

**Zoning Board of Appeals  
Remote Participation, Zoom Video Conference Call  
Meeting Minutes –September 20, 2023**

**Members present:** Chair John Lally, Michael McCusker and Linda Walsh

**Staff Members Present:** Zoning and Licensing Agent Karyn Flynn

After experiencing some technical difficulties, the meeting was called to order by Chair John Lally at 7:10 pm. Ch. Lally gave a brief description of the proceedings, including a description of instructions for remote participation by the public. All those present for the meeting who anticipated giving testimony were sworn in.

**Address: Nahatan Street Map 29 Lot 206**

**Petitioner:** 405 Nahatan Street, LLC

**Project:** Variance pursuant to the Westwood Zoning Bylaw Section §5.2 [Table of Dimensional Requirements] of the Westwood Zoning Bylaw. The newly created lot is lacking in Minimum Non-Wetland Area. The required minimum Non-Wetland Area is 60,000 sq. ft., and the proposed lot has 48,959 sq. ft. The lot was created by an Approval Not Required (ANR) plan in September 2022. The lot is currently vacant and does not have an assigned street address. The property is located in the SRE (Single Residential E) zoning district.

Ch. Lally read the public hearing notice into the record and stated that the applicant's representative has requested a continuance to October 18, 2023 meeting.

*Mr. McCusker moved that the Westwood Zoning Board of Appeals grant the applicant's request to continue the public hearing for Nahatan Street Map 29 Lot 206 to October 18, 2023 on Zoom. The Motion was seconded by Ms. Walsh. Ch. Lally called a roll call vote; the Board voted unanimously via roll call grant the Continuance for Nahatan Street Map 29 Lot 206.*

**32-36 South West Park**

**Petitioner:** Dylan Pelz

**Project:** Special Permit pursuant to the Westwood Zoning Bylaw Section § 4.5.3.3 [Special Permit required for New or Expansion of Nonconformity]. The Petitioner is seeking a special permit after constructing a utility "shed" over the electric meters located on the exterior of the existing commercial building. Upon electrical inspection, it was determined that interior rated materials had been used on the outside of the building. The applicant was advised that for the meter equipment to remain, a structure must be constructed to protect the equipment from outside elements. The shed is located 6.5' from the side setback where 15' is required. The existing building side setback is nonconforming at 10.9'. The lot itself is non-conforming due to a lack of required frontage. The property is located in the HB (Highway Business) zoning district.

Ch. Lally read the public hearing notice and asked if the applicant was in attendance. Ms. Flynn stated that Dylan Pelz is present. Ch. Lally asked Mr. Pelz to present his application to the Board.

Mr. Pelz stated a while back they had started construction on 34 South West Park and needed to install an electric meter bank on the perimeter of the building. He stated that due to Covid and supply chain delays, our general contractor used a certain conduit to run the wires into the building. It was brought to our attention that a shed would need to be built to enclose the electrical meters. Mr. Pelz stated that the building is non-conforming as it sits 11 ft from the lot line and that they were told it would be ok and that we needed to come to you. He said so we built it and that they did not want to do it this way but had no other options due to Covid and supply chain delays.

Ch. Lally asked if the project had been before the Planning Board. Ms. Flynn stated the project had Administrative Environmental Impact Design Review (EIDR) with the Town Planner. The Building Commissioner determined that the review could be down by the Town Planner rather than going before the entire Planning Board.

Ch. Lally asked that applicant built the enclosure to the specifications of the Building Inspector and the Electrical Inspector. Mr. Pelz stated he did.

Ch. Lally then asked Mr. McCusker if he had any questions, and he responded that he did not. Ch. Lally then asked Ms. Walsh if she had any questions and she stated that she did not. Ms. Walsh did state that she wanted all Planning Board conditions to be incorporated into the decision.

Ch. Lally asked Ms. Flynn to open up the hearing to public comment. Ms. Flynn stated that there were no attendees in the audience beyond the panelists, no hands raised and no comments in the Question & Answer queue. Ch. Lally declared the hearing closed.

