

**Town of Westwood**  
Commonwealth of Massachusetts

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



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2017 NOV 30 A 11: 26  
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 Petitioners, Jeff Keohane & Jennifer Gray, their request for a Special Permit pursuant to the Westwood Zoning Bylaw, Section 6.3.10, to construct a fence to exceed 6 feet in height.

PROPERTY OWNER(S): Jeff Keohane & Jennifer Gray

LAND AFFECTED: 409 Blue Hill Drive, Westwood, MA  
Map 26 Lot 001

The signed decision for the petition was filed at the office of the Town Clerk on November 30, 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): Jennifer M. Gray**

**PETITIONER(S):** Jeff Keohane & Jennifer Gray  
409 Blue Hill Drive  
Westwood, MA 02090

2017 NOV 30 A 11: 2

TOWN CLERK  
TOWN OF WESTWOOD

**LAND AFFECTED:** 409 Blue Hill Drive  
Westwood, Massachusetts 02090  
Map 26, Lot 001

**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, November 15, 2017 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 Variance pursuant to Section 6.3.10 [Perimeter Fence Special Permit] of the Westwood Zoning Bylaw, to install a fence to exceed 6 feet in height. Property located in Single Residence District C (SRC).

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

**APPLICABLE SECTION OF THE WESTWOOD ZONING BYLAW**

**6.3.10 Perimeter Fence Special Permit.** The Board of Appeals may grant a special permit to install a freestanding fence a maximum of eight (8) feet in height, or a fence installed on or immediately adjacent to a wall such that the fence and wall together have a combined height of a maximum of eight (8) feet, measured from the lowest point of grade adjacent to the fence or combined wall and fence, only upon its written determination that the adverse effects of the project will not outweigh its beneficial impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to the site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

- 6.3.10.1 degree to which existing landscaping, vegetation and other screening will be maintained;
- 6.3.10.2 proximity to abutting residences;
- 6.3.10.3 proximity to heavily traveled roadways; and
- 6.3.10.4 consistency with the interests of public safety, particularly sight distances for traffic visibility.

## 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 409 Blue Hill Drive. The Petitioner proposes to construct a fence to a height of 8 feet from grade on the west side of the property. Relief in the form of a Special Permit from the maximum permissible fence height of six (6) feet, pursuant to Section 6.3.10, entitled Perimeter Fence was requested. The Board of Appeals is the Special Permit Granting Authority.
2. The Petitioners requested the additional height to provide privacy for their residential use of the property.
3. Due to the sloping topography of the lot, two additional feet on the maximum height of the fence are a reasonable and sufficient request to achieve added privacy for the Petitioners and the immediate adjacent abutters.
4. The Board has given full consideration to the local conditions that affect and may be affected by the Petitioners' 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.
5. 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, 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.
6. 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 Petitioners' request for a Special Permit pursuant to Section 6.3.10 of the Westwood Zoning Bylaw pursuant to the following conditions:

1. The Project shall be constructed in conformity with the submitted plan prepared by Glenn D. Odone Jr., P.L.S., Odone Survey & Mapping, 291 Main Street, Suite 5, Northborough, MA 01532, dated October 10, 2016, consisting of one (1) sheet. The Petitioners shall pursue completion of the Project with reasonable diligence and continuity.
2. The combined height of the fence and wall together shall have a maximum limit of eight (8) feet, measured from the lowest point of grade adjacent to the combined wall and fence.
3. 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.

4. **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.**
5. 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 Krumsiek, John Lally and Douglas Stebbins.

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

2017 NOV 30 A 11: 27  
TOWN CLERK  
TOWN OF WESTWOOD



2017 NOV 30 A 11: 27

**WESTWOOD ZONING BOARD OF APPEALS**

TOWN CLERK  
TOWN OF WESTWOOD

**David W. Krumsiek - Chairman**

**John F. Lally**

**Douglas C. Stebbins**

11/15/17

**Date**

**409 Blue Hill Drive - Gray**

