

**Town of Westwood
Zoning Board of Appeals
Remote Participation, Zoom Video Conference Call
Meeting Minutes – May 19, 2021**

Members Present: Jack Lally, Doug Stebbins, Michael McCusker

Staff Members Present: Nora Loughnane, Director of Community & Economic Development

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: 8 Windmill Lane

Petitioner: Daniel Bradley

Project: Application for variance pursuant to the Westwood Zoning Bylaw Section §4.5.3.3 [Variance Required for New or Expansion of Nonconformity]

Mr. Lally read the legal notice into the record.

Mr. Bradley, homeowner, presented his application proposing to construct a garage that encroaches into the rear yard setback. He stated that he was hoping to extend his garage to the rear by twenty feet, leaving a 12-foot rear setback where a minimum 25-foot setback is required. Mr. Bradley noted the unusual shape of his lot and the need to store his 84-year old mother's belongings when she moves into his home. He mentioned that he had previously received relief from the ZBA for construction of his deck within the rear setback. He also stated that none of his neighbors were opposed to the proposed garage extension.

Mr. Stebbins noted that the Zoning Bylaw had been revised since the prior relief was granted and that a variance was now required, rather than a special permit. He stated that the highest standards apply for the consideration of variances.

Mr. Lally opened the hearing to the public for comment. Ms. Loughnane noted that there were no raised hands from any of the attendees, but there was one question in the Q&A from Bryan as follows: "What does the garage build out do to the value of neighboring properties, especially the ones that share a lot line?" Mr. Lally responded that the board could consider that property values could go either way, dependent on an appraisal of the property.

Ms. Loughnane read a second question in the Q&A from Anonymous Attendee: "What does the proposal do for fire safety?" Mr. Lally responded that if the board granted the variance, the applicant would have to meet all Fire and Building Code requirements.

Mr. Lally closed the hearing to public comment.

Mr. Lally stated that he did not believe the applicant met the requirements for a variance and that granting this variance would be detrimental to the other homes in the Comprehensive Permit development.

Mr. McCusker said that he understood the unusual shape of the lot and would be willing to consider a variance for a lesser incursion into the rear setback. He said that he would consider a 10-foot expansion of the garage, leaving a 22-foot setback. Mr. Bradley replied that the smallest expansion he could build would be 16 feet, leaving a setback of 16 feet. He said that anything smaller would not accommodate a vehicle and would not be useful for storage of his mother's belongings. Mr. McCusker replied that he could not support such an incursion into the rear setback.

Mr. Stebbins said that he believes the Comprehensive permit developer maxed out the development of all the lots in this development, which is why the board rarely sees requests for expansion. He said that he agrees with Mr. Lally that the requirements for a variance have not been met and that granting this variance would be detrimental to the neighborhood.

On a motion by Mr. Lally seconded by Mr. Stebbins, the board voted unanimously via roll call to deny the Petitioner's application for a Variance from 4.5.3.3 to construct a garage that encroaches into the rear yard setback. In so doing, the board made a finding that the applicant failed to demonstrate substantial hardship. The board also made a finding that the proposed variance could not be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Bylaw.

Address: 26 Gay Street

Petitioner: Jake Salvatore

Project: Application for special permit pursuant to the Westwood Zoning Bylaw Section §4.5.3.2.2 [Special Permit Alterations of Nonconforming Structures]

Mr. Lally read the legal notice into the record.

Mr. Salvatore, homeowner, presented his application proposing to construct a second story dormer addition that would raise the height in the side setback. He said he recently purchased the property and would like to add dormers to make the home more functional. Mr. Salvatore stated that he is not expanding the footprint of the house. He noted that the direct abutters are supportive of his proposed dormer additions.

Mr. McCusker asked what the height of the building would be. Mr. Salvatore said he did not know the exact height but said that the dormers would not exceed the existing building height and would be far less than the height of the neighboring homes.

Mr. Stebbins asked Mr. Salvatore to describe the second floor of the existing structure. Mr. Salvatore replied that there is only one room on the second floor and he would like to add a second bedroom and a bathroom. He said that the dormer addition would add approximately 500 square feet to the home.

Mr. Lally opened the hearing to the public for comment. There was no public comment. Mr. Lally closed the hearing to public comment.

On a motion by Mr. Lally seconded by Mr. Stebbins, the board voted unanimously via roll call to grant the Petitioner's application for a Special Permit under 4.5.3.2.2 to construct a second story dormer addition that would raise the height in the side setback.

Address: 33 Hooper Street

Petitioner: Allen Lemos, architect

Property Owners: Devin & Caitlin Clifford

Project: Application for special permit pursuant to the Westwood Zoning Bylaw Section §4.5.3.2.2 [Special Permit Alterations of Nonconforming Structures]

Mr. Lally read the legal notice into the record.

