



**WESTWOOD BOARD OF APPEALS  
APPLICATION FOR HEARING**

1. Name of Applicant: ROBERT W. HARRINGTON
2. Applicant is (check one): Owner  Tenant  Abutter  Purchaser  Other
3. Mailing address of Applicant: 1134 HIGH ST. WESTWOOD, MA 02090
4. Telephone - Home: (781) 769-4406 Business: \_\_\_\_\_
5. E-Mail Address of Applicant: robharrington@comcast.net
6. Address of Property subject to Hearing: 1134 HIGH ST. WESTWOOD, MA
7. Owner of Property: ROBERT W. + CAROLYN L. HARRINGTON
8. Mailing Address of Property Owner: 1134 HIGH ST. WESTWOOD, MA
9. Telephone - Home: (781) 769-4406 Business: \_\_\_\_\_
10. Deed recorded in: Norfolk County Registry of Deeds: Book # 4898 Page # 539  
or Land Court Registry: Certificate # \_\_\_\_\_ Book # \_\_\_\_\_ Page # \_\_\_\_\_
11. Property MAP # 28 LOT # 047 DISTRICT SRC
12. Has an appeal/application ever been filed with the ZBA on this property? (Y/N) Y If yes, when: 2/27/1978
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:

4.5.4 NEW OR EXPANSION OF NONCONFORMITY  
THE ADDITION OF AN 8'x12' COVERED PORCH  
LATERALLY TO AN EXISTING NONCONFORMITY,

**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: Robert W. Harrington Date: 1/18/2017  
APPLICANT'S SIGNATURE (or Agent)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
PROPERTY OWNER (if different from applicant)

<p align="center"><b>SCHEDULE OF FILING FEES FOR THE BOARD OF APPEALS</b></p> <p align="center">Residential Properties - \$165.00</p> <p align="center">Business Properties - \$330.00</p> <p align="center">Comprehensive Permits - \$2530.00</p>
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**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.**

OPTIONAL

APPENDIX B - Special Permit Considerations

- The structure is in harmony with the general purpose and intent of the bylaw.

THE PROPOSED PORCH WOULD BE A FEW FEET BACK FROM ROADWAY, BUT STILL A NONCONFORMING DISTANCE FROM REQUIRED SETBACK.

- 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 PORCH WOULD BE ON THE SIDE FACING PART OF THE HOUSE. AND IN KEEPING WITH OTHER NEARBY RESIDENCES.

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

N/A

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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.

THE PORCH WILL BE FACING CONSERVATION PROPERTY 120' AWAY.

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

N/A

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Denied Per Zoning Sec. 4.5.4  
within setbacks

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.

RECEIVED  
OCT 31 2016  
TOWN OF WESTWOOD  
COMMISSIONER OF BUILDING

PLEASE PRINT CLEARLY

IMPORTANT - Applicant to complete all items in sections I, II, III, IV, AND V

**I. LOCATION OF BUILDING**

STREET ADDRESS 113A High St. R. SIDE YARD SETBACK \_\_\_\_\_  
(NO.) (STREET) L. SIDE YARD SETBACK \_\_\_\_\_  
ZONING DISTRICT \_\_\_\_\_ LOT FRONTAGE \_\_\_\_\_ REAR YARD SETBACK \_\_\_\_\_  
ASSESSORS MAP # \_\_\_\_\_ LOT# \_\_\_\_\_ LOT SIZE \_\_\_\_\_ FRONT YARD SETBACK \_\_\_\_\_

