

**Town of Westwood
Zoning Board of Appeals
Remote Participation, Zoom Video Conference Call
Meeting Minutes –March 17, 2021**

Members Present: Jack Lally, Doug Stebbins, Dave Belcher

Staff Members Present: Sarah Bouchard, Housing & Zoning Agent

Mr. Lally gave a brief description of the proceedings, including a description of instruction for remote participation by the public. All those present for the meeting who anticipated giving testimony were sworn in.

Applications

Address: 463 Sandy Valley Road

Petitioner: John Sacco, Boston Solar

Project: Application for special permit pursuant to the Westwood Zoning Bylaw Sections §4.3.2.7 [Accessory Uses – Ground Mounted Solar]

John Sacco, Boston Solar, discussed that cooperation was ongoing between the homeowner and his neighbor regarding placement of the solar array. He described the solar array as 5 feet high by 8 feet wide, 15 foot front to back length of total array. Upper end of array is 10-12 feet in air, two feet high at lowest. The original array proposed to be placed tight to but in compliance with the rear setback, as subject to relocation based on abutters objections. Proposed to be oriented north/south. South facing is ideal, with maximum plantings on the north/west/east to block visibility for abutters. He described the neighbor's preference to move the array eastward on the property on the right side of the driveway.

Mr. Lally asked about intention for screening. Mr. Sacco replied that the homeowner and his neighbor are in discussion about a satisfactory landscaping plan, with plantings on three sides of the array that screen from view but no fencing structure.

Mr. Lally asked if panels give off light. Mr. Sacco says no, there is no severe reflection. They absorb light.

Mr. Lally asked about ownership. Mr. Sacco says the panels would belong to the homeowner and will operate for 40 years at least. Mr. Lally asked if the homeowner would be responsible for abandonment or replacement as technology becomes more efficient. Mr. Sacco says he does not expect the panels to become obsolete.

Mr. Lally asked if liability insurance is required. Mr. Sacco says that the homeowners' specific home insurance policy would be the authority on that question, but not usually required.

Mr. Lally asked if a roof array was considered. Mr. Sacco described the roof as facing east/west, as not optimal for solar, and with multiple dormers that preclude placement of the panels.

Mr. Belcher asked where the proposed relocation would be. Mr. Sacco replied that the applicant would like to relocate the array in an effort to be a good neighbor. The new location is still undecided but would be closer to the front yard.

Ms. Bouchard described the procedural requirements of submitting a plot plan with the exact location before the Board could decide. She recommended that the applicant take advisement from the Board, have discussion and answer questions and ask for a continuance if they need more time to provide a final plan.

Mr. Lally asked if there are other locations of ground mounted arrays in Westwood or surrounding communities. Mr. Sacco says there is a customer in Natick with a front yard ground mount solar and many other installations. Mr. Lally asked if most are roof installs. Mr. Sacco replied yes, most are roof.

Mr. Stebbins asked if the efficiency of the array on the roof would be significantly lower. Mr. Sacco replied that they had done calculations to establish that the ground mount would be significantly more efficient, and shared his screen with the design software to demonstrate the comparison.

Mr. Stebbins asked what happens to the excess electricity produced by the panels. Mr. Sacco says that the average house uses 10K kWh per year. For a home of this size, the panels will generate 18kwh to power the home and 2 electric vehicles. If there is extra at a particular point in time, the energy flows back to the grid and the homeowner receives bill credits.

Mr. Stebbins stated his concern that ground mounted will always be more efficient and so ground mounted arrays will become a preferred mode of installation for most residents. Mr. Sacco stated that it is rare to have a plot of land this size, and smaller sites with trees cannot typically make the ground mounted arrays work as they are more vulnerable to shade. They are more expensive to install, with trenching necessary and more permitting. Mr. Sacco stated that the ground mount arrays are not always more appealing financially.

Mr. Lally opened the hearing to the public for comment.

Claire Galkowski, 320 Dover Road, asked how many tons of CO2 would be prevented from putting into atmosphere over 40 year life. Mr. Sacco says an estimate would be 15K pounds per year = 630K pounds over 40 years.

Steve Olanoff, 52 Glen dover road, described the Planning Board's intent of the bylaw. It was previously written that arrays over a certain production standard needed special permit, and smaller installations regardless of location were by right. The Planning Board did not specify any findings in the bylaw when this was written, which in his opinion, is really needed. The Comp Plan has an action item for zoning changes to be pursued to give the ZBA some criteria. He stated that he believes the ZBA should consider setbacks, height limit as it related to visibility, location as it relates to visibility, preservation of trees, neighbor concerns. There is a serious climate crisis and we need to err on side of generating as much sustainable energy. Should not be a requirement to be invisible, but how much visibility is a detriment to the neighborhood is what the ZBA should consider.