Mr. Lemos, architect, presented his application proposing to construct a second story dormer addition that would raise the height in the side setback. He explained that the owners wish to add two dormers to create a Gambrel effect and to expand space on the second floor to improve the home's functionality. He said that he and the homeowners have discussed the design with Building Commissioner Joe Doyle who helped them reach a design that could be accomplished within the Zoning Bylaw height requirements. Mr. Lemos noted that the style of the home would be compatible with others in the neighborhood.

Mr. Lally asked if the footprint of the house would remain unchanged. Mr. Lemos confirmed that such was the case.

Mr. Stebbins asked questions about the design. Mr. Lemos replied that the intent to extend the brick on the main side wall and to use siding on the wings. Mr. Clifford stated that the effect would be similar to other homes in the area.

Mr. Lally asked how many square feet would be added on the second floor. Mr. Clifford said that the floor area would be increased by approximately 500 square feet.

Mr. Lally opened the hearing to the public for comment. There was no public comment. Mr. Lally closed the hearing to public comment.

On a motion by Mr. Lally seconded by Mr. Stebbins, the board voted unanimously via roll call to grant the Petitioner's application for a Special Permit under 4.5.3.2.2 to construct a second story dormer addition that would raise the height in the side setback.

Address: 213 Hartford Street, Unit 1

Petitioner: Amir Mikail Sassine

Project: Application for special permit pursuant to the Westwood Zoning Bylaw Sections §4.3.3.2 [Accessory Uses – Motor Vehicle Storage]

Mr. Lally read the legal notice into the record.

Mr. Sassine, homeowner, presented his application proposing to store four or more motor vehicles on the subject property. He stated that he has lived at the home for more than 18 years and is looking for permission to park six vehicles in the driveway of the two-family property. Mr. Sassine explained that he has a long driveway, which is approximately 20' wide and 105' long, which can accommodate the six vehicles. He said that he would not need to expand the driveway or build any new structures. He also

noted that the driveway is toward the middle of the parcel and not immediately adjacent to the neighboring property.

Mr. Lally confirmed that Mr. Sassine lives in one of the units in the two-family home. He asked what type of vehicles Mr. Sassine has. Mr. Sassine replied that most of the passenger vehicles are hybrids. One is his brother's Chrysler van and one would be a commercial vehicle. Mr. Lally asked if Mr. Sassine would park more than one commercial vehicle on the property. Mr. Sassine replied that he only needed to park one commercial vehicle here.

Mr. Lally asked if any of the vehicles would be used as limousines or taxis. Mr. Sassine said that they would not. He told the board that he had filed a DBA certificate with the town using his home address as the address for his taxi business, but said that the taxi vehicles will be parked in other towns. Mr. McCusker asked if any taxis were parked on the property. Mr. Sassine responded that he had parked taxis there during the pandemic state of emergency, but said he would not do so going forward. Mr. McCusker asked what caused Mr. Sassine to apply for the special permit. Mr. Sassine replied that he received a Violation Notice from the Building Inspector for parking more than three vehicles on the property. He said he understood that he was allowed to have four vehicles because the property had a two-family home.

Mr. McCusker clarified that if the board granted the special permit, Mr. Sassine would still be allowed to park only one commercial vehicle on the property. Mr. Sassine confirmed that he understood this. He said he has three vehicles now, but there could be four some days and five other days. Mr. McCusker asked how many people live at the address. Mr. Sassine said that there are six residents.

Mr. Lally asked about screening the driveway from abutting properties. Mr. Sassine responded that the driveway is in the center of the property with 65 feet from one side line and 35 feet from the other side line. He said that there are trees on the property so that cars can only be seen from the street.

Mr. Stebbins asked if there was a garage on the property. Mr. Sassine responded that they have a 2-bay garage. Mr. Stebbins asked if there is room for the cars in the garage. Mr. Sassine said that he can use the garage and he does sometimes, but usually not in the winter because he does not want to shovel the long driveway.

Mr. Stebbins asked if any of the parked vehicles were trucks or cargo vans. Mr. Sassine said that they were all passenger vehicles. He said he is just looking for approval for 6 passenger vehicles and that only one is a taxi.

Mr. Lally opened the hearing to public comment.

Elaine DeReyna, 221 Hartford Street, commented on the application. Ms. DeReyna stated that she has lived at this address for 24 years and that since Mr. Sassine and his family moved in there have always been taxis in the driveway. She referenced photographs that she sent the board to demonstrate a high number of vehicles, including commercial vehicles parked in the driveway. She said that the property is consistently used for vehicle storage and repair. Ms. DeReyna said that there are only three licensed drivers living in the house and the garage is never used. She said that she erected a fence but can still see the multiple vehicles. She believes the use of this property for taxi storage and repair lowers the area property values.

Richard DeReyna, 221 Hartford Street, asked to share the photos that Elaine DeReyna referenced. He showed Photo 1 which showed six vehicles, including a van obstructing the view from exiting the DeReyna's driveway. Mr. DeReyna noted that three of the six vehicles were commercial vehicles. He said that he had never seen any of the vehicles use the garage. He also stated his concern that the use of this property degrades the value of other properties in the neighborhood and asked the board to deny the requested special permit.

