

**Town of Westwood
Zoning Board of Appeals
Remote Participation, Zoom Video Conference Call
Meeting Minutes – April 27, 2022**

Members present: Chair John Lally, Danielle Button and Mark Callahan

Staff Members Present: Zoning and Licensing Agent Karyn Flynn and Director of Community & Economic Development Nora Loughnane

The meeting was called to order by Chair John Lally at 7:02 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.

Applications

Address: 55 Webster Street

Petitioner: Stephanie Giuliano Abhar

Project: Application for Special Permit pursuant to Section §4.5.3.2.3 [Construction of an overhang, porch, portico] and application for Variance pursuant to Section §4.5.3.3 [Variance Required for New or Expansion of Nonconformity] and 10.4 of the Westwood Zoning Bylaw

Ch. Lally read the legal notice into the record. He stated that the board received a petition from the applicant to continue their hearing until June 15, 2022.

Ch. Lally moved that the Board grant the Petitioners' continuance to June 15, 2022. The Motion was seconded by Ms. Button. Mr. Lally called a roll call vote; the Board voted unanimously via roll call to grant the Petitioner's request for continuance to the remote June 15, 2022 meeting at 7:00PM via zoom.

Address: 65 Aran Road

Petitioner: Christopher Kirby

Project: Special Permit pursuant to the Westwood Zoning Bylaw Section § 4.5.3.2.2 [Special Permit Alterations of Nonconforming Structures – Vertical Extension]

Ch. Lally read the public hearing notice for this application. He explained that the application proposes to construct a 24' X 30' two car detached garage on the property with an existing attached two car garage, and noted that the property is located in the SRB (Single Residential B) zoning district.

Christopher Kirby, presented the application to the Board. Property owner Anthony Lio also joined the meeting. Mr. Kirby explained that the family currently has 4 cars and would like to add a two car detached garage in the back left side of the property. The proposed garage is within the setbacks and zoning regulations.

Ch. Lally asked what the primary use of the garage would be. Mr. Kirby stated the primary use would be for automobile storage. He noted that the existing attached garage doors are on the side of the home. Ch. Lally asked if the property owner would be storing any commercial vehicles in the garage. Mr. Lio said no. Ch. Lally asked if the property owner would be storing and hazardous materials in the garage. Mr. Lio said no.

Ch. Lally asked if the owners had spoken with neighbors about the garage. Mr. Lio stated that he had and that they were all in favor. Ch. Lally asked if the owner had considered plantings or fencing on the left side. Mr. Lio requested clarification. Ch. Lally stated planting shrubs or fencing. Mr. Lio stated that eventually yes he would.

Ch. Lally asked if Ms. Button had any additional questions or comments. Ms. Button asked what the owner intent was for utilities. Mr. Lio stated just electric for the doors.

Ch. Lally asked if Mr. Callahan had any additional questions or comments. Mr. Callahan stated he did not.

Ch. Lally asked Ms. Flynn if there were any other members of the public who wished to speak on the application. Ms. Flynn said that there was one member of the public that wanted to speak on the application

Linda Marcoux of 44 Spellman Road asked what the legal distance from the property line for a building and if the existing shed on the property was going to remain. Mr. Kirby stated the allowable setback in the zone and that the garage would be 20' from the rear and 10' on the left and the existing shed would be removed.

Ch. Lally asked Ms. Flynn if there were any other members of the public who wished to speak on the application. Ms. Flynn said that there were no raised hands among the attendees and no comments in the Question & Answer queue. Ch. Lally declared the hearing closed.

Ms. Button moved that the Westwood Zoning Board of Appeals grant the Petitioner's request for a Special Permit pursuant to Westwood Zoning Bylaw Section § 4.5.3.2.2 [Special Permit Alterations of Nonconforming Structures – Vertical Extension] under the condition the Applicant install plantings and/or fencing on the west side of the detached garage to make the area more visually appealing to the neighboring properties but said plantings and/or fencing are not expected to fully screen the garage. Said plantings and/or fencing shall be continuously maintained by the property owner and any dead or dying plantings shall be replaced in kind. The Motion was seconded by Mr. Callahan. Ch. Lally called a roll call vote; the Board voted unanimously via roll call to grant the Petitioner's request for a Special Permit.

Address: 16 Mill Brook Road

Petitioner: Jayme Huber

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

Ch. Lally read the public hearing notice for this application. He explained that the application proposes to construct a dormer addition that increases the height of the setback in the setback, and that the property is located in the SRC (Single Residential C) zoning district.

Jayme Huber presented the application to the Board. Ms. Huber stated that the family is outgrowing their existing home. Both parents are working from home and need more space for growing family and that instead of moving they would like to add a dormer addition over the existing garage to add a master suite.

