

Town of Natick
Meeting Minutes of the Zoning Board of Appeals (ZBA)
Monday, August 28, 2023

Members of the Zoning Board of Appeals in Attendance of the Monday, August 28, 2023, public meeting include David Jackowitz, Chair; Robert Steckbeck, Jason Makofsky; Geoff Lewis; Andrew Enright; and Michael Lynch. Member of the Community and Economic Development staff present: Amanda Loomis, Director of Community and Economic Development.

Mr. Jackowitz called the meeting to order at 6:32 pm.

I. Public Speak

No public speak was provided.

II. Public Hearings – Development Projects

1. **Public hearing for 56 Washington Street**, continued from May 22, 2023, and June 26, 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.

Present for the public hearing was Peter Lewandowski of LR Designs.

Mr. Jackowitz opened the public hearing that was continued from June 26, 2023, and requested an update from the Applicant.

Mr. Lewandowski presented the modifications made to the building elevations and architectural renderings since the last public hearing.

Mr. Jackowitz opened the floor for public comment. The following comments were provided.

- A statement of comment that such type of project is becoming common throughout Natick. Mr. Jackowitz requested comments from members of the ZBA. The following comments were provided.
- Mr. Lewis requested clarification if there were any structures on Washington Street had garages on the street frontage. Mr. Lewandowski responded that there are several houses within proximity that have garages on the streets, while the older structures do not.
- Mr. Steckbeck requested clarification if the garages could accommodate one or two cars.
- Mr. Enright provided a review of the landscaping and layout of the frontage of the property, which included vehicular parking, pavers, plantings, walkways, etc.
- Mr. Makofsky stated that he did not think the project was a substantial deterrent to the neighborhood. Mr. M provided his thoughts on the use of vehicles.
- Mr. Lynch commented that the site was extremely dense, and questioned if there was anything that could be done to reduce the density.
- Mr. Jackowitz provided a review of the dimensional renderings.
- Mr. Lynch reviewed the size and mass, and noted that the proposed structure was too big for the property.

Mr. Steckbeck moved that ZBA deny the application of 56 Washington Street due to the bulk of the structure and amount of pavement exposed, these combined are substantially

detrimental to the neighborhood. Mr. Makofsky seconded the motion. The Zoning Board of Appeals voted in favor of the motion 4-1-0 (Voting Members: Mr. Lynch – yes; Mr. Jackowitz – no; Mr. Makofsky – yes; Mr. Steckbeck – yes; and Mr. Enright – yes). MOTION PASSED

2. Public hearing for **180 Boden Lane**, continued from May 22, 2023, and June 26, 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.

Present for the public hearing was Peter Lewandowski of LR Designs.

Mr. Jackowitz opened the public hearing that was continued from June 26, 2023, and requested an update from the Applicant.

Mr. Lewandowski provided a brief review of the amendments of the project since the last public hearing, which included the movement of the gables, lowering the roof, moved a rear addition to be conforming. It was noted that only part of the structure non-conforming, which is the left side of the structure.

Mr. Jackowitz opened the floor for public comment. The following comments were provided.

- Statement of concern about the proposed scale of the project.
- Statements of concerns regarding the project, in addition to the elevations and the location of the addition will be very close and tall compared to an abutting residential structure. Further there were significant concerns about the elevation of the topography and that the earth would need to be held back with slabs and a retaining wall.

Mr. Jackowitz requested comments from members of the ZBA. The following comments were provided.

- Mr. Enright stated that the Applicant made reasonable attempts to decrease the heights of the structure for some portions of the property. Mr. Lewandowski commented that they reduced the reduced the roofline and gables.
- Mr. Lynch stated that he feels better about this project, and that the structure does not feel as tall with the amendments made.
- Mr. Lewis agreed with Mr. Lynch. Mr. Lewis stated that he does not have the same issues with this project as the property is larger and can hold the proposed new structure.
- Mr. Enright stated that he was opposed to the project.
- Mr. Lewis stated that he too was opposed, but felt that there were way to make the project work.
- Mr. Makofsky stated that he was in favor of the proposed project.
- Mr. Steckbeck stated that the Applicant appears to have crammed the site with too much height. Mr. Steckbeck noted that his vote did not count for the project.
- Mr. Lynch stated that it's the inclusion of the 3rd floor that makes the massing of the structure to much.
- Mr. Enright stated that there are ways to reallocate the structure, and to decrease the massing of the structure being proposed.

