

**Town of Westwood
Zoning Board of Appeals
EOC/Training Room, Westwood Police Station, 588 High Street
Meeting Minutes –May 22, 2019**

Members Present: Dave Krumsiek, Chair, Jack Lally, Doug Stebbins

Staff Members Present: Sarah Bouchard, Housing & Zoning Agent

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

Applications

Address: 418 Pond Street

Petitioner: Robert Hazan

Project: Application for Special Permit under §4.3.3.2

Mr. Krumsiek read the legal notice into the record. Robert Hazan, homeowner and applicant, introduced the proposal. He stated that he maintains and restores cars for personal enjoyment and use. The current garage structure on the property is not usable, with rotting wood. He stated that he is seeking to demolish the building and replace with a new structure of approximately similar size and location.

Mr. Lally asked about the total number of bays and cars proposed to be stored. Mr. Hazan replied that a 2 car garage is attached to house, and the proposed new detached garage would house 2 cars.

Mr. Lally asked if the proposed garage meets setbacks. Mr. Hazan confirmed that it does.

Mr. Lally asked if commercial vehicles and hazardous materials would be stored in the proposed garage. Mr. Hazan said no. He stated that the garage would store cars and lawn equipment.

Mr. Stebbins asked about plans for plow storage. Mr. Hazan asked if there were currently any prohibitions on plow storage. Mr. Stebbins described his concern for the aesthetics of the property if the plow was stored outdoors. Mr. Hazan replied with his intention to store the plow in the new garage, and that the plow is used for personal use.

Mr. Krumsiek asked to confirm that there would be no commercial vehicles stored on the premises. Mr. Hazan confirmed that no commercial vehicles would be stored on the parcel.

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

Cynthia Fitzgibbon, 384 Pond Street, stated her opposition to the request for relief, referencing her concerns about traffic and environmental impact.

Mr. Hazan stated that he has no interest in flipping cars for business and believes that purchasing older cars to maintain is more environmentally friendly than buying new cars and that his cars pass emissions testing. He further stated that the vehicle storage would not add to traffic.

Hearing no other comment, Mr. Krumsiek closed the hearing to public comment. The Board discussed potential conditions suggested by Mr. Stebbins and the Board of Health.

The Board moved to a vote.

On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to grant the special permit for 418 Pond Street under Section §4.3.3.2 subject to conditions requested by the Board of Health and a condition limiting exterior storage of plow equipment to no more than 3 days.

Address: 40 High Rock Street

Petitioner: Phillip Eramo

Project: Application for Special Permit under §4.5.3.3

Mr. Krumsiek read the legal notice into the record.

DK read notice into record. Phillip Eramo, property owner and applicant, introduced proposal to construct a new home after demolition that encroaches into side setbacks and exceeded height requirements. He called attention to the revised plans that were submitted that no longer requested relief in the side setbacks.

Ms. Bouchard confirmed that the applicant was only before the Board at this point for relief from height restrictions and drew the Board's attention to the comments from the Building Department.

Mr. Eramo stated his belief that the height requirement should be a special permit, not a variance, and that the bylaw should offer more discretion under Section 4.5.3.4.2. He stated that the roof height restriction results in roof pitches that aren't aesthetically pleasing. He stated that small lots deserve stricter scrutiny, but the subject lot is over a half acre.

Mr. Krumsiek asked the applicant why the proposal could not reduce the overall height. Mr. Eramo stated it would be unsightly.

Mr. Lally asked if anything is unique about the lot. Mr. Eramo said no.

Mr. Eramo stated that the current bylaw encourages builders to use existing foundations.

The Board discussed the bylaw section and concluded that a variance would be appropriate for the situation. Mr. Krumsiek stated that although the applicant may have a convincing argument, that the Board is only able to apply the current bylaw as written and is unable to make changes.

Mr. Krumsiek opened the hearing to the public. Cynthia Fitzgibbon, 384 Pond Street, stated her opposition to the request for relief.

Hearing no other comment, Mr. Krumsiek closed the hearing to the public.

Mr. Krumsiek stated that the variance request was not favorable due to a failure to meet the necessary findings.

Mr. Eramo verbally requested to withdraw the application without prejudice. The Board moved to a vote.

On a motion by Mr. Lally which was seconded by Mr. Stebbins, it was voted unanimously to grant leave without prejudice regarding the application for 40 High Rock Street for a Variance under §4.5.3.3

Address: 446A High Street

Petitioner: PT Realty Investors

Project: Application for Special Permit under §4.5.2.2 and 4.3.3.2 (continued from 4-24-19)

Louis Petrozzi, property owner and applicant, introduced progress that had been made since the last meeting. He hosted neighbors on a walk through. He introduced to the Board photos of the current interior and exterior of the structure. He introduced new exterior elevations that were submitted to the Board showing the proposed 2 car garage addition onto the barn. He described his intention to maximize aesthetic and architectural possibilities of the historic building. He stated that architects may have different visions and buyers have preferences, and stated that fewer would be more beneficial to creating a positive project.

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

Wayne Smith, 490 High Street, sought to clarify the existing use. Mr. Petrozzi described it as an accessory apartment and reviewed the bylaw's language establishing an applicant's right to seek a special permit to alter or expand that use.

Mr. Smith asked if the intent is to subdivide or create a condo? Mr. Petrozzi replied that the property is not set up with enough square footage to subdivide, and if he were to pursue that option, he would have to move the building elsewhere on the lot. Instead he has proposed a legal structure with joint ownership and condo agreement .

