

**Zoning Board of Appeals
Remote Participation, Zoom Video Conference Call
Meeting Minutes –August 17, 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 7:01 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.

Address: 42 Glen Road

Petitioner: John McGinnis

Project: Application for a Special Permit pursuant to Sections § 4.5.3.2.2 [Special Permit Alterations of Nonconforming Structures – Vertical Extension]. The application proposes to construct a second-floor addition to an existing nonconforming residential structure on a nonconforming lot.

Ch. Lally read the public hearing notice for this application. He explained that the proposes to construct a second-floor addition to an existing nonconforming residential structure on a nonconforming lot and asked if the applicant in attendance.

Mr. McGinnis stated that he was present. Ch Lally asked Mr. McGinnis to present the application. Mr. McGinnis stated the existing home structure is 1200 Sq. ft with a 250 Sq. ft garage. The proposal is to add an approximately 1200 sq. ft. second story addition with bedrooms for their growing family and make the house livable for the future. Mr. McGinnis stated the entire addition stays within the existing footprint of the home and the submitted plans show the proposed exterior elevations.

Ch. Lally asked if this was the primary home. Mr. McGinnis stated it was. Ch. Lally asked if the project including the deck would be going outside the existing footprint. Mr. McGinnis stated that the project would be staying inside the existing footprint, and that the deck was existing and permitted two summers ago. Ch. Lally asked he spoke to the neighbors about the proposed project. Mr. McGinnis stated he had and they are lucky to have great neighbors, and that all were very supportive of the work.

Ch. Lally asked if Mr. McCusker had any questions. Mr. McCusker stated the project was staying inside the existing footprint and that it looks like a very ambitious project, but believes it will look beautiful when it is done. He then asked Mr. McGinnis what was the average height of the addition. Mr. McGinnis stated 26 ft. Mr. McCusker stated we need to double check that. Ms. Flynn stated that the Building Commissioner had supplied 21' 6 as the average height. Mr. McGinnis stated he misspoke and that he agreed the average height would be approximately 20'6.

Ch. Lally asked Ms. Walsh is she had any questions. Ms. Walsh stated she had driven around the neighborhood and noted a neighbor looks like they did a recent addition. Mr. McGinnis stated they had. Ms. Walsh stated that although there are still many single-story homes, the proposed addition was in the character with the neighborhood. Ms. Walsh asked if there was going to be an additional kitchen. Mr. McGinnis stated there was not. Ms. Walsh asked if there was five bedrooms in total, with one on the first floor. Mr. McGinnis stated that was correct.

Ch. Lally stated that he drove out to the site as well, and was in favor of granting the Special Permit.

Mr. McCusker moved that the Westwood Zoning Board of Appeals grant the special permit pursuant to Westwood Zoning Bylaw Section § 4.5.3.2.2 [Alterations of Nonconforming Structures – Vertical Extension]. 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.

Address: 55 Webster Street

Petitioner: Stefanie Giuliano

Project: Special Permit pursuant to Section §4.5.3.2.3 [Construction of an overhang, porch, portico] and for a Variance pursuant to Sections §4.5.3.3 [Variance Required for New or Expansion of Nonconformity] and §10.4 [Variances]. The proposed construction of a 3.5' covered front porch will further encroach into the front setback. The project also proposes to construct an addition to the existing structure, including a garage with upper story living area, which will have a north side setback of 14.7' where 15' is required. The lot is nonconforming due to a lack of frontage, width, and area.

Ch. Lally noted that the applicant is seeking a Special Permit after submitting revised plans since the original hearing in March. Ch. Lally asked that the applicant update the Board on the application.

Ms. Giuliano stated that the original application in March proposed a project that required a Variance for moving the garage addition over to allow for a farmer's porch. She stated they went back and looked at our plans and removed the farmer's porch, left the garage where it is and proposed a portico in place of the farmer's porch. She said in light of those changes the only relief that we are now seeking is a Special Permit for the portico. Ms. Giuliano stated they got a new site survey done at the request of the Board, which took some time to get that completed. She said the portico is relatively modest to offer some cover at the front door, and believes the design and addition is very much in character of the rest of the neighborhood.

