



TOWN OF WESTWOOD
Commonwealth of Massachusetts

2016 AUG -9 P 2: 52

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

TOWN CLERK
Louise G. Rossi, Zoning Administrator
lrossi@townhall.westwood.ma.us

ZONING BOARD OF APPEALS

NOTICE OF DECISION

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, AMR Real Estate Holdings – Westwood, LLC, its' request for Special Permits pursuant to the Westwood Zoning Bylaw, Section 6.2.15 entitled Special Permit in order to increase the allowable number of signs on this single property which will hold three distinct car dealerships.

PROPERTY OWNER(S): AMR Real Estate Holdings – Westwood LLC

LAND AFFECTED: 375-411 Providence Highway, Westwood, MA.
Map 24, Lot 002
Zoning District Highway business (HB)

Appeals, if any, shall be filed within twenty days after the date of this notice in the office of the Town Clerk.

John F. Lally, Clerk
Zoning Board of Appeals

DATED 8/9/14

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

PROPERTY OWNER(S): AMR Real Estate Holdings – Westwood, LLC

PETITIONER: AMR Real Estate Holdings – Westwood, LLC
425 Providence Highway
Westwood, Massachusetts 02090

LAND AFFECTED: 375-411 Providence Highway
Westwood, Massachusetts 02090
Map 24, Lot 002

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, July 20, 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 Petitioner’s request for Special Permits under Section 6.2.15 of the Westwood Zoning Bylaw, entitled Special Permit, in order to increase the allowable number and size of signs on this single property which will hold three separate car dealerships. Property located in the Highway Business District (HB).

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

APPLICABLE SECTION OF THE WESTWOOD ZONING BYLAW

- 6.2.3 **Sign Permits.** No sign, including a temporary sign, shall be erected, displayed, altered or enlarged until a permit for such action has been issued by the Building Commissioner. Applications may be filed by the owner of the land, building or structure, or any person who has the authority to erect a sign on the premises. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, color, support systems and location with all relevant measurements. The Building Commissioner shall act within thirty (30) days of receipt of such application and required fee. Sign permits shall be issued only if the Building Commissioner determines that the sign is in compliance with all provisions of this Section and the State Building Code. Notwithstanding the above, historic designation signs, temporary real estate signs, temporary political signs, temporary special event signs, real estate open house signs, and yard sale signs shall not require a sign permit.
- 6.2.4 **Municipal Signs.** Notwithstanding any provisions to the contrary in Section 6.2 or elsewhere in this Bylaw, municipal signs of any type, number, size, and material are permitted in all districts as authorized by the Town Administrator.
- 6.2.5 **Signs Allowed in Residential Districts.** The following signs may be erected or maintained in Residential Districts provided such signs are in compliance with all conditions set forth in this Section: Wall signs and freestanding signs.

