

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

**PROPERTY OWNER(S):** Heidi and Brandon Rodriguez

**PETITIONER(S):** Heidi Rodriguez  
16 Chamberlain  
Westwood, MA 02090

**LAND AFFECTED:** 16 Chamberlain Avenue  
Westwood, Massachusetts 02090  
Map 27, Lot 160

**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, November 15, 2023 at 7:00 PM via remote participation to consider the Petitioner's request for a special permit pursuant to Sections § 6.3.10. The petitioner proposes to construct a retaining wall to the rear and side of the property. The wall is shown to be 8' from the low side grade to the top at its highest point. The portion of the wall on the south side of the property is located 2.2' from the side lot line. At the rear, the wall is consistently located 3.3' from the lot line. The proposed 3' high fence/guardrail at the top of the wall is not considered when calculating the height as it is a building code required item, as there will be a drop of more than 30" within 36" of a walking surface. The property located in the Single Residential C (SRC) zoning district.

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

**APPLICABLE SECTION OF THE WESTWOOD ZONING BYLAW**

**6.3 ENCLOSURE, SCREENING AND BUFFERS**

6.3.10 **Perimeter Fence Special Permit.** The Board of Appeals may grant a special permit to install a freestanding fence a maximum of eight (8) feet in height, or a fence installed on or immediately adjacent to a wall such that the fence and wall together have a combined height of a maximum of eight (8) feet, measured from the lowest point of grade adjacent to the fence or combined wall and fence, only upon its written determination that the adverse effects of the project will not outweigh its beneficial impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to the site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

- 6.3.10.1 degree to which existing landscaping, vegetation and other screening will be maintained;
- 6.3.10.2 proximity to abutting residences;
- 6.3.10.3 proximity to heavily traveled roadways; and
- 6.3.10.4 consistency with the interests of public safety, particularly sight distances for traffic visibility.

### **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 Petitioner requested zoning relief in the form of a Special Permit pursuant to the Westwood Zoning Bylaw Sections §6.3.10 [Perimeter Fence Special Permit ].
2. Prior to the Board of Appeals meeting on November 15, 2023, the Petitioner requested to withdraw the application without prejudice.

### **DECISION**

The Board of Appeals voted unanimously to grant the Petitioners' request for leave without prejudice.

### **RECORD OF VOTE**

The following members of the Board of Appeals voted to grant the Petitioners' request for leave without prejudice: John Lally Michael McCusker and Linda Walsh.

The following members of the Board of Appeals voted to deny the Petitioners' request for leave without prejudice: None.



Received November 21, 2023@2:31PM  
Westwood Town Clerk

**WESTWOOD ZONING BOARD OF APPEALS**

  
\_\_\_\_\_  
**John F. Lally, Chair**

  
\_\_\_\_\_  
**Michael McCusker**

  
\_\_\_\_\_  
**Linda Walsh**

11/21/23  
**Date**

**16 Chamberlain Avenue**