Ch. Lally asked Ms. Flynn to display the site plan and asked the applicant to tell the Board what the entire project entails. Ms. Giuliano stated that she and her husband moved into the house ten years ago and have since had two children. The proposed addition will add more bathrooms, a family room and enlarge the garage to be able to park an SUV inside. They love their neighborhood and do not want to move, but cannot continue to grow in our existing footprint.

Ch. Lally asked to clarify that the dimensions of the portico are 3.5' by 8.3'. Ms. Giuliano stated that looked correct. Ch. Lally asked Ms. Flynn if that was correct, and Ms. Flynn stated it was correct. Ch. Lally stated the portico would extend 3.5' into the setback towards the street. Ms. Giuliano agreed, and stated that is the same size as the existing steps and they will be updated but remain the same size. Ch. Lally stated that the modest portico would not be detrimental to the existing house or the surrounding neighborhood.

Ch. Lally asked Ms. Walsh if she had any questions. Ms. Walsh stated that she did not, but thanked the applicant for revising the project. Ch. Lally asked Mr. McCusker if he had any questions and he stated that he did not.

Ch. Lally asked Ms. Flynn to open up the hearing to public 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.

Ms. Walsh moved that the Westwood Zoning Board of Appeals grant the Petitioner's request for a Special Permit pursuant to Westwood Zoning Bylaw Section § 4.5.3.2.3 [Construction of an overhang, porch, portico]. 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.

Address: 21 Westwood Glen Road

Petitioner: Joon Lee of behalf of CS Fund 1 WGC Owner LLC

Project: Application to amend the special permit filed with the Town Clerk on December 17, 1970 and later modified on April 8, 1971, for the land between High Street, Churchill Road and Fox Hill Street, now known as 21 Westwood Glenn Road, in order to build a community center, renovate two existing offices to covert to affordable apartments and to amend the age restriction for occupancy limited to persons who have reached, or who reside with a spouse who has attained the age of sixty-two (62) years to persons who have reached, or who resides with a spouse who has attained the age of fifty-five (55) years.

Ch. Lally read the legal notice into the record. He explained that the application proposes amending a previous Special permit to for the purposes of building a new community center, converting office space to two affordable apartments and amending the current age restriction, and asked if the applicant or a representative was in attendance.

Attorney Dave Krumsiek introduced himself and stated that he was a representative for the Petitioner. Ch. Lally asked Mr. Krumsiek to introduce the application. Mr. Krumsiek stated his address as 14 Thatcher Street and the Petitioner is the owner of the Westwood Glen facility. The facility is a 156-unit apartment complex constructed pursuant to a Special Permit issued by the Board back in 1971, under a prior iteration of the Bylaw. He said principally it is an age restricted affordable housing complex and the current owner would like to make changes to the facility by building a new community center and convert two existing offices to one-bedroom affordable apartments in perpetuity. Mr. Krumsiek said during the time of the filing it was determined that the units have been advertised for 55 plus residents and the original permit allowed for 62 plus residents, that request has been added to the petition. He then introduced architect Tim Burke to present a power point on the proposed community center and affordable apartments.

Mr. Burke presented a multi-slide power point presentation with site location for the community center, proposed floor plan and exterior elevations. He stated the proposed community center will include: gym area, meditation room, managers office, wheelchair accessible bathroom and community room. He said the proposed building is located in an elevated location and was centrally located for easy resident access. Mr. Burke stated that they are working on a Environmental Impact Design application submittal for the Planning Board.

Ch. Lally what is the size of the new community center. Mr. Sean Carpenter from Standard Communities, stated the community center is 2220 sq. ft and the average height is 19'. Ch. Lally asked if there was adequate parking available. Mr. Burke stated there is ample parking.

