

**Town of Westwood  
Zoning Board of Appeals  
Carby Street Municipal Office Building  
Meeting Minutes – July 19, 2017**

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

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

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

**Applications**

**Address:** 90 Canton Street

**Petitioner:** Steven Tsegin

**Project:** Application for Special Permit under §8.5

Mr. Krumsiek read the legal notice into the record.

*On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to continue the hearing to September 20, 2017 at 7 pm in Champagne Meeting Room.*

**Address:** 140 Edgewood Road

**Petitioner:** Christie & David Bluhm

**Project:** Application for Special Permit under §4.5.3.2

Mr. Krumsiek read the legal notice into the record.

Christie and David Bluhm, homeowners and applicants introduced their proposal for an addition onto their single family home. They stated they were hoping to expand their small house to fit the needs of their young family. They stated they plan to stay within the existing footprint of the current house to fit the neighborhood. They stated that many homes in the neighborhood are former ranches with similar second story additions. The applicants stated that they have conducted outreach to neighbors.

Mr. Krumsiek asked if immediate neighbors were among those submitting letters of support. Ms. Bluhm confirmed that one submitted a letter and others were supportive when spoken to.

Mr. Krumsiek asked how many additional square feet were proposed. Ms. Bluhm responded that the proposal includes about 1500 additional square feet. Mr. Krumsiek asked if the proposal was under the mandatory maximum height; Mr. and Ms. Bluhm both confirmed that it was.

Mr. Belcher asked for clarification of a shed located on the plot plan. Mr. Bluhm stated that it was drawn on a previous plot plan to be built but it was never constructed and is not proposed at this time.

Mr. Krumsiek opened the hearing to public comment.

Patrick Cummings, 126 Edgewood Road, spoke in support of the application.

Mr. Krumsiek closed the hearing to public comment.

Mr. Stebbins asked Brian Bayer, the architect for the applicants, to describe compliance with maximum average height requirements. Mr. Bayer stated that the dormers do not create any issues with height requirements.

*On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to approve the special permit for 140 Edgewood Drive.*

**Address:** 46 Washington Street

**Petitioner:** WB Realty Trust

**Project:** Application for Special Permit under § 4.1.3.3 and §8.2

Mr. Krumsiek read the legal notice into the record.

Ned Richardson, attorney representing the applicant, introduced the revised proposal. He stated that the new proposal incorporated ZBA comments into revised plans, with a reduction of garage bays from 3 to 2. Mr. Richardson introduced Ruth Wisialko and Al Wisialko, principals of the applicant WB Realty, and Sami Kassis, architect and engineer of the project. Mr. Richardson stated that the applicant believes the proposal meets all specific criteria in the bylaw. He stated that the lot is over 30k square feet in size, above the 16K square feet required in the Bylaw. He argued that under Bylaw Section 8.2, there is no obligation to create appearance of a single family home. Mr. Richardson stated that the proposal would increase value for town, in an appropriate use for the General Residence district and meets all setbacks. Mr. Richardson reported that the applicant has met with the Historical Review Commission and has reduced the no-build period on the barn, which will be a clapboard structure that utilizes repurposed materials from the previous structure. Mr. Richardson stated that the intended tenants will be family of the applicants and represent an improvement to the neighborhood.

Mr. Krumsiek inquired about the continued inclusion of garages between the residential structures on the plans. Mr. Richardson responded that Section 8.1, which would require a property to maintain the appearance of a single family home, only applies to Single Residence Districts, and that is why it does not apply to this property. Mr. Richardson further stated that the number of garage bays was reduced, but there is no requirement for aesthetics and/or design written into the bylaw.

Mr. Belcher stated that the Special Permit finding allows for aesthetic consideration. Mr. Richardson argued that there are no defined criteria in the Bylaw for the ZBA to apply, which could allow the ZBA could deny anything on the basis of aesthetics.

Mr. Belcher stated that he feels the revised plans do not address concerns regarding appearance of the connecting garages even with an overall reduction of garage bays.

Mr. Stebbins stated that the plans reflect two single-family residences connected by garages, and might look like two single family residences from the street.

Mr. Richardson stated that there is no obligation under the Bylaw to create the appearance of a single family home.

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

Kevin Chase, 52 Washington Street, spoke in opposition to the proposal, citing concerns about potential commercial use of the barn and property.

Philip Gorman, 66 Loring Street, spoke in support of the proposal, citing overall improvement over the current structure.

Ruth Wisialko, homeowner, spoke in support of her application. She stated that the design is ideal for family use and reflects the lay of the land, which is narrow but long to the back. Ms. Wisialko stated that the current design allows for three sides of daylight in each residence. She stated that she had installed a 6 foot fence around entire property to minimize view for neighbors, and that the HRC had agreed that the view of the property from abutters was minimal. She showed photos taken from various vantage points on the property and from the street.

