

**Town of Westwood
Zoning Board of Appeals
Champagne Meeting Room, Carby Municipal Building, 50 Carby Street
Meeting Minutes –August 21, 2019**

Members Present: Jack Lally, Chair, Doug Stebbins, Mike McCusker

Staff Members Present: Sarah Bouchard, Housing & Zoning Agent

Mr. Lally gave a brief description of the proceedings. All those present for the meeting who anticipated giving testimony were sworn in.

Applications

Address: 655 High Street

Petitioner: Michael Terry, Esq. for Westwood Masonic Building Association, Inc.

Project: Application to amend Special Permit

Mr. Lally read the legal notice into the record.

Michael Terry introduced the proposal. He stated that the Mason Lodge is run by a charitable organization under a special permit granted in 1974 to allow use of structure for a lodge with two residential units on the street. A condition was placed on permit at that time to limit alcoholic beverages served. Mr. Terry described Westwood at that time as a dry town, and stated that the condition addressed concerns that it might function more as a VFW hall or function facility. At this time, Mr. Terry stated that the Board members would like flexibility to have events for members that serve beer/wine with a meal. He stated that they have no intention of pursuing a liquor license, but are focused on one day events and are requesting to remove the condition. He stated that there are no proposed changes to the structure.

Mr. Lally asked about the frequency of private functions with alcohol. Bob Menyhert, 135 Arcadia Road and a member of the Board, described potential events as infrequent.

Mr. Lally asked if the events would include weddings or fundraisers. Mr. Menyhert said that there would be no commercial uses.

Mr. Lally asked if hard liquor would be served in addition to beer/wine? Mr. Menyhert stated that was still undecided.

Mr. Lally asked about capacity of the building. Mr. Menyhert replied that the building fits 50, comfortably. Mr. Lally asked about fire capacity and John Anderson, Board member, stated that the total is 124 for the building.

Mr. Lally asked about parking. Mr. Anderson stated that parking is shared with the town and the bank per the special permit.

Mr. Stebbins asked about the history of events hosted at the lodge. Mr. Menyhert stated that the WMBA owns the building, and 4 tenant lodges plus the Order of the Eastern Star rent the building for their own meetings. Public events include Saturday blood drives but are otherwise infrequent.

Mr. McCusker asked if the tenants would be hosting events. Mr. Terry stated that if they did, they would go through the appropriate process to request a one day license to serve alcohol.

Mr. McCusker asked the applicants to clarify if they would be requesting a club license. Mr. Menyhert stated that they would not be doing so and that the Masonic body bylaw require them to hire a caterer with the appropriate license to serve.

Mr. Lally asked about the hours of events. Mr. Menyhert described most meetings as 3 hours at most.

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

Louis Fellin, 26 Windsor Road, stated his opposition to the amendment, citing parking and potential safety issues relating to the serving of alcohol.

Mr. Terry responded that this change would not significantly change current operations and event schedule. He stated that parking is a fixed agreement and there can be communication with neighbors to address those concerns

Mr. Stebbins asked if there would be an additional point of review by the Select Board if the ZBA removed the condition. Mr. Terry said that one day licenses would go before Select Board, who could control conditions.

Mr. Stebbins stated that eliminating this condition doesn't allow the applicant to have these events, it allows the applicant to apply for them.

Mr. McCusker stated that the ZBA could condition a special permit to include limits on events and/or such safety conditions as police detail.

Mr. Lally referenced the memorandum from the Licensing Department describing one day liquor licenses as reviewing by public safety.

Mr. Terry stated that the applicant would be amenable to a condition limiting parking on Windsor Road.

Dick Ogilvie, 44 Turnberry Road, Bourne and Board member, stated that the Board can address the parking issue and wants to work with neighbors.

Mr. Fellen stated that he is concerned about private functions vs. membership events.

Mr. McCusker stated that the ZBA could potentially limit the number of lodge functions but the lodge already prohibits public events.

Mark Ogden, 47 Windsor Road, stated his concern regarding parking in the residential neighborhood.

Mr. Stebbins asked if these special permits conditions are typical. Ms. Bouchard, Mr. Terry and Mr. McCusker agreed they hadn't seen anything similar.

Mr. Lally asked the ZBA members if they would support a continuance to review language for potential conditions with town counsel.

The Board members agree. Ms. Bouchard requested specific language to bring to Town Counsel.

Mr. McCusker requested condition regarding number of events, parking. Mr. Stebbins and Mr. Lally agree. Mr. Lally requests hour of operation for events.

On a motion by Mr. Lally and seconded by Mr. McCusker, the Board unanimously continued the hearing to September 18, 2019 at 7 pm at 50 Carby Street.

Address: 47 Windsor Drive

Petitioner: Mark Ogden

Project: Application for Special Permit under §4.5.3.2.3

Mr. Lally read the legal notice into the record.

Mark Ogden, homeowner and applicant, architect, described the proposal to add a front porch to the home. The porch would add character and protect people from snow melt from solar panels on the roof.

Mr. Lally asked if the porch would be mainly decorative in nature. Mr. Ogden replied that it would be, and it would be no more than 4 feet into the setback

Mr. McCusker stated for the record that he has family residing in the neighborhood but believes he can act impartially on this application. He asked the applicant why the home was nonconforming. Mr. Ogden replied that he believes the large hill behind the house likely caused the home to be placed closer to the street than frontage would allow

Mr. Stebbins asked about dormers to the roof. Mr. Ogden replied that they were struck from the plan.

Mr. Lally introduced the memo from the Board of Health.

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. McCusker, the Board unanimously approved a special permit for 47 Windsor Drive under Section 4.5.3.2.3 subject to the conditions requested by the Board of Health.

Address: 13 Webster Street

Petitioner: Ethan Phillips

Project: Application for Special Permit under 4.5.3.2.2

Mr. Lally read the legal notice into the record.

Ethan Phillips, homeowner and applicant, described the proposal to add bedrooms to the home for his growing family. He stated that the existing garage needs to be fixed due to foundation issues, and that it made sense to add living space above the new garage at the same time. He stated that the proposal would improve the value of the property and cited similar work to other homes in the neighborhood. He stated that he has the support of the immediate abutters on the affected side of the property.

Mr. Lally asked about the height increase. Mr. Phillips said the proposal will increase garage height but not the existing roofline of home.

Mr. Stebbins stated that although height is a sensitive issue, the way the structures of the home and abutter are situated mitigates the impact for this specific situation.

Mr. Lally introduced the memo from the Board of Health.

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

On a motion by Mr. McCusker seconded by Mr. Stebbins, the Board unanimously approved a special permit for 13 Webster Street under Section 4.5.3.2.2 subject to the conditions requested by the Board of Health.

Vote to Approve Meeting Minutes

On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was unanimously voted to approve the meeting minutes from July 17, 2019.

Vote to Adjourn

On a motion by Mr. McCusker which was seconded by Mr. Lally, it was voted unanimously to adjourn the meeting.

The hearing adjourned at 8:01 PM.

List of Documents:

655 High Street

- Zoning Board application; plans and associated attachments

47 Windsor Drive

- Zoning Board application; plans and associated attachments

13 Webster St

- Zoning Board application; plans and associated attachments