- 6.2.5.1 The maximum number of signs shall not exceed one sign for each lawful dwelling unit on the premises, indicating the name of the owner or occupant and/or the address of the building, plus one (1) additional sign pertaining to a permitted accessory use, plus one (1) additional historic sign.
 - 6.2.5.2 The maximum area of each sign shall not exceed one (1) square foot.
 - 6.2.5.3 The sign surface shall be wood or synthetic material made to resemble wood. The supporting framework shall be wood or granite or synthetic material made to resemble wood or granite.
 - 6.2.5.4 Notwithstanding the above limitations on number and total area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.
- 6.2.6 **Signs Allowed in Local Business A (LBA) and Local Business B (LBB) Districts.** The following signs may be erected or maintained in Local Business A and Local Business B Districts, provided such signs are in compliance with all conditions set forth in this Section: Awning signs, directory signs, freestanding signs, marquee signs, projecting signs, wall signs and window signs.
- 6.2.6.1 The maximum number of signs shall not exceed the number of commercial establishments located on the premises, plus one (1) additional sign, plus one (1) additional historic sign.
 - 6.2.6.2 The maximum area of one (1) sign associated with a commercial establishment shall not exceed seventy-five (75) square feet, and the maximum area of all other signs associated with that same commercial establishment shall not exceed twenty (20) square feet each.
 - 6.2.6.3 The total square footage of all signs associated with any commercial establishment shall not exceed ten percent (10%) of the facade attributed to that commercial establishment.
 - 6.2.6.4 The sign surface of any sign other than an awning sign shall be wood or synthetic material made to resemble wood. The supporting framework of any sign other than an awning sign shall be wood or granite, or synthetic material made to resemble wood or granite.
 - 6.2.6.5 Notwithstanding the above limitations on number and area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.
- 6.2.7 **Signs Allowed in Highway Business (HB), Industrial (I), Industrial Office (IO), and Administrative-Research-Office (ARO) Districts.** The following signs may be erected or maintained in Highway Business, Industrial, Industrial Office, and Administrative-Research-Office Districts, provided such signs are in compliance with all conditions set forth in this Section: Awning signs, development identification signs, directory signs, freestanding signs, marquee signs, projecting signs, wall signs, wayfinding signs, and window signs.
- 6.2.7.1 The maximum number of signs shall not exceed the number of commercial establishments located on the premises, plus one (1) additional sign.

- 6.2.7.2 The maximum area of one (1) sign associated with a commercial establishment shall not exceed one hundred (100) square feet, and the maximum area of all other signs associated with that same commercial establishment shall not exceed thirty (30) square feet each.
- 6.2.7.3 The total square footage of all signs associated with any commercial establishment shall not exceed fifteen percent (15%) of the facade attributed to that commercial establishment.
- 6.2.7.4 The sign surface and supporting framework shall be of a material in compliance with the applicable provisions of the Massachusetts State Building Code.
- 6.2.7.5 Notwithstanding the above limitations on number and area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.

6.2.8 Prohibited Signs. The following signs shall be prohibited in all districts except as specified herein:

- 6.2.8.1 Billboards, roof signs, moveable signs, changeable signs, off-premises signs, including off-premises commercial directional signs.
- 6.2.8.2 Flags, buntings, balloons, streamers, pennants, banners, strings of lights, ribbons, spinners and other similar devices; except that temporary exhibition associated with the commemoration of National holidays, shall be permitted, and properly displayed official flags of governmental jurisdictions and decorative flags on residences shall be permitted.
- 6.2.8.3 Signs advertising any defunct commercial establishment or organization, except landmark signs which may be preserved and maintained even if they no longer pertain to the present use of the premises.
- 6.2.8.4 Sign, other than traffic, regulatory or directional signs, which use the words “stop”, “caution”, or “danger”, or incorporate red, amber or green lights resembling traffic signals, or resemble universal “stop” or “yield” signs in shape and color.
- 6.2.8.5 Signs or sign structures projecting or extending over a public way, including a sidewalk.
- 6.2.8.6 Notwithstanding the above provisions, municipal signs of all types shall be permitted in all districts as authorized by the Town Administrator.

6.2.9 Dimensional Requirements.

- 6.2.9.1 **Sign Area Requirements.** Maximum sign area requirements shall be as set forth in Sections 6.2.3 through 6.2.5. Sign area measurements shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface. For a sign painted on or applied to a building or structure, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color or finish material of the building or structure. For a sign consisting of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall be considered to be that of the smallest rectangle, circle, oval or other simple straight-lined shape which

encompasses all of the letters and symbols. The area of supporting framework, such as the brackets and posts, shall not be included in the area if such framework is incidental to the display. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two (2) faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

6.2.9.2 **Sign Height Requirements.** No part of any sign, or light fixture illuminating said sign, shall be at a height greater than the maximum height permitted pursuant to Section 5.4 of this bylaw for the building or structure to which the sign pertains. No part of any sign, or light fixture illuminating said sign, shall be higher than the highest point of any building or structure on the same premises. In the case of a sign located on a lot where there is no other structure, no part of said sign, or light fixture illuminating said sign, shall exceed a height of ten (10) feet above ground.

