

Law Offices of
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September 21, 2017

Westwood Zoning Board of Appeals
c/o Westwood Town Clerk
580 High Street
Westwood, MA 02090

Re: Applicant: Petruzziello Properties, LLC and Matt's Barbers Unlimited Inc. d/b/a
Islington Barbers
Property: 256 Washington Street, Westwood, MA

Dear Town Clerk:

Relative to the above captioned matter enclosed herewith please find six (6) packets consisting of the following:

1. Westwood Board of Appeals – Application for Hearing (with Appendix and Project Narrative)
2. Plan (11" x 17") entitled "256 Washington Street, Westwood, Massachusetts Plot Plan", dated August 8, 2017, prepared by R.E. Cameron & Associates, Inc.
3. Floor Plan entitled "256 Washington St. Westwood, MA" by McKay Architects
4. Filing Fee in the amount of \$330.00.

It is my understanding that you are in possession of the Building Commissioner's denial letter.

Kindly file the same on my behalf. Thank you.

Very truly yours,



Peter A. Zahka, II

PAZ/af

Enc.



**WESTWOOD BOARD OF APPEALS
APPLICATION FOR HEARING**

1. Name of Applicant: Petruzziello Properties, LLC and Matt's Barbers Unlimited, LLC
2. Applicant is (check one): Owner Tenant Abutter Purchaser Other
3. Mailing address of Applicant: 21 Eastbrook Road, Dedham, MA 02026
4. Telephone - Home: _____ Business: 781-329-6100
5. E-Mail Address of Applicant: GP@SupremeCompanies.com
6. Address of Property subject to Hearing: 256 Washington Street, Westwood, MA
7. Owner of Property: Petruzziello Properties, LLC
8. Mailing Address of Property Owner: 21 Eastbrook Road, Dedham, MA 02026
9. Telephone - Home: _____ Business: 781-329-6100
10. Deed recorded in: Norfolk County Registry of Deeds: Book # 35445 Page # 151
or Land Court Registry: Certificate # _____ Book # _____ Page # _____
11. Property MAP # 23 LOT # 184 DISTRICT GR
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:

- (A) Existing building at 256 Washington Street is a pre-existing nonconforming "mixed use" building with retail use on the first floor and two residential apartments on the upper floors. Applicant seeks special permits to alter and change the first floor retail use to approximately 716 gsf/682 nsf personal service establishment (i.e., barbershop) and approximately 294 gsf/255 nsf retail and/or office use and to maintain the two residential apartments on the upper floors. 4.5.2.2


Westwood Zoning By-Law Sections: 4.1.2 (Table of Principal Uses); 4.5.2, 4.5.3, 4.5.4, 4.5.6, and 10.3

Plan on a minimum of three months to complete the process.

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: 9/20/17
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.

Plan on a minimum of three months to complete the process.

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.

The structure currently exists. No change to the structure is proposed.
See Project Narrative.

- 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.

The structure currently exists. No change to the structure is proposed.
See Project Narrative.

- Adequate and appropriate facilities will be provided for the proper operation of the proposed structure.

The structure currently exists. No change to the structure is proposed.
See Project Narrative.

- 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.

The structure currently exists. No change to the structure is proposed.
See Project Narrative.

- The proposed structure will not cause undue traffic congestion in the immediate area.

The proposed change of use has the same parking requirements as the existing use. See Project Narrative.

APPLICANTS: **PETRUZZIELLO PROPERTIES, LLC, AND MATT’S
BARBERS UNLIMITED INC. D/B/A ISLINGTON
BARBERS**
OWNER: **PETRUZZIELLO PROPERTIES, LLC**
PROPERTY: **256 WASHINGTON STREET, WESTWOOD, MA**

APPLICATION FOR SPECIAL PERMITS

PROJECT NARRATIVE

I. INTRODUCTION/GENERAL OVERVIEW OF PROJECT

PetruzzIELLO Properties, LLC, and Matt’s Barbers Unlimited, Inc. d/b/a Islington Barbershop (hereinafter referred to collectively as the “Applicant”) propose to change and alter a pre-existing nonconforming use at the property known and numbered as 256 Washington Street, Westwood, MA (hereinafter referred to as the “Subject Property”). PetruzzIELLO Properties, LLC, is the owner of the Subject Property and Matt’s Barbers Unlimited, Inc. d/b/a Islington Barbers is the proposed tenant. The Subject Property is shown on Westwood Board of Assessors as Map 23, Lot 184. According to the Westwood Zoning Map, the Subject Property is located in the General Residence (GR) Zoning District.

The Subject Property contains approximately 9,099 square feet of land with over 67 feet of frontage on Washington Street. The Subject Property is occupied by an existing “mixed-use” (i.e., retail and residential apartments) building. According to the records maintained by the Westwood Board of Assessors the existing building was built in 1900. The first floor of the building has a gross floor area of approximately 1,156 square feet (937 net sf) and has been utilized for retail purposes. There are two (2) residential apartments on the upper floors.