*Ms. Walsh moved that the Westwood Zoning Board of Appeals grant the special permit for 32-36 South West Park pursuant to the Westwood Zoning Bylaw Section §4.5.3.3 [Special Permit required for New or Expansion of Nonconformity] and to include the Planning Administrative EIDR conditions in the decision. The Motion was seconded by Mr. McCusker. Ch. Lally called a roll call vote; the Board voted unanimously via roll call grant the special permit for 32-36 South West Park.*

**Address: 425 Providence Highway**

**Petitioner:** Shane Oates of Independence Engineering

**Project:** Application to amend a Special Permit granted by the Westwood Zoning Board of Appeals on February 9, 2001 to construct and operate an automotive sales and service dealership for Mercedes Benz, and amended on September 18, 2007 to transfer permit to a new owner, and amended again on August 5, 2008, to modify Condition 5 (sale of non-Mercedes trade -ins) and Condition 6 (parking inventory). Petitioner proposes to demolish and reconstruct the front of the existing Mercedes-Benz dealership building, resulting in a new building footprint and reconfiguration of the existing parking lot. The approved dealership use is not changing however, a modification to the existing 2001 Special permit is necessary as the project proposes changes to the originally approved plans cited in the decision. The property is located in the HB (Highway Business) zoning district and within the Flexible Multiple Use Overlay District (FMUOD) and Wireless Communication Overlay District (WCOD).

Ch. Lally read the public hearing notice and asked if the applicant was in attendance. Shane Oates introduced himself and his team, stating Paula Devereaux as the attorney for the applicant and that she would do a brief introduction, Bryce Johnson is the project architect and Brad Johnson of Group 1 Auto is the applicant.

Ms. Devereaux stated she works for Pierce Atwood out of Boston and represents AMR Real Estate Holdings, the owners of the property. She stated that this application is for a modification to a special permit granted by this Board in 2001, stating they are seeking to change the footprint of the building with a small addition in the front and changes to the parking lot. Ms. Devereaux stated the uses will not change, and that the applicants have been before the Planning Board and received an Environmental impact Design Review approval on August 8, 2023 and have multiple conditions as part of that decision. A small portion of the addition is in Norwood and the project received approval from the Town of Norwood Planning Department as well. The Building Commissioner of Norwood has stated that he would rely on the Building Commissioner of Westwood to issue the permit as the majority of the work is in Westwood.

Ms. Devereaux then asked Mr. Oates to walk the Board through the project. Mr. Oates then shared his screen to show proposed elevations of the project, highlighting the new front entry to the building. Mr. Oates then showed the site plan to orient the Board to the different views and show the dashed town lines of Norwood and Westwood that go through the proposed front entry of the building. Mr. Oates stated the new addition will add 7,600 sq. ft to the building and the reconfiguration of the parking lot will lose a few parking spaces. The parking areas are being reconfigured to add additional landscaping. There will be a reduction in impervious area sq. footage on site and increasing the recharge of stormwater on site.

Ch. Lally stated that there will be a reduction on site parking from 495 spots to 463. Mr. Oates that sounds right. Ch. Lally you have been before the Planning Boards of Westwood and Norwood. Mr. Oates stated that they received approval from Norwood in June and Westwood in August as well as before the Town of Westwood Conservation Commission we just received stormwater approval and Land Disturbance.

Ch. Lally then asked Ms. Walsh if she had any questions. Ms. Walsh asked what area was being expanded with the addition. Mr. Oates stated there will be a new vehicle delivery area and the showroom. Ms. Walsh then asked where the lost parking spaces were on site. Mr. Oates stated the majority were in the front, showing the removal of the parking circle on the screen. Ms. Walsh then asked if they would be recoupled anywhere else on site and Mr. Oates stated no they would not.