Ch. Lally asked that the addition stays on the current footprint of the building. Ms. Huber stated that that addition is over the existing garage. Ch. Lally asked how much sq footage would be added. Ms. Huber stated around 400 sq. ft.

Ch. Lally asked if the dormer addition was in character with the neighborhood. Ms. Huber stated it very much was.

Ch. Lally asked if Mr. Callahan had any additional questions or comments. Mr. Callahan asked if the current home has dormers. Ms. Huber stated yes it has a Nantucket dormer.

Ch. Lally asked if Ms. Button had any additional questions or comments. Ms. Button asked if the addition was vertical only. Ms. Huber confirmed that it was vertical only.

Ch. Lally asked if the board had any additional questions or comments. They did not. Ch. Lally asked Ms. Flynn if there were any other members of the public who wished to speak on the application. Ms. Flynn said that there were no raised hands among the attendees and no comments in the Question & Answer queue. Ch. Lally declared the hearing closed.

Mr. Callahan moved that the Westwood Zoning Board of Appeals grant the Petitioner's request for a Special Permit pursuant to Westwood Zoning Bylaw Section § 4.5.3.2.2 [Special Permit Alterations of Nonconforming Structures – Vertical Extension]. The Motion was seconded by Ms. Button. Ch. Lally called a roll call vote; the Board voted unanimously via roll call to grant the Petitioner's request for a Special Permit.

Address: 461 Sandy Valley Road

Petitioner: John Sacco of Boston Solar

Project: Application for Special Permit pursuant to the Westwood Zoning Bylaw Section §4.3.2.7 [Accessory Uses – Ground Mounted Solar]

Ch. Lally read the public hearing notice for this application. He explained that the application proposes to amend a previously issued special permit for a ground-mounted solar array on the north side yard of the single-residential parcel, and noted that the property is located in the SRE (Single Residential E) zoning district.

Peter Wierzbinski, property owner appeared before the Board and introduced John Sacco from Boston Solar to present the application. Mr. Sacco apologized to the Board for misunderstanding that the applicant needed to return to the Board after reaching an agreement with the Building Commissioner regarding proposed screening measures. Stephan Rosellini of Boston Solar also joined the meeting.

Mr. Sacco stated they installed temporary screening. Mr. Wierzbinski stated neighbors preferred not having the screening and liked it better the way it was. Mr. Sacco then stated that they want clear instructions and if what they have already done is enough to satisfy what was requested, then to have that stated in black and white without any room for ambiguity.

Ch. Lally asked the applicant to state what they want to amend and you suggested some additional plantings. Mr. Sacco then displayed his screen with a landscape plan proposing to install 2 Holly Bushes and 3 evergreen arborvitae. He stated the new plantings it will obscure view from the south. Mr. Wierzbinski stated to give clarity as to why we chose that location to add plantings, when we spoke to Mr. Doyle there were gaps in between the plantings and the rear panels under the crabapple tree branches viewable from the south

Ch. Lally asked if the applicant believes with five additional plantings will screen from the street. Mr. Sacco responded yes, it is of note that this is screening from the southeast. Ch. Lally stated he drove by a couple of times and noted with the new plantings the array is pretty well camouflaged.

Ch. Lally stated he was in favor and wanted to open discussion up to the Board Members. Ms. Button stated she had a comment rather than question. She stated she sat on the original hearing and she is fully ok with this. Ch. Lally then asked Mr. Callahan if he had any questions. Mr. Callahan asked if there is any impact on the performance of the panels based on screening. Mr. Sacco stated that with the volume of plantings to the south, it will have some impact. Mr. Callahan stated the current iteration looks good and commends the applicant on the multiple efforts.

Ch. Lally stated that we should amend the special permit to reflect the 5 new plantings to the South. Mr. Callahan asked if we can we reference the planting plan in the decision. Ch. Lally stated yes, absolutely. Ch. Lally stated he was very pleased with the plantings around the panels and would like to amend the special permit to reflect the additional plantings to the south and that should suffice Mr. Doyle.

Ch. Lally asked Ms. Loughnane if she had any comments. Ms. Loughnane asked Ms. Flynn to read suggested language to replace condition number 2 in the original decision that specifies the new planting plan and also indicates the Board's intention for the plants to provide the impervious screening in three years, which is what our zoning bylaw requires. Ms. Flynn started to read the suggested condition and noted that the Town does not have the plan presented by the applicant during the hearing. Mr. Wierzbinski asked if it could say existing plantings. Ms. Loughnane stated the decision needs to reference a plan so there will be no ambiguity.

Mr. Rosellini stated the existing plan shows the green mesh and our proposal would be to not include the temporary screening and to include additional plantings to the south.

