

**Town of Westwood**  
Commonwealth of Massachusetts

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



2017 OCT -4 P 1:16  
**ZONING BOARD OF APPEALS**

TOWN CLERK  
TOWN OF WESTWOOD

Sarah Bouchard, Housing & Zoning Agent  
[sbouchard@townhall.westwood.ma.us](mailto:sbouchard@townhall.westwood.ma.us)  
(781) 251-2598

Karyn Flynn, Administrative Assistant  
[kflynn@townhall.westwood.ma.us](mailto:kflynn@townhall.westwood.ma.us)  
(781) 767-6344

**NOTICE OF DECISION**

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, Masters Touch, its request to appeal the decision of the Building Commissioner established in a Building permit denial, and to establish legal frontage for the property, a corner lot, on Colburn Street.

PROPERTY OWNER(S): Anne and Larry Lodge

LAND AFFECTED: 62 Colburn Street, Westwood, MA  
Map 21 Lot 151

The signed decision for the petition was filed at the office of the Town Clerk on **October 4, 2017**.

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): Anne Lodge & Lawrence E. Lodge III**

**PETITIONER(S):** Jacob Gadbois, Masters Touch  
24 Water Street  
Holliston, MA 01746

**LAND AFFECTED:** 62 Colburn Street  
Westwood, Massachusetts 02090  
Map 21, Lot 151

**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, September 20, 2017 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 Petitioner's Appeal pursuant to Westwood Zoning Bylaw Section 10.1.7 [Appeals]. The Petitioner has filed the Appeal relative to a decision of the Building Commissioner established in a building permit denial dated July 8, 2017 that determined the legal frontage of the property to be on Baker Street. Property located within the Single Residence D District (SRD).

**BOARD MEMBERS:** David W. Krumsiek, Chairman  
Douglas C. Stebbins  
David M. Belcher

**APPLICABLE SECTION OF THE WESTWOOD ZONING BYLAW**

**10.1.7 Appeals.**

**10.1.7.1** Appeals to the Board of Appeals may be taken by a person aggrieved by reason of their inability to obtain a permit or enforcement action under this Zoning Bylaw, or may be taken by an officer or board of the Town or other person aggrieved by an order or decision of any administrative official under this Bylaw. The Petitioner shall file such appeal with the Town Clerk within thirty (30) days after the refusal of a permit or the issuance of the order of decision. The Petitioner shall forthwith transmit a Page 10-3 Westwood Zoning Bylaw as Revised through May 2, 2016 copy thereof, with the date of filing certified by the Town Clerk, with the Board of Appeals and the officer or board whose order or decision is being appealed. The Board of Appeals shall hold a public hearing within sixty five (65) days of the receipt of the petition and shall render a decision within one hundred (100) days from the date of filing. Failure by the Board of Appeals to take final action upon a petition within the one hundred (100)-day period shall be deemed to be a grant of the appeal.

**10.1.7.2** A person aggrieved by a decision of the Board of Appeals or the Special Permit Granting Authority or by the failure of the Board of Appeals to take final action concerning any appeals, application or petition within the required time or by the failure of a Special Permit Granting Authority to take final action concerning an application for a special permit within the required time, whether or not previously a party to the proceeding, or any municipal officer or board may appeal to a court of competent jurisdiction within twenty (20) days after the decision has been filed with the Town Clerk. Notice of such action with a copy of the complaint shall be filed with the Town Clerk within said twenty (20) days.

**10.1.8 Repetitive Appeal, Application or Petition.** No appeal, application or petition which has been unfavorably and finally acted upon by the Board of Appeals or Planning Board shall be favorably and finally acted upon within two (2) years after the date of such unfavorable action unless the Board which acted upon the appeal, application or petition, by a unanimous vote if the Board of Appeals or all but one of the members if the Planning Board, finds specific and material changes in the conditions upon which the previous unfavorable action was based and describes such changes in its records. All but one of the members of the Planning Board must also consent to a repetitive appeal, application or petition initially acted upon by the Board of Appeals and submitted for reconsideration within two (2) years after the date of unfavorable action after notice is given to parties in interest of the time and place of the proceedings to consider consent.

## **2.0 Definitions**

In this Bylaw, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the Bylaw. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building", "structure", "lot" or "parcel" shall be construed as being followed by the words "or any portion thereof". The word "person" includes a firm, association, organization, partnership, company or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts state building code shall have the meaning given therein unless a contrary intention is clearly evident in this Bylaw.

**Lot, Corner** A lot on a corner fronting on two (2) intersecting streets. In the case of a corner lot, one lot line shall be designated as the front lot line by the Building Commissioner, following a review of relevant criteria including street address and orientation of existing structures, and the opposite lot line shall be designated a rear lot line, for setback and yard requirements.

## **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. Jacob Gadbois of Masters Touch, whose address is 24 Water Street, Holliston, MA 01746 is the Petitioner for an administrative appeal for certain land situated at 62 Colburn Street, Westwood, MA 02090 and owned by Anne and Lawrence E. Lodge III, of 62 Colburn Street.
2. Subject property is situated in the Single Residence D district.
3. Subject property is located on a corner lot, bounded by Colburn Street to the south and Baker Street to the west.
4. The Petitioner has filed an appeal relative to a decision of the Building Commissioner to determine the legal frontage of the property to be on Baker Street. The Zoning Board of Appeals is the authority to hear administrative appeals.
5. The existing single family residence located at 62 Colburn Street is oriented towards Colburn Street and meets the dimensional requirements established in the Westwood Zoning Bylaw for Single Residence District D.
6. The Petitioner has proposed to demolish the existing structure and replace with a new single family residence. The building permit application for the new construction triggered a review of the legal frontage for the corner lot.
7. The Building Commissioner concluded that the legal frontage for the subject property is on Baker Street because the length of the property along Baker Street (100 feet) would be closer to the requirements of the Zoning Bylaw (90 feet) than that of the length of the property along Colburn Street (75 feet).
8. The Board finds that under the relevant criteria specified in the Bylaw, like those structures on nearby corner lots, the front lot line is determined to be along Colburn Street because the existing structure is oriented toward Colburn Street and the property maintains a street address at 62 Colburn Street.

## **DECISION**

The Board of Appeals voted unanimously to grant the Petitioner's request to overturn the decision of the Building Commissioner.

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**RECORD OF VOTE**

The following members of the Board of Appeals voted to overturn the decision of the Building Commissioner to determine legal frontage for 62 Colburn Street on Baker Street: David W. Krumsiek, Douglas C. Stebbins and David M. Belcher.

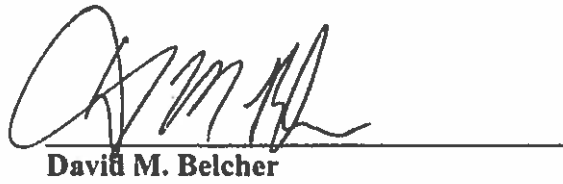
The following members of the Board of Appeals voted to uphold the Building Commissioner's decision: None.



**WESTWOOD ZONING BOARD OF APPEALS**

  
\_\_\_\_\_  
David W. Krumsiek - Chairman

  
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Douglas C. Stebbins

  
\_\_\_\_\_  
David M. Belcher

9/20/17  
Date

**62 Colburn Street-Lodge**

TOWN CLERK  
TOWN OF WESTWOOD

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