

Town of Westwood
Commonwealth of Massachusetts

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



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2017 OCT -4 P 1:53 ZONING BOARD OF APPEALS

TOWN CLERK
TOWN OF WESTWOOD

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, WB Realty LLC, its request for a Special Permit pursuant to the Westwood Zoning Bylaw, Section 4.1.3.23 (Residential Uses) and Section 8.2 (Two Family Dwellings) to construct a two family dwelling and accessory structure on the property located at 46 Washington Street, Westwood, MA.

PROPERTY OWNER(S): WB Realty LLC

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

The signed decision for the petition was filed at the office of the Town Clerk on **October 4, 2017**.

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): WB Realty, LLC

PETITIONER(S): WB Realty, LLC
202 Strasser Avenue
Westwood, MA 02090

LAND AFFECTED: 46 Washington Street
Westwood, Massachusetts 02090
Map 16, Lot 051

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, May 17, 2017 at 7:00 PM in the Champagne Meeting Room of the Carby Street Municipal Office Building, 50 Carby Street, Westwood, MA 02090 at which time testimony was taken and the hearing continued to June 21, 2017 at 7:00 PM in the Champagne Meeting Room of the Carby Street Municipal Office Building, 50 Carby Street, Westwood, MA 02090, at which time the hearing was immediately continued to July 19, 2017 at 7:00 PM in the Champagne Meeting Room of the Carby Street Municipal Office Building, 50 Carby Street, Westwood, MA 02090, at which time testimony was taken and the hearing continued to September 20, 2017 at 7:00 PM in the Champagne Meeting Room of the Carby Street Municipal Office Building, 50 Carby Street, Westwood, MA 02090. The hearing was held to consider the Petitioner's request for a Special Permit pursuant to Westwood Zoning Bylaw Section 8.2 [Two-Family Dwellings]. The application proposed to construct a two-family dwelling on the property. The subject property is located in the General Residential Zoning District.

BOARD MEMBERS: David W. Krumsiek, Chairman
Douglas C. Stebbins
David M. Belcher

APPLICABLE SECTION OF THE WESTWOOD ZONING BYLAW

8.2 TWO-FAMILY DWELLINGS

Upon the grant of a special permit by the Board of Appeals, a dwelling for occupancy by more than one (1) family, if located on a lot having an area larger than the minimum hereinafter required for the construction of a one-family dwelling in the same district by an additional four thousand (4,000) square feet for each family in excess of one accommodated thereon may be authorized; provided that said dwelling unit shall be limited to occupancy by no more than two (2) families.

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. WB Realty LLC, whose address is 202 Strasser Avenue, Westwood, MA 02090 is the Petitioner for a Special Permit application for certain land situated at 46 Washington Street, Westwood, MA 02090 and owned by the Petitioner.
2. Subject property is situated in the General Residence district.
3. The Petitioner proposes to construct a two-family dwelling on the Subject Property. The proposed use is eligible for consideration as a Special Permit pursuant to Section 8.2 [Two-Family Dwellings]. The Zoning Board of Appeals is the Special Permit granting Authority.
4. The lot area of the Subject Parcel is 31,000 SF where 12,000 SF is required.
5. The lot frontage of the Subject Parcel is 120.03' where 90' is required.
6. The Subject Property satisfies the lot area requirements set forth in Section 8.2.
7. The proposed two-family dwelling does not violate any front, side, or rear setbacks as established in the Dimensional Requirements of the Bylaw.
8. The Petitioner did not seek zoning relief for extra vehicle storage as proposed in its revised plan submitted on September 11, 2017.
9. The Petitioner proposes to construct a dwelling not intended to be occupied by more than two households.
10. The Board of Health issued a memorandum dated May 12, 2017 outlining requirements of the Petitioner during construction.
11. The Conservation Commission issued a memorandum dated August 22, 2017 outlining requirements of the Petitioner during construction.
12. The Board has given full consideration to the local conditions that affect and may be affected by the Petitioner's proposed construction, and having particular expertise in said local conditions, have taken a view that 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.
13. 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, 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.

14. 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 8.2 of the Westwood Zoning Bylaw.

1. The Project shall be constructed in conformity with the submitted plan prepared by Sami E. Kassis, P.E., Design by Sami LLC, 28 Old Town Road, Walpole, MA 02081, dated March 28, 2017 and revised through September 7, 2017, consisting of four (4) sheets, and in conformity with the submitted plot plan prepared by Rod D. Carter, P.L.S., Rod Carter Associates Land Surveyors, 15 Pleasant Street, Upton, MA 01568, dated April 3, 2017 and revised through September 5, 2017, consisting of one (1) sheet. The Petitioner shall pursue completion of the Project with reasonable diligence and continuity.
2. The Project must contain plantings and fencing consistent with the approved plot plan before a Certificate of Occupancy may be granted.
3. Given the lot size relative to the adjacent lots, number of abutters, and the size of the proposed structure approved in this Special Permit, any proposed accessory structure to be constructed on the Subject Property that is proposed to be taller than an average of 15 feet in height must return to the Board for a modification to the Special Permit.
4. The memorandum from the Board of Health to the Board of Appeals dated May 12, 2017 shall be made part of this decision and the conditions of said letter shall be carried out as specified:

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

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

The applicant shall hire a pest control company to inspect the premises for rodents and/or wildlife and to exterminate if necessary; and provide a copy the inspection report to the Health Department prior to demolition; and,

The applicant is required to have an asbestos survey conducted in compliance with DEP Asbestos Regulations prior to demolition;

5. The memorandum from the Conservation Commission to the Board of Appeals dated August 22, 2017 shall be made part of this decision and the conditions of said letter shall be carried out as specified:

There are no wetland issues associated with the project. If the applicant is creating greater than 5000 sq. ft. of disturbance they must file with the Commission under the Stormwater Bylaw. All impervious surfaces should be kept clean throughout the duration of the project.

6. 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.
7. **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.**
8. 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.

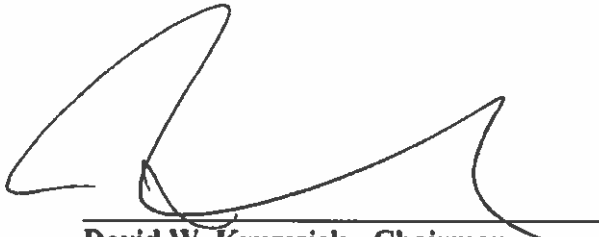
RECORD OF VOTE

The following members of the Board of Appeals voted to grant the Special Permit for the above mentioned project: David W. Krumsiek, 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



David W. Krumsiek - Chairman



Douglas C. Stebbins



David M. Belcher

9/20/17
Date

46 Washington Street-WB Realty Trust

TOWN CLERK
TOWN OF WESTWOOD
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