

Town of Westwood
Zoning Board of Appeals
Carby Street Municipal Office Building
Meeting Minutes
March 18, 2015

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

Staff Member Present: Louise C. Rossi – Administrator, Nora Loughnane – Town Planner

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

Continuations:

341 Washington Street

Applicant: Needham Bank

Project: Special Permits under Sections 4.5.2, 4.5.3 and 4.5.6

Ms. Rossi informed the Board of the receipt of a letter from Peter Zahka, attorney for Needham Bank, requesting the withdrawal without prejudice of the application for relief in order that they may work with the Planning Board to resolve the issues with the parking lot.

On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to allow the withdrawal, without prejudice, of the application of Needham Bank for zoning relief.

375-411 Providence Highway

Applicant: Prime Motor Group

Project: Special Permits 4.1.5.8 and 4.1.5.9

Matthew McGovern, an owner of Prime Motor Group explained to the Board that their plan has been presented two times to the Planning Board, to the Board of Selectmen and other Town Boards in an effort to get approval of the project to build three new car dealerships in Town. They believe they have addressed concerns with the land, signage, and storm water care. They are going back to the Planning Board on April 14, 2015 for what they hope will be their final review. Their initial hearing with the Conservation Commission was continued in order for the Commission to meet with a peer review team.

Mr. Krumsiek mentioned that he believed there were still outstanding concerns of the neighbors regarding lighting and Mr. Ayoub concurred that the Planning Board was also interested in this.

Paul Ayoub, attorney for Prime Motors suggested that the basis for the Board of Appeals decision might be the prior permit granted the Audi dealership in 2010. He suggested that Item #3 relative to potential future sale of the business be changed; however, Mr. Krumsiek indicated he was inclined to leave it in. Mr. Ayoub also suggested some changes to Item #5 be adjusted to allow the sale of cars taken in trade from other of their dealerships to increase their flexibility. They stated that sale of trade-ins is only a small part of the business, but much of their business involves internet sales which attracts people from many areas.

Mr. Krumsiek opined that the issue of the so-called “orphan street” will be addressed by the Planning Board.

Paul Kelly – 107 Willard Circle – reminded the Board of the detriment of delivery noises in the early hours of the morning.

Nora Loughnane – Town Planner – said that the noise bylaw under the Town’s General Bylaws addresses times of delivery and trash removal.

Sonja Burke – 101 Willard Circle expressed her displeasure with the development of Route 1 over the years.

Scott McClure – 89 Willard Circle – expressed his concerns with drainage.

Mr. Krumsiek reminded the attendees that many of their concerns will be addressed by the Planning Board and the Conservation Commission.

The Board and Mr. Ayoub discussed the proper language to be used in drafting the decision. It was agreed that Item #3 will be modified, as will Items #5 and #7. Item #20 will be deleted and all changes shall reflect the three new proposed dealerships.

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 Permits under Sections 4.1.5.8 and 4.1.5.9 with the conditions that they are subject to any and all conditions of the Planning Board and the Conservation Commission and that in reference to the decision dated January 10, 2005, Item #3 shall be modified in order that the dealership may be sold to a similar corporation to Prime Motors, Item #5 will be modified to include sales of automobiles taken in trade from Prime affiliate car stores, Item #7 will be modified in order to disallow deliveries on Glacier Drive and Wilson Way, Item #20 regarding collectivizing of dealerships along Route One will be eliminated.

Applications:

37 Wildwood Drive

Applicant: Michael Dodge

Project: Special Permit 4.5.6

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

Mr. Dodge informed the Board that he would like to build a deck in the rear of his house. The deck will be level with the first floor of the house and will be positioned on the rear left area. He stated the whole yard is fenced in with the white fence with upper lattice approximately five feet high in the front of the house graduating to a black chain link fence approximately four feet high in the rear of the house.

Lorraine Peirce – 163 Mayfair Drive – direct rear abutter to the property, expressed her concern that the installation of the deck will interfere with her privacy. She indicated that her privacy has been disturbed by the installation of the black chain link fence since the fence company removed tree growth from ground level to the full height of the fence for ease of installation. She has pursued the issue with Lowe's, the installing company to little avail.

Mr. and Mrs. Dodge conceded that they were not satisfied with what Lowe's had done in removing so many branches.

Discussion ensued among Mr. and Mrs. Dodge, the Board and Ms. Peirce regarding how best to fill in the rear lot line to ameliorate the effects of the branch cutting.

On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to grant the special permit to allow the construction of the deck in the rear of the house under Section 4.5.5 with the condition that the rear lot line shall be screened with evergreens and/or shrubs to cover the existing gaps to attain privacy coverage.

6 Lull Street

Applicant: Salvatore Zinno

Project: Special Permit 4.5.6

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

Mr. Zinno explained to the Board that the driveway for his house is on the corner of Washington Street while his address is Lull Street. For zoning purposes, Washington Street is his address. Approximately one and one-half years ago, he worked with Joe Doyle, Building Commissioner on building an addition to his house which would not have to come before the ZBA. This time, he would like to add an office to the left front facing side of the house and a special permit is required. Mr. Zinno is proposing a one story addition which will be 10' x 12' and be 15' from the lot line where 25' is required. There is a fence which separates Mr. Zinno's property from Washington Street.

No one 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 to allow the construction of an office to the left front side of the house.

The hearing adjourned at 8:30 PM.