

Natick Community & Economic Development

BUILDING • PLANNING • ZONING • CONSERVATION

Town of Natick, 13 E. Central Street Natick, MA 01760

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Natick Zoning Board of Appeals

In Person Only

May 22, 2023

Chair David Jackowitz called the meeting to order at 6:35 PM. Members present were, David Jackowitz, Michael Lynch, Rob Steckbeck, Andrew Enright, Ari Gottlieb. Also present was Community & Economic Development Staff Kolton Snider.

Public Speak: None

Clarification of ZBA Decision 2022-029, 15 Florence Street

Mr. Jackowitz provided a brief overview of the needed clarification that regarded the landscape buffer. The decision referred the rear of the property when it was in fact the left side.

Rob Steckbeck moved for a modification of the decision, seconded by Michael Lynch. Vote 5-0
MOTION PASSED

Public Hearings – Development Projects

1. 37 Morse Street: . *(contd. From 4/24/23 without testimony) 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. Jackowitz reviewed the application's nonconformities.

Mr. Jackowitz asked how the height of the project was measured. Mr. Wheeler said the height was measured by roughly 8" above the finished grade to the roof-line at 34'. He said there was roughly a one-foot grade change across the entire property.

Mr. Jackowitz asked if the Board had any questions.

Jeffrey Alderson, representing the Allen Street Condominium trust, spoke in favor of the project. He described the current structure as an eyesore.

Mr. Alderson asked about the stormwater management on the property. He said that the neighboring properties flood frequently. Mr. Jackowitz said it was required that the stormwater is managed on site. Mr. Alderson said that when construction happened in the neighborhood 4b Allen Street's basement flooded. Mr. Wheeler said the Board of Health determines after a soil test how low the basement may be allowed. He said that groundwater had to be handled on site approved by the Department of Public Works and Conservation Commission. Mr. Jackowitz said he had not heard of flooding from the construction of a house.

Mr. Alderson asked for clarification on the landscape plan in-lieu of its absence. He offered to assist the applicant in the development of landscaping on site. He described the region separating the two properties as an active blackberry patch with a rabbit warren.

Mr. Jackowitz asked where Mr. Alderson was located. Mr. Alderson said along the longer diagonal line on the site plan. Mr. Jackowitz confirmed the diagonal line was where he had wanted the vegetative buffer.

Mr. Jackowitz asked if the applicant was opposed to a landscaped buffer. Mr. Wheeler said he was not opposed and described the necessary landscaping involved. Mr. Alderson spoke in favor of a collaborate approach to the landscaping.

Mr. Jackowitz asked if the applicant was able to work with Mr. Alderson on the collaborative landscape buffer.

Mr. Steckbeck moved to approval of the project with conditions, seconded by Mr. Enright. Vote 5-0 MOTION PASSED

2. 18 Loker Street: *application for William Doiron for a Variance per Massachusetts General Law (MGL), Chapter 40A, Section 10 and the Natick Zoning Bylaws, Sections IV-B and V-A.2. The project is for the modification of an existing ZBA decision (2018-054) to connect the home to the garage with an entryway/mudroom as shown on the plans submitted.*

Mr. Jackowitz read the public hearing into the record.

Mr. Jackowitz reviewed the application's prior decision.

William Doiron, applicant, requested a Variance per Massachusetts General Law (MGL), Chapter 40A, Section 10 and the Natick Zoning Bylaws, Sections IV-B and V-A.2. The project is for the modification of an existing ZBA decision (2018-054) to connect the home to the garage with an entryway/mudroom as shown on the plans submitted. He described the hardship was based on the shape of the lot.

Mr. Jackowitz asked for public comment.

Brian Lucenta, 20 Loker Street, spoke in favor of the project.

Mr. Lynch asked if the building permit was finalized. Mr. Doiron answered in the affirmative.

Mr. Jackowitz asked if the Board disagreed on his interpretation of an approval motion. The Board had no comment.

Mr. Steckbeck moved for approval for the modification of the existing variance with conditions, seconded by Mr. Enright. Vote 5-0 MOTION PASSED

3. 30 Sherman Street: *application of George Richards for a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and the Natick Zoning Bylaws, Sections IV-B and V-A.2. The project is for the demolition of the existing structure and construction of a new structure on the pre-existing, non-conforming lot, as shown on the plans submitted.*

Mr. Jackowitz read the public hearing into the record.

Richard Conners, 20 Lakeview Gardens representing the applicant, requested a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and the Natick Zoning Bylaws, Sections IV-B and V-A.2. The project is for the demolition of the existing structure and construction of a new structure on the pre-existing, non-conforming lot, as shown on the plans submitted.

Mr. Jackowitz asked if there was room for an infiltration system on site. Mr. Conners answered in the affirmative.

