## HILL & PLAKIAS, P.C.

## ATTORNEYS AT LAW

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Dean P. Plakias

Michael K. Terry, P.C. mike@hillplakias.com Don Gleason Hill, Jr. (1883-1967)

> Paul K. Plakias (1917-1997)

May 4, 2017

## **BY HAND**

Town Clerk's Office Town of Westwood 580 High Street Westwood, MA 02090

Re:

Zoning Board of Appeals Application for Special Permit 15 Little Boot Lane, Westwood

Dear Sir or Madam:

Enclosed in connection with the above-referenced matter are six (6) copies of the following:

- 1. Application for Hearing;
- 2. Memorandum in Support of Application;
- 3. Building Inspector's denial of building permit;
- 4. Plot plan of property; and
- 5. Building plans.

I also enclose a check in the amount of \$165.00, in payment of the filing fee. Do not hesitate to contact the undersigned with any questions or concerns related to the enclosed.

Very truly yours,

Michael K. Terr

/mkt Enclosures

cc: Taghrid Abdel-Aziz



# WESTWOOD BOARD OF APPEALS APPLICATION FOR HEARING

1.	Name of Applicant: Khaled Sorour and Taghrid Abdel-Aziz				
2.	Applicant is (check one): Owner <u>x</u> Tenant Abutter Purchaser Other				
3.	Mailing address of Applicant: 15 Little Boot Lane, Westwood, MA 02090				
4.	<b>Telephone</b> - Home: <u>(401)405–6494</u> Business:				
5.	E-Mail Address of Applicant: totiaziz1@gmail.com				
6.	. Address of Property subject to Hearing: 15 Little Boot Lane, Westwood				
7.	. Owner of Property:same_as_applicant				
	Mailing Address of Property Owner:as above				
9.	Telephone - Home: Business:				
10.	Deed recorded in: Norfolk County Registry of Deeds: Book # 34831 Page # 565				
or	Land Court Registry: Certificate # Book # Page #				
	Property MAP # 13 LOT # 203 DISTRICT Single Residence C				
	Has an appeal/application ever been filed with the ZBA on this property? (Y/N) N If yes, when:				
	NATURE of Application (check one):				
13.	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 analyting face Special Dogwit under Section 0.2 of the Westwood Zoning Bulgar, places make				

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:

Applicant is seeking a Special Permit for Accessory Apartment pursuant to Bylaw Section 8.5.

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

I am aware that the <u>cost of legal advertising</u> 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 <u>Reimbursement for Consultants</u>, 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: <i>5 /4//7</i>
Signed:	Date:
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

## 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

<u>File</u> 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.

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

## **OPTIONAL**

## **APPENDIX B - Special Permit Considerations**

PLEASE REFER TO ATTACHED MEMORANDUM.

•	The structure is in harmony with the general purpose and intent of the bylaw.
•	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.
•	Adequate and appropriate facilities will be provided for the proper operation of the proposed structure.
•	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 proposed structure will not cause undue traffic congestion in the immediate area.

## MEMORANDUM IN SUPPORT OF SPECIAL PERMIT APPLICATION

#### I. INTRODUCTION

Premises: 15 Little Boot Lane

Westwood, MA 02090 Lot 10A 51,962 square feet (See attached plot plan)

Assessor's Map 13, Parcel 203

Zoning District: Single Residence C

Owner/applicant: Khaled Sorour & Taghrid Abdel-Aziz

Relief sought: Special Permit for Accessory Apartment pursuant to Section 8.5

of the Westwood Zoning Bylaw. (See attached)<sup>1</sup>

## II. DISCUSSION

1. The structure is in harmony with the general purpose and intent of the Bylaw.

Section 8.5 of the Bylaw allows for the construction of an accessory apartment within an existing dwelling or accessory structure, subject to the following design criteria:

- 8.5.6.1 The exterior character of the property containing an Accessory Apartment within a principal or accessory building or structure shall maintain the appearance of a single-family property.
- 8.5.6.2 The floor area of the Accessory Apartment shall not be less than five hundred (500) square feet.
- 8.5.6.3 The floor area of the Accessory Apartment shall not exceed the lesser of nine hundred (900) square feet, or thirty-three percent (33%) of the floor area of the combined dwelling or dwellings if the footprint of the principal dwelling remains unchanged, or twenty-four percent (24%) of the floor area of the combined dwelling if the footprint of the principal dwelling is enlarged.

