

TOWN OF NATICK
Zoning Board of Appeals Meeting Minutes
Monday, September 18, 2023

Members of the Zoning Board of Appeals in Attendance of the Monday, September 18, 2023, public meeting includes David Jackowitz, Chair; Robert Steckbeck, Jason Makofsky; Geoff Lewis; Andrew Enright; Ari Gottlieb, and Michael Lynch. Member of the Community and Economic Development staff present: Peg Waters, Office Manager of Community and Economic Development.

I. Public Speak

None

II. Public Hearings – Development Projects

1. **Public hearing for 22 Bradford Road, continued from August 28, 2023**, 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.

Peter Bemis appeared for the applicant. Mr. Bemis updated the site plan with proposed conditions. They were asked to address the abutter to the northeast. They are proposing a row of 10 Arborvitaes. No change to the first and second floor. The roof line has been brought down and there was some masonry added to the lower elevation.

The main ridge is 33 feet and the rest of it was lowered significantly. All the dormers have been removed.

Mr. Leckenby of 30 Dwight Avenue asked about the footprint and the site plan has not changed. The abutter shares about 170 feet and the trees identified were going to stay.

Ms. Lydia Schaffer of 9 Richard Road is concerned about the developers using her neighborhood as a cash cow. She said the detriment is the loss of sky from the front of her house. She lives on the next street over.

Ms. Sue Mandell of 15 Bradford, her home is still an original home in the neighborhood. She brought up the ecological things happening when new homes come up and putting in a row of Arborvitaes. She is concerned about the personality of the neighborhood being taken away.

Ms. Chelsea Machin of 20 Bradford Road, doesn't have a concern about the new roof line. He is concerned about the removal of the trees it has changed his privacy and it is now a direct line of site into his backyard and bedrooms in his home. Would like the Board allow conversations of window placement etc. on the left side elevation. Mr.

Jackowitz said it would be A typical for the Board to say there is a line of site from the home into his yard would be detrimental.

Mr. Bemis stated these issues did not come up at the previous meeting. He will plant seven Arborvitaes if necessary.

Ms. Caitlin Ketner of 24 Bradford Road is concerned about the size and scale of the house has not changed. Mr. Jackowitz stated the total volume of the structure has changed.

Mr. Bemis said that the view from the street it will be much smaller.

Ms. Leslie Shocket of 21 Bradford Road, has one question what the square footage of the finished attic is. Mr. Bemis stated it is 20.3 feet, the affected area is about 70% of 740 square feet. You can't stand up there. Has a question about the letter from the Conservation Commission and the APD. When he did the application, there was no permit listed for the APD. Mr. Jackowitz stated that this is the wrong board for that discussion. The garage and master windows are on her side of the house. The size of the houses has changed the look of the community.

Mr. Lewis would like to know what the concern is regarding the half floor. Two and a half stories are a zoning terms.

Ms. Margery Wadness of 16 Richard Road, she stated when the houses are high enough she can see their house. She is concerned about the architecture and the size of the project and believes the quality is just not there.

Ms. Sandra Coburn of 26 Bradford Road has lived there for over 60 years and respectfully disagrees with Mr. Bemis' comments. She said it's obvious that the neighborhood doesn't want this. The size of the houses in the neighborhood are changing the whole town.

Ms. Leckenby of 30 Dwight Avenue, direct abutter. Asked about what makes a building detrimental. At what point does this particular one become a detriment to the neighborhood. Mr. Jackowitz has said there is nothing presented tonight to support the conclusion of it being detrimental. Would like to know what the tipping point is to become the detriment of the neighborhood. Stated there are traffic issues in the neighborhood.

Mr. Leckenby of 30 Dwight Avenue listened to the debate from the meetings and appreciates the Boards confines of the Boards restrictions. Wants to know if the Boards are incentivizing the builders in town and has major concerns of these large builds.

Board Comments:

Mr. Jackowitz stated the project is dimensionally compliant except for the lot coverage.

Mr. Enright asked who is eligible to vote on this project. Ms. Waters responded, Mr. Jackowitz, Mr. Steckbeck, Mr. Makofsky, Mr. Lewis, Mr. Lynch and Mr. Enright (was not voting at the last meeting).

Mr. Lynch stated that most of the dimensional requirements were met and thinks the roof pitch is detrimental to the direct abutters. The size of the project is his concern.

Mr. Lewis disagrees with Mr. Lynch. The square footage doesn't bother him at all. It doesn't add to the detriment. Mr. Lewis agrees with Mr. Enright that there are far better ways to do this.

