

Nancy Donahue, Chairman  
Marilyn Freedman  
Mary Ellen Larose  
John Patterson  
Lura Provost

**Town of Westwood**  
Commonwealth of Massachusetts



Nora W. Loughnane, Director  
[nloughnane@townhall.westwood.ma.us](mailto:nloughnane@townhall.westwood.ma.us)  
(781) 251-2595

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Karyn Flynn, Administrative Assistant  
[kflynn@townhall.westwood.ma.us](mailto:kflynn@townhall.westwood.ma.us)  
(781) 767-6344

Department of Community and Economic Development  
**WESTWOOD HISTORICAL COMMISSION**

**NOTICE OF DECISION**

The Westwood Historical Commission evaluated the Demolition Application filed by WB Realty Trust requesting permission to demolish a principal single-family residential structure and a barn located on the property at 46 Washington Street which may be historically and/or architecturally significant.

The Westwood Historical Commission evaluated the Demolition Application for 46 Washington Street, and as the approving authority, by a vote of four (4) in favor and one (1) opposed, hereby declares both the principal single-family residential structure and the barn located at 46 Washington Street to be preferably preserved historic or architecturally significant structures, and hereby imposes a **6-month Demolition Delay Period** for each structure pursuant to Westwood General Bylaw Section 250A-4E, subject to five conditions.

This decision shall expire on May 18, 2019 and is transferable to a new property owner prior to that expiration date.

The signed decision was filed at the Office of the Town Clerk on May 22, 2017.

The full Decision is available for review at the Department Community and Economic Development office located at 50 Carby Street, Westwood, MA.

PROPERTY OWNER(S):      WB Realty Trust  
   248 Washington Street  
   Westwood, MA 02090

LAND AFFECTED:            46 Washington Street, Westwood, MA  
   Map 16    Lot 51

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TOWN CLERK  
TOWN OF WESTWOOD

**Historic Structure Demolition**  
**Westwood General Bylaw Chapter 250A**

**APPLICANT:** WB Realty Trust  
248 Washington Street  
Westwood, MA 02090

**PROPERTY OWNER:** WB Realty Trust  
248 Washington Street  
Westwood, MA 02090

**PROPERTY LOCUS:** 46 Washington Street  
Assessor's Map 16, Lot 51

**BACKGROUND AND PROJECT SUMMARY**

The Applicant requested permission to demolish the principal single-family residential structure and a barn on the property at 46 Washington Street to make room for the construction of a new two-family residential structure and an accessory structure on the same property. The Building Commissioner determined that the barn may be historically and/or architecturally significant, and instructed the Applicant to file an Application for Demolition Authorization with the Westwood Historical Commission (WHC) for review pursuant to Westwood General Bylaw Chapter 250A.

While the dates of construction of the principal residential structure and the barn are unknown, both appear to have been built sometime in the second half of the 19<sup>th</sup> century. The property is located in the General Residence (GR) zoning district and shown on the Assessor's Map as AP 16, Lot 51. The proposed two-family residential structure is allowed in this district, subject to the issuance of a special permit by the Zoning Board of Appeals. The Applicant has applied to the ZBA for the required special permit.

**STATEMENT OF FINDINGS**

After having reviewed all the plans and reports filed by the Applicant and its representatives and having considered the technical analysis, supplemental information provided during the course of the public hearing, correspondence and testimony from representatives from various boards and commissions and departments within the Town of Westwood and from all other interested parties, the Westwood Historical Commission makes the following procedural findings and project findings:

**PROCEDURAL FINDINGS:**

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1. On April 14, 2017, a Application for Demolition Authorization pursuant to Westwood General Bylaw Section 250A [Historic Structure Demolition] and the Westwood Historical Commission's Rules & Regulations was filed by or on behalf of WB Realty Trust (hereinafter "Applicant"), with the Westwood Historical Commission and the Town Clerk (hereinafter "Demolition Application").
2. Pursuant to Westwood General Bylaw Section 250A, the WHC caused notice of the public hearing to be published in the *Westwood Press*, a newspaper of general circulation in Westwood, on April 28, 2017. Notice of the public hearing was posted in the Westwood Town Hall commencing on April 19, 2017, and continuing through the opening of the public hearing on May 9, 2017. Said notice of the public hearing was mailed postage prepared to all Parties in Interest as defined in Westwood General Bylaw Section 250A on April 19, 2017.
3. One or more members of the WHC attended a site visit on April 23, 2017 to aid in their better understanding of the circumstances of the two structures proposed for demolition.
4. The public hearing on the Application for Demolition Authorization commenced on May 9, 2017, in the Selectmen's Meeting Room at 580 High Street, Westwood, Massachusetts, and was concluded on the same date.
5. WHC Members Nancy Donahue, Marilyn Freedman, Mary Ellen Larose, John Patterson and Lura Provost deliberated on the Application for Demolition Authorization at duly authorized meetings on May 9, 2017 and May 18, 2017.

