

Town of Westwood
Commonwealth of Massachusetts



Department of Community and Economic Development
BUILDING DIVISION

Joseph F. Doyle, Jr.
Building Commissioner
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Susanne Thomas-Hogan
Administrative Assistant
shogan@townhall.westwood.ma.us

94 Oak Street

Mr. Fitzgerald,

December 12, 2016

Your permit application for a retaining wall at the above address is denied. You must seek relief from the Planning Board for a special permit under Section 7.1 – Earth Material Movement By Law.

In addition any portion of the wall that is within the 15' side setback requirement, is less than 100' from the front lot line, and is greater than 6' in total for the combination of the wall and guard rail/fence above it will require a special permit from the Zoning Board of Appeals under Section 6.3.10 – Perimeter Fence. If any portion of the combination of the wall/guard rail/fence exceeds 8' in the same locations as described above, a variance will be required

Joseph F. Doyle, Jr
Building Commissioner

2016 DEC 21 A 9:06
TOWN CLERK
TOWN OF WESTWOOD



**WESTWOOD BOARD OF APPEALS
APPLICATION FOR HEARING**

1. Name of Applicant: 94 OAK STREET LLC,
2. Applicant is (check one): Owner Tenant Abutter Purchaser Other
3. Mailing address of Applicant: 42 RIVERDALE AVE, NEWTON, MA 02458
4. Telephone - Home: 781 521 2089 Business: 617 527 0369
5. E-Mail Address of Applicant: ThemarionGroup@gmail.com
6. Address of Property subject to Hearing: 94 OAK STREET, WESTWOOD -MA -
7. Owner of Property: 94 OAK STREET LLC
8. Mailing Address of Property Owner: 42 RIVERDALE AVE, NEWTON, MA 02458
9. Telephone - Home: 781 521 2089 Business: 617 527 0369
10. Deed recorded in: Norfolk County Registry of Deeds: Book # _____ Page # _____
or Land Court Registry: Certificate # _____ Book # _____ Page # _____
11. Property MAP # 35 LOT # _____ DISTRICT RC
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

TOWN CLERK
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2016 DEC 21 A 006

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:

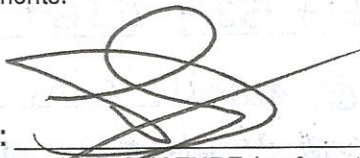
Requesting variance under Section 6.3.10 to build retaining wall and fence exceeding 8 feet in height


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: 12/19/16
APPLICANT'S SIGNATURE (or Agent)

Signed:  Date: 12/19/16
PROPERTY OWNER (if different from applicant)

| SCHEDULE OF FILING FEES FOR THE BOARD OF APPEALS | |
|--|-------------|
| Residential Properties | - \$165.00 |
| Business Properties | - \$330.00 |
| Comprehensive Permits | - \$2530.00 |

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TOWN CLERK
TOWN OF WESTWOOD

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.

— DENIAL —

DATE ISSUED: _____ FEE PAID: _____ NO.: _____

APPLICATION FOR PERMIT TO BUILD

To the Building Commissioner: _____ Date: _____

The undersigned hereby applies for a permit to Build - Alter - Remodel, etc., according to information indicated in this application and plans and specifications submitted herewith.

