

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Brian D. Gorman, Jr., Chair
Deborah J. Conant, Vice Chair
Christopher A. Pfaff, Secretary
David L. Atkins, Jr.
William F. Delay



Abigail McCabe, Town Planner
amccabe@townhall.westwood.ma.us
(781) 251-2581

2019 Jul 16 P 4:46
Karyn Flynn, Licensing & Land Use Specialist
kflynn@townhall.westwood.ma.us
(781)-767-6344

PLANNING BOARD
NOTICE OF DECISION

TOWN CLERK
TOWN OF WESTWOOD

In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has, by a vote of five (5) in favor and none (0) opposed, voted to **grant** the application from Jason North on behalf of Partners Urgent Care, LLC, as voted on July 15, 2019, and filed in the Office of the Town Clerk on May 31, 2019, requesting Planning Board Special Permit pursuant to Section 9.7.5.2 [Water Resources Protection Overlay District (WRPOD) Requirements for Hazardous Materials] and applicable portions of Section 9.3 [Water Resources Protection Overlay District (WRPOD)] of the Westwood Zoning Bylaw, for the use, handling, transport, and storage of chemicals and hazardous materials at 90 Brigham Way within Development Area B of the University Station Development.

LAND AFFECTED: A ~4.21 acre portion of land within Development Area B, as shown on the Modified Master Development Plan prepared by Tetra Tech, revised through November 22, 2016 and approved at the Planning Board's April 11, 2017 meeting, within the University Avenue Mixed Use Overlay District (UAMUD). The project area was formerly known as 74-130 University Avenue and was shown on prior Assessors' Map as AP 33, Lot 006 and AP 33, Lot 056. The tenant space is now known as 90 Brigham Way and is currently shown on Assessors' Map as AP 33, Lot 006.

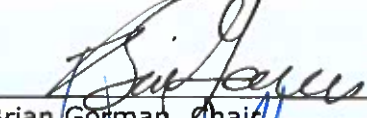
The Planning Board hereby certifies that attached hereto is a true and complete copy of the Board's decision and that said decision and any plans referred to therein have been filed with the Planning Board.

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.

WESTWOOD PLANNING BOARD

RECORD OF VOTE

The following members of the Planning Board voted to **grant** Special Permit Approval pursuant to Section 9.7.5 and 9.3 of the Westwood Zoning Bylaw for the abovementioned Application, subject to the Conditions stated below:



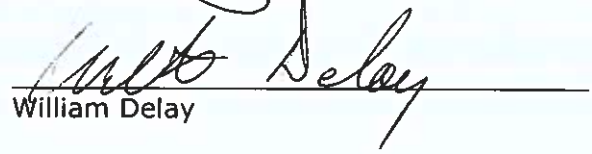
Brian Gorman, Jr., Chair



Deborah Conant, Vice Chair



Christopher Pfaff, Secretary



William Delay

**DECISION
WATER RESOURCES PROTECTION OVERLAY DISTRICT (WRPOD)
SPECIAL PERMIT**

PROPONENT: Jason North
Partners Health Care
399 Revolution Drive, Suite 1070
Somerville, MA 02145

PROPERTY OWNER Brigham and Women's Hospital, Inc.
20 Kemt Street, 1st Floor
Brookline, MA 02445

PROPERTY LOCUS: A ~4.21 acre portion of land within Development Area B, as shown on the Modified Master Development Plan prepared by Tetra Tech, revised through November 22, 2016 and approved at the Planning Board's April 11, 2017 meeting, within the University Avenue Mixed Use Overlay District (UAMUD). The project area was formerly known as 74-130 University Avenue and was shown on prior Assessors' Maps as AP 33, Lot 006 and Map AP 33, Lot 056. The Partners Urgent Care is a tenant and the space is now known as 90 Brigham Way, and is currently shown on Assessors' Map as AP 33, Lot 006.

BACKGROUND AND PROJECT SUMMARY

The Proponent proposes to handle, store, and transport potentially hazardous material to and from the property. A list of four potentially hazardous chemicals has been submitted to the Planning Board. The inventory includes four (4) items which are considered hazardous materials not exempt pursuant to Section 9.7.5.2.1 of the Westwood Zoning Bylaw. A Special Permit is required pursuant to Section 9.7.5 of the Westwood Zoning Bylaw.

