

**Town of Westwood
Zoning Board of Appeals
Remote Participation, Zoom Video Conference Call
Meeting Minutes – December 15, 2021**

Members Present: Chair John Lally, Linda Walsh, Michael McCusker

Staff Members Present: Housing & Zoning Agent Iliana Ramirez, and Director of Community & Economic Development Nora Loughnane.

The meeting was called to order by Chairman John Lally at 7:30 pm. Chairman Lally gave a brief description of the proceedings, including a description of instructions for remote participation by the public. All those present for the meeting who anticipated giving testimony were sworn in.

Application

Address: 270 University Avenue

Petitioner: Jonathan Verrengia on behalf of Marble and Granite

Project: Application for a Special Permit pursuant to the Westwood Zoning Bylaw Section §4.1.6.4 [Warehouse, wholesale or distribution facility with outdoor storage].

Ch. Lally read the legal notice into the record. He stated that the application proposed an outdoor storage area, to display materials for customers on the subject property, which is located in the Industrial (I) zoning district.

Jonathan Verrengia, the managing partner of Marble and Granite, presented his Petition to the Board. Mr. Verrengia stated that he filed his application in response to a Notice of Violation that was sent by Building Commissioner Joe Doyle to Marble and Granite regarding the outdoor storage of materials without a Special Permit. Mr. Verrengia explained that he was previously unaware that a Special Permit was required for outdoor storage. He told the board that a shipping container full of granite slabs was stolen many years ago over a weekend when the warehouse was closed. He explained that the company installed a gate to prevent unauthorized entrance into the parking lot, but another theft occurred where a truck drove through the landscaped area and stole another shipping container, so he placed three A-frames with granite slabs along the edge of the parking lot to form a better barrier. Mr. Verrengia said that, although most of the materials are kept indoors, many of his customers appreciate seeing slabs outdoors in natural light. He said that the company eventually removed some shrubs on the front and side of the building and created additional display areas by laying gravel where the shrubs had previously been. Mr. Verrengia stated that the outdoor display has been convenient for customers, especially throughout the pandemic.

Ch. Lally asked Mr. Verrengia when the theft occurred. Mr. Verrengia replied that the theft occurred sometime between 2012 and 2013. He noted an additional theft, where tools were stolen from lockboxes on a tool truck that was previously kept in the parking lot. Ch. Lally asked if there were security cameras on the property. Mr. Verrengia confirmed that his company now has 20 high-definition cameras on the property. He explained that the previous cameras had insufficient resolution and they were unable to see the license plate number of the individual who stole the materials.

Ch. John Lally asked Mr. Verrengia how many slabs would be stored outdoors? Mr. Verrengia stated that there are currently 26 slabs of granite stored outdoors, in three different areas between the parking lot and the main entrance, as shown on the submitted plan. Ch. asked if Marble and Granite would tie the granite slabs to the A-frames. Mr. Verrengia asserted that the granite slabs would be strapped down throughout the duration of their outdoor storage. He also said that slabs would be tied to both sides of each A-frame to prevent a dangerous situation. Ch. Lally asked if Marble and Granite has a facility manager that checks the displays frequently to ensure that the slabs are properly secure. Mr. Verrengia replied that Marble and Granite has a facility manager who ensures the safety of all 200 slabs on display indoors and outdoors.

Ch. Lally asked Ms. Walsh if she had any questions. Ms. Walsh inquired how often the slabs are moved or changed. Mr. Verrengia replied that the slabs are moved when they are sold, in which case a new slab replaces the old slab so that every A-frame has two slabs of granite on it. Ms. Walsh emphasized that her main concern is the safety of customers, especially children and elderly, passing through the parking lot, as well as the safety of customers inside the building. Mr. Verrengia explained that the business is open to customers from 8:30 am to 5:00 pm and said that the slabs are moved before or after business hours when no customers are present.

Ms. Walsh asked why Granite and Marble needed so many slabs of granite outside. Mr. Verrengia said that they don't necessarily need 26 slabs outside, but they are trying to best meet their customers' desire to see the slabs in natural light. Ms. Walsh asked if there were duplicate granite slabs in the parking lot. Mr. Verrengia said that there would not be duplicates, except on a temporary basis to accommodate a customer who may wish to see multiple slabs of the same material in natural light. Ms. Walsh asked if the slabs would be kept outside year-round. Mr. Verrengia replied that the materials are stone, which is not affected by the changing weather, and said that the slabs are expected to remain outside throughout the year.

Ch. Lally asked Mr. McCusker if he had any questions for the applicant. Mr. McCusker asked Mr. Verrengia if the requested Property Authorization letter has been received from the property owner. Mr. Verrengia replied that it had not yet been received. He explained that the owner is on vacation and will return the following Monday. Mr. Verrengia stated that he would submit the Property Owner Authorization form by next Monday.

Mr. McCusker asked if a site plan review application had been filed for the outdoor storage. Mr. Verrengia said that he did not know that he needed to file a site plan review, but was planning to file and Administrative Environmental Impact and Design Review (EIDR) application if he received a Special Permit from the Board. Ms. Loughnane explained that site plan review and EIDR are the same. She stated that no EIDR application was filed when the slabs were placed outdoors, nor when the shrubs were removed.