Mr. Lewandowski questioned if the left side were to be reduced so that the structure complied with all dimensional requirements, and the only relief needed would be the lot area. Would the ZBA find that acceptable?

Mr. Jackowitz stated that the Applicant would need to submit a new set of plans. Such additional review of the project would require an extension of time from the Applicant.

Mr. Lewandowski stated that he would grant an extension of time.

The ZBA was granted an extension of time to September 18, 2023. The project was continued to the September 18, 2023, public meeting.

3. Public Hearing for **313 N. Main Street**, continued from July 24, 2023, without testimony, 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.

Present for the public hearing was Attorney Daniel Burke; Ellis J. Coleman, Applicant

Mr. Jackowitz opened the public hearing that was continued from July 24, 2023, and requested an update from the Applicant.

Attorney Burke a brief review of the proposed project.

Mr. Jackowitz reviewed the dimensional table provided for the project. Mr. Mr. Jackowitz noted that the only nonconformity was the lack of frontage.

Mr. Jackowitz stated that there are images provided by the neighbors.

Mr. Jackowitz requested comments from members of the ZBA. No comments were provided

Mr. Makofsky moved to grant the request of a Section 6 finding for the property at 313 N. Main Street as presented, as the project is not substantially detrimental to the neighborhood, but would require conformance with the plans and letters of comment provided by Town department, specifically the Department of Public Works (DPW) letter. Mr. Lynch seconded the motion. The Zoning Board of Appeals voted in favor of the motion 5-0-0 (Voting Members: Mr. Lynch – yes; Mr. Jackowitz – yes; Mr. Makofsky – yes; Mr. Steckbeck – yes; and Mr. Lewis – yes). MOTION PASSED

4. Public hearing for **5 Stanley Street**, an application for the Estate of Ronald M. Weinberg and Peter Bemis 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 an existing structure on a non-conforming lot and construction of a 2 ½ story single-family dwelling on said lot, as shown on the plans submitted.

Present for the public hearing was Peter Bemis of Engineering Design Group.

Mr. Jackowitz opened the public hearing and requested a presentation from the Applicant.

Mr. Bemis provide a brief overview of the proposed project, which includes a review of the site plans and the building elevation. Mr. Bemis stated that the project is for a Section 6, which is straightforward, noting that Stormwater Management Permit is not needed.

Mr. Jackowitz opened the floor for public comment. The following comments were provided.

- Gail Weston-Roberts of 26 Western Avenue, asked for clarification as to whether members of the ZBA visited the site, and were able to viewed the property from different perspectives. Does the scale and the character match the neighborhood?

Mr. Jackowitz provided his thoughts as to whether the project was detrimental to the neighborhood.

Mr. Jackowitz requested comments from members of the ZBA. The following comments were provided.

- Mr. Makofsky stated that when there are no neighbors or abutters to say that there's a substantial detriment to their neighborhood, that makes an impression on me and if he felt that if this was a substantial detriment on the neighborhood, even in the absence of neighbors coming out to comment on it and he could find that it is substantially more detrimental.
- Mr. Steckbeck stated in the realm of the project is not within his style but it is certainly within the realm of reasonable and the setbacks are large enough that it's not going to dominate any particular neighborhood.
- Mr. Lynch stated that he did not have comments different than ones previously made.
- Mr. Enright provided his perspective that this project is detrimental to the neighborhood. Mr. Enright stated that the design is not good for the neighborhood. The proposed design is not the best way to mass the density.

Mr. Jackowitz closed the public hearing.

