

Town of Westwood
Zoning Board of Appeals
Carby Street Municipal Office Building
Meeting Minutes
June 17, 2015

Members Present: David W. Krumsiek –Chairman, John F. Lally, Clerk and as Acting Chairman,
Douglas C. Stebbins, Danielle L. Button

Staff Member Present: Louise C. Rossi – Administrator

Mr. Lally acted as Chair for the following Petition as Mr. Krumsiek recused himself. Ms. Button sat in as the third member.

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

Applications:

438 Clapboardtree Street

Applicant: Mr. Michael J. McNeice

Project: Special Permit under Section 4.3.3.12 Accessory Apartment

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

Mr. McNeice informed the Board that he recently purchased the property and is in the process of renovating the house along with redesigning the free-standing barn. Since his daughter will be graduating from school next May, he would like to convert the loft area of the barn into an accessory apartment for her use. He has been in consultation with Joseph Doyle, Building Commissioner, and Mr. McNeice submitted to the Board a revised plan of the loft showing two means of egress which Mr. Doyle required. There will be access to public water and sewer and Mr. McNeice and his family will reside in the main house.

The barn itself will be used as a three car garage with the fourth bay accessed only by a standard entrance door rather than a garage door. This barn will not be converted to a four car garage.

Mr. McNeice stated that he spoke to his neighbors regarding the project and he submitted a letter from Mr. and Mrs. R. John Larkin of 420 Clapboardtree Street in favor of the project.

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

On a motion by Mr. Stebbins which was seconded by Ms. Button, it was voted unanimously to grant the Special Permit for the accessory apartment subject to the approval by Joseph Doyle, Building Commissioner of the revised plan presented to the Board of Appeals on June 17, 2015 and subject to the memorandum to the Board of Appeals from the Board of Health dated June 10, 2015 regarding conditions for construction, sewer and water service.

For the following petitions, Mr. Krumsiek resumed his seat as Chairman as Ms. Button completed her service.

300 Summer Street

Applicant: Sora Realty LLC

Project: Special Permit under Section 4.3.3.2

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

Richard Levey of RBL Architects spoke on behalf of his client and informed the Board of the owner's plan to erect a timber frame barn on the property to contain three or more vehicles.

The property is a thirty-seven acre site with several outbuildings. The lot is an accumulation of a number of land parcels. They propose to eliminate a 2400 SF building and replace it with the 1855 SF barn. The work will not be in the buffer zone and will not be visible from Summer Street. Due to the size of the property, grounds vehicles will be stored along with cars on the first floor of the barn. The mezzanine will comprise a woodworking hobby shop. No bathroom is planned for the barn although the water line will be extended to the barn along with a gas line. Sewer is not necessary; however, the existing septic system will be abandoned by the main house as it will connect to sewer. There will be two garage doors in the front of the barn and one garage door in the rear for a large pick-up truck.

A representative of 284 Summer Street inquired as to the positioning of the barn relative to the property at 284 Summer Street.

On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to grant the Special Permit under Section 4.3.3.2 upon the conditions that the Board of Health memorandum to the Board dated June 10, 2015 be fulfilled by the Petitioner and that the Conservation Commission be consulted if any work is to take place within the 100' buffer.

Continuances

335 Summer Street

Applicant: Roy Azar

Project: Special Permit under Section 7.1

It was determined that in the interests of time considerations and practicality, the Board of Appeals continue to hear this petition rather than to delay it by refiling with the Planning Board which became the SPGA at Town Meeting May 4, 2015.

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

Paul Silva, licensed builder, spoke to the Board regarding his failure to file with the Zoning Board prior to allowing fill to be brought to the site. He described the anticipated run-off on the property and that there are two catch basins on the street in addition to perimeter drains under the foundation and roof leaders directed to the front yard. The fill that was delivered came from another home building site. The fill is to be distributed to level the property around the 10' high foundation and to slope the land away from the house.

The fill is mostly granular in nature and was brought in at the time the utilities were installed. Mr. Silva also stated that Todesca Corp. also supplied fill. The fill was brought to the site in the winter and it is anticipated that the grading project will be complete in September/October.

