

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

PROPERTY OWNER(S): Westwood Green LLC

PETITIONER(S): Daniel Green
Westwood LLC
46 Glen Avenue
Newton, MA 02459

LAND AFFECTED: 31 Abbey Road
Westwood, Massachusetts 02090
Map 29, Lot 123

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, February 24 at 7:00 PM via remote participation to consider the Petitioner's request to amend a special permit previously granted by the Board on February 28, 2020 pursuant to the Westwood Zoning Bylaw Section §4.1.7.4 [Other Uses; Temporary]. The existing special permit allows the temporary use of a single family home in a new residential development to be utilized as a design studio and sales office for a period of time not to exceed one year. The application proposes to extend the temporary use by an additional year. The property is located in the SRC (Single Residence C) zoning district.

BOARD MEMBERS: John Lally
Douglas Stebbins
David Belcher

APPLICABLE SECTIONS OF THE WESTWOOD ZONING BYLAW

SECTION 4.0 USE REGULATIONS

4.1 PRINCIPAL USES

4.1.1 **General.** No building or structure shall be constructed, and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the uses herein set forth as permitted in the district in which said building, structure or land is located, or set forth as permissible by special permit in said district, and so authorized. In the case of lots lying partly within the Industrial District or Highway Business District of the Town of Westwood and partly within another abutting municipality, that portion of the lot lying outside of the Town of Westwood may be used to meet the zoning requirements of this Bylaw, and such lot may have effective access through such abutting municipality. However, in all other cases, no building or structure shall be constructed or used on a lot lying only partly within the Town of Westwood unless the Westwood

portion of the lot shall meet the zoning requirements herein set forth, and the lot shall have effective access to the Town of Westwood. There shall be no more than one non-agricultural principal use for each lot in a Residential District, except as may otherwise be provided herein.

4.1.2 Table of Principal Uses. The Table of Principal Uses designates which Principal Uses are allowed in each zoning district.

A Use is permitted by right in any district under which it is denoted by the letter “Y”.

A Use is prohibited in any district under which it is denoted by the letter “N”.

A Use may be permitted by special permit from the Board of Appeals in any district under which is denoted by the letters “BA”.

A Use may be permitted by special permit from the Planning Board in any district under which is denoted by the letters “PB”.

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.3 RESIDENTIAL USES													
4.1.3.1 Single-Family Dwelling	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.1.3.2 Conversion of One-Family Dwelling to Two-Family Dwelling per Section 8.1	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.1.3.3 Two-Family Dwelling per Section 8.2	N	N	N	N	N	BA	N	N	N	N	N	N	N
4.1.3.4 Senior Residential Development per Section 8.4	PB	PB	PB	PB	PB	PB	PB	N	N	N	N	N	N
4.1.3.5 Residential Retirement Community per Section 8.5	N	N	N	N	N	N	N	N	N	N	N	N	BA
4.1.3.6 Nursing or Convalescent Home	N	N	N	N	N	N	N	N	N	N	N	N	BA ¹
4.1.3.7 Assisted Living Residence	N	N	N	N	N	N	N	N	N	N	N	N	BA ¹
4.1.3.8 Open Space Residential Development in accordance with Section 8.3 ²	N	Y	Y	N	Y	N	N	N	N	N	N	N	N
4.1.4 EXEMPT AND INSTITUTIONAL USES													
4.1.4.1 Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.2 Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.3 Child Care Facility in new building	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.1.4.4 Child Care Facility in existing building	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.5 Agricultural Use, Exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.6 Farm Stand. Exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.7 Municipal Facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.8 Essential Services	BA	BA	BA	BA	BA	BA	BA	Y	Y	Y	Y	Y	BA
4.1.4.9 Extension of existing cemetery	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