6.2.9.3 **Sign Setback Requirements.** Signs exceeding one (1) square foot in area shall be set back at least fifteen (15) feet from the edge of roadway pavement, except for temporary signs which shall be set back at least ten (10) feet from the edge of roadway pavement, but in no case shall signs be placed within the public right-of-way without written permission from the Board of Selectmen. All signs shall meet side and rear setback requirements for accessory structures as set forth in Section 5.2 of this bylaw.

6.2.10 **Illumination and Movement.** Sign illumination and movement shall be prohibited except as specified herein.

6.2.10.1 **Illumination in Residential, Local Business and Administrative-Research-Office Districts.** Illumination of any sign within a Residential District, Local Business District, or Administrative-Research-Office District shall only be external illumination by properly shielded light fixtures, or by edge-lighting, or by halo lighting. Internal illumination shall not be permitted. In all cases illumination shall only be by steady white light. Notwithstanding the above, awning signs shall not be internally illuminated.

6.2.10.2 **Illumination in Highway Business, Industrial, and Industrial Office Districts.** Illumination of any sign within a Highway Business, Industrial, or Industrial Office District shall be external illumination by properly shielded light fixtures, or by edge-lighting, or by halo lighting, or internal illumination of only the lettering, wording or insignia portions of a sign. In all cases illumination shall only be by steady white light. Notwithstanding the above, awning signs shall not be internally illuminated.

6.2.10.3 **Prohibited Means of Illumination.** Illumination of signs by neon or external florescent lighting shall be prohibited in all districts. Changeable signs, variable lit signs, and variable message signs shall be prohibited in all districts, except that signs or portions of signs displaying time, date and/or temperature shall be permitted provided that such signs meet all other provisions of this section. Variable message municipal signs, used to provide public information, traffic or safety messages, shall be permitted in all districts.

6.2.10.4 **Prohibited Means of Sign Movement.** Movement of a sign body or any segment thereof, by rotation, revolution, up and down movement, or any other type of action involving a change of position of a sign body or segment thereof, whether caused by mechanical or other means, shall be prohibited in all districts.

6.2.10.5 **Video Media Display.** Video media display shall be permitted in Local Business and Highway Business Districts, only as follows:

6.2.9.5.1 No video media display shall be positioned so as to be visible from any public way, including any sidewalk, whether such display is located on the interior or exterior of a building or structure.

6.2.9.5.2 No more than four (4) video media displays shall be permitted on any property at one time.

6.2.9.5.3 No single video media display shall exceed one and one-half (1-1/2) square feet in area.

6.2.11 **Temporary Signs.** Temporary signs shall be prohibited except as specified herein.

6.2.11.1 **General Provisions for Temporary Signs.**

6.2.11.1.1 Temporary signs may only be installed with the permission of the property owner. Temporary signs to be placed on Town property require the prior written permission of the Town Administrator, and shall be in full conformance with applicable town policy for said signs.

6.2.11.1.2 Temporary signs must be removed within the period of time specified herein.

6.2.11.1.3 Temporary signs shall not be attached to utility poles, fences, walls, trees or other vegetation, nor shall they be installed upon a sidewalk or public way.

6.2.11.1.4 No temporary signs shall exceed twenty (20) square feet in area, unless otherwise provided herein.

6.2.11.1.5 There shall no more than two (2) temporary signs installed on any premise at any one time.

6.2.11.1.6 No temporary sign shall be installed such that the highest point of said sign is more than three (3) feet above ground level, unless otherwise provided herein.

6.2.11.1.7 Temporary signs shall not be illuminated.

6.2.11.2 **Temporary Real Estate Signs.** A maximum of two (2) temporary real estate signs shall be permitted, where such signs may be maintained on a property listed for sale or lease during the period of such listing, and shall be removed by the owner or agent within thirty (30) days of conveyance. Such signs shall advertise only the property on which the signs are located. Where permitted, temporary real estate signs shall be limited to the following maximum area requirements:

6.2.11.2.1 In Industrial and Industrial Office Districts such signs shall not exceed

thirty-two (32) square feet; and shall not be installed such that the highest point of said sign is more than eight (8) feet above ground level.

