



TOWN OF WATERTOWN
Zoning Board of Appeals
Administration Building
149 Main Street
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MINUTES

On Wednesday evening, September 23rd, 2020 at 7:00 p.m. the Zoning Board of Appeals held a public hearing in accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20. Due to the 2020 Covid-19 emergency and to avoid group congregation, the meeting included remote access with public participation through WCA TV (Watertown Cable Access Television) and during the meeting, utilizing virtual meeting software for remote access.

In attendance: Melissa M. SantucciRozzi, *Chair*; Christopher Heep, *Member*; Kelly Donato, *Member*; David Ferris, *Member*; Michael Brangwynne, *Alternate Member*; also Present Mike Mena, *Zoning Enforcement Officer*; Gideon Schreiber, *Senior Planner*; Larry Field, *Senior Planner*; Joshua Manion, *Zoning Division Clerk*

Chair SantucciRozzi opened the meeting, welcomed the Board Members and staff as well as members of the public. The Chair then provided instruction of how the meeting would be conducted given the meeting was being held virtually, and outlined different opportunities for the public to participate in deliberations. The Chair introduced the Members in attendance, Members Ferris, Donato, Heep, and alternate Member Brangwynne; and noted that as Member Brangwynne was absent for the previous meeting, he would not be able to participate in discussion of the 55 Philips St. case. Because only four (4) Board Members were present when this case (ZBA-2020-11) was initially heard, a unanimous decision must be reached in order to grant approval.

The Chair then briefly outlined the Agenda for this meeting, and the "mic" was then given to the Town's Senior Planner to go over participation procedures for members of the public, and general functionality of the virtual meeting format.

Item #1: Approval of Minutes

Member Donato made a motion to approve the May 22nd meeting minutes, motion was seconded by Member Heep. Motion to approve the Minutes was approved by roll call vote (4-0) with Members Donato, Heep, Brangwynne, and Chair SantucciRozzi voting in favor.

Member Donato made a motion to approve the August 26th meeting minutes, motion was seconded by Member Heep. Motion to approve the Minutes was approved by roll call vote (3-0*), with Members Donato, Heep, and Chair SantucciRozzi voting in favor. Member Brangwynne was unable to vote on this motion due to his absence from the August 26th meeting. Member Ferris was absent for this vote.

Item #2: 19 Loomis Ave.

Chair SantucciRozzi read the legal notice for the application for 19 Loomis Ave.

Arthur Harutunyan, owner 19 Loomis Ave., requests the Zoning Board of Appeals grant a Special Permit under Sec. 5.04 (r) of Watertown's Zoning Ordinance to allow a Floor Area Ratio (FAR) of 0.5632 on a lot of 5,175 sq. ft. for the construction of a new two-family dwelling.

Attorney Ken Leitner and the architect Norman Kherlop presented the petition on behalf of the applicants.

Attorney Leitner began by giving an overview of the application, and noted that the relief sought is for the creation of a Floor-Area Ratio (FAR) greater than .5 allowed by the Town's Zoning Ordinance.

Mr. Leitner drew attention to several features of the proposed design, and that the general design was created with the intent of narrowing the profile of the building to allow space to create two driveways that are in compliance with the Zoning Ordinance. Additionally, Mr. Leitner noted that all living space in the house would be confined to two floors, with the attic space not used. The floor plan was designed to provide a three-bedroom space close to the center of Town.

After the close of the applicant's presentation, the Chair turned over discussion to the Board Members for questions. Member Heep asked about the proposed driveways, noting that one of them does not show a 4' buffer mandated by the Ordinance. The applicant's team pointed out that the plan Member Heep was reviewing was not the updated plan, and the new plan reflects the required buffer. Member Donato questioned elements of the plan regarding the air conditioning unit and compressor. Member Brangwynne asked for more specific information about the attic and its intended use; Mr. Leitner stated that the attic was only accessible via pull-down stairs, and is only intended to be used as storage space.

Member Ferris requested that the roof framing plan be shown on the screen, as during his review of the plans ahead of the meeting he saw some issues that would need to be rectified. The plan shown during the meeting was revised, and had addressed his original concern. Member Ferris then pointed out that the roof line, and roof intersection in particular, is very unique. The gable on the left-hand side of the building would have a 2-3' overhang as shown on the plans, and this condition is very unlike the rest of the house. Member Ferris stated that he would not be in favor of this proposal based on how unusual this element of the design is.