Mr. Belcher asked Ms. Wisialko if the house was currently occupied. Ms. Wisialko responded no.

Mr. Richardson stated that there is no question that the property will be residential. He stated that Westwood's bylaw allows for home occupations but not commercial business on that property, and only uses of right will be pursued.

Joe Previtera, 16 Dean St, spoke in support of the proposal, citing the two family's appropriate placement in the district and the overall positive impact on the town.

John Fox, 17 Loring Street, spoke in opposition to the proposal, citing concern about the size of the additional barn and potential commercial use.

Mr. Richardson stated that the barn may be built by right and does not require relief.

Mr. Belcher recalled that the barn was under consideration when the proposal was over its maximum vehicle storage and thus required zoning relief. Mr. Richardson agreed.

Ms. Bouchard confirmed that due to the reduction in garage bays from the last proposal, the current proposal no longer requires zoning relief for vehicle storage as it now conforms to the Bylaw for parking requirements. It is only before the ZBA for a special permit for the two family use.

Brenda Frazier, 25 Lull Street, stated her opposition to the project, citing concern over potential commercial uses, visibility from her property, and overall incongruence with neighboring properties.

Mr. Krumsiek inquired about the barn's purpose. Ms. Wisialko responded that it was intended for storage.

Mr. Richardson submitted a site plan of the neighborhood, showing that the property was a substantial size and originally comprised of 5 lots on a subdivision.

Ms. Wisialko stated that the lot is narrow and long without flexibility to place the garages elsewhere.

Mr. Stebbins stated that the lot shape may preclude use as a two family as currently designed. Ms. Wisialko argued that the lot shape allows for a two family as proposed and that she feels the design works for her family's purposes.

Mr. Belcher noted the Bylaws protection against commercial uses by homeowners and that abutters can request zoning enforcement against any violation. He expressed his belief that the barn is permitted by right and not the subject of any requested zoning relief. He stated that he believes that the design is flawed, however, with an uneven roofline that does not tie into the other design elements of the two family residence.

Ed Musto, 36 Blue Hill Drive, spoke in support of the proposal, citing the financial burden on applicants to design a two family that resembles a single family, and an overall defense of the current design.

Mr. Krumsiek stated his concern about the barn's size and proposed a height limitation. Mr. Richardson objected to this proposal. Mr. Krumsiek stated that special permit could be conditioned as the ZBA saw fit.

Sarah Larch, 14 Loring Street, spoke in opposition to the proposal, citing concern regarding the size and visibility of both the residences and barn from adjacent properties.

Ms. Wisialko stated that the proposed structures do not increase the present structural heights significantly.

Diane Gorman, 66 Loring Street, spoke in opposition to the proposal, citing concerns about potential noise and commercial operation from the property.

Jim O Sullivan, 64 Dean Street, spoke in support of the proposal, citing a favorable design that fit into Islington's character respective to building diversity and garages with storage, and its positive impact as a way for a family to be able to stay in Westwood.

Michael Hunter, 20 Loring Street, spoke in opposition to the proposal, citing concern over the proposed barn's size and potential use.

Mr. Musto stated that barns are allowable for many uses and the proposed barn is already subject to height limitations in the Bylaw. He also addressed the garages in the residential structure, stating that they provide a buffer between residences that can protect residences against catastrophic circumstances.

Mr. Chase stated that the revisions to the plans do not address neighbor concerns regarding potential uses.

Mr. Krumsiek stated that due to the density of the surrounding neighborhood, it is reasonable to be concerned regarding additional height of new structures. He stated his interest in imposing a height limitation on garage.

Mr. Wisialko showed the ZBA the proposed plan and noted that the proposed barn is a maximum of 28 feet high, where the existing barn is 45 feet in height.

Mr. Belcher recommended that the applicant ensure the average height of the barn meets bylaw requirements.

Mr. Musto noted the difference between lot size of neighboring homes and the subject property, with Lull Street lots approximating 5k square feet and 46 Washington nearly six times larger at 30K square feet. He stated that the proposal is in conformity with the bylaw.

Mr. Stebbins recommended that the applicant submit a complete redesign of the proposal to be consistent with the neighborhood.

Mr. Krumsiek recommended a redesign without the "barbell" design of the structure.

*On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to continue the application to September 20, 2017 in the Champagne Meeting Room at 50 Carby Street at 7 pm.*

**Address: 18 Buckmaster Street**

**Petitioner: Joy Colby**

**Project: Application for Variance under §5.0**

Mr. Krumsiek read the legal notice into the record.

