project are concerned as well as two homes that will get shadows in their yards. They had two community meetings, which they responded to many concerns. The garage concern is 4 stories with a level for shadow parking. They say this is not going to have an impact is silly. There is a lot of impact and that is why they want to have a new signal at Louise Street. The view of the neighborhood is being boxed in and they want perspectives from all neighborhoods. Building garages creates an incentive to drive to work. She suggests they have a parking cash-out program and separate the parking from the building lease. Traffic is getting worse and cut-through is getting worse and there is no incentive to not drive. She said the history of the Doble project showed that Walnut Street should have been an emergency access only. She believes they are sending mixed signals with the garage parking.

Chair said there is no reduction in traffic on Walnut – they may have another opening but they have doubled the traffic.

Councilor Feltner is glad they are looking at over-night parking for residents. They appreciate the open space but they do not have a landscape architect to review these projects – some in the past are not

working out well now. She asked what the landscaping will really look like in relationship to the loading dock, etc. She added the solar review, as well.

Chair stated they can have a peer review, if necessary.

Dennis Duff, 33 Spruce Street said he met with the landscape architect and the present plan is as good as it gets for the ADA. He likes the work of the landscape architect.

Paula Halpin said there is a project for configuring the traffic and she wants the parking to stay on both sides of the street to help with the calming of the traffic.

Mr. Schreiber said they will keep the parking on both sides and add a couple of pedestrian crosswalks.

Dennis Duff said there is a sign that says, 'no trespassing' but he'd like for the park to be open to the public in perpetuity.

Member Ferris said the park is an asset and many comments are about the visibility of the garage. It would be helpful to show images of what the garage might be. The coloration should be something that blends with the neighborhood.

Member Gannon said this will be on the agenda earlier next time.

Chair asked for a motion to continue to January.

Member Donato motioned to continue; Member Flor seconded. Members Donato, Flor, SantucciRozzi, Ferris and Gannon voted in the affirmative to continue to January. Voted 5-0. (Brangwynne not voting).

Member Gannon thanked everyone and stated it was a pleasure serving on the board.

Chair asked for a motion to adjourn.

Member Gannon motioned to adjourn. Member Brangwynne seconded. 5-0 adjourned at 11:26 pm