

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

**PROPERTY OWNER(S): CS Fund 1 WGC Owner LLC**

**PETITIONER(S):** Joon Lee on behalf of  
CS Fund 1 WGC Owner LLC  
730 11<sup>th</sup> Street NW  
Washington D.C. 20001

**LAND AFFECTED:** 21 Westwood Glen Road  
Westwood, Massachusetts 02090  
Map 14, Lot 069

**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 August 17, 2022 at 7:00 P.M. via remote participation to consider the Petitioner's request to amend the special permit filed with the Town Clerk on December 17, 1970 and later modified on April 8, 1971, for the land between High Street, Churchill Road and Fox Hill Street, now known as 21 Westwood Glenn Road. The Petitioner seeks to amend the age restriction for occupancy limited to persons who have reached, or who reside with a spouse who has attained the age of sixty-two (62) years to persons who have reached, or who reside with a spouse who has attained the age of fifty-five (55) years. Petitioner also seeks to build a community center and renovate two existing offices to covert to affordable apartments. The property is located in the Special Residence (SR) zoning district.

**BOARD MEMBERS:** John Lally, Chairman  
Michael McCusker  
Linda Walsh

**APPLICABLE SECTIONS OF THE WESTWOOD ZONING BYLAW**

The original Special Permit was granted on December 17, 1970 and subsequent modification granted on April 8, 1971 were pursuant to former Westwood Zoning Bylaw Section 7A [Special Residence Districts].

**8.4 RESIDENTIAL RETIREMENT COMMUNITY (RRC)**

**8.4.1 Special Permit Required.** A Residential Retirement Community shall require the issuance of a special permit by the Board of Appeals in compliance with the provisions of this Section.

**8.4.2 General.** A RRC is a development of land comprising townhouse or apartment type

dwellings, under-over type dwellings, multiple type dwellings, or any combination of such housing types, with resident services, operated or sponsored by a corporation or organization having among its principal purposes the provision of housing for retired and aging persons. Such facility may also include assisted living residence/skilled nursing facility. The program of resident services may include assisted living residence/skilled nursing, transportation, laundry, financial, barber/beautician, medical evaluation, home health, adult day care and respite care services, meals on wheels, both scheduled and unscheduled exercise, recreational and educational activities, and other similar services or activities. These programs and services will be primarily for the benefit of residents of the RRC and/or the Town.

8.4.3 **Restrictions.** A RRC shall be subject to the following restrictions:

8.4.3.1 **Age Limitation.** Occupancy of dwelling units shall be limited to persons who have reached the age of sixty-two (62) years and any close relative of a person who has reached the age of sixty-two (62) years, residing with such person. For purposes hereof, “close relative” shall mean a lineal ancestor, lineal descendant, brother, sister, aunt or uncle, and shall include a person so related by legal adoption and by the half blood.

8.4.3.2 **Lot Area.** The minimum lot area shall be five (5) acres.

8.4.3.3 **Lot Frontage.** The minimum lot frontage shall be one hundred sixty (160) feet.

8.4.3.4 **Building Height.** The maximum building height shall be no more than 65 feet as set forth in the definition of “Building Height” contained in Section 2.0 of this Bylaw measured by the vertical distance from grade plane to the average height of the highest roof surface.

8.4.3.5 **Density Limitation.** The total number of dwelling units within a RRC shall not exceed five dwelling units per acre or one and one-half (1½ ) nursing facility beds per acre.

8.4.3.6 **Affordability Requirements.** Where any project authorized under a RRC Special Permit will result in the development of at least eight (8) new dwelling units, the minimum number of dwelling units specified in the table below shall be restricted to meet the definition of Affordable Housing in Section 2.0 of this Bylaw and in the Rules and Regulations. All such affordable dwelling units shall be contained within the RRC unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town’s housing needs after consultation with the Westwood Housing Partnership and the Westwood Housing Authority. The affordable dwelling units authorized under the provisions of this Bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or affordable dwelling units developed under

additional programs adopted by the Commonwealth of Massachusetts or its agencies. All said dwelling units shall count toward Westwood's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended and all affordable dwelling units shall remain affordable in perpetuity.

<u>Total Number of Dwelling Units</u>	<u>Minimum Number of Affordable Dwelling Units</u>
1 to 7 units	0
8 to 9 units	1
10 to 15 units	2
16 to 22 units	3
23 to 26 units	4
27 or more units	15% of the total number of dwelling units, rounded up to the next whole number

- 8.4.4 **Procedures.** An application for a special permit for a RRC shall be filed in accordance with the rules and regulations of the Board of Appeals.
- 8.4.5 **Plans.** An application for a special permit for a RRC shall submit a plan in conformance with the rules and regulations of the Board of Appeals.
- 8.4.6 **Decision.** A special permit for a RRC shall be granted by the Board of Appeals, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.
- 8.4.7 **Compliance with Subdivision Rules and Regulations.** Nothing contained herein shall in any way exempt a proposed RRC involving a subdivision from compliance with the rules and regulations of the Planning Board governing the subdivision of land or the rules and regulations of any other Town board having jurisdiction. Nor shall this Section in any way affect the right of the Board of Health and of the Planning Board to approve, with or without modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the Subdivision Control Law.