**PROJECT FINDINGS:**

1. The subject property consists of approximately 31,000 sq. ft. located at 46 Washington Street, and is shown as Map 16, Lot 51 on the Westwood Board of Assessors' Map (hereinafter "Property").
2. Presently, the Project Site contains two structures, including the principal single-family residential structure and a barn, both of which appear to have been built sometime in the second half of the 19th century. The Building Commissioner determined that the barn may be historically and/or architecturally significant, and instructed the Applicant to file an Application for Demolition Authorization with the Westwood Historical Commission (WHC) for review pursuant to Westwood General Bylaw Chapter 250A.
3. The Property located in the General Residence (GR) zoning district and shown on the Assessor's Map as AP 16, Lot 51. The Applicant requested permission to demolish the single-family residential structure and the barn to make room for the construction of a new two-family residential structure and a new accessory structure on the same property. The proposed two-family residential structure is allowed in this district, subject to the issuance of a special permit by the Zoning Board of Appeals. The Applicant has applied to the ZBA for the required special permit.

4. During the course of its public hearing, the WHC considered whether the apparent age and/or historical or architectural character of the single-family structure subjected that structure to the requirements of Westwood General Bylaw Section 250A. The WHC determined that the single-family structure was subject to review pursuant to Section 250A. The WHC also considered whether the apparent age and/or historical or architectural character of the barn subjected that structure to the requirements of Westwood General Bylaw Section 250A. The WHC determined that the barn was also subject to review pursuant to Section 250A.
5. In light of the demonstrated historical and/or architectural significance of the single-family residential structure, the WHC determined that the structure should be preferably preserved. In light of the demonstrated historical and/or architectural significance of the barn, the WHC determined that the barn should also be preferably preserved.
6. The WHC invited the Applicant to present a demonstration of any hardship that might be experienced in relation to the prescribed Demolition Delay Period. Following testimony by the Applicant, and deliberation by the WHC members, the WHC voted two (2) in favor and one (1) opposed, with two (2) abstentions, that the Applicant had not demonstrated sufficient hardship to counter the benefits of a Demolition Delay Period.
7. The WHC considered the findings set forth in Section 4.5.5 of its Rules & Regulations, and voted four (4) in favor and one (1) opposed to impose the maximum 6-month Demolition Delay Period for the single-family residential structure. The WHC considered the findings set forth in Section 4.5.5 of its Rules & Regulations, and voted four (4) in favor and one (1) opposed to impose the maximum 6-month Demolition Delay Period for the barn. In so doing, the WHC set the earliest possible date for the Demolition of the principal residential structure and the barn to be October 14, 2017.

#### DECISION:

The Westwood Historical Commission evaluated the Demolition Application in relation to the above Findings, and as the approving authority, by a vote of four (4) in favor and one (1) opposed, hereby declares the principal residential structure located at 46 Washington Street to be preferably preserved historic or architecturally significant structures, and hereby imposes a **6-month Demolition Delay Period** pursuant to Westwood General Bylaw Section 250A-4E. The Westwood Historical Commission evaluated the Demolition Application in relation to the above Findings, and as the approving authority, by a vote of four (4) in favor and one (1) opposed, hereby declares the barn located at 46 Washington Street to be preferably preserved historic or architecturally significant structures, and hereby imposes a **6-month Demolition Delay Period** pursuant to Westwood General Bylaw Section 250A-4E. This decision is subject to the Conditions stated herein, all of which are an integral part hereof:

### CONDITIONS:

1. Any alterations, modifications, deletions or amendments to this Decision shall be considered in accordance with the requirements of Westwood General Bylaw Chapter 250A.
2. No Demolition Permit allowing for the dismantling or removal of the principal residential structure nor of the barn shall be issued by the Building Commissioner prior to October 14, 2017.
3. Throughout the Demolition Delay Period, the Applicant shall be responsible for properly securing the structures to the satisfaction of the WHC. Should the owner fail to properly secure such structures, a subsequent destruction of either structure at any time during the period of the demolition delay through fire or other cause which could have been prevented by properly securing such building or structure shall be considered a voluntary demolition in violation of this bylaw and shall be subject to § 250A-6B.
4. Notwithstanding Condition 2, the WHC may vote at a properly posted public meeting to allow for an earlier issuance of a Demolition Permit in accordance with Section 250A-4F if the WHC determines that the structure has been fully documented, and all salvageable and valuable artifacts and materials have been or will be removed and preserved, and that any of the following applies:
  - a. The WHC is satisfied that there is no reasonable likelihood that the Applicant, owner, or some other reasonable person or group is willing to purchase, preserve, rehabilitate, restore, or relocate said building structure; or
  - b. The WHC is satisfied that for up to six months from the date of the original Application, including periods of time prior to the date of submission of the Application, the owner has made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, restore, or relocate said building or structure, and that such efforts have been unsuccessful; or
  - c. The WHC is satisfied that the proposed demolition may be conducted in a manner that is not detrimental to the historic or architectural resources of the Town.
5. This decision shall expire on May 18, 2019 and is transferable to a new property owner prior to that expiration date.

### RECORD OF VOTE

The following members of the Westwood Historical Commission voted on May 18, 2017 to impose a 6-month Demolition Delay Period for the principal residential structure at 46 Washington Street: Nancy Donahue, Mary Ellen LaRose, John Patterson and Lura Provost.

The following members of the Westwood Historical Commission voted not to impose a 6-month Demolition Delay Period for the principal residential structure at 46 Washington Street: Marilyn Freedman.

The following members of the Westwood Historical Commission voted on May 18, 2017 to impose a 6-month Demolition Delay Period for the barn at 46 Washington Street: Nancy Donahue, Mary Ellen LaRose, John Patterson and Lura Provost.

The following members of the Westwood Historical Commission voted not to impose a 6-month Demolition Delay Period for the barn at 46 Washington Street: Marilyn Freedman.



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Nora Loughnane  
May 19, 2017

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