**II. TYPE AND COST OF BUILDING - All applicants complete Parts A - D.**

<p><b>A. TYPE OF IMPROVEMENT</b></p> <p>1 New Building</p> <p>2 Addition <input checked="" type="checkbox"/></p> <p>3 Alteration</p> <p>4 Repair, replacement</p> <p>5 Wrecking</p> <p>6 Moving (relocation)</p> <p>7 Foundation only</p> <p>8 Pools, Fences, Towers Tennis Courts, etc.</p>	<p><b>D. PROPOSED USE - For "Wrecking" most recent use</b></p> <p><b>RESIDENTIAL</b></p> <p>13 One Family <input checked="" type="checkbox"/></p> <p>14 Two or more family - Enter number of units</p> <p>15 Transient hotel, motel, or dormitory - Enter number of units</p> <p>16 Garage</p> <p>17 Carport</p> <p>18 Other - Specify</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p><b>NONRESIDENTIAL</b></p> <p>19 Amusement, recreational</p> <p>20 Church, other religious</p> <p>21 Industrial</p> <p>22 Parking garage</p> <p>23 Service station, repair garage</p> <p>24 Hospital, Institutional</p> <p>25 Office, bank, professional</p> <p>26 Public Utility</p> <p>27 School, library, other educational</p> <p>28 Stores, mercantile</p> <p>29 Tanks, towers</p> <p>30 Other - Specify</p>
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RECEIVED  
SEP 28 2016  
TOWN OF WESTWOOD  
COMMISSIONER OF BUILDING

**B. OWNERSHIP**

9 Private (Individual, Corporation, nonprofit Institution, ect.)

10 Public (Federal, State or Local Government)

**C. COST**

11 Cost of Basic Construction \$ 18,000-

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 \$ 18,000-

**E. TYPE OF OCCUPANCY OR USE; NEW HOME, ETC.**

Briefly outline scope and nature of work to be done.

porch  
BUILD ROOF OVER ENTRYWAY 8'-0" x 12'-0"  
WITH DECK AND STEPS TO GRADE.  
EXTEND 5'-0" WIDE WALKWAY TO EXISTING  
BACK DECK

**III. SELECTED CHARACTERISTICS OF BUILDING** For new buildings and additions, complete Parts E-L; for wrecking, complete only Part J, for all others skip to IV.

<p><b>F. PRINCIPAL TYPE OF FRAME</b></p> <p>31 Masonry</p> <p>32 Wood frame <input checked="" type="checkbox"/></p> <p>33 Structural steel</p> <p>34 Reinforced concrete</p> <p>35 Other - Specify</p>	<p><b>H. TYPE OF SEWAGE DISPOSAL</b></p> <p>41 Public Sewer</p> <p>42 Private (septic tank, etc.)</p>	<p><b>K. DIMENSIONS</b></p> <p>49 Number of stories _____</p> <p>50 Total sq.ft. of floor area, all floors, based on exterior dimensions _____</p> <p>51 Total land area, sq.ft. _____</p>
<p><b>G. PRINCIPAL TYPE OF HEATING FUEL</b></p> <p>36 Gas      38 Electricity      40 Other - Specify</p> <p>37 Oil      39 Coal</p>	<p><b>I. TYPE OF WATER SUPPLY</b></p> <p>43 Public or Private Company</p> <p>44 Private (well)</p>	<p><b>L. NUMBER OF OFF - STREET PARKING SPACES</b></p> <p>52 Enclosed _____</p> <p>53 Outdoors _____</p>
<p><b>J. TYPE OF MECHANICAL</b></p> <p>Will there be air conditioning?</p> <p>45 Yes    46 No</p> <p>Will there be an elevator?</p> <p>47 Yes    48 No</p>		<p><b>M. RESIDENTIAL BUILDINGS ONLY</b></p> <p>54 No. of bedrooms _____</p> <p>55 No. of baths: Full      Partial</p>

**IV. TO BE COMPLETED BY ALL APPLICANTS**

**USE N/A IF NOT APPLICABLE**

1. Will building be erected on solid or filled land SOLID If filled land how long ago filled N/A
2. Will foundation be laid on earth, rock, timber, piles \_\_\_\_\_
3. Foundation material CONCRETE PIERS
4. Roof (flat, pitched) PITCHED
5. Roof covering ASPHALT
6. Will all construction to be performed conform to State and Local Building Codes YES
7. Has the applicant complied with the Architectural Access Code YES
8. Does this Building or Structure conform to the Zoning Bylaw YES
9. Has the applicant complied with the Energy Code —
10. Is this property in the FLOOD PLAIN AREA NO