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 subject to all the conditions cited in Section 7.1 of the Zoning Bylaw be fulfilled and any conditions imposed by the Conservation Commission be carried out as necessary.

220-310 Providence Highway

Applicant: Lambert Realty Trust

Project: Special Permit under Section 4.5.6

Upon request by the Petitioner's attorney, Edward Richardson, this hearing will be continued.

On a motion by Mr. Stebbins which was seconded by Mr. Lally, it was voted unanimously to continue the hearing to September 16, 2015 at 7:00 PM in the Champagne Meeting Room, Carby Street Office Building, 50 Carby Street.

90 Glacier Drive

Applicant: Mercedes Benz of Westwood

Project: Special Permit under Section 4.1.7.4

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

Tony Antonellis, an attorney representing Prime Motor Group, asked for the Board to consider discussing this petition concurrently with the petition for 60 Glacier Drive. It was determined that the petitions for 60 and 90 Glacier Drive would be heard individually.

Matthew McGovern from Prime Motor Group stated that this would be the third time the company has requested temporary storage of unregistered vehicles in unused parking spaces behind the building located at 90 Glacier Drive. Under this Bylaw, the maximum time that temporary storage may be utilized is three years.

Mr. Lally inquired about the number of cars stored on site to which Mr. McGovern replied there were 150 cars although at times that number has risen to 420. He stated that the brands have increased the number of models produced; consequently there are wider model lines.

At this point in the proceedings, it made sense to introduce the Petition for 60 Glacier Drive as the two properties abut each other and the car company will be leasing a section of the building at 60 Glacier Drive.

60 Glacier Drive

Applicant: AMR Auto Holdings – MW, LLC

Project: Special Permits under Sections 4.1.5.8, 4.1.5.9, and 4.1.5.11

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

Mr. McGovern continued to inform the Board that they are leasing slightly under 30,000 SF of the building in order to convert it a car sales and rental store along with motor vehicle general and body repairs along with a self-contained car wash facility for the sole use of the Prime Motor Group. He presented an updated parking plan for the Board to peruse which included the spaces rented at 90 Glacier along with the spaces picked up through the rental of 60 Glacier Drive.

Mr. McGovern stated that their plans would be presented to the Planning Board at their July 7th hearing for an Environmental Impact and Design Review (EIDR).

Mr. Antonellis stated that the two building work well in conjunction with each other and they wanted to address any issues.

Mr. McGovern detailed the work that will go on at the new facility. Mercedes now sells the Sprinter which is a commercial van. It will be able to be serviced in the new quarters along with auto reconditioning for resale, photo area to photograph cars for advertising purposes and an office large enough to handle 25 clerks who manage the accounts for all the dealerships under the Prime Motors Group umbrella.

Mr. Lally was assured that just mechanical work would be done on the site and no body work and that the parking spaces will be big enough for the vans so they don't restrict fire lanes. Thirty – forty vans will be stocked at any one time and fifteen are sold each month.

Mr. McGovern mentioned combining the two special permits for 60 and 90 Glacier Drive which would reclassify them and that by combining them; sufficient parking space would be available for guests, employees and storage of vehicles.

Mark Verruth – Carruth Capital – indicated there were excess parking spaces from what is required under the bylaw. He requested the Board to favorably consider the request as the building has been vacant for a number of years.

Lou Dalkoyanis – 355 Providence Highway – stated that his legal firm occupies space in the area and there have been no problems with Mercedes.

Mr. Antonellis requested that the Board close the hearing with conditional approval of the decision despite the request of the Planning Board to keep the ZBA hearing open until the Planning Board has rendered its' decision.

On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to grant the special permit for temporary store of 150 unregistered motor vehicles at 90 Glacier Drive for the third and final year and on a motion by Mr. Lally, which was seconded by Mr. Stebbins, it was voted unanimously to grant the special permits requested for 60 Glacier drive with the conditions that the BOH

memorandum to the Board dated June 10th be fulfilled and that any conditions the Planning Board might impose on the property be fulfilled and the Board reserves the right to reopen the hearing for purposes of a new special permit, an amendment to the original special permit or any other reason the Planning Board or other Town Boards deems beneficial.

The hearing adjourned at 8:40 PM.