John Siphron, 447 Sandy Valley Road, direct abutter. He stated that he has been in discussion with the homeowner and the solar contractor, and would like further discussion and time to consider relocation of the panel.

Mr. Stebbins advised them to think carefully about where to locate the array. He stated that moving it to the front yard may be best for the abutter, but not for the town generally, and they should give careful consideration to that.

In response to a question by Ms. Galkowski, Mr. Stebbins and Mr. Sacco discussed the vegetation in the front yard and the realistic impact of potential screening.

Mr. Lally closed the hearing to public comment the Board moved to a vote.

On a motion by Mr. Lally and seconded by Mr. Belcher, the Board voted unanimously via roll call to continue the hearing to Tuesday, April 13 at 7 pm remote participation

Address: 493 Gay Street

Petitioner: Isaksen Solar

Project: Application for Special Permit Under §4.3.2.7 (continued from 1/20/21 and 2/24/21)

Matt Sly of Isaksen Solar, discussed the photos that were submitted as projects completed in recent years with ground mounted arrays.

Mr. Lally asked who would own the panels. Mr. Sly replied that the homeowner would own them and be responsible should the panels be decommissioned, although very few panels are decommissioned. Recycling programs do exist for homeowners to dispose of solar should they wish to pursue that option.

Mr. Sly replied to a question from Mr. Lally regarding insurance; homeowners should add the panels to their homeowners policies.

Mr. Stebbins asked about a photo of the ground mounted array that was submitted and the direction of the panels for that project. Mr. Sly guessed that the ground mount was less visible to the street and thought perhaps the homeowner's personal preference was to place them on a less visible location.

Mr. Belcher discussed the location of the proposed array and described it as less ideal than the photos submitted.

Mr. Lally described the screening that is being proposed. Mr. Sly described a landscaping plan with natural landscaping and safety mesh netting. He stated that a fence was not financially feasible.

Mr. Lally opened the hearing to the public for comment.

Jan Galkowski, 321 Dover Road, commented regarding the contract of his own solar installation and protections for recycling and upgrades as time passes.

Mr. Belcher states the downside to placing a solar array on the ground has an impact on impervious surfaces.

Mr. Stebbins stated that he believes there are other options for the property that work for placement of the array. He stated his concern about the seasonal vegetation and impact on the visibility of the array from the street.

Mr. Lally stated his desire for more clarification from Town Meeting and Planning Board on what ZBA should consider for the special permit. He stated that the bylaw as written does not provide guidance.

Ms. Bouchard discussed the options for continuance, withdrawal, or denial.

Mr. Sly asked for time to discuss with the homeowner.

On a motion by Mr. Lally seconded by Mr. Belcher, the Board voted unanimously to continue the hearing to April 13, 2021 via remote participation at 7 pm to allow the applicant time to discuss options with the homeowner.

Address: 216-310 Providence Highway

Petitioner: Lambert Realty Trust

Project: Application for variance pursuant to the Westwood Zoning Bylaw Sections §6.2.12.3 [Nonconforming Signs].

Mr. Richardson described the property as unusual, due to its operation since 1972 as a shopping center in a residential area. Due to a storm last year, a sign was destroyed and a replacement sign requires relief. The old sign actually encroached into the highway right of way on Route 1. The new proposed sign lessens that encroachment. Mr. Richardson stated that the Building Commissioner recommends treating the sign as Highway Business, which would be more consistent with the location, with 100 square feet as an appropriate size. Mr. Richardson referenced comment by the Town Planner that internal illumination be limited to just the insignia or lettering. He stated that nothing proposed is out of line with the aesthetics of the property.

Mr. Lally asked what the size of the destroyed sign was. Mr. Richardson replied that it was about 10x10 but cannot be sure because it was disposed of. Mr. Lally asked if it was illuminated; Mr. Richardson said it was illuminated by a light on top but not internal illumination.

Mr. Richardson described the history of the property respective to the zoning. Consistently and continuously used as a shopping center since 1972.

Mr. Lally says the Highway Business section of the Bylaw does not allow for greater than 100 square feet. He asked if there is a proposal for a specification new sign? Mr. Richardson said the applicant would welcome a condition on specifications for size.

Mr. Lally is concerned the sign is too close to the ground. He stated he is concerned about visibility for cars entering and exiting the parking lot. Mr. Richardson replied that he thought the new location would alleviate that issue.

Mr. Stebbins asked how many tenants are located within the property. Mr. Richardson replied that he didn't have the exact number but the tenants range in uses and are all front facing.

Mr. Stebbins would prefer to see a smaller sign.