The Subject Property and the uses therein are nonconforming in a number of respects. As indicated above, the Subject Property has a lot area of 9,099 sf and frontage and width of 67 feet. Per Section 5.2 (Table of Dimensional Requirements) of the Westwood Zoning By-Law, lots in the GR Zoning District have a required minimum lot area of 12,000 sf and a required minimum lot frontage and width of 90 feet. In addition, the existing building has a front yard setback of 21 feet and a side yard setback of 1.1 feet. Per the Table of Dimensional Requirements buildings in the GR Zoning District buildings have a required minimum front yard setback of 25 feet and a required minimum side yard setback of 15 feet. Likewise, per Section 4.1.2 (Table of Principal Uses) of the Westwood Zoning By-Law, retail uses and mixed use buildings are not allowed in the GR Zoning District.

Applicant proposes to change and alter the first floor commercial uses of the building from all retail to partially a barbershop (which is a “personal services establishment” as defined in Section 2.0 of the Westwood Zoning By-Law) and partially retail and/or office. The upper floors will remain as two residential apartments. Specifically, Applicant proposes to have approximately 716 gross square feet (682 nsf) utilized for the barbershop and the remaining 294 gross square feet (255 nsf) remain as retail and/or office. Barbershops and offices are not an allowable use in the GR District. Therefore, this is considered a change from one nonconforming use to another nonconforming use(s).

I. RELIEF REQUESTED

Applicant respectfully requests such special permits as required to extend, alter, and change an approximate 1,156 gsf (937 nsf) nonconforming first floor retail use to an approximate 716 gsf (682 nsf) personal service establishment (i.e., a barbershop) and an approximate 294 gsf (255 nsf) retail and/or office use and to allow the upper floors to continue as two nonconforming residential apartments.

II. ZONING ANALYSIS

As noted above, a retail uses and “mixed-use buildings” are not allowed in the GR Zoning District. Accordingly, the retail use and the “mixed-use” building at the Subject Property are considered a pre-existing nonconforming. Section 2 of the Westwood Zoning By-law defines a nonconforming use as a use of a building, structure or land not in conformance with one or more provisions of this Bylaw which was lawfully in existence or was lawfully begun before the first publication of notice of the public hearing concerning amendment of a zoning provision that would render the use not in compliance. As stated above, Applicant seeks to allow the first floor to be occupied by a personal service establishment (i.e., barber shop) with a floor area of approximately 716 gsf/682 nsf and a retail and/or office use with a floor area of approximately 294 gsf/255 nsq feet. Section 2 of the Westwood Zoning By-law defines a personal services establishment to include barber shops. Table 4.1.5 Section 4.1.5.27 (Commercial Uses) does not allowed personal service establishments or retail use in the GR Zoning District. In addition, the building will remain “mixed-use” with two residential apartments on the upper floora.

Sections 4.5.2, 4.5.3, 4.5.4 and 4.5.6 of the Westwood Zoning By-law specifically authorize and empower the Board of Appeals to grant Special Permits for change or substantial extension of a nonconforming uses and structures. Under said Sections the Board of Appeals may grant such a Special Permit “only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood”. Furthermore, in acting upon requests for Special Permits, the Board of Appeals is guided by Section 10.3 of the Westwood Zoning By-Law which provides that:

Special permits shall be granted . . . only upon [the]
written determination that the adverse effects of the

proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination should include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood characteristics and social structure;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on town services, tax base, and employment.

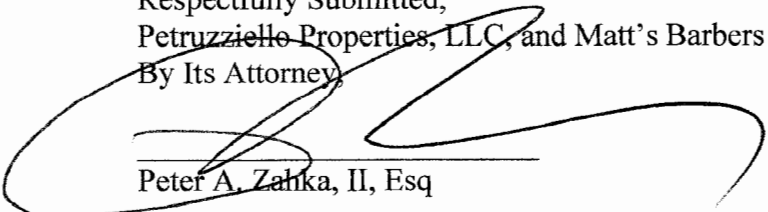
Applicant respectfully submits that the proposed project satisfies the above stated requirements and criteria for the issuance of the requested special permits. There will be minimal changes as to the nature and type of the proposed use. The proposed use (i.e., barbershop) will likely have a positive impact on the neighborhood. The barbershop is relocating from Islington Center and is very popular in the area. The special permit will allow the same without impacting any existing parking spaces or traffic flow and safety. The proposed will have no impact on the neighborhood character and social structure. As stated above, there will be no changes to the structures or buildings located on the subject property. There will be no impact on the natural environment. There will be no negative impact on town services since outdoor parking has already existed. It should be noted that under the Westwood Zoning By-Law the parking requirements are the same for retail, offices, and personal service establishments.

Based upon the above, the proposed change and extension of the nonconforming use will not be “substantially more detrimental than the existing nonconforming use” nor will any adverse effects from the proposal outweigh its beneficial impacts to the Town or neighborhood.

II. CONCLUSION

For the reasons set forth above, the ZBA should grant the requested special permits.

Respectfully Submitted,
Petruzzello Properties, LLC, and Matt’s Barbers Unlimited Inc.
By Its Attorney,


Peter A. Zahka, II, Esq



Google Maps 257 MA-1A



Image capture: Oct 2016 © 2017 Google United States

Westwood, Massachusetts

Google, Inc.

Street View - Oct 2016