Ms. Loughnane requested Ms. Flynn to finish reading the proposed condition. Ch. Lally stated that he was pleased with the condition and asked if Mr. Wierzbinski or Mr. Saco had any comment. Mr. Wierzbinski stated because of the grade difference the 8' height for trees in the front would inhibit the performance of the panels.

Ch. Lally asked how tall are the panels. Mr. Saco stated 7' at the bottom with the lower grade. Ms. Loughnane stated that the 8' height came from the motion that Mr. McCusker had made at the original hearing and that it is up to the Board, but the existing plants will exceed 8' in three years. Mr. Wierzbinski stated he intends to trim the trees. Ch. Lally stated as long as they maintain them, I think that we should include that in the wording and have 3 years to get there.

Ch. Lally asked Ms. Loughnane if she had any final comments. Ms. Loughnane stated the intent of the original condition was that the trees be taller than the highest point of the array, the condition could state the height of the trees shall at all times be higher than the highest point of the array. Mr. Sacco agreed that would work and take the ground level out of it. Ch. Lally agreed that the language should be changed to highest point of the array within 3 years. Ch. Lally asked that the plan being shown is the final plan. Ms. Loughnane stated a new plan should be submitted that does not show the screening and Ms. Flynn will reference that plan. Mr. Wierzbinski agreed and Mr. Saco asked that a statement be included about the existing plantings are in keeping with the Board's intent.

Ch. Lally I am pleased with it as I have driven past and I sure my other Board Members are as well. Ch. Lally asked if there were any other comments from the Board on the current plantings. There were not. Ch. Lally declared the hearing closed.

Ch. Lally moved that the Westwood Zoning Board of Appeals grant the Petitioner's request to amend a Special Permit pursuant to Westwood Zoning Bylaw Sections §4.3.2.7 [Accessory Uses – Ground Mounted Solar] under the revised condition that the Applicant installs evergreen trees on the east, north, and west sides of the solar array, as well as two (2) holly bushes and three (3) emerald green arborvitae on the south side of the array as shown on the planting plan titled "461 Sandy Valley Road-Final Planting Plan" prepared by Boston Solar Company dated June 21, 2021 and last revised 4/27/22. Said evergreen trees are intended to screen the solar facility from view at normal eye level from adjacent properties. The trees should be sufficient in size and number to form a substantially impervious screen within three (3) years of planting. The minimum height of the evergreen trees, measured three (3) years from the date of planting, shall at all times be higher than the highest point of the solar array. Said trees shall be continuously maintained by the property owner and any dead or dying trees shall be replaced in kind for so long as the solar array remains in place. The Motion was seconded by Ms. Button. Ch. Lally called a roll call vote; the Board voted unanimously via roll call to grant the Petitioner's request to amend the Special Permit.

Address: 6 Windmill Lane

Petitioner: Jacob Gadbois

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

Ch. Lally read the public hearing notice for this application. He explained that the application proposes to install a master suite addition over an existing garage, and noted that the property is located in the SRC (Single Residential C) zoning district.

Petitioner Jacob Gadbois presented the project to the Board. He explained that the project was a master suite addition over an existing garage. Most homes in the neighborhood also have this type of addition, but the difference with this project that although in the SRC zone it has 15' setback as it was developed under a Comprehensive Permit. The house was originally built over the setback and it not nonconforming because it never got permission to do so.

Ch. Lally asked the homeowner what was the reason for the addition. Mr. Fitzgerald explained that a growing family and desire to stay in the neighborhood and schools.

Ch. Lally asked if the house is staying on the same footprint. Mr. Gadbois stated it was. Ch. Lally asked how many sq. ft. are being added. Mr. Gadbois stated 576 sq. ft.

Ch. Lally asked if the owner felt the addition is in character of the neighborhood. Mr. Fitzgerald stated it was and had included photographs of neighbor homes with his application.

Ch. Lally asked Ms. Button and Mr. Callahan is they had any other questions. They did not.

Ch. Lally asked Ms. Flynn if there was anyone in the public that wanted to make a comment. Ms. Flynn 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. Callahan moved that the Westwood Zoning Board of Appeals grant the Petitioner's request for a Special Permit pursuant to Westwood Zoning Bylaw Section § 4.5.3.2.2 [Special Permit Alterations of Nonconforming Structures – Vertical Extension]. The Motion was seconded by Ms. Button. Ch. Lally called a roll call vote; the Board voted unanimously via roll call to grant the Petitioner's request for a Special Permit.

Address: 50 Fox Hill Street

Petitioner: Bonnie Tan-Lai

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

Ch. Lally read the public hearing notice for this application. He explained that the application proposes to demolish existing house and rebuild 2 story home adding a 4 car garage. The height of the proposed new structure is over the 25' maximum height, and noted that the property is located in the SRE (Single Residential E) zoning district.