Mr. Conners said the height of the building would not go well beyond 33 feet, and that the foundation was planned to be five feet with three feet of framing above. Mr. Conners clarified the height of the home based on the high water table. He said the Board of Health already tested the soil on site.

Mr. Jackowitz asked if the four-foot-tall retaining wall was from the existing or proposed grade. Mr. Conners said it was from the proposed grade.

Mr. Conners said there was a stone wall on the edge of the property that would remain, along with various trees.

Mr. Jackowitz asked for public comment. There was no public comment.

Mr. Jackowitz said the undetermined height of the foundation and grade would have created problems if the Board required the project to be a certain height. Mr. Lynch said the height of the building would change depending on the undetermined foundation. Mr. Conners said the height of the building would not change, only the height of the foundation. Mr. Lynch said that would change the height from the ground. Mr. Conners said the height from the ground remained the same, he said the lot needed regrading. Mr. Jackowitz said the forty-foot height limitations provided leeway for the height of the project. Mr. Conners said that when a

property is purchased from a homeowner a test hole normally is not dug, but because of the circumstances they were able to dig the test hole prior to submittal. Mr. Jackowitz explained the plans submitted at 30 feet tall might have been acceptable to an abutter but not acceptable at 35 feet.

Mr. Jackowitz said a condition that the building remain no higher than 35 feet from the finished grade would have solved the issue. Mr. Lynch said they could build up the grade as high as they liked.

Mr. Jackowitz reviewed the grade of the site.

Mr. Jackowitz explained the height issues with the proposed grade changes. Mr. Conners said grade would have been "182." Mr. Lynch said they should condition the decision based on that calculation. Mr. Jackowitz asked if the project could have been built from 36 feet from the 182 grade. Mr. Conners answered in the affirmative.

Mr. Steckbeck moved to approve the project with conditions, seconded by Mr. Lynch. Vote 5-0 MOTION PASSED.

4. 24 Plain Street: *application of George Richards for a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and the Natick Zoning Bylaws, Sections IV-B and V-A.2. The project is for the demolition of the existing structure and construction of two new townhomes on the pre-existing, non-conforming lot, as shown on the plans submitted.*

Attorney George Richards was unable to attend the meeting.

The Board contemplated what the best course of action would have been in absence of the applicant.

Mr. Jackowitz heard from members of the public that there were folks who tended to comment on the project.

Mr. Jackowitz explained the position of Mr. Richards as the applicant. He asked if there was public comment. A member of the public responded in the affirmative.

Mr. Jackowitz said the project was likely to be continued with the possibility of public comment for Mr. Richards to review.

A Member of the public asked how it would have been possible to schedule the next hearing without knowing Attorney Richards availability. Mr. Jackowitz said as a lawyer he was familiar with the routine monthly Monday night hearings for the Board. Mr. Lynch said the project was to be continued to the next month no matter what, the question was if members of the public ought to speak.

Members of the public agreed they wanted to speak after the applicant had spoken.

Mr. Snider asked if all of the prior conversation was on the record. Mr. Jackowitz indicated in the affirmative.

Mr. Jackowitz asked members of the public what documents members of the public had access to. Members of the public explained they only had a set of plans. Mr. Jackowitz said all of the information was available online, and clarified what documents were accessible.

Mr. Snider said that all of the information was available online with assistance from Community and Economic Development staff.

Mr. Jackowitz said the purpose of this hearing was not for the number of units, the hearing was purely dimensional.

Mark Wester, 22 Plain Street, asked if information on the location of their swimming pool on the border of 24 Plain Street would have helped the Board. Mr. Jackowitz answered in the affirmative. He did not have an opposition to the project. He asked if the Board had access to google maps. Mr. Jackowitz said they did have access.

Barbara Wester, 22 Plain Street, asked for the “substantially detrimental.” Mr. Jackowitz said there was not a universal definition, it depended on comments from the public.

Ms. Wester said he had copies of the plot plan for 22 Plain Street. Mr. Jackowitz instructed her to provide that information to Mr. Snider.

Joe Sorrenti, 75 South Main Street, asked about construction dust and asbestos. Mr. Jackowitz described the various methods the Board of Health protects the Town and its citizens via the building code. Mr. Sorrenti questioned how dust could have been controlled. Mr. Jackowitz said they wet the building down with water during to demolition. Mr. Sorrenti asked how this was enforced. Mr. Jackowitz said this was the requirement of the State Building Code enforced by the Building Department. Mr. Lynch said the Board of Health also enforces this. Mr. Sorrenti pressed for how he could make sure his children were not breathing asbestos dust. Mr. Jackowitz and Mr. Lynch encouraged Mr. Sorrenti to reach out to the Building Department, Board of Health, and the applicant at the Board hearing of the project. Mr. Lynch said a pre-building asbestos report was a required submission to the Board of Health by a licensed company before issuance of a building permit.

