

Zoning Board of Appeals
Remote Participation, Zoom Video Conference Call
Meeting Minutes –February 14, 2024

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

Staff Members Present: Zoning and Licensing Agent Karyn Flynn

The meeting was called to order by Chair John Lally at 7:00 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: 490 Gay Street

Petitioner: PT Realty Investors LLC represented by Lou Petrozzi

Project: Special Permit pursuant to the Westwood Zoning Bylaw Section §8.1 [Conversion of One-Family Dwelling]. Petitioner proposes to convert the existing single-family home at 490 Gay Street to a two-family dwelling. The property is located in the Single Residential E (SRE) zoning district.

Ch. Lally read the public hearing notice and asked if the applicant was in attendance. Ms. Flynn stated that both the applicant and his attorney are present. Chris Timson introduced himself as the applicant attorney. Mr. Petrozzi asked to introduce the project but then experienced technical issues, Attorney Timson then began to explain the application.

Attorney Timson stated the property at 490 Gay Street is a beautiful home that Mr. Petrozzi renovated the interior and brought everything up to date. He stated that there had previously been an accessory apartment in the existing structure granted back in 1996. Attorney Timson stated that due to a change in the Zoning bylaw and because it was not owner occupied when P. T. Realty bought it, the accessory apartment ceased to exist. Attorney Timson stated that in order to get use of that unit, which the town very much needs, would be through a special permit conversion to a two-family dwelling. He stated all the renovations completed have been inspected and an occupancy permit has been issued. He said that the only thing necessary to convert it to a two-family dwelling would be to change out an interior door to a fire rated door to give protection required between those two units. Attorney Timson said there will zero changes to the exterior of the structure. He stated that as the Board knows, there are four requirements under section 8.1 that the application must meet. Attorney Timson then listed each requirement and stated how the home at 490 Gay Street met each. He said,

1. The first being the property has to be constructed before December 31, 1938, this property was constructed in 1850.
2. The property must remain consistent with the appearance of a single-family home. This property is a beautiful single-family home
3. There cannot be an accessory apartment on the property. As we discussed earlier the accessory apartment is no longer valid.
4. And lastly, the maximum number of two-family conversion special permits issued cannot be more than 1% of the number of single family and two-family homes in the town. The Building Commissioner stated that the town is not near the allowable threshold and this special permit would not put them over.

Attorney Timson stated that besides the town needing this type of housing, there is ample parking available and there will not be any adverse effect on the surrounding neighborhood. He said that Gay Street is a main street and would suggest that no one will even realize that an apartment is there. Attorney Timson stated that the Building Commissioner pointed out in his comments that this application is a viable and worthy application for a two-family conversion.

Ch. Lally asked Mr. Petrozzi if he wanted to add anything. Mr. Petrozzi said he thought Mr. Timson did a good job explaining the application but just wanted to add that they did an extensive renovation to the property and it came out beautifully, and hopes that the Board will see fit to grant the special permit.

Ch. Lally asked Ms. Walsh if she had any questions. Ms. Walsh stated the Building Commissioner comments and the presentation was very thorough. It seems as if what the applicant is asking us to do is to create a legal apartment. She stated that she appreciated the fact that the applicant did not move forward with this as is, and since the building inspector has already been out there, she was in support of this application.

Ch. Lally asked Mr. McCusker if he had any questions. Mr. McCusker stated that he did not. Ch. Lally stated that he believed the application meets the requirements for section 8.1. Ch. Lally did ask Ms. Flynn if the town was under the maximum of 1% of the total of single family and two-family homes. Ms. Flynn stated that the town was far under the 1%.

Ch. Lally asked Ms. Flynn to open up the hearing to public comment. Ms. Flynn stated that there was an attendee that would like to speak. Ms. Flynn asked the attendee to state their name and address for the public record. Asheesh Advani of 444 Sandy Valley Road stated his name and address. Mr. Advandi stated he was very much in favor of this application but had a question, that by granting this apartment special permit, the Board is not allowing a second family structure to be built on this property. He said that was his concern and adding an apartment above the garage is a legal and thoughtful thing to do, but wanted to be super clear that this approval does not allow for a second family home to be built on this property.

Ch. Lally stated that is not what the application before the Board is about. If the applicant was to pursue an application to do so, it would go to the Building Dept, and the Planning Dept and then maybe to this Board. That is not what is before us tonight. Ch. Lally asked Ms. Flynn if she had anything to add about the regulations. Ms. Flynn stated that there cannot be two single family homes structures built on the same lot. Ms. Flynn stated the application before them was to convert a single-family dwelling into a two-family dwelling. One structure, two dwellings for the maximum of to families to reside. Mr. Advandi thanked the Board for the clarification and stated he had no concerns.

Ch. Lally asked if there were any other members of the public that wanted to speak. Ms. Flynn stated there were no hands raised in the attendees and no questions in the Question & Answer queue. Ch. Lally stated that the applicant had submitted a waiver request regarding a Board requirement for the site plans. He stated the Board is being asked to waive the owner of record name and property address in the title block as required by Section 6A Certified Plot plan requirement: Title block containing the property address and property record owner. C. Lally asked Ms. Flynn if anything else was missing from the plan, and Ms. Flynn sated that was the only requirement missing.

Ms. Walsh moved to grant the requested waiver of Section 6; property owner and address of record in title block, and it was seconded by Mr. McCusker. Ch. Lally called a roll call vote; the Board voted unanimously in favor to grant the requested waiver. Ch. Lally declared the hearing closed.

Mr. McCusker moved that the Westwood Zoning Board of Appeals grant the special permit for 490 Gay Street pursuant to the Westwood Zoning Bylaw Section §8.1 [Conversion of One-Family Dwelling]. The Motion was seconded by Ms. Walsh. Ch. Lally called a roll call vote; the Board voted unanimously via roll call grant the special permit for 490 Gay Street.

Vote to Approve Meeting Minutes

Ch. Lally stated that the minutes for January 24, 2024 meeting were completed and ready for approval.

Mr. McCusker moved that the Westwood Zoning Board of Appeals approve the meeting minutes from the January 24, 2024 meeting. The Motion was seconded by Ch. Lally. Ch. Lally called a roll call vote; the Board voted 2-0-1 in favor to approve meeting minutes from the January 24, 2024 meeting, and Ms. Walsh abstaining from the vote.

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 7:21 pm.

List of Documents:

- 490 Gay Street
Zoning Board application; plans and associated attachments