**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 <u>CAROLYN &amp; BOB HARRINGTON</u>	<u>1134 MIAMI ST.</u>	
Builder/ Contractor <u>MIKE DWYER INC</u>	<u>165 GROVE ST. WESTWOOD</u>	<u>617 462 9311</u>
Architect/ Engineer <u>HOWARD MILLARD</u>	<u>217 FARM LANE WESTWOOD</u>	

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 <u>Michael J. Dwyer</u>	Address <u>165 GROVE ST. WESTWOOD</u>	Application Date <u>9-28-2016</u>
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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**  
DENIED PER ZONING SECTION 4.5.4  
 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: Michael J. Dwyer

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 \_\_\_\_\_

DEC 27 '78

December 26, 1978



TOWN OF WESTWOOD

Robert W. Harrington  
1134 High Street  
Westwood, Massachusetts 02090

Dear Mr. Harrington:

Enclosed herewith is the Decision of the Westwood Board of Appeals granting your requested variance.

The variance will take effect when a copy of the enclosed decision, bearing the certification of the Westwood Town Clerk that twenty days have elapsed since the decision was filed in the office of the Town Clerk, and no appeal has been filed, is filed in the Registry of Deeds in Dedham.

In approximately twenty-one days, therefore, you should present the enclosed copy of the Board's decision to the Westwood Town Clerk's office, wherein they will verify that the appeal period has elapsed. The certified, stamped decision should then be recorded at the Registry of Deeds.

At the time of the recording, you will receive a receipt of the recording. Please send three (3) photostatic copies of the receipt to Mrs. Powers, 42 Oriole Road, Westwood. This is our only means of notification that the decision has, in fact, been filed.

For the variance to be valid, this procedure must be followed.

Very truly yours,

Paul A. Powell, Chairman

PAP:kp

Enclosure

cc: Town Clerk  
Building Inspector.

# Norfolk Registry of Deeds

Dedham, Mass., ..... 19

This day received for record,

*Advance*  
*Town of Westwood*  
*to*  
*Robt Hamington*

**PAID**

*\$7.00*  
APR 17 1970

BARRY T. HANNON  
REGISTER

RECORD OF PROCEEDINGS PURSUANT TO G.L.C. 40A

Petition of Robert W. Harrington  
1134 High Street  
Westwood, Mass.

On Thursday, November 16, 1978, at 7:30 P.M. in the Westwood Town Hall, the Westwood Board of Appeals held a public hearing to consider the petition of Robert W. Harrington requesting a variance from Section 16 (a) of the Zoning By-Laws to enlarge an existing dwelling with less than the required front setback.

STATEMENT OF FACTS

Section 16(a) Setback and Yard Requirements:

In all districts, no building or structure or swimming pool shall be constructed so as to be nearer to the line of any street than the "Required Setback Distance", or nearer to the side lines of its lot than the "Required Side Yard Width", or nearer to the rear line of its lot than the "Required Rear Yard Depth" specified in the following table for the district in which said lot is located:

District: Single Residence C

Required Setback Distance: 40 ft., except that a portion of a main building not exceeding 15 ft. in height may extend within 15 ft. of the side lines of its lot, and an accessory building or structure having a height of less than 15 ft. and a setback of at least 100 ft. may be constructed within 6 ft. of the side lines of its lot.

The petitioner, Mr. Robert W. Harrington, wishes to construct a second floor to his two bedroom, six room bungalow. The purpose of the addition is to provide four (4) extra bedrooms and a future second bathroom. This will enable Mr. Harrington to accommodate a growing family including four (4) small children.



The construction over the main portion of the house will consist of a 36 foot by 25 foot addition whereby the 25 foot dimension will extend the second floor such that a one (1) foot overhang will exist on either side of the house lengthwise. The addition will not be any closer to the front property line than the existing dwelling. To comply with the General Laws, Chapter 40A, Section 18, the minutes of the hearing plus the proposed second floor layout and a memorandum by the petitioner are filed with the Board of Appeals and the TOWN CLERK. These are enclosed for reference.

