

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

PROPERTY OWNER & PETITIONER: Tracy Li and Jeffrey Colantropo
22 Church Street
Westwood, MA 02090

LAND AFFECTED: 22 Church Street
Westwood, Massachusetts 02090
Map 21 Lot 236

HEARING:

The Board shall hear an application filed by Tracy Li and Jefferey Scott Colantropo for Special Permit pursuant to the Westwood Zoning Bylaw Section §4.5.3.2.2 [Alterations of Nonconforming Structures-Vertical Extension] and Section §4.5.3.3 [Building Coverage]. The Petitioner proposes to construct an addition/renovation to an existing single-family home. The existing structure is nonconforming as the west side of the single-story house is located 7.7' from the lot line where 15' is required. A vertical extension of this wall no closer to the lot line is allowed pursuant to Section §4.5.3.2.2. The proposed addition will result in total building coverage at 29.8% which exceeds the 25% allowed. The property is located in the Single Residence D (SRD) zoning district.

BOARD MEMBERS: John Lally
Michael McCusker
Linda Walsh

APPLICABLE SECTIONS OF THE WESTWOOD ZONING BYLAW

4.5.3.2 Special Permit Alterations of Nonconforming Structures. In the event that the Building Commissioner determines that a proposed alteration to a nonconforming structure does not meet the requirements of Section 4.5.3.1, the Board of Appeals may grant a special permit to make alterations to a nonconforming structure in accordance with this Section only if it determines that such alteration does not substantially increase the nonconforming nature of said structure and would not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of alterations to nonconforming structures may be considered for a special permit by the Board of Appeals:

4.5.3.2.2 Vertical extension of an existing exterior wall at or along the same or greater distance from a lot line, provided that the structure has a building height of no more than twenty-five (25) feet, if constructed on a lot that does not comply with current lot area and/or lot frontage requirements, or a building height no greater than permitted by this Bylaw if constructed on a lot that complies with current lot area and/or lot frontage requirements.

4.5.3.3 Variance or Special Permit required for New or Expansion of Nonconformity. In the event that the Building Commissioner determines that a proposed alteration to a nonconforming structure increases the nonconformity or results in a new nonconformity and does not meet the requirements of Section 4.5.3.1 nor of Section 4.5.3.2, the Building Commissioner shall determine whether any proposed additional or increased nonconformities will be substantially more detrimental to the neighborhood than those that currently exist. If in the opinion of the Building Commissioner, the proposal is more detrimental, a variance shall be required in accordance with Section 10.4 of this bylaw. If the Building Commissioner determines that the additional nonconformities are de minimus or are not substantially more detrimental to the neighborhood than a special permit shall be required. In addition, no nonconforming structure, commercial or residential, shall be altered to accommodate a substantially different use, or to accommodate the same use in a substantially different manner or to a substantially greater extent, unless a variance allowing said alteration is granted by the Board of Appeals.

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 22 Church Street and is located within the Single Residence D (SRD) zoning district.
2. The existing structure is nonconforming due to violations of the west side setback at 7.7' where 15' is required.
3. The Petitioner proposes to construct a second-floor addition to an existing single-family structure. The proposed addition will further extend the exterior wall vertically within the setback.
4. The proposed addition will increase the building coverage to 29.8% where 25% is allowed. The increase in total building coverage is considered to be de minimus and not more detrimental to the neighborhood and eligible to be approved by a Special Permit pursuant to Section §4.5.3.3 of the Zoning Bylaw.
5. Relief in the form of a Special Permit pursuant to Section §4.5.3.2.2 and §4.5.3.3 was requested. The Board of Appeals is the Special Permit Granting Authority.
6. 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'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.
8. The Petitioner has met all the requirements for a Special Permit pursuant to the Westwood Zoning Bylaw.

DECISION and CONDITIONS Westwood Town Clerk

The Board of Appeals voted unanimously to grant the Petitioner's request for a Special Permit pursuant to Section §4.5.3.2.2 and §4.5.3.3 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 "Certified Plot Plan located at 22 Church Street, Westwood, MA" prepared by Continental Land Survey, LLC, 105 Beaver Street, Franklin, MA 02038 dated October 14, 2024 and elevations titled "Zoning Application Drawings- 22 Church Street Westwood, MA Li-Colantropo Residence", dated September 25, 2024 and last revised October 9, 2024, consisting of one (1) sheet tilted: A-3.
2. The Petitioner shall pursue completion of the Project with reasonable diligence and continuity.
3. 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.
4. **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.**
5. 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.

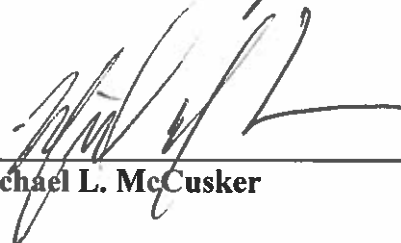


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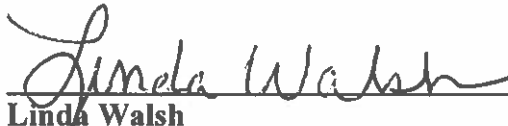
WESTWOOD ZONING BOARD OF APPEALS



John F. Lally, Chair



Michael L. McCusker



Linda Walsh

11/19/24
Date

22 Church Street