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By Town Clerk at 3:05 pm, Nov 17, 2021

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

PROPERTY OWNER(S): Suez & George LLC

PETITIONER(S): George Kariotis on behalf of Property Owners
Suez & George LLC
37 Hunt Street
Watertown, MA 02472

LAND AFFECTED: 91 Mayfair Drive
Westwood, MA 02090
Map 20, Lot 86

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 20, 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 Sections §4.5.3.2.2 [Special Permit Alterations of Nonconforming Structures – Vertical Extension]. The application proposes to alter an existing nonconforming residential structure on a nonconforming lot. The lot is nonconforming due to insufficient frontage. The application proposes to construct a second floor addition that would raise the height of the structure within the side yard setback. The property is located in the Single Residential C (SRC).

BOARD MEMBERS: John Lally, Chairman
Michael McCusker
Linda Walsh

APPLICABLE SECTION OF THE WESTWOOD ZONING BYLAW

4.5.3.2 Special Permit Alterations of Nonconforming Structures. In the event that the Building Commissioner determines that a proposed alteration to a nonconforming structure does not meet the requirements of Section 4.5.3.1, the Board of Appeals may grant a special permit to make alterations to a nonconforming structure in accordance with this Section only if it determines that such alteration does not substantially increase the nonconforming nature of said structure and would not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of alterations to nonconforming structures may be considered for a special permit by the Board of Appeals:

4.5.3.2.1 Horizontal extension of an exterior wall at or along the same nonconforming distance within a required setback as the existing wall,

provided that existing height restrictions shall not be exceeded, regardless of whether the lot complies with current lot area and lot frontage requirements.

- 4.5.3.2.2 Vertical extension of an existing exterior wall at or along the same or greater distance from a lot line, provided that the structure has a building height of no more than twenty-five (25) feet, if constructed on a lot that does not comply with current lot area and/or lot frontage requirements, or a building height no greater than permitted by this Bylaw if constructed on a lot that complies with current lot area and/or lot frontage requirements.
- 4.5.3.2.3 Construction of an overhang, porch, portico, or similar decorative feature, which extends no further than four (4) additional feet into a required setback area, provided that the Board of Appeals makes a positive finding that the proposed design element is de minimis in nature and improves the aesthetic quality of the property.

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 91 Mayfair Drive within the Single Residential C (SRC) zoning district. The lot is non-conforming due to a lack of frontage (111.04' while 125' is required).
2. The Petitioners propose to construct a second floor addition that would raise the height of the western wall of the structure within the side yard setback, where such wall is located 10.55' from the side lot line where 20' required. The proposed house would have an average height of 22'-1 1/4" (where a maximum height of 25' is allowed), and would not encroach further into the setback than the current structure. Relief is required in the form of a Special Permit pursuant to Westwood Zoning Bylaw Section §4.5.3.2.2. The Board of Appeals is the Special Permit Granting Authority. No other zoning relief is required.
3. Any adverse effects of the Petitioners' proposed construction 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 Petitioners' proposal 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 Petitioners have 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 4.5.3.2.2 of the Westwood Zoning Bylaw and upon the following conditions:

1. The project shall be constructed in conformity with the submitted site plan titled "Plot Plan for Building Permit", prepared by Kenneth B. Anderson, PLS of Anderson Surveys, Inc. professional land surveyors, 800 High Street, Hanson, MA 02341, dated August 11, 2021, and with the design plans titled "Kariotis Residence Addition, 91 Mayfair Drive - Westwood, Massachusetts", prepared by Aesthetic Images of 7 Stimson Street, Boston, MA 02132, dated June 17, 2021 and consisting of nine (9) sheets including title page, EX1, A1, A2, A4, A5, A6 (basement and first floor), A6 (second floor and attic), and SK3.
2. The Petitioner shall pursue completion of the project with reasonable diligence and continuity.
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 Petitioner 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.

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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 Linda Walsh.

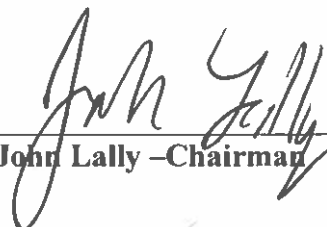
The following members of the Board of Appeals voted in opposition to the grant of the Special Permit: None.

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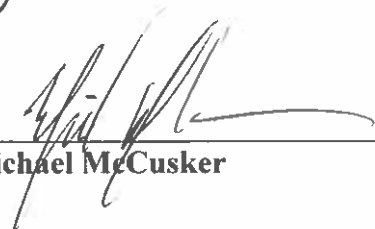
By Town Clerk at 3:06 pm, Nov 17, 2021




WESTWOOD ZONING BOARD OF APPEALS



John Lally - Chairman



Michael McCusker



Linda Walsh

11/17/2021

Date

91 Mayfair Drive