

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

David W. Krumsiek, Chairman
John F. Lally
Douglas C. Stebbins



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ZONING BOARD OF APPEALS

NOTICE OF DECISION

TOWN CLERK
TOWN OF WESTWOOD

TOWN CLERK
TOWN OF WESTWOOD

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In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Board of Appeals has unanimously voted to grant the Petitioner, Osprey Wireless Inc., its request for a Special Permit pursuant to the Westwood Zoning Bylaw, Section 4.1.5.9 Motor Vehicle General Repairs and Body Repair to occupy ~11,000 SF space at 378 University Avenue. The application proposes interior renovations for retail sales and installation of car and truck accessories. The property is located in Industrial zoning district.

PROPERTY OWNER(S): UNIAVE TWO LLC
16 Flanders Road
Suite 2000
Westborough, MA 01581

LAND AFFECTED: 378 University Ave, Westwood, MA
Map 38 Lot 012

The signed decision for the petition was filed at the office of the Town Clerk on **November 8, 2016**.

Any appeal of this decision shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17 and a copy delivered to Office of the Town Clerk within twenty (20) days of the date that the decision was filed in the office of the Town Clerk.

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

PROPERTY OWNER(S): UNIAVE TWC LLC.

PETITIONER(S): Osprey Wireless, Inc.
895 Providence Highway
Norwood, Massachusetts 02062

LAND AFFECTED: 378 University Avenue
Westwood, Massachusetts 02090
Map 38, Lot 012

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, September 21, 2016 at 7:00 PM in the Champagne Meeting Room of the Carby Street Municipal Office Building, 50 Carby Street, Westwood, MA 02090 to consider the Petitioners' request for a Special Permit under Section 4.1.5.9 of the Westwood Zoning Bylaw, entitled Motor Vehicle General Repairs and Body Repair, to occupy 11,000 SF for interior renovations for retail sales and installation and car and truck accessories. Property located in the Industrial Office (IO) District.

BOARD MEMBERS: David W. Krumsiek, Chairman
Douglas C. Stebbins
John F. Lally

APPLICABLE SECTION OF THE WESTWOOD ZONING BYLAW

4.1.2 TABLE OF PRINCIPAL USES

4.1.5.9 MOTOR VEHICLE GENERAL REPAIRS & BODY REPAIR

PRINCIPAL USE

DISTRICTS

SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
N	N	N	N	N	N	N	N	N	BA	BA	BA	N

4.1.5 COMMERCIAL USES

4.1.5.9 Motor Vehicle General Repairs and Body Repair

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 Petitioners propose to operate retail sales and installation of car and truck accessories, including but not limited to installing aftermarket products such as tool racks, back-up cameras and sensors, and van shelving. Relief in the form of a special permit pursuant to Section 4.1.5.9 [Motor Vehicle General Repairs and Body Repair] was requested. The Board of Appeals is the Special Permit Granting Authority.
2. The proposed new use is a change of use from the previous office use, and therefore requires Environmental Impact and Design Review (EIDR) Approval pursuant to Section 7.3 of the Zoning Bylaw, which may be in the form of Administrative Review and Approval of Minor Alterations by the Town Planner pursuant to Section 7.3.6.
3. The proposed use will occupy approximately 11,000 sq. ft. of an existing building at 378 University Avenue.
4. The Board of Health issued a memorandum dated September 12, 2016 outlining requirements of the Health Department prior to construction.
5. 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.
6. 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.
7. 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 Petitioner's request for a Special Permit pursuant to Section 4.1.5.9 of the Westwood Zoning Bylaw.

1. The Project shall be constructed in conformity with the submitted architectural plan prepared by Design by Sami LLC., 28 Old Town Road, Walpole, MA 01081, dated September 7, 2016, consisting of two (16) sheets, and in conformity with the submitted plot plan prepared by Matthew D. Smith, P.L.S., Norwood Engineering Co. Inc., 1410 Providence Highway, Norwood, MA 02062, dated July 17, 2012. The Applicant shall pursue completion of the Project with reasonable diligence and continuity.
2. The memorandum from the Board of Health to the Board of Appeals dated September 12, 2016 shall be made part of this decision and the conditions of said letter shall be carried out as specified:

The Petitioner shall use a waste hauler, licensed by the Westwood Board of Health to dispose of the construction debris.

The dumpster provided for trash disposal shall be sized appropriately, placed on a concrete base and appropriately screened in compliance with the Westwood Board of Health Dumpster Regulations.

If necessary during construction, the Petitioner shall provide a portable toilet, licensed by the Westwood Board of Health.

The Petitioner may be required to have an asbestos inspection conducted in compliance with DEP Asbestos Regulations prior to the renovation of the building.

3. The Petitioner shall obtain Environmental Impact and Design Review (EIDR) Approval by the Planning Board or Administrative EIDR Approval by the Town Planner prior to the submission of a Building Permit Application for the Project. In addition, all conditions of said EIDR Approval or Administrative EIDR Approval shall be fully implemented, including without limitation all landscape requirements, prior to occupancy of the Subject Property.
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 persons exercising rights under a duly appealed special permit do 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 Applicants 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: David W. Krumsiek, John F. Lally, and Douglas C. Stebbins.

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



WESTWOOD ZONING BOARD OF APPEALS

David W. Krumsiek - Chairman

John F. Lally

Douglas C. Stebbins

11-8-16

Date

378 University Ave – Osprey Wireless Inc.

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TOWN CLERK
TOWN OF WESTWOOD