<sup>&</sup>lt;sup>1</sup> Section 8.5.4 was amended by vote of Town Meeting on May 1<sup>st</sup>, raising the limit of special permits to 2% of the current single-family and two-family dwelling units in town.

- 8.5.6.4 Adequate provision shall be made for direct ingress and egress to and from the Accessory Apartment without passage through any other portion of the principal structure, except that passage to and from the Accessory Apartment shall be permitted through a garage or breezeway connected to the principal structure.
- 8.5.6.5 All stairways to upper stories shall be enclosed within the exterior walls of the building in which the Accessory Apartment is located.

This proposal is entirely in harmony with the purpose and intent of the Accessory Apartment Bylaw:

- (1) the apartment will be constructed within the existing structure, so there will be no change to the exterior appearance of the dwelling; (2) as shown on the plan filed herewith, the apartment will contain 793 square feet of space; (3) the apartment will have its own direct ingress and egress through a six foot (6') sliding door located in the kitchen/living area; and (4) there will be no stairways, as the apartment is located on ground level.
  - 2. 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 apartment will be wholly contained within the existing structure and will not alter the appearance of the dwelling or character of the surrounding zoning district.

3. <u>Adequate and appropriate facilities will be provided for the proper operation of the proposed structure.</u>

Nothing is proposed herein that will require any new facilities. All construction and systems within the dwelling will comply with all applicable codes, subject to inspection and approval by the Westwood Building Department.

4. 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.

There is no anticipated detrimental or offensive impact. The apartment will be wholly contained within the existing structure, and will be constructed in full compliance with all applicable zoning, building and board of health regulations.

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

There will be no change in traffic patterns or congestion, and there is adequate parking, per Section 8.5.8. The apartment will house one additional family member, who is elderly and does not drive.

In accordance with all the foregoing, the applicants respectfully request that this Board approve their application for a special permit pursuant to Section 8.5 of the Westwood Zoning Bylaw.

Respectfully submitted,

KHALED SOROUR & TAGHRID ABDEL-AZIZ,
By their attorney,

Michael K. Terry, Esq.

HILL & PLAKIAS, P.C.

888 Washington St., Suite 302

Dedham, MA 02026

(781) 326-8848

Dated:  $\frac{5}{4/17}$ 

## 8.5 ACCESSORY APARTMENTS

- 8.5.1 **Purposes.** The purposes of this section are as follows:
  - 8.5.1.1 to offer greater housing choice by allowing varied mixes of housing type, compatible with community character; and

- 8.5.1.2 to encourage preservation of community character through the continued ownership of existing residential properties and their surrounding landscapes.
- 8.5.2 **Special Permit Required.** An Accessory Apartment shall require the issuance of a special permit by the Board of Appeals in compliance with the provisions of this Section.
- 8.5.3 **Applicability.** The principal dwelling or accessory building or structure to be altered or constructed to contain an Accessory Apartment shall be a single-family dwelling or building accessory thereto.
- 8.5.4 **Limited Number of Special Permits.** The maximum number of special permits to be issued and in effect shall not exceed one percent (1%) of the current number of single-family and two-family dwelling units in Town. All applications for a special permit pursuant to this Section shall be acted upon in the order in which they are filed.
- 8.5.5 **General Requirements.** An Accessory Apartment shall be subject to the following general requirements:
  - 8.5.5.1 There shall be no more than one (1) Accessory Apartment per lot.
  - 8.5.5.2 No Accessory Apartment shall be permitted on a property which also contains a Conversion of a One-family Dwelling pursuant to Section 8.1.
  - 8.5.5.3 No Accessory Apartment shall be permitted on a property which also contains a boarding house.
  - 8.5.5.4 The owner of the premises within which the Accessory Apartment is located shall occupy either the principal dwelling or the Accessory Apartment. For purposes of this Section, the owner shall be one or more individuals who constitute a family, who holds title to the premises, and for whom the premises is the primary residence for voting and tax purposes. An affidavit certifying owner occupancy shall be filed with the Building Commissioner upon initial occupancy and every four years thereafter.
  - 8.5.5.5 Adequate provision shall be made for the disposal of sewage, waste and drainage to be generated by the occupancy of the Accessory Apartment, in accordance with the requirements of the Board of Health.
- 8.5.6 **Design Requirements.** An Accessory Apartment shall be subject to the following design requirements:

