

**Town of Westwood
Zoning Board of Appeals
Champagne Meeting Room, Carby Street Municipal Building
Meeting Minutes – June 20, 2018**

Members Present: David Belcher, Acting Chair, Charles Reilly, Gregory Donovan

Staff Members Present: Sarah Bouchard, Housing & Zoning Agent; Nora Loughnane, Director of Community & Economic Development

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

Applications

Address: 231 Farm Lane

Petitioner: Martha Burk

Project: Application for Special Permit under § 8.5 and § 4.3.3.12 and Variance under § 8.5.6.3

Mr. Belcher read the legal notice into the record and presented a request for continuance submitted by the applicant. Ms. Loughnane confirmed that a request for continuance had been received by the Board.

On a motion by Mr. Reilly which was seconded by Mr. Donovan, it was voted unanimously to continue the hearing for 231 Farm Lane to July 18, 2018 at 7 pm in the Champagne Meeting Room at Carby Street.

Address: 315 University Avenue

Petitioner: Tristan Medical Enterprises PC

Project: Application for Special Permit under § 4.1.5.23

Mr. Belcher read the legal notice into the record.

Ms. Loughnane described the proceedings of the May 16 meeting, where the applicant had been granted relief at that time. Due to an error in notification of abutters, the application must receive a brand new hearing. Mr. Belcher concurred. Mr. Ryan Meltzer, representing the applicant, introduced the proposal for a special permit to use the property as a medical center or clinic. He described the building as large enough for the proposed use, and stated that the district can accommodate the traffic and operation of a medical practice.

Mr. Belcher asked if there was a ground lease for the whole building. Mr. Meltzer confirmed that their intention is to sublease to other medical providers in the building.

Mr. Donovan asked if similar buildings in the area operated under the Medical Center or Clinic use. Ms. Loughnane confirmed that there were.

Mr. Belcher opened the hearing to the public for comment. Hearing none, the Board moved to a vote.

On a motion by Mr. Donovan which was seconded by Mr. Reilly, it was voted unanimously to approve a Special Permit under Section 4.1.5.23 for 315 University Avenue to operate as a Medical Center or Clinic.

Address: 60-90 Glacier Drive

Petitioner: AMR Auto Holdings, LLC

Project: Application to amend Special Permit under § 4.1.7.4

Mr. Belcher read the legal notice into the record.

David Mackwell of Kelly Engineering Group introduced the team representing the applicants: Joe Rose of Prime Dealerships and Chuck McQuaid as Property Manager. Mr. Mackwell described the need to amend the special permit for vehicle storage as due to a new tenant. He stated that the new tenant will require more parking than the previous tenant, and that the parking allocation has been revised to lower the number of unregistered vehicles to be stored on the property. He stated that the total number of parking spaces remains same and the location of buildings remains the same.

Mr. Belcher asked if the request was to relinquish some of the previously granted relief and Mr. Mackwell confirmed that it was. Mr. Mackwell reviewed the color coding of the maps with the Board.

Mr. Reilly asked about the new tenant's use. Mr. Mackwell stated that the new tenant is light manufacturing. Ms. Loughnane stated that the new tenant is an existing business relocating within town. Mr. Belcher asked if the matter was before Planning Board. Ms. Loughnane stated that the Planning Board will complete site plan approval.

Mr. Belcher opened the hearing to the public for testimony. Seeing none, the Board moved to a vote.

On a motion by Mr. Reilly which was seconded by Mr. Donovan, it was voted unanimously to grant the requested amendment to the special permit previously granted by the Board to reduce the number of outdoor motor vehicle storage spaces for 60-90 Glacier Drive.

Address: 46 Phillips Brook Road

Petitioner: Amanda & Andrew Fairbanks

Project: Application for Special Permit under § 8.5

Mr. Belcher read the legal notice into the record. Amanda Fairbanks, homeowner, introduced the proposal to construct an accessory apartment. She stated that the apartment would be located in an addition, and the architect for the project had ensured the proposal meets all requirements set forth in the Bylaw. Ms. Fairbanks noted that additional letters of support from abutters have been submitted electronically and entered the originals into the record.

Mr. Donovan asked Ms. Loughnane about the impact on the Town's 40B requirements. She responded that the town is currently in compliance with its 10% affordable housing requirement.

Mr. Belcher described the project as within the setbacks and not requiring additional relief other than the special permit for an accessory apartment use.

