

Town of Westwood
Zoning Board of Appeals
Carby Street Municipal Office Building
Meeting Minutes

July 15, 2015 **DRAFT**

Members Present: John F. Lally - Acting Chairman, Douglas C. Stebbins – Acting Clerk, David M. Belcher
Staff Member Present: Louise C. Rossi – Administrator

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

Upon a motion, it was voted unanimously that Douglas C. Stebbins be appointed Acting Clerk for this meeting.

Applications:

75 - 85 Providence Highway

Applicant: Colbea Enterprises LLC

Project: Special Permit under Section 4.1.5.10 - Motor Vehicle Light Service, Section 4.1.5.15 – Fast Order Food Establishment, Section 4.1.7.3 – Drive-Through Service, and Section 6.2.15 – Special Permit

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

On a motion, it was voted unanimously to immediately continue the hearing, at which no testimony was given, to September 16, 2015 at 7:00PM in the Champagne Meeting Room, Carby Street Municipal Office Building, 50 Carby Street, Westwood, MA.

81 Ellis Street

Applicant: Hollis Walsh Partners, LLC

Project: Special Permit under Section 4.5.8.3

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

On a motion, it was voted unanimously to allow the withdrawal, without prejudice, of said application to demolish and reconstruct a home on the site.

95 Tamarack Road

Applicant: Christopher M. Kirby, P.E.

Project: Special Permit under Section 4.3.3.12

Ms. Rossi explained to the Board it had been determined that the application filed on June 16, 2015 by Mr. Christopher Kirby relative to the above property would not be acted upon due to the Petitioner's decision not to move forward with the application. This petition was not advertised.

28 Warwick Drive

Applicant: Jason Lee

Project: Special Permit under Section 4.5.8.3

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

Mr. Lee explained that he purchased this lot and demolished the existing house and plans on erecting a modular home on the site.

Bruce Wilson, surveyor for Mr. Lee mentioned that the new house will be shifted to center it more than the original house was on the lot. According to Mr. Wilson, the original house was 62' in length which is the same as the new house. The new house meets all the height and setback requirements excepting the left front side of the house. The driveway will be on the right side of the house. An additional 275 s.f. will be added to the footprint.

Joe Mearn - 18 Warwick Drive – expressed concerns relating to drainage and inquired if the grade will be changed.

According to Mr. Wilson, some fill will be brought in and Mr. Lee believes that over-all they will be improving the drainage with french drains around the house.

Discussion ensued regarding the height of the foundation and Mr. Wilson said that approximately 18" would be visible as they would be stepping the foundation down on the property and it will have a walk-out basement.

Paul Alleger – Avalon Building Systems – stated that the company will certify their plans and building with the Building Inspector

Susan Cahill – 53 Warwick Drive – inquired about the non-conformities. Mr. Lally responded with an explanation of the zoning bylaws and how special permits allow for improvements to non-conforming sites.

Ray Bligh – 36 Warwick Drive – inquired about the average height of the house.

Lisa Spollen – 36 Warwick Drive – inquired if a screened porch will be part of the construction. Mr. Belcher explained that a screened porch is not considered a footprint item and is not included in the footprint calculation.

Mr. Lally inquired about making adjustments in order to be able to meet the side setback of twenty feet. Mr. Lee responded that the additional area gathered by moving the house as on the plan would allow for parking of an additional car. He also explained that there initially was a calculation error on the size of the lot which makes abiding by the setbacks impossible.

Jared Levin – 8 Wildwood Drive – spoke about the impact to the neighborhood of a modular house.

Rebecca Sullivan – 48 Wessex Drive – introduced herself as representing the street and spoke about the process followed for getting this project underway and that communication was lacking.

Kevin Hanifin – 7 Warwick Drive mentioned that the area used to be a pond and that flooding is common.

Keri DeAngelis – 19 Warwick Drive – inquired what the ZBA process is going forward and if there will be an opportunity to come back before the Board.

Ms. Rossi noted that a letter from Mr. & Mrs. Jeff Campbell of 45 Warwick Drive opposed the project.

Mr. Lally inquired about finished landscaping and which, according to Mr. Lee, has not yet been designed.

Nora Loughnane – Director, Economic & Community Development – mentioned the Storm water Act adopted by the Town and that perhaps this project should go before the Conservation Commission for an administrative hearing.