Mr. Sorrenti asked for George Richard’s last name. Mr. Jackowitz said his last name was Richards and that his office was in South Natick.

Mr. Steckbeck moved for continuance to June 26, 2023, seconded by Mr. Enright. Vote 5-0
MOTION PASSED.

5. 56 Washington Street: *application of Peter Lewandowski for a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and the Natick Zoning Bylaws, Sections IV-B and V-*

A.2. The project is for the demolition of the existing two-family structure and construction of a new two family townhouse style structure on the pre-existing, non-conforming lot, as shown on the plans submitted.

Mr. Jackowitz read the public hearing into the record.

Mr. Jackowitz reviewed the nonconformities for the project.

Peter Lewandowski, applicant, requested a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and the Natick Zoning Bylaws, Sections IV-B and V-A.2. The project is for the demolition of the existing two-family structure and construction of a new two family townhouse style structure on the pre-existing, non-conforming lot, as shown on the plans submitted.

Mr. Enright asked if the building was currently a two family. Mr. Lewandowski answered in the affirmative.

Mr. Jackowitz asked for public comment.

Joe Coraccio, 58 Washington Street, said he maintained the property line with the fence. He said he wanted the rodents, asbestos, and dust taken care of prior to demolition. He said he wanted that clearance maintained between his property and the neighboring structure. Mr. Lewandowski said the 1.7' setback would have increased to 6' and that any setback below five feet did not allow windows, which he wanted on that side of the structure. He said that he would speak with the owners about the fence and portions of the granite curb.

Mr. Jackowitz asked if the granite curb would remain. Mr. Lewandowski explained that as much of the granite curb was to remain as possible, because it was good quality.

Pamela Condlin, 64 Washington Street, said Teresa Evans was going to submit a package because she was unable to make the meeting that evening. Mr. Jackowitz asked if it was on behalf of the Planning Board. Ms. Condlin said she lived on the street. She asked if the Board had received Ms. Evan's letter. Mr. Jackowitz answered in the negative. Mr. Snider said staff did not have any information at that time.

Mr. Jackowitz asked how what was proposed was substantially more detrimental. Ms. Condlin said a new home would have increased her property value. She raised concerns about the architectural aesthetic of the and increased strain on the parking. She explained that the street was often parked on illegally for the commuter rail. She elaborated that Washington Street residents always had parked on the own driveways. She said the architecture did not match the neighborhood because of the lack of a pitched roof. She said the only duplexes were at the beginning of the street nearest to the Natick Outdoor Store.

Mr. Lewandowski said there were three parking spaces available per unit on site. He said the gables keep in line with the feeling of the neighborhood. He explained that the house was being pushed back further from the street to allow for the additional parking. Ms. Condlin said she had not seen the new plans. Mr. Lewandowski clarified that they had only changed the roof design and that the floor plans were the same.

Mr. Enright asked if it was possible to park four cars total in front of the house. Mr. Lewandowski answered in the affirmative. Mr. Enright said the boxy style of the architecture and the integration of the porch could have been better.

Mr. Enright asked if the cut-through wall on the floor plan that extended into the front porch was a solid fire wall. Mr. Lewandowski said the portion on the deck was intended to be a screened buffer and was subject to change. Mr. Enright said the front porch did not tie the structure together well. Mr. Lewandowski said the objective of the porch was to break up the façade.

Ms. Condlin reiterated that she wanted Ms. Evan's comments to be heard. Mr. Jackowitz agreed the likelihood of the project being continued was high.

Ms. Condlin asked if the number of windows on the right side of the house could have been modified for privacy. Mr. Lewandowski answered in the affirmative, just as long as some windows remained.

Loreen Coraccio, 58 Washington Street, raised concerns about the number of windows on the right side of the house. Mr. Lewandowski said large blank walls were a negative but the plan could have been modified to include less windows.

Ms. Coraccio reiterated concerns about the construction rodents and dust. Mr. Lewandowski said it all had to be removed in advance and suggested that the Board of Health could have been contacted for her benefit and to his detriment.

Mr. Enright said he lived nearby and explained two duplexes were constructed on the neighboring properties to his home. He suggested alternative architectural styles than current planned style. Mr. Lewandowski said that the look of the structure on a two-dimensional plane did not allow the aesthetic choices to be viewed to their fullest. Mr. Enright said three dimensional renderings were the future. Mr. Lewandowski agreed that they were the future.

Ms. Condlin asked if the plans would have been made available online. Mr. Jackowitz answered in the affirmative.

Mr. Jackowitz said the applicant was willing to amend his project per public comment which was a benefit for the project.