Mr. Makofsky moved to grant the request of a Section 6 finding for the property at 5 Stanley Street as presented, in that the project is not substantially detrimental to the neighborhood. Mr. Lewis seconded the motion. The Zoning Board of Appeals voted in favor of the motion 4-1-0 (Voting Members: Mr. Jackowitz – yes; Mr. Makofsky – yes; Mr. Steckbeck – yes; and Mr. Lewis – yes; Mr. Lynch - no). MOTION PASSED

5. Public hearing for **22 Bradford Road**, an application for Nardone Corp/Peter Bemis 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 an existing structure on a non-conforming lot and construction of a 2 ½ story single-family dwelling on said lot, as shown on the plans submitted.

Present for the public hearing was Peter Bemis of Engineering Design.

Mr. Jackowitz opened the public hearing and noted that the project was in compliance with all dimensional requirements except for frontage. Mr. Jackowitz requested a presentation from the Applicant.

Mr. Bemis provided a brief overview of the project, review of the site plans and the architectural/building elevations. Mr. Bemis noted that the entire structure will be razed for this project.

Mr. Lynch requested clarification as to whether the slab will stay. Mr. Bemis stated that the slab will remain.

Mr. Jackowitz opened the floor for public comment. The following public comment was provided.

- A request for clarification regarding a letter from the Conservation Commission provided in August, noting that there are not wetland but the project may need a stormwater management permit. Mr. Makofsky provided clarification, in addition to difference between wetlands and stormwater permits. The Abutter further requested clarification regarding the

submitted site plan, noting that there is a twenty (20) foot drainage easement runs along the east side of their property.

- A request for clarification regarding the removal of the tree. Followed by a statement of concern of the drainage easement along the property line.
- A request for clarification regarding privacy, relative to the proposed height of the structure compared but abutting ranch style dwellings. Mr. Jackowitz requested a vegetated buffer be installed to increase screening for the abutter.
- A statements of concerns for privacy for both the properties at 24 and 26 Bradford Street, regarding the lack of trees.
- A request for clarification regarding the window heights. Followed by a statement of concern regarding the location of the new trees being placed wherever the developer wants to locate them.
- A statement of concern regarding the blocking of light. Followed by further concern about the demolition of the structure, as to how lead and asbestos be managed.
- A statements of concern about the dimensional increases. Followed by a request for clarification regarding the project being located in Aquifer Protection District (APD) and whether special permits were being sought.
- A statement regarding the neighborhood, and the existing character of ranch housing being lost to developer razing existing structures and building larger structures, which is detrimental to the character of the neighborhood.
- A statement of agreement with the previous speaker. In addition to a statement that the neighborhood feels like it's becoming Oak Hill in Newton. Followed by a stated that sustainability is important to our town and these houses are not sustainable.

Mr. Jackowitz stated his concern for the size and scale of the project, further it was noted that there was significant concern from the abutters.

Mr. Jackowitz requested comments from members of the ZBA. The following comments were provided.

- Mr. Enright stated that he was not a voting member on this case.
- Mr. Lynch stated that the proposed structure is too large and there was no effort to minimize the mass. The Applicant need more design time to minimize the massing and scale of the structure.
- Mr. Steckbeck stated that he does not find the project terribly offensive, but is not a big fan of the large peaks and attics. Mr. Steckbeck questioned if the height of the structure be decreased, which would give it a better shot of passing.
- Mr. Lewis stated that the design was not too offensive, and understands the change in the housing stock. Mr. Lewis noted that they did not really hear too much as to the detriment. Mr. Lewis noted that the 3rd floor is poorly designed, and questioned what is a reasonable expectation of height, sunlight, and change within a neighborhood.
- Mr. Enright requested clarification regarding the 420sf of the master bedroom, and questioned how someone is expected to furnish these large rooms. Mr. Enright stated that this type of structure is beyond what we need and not being overly sustainable, over 400sf is excessive, and a question of affordability.
- Mr. Makofsky stated that the only dimensional that the project does not comply with is frontage. Mr. Makofsky reviewed the dimensional.