Mr. McCusker stated that he was willing to approve a Special Permit with conditions involving EIDR Approval and efforts to improve the appearance and safety of the sight. He recommended that the Petitioner meet several conditions: He asked that Marble and Granite obtain Administrative EIDR Approval, including a suitable submit a landscape design plan. He asked that Marble and Granite ensure that all A-frame slab holders are level and that sufficient gravel is added to provide adequate pedestrian access to and around all outdoor display areas. He also asked that Marble and Granite implement and carry out a Safety Plan which includes procedures for blocking pedestrian and vehicular access in and around display areas during loading, unloading, and moving of slabs. Mr. McCusker said that the Safety

Plan must sufficiently address the outdoor display and storage of materials in all inclement weather conditions, including high wind, and shall include adequate procedures for the removal of snow and ice from all display areas. Finally, Mr. McCusker asked that Mr. Verrengia submit a signed Property Owner Authorization form.

Ch. Lally asked Ms. Walsh if she had any additional comments or concerns. Ms. Walsh said that she would like a condition that no more than 26 slabs shall be displayed and/or stored outdoors on the premises at any one time.

Ch. Lally asked Ms. Ramirez if there were any other questions or comments. Ms. Ramirez stated that there were no raised hands among the attendees and no comments in the Question & Answer queue. Ch. Lally asked if any board members had any further questions or comments.

Ms. Walsh stated that her biggest concern is the safety of pedestrians passing through the lot. She said that the safety plan should address safety both inside and outside of the facility. Mr. Verrengia stated that there is a safety plan for indoors that could be updated and improved.

Ch. Lally asked if there were any comments from participating abutters. Ms. Loughnane stated that there were no raised hands among the attendees and no comments in the Question & Answer queue. Ch. Lally declared the hearing closed.

Mr. McCusker moved that the Westwood Zoning Board of Appeals grant the Petitioner's request for a Special Permit pursuant to Westwood Zoning Bylaw Section §4.1.6.4 [Warehouse, wholesale or distribution facility with outdoor storage] with the following conditions:

- 1. The Petitioner shall obtain a signed Property Authorization Letter and shall upload said letter to the electronic application file.*
- 2. The Petitioner shall obtain Administrative Environmental Impact & Design Review (EIDR) Approval, which shall include a suitable landscape plan, and the Petitioner shall comply with all conditions of said approval.*
- 3. The Petitioner shall ensure that all A-frame slab holders are level and shall install sufficient gravel to provide adequate pedestrian access to and around all outdoor display areas.*
- 4. The Petitioner shall implement and carry out a Safety Plan which includes procedures for blocking pedestrian and vehicular access in and around display areas during loading, unloading, and moving of slabs. Said Safety Plan shall sufficiently address the outdoor display and storage of materials in all inclement weather conditions, including high wind, and shall include adequate procedures for the removal of snow and ice from all display areas.*
- 5. No more than 26 slabs shall be displayed and/or stored outdoors on the premises at any one time.*

The Motion was seconded by Mr. McCusker. Ch. Lally called a roll call vote; the Board voted unanimously via roll call to grant the Petitioner's request for a Special Permit.

Vote to Approve Meeting Minutes

Ms. Ramirez stated that the minutes for July 21, 2021, August 18, 2021, September 22, 2021, and November 17, 2021, are ready to be reviewed and accepted by the Board. She stated that minutes for the October 22, 2021 meeting would be available for review at the January meeting.

Ch. Lally asked Ms. Walsh and Mr. McCusker if they had reviewed the minutes of the July 21, 2021, August 18, 2021, September 22, 2021, and November 17, 2021 meetings. Ms. Walsh stated that she was not in attendance at the July 21, 2021 and November 17, 2021 meetings, and would abstain from voting on the minutes of those meetings.

Ch. Lally moved that the Westwood Zoning Board of Appeals approve meeting minutes from the July 21, 2021 and November 17, 2021 meetings. The Motion was seconded by Mr. McCusker. Ch. Lally called a roll call vote; the Board voted 2-0-1 to approve meeting minutes from the July 21, 2021 and November 17, 2021 meetings, with Mr. McCusker and Ch. Lally voting in favor and Ms. Walsh abstaining from the vote.

Ch. Lally moved that the Westwood Zoning Board of Appeals approve meeting minutes from August 18, 2021 and September 22, 2021 meetings. The Motion was seconded by Mr. McCusker. Ch. Lally called a roll call vote; the Board voted unanimously via roll call to approve meeting minutes from the August 18, 2021 and September 22, 2021 meetings.

Vote to Adjourn Hearing

On a motion by Ch. Lally, seconded by Ms. Walsh, the Committee voted unanimously on a roll call vote to adjourn the meeting at 8:10 PM.

List of Documents:

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| 270 University Avenue <ul style="list-style-type: none">• Zoning Board Application, and Plan |
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