

**Town of Westwood
Zoning Board of Appeals
Carby Street Municipal Office Building
Meeting Minutes – October 19, 2016**

Members Present: John F. Lally, Chairman, Douglas C. Stebbins, David M. Belcher

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

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

Applications

Address: 33 Oak Street

Petitioner: Eramo Building & Property, LLC

Project: Special Permit under Section 4.5.6

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

Phil Eramo, the property owner and builder informed the Board that lot is a pre-existing non-conforming lot, but the existing structure complies with all setback requirements. He explained that he wished to add a new portico over the front door which would be within the front setback. He stated that he temporarily affixed the proposed portico above the front stoop with four screws to give the board a better understanding of the intended effect. Mr. Eramo showed the board photographs of the existing house with temporary portico. He also submitted a photograph of another house that he built with a similar portico.

Mr. Lally inquired as to whether the portico was in keeping with the character of other homes in the area. Mr. Eramo said that it was, and added that the portico would enhance the house and add to the look of the street. Mr. Lally agreed that the house would be more attractive with the portico added.

Mr. Stebbins asked if the existing house had a portico prior to Mr. Eramo's construction work. Mr. Eramo replied that the former home was a Cape and did not contain a portico.

Mr. Belcher questioned the depth of the portico. Mr. Eramo said that the portico would be approximately 40 inches deep. Mr. Belcher noted that the plan dimensions appear to suggest a greater depth. Mr. Eramo explained that the proposed site plan shows a dimension for the stoop over which the portico will hang. He noted that the portico will not extend over the bottom step, and thus will not extend into the setback as much as it appears on the site plan. He called the board's attention to the elevation drawing.

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

On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to grant the Special Permit under Section 4.5.6.

Address: 307 Pond Street

Petitioner: Walsh Brother Building Co. Inc.

Project: Special Permit under Section 4.5.8.3

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

Louis Caccavaro, attorney for the property owner and builder, explained that his client was interested in removing the existing house and adjacent outbuilding which front on Pond Street, and constructing a new single-family home which would face Circuit Road. He explained that the proposed siting for the new structure would meet all required setbacks except for the front setback on Pond Street.

Mr. Belcher asked if the Petitioner had considered centering the building on the property to better meet the setback requirements. Project Engineer Robert Truax replied that what appears to be the right side yard went looking at the proposed structure from Circuit Drive is actually the rear setback because the property has a Pond Street address. He said that the building was sited to meet the rear and side setback requirements, and noted that the proposed front setback on Pond Street would be increased over the setback of the existing structures.

The Petitioner, Mr. Walsh, noted that the immediate abutter at 315 Pond Street currently has difficulty exiting her driveway because the two existing structures limit the site distance looking northeast on Pond Street. He said that setting the new house back 10 feet from the property line would improve that sight distance.

Neighbor, Ann Connolly, 315 Pond Street, spoke in favor of the application. She stated that the new house, as designed, would be an improvement over the existing structures.

Mr. Stebbins expressed the opinion that the house should be set further back from Pond Street. He suggested that the front setback be increased by 5 feet and that the rear setback be decreased by 5 feet. The Petitioner said that he would be amenable to making that change. Mr. Lally clarified that the new setback would be 15.2' from Pond Street.

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

On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to grant the Special Permit under Section 4.5.8.3, with the following conditions:

- 1. That the Petitioner shall submit a complete set of revised plans in conformance with all revisions made during the course of the public hearing, including relocation of the proposed new building on the site to provide a 15.2' front setback from the Pond Street lot line (or such maximum amount up to 15.2' that would allow the structure to meet the minimum 20' side setback requirements) for review and approval by the Housing & Zoning Agent prior to application for a Building Permit.*
- 2. That the memorandum from the Board of Health to the Board of Appeals dated October 12, 2016 shall be made part of the decision and the conditions of said letter shall be carried out as specified in that letter.*