Mr. Makofsky moved that the public hearing for 22 Bradford be continued to September 18, 2023. Mr. Lewis seconded the motion. The ZBA voted in favor of the motion 5-0-0. MOTION PASSED

6. Public hearing for **17 Emerson Street**, an application for Mark Cahill 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 an existing structure on a non-conforming lot and construction of a single-family dwelling on said lot, as shown on the plans submitted.

Present for the public hearing was Neal Glick, Esq.; and Attorney and Mark Cahill, Applicant

Mr. Jackowitz opened the public hearing and noted that the project was in compliance with all dimensional requirements except is deficient on the lot frontage by ten (10) feet.

Mr. Jackowitz requested a presentation from the Applicant.

Attorney Glick provided a brief review of the project, it was noted well below the standards. The project proposed is more compliant than the existing structure, therefore reducing the footprint of the structure.

Mr. Jackowitz opened the floor for public comment. The following public comment was provided.

- A statement of comment regarding the rear fence that separates the project property and abutter. The abutter requested clarification as to whether the two large maple trees in the backyard will be removed as part of the project. Mr. Cahill stated that one will be removed and one will stay. There was a brief discussion between the applicant and the abutter regarding the trees in question. Mr. Cahill noted that the stormwater management approval requires the installation of new trees to cover the removal of three trees (2 pine and 1 maple).

Mr. Jackowitz stated the decision will include a decision that the rear maple tree will not be removed.

Mr. Jackowitz requested comments from members of the ZBA. The following comments were provided.

- Mr. Lynch requested clarification regarding dormers in the attic. Mr. Cahill responded that the attic is not a walkup.
- Members of the ZBA and Mr. Cahill discussed the proposed basement.

The ZBA closed the public hearing.

Mr. Makofsky moved to grant the request of a Section 6 finding for the property at 17 Emerson Street, with a condition that the Norway Maple tree in the southwest corner of the property remain post construction and that the Applicant will work with the abutter to plant landscape screening, if necessary. Mr. Lewis seconded the motion. The Zoning Board of Appeals voted in favor of the motion 5-0-0 (Voting Members: Mr. Lynch – yes; Mr. Jackowitz – yes; Mr. Makofsky – yes; Mr. Steckbeck – yes; and Mr. Lewis – yes). MOTION PASSED

7. Public hearing for **25 Westlake Road**, an application for 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.2. The project is for the demolition of an existing structure on a non-conforming lot and construction of a single-family dwelling on said lot, as shown on the plans submitted.

Present for the public hearing was Attorney Peter Haranas; and Leonardo Dasilva, Applicant
Mr. Jackowitz opened the public hearing. Mr. Jackowitz reviewed the zoning dimensional table, noting the nonconformities, which includes an undersized lot and lack of adequate frontage.

Mr. Jackowitz requested a presentation from the Applicant. A brief presentation by Attorney Haranas and Mr. Dasilva was provided.

Mr. Jackowitz opened the floor for public comment. No public comment was provided.

Mr. Jackowitz requested comments from members of the ZBA. The following comments were provided.

- Mr. Lynch requested clarification regarding the type of foundation. Mr. DaSilva stated that the new structure would have a full basement.

Mr. Makofsky moved to grant the request of a Section 6 finding for the property at 25 Westlake Road, as presented, as the project is not substantially detrimental to the neighborhood. Mr. Lynch seconded the motion. The Zoning Board of Appeals voted in favor of the motion 5-0-0 (Voting Members: Mr. Enright – yes; Mr. Lynch – yes; Mr. Jackowitz – yes; Mr. Makofsky – yes; and Mr. Lewis – yes). MOTION PASSED

Mr. Steckbeck left meeting at 8:42 pm

8. Public hearing for **42 Beverly Road**, an application for 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.2. The project is for the demolition of an existing structure on a non-conforming lot and construction of a single-family dwelling with attached two-car garage on said lot, as shown on the plans submitted.

