

Town of Westwood

Zoning Board of Appeals

Remote Participation, Zoom Video Conference Call

Meeting Minutes – February 16, 2022

Members Present: Chairman 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 Ch. Lally at 7:05 PM. Ch. 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.

Due to the fact that Linda Walsh was not present at the last meeting, Ch. Lally asked if she had a chance to review the materials relating to the applications for 21 Edgewood Road and 790 High Street. Linda Walsh stated she had.

Applications

Address: 790 High Street

Petitioner: Eric Dana

Project: Application for a Variance pursuant to the Westwood Zoning Bylaw Section §4.3.3.7 [Accessory Uses – Storage of Recreational Vehicle Less Than 30' in Length]

Ch. Lally stated that this was a continuation of a public hearing opened on January 19th to consider a Variance to allow storage of a recreational vehicle in the right-side yard of a residential property where Section §4.3.3.7 permits storage of a recreational vehicle by right in the rear yard and in a manner not substantially visible from the street. The property is located in the Single Residential C (SRC) zoning district.

Mr. Dana stated that, after appearing before the Board in January, he consulted with the Building Commissioner and his attorney, and concluded that construction of a detached garage would be the best solution. He said that this garage could be built by right so he requested permission to withdraw the Variance application.

Ch. Lally stated that the Board received a letter asking to withdraw their application. He asked if there were any comments from participating abutters. Ms. Ramirez stated that there were no raised hands among the attendees and no comments in the Question & Answer queue. Ch. Lally declared the hearing closed.

Ch. Lally moved that the Westwood Zoning Board of Appeals grant the Petitioner's request to withdraw their application without prejudice. 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 to withdraw the application without prejudice.

Address: 21 Edgewood Road

Petitioner: Matthew Scafidi

Project: Application for a Variance pursuant to the Westwood Zoning Bylaw Section §5.2.3 [Dimensional Requirements for Single Residence C (SRC) District]

Ch. Lally stated that this was a continuation of a public hearing opened on January 19th to consider a Variance to allow construction of a portico that would extend 5.5' further into the non-conforming front setback, reducing that setback to 19.8' where a minimum of 40' is required and 25.3' exists. The property is located in the Single Residential C (SRC) zoning district.

Ch. Lally asked if the applicant were present at the meeting. Ms. Ramirez stated they were not.

Ch. Lally asked Ms. Ramirez if she received a letter from the applicant, requesting that their application be withdrawn without prejudice. Ms. Ramirez responded that she had received such a letter.

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

Ch. Lally moved that the Westwood Zoning Board of Appeals grant the Petitioner's request to withdraw their application without prejudice. 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 to withdraw the application without prejudice.

Address: 47 Salisbury Drive

Petitioner: Charles O'Shea and Ruth O'Shea

Project: Application for a Variance pursuant to the Westwood Zoning Bylaw Sections §5.2.3 [Dimensional Requirements] and §10.4 [Variances]

Ch. Lally read the legal notice into the record. He stated that the application proposes to build a garage that would be located 6.3 feet from the side lot line, where a minimum setback of 15 feet is required. The property is located in the Single Residential C (SRC) zoning district.

Shaughn MacGilvray, the architect working on the project, displayed the project plans and described the application. He stated that the existing home is a 1940 Colonial home with an original 10 feet wide garage which is too narrow to allow for most cars to be parked inside. Mr. MacGilvray said that the property owners are requesting a Variance to expand the garage, leaving an 11-foot setback off the rear corner and a 13.75 feet setback off the front corner of the expanded garage. He noted that the proposed garage would be one story and under 15 feet tall.

Mr. MacGilvray stated there is a consistent slope from the street to the rear lot line, making the driveway steep. He said that the garage would allow for a level area for both automobiles to park. Mr. MacGilvray stated that other options were explored for the location of the garage. He said that there is an existing mudroom between the garage and the house which has a full foundation that ties into the existing foundation, so it is not feasible to build over the mudroom foundation. Mr. MacGilvray said that the proposed location is the only place on the lot that makes sense for the garage. He stated that the garage is being designed in a way that the roof is turned, making the height of the garage shorter near the lot line so as to be less imposing on the neighbor. Mr. MacGilvray said that there is a newly planted

buffer of shrubs in between the O'Shea's home and the abutting home. He added that the proposed garage would be in keeping in character with the neighborhood.