Attorney Leitner introduced the architect, Norman Kherlop, to explain this feature and the roof framing design more generally. Mr. Kherlop explained that the purpose of the gable is to break up the massing of the building, and create a more pleasing aesthetic for the roof line. Member Ferris said this doesn't really explain why the overhang is so pronounced, and that the peculiarity of this element is a significant concern. Mr. Kherlop disagreed with this assessment, asserting that it is just a normal feature of the gable. Member Ferris pointed out that while that may be true, gables are typically found at the end of the house, not in the middle, which is what creates the peculiar effect. Mr. Kherlop explained that the gable is located at the intersection of the two units, and is intended to demarcate the units and break up the roof line.

Member Ferris asked to review the roof overhang distances on various points around the house, and suggested that the rake along different places of the house be more alike to each other. Member Ferris

reiterated that the 3' overhang created by the gable is just significantly different than that of the rest of the house, and would like to see that revised. Mr. Kherlop agreed to revising this portion of the plans. Member Ferris also raised questions about the basement, as it is shown with large windows, and he wanted to know what the intended use of the basement is.

Chair SantucciRozzi raised similar concerns about the basement, as well as the general design and profile of the house. The Chair described the "mushroom-like" design of the house as being rather odd, and that taken with the unusual overhang created by the gable and the taller than normal basement, this proposal presents significant design concerns. The Chair added that this house would be entirely new construction, and asked why the applicant couldn't have designed a proposal that meets all zoning requirements.

Mr. Kherlop addressed a few of the issues raised by the chair, stating that the basement ceiling is 8'2", for a total basement height of 9'2", which he does not feel is particularly tall. Mr. Kherlop stated that the height of the basement account for duct work and plumbing lines that will take up space. The Chair then noted that between the side doors to the basement, large windows, and general height of the basement, the entire building feels more like a three-story building than a two-story house with a basement. Mr. Kherlop explained that the side doors to the basement are required egress to meet building code. Additionally, Mr. Kherlop stated that the attic space is smaller than it appears on the plans, and that there would only be room to stand right in the center of the attic.

The Chair moved discussion to the general design of the house, reiterating that the design is different than other houses on the street in question. Chair asks if there is a reason for the particularly long and narrow design, Mr. Kherlop pointed to FAR requirements and the desire to have two driveways that both conformed to setback requirements as the main reasoning for the design. Member Ferris and Member Heep both voiced agreement that the house looks like a three-story building with how much of the basement is exposed. The Chair and Member Ferris then pointed out some concerns with the landscaping plan; that the front unit does not have much in the way of yard access, and that some of the windows will be obstructed by landscaping.

Mr. Leitner addressed the Board, and asked for a continuance so that the applicant's team could have time to revise the plans to address the concerns raised by the Board, specifically: the gable at the intersection of the two units, and the accompanying overhang; the height of the basement and the large size of the basement windows; the yard allocation/access between the front and rear yard; and the "mushroom" or "podium" design of the house that is inconsistent with the surrounding neighborhood.

The Chair first moved the meeting into the public discussion phase, but with no members of the public present, she allowed the meeting to move into the business phase.

Member Ferris moved for this petition to be continued to the October hearing. Member Heep seconded the motion. Motion passed by roll call vote (5-0) with Members Ferris, Heep, Brangwynne, Donato, and Chair SantucciRozzi voting in favor. Petition continued to October.

Item #3: 102 Hillside Rd.

Chair opened discussion for the case regarding 102 Hillside Rd, Chair SantucciRozzi read the legal notice:

*"Toros Vosbigian, owner 100 – 102 Hillside Rd., requests the Zoning Board of Appeals grant a **Special Permit Finding** in accordance with Watertown Zoning Ordinance, §4.06(a) for relief from §5.04 (Table of Dimensional Regulations) to increase non-conforming Floor Area Ratio (FAR) by adding stairs and improving an existing attic. Located in the "T" Two-family Zoning District. ZBA-2020-07"*

The Chair introduced the owner, Toros Vosbigian, to present his petition. Mr. Vosbigian began by providing a short explanation of why they are undertaking this project, and then introduced his architect, Harout Kelian, who would be presenting the details of this proposal.