Mr. Belcher clarified that the relief granted would be for a variance to reconstruction, conditioned upon satisfaction of Highway Business District requirements and relocation to a specific point. He stated he believes the closer the sign gets to the street, the smaller the sign should be for visibility. He stated that he is not sure the plan provided is sufficient because it doesn't provide the sign size. He contemplated that it could be satisfactory if the new sign is no bigger than the old one.

Mr. Richardson suggested that 36 or 40 inches from the ground could be an improvement.

Mr. Lally referenced 6.2.7.2 regarding the setback requirements for the sign. Mr. Belcher said he is comfortable approving with conditions on size and setback requirements. Mr. Stebbins agreed.

Mr. Lally asked if the sign would be a digital display; Mr. Richardson replied no, it is a directory sign of tenants.

Mr. Lally opened the hearing to the public for comment.

John Massimi, 19 Smith Drive, stated his objection to the sign based on the visual impact of the sign's illumination.

Peter Heaney, 306 East St, stated his objection to the sign based on general complaints about the noise and traffic related to the operation of the garden center.

Debbie Deigan, 25 Smith Drive, stated her objection to the sign based on illumination and height and overall concerns related to the operation of the property.

Mr. Stebbins asked if the lights are on all night. Ms. Deigan says yes, there are no caps on the lights.

Mr. Lally asked Ms. Bouchard if the Building Commissioner would enforce. Ms. Bouchard said only if the traffic and lighting were addressed in a special permit.

Mr. Richardson said it went before Planning Board for site plan review twice in 15 years and that the sign would be LED.

Mr. Lally stated that the owner should discuss these issues with the Building Commissioner and neighbors. Mr. Stebbin agreed.

Mr. Belcher stated that he might feel differently about requiring a particular sign plan.

Mr. Richardson stated his preference for resolving the sign issue at this time.

Mr. Lally proposed continuing the hearing while awaiting more detail on exact sign size, placement and illumination.

Ms. Bouchard advised the board to consider the sign only.

Mr. Heaney stated that the owner is not a good neighbor and the Board should consider their complaints.

Mr. Massimi stated that the impact on neighbors should be considered by the Town and the cooperation of the owner with neighbors should be considered by the Board.

Ms. Deigan invited the Board to come to her property and view the lights.

Mr. Lally closed the hearing for public comment and the Board moved to a vote.

On a motion by Mr. Lally seconded by Mr. Belcher, the Board voted unanimously via roll call to continue the hearing to April 13, 2021 at 7 pm via remote participation to allow applicant to propose more specifics regarding size, location and illumination.

Address: 114 Canton Terrace

Petitioner: Ron Cahaly

Project: Application to amend a special permit pursuant to the Westwood Zoning Bylaw Sections §4.3.3.2 [Accessory Uses – Storage of Motor Vehicles]

Ron Cahaly, owner of the property, discussed the proposal to construct a single garage bay.

Mr. Lally clarified dimensions and asked what the other 4 bay garage is utilized for. Mr. Cahaly says the garage isn't being used yet, as the rest of the house is still under construction.

Mr. Belcher stated the proposal is set back from the house and is consistent with the design of the property.

Mr. Stebbins stated that he had no further questions.

Mr. Lally opened the hearing to the public for comment. Hearing none, the Board moved to a vote.

On a motion by Mr. Stebbins seconded by Mr. Belcher, the board voted unanimously via roll call to approve the Special Permit.

Address: 35 Hillview Road

Petitioner: Ralph Khirallah

Project: Application for special permit pursuant to the Westwood Zoning Bylaw Sections §4.3.3.12 [Accessory Uses – Accessory Apartments] and 8.5 [Accessory Apartments]

Mr. Ralph Khirallah, contractor, described the proposal to construct an accessory apartment.

Mr. Lally confirmed that there is no expansion of the footprint to the existing home planned? Mr. Khirallah confirmed that is correct.

Mr. Lally confirmed that all requirements of the bylaw for accessory apartments are met? Mr. Khirallah said yes.

Mr. Belcher stated he feels comfortable with the proposed unit and that it appears to meet the bylaw requirements.

Mr. Stebbins supports the proposal.

Mr. Lally opened the hearing to public for comment. Hearing none, the Board moved to a vote.

On a motion by Mr. Belcher seconded by Mr. Stebbins, the board voted unanimously via roll call to approve the Special Permit.

Vote to Adjourn Hearing

On a motion by Mr. Belcher seconded by Mr. Stebbins, the Board voted unanimously to adjourn the hearing at 9:54 pm.

List of Documents:

463 Sandy Valley Road

- Zoning Board application; plans and associated attachments

493 Gay Street

- Zoning Board application; plans and associated attachments

216-310 Providence Highway

- Zoning Board application; plans and associated attachments

114 Canton Terrace

- Zoning Board application; plans and associated attachments

35 Hillview Road

- Zoning Board application; plans and associated attachments