Ch. Lally then asked Mr. McCusker if he had any questions. Mr. McCusker asked if employee parking and customer parking is listed on the site plan. Mr. Oates said that it is not, but employees park in to the rear and Mr. Johnson stated that all customer parking will be in the front of the building with ADA parking spaces and electric charge chargers. Mr. McCusker had no further questions.

Ch. Lally asked Ms. Flynn to open up the hearing to public comment. Ms. Flynn stated that there were no attendees in the audience beyond the panelists, no hands raised and no comments in the Question & Answer queue. Ch. Lally declared the hearing closed.

Mr. McCusker asked to clarify if the application was a Modification or an amended special Permit. Ms. Flynn stated that it is amended. Ms. Flynn then asked that the plans approved by the Planning Board be read in to the record. Mr. McCusker read the plans as follows;

1. "Site Development Plans for Group One Automotive – Mercedes-Benz", prepared by Independence Engineering, 33 Commercial Street, Raynham, MA 02767, dated March 14, 2023 and revised through August 8, 2023, consisting of 15 sheets
2. Architectural plan set entitled "Mercedes-Benz of Westwood", prepared by Johnson + McLean x Design, LLC (J+MxD), Fernandina Beach, FL and Woodland Park, CO, dated August 5, 2022, consisting of 16 sheets
3. Architectural plan with town boundary entitled "Architectural Site Plan with Town Line (20230329), prepared by Johnson + McLean x Design, LLC (J+MxD), dated March 29, 2023, consisting of one (1) sheet

*Mr. McCusker moved that the Westwood Zoning Board of Appeals grant the amended special permit for 425 Providence Highway to include the Planning Board approved plans read into the record. The Motion was seconded by Ms. Walsh.*

*Ch. Lally called a roll call vote; the Board voted unanimously via roll call grant the amended special permit for 425 Providence Highway.*

**Address: 340 Providence Highway**

**Petitioner: Aston Martin Boston**

**Project:** Application to amend a Special Permit and Variance granted by the Westwood Zoning Board of Appeals on July 15, 2009 and recorded in the Office of the Town Clerk on August 3, 2009 and amended on September 11, 2009, corrected on October 9, 2009 and amended again on November 16, 2012. The original Special Permit was granted pursuant to previous Westwood Zoning Bylaws Sections §4.5.2.1 [Change or substantial extension of the use] and 6.2.17 [Special Permit]. The original Variance was granted pursuant to previous bylaw Section §6.2.6 [Permitted Signs in Residence Districts]. Petitioner is proposing to amend the Special Permit and Variance associated with the operation of an automobile dealership, as well as illuminated manufacturer brand wall signs and pylon signage at the existing commercial building located at 340 Providence Highway. The property is located in the Single Residence B (SRB) zoning district.

Ch. Lally read the public hearing notice and asked if the applicant was in attendance. Ms. Flynn stated that the Attorney for the applicant, David Hearn is present. Mr. Hearn introduced himself as from Gelerman and Cabral at 3 Walpole Street in Norwood representing Aston Martin Boston. Mr. Hearn stated the application was to amend a Special Permit and

Variance first granted in 2009 and amended several times after with the last time being in 2012. This property is located in the Residential B zone and surrounded by many other commercial properties. The property has been used for various motor vehicles businesses throughout the years. He stated his client would like to operate an Aston Martin Boston dealership for sales and leasing. The facility will be a showroom and sales, with light detailing of vehicles. Repairs and service will take place off site at 981 Providence highway, a property leased by the applicant. The applicant anticipates having four employees on site.

Mr. Hearn stated the use of the dealership is very similar to businesses located on the property in the past. He said that they were also asking to add a sign to the front of the building. This sign would be temporary until the manufacturer complete the final sign package. The client understands that they will need to return to the board for approval at that time. He said they would like to request that exterior lights other than security lighting shall be turned off one (1) hour after close of business. Mr. Hearn noted his client owns the Cadillac business in Norwood and is very familiar with the need to lower lights as to not interfere with the residential neighbors. My client has worked with town staff and believe everything is in order.

