

**Zoning Board of Appeals
Remote Participation, Zoom Video Conference Call
Meeting Minutes –December 14, 2022**

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

Staff Members Present: Zoning and Licensing Agent Karyn Flynn

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 instructions for remote participation by the public. All those present for the meeting who anticipated giving testimony were sworn in.

Address: 9 Westwood Terrace- Administrative Modification request

Board Members: Chair John Lally, Michael McCusker and Sean Coffey

Petitioner: Michael Walsh

Project: The Petitioner has asked to change the plans cited in the Special Permit decision filed in the Town clerk's office on 9/27/22. The applicant has decided to go ahead with the entire 2nd story addition at the same time, instead of the phased construction proposed previously.

Ch. Lally stated that the applicant has requested to change the plans cited in the previously issued decision. Ms. Flynn read the name of the plans set to be cited in the modified Special permit as: "Additions and Alterations for 9 Westwood Terrace Westwood, MA issued for permit" prepared by Bourque Design of Waltham, MA dated 11/2/22, consisting of 21 pages

Ms. McCusker moved that the Westwood Zoning Board of Appeals grant the Administrative modification to the Special Permit decision for 9 Westwood Terrence filed in the office of the Town Clerk on 9/27/22 to include the permit set of plans as read into the record. The Motion was seconded by Mr. Coffey. 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: 394-996 Providence Highway- Special Permit

Petitioner: Colbea enterprises, Inc.

Board Members: Chair John Lally, Michael McCusker and Sean Coffey

Project: The Board shall hear an application filed by Colbea Enterprises, LLC for a Special Permit pursuant to the Westwood Zoning Bylaw Sections §4.1.5.10 [Motor Vehicle Light Service], 4.1.5.6 [Retail Sales and Services], 4.1.5.15 [Fast Food Establishment], 4.1.7.3 [Drive-Through Service], 6.2.7.1 [Signs-Number], 6.2.7.2 [Signs-Square footage], 6.2.7.3 [Signs-Area], 6.2.8.1[Signs-Changeable], 6.2.9.5.1 and 6.2.9.5.2 [Signs -Video Display], 6.2.10.2 [Signs-Illumination] and 6.1.25 [Driveways]. The Petitioner proposes to demolish an existing building and fuel dispenser/canopy and build a new 3,600 SF gas station/convenience store with drive-thru service for coffee shop. The project is proposed to include one free-standing pylon sign, building signage and directional signage. The proposed driveway on Walper Street will be closer than 150 feet to the centerline of Providence Highway.

The property was previously within the Industrial Office (IO) zoning district. A Zoning Map amendment, approved by Town Meeting on May 2, 2002, now places the property within the Highway Business (HB) zoning district, subject to the confirmation of said Zoning Map amendment.

Ch. Lally read the public hearing notice for this application and explained the application proposes constructing a new gas station/convenience store with drive through and asked if the applicant in attendance. Ms. Flynn asked to update the Board on changes to the project since the publication of the legal ad. She stated that since the ad went to print the applicant's engineering firm DiPrete Engineering and the Peer Review engineer BETA Group Inc. worked together to make changes to the Walper Street driveway, so that the opening is no longer within the 150 ft of Providence Highway. The project still intends to use the preexisting non-conforming driveways on Providence Highway and would need Special permit relief to do so. The other item that has changed since publication of the legal ad is that the Zoning amendment to rezone the two properties has completed the 90-day posting period after the Attorney Generals' approval. Both properties are now zoned Highway Business (HB) and lastly the Building Inspector revised his comments and changed his interruption of the LED fuel dispensers as changeable signs to now be considered Video media display.

Ch. Lally asked Attorney Michael Brown representing Colbea Enterprises, Inc. to introduce the project. Mr. Brown stated that his applicant currently owns and operates the gas station located at 394 Providence Highway. He said they recently purchased the lot at 396 Providence highway and they successfully petitioned the Town to change the Zoning to make both lots now

Highway Business. Mr. Brown said the project proposes to build a new 3,600 SF gas station/convenience store with drive-thru service for coffee shop. The applicants have gone through both Planning Board and Conservation Commission review and are now seeking the use and signage relief through special permits. He pointed out the project is very similar to the other Seasons Market that applicant owns at 75 Providence Highway and thinks the project would be very beneficial to the town.

Ch. Lally asked the applicant to go through each section of the bylaw and why relief was requested. Mr. Brown stated the retail sales, motor vehicle light service fast food and drive thru are all the same as the other Season's market at 75 Providence Highway and allowed uses in Highway Business with a special permit. He stated that proposed signage package was smaller than the signage at 75 Providence Highway as there are fewer pumps. Mr. Brown introduced Greg Burnett of DiPrete Engineering to discuss any further sign questions.

