

**Natick Zoning Board of Appeals
In Person Only
April 24, 2023**

Chair David Jackowitz called the meeting to order at 6:34 PM. Members present were, David Jackowitz, Michael Lynch, and Geoffrey Lewis, Jason Makofsky, Andrew Enright, Katherine Durrane. Also present was Community & Economic Development Staff Kolton Snider.

Public Speak: None

Public Hearings – Development Projects

1. 29 Beverly Road: *application of Kevin Griffin for a Finding per Chapter 40A, Section 6 of the Massachusetts Zoning Act and Section IV-B and V-A.2 of the Natick Zoning Bylaws. The project is for the demolition of the existing single-family dwelling and the constructing of a new single-family dwelling on the pre-existing, non-conforming lot, as shown on the plans submitted.*

Voting Members: DJ GL JM KD ML

Kevin Griffin, applicant, requested a Finding per Chapter 40A, Section 6 of the Massachusetts Zoning Act and Section IV-B and V_A.2 of the Natick Zoning Bylaws for the demolition of the existing single-family dwelling and the construction of a new single-family dwelling.

Mr. Makofsky moved for approval of the project with conditions, seconded by Ms. Durrane. Roll call vote 6-0 MOTION PASSED

2. 41 Highland Street: *application of Derek Wheeler for a Finding per Chapter 40A, Section 6 of the Massachusetts Zoning Act and Section IV-B and V-A.2 of the Natick Zoning Bylaws. The project is for the demolition of the existing single-family dwelling and the constructing of a new single-family dwelling on the pre-existing, non-conforming lot, as shown on the plans submitted. (Cont'd from March 27, 2023)*

Voting Members: DJ AE JM ML KD

Mr. Jackowitz said the question of the height for the project and the Zoning By-laws was clarified by the Building Commissioner. Mr. Makofsky said the only time that Zoning By-Law was applied is for when buildings had close to, or zero set-backs, such as in downtown Natick.

Roy Mitchel, 39 Highland Street, asked if the prior interpretation of the Zoning By-Law had been used before. Mr. Jackowitz clarified how the Board had interpreted the Zoning By-Law in the past and how they acted in this case with the Building Commissioner's letter.

Mr. Mitchel asked if the existing retaining wall was to remain. Mr. Jackowitz asked if this was a revisit of the "Woodland project." Mr. Wheeler said the retaining wall would not have been as high as the "Woodland project." He said the retaining wall would be held accountable to the 236 grade line on the Site Plan.

Mr. Wheeler said the highest ridge elevation on the plans was derived from the proposed average grade plan of the house.

Mr. Makofsky moved for approval of the project with conditions, seconded by Mr. Enright. Roll call vote 6-0 MOTION PASSED

Mr. Lynch said the Board of Health could have required an increased grade. Mr. Wheeler said he would have to return to the Board in that case.

Member Dave Jackowitz recused themselves from the following Hearing.

3. 75 Eliot Street: *application of Joe Devaney for a Variance per Chapter 40A, Section 10 of the Massachusetts Zoning Act and Section IV-B and VI-22 of the Natick Zoning Bylaws. The project is for the construction of a new two-story addition and build a covered entryway for the existing single-family dwelling on the pre-existing, non-conforming lot, as shown on the plans submitted.*

Voting Members: AE JM ML KD GL

Mr. Makofsky said the legal advertisement for a variance when the required relief only needed a Section 6 Finding was a smaller ask and did not render the technical error in the legal advertisement a defeat for the project.

Joe Devaney, applicant, requested a Finding per Chapter 40A, Section 6 of the Massachusetts Zoning Act and Section IV-B and V_A.2 of the Natick Zoning Bylaws for two additions.

Lawrence Slotnick, 73 Eliot Street, spoke in favor of the project and said the neighbors agreed.

Mr. Lewis moved for approval of the project with conditions, seconded by Ms. Durrane. Roll call vote 5-0 MOTION PASSED

Member Dave Jackowitz recused themselves from the following Hearing.

4. 14 Shattuck: *application of Jeremy Rea rd no for a Variance per Chapter 40A, Section 10 of the Massachusetts Zoning Act and Section IV-B and VI-22 of the Natick Zoning Bylaws. The project is for the construction of a two-story addition for the existing single-family dwelling on the pre-existing, non-conforming lot, as shown on the plans submitted.*

Voting Members: AE JM ML KD GL

Aaron Socrat, Project Architect, requested a Finding per Chapter 40A, Section 6 of the Massachusetts Zoning Act and Section IV-B and V_A.2 of the Natick Zoning Bylaws for a two story addition.

Ms. Durrane said the surveyed plot plan was incorrect, but did not impact the project.

Mr. Enright asked if the roof pitch had changed. Mr. Socrat said it had not.

Mr. Makofsky said the legal advertisement for a variance when the required relief only needed a Section 6 Finding was a smaller ask and did not render the technical error in the legal advertisement a defeat for the project.

Mr. Lewis moved for approval of the project with conditions, seconded by Ms. Durrane. Roll call vote 5-0 MOTION PASSED

Member Dave Jackowitz recused themselves from the following Hearing.

5. 37 Morse: *application of Derek Wheeler for a Finding per Chapter 40A, Section 6 of the Massachusetts Zoning Act and Section IV-B and V-A.2 of the Natick Zoning Bylaws. The project is for the demolition of the existing two-family dwelling and the constructing of a new two-family dwelling on the pre-existing, non-conforming lot, as shown on the plans submitted.*

Mr. Makofsky opened the public hearing.

Mr. Lewis moved to continue the project for May 22, 2023, seconded by Ms. Durrane. Roll call vote 5-0. MOTION PASSED

Zoning Board of Appeals Business: Meeting Minutes for; March 27, 2023.

Mr. Makofsky moved for approval of the minutes, seconded by Mr. Jackowitz. Roll call vote 6-0. MOTION PASSED

Mr. Jackowitz moved to adjourn at 7:37 PM, seconded by Mr. Lewis. Roll call vote 6-0. MOTION PASSED