4.1.4.10 Public Utility N N N N N N N N N N Y Y Y Y Y BA

DISTRICTS

PRINCIPAL USE

4.1.5 COMMERCIAL USES

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.1 Agricultural Use, Non-exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.2 Farm Stand, Non-exempt ¹	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.1.5.3 Animal Hospital or Animal Clinic	N	N	N	N	N	N	N	BA	BA	Y	BA	BA	N
4.1.5.4 Funeral Home	N	N	N	N	N	N	N	BA	BA	BA	N	N	BA
4.1.5.5 Motel or Hotel on five (5) acres or more	N	N	N	N	N	N	N	N	N	N	BA	BA	N
4.1.5.6 Retail sales and services, less than 10,000 square feet	N	N	N	N	N	N	N	Y	Y	Y ⁴	Y	Y	N
4.1.5.7 Retail sales and services, 10,000 square feet or more	N	N	N	N	N	N	N	N	N ⁵	Y ⁴	BA ⁶	BA ⁶	N
4.1.5.8 Motor Vehicle Sales and Rental; other open air sales	N	N	N	N	N	N	N	N	N	BA	N	N	N
4.1.5.9 Motor Vehicle General Repairs and Body Repair	N	N	N	N	N	N	N	N	N	BA	BA	BA	N
4.1.5.10 Motor Vehicle Light Service	N	N	N	N	N	N	N	BA	BA	BA	N	N	N
4.1.5.11 Car Wash	N	N	N	N	N	N	N	N	N	BA	N	N	N
4.1.5.12 Restaurant without entertainment, less than 10,000 square feet	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.13 Restaurant without entertainment, 10,000 square feet or more	N	N	N	N	N	N	N	PB	PB	Y	PB	PB	N
4.1.5.14 Restaurant with entertainment	N	N	N	N	N	N	N	PB	PB	PB	N	N	N
4.1.5.15 Fast Order Food Establishment	N	N	N	N	N	N	N	N	N	BA ⁷	N	N	N
4.1.5.16 Coffee Shop	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N

4.1.5.17 Ice Cream Parlor	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
4.1.5.18 Pet Care facility	N	N	N	N	N	N	N	N	N	N	N	Y	BA	BA	BA	N
4.1.5.19 Commercial boarding or training kennel; Commercial breeder kennel; Veterinary kennel	N	N	N	N	N	N	N	N	N	N	N	Y	BA	BA	BA	N
4.1.5.20 Professional Services Establishment	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y
4.1.5.21 Business Services Establishment	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y

DISTRICTS

PRINCIPAL USE

4.1.5 COMMERCIAL USES, CONTINUED

4.1.5.22 Office of doctor or dentist not a resident on premises	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y
4.1.5.23 Bank, Financial Institution	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
4.1.5.24 Commercial Recreation, Outdoor	N	N	N	N	N	N	N	N	N	N	N	BA	N	N	N	N
4.1.5.25 Commercial Recreation, Indoor	N	N	N	N	N	N	N	N	N	N	N	BA	BA	BA	BA	BA
4.1.5.26 Golf Course	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.27 Personal Services Establishment	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
4.1.5.28 General Services Establishment	N	N	N	N	N	N	N	N	N	N	N	BA	N	N	N	N
4.1.5.29 Campground, wildlife preserve, fishing grounds operated not for profit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.30 Printing/copy/publishing establishment, less than 4,000 square feet	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
4.1.5.31 Printing/copy/publishing establishment, 4,000 square feet or more	N	N	N	N	N	N	N	N	N	N	N	BA	Y	Y	Y	N
4.1.5.32 Major Business Development per Section 7.2	N	N	N	N	N	N	N	N	N	N	N	PB	PB	PB	PB	PB
4.1.5.32 Building Trade Shop in an establishment with less than 8,000 square feet	N	N	N	N	N	N	N	N	N	N	N	Y ⁸	Y	Y	Y	N
4.1.5.34 Building Trade Shop in an establishment with 8,000 square feet or more	N	N	N	N	N	N	N	N	N	N	N	BA	Y	Y	Y	N