| PLEASE PRINT CLEARLY | | | |
|---|---|--|--|
| IMPORTANT - Applicant to complete all items in sections I, II, III, IV, AND V | | | |
| I. LOCATION OF BUILDING | | | |
| STREET ADDRESS | 94 OAK ST (NO.) (STREET) | R. SIDE YARD SETBACK | _____ |
| ZONING DISTRICT | LOT FRONTAGE | L. SIDE YARD SETBACK | _____ |
| ASSESSORS MAP # | LOT# | REAR YARD SETBACK | _____ |
| | LOT SIZE | FRONT YARD SETBACK | _____ |
| II. TYPE AND COST OF BUILDING - All applicants complete Parts A - D. | | | |
| A. TYPE OF IMPROVEMENT 1 New Building 2 Addition 3 <u>Alteration</u> 4 Repair, replacement 5 Wrecking 6 Moving (relocation) 7 Foundation only 8 Pools, Fences, Towers Tennis Courts, etc. | D. PROPOSED USE - For "Wrecking" most recent use <u>RESIDENTIAL</u> <u>13 One Family</u> 14 Two or more family - Enter number of units 15 Transient hotel, motel, or dormitory - Enter number of units 16 Garage 17 Carport 18 Other - Specify <u>Install retaining wall</u> | NONRESIDENTIAL 19 Amusement, recreational 20 Church, other religious 21 Industrial 22 Parking garage 23 Service station, repair garage 24 Hospital, institutional 25 Office, bank, professional 26 Public Utility 27 School, library, other educational 28 Stores, mercantile 29 Tanks, towers 30 Other - Specify | <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> RECEIVED NOV 29 2016 <small>TOWN OF WESTWOOD COMMISSIONER OF BUILDING</small> </div> |
| B. OWNERSHIP 9 Private (Individual, Corporation, nonprofit Institution, ect.) 10 Public (Federal, State or Local Government) | | | |
| C. COST 11 Cost of Basic Construction To be installed but not included in the above cost a. Electrical b. Plumbing c. Heating, air conditioning d. Other (elevator, etc.) 12 TOTAL COST OF IMPROVEMENT \$ | (Omit cents) <u>\$10,000</u> \$ \$ \$ | E. TYPE OF OCCUPANCY OR USE; NEW HOME, ETC. Briefly outline scope and nature of work to be done. | |
| III. SELECTED CHARACTERISTICS OF BUILDING <small>For new buildings and additions, complete Parts E-L; for wrecking, complete only Part J, for all others skip to IV.</small> | | | |
| F. PRINCIPAL TYPE OF FRAME 31 <u>Masonry</u> 32 Wood frame 33 Structural steel 34 Reinforced concrete 35 Other - Specify | H. TYPE OF SEWAGE DISPOSAL 41 Public Sewer 42 Private (septic tank, etc.) | K. DIMENSIONS 49 Number of stories _____ 50 Total sq.ft. of floor area, all floors, based on exterior dimensions _____ 51 Total land area, sq.ft. _____ | |
| G. PRINCIPAL TYPE OF HEATING FUEL 36 Gas 38 Electricity 40 Other - Specify 37 Oil 39 Coal | I. TYPE OF WATER SUPPLY 43 Public or Private Company 44 Private (well) | L. NUMBER OF OFF - STREET PARKING SPACES 52 Enclosed _____ 53 Outdoors _____ | |
| J. TYPE OF MECHANICAL Will there be air conditioning? 45 Yes 46 No Will there be an elevator? 47 Yes 48 No | M. RESIDENTIAL BUILDINGS ONLY 54 No. of bedrooms _____ 55 No. of baths: Full Partial | | |

IV. TO BE COMPLETED BY ALL APPLICANTS

USE N/A IF _____

- Will building be erected on solid or filled land _____ If filled land how long ago filled _____
- Will foundation be laid on earth, rock, timber, piles _____
- Foundation material Concrete
- Roof (flat, pitched) _____
- Roof covering _____
- Will all construction to be performed conform to State and Local Building Codes _____
- Has the applicant complied with the Architectural Access Code _____
- Does this Building or Structure conform to the Zoning Bylaw _____
- Has the applicant complied with the Energy Code _____
- Is this property in the FLOOD PLAIN AREA _____

| | |
|----------|----|
| ACCOUNT | 59 |
| PAYMENT | |
| BAL. DUE | |

OR RENT FOR

THIS IS A TRUE STATEMENT SIGNED UNDER PENALTIES OF PERJURY

V. IDENTIFICATION - To be completed by all applicants - Complete street and mailing addresses

| NAME | COMPLETE ADDRESS | HOME & BUS. PHONE |
|---------------------|--|-----------------------|
| Owner or Lessee | 94 OAK ST LLC | 94 OAK ST 617 2441996 |
| Builder/ Contractor | Derrick Fitzgerald 288 Washington St Brookline 02445 | |
| Architect/ Engineer | Ed Demone | 401 722 7101 |

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent.

| | | |
|------------------------|---|------------------------------|
| Signature of Applicant | Address 288 Washington St Brookline | Application Date 11/10/16 |
|------------------------|---|------------------------------|

This permit is approved subject to the provisions of all Federal and State Laws, Rules & Regulations and Con. Com. approval.

| |
|---|
| Sewer Permit No. |
| Sanitary Permit No. (Title V) |
| Highway Dept. Permit |
| Fire Dept. Permit |
| Water District Permit |
| CONTRACTOR LICENSING INFORMATION |
| Construction Supervisor License No. |
| Date of Expiration |
| Home Improvement Contractor No. |
| Date of Expiration |

COMMENTS - DEPARTMENT USE ONLY

BUILDING COMMISSIONER'S DENIAL

REQUIRES SE. PERMIT UNDER SECTION 7.1. EARTH MATERIAL MOVEMENT

I have reviewed the applicant's request for a Building Permit and determined that it be forwarded to the Zoning Board of Appeals

[Signature]
BUILDING COMMISSIONER

A. I hereby certify under penalty of perjury that I carry Workers' Compensation Insurance Coverage.

Signature: _____

Name of Insurance Company: _____

Policy Number: _____ Expiration Date: _____

B. I do not carry Workers' Compensation Coverage as I am an unincorporated sole proprietorship with no employees, using other self-employed sub-contractors for all work.

Signature _____

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 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.