

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

PROPERTY OWNER(S): Route 1 Management Land Trust, LLC

PETITIONER(S): Joseph Geary on behalf of
GPI MA-FM, Inc. /dba/ Ira Mazda
420 Providence Highway
Westwood, MA 02090

LAND AFFECTED: 420 Providence Highway
Westwood, Massachusetts 02090
Map 24, Lot 083

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, November 17, 2021, at 7:00 PM via remote participation, to consider the GPI MA-FM, Inc. /dba/ Ira Mazda for a Special Permit pursuant to the Westwood Zoning Bylaw Sections §4.1.5.8 [Motor Vehicle Sales] and §4.1.5.9 [Motor Vehicle General Repairs]. The application proposes to replace the Special Permit which was issued to Clair International, Inc. on January 10, 2005, and which permit was amended or modified on September 18, 2007, May 13, 2011 and February 4, 2021, and which permit is currently held by AMR Auto Holdings-PA, LLC, and which permit currently allows for the operation of the Prime Mazda dealership. The new special permit will be issued to GPI MA-FM, Inc. /dba/ Ira Mazda. Said special permit will allow for the continued operation of the dealership on that property under the new ownership. No changes to the current operations are anticipated. The property is located in the Highway Business (HB) zoning district.

BOARD MEMBERS: Michael McCusker
Danielle Button
Sean Coffey

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

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'
4.1.3.7 Assisted Living Residence	N	N	N	N	N	N	N	N	N	N	N	N	BA'
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	Y	Y	Y	Y	Y	BA

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
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	BA	N	Y	Y	Y	Y	Y	Y
4.1.5.23 Bank, Financial Institution	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.24 Commercial Recreation, Outdoor	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	BA	BA	BA	BA	BA	BA
4.1.5.26 Golf Course	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	Y	Y	Y	Y	Y	N
4.1.5.28 General Services Establishment	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
4.1.5.30 Printing/copy/publishing establishment, less than 4,000 square feet	N	N	N	N	N	N	N	Y	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	BA	BA	Y	Y	Y	N
4.1.5.32 Major Business Development per Section 7.2	N	N	N	N	N	N	N	PB	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	Y ³	Y ³	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	BA	BA	Y	Y	Y	N
4.1.5.35 Commercial laundry, dry cleaning, dye work, carpet cleaning	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 ^o	BA ^o	BA ^o	N
4.1.5.37 Educational Use, Non-Exempt	N	N	N	N	N	N	N	BA	BA	Y	Y	Y	Y
4.1.5.38 Contractor's Yard	N	N	N	N	N	N	N	N	N	BA	BA	N	N
4.1.5.39 Medical Marijuana Establishment per Section 7.4	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
4.1.5.41 Fire Arms/Explosives Sales and Service	N	N	N	N	N	N	N	BA	BA	BA	BA	N	N
4.1.5.42 Taxi Service	N	N	N	N	N	N	N	N	N	BA	N	N	N

4.2 NOTES FOR TABLE OF PRINCIPAL USES

- 1 Accessory dwellings may be allowed to the extent expressly allowed by the special permit.
- 2 Open Space Residential Development shall be permitted in the SRB, SRC and SRE districts and the uses delineated in Article 8.0, Special Residential Development, Section 8.3, Open Space Residential Development, shall be the allowed uses in OSRD projects.
- 3 Non-exempt farm stands on municipal properties are permitted and exempt from BA special permit requirements.
- 4 For only retail sales and services in the Highway Business District that do not require a special permit pursuant to other sections of the Bylaw and do not involve Adult Uses
- 5 Except for a retail grocery store which may exceed 10,000 square feet.
- 6 Retail sales and services in the Industrial and Industrial-Office Districts between 10,000 square feet and 50,000 square feet shall require a special permit from the Board of Appeals. Retail sales and services over 50,000 square feet shall require only a special permit from the Planning Board pursuant to Section 7.2, Major Business Development.
- 7 In addition to meeting all other requirements for a special permit for a Fast Order Food Establishment in the Highway Business District, the Applicant shall be required to submit the opinion of a qualified professional expert, and the data upon which such opinion is based, showing to the reasonable satisfaction of the Board of Appeals that the facilities for on-site parking (taking into account all other uses and activities that share the premises with the proposed use) will be sufficient to serve the employees and customers of such establishment without encroaching upon or using neighboring streets or property.
- 8 A special permit from the Board of Appeals shall be required if there is outdoor storage of equipment or materials.
- 9 Does not include wireless communications facilities.

