

**Town of Westwood  
Zoning Board of Appeals  
Champagne Meeting Room, Carby Street Municipal Building  
Meeting Minutes –August 15, 2018**

**Members Present:** David Krumsiek, Chair, Douglas Stebbins, David Belcher

**Staff Members Present** Sarah Bouchard, Housing & Zoning Agent

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

**Applications**

**Address:** 91 Greenhill Road

**Petitioner:** Linda Tucker

**Project:** Application for Special Permit under § 4.5.3.2.2

Linda Tucker, applicant, introduced the proposal to construct a second story addition on the existing home. She described the renovation as necessary to sell the property, which was purchased as an investment.

Mr. Krumsiek asked about the height of the proposal. Ms. Tucker stated that the home is a ranch with an exposed walkout basement that is street facing. She stated that the kitchen is currently in the basement and the structure is not livable due to water damage and mold.

Mr. Krumsiek inquired about the specific relief needed relative to the side setback. Ms. Bouchard described the zoning relief needed to increase the height in the left side setback.

Mr. Krumsiek opened the hearing to the public for comment and solicited comment from the direct abutter on the affected side.

Richard White, 99 Greenhill Road, stated his opposition to the proposal, citing concerns regarding the elevation and finished height of the structure. He also stated concern about the scale of a proposed garage, concerns about noise relative to blasting potential ledge during construction and questioned the proximity of a deck to the rear setback.

Greg Buckley, 41 Millbrook, asked for clarification about the special permit for the extension. Ms. Bouchard stated that the zoning relief required for the proposal is limited to the vertical extension of the structure in the left side setback.

Mr. Belcher asked if the proposal was below the 25 average feet in height maximum established in the Bylaw.

Bob Keach, builder, described the existing home as built into grade and stated that the overall height met the maximum height requirements.

Mr. Krumsiek asked if Mr. White's property is elevated above the subject property. Mr. White stated that his roof is potentially 4 feet taller and that he takes issue with the height as proposed.

Kevin McManus, 51 Millbrook, stated his opposition to the proposal as a direct abutter on the right hand side. He disputed characterization of the existing lower level as a basement, as it was previously used as living space.

Ms. Tucker stated that as a realtor, from an appraisal standpoint the first floor would be considered a basement because 2/3 is underground.

Ellen Rollings, 86 Greenhill Road, stated her opposition to the project, citing concerns over proposed height and scale relative to the direct abutters and neighborhood.

Mr. Krumsiek asked how much square footage would be increased. Ms. Tucker replied that an extra 855 sq. ft. is proposed. It is currently at 1300 sq. ft.

Mr. Krumsiek asked if other options have been considered. Ms. Tucker responded that the only other option would be to build back, but that would require tree removal, which they were hoping to avoid. She thought a long narrow structure would be less appealing than the current design, which will add to the value of the neighborhood.

Mr. Krumsiek asked if she had discussed plans with abutters. Ms. Tucker stated that she mailed them out.

Mr. Buckley stated his concern that the proposal will block sunlight for Mr. White's home.

Mr. McManus further stated his opposition to the proposal, citing a history of dispute regarding the shared lot line and discrepancies between previously drafted and current circulated certified land surveys.

Mr. Belcher stated that the survey submitted to the ZBA in its official application is the one considered by the board, but acknowledged the unease felt by abutters if there was a discrepancy in the plan distributed directly to neighbors. He stated that the setback issue would still be preserved, with the lot line shared with Mr. McManus intact.

Mr. McManus stated his concern that due to elevation and grade, the proposed structure would result in a loss of privacy his property.

Louis Belezos, 98 Greenhill Road, asked what the side yard setback is. Mr. Belcher responded that the setback is 15 feet if the structure is less than 15 feet in height. If over that height, the setback is 20 feet.

Mr. Belezos stated his opinion that the proposed structure would look massive from a street view.

Mr. Krumsiek closed the hearing to the public for comment.

Mr. Krumsiek stated that the current structure is a visual nuisance to the neighborhood, and denying the proposal on the basis of neighborhood character and aesthetics carries the risk that the structure won't be improved. He stated his opinion that the proposed structure would be out of scale with the neighborhood. Mr. Krumsiek suggested that the applicant withdraw the petition and return with a new design that improves the property and reflects cooperation with the neighbors. Ms. Tucker indicated that she did not wish to withdraw the application.

Mr. Belcher agreed and stated that the proposed structure would be out of scale with the neighborhood.

Mr. Stebbins stated that the discrepancies in the plans caused him some concern, and felt he could better review the plans with confirmed measurements.

The Board moved to a vote.