- 8.5.6.1 The exterior character of the property containing an Accessory Apartment within a principal or accessory building or structure shall maintain the appearance of a single-family property.
- 8.5.6.2 The floor area of the Accessory Apartment shall not be less than five hundred (500) square feet.
- 8.5.6.3 The floor area of the Accessory Apartment shall not exceed the lesser of nine hundred (900) square feet, or thirty-three percent (33%) of the floor area of the combined dwelling or dwellings if the footprint of the principal dwelling remains unchanged, or twenty-four percent (24%) of the floor area of the combined dwelling if the footprint of the principal dwelling is enlarged.
- 8.5.6.4 Adequate provision shall be made for direct ingress and egress to and from the Accessory Apartment without passage through any other portion of the principal structure, except that passage to and from the Accessory Apartment shall be permitted through a garage or breezeway connected to the principal structure.
- 8.5.6.5 All stairways to upper stories shall be enclosed within the exterior walls of the building in which the Accessory Apartment is located.
- 8.5.7 Alterations, Relocations, or Additions. The Board of Appeals may allow for the alteration or relocation of a structure proposed for conversion under this section, and may allow for the construction of one or more additions to said structure, if in the Board's determination, the proposed alteration, relocation, or addition does not significantly change the exterior character of the property.
- 8.5.8 **Parking Requirements.** An Accessory Apartment shall be subject to the following parking requirements:
  - 8.5.8.1 Off-street parking shall be provided for each automobile used by an occupant of the Accessory Apartment. Said parking shall be in addition to the number of parking spaces required pursuant to Section 6.1.3.1 of this Bylaw.
  - 8.5.8.2 Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicle shall be regularly parked on the premises other than in such a parking space. No parking space shall be located within a street right-of-way.
  - 8.5.8.3 If a total of more than four (4) parking spaces are required to serve the principle dwelling and the Accessory Apartment, the provision

- of such additional spaces shall require a special permit pursuant to Section 4.3.3.2 of this Bylaw.
- 8.5.8.4 Where there are more than four (4) outdoor parking spaces associated with the principal dwelling and the Accessory Apartment, said parking spaces shall be screened with evergreen or dense deciduous plantings, walls or fences, or a combination thereof acceptable to the Zoning Board of Appeals. Said screening shall be sufficient to minimize the visual impact on abutters and to maintain the single-family appearance of the neighborhood.
- 8.5.9 **Building Permit and Certificate of Occupancy Required.** No accessory apartment shall be constructed without the issuance of a building permit by the Building Commissioner. No use of an Accessory Apartment shall be permitted unless a certificate of occupancy therefor, issued by the Building Commissioner, shall be in effect. A certificate of occupancy shall not be issued unless the Building Commissioner determines that the accessory apartment is in conformity with the provisions of this Section and any special permit issued therefor.
- 8.5.10 **Expiration of Special Permit.** A special permit issued pursuant to this Section shall automatically become null and void upon the expiration of ninety (90) days following such time as neither the principal dwelling nor the accessory apartment is occupied as the primary residence of the owner thereof for voting and tax purposes. Failure to provide recertification of owner occupancy pursuant to Section 8.6.5.4 shall be grounds for automatic expiration.