Present for the public hearing was Dan Brown, Applicant; and Justin Brown, Applicant

Mr. Jackowitz opened the public hearing. Mr. Jackowitz reviewed the zoning dimensional table.

Mr. Jackowitz requested a presentation from the Applicant. A brief presentation by Mr. Brown was provided.

Mr. Jackowitz opened the floor for public comment. The following public comment was provided.

- A statement of comment that larger houses are going up on the street. Followed by a statement of concern about the lack of landscaping plans in front of the ZBA. There appears to be no pathways from the front of the house to the rear of the house. A primary concern are the two very large old spruce trees, close to the property line, which is fifteen (15) feet from the abutters home. The abutter stated they would like to see some form of protection during construction for the two trees. Mr. Brown stated that they would not be removing those tree and agreed to provide protection of the trees and associated dripline.

- A statement of concern regarding the close proximity of the new house with their house. Followed by a further statement of concern about the driveway being located on their property.

Mr. Jackowitz requested comments from members of the ZBA. No comments were provided.

The ZBA closed the public hearing.

Mr. Makofsky moved to grant the request of a Section 6 finding for the property at 42 Beverly Road, as the project is not substantially detrimental to the neighborhood, with the conditions that the two spruce trees would be protected during construction. Mr. Lynch seconded the motion. The Zoning Board of Appeals voted in favor of the motion 5-0-0 (Voting Members: Mr. Enright – yes; Mr. Lynch – yes; Mr. Jackowitz – yes; Mr. Makofsky – yes; and Mr. Lewis – yes). MOTION PASSED

9. Public hearing for **44 Harwood Road**, an application for 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.2. The project is for the demolition of an existing structure on a non-conforming lot and construction of a single-family dwelling with attached two-car garage on said lot, as shown on the plans submitted.

Present for the public hearing was Dan Brown, Applicant; and Justin Brown, Applicant

Mr. Jackowitz opened the public hearing. Mr. Jackowitz requested a presentation from the Applicant.

Mr. Brown provided an overview of the project. Mr. Brown noted that the property has been neglected and they have sent over a crew to do some upkeep and landscaping.

Mr. Jackowitz requested comments from members of the ZBA. The following comments were provided.

- Mr. Lynch requested clarification on the grade of the property. Mr. Brown provided a brief review of the proposed project regarding the grades of the property.
- Mr. Jackowitz and Mr. Lewis requested clarification regarding height of retaining walls. Mr. Brown noted that no retaining walls would be taller than six (6) feet tall.
- Mr. Makofsky requested clarification regarding the buffer zone.

The ZBA closed the public hearing.

Mr. Makofsky moved to grant the request of a Section 6 finding for the property at 44 Harwood Road, as presented, the project is not substantially detrimental to the neighborhood. Mr. Enright seconded the motion. The Zoning Board of Appeals voted in favor of the motion 5-0-0 (Voting Members: Mr. Enright – yes; Mr. Lynch – yes; Mr. Jackowitz – yes; Mr. Makofsky – yes; and Mr. Lewis – yes). MOTION PASSED

III. Zoning Board of Appeals Business

Meeting Minutes of June 26, 2023 and July 24, 2023

Mr. Makofsky moved to approve the meeting minutes of June 26, 2023. Mr. Lynch seconded the motion. The Zoning Board of Appeals voted in favor of the motion 3-0-2 (Mr. Makofsky and Mr. Lewis). MOTION PASSED

Mr. Makofsky moved to approve the meeting minutes of July 24, 2023. Mr. Lynch seconded the motion. The Zoning Board of Appeals voted in favor of the motion 5-0-0. MOTION PASSED

IV. Adjournment

Mr. Makofsky moved to adjourn. Mr. Lewis seconded the motion. The Zoning Board of Appeals voted in favor of the motion 5-0-0. MOTION PASSED

The Zoning Board of Appeals meeting of August 28, 2023, adjourned at 9:08 pm