

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

PROPERTY OWNER(S): Rahul R. Mutha

PETITIONER(S): Luis DiazGranados
15 Cypress Street, Suite 301
Newton, MA 02482

LAND AFFECTED: 229 High Street
Westwood, MA 02090
Map 05, Lot 038

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, December 20, 2023 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 Petitioner proposes to construct a new single-family home with an attached 4-car garage. The property is located in the Single Residential E (SRE) zoning district.

BOARD MEMBERS: John Lally, Chair
Michael McCusker
Linda Walsh

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 229 High Street within the Single Residence E (SRE) District. The property is currently vacant, having a previous single-family residence demolished.
2. The Petitioner proposes to construct a new single-family home with an attached 4-car garage. 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 substantial conformity with the submitted site plan titled "Permit Set-229 High Street Residence in Westwood, MA" prepared by Munden Engineering, P.O. Box 990211, Boston, MA 02199, dated April 6, 2021 and last revised September 20, 2021, consisting of 6 sheets titled: Sheet 1 of 6, Sheet 2 of 6, Sheet 3 of 6, Sheet 4 of 6, sheet 5 of 6 and Sheet 6 of 6 and design plans titled "229 High Street Design Development" prepared by ARCO Design Build, 15 Cypress Street, Suite 301, Newton Center, MA 02451, dated November 7, 2023 consisting of 7 sheets titled: A1-01, A-1.02, A1-03, A-2.00, A-2.01A-2.02 and A-2.03.
2. The Petitioners shall pursue completion of the project with reasonable diligence and continuity.
3. 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.
4. 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.
5. **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.**
6. 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

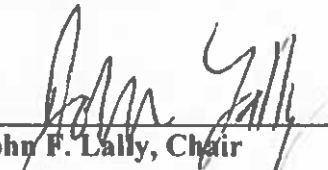
The following members of the Board of Appeals voted to grant the Special Permit for the above-mentioned project: John Lally, Michael McCusker and Linda Walsh.

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

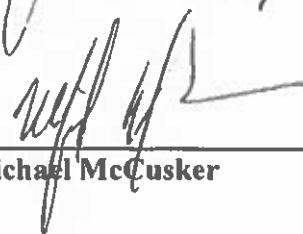


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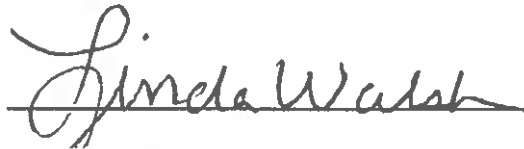
WESTWOOD ZONING BOARD OF APPEALS



John F. Lally, Chair



Michael McCusker



Linda Walsh

12/28/23
Date

229 High Street