

**Town of Westwood
Zoning Board of Appeals
Carby Street Municipal Office Building
Meeting Minutes – March 21, 2018**

Members Present: David Krumsiek, Chairman, John Lally, David Belcher

Staff Members Present Nora Loughnane, Director of Community & Economic Development

Ch. Krumsiek gave a brief description of the proceedings. All those present for the meeting who anticipated giving testimony were sworn in.

Applications

Address: 178 Alder Road

Petitioner: Tom Kilgarriff

Project: Application for Special Permit pursuant to § 4.3.3.2

Ch. Krumsiek stated that the hearing for this application was continued to this date from a meeting on February 28th, however, one Board member who sat on the Board for the initial hearing session was unable to make tonight's meeting due to weather-related travel concerns. Therefore, he explained, the Board will continue this hearing to a meeting next week so that the original three Board members can complete the hearing and vote on the application.

On a motion by Mr. Lally, which was seconded by Mr. Belcher, it was voted unanimously to continue the public hearing to a meeting on March 28, 2018 beginning at 7:00 pm in the Selectmen's Meeting Room at Town Hall, 580 Washington Street, Westwood, MA.

Address: 420 Providence Highway

Petitioner: Tesla Inc.

Project: Application for Special Permit pursuant to § 4.1.5.8

Ch. Krumsiek read the legal notice into the record. He explained that the Petitioner has requested a special permit to use the property at 420 Providence Highway for motor vehicle sales.

Angie Kraus, Architectural Manger of North America at Tesla, and Diana Tran, Design Manager for the Tesla facility proposed for 420 Providence Highway, described the project. Ms. Kraus provided information about Tesla Inc. and the fully electronic automobiles they produce. She explained that Tesla is proposing to relocate an existing customer sales center from 840 Providence Highway in Dedham to 420 Providence Highway in Westwood. She said that the sales and customer education functions would move to Westwood, while the service function would remain at the Dedham facility.

Ms. Kraus stated that, unlike typical car dealerships, the Tesla facility would not have cars stored on the lot for customers to purchase. All vehicles would be custom-made for their individual buyers. Ms. Kraus explained that customers would come to 420 Providence Highway to learn about Tesla and then order their new vehicles. She explained that each customer's vehicle would then be produced and delivered to the Westwood facility. Customers would be contacted in advance of the delivery date, and would come to the sales facility to take delivery of the vehicle. She noted that the cars would generally remain on site for less than 48 hours before customer pick-up.

Ms. Kraus told the Board members that Tesla would have between 30 and 40 employees in the Westwood facility, which would operate daily. She said Tesla expects an average of 50 customers per day, with peak activity on weekends. She added that she anticipates an average of three vehicle delivery trucks per day, each of which could hold up to 7 vehicles. Ms. Kraus noted that once the Tesla Model 3 vehicles are in full production, they could see up to 5 trucks per day, which would allow for delivery of up to 35 cars per day.

She said that the 200 parking spaces which currently exist on the lot would be more than sufficient to accommodate customer and employee parking, as well as all delivered vehicles, and occasional trade-ins. She explained that trade-ins are not kept at Tesla for resale, but are turned over to auction vendors within 48 hours of receipt.

Mr. Lally asked Ms. Kraus to describe the proposed renovations. Ms. Kraus explained that the building would be renovated inside and out, but that most of the work is fairly minimal. She said that the property was formerly a Porsche and Audi dealership, and said that Tesla's proposed renovations are intended to rebrand the property. Ms. Kraus told the Board that the second floor would see only cosmetic alterations and would be used for offices. She said that more extensive interior work would be done to create the customer areas on the first floor. She said that the building footprint would not be expanded and that exterior work would involve resurfacing the existing metal façade and rebranding.

Mr. Lally asked if Tesla had applied for Planning Board review. Ms. Klaus replied that she was looking for the use approval first and then would apply to the Planning Board as the next step in the permitting process. Mr. Lally noted that the ZBA application included a site plan, but that plan does not show delineation between customer and employee parking spaces and vehicle storage spaces. Ms. Klaus stated that there are no plans to reconfigure the parking lot, and that additional spaces are not needed due to the limited volume of sales and the practice of only holding custom-ordered vehicles for a short duration.

Mr. Belcher asked about sales of energy products. Ms. Klaus said that various energy products, such as solar roof tiles, would be displayed but not actually be sold at this facility. She explained that customers would have an opportunity to learn about these products and to engage with an energy specialist, but that products would not energy products would not be distributed out of this building.

Mr. Lally asked if Tesla would perform vehicle body repair at the Westwood facility, or if that would be done in Dedham. Ms. Klaus replied that body repair would not be done at either location, but would continue to be handled by a third party.

