



WESTWOOD BOARD OF APPEALS Instructions & Application for Filing an Appeal & Requesting a Special Permit and/or Variance

Massachusetts General Laws, Chapter 40A and the Westwood Zoning Bylaw provide that the Zoning Board of Appeals shall have the power to hear and decide appeals of the Building Commissioner's decisions and any applications for Special Permits and Variances. Information provided must be complete and correct to the best of the Applicant's knowledge. Incomplete applications may be deemed invalid and rejected in accordance with the Westwood Board of Appeals Rules of Procedure on file with the Town Clerk.

Time Requirements for Hearing

The hearing process is quasi-judicial in nature and has time constraints under Massachusetts General Laws, Chapter 40A.

Special Permits are for certain types of uses that are authorized in the Town of Westwood only by the issuance of such permits. A public hearing shall be held within sixty-five (65) days from the date of filing of such application. The written decision of the Board shall be made within ninety (90) days following the date of such public hearing. Upon filing the decision with the Town Clerk, a twenty (20) day appeal period commences.

Variances are petitions for relief from the Westwood Zoning Bylaw. A public hearing shall be held within sixty-five (65) days from the date of filing of such application. The decision of the Board shall be made within one hundred (100) days after the date of filing the appeal. Upon filing the decision with the Town Clerk, a twenty (20) day appeal period commences.

Appeals are usually based on a decision of the Building Commissioner, i.e., the denial of a building permit or brought by persons aggrieved by the granting of a permit. An appeal per Mass. G.L. Ch. 40A, Section 8, shall be taken within thirty (30) days from the date of the order or decision being appealed. (Refer to Mass. G.L. Ch. 40A, Section 15.) A public hearing shall be held within sixty-five (65) days from the receipt of notice of a properly filed appeal, application or petition. The decision of the Board shall be made within one hundred (100) days from the date of the original filing. Upon filing the decision with the Town Clerk, a twenty (20) day appeal period commences.

Procedure for Hearings and Decisions

- **Hearings** – the applicant attends the hearing and presents his/her project to the Board. Deliberation on the application may take place immediately after the close of the hearing or at the next scheduled meeting of the Board. The statute requires a unanimous three member vote to approve a Petition.
- **Decisions** - will be rendered in accordance with Massachusetts General Law requirements. A written decision is prepared and filed with the Town Clerk, which starts a 20 day appeal period.

Upon the completion of the statutory appeal period, the Applicant must:

1. Have the Decision certified in the Town Clerk's office that the appeal period has elapsed and that either an appeal was taken or was not taken.
2. File the certified, stamped Decision with the Norfolk County Registry of Deeds in Dedham and bring a copy of the receipt of recording to the Westwood Town Clerk, the Zoning Board of Appeals and the Building Commissioner.
3. Re-apply to the Building Department for a Building Permit.

Hearing Application & Filing Requirements

Applications for a hearing may be obtained on the Town's website at www.townhall.westwood.ma.us or by contacting the Zoning Board Administrator at 781-251-2598.

NOTE: All instructions & worksheets are supplied for informational purposes only and are not intended to replace sound, legal advice. All legal questions must be directed to your own legal counsel.

The Applicant shall prepare **six (6)** packets of information. **Each packet must include the following documents:**

1. **Application for Hearing** – the applicant must fill in all information and be conversant with the issues mentioned in the optional Appendices.
2. **Certified Plot Plan** – prepared on 11" x 17" – said plan to contain:
 - Property address, map and lot number, zoning district and overlay districts
 - Water lines, well and septic locations should be noted if applicable
 - Location of lot lines, dimensions of lot, frontage
 - Location and dimensions of public easements & public utilities
 - Established zoning setback requirements
 - Location and dimensions of primary and accessory structures
 - Proximity to wetlands

*All proposed changes must be shown in **RED** on the plot plan*

3. **Building Plans** – prepared on 11" x 17" – said plan to contain:
 - Existing exterior elevations to include front, rear and side elevations
 - Proposed exterior elevations to include front, rear and side elevations
 - Location of windows and doors
 - Exterior stair locations and dimensions
 - Interior floor plans (if applicable)
 - Average height of the building- existing and proposed
4. **Copy of the Building Commissioner's Denial of a Building Permit or equivalent**
5. **One (1) electronic copy of the official application form and one (1) electronic copy of all plans, exhibits, analysis and any other information and/or attachments pertaining to the petition must be filed with the Zoning Board.**

The Applicant shall file the six (6) application packets in the Town Clerk's Office located at 580 High Street along with delivering the check for the filing fee to the Collector's Office no later than 1:00PM on the day of the filing deadline.

