

**Town of Westwood
Zoning Board of Appeals
Carby Street Municipal Office Building
Meeting Minutes – June 15, 2016**

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

Staff Member Present: Louise C. Rossi - Administrator

Mr. Krumsiek gave a brief description of the proceedings and all were sworn in who anticipated giving testimony.

Applications

9 School Street

Applicant: Petruzziello Properties, LLC

Project: Special Permit under Section 4.1.7.4

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

Peter Zahka, Esq., 12 School Street, Dedham spoke on behalf of his client, Giorgio Petruzziello. He explained that as part of the redevelopment of Islington Center, the Blue Hart Tavern currently located at 317 Washington Street needs to be relocated and temporarily stored until a permanent location may be found for the historical building. The Planning Board granted the special permit for redevelopment in April and saving the tavern from destruction was a condition of the special permit. Petruzziello Properties owns the land and empty commercial building at 9 School Street and they are proposing to 'mothball' the tavern on this site. A clearing will be made for the building, there will be no foundation and a 20' buffer from residential properties will be maintained. The Tavern will be 2' off the municipal parking lot to the rear and a chain link fence set 10' back on the property will be maintained to protect the building.

Mr. Petruzziello – property owner - stated that the building will rest on pilings 3'-4' above the ground.

Nora Loughnane – Director, Community and Economic Development for the Town – stated that the storage of the building at this time was in the best interests of the Town until a permanent home for the historic building may be located.

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 4.1.7.4 with the condition that any requirements from any other Boards in Town be fulfilled and that the special permit is to be renewed each year for a period of no longer than three years.

5 Highview Street

Applicant: South Shore Habitat for Humanity

Project: Variances from Section 5.2

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

Martine Taylor, Director of the South Shore branch of Habitat for Humanity introduced her team comprising Noreen Browne, Dick McGowan and Steve Bernstein. Ms. Taylor explained the mission of Habitat to provide affordable housing to families and the work they have done over the last 30 years in 35 cities and towns.

Ms. Browne described the subject lot as non-conforming and the proposed house will be unable to meet the setbacks. They are planning on an approximate 1300 SF house with three bedrooms, 1 ½ baths with 2 floors. They believe it will be safer to have the driveway come off of Highview Street rather than Burgess Avenue where the original driveway exited.

Ms. Martine expressed their desire to fit in with the neighborhood and that this house will be only slightly bigger than the original house which was abandoned and torn down. This was not a voluntary demolition more than two years ago; consequently, they cannot pursue a special permit and will require a variance.

Mr. Bernstein, who is a civil engineer, described the slope of the land and Habitat's usual practice of minimizing site work. In order to avoid ledge on the property, the foundation for the house was pulled back to the most level section of the property.

Upon Mr. Krumsiek's inquiry as to how Habitat operates, Ms. Taylor explained there are income qualifications for families who apply for a Habitat house and they agree to provide 250-500 hours of "sweat equity" to help with the building. The families will pay taxes and will be granted an interest free mortgage from Habitat. The houses are not able to be sold on the open market and will have a rider attached to the deed preventing such and which will also contain a maximum calculation for a resale price. The house would continue in perpetuity to be part of the affordable housing stock of the Town.

Mr. Krumsiek inquired as to the building process and was told that it would take approximately nine months. Mr. Lally inquired if blasting would be required and Mr. Bernstein stated they did not know at this time, but did not want to spend a great deal of money on site development. The house will have a full basement and at this time there are no plans for a garage.

Nora Loughnane – Director, Community and Economic Development said that the Town supports the purchase by Mr. McFarland and the donation to Habitat as they want to stay ahead of the 10% eligibility for the LIP program.

Kimberly Paster – 24 Highview Street – cited safety concerns about putting a house back on the lot which is currently a green space in the neighborhood.

David Russell – 23 Highview Street – inquired as to safety measures during construction.

Mike Jaillet – Town Administrator explained the history of the property. The original home on site had been abandoned for 28 years and left to rot. The Town demolished the house as it was unsafe and erected a chain link fence around the property. Approximately one year ago, the property was foreclosed upon by the Town and the Department of Public Works removed the foundation and filled in the lot. The owner over a year's period of time lost ownership rights and it was auctioned off with Mr. McFarland as the high bidder.

Andrew Fisch – 9 Highview Street – stated that he contacted the Town many times about the eyesore as it is close to his property line and that he has safety concerns along with concerns about protracted construction.

Eric Borgman – 158 Burgess Avenue – gave his opinion that the proposed house for the lot is too big and that it is a bad corner for access and egress.

Edward Schreiber – 85 Burgess Avenue – expressed concerns about run-off to his property and his thought that the Town's intention was to keep the lot as green space. He stated that a large retaining wall used to be on the property.

Mr. Jaillet explained that the Town's intention was to remove a safety hazard, but it was never intended to be kept as a green space. The property was sold for \$37,500 representing back taxes, fees and tax title.

Linda Mazie – 103 Burgess Avenue – while appreciating the work Habitat does she stated that the area was very dangerous.