Address: 931 High Street

Petitioner: Theresa David, Trustee of Dedham Realty Trust

Project: Special Permit under Section 8.1

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

Steven David, attorney for the property owner, his wife, Theresa David, explained that his client purchased that home approximately a year ago and has rented the house to a family. He told the board that the property contained an out structure which was previously used as a furniture workshop and which was now considered a garage. He said that Mrs. David would like to convert the existing garage to a two-bedroom residential unit pursuant to Section 8.1 of the Westwood Zoning Bylaw which permits the conversion of a single-family home to a two-family home on properties where the single-family home was constructed on or before December 31, 1938.

Mr. David explained that he had discussed this proposal with Building Commissioner Joe Doyle who seemed uncertain as to whether the second unit must be physically connected to the first unit in order to comply with Section 8.1. Mr. David said that Mrs. David proposed an unenclosed roofed porch to connect the two structures. He noted that no significant changes would be made to the exterior of the garage structure, other than the replacement and realignment of windows and doors.

Mr. Stebbins asked if there would be sufficient space for vehicular circulation adjacent to the new two-bedroom unit. Mr. David confirmed that the driveway/parking area would be widened to ensure sufficient area for parking and circulation.

Mr. Belcher asked for confirmation of the year of construction. Mr. David presented a copy of the Tax Assessor's card for the property showing a construction date of 1912.

Mr. Belcher questioned whether the two buildings connected by the unenclosed roofed porch would maintain the appearance of a single-family structure. The board concluded that it would.

Ms. Loughnane noted that the plans and elevation drawings differ in the number and location of doorways on the north facade. Mr. David said that he would make the necessary corrections to show a single door in this facade, as depicted in the elevation drawing.

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

On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to grant the Special Permit under Section 4.5.8.3, with the following conditions:

- 1. That the Petitioner shall submit a complete set of revised plans in conformance with all revisions made during the course of the public hearing, for review and approval by the Housing & Zoning Agent prior to application for a Building Permit; and*
- 2. That the memorandum from the Board of Health to the Board of Appeals dated October 12, 2016 shall be made part of the decision and the conditions of said letter shall be carried out as specified specified in that letter.*

Address: 18 Alcott Lane

Petitioner: Seth P. Cohen and Zelayna R. Rauch

Project: Special Permit under Section 6.3.10

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

Seth Cohen told the board that he had recently installed an above-ground swimming pool in the right side yard of his home, and was now looking to protect his family's privacy while using that swimming pool with the addition of an 8 foot

high fence in front of and along the side of the swimming pool. He noted that his family members practice Orthodox Judaism and wish to maintain modesty.

Mr. Lally asked if Mr. Cohen had spoken to his neighbors. Mr. Cohen said that he had and said that the neighbors were supportive.

Mr. Lally asked Ms. Loughnane to show Mr. Cohen where on his property there is an Area of Priority Natural Habitat. Ms. Loughnane gave Mr. Cohen a copy of a map showing a hatched area at the lower rear of his property which contains the Area of Priority Natural Habitat. She noted that Mr. Cohen could not install a fence in this area, nor undertake and other work in this area, without approval from the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program. She suggested that he keep that map for his records, but noted that the proposed fence is not near the proposed fence area.

Mr. Stebbins asked why the pool was not located in the rear yard. He said that he was concerned that the neighbors would have to look down on the pool from their second story windows. Mr. Cohen responded that the slope of the yard limited the possible locations for the pool.

Mr. Belcher asked if the Petitioner planned to add landscaping in front of the fence. Mr. Cohen said that he planned to plant shrubs in front of the fence.

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

On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to grant the Special Permit under Section 6.3.10.

Address: 800 Clapboardtree Street

Petitioner: Xaverian Brothers High School, Inc.

