

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

**PROPERTY OWNER(S):** Gele Kostovski Family Trust

**PETITIONER(S):** Peter Zahka on behalf of Property Owner  
Gele Kostovski Family Trust  
Gele Kostovski & Athena Boukouvalas Trustees  
321 Gay Street  
Westwood, MA 02090

**LAND AFFECTED:** 321 Gay Street  
Westwood, MA 02090  
Map 22, Lot 087

**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 20, 2021 at 7:00 P.M. via remote participation to consider the Petitioner’s request for a Special Permit pursuant to the Westwood Zoning Bylaw Section §4.3.3.2 [Accessory Uses – Motor Vehicle Storage]. The application proposes to construct a 20’ x 30’ barn/storage building which would create a parking or storage area for more than three (3) motor vehicles, but which the property owner intends to use as a storage structure for pool equipment, furniture, and recreational equipment (including boat, trailer, all-terrain vehicles, lawn equipment, etc.). The property is located in the Single Residential E (SRE) zoning district.

**BOARD MEMBERS:** John Lally, Chairman  
Michael McCusker  
Linda Walsh

**APPLICABLE SECTIONS OF THE WESTWOOD ZONING BYLAW**

**4.3 ACCESSORY USES**

4.3.1 **Table of Accessory Uses.** The Table of Accessory Uses designates which Accessory Uses are allowed in each zoning district.

A Use is permitted by right in any district under which it is denoted by the letter “Y”.

A Use is prohibited in any district under which it is denoted by the letter “N”.

A Use may be permitted by special permit from the Board of Appeals in any district under which is denoted by the letters “BA”.

A Use may be permitted by special permit from the Planning Board in any district under which is denoted by the letters “PB”.

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By Town Clerk at 3:07 pm, Nov 17, 2021

**DISTRICTS**

**ACCESSORY USE**

**4.3.3 ACCESSORY USES IN RESIDENTIAL DISTRICTS**

4.3.3.1 Private garage for not more than three (3) motor vehicles including not more than one (1) commercial vehicle with a gross vehicle weight of less than 26,000 pounds.

4.3.3.2 Private garage and/or the parking or storage area of more than three (3) motor vehicles, or of more than one (1) commercial vehicle with a gross vehicle weight of less than 26,000 pounds, but only where in connection with a Principal Use on the same premises.

SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N

**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 321 Gay Street within the Single Residence E (SRE) District. The lot area is 2.29 acres. The property contains a single-family residential structure with attached 3-car garage.
2. The Petitioners propose to construct a detached 20' x 30' barn/storage building on the Subject Property. Since the proposed detached barn/storage building, in combination with the existing 3-car attached garage, would provide the ability to park and/or store more than three (3) motor vehicles on the parcel, the project will require a Special Permit pursuant to Section 4.3.3.2. The Board of Appeals is the Special Permit granting authority.
3. The Petitioners expressed an intention to use as a storage structure for pool equipment, furniture, and recreational equipment (including boat, trailer, all-terrain vehicles, lawn equipment, etc.).
4. 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.
5. 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.
6. 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 4.3.3.2 of the Westwood Zoning Bylaw and upon the following conditions:

1. The Project shall be constructed in conformity with the submitted site plan titled "Notice of Intent and Building Permit Plan, 321 Gay Street in Westwood MA", prepared by Paul Brodmerkle, P.E. of Site Design Professionals, LLC, One Merchant Street - Suite 110, Sharon, MA 02067, dated April 1, 2019 and revised through May 17, 2021, consisting of two (2) sheets, and with design plans titled "Barn Construction, 321 Gay Street, Westwood, MA", prepared by Tuan V. Nguyen, P.E. of T Design, LLC, 1248 Randolph Ave., Milton, MA 02186, dated July 18, 2021, consisting of eleven (11) sheets, including T-1, A-1 A-2, A-3, A-4, A-5, S-1, S-2, S-3, S-4, and S-5.

2. The Petitioners shall pursue completion of the project with reasonable diligence and continuity.
3. The Petitioners shall fully comply will all conditions of other local permits and approvals, including all conditions of approvals which have been or may be granted by the Westwood Planning Board and the Westwood Conservation commission.
4. 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.
5. **The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and any construction performed under the permit may be ordered to be undone.**
6. 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 Petitioners 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 Lally, Michael McCusker and Linda Walsh.

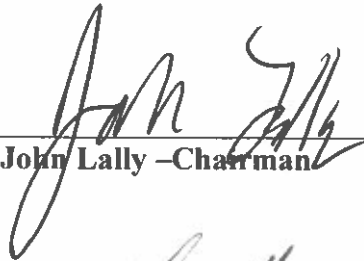
The following members of the Board of Appeals voted in opposition to the grant of the Special Permit: None.



**RECEIVED**

By Town Clerk at 3:07 pm, Nov 17, 2021

**WESTWOOD ZONING BOARD OF APPEALS**

  
\_\_\_\_\_  
John Lally - Chairman

  
\_\_\_\_\_  
Michael McCusker

  
\_\_\_\_\_  
Linda Walsh

11/17/2021  
Date

321 Gay Street