## **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 21 Westwood Glen Road. Relief in the form of an amended Special Permit was requested. The Board of Appeals is the Special Permit Granting Authority.
2. A Special Permit was granted to the subject property on December 17, 1970 and subsequent modification granted on April 8, 1971 pursuant to former Westwood Zoning Bylaw Section 7A [Special Residence Districts] to build housing for the elderly.
3. The Petitioner proposes to amend the Special Permit to build a new 2220 sq. ft. Community Center and renovate two existing offices to covert to affordable apartments.
4. The Petitioner also seeks to amend the age restriction for occupancy limited to persons who have reached, or who reside with a spouse who has attained the age of sixty-two (62) years to persons who have reached, or who reside with a spouse who has attained the age of fifty-five (55) years.
5. This Project requires an Environmental Impact and Design Review for the proposed construction of the new Community Center building.
6. The Board has given full consideration to the local conditions that affect and may be affected by the Petitioner's proposed amendment, and having particular expertise in said local conditions, have taken a view that any adverse effects of the Petitioner's 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.
7. The Petitioner has 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 to amend the Special Permit pursuant to current Section 8.4 of the Westwood Zoning Bylaw subject to the following conditions:

1. The Project shall be constructed in conformity with the submitted site plan titled "Westwood Glen Commons 21 Westwood Glen Road Westwood MA" prepared by Mistry Associates, Inc., 315 Main Street, Reading, MA 01867, dated December 16, 2020, and plans titled "Westwood Glen Road, Westwood, MA Proposed Site plan" dated January 1, 2016 and Elevations and Floor plans titled A0.0, A0.1, A1.1, A1.3 and A1.4 dated June 17, 2022 and apartment floor plans titled A1.1 And A1.2, dated June 27, 2022, prepared by Timothy Burke Architecture, 142 Berkeley Street, Boston, MA 02116.

2. The two new apartments shall be developed and maintained as affordable housing units, as defined in the Westwood Zoning Bylaw, and shall meet the requirements for low- and moderate-income housing as defined by the Massachusetts Department of Housing and Community Development (DHCD). The affordable units shall be affordable in perpetuity, shall count towards the Town's requirements under M.G.L. Chapter 40B, Sections 20-23, and shall be permanently listed on DHCD's Subsidized Housing Inventory (SHI). The Applicant shall submit a Local Action Unit (LAU) Application to DHCD, and a Regulatory Agreement for the affordable dwelling units shall be endorsed by the Westwood Select Board, Housing Partnership, and DHCD, and recorded at the Norfolk Registry of Deeds, prior to the issuance of a Certificate of Occupancy for either residential unit.
3. If the Project, or any Condition imposed in this Decision, requires permit, license, or other approval from any other board, committee, or agency of the Town of Westwood or other regulatory agency of the Commonwealth or the federal government, the Applicant shall make an appropriate application for the same, and shall obtain all required approvals prior to the start of any work.
4. The Petitioner shall pursue completion of the Project with reasonable diligence and continuity.
5. Petitioner shall satisfy Environmental Impact and Design Review application requirements to Planning Board. Approval of this Special Permit shall be subject to such conditions set forth by Planning Board's EIDR decision.
6. 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.
7. **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.**
8. 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 Applicants 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 in favor of the Petitioners' request for a Special Permit amendment: John Lally, Michael McCusker, and Linda Walsh.

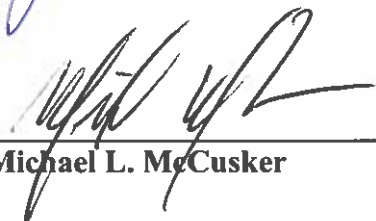
The following members of the Board of Appeals voted in opposition to the Petitioners' request for a Special Permit amendment: None.



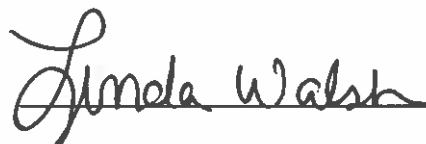
**WESTWOOD ZONING BOARD OF APPEALS**

  
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**John F. Lally, Chairman**

  
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**Michael L. McCusker**

  
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**Linda Walsh**

8/31/22  
Date

**21 Westwood Glen Road**