Mr. Burnett said that the business was allowed 2 signs by right and the proposed signage package includes 65 signs by the way the Town defines signs in the bylaw. Mr. Burnett displayed the sign plan and pointed out the table with sign size and location. Ch. Lally asked if most were directional and used for the business. Mr. Burnett said that was correct, and that they exceed both area and sq. footage. He said the video displays are part of the fuel pumps. Andrew Delli Carpini introduced himself as the owner of Colbea Enterprises, Inc. He said the monitors display public service announcements, advertising and pump operation directions. Mr. Delli Carpini stated the proposed pumps are identical to the pumps located at 75 Providence Highway, there will just be fewer of them. Ch. Lally asked if there would be 8 video displays. Mr. Delli Carpini stated that yes, each pump is double sided. Ch. Lally asked how the pylon sign was illuminated. Mr. Burnett stated it was internally illuminated. Ch. Lally asked what the height of the pylon sign was. Mr. Burnett stated it was 26 feet tall.

Ch. Lally asked about the driveway location. Mr. Burnett stated that they had worked with the Peer Review engineer BETA Group to move the Walper St. Driveway so that was no longer an issue. He stated they would like to continue to use the pre-existing non-conforming driveway on Providence highway. Ch. Lally asked if the design team had considered moving the driveway. Mr. Burnett said they spent an extensive amount of time working with BETA and the Planning Board, but there really wasn't any other solution. Ch. Lally asked if the project had already gone through Conservation. Mr. Brown stated it had and received an Order of Conditions. Ch. Lally stated that all the conditions of both Boards, will be included in the ZBA decision.

Ch. Lally asked Mr. McCusker if he had any questions. Mr. McCusker asked if the driveways on Providence highway were to be one way. Mr. Burnett said they would be and there would be direction signs indicating the one-way status. Mr. McCusker then stated that the new pumps would be facing North/South and not facing the highways. Mr. Burnett said that was correct.

Ch. Lally then asked Mr. Coffey if he had any questions, and he responded 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. Ch. Lally then stated that he believed the project would be very beneficial to the Town. Ch. Lally asked Mr. McCusker if he had any comments. Mr. McCusker praised the applicants project team for all their hard work and presented a very seamless application. Mr. Coffey agreed with Mr. McCusker and thanked the applicants for being so thorough and all their work was very much appreciated.

Mr. McCusker moved that the Westwood Zoning Board of Appeals grant the special permit pursuant to Westwood Zoning Bylaw Sections §4.1.5.10, §4.1.5.6, §4.1.5.15, §4.1.7.3, § 6.2.7.1, §6.2.7.2, §6.2.7.3, § 6.2.9.5.1 and §6.2.9.5.2, §6.2.10.2 and §6.1.25. The Motion was seconded by Mr. Coffey. Ch. Lally called a roll call vote; the Board voted unanimously via roll call to grant the Petitioner's request for a Special Permit.

At this time Linda Walsh joined the Board as the third member and Sean Coffey left the meeting.

Ch. Lally asked Ms. Walsh if she was able to hear and communicate with the Board. Ms. Walsh stated that she could.

Address: 274 Washington Street- Special Permit

Petitioner: Mike Disarro

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

Project: Neroli Mercato -Special Permit pursuant to Sections §6.2.15 [Signs-Special Permits], 6.2.6 [Signs-Maximum Number] and 6.2.6.2 [Signs-Maximum Area]. The application proposes to add four window signs, which exceeds the maximum of two signs existing at the establishment. The proposed total square footage of the signs exceeds the maximum allowable under section §6.2.6.2. The four window signs are approximately 22.4 square feet of area, where 20 square feet is the maximum allowed. The applicant is seeking relief for the four additional window signs pursuant to section §6.2.15. The property is located in the Local Business B (LBB) Zoning District.

Ch. Lally read the public hearing notice and explained the application proposes to add four window signs at Neroli Mercato and asked if the applicant in attendance.

Mr. Disarro introduced the project as adding four signs to the Neroli Mercato windows. He stated that they are meant to be descriptors of the products they offer. Ch. Lally asked if they are on the windows facing Washington St. Mr. Disarro stated they were. Ch. Lally asked if they are painted on the outside of the windows. Mr. Disarro stated they are inside and out the gold leaf is on the inside of the window and there are some outlines on the outside glass. Ch. Lally asked why the applicant felt like they needed these additional signs. Mr. Disarro said it is advertising to let people know what they have and point out what is new in the community. Ch. Lally asked if the signs were in keeping in size and scale and design to the existing architecture of the building. Mr. Disarro said they were and thinks that they are very classy. He stated the signs are for people driving by. Ch. Lally asked if he thought they would be distracting to drivers. Mr. Disarro said he did not. Ch. Lally asked if the signs are on the first floor. Mr. Disarro stated that they were.