PRINCIPAL USE	DISTRICTS													
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO	
4.1.5.35 Commercial laundry, dry cleaning, dye work, carpet cleaning	N	N	N	N	N	N	N	N	N	N	BA	BA	BA	N
4.1.5.36 Public Communications Use	N	N	N	N	N	N	N	N	N	BA ⁹	BA ⁹	BA ⁹	BA ⁹	N
4.1.5.37 Educational Use, Non-Exempt	N	N	N	N	N	N	N	BA	BA	Y	Y	Y	Y	N
4.1.5.38 Contractor's Yard	N	N	N	N	N	N	N	N	N	BA	BA	N	N	BA
4.1.5.39 Medical Marijuana Establishment per Section 7.4	N	N	N	N	N	N	N	N	N	N	N	N	N	BA
4.1.5.40 Non-Medical Marijuana Establishment	N	N	N	N	N	N	N	N	N	N	N	N	N	N
4.1.5.41 Fire Arms/Explosives Sales and Service	N	N	N	N	N	N	N	BA	BA	BA	BA	N	N	N
4.1.5.42 Taxi Service	N	N	N	N	N	N	N	N	N	BA	N	N	N	N
INDUSTRIAL USES														
4.1.6.1 Earth Material Movement per Section 7.1	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
4.1.6.2 Light Manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
4.1.6.3 Warehouse, wholesale or distribution facility without outdoor storage	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
4.1.6.4 Warehouse, wholesale or distribution facility with outdoor storage	N	N	N	N	N	N	N	N	N	BA	BA	BA	BA	N
4.1.6.5 Manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
4.1.6.6 Junkyard or Automobile Graveyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N
4.1.6.7 Research and Development	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y
4.1.6.8 Self-Storage or Mini-Storage Facility per Section 7.6	N	N	N	N	N	N	N	N	N	PB	PB	PB	PB	N
OTHER USES														
4.1.7.1 Pay-to-Park Outdoor Parking Facility	N	N	N	N	N	N	N	BA	BA	BA	BA	BA	BA	N

FINDINGS

In consideration of all of the testimony and exhibits and documents submitted before the Board, the Board makes the following findings of fact:

1. The Petitioner has received a Special Permit to utilize a single family home located at 31 Abbey Road as a design studio and sales office for a period of time not to exceed one year. The use is considered temporary and allowed only by Special Permit by the Board of Appeals, which is the granting authority.
2. The property is located within a new residential development of 40 age restricted condominiums permitted under the Open Space Residential Development bylaw and approved by Planning Board in 2019.
3. The Petitioner proposes to utilize the garage of the property as a design studio and office space to accommodate design and sales activities for the remaining residential units within the development.
4. The use is proposed to cease when sales of the residential development are completed. Sales are still ongoing.
5. The Petitioner has requested to extend the temporary use by one year.
6. The Petitioner's proposed amendment will not have a material adverse effect on the value of the land and buildings in the neighborhood, or on the amenities thereof, or be detrimental to the normal use of the adjacent property, and it will not be injurious or dangerous to the public health or hazardous because of traffic congestion, or other reason, and any adverse effects of the proposed use do not outweigh its beneficial aspects, all in view of the particular characteristics of the site and of the proposal in relation to that site.
7. The Petitioner has met all the requirements for a Special Permit amendment pursuant to the Westwood Zoning Bylaw.

DECISION and CONDITIONS

The Board of Appeals voted unanimously to grant the Petitioner's request to amend the Special Permit originally granted on February 28, 2020 upon the following conditions:

1. This Special Permit shall not take effect until a copy of the Decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and either that no appeal has been filed or that an appeal has been filed within such time period, is recorded in the Registry of Deeds and indexed

under the name of the property owner of record and the parcel address. A copy of these recordings shall be provided to the Building Commissioner, Town Clerk and the Board of Appeals.

2. The Special Permit shall expire in one (1) year from the date of this document. Prior to the expiration of the Special Permit, the Applicant may apply again for an extension of the Special Permit for a period not to exceed a total of three (3) years from the issuance of the original Special Permit on February 28, 2020.

RECORD OF VOTE

The following members of the Board of Appeals voted to grant the Special Permit amendment: John Lally, Douglas Stebbins and David Belcher.

The following members of the Board of Appeals voted in opposition to the grant of the Special Permit amendment: None.



RECEIVED

By Town Clerk at 10:00 am, Mar 19, 2021

WESTWOOD ZONING BOARD OF APPEALS

David Belcher

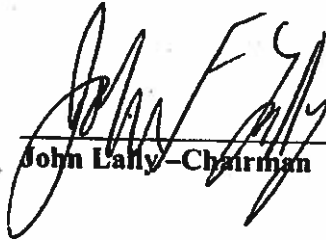
3/15/21
Date

31 Abbey Road



RECEIVED
By Town Clerk at 10:00 am, Mar 18, 2021

WESTWOOD ZONING BOARD OF APPEALS



John Lally - Chairman



Douglas Stebbins, Clerk

3/15/21
Date

31 Abbey Road