Charles O'Shea explained he and his family moved to Westwood in 2002. He said that they are looking to extend the garage and build a kitchen in the back. He added that they are updating their home with the intent to stay in Westwood.

Ch. Lally asked what is the total square footage of the garage. Mr. McGillivray stated that the garage is 15 by 24, with a floor area of 360 square feet.

Ch. Lally noted that the applicants have requested a Variance and not a special permit. He said that, in order to grant a Variance, the Board must find unique circumstances related to the soil, shape or topography of the land or structures that are specific to this property.

Ch. Lally asked if any board members had any questions or comments. Ms. Walsh noted that the current plan shows a smaller garage than the original plan filed with the Variance application. She asked if the smaller garage still would need a Variance. Mr. McGillivray said that the prior plan would have needed a Variance for a 9' incursion into the setback, while the current plan still requires a Variance, but for only a 4' incursion into the setback.

Ch. Lally asked Mr. McCusker if he had any questions or comments. Mr. McCusker explained the high hurdle necessary for obtaining a Variance. He asked if the applicant could present any evidence of uniqueness for the Board to consider. Mr. O'Shea replied that the current garage does not allow for storage of a car, leaving one of their cars to be parked on the steeply sloping driveway. He said that is a dangerous condition which causes a hardship. Ms. O'Shea noted that the proposed garage was designed to be in keeping with the neighborhood.

Ch. Lally asked if there were any comments from participating abutters. Ms. Ramirez stated that there was one abutter who wished to comment on the application. Ms. Ramirez promoted Ashley Quirk of 51 Salisbury Drive to panelist so that she could address the Board.

Ms. Quirk stated her opposition to the proposed garage expansion due to the closeness of the two structures. She noted that her home is already within the side setback. Ms. Quirk stated that if the O'Shea's expand their garage, the two homes will be within 24 feet of each other. She stated that several trees which had previously provided buffer between the homes had been removed. Ms. Quirk also noted that the current garage structure is now used as living area, not for car storage, and that the O'Shea's new kitchen addition will free up the existing garage. She said that her letter to the Board expresses the reasons why she opposed the requested Variance.

Ms. Walsh asked for an explanation of the ongoing renovations. She asked if the garage expansion was an after-thought. Mr. MacGilvray said that a two-story addition was recently constructed and the O'Shea's are now looking to make these renovations as well. Ms. Walsh asked when the space was previously used as a garage. Mr. O'Shea said that the space has not been used as a garage since before they bought the home in 2002.

Ch. Lally again expressed the high bar for the grant of Variances and stated that he did not believe the petitioners had demonstrated uniqueness.

Ch. Lally asked if there were any other comments from participating abutters. Ms. Ramirez 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 deny the Petitioner's request for a Variance pursuant to Westwood Zoning Bylaw Sections §5.2.3 [Dimensional Requirements] and §10.4 [Variances]. The Motion was seconded by Ms. Walsh. Ch. Lally called a roll call vote; the Board voted unanimously via roll call to deny the Petitioner's request for a Variance.

Address: 461 Sandy Valley

Petitioner: David Picazio

Project: Application to amend the Special Permit issued by the Zoning Board of Appeals following a public hearing on July 21, 2021, for which a Decision was recorded in the Office of the Town Clerk on August 3, 2021

Ch. Lally read the legal notice into the record. He stated that the Petitioners request changes to a previously issued Special Permit to modify a condition regarding landscape screening of the installed solar array. The property is located in the (SRE) Single Residential Zoning District E.

Property owner Peter Wierzbinski and John Sacco of Boston Solar appeared before the Board. Mr. Sacco told the Board that he is looking for clarification of the landscaping decision so that the Building Commissioner can determine compliance with that condition. He explained that the property owner has now installed three iterations of plantings, but the Building Commissioner has not signed off on the project because he does not believe the plantings satisfy the condition of the decision. Mr. Sacco showed plans indicating the size and number of shrubs that have been added around the solar array. He said that he does not believe the Board was looking for more screening than has been installed, but the condition was written in such a way that they have been unable to receive the Building Commissioner's sign off. Mr. Sacco asked the Board to reword the condition so that there is no ambiguity.

