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*By Town Clerk at 1:43 pm, Nov 25, 2019*

**DECISION OF THE ZONING BOARD OF APPEALS  
of the  
TOWN OF WESTWOOD**

**PROPERTY OWNER(S): Fox Hill Village Homeowners Corporation**

**PETITIONER(S):** Fox Hill Village  
c/o Tony Amico  
10 Longwood Drive  
Westwood, MA 02090

**LAND AFFECTED:** 10 Longwood Drive  
Westwood, MA 02090  
Map 06 Lot 018

**HEARING:**

The Board of Appeals for the Town of Westwood held a Public Hearing according to the General Laws of the Commonwealth of Massachusetts on Wednesday, October 16, 2019 at 7:00 PM in the Champagne Meeting Room of the Carby Municipal Building, 50 Carby Street, Westwood, MA 02090 which was continued to Wednesday, November 20, 2019 at 7:00 PM in the Champagne Meeting Room to consider the Petitioners' request for a Special Permit amendment. The special permit was originally granted by the Board on April 6, 1988 and further amended by the Board on February 1, 2011 to operate as a Residential Retirement Community. The Applicant sought to amend the Special Permit pursuant to current Westwood Zoning Bylaw Section §8.4 [Residential Retirement Community] to include proposed demolition of an existing two story wing formerly occupied by the Clark House Nursing Facility and new construction of a three story addition with 24 assisted living residences. Property is located in the Administrative Research Office District (ARO).

**BOARD MEMBERS:** John Lally, Chairman  
Douglas Stebbins, Clerk  
Michael McCusker

**APPLICABLE SECTION OF THE WESTWOOD ZONING BYLAW**

**8.4 RESIDENTIAL RETIREMENT COMMUNITY (RRC)**

**8.4.1 Special Permit Required.** A Residential Retirement Community shall require the issuance of a special permit by the Board of Appeals in compliance with the provisions of this Section.

**8.4.2 General.** A RRC is a development of land comprising townhouse or apartment type dwellings, under-over type dwellings, multiple type dwellings, or any combination of such housing types, with resident services, operated or sponsored by a corporation or organization having among its principal purposes the provision of housing for retired and aging persons. Such facility may also include assisted living residence/skilled nursing facility. The program of resident services may include assisted living residence/skilled nursing, transportation, laundry, financial, barber/beautician, medical evaluation, home health, adult day care and respite care services, meals on wheels, both scheduled and unscheduled exercise, recreational and educational activities, and other similar services or activities. These programs and services will be primarily for the benefit of residents of the RRC and/or the Town.

- 8.4.4 Procedures.** An application for a special permit for a RRC shall be filed in accordance with the rules and regulations of the Board of Appeals.
- 8.4.5 Plans.** An application for a special permit for a RRC shall submit a plan in conformance with the rules and regulations of the Board of Appeals.
- 8.4.6 Decision.** A special permit for a RRC shall be granted by the Board of Appeals, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.
- 8.4.7 Compliance with Subdivision Rules and Regulations.** Nothing contained herein shall in any way exempt a proposed RRC involving a subdivision from compliance with the rules and regulations of the Planning Board governing the subdivision of land or the rules and regulations of any other Town board having jurisdiction. Nor shall this Section in any way affect the right of the Board of Health and of the Planning Board to approve, with or without modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the Subdivision Control Law.

1. The Project shall be constructed in conformity with the submitted plot plan consisting of one (1) page, prepared by Alpha Survey Group LLC, 695 Wareham Street, Middleborough, MA, 02346 dated September 17, 2019 and stamped by James E. Peterson, P.L.S., and with the submitted design plans consisting of the following:
  - a. Exterior elevations of existing building sections to demolish and remain: three (3) pages, prepared by JSA Inc. Architects & Planners, 361 Hanover Street, Portsmouth, NH 03801, stamped by James M. Warner, R.A., dated April 15, 1988 and submitted to the Board as part of this application on September 18, 2019;
  - b. Proposed Exterior Elevations (A-201 & A-202), Basement Floor Plan (A-100), First Floor Plan (A-101.1 & A-101.2), Second Floor Plan (A-102.1): six (6) pages, prepared by Perkins Eastman, 1100 Liberty Avenue, Pittsburgh, PA, 15222 dated August 6, 2019 and submitted to the Board as part of this application on September 18, 2019;
  - c. Proposed Demolition and Erosion Control Plan (C-101), Layout and Materials Plan (C-102): two (2) pages, prepared by Perkins Eastman, 1100 Liberty Avenue, Pittsburgh, PA, 15222 dated July 11, 2019 and submitted to the Board as part of this application on September 18, 2019;
  - d. Landscape Plan (LA-030): one (1) page, prepared by Perkins Eastman, 1100 Liberty Avenue, Pittsburgh, PA, 15222 dated August 22, 2019 and submitted to the Board as part of this application on September 18, 2019.
2. The Applicant shall pursue completion of the Project with reasonable diligence and continuity.
3. The comments provided to the Zoning Board of Appeals by the Planning Board on November 6, 2019 shall be made part of this decision and approval shall be conditioned upon successful completion of the following:
  - a. The proposed use at 230 High Street is subject to and requires a Limited Environmental Impact Design Review (EIDR) Approval, following an application and public hearing with the Planning Board, pursuant to Section 7.3 of the Zoning Bylaw. The application shall include a proposed site plan and architectural design plans to confirm compliance with provisions of Westwood's Zoning Bylaw, including setback, height and parking requirements.
  - b. The Applicant and Property Owner, Fox Hill Village Homeowners Corporation shall submit a deed restriction sufficient to maintain five (5) affordable units in perpetuity at 230 High Street for review and approval by Westwood's Town Counsel, Zoning & Housing Agent, and Town Planner. Such deed restriction shall be submitted within 30 days of the close of the RRC special permit hearing or by January 1, 2020, whichever is sooner.
  - c. The Applicant and Property Owner, Fox Hill Village Homeowners Corporation, shall submit to Town Counsel, the Town Planner, and the Housing & Zoning Agent proof of recording for the above-referenced deed restriction at the Registry of Deeds forthwith.
  - d. The Applicant and Property Owner, Fox Hill Village Homeowners Corporation, shall submit to the Housing & Zoning Agent and Town Planner proof of eligibility for listing the Group Home on Westwood's SHI. Said submission, in form satisfactory to the Housing & Zoning Agent, shall be submitted prior to the issuance of a Certificate of



**WESTWOOD ZONING BOARD OF APPEALS**

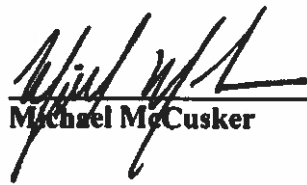
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**John Lally - Chairman**

  
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**Douglas Stebbins, Clerk**

  
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**Michael McCusker**

11/25/19  
Date

**10 Longwood Drive**