

Natick Community & Economic Development

BUILDING • PLANNING • ZONING • CONSERVATION

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

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TOWN OF NATICK Zoning Board of Appeals Meeting Minutes Monday, June 26, 2023, at 6:30 pm

Chair David Jackowitz called the meeting to order at 6:30 PM. Members present were, David Jackowitz, Michael Lynch, Andrew Enright, and Ari Gottlieb (via Zoom). Also present was Community & Economic Development Office Manager Peg Waters.

I. Public Speak

None

II. Clarification of ZBA Decision 2022-029

Map 36, Lot 38, 15 Florence Street, regarding item 3 in the conclusion of the Decision.

Mr. Curatola, the applicant, and Mr. Sabhay Kapoor were present for the discussion.

Mr. Kapoor states the vegetation should be on both sides of the property. The meeting minutes do not reflect the request of either side of the property.

The applicant has an objection to more landscaping since it was not in the decision.

The ZBA does not have the authority to change the decision at this point.

III. Public Hearings – Development Projects

1. **6:30pm public hearing for 24 Plain Street, continued from May 22, 2023**, 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.

Mr. Richards the applicant's attorney is present for the public hearing. The proposed structure will be moved back 37 feet to comply with the setback requirements. Mr. Richards and the Wester's met last week to review their concerns regarding their pool. Attorney Richards suggested moving the house forward. They have also revised the architectural plans to create half windows to create light without concern of people viewing into the neighbor's pool. Attorney Richards submitted a revised plan this evening with a setback of 22 feet for a car.

Barbara Wester at 22 Plain Street spoke before the board and has further questions. Has a couple of pages of Petition from neighbors, seventeen signatures. Will be officially submitted to the record.

Mr. Jackowitz asked about the shadow cast from the house on the abutters pool. Attorney Richards stated an analysis was not done and believes the shadowing is detrimental to their property.

Mr. Wester asked about the meaning of the phrase “substantial detriment”. Mr. Jackowitz clarified the term.

Ms. Weston-Roberts of 26 Western Avenue testified that the detriment that she is seeing to this process is that there’s a precedent being set. She believes this is going to continue to be an issue with it gets to the ZBA level. Ms. Weston-Roberts is also concerned about the mass of the proposed structure.

Mr. Lynch states the proposed structure is more conforming than the current structure. The ZBA has the ability, and the applicant is open to moving the proposed structure forward.

Mr. Jackowitz said the new plan submitted this evening was in response to neighbors’ concerns. Ms. Wester asked if she could submit her own shade study. Mr. Jackowitz answered in the affirmative.

Attorney Richards said for clarification the house is 30.2 feet in elevation from the average grade plane.

Ms. Wester asked if the house was going to be elevated because of the garages. Attorney Richards said it will be 30.2 feet, where will not be a regrade.

Ms. Wester asked for clarification regarding the measuring of the backyard. The measurement will be six more feet into the area they marked off.

Mr. Lynch made a motion and seconded by Mr. Enright to continue the public hearing to July 24, 2023. Roll call vote, 4-0, in favor of the continuance. Motion passed.

2. **Public hearing for 56 Washington Street, continued from May 22, 2023**, 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.

Peter Lewandowski is present for the public hearing. At the last meeting there was some opposition and Mr. Lewandowski stated he gave out business cards at the last meeting and had not heard from anyone.

The difference is the elevation and windows were removed from the two plans submitted. Mr. Jackowitz stated the ZBA received a letter from Ms. Evans which tends toward the historic aspect of the project.

Mr. Jackowitz stated the ZBA is not concerned about uniformity or character. The Zoning By-Laws don't dictate that.

Ms. Coraccio of 58 Washington Street received the new plan and appreciates the windows moving. She mentioned she has concerns about the shadow from the current structure up to the second floor of her home now. She isn't sure if the proposed structure will have more shading. Mr. Lewandowski said it will be minimal. She also brought up a concern about the water runoff. Mr. Jackowitz said any type of grading will not be detrimental to her property. Mr. Lewandowski said there's approximately six feet between the properties. She asked if there would be any separation of the property, i.e., fencing or a tree line. Mr. Lewandowski said he would talk to them about their concern when they are ready.

Mr. Lynch brought up a concern of the size of the structure. Mr. Lewandowski said they did try to make the structure smaller and try to make it work within the Zoning By-Laws.

No constructive approval allowed will be executed by Mr. Lewandowski and ZBA Chair Mr. Jackowitz.

A motion by Mr. Enright to continue the project to August 28, 2023, conditioned on signing the No Constructive Approval Agreement. Mr. Lynch seconded the motion. Roll call vote, 4-0. Motion passed.

3. **Public hearing for 180 Boden Lane, continued from May 22, 2023**, 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. Lewandowski is present as the applicant. Mr. Jackowitz asked what has changed since the last hearing.

Mr. Lewandowski said new plans were submitted.

Ms. Marlene Custodio, of 178 Boden Lane, opposes the plan to build the two-story home. The height of the proposed structure is detrimental to her home. There are sky lights in her home and is not sure how the height of the proposed structure will affect that.

Mr. Enright asked the square footage of the structure. Mr. Lewandowski said it's 32, including the attic space.

Ms. Carol Anderson of 5 Greenleaf Road. Her concern is the three-car garage that will exit onto Greenleaf Road. The driveway is an immediate left-hand turn and believes it to be a safety concern.

The fence is creating a blind spot for the exit of the driveway and is concerned about the amount of pavement on the property.

