

**Town of Westwood  
Zoning Board of Appeals  
Remote Participation, Zoom Video Conference Call  
Meeting Minutes –April 13, 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: 461 Sandy Valley Road (continued from 3-17-21)**

**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]**

Ms. Bouchard introduced the applicant's request to withdraw the application without prejudice, entered via email by John Sacco of Boston Solar.

*On a motion by Mr. Lally seconded by Mr. Belcher, the Board voted unanimously via roll call to grant leave without prejudice.*

Ms. Bouchard discussed that public comment for a withdrawn application does not apply to future applications regarding the same or amended project and advised members of the public to subscribe to ZBA emails and attend future hearings to participate.

**Address: 61 Sycamore Drive**

**Petitioner: Christopher Barry**

**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]. [Accessory Uses – Ground Mounted Solar]**

Mr. Lally read the legal notice into the record.

Karen Walker, homeowner, introduced her contractor and applicant, Chris Barry. She described the proposal to construct an accessory apartment for her elderly father to reside at her home in Westwood.

Mr. Barry described the structure as small in footprint, located on the property to reduce visibility to the street, and fitted with cedar shingles to fit in visually.

Mr. Lally asked about square footage. Mr. Barry said it is sized at 900 sq. ft. and has living space for a caretaker to assist the father (2 bedroom, 2 bathroom). The garage is attached to allow for personal vehicle storage.

Mr. Lally asked about the size of the garage and footprint of the accessory apartment. Mr. Barry confirmed the measurements on the plans and dimensional requirements of the setbacks.

Mr. Lally asked Ms. Walker if the intended use met the requirements of the bylaw (only accessory apartment on lot, principal residence for Ms. Walker, adequate provisions for disposal of sewage and drainage, exterior appearance of single family home, egress, exterior staircases). Mr. Barry and Ms. Walker confirmed that the proposal meets all requirements.

Mr. Barry described the distribution box designed for pumping wastewater to the public sewage system.

Mr. Barry described the design of the project to have a natural look that complements the single family home.

Mr. Lally asked Ms. Walker about neighbor contact. Ms. Walker described her outreach to immediate abutters, and discussed their concerns about visibility and height of the proposed construction.

Mr. Stebbins asked if a structure existed prior to this proposal. Mr. Barry replied that there was never a structure there. Some site work has been completed to prepare for this project.

Mr. Stebbins asked if the house currently has a garage. Mr. Barry stated that there is a current 2 car garage.

Mr. Stebbins asked about the appearance of a single family home. Mr. Barry stated that the location of the proposed unit reduces visibility to the street. Ms. Walker stated that it looks like a detached garage from the street.

Ms. Bouchard discussed other accessory apartments in Westwood that are detached accessory structures.

Ms. Bouchard stated that the Board has the ability to consider relief for storage of 4 or more motor vehicles if it determines that is necessary.

Ms. Walker described the existing garage as potentially too small for two vehicles.

Mr. Stebbins stated that detached accessory structures are less likely to appear like single family homes.

Mr. Belcher stated that his first review of the plans is that the appearance may not maintain appearance of a single family home, but that the garage mitigates that factor. He stated that he believes the Board should vote on storage of motor vehicles. He asked about height of the building.

Mr. Barry replied that he believes the structure is 17' to the ridgeline (highest point), and the land slopes with a 4 feet differential at grade. The grade reduces visibility to the street.

Mr. Belcher asked about the square footage threshold. Ms. Bouchard stated that there was no designation from the Building Commissioner as needing a variance for size.

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

Andrew Forde, 65 Sycamore Drive, asked if the property could be divided and sold separately. Ms. Bouchard replied that the bylaw prohibits such an activity.

Jason Kitayama, Ann Joyce, 77 Sycamore is calling via neighbor. Ms. Joyce stated her opposition to the proposal due to her loss of privacy and interpretation of the bylaws.

Mr. Lally asked how many houses down. 3 houses down on same side.

Mr. Lally addressed her concerns about the building process.

Mr. Forde asked if the property can be used as a rental property. Ms. Bouchard.

Adam Becker, 51 Sycamore Drive, stated his concerns about loss of woods in rear of property. He requested some restoration of the landscape and plantings on the property line. He stated concerns about use of the unit as a short term rental and duration of work hours.

Mr. Lally asked Ms. Walker to respond to potential concerns. Ms. Walker replied that she is planning to landscape the entire property to include additional plantings, protect and encourage natural wildlife, and minimize visual impact of the new driveway. She also addressed the questions about use, and said this would be for personal use for her family and not a rental. She said there is a 50 foot natural buffer for the purpose of protecting privacy of neighbors.

Mr. Lally asked about relocating the unit. Mr. Barry responded that the current location requires less driveway, which would be visually impactful. He stated that the seasonal views of the property are not significant considerations for the project. He stated that the current location is ideal.

Mr. Lally stated that the current proposal meets all setback requirements.

Mr. Lally stated that the town currently has restrictions on construction hours, and the project would be limited to those as well as cleanup on the street.

Ms. Bouchard described the town's bylaw on hours of operation for construction activities.

Mr. Kitayama, 69 Sycamore, stated his concern about the project due to the loss of trees and stormwater drainage.

