

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

PROPERTY OWNER(S): Peter & Theresa Wierzbinski

PETITIONER(S): David S Picazio on behalf of Peter & Theresa Wierzbinski
55 Sixth Road
Woburn, MA 01801

LAND AFFECTED: 461 Sandy Valley Road
Westwood, Massachusetts 02090
Map 15, Lot 10

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, February 16, 2022 at 7:00 P.M. via remote participation to consider an application filed by Petitioner David Picazio, of Boston Solar, acting on behalf of Property Owners Peter Wierzbinski and Theresa Wierzbinski, to consider the Petitioners’ request to amend the Special Permit issued by the Zoning Board of Appeals following a public hearing on July 21, 2021, for which a Decision was recorded in the Office of the Town Clerk on August 3, 2021. The Petitioners requested changes to the Special Permit condition regarding landscape screening of the installed solar array. The Board continued the hearing to March 16, 2022, in order to allow the Petitioners to discuss a proposed interim screening measure with the Building Commissioner before returning to the Board to seek approval of an amended Special Permit which would permit the proposed interim screening measure. The property is located in the (SRE) Single Residential Zoning District E.

BOARD MEMBERS: John Lally, Chairman
Linda Walsh
Sean Coffey

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 recently installed a ground mounted solar array pursuant to a Special Permit which was issued by the Board of Appeals as the Special Permit Granting Authority pursuant to Section 4.3.2.7 of the Westwood Zoning Bylaw, following a public hearing on July 21, 2021.

3. Condition 2 of the previously granted Special Permit decision, which was recorded in the Office of the Town Clerk on August 3, 2021, requires the Petitioners to 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.
4. The Town's Building Commissioner visited the site on several occasions and found that the planted evergreen trees do not adequately screen the solar array from view at normal eye level from neighboring properties and from Sandy Valley Road.
5. In accordance with the Building Commissioner's recommendation, the Petitioners filed a new petition with the Board to request an amendment of the previously issued Special Permit to change the above-referenced condition regarding landscape screening.
6. The Board opened a public hearing on the Petitioners' request on February 16th, at which time the Petitioners proposed installing an interim screening measure until the height of the planted evergreens is sufficient to adequately screen the solar array from view at normal eye level from neighboring properties and from Sandy Valley Road.
7. The Board continued the public hearing to March 16, 2022, in order to allow the Petitioners sufficient time to discuss the proposed interim screening measure with the Building Commissioner, and to display said interim screening measure on a plan which the Board could then incorporate into an amended Special Permit.
8. The Petitioners consulted with the Building Commissioner in early March and obtained his recommendation in favor of the proposed interim screening measure. The Building Commissioner then authorized the final inspection of the solar array with the understanding that the Petitioners would submit a plan displaying the interim screening measure and return to the Board on March 16th to present said plan and request an amendment of the Special Permit.
9. The Petitioners neglected to submit the required plan displaying the interim screening measures and failed to return to the Board for the continued hearing on March 16th.
10. The Board determined that there was insufficient information upon which to grant the requested Special Permit amendment.

DECISION and CONDITIONS

The Board of Appeals voted unanimously to deny the Petitioners' request for an amendment of the Special Permit which had previously been granted pursuant to Section 4.3.2.7 of the Westwood Zoning Bylaw.

RECORD OF VOTE

The following members of the Board of Appeals voted to deny the Special Permit: John Lally, Michael McCusker, and Danielle Button.

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



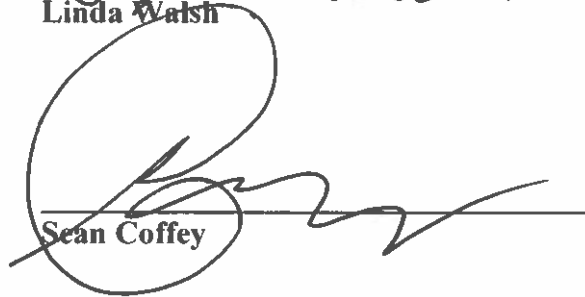
WESTWOOD ZONING BOARD OF APPEALS



John Lally, Chairman



Linda Walsh



Sean Coffey

4/11/22
Date

461 Sandy Valley Road