Mr. Steckbeck stated he is very sympathetic, and changes can be made at Town Meeting. Believes this structure fits in the property and within the guidelines.

Mr. Lynch disagrees with Mr. Steckbeck. We have no input on projects on conforming lots and have say on those on non-conforming lots.

A motion was made by Mr. Makofsky to approve the Section 6 Finding, seconded by Mr. Lewis with the condition of no removal of trees in the rear setback, 10 Arborvitaes (24 Bradford) to the northeast and 7 Arborvitaes (20 Bradford abutter), the plans submitted.

Motion passed 4-1.

2. **Public hearing for 180 Boden Lane, continued from May 22, 2023, June 26, 2023, and August 28, 2023**, application for 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.

Applicant has requested to continue the public hearing without testimony to October 23, 2023.

Jason Makofsky moved to continue the public hearing to October 23, 2023, Geoff Lewis seconded. Motion passed, all in favor, 7-0.

3. **Public Hearing for 1 Craigie Street**, an application for Richard and Jessice Peristere for a **VARIANCE** per Massachusetts General Law (MGL), Chapter 40A, Section 10 AND a Section 6 **FINDING** and the Natick Zoning Bylaws, Sections IV-B and V-A. The project is for the construction of a two-car garage, new family room and master suite, as shown on the plans submitted.

Mr. Timko and the Peristere's are present for the meeting.

Mr. Jackowitz read the Zoning By-Law regarding Variances.

Mr. Timko stated the Peristere's are moving back to Natick after several years. Both were born and raised in Natick. They have three kids and a large dog and are looking to expand the property, a 1920's home. It's had several renovations over the years and is too small for their family. 1 Craigie Street is one house away from the RSA district and unfortunately this house is not. Because of this, there is a problem with the site and are locked into a zoning district, while it was convenient to draw it's not helpful for the houses on the street. There are two areas of relief requested. On the right side of the house, the existing setback is 11 feet and we are looking to extend that to 12.3 feet. It's an extension of the non-conforming. They would like to add a garage with living space above. The problem they run into is that they are dealing with a lot coverage requirement of 20% and they're at 13.7 now. The lot coverage requirement is the challenge. They are looking for 230 square feet. It's a hardship because it was a resident A lot dropped into a resident B zone.

The applicant has letters of support.

Board comments:

Mr. Makofsky stated he would have difficulty supporting a Variance. The lot shape or topography are not hardships in this case. The applicant believes their hardship is that they can't expand.

Mr. Jackowitz explained a Variance on the whiteboard. Mr. Jackowitz stated the lot is unchanged and they want to make a bigger house, it's not a hardship. Mr. Jackowitz stated that a super majority is needed for a Variance vote.

Mr. Lynch asked if there was a path for them because they're next to another zoning district.

Mr. Enright asked how much they're over by. Confirmed 230 square feet.

A motion was made to continue the public hearing to October 23, 2023, by Mr. Makofsky, seconded by Mr. Lynch. Vote 5-0 in favor.

4. **Public Hearing for 31 Jennings Pond Road** an application for Brendan Carr 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 dwelling on said lot, as shown on the plans submitted.

Mr. Steckbeck recused himself.

Mr. Carr is present for the meeting and presented the site plans as well as the Architectural Plans.

Board Comments:

Mr. Makofsky asked about the walk-out basement. Mr. Carr stated the existing house is at 134 and the proposed basement is at 158.

Mr. Makofsky stated there are 4 retaining walls in 4 feet in height. There will be some grading done.

Mr. Carr stated they will go to Conservation in a week and a half. Mr. Carr stated they have put their sewer line in.

A motion was made by Mr. Makofsky to approve the Section 6 Finding, Seconded by Mr. Enright. Vote in favor 6-0.

5. **Public Hearing for 59 Hartford Street** an application for Michael Grignaffni 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 a two-story addition on a non-conforming lot, as shown on the plans submitted.

Mr. Steckbeck and Mr. Enright recused themselves.

Mr. Grignaffini is present for the public hearing.

Board Comments:

None

Mr. Makofsky made a motion to approve the Section 6 Finding, with the Condition that the applicant Roof runoff, seconded by Mr. Lynch.

Vote 5-0, Mr. Lewis, Mr. Gottlieb, Mr. Lynch, Mr. Jackowitz and Mr. Makofsky

Adjournment at 8:07pm