DATE ISSUED:	FEE PAID: I		NO:						
\		N FOR PERMIT							
To the Building Commissioner			Date:						
The undersigned hereby applies for a permit to B				this application and plans and specifications					
submitted herewith.	<u> </u>								
	PLEA	SE PRINT CLEAR	LY						
IMPORTANT - App	IMPORTANT – Applicant to complete all items in sections I, II, III, IV, AND V								
I. LOCATION OF BUILDING									
STREET ADDRESS 15	5 Littleboot Ln.		R. SIDE YARD SETBACK						
STREET ADDRESS (NO.)	(STREET)								
	•		L. SIDE YARD SETBACK						
ZONING DISTRICTLOT									
ASSESSORS MAP # LO	[# L	OI SIZE	_FHONT	YARD SETBACK					
II. TYPE AND COST OF BU	ILDING – A	Il applicants comp	lete Pai	rts A – D.					
A. TYPE OF IMPROVEMENT		D USE - For "Wrecking"							
1 New Building	RESIDENTIA	_		SIDENTIAL					
2 Addition	13 One Famil	y	19 Amusement, recreational						
3 Alteration		re family – Enter	20 Church, other religious						
4 Repair, replacement	number of			21 Industrial					
5 Wrecking		notel, motel, or - Enter number of units		iy yaraye					
6 Moving (relocation)	-	Circi ficilizer of dilits	23 Servi	ce station, repair garage WN OF WESTWOOD COMMISSIONER OF BUILDIN					
7 Foundation only 8 Pools, Fences, Towers	16 Garage 17 Carport	•		ital, Institutional e, bank, professional					
Tennis Courts, etc.	18 Other - Sp	pecify	26 Public	· ·					
B. OWNERSHIP	To Galler Speeny		27 School, library, other educational						
9 Private (Individual, Corporation,			28 Stores, mercantile						
nonprofit Institution, ect.)			29 Tanks, towers						
10 Public (Federal, State or Local Government)			30 Other - Specify						
	/O-it	E. TYPE OF OCCUPAN	CV OD HE	E. NEW LIONAE ETC					
C. COST	(Omit cents)	Briefly outline scope ar		· ·					
11 Cost of Basic Contruction  To be instalted but not included in the above cost	\$	- · · · · · · · · · · · · · · · · · · ·		mitted finished basement					
a. Electrical	\$	<u> </u>							
b. Plumbing		Plan of existing conditions and proposed area for							
c. Heating, air conditioning		acc	essory a	partment					
d. Other (elevator, etc.)									
12 TOTAL COST OF IMPROVEMENT	\$ 68,000								
III. SELECTED CHARACTE	RISTICS OF	BUILDING For new I	buildings and only Part J.	d additions, complete Parts E-L; for wrecking, for all others skip to IV.					
F. PRINCIPAL TYPE OF FRAME		H. TYPE OF SEWAGE D	ISPOSAL	K. DIMENSIONS					
31 Masonry		41 Public Sewer 42 Private (septic tank, etc.)		49 Number of stories					
32 Wood frame				50 Total sq.ft. of floor area, all floors, based on exterior					
33 Structural steel		I. TYPE OF WATER SUPPLY 43 Public or Private Company 44 Private (well)		dimensions					
34 Reinforced concrete				51 Total land area, sq.ft.					
35 Other - Specify				L. NUMBER OF OFF - STREET					
G. PRINCIPAL TYPE OF HEATING FU	J. TYPE OF MECHANICAL		PARKING SPACES						
36 Gas 38 Electricity 40 Other - Specify				52 Enclosed					
37 Oil 39 Coal		45 Yes 46 No		53 Outdoors					
		Will there be an elevator	?	M. RESIDENTIAL BUILDINGS ONLY					
		47 Yes 48 No		54 No. of bedrooms					
		<u> </u>		55 No. of baths: Full Partial					

