

Zoning Board of Appeals
Remote Participation, Zoom Video Conference Call
Meeting Minutes – July 17, 2024

APPROVED 8/14/24
On Meeting Date: _____

Members present: Chair Michael McCusker, Linda Walsh and Mark Callahan
Staff Members Present: Zoning and Licensing Agent Karyn Flynn

The meeting was called to order by Chair Michael McCusker at 7:00 pm. Ch. McCusker 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: 84 Oriole Road

Petitioner: Mary Pappas, homeowner

Project: The Board shall hear an application filed by Mary Pappas for a Special Permit pursuant to the Westwood Zoning Bylaw Section §4.5.3.2.3 [Alterations of Nonconforming Structures]. The Petitioner proposes to construct a farmer's porch attached to an existing single-family home. The existing house violates the front setback as it is located 35.1' from the lot line, where 40' is required. The porch is shown to extend to 31' from the front lot line, which is an additional 4.1' into the setback. The subject lot is nonconforming due to a lack of frontage, area, and width. The property is located in the Single Residence C (SRC) zoning district

Ch. McCusker read the public hearing notice and asked if the applicant was in attendance. Ms. Flynn stated that Mary Pappas was in attendance. Ms. Flynn said that the applicant had submitted a revised site plan that the Building Commissioner reviewed and stated that the front porch only goes 3.8' into the front set back, requiring a special permit.

Ch. McCusker asked Ms. Pappas to present the project. Ms. Pappas introduced herself and stated that the front porch proposed is in keeping with the style of others in the neighborhood and believes it will add to the character and design of the home. She stated they have full support of abutting neighbors and are happy to answer any questions.

Ms. Flynn displayed the site plan and Ch. McCusker asked if the proposed covered porch would only extend 3.8' into the front setback. Ms. Pappas stated that was correct. Ch. McCusker asked for the elevations to be displayed and asked Ms. Walsh if she had any questions. Ms. Walsh said that she did not. She stated she did a drive by and believes the porch will be a great addition and has no problems with the application. Ch. McCusker then asked Mr. Callahan if he had any questions and said that he agreed with Ms. Walsh and stated he had no questions.

Ch. McCusker asked Ms. Flynn to open up the hearing to public comment. Ms. Flynn stated there was one person in the audience with their hand up and was going to let them into the hearing. She asked that the state their name and address for the record. Giovanni Petry introduced himself as the contractor for the project and stated he could answer any questions. All members of the Board stated they did not have any further questions. Ms. Flynn there were no other hands raised in the attendees and no questions in the Question & Answer queue. Ch. McCusker declared the hearing closed.

Ms. Walsh moved that Zoning Board of Appeals grant the Special permit for 84 Oriole Road pursuant to Westwood Zoning Bylaw Sections § 4.5.3.2.3 [Alterations of Nonconforming Structures]. The Motion was seconded by Mr. Callahan. Ch. McCusker called a roll call vote; the Board voted unanimously via roll call grant the special permit to 84 Oriole Road.

Address: 165 Nahatan Street

Petitioner: Shawn Young, Contractor

Project:

The Board shall hear an application filed by Shawn Young for a Special Permit pursuant to the Westwood Zoning Bylaw Section §4.5.3.2.2 [Alterations of Nonconforming Structures-Vertical Extension]. The Petitioner proposes to construct a second-floor addition to an existing single-family structure. At the front, the house is located 18.3' from the lot line, where

25' is required. The east side is 7.9' at its closest from the side lot line where 15' is required. The proposed addition will extend this side of the house vertically within the required setback. The existing structure is nonconforming due to the front and south side setback violations. The subject the lot is nonconforming as it is lacking size, frontage and lot width. The property is located in the Single Residence D (SRD) zoning district

Ch. McCusker read the public hearing notice and asked if the applicant was in attendance. Ms. Flynn stated that the homeowner's Patrick and Holly Moran were in attendance. Ch. McCusker asked Mr. & Mrs. Moran to introduce their project.

Mr. Moran stated they would like to add another bedroom above the existing first floor to total three bedrooms on the second floor. He stated the addition would allow all the children's bedrooms to be on the second floor. The project is adding a master bedroom above existing space. Mrs. Moran stated they are staying in the same footprint and not extending any further into the setback. Mr. Moran stated they had the support of their neighbors.

