

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

PROPERTY OWNER(S): PAL Irrevocable Trust
Stephanie A Mayo Trustee
65 Aran Road
Westwood, MA 02090

PETITIONER(S): Christopher Kirby
P.O. Box 291
Norwood, MA 02062

LAND AFFECTED: 65 Aran Road
Westwood, MA 02090
Map 32, Lot 054

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, April 27, 2022 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 §4.3.3.2 [Accessory Uses – Motor Vehicle Storage]. The application proposes to construct a 24' x 30' one story detached two car garage. An existing two car garage is attached to the single family residence on the property. The proposed new two car garage would create a parking or storage area of more than three (3) motor vehicles on the property. The property is located in the Single Residential B (SRB) zoning district.

BOARD MEMBERS: John Lally, Chairman
Danielle Button
Mark Callahan

APPLICABLE SECTIONS OF THE WESTWOOD ZONING BYLAW

4.3 ACCESSORY USES

4.3.1 **Table of Accessory Uses.** The Table of Accessory Uses designates which Accessory 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".

ACCESSORY USE

DISTRICTS

SRA SRB SRC SRD SRE GR SR LBA LBB HB I IO ARO

4.3.3 ACCESSORY USES IN RESIDENTIAL DISTRICTS

4.3.3.2 Private garage and/or the parking or storage area of more than three (3) motor vehicles, or of more than one (1) commercial vehicle with a gross vehicle weight of less than 26,000 pounds, but only where in connection with a Principal Use on the same premises.

BA BA BA BA BA BA BA N N N N N N

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 65 Aran Road within the Single Residence B (SRB) District. The property contains a single-family residential structure with an attached a 2-car garage.
2. The Petitioner proposes to construct a 24' x 30' one story detached two car garage. An existing two car garage is attached to the single family residence on the Subject Property. Since the proposed detached 2-car garage, in combination with the existing 2-car attached garage, would provide the ability to park and/or store more than three (3) motor vehicles on the parcel, the project will require a Special Permit pursuant to Section 4.3.3.2. The Board of Appeals is the Special Permit granting authority.
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' proposed construction 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 Petitioners' request for a Special Permit pursuant to Section 4.3.3.2 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 65 Aran Road in Westwood, MA" prepared by Michael P. Clancy of C & G Survey Company, 37 Jackson Road, Scituate, MA 02066, dated July 28, 2021 and last revised February 14, 2022 and plans titled "65 Aran Road Westwood, MA 02090" prepared by CM Kirby Engineering, PLLC P.O. Box 291, Norwood, MA 02062, dated March 2, 2022, consisting of two (2) sheets titled Drawing No.3 and Drawing No. 4.
2. The Petitioners shall install plantings and/or fencing on the west side of the detached garage to make the area more visually appealing to the neighboring properties, but said plantings and/or fencing are not expected to fully screen the garage. Said plantings and/or fencing shall be continuously maintained by the property owner and any dead or dying plantings shall be replaced in kind.
3. The Petitioners shall pursue completion of the project with reasonable diligence and continuity.
4. The Petitioners shall fully comply will all conditions of other local permits and approvals, including all conditions of approvals which have been or may be granted by the Westwood Planning Board and the Westwood Conservation commission.
5. 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.
6. **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.**
7. 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 Petitioners 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, Danielle Button and Mark Callahan.

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



WESTWOOD ZONING BOARD OF APPEALS



John Lally, Chairman



Danielle Button



Mark Callahan

5/13/22
Date

65 Aran Road