Ch. Lally asked Mr. McCusker if he had any questions. Mr. McCusker asked if the two apartments were going to be added to the Town's SHI in perpetuity. Mr. Krumsiek said that was correct. Mr. McCusker asked the square footage of the apartments. Mr. Carpenter said approximately 750 sq. ft., and that manager's office was originally an apartment and will now be converted back. Mr. McCusker asked Ms. Flynn if there were any Fire Dept. comments. Ms. Flynn stated that this project requires a full Environmental Impact Design Review application with the Planning Board and the Fire Department will make design comments at that time.

Ch. Lally asked Ms. Walsh if she had any questions. Ms. Walsh stated she wanted clarification on what is in front of us tonight. Mr. Krumsiek stated the petition is twofold, one part is the age restriction amendment going from 62 to 55 and the other is the new construction of the community center and converting the two offices to affordable apartments. Ms. Walsh asked if all residents in an apartment needed to be 55. Mr. Krumsiek replied that the way the bylaw is written, they have to be closely related to someone that is the correct age. Currently the bylaw states closely related to someone who is 62. Ms. Walsh stated that she thinks it is a great concept and amenity for the residents in the complex.

Ch. Lally asked Ms. Flynn to open up the hearing to public comment. Ms. Flynn stated that there were no raised hands among the attendees and there was one comment in the Question & Answer queue. Ms. Flynn read the comment aloud, "Are the apartments accessible?" Mr. Lally stated, handicap accessible. Mr. Burke stated that yes, both apartments are ground level and wheelchair accessible. Ms. Flynn stated there were no other questions.

Ch. Lally asked Mr. Burke and Mr. Krumsiek if they had read the proposed conditions provided by Nora Loughnane, the Director of Community and Economic Development. Mr. Krumsiek asked the memo from Ms. Loughnane dated July 5, 2022. Ch. Lally confirmed that was the memo. Both gentlemen stated they had.

Ch. Lally read aloud the two proposed conditions from the above stated memo. Ch. Lally asked Mr. Burke and Mr. Krumsiek if they agreed with these conditions. They both stated they did. Ch. Lally stated that if amended special permit is granted, both conditions will be included in the decision.

Ch. Lally stated he was in favor of amending the special permit to include the age restriction change, the new community center and the two affordable apartments.

Mr. McCusker moved that the Westwood Zoning Board of Appeals amend the Special Permit granted in December 17, 1970 and later modified in April 8, 1971 to include the change to the minimum age restriction, build the new community center and convert two office spaces to affordable apartments, with the conditions read into the record earlier tonight for 21 Westwood Terrace. 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 the amended Special Permit.

Vote to Approve Meeting Minutes

Ch. Lally stated that the minutes for March 16, 2022 were completed. Ch. Lally asked Ms. Walsh and Mr. McCusker if they had reviewed the minutes. Mr. McCusker stated he did read them but was not at the hearing and believed that should preclude him from voting. Ms. Flynn stated that was correct. Ms. Walsh stated she did review the minutes and was in favor of approving.

Ch. Lally called a roll call vote; the Board voted unanimously to approve meeting minutes from the March 16, 2022 meeting.

Ms. Flynn stated the July 20, 2022 minutes will be ready for the September meeting.

At this time Ms. Flynn asked Ms. Walsh if she could end the meeting for the night. Ms. Walsh stated that she would be recusing herself from the last hearing and left the meeting.

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 stated that due to lack of a quorum of 3 members being present the board would be continuing the hearing.

Mr. McCusker moved that the Board continue the hearing for 9 Westwood Terrace to the remote September 21, 2022 meeting via Zoom . The Motion was seconded by Mr. Lally. Mr. Lally called a roll call vote; the Board voted via roll call 2-0 to grant the continuance to the remote September 21, 2022 meeting at 7:00PM via zoom.

Ch. Lally asked Ms. Flynn how the September meeting was looking. Ms. Flynn stated there would possibly be three public hearings, but the deadline was not until next week.

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 7:44 pm.

List of Documents:

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| <p>42 Glen Road</p> <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments <p>21 Westwood Glen Road</p> <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments |
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