

**Town of Westwood  
Zoning Board of Appeals  
Carby Street Municipal Office Building  
Meeting Minutes – September 21, 2016**

**Members Present:** David W. Krumsiek, Chairman, John F. Lally, Douglas C. Stebbins

**Staff Members Present:** Nora Loughnane, Director of Community & Economic Development and Janice Barba, Planning & Land Use Specialist

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

**Applications**

**Address: 29 Colby Way**

**Petitioner: Gee Tso**

**Project: Variance under Section 5.2.1**

Mr. Krumsiek informed the Board that there was a request in late July for reconsideration of this Special Permit, granted by the ZBA on July 20<sup>th</sup> after a question about whether it was granted under proper authority as a Special Permit. After extensive research by Town Staff and an opinion from Town Counsel, it is now recommended that this request for reconsideration of an addition within a setback and above the maximum allowable height be denied because after further review it was determined that the property is nonconforming and qualifies as a Special Permit. Thus the original application and Board action as a Special Permit will remain rather than be further considered as a Variance

*On a motion by Mr. Stebbins which was seconded by Mr. Lally, it was voted unanimously to deny the request for reconsideration for of this Special Permit.*

**Address: 17 Aran Road**

**Petitioner(s): Chris Kirby, Khahil Laham**

**Project: Special Permit under Section 8.5 & 4.3.3.12**

Mr. Krumsiek informed that this Petition is a continuance of an original hearing opened on July 20<sup>th</sup>.

Mr. Krumsiek asked the Petitioner for a summary of updates since the last hearing.

*Khahil, George and Teresa Laham were present with project engineer Chris Kirby. Mr. Kirby presented a revised landscape plan to the Board showing various small, flowering plantings along the front and west side of the house, as well as a newly graded lawn where the previous u-shaped driveway existed. Mr. George Laham submitted photographs of the house with the new landscaping installed, completed except for the new lawn grass seeding due to the current town water ban. Mr. Laham stated that the lawn will be seeded in the spring.*

Mr. Stebbins asked for a summary of the changes made to the exterior of the house since the last hearing.

*Ms. Teresa Laham responded that the house has been fully repainted, all brick facing and windows have been power-washed and all shutters have been removed from the house. Ms. Laham said stairway and walkway improvements are planned for next spring.*

Mr. Lally inquired about whether a door was located on the far left hand side of the house and the status of the existing doors on the addition.

*Ms. Laham replied that there is only one door for the accessory apartment.*

Mr. Krumsiek asked why the Petitioner did not cover the brick facing with vinyl siding and commented that it would look better if it was.

*Ms. Laham responded that covering the brick with vinyl siding exceeded their renovation budget. Mr. Laham stated that in the future there may be a chance that they may cover the entire house with vinyl siding.*

Mr. Lally asked the Petitioner if the proposal is in compliance with the zoning under Section 8.5 of the Zoning Bylaw

*Mr. Laham stated that they are.*

Mr. Stebbins asked the Petitioner about the status of the cigarette chimney that is located in the front yard.

*Ms. Laham stated that the cigarette chimney has been moved to the backyard.*

The hearing was opened for public comment and no one else spoke either in favor of or against the project.

*On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to grant the Special Permit under Section 8.5 and 4.3.3.12, with the condition that Petitioner must return to the Board for modifications to the existing plans, driveway and walkway.*

#### **82 Sexton Avenue**

**Petitioner(s): John & Wendy Hickey**

**Project: Special Permit 4.5.6**

Mr. Krumsiek read the legal notice pertaining to this application.

Petitioner Mr. Hickey gave a brief summary of the project which includes construction of a second floor addition, with a walk-up attic and a covered front porch and presented model of the house. Mr. Hickey stated that they have discussed their project with the neighbors and have full support.

Mr. Krumsiek asked about the existing tree coverage on the property and whether any trees are planned for removal.

Mr. Lally asked questions about the elimination of the garage and the Petitioners explained the reasons for doing so.

Mr. Stebbins stated that he is concerned about the height of the proposed dormer and the impact on the neighbors.

The hearing was opened to the public for comment. No one else spoke either in favor of or against the project.

*On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to grant the Special Permit under Section 4.5.6, conditional upon the Board of Health's memo dated September 8, 2016.*

#### **64 Fisher Street**

**Petitioner(s): Daniel Jurgens**

**Project: Special Permit under Section 4.5.6**

Mr. Krumsiek read the legal notice pertaining to this application.

