

Received April 22, 2021 @12:36 PM
Westwood Town Clerk
DECISION OF THE ZONING BOARD OF APPEALS
of the
TOWN OF WESTWOOD

PROPERTY OWNER(S): LAMBERT F G, G A JR TRS LAMBERT REALTY TRUST

PETITIONER(S): Edward Richardson, Esq.
735 Morrissey Blvd.
Boston, MA 02122

LAND AFFECTED: 216-310 Providence Highway
Westwood, Massachusetts 02090
Map 24, Lot 074

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, March 17, 2021 at 7:00 P.M. via remote participation at which time the testimony was received and the hearing was continued to Tuesday, April 13, 2021 at 7:00 P.M. via remote participation to consider the Petitioner's request for a variance pursuant to the Westwood Zoning Bylaw Sections §6.2.12.3 [Nonconforming Signs]. The application proposes to replace a nonconforming sign that was destroyed or damaged by casualty. The property is located in the SRB (Single Residential B) zoning district.

BOARD MEMBERS: John Lally, Chairman
Douglas Stebbins, Clerk
David Belcher

APPLICABLE SECTIONS OF THE WESTWOOD ZONING BYLAW

6.2.12 Nonconforming Signs.

- 6.2.12.1 Nonconforming signs and sign structures may continue to be maintained but shall not be reconstructed, remodeled, relocated, reworded or redesigned unless it is brought into conformity with all provisions of this Zoning Bylaw.
- 6.2.12.2 Nothing in this Section shall be deemed to prevent the repair and maintenance of a nonconforming sign including general maintenance, repainting and replacement of inoperative or deteriorated parts of the sign face. Supporting structures for nonconforming signs may be replaced, providing that such replacement brings the structure into more conformity as to height, setback and other requirements.
- 6.2.12.3 A nonconforming sign or sign structure which is destroyed or damaged by a casualty may be restored within six (6) months after such destruction or damage only after it is shown that the damage did not exceed fifty percent (50%) of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty percent (50%), it shall be removed and shall not be reconstructed or replaced unless such action brings the sign and sign structure into conformity with all provisions of this Zoning

Bylaw.

- 6.2.12.4 A nonconforming sign or sign structure shall be removed within thirty (30) days if the building or structure containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of the appraised value of the building.

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 Subject Property is located at 216-310 Providence Highway. Relief in the form of a Variance pursuant to Section §6.2.12.3 was requested. The Board of Appeals is the Variance Granting Authority.
2. The lot area of the Subject Property is 217,800 SF where 20,000 SF is required in the SRB (General Residential) zoning district.
3. The lot frontage of the Subject Property is 247.51' where 90' are required.
4. The Petitioner proposes to construct a sign to replace a pylon sign that was destroyed by a storm.
5. The Petitioner proposes to locate the new sign more closely in compliance with the dimensional requirements, where the previous sign was located within the public right-of-way along the highway.
6. The property, despite its location along Boston Providence Highway and commercial use, is located in the Single Family Residential B district. The Board finds this to be a unique circumstance of the property, subjecting it to a set of dimensional requirements and zoning criteria inconsistent with those affecting other similar properties located on Boston Providence Highway, which are zoned in the Highway Business District.
7. The sign as proposed is 175 square feet in area. The maximum for the Highway Business District is 100 square feet. The Board finds 100 square feet to be an appropriate maximum area for the sign to achieve consistency with other comparable properties along the highway.
8. Due to the commercial nature of the relief being requested on a residential property, reasonable conditions for lighting impacts may be imposed by the Board.
9. The property owner provided a commitment to the Board via email to Sarah Bouchard on April 12, 2021 (made part of this file and read into the record at the public hearing) that lighting fixtures (poles and building exterior) would be replaced to reduce lighting spread.
10. The Board specifically finds that owing to circumstances relating to the shape, soils or topography of this parcel and the structures thereon that especially affect such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the Petitioner and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw.

DECISION and CONDITIONS

The Board of Appeals voted unanimously to grant the Petitioner's request for a Variance from the Westwood Zoning Bylaw, Section 6.2.12.3 to replace a sign subject to the following conditions:

1. The Project shall be constructed in conformity with the submitted plot plan consisting of one (1) page, prepared by Miller Surveying Services, 60 Crosby Street, Quincy, MA 02169 and dated November 10, 2020, showing the exact proposed location of the new sign.
2. Project shall be consistent with the submitted design plan consisting of one (1) page, prepared by Walpole Signarama, 458 High Plain Street, Walpole, MA 02081. Petitioner shall submit an amended design plan to the Building Commissioner reflecting a reduction in overall size not to exceed 100 square feet.
3. The Petitioner shall pursue completion of the Project with reasonable diligence and continuity.
4. The Project shall be constructed in conformity with the sign requirements of the Highway Business District, including overall size and illumination.
5. The property owner shall complete lighting replacement as described via email submitted to the Board within 120 days of this decision.

This grant of variance shall be exercised in accordance with Section 10.4. entitled Variances and Section 10.4.9 entitled Lapse as follows:

10.4.9 **Lapse.** Any rights authorized by a variance which are not exercised within one (1) year from the date of grant of such variance shall lapse. The Board of Appeals, in its discretion and upon the written application of the Applicant, may extend the time for exercise of the variance for a period not to exceed six (6) months provided that the application for such extension is filed with the Board of Appeals prior to the expiration of the one (1) year period. If the request for an extension is not granted, the variance may be reestablished only after notice and new hearing pursuant to M.G.L. Chapter 40A, Section 10.

RECORD OF VOTE

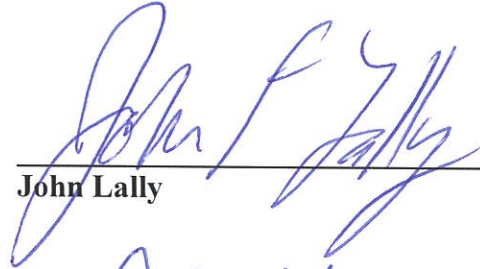
The following members of the Board of Appeals voted to grant the Variance for the above mentioned project: John Lally, Douglas Stebbins, and David Belcher.

The following members of the Board of Appeals voted in opposition to the grant of the Variance: None.


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John Lally



Douglas Stebbins

4/22/21

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David Belcher

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