Mr. Kelian outlined the two chief criteria for this project; one to maximize the usable area inside the house for the family, and two to minimize the impact of the addition to the exterior of the existing house. He then noted a few ways in which they would reconfigure the interior of the house to achieve their aims, pointing out where certain partitions would be removed and how they would add a new bathroom and create a master suite out of the existing attic space. He reiterated that the design was created to minimize the impact of the addition, avoid conflicting with the required setbacks, and maximize the space available to the family. Mr. Kelian also noted that the design was augmented to account for concerns about the head room available for the staircase leading to the proposed master suite.

The Chair turned over discussion to the Board for questions and comments.

Member Donato questioned the applicant about the windows on the side elevation of the proposed dormer. Member Donato noted that the windows are rather small and high up, Mr. Kelian explained the reasoning for this was the desire to provide both natural light and privacy for the owners.

Member Brangwynne pointed out that new siding and roofing is shown on the addition where the dormer is, and wanted to confirm that the applicant would be matching the existing materials, or at least matching the color/style. The applicant responded that while they are not far enough along in the process to confirm that, they do intend on making a direct color match.

Member Heep noted that the Floor Area Ratio (FAR) of the house with the proposed addition would be .856, which is unusually large. Member Heep stated that he does not have any specific concerns with the proposal outside of the high FAR that would be granted if the proposal was approved.

Member Ferris questioned certain elements shown on the front elevation in the proposed plans. Specifically, he noted that the hip line above the new dormer shows the old roof line. Mr. Kelian replied that the old roof line was kept on the plan intentionally to demonstrate where the dormer would interact with the existing roof.

Member Ferris went on to say that the design is a very clever way to create a new hip line on the roof and add space to the house. Member Ferris stated that based on the elevations, the addition would not be prominent from the ground. He did raise questions about the railing materials used on the different porches; Mr. Kelian addressed this question by saying that the siding and railings will be uniform, but again they are not far enough along in the process to say what materials specifically would be used. Member Ferris thanked him for the thoroughness of the design, and again stated that he thinks the design is both unobtrusive and is a very clever way to add space.

Chair SantucciRozzi questioned the general design of the proposed dormer, asking why it was raised up further than the roof line. Mr. Kelian answered this by saying that the dormer is raised to accommodate a door that leads to a balcony, a feature that provides both egress from the proposed room and was requested by the homeowners for their own use. The Chair asked if there was any way to make the dormer smaller, as she felt that as depicted the dormer changes the appearance of the roof line too much. The Chair and Mr. Kelian continued deliberating about the need for the proposed balcony, Mr. Kelian stated that the dormer would need to be high regardless to create the necessary headroom for

the stairs leading to the proposed master suite. The Chair reiterated her concern that the dormer and balcony as is creates a visual massing issue from her perspective.

Member Ferris drew attention to another house on the street that has a similar element to this proposal, but he feels that this proposal is a less imposing and more aesthetically pleasing design than the one up the street. The Chair acknowledged this, but still felt that the dormer should be smaller, and that this concern taken together with the high FAR being requested and Member Donato's comments about the windows for the proposed addition create problems that the applicant should revise before this petition could be approved.

Chair SantucciRozzi opened discussion to the public, however no members of the public commented on this petition.

Member Ferris motioned to continue this petition. Motion Seconded by Member Heep. Motion to continue was passed by roll call vote (5-0), with Members Donato, Brangwynne, Heep, Ferris, and Chair SantucciRozzi voting in favor. Petition continued to the October hearing.

Item #4: 55 Phillips St.

Member Brangwynne recused himself from this hearing, as he was not present for the original deliberations on this petition. Chair called on the applicant for 55 Phillips St., this petition was continued from the August Zoning Board meeting. Member Ferris read the legal notice:

*Ronald Goode II, owner 55 Phillips St., requests the Zoning Board of Appeals grant a **Special Permit** in accordance with Watertown Zoning Ordinance §5.01 to convert a single-family dwelling to a two-family dwelling. Located in the "SC" Single Family Conversion Zoning District. ZBA-2020-10*

Before allowing the applicant to present his petition, the Chair voiced her displeasure with the applicant for submitting revised materials so close to the hearing date, as the Board Members did not have much time to review the updated materials. Mr. Goode, the applicant, apologized and explained that he was trying to incorporate all of the Board's previous recommendations and take the neighborhood's concerns into consideration.

Mr. Goode then presented his revised plans, noting some of the main issues the Board raised had been addressed. Specifically, he noted the addition of a window on the right (North) elevation; an improved entrance to the rear unit; adjusted fencing and clearer demarcation of the two units' yards.