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 420 Providence Highway within the Highway Business (HB) District. A motor vehicle sales and service facility is allowed in the HB District upon issuance of a Special Permit pursuant to Sections §4.1.5.8 and §4.1.5.9 of the Westwood Zoning Bylaw. The Board of Appeals is the Special Permit Granting Authority.
2. The proposed use of the Subject Property includes Motor Vehicle Sales and Rental and Motor Vehicle General Repairs. These proposed uses were previously granted Special Permit relief by the Board in a decision dated January 10, 2005 which allowed for the operation of Clair International's Porsche and Audi dealership.
3. In 2007, the Special Permit was amended to reflect change of ownership of the dealership from Clair International to AMR Auto Holdings, PA – LLC.

5. The Special Permit is hereby granted to the Petitioner, GPI MA-FM, Inc. /dba/ Ira Mazda, and is not transferable to any other entity without the issuance of a new special permit.
6. This decision must be recorded at the Norfolk Registry of Deeds and/or, if applicable, filed with Norfolk Land Court Registry District, with proof of recording/filing furnished to the Board of Appeals and Town Counsel.
7. The Subject Property shall be used exclusively as a Mazda dealership for the sales, rental and service of new and used Mazda passenger and sport utility vehicles and their trade-ins. The Petitioner is specifically prohibited from using the Subject Property for the sales, rental and/or service of any other motor vehicle manufactured by any other company or corporation except for such vehicles as may be traded in for Mazda vehicles sold on site.
8. Parking of all vehicles shall be on site, and the Petitioner shall instruct all of their employees and business invitees to park their vehicles only on the Petitioner's site while working at or visiting that site.
9. Loading and unloading of all delivery vehicles shall be on site. The Petitioner is specifically prohibited from using Walper4 Street and Perwal Street for the loading and unloading of any deliveries.
10. The building, grounds and display aesthetics and function, including lighting and signage, shall be scrupulously maintained by the Petitioner, which maintenance shall be enforceable by the Town.
11. All shrubbery, plantings and other vegetation depicted on the Project Plans shall be planted and maintained as indicated thereon for so long as the Petitioner shall use the site as a Mazda dealership.
12. The road testing of all vehicles shall be on Route 1/Providence Highway and or Route 128 only. The public ways leading to Route 1/Providence Highway and Route 128 may be used for ingress and egress purposes only. Road tests are specifically prohibited on all private ways and/or adjoining properties.
13. The Petitioner shall perform snow plowing operations in a manner that will keep the snow on the Subject Property.
14. The Petitioner shall use wireless phones and pagers for on-site contact with personnel and outside announcements using a Public Address System, if any, shall be limited to contact of customers on an occasional, emergency basis.
15. The Petitioner shall not use "carnival atmosphere" promotions on site, which shall include banners, streamers, balloons, "sale" signs, or other marketing/advertising devices.
16. The Petitioner shall fully enclose the dumpster/trash and recycling area with appropriate sight impervious fencing and shall ensure that the doors to said enclosure remain closed at all times when the dumpster and/or recycling containers are not being actively filled or emptied.
17. The Petitioner's contract plans and specifications shall contain a written direction that all contractors use Route 1/Providence Highway as the access/egress road to the site.
18. The Petitioner's employees shall be notified in writing of the restrictions which apply to them as set forth hereinabove in paragraphs numbered 7, 11, 12, and 13, and shall be advised of the procedures in effect to enforce those restrictions. They will be advised that an employee who violates a restriction will



WESTWOOD ZONING BOARD OF APPEALS

Michael McCusker

Danielle Button

Sean Coffey

12/1/21

Date

420 Providence Highway