

**Town of Westwood
Zoning Board of Appeals
Remote Participation, Zoom Video Conference Call
Meeting Minutes – September 16, 2020**

Members Present: Jack Lally, Doug Stebbins, Mike McCusker

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: 866 Gay Street

Petitioner: Keith Flanders

Project: Application for Special Permit Under §8.5.6.5

Mr. Lally read the legal notice into the record.

Mr. Flanders gave a brief history of the application and project and described his proposal to construct an exterior staircase off the back deck.

Mr. Lally explained the thresholds of the variance and asked if there were uniqueness relating to the lot and or structures on the lot that satisfy variance requirements.

Mr. Flanders stated that the building is existing, qualifying as uniqueness. He said the only other work being done to the building is to reinstall an outlet for an electric stove and a new sink. He stated that if he constructed an enclosed exterior staircase, he would need to construct a wall. He stated that the exterior staircase would be out of sight from Gay Street and that the lot size is larger and

Mr. Lally asked if Mr. Flanders had considered all other options to construct a second means of egress by right. Mr. Flanders replied that he did not wish to lose an entire parking spot in the garage and stated that there would not be space elsewhere.

Mr. Stebbins asked about uniqueness. Mr. Flanders replied that the layout is already existing and he could not create a way to do it. Mr. Lally asked about spiral staircases. Mr. Flanders expressed his concern that there is not enough space, due to the location of the kitchen and bathroom upstairs.

Mr. McCusker asked about the possibility of building out the back of the garage. Mr. Flanders replied that may be feasible but would require demolishing an existing deck.

Mr. Stebbins clarified the bylaw that all stairways to upper stories must be enclosed. Mr. Lally agreed, as did Mr. McCusker.

Mr. Stebbins asked about the history of relief. Ms. Bouchard described the history of the application and project.

Mr. McCusker stated his belief that without hardship, no waiver can be granted from the bylaw.

Mr. Flanders states his belief that the intent of the bylaw is met by this proposal, and the existing structure meets that hardship.

Mr. Lally described the variance criteria and stated that the project does not meet those requirements.

Mr. Stebbins stated that he is sympathetic to the situation, particularly given the age of the structure, but reaffirmed that the variance criteria cannot be met under the current applicable Bylaw. He stated that special permits are more discretionary but the Board has consistently applied the higher standard of the variance.

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

On a motion by Mr. Lally seconded by Mr. Stebbins, the Board voted unanimously to deny a variance under 8.5.6.5.

Approval of Meeting Minutes.

On a motion by Mr. Lally seconded by Mr. Stebbins, the Board voted unanimously to approve meeting minutes from the August 12, 2020 ZBA hearing.

Vote to Adjourn Hearing

On a motion by Mr. Lally seconded by Mr. Stebbins, the Board voted unanimously to adjourn the hearing at 7:52 pm.

List of Documents:

866 Gay Street

- Zoning Board application; plans and associated attachments