



Ruthanne Fuller  
Mayor

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Barney Heath  
Director

**FENCE APPEAL APPLICATION**

DATE RECEIVED: \_\_\_\_\_ PROJECT #: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_  
PROPERTY ADDRESS: \_\_\_\_\_ SBL: \_\_\_\_\_

**FENCE INFORMATION**

**TYPE OF FENCE:**

(Check all that apply)

RESIDENTIAL FENCE

NONRESIDENTIAL FENCE

PROTECTIVE MEASURE FENCE

TEMPORARY OR CONSTRUCTION FENCE

POOLS

**DESCRIBE THE PROPOSED FENCE:**

**LOCATION OF FENCE:**

(Check all that apply)

FRONT PROPERTY LINE

SIDE PROPERTY LINE

REAR PROPERTY LINE

CORNER

WHAT IS THE HEIGHT OF THE FENCE? \_\_\_\_\_ FEET

IS THE PROPOSED FENCE IN A CONSERVATION AREA, HISTORIC DISTRICT, OR ALONG A SCENIC ROADWAY?  NO  YES  
IF YES, WHAT IS THE STATUS?

**EXPLAIN THE CONDITIONS AFFECTING THE PROPERTY THAT WARRANT APPROVAL OF THE PROPOSED FENCE AND/OR FENCE EXCEPTION (All hardships MUST be consistent with the provisions of the Fence Ordinance):**

**APPLICATION AUTHORIZATIONS**

**PROPERTY OWNER:**

\_\_\_\_\_  
(PRINT NAME) (SIGNATURE) (DATE)

PHONE #: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**APPLICANT/AGENT:**

\_\_\_\_\_  
(PRINT NAME) (SIGNATURE) (DATE)

PHONE #: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

(The applicant/agent is the primary contact and may be any individual representing the establishment or property owner.)

**NOTE: This Application MUST be accompanied by a copy of the denied Fence Permit Application.**

## **FENCE APPEAL APPLICATION INSTRUCTIONS**

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If a Fence Permit Application is denied, a petitioner may appeal the denial decision to the Urban Design Commission (UDC). An application for a Fence Appeal **MUST** be rooted in specific conditions affecting the property which cause a hardship that warrants the granting of the proposed fence and/or fence exception. All fences altered, constructed, changed or erected in the City of Newton must comply with the requirements of the City's Fence Ordinance. To have the Fence Appeal accepted **it must be deemed complete**. The Fence Appeal must be signed by the Owner (or the Owner's legal representative) of the property on which the fence is to be erected.

**APPLICATION SUBMISSION REQUIREMENTS:** An application for a Fence Appeal will not be accepted by the Inspectional Services Department (ISD) until it is determined to be complete. A Fence Permit Application must first be denied by the Commissioner of Inspectional Services before an application for a Fence Appeal can be submitted. **Inaccurate information may delay the review of the appeal.** The items needed for a complete application are:

**FORMS:** A completed Fence Appeal Application and a copy of the denied Fence Permit Application. The signature of the Owner of the property (or the Owner's legal representative) is **mandatory**, and represents the Owner's consent of the proposed fence and authorizes its installation.

**FEES:** There is no fee for this application.

**SUBMITTALS:** Each Fence Appeal shall be accompanied by the following:

1. Fence Plans: Scaled drawings of the proposed fence, including:
  - a. All dimensions
  - b. Proposed color
  - c. Description of materials, style and font
  - d. Any other pertinent information
2. Site Plan: A scaled plan including:
  - a. Fence Length(s)
  - b. Buildings
  - c. Fence Height(s)
  - d. Lot Lines
  - e. Existing and Proposed Fence Locations
  - f. Setbacks
3. Photographic Documentation:
  - a. Aerial Photograph
  - b. Property and Street Views
4. Public Notice Documentation:
  - a. List of Abutters (name and address) within 100' of project site
  - b. Copy of Letter

**DOCUMENT FORMAT:** All information submitted as part of an application shall be submitted in the following formats:

1. One (1) electronic copy submitted on a CD in .pdf or another format approved by the ISD; and
2. Ten (10) hard copies of the complete application packet, including the Fence Appeal application. Any plans that are submitted as part of an application should be not exceeding 11" x 17", except as requested by the Planning Department or ISD.

**APPLICATION REVIEW PROCESS:** Upon receipt of a complete application packet, the Planning Department will review said application for completeness and compliance with the City's Fence Ordinance and Zoning Ordinance. After said review, the Planning Department will schedule the application for a public meeting before the UDC. The UDC shall issue the permit if it can be determined that the proposed fence complies with the requirements of the City's Fence Ordinance, if owing to conditions especially affecting a particular lot compliance with the provisions of this ordinance would involve substantial hardship, or it determines that the proposed fence is necessary to provide the required public safety, security or protection.

**PUBLIC NOTICE REQUIREMENTS:** It is the petitioner's responsibility to notice all the abutters within 100' of the project site of the pending public meeting regarding the Fence Appeal. The applicant can obtain the mailing information for abutting properties from the Assessor's Office. A consultation with a Building Inspector or Planner is advised before developing the certified letter explaining the appeal.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**