6.2.11.2.2 In Highway Business and ARO Districts such signs shall not exceed twenty-four (24) square feet; and shall not be installed such that the highest point of said sign is more than six (6) feet above ground level.

6.2.11.2.3 In Local Business Districts such signs shall not exceed twelve (12) square feet; and shall not be installed such that the highest point of said sign is more than four (4) feet above ground level.

6.2.11.2.4 In Residential Districts such signs shall not exceed six (6) square feet and shall not be installed such that the highest point of said sign is more than three (3) feet above ground level.

6.2.11.3 **Temporary Construction Signs.** A maximum of two (2) temporary construction signs shall be permitted in non-residential districts only, where such signs may be maintained on a building or property undergoing construction during the period of construction, and for not more than thirty (30) days following the completion of said construction, but in no case longer than six (6) months, unless such period is extended in writing for good cause by the Building Commissioner. Where permitted, temporary construction signs shall be limited to the following maximum area requirements:

6.2.11.3.1 In Industrial and Industrial Office Districts such signs shall not exceed thirty-two (32) square feet; and shall not be installed such that the highest point of said sign is more than eight (8) feet above ground level.

6.2.11.3.2 In Highway Business and ARO Districts such signs shall not exceed twenty-four (24) square feet; and shall not be installed such that the highest point of said sign is more than six (6) feet above ground level.

6.2.11.3.3 In Local Business Districts such signs shall not exceed twelve (12) square feet; and shall not be installed such that the highest point of said sign is more than four (4) feet above ground level.

6.2.11.4 **Temporary Political Signs.** Temporary political signs shall be permitted in all Districts, and shall not require a permit from the Building Commissioner pursuant to Section 6.2 3.

6.2.11.5 **Temporary Banners.** Temporary banners announcing charitable, nonprofit, or civic events to be held within the geographic boundaries of the Town of Westwood, shall be permitted for a period of time not to exceed thirty (30) consecutive days prior to the event. All temporary banners shall be removed within ten (10) days after such event. Such banners may be erected across public ways with the prior written permission of the Town Administrator upon such terms and conditions as it shall determine, including size, location and design.

6.2.11.6 **Temporary Special Event Signs.** Temporary special events signs, including off-premises temporary special event signs, shall be permitted for a period of time not to

exceed fourteen (14) consecutive days prior to the advertised event. All temporary signs shall be removed within two (2) days after such event. Temporary special event signs shall be limited to no more than (6) square feet in area, and to no more than three (3) feet in height. No more than one (1) temporary special event sign shall be displayed on any property at any one time, and no more than four (4) temporary special event signs shall be displayed on any property during the course of a single calendar year. Temporary special event signs shall not require a permit from the Building Commissioner pursuant to Section 6.2 3.

6.2.11.7 **Real Estate Open House Signs.** Open house signs, not exceeding six (6) square feet in area, shall be permitted only on the property which is for sale or lease, and/or at nearby intersections to guide potential buyers to that location, and shall only be permitted during the hours of the open house. Real estate open house signs shall not require a permit from the Building Commissioner pursuant to Section 6.2 3.

6.2.11.8 **Yard Sale Signs.** Yard sale signs, not exceeding six (6) square feet in area, shall be permitted only on the property engaged in the yard sale, and/or at nearby intersections to guide potential buyers to that location, and shall be removed within twenty-four (24) hours after the yard sale.

6.2.12 **Nonconforming Signs.**

6.2.12.1 Nonconforming signs and sign structures may continue to be maintained but shall not be reconstructed, remodeled, relocated, reworded or redesigned unless it is brought into conformity with all provisions of this Zoning Bylaw.