On a motion by Mr. Belcher which was seconded by Mr. Stebbins, it was voted unanimously to grant the Special Permit for the modular home as presented with the following conditions:

- *the property owner shall meet with the Conservation Agent to determine if the Storm water Bylaw would be applicable to the site and if not, then mitigation on the left side of the house is to be completed*
- *finished landscaping shall be provide upon completion of construction*
- *the memorandum to the Board of Appeals from the Board of Health dated July 13, 2015 shall be carried out.*
- *approval by Joseph Doyle, Building Commissioner of the revised plan presented to the Board of Appeals on June 17, 2015.*

2 Overlook Avenue

Applicant: Mark J. Karafotias

Project: Special Permit under Section 4.5.6

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

Mr. Karafotias explained to the Board that he would like to build a two car garage on the left side of the house and a sun room with a larger bedroom above on the right side of the house. Mr. Karafotias has lived in the house since the age of four and is now raising his family there. According to Mr. Karafotias, the neighbors across the street and to the left are supportive of the project. The right side of the house is bounded by Route 128 North.

The driveway will stay in the same horseshoe configuration and there will be a retaining wall to the left of the house

Janet Distefano – 5 Overlook Road, Dedham is the neighbor to the direct left and she is supportive of the project.

Mr. Stebbins mentioned the decreased setback, however, he thought a garage would be of benefit and the proximity of Route 128 creates a uniqueness not seen throughout Town.

On a motion by Mr. Stebbins which was seconded by Mr. Belcher, it was voted unanimously to grant the Special Permit for the renovations to both side of the house upon the condition that any other requirements from any other Town Board be fulfilled.

17 Aran Road

Applicant: Christopher M. Kirby, P.E. on behalf of the Laham Family Realty Trust

Project: Special Permit under Section 4.5.6

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

Mr. Laham, Jr. presented five letters from abutters expressing approval of the project.

Mr. Kirby explained that the petition was originally filed to include an accessory apartment, however, the plans have since been reworked and the lower space is now shown as just an enlarged guest suite. Mr. Laham owns the house, but his son and his family live there also. For Mr. Laham Sr. to live on one level would be convenient with his health considerations. An addition to the left side of the house is proposed which would reduce the setback to 6.1' increasing to 9.4' towards the rear. The existing setback is 21.5' where 15' is required.

Mr. Belcher commented on the length of the house and Mr. Stebbins inquired if any consideration had been given to adding on to the back of the house. Mr. Kirby responded that symmetry could be preserved by not expanding in the rear.

George Laham – 865 Gay Street and son of Mr. Laham read a prepared statement regarding Town values and the preservation and protection of the community. He and his wife will live in the house.

Alexandria Alexopoulos – owner of 25 Aran Road in which house her parents live stated that the Laham addition is too close to her parents' bedroom and that at one time the house was conforming. Subsequently, several additions were made and this would now be the third one.

Susan Walsh – 403 Canton Street – directly abuts the garage addition and stated that there were no issues with it.

Joe Gearon 1412 High Street and Brian Cashman 144 Briar Lane spoke in support of the Laham family.

Ms. Teresa Laham when asked the size of the existing house responded that it is approximately 3500 s.f. and with the addition, that would increase to 4500 s.f.

Mr. Kirby stated that putting an addition on the rear of the house would mean the destruction of an existing pool, concrete patio area and a shed.

Mr. Stebbins opined that the addition would be too close to the property line and that he did not want to establish a precedent.

On a motion by Mr. Lally which was seconded by Mr. Belcher, it was voted unanimously to allow the withdrawal without prejudice of the application for an addition to the house.

190 Arcadia Road

Applicants: Mr. & Mrs. Kevin Murray

Project: Special Permit under Section 4.5.6

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

Mr. Murphy explained to the Board that they would like to add a second story to the existing ranch style house to include connecting the detached garage to the house with storage above it and a farmers' porch on the front. The addition will increase the size of the house from approximately 1800 s.f. to 3100 s.f. The property abuts conservation land. The left side of the house encroaches on the setback at 17.9' with the addition of the porch where 20' is required. A fourth bedroom will be built on the second floor. The existing foundation will be maintained with all building done up and around it.

On a motion by Mr. Lally which was seconded by Mr. Belcher, it was voted unanimously to grant the special permit to add a second floor and farmers' porch to the house with the condition that any requirements by the Board of Health and the Conservation Commission be fulfilled.

The hearing adjourned at 9:40 PM.