

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

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By Town Clerk at 8:59 am, Feb 16, 2024

PROPERTY OWNERS: P.T. Realty Investors LLC

PETITIONER: P.T. Realty Investors LLC
2 Warthin Circle
Norwood, MA 02062

LAND AFFECTED: 490 Gay Street
Westwood, Massachusetts 02090
Map 15 Lot 024

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 February 14, 2024 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 §8.1[Conversion of One-Family Dwelling]. Petitioner proposes to convert the existing single-family home at 490 Gay Street to a two-family dwelling. 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

SECTION 8.0 SPECIAL RESIDENTIAL REGULATIONS

8.1 CONVERSION OF ONE-FAMILY DWELLING

8.1.1 **Purposes.** The purposes of this section are as follows:

- 8.1.1.1 to preserve culturally, historically, or architecturally significant residential structures of value to the community;
- 8.1.1.2 to encourage the preservation of community character through the maintenance of existing residential properties and their surrounding landscapes;
- 8.1.1.3 to offer greater housing choice by allowing varied mixes of housing type, compatible with community character.

- 8.1.2 **Special Permit Required.** Upon the grant of a special permit by the Board of Appeals, the conversion and/or use of a one-family dwelling to a dwelling for not more than two (2) families may be authorized, provided that such one-family dwelling was constructed on or before December 31, 1938, and provided that the exterior character of the property remains consistent with that of a single-family dwelling, and provided that no accessory apartment is in existence on the same property pursuant to Section 8.5 of this Bylaw.
- 8.1.3 **Alterations, Relocations, or Additions.** The Board of Appeals may allow for the alteration or relocation of a structure proposed for conversion under this section, and may allow for the construction of one or more additions to said structure, if in the Board's determination, the proposed alteration, relocation, or addition does not significantly change the exterior character of the property.
- 8.1.4 All applications for a special permit pursuant to this Section shall be acted upon in the order in which they are filed. The maximum number of special permits to be issued and in effect shall not exceed one percent (1%) of the current number of single-family and two-family dwelling units in Town.

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 490 Gay Street and presently the lot contains a single-family dwelling. The property is located in the Single Residence E (SRE) Zoning district.
2. The lot area of the subject parcel is 14.4 acres where 80,000 sq. ft. is required.
3. The existing single-family dwelling on the subject property was constructed in 1850 and no accessory apartment is in existence on the same property pursuant to Section 8.5 of this Bylaw.
4. A 1996 Accessory Apartment Special permit issued to the previous property owner has been deemed "null and void" by the Building Commissioner due to the home being vacant for more than 90 days when the Petitioner purchased the property in March 2022. The property had gone through multiple renovations through the years and the apartment no longer meets the accessory apartment dimensional requirements and also does not meet the number of egress requirements in Section §8.5 of Westwood Zoning Bylaw.
5. There are no exterior renovations or additions proposed to the existing structure and the exterior character of the of subject property will remain consistent with that of a single-family dwelling.
6. The maximum number of single-to two-family dwelling conversion special permits issued and in effect is under the maximum 1% of the total single and two-family units in town as stated in Section§ 8.1 of the Westwood Zoning Bylaw.
7. The Petitioner shall replace one existing interior door between the apartment and the main house hallway with a fire rated door to create fire resistance separation between the two dwellings.

8. Any adverse effects of the Petitioner’s proposal 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.
9. The Petitioner’s proposal 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.
10. The Petitioner has met all the requirements for a Special Permit pursuant to the Westwood Zoning Bylaw.

WAIVERS

The Zoning Board of Appeals considered the request for the specific waiver listed below and determined that granting the request will not nullify or substantially derogate from the intent or purpose of the Rules and Regulations of the Westwood Zoning Board of Appeals. The following waiver is hereby granted by the Zoning Board of Appeals on a roll call vote upon a determination that it was not necessary for this application:

1. Waiver from Section 6A Certified Plot plan requirement: Title block containing the property address and property record owner.

DECISION and CONDITIONS

The Board of Appeals voted unanimously to grant the Petitioner’s request for a Special Permit pursuant to Sections §8.1 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, “Plan of Land Westwood, Massachusetts” prepared by GLM Engineering Consultants, Inc., 19 Exchange Street Holliston, MA 01746, dated March 30, 2023, and last revised April 6, 2023 design plans titled “Existing Floor Plans 490 Gay Street-Westwood, MA Application to Convert One-Family Dwelling Westwood Zoning Bylaws-Section 8.1” prepared by P.T. Realty Investors LLC dated January 20, 2024 consisting of three (3) sheets titled: First Floor, Second floor and Floor 3.
2. The Petitioner shall replace the existing interior door between the apartment and the main house hallway with a fire rated door to create fire resistance separation between the two dwellings.
3. The Petitioner shall pursue completion of the Project with reasonable diligence and continuity.
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 Petitioner 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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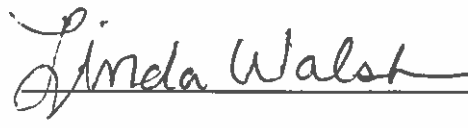
WESTWOOD ZONING BOARD OF APPEALS



John F. Lally, Chair



Michael McCusker



Linda Walsh

2/16/24
Date

490 Gay Street