The electronic copy of the application shall be delivered to the Board of Appeals office located at 50 Carby Street or sent to the Zoning Administrator by e-mail. Once the application is filed with the Town Clerk, the Zoning Administrator will schedule a hearing within the time requirements under Massachusetts General Laws, Chapter 40A.

The Zoning Board Administrator will place a legal notice of the hearing in the local newspaper on two consecutive Thursdays at least fourteen (14) days prior to the hearing. The notice will be sent by the Administrator to all abutters located within 300 feet of the property listed on the application. The Applicant will receive a notification of the date of the hearing and a copy of the abutters list showing to whom the legal notice was sent.



WESTWOOD BOARD OF APPEALS
APPLICATION FOR HEARING

1. **Name of Applicant:** _____
2. **Applicant** is (check one): Owner ____ Tenant ____ Abutter ____ Purchaser ____ Other _____
3. **Mailing address of Applicant:** _____
4. **Telephone - Home:** _____ **Business:** _____
5. **E-Mail Address of Applicant:** _____
6. **Address of Property subject to Hearing:** _____
7. **Owner of Property:** _____
8. **Mailing Address of Property Owner:** _____
9. **Telephone - Home:** _____ **Business:** _____
10. **Deed** recorded in: Norfolk County Registry of Deeds: Book # _____ Page # _____
or Land Court Registry: Certificate # _____ Book # _____ Page # _____
11. **Property** MAP # _____ LOT # _____ DISTRICT _____
12. Has an appeal/application ever been filed with the ZBA on this property? (Y/N) ____ If yes, when: _____
13. **NATURE of Application** (check one):
_____ Appeal in accordance with MA G.L.Ch. 40A, Sec. 8 as amended
_____ Special Permit in accordance with MA G.L.Ch.40A, Sec. 9 as amended
_____ Variance in accordance with MA G.L. Ch. 40A, Sec. 10 as amended

When applying for a Special Permit under Section 9.3 of the Westwood Zoning Bylaw, please make sure that you and/or your attorney refer to the specific bylaw regarding this section.

STATE the EXACT NATURE of this application including the applicable section number(s) of the Westwood Zoning Bylaw:

I hereby request a hearing before the Westwood Board of Appeals with reference to the subject property.

I am aware that the **cost of legal advertising** will be billed to me directly as the Applicant, by the newspaper at a later date. I am also aware of the provisions in the Zoning Bylaw with regard to **Reimbursement for Consultants**, and I agree to reimburse the Board of Appeals and the Town of Westwood for all costs incurred by the Town or its' Boards for all fees, expenses and costs in connection with the review and evaluation of the Application for Special Permit and/or Variance.

I have reviewed the Zoning Board of Appeals Instructions and Information and understand the time requirements.

Signed: _____ Date: _____
APPLICANT'S SIGNATURE (or Agent)

Signed: _____ Date: _____
PROPERTY OWNER (if different from applicant)

<p style="text-align: center;">SCHEDULE OF FILING FEES FOR THE BOARD OF APPEALS</p> <p style="text-align: center;">Residential Properties - \$165.00</p> <p style="text-align: center;">Business Properties - \$330.00</p> <p style="text-align: center;">Comprehensive Permits - \$2530.00</p>

CHECKLIST:

- 6 copies of the Application
- 6 copies of the OPTIONAL Appendices (if completed)
- 6 copies of a Certified Plot Plan – size 11" x 17"
- 6 copies of the Building Plans (interior and/or exterior as applicable) – size 11" x 17"
- 6 copies of the Building Commissioner's denial of a building permit or equivalent

File the six (6) packets in the Town Clerk's office located at 580 High Street making sure to include a check for the filing fee in the correct amount.

Deliver one (1) electronic copy of the Application with attachments to the Office of the Board of Appeals at 50 Carby Street.

OPTIONAL

APPENDIX A – Variance Worksheet

The Variance must be with respect to particular land or structures.

- Parcel of Land: _____
- Structures: _____

There must be circumstances relating to soil conditions, shape, and topography of such land or structures and especially affecting such land or structures, but not affecting generally the zoning district in which it is located.

- Circumstances would be: _____

Literal enforcement of the provisions of the bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant.

- Hardship would be: _____

Desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such bylaw.

- Relief would be:

- Detriment would be:

- Intent or purpose of Bylaw section?

- Would the Variance nullify intent or purpose above?

- Is there any substantial derogating (lessening) of the intent or purpose and if so, what is it?

OPTIONAL

APPENDIX B - Special Permit Considerations

- The structure is in harmony with the general purpose and intent of the bylaw.
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- The structure is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.
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- Adequate and appropriate facilities will be provided for the proper operation of the proposed structure.
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- The proposed structure will not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse material, visual or other nuisances.
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- The proposed structure will not cause undue traffic congestion in the immediate area.
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