

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, July 24, 2023, at 6:30 pm

Chair David Jackowitz called the meeting to order at 6:30 PM. Members present were David Jackowitz, Robert Steckbeck, Jason Makofsky, Geoff Lewis, and Ari Gottlieb. Also present was Community & Economic Development Office Manager Peg Waters.

I. Public Speak

Gail Weston-Roberts, 26 Western Avenue, brought up a concern about neighborhood character. Would like to know what a substantial detriment is. Backyards in the RG zone are very small and varied, they also have the included views of each other's back yards and shaded trees. She asked that the ZBA weighs what a detriment to their neighborhoods are in their decisions.

II. Public Hearings – Development Projects

1. **6:30pm public hearing for 24 Plain Street, continued from May 22, 2023, and June 26, 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.

Applicants' attorney George Richards is present for the hearing.

Reviewing the application before the ZBA, Chair Jackowitz brought up the abutters pool and the Shade Report submitted to the record. Attorney Richards proposed to move the house to 22 feet instead of 30 feet. The property was staked and did not receive a response from the abutter with the exception of the email submitted. The August 30 rendering shows a slight shading on the yard but not on the pool. Their position is that it's relatively insignificant. The study was not done with the existing house. The proposed structure is not substantially detrimental to the abutter in their opinion. The height of the new structure is going up a foot and a half.

Ms. Barbara Wester is the abutter at 22 Plain Street. She submitted all of the architectural renderings and her pool is open the entire month of September. The January 1st rendering shows that at 10am their house is totally enveloped in darkness. The sun really does help melt ice and snow on her property. Believes this is a massive structure that's going to cast a shadow over her property. There will be six windows looking directly into her backyard. The new structure does impact the neighborhood. Her concern of the renderings is not being reviewed specifically for this project.

Mr. Mark Wester, of 22 Plain Street, would like to add a few things that will be affected if approved. The yard has grass around the pool and the structure will lead to the grass turning into moss over time because of the additional shading. The fence will clearly result in mold and mildew and their cost of heating their home.

Ms. Gail Weston-Roberts, of 26 Western Avenue, the change in architecture in the by-laws creates frontages that are covered in materials that are not natural. Believes these structures are eye catching in the wrong way. These changes are a disruption of the look of the neighborhood with all the pavements.

Board comments: Mr. Jackowitz is relatively unmoved by the shadow piece of the information submitted by the abutter. Is this application detrimental to the neighborhood or the abutter. Their job is to determine what is being proposed is a substantial detriment.

A motion was made by Jason Makofsky to approve the Section 6 Finding and seconded by Geoff Lewis. Vote 3-2, Motion passed.

2. **Public hearing for 10 Clifton Road, continued from June 26, 2023, revised** application of Scott Holcomb, for a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 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 revised- plans submitted.

Mr. Holcomb is present to explain the revisions to the plans. He has removed the request for Variance and would like to proceed with Section 6 finding.

There were no questions or issues from the Board.

A motion was made by Jason Makofsky to approve a Section 6 Finding and seconded by Geoff Lewis. Vote 5-0 in favor. Motion passed.

3. **Public Hearing for 31 Stratford Road**, an application of Christopher Cote, a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and Natick Zoning Bylaws, Sections IV-B and V-A. The project is to add 7 x 4 enclosed and conditioned portico to the front of the structure on the pre-existing, non-conforming lot, as shown on the plans submitted.

The Cote's are present for the public hearing.

Mr. Jackowitz brought up the Conservation Agents' letter in the record to bring to their attention.

The other ZBA members have no questions or concerns.

A motion was made by Jason Makofsky and seconded by Geoff Lewis to approve Section 6 Finding. Vote 5-0 in favor. Motion passed.

4. **Public Hearing for 13 Rutledge Road**, application of OA Homes, for a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and the Natick Zoning Bylaws, Sections IV-B and V-A. The project is for the addition of a second floor and ½ story on the third floor of an existing structure on a non-conforming lot, as shown on the plans submitted.