Reverend Smythe, Pastor of the First Baptist Church indicated that the Church was ready with volunteers to assist with the project and that in any event, a house would be built upon the property

Jill Onderdonk – 28 Lynn Terrace – explained her 18 years working with the Town on housing and how they tried for a long time to find an avenue for Habitat to use funds donated for affordable housing. According to Ms. Onderdonk using this piece of land is the only way the project could be brought to Town.

Dan Regan – 8 Youngs Road – inquired as to the taxes paid by the property owners and stated that there are traffic concerns for that area.

Christine Previtera – cited her membership in the Westwood Housing Authority and the Affordable Housing Partnership and informed the Board there are many affordable housing sites in Town of which people are unaware.

Mr. Krumsiek mentioned the unique topography of the lot and questioned the validity of some of the objections to the new house.

Reverend Jennifer Phillips – 97 Deerfield Avenue – as pastor of St. John’s Church has worked with Habitat previously and most of the house lots are small and this is good for neighborhoods. Four or five churches stand ready to help.

Sandra Horn – 229 Burgess Avenue – inquired as to the ability to rent the property and was told that it cannot be rented.

Mr. Krumsiek inquired about the possibility of constructing a cape-style house rather than a colonial style and Ms. Browne stated they like to try and match the neighborhood.

Ms. Loughnane was able to provide aerial views of the property by means of the Town GIS maps and it appeared that in 2001 the house foundation was 21’ from 9 Highview Street and 20’ from 100 Burgess Avenue and setback 27’ from the front lot line.

According to Ms. Taylor, there is no limit on the number of people residing in the house and the monitoring agents are Habitat and the local housing authority.

Mr. Krumsiek mentioned the possibility of placing a restriction in the decision that shrubbery is to be restricted in order to maintain clear sightlines from the property.

Ms. Browne mentioned that letters were sent to the three direct abutters to the property for a June 1st meeting at the Library, however, no one showed up. Many neighbors declared they did not know about the meeting.

Two letters in support of the project were received from the Westwood Housing Authority and St. John’s Episcopal Church and a letter signed by 16 abutters to the project requesting the variance be denied was received at the hearing.

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 dimensional variances to facilitate the building of a Habitat for Humanity house upon the conditions that the house be listed as an affordable house in perpetuity, that no fences or shrubs shall be utilized on the property which serve to impede traffic sightlines at

the corner of Highview Street and Burgess Avenue and that the memorandum from the Board of Health to the Board of Appeals dated June 8, 2016 containing comments be followed up on by Habitat for Humanity prior to the commencement of construction and that all conditions placed by any other Board in Town be followed.

427 Washington Street

Applicant: Islington Two Realty Estate Trust

Project: Special Permit under Section 4.1.3.3 and 8.2

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

Christopher Timson, attorney for the company introduced Pat McCarty as the engineer for the project and Bill Duffey as the owner of the Realty Trust. They would like to build a two family home on the site. He said the property is in the General Residence district and at one time the Islington Arms stood on the spot and which eventually became a boarding house. The site has a history of multi-unit use and it is a unique location for a two family house. While the address is on Washington Street, the access is from Marshall Road. According to Mr. Timson, the property meets the criteria for a two family house in accordance with Section 8.2. There will be a two car garage for each resident and will be colonial in appearance. They have met with the Conservation Commission and are addressing their comments.

Mr. Lally mentioned that all setbacks are met and the average height of the building will be below 25' as required.

Mr. Duffey stated that he has owned the property for 40 years.

Nora Loughnane – Director, Community and Economic Development – stated that the Town believes a two family home on this site is appropriate.

Mr. Stebbins mentioned that the garage doors in the rear could be more decorative and that the natural screening already there helps to soften the look.

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 4.1.3.3 and Section 8.2 with the conditions that the garage doors be more decorative in appearance and that the comments contained in the memorandum from the Board of Health to the Board of Appeals dated June 8, 2016 be made a part of the decision.

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 meeting held on May 18, 2016.

The hearing adjourned at 9:00 PM.

List of Documents:

9 School Street

- Zoning Board application filed 5-9-16 with attached plot plan and photographs of building
- Building Inspector comments for June 15, 2016
- Planning Board comments dated June 7, 2016
- Conservation Commission comments dated June 6, 2016

- Staff photographs of site

427 Washington Street

- Zoning Board application filed May 17, 2016 with attached plot plan and building plans
- Building Inspector revised comments for June 15, 2016
- Board of Health memorandum dated June 8, 2016
- Planning Board comments dated June 7, 2016
- Conservation Commission comments dated June 6, 2016
- Staff photographs of site

5 Highview Street

- Zoning Board application filed 5-18-16 with attached plot plan and building plans
- Building Inspector comments for June 15, 2016
- Board of Health comments dated June 8, 2016
- Planning Board comments dated June 7, 2016
- Conservation Commission comments dated June 6, 2016
- Letter dated June 15, 2016 purporting to be from 16 abutters objecting to the project
- Letter dated June 11, 2016 from Jennifer M. Phillips, Rector of St. John's Episcopal Church supporting the project
- Letter dated June 7, 2016 from the Westwood Housing Authority and Westwood Affordable Housing Associates, Inc. in support of the project
- Flyer from South Shore Habitat for Humanity
- Seven photographs taken by an abutter
- GIS Mapping print of Burgess Avenue at Highview Street supplied by an abutter
- Staff photographs of site