Mr. Joseph Ebert, of 4 Greenleaf Road, agrees with Ms. Custodio and believes the elevation of the proposed structure is detrimental to his property and will have no privacy.

Mr. Lewandowski would like to continue the public hearing to August 28, 2023, and sign a Constructive Non-Approval.

No constructive approval allowed will be executed by Mr. Lewandowski and ZBA Chair Mr. Jackowitz.

Mr. Enright made a motion to continue the public hearing to August 28, 2023, seconded by Mr. Lynch. Roll call vote, 4-0. Motion passed.

4. **Public hearing for 181 Bacon Street**, application of Sally Meding for a Special Permit per Massachusetts General Law (MGL), Chapter 40A, Section 9 and the Natick Zoning Bylaws, Sections IV-B and V-A.2. The project is to install white vinyl trellis/lattice 18" high added to cedar stockade fence as shown on the plans submitted.

Ms. And Mr. Meding are present for the meeting.

Ms. Tiffany Arpino, of 183 Bacon Street asked when exiting the driveway. The view may be obstructed.

Mr. Jackowitz asked if the fence went to the site line. Mr. Meding confirmed the affirmative.

Ms. Meding said they would be ok with not going up to the street by 6 or 8 feet. Mr. Meding agreed not to install the trellis on the last section of the fence.

A motion to approve the Special Permit was made by Mr. Lynch, and seconded by Mr. Enright, it will not be installed on the last section of Bacon Street and according to the Natick Town By-Laws, Article 72, Section 4 "Section 4 Fences - All fences shall be erected with the finished side of the fence facing the property of the abutters and the frame side of the fence facing the property on which it is erected. The fence owner shall not use the land between the fence and the boundary line for the storage or disposal of any material. The fence owner shall have access to any abutter's side of the fence for maintenance and repairs."

Roll call vote 4-0. Motion passed.

5. **Public hearing for 10 Clifton Road**, application of Scott Holcomb, for a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and Variance per MGL, Chapter 40A, Section 10; and the Natick Zoning Bylaws, Sections IV-B and V-A. The project is for the widening of the

existing garage, remodeling existing kitchen and parts of the first floor, and adding a second floor living area made up of a family room, small exercise area, expanded primary suite and laundry room within setbacks on the pre-existing, non-conforming lot, as shown on the plans submitted.

Mr. Holcomb is present for the application and presented the information for a Variance for the first-floor garage area. The second floor is all back to standard conformity. The front is coming out a couple feet but no further than the existing structure.

Mr. Lynch does not believe there is a hardship for a Variance. Mr. Enright agreed.

A motion was made by Mr. Enright and seconded by Mr. Lynch to continue the public hearing to July 24, 2023. Roll call vote, 4-0. Motion passed.

6. **Public hearing for 5 Lagrange Street**, application of Michael Collins, for a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and the Natick Zoning Bylaws, Sections IV-B and V-A. The Applicant proposes to demo and remove an existing non-conforming wood deck and replace with a new 1 story bedroom, bath and laundry room (approx. 415sf), the enlargement of an existing family room by approx. 100sf, and the addition of a new deck (190 sf), as shown on the plans submitted.

Mr. Collins is present for the applicant. The rear non-conformity is an interesting twist. The assessor's office and the deed state different numbers.

Mr. Jackowitz has no problem with the application.

Mr. Enright made a motion to approve the Section 6 Finding, seconded by Mr. Lynch. Roll call vote, 4-0. Motion passed.

7. **Public hearing for 34 South Street**, application of Andrew McCarty, 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 to construct a one level addition to the existing structure as shown on the plans submitted.

Mr. and Mrs. McCarty are present for the application. Mr. McCarty said the existing structure is non-conforming.

Ms. Barbara Levine, of 30 South Street, is in favor of the application.

Mr. Lynch made a motion to approve a Variance under Massachusetts General Law (MGL), Chapter 40A, Section 10 and the Natick Zoning Bylaws, Sections IV-B and V-A.2., seconded by Mr. Enright. Roll call vote, 4-0. Motion passed.

8. **Public hearing for 45 East Central Street**, application of Stonegate St Patrick, LLC, for a Modification of an existing Comprehensive Permit. The project is to modify the existing Comprehensive Permit to allow 8 of the approved rental units to be ownership for-sale units, so that 54-unit project provides 46 rental and 8 ownership units as shown on the plans submitted.

Ms. Garrahan is present for the applicant. Lucas Peltz from Stonegate is also present.

Mr. Jackowitz confirmed the Select Board is in favor of the modification.

Ms. Garrahan would like the ZBA to make the clarification that the decision is insubstantial.

A motion was made by Mr. Enright, seconded by Mr. Lynch, to approve the modification of the existing Comprehensive Permit and the change is insubstantial. Roll call vote, 4-0. Motion passed.

9. **Public hearing for 3 Dean Road**, application of HC Atlantic Development, LP, 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 to alter the pre-existing nonconforming structure for Research and Development Use located on the pre-existing lot, as shown on the plans submitted.

Mr. Joe Losanno presented a power point presentation about the existing non-conformity confirming the building footprint is getting smaller.

Mr. Enright made a motion for a Section 6 Finding, seconded by Mr. Lynch. Roll call vote, 4-0. Motion passed.

III. Zoning Board of Appeals Business

- Meeting Minutes – May 22, 2023, a motion made by Mr. Enright and seconded by Mr. Lynch. Roll call vote, 4-0. Motion passed.

Mr. Lynch moved to adjourn at 8:47PM, seconded by Mr. Lynch. Roll call vote 4-0. MOTION PASSED