#### DECISION

The Board of Appeals voted unanimously to grant the petition for the required Variance with less than the required setback distance of 40 feet. After considering the evidence of the case, the Board voted that the petitioner was not aggravating the present setback distance of the house that was in violation. The proposed addition with the exception of a one (1) foot overhang on either side of the house would be dimensionally the same as the main portion of the house.

The petitioner submitted a typed memorandum in support of the petition for granting the variance. Within the memorandum he delineates that the property, located at 1134 High Street, is uniquely situated on the lot such that proposing an extension toward the back of the property would bring the addition too close to a wetlands area. Expansion to either side of the present dwelling would be too close to a neighboring property line on one side and over a septic tank system on the other. The latter two alternatives would still require a variance.

The Board agrees that although the present structure itself is a non-conforming structure, the addition of a second floor would not substantially increase the non-conformance of the present structure. This dwelling is non-conforming now because of prior enactment of zoning ordinances. Since the neighborhood consists of several one and two story dwellings, the addition should not nullify or substantially derogate from the intent and purpose of the Zoning By-Laws.

Secondly, literal enforcement of the Zoning By-Laws would involve a substantial hardship for the petitioner, because of the high escalating costs of the housing market, soaring mortgage interest rates, and the petitioner's preference to remain a resident of Westwood could induce an unreasonable fiscal hardship.

Thirdly, there would be no detriment to the public good.

Therefore, the evidence of the case substantiates the decision by the Board of Appeals to grant the petitioner the requested variance for non-conformance to the setback distance requirements as stated in Section 16 (a) of the Zoning By-Laws.

WESTWOOD BOARD OF APPEALS

*John A. Weber, Jr.*

John A. Weber, Jr. Acting Chairman

*Charles A. Murray*

Charles A. Murray

*Kenneth A. Rago*

Kenneth A. Rago

DEC 27 '78

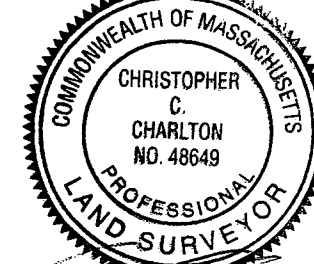


TOWN OF  
TOWN OF WESTWOOD

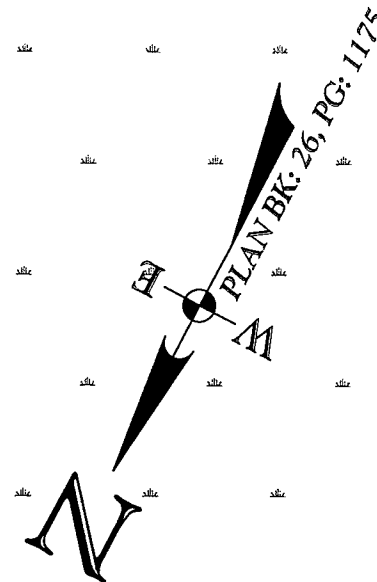




I CERTIFY THAT THIS PLAN WAS  
CREATED BY AN INSTRUMENT  
SURVEY ON THE GROUND AND  
THAT ALL STRUCTURES ARE  
LOCATED AS SHOWN HEREON.



CHRISTOPHER C. CHARLTON, PLS



N/F  
TOWN OF WESTWOOD

No. 1142 HIGH STREET  
N/F  
JOHN McNULTY

LOT AREA  
29,365<sup>+/-</sup> S.F.