6.2.12.2 Nothing in this Section shall be deemed to prevent the repair and maintenance of a nonconforming sign including general maintenance, repainting and replacement of inoperative or deteriorated parts of the sign face. Supporting structures for nonconforming signs may be replaced, providing that such replacement brings the structure into more conformity as to height, setback and other requirements.

6.2.12.3 A nonconforming sign or sign structure which is destroyed or damaged by a casualty may be restored within six (6) months after such destruction or damage only after it is shown that the damage did not exceed fifty percent (50%) of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty percent (50%), it shall be removed and shall not be reconstructed or replaced unless such action brings the sign and sign structure into conformity with all provisions of this Zoning Bylaw.

6.2.12.4 A nonconforming sign or sign structure shall be removed within thirty (30) days if the building or structure containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of the appraised value of the building.

6.2.13 **Sign Materials and Maintenance.** Signs shall be manufactured using industry standard materials that are consistent with a high quality project. Structurally necessary brackets, posts or other supports may be visible if compatible with the appearance of the sign they support. Conduit, tubing, raceways, conductors, transformers and similar equipment shall be concealed from view, to the greatest practical extent. All signs and support structures shall be kept in good repair and shall be painted or cleaned as

often as necessary to maintain a clean, neat, safe and orderly appearance. The Building Commissioner may order the repair of a sign that is not secure, safe or in good state of repair by written notice to the owner. If the defect in the sign is not corrected within thirty (30) days of said written notice, the Building Commissioner may order the removal of the sign or impose fines as specified pursuant to Section 10.1, Execution and Enforcement.

6.2.14 **Sign Removal.** Any sign which has been ordered removed by the Building Commissioner or which is abandoned or discontinued, shall be removed by the person, firm or corporation responsible for the sign within thirty (30) days of the written notice.

6.2.15 **Special Permit.** The Board of Appeals may grant a special permit for a sign that does not comply with sign area, height, or setback requirements set forth herein, or which exceeds the maximum number of signs permitted, provided that said sign is otherwise in compliance with all other provisions of this section, and provided further that the Board of Appeals makes the following findings:

- 6.2.15.1 Applicant has adequately demonstrated that compliance with the provisions of this Section will be an undue hardship.
- 6.2.15.2 Sign scale is determined to be in reasonable relation to the scale of the building or structure and the sizes of signs on nearby structures.
- 6.2.15.3 Sign size, shape and placement serves to define or enhance architectural elements of the building or structure such as columns, sill lines, cornices and roof edges.
- 6.2.15.4 Sign design is harmonious with other signage on the same or adjacent structures and provides reasonable continuity in mounting location and height, proportions and materials.
- 6.2.15.5 Sign materials, colors, lettering style, illumination and form are reasonably compatible with building design, and surrounding neighborhood.
- 6.2.15.6 Sign size, location, design and illumination do not present a safety hazard to vehicular or pedestrian traffic.

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 Petitioner proposes additional signage for three new car dealerships on Route One which are being built on a single lot. The project will require Special Permits pursuant to Section 6.2.15. The Board of Appeals is the Special Permit granting authority.
2. The subject lot is 543,916 SF and will be the site for three new car dealerships, each requiring a pylon sign, directional signs and building signs. Due to separate branding of the dealerships and multiple entrances to the lot, relief is needed in the form of special permits for additional signs and square footage.
3. The Audi dealership shows eight signs as part of the sign package as follows:
 - Pylon sign at 126 SF requires relief from Section 6.2.7.2 as it exceeds 100 SF in size
 - Audi symbol at 63.67 SF requires relief from Section 6.2.7.2 as this second sign is larger than 30 SF

