

Town of Westwood
Commonwealth of Massachusetts

David L. Atkins, Jr., Chairman
Brian D. Gorman, Vice Chairman
Christopher A. Pfaff, Secretary
Deborah J. Conant
Michael L. McCusker

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TOWN CLERK
TOWN OF WESTWOOD
PLANNING BOARD
NOTICE OF DECISION

In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has on April 23, 2019, by a vote of Five (5) in favor and none (0) opposed, voted to **grant** the application of University Station Phase 2 LLC, which was filed in the Office of the Town Clerk on March 26 2019, requesting a Special Permit pursuant to Sections 9.7.12.14 [Master Development Plan Special Permit] and 10.3 [Special Permits] of the Westwood Zoning Bylaw for certain proposed modifications to the University Station Master Development Plan (MDP) which was originally approved pursuant to Article 1 of the May 6, 2013 Special Town Meeting, and modified by vote of the Planning Board on April 11, 2017, with minor modifications to Development Area B administratively approved by the Town Planner on January 24, 2019. The proposed modifications to the MDP herein approved specifically affect Development Area A, also referred to as the "Upper Campus", more particularly described as an 11.4-acre parcel known as Assessor's Map 33, Lot 13 within the University Avenue Mixed Use Overlay District (UAMUD). Said modifications involve the replacement of three office buildings shown on the original MDP totaling 225,000 sq. ft. with two office buildings shown on the proposed modified plan totaling 145,000 sq. ft., including one four-story 100,000 sq. ft. office building ("Building 1") and one three-story 45,000 sq. ft. office building ("Building 2"), and also affect the proposed layout of associated parking and landscaped areas.

LAND AFFECTED: Assessor's Map 33, Lots: 6, 8, 9, 11, 12, 13 15, 19, 51, 52, 53, 54, 55, 56, and 57; and Assessor's Map 37, Lots: 10, 16, and 17

The Planning Board hereby certifies that 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 Planning Board.

Appeals, if any, shall be made pursuant to Section 17 of said M.G.L. Chapter 40A and shall be filed within twenty (20) days after the filing of a copy of the decision in the office of the Town Clerk.

David L. Atkins, Jr., Chairman

Brian D. Gorman, Vice Chairman

Christopher A. Pfaff, Secretary

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Planning Board Decision – UAMUD Special Permit
Master Development Plan Modification
University Station Phase 2 LLC d/b/a New England Development
April 23, 2019
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Carby Street Municipal Building • 50 Carby Street • Westwood, MA 02090

DECISION OF THE PLANNING BOARD

**UAMUD SPECIAL PERMIT
MASTER DEVELOPMENT PLAN MODIFICATION
PURSUANT TO SECTIONS 9.7.12.14 AND 10.3**

APPLICANT: University Station Phase 2 LLC
d/b/a New England Development
75 Park Plaza, third Floor
Boston, MA 02116

PROPERTY OWNER: University Station Phase 2 LLC
d/b/a New England Development
75 Park Plaza, Third Floor
Boston, MA 02116

PROPERTY LOCUS: Assessor's Map 33, Lots: 6, 8, 9, 11, 12, 13 15, 19, 51, 52, 53, 54, 55, 56, and 57; and Assessor's Map 37, Lots: 10, 16, and 17

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to modify the University Station Master Development Plan (MDP) for the University Station project (the "Project"), which MDP was originally approved pursuant to Article 1 of the May 6, 2013 Special Town Meeting, and modified by vote of the Planning Board on April 11, 2017, with minor modifications to Development Area B administratively approved by the Town Planner on January 24, 2019. The proposed modifications to the MDP specifically affect Development Area A, also referred to as the "Upper Campus", more particularly described as an 11.4-acre parcel known as Assessor's Map 33, Lot 13 within the University Avenue Mixed Use Overlay District (UAMUD). Said modifications involve the replacement of three office buildings shown on the original MDP totaling 225,000 sq. ft. with two office buildings shown on the proposed modified plan totaling 145,000 sq. ft., including one four-story 100,000 sq. ft. office building ("Building 1") and one three-story 45,000 sq. ft. office building ("Building 2"), and also affect the proposed layout of associated parking and landscaped areas.

The Applicant requests a Special Permit pursuant to Sections 9.7.12.14 [Master Development Plan Special Permit] and 10.3 [Special Permits] of the Westwood Zoning Bylaw to implement modifications to the MDP.

STATEMENT OF FINDINGS

After having reviewed all the plans and reports filed by the Applicant and its representatives and having considered the technical analysis, supplemental information provided during the course of the public hearing, correspondence and testimony from representatives from various boards and commissions and departments within the Town of Westwood, public comments, and comments from all other interested parties, the Town of Westwood Planning Board makes the following procedural findings and project findings:

PROCEDURAL FINDINGS:

1. On March 26, 2019, an application requesting a Planning Board UAMUD Special Permit was filed in the Planning Office and the Office of the Town Clerk by University Station Phase 2 LLC d/b/a New England Development, pursuant to Sections 9.7.12.14 [Master Development Plan Special Permit] and 10.3 [Special Permits] of the Westwood Zoning Bylaw (hereinafter "Application").

2. Pursuant to M.G.L. Chapter 40A, Section 9 and 11 and the applicable provisions of the Westwood Zoning Bylaw and the Rules and Regulations of the Westwood Planning Board (hereinafter “Rules and Regulations”), the Planning Board caused notice of the public hearing to be published in the *Westwood Press*, a newspaper of general circulation in Westwood, on April 5, 2019 and again on April 12, 2019. Notice of the public hearing was posted with the Westwood Town Clerk at the Westwood Town Hall on March 28, 2019 and continuing to the opening of the public hearing on April 23, 2019. Said notice of public hearing was mailed to all Parties in Interest as defined in M.G.L Chapter 40A, Section 11 on March 29, 2019.
3. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Section 9 and 11, the public hearing on the Application commenced at a properly noticed public hearing on April 23, 2019, at Downey Elementary School, 250 Downey Street, Westwood, MA. After hearing from all parties wishing to speak in favor of or opposed to the Application, the Planning Board closed the hearing the same evening.
4. Westwood Planning Board Members David J. Atkins, Brian D. Gorman, Christopher A. Pfaff, Deborah J. Conant, and Michael L. McCusker deliberated on the Application at a duly authorized meeting on April 23, 2019.