Ch. Lally asked Mr. McCusker if he had any questions or comments. Mr. McCusker said that he doesn't see any ambiguity in the decision condition. Mr. Wierzbinski said that he understood the Board to have asked for screening on three sides of the array, but the decision requires that the array be screened from view from Sandy Valley Road, and this would require plantings on the south side of the array. Mr. McCusker said that if the trees were of sufficient size at the time for planting to screen the east, north and south sides of the array, he would find that acceptable, but he does not believe the trees that were planted were tall enough to provide the required screening. Most of the plants were shown as between 5' and 7' tall at the time of planting, and Mr. Sacco said they are expected to grow as much as 1' per year.

Ch. Lally stated that he believes the trees will be tall enough to provide proper screening at the end of the next growing season.

Ch. Lally asked Ms. Walsh if he had any questions or comments. Ms. Walsh said that she sees both sides of the issue. She suggested that the petitioner look into some type of temporary screening that would make the array invisible while the plants are growing. Mr. Wierzbinski said that he would be happy to install some temporary barrier, but he believes that will still require rewording of the landscape condition to obtain the Building Commissioner's sign off. He said that he had already substantially

exceeded the landscape budget and did not feel he could do more without a clear, unambiguous condition.

Ch. Lally asked if there were any other comments from participating abutters. Ms. Ramirez stated that there were no raised hands among the attendees and no comments in the Question & Answer queue. She asked the Board members if they had read the comment letter that was submitted by neighbor Craig Foscaldo. Ms. Walsh said that she had seen the letter but could not tell where Mr. Foscaldo lives. She asked if he was the direct abutter. Mr. Wierzbinski replied that Mr. Foscaldo's home is two doors down from his property. Ms. Ramirez noted that Mr. Foscaldo's letter contained a photo of the view of the solar array from his property.

Ch. Lally read comments in support of the application from Town Planner Abby McCabe. He said he was satisfied that the landscaping is sufficient to achieve the Board's concerns as expressed in the July 21st hearing. Ms. Walsh suggested that the petitioner go back to the Building Commissioner to discuss some form of temporary screening. Mr. Wierzbinski said that he has met with Mr. Doyle on several occasions to no avail.

Ch. Lally asked Mr. McCusker for his thoughts. Mr. McCusker said he thinks the decision is well written but the plants are too small. He said he has no objection to the applicant exploring an option for temporary screening but doesn't know that this will achieve compliance.

Ch. Lally suggested installing an 8' to 10' high fabric screen for a year or two until the plants grow to the right height. He asked the other board members if they would agree to that. Ms. Walsh said she would just be concerned that the screening not negatively affect the tree growth. She suggested input from an arborist but said she would accept that compromise. Mr. McCusker said he would accept that, as well.

Ch. Lally instructed the petitioner to discuss an appropriate form of temporary screening with Mr. Doyle. Mr. Wierzbinski expressed concern that the height of the proposed temporary screening could block sunlight from the solar panels.

Ch. Lally suggested that the hearing could be continued to the March hearing. Mr. McCusker suggested that the Board authorize Ms. Ramirez to sign off on a temporary screening plan prior to that meeting if the petitioner reach an agreement with Mr. Doyle so that the screening could be installed prior to the March meeting. Ch. Lally and Ms. Walsh agreed with Mr. McCusker.

Mr. McCusker moved that the Westwood Zoning Board of Appeals continue the hearing for 461 Sandy Valley Road for a modification of the July 21, 2021 Special Permit until March 16, 2022, at 7 PM via Zoom, in order to allow time for the Petitioner to meet with the Building Commissioner to confirm that some form of temporary screening will be permissible until the planting grow enough to meet the landscaping condition in the July 21, 2021 Special Permit. The Motion was seconded by Ms. Walsh. Ch. Lally called a roll call vote; the Board voted unanimously via roll call to continue the hearing until the next scheduled hearing March 16, 2022, at 7 PM via Zoom.

Minutes

Ms. Ramirez stated that the minutes for December meeting are ready to be reviewed and accepted by the Board. Ms. Walsh said that she did not see the December minutes. Ms. Ramirez said that they were sent by email prior to Ms. Walsh's vacation. She recommended that the Board consider these minutes at its next meeting on March 16th. The Board members agreed with that suggestion.

Vote to Adjourn Hearing

On a motion by Ch. Lally, seconded by Mr. McCusker, the Committee voted unanimously on a roll call vote to adjourn the meeting at 8:13 PM.

List of Documents:

790 High Street

- Zoning Board Application, and Plans

21 Edgewood Road

- Zoning Board Application, and Plans

47 Salisbury Drive

- Zoning Board Application, and Plans

461 Sandy Valley Road

- Zoning Board Application, and Plans