Attorney George Richards is present for the public hearing.

Ms. Gail Weston-Roberts, of 26 Western Avenue, has questions regarding the third-story square footage. The building explained they are adding a 5th bedroom. The total finished area meets the livable area requirements. The heights is going from 22.9 feet to 33.3 feet high, would like clarification. The builder said the Town of Natick allows the home to be 35 feet high.

Mr. Makofsky asked if the footprint is changing. The builder confirmed it is not changing and going up two floors and there is a second level bump out. The foundation of the home has not changed.

Other ZBA Board members do not have any questions or concerns.

A motion was made by Jason Makofsky and seconded by Geoff Lewis to approve the Section 6 Finding. Vote 5-0 in favor. Motion passed.

5. **Public Hearing for 17 Greenleaf Road**, an application of Marcelo Alves, for a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and the Natick Zoning Bylaws, Sections IV-B and V-A. The project is for the demolition of an existing structure on a non-conforming lot and construction of a single-family house on said lot, as shown on the plans submitted.

Attorney Vin O'Brien and the civil engineer are present for the public hearing.

Alex Bardin, of 116 Rockland Street, requested clarification on what is being requested.

Mr. Jackowitz confirmed this is a Section 6 Finding and its requirements.

Ms. Gail Weston-Roberts, of 26 Western Avenue, asked questions about the ZBA checklist requirements.

The ZBA board has no comments or questions.

A motion was made by Jason Makofsky and seconded by Ari Gottlieb to approve Section 6 Finding. Vote 5-0 in favor. Motion passed.

6. **Public Hearing for 22 Lodge Road**, an application of Peter Haranas, for a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and the Natick Zoning Bylaws, Sections IV-B and V-A. The project is for the demolition of an existing structure on a non-conforming lot and reconstruction of a single-family house on said lot, as shown on the plans submitted.

Mr. Curatola is present at the public hearing.

Mr. Nick Colantuono, of 18 Belmore Road, abutter to the property on the right. Is in favor of the building making the lot better. There are two windows on the side of the house in the upper floors are going to be looking directly into his house and there's a large number of shrubs between his house and the proposed house and would like to see them replaced with something tall and provides privacy. 8 Lodge Road put up a larger house and it fits tastefully into the neighborhood and would like to request that the builder bring the front down some. Stated the lot is at grade and would like to know about the wall being built.

Peter McCarthy, of 18 Lodge Road, is concerned about overgrown hedges and a old fence. The tree on their property overhangs onto 22 Lodge Road and would like the tree trimmed. Mr. Curatola said he would discuss taking the tree down with them and also a new fence. The McCarthy's have no problem with the project.

Mr. Jackowitz states this is a lot of house on this lot.

Mr. Lewis brought up the height of the house with the grade plain because it looks like went up 3 feet. Mr. Curatola stated there's high ground water on the property which is the reason for the grade change.

Mr. Curatola stated he is willing to move the window or remove it as requested from the top right side.

The other ZBA board members have no comments or questions.

A motion was made by Jason Makofsky and seconded by Ari Gottlieb to approve the Section 6 Finding with the conditions of the six-foot vinyl fence on the east side, shrubs and window changes on the upper west side be eliminated. Vote 5-0 in favor. Motion passed.

- 7. Public Hearing for 29 MacArthur Road**, an application of Eliel Souza, for a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and the Natick Zoning Bylaws, Sections IV-B and V-A. The project is for the construction of a back deck and side stairs on a non-conforming lot, as shown on the plans submitted.

Mr. Eliel Souza and the homeowner are present for the public hearing.

Mr. Steckbeck commented on the impact to the neighbor on the right.

There are no other comments or concerns from the ZBA members.

A motion was made by Jason Makofsky and seconded by Ari Gottlieb to approve Section 6 Finding. Vote 5-0 in favor. Motion passed.