Ch. Lally asked Ms. Walsh if she had any questions and she stated she did not. Ms. Walsh said she drove by the establishment and noted the signs are already on the windows. Mr. Disarro stated they are and he didn't realize that they would need a special permit. He found out he needed a special permit when he applied for a building permit for the signs. Ms. Walsh said that she thought the signs were in good taste and matched the existing architecture of the building. Ms. Walsh asked that going forward Mr. Disarro please ask staff for direction before doing a project. Mr. Disarro agreed that he would.

Ch. Lally asked Mr. McCusker if he had any questions. Mr. McCusker stated that he did not, but stated that he too drove by the business and felt the sign were very tasteful. He had first thought perhaps the signs could be smaller, but after visiting the site determined they really could not. Mr. McCusker congratulated Mr. Disarro and said he is doing a great job, and reiterated for Mr. Disarro to give them a call if you have any questions.

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 special permit pursuant to Westwood Zoning Bylaw Sections § 6.2.15, 6.2.6 and 6.2.6.2. 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: 28 Lorraine Road

Petitioner: David Harvey, homeowner

Board Members: Ch. John Lally, Michael McCusker and Linda Walsh

Project: Special Permit pursuant to Sections 4.5.3.2.2 [Alteration of Nonconforming Structures-Vertical Extension]. The application proposes to enclose an existing deck and convert it to finished living space. The existing structure is nonconforming due to violating the front and north side setbacks. At the front, the home is located approximately 27'5" from the lot line where 40' is required. The north side of the structure is 5'3" from the lot line where 20' is required. The deck being converted to enclosed space is located 6'2" from the north side lot line. The property is located in the Single Residential C (SRC) Zoning District.

Ch. Lally read the public hearing notice and explained the application proposes to enclose an existing deck to create finished living space and asked if the applicant in attendance. Mr. Harvey began to introduce his application explaining that his since 2015 his family has discussed an addition to their family home. At that time that could only add a room over a garage and now would like to convert deck space to a finished dining room.

Ch. Lally asked Mr. Harvey what the total sq. footage of the addition would be. Mr. Harvey stated 185 sq. ft. Ch. Lally asked would the addition be higher than the existing roof line. Mr. Harvey stated it would not, in fact int would be quite a bit below

the existing. Ch. Lally asked Mr. Harvey if he has had a chance to speak to his neighbors. Mr. Harvey said he has, in fact they had to go through Conservation for this project, and no one had any concerns at that time either.

Ch. Lally asked Mr. McCusker if he had any questions. Mr. McCusker said that he did not have any questions but wanted to confirm that this Board was not reviewing the proposed deck indicated on the site plan as that could be built by right. Ms. Flynn confirmed the only deck under review is the smaller deck indicated as “existing deck” with a note to the side that says proposed enclosed addition.

Ch. Lally asked Ms. Walsh is she had any questions. Ms. Walsh asked why the plan has a proposed deck. Mr. Harvey stated that at the time the plans were drawn they were thinking of adding a new deck. Ms. Walsh stated she had driven by the project and it appeared there were two decks already on the house. Mr. Harvey said there was only one deck and asked to display the elevations. Ms. Flynn displayed the elevations and Mr. Harvey pointed out the single existing deck. Ms. Walsh asked if the square footage of the addition was going to be the same. Mr. Harvey stated that yes, it is the same.

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 special permit pursuant to Westwood Zoning Bylaw Section § 4.5.3.2.2 [Alteration of Nonconforming Structures-Vertical Extension]. 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

Ch. Lally stated that the minutes for October 14, 2022 and November 16, 2022 meetings were completed. Ch. Lally stated he only reviewed the October 14th minutes and was not present for the November 16, 2022 meeting. Both Mr. McCusker and Ms. Walsh stated they reviewed both meetings. Mr. Lally said he was in favor of approving the October 14, 2022 minutes.

Ch. Lally moved that the Westwood Zoning Board of Appeals approve meeting minutes from the October 14, 2022 meeting. 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 October 14, 2022 meetings.

Mr. McCusker stated he was in favor of approving the November 16, 2022 meeting minutes.

Mr. McCusker moved that the Westwood Zoning Board of Appeals approve meeting minutes from the November 16, 2022 meeting. The Motion was seconded by Ms. Walsh. Ch. Lally stated he would abstain from the vote. Ch. Lally called a roll call vote; the Board voted 2-1-0 in favor and one abstention to approve meeting minutes from the November 16, 2022 meeting.

Vote to Adjourn Hearing

On a motion by Mr. McCusker, seconded by Ms. Walsh, the Board voted unanimously on a roll call vote to adjourn the meeting at 8:14 pm.

List of Documents:

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| <p>9 Westwood Terrace</p> <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments <p>394-396 Providence Highway</p> <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments <p>274 Washington Street</p> <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments <p>28 Lorraine Road</p> <ul style="list-style-type: none">• Zoning Board application; plans and associated attachments |
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