Linda McKenna, 229 Hartford Street, addressed the board. She said that she opposes the special permit request for this property. She said that the DeReynas' photographs accurately demonstrate how the property looks most every day. Ms. McKenna stated that the box truck and some of the cars were removed a few days ago and the current condition is representative of how a residential property should appear.

Bart Malloy, 20 York Way, addressed the board. He said he moved here 45 years ago, to what he expected to be a residential neighborhood and believes that issuing the requested special permit would effectively convert this property to a commercial or industrial use. He expressed concern that, if a special permit was granted, the number of vehicles permitted on the site might be increased in the future. Mr. Malloy also expressed safety concerns on this busy road and objected to the vehicle repairs which frequently occur at this property. Mr. Malloy said that he sees no value to the Town in allowing this special permit.

Ms. Loughnane read a comment in the Q&A section from Michael: "I want to make sure the storage of the cars will not be for the operation of a cab company out of the property."

Mr. Sassine said that the vehicles are regular cars and that the photos shown are old photos from more than a year ago. He noted that the photos were taken during the day, not showing overnight storage, and may show visitors' cars. Ms. Sassine also said that the box truck was parked on his property, but his neighbors park their cars on the sidewalk. He said most of his neighbors have three cars at their single-family properties. He believes six cars should be allowed at his two-family home.

Mr. Lally closed the hearing to public comment.

Mr. Lally said that he sees a negative impact to the neighborhood with so many cars parked on the site. He noted that the property is a non-conforming two-family home and that up to four vehicles, including up to one commercial vehicle are permitted by right. He said that he is opposed to allowing more vehicles to be stored here.

Mr. McCusker said that he understood that four cars are permitted and that one of the four could be a commercial vehicle. He said that he would be willing to continue the hearing to further research the bylaw requirements.

Mr. Stebbins stated that he believes that there is a recurring issue on this property that is detrimental to the neighborhood.

Mr. Lally stated that he is opposed to allowing more than four cars on the property.

On a motion by Mr. Lally seconded by Mr. Stebbins, the board voted unanimously via roll call to deny the Petitioner's application for a Special Permit under 4.3.3.2 to store 4 or more motor vehicles on the

subject property. In so doing, the board made a finding that the applicant failed to demonstrate substantial hardship. The board also made a finding that the proposed special permit could not be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Bylaw.

Address: 420 Providence Highway

Petitioner: Richard Pretorius, Pretorius Electric & Sign Company LLC

Property Owners: Rte One Management LD Trust LLC

Project: Application for special permit pursuant to the Westwood Zoning Bylaw Section §6.2.15 [Signs - Special Permits]

Mr. Lally read the legal notice into the record.

Mr. Pretorius, representing Pretorius Electric & Sign Company LLC, presented his application proposing to install a total of six (6) signs that exceed the maximum allowable number and area. He explained that the sign plans include a 23-foot tall pylon sign, wall logo, two wall signs, and a free standing sign directing customers to the service areas. Mr. Pretorius noted that the property used to have two pylon signs – one for Porsche and one for Audi. He walked the board through the sign plans and the site plan to demonstrate the location and dimensions of each proposed sign. Mr. Pretorius noted that each face of the large pylon sign counts as a separate sign due to the distance between the two sign faces. He said that the signs would have internal LED illumination, except for the directional sign which would not be illuminated.

Mr. McCusker asked if the signs are consistent with signs at the other Prime dealerships across the highway. Ms. Loughnane replied that the signs at the Porsche, Audi and Acura signs did not require ZBA approval because that property was developed under a Flexible Multiple Use Overlay District special permit with approval by the Planning Board. She noted that the size of the proposed pylon and wall signs at the Mazda dealership are generally comparable to the signs at the other motor vehicle dealerships.

Mr. Lally opened the hearing to the public for comment. There was no public comment. Mr. Lally closed the hearing to public comment.

On a motion by Mr. Lally seconded by Mr. Stebbins, the board voted unanimously via roll call to grant the Petitioner's application for a Special Permit under 6.2.15 to install a total of six (6) signs that exceed the maximum allowable number of signs and that have a total sign area of 314.3 square feet.

Vote to Approve Meeting Minutes

On a motion by Mr. Stebbins seconded by Mr. Lally, the Board voted via roll call vote to approve meeting minutes from the April 13, 2021 ZBA meeting. Mr. McCusker abstained from the vote because he was not in attendance at the April 13th meeting. Mr. Stebbins and Mr. Lally voted in favor.

Vote to Adjourn Hearing

On a motion by Mr. Lally seconded by Mr. McCusker, the Board voted unanimously to adjourn the hearing at 8:40 pm.

List of Documents:

8 Windmill Lane

- Zoning Board application; plans and associated attachments

263 Gay Street

- Zoning Board application; plans and associated attachments

33 Hooper Street

- Zoning Board application; plans and associated attachments

213 Hartford Street, Unit 1

- Zoning Board application; plans and associated attachments

240 Providence Highway

- Zoning Board application; plans and associated attachments