

Town of Westwood
Commonwealth of Massachusetts

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



ZONING BOARD OF APPEALS

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TOWN CLERK
TOWN OF WESTWOOD

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 deny the Petitioner, Lauren Bradford and Karvin Ma, their request for a Special Permit pursuant to the Westwood Zoning Bylaw, Section 4.3.3.8 to store a recreational vehicle exceeding 30 feet in length in the rear yard.

LAND AFFECTED: 82 Gloucester Road, Westwood, MA
Map 13 Lot 119

The signed decision for the petition was filed at the office of the Town Clerk on March 7, 2018.

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.

2018 MAR -7 P 2:23
TOWN CLERK
TOWN OF WESTWOOD

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

PROPERTY OWNER(S): Lauren Bradford & Karvin Ma

PETITIONER(S): Lauren Bradford & Karvin Ma
82 Gloucester Road
Westwood, MA 02090

LAND AFFECTED: 82 Gloucester Road
Westwood, Massachusetts 02090
Map 13, Lot 119

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, February 28 at 7:00 PM in the Selectmen's Meeting Room of the Westwood Town Hall, 580 High Street, Westwood, MA 02090 to consider the Petitioners' request for a Special Permit pursuant to Section 4.3.3.8 for storage of a recreational vehicle exceeding 30 feet in length in the rear yard. Property located within the Single Residential District C (SRC).

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

APPLICABLE SECTION 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".

ACCESSORY USE

DISTRICTS

SRA SRB SRC SRD SRE SR SRB LBA LBB HB I IO ARO

4.3.2 ACCESSORY USES IN ALL DISTRICTS

- 4.3.2.1 Any use allowed in that district as a Principal Use.
- 4.3.2.2 Any use allowed in that district by special permit as a Principal Use, subject to the same conditions as a Principal Use.
- 4.3.2.3 Uses, whether or not on the same premises as uses permitted as of right, accessory to uses permitted as of right, which are necessary in connection with scientific research or scientific development or related production.
- 4.3.2.4 When associated with otherwise permitted agricultural operations on a lot with not more than five (5) acres, the following: (1) kennel, (2) saltroom or stand, (3) any building or structure devoted to productive agricultural use which, together with any other such buildings or structures on the premises, covers more than five hundred (500) square feet or contains more than five thousand (5,000) cubic feet.
- 4.3.2.5 Commercial Outdoor Seating in association with permitted commercial uses pursuant to Section 4.4.2.

Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y

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.
- 4.3.3.3 Private greenhouse, stable, tool shed, playhouse, tennis court, swimming pool, or other similar building or structure for domestic use. Swimming pools shall be enclosed as required by the Massachusetts State Building Code, as amended from time to time.
- 4.3.3.4 Raising or keeping of animals as pets by the resident of the premises.
- 4.3.3.5 Renting of rooms by a resident owner, or the furnishing of table board in a dwelling by the resident owner, to not more than three (3) persons other than members of the family.
- 4.3.3.6 Home Occupation pursuant to Section 4.4.1

Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N
BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N	N
Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N
Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N
Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N

ACCESSORY USE

DISTRICTS

SRA SRB SRC SRD SRE GR SR LBA LBB HB I IO ARG

4.3.3 ACCESSORY USES IN RESIDENTIAL DISTRICTS, CONTINUED

4.3.3.7	Parking or storage area, for use by the occupant of the dwelling, for the purpose of parking or storing in the rear of the yard and not substantially visible from the street one of the following: one (1) unoccupied recreational vehicle of less than thirty (30) feet length; one (1) inoperative passenger vehicle which has not been partially or wholly dismantled.	Y	Y	Y	Y	Y	Y	N	N	N	N	N
4.3.3.8	Parking or storage area, for use by the occupant of the dwelling, for the purpose of parking or storing in the rear of the yard and not substantially visible from the street one (1) unoccupied recreational vehicle of thirty (30) feet length or more.	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.3.3.9	Personal kennel, Veterinary kennel or animal clinic or hospital, if located on the same premises as a dwelling unit and conducted by a resident thereof.	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.3.3.10	Yard Sale, limited to no more than two days per sale, and no more than two sales per year on any residential property	Y	Y	Y	Y	Y	Y	N	N	N	N	N
4.3.3.11	The use by a resident builder, carpenter, painter, plumber or other artisan for incidental work and storage in connection with this off-premise trade, subject to the conditions in Section 4.4.1.	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.3.3.12	Accessory apartment consisting of a second dwelling unit located within a detached one-family dwelling or a building accessory thereto, subject to the conditions in Section 8.5.	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.3.3.13	Family Day Care, Large	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.3.3.14	Family Day Care, Small	Y	Y	Y	Y	Y	Y	N	N	N	N	N
4.3.3.15	Adult Day Care Facility for no more than twenty (20) adult clients and operated by the owner of the premises	BA	BA	BA	BA	BA	BA	N	N	N	N	N

4.4 NOTES FOR TABLE OF ACCESSORY USES

- ¹ Provided that any such uses shall be conducted primarily for the convenience of employees and the clientele of the principal use of the premises and shall be wholly within a building and have no exterior advertising display.
- ² The total square feet of floor space within a parking garage as an accessory use shall not be included in the calculation of Floor Area Ratio.

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 Petitioners are proposing to store a recreational vehicle in the rear of the property. The proposed use will require a Special Permit pursuant to Section 4.3.3.8. The Board of Appeals is the Special Permit granting authority.
2. The lot area of the Subject Parcel contains a total of 30,62 sq. ft. where 40,000 are required.
3. The proposed location for the storage of the vehicle is in close proximity to the side lot line, with visibility to both the side and front lot lines.
4. The Board has given full consideration to the local conditions that affect and may be affected by the Petitioners' proposed use, and having particular expertise in said local conditions, have taken a view that adverse effects of the proposed use outweigh its beneficial aspects, all in view of the particular characteristics of the site and of the proposal in relation to that site.
5. The Petitioners' proposed use will 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, or be injurious or dangerous to the public health or hazardous.
6. The Petitioners have not met the requirements for a Special Permit pursuant to the Westwood Zoning Bylaw.

DECISION and CONDITIONS

The Board of Appeals voted unanimously to deny the Petitioners' request for a Special Permit pursuant to Section 4.3.3.8 of the Westwood Zoning Bylaw.

RECORD OF VOTE

The following members of the Board of Appeals voted to deny the Special Permit for the above mentioned use: David W. Krumsiek, John K. Lally, and Douglas C. Stebbins.

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



WESTWOOD ZONING BOARD OF APPEALS

David W. Krumsiek - Chairman

John F. Lally

Douglas C. Stebbins

2/28/18
Date

82 Gloucester Road-Bradford-Ma

TOWN CLERK
TOWN OF WESTWOOD

2018 MAR -7 P 2:21

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SMTP Transfer Report



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