Mr. Steckbeck asked for clarification on the further setback from the street. Mr. Lewandowski said this provided parking on site. Mr. Steckbeck said that cars parked in front of the house did not look like all the other homes on that street. Ms. Condlin confirmed no cars were parked in front of the homes on that portion of Washington Street.

Mr. Lynch asked for clarification on the gables on the third floor. Mr. Lewandowski clarified the location of the gables on the plans. Mr. Lynch said that the plan needed more work.

Mr. Steckbeck asked if the plan was to put two, four bedrooms three and a half bath, units on a seven thousand square foot lot. Mr. Lewandowski answered in the affirmative. Mr. Steckbeck said the reason the plan faced challenges was because of the large structure on a small lot.

Mr. Snider explained that the plans had been uploaded and provided to the Board.

Ms. Condlin asked when the Board of Health could have been contacted about their concerns. Mr. Jackowitz said anytime.

Mr. Steckbeck moved for continuance to June 26, 2023, seconded by Mr. Lynch. Vote 5-0
MOTION PASSED.

6. 180 Boden Lane: *application of Peter Lewandowski for a Finding per Massachusetts General Law (MGL) Chapter 40A, Section 6 and the Natick Zoning Bylaws, Sections IV-B and V-A.2 of the. The project is for the removal of the existing roof and to expand vertically 2 ½ stories and expand the garage and family room within setbacks on the pre-existing, non-conforming lot, as shown on the plans submitted.*

Mr. Jackowitz read the public hearing into the record.

Mr. Jackowitz asked for public comment.

Marlene Custodio, 178 Boden Lane, said she was across the street from the left. She asked if there was going to be a new fence on site. She raised concerns about the location of the fence with regards to her property line. Mr. Lewandowski said the old fence was to be replaced with a new fence one foot in on the property line. Ms. Custodio raised concerns about the property line measurements numbers provided and the locations of the fence. Mr. Lewandowski explained the measurements and reiterated the new fence would go one foot in from the property line. Ms. Custodio asked if her property line could be marked. Mr. Lewandowski said he could have the property lines marked with stakes.

Ms. Custodio asked if the driveway was to remain. Mr. Lewandowski said it will remain but not as asphalt but with additional pavers.

Ms. Custodio said that folks who do sports at the Cole Center, park on or near this street were not allowed to. She asked if no parking signs could have been installed in the area for the

benefit of the new homeowners and the neighborhood. She said she had pictures that reflected these concerns.

Ms. Custodio asked if the evergreens in the front yard were to be removed. Mr. Lewandowski said they might have had to be removed but they would have been replaced.

Ms. Custodio asked if the transfer of the deed depended on this project passing the Board. She said the deed was not transferred at this time. Mr. Lewandowski said they had a letter from the owner authorizing representation.

Ms. Custodio said the foundation for the garage was flat to the ground, compared to the raised foundation of the homes. She raised concerns about the flooding of garages in the neighborhood. Mr. Lewandowski said that garage would have been living space, and the lot would have needed to have been graded to prevent water from entering the neighboring properties.

Ms. Custodio raised concerns about the height of the project and reduction of privacy.

Ms. Custodio raised concerns about the location of a debris dumpster. Mr. Lewandowski said the dumpster could have been placed on the driveway away from her side.

Mr. Jackowitz asked if all three buildings on site were being raised in height. Mr. Lewandowski answered in the affirmative.

Mr. Steckbeck asked if the concern of privacy could have been addressed by moving the home closer to Greenleaf street.

Mr. Lynch said the front elevation was acceptable. He said

Ms. Custodio said the project faced her property.

Mr. Enright reiterated concerns about the scale of the building and said he had heard comments from the abutter that would influence his decision.

Don Benedetti, 182 Boden Lane, reiterated concerns about the traffic caused from school sports and asked if the garage was attached. Mr. Lewandowski said the garage was attached and faced the corner onto Greenleaf. Mr. Benedetti asked when construction was to begin. Mr. Lewandowski said soon after the following hearing if it was approved in the summer.

Ms. Custodio provided photos of the traffic issues.

Mr. Lynch said he parked there just last weekend.

Mr. Steckbeck moved for continuance to June 26, 2023, seconded by Mr. Enright. Vote 5-0
MOTION PASSED.

Mr. Jackowitz said he received an email from Attorney George Richards that asked for a continuance.

Zoning Board of Appeals Business:

Meeting Minutes for; February 13, 2023, March 27, 2023, and April 24, 2023.

Mr. Steckbeck moved for approval of the minutes, seconded by Mr. Lynch. Vote 5-0. MOTION PASSED

Mr. Lynch moved to appoint Mr. Steckbeck to the position of Board Clerk. Vote 5-0 MOTION PASSED.

Mr. Jackowitz moved to adjourn at 8:27 PM, seconded by Mr. Lewis. Roll call vote 5-0. MOTION PASSED