Petitioner Mr. Jurgens gave a brief summary of the project to construct an addition to the west side of the property and a second floor dormer above the existing structure.

Mr. Krumsiek said that he is concerned about the height of the proposed dormer and the impact on the neighbors. The Petitioner stated that the dormer will not be as tall as the existing house.

The neighbors residing at 68 Fisher Street were present and commented that they supported the project. *On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to grant the Special Permit under Section 4.5.6, conditional upon the Board of Health's memo dated September 8, 2016.*

**57 Hawthorn Street**

**Petitioner(s): Gayle Ferraro**

**Project: Special Permit under Section 4.5.6**

Mr. Krumsiek read the legal notice pertaining to this application.

Petitioner Ms. Ferraro gave a brief summary of the project which is to construct a front porch addition. She explained that the project includes other home improvements and new landscaping.

Mr. Stebbins commented on the proposed use of metal roofing; asked whether a new coat of paint is planned for the whole house. Ms. Ferraro stated that a new red stain will be chosen for the porch.

Mr. Stebbins asked if the new red stain will match the rest of the house.

Mr. Lally asked if the Ms. Ferraro has spoken to her neighbors about the project. Ms. Ferraro responded that she has and has received support of the neighbors.

The hearing was opened for public comment. No one else spoke either in favor of or against the project.

*On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to grant the Special Permit under Section 4.5.6, conditional upon the Board of Health's memo dated September 8, 2016.*

**50 Circuit Road**

**Petitioner(s): William F. Hogan**

**Project: Special Permit under Section 4.5.6**

Mr. Krumsiek read the legal notice pertaining to this application.

Project engineer Chris Kirby was present with builder Frank Hogan and stated that the owners want a 10' deck built off the rear of house in the setback.

Mr. Krumsiek asked what else is in the back yard and if there is screening in the yard.

Mr. Stebbins asked if this deck construction is part of a larger project. Mr. Hogan said that it this project is just the deck.

Mr. Lally asked if stairs are planned off the deck. Mr. Hogan said there will be stairs off the deck but are not shown on the plan. Mr. Kirby said the stairs will be within the setback.

Mr. Stebbins said that there is a lot that has to be done to the house, window treatments, lawn, debris. He said that part of being neighborly is keeping up. He said that the grass is over the fence. He stated that this deck is not priority one.

Mr. Hogan commented that it's only two feet into the setback. He stated that if the owner decides to reduce the deck to eight feet then it can be constructed as of right.

Mr. Stebbins said he is not supportive of this petition and that there are a lot of other things that would be better for the Town.

Mr. Lally stated these points are valid and asked if anyone was present in favor or against the project.

No one else spoke either in favor of or against the project.

Mr. Lally said that he would like to see the deck plans re-done showing the stairs.

Mr. Stebbins said that he would hate to endorse this and would not vote for it and will not be part of it.

Mr. Lally suggested a continuance to allow for the plans to redrawn with the stairs.

Mr. Kirby asked permission to withdraw the application without prejudice.

*On a motion by Mr. Lally which was seconded by Mr. Stebbins it was voted unanimously to allow the Petitioner to withdraw this special permit application.*

#### **124 Mill Street**

**Petitioner(s): Ingeborg Kiss & Marshall Parker**

**Project: Special Permit under Section 4.5.6**

Mr. Krumsiek read the legal notice pertaining to this application.

Petitioner Ms. Kiss, Mr. Parker and their attorney Laurence Shind was present along with engineer Brian Timm to give a brief summary of the project which is to construct an addition in the front yard setback. Attorney Shind discussed the front setback being on Crystal Hill Terrace and the non-conforming lot. The proposed addition will add 750 SF of living space including a dining room, library and half-bath. Brian Timm gave an extensive summary of the project.

Mr. Krumsiek asked for clarification about the distance from the street.

A neighbor spoke in favor of the project.

*On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to grant the Special Permit under Section 4.5.6, conditional upon the Board of Health's memo dated September 8, 2016 and the Conservation Commission's Order of Conditions.*

**10 North Street**

**Petitioner(s): Karen Fechtor**

**Project: Special Permit and/or Variance under 5.2.3**

Mr. Krumsiek read the legal notice pertaining to this application.