Ms. Bouchard described the review of applications relative to stormwater management by Conservation Commission and Conservation Agent.

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

Mr. Lally stated that he is in favor of the application with conditions for additional landscaping and planting of trees.

Mr. Stebbins stated that he is sympathetic to neighbors' concerns. He does not feel that the proposal meets the requirements that the unit appear as a single family home and that the lot offers a number of other options that better satisfy that bylaw criteria.

Mr. Belcher stated that he feels the proposal would have a different feel if there was an existing detached garage, that the construction would not feel as monumental. He stated that accessory

structures like pool houses and garages are constructed routinely, often without relief. The bylaw allows detached accessory apartments.

Mr. Stebbins stated that hearing from neighbors influences his decision.

Mr. Lally stated that the proposed meets the bylaw requirements and attempts to mitigate all issues, and is appealing architecturally.

Ms. Bouchard discussed the application requirements of the Board (continue, withdraw, decision).

Ms. Walker asked to withdraw the application.

*On a motion by Mr. Lally, seconded by Mr. Stebbins, the Board voted unanimously via roll call to allow withdrawal of the application without prejudice.*

**Address: 216-310 Providence Highway (continued from 3-17-21)**

**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]**

Mr. Richardson stated that the existing sign had more than 100 square feet on it and would like the sign to be approved at a comparable size. He referenced the Town Planner's comments that the sign comply with bylaw requirements on illumination as an LED backlit sign that generates little light pollution. He addressed concerns regarding location of the sign in relation to the ingress/egress of the plaza. He stated that left turns out of the plaza are not permitted, and the sign is located as such to not interfere with traffic in and out of the plaza. He described the old sign as encroaching in the public right of way, so the new sign location relocates the sign to 15 feet from the paved highway in accordance with the bylaw. He stated the new sign will be outside the public right of way. He described the efforts of the applicant to address abutter concerns. He stated the owner has coordinated with the neighbors regarding lighting.

Mr. Lally asked about the square footage of the sign. Mr. Richardson described the history of the property's zoning and what requirements might apply. Mr. Lally asked what the dimensions of the old sign were. Mr. Richardson referred to his memorandum which stated the previous sign was 12 feet by 18 feet high. Mr. Lally asked where the 10 x 8 measurement came from. Mr. Richardson said his memorandum confirms the previous measurements and is based on measurements provided by the sign company which sold that sign as a standard size and was the vendor utilized by the applicant.

Mr. Belcher stated that the previous area from the sign shouldn't include the framework according to the bylaw.

Mr. Richardson stated that other commercial signs are much higher than the proposed sign. He stated that the applicant wants to replace an existing sign with directory information for the plaza.

Mr. Belcher proposed ways to reduce the size of the sign and stated his desire to apply a consistent standard to signs in the area.

Mr. Stebbins agreed with Mr. Belcher and wishes to see standards applied consistently with the rest of the area. He asked about the lighting changes.

Ms. Bouchard described the correspondence with the owner and efforts to address concerns by abutters.

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

Mr. Stebbins suggested a condition for hours of operation for the lights. Ms. Bouchard reminded the board that conditions must be related to the relief requested.

Mr. Belcher suggested that the property is unique as a residential property and the commercial nature of the relief requested can be mitigated by a condition for hours of operation for all lights.

Ms. Bouchard read the email from Eversource into the record.

Mr. Lally asked the other Board members if they would prefer the proposed 17.5 x 10 feet wide or the 100 square foot standard. Mr. Stebbins and Mr. Belcher stated that they prefer the 100 square foot.

Mr. Stebbins asked Mr. Richardson what a reasonable amount of time would be to complete the lighting work. Mr. Richardson responded that 90-120 days is a reasonable period of time. He stated that it is unrelated to the sign requested.

Mr. Stebbins stated he prefers a condition of 120 days.

*On a motion by Mr. Belcher and seconded by Mr. Stebbins, the Board voted unanimously via roll call to approve application for a variance under 6.2.12.3 to construct a sign subject to complying with area requirements of HBD (not to exceed 100 sq feet) and that illumination also in compliance with HBD and subject to setback of HBD and conditioned upon approval of 120 day lighting at property addressed in accordance with specification made by email read into record.*

**Address: 493 Gay Street (continued from 3-17-21)**

**Petitioner: Matt Sly, Isaksen Solar**

**Project: Application for special permit pursuant to the Westwood Zoning Bylaw Section §4.3.2.7 [Ground Mounted Solar]**

Applicant not present.

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

*On a motion by Mr. Stebbins and seconded by Mr. Belcher, the Board voted unanimously via roll call to deny the special permit under 4.3.2.7.*

**Approval of Minutes:**

2/24/21, 3/17/21

*On a motion by Mr. Lally and seconded by Mr. Stebbins, the Board voted unanimously via roll call to approve the minutes for 2/24/21 and 3/17/21.*

**Vote to Adjourn Hearing**

*On a motion by Mr. Lally seconded by Mr. Belcher, the Board voted unanimously to adjourn the hearing at 9:01pm.*

**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

61 Sycamore Drive

- Zoning Board application; plans and associated attachments