Mr. Goode addressed one of the more significant issues raised during the August hearing, that it did not appear that there was enough space on the left side of the property to incorporate the required 4' landscaped buffer between the driveway and the property line. Mr. Goode had a surveyor come out to the property, who confirmed the Chair's concern that there was not enough space for the required buffer. Mr. Goode claimed to have addressed this issue with the revised plans, but was open to the Board's recommendations.

The Chair thanked the applicant, and opened discussion to the Board.

Member Heep asked a question about the material used for the driveway, Mr. Goode described the material used and explained the cobbled feature he is proposing.

Member Donato thanked the applicant for his work in bringing the proposed plans into alignment with the Board's concerns. She then raised a letter submitted by the rear abutting neighbor, Mr. John Nicoloro, who asserts that the survey done for the applicant is incorrect, and that the rear fence for 55 Phillips St. is on his property. Mr. Goode claimed that this issue was not relevant to his proposal, but that the fence is on his property regardless and that he and Mr. Nicoloro have had multiple discussions about this fence in the past, and that they could come to an agreement on this issue separately.

Member Ferris raised concerns about the fencing on the left side of the property, and discussed with the applicant what type of fencing would be most appropriate. Discussion turned to the placement of the left-side boundary fence, as there was also a retaining wall shown on that side of the property. The applicant explained that he intends for the fence to be built on the low ground near to the retaining wall, and went on to alleviate the Board's concerns about the strength of the fence. The Board also inquired as to how much of an impact the fence would have on the abutting neighbor's driveway, to which the applicant explained that in drawing the plans he placed the fence where it is shown on the plans so as not to obstruct driveway access to 61A Phillips St.

The Chair stepped in to express concern that the proposed fence does not actually run along the applicant's property line, it is stepped in considerably and thus does not fully capture the property or demarcate the two parcels. The applicant noted this, and explained his reasoning as not wanting to infringe on the abutting neighbor's driveway access. The Chair stated that while the Board appreciates this consideration on the part of the applicant, there is concern that the neighbor could potentially drive over the landscaping that the proposal as shown places on the outside of the fence. As the requested Special Permit would run with the property in perpetuity, the Chair wants to ensure that no issues come up down the line if new owners come into the picture.

Chair SantucciRozzi then opened up discussion to the public. Mr. John Nicoloro, whose property abuts 55 Phillips St. to the rear, voiced a number of concerns he had with the proposal: the design of the addition does not seem to him to match the surrounding neighborhood, and it seems like it will impose on his house like a large billboard; the addition will raise privacy concerns with the rear unit; the added driveway poses serious accessibility concerns for the resident at 61A Phillips St.; and pointed to a number of concerns the neighborhood had with Mr. Goode's previous project at 49 Phillips St., regarding the heightened flow of traffic and limited street parking availability.

Mr. Paul Moreton also joined the discussion and noted two letters that he had submitted to the Board that outlined the neighborhood's opposition to this project. He reiterated the concerns described in these letters, with the chief concerns being lack of available parking, general density of the street when accounting for the Elon Square apartment development nearby, and that the driveway to 61A Phillips St. would be impeded by this project.

The Chair responded to the public's concerns by stating that the scope of this project would not affect any easements granted to abutting properties, and that the applicant is not seeking any dimensional relief because the design of the project was created with a mind to limit the impact on the neighboring properties.

Chair SantucciRozzi then noted several comments and letters submitted by members of the public: one from the surrounding neighbors in opposition to the project; one from the owner of 61A Phillips St. expressing her concern about driveway access; and one from a City Councilor restating the community's concerns.

The Chair then closed the public discussion portion of the hearing, and recapitulated the scope of the project and relief sought by the applicant. Chair SantucciRozzi listed off conditions that would be imposed on approval of the petition: exterior cladding materials of the addition and existing house will be matching, and color scheme will compliment each other; walkways near the driveways will be of a different material than the driveway; a wayfinding post will be constructed to clearly mark the entrance to the rear unit; the North side driveway will be 11' wide; and landscaping along driveways shall be in compliance with applicable Zoning Ordinances.

Member Ferris motioned to approve this petition. Seconded by Member Heep. Motion passed by roll call vote (4-0), with Members Heep, Donato, Ferris, and Chair SantucciRozzi voting in favor. Special Permit granted with conditions.

Motion to adjourn made by Member Ferris, seconded by Member Donato. Motion to adjourn passed by roll call vote, 4 – 0, with Members Ferris, Donato, Heep, and Chair SantucciRozzi voting in favor.