Ch. Krumsiek asked if Tesla would reuse the existing signs. Ms. Kraus said that they would reface the existing signs.

Ms. Loughnane noted that the proposed exterior alterations trigger the requirement for Environmental Impact & Design Review by the Planning Board. Mr. Lally asked Ch. Krumsiek and Mr. Belcher if they would prefer to continue the hearing to allow for the Planning Board review or make the Planning Board's approval a condition of the ZBA special permit. Ch. Krumsiek said that he would prefer to vote on the application tonight and have the ZBA decision incorporate any conditions imposed by the Planning Board. Mr. Belcher agreed.

Ch. Krumsiek opened the hearing to the public for comment. There was no public comment.

Ch. Krumsiek stated that the proposed use appears to be less intensive than the prior Porsche/Audi use. He suggested that the Board impose conditions similar to those imposed in previous motor vehicle sales special permits that were issued for prior dealerships at 420 Providence Highway. Ms. Loughnane provided a copy of a decision dated January 10, 2005 that was issued in response to a Petition from Clair International Inc. for the Porsche and Audi dealerships at this location. Ch. Krumsiek recommended that Ms. Kraus and Ms. Tran review that decision while the Board continues with other agenda items.

Ch. Krumsiek suspended the 420 Providence Highway hearing to await that review.

Address: 45 Carroll Avenue

Petitioner: David Monahan

Project: Application for Special Permit pursuant to § 4.5.3.2.3

Mr. Krumsiek read the legal notice into the record. He explained that the Petitioner wishes to construct a new portico which will extend no more than 4 feet into the side setback

David Monahan presented his petition to the Board. He said that he and his wife bought their home in 2009 and are now looking to expand the home to accommodate their family's space needs. He said that they wish to add a portico/roof overhang over the stair and landing for the side door but found that doing so would trigger the need for a special permit under Section 4.5.3.2.3.

Mr. Lally asked if the Monahans had spoken to their neighbors about the addition. Mr. Monahan said that they had shown the plans to the neighbors on both sides, across the street, and behind their house. He said that none of the neighbors had any objection to the proposed portico/roof overhang. He added that the neighbor on left, Debbie Meincke, said she would attend this meeting and speak in favor of the petition.

Mr. Belcher asked how close the portico would be to the left lot line. Ch. Krumsiek pointed out that the site plan shows that the house is 14.2' feet from the left lot line and the portico could extend no more than 4' from the side wall into the setback. Mr. Monahan said that the stair and landing is approximately 4' wide and 10' long and that the portico/roof overhang would be the same. He explained that the existing stoop is permitted within the setback but that his proposal to cover the stoop triggers the need for the special permit.

Ch. Krumsiek opened the hearing to the public for comment. Hearing none, the Board moved to a motion.

On a motion by Mr. Lally, which was seconded by Mr. Belcher, it was voted unanimously to grant the Special Permit pursuant to Section 4.5.3.2.3.

Address: 39 Buckmaster Road

Petitioner: Charles and Lisa Goodman

Project: Application for Special Permit pursuant to § 4.5.3.2.2 and Variance under § 4.5.3.3

Ch. Krumsiek read the legal notice into the record. He explained that the Petitioners wish to construct an addition that would vertically extend existing walls which are within the side and front setbacks. He said that doing so requires a special permit. Ch. Krumsiek noted that the Petitioners are also requesting a variance to demolish an existing garage and construct a new garage within the side and rear setbacks.

Charles and Lisa Goodman explained their request. Mr. Goodman began by presenting a letter of support from the neighbor across the street. Ch. Krumsiek noted that there were other letters of support in the file. Mr. Goodman said that the abutters on both sides and in the rear had previously submitted their letters of support. Mr. Goodman said that he and his wife purchased their home in 2005. He said that they are now looking to expand the home to provide additional room for their family. He said the proposed addition will add space to rear of the house and also increase the building height from 20' to 25'.

Ch. Krumsiek asked Mr. Goodman to explain the garage portion of the project. He noted that the special permit relief and the variance relief have different standards, and that the Petitioners must show hardship to qualify for a variance. Mr. Goodman told the Board that the property contains a small garage which was built in 1937. He said that the garage is in very poor shape and cannot accommodate their vehicle. He said that the structure needs to be demolished and replaced, and that he and his wife would like to modestly increase the width of the garage to accommodate their current vehicle. Ms. Goodman noted that the new garage would not go further into the setbacks than the old garage. He said that the new garage would be approximately two feet wider than the existing garage.

