

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

PROPERTY OWNER(S): Peter & Theresa Wierbinski

PETITIONER(S): Gerald Hebert
 55 Sixth Road
 Woburn, MA 01801

LAND AFFECTED: 461 Sandy Valley Road
 Westwood, Massachusetts 02090
 Map 15 Lot 010

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 Tuesday July 21, 2021 at 7:00 P.M. via remote participation to consider the Petitioner’s request for a special permit pursuant to the Westwood Zoning Bylaw Section §4.3.2.7 [Accessory Uses – Ground Mounted Solar]. The application proposes to install a ground mounted solar array. The property is located in the SRE (Single Residential E) zoning district.

BOARD MEMBERS: John Lally, Chairman
 Michael McCusker
 Danielle Button

APPLICABLE SECTIONS OF THE WESTWOOD ZONING BYLAW

	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.2 ACCESSORY USES IN ALL DISTRICTS													
4.3.2.7 Ground Mounted & Other Solar ³	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA

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 461 Sandy Valley Road. The property is located in the SRE (Single Residential E) zoning district.
2. The Petitioner is proposing to install a ground mounted solar array. A ground mounted solar array is allowed by special permit in the SRE district. The Board of Appeals is the Special Permit Granting Authority.

3. Any adverse effects of the Petitioner's proposed construction, as conditioned herein, will not outweigh its beneficial impact to the Town, or the neighborhood, in view of the particular characteristics of the site and the proposal in relation to that site.
4. The Petitioner's proposal, as conditioned herein, is not detrimental to public health, safety or welfare, and 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.
5. The Petitioner has met all the requirements for a Special Permit pursuant to the Westwood Zoning Bylaw.

DECISION and CONDITIONS

The Board of Appeals voted unanimously to grant the Petitioner's request for a Special Permit pursuant to Section 4.3.2.7 of the Westwood Zoning Bylaw and upon the following conditions:

1. The Project shall be constructed in conformity with the submitted site plan and design plans prepared by The Boston Solar Company, 55 Sixth Road, Woburn, MA 01801, dated June 21, 2021. The Applicant shall pursue completion of the Project with reasonable diligence and continuity.
2. The Applicant shall install a sufficient number of evergreen trees on the east, north, and west sides of the solar array, which trees shall be of sufficient height at the time of planting to adequately screen the solar array from view at normal eye level from neighboring properties and from Sandy Valley Road. Said trees shall be continuously maintained by the property owner and any dead or dying trees shall be replaced in kind for so long as the solar array remains in place.
3. 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.
4. **The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and any construction performed under the permit may be ordered to be undone.**
5. This Special Permit shall lapse within a specified period of time, of not more than two (2) years, which shall not include such time required to pursue or await the determination of the appeal referred to in Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause. Prior to the expiration of the Special Permit, the Applicant may apply for an extension of the Special Permit for a period not to exceed one (1) year if the substantial construction or use thereof has not commenced for good cause.

RECORD OF VOTE

The following members of the Board of Appeals voted to grant the Special Permit for the above-mentioned project: John Lally, Michael McCusker, and Danielle Button.

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

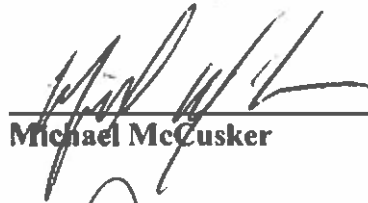


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WESTWOOD ZONING BOARD OF APPEALS



John Lally, Chairman



Michael McCusker



Danielle Button

Date 8/3/21

461 Sandy Valley Road

