

**TOWN OF WESTWOOD**  
COMMONWEALTH of MASSACHUSETTS

David W. Krumsiek, Chairman  
John F. Lally  
Douglas C. Stebbins



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**ZONING BOARD OF APPEALS**

**NOTICE OF DECISION**

2016 NOV - 3 P 1:56  
TOWN CLERK  
TOWN OF WESTWOOD

In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Board of Appeals has unanimously voted to grant the Petitioner, Seth Cohen and Zelayna Rauch, their request for a Special Permit pursuant the Westwood Zoning Bylaw, Section 6.3.10, Perimeter Fence Special Permit, to install an eight (8) foot tall privacy fence for ~63 ft. on the west front/side of the property. Property located in General Residence Zoning District.

PROPERTY OWNER(S): Seth Cohen and Zelayna Rauch

LAND AFFECTED: 18 Alcott Lane, Westwood, MA  
Map 16, Lot 143

The signed decision for the petition was filed at the office of the Town Clerk on **November 3, 2016**.

Any appeal of this decision shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17 and a copy delivered to Office of the Town Clerk within twenty (20) days of the date that the decision was filed in the office of the Town Clerk.

**DECISION OF THE ZONING BOARD OF APPEALS**  
**of the**  
**TOWN OF WESTWOOD**

**PROPERTY OWNER(S): Seth P. Cohen and Zelayna R. Rauch**

**PETITIONER(S):** Seth P. Cohen and Zelayna R. Rauch  
18 Alcott Lane  
Westwood, Massachusetts 02090

**LAND AFFECTED:** 18 Alcott Lane  
Westwood, Massachusetts 02090  
Map 16, Lot 143

**HEARING:**

The Board of Appeals for the Town of Westwood held a Public Hearing according to the General Laws of the Commonwealth of Massachusetts on Wednesday, October 19, 2016 at 7:00 PM in the Champagne Meeting Room of the Carby Street Municipal Office Building, 50 Carby Street, Westwood, MA 02090 to consider the Petitioners' request for a Special Permit pursuant to Section 6.3.10 of the Westwood Zoning Bylaw, Perimeter Fence Special Permit, to install an eight (8) foot tall privacy fence for ~63 ft. on the west and south sides of the property. Property located in General Residence District (GR).

**BOARD MEMBERS:** John F. Lally, Chairman  
Douglas C. Stebbins  
David M. Belcher

**APPLICABLE SECTION OF THE WESTWOOD ZONING BYLAW**

6.3.10 **Perimeter Fence Special Permit.** The Board of Appeals may grant a special permit to install a freestanding fence a maximum of eight (8) feet in height, or a fence installed on or immediately adjacent to a wall such that the fence and wall together have a combined height of a maximum of eight (8) feet, measured from the lowest point of grade adjacent to the fence or combined wall and fence, only upon its written determination that the adverse effects of the project will not outweigh its beneficial impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to the site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

- 6.3.10.1 degree to which existing landscaping, vegetation and other screening will be maintained;
- 6.3.10.2 proximity to abutting residences;
- 6.3.10.3 proximity to heavily traveled roadways; and
- 6.3.10.4 consistency with the interests of public safety, particularly sight distances for traffic visibility.

## FINDINGS

In consideration of all of the testimony and exhibits and documents submitted before the Board, the Board makes the following findings of fact:

1. The Subject Property is located at the 18 Alcott Lane. The Petitioners propose to construct an eight (8) foot tall privacy fence for ~63 ft. on the west and south sides of the property. Relief from the maximum permissible fence height of six (6) feet, pursuant to Section 6.3.10, entitled Perimeter Fence Special Permit was requested. The Board of Appeals is the Special Permit Granting Authority.
2. The lot area of the Subject Property is 22,500 SF where 12,000 SF is required.
3. The lot frontage of the Subject Property is 87' where 90' is required.
4. The Petitioners have requested the additional fence height to provide privacy for an existing above-ground pool in the south side yard.
5. Due to the steeply sloping topography of the lot, there is no other area to which the above-ground pool could feasibly be relocated.
6. Any adverse effects of the Petitioners' proposed construction will not outweigh its beneficial impact to the Town, or the neighborhood, in view of the particular characteristics of the site and the proposal in relation to that site.
7. The Petitioners' proposed construction will not have a material adverse effect on the value of the land and buildings in the neighborhood, or on the amenities thereof, or be detrimental to the normal use of the adjacent property, and it will not be injurious or dangerous to the public health or hazardous because of traffic congestion, or other reason, and any adverse effects of the proposed use do not outweigh its beneficial aspects, all in view of the particular characteristics of the site and of the proposal in relation to that site.
8. The Petitioners have met all the requirements for a Special Permit pursuant to the Westwood Zoning Bylaw.

## DECISION and CONDITIONS

The Board of Appeals voted unanimously to grant the Petitioners' request for a Special Permit pursuant to Section 6.3.10 of the Westwood Zoning Bylaw.

1. The Project shall be constructed in conformity with the submitted plan prepared by Matthew D. Smith, P.L.S., Norwood Engineering Company, Inc., 1410 Boston-Providence Highway, Norwood, MA 02062, dated September 7, 2016, consisting of one (1) sheet. The Petitioners shall pursue completion of the Project with reasonable diligence and continuity.
2. This Special Permit shall not take effect until a copy of the Decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and either that no appeal has been filed or that an appeal has been filed within such time period, is recorded in the Registry of Deeds and indexed under the name of the property owner of record and the parcel

address. A copy of these recordings shall be provided to the Building Commissioner, Town Clerk and the Board of Appeals.

3. **The persons exercising rights under a duly appealed special permit do so at risk that a court will reverse the permit and any construction performed under the permit may be ordered to be undone.**
  
4. This Special Permit shall lapse within a specified period of time, of not more than two (2) years, which shall not include such time required to pursue or await the determination of the appeal referred to in Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause. Prior to the expiration of the Special Permit, the Applicants may apply for an extension of the Special Permit for a period not to exceed one (1) year if the substantial construction or use thereof has not commenced for good cause.

### **RECORD OF VOTE**

The following members of the Board of Appeals voted to grant the Special Permit for the above mentioned project: John F. Lally, Douglas C. Stebbins and David M. Belcher.

The following members of the Board of Appeals voted in opposition to the grant of the Special Permit:  
None.



## WESTWOOD ZONING BOARD OF APPEALS

The Board of Appeals hereby certifies that the attached hereto is a true and complete copy of the Board's decision and that said decision and any plans referred to therein have been filed with the Board of Appeals.

David W. Krumsick - Chairman

John F. Lally

David M. Belcher

11/3/16  
Date

18 Alcott Lane-Cohen