Ch. Krumsiek asked the Petitioners to explain the hardship to the Board. Mrs. Goodman said that the size and shape of the lot would meet the hardship standard. She said the lot is non-conforming and is just over 6,000 SF in area. She added that complying with the minimum setback requirements would place the new garage in the middle of the backyard and would make it very difficult to turn into the garage from the driveway. She said that she would hit the house when trying to make the tight right angle turn into or out of the garage.

Ch. Krumsiek stated that he believes the Goodman's lot is similar in size and shape to other lots in the neighborhood. He said that he believes the hardship comes in the shape and topography of the structures, because the location and configuration of the house prevents the construction of a conforming garage. He explained that if a new garage was constructed 15' from the side lot line, it would take up the majority of the rear yard and would be too close to the house to allow for safe maneuvering of a car into the garage.

Ms. Loughnane noted that the Petitioners could meet the minimum rear setback by moving the new garage only 11 inches forward to increase the setback from 5.1' to 6'. She said that moving the garage forward so that it is 6' from the rear lot line would make the garage conform to the rear setback requirement, but a variance would still be needed to allow the new garage to be 3' from the side line where 15' is required.

The Board members agreed that there was no hardship to support a variance of the rear setback requirement, but there was hardship to support a variance of the side yard setback requirement. Mr. Goodman said that they would locate the new garage with a 6' rear setback so that a variance was only needed for the side setback requirement.

Ch. Krumsiek opened the hearing to the public for comment. Hearing none, the Board moved to a motion.

On a motion by Mr. Lally, which was seconded by Mr. Belcher, it was voted unanimously to grant the Special Permit pursuant to Section 4.3.3.2 and to grant a variance in accordance with Section 4.5.3.3 with the following condition: That the new detached garage shall be located a minimum of 6' from the rear lot line and 3' from the side lot line, such that the Subject Property shall be fully compliant with the minimum rear yard setback requirements for both the residential structure and the garage.

Address: 420 Providence Highway

Petitioner: Tesla Inc.

Project: Application for Special Permit pursuant to § 4.1.5.8

Ch. Krumsiek reopened the hearing. He asked Ms. Kraus if she had reviewed the conditions from the previous motor vehicle sales special permit and if she had any comments or concerns. Ms. Kraus said that she had reviewed the decision conditions and had questions about two conditions - #18 and #20.

Ms. Klaus read condition #18, which refers to an area designated "Display Parking" on a plan attached to the decision. She said that Tesla was not planning to use that plan because they will not have vehicles for sale on the lot. She said that all vehicles would be custom-ordered. Ch. Krumsiek noted that the condition could be reworded to reference the storage of custom-ordered cars as shown on a revised site plan to be approved by the Planning Board. Ms. Loughnane noted that a condition of the ZBA decision could require the submission of a revised site plan following completion of the Planning Board's EIDR Approval.

Ms. Klaus read Condition #20, which addresses Claire's intentions with regard to other dealerships in Westwood. He said that Tesla would not expect to open another facility in Westwood. The Board members agreed that Condition #20 from the Clair decision would not apply to Tesla.

On a motion by Mr. Lally, which was seconded by Mr. Belcher, it was voted unanimously to grant the Special Permit pursuant to Section 4.1.5.8 with conditions similar to those imposed on previous special permits for motor vehicle sales at the same location, excluding Conditions #18 and #20, and with a condition incorporating relevant provisions of the Planning Board's EIDR Approval decision and of an Order of Conditioner issued by the Conservation Commission, if any.

Public Hearing

Petitioner: Zoning Board of Appeals

Project: Proposed Revision of Administrative Rules & Regulations of the Zoning Board of Appeals

Ch. Krumsiek asked if Board members had reviewed the draft amendments. Mr. Belcher replied that he had provided comments to Ms. Bouchard. Ms. Loughnane said that she would provide copies of Mr. Belcher's proposed revisions for discussion at the next regular ZBA meeting on April 25th.

On a motion by Mr. Lally which was seconded by Mr. Belcher, it was voted unanimously to continue the public hearing to a regularly scheduled meeting on April 25, 2018 beginning at 7:00 pm in the Selectmen's Meeting Room at Town Hall, 580 High Street, Westwood, MA.

Vote to Approve Minutes

On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to approve the minutes for the meeting held on February 28, 2018.

Vote to Adjourn

On a motion by Mr. Belcher which was seconded by Mr. Lally, it was voted unanimously to adjourn the meeting.

The hearing adjourned at 8:03 PM.

List of Documents:

420 Providence Highway

- Zoning Board application; plans, photographs and associated attachments

45 Carroll Avenue

- Zoning Board application; plans, photographs and associated attachments

39 Buckmaster Road

- Zoning Board application; plans, photographs and associated attachments

ZBA Rules & Regulations

- Draft document; associated attachments