Mr. Krumsiek summarized previous proceedings and stated that the continuance was to allow the ZBA to determine whether the pool qualified as structure that would qualify applicants to receive zoning relief. He stated that the Building Commissioner, Town Counsel, and his own research determined that a pool is a structure. Mr. Krumsiek concluded that the applicant's lot is tight with the pool and literal enforcement of the bylaw would not allow for anywhere to place the shed. He stated that the application meets the threshold requirements for a variance. Mr. Krumsiek asked the petitioner if the dispute was precipitated from a loss of screening.

Joy Colby, the petitioner, stated that they had trimmed a tree belonging to the Cuozzos that was hanging over the fence. Chris Colby, 18 Buckmaster Street, stated the tree was trimmed because it was presenting a safety and property damage hazard.

Mr. Krumsiek explained that he is interested in placing a condition that could satisfy concerns of neighbors.

Mr. Belcher proposed that the petitioners plant arborvitae on the other side of shed.

Ms. Colby stated concern that the neighbors may not be satisfied with screening. Mr. Colby stated concern that roots from screening could potentially damage the patio.

Mary Cuozzo, 17 Sexton Avenue, questioned the qualification for a variance.

Mr. Krumsiek explained that if the ZBA finds that owing to structures affecting the property but not generally the district, it may award a variance. He stated that due to the structure on that property and the way it is situated on the lot, there is no location for a shed that does not violate the setbacks.

Ms. Cuozzo cited Chapter 40A regarding variances and asked if the pool was considered unique. Mr. Krumsiek stated that the pool consumes the entire lot. Peter Cuozzo, 17 Sexton Avenue, argued that the pool was a self inflicted problem. Mr. Krumsiek stated that the pool was an existing structure on the lot at the time of purchase.

Ms. Cuozzo stated her objection to the appropriateness of a variance being granted retroactively.

Mr. Belcher asked Ms. Cuozzo if she and Mr. Cuozzo still had concerns about screening. Ms. Cuozzo stated that screening should go on the petitioner's property and further stated her objection to the variance.

Mr. Krumsiek restated the board's interpretation of the bylaw and invited Mr. & Ms. Cuozzo to request conditions that satisfy their concerns, restore privacy and/or mitigate the violation of the bylaw.

Mr. Krumsiek asked if moving the shed might be possible. Mr. Colby said it was possible. Ms. Colby stated her belief that moving the shed 6 feet down the lot line would make it more visible to the Cuozzo property and would also be costly.

Ms. Cuozzo stated that she did not object to moving the shed.

Mr. Cuozzo stated that they were not requesting any specific conditions.

Mr. Belcher stated that landscaping boxes could be used to contain root system of plantings in section of fence nearest shed.

The board discussed potential placement for required screening.

*On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to approve a variance for the shed located at 18 Buckmaster Street with the following condition: Petitioners shall plant evergreen screening adjacent to the first full panel of fence that is unblocked by the shed along the rear lot line. Screening shall be a minimum of 6' in height at the time of planting. Petitioner shall install screening within 60 days of this decision. Screening shall be maintained by the Petitioner and replaced as necessary should any plantings not survive.*

**Signing of Previous Decisions, Other Business**

Highland Glen:

The Board signed the mylar subdivision plan submitted by BC Highland Glen LLC and CRHGII Residential LLC pursuant to the decision issued by the Board on May 30, 2017.

5 Highview Street:

The Board discussed the Notice of Complaint filed on July 11, 2017 in response to the ZBA's decision filed on June 21, 2017. The Notice of Complaint addresses the date of the plot plan included in the Board's approval for the Comprehensive Permit. Ms. Loughnane noted that the decision may not have clearly reflected the Board's intention to refer to the plot plan for 5 Highview Street that was originally dated April 29, 2016 and revised through April 12, 2017.

*On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to approve a restated Comprehensive Permit decision regarding the hearing held on May 17, 2017 regarding 5 Highview Street. The restated decision shall be unequivocal in the Board's intention to refer to the plot plan for 5 Highview Street revised through April 12, 2017.*

**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 May 17, 2017.*

**Vote to Adjourn**

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

The hearing adjourned at 9:25 PM.

**List of Documents:**

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| 90 Canton Street   |
| • Zoning Board application; plans and associated attachments |
| • Request for Continuance                                    |
| 140 Edgewood Road  |
| • Zoning Board application; plans and associated attachments |
| 46 Washington Street   |
| • Zoning Board application; plans and associated attachments |
| 18 Buckmaster Street   |
| • Zoning Board application; plans and associated attachments |
| Highland Glen  |
| • Mylar Subdivision Plan                                     |
| 5 Highview Street  |
| • Notice of Complaint  |