



TOWN OF WATERTOWN

Board of Appeals

149 Main Street

Watertown, MA 02472

Harry J. Vlachos, Chairman
Melissa M. Santucci, Clerk
Stuart J. Bailey, Member
Deborah Elliot, Member
David Ferris, Alternate
Suneeth P. John, Alternate

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MINUTES

On Wednesday evening, **February 24, 2010** at 7:00 p.m. in the Council Chambers of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Harry J. Vlachos, Chairman; Melissa Santucci, Clerk; Deborah Elliott, Member; David Ferris, Alternate Member; Suneeth P. John, Alternate Member; Steve Magoon, Director, Community Development and Planning; Danielle Fillis, Senior Planner; Louise Civetti, Clerk to BOA.** *Absent: Stuart Bailey, Member; Nancy Scott, Zoning Enforcement Officer.*

This meeting is a rescheduled meeting for February 10, 2010 which was cancelled due to a pending snowstorm.

Chair Vlachos opened the meeting, introduced the board members and staff and swore in the audience.

Chair Vlachos noted that the one pending item on the agenda is under Other Business and is regarding the property at **32 North Beacon Street also known as 71 Arsenal Street**, for United Cerebral Palsy.

David Webster, CFO, United Cerebral Palsy reiterated that their last request to the board for modification to the excavated site was due to the soil beneath the proposed slab being high in organic material and not able to withstand the weight of a two-story building. They are now requesting to construct a basement as the foundation of this two-story structure due to the finding of the organic soil up to a depth of 8-9'. They have excavated the entire lot to this depth and are requesting to build a foundation basement instead of filling the area in with the new clean, structurally compacted soil.

Member Elliott asked if they have done a cost analysis for shipping the material in verses actually building a basement.

Ben Rogan, Construction Manager, Highland Development, explained that it is more cost efficient to have a building with foundation walls at a depth of 8-9' with a slab basement than to have a foundation that deep with in fill of compacted soil. It would be an extensive trucking operation to fill in the excavated area with compacted gravel at 10-12" at a time and would take approximately 3 weeks to fill. Their last request was to building those foundation frost walls 4-5' in depth and then using proper fill.

He added that he has spoken to Ken Thompson, Building Inspector and Nancy Scott, Zoning Enforcement Officer and both were prudent on UCP coming back to the board for approval of a

basement. The basement would be 29'-6" wide located 5' in from the side lot line of adjacent Hess gas station property - It follows along No. Beacon Street 67'-8" and cutting back towards Arsenal Street, again 5' in from adjacent side lot line of China Rainbow property – 31'-6". (8' in from No. Beacon Street is the frost wall which is the portion of China Rainbow's wall that is now exposed. They intend to "waterproof" is portion of her building. The approximate 1600 sf proposed basement would not be full height, used only for storage and is not a habitable space – no office space.

Member Ferris asked about the ceiling height and will there be proper venting in the basement. Mr. Rogan stated the height of the basement would be 6'2" with unfinished ceilings. Their architect has gone through the entire plan; however not with a code consultant. They will have sprinklers in the kitchen and attic storage areas only, as these areas are of concern to UCP.

Steve Magoon, Director of Community Development and Planning states that the Building Inspector requests additional venting for the basement.

Chair Vlachos stated that they have received another letter with photos from the abutter with concerns. He asked if they are encroaching onto the abutting property.

Mr. Rogan stated that they are very grateful to Tammy (Young), Owner of China Rainbow for allowing them to access her property to work on UCP and to erect the fence. They have pulled back the building plan and they are no longer on her property. There will be approximately 20" between the buildings, where there had been 5-8". They have offered to re-point the entire side of her building. They will add an exterior membrane for waterproofing purposes. There will also be drainage added to the area. He stated that they sent an agreement to her but it was never returned. There was an area where her asphalt was breaking but they had the excavator back fill the area to address her concern.

Chair Vlachos asked if they received the letter from the Fire Chief instructing them to install sprinklers throughout the entire building. Mr. Rogan said they did receive the letter but it is not required (by code) that they have sprinklers throughout. Mr. Webster said they have addressed the safety issues by having sprinklers in the kitchen and attic and they do not want to risk their desk computers being water damaged when someone burns the toast.

Member Santucci asked if the abutter gave her permission for the hay bails and fence in writing and why they think she then wouldn't sign their agreement. Mr. Rogan said he has attempted to contact her several times but does not receive a response. His on-site construction manager, Wayne handed her the agreement.

No one from the audience spoke and no one represented China Rainbow. Chair Vlachos stated that he did not understand the lack of response from her.

Member Santucci asked that a condition be added for the basement to be used only for storage. She encourages the communication between the abutters and asked for them to reach out to Mrs. Young to satisfy her concerns. They would be nervous if the situation was reversed.

Member Santucci motioned to approve the control documents submitted for the construction of a basement with the conditions discussed. Ms. Elliott seconded. The motion passed with a **favorable vote from the Board of Appeals of 5-0.**