ZONING DISTRICT: SRC

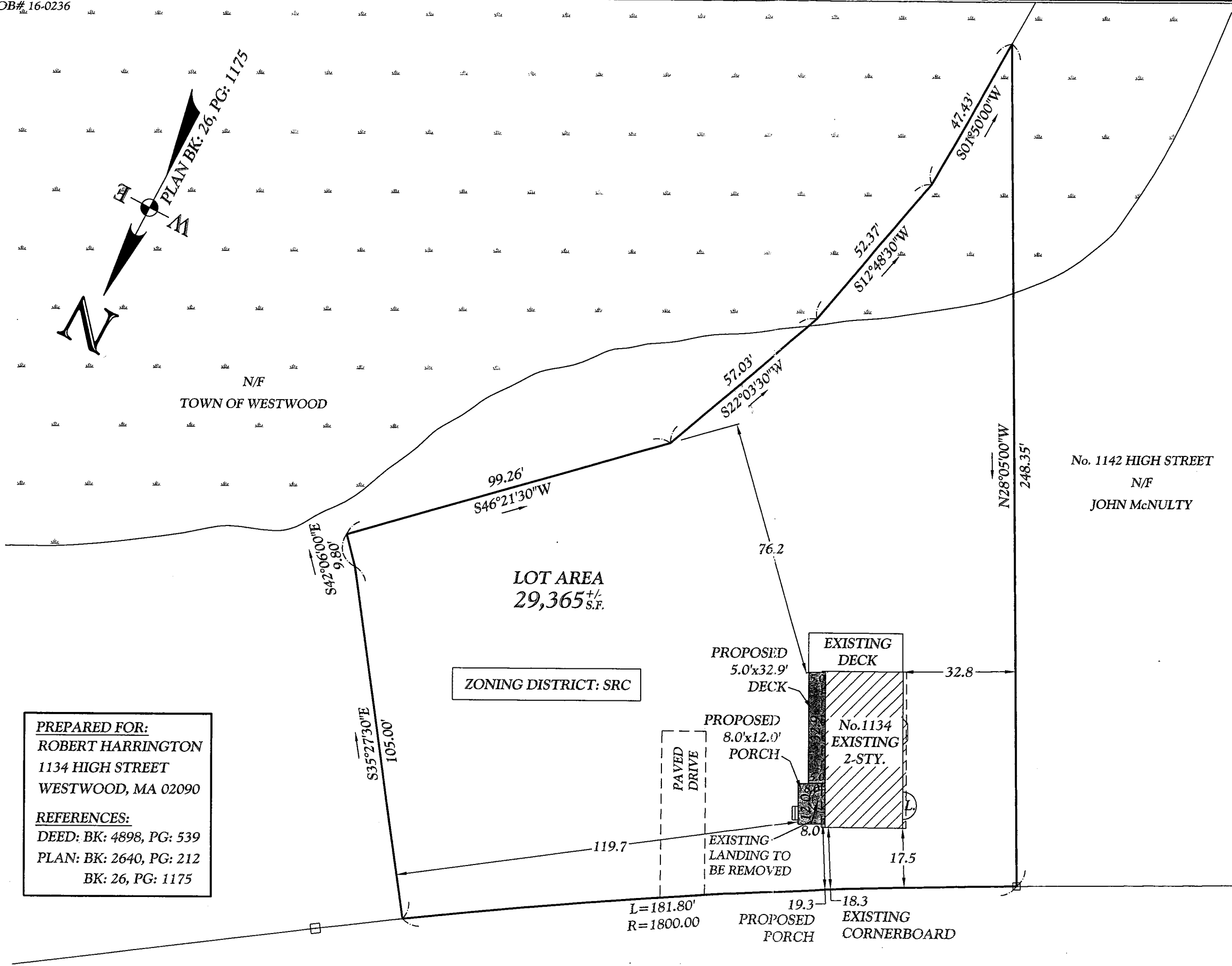
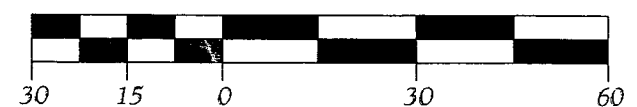
ZONING DISTRICT: SRC	
DIMENSIONAL REQUIREMENT	REQUIRED
MIN. LOT AREA (sqft)	40,000
MIN. LOT FRONTAGE (feet)	125
MIN. LOT WIDTH (feet)	125
MIN. FRONT SETBACK (feet)	40
MIN. SIDE SETBACK (feet)	20
MIN. REAR SETBACK (feet)	30
MAX. BUILDING COVERAGE (%)	25
MAX. IMPERVIOUS SURFACE (%)	50
MAX. BUILDING HEIGHT (feet)	25

