

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

PROPERTY OWNER(S): William and Lisa Murray

PETITIONER(S): Daniel Green on behalf of William and Lisa Murray
Westwood Green LLC
48 Glen Avenue
Newton, MA 02459

LAND AFFECTED: 31 Abbey Road
Westwood, MA 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 Massachusetts on Wednesday, March 16, 2022, 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], and extended by grant of a prior one-year extension by the Board on February 24, 2021. 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 beyond the original expiration date to February 28, 2022. The application proposes to further extend the temporary use by an additional year to February 28, 2023. The property is located in the SRC (Single Residence C) zoning district.

BOARD MEMBERS: John Lally, Chairman
Linda Walsh
Sean Coffey

APPLICABLE SECTIONS OF THE WESTWOOD ZONING BYLAW

SECTION 4.0 USE REGULATIONS

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
4.1.7 OTHER USES													
Temporary Structure, building or use not in conformance with this Bylaw, but not for more than one (1) year, or extended over more than a total of three (3) years ¹²	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA

4.2 NOTES FOR TABLE OF PRINCIPAL USES

¹² Except that short-term temporary uses or structures not otherwise prohibited, may be granted administrative approval for a period of up to six (6) months, at the discretion of the Building Commissioner. An application for administrative approval of a short-term temporary use or structure shall include a site plan and written description, including proposed timeframe, hours of operation, and anticipated parking needs. Applications for administrative approvals of short-term temporary uses or structures shall be distributed to the Town Administrator, Town Planner, and Select Board for review and comment prior to approval. Following approval, the Building Commissioner may permit one (1) extension for an additional period of up to six (6) months, but no temporary use or structure shall be allowed to continue beyond one (1) year unless in conformance with a special permit granted by the Zoning Board of Appeals.

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. A Special Permit was granted by the Board on February 28, 2020, 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. A one-year extension of said Special Permit was granted by the Board on February 24, 2021. 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 42 age restricted condominiums permitted under the Open Space Residential Development bylaw and approved by Planning Board in 2019 and 2021.
3. The Petitioners propose to continue the utilization of 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 Petitioners have requested to further extend the temporary use by one additional year.

6. The Petitioners' 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 Petitioners have 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 Petitioners' request to amend the Special Permit originally granted on February 28, 2020, and previously amended on February 24, 2021, 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 on February 28, 2023, without opportunity for further extension.

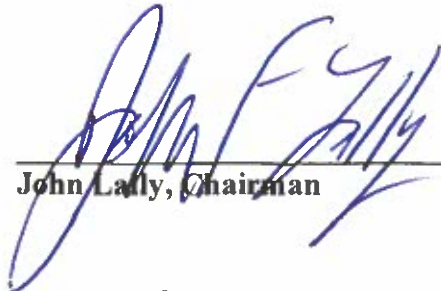
RECORD OF VOTE

The following members of the Board of Appeals voted to grant the one-year extension of the Special Permit for the above mentioned project: John Lally, Linda Walsh, and Sean Coffey.


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



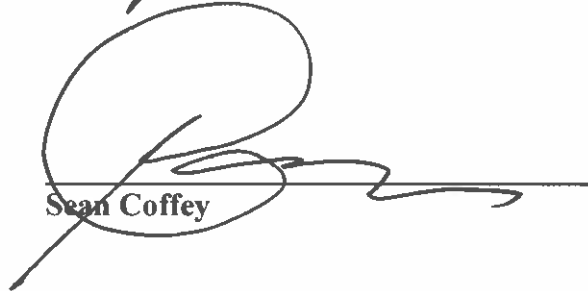
WESTWOOD ZONING BOARD OF APPEALS



John Lally, Chairman



Linda Walsh



Sean Coffey

4/11/22
Date

31 Abbey Road