

**Zoning Board of Appeals
Remote Participation, Zoom Video Conference Call
Meeting Minutes –June 15, 2022**

Members present: Chair John Lally, Michael McCusker and Linda Walsh

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

The meeting was called to order by Chair John Lally at 7:04 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.

Application

Address: 9 Westwood Terrace

Petitioner: Michael Walsh

Project: Appeal pursuant to Section § 10.1.7 [Appeals], relative to a decision of Building Commissioner Joseph Doyle, that a residential use is not allowed in the LBB (Local Business B) zoning district. Should the applicant's appeal be granted, Application for Special Permit pursuant Sections § 4.5.2.2 [Extension of a Nonconforming Use] and 4.5.3.2.2 [Alterations of Nonconforming Structures – Vertical Extension of an Exterior Wall in the Setback]. Applicant proposes a second story addition over an existing garage for home office. The side setback of the existing structure is 14.9' where 15' is required and the rear setback is 8.1' where 15' is required.

Ch. Lally read the legal notice into the record and stated regular member Linda Walsh has recused herself from this public hearing. Due to lack of a quorum of 3 members being present the board would be continuing the hearing. C. Lally asked the applicant if he was requesting the hearing be continued to August 17, 2022.

Mr. Walsh stated that was correct

Ch. Lally moved that the Board grant the Petitioners' continuance to August 17, 2022. The Motion was seconded by Mr. McCusker. Mr. Lally called a roll call vote; the Board voted via roll call 2-0 to grant the continuance to August 17, 2022 meeting at 7:00PM either in person at 50 Carby Street, Westwood or remote via zoom.

Ch. Lally welcomed Ms. Linda Walsh to join the meeting. Ms. Walsh confirmed she could hear and participate in the meeting.

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 July 20, 2022.

Ch. Lally moved that the Board grant the Petitioners' continuance to July 20, 2022. The Motion was seconded by Ms. Walsh. 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 July 20, 2022 meeting at 7:00PM via zoom.

Address: 9 Recess Way

Petitioner: John Joyce

Project: Application for a Special Permit pursuant to Sections §4.3.3.12 [Accessory Uses – Accessory Apartments] and §8.5 [Accessory Apartments]. The application proposes an accessory apartment (intended for use as a pool house) attached to a newly constructed single-family residence.

Ch. Lally read the public hearing notice for this application. He explained that the application proposes a pool house accessory apartment and asked if Mr. Joyce or his representative was in attendance.

Mr. Joyce stated he was present.

Ch. Lally asks Mr. Joyce to describe his project and what he was hoping to accomplish. Mr. Joyce stated that he was the homeowner and the builder. He stated the problem with the application resulted because there is a bedroom in the area of the pool house and it was on the plans from the beginning and that during an inspection it was determined to be another living area.

Ch. Lally asked what is in the pool house. Mr. Joyce stated a dishwasher, washer/dryer, refrigerator, TV room and a bedroom. Ch. Lally asked if there was a stove? Mr. Joyce answered no. Ch. Lally asked was it attached to the house. Mr. Joyce stated that the pool house was attached to the house.

Ch. Lally asked how many square feet is the space. Mr. Joyce stated between 600-700 square feet. Ch. Lally asked Ms. Flynn for the square footage. Ms. Flynn stated the Building inspector had supplied 670 square feet. Ch. Lally stated that the square footage was in the range for an accessory apartment outlined in the Bylaw.

Ch. Lally asked if the pool house would be the primary address. Mr. Joyce said no the main house would be the primary residence.

Ch. Lally asked if there is adequate parking. Mr. Joyce stated there was. Ch. Lally asked if all appropriate permits were pulled for the work. Mr. Joyce said yes, they were and that is why I was directed to come before the Board.

Ch. Lally asked if Ms. Walsh if she had any additional questions or comments. Ms. Walsh stated that it sounded like the applicant is not agreeing that this is an accessory use and just a pool house, which was originally proposed because there is no stove and no shower. Mr. Joyce stated there is a bathroom with a shower and that the plans initially submitted and approved had everything on it. Ms. Walsh asked if it was approved as a pool house. Mr. Joyce stated he didn't know what it was approved as, but they are the same plans.

Ms. Loughnane stated that the Building Commissioner reviewed the plans and determined that an accessory apartment special permit was required and Mr. Joyce filed the application. If ever a microwave or hot plate placed on the counter, it then the area becomes a full kitchen.

Ch. Lally asked if Mr. McCusker if he had any questions for the applicant. Mr. McCusker asked when was the house built. Mr. Joyce stated they have been in the house since March 2022. Mr. McCusker stated the house was under construction all last year. Mr. Joyce confirmed it had. Mr. McCusker stated that the everything in the pool house was on the plan submitted for building permit. Mr. Joyce stated that was correct. Mr. McCusker stated then it was reviewed and determined to need a special permit. Mr. Joyce stated that was correct.

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. McCusker moved that the Westwood Zoning Board of Appeals grant the Petitioner's request for a Special Permit pursuant to Westwood Zoning Bylaw Section §4.3.3.12 [Accessory Uses – Accessory Apartments] and §8.5 [Accessory Apartments]. The Motion was seconded by Ms. Walsh. 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

Ch. Lally stated that the minutes for April 27, 2022 were completed and the Board members present for that meeting were Danielle Button and Mark Callahan and himself. Ch. Lally asked Ms. Walsh and Mr. McCusker if they had reviewed the minutes. Both Mr. McCusker and Ms. Walsh stated they did review the minutes were in favor of approving.

Ch. Lally called a roll call vote; the Board voted unanimously to approve meeting minutes from the April 27, 2022 meeting.

Ch. Lally moved that the Westwood Zoning Board of Appeals approve meeting minutes from the May 18, 2022. 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 May 18, 2022 meetings.

Vote to Adjourn Hearing

On a motion by Ch. Lally, seconded by Mr. McCusker, the Board voted unanimously on a roll call vote to adjourn the meeting at 7:25 pm.

List of Documents:

9 Recess Way

- Zoning Board application; plans and associated attachments