

Nancy Donahue, Chairman
Marilyn Freedman
John Patterson
Margaret Rustrian

Town of Westwood
Commonwealth of Massachusetts



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Department of Community and Economic Development
WESTWOOD HISTORICAL COMMISSION

Historic Structure Demolition
Westwood General Bylaw Chapter 250A

APPLICANT: Dmitry Deych
12 Post Office Square
Sharon, MA 02067

PROPERTY OWNER: Rahul R. Mutha
229 High Street
Westwood, MA 02090

PROPERTY LOCUS: 229 High Street, Westwood, MA 02090
Assessor's Map 05, Lot 038

BACKGROUND AND PROJECT SUMMARY

The Applicant requested permission to demolish an existing single-family home at 229 High Street in order to construct a new single-family home at the same location. The Building Commission determined that the structure may be historically and/or architecturally significant and forwarded the matter to the Westwood Historical Commission (WHC) for review pursuant to Westwood General Bylaw Chapter 250A. The structure proposed for demolition is believed to have been constructed in the late 18th century or later. The structure is shown in the Massachusetts Cultural Resource Information System (MACRIS) database as circa 1775 with the source of that date listed as conjecture. The same property is shown in the Town Assessor's records as having been constructed in 1850. The actual date of construction remains unknown. The property is located in the Single Residence E (SRE) zoning district and shown on the Assessor's Map as MAP 05, Lot 38. The existing single-family home is a permitted use in this district. An Application pursuant to Westwood General Bylaw Chapter 250A was filed with the Westwood Historical Commission and the Town Clerk on March 05, 2020.

STATEMENT OF FINDINGS

After having reviewed all the plans and reports filed by the Applicant and its representatives and having considered the technical analysis, supplemental information provided during the course of the public hearing, correspondence and testimony from representatives from various boards and commissions and departments within the Town of

Westwood and from all other interested parties, the Westwood Historical Commission makes the following procedural findings and project findings:

PROCEDURAL FINDINGS:

1. On March 12, 2020, an Application was filed by or on behalf of Dmitry Deych (hereinafter "Applicant"), pursuant to Westwood General Bylaw Section 250A [Historic Structure Demolition] with the Westwood Historical Commission (hereinafter "WHC").
2. On April 3, 2020, Massachusetts Governor Charlie Baker signed into law Chapter 53 of the Acts of 2020, "An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19", which act tolled the deadlines for the review of applications under various municipal bylaws, including Westwood General Bylaw Section 250A.
3. Pursuant to Westwood General Bylaw Section 250A, the WHC caused notice of the public hearing to be published in the *Westwood Press*, a newspaper of general circulation in Westwood, on September 24, 2020. Notice of the public hearing was posted in the Westwood Town Hall Website commencing on September 18, 2020, and continuing through the opening of the public hearing on September 29, 2020. Said notice of the public hearing was mailed postage prepared to all Parties in Interest as defined in Westwood General Bylaw Section 250A on September 22, 2020.
4. The public hearing on the Application commenced on September 29, 2020 remotely via Zoom, and was concluded on the same date.
5. WHC Members Nancy Donahue, Margaret Rustrian, and John Patterson deliberated on the Application at a duly authorized meeting on September 29, 2020.

PROJECT FINDINGS:

1. The subject property consists of approximately 5.31 acres located at 229 High Street, and is shown as Map 05, Lot 38 on the Westwood Board of Assessors' Map (hereinafter "Property").
2. Presently, the Project Site contains a single-family structure which is believed to have been constructed in the late 18th century or later. The structure proposed for demolition is shown in the Massachusetts Cultural Resource Information System (MACRIS) database as circa 1775 with the source of that date listed as conjecture. The same property is shown in the Town Assessor's records as having been constructed in 1850. The actual date of construction remains unknown.
3. The Property is located in the Single Residence E (SRE) zoning district. The single-family structure is a permitted use in this district.
4. The Applicant proposes to redevelop the property with a new single-family residential structure.

5. During the course of its public hearing, the WHC considered whether the apparent age and/or historical or architectural character of the existing residential structure subjected that structure to the requirements of Westwood General Bylaw Section 250A. The WHC determined that the structure is historically and architecturally significant and subject to the provisions of Section 250A.
6. Next, the Commission considered whether the proposed demolition of the historically and architecturally significant structure would be detrimental to the purposes protected by the Demolition Bylaw and to the historic or architectural resources of the Town. Based on a review of photographs of the interior and exterior of the structure, and testimony of the structure's prior owner, the Commission determined that it would be detrimental to the purposes protected by the Demolition Bylaw and to the historic or architectural resources of the Town for the structure to be demolished. In light of the demonstrated historical significance, the WHC determined that the structure should be preferably preserved.
7. Neither the Applicant nor the property owner appeared before the WHC at the public hearing. Neither did either submit any evidence of hardship for the WHC to consider prior to its consideration of a Demolition Delay Period.
8. The WHC voted 3 to 0 to impose a Demolition Delay Period of six (6) months, running through March 29, 2021.
9. The WHC identified a number of historically significant features of the single-family residential structure, all of which were set forth in a letter to the WHC from the former property owner. The WHC voted to authorize the Chair, Nancy Donahue, to work with the former property owner to identify the highest prior items for preservation, and to relay a list of such items to the applicant and current property owner with a request that such items be preserved and donated to the Westwood Historical Commission or such other entity approved by the WHC as entrusted with their preservation and reuse. The WHC expressed willingness to consider the reduction of the imposed Demolition Delay Period, if so requested by the applicant, upon appropriate documentation of the historic structure and confirmation of the preservation and donation of the identified significant features.

DECISION:

The Westwood Historical Commission evaluated the Demolition Application in relation to the above Findings, and as the approving authority, by a vote of three (3) in favor and zero (0) opposed, hereby declares the single-family residential structure at 229 High Street to be historically and architecturally significant.

The Westwood Historical Commission, by a vote of three (3) in favor and zero (0) opposed, hereby declares the single-family residential structure at 229 High Street to be preferably preserved.

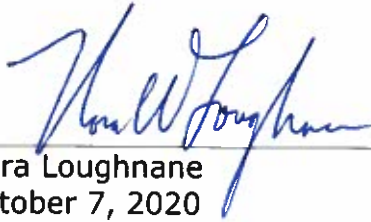
The Westwood Historical Commission, by a vote of three (3) in favor and zero (0) opposed, hereby imposes a Demolition Delay Period of six (6) months, pursuant to Westwood General Bylaw Section 250A-4E, running through March 29, 2021.

This decision shall expire on September 29, 2022, and is transferable to a new property owner prior to that expiration date.

RECORD OF VOTE

The following members of the Westwood Historical Commission voted on September 29, 2020 impose a Demolition Delay Period of six (6) months, running through March 29, 2021, to prevent the demolition of the single-family structure at 229 High Street, Westwood, MA 02090 prior to March 29, 2021: Nancy Donahue, Margaret Rustrian, and John Patterson.

The following members of the Westwood Historical Commission voted to impose a Demolition Delay Period of less than six months or to impose no Demolition Delay Period: None.



Nora Loughnane
October 7, 2020