

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

PROPERTY OWNER(S): NSTAR Electric d/b/a Eversource Energy

2017 OCT -5 A 11: 45

PETITIONER(S): NSTAR Electric d/b/a Eversource Energy

LAND AFFECTED: 247 Station Drive (a.k.a. 1 NSTAR Way)
Westwood, Massachusetts 02090
Map 37, Lot 008

TOWN CLERK
TOWN OF WESTWOOD

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 20, 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 then continued to Wednesday, September 27, 2017 at 7:00 PM in the Selectmens Meeting Room of the Town Hall, 580 High Street, Westwood, MA 02090 to consider the Petitioner's request for a Special Permit pursuant to the Westwood Zoning Bylaw, Section 4.3.2.7 – Accessory Uses, Ground Mounted & Other Solar, Special Permit, to construct a solar canopy installation over currently existing employee parking lots. Property located within the Industrial Zoning District.

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

APPLICABLE SECTION OF THE WESTWOOD ZONING BYLAW

ACCESSORY USE

	DISTRICTS													
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO	
4.3.2 ACCESSORY USES IN ALL DISTRICTS														
4.3.2.1 Any use allowed in that district as a Principal Use.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.3.2.2 Any use allowed in that district by special permit as a Principal Use, subject to the same conditions as a Principal Use.	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.3.2.3 Uses, whether or not on the same premises as uses permitted as of right, accessory to uses permitted as of right, which are necessary in connection with scientific research or scientific development or related production.	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.3.2.4 When associated with otherwise permitted agricultural operations on a lot with not more than five (5) acres, the following: (1) kennel, (2) salesroom or stand, (3) any building or structure devoted to productive agricultural use which, together with any other such buildings or structures on the premises, covers more than five hundred (500) square feet or contains more than five thousand (5,000) cubic feet.	BA				BA									
4.3.2.5 Commercial Outdoor Seating in association with permitted commercial uses pursuant to Section 4.4.2.	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
4.3.2.6 Roof-mounted Solar ³	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.3.2.7 Ground Mounted & Other Solar ³	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA

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. NSTAR Electric d/b/a Eversource Energy, whose address is 107 Selden Street, Berlin, CT is the Petitioner for a Special Permit request for certain land situated at 247 Station Drive, Westwood, MA 02090 and owned by the Petitioner.
2. The Petitioner proposes to install a 2.5 million kWh solar canopy system over existing parking lots located on the Subject Property. Relief in the form of a Special Permit pursuant to Section 4.3.2.7 [Accessory Uses, Ground Mounted & Other Solar, Special Permit] was requested. The Board of Appeals is the Special Permit Granting Authority.
3. The lot area of the Subject Property is 1,191,801.6 SF where 40,000 SF is required.
4. The proposed solar canopy installation does not violate any setbacks established in the Dimensional Requirements of the Bylaw.
5. The Petitioner has proposed to install the solar canopy system on the existing employee parking lots located on the Subject Property. The solar array is expected to have a total generating capacity of 2,300 kW DC, with an annual output of approximately 2.5 kWh.
6. The solar canopy system's roof will be comprised of solar photovoltaic modules that generate sustainable solar energy. The canopy system itself will provide shade and water management for the parking areas, and contain under-canopy lighting.
7. A memorandum was submitted on August 22, 2017 by the Conservation Commission that detailed requirements of the Petitioner upon construction.
8. A memorandum was submitted on September 20, 2017 by the Planning Board that detailed the Planning Board's requests of the Petitioner in the Planning Board's concurrent Administrative Environmental Impact and Design Review process.
9. 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.
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, 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 a Special Permit pursuant to Section 4.3.2.7 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 Weston & Sampson Engineers, Inc., 5 Centennial Drive, Peabody, MA 01960, dated August 15, 2017 and revised through September 1, 2017, consisting of eighty (80) sheets. The Petitioner shall pursue completion of the Project with reasonable diligence and continuity.
2. Approval of this Special Permit shall be conditioned upon successful completion of the following:

The Petitioner must satisfy all conditions levied by the Planning Board in its Administrative and Environmental Impact Design Review process respective to concerns of lighting and landscaping. Lighting and Landscaping Plans must be approved by Planning Board prior to building permit approval.

3. 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. 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.

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, 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.

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TOWN CLERK
TOWN OF WESTWOOD



WESTWOOD ZONING BOARD OF APPEALS

David M. Belcher

9/27/17
Date

247 Station Drive-Eversource

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TOWN OF WESTWOOD

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WESTWOOD ZONING BOARD OF APPEALS

David W. Krumsiek - Chairman

9/27/17

Date

247 Station Drive-Eversource

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WESTWOOD ZONING BOARD OF APPEALS

Douglas C. Stebbins

9/27/17

Date

247 Station Drive-Eversource

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