- 8. Public Hearing for 38 Barnesdale Road**, an application of Joanne Knight, for a DIMENSIONAL VARIANCE per Massachusetts General Law (MGL), Chapter 40A, Section 10 and the Natick Zoning Bylaws, Sections IV-B and V-A. The project is for the construction of a front landing, as shown on the plans submitted.

Ms. And Mr. Knight are present for the public hearing.

Mr. Jackowitz read the Natick By-Laws regarding Variance provisions.

Mr. Makofsky brought up the topography of the project and the topography of the front of the house there's a 3-foot drop. If the topography were lower, you would not need a landing/steps to improve safety and convenience for your neighbors plus there's no room to open the door. It causes crowding and unsafe flow of Halloweeners.

Mr. Makofsky believes the topography affects the parcel not the neighborhood and it's a substantial hardship to the homeowner and increases the public good. There are also no abutters present to object to the project.

Mr. Makofsky made a motion, seconded by Mr. Steckbeck to approve the Dimensional Variance. Vote 5-0. Motion passed.

- 9. Public Hearing for 74 Farwell Street**, an application of Dan Brown, for a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and the Natick Zoning Bylaws, Sections IV-B and V-A. The project is for the demolition of an existing single-family dwelling and construction of a new single family with an attached 2 car garage on a non-conforming lot, as shown on the plans submitted.

Mr. Brown is present for the public hearing.

Mr. Jackowitz asked about the re-grading on the lot. Mr. Brown confirmed they will not be re-grading the lot.

Mr. Brown believes the project will fit the lot well.

Mr. Nick Wagner, of 72 Farwell, spoke about the project and his driveway runs the length of the project and his concerns about privacy and safety of his home. He would like to have the lot in the back lined with Green Giant Arborvitaes. Mr. Wagner would like to see a final landscaping plan before the ZBA approves the application and he also has a concern about water runoff.

Mr. Brown said he has chatted with 29 Beverly Road landscaping trees and has no problem putting them in for privacy for Mr. Wagner and his family and he's not removing any trees from the property.

Alex Bardin, of 116 Rockland St., brought up a concern of the characteristic of Farwell Street. This will be the first one on the street to be developed. Would like to see what the landscape plan will look like and what is the ongoing maintenance plan is and is asking for a continuance.

Ann Hurwitz of 14 Countryside is curious about the average grade and her view is the back of the house and it's towering and unfriendly.

Mr. Jackowitz stated that the house on the lot could work. Stated the neighbors are far away and there are lots of trees on the property.

Mr. Steckbeck has a question about the elevations on the left side (A1). Why is the front so uniformly flat from left to right. Mr. Brown stated they will be adding retaining walls from that corner to Farwell Street. There's a second driveway that they are eliminating. Mr. Brown stated that he would be willing to remove the window at the top on the left side.

Mr. Makofsky stated this is a big house on a big lot and believes privacy would be an issue with the trees that Mr. Brown will be planting.

No other comments or concerns were brought up by ZBA members.

A motion was made by Jason Makofsky and seconded by Ari Gottlieb to approve the Section 6 Finding with the conditions of Install landscape buffer with minimum 6-8 feet in height in planting Thuja Green Giant trees on the eastern (left) of the lot of Mr. Wagner's lot from the midpoint of the back yard to 30 feet in length. The planting must

have proper spacing and be able to obstruct views and provide privacy and remove the 4th floor window.

Vote 5-0 in favor. Motion passed.

10. **Public Hearing for 313 N. Main Street**, an application of Ellis J. Coleman, for a Finding per Massachusetts General Law (MGL), Chapter 40A, Section 6 and the Natick Zoning Bylaws, Sections IV-B and V-A. The project is for the demolition of an existing structure on a non-conforming lot and reconstruction of a single-family house on said lot, as shown on the plans submitted.

A motion was made by Jason Makofsky and seconded by Ari Gottlieb to continue the application without testimony.

Vote 5-0 in favor. Motion passed.

Mr. Makofsky moved to adjourn at 8:53 PM, seconded by Mr. Gottlieb.

Roll call vote 5-0. MOTION PASSED