Ch. McCusker asked what would be the finished height of the addition. Mr. Moran stated it would not be higher than the existing. Ms. Flynn stated the Building Commissioner had supplied the average height of the finished addition as 23'. Ch. McCusker asked Mr. Callahan if he had any questions for the homeowners. Mr. Callahan asked to clarify what else was being added on the second floor. Mrs. Moran stated the bedroom, a bathroom and closet. Mr. Callahan had no further questions.

Ch. McCusker asked Ms. Walsh if she had any questions. Ms. Walsh asked what the maximum height was in the zoning district. Ch. McCusker and Ms. Flynn stated 25'. Ms. Walsh stated she had no further question but wanted to add one more thing after public comment.

Ch. McCusker asked Ms. Flynn to open up the hearing to public comment. Ms. Flynn stated that there were no more hands raised in the attendees and no questions in the Question & Answer queue. Ch. McCusker stated he would like to return to Ms. Walsh with any questions. Ms. Walsh stated she had no questions but more wanted to stress to the homeowner's her safety concerns with the location of their project and its proximity to the entrance/exit to the High School and construction vehicles coming and going. Mr. Moran stated they very much understand and direct all construction vehicles to their rear driveway on Ellis Street, with a small parking area. Ms. Walsh asked if it was direct access and they do not need to go over a neighbor's land. Mr. Moran stated they did not, as their lot goes out to Ellis Street. Ch. McCusker stated Ms. Walsh's concern was excellent and was glad to hear the applicants had the rear drive as a remedy, as safety is always paramount concern with all applications that the Board considers. Ch. McCusker then declared the hearing closed.

Mr. Callahan moved that Zoning Board of Appeals grant the Special permit for 165 Nahatan Street 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. McCusker called a roll call vote; the Board voted unanimously via roll call grant the special permit for 165 Nahatan Street.

Address: 122 Edgewood Road

Petitioner: Arthur McGuire, homeowner

Project: The Board shall hear an application filed by Arthur McGuire for a Special Permit pursuant to the Westwood Zoning Bylaw Sections Section §4.5.3.2.1 [Alterations of Nonconforming Structures-Horizontal Extension], §4.5.3.2.2 [Alterations of Nonconforming Structures-Vertical Extension], and §4.5.3.3 [Special Permit - Expansion of Nonconformity]. The Petitioner proposes to construct a two-car garage and second story addition to an existing single-family structure. The proposed alteration to the front wall of the house would require Special Permits as it is both a horizontal and vertical extension. The newly constructed south wall of the house would also be extended to accommodate a second story where the is currently only a single story. This would result in an increased nonconformity of a higher structure in the side setback. The existing house is nonconforming as it violates the front setback at 33.1' with 40' required and the south side setback at 11.5' where 15' is required. The subject lot is nonconforming due to a lack of area. The property is located in the Single Residence C (SRC) zoning district.

Ch. McCusker read the public hearing notice and asked if the applicant was in attendance. Ms. Flynn stated that there was someone in the audience on the phone, that she believed was Mr. McGuire. Ms. Flynn asked for Mr. McGuire to press star 6 to be able to unmute himself and have the ability to speak. Arthur McGuire did so and identified himself.

Mr. McGuire introduced himself as the owner of 122 Edgewood Road. He stated they wanted to add a two-car garage in the front of the house and remove a side wall that is in the setback and rebuild it further away from the side lot line. He said both areas didn't meet the required setback and that is why he has applied for a special permit.

Ch. McCusker asked for the site plan to be displayed. Ch. McCusker asked the applicant to confirm that the proposed project goes up one story and expands the garage. Ch. McCusker then asked for the elevations to be displayed. Ms. Flynn told Mr. McGuire to have his plans in front of him if he is unable to see the displayed plan. Mr. McGuire stated that he had his plans in front of him. Ch. McCusker asked Mr. McGuire to confirm the garage would become a two-car garage and adding a second floor. Mr. McGuire, said that was correct. Ch. McCusker asked how many bedrooms will the house have. Mr. McGuire stated they were renovating the entire house and will have four bedrooms and 3 baths.