- Audi-Westwood sign requires relief from 6.2.7.2 as it is larger than 30 SF from Section 6.2.7.1 as it will exceed the allowable number of signs.
 - Audi Service sign at 18 SF requires relief from 6.2.7.1 as it exceeds the maximum number of allowable signs.
 - Audi symbol at 2.7.SF requires relief from Section 6.2.7.1 as it exceeds the maximum number of allowable signs
 - Audi symbol at 63.7 SF requires relief from Section 6.2.7.1 as it exceeds the maximum number of allowable signs and relief from Section 6.2.7.2 as it exceeds 30 SF in size.
 - Two directional signs require relief from Section 6.2.7.1 as they will exceed the maximum number of signs.
4. The Acura dealership shows four signs as part of the sign package as follows:
 - The Prime lettering sign at 10.5 SF requires relief from Section 6.2.7.1 as it will exceed the maximum number of signs.
 - The Acura Logo/entrance at 130 SF requires relief from Section 6.2.7.1 as it will exceed the maximum number of signs and relief from Section 6.2.7.2 as it is greater than 30 SF.
 - A Service sign at 19.5 SF requires relief from the maximum number of signs
 - A Pylon sign at 124 SF requires relief from Section 6.2.7.2 as it is larger than 100 SF and from Section 6.2.7.1 as it will increase the maximum number of signs.
 5. The Porsche dealership shows six signs as part of the sign package as follows:
 - Porsche lettering at 91 SF requires relief from Section 6.2.7.2 as it exceeds 30 SF in size and from Section 6.2.7.1 as it will exceed the maximum allowable number of signs.
 - Westwood sign at 28 SF requires relief from Section 6.2.7.1 as this will exceed the maximum allowable number of signs.
 - Logo at 6.8 SF sign requires relief from Section 6.2.7.1 as it will exceed the allowable number of signs.
 - Two Directional signs require relief from Section 6.2.7.1 as they will exceed the maximum number of allowable signs.
 - Pylon sign at 122 SF requires relief from Section 6.2.7.2 as it will exceed 100 SF and from Section 6.2.7.1 as it will also exceed the maximum allowable number of signs.
 6. All lighting will be interior lighting of the letters only and there shall be no spotlights on any of the pylon signs.
 7. All pylon signs shall not exceed 20' in height as per the letter from David Mackwell of Kelly Engineering Group, Inc. to the Board of Appeals dated July 14, 2016.
 8. A letter from the Planning Board to the Board of Appeals dated July 20, 2016 as Revised shall be made part of this decision and the Petitioner shall heed any requirements placed on the site by the Planning Board at their August 2, 2016 meeting.
 9. 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.
 10. The Petitioner's 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.
 11. The Petitioner has 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 Special Permits pursuant to Section 6.2.15 of the Westwood Zoning Bylaw.

1. The Project shall be constructed in conformity with the submitted plan entitled "Audi Westwood", by United Sign Systems, 206 Tower Drive, Oldsmar, Florida, 34677 consisting of eleven (11) pages, dated January 29, 2016 and the submitted plan entitled "Porsche Westwood", by United Sign Systems, 206 Tower Drive, Oldsmar, Florida, 34677 consisting of seven (7) pages, dated February 1, 2016 and the submitted plan entitled Prime Acura consisting of three (3) pages by Pattison Sign Group, 410 N. Cedar Bluff Road, Suite 101, Knoxville, TN 37923 and dated January 18, 2016 and as included in the letter dated July 14, 2016 from David A. Mackwell to the Board of Appeals. The Applicant shall pursue completion of the Project with reasonable diligence and continuity.
2. Any additional requirements placed on the Applicant at the Planning Board meeting to be held on August 2, 2016 shall be made a part of this decision.
3. These Special Permits 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.

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.

4. These Special Permits 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 Permits, the Applicant may apply for an extension of the Special Permits 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 Permits 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

The Board of Appeals hereby certifies that the attached hereto is a true and complete copy of the Board's decision and that said decision and any plans referred to therein have been filed with the Board of Appeals.

David W. Krumsiek, Chairman

John F. Lally

Douglas C. Stebbins

8/9/14
Date

2016 AUG -9 P 2:52
TOWN CLERK
TOWN OF WESTWOOD

375-411 Providence Highway – AMR Real Estate Holdings – Westwood, LLC