1 1

IV. TO B	E COMPLETED BY ALL A	PPLICANTS USE N/A IF	NOT APPLICABLE					
2. Will fou	ndation be laid on earth, rock, timbe	dIf filled land how long ago filled r, piles						
			)					
5. Roof co	5. Roof covering							
	·	n to State and Local Building Codes	<b>1</b>					
	• •	ctural Access Code						
		ne Zoning Bylaw						
10. Is this c	property in the FLOOD PLAIN AREA	Gode	7					
		ENT SIGNED UNDER PENALTIES	OF PERJURY					
V. IDEN		ed by all applicants – Complete street ar						
	NAME	COMPLETE ADDRESS	HOME & BUS. PHONE					
Owner or	Taghrid Sorour	15 Littleboot Ln. Westwood, ma	401-405-6494					
Lessee								
Builder/	Michael Whalen	434 Dover Rd., Westwood, MA	781-844-9219					
Contractor								
Architect/								
Engineer								
	tify that the proposed work is authoriz as his authorized agent.	ed by the owner of record and that I have been aut	horized by the owner to make this					
Signature of		Address	Application Date					
M	X While	434 Dover Rd	. 4/19/2017					
This permit i	s approved subject to the provisions of al	I Federal and State Laws, Rules & Regulations and Co	on. Com. approval.					
Sewer Perm	it No.	COMMENTS - DEPARTMENT USE ONLY						
	mit No. (Title V)							
Highway De		BUILDING COMMISSIO	NER'S DENIAL					
Fire Dept. Po Water Distric		SECTION 4.6.2	PERCUIT UNDER					
	OR LICENSING INFORMATION	NODIALIA E COM	D. G. H. S. LIMITED .					
	Supervisor License No. CS-048	Thave reviewed the applicant's reques	t for a Building Permit and					
Date of Expi		determined that it be forwarded to the	Zonning Board of Appeals					
Home Impro	vement Contractor No. 138072	PIULDI	NG COMPASSIONER					
Date of Expi	ration 2/21/2019	19011.391	4/27/14					
			7121117					
	MAN 1 .0 .1	rjury that I carry Workers' Compensation	Insurance Coverage.					
Signatur	÷							
Name of	Insurance Company: Libert wc5-31s-387040-014	y Mutual						
Policy N	umber:Exp	oiration Date:09-10-2017						
B. I do r no emple	not carry Workers' Compensat byees, using other self-employ	ion Coverage as I am an unincorporated ed sub-contractors for all work.	sole proprietorship with					
Signatur	e							

## RENEY, MORAN & TIVNAN

REGISTERED LAND SURVEYORS 75 HAMMOND STREET - FLOOR 2 WORCESTER, MA 01610-1723 PHONE: 508-752-8885

FAX: 508-752-8895 RMT@HSTGROUP.NET

A Division of H. S. & T. Group, Inc.

## REGISTRY NORFOLK

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASURE—
MENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN
ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL
VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS
OF ZONING REQUIREMENTS REGARDING STRUCTURES TO PROPERTY
LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW).
NOTE: NOT DEFINED ARE ABOVEGROUND POOLS, DRIVEWAYS,
OR SHEDS WITH NO FOUNDATIONS. THIS IS A MORTGAGE
INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO
ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT
SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER
IN COMPILANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET
REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT
ACTION LONDER MASS, GL, TITLE VII. CHAP. 40A, SEC. 7. UNLESS
DTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE.
THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT
THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASURE—
MENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE
PROPERTY LINES.

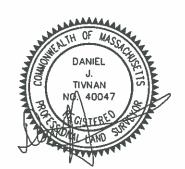
## MORTGAGE INSPECTION PLAN

NAME KHALED SOROUR

LOCATION 15 LITTLE BOOT LANE

WESTWOOD, MA

SCALE 1'' = 60' DATE 11-07-16



DEED BOOK/PAGE 21979/325

PLAN BOOK/PLAN 38 OF 2002

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FEMA MAP:

176E

ото 07-17-12

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE, UNTIL DEFINITIVE PLANS ARE ISSUED BY FEMA AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.