Cynthia Fitzgibbon, 384 Pond Street, asked if the town offered any incentives for construction of starter homes or affordable housing? Ms. Bouchard described the bylaw's affordability requirements. Mr. Petrozzi further spoke about exempt uses.

Mr. Smith asked if the intent was to preserve the existing structure and convert to a single family home. Mr. Petrozzi confirmed those intentions and stated that an attached 2 car garage is proposed to be constructed on the barn.

Mr. Krumsiek asked how many bedrooms were envisioned for the residence. Mr. Petrozzi responded that he planned for at least 4 bedrooms, 3-5 full bath, 2 half bath, a laundry room and lots of open space.

Mr. Lally asked if the structure's New England character would be intact, and asked about configuring a new entrance. Mr. Petrozzi stated that in old photos there was a center entrance to the building that no longer exists, and said he is undecided if that will be reintroduced. He intends to maintain the structure's character.

Mr. Krumsiek discussed a potential condition limiting bedrooms and curb cuts to address concerns about impact on the neighborhood.

Mr. Petrozzi stated that the Department of Public Works would impose requirements of curb cuts as appropriate, and further condition might limit ideal service to both buildings and reduce aesthetic and improvement capacity.

Mr. Stebbins asked about the height of current and proposed structure. Mr. Petrozzi replied that the plans submitted are conceptual to give the essence of project necessary for a use permit.

Lura Provost, 68 Milk Street , spoke in favor of the proposed use request, citing historic preservation and restoration.

Mr. Smith further spoke in support of the proposal, citing restoration and improvement to property values.

Margaret Rustrian, 489 High Street, spoke in support of the proposal, citing historic preservation. She stated that a fellow neighbor, Paula Meridan was not able to come, but expressed Ms. Meridan's wish to state her support of the proposal.

Ms. Fitzgibbon asked about ability to add additional units to the property. Mr. Petrozzi discussed the square footage requirements for subdivision. Ms. Bouchard reviewed bylaw requirements for multifamily uses.

Marie Cairo, 453 High Street, spoke in support of the preservation of the structure. She requested a condition to ensure that the current structure would be preserved.

Mr. Krumsiek closed the hearing to the public for comment and proceeded to discussion.

Mr. Krumsiek agreed on the historical significance of the structure and described his interest in imposing conditions. He stated that if a future buyer wants to remove conditions, they can do so with specific plans that can be vetted at a future time with the benefit of a public hearing.

Mr. Petrozzi addressed the curb cut restriction, and stated that if a future buyer wants to design the front of building as entrance, that may be an issue with the existing curb cut. Mr. Stebbins stated that plans can be submitted in the future if necessary for further review.

Ms. Bouchard read staff comments into record. The Board moved to a vote.

On a motion by Mr. Lally, and seconded by Mr. Stebbins, it was voted unanimously to approve a special permit for 446A High Street under Sections 4.5.2.2 and 4.3.3.2 subject to conditions requested by Conservation Commission, Planning Board and Board of Health, limiting bedroom size to 5, restricting curb cuts on 109, and preservation of existing structure.

Address: 106 School Street

Petitioner: Brian Dunton

Project: Application for Variance under §4.5.3.3

Brian Denton, homeowner and applicant, updated the Board on his request for relief. He stated that the architect and Building Commissioner had confirmed that a variance would be a necessity due to the proposed height in the side setback.

Mr. Stebbins asked if a redesign was possible to get below the height requirements. Mr. Dunton replied that alteration of the proposed former was not possible.

Mr. Dunton described the uniqueness of the structure and lot and his efforts to solicit a professional opinion to document the failing foundation and soils below it. He submitted photos of the foundation and soils to the Board for review.

Mr. Dunton stated that the foundation, slope of property, and angle of existing structure to the lot are unique and particular to his lot and structure.

Mr. Lally asked if the applicant was constrained with lot size? Mr. Dunton stated that the plot plan shows that the original house was not centered on the lot. Mr. Lally stated that the current structure is nonconforming on the side and rear setbacks.

Mr. Krumsiek stated that the variance statute requires circumstances relating to shape of such land or structures. He asked if the argument was being made that the structure is unique due to the angled position on the lot? Mr. Dunton confirmed.

Mr. Dunton stated that all rooms in the existing home are small, and the second floor as proposed is modest in dimension. He described his intention to propose a project that does not look like an obvious addition and maintains the look and feel of the neighborhood given lot size and crooked position of structure located on lot.

Mr. Stebbins asked if it was possible to redesign the deck, given how close it is to meeting the setback. Mr. Krumsiek agreed that he thought the deck could be redesigned.

Mr. Dunton verbally submitted a request to withdraw the request for a variance to construct the deck in the rear setback.

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

On a motion by Mr. Lally, and seconded by Mr. Stebbins, it was voted unanimously to grant leave without prejudice to the request for relief in the form of a Variance to construct a deck in the rear setback, and grant a Variance for 106 School Street under Section 4.5.3.3 to construct an addition encroaching into the side setback only subject to conditions requested by the Board of Health.

Vote to Adjourn

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

The hearing adjourned at 9:30 PM.

List of Documents:

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| 40 High Rock Street <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments |
| 418 Pond Street <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments |
| 106 School Street <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments |
| 446A High Street <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments |