

Town of Westwood
Zoning Board of Appeals
Carby Street Municipal Office Building
Meeting Minutes - September 16, 2015

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

Staff Member Present: Abigail McCabe-Town Planner, Louise C. Rossi- Administrator

Mr. Krumsiek gave a brief description of the proceedings and all were sworn in who anticipated giving testimony. Ms. McCabe informed the Board that she would sit in the meeting and take notes until the arrival of Ms. Rossi who had a scheduling conflict.

Applications:

14 Church Street

Applicants: Kathryn McGinn & Paul Swallow

Project: Special Permit under Section 4.5.6

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

The Applicants explained that they needed additional space and would like to construct a full shed dormer across the front of the entire building. It is currently a cape-style house with a one car garage underneath. In 2002, a special permit was granted to construct an addition in the rear of the house. The property is nonconforming as it is deficient in area and frontage.

On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to grant the special permit under Section 4.5.6 in order that a full shed dormer may be built on the front of the house.

24 Stearns Street

Applicant: Jennifer Driscoll

Project: Special Permit under Section 4.5.6

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

Ms. Driscoll explained to the Board that while the house fronts Stearns Street, the rear of the house is on Willow Farm Road. The garage is under the house and to the left of this is a rear door and cement steps. In the interests of safety and aesthetics, Ms. Driscoll would like to replace the steps and add a small deck. The deck and stairs will be reconstructed in wood. The property is deficient in area and frontage as well as rear and side setbacks. The new construction will reduce the rear setback to 20' where 30' is required.

No one 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 4.5.6 in order to rebuild the rear stairs in wood and add a small 8' square deck.

209 Washington Street

Applicants: Mr. & Mrs. Andrew Mikesell

Project: Special Permit under Section 4.5.6

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

Mr. Carl D'Angio of 191 Fieldstone Road spoke on behalf of the Mikesells. He stated they had a pre-existing nonconforming house due to a lack of frontage to which they would like to add more space. They propose removing an existing porch on the left side of the house and replacing this with a two story addition comprised of a first floor family room and second floor master bedroom. The construction will reduce the side set back to 8.7' where 15' is required.

No one 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 4.5.6 in order remove the existing porch and replace it with a two story addition.

10 Rockmeadow Road

Applicant: Ian Brown on behalf of Mr. & Mrs. George Hertz

Project: Special Permit under Section 6.3.10

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

Mr. Brown explained that on the right side to the rear of the property, the homeowner would like to install a section of fencing which will exceed 6' in height. The purpose of this section is to screen a backyard spa from the view of the neighbors who abut the property and live at 29 Orchard Circle. The natural landscaping includes a stone wall and the fence will be placed in front of this wall approximately 7' high on grade.

No one 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 for the fence to screen the neighbors' view.

61 Grafton Avenue

Applicant: Eric Stepanian

Project: Special Permit under Section 4.5.6

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

Mr. Stepanian explained to the Board that due to his growing family, he needs additional room and wants to keep all bedrooms on the same floor and by adding a second floor, this can be accomplished. They will be staying within the existing footprint and not building out over the garage. They have spoken with their neighbors who approve of the project. To the left side of the house is land owned by the MBTA. The residential lot is non-conforming due to area.

Dave Porter – 59 Grafton Avenue – spoke in favor of the project.

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 a Special Permit under Section 4.5.6 in order to build a second floor onto the house.

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. Krumsiek read the legal notice pertaining to this application.

On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to immediately continue the hearing, at which no testimony was given, to October 21, 2015 at 7:00PM in the Champagne Meeting Room, Carby Street Municipal Office Building, 50 Carby Street, Westwood, MA.

220-310 Providence Highway

Applicant: Lambert Realty Trust

Project: Special Permit under Section 4.5.6

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

Edward Richardson of Leahy and Richardson spoke on behalf of his client. He stated that he would like to make a partial withdrawal of the terms of the application by deleting the part referencing an enclosed, heated dining area for patrons. He continued to request nineteen picnic tables as an allowed use for the benefit of the store patrons. Mr. Richardson went on to explain the past ownership of the property and the various zoning changes made which changed the zoning from a Business District to a Residential District. He stated that as early as 1972, picnic tables were an allowed use at the site. One year ago, in making improvements to the site, they triggered an Environmental Impact and Design Review (EIDR) by the Planning Board which necessitated improvements to the parking lot. It is now believed that the use of the picnic benches has expanded and is in need of a Special Permit to conform to the Planning Board EIDR.

Mr. Richardson mentioned that they are not asking for any parking waivers as they have sufficient parking and Mr. Wilfred Lambert attested to the fact that the picnic tables have been in use for many years.

Anthony Lambert – 290 Providence Highway – stated that the picnic tables were not a matter of egress and that he is currently working to get the lighting glare fixed according to Planning Board standards.

No one 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 to allow the use of 19 picnic tables on the site for the use of the patrons conditioned on the fulfillment of the requests in the Planning Board decision dated July 7, 2015.

On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to allow the withdrawal of that part of the application relative to enclosing the front of the business and adding gas heaters.

The hearing adjourned at 8:40 PM.