The property is located in the University Avenue Mixed Use District (UAMUD) and the Water Resources Protection Overlay (WRPOD) zoning district. The existing Medical Center or Clinic and Office of Health Care Professional building, and associated parking and site facilities, are permitted uses in the UAMUD, and were constructed in accordance with a Project Development Review (PDR) Approval issued by the Planning Board pursuant to Section 9.7.12.2.2 of the Westwood Zoning Bylaw on May 23, 2017. The Brigham and Women's Hospital, Inc. Facility at 100 Brigham Way received a WRPOD Special Permit approval from the Planning Board for thirteen (13) hazardous chemicals on October 23, 2018.

FINDINGS

After having reviewed all the plans and reports filed by the Proponent and its representatives; having considered the technical analysis, supplemental information provided during the course of the public meeting, including correspondence and testimony from representatives of various boards and commissions and departments within the Town of Westwood and from all other interested parties, the Town of Westwood Planning Board has determined that the PDR Application complies with the requirements of Section 9.7, and other applicable sections of the Zoning Bylaw. Specifically, the Planning Board makes the following Procedural Findings and Project Findings:

PROCEDURAL FINDINGS:

1. On May 31, 2019, an application packet, pursuant to Section 9.7 [University Avenue Mixed Use District] and applicable portions of Section 9.3 [Water Resource Protection Overlay District] of the

Westwood Zoning Bylaw, was filed by or on behalf of Brigham and Women's Hospital Inc. with the Westwood Planning Board and the Westwood Town Clerk (hereinafter "Application").

2. The Planning Board provided copies of the Application to other Town of Westwood boards and commissions, departments and officials including, but not limited to, the Board of Health, Select Board, Building Commissioner, Dedham Westwood Water District (DWWD), Conservation Commission, Pedestrian Bike Safety Committee, Department of Public Works, Historic Commission, Fire Chief, Police Chief and Town Engineer on May 31, 2019.
3. 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 June 6, 2019 and June 13, 2019. Notice of the public hearing was posted in the Westwood Town Hall commencing on May 30, 2019 and continuing through the opening of the public hearing on June 25, 2019. Said notice of the public hearing was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on May 31, 2019.
4. The Planning Board commenced its consideration of the Application at a properly noticed public hearing on June 25, 2019, at 50 Carby Street, Westwood, MA; the Board voted to continue the hearing to July 15, 2019 at 7:00 pm at 50 Carby Street and closed the hearing on July 15, 2019.
5. Westwood Planning Board members Deborah J. Conant, William F. Delay, Brian D. Gorman, were present for the public hearing during which the Application was considered, and deliberated on the Application at duly authorized meetings on June 25, 2019 and July 15, 2019. Christopher A. Pfaff missed the public hearing on June 15, 2019 and reviewed the material and video recording for the missed hearing and submitted the signed certification prior to voting pursuant to M.G.L Chapter 39, Section 23C. David L. Atkins, Jr. was present for the June 25 public hearing and participated remotely in the continued hearing on July 15, 2019 in compliance with the Board of Selectmen's Remote Participation Policy. All five members deliberated on July 15, 2019.

PROJECT FINDINGS:

1. The project site consists of approximately 4.21 acres of land within Development Area B, and materially conforms to the Modified Master Development Plan, Development Area B last revised November 22, 2016 and approved by the Planning Board on April 11, 2017, (hereinafter "Project Site" or "Property").
2. The existing Medical Center or Clinic and Office of Health Care Professional building, and associated parking and site facilities, are permitted uses in the UAMUD, and were constructed in accordance with a Project Development Review (PDR) Approval issued by the Planning Board pursuant to Section 9.7.12.2.2 of the Westwood Zoning Bylaw on May 23, 2017.
3. The Proponent proposes to use, store, handle and transport hazardous materials at the Partners Urgent Care facility at 90 Brigham Way. A comprehensive list of proposed hazardous materials has been provided to the Planning Board. Four (4) of the chemicals on the submitted list have been determined to constitute hazardous materials not exempt pursuant to Section 9.7.5.2.1 of the Zoning Bylaw. The hazardous material lists includes:
 - Steris Prolystica enzymatic cleaner,
 - Rapid Strep Kit-Sure-View Signature,
 - Urinalysis Quality Control-Quantimetrix, and
 - pH Testing – Potassium Hydroxide and Buffers used to quality control the pH paper