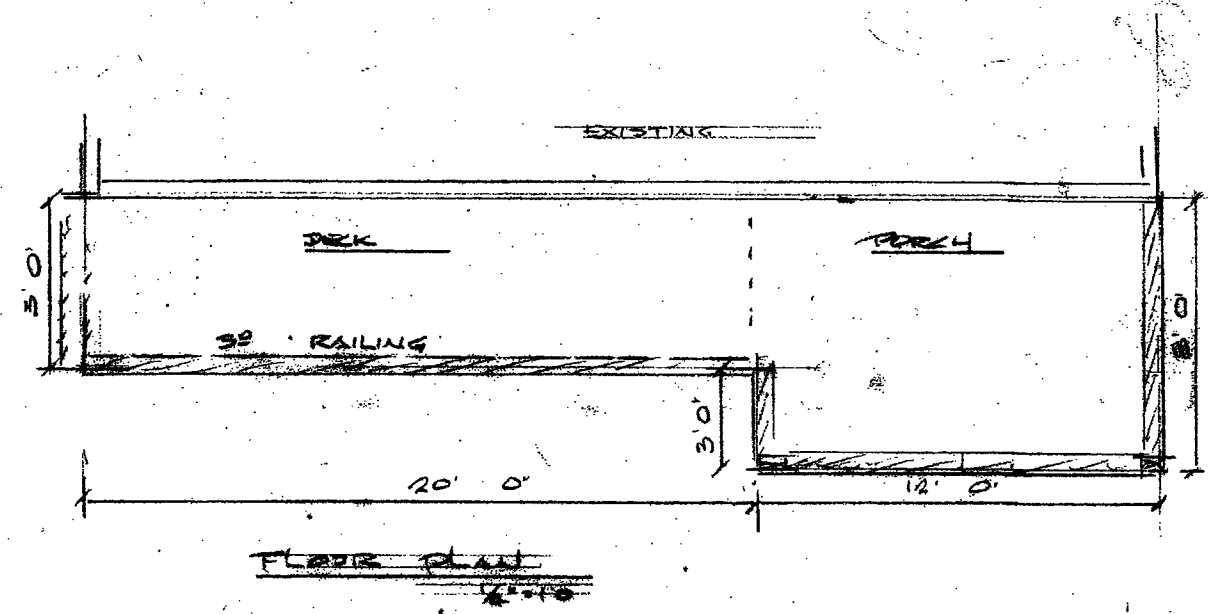
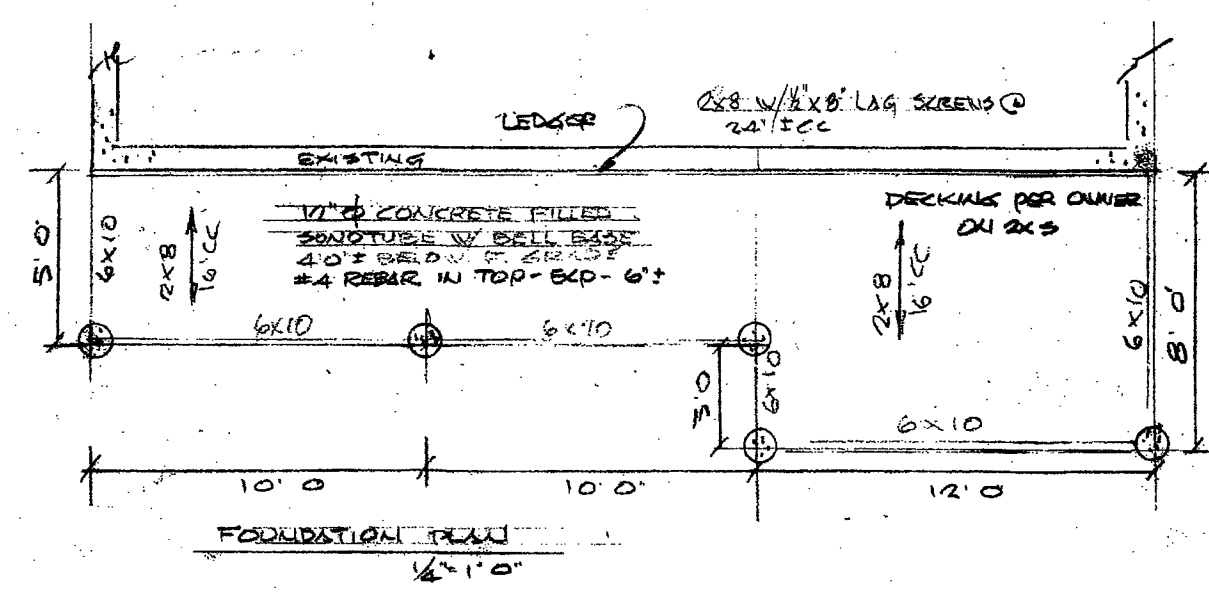
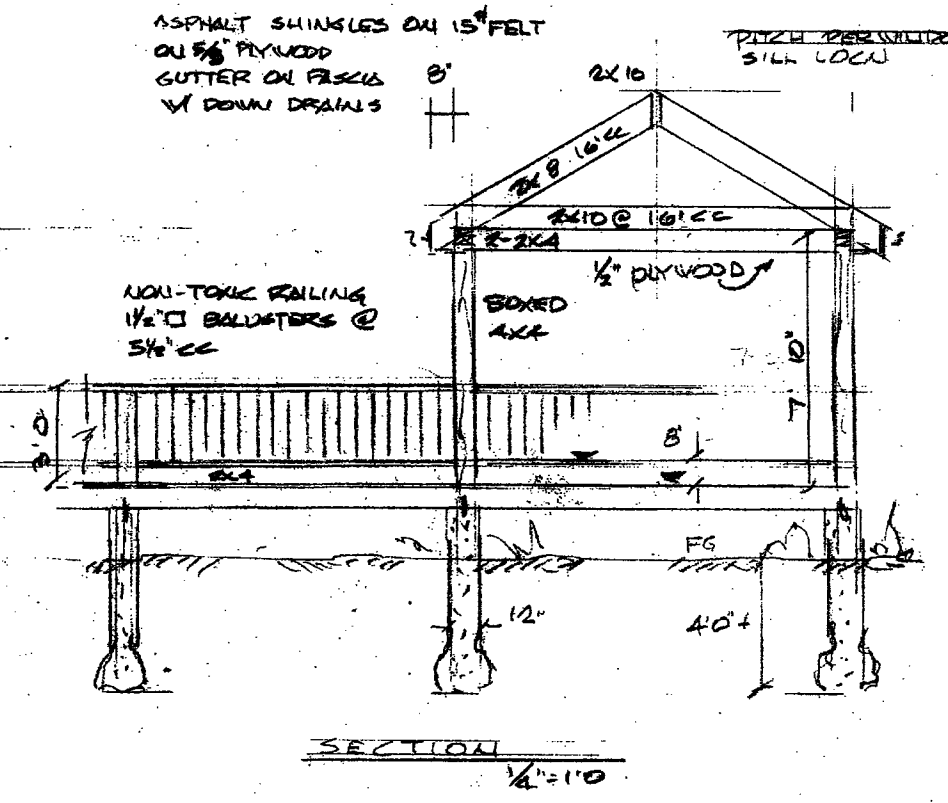
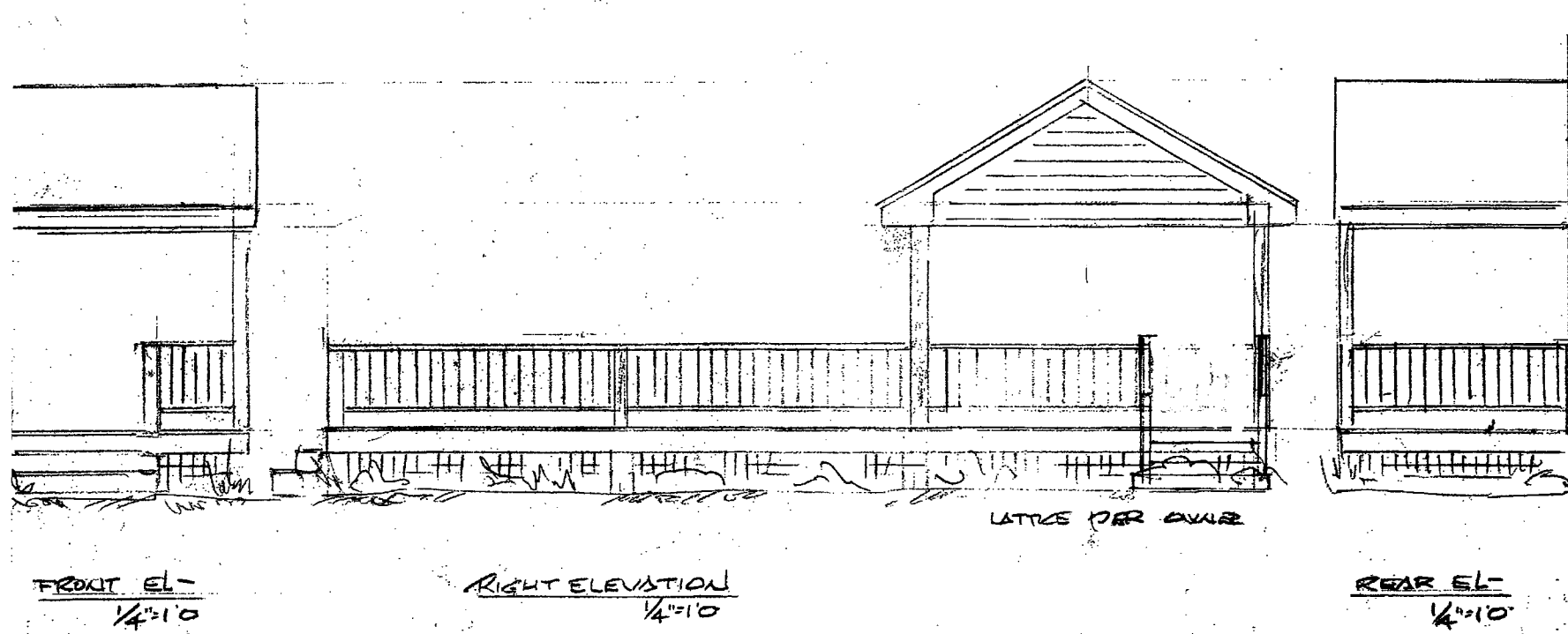
**PREPARED FOR:**  
ROBERT HARRINGTON  
1134 HIGH STREET  
WESTWOOD, MA 02090

**REFERENCES:**  
DEED: BK: 4898, PG: 539  
PLAN: BK: 2640, PG: 212  
BK: 26, PG: 1175

**CERTIFIED PLOT PLAN**  
LOCATED AT  
**1134 HIGH STREET**  
ASSESSORS PARCEL # 0028-0047  
**WESTWOOD, MA**  
NORFOLK COUNTY  
CONTINENTAL LAND SURVEY  
105 BEAVER STREET, FRANKLIN, MA  
(508) 528 - 2528  
SCALE: 1"=30' OCTOBER 25, 2016

HIGH STREET (PUBLIC - 60.0' WIDE) "ROUTE 109"





NO. / DATE FOR MARKING PLAN	1/4" = 1'-0"
LINE HIGH BY	1/8"
DATE / PLAN APPROVAL	
APPROVED & SIGNED FOR CONTRACTOR SERVICES	I
BY: [Signature]	OF