

Town of Westwood
Commonwealth of Massachusetts

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



ZONING BOARD OF APPEALS

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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, Craig Foscaldo, his request for a Special Permit pursuant to the Westwood Zoning Bylaw, Section 4.1.7.5 – Large Scale Solar, to install a roof mounted, 33.48 kW Solar Array System. Property located within the Single Residence E District (SRE).

PROPERTY OWNER(S): Craig Foscaldo

LAND AFFECTED: 439 Sandy Valley Road, Westwood, MA
Map 15 Lot 012

The signed decision for the petition was filed at the office of the Town Clerk on January 3, 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**

2017 JAN -3 P 1: 07

PROPERTY OWNER(S): Craig Foscaldo

PETITIONER(S): Craig Foscaldo

TOWN CLERK
TOWN OF WESTWOOD

LAND AFFECTED: 439 Sandy Valley Road
Westwood, Massachusetts 02090
Map 15, 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 Monday December 12, 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 a Special Permit pursuant to the Westwood Zoning Bylaw, Section 4.1.7.5 – Large Scale Solar, to install a roof mounted, 33.48 kW Solar Array System. Property located within the Single Residence E District (SRE).

BOARD MEMBERS: John F. Lally, Chairman
Douglas C. Stebbins
David M. Belcher

APPLICABLE SECTION OF THE WESTWOOD ZONING BYLAW

SECTION 4.0 USE REGULATIONS

4.1 PRINCIPAL USES

4.1.1 **General.** No building or structure shall be constructed, and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the uses herein set forth as permitted in the district in which said building, structure or land is located, or set forth as permissible by special permit in said district, and so authorized. In the case of lots lying partly within the Industrial District or Highway Business District of the Town of Westwood and partly within another abutting municipality, that portion of the lot lying outside of the Town of Westwood may be used to meet the zoning requirements of this Bylaw, and such lot may have effective access through such abutting municipality. However, in all other cases, no building or structure shall be constructed or used on a lot lying only partly within the Town of Westwood unless the Westwood portion of the lot shall meet the zoning requirements herein set forth, and the lot shall have effective access to the Town of Westwood. There shall be no more than one non-

agricultural principal use for each lot in a Residential District, except as may otherwise be provided herein.

4.1.2 **Table of Principal Uses.** The Table of Principal Uses designates which Principal Uses are allowed in each zoning district.

A Use is permitted by right in any district under which it is denoted by the letter “Y”.

A Use is prohibited in any district under which it is denoted by the letter “N”.

A Use may be permitted by special permit from the Board of Appeals in any district under which is denoted by the letters “BA”.

A Use may be permitted by special permit from the Planning Board in any district under which is denoted by the letters “PB”

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

PRINCIPAL USE

4.1.7 OTHER USES

4.1.7.5 Large Scale Solar

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 439 Sandy Valley Road. The Petitioner proposes to install a 33.48 kW solar array system. Relief in the form of a Special Permit pursuant to Section 4.1.7.5 – Large Scale Solar – was requested. The Board of Appeals is the Special Permit Granting Authority.
2. The lot area of the Subject Property is 278,784 where 80,000 SF is required.
3. The lot frontage of the Subject Property is 289' where 175' is required.
4. The Petitioner has proposed to install the 33.48 kW solar array system on the south facing portion of the roof of his single family home. The solar array is expected to cover approximately 1631.22 sq. ft. of roof area, representing 20% of the entire roof.
5. 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.
6. 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.
7. 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 a Special Permit pursuant to Section 4.1.7.5 of the Westwood Zoning Bylaw.

1. The Project shall be constructed in conformity with the submitted site plan, photo voltaic plans and renderings prepared by Ian Clifford, Revolusun Massachusetts of 1 North Avenue, Burlington, MA 01803, dated October 14, 2016, consisting of thirteen (13) sheets. The Petitioner shall pursue completion of the Project with reasonable diligence and continuity.
2. This Special Permit shall be approved for the Project up to 35kW.
3. The memorandum from the Conservation Commission to the Board of Appeals dated December 9 shall be made part of this decision and the conditions of said letter shall be carried out as specified:

The Petitioner shall only use the exiting driveway and property outside of the wetland buffer zone for staging and access to the project.

All debris must be removed from the site.

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: John F. Lally, Douglas C. Stebbins and David M. Belcher.

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.



John F. Lally - Chairman



Douglas C. Stebbins



David M. Belcher

1/3/17
Date

439 Sandy Valley Road-Foscaldio

TOWN CLERK
TOWN OF WESTWOOD
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