*On a motion by Mr. Belcher which was seconded by Mr. Stebbins, it was voted unanimously to deny a special permit for 91 Greenhill Road under Section 4.5.3.2.2.*

**Address: 29 Old Stone Road**

**Petitioner: John Ruminski**

**Project:** Application for Variance under § 10.4 and 5.2.3

Mr. Krumsiek read the legal notice into the record.

John Ruminski, homeowner, introduced the proposal to construct a deck on the rear of his home. He described the lot as irregularly shaped, requiring the deck to be placed in the rear setback.

Mr. Krumsiek described the first statutory requirement of a variance as a uniqueness relating to the lot or structures, and stated his opinion that the lot shape qualified.

Mr. Krumsiek opened the hearing to the public for comment.

Julia Brett, 137 Cedar Lane, stated her objection to the proposal. She stated her opinion that the deck was not a hardship or necessity.

Mr. Ruminski stated that if he were to place the deck on the left side of the existing structure, which would comply with the bylaw, access would be compromised due to the placement of a fireplace on that side of the house.

Ms. Brett stated her concern that conservation land abuts the rear setback and her belief that the deck should be placed where it could be built by right.

Mr. Ruminski stated that a deck on the side of the house would not afford his family any privacy.

Ms. Brett stated that the proposed deck would violate her privacy.

Mr. Krumsiek asked Ms. Brett to identify where her residence was located in proximity to the subject property.

Ms. Brett identified her property as adjacent on the portion of the rear lot line further from the proposed deck. She cited her concerns about privacy, noise, and decreased value.

Mr. Ruminski stated that the alternative to the deck would be a patio, which would be by right and result in the same effect. He characterized his proposal as not violating the purpose or intent of the bylaws.

Mr. Krumsiek described the differences between variances and special permits. He stated that the first requirement of uniqueness was met due to the strange and unique shape of the lot. He stated that he felt another statutory requirement was met in that the proposal would not substantially derogate from the bylaw or public good. He asked the applicant to respond to the other statutory requirement. He asked if literal enforcement would result in substantial hardship.

Mr. Ruminski stated that most other properties in the area have outdoor living space, and not being able to construct the deck would impact the resale value. He stated hardship relative to the possibility of constructing the deck in the left side setback, where there would be no privacy due to the side setback area and exposure to the trailhead at the end of the street into Hale Reservation. He stated that he had discussed his proposal with Hale and they had no objections.

Mr. Belcher asked about the elevation of the property and adjacent Hale property.

Mr. Ruminski described stone walls on the rear perimeter of property and a parallel ridge in Hale's property (to the subject property's rear) with no paths through it. Mr. Ruminski offered to plant extra screening.

Mr. Krumsiek asked Ms. Brett if her property was approximately 140 feet away from the proposed deck.

Ms. Brett stated that the applicant did not demonstrate hardship. She also disputed the use of the cul de sac as an access point for Hale. Mr. Ruminski disagreed.

Mr. Stebbins inquired about the proposed dimensions of the deck. Mr. Ruminski described it as 3 feet high with 2 steps down to grade, a handrail at two access points, and it would run the back of the house excluding the garage.

Mr. Krumsiek asked what room the deck would be accessed from. Mr. Ruminski responded that as proposed, the deck would be accessed from the dining area. He stated that there is no door on the left side of the home, where a deck could be built by right, and that the exterior wall on the left side contains a new air conditioning system, newly installed windows, gas and water lines. He stated that it would involve significantly higher expenses to build the deck on that side.

Mr. Krumsiek closed the hearing to the public for comment and proceeded to discussion.

The Board members agreed that a positive finding could be made for financial hardship based on the significant costs of constructing a deck on the left side of the property. The Board moved to a vote.

*On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to approve a Variance under Sections 10.4 and 5.2.3 for 29 Old Stone Road.*

### **Public Hearing**

**Petitioner: Zoning Board of Appeals**

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

Ms. Bouchard recommended continuance.

*On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to continue the hearing to a regularly scheduled meeting on September 12, 2018 at 7 pm in the EOC/Training Room at the Westwood Police Station.*

### **Other Business**

*With deep gratitude, the Board acknowledged Robert Rossi for his years of devoted service to the Town as a ZBA member, most recently as an associate member, and extended its condolences to his family for their loss.*

### **Vote to Approve Meeting Minutes**

*On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to approve meeting minutes from July 18, 2018.*

### **Vote to Adjourn**

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

The hearing adjourned at 8:41 PM.

### **List of Documents:**

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| 91 Greenhill Road <ul style="list-style-type: none"><li>• Zoning Board application; plans and associated attachments</li></ul> |
| 29 Old Stone Road <ul style="list-style-type: none"><li>• Zoning Board application; plans and associated attachments</li></ul> |
| ZBA Amendment of Administrative Rules & Regulations <ul style="list-style-type: none"><li>• Draft document</li></ul>           |