Project: Special Permit under Section 4.1.7.5

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

Brother Dan Skala appeared before the board to represent Xaverian Brothers High School in its application to install a large scale solar energy facility on the roof of the existing gymnasium. He asked David Ellis of Mass American Energy, the company that would install and manage the proposed solar arrays, to walk the board through the proposal.

Mr. Ellis explained that the existing gymnasium room pitches 3 degrees to the west, and said that the proposed array would lay flat on the roof and thus would also pitch 3 degrees to the west. Mr. Ellis noted that a second smaller array would be placed on the adjacent flat roof, but said that this array would not be visible from ground level.

Mr. Lally questioned the number and size of proposed panels. Mr. Ellis replied that the current plans call for approximately 700 panels which are each approximately 72" by 39" in size. He said that the capacity of the proposed solar facility would be 317 kilowatts. Mr. Lally asked if the panels would contain any hazardous materials. Mr. Ellis said that they would not.

Mr. Belcher asked if the presence of the panels would alter the maintenance or duration of the underlying roof. Mr. Ellis said that the panels would reduce the level of oxidation of the rubber roof surface, which may then stretch out the period of time before the seams fail. He noted that service to the solar panels is provided by walking directly on the

panels over the roof. Mr. Belcher asked about the increased potential for snow slide off of the slick panels. Mr. Ellis replied that an existing snow guard would protect the area below from potential snow slide.

Mr. Stebbins asked if any additional work would be performed on the building to provide structural support for the solar array. Mr. Ellis said that the existing structure was designed to accommodate the panels without compromising the structural integrity of the building, and that no structural work would be necessary.

Ms. Loughnane told the board that a Limited Administrative Environmental Impact and Design Review (EIDR) Approval to allow the installation of the proposed solar facility was granted by Town Planner Abby McCabe, subject to the issuance of a special permit by the Zoning Board of Appeals. She said that abutters had since raised a concerns about the layout of the proposed panels which show a gap between two arrays. Ms. Loughnane inquired about why the layout had been designed that way, and asked whether the gap could be eliminated. Mr. Ellis responded that the gap was requested by the Fire Department to allow for roof access for fire-fighting purposes. Ms. Loughnane said that she had spoken to Fire Chief Bill Scoble, who stated that the Fire Department would not require this gap. She explained that the Fire Chief made it very clear that fire fighters would not go on any roof where solar panels are present due to the risk for electrocution. She said that, in the event of a fire, the fire-fighters would do what they could from ladders and from the ground.

Ms. Loughnane added that Chief Scoble said that there might be some building or electrical code that requires this gap, but made it clear that his department impose no such requirements. She said that Chief Scoble told her he would have no objection to eliminating that gap. Ms. Loughnane added that she also discussed the matter with Town Planner Abby McCabe, and confirmed that Ms. McCabe is willing to amend the Limited EIDR Approval to allow for a continuous array if such is approved by the Zoning Board of Appeals in the course of tonight's hearing. Mr. Ellis replied that the project would be increased to 330 kilowatts.

Mr. Ellis said that he was not aware of any code requiring the proposed gap. He said that he could revise the plans to eliminate the gap by adding an additional column of solar panels. Ms. Loughnane asked that Mr. Ellis then advise the board of the increased capacity of the solar facility so that the petition would properly reflect the revised layout including additional solar panels where the gap is now shown on the plan.

Neighbor, Elena Bean, 711 Clapboardtree Street, expressed concern about the visibility of the proposed solar array from her home. She noted that she was most concerned about the gap, but was also worried about the appearance of the bordering white roof material which frames the dark panels. Ms. Bean asked if the panels could extend all the way to the edges of the roof. Mr. Ellis replied that industry standards call for a border around the panels to allow safe access for maintenance purposes.

Neighbor, Chuck Bean, 700 Clapboardtree Street, also spoke about the visibility of the solar panels from his home. He asked if the visible portions of the roof could be painted to match the color of the solar panels. Mr. Ellis replied that the roof could be painted. Brother Skala said that he did not know what the cost might be to paint the roof, but had no objections to the board requiring that the roof be painted if necessary. Mr. Bean suggested that a decision in this regard might be made after the panels were installed, and after the neighbors had an opportunity to consider whether the painting was necessary.