4. The Property is located in the University Avenue Mixed Use District (UAMUD) and within the Water Resources Protection Overlay (WRPOD) zoning district. The proposed use, storage, and handling of hazardous materials is subject to a Special Permit, pursuant to Section 9.7.5 and applicable portions Section 9.3 of the Westwood Zoning Bylaw.
5. The Project, as modified by the Conditions of this Decision, materially conforms to the plan entitled "University Avenue Mixed Use District, Modified Master Development Plan," prepared by Tetra Tech, last revised November 22, 2016, approved at a Planning Board meeting on April 11, 2017, and supporting documents on file with the Town Clerk.
6. The Project, as modified by the Conditions, does not pose new material adverse impacts or materially exacerbate existing adverse impacts to any adjacent property or the proximate neighborhood that have not already been addressed through mitigation required by the Development Agreement, as amended, or a prior PDR Approval.
7. The Planning Board received a report with recommendations in writing from the Building Commissioner, Health Director, Weston and Sampson, the Dedham-Westwood Water District's (DWWD) reviewing consultant, the Conservation Agent, and Fire Chief pursuant to Section 9.3.9 [Referral of Application to Other Boards] of the Zoning Bylaw.
8. The Project, as modified by the Conditions, appropriately addresses potential points of spill and containment before any potential spills would reach the public water supply.
9. No previously developed portion of the UAMUD project has resulted in a material adverse impact that does not comply with regulatory requirements or is substantially detrimental to public health, safety or the environment.
10. The Project, as modified by the Conditions of this Decision, complies with the standards and requirements set forth in Section 9.7 of the Westwood Zoning Bylaw, including but not limited to the performance and design standards set forth in Section 9.7.11.
11. Board members participated in a site inspection visit to view the premises on June 28, 2019.

DECISION

At a meeting of the Westwood Planning Board held on July 15, 2019, on a motion made by Deborah Conant, seconded by William Delay, the Planning Board by a vote of five (5) in favor and none (0) opposed, voted to **grant** Special Permit Approval pursuant to Section 9.7.5 and 9.3 of the Westwood Zoning Bylaw to approve the storage, transport, and use of hazardous materials as provided in an application packet filed on behalf of Partners Urgent Care on May 31, 2019, subject to the conditions set forth below:

CONDITIONS OF APPROVAL

The approval of the abovementioned Application is subject to the following conditions:

1. Prior written approval shall be required for any future changes in the composition or quantity of hazardous materials allowed pursuant to this special permit, or for changes to the method of use, transport or storage of such materials, or for the introduction of additional hazardous materials which are regulated pursuant to Section 9.7.5. Said approval shall require the modification or amendment of this special permit, unless a written determination is issued by the Building Commissioner and Health Director stating that the proposed changes are de minimus in nature.

2. The Applicant shall contact the Health Director and Fire Chief or Deputy Fire Chief for an initial inspection of the facility and for subsequent inspections as required pursuant to local regulations.
3. The Applicant shall register all hazardous materials with the Westwood Board of Health, pursuant to applicable requirements of the Westwood Board of Health Hazardous Materials Bylaw, and shall re-register such materials every two years or as otherwise required by the Board of Health.
4. The Applicant is responsible for filing and obtaining any and all other local, state, and federal approvals.
5. The Applicant shall keep and maintain an up to date Material Safety and Data Sheets for every chemical used on the premises. The logs shall be provided in a binder in an accessible location.
6. Each delivery of material shall be inspected by trained personnel before receiving and accepting any material.
7. Staff and delivery personnel shall be trained to handle and inspect all deliveries of hazardous materials.
8. Emergency and Spill response materials shall be kept in the loading/delivery area at all times.
9. Drain covers for all storm drains in the proximate area including the Applicant's property and the delivery truck's route shall be deployed in advance of all deliveries of hazardous materials, and said drain covers shall be inspected at least annually and replaced as needed in accordance with the manufacturer's specifications.
10. Secondary drain covers by New PIG DrainBlocker Drain Cover, or an approved equivalent, shall be purchased and stored onsite for use in the event of a hazardous material spill. Training Plan and Spill Response Plan shall be updated to reference use of the secondary drain cover.

APPLICATION AND PLANS

On June 25, 2019, the Planning Board evaluated the Application, and filed by or on behalf of the Proponent in the Planning Office and the Office of the Town Clerk on May 31, 2019, and the following related submissions:

1. Application for Special Permit for Partners Urgent Care