Bonnie Tan-Lai presented her project. She explained the addition would be over the existing foot print with squaring off the back. Ms. Tan-Lai stated addition adds one additional bedroom and the reason for the 4 car garage is there is 4 adult drivers in the home. She explained that it meets all setbacks and is seeking relief of 3' in height with a variance, still under 35'.

Ch. Lally asked Ms. Flynn to display house plans and asks how many bedrooms. Ms. Tan-Lai states there are four existing bedrooms and adding one.

Ch. Lally asks if the applicant would be storing any commercial vehicles. Ms. Tan-Lai stated only personal vehicles and that the proposed garage doors would face the house under construction that has their doors facing towards them. She stated that neighbors on the left submitted a letter of support for the project.

Ch. Lally stated the applicant was also looking for a variance for height and that a variance has a higher hurdle, section 10.4 of the bylaw states that there has to be something unique about the property or house. Ms. Tan-Lai stated the project would have a cathedral ceiling on second floor and playroom in the attic.

Ch. Lally asked if there was anything unique about the land. Ms. Tan-Lai stated it was very flat and the basement is very dark with no windows. She further stated that if the land was more sloped they could put in windows.

Ch. Lally stated a flat lot is not unique. Ms. Tan-Lai stated they can't expand to the rear because of the pool. Ch. Lally states it is the height issue for the variance and asked if she had spoken to Mr. Doyle. Ms. Tan-Lai stated she had and he told her to apply for a variance.

Ch. Lally asked Ms. Button if she had any questions. Ms. Button responded that she did not, but didn't think the application met the requirements for a variance. Ch. Lally asked Mr. Callahan if he had any questions. He stated that he agreed with Ms. Button that the application didn't meet the requirements and asked if they had looked at making modifications to plans to get under the height. Ms. Tan-Lai stated if I take out 2' the first floor is not going to look good.

Ch. Lally asked Ms. Loughnane if she had any comments. Ms. Loughnane stated the Board would have to find uniqueness on the property in order to consider hardship to grant a variance, if you don't find uniqueness the Board cannot grant a variance, however you could allow the other work requested under a special permit with a condition that the height not exceed 25'. Ms. Loughnane stated the condition would include redesigning the project to still include the 4 car garage but for the structure to not exceed 25'. Ms. Tan-Lai asked if I change to under the height I don't need to come back to the Board.

Ch. Lally stated that they could approve the 4 car garage under a special permit, and make a condition that the plans be redesigned to reduce the overall height of the structure to no more than 25'. Ms. Button asked to clarify if the height is of the garage or house. Ms. Tan-Lai stated the house, by 1'11".

Ch. Lally stated to redesign plans and submit to Mr. Doyle so you don't need a variance. And we can grant a Special permit subject to house redesign. Ms. Tan-Lai stated that's fine I will do that; I want to start construction.

Ch. Lally asked Ms. Flynn if there was anyone in the public that wanted to comment on the application. Ms. Flynn stated that there were no raised hands among the attendees and no comments in the Question & Answer queue. Ch. Lally asked the Board member if there were any additional comments or questions on the application. There were not. Ch. Lally declared the hearing closed.

Ch. Lally moved that the Westwood Zoning Board of Appeals grant the Petitioner's request for a Special Permit pursuant to Westwood Zoning Bylaw Sections §4.3.3.2 [Accessory Uses – Motor Vehicle Storage] under the condition that the Petitioner shall revise construction plans to not exceed the 25' maximum allowable building height for Single Residence E (SRE). Revised plans to be approved by Building Commissioner to meet maximum height requirement at time of building permit submittal. The Project shall be constructed with the approved revised plans and to deny the Petitioner's request for a Variance pursuant to Westwood Zoning Bylaw Sections 4.5.3.3 [Variance Required for New or Expansion of Nonconformity] and [10.4 Variances]. The Motion was seconded by Ms. Button. 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 correction -5 Highview Street – request to correct Assessor’s Plat and Lot number referenced on the 5 Highview Street Comprehensive permit. Ch. Lally made a motion to correct Map and Lot numbers. The motion was seconded by Ms. Button. *Ch. Lally called a roll call vote; the Board voted unanimously via roll call to approve the correction to Map and Lot on the Comprehensive permit for 5 Highview Street.*

Vote to Adjourn Hearing

On a motion by Ch. Lally, seconded by Ms. Button, the Board voted unanimously on a roll call vote to adjourn the meeting at 8:19 pm.

List of Documents:

65 Aran Road

- Zoning Board application; plans and associated attachments

16 Mill Brook Road

- Zoning Board application; plans and associated attachments

461 Sandy Valley Road

- Zoning Board application; plans and associated attachments

6 Windmill Lane

- Zoning Board application; plans and associated attachments

50 Fox Hill Street

- Zoning Board application; plans and associated attachments