Mr. Ellis asked the board to consider the solar facility at a maximum of 340 kilowatts to provide more flexibility in the design.

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

On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to grant the Special Permit under Section 4.1.7.5, with the following conditions:

1. *That the Petitioner shall submit a complete set of revised plans in conformance with all revisions made during the course of the public hearing, for review and approval by the Housing & Zoning Agent prior to application for a Building Permit;*
2. *That the Petitioner shall obtain a modification to the October 13, 2016 Administrative EIDR Approval from the Town Planner prior to the submission of a Building Permit Application for the Project. In addition, all conditions of said modified Administrative EIDR Approval shall be fully implemented prior to occupancy of the Subject Property; and*
3. *That the Petitioner shall cause the painting of the exposed portions of roof surface in a color to match that of the installed solar panels if such is requested by the owners of 700 and 711 Clapboardtree Street within six (6) months of the installation of the solar panels.*

Address: 77 Stearns Street

Petitioner: Richard M. Kelleher & Karen P. Kelleher

Project: Special Permit under Section 4.5.6

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

Richard Kelleher, property owner, appeared before the board to explain his petition. Mr. Kelleher told the board that he and his wife bought their home 7 years ago and have now outgrown the space. He said they want to stay in their neighborhood and wish to expand their home to meet their growing family's needs. Mr. Kelleher introduced his architect, John Rufo, to further describe the project.

Mr. Rufo told the board that the proposal called for an expansion of the existing home through the addition of another full floor of living space on the same footprint. He explained that the existing structure is a pre-existing non-conforming structure that already violates the side setback. He said the existing structure is one story with approximately 750 sq. ft. of living space, and the proposed structure will be two stories with approximately 1500 sq. ft. of living space and an unfinished attic.

Mr. Lally asked if there were any plans for the attic. Mr. Rufo said that there would be ceiling joists but it would not be finished and would only be suitable for storage. Mr. Lally asked about the height of the building. Mr. Rufo said that the finished height of the expanded structure will be just under 25 feet.

Neighbor, Randy Ellison, 84 Stearns Street, spoke in favor of the propose special permit. Mr. Ellison lives diagonally across the street on the corner of Stearns Street and Bonney Street.

Mr. Belcher questioned the height of the attic, saying that it looked like a third story with a full-sized window. He expressed the opinion that the house appeared very tall for the neighborhood. Mr. Rufo said that the attic ceiling at the peak is just under 8' high, but there is no finished space, and no staircase to the attic. He noted that a pull-down ladder could be installed to access this space through a ceiling hatch so that the space could be used for storage. Mr. Rufo said that the size of the usable portion of the attic is really too small to be converted to a finished room.

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

On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to grant the Special Permit under Section 4.5.6, with the following condition:

- 1. That the memorandum from the Board of Health to the Board of Appeals dated October 12, 2016 shall be made part of the decision and the conditions of said letter shall be carried out as specified in that letter.*

Vote to Approve Minutes

On a motion by Mr. Lally which was seconded by Mr. Stebbins, with Mr. Belcher abstaining, it was voted 2-0 to approve the minutes for the meeting held on September 21, 2016.

The hearing adjourned at 8:47 PM.

List of Documents:

33 Oak Street <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments• Building Commissioner's comments
307 Pond Street <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments• Building Commissioner's comments• Board of Health comments, memo dated 10/12/16
931 High Street <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments• Building Commissioner's comments• Board of Health comments, memo dated 10/12/16
18 Alcott Lane <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments• Building Inspector comments
800 Clapboardtree Street <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments• Building Commissioner's comments
77 Stearns Street <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments• Building Commissioner's comments• Board of Health comments, memo dated 10/12/16