Mr. Donovan asked if the project met the surface area coverage requirement. Andrew Fairbanks, homeowner, stated that it does not exceed the maximum.

Mr. Belcher asked if the accessory apartment cap had been met; Ms. Loughnane stated that the total number of accessory apartments in town was well below the maximum as set forth by the Bylaw.

Mr. Belcher opened the hearing to the public for testimony. Michael Walsh, 47 Phillips Brooks Road, spoke in favor of this proposal and how it meets the needs of the family.

Ms. Fairbanks stated that the submitted letters of support were from direct abutters.

On a motion by Mr. Donovan which was seconded by Mr. Reilly, it was voted unanimously to grant a Special Permit under Section 8.5 to construct an accessory apartment at 46 Phillips Brooks Road conditioned upon successful completion of the items requested by the Board of Health.

Address: 52 Westland Avenue

Petitioner: Lisa & Mark Wissmar

Project: Application for Variance under § 4.5.3.3

Mr. Belcher read the legal notice into the record.

Lisa and Mark Wismar, homeowners, introduced the proposal to connect their garage to primary residence, build a covered front porch and a portico on the side of their home.

Mr. Donovan asked what presently exists on the front of the home. Ms. Wissmar described a current stone landing with no porch roof.

Ms. Wissmar described the proposed covered porch as in scale with the home and neighborhood. Ms. Loughnane confirmed that the proposed porch would extend 7.8 feet into the front setback along the entire front of the home, requiring a variance. Mr. Belcher asked if a porch within the dimensional requirements was considered. Ms. Wissmar stated that a less deep porch would not be to scale or work for aesthetic reasons. She stated the lot is small and abutters support the project.

Mr. Belcher described the legal requirements of a variance and his view that the property does not meet the threshold for a uniqueness of size, shape, topography or soil conditions, and that lot size is not unique for that neighborhood. He stated his view that a porch extending no more than 4 feet into the setback, requiring a special permit, might be more appropriate.

Mr. Reilly reaffirmed the legal requirement for hardship and stated his view that the petitioner had not shared a satisfactory argument for hardship before the Board.

Mr. Belcher raised the question of the garage connection and discussed the comments submitted by the Building Commissioner. Ms. Loughnane stated that the garage is an existing accessory structure, and once attached becomes part of the principal residence. She stated that the Building Commissioner feels a special permit for that attachment is not necessary. She stated that a special permit for the porch, if reduced to 4 feet, could include a plan for the attachment and would need to include a finding in that approval that the attachment does not make the property more nonconforming.

Mr. Belcher opened the hearing to the public for testimony. Nancy Ferraro, 5 Hawk Tree Drive, spoke in favor of the project, citing its aesthetic appeal and function.

Hearing no other testimony, the Board discussed its support of a special permit conditioned upon submission of a plan to the Zoning Agent showing a porch that encroaches no further than 4 feet into the front setback. Mr. Belcher affirmed that the Board's finding that attachment of the garage does not make the property more nonconforming.

On a motion by Mr. Donovan which was seconded by Mr. Reilly, it was voted unanimously to grant a special permit under Section 4.5.3.2.3 to construct a porch no more than 4 feet in depth and an attachment of a side porch and roof

connecting to the garage which the Board has made an affirmative finding is not substantial to the current nonconformity. Conditioned upon successful submission of a revised plan submitted and approved by the Zoning Agent reflecting the approved dimensions of the porch.

Public Hearing

Petitioner: Zoning Board of Appeals

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

Ms. Loughnane recommended continuance.

On a motion by Mr. Donovan which was seconded by Mr. Reilly, it was voted unanimously to continue the hearing to a regularly scheduled meeting on August 15, 2018 at 7 pm in the Carby Street Municipal Office Building.

Vote to Adjourn

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

The hearing adjourned at 8:01 PM.

List of Documents:

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| 231 Farm Lane <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments |
| 60-90 Glacier Drive <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments |
| 46 Phillips Brook Road <ul style="list-style-type: none">• Zoning Board applications; plans and associated attachments |
| 315 University Avenue <ul style="list-style-type: none">• Zoning Board applications; plans and associated attachments |
| 52 Westland Avenue <ul style="list-style-type: none">• Zoning Board applications; plans and associated attachments |
| ZBA Rules & Regulations <ul style="list-style-type: none">• Draft document; associated attachments |