Petitioner Ms. Fechtor stated that she is present to request a variance to allow a tool shed located within the side yard setback. She said the placement of the shed was done by Ed Musto and she believed it was placed within the proper zoning requirements. She stated that the neighbors are ok with the tool shed placement.

No one else spoke either in favor of or against the project.

Mr. Krumsiek said the Board cannot grant permission to have the shed in the setback; there is no hardship, which is a required for them to legally grant a variance.

Ms. Fechtor commented on multiple different problems that she is having with her property.

Mr. Stebbins suggested moving the shed to the back yard or somewhere else.

*On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to deny the Special Permit and/or Variance under Section 5.2.3.*

**378 University Avenue**

**Petitioner(s): Osprey Wireless, Inc. (Jeffrey Maron)**

**Project: Special Permit under Section 4.1.5.9**

Mr. Krumsiek read the legal notice pertaining to this application.

Petitioner Mr. Maron was present and gave a brief summary of the project which proposes to renovate an 11,000 SF space for retail sales and installation of car and truck accessories.

Mr. Lally discussed the building inspector's determination that this property is located in the Water Resource Resources Protection District (WRPOD). Mr. Lally read through Section 9.3 and Mr. Maron confirmed that the generation, uses and storage of hazardous materials does not apply to his business operations.

Property Manager for 378 University Ave., Chuck McQuaid was present to address landscape changes and plans to bring the property back into conformance with the landscape requirements of the EIDR by the Planning Board identified by the Town Planner.

Mr. Lally asked about the number of vehicles that are present on site at any time. Mr. Maron responded that there would be a maximum of five vehicles.

Mr. Stebbins asked if the vehicle fit-outs would be done inside only. Mr. Maron said that on a rare occasion there may be a need to do a vehicle fit-out (5%) outside from the loading dock, for which the landlord has given permission.

Ms. Loughnane requested that the Board condition its approval on limiting outside work on the loading dock to vehicles taller than 12' that do not fit inside the building.

Mr. Stebbins asked how long a vehicle stays at his business. Mr. Maron responded that 48 hours is the typical amount of time a vehicle stays on site.

The hearing was opened for public comment and no one else spoke either in favor of or against the project.

*On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to grant the Special Permit under Section 4.1.5.9 and Section 4.5.6, Motor Vehicle Repair, General Services, specifically uses identified in the application, complies with the WRPOD, with a condition limiting outside work to only vehicles over 12' and lastly conditional upon the Board of Health's memo dated September 12, 2016.*

**Vote to Approve Minutes**

*On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to approve the minutes for the meetings held on July 20 and July 27, 2016.*

The hearing adjourned at 9:00 PM.

**List of Documents:**

29 Colby Way <ul style="list-style-type: none"> <li>• Building Inspector comments</li> </ul>
17 Aran Road <ul style="list-style-type: none"> <li>• Zoning Board application; plans and associated attachments</li> <li>• Submitted photos</li> <li>• New Landscape Plan by Engineer Chris Kirby</li> </ul>
82 Sexton Avenue <ul style="list-style-type: none"> <li>• Zoning Board application; plans and associated attachments</li> <li>• Building Inspector comments</li> <li>• Board of Health comments, memo dated 9/8/16</li> </ul>
64 Fisher Street <ul style="list-style-type: none"> <li>• Zoning Board application; plans and associated attachments</li> <li>• Building Inspector comments</li> <li>• Board of Health comments, memo dated 9/8/16</li> </ul>
57 Hawthorn Street <ul style="list-style-type: none"> <li>• Zoning Board application; plans and associated attachments</li> <li>• Building Inspector comments</li> <li>• Board of Health comments, memo dated 9/8/16</li> </ul>
50 Circuit Road <ul style="list-style-type: none"> <li>• Zoning Board application; plans and associated attachments</li> <li>• Building Inspector comments</li> </ul>
124 Mill Street <ul style="list-style-type: none"> <li>• Zoning Board application; plans and associated attachments</li> <li>• Building Inspector comments</li> <li>• Board of Health comments, memo dated 9/8/16</li> </ul>
10 North Street

- Zoning Board application; plans and associated attachments
- Building Inspector comments, violation notice
- Submitted photos

378 University Avenue

- Zoning Board application; plans and associated attachments
- Building Inspector comments
- Board of Health comments, memo dated 9/12/16
- Town Planner – copy of Administrative EIDR

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