PROJECT FINDINGS:

1. **Section 9.7.12.14 Findings.** The Planning Board finds that the proposed MDP modifications replacing the three previously approved commercial buildings in Development Area A with the proposed two office buildings in Development Area A, and associated changes to parking and landscape features, are consistent with the requirements and standards set forth in Section 9.7 of the Zoning Bylaw and do not have a material adverse effect on the overall design and implementation of the UAMUD project.
2. **Section 10.3 Findings.** The Planning Board finds that the beneficial impacts of the proposed MDP modifications outweigh any potential adverse effects of the proposed modifications, and such modifications are consistent with standards set forth in Section 10.3 of the Zoning Bylaw as follows:
 - a. **Social, economic or community needs which are served by the proposal.** The proposed MDP modifications allow for an accelerated completion of the commercial components within Development Area A of the UAMUD. A Project Development Review for Building 1 has been submitted to the Planning Board. Development will allow for greater economic growth within the UAMUD and for an increase in the town's commercial tax valuation. Additional tax revenue will be generated by the Project.
 - b. **Traffic flow and safety, including parking and loading.** The change from three office buildings to two office buildings in Development Area A, and the resulting 80,000 sq. ft. reduction in total square footage of office space within Development Area A, is not expected to generate additional traffic. The proposed modifications include a new parking and site layout plan for the two office buildings in Development Area A.
 - c. **Adequacy of utilities and other public services.** Material changes to the project's proposed utility infrastructure are not anticipated with the proposed modifications.
 - d. **Neighborhood character, aesthetics and social structures.** The proposed modifications do not include material changes to the Project's proposed common areas or public gathering spaces. Development Area A will remain accessible to other portions of the development, including retail, hotel, restaurant, and open space components.
 - e. **Impacts to the natural environment.** Updated stormwater reports and calculations submitted with the Application confirm that the stormwater management system will remain consistent with the University Stormwater Management Report.

- f. **Potential fiscal impact, including impact on Town services, tax base and employment.** Although the development program for Development Area A is hereby decreased by 80,000 sq. ft., such development program within Development Area A and for the Project as a whole remains fiscally positive. The current build-out at 60% completion (excluding the 100-unit residential project under construction) generated more revenue in annual real estate taxes than estimated for the entire Project in connection with the original Master Development Plan at the time of Project approval in 2013. The proposed reconfiguration of commercial uses in Development Area A will further accelerate the realization of additional net-positive fiscal benefit from the Project.

DECISION:

The Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, by a vote of five (5) in favor and none (0) opposed, hereby *grants* an unconditional Special Permit pursuant to Sections 9.7.12.14 and 10.3 of the Westwood Zoning Bylaw for the proposed modifications to the University Station Master Development Plan described above and in the application therefor filed in the office of the Town Clerk on March 26, 2019.

APPLICATION AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Planning Office and the Office of the Town Clerk on March 26, 2019 and supplemental documents received through the close of the public hearing on April 23, 2019. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application, cover letter, narrative prepared by Petruzzello Properties, LLC dated December 12, 2017, received by the Town Clerk and Planning Department on December 13, 2017.
2. Cover letter dated March 26, 2019 from Brian Dugdale, Esq. to Westwood Planning Board;
3. Project Narrative Statement and Project Plans entitled “Modified Master Development Plan” prepared by Tetra Tech dated February 20, 2019 (Sheet C-101) (the “Modified Master Development Plan”);
4. “Phase II Master Site Layout Plan” prepared by Tetra Tech dated February 20, 2019 (Sheet C-900);
5. “Phase II Master Site Grading and Drainage Plans” prepared by Tetra Tech dated February 20, 2019 (Sheet C-901);
6. “Phase II Master Site Utility Plan” prepared by Tetra Tech dated February 20, 2019 (Sheet C-902);
7. “Landscape Master Plan” (Development Area A enlargement) prepared by Shadley Associates dated February 20, 2019 (Sheet L-100);
8. Technical memorandum from Tetra Tech to Westwood Planning Board, subject: University Station – Modified Master Development Plan Updated Drainage and Utility Summary, dated February 20, 2019;
9. Fiscal Impact Memorandum to the Town of Westwood Planning Board from Mark J. Fougere, RE: University Station – Westwood, Massachusetts Special Permit Modified Master Development Plan, dated April 12, 2019;
10. Memorandum from Merrick Turner of BETA Group to Westwood Planning Board dated March 22, 2019 and April 19, 2019;

11. Memorandum from Craig Seymour of RKG Associates to Westwood Planning Board, Subject: University Station Peer Review Fiscal Impacts of Proposed Upper Campus Special Permit Application, dated April 19, 2019; and
12. All material and testimony taken through the conclusion of the public hearing on April 23, 2019.

RECORD OF VOTE

The following members of the Planning Board voted on April 23, 2019 to *grant* Special Permit Approval of the University Station Modified Master Development Plan: David J. Atkins, Brian D. Gorman, Christopher A. Pfaff, Deborah J. Conant, and Michael L. McCusker.

The following members of the Planning Board voted in opposition to EIDR and Special Permit Approval for the abovementioned Project: None.



Abigail McCabe
Town Planner
April 24, 2019