Ch. Lally stated that the sign being discussed this evening is replacing the previously approved 4' X 20' with a 2'X 48' temporary sign. Mr. Hearn asked to display the picture of the temporary sign. He stated they sign itself depict the Aston Martin logo and the text reads Aston Martin Boston and that this is the only sign being requested at this time.

Ch. Lally asked Mr. McCusker if he had any questions. Mr. McCusker asked if there will be any pylon signs. Mr. Hearn stated that they do not know yet. When the manufacturer has completed the sign package they realize it will require, Building Planning and Zoning Board review.

Ch. Lally asked Ms. Walsh if she had any questions. Ms. Walsh asked if the sign the only thing being voted on this evening. Ms. Flynn stated the application is to amend the existing special permit and variance for Aston Martin Boston as the original was for Enterprise Rent a car and to add a temporary sign to the existing sign variance.

Ms. Walsh asked if the dealership was operating. Ms. Hearn said they were granted conditional approved by the Select Board. The condition being approved by the ZBA, so they are storing cars on site until they clear the 20-day appeal period from the decision. Ms. Walsh was asking the need for a temporary sign until the other signs are designed. Mr. Hearn stated that process of design review approvals will take a lot of time. This way they can advertise the dealership and get operational sooner. He stated the temporary sign would be a way to advertise to the public as they wait for the other information.

Ms. Flynn stated that she also handles the Licensing for the Town and the Select Board did issue a Class I Dealer license to Aston Martin Boston, conditioned that they get approval for the amended special permit and variance with the ZBA and complete a successful appeal period. Once I get the receipt for the recorded decision at the Registry of Deeds I can issue the dealer license.

Ms. Walsh asked if there is a time frame for coming back before the Board will final sign plans. Mr. Hearn said that it has been very frustrating to get information and he does not have a timeframe. Ms. Walsh then asked if a condition of a timeframe to reappear should be added to the decision. Ms. Flynn stated that a condition could be added, but it is in the best interest of Aston Martin Boston to get the new signage as soon as possible. Mr. Hearn stated that they want to come back to the Board as soon as possible and also understand Ms. Walsh's concern.

Ms. Walsh stated that she agreed that Aston Martin Boston is a reputable company and a condition is not necessary but would like Mr. Hearn to advise his client of her concerns. Mr. Hearn stated he would.

Ch. Lally asked Ms. Flynn to open up the hearing to public comment. Ms. Flynn stated that there were no attendees in the audience beyond the panelists, no hands raised and no comments in the Question & Answer queue. Ch. Lally declared the hearing closed.

*Mr. McCusker moved that the Westwood Zoning Board of Appeals grant the amended Special Permit and Variance for 340 Providence Highway. The Motion was seconded by Ms. Walsh. Ch. Lally called a roll call vote; the Board voted unanimously via roll call grant the amended special permit and variance for 340 Providence Highway.*

**Vote to Approve Meeting Minutes**

Ch. Lally stated that the minutes for July 19, 2023 meetings were completed and ready for approval.

*Ms. Walsh moved that the Westwood Zoning Board of Appeals approve the meeting minutes from the August 16, 2023 meeting. The Motion was seconded by Mr. McCusker. Ch. Lally called a roll call vote; the Board voted unanimously in favor to approve meeting minutes from the August 16, 2023 meetings.*

**Vote to Adjourn Hearing**

On a motion by Ms. Walsh, seconded by Mr. McCusker, the Board voted unanimously on a roll call vote to adjourn the meeting at 8:01 pm.

**List of Documents:**

- Nahatan Street Map 29 Lot 206 -continued without discussion to October 18, 2023 meeting  
Zoning Board application; plans and associated attachments
- 32-36 South West Park  
Zoning Board application; plans and associated attachments
- 425 Providence Highway  
Zoning Board application; plans and associated attachments
- 340 Providence Highway  
Zoning Board application; plans and associated attachments