Ch. McCusker asked if the garage foundation wall will extend further to the right side of the lot. Mr. McGuire stated that on the south side the old wall at 11.5' from the setback would be removed and the new wall would be moved back to 14.7' from the side setback. He stated the architect couldn't get the house to look right, so he proposed moving that wall back on the south side. The back addition meets all setbacks.

Ms. Flynn asked to go back to the garage addition. She displayed the site plan and said the garage addition goes from one bay to two bays, extends further towards the right-side lot line. Ms. Flynn stated the garage extends horizontally at the same distance from the front lot line as the existing, as well as going up to add a second story.

Ch. McCusker asked the applicant what is the average height of the addition. Mr. McGuire stated it would be 25.1'. Ms. Flynn stated there is a difference on how the Town calculates average height and the Building Commissioner calculated the average height of this addition at 23.1'. Ch. McCusker stated so we are under the 25' average height and Ms. Flynn confirmed that was the case. Ch. McCusker stated he had no further questions and asked Ms. Walsh if she had any questions for the applicant. Ms. Walsh asked the applicant to clarify if the second story addition went over the entire existing home or only partially. Mr. McGuire said that he is taking some away on the south side of the house and moving a wall back and then going up over the entire thing. Ms. Walsh said part of a special permit to match the character of the neighborhood, can you explain how this addition fits within the character of the neighborhood. Mr. McGuire stated that many homes on that street have been renovated over the years to add a second floor. He stated that many were non-conforming ranches that added a second story addition. Mr. McGuire stated that 140 Edgewood Road two houses way from his property was a ranch that got a special permit to add a second floor, they just didn't do a two-bay garage. Ms. Walsh asked if the applicant spoke to his neighbors about the proposed project. Mr. McGuire stated that he did not, as he moved out during Covid and began renting the home. Ms. Walsh asked if the home was vacant. Mr. McGuire said that it was.

Ch. McCusker asked if the Board had any further question and both members stated they did not. Ms. Walsh stated that she was concerned that the applicant did not speak to his neighbors about the project. She said that she was very much in favor of people improving their property but was still concerned about the neighbors not knowing about the renovations. Ms. Flynn stated that abutter notifications get mailed out to all abutters within 300' of the project and as part of the notification there is a link to the plans for the project. Ms. Flynn stated she did not receive any comments or concerns from abutters for this application.

Ch. McCusker asked Mr. Callahan if he had any questions and he did not. Mr. Callahan said that he agreed with Ms. Walsh and also wished they had heard from abutters. Mr. Callahan said he drove through the neighborhood and agreed with the Building Commissioner's comments that the project would not be substantially move detrimental to the neighborhood. Ch. McCusker also stated he drove through the neighborhood and agreed with the Building Commissioners determination.

Mr. Callahan moved that Zoning Board of Appeals grant the Special permit for 122 Edgewood Road pursuant to Westwood Zoning Bylaw Sections § 4.5.3.2.1 [Alterations of Nonconforming Structures-Horizontal Extension] and §4.5.3.2.2 [Alterations

of Nonconforming Structures-Vertical Extension] and § 4.5.3.3 [Expansion of Nonconformity]. The Motion was seconded by Ms. Walsh. Ch. McCusker called a roll call vote; the Board voted unanimously via roll call grant the special permit for 122 Edgewood Road.

Vote to Approve Meeting Minutes

Ch. McCusker stated that the minutes for June 12, 2024 meeting were completed and ready for approval.

Ch. McCusker moved that the Westwood Zoning Board of Appeals approve the meeting minutes from June 12, 2024 meeting. The Motion was seconded by Ms. Walsh. Ch. McCusker called a roll call vote; the Board voted 2-0-1 to approve meeting minutes from the June 12, 2024 meeting, with Mr. Callahan abstaining from the vote.

Vote to Adjourn Hearing

On a motion by Ms. Walsh, seconded by Mr. Callahan, the Board voted unanimously on a roll call vote to adjourn the meeting at 7:45 pm.

List of Documents:

- 84 Oriole Road
Zoning Board application; plans and associated attachments
- 165 Nahatan Street
Zoning Board application; plans and associated attachments
- 122 Edgewood Road
Zoning Board application; plans and associated attachments