

Town of Westwood
Zoning Board of Appeals
Selectmen's Meeting Room
Townhall – 580 High Street
Meeting Minutes
February 25, 2015

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:

375-411 Providence Highway

Applicant: Prime Motor Group

Project: Special Permits under Sections 4.1.5.8 and 4.1.5.9

Ms. Rossi informed the Board that the Planning Board was still in the process of reviewing the plans for this project and the Board of Appeals has been requested to withhold their decision to give the Planning Board time to comment.

On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to continue this hearing to March 18, 2015 at 7:00PM in the Champagne Meeting Room, Carby Street Municipal Office Building, 50 Carby Street.

51 Lull Street

Applicant: Mr. Michael Carey

Project: Special Permit under Section 4.3.3.12

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

Mr. Carey explained that when he and his wife bought the property a year ago, there was already an accessory apartment on site and attached to the house and all was properly permitted by the previous owner. They now have a tenant for the apartment for which no work needs to be done, and they would like the special permit to rent the unit. The unit was not occupied when they bought the house. He explained there was a separate driveway for the apartment and that there are three means of egress. As part of the original special permit, the basement of the principal residence was finished.

Mr. Carey mentioned in response to the question posed by Mr. Krumsiek that there were 15' trees that served as screening along the side of the house.

Richard Beauregard – 61 Lull Street – spoke in opposition to granting the special permit and produced a letter signed by 23 homeowners adjacent to or abutting the property and in opposition to the proposal for the accessory apartment use.

Mr. Krumsiek explained to the attendees the Bylaw which permits such accessory apartments.

Mr. Carey said the screening would not only be of benefit to the neighborhood but to him also. Two cars in tandem can fit along the driveway. He indicated he had spoken with his direct abutters on either side and across the street neighbors.

No one else at the meeting spoke either for or against the matter at hand.

On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to grant the Special Permit under Section 4.3.3.12 allowing the accessory apartment.

314 Dover Road

Applicant: Ian Brown on behalf of Paul & Barbara Fitzgerald

Project: Special Permit under Section 7.1

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

Ian Brown, the landscaper hired to complete the project explained that the left side of the land appears to be sliding and in an effort to stop this and renovate the patio area, it will be necessary to bring additional fill to the property. A letter from Dunn-McKenzie, Land Surveyors and Civil Engineers provided calculations of the potential fill needed and Mr. Brown said that a letter from Lorusso Corp., which will be supplying the fill, will be presented at the time it is contracted. He estimates the large scale work will take approximately two weeks and is prepared to work between 10:00AM to 2:00PM and 3:15PM to 4:00PM to allow for transit of the school busses. He will be responsible for keeping the street clean.

Mr. Lally inquired about water run-off and was told that there are gutters and downspouts which will direct the water below the patio. Some trees have already been removed and the original project was scaled back to accommodate Conservation issues. They will meet with the Conservation Commission next month.

Mr. Brown assured the Board that the trucks which cannot access the backyard will not be lined up on Dover Road impeding traffic.

No one at the meeting spoke either for 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 7.1 on the condition that all the hours of work will be restricted to 10:00AM to 2:00PM and 3:15PM to 4:00PM, that all conditions that might be placed by the Conservation Commission be met as well as all conditions of Section 7.1.5 of the Zoning Bylaw.

248 Nahatan Street

Applicants: Mr. & Mrs. Peter Bean

Project: Special Permit under Section 4.3.3.12

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

Mr. Bean explained to the Board that the carriage house currently on blocks on his property will be moved to the former site of a single family house on his property which was moved. The carriage house will be placed on the footprint of this former house. He would like to construct an accessory apartment on the second floor for the periods of time when family comes to visit. He has met with the Building Commissioner a number of times to adjust the plans to conform to the Bylaw. Mr. Bean stated they met the setbacks for the placement of the carriage house and they will be adding three dormers to it. He assured the Board that the interior living space will not exceed the 900 s. f. limit imposed by the Bylaw.

Thomas McCusker – 33 Brookfield Road – spoke in favor of the project.

Ms. Rossi informed the Board that two letters from property abutters arrived in the office and were in support of the plan.

No one else at the meeting spoke either for 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 for an Accessory Apartment under Section 4.3.3.12 on the condition that it not exceed 900 s.f. in size.

341 Washington Street

Applicant: Needham Bank

Project: Special Permits under Sections 4.5.2, 4.5.3, and 4.5.6

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

Peter Zahka, attorney for Needham Bank introduced Vic Taylor from Turning Point Solutions which managed the project, Mark Whalen, Chief Operating Officer from Needham Bank, and James Segowitz of MZO Architects as the team involved in the changes to the parking lot of the bank. He explained that the bank commenced leasing the property in 1974 and purchased it in 1976. Over the years, they have made a number of improvements to the lot which includes lighting, a retaining wall along the rear of the property which abuts a residential neighborhood, two fences and they have now extended the pre-existing parking lot. Mr. Zahka termed this a small expansion which has been in the works and acknowledged issues of proceeding without Planning Board approval. Mr. Zahka contented that the lot was pre-existing, non-conforming with a rear lot line at 14' rather than the 20' required for a commercial lot butting up to a residential area. The new parking lot is approximately 9.9' from the residential district. Last summer, they installed the retaining wall and put an island in the center of the lot to aid traffic flow.

Tom McCusker – 33 Brookfield Road – declared his position as that of an abutter and also Town Counsel. He gave the history of the property and advised that they required a variance and not a special permit.

When he questioned the number of cars in the lot, he was told by Mr. Zahka that they belonged to commuter people who were doing a temporary project at the bank. Mr. McCusker expressed his skepticism that the bank did not know they need permission from the Planning Board to effect changes in the parking lot.

It was determined that a variance could be considered as the legal ad for the hearing include the consideration of same.

Mr. McCusker stated that the bank has been a good neighbor over the years; however, they cannot disregard the local bylaws. He wants to ensure that should the Board grant a special permit; it be able to withstand judicial review and then goes back to the Planning Board.

Mr. Krumsiek questioned if they met the statutory requirements for a variance and the same sentiments were echoed by Mr. Lally and Mr. Stebbins.

On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to continue the hearing to March 18, 2015 at 7:00PM in the Champagne Meeting Room at the Carby Street Municipal Building in order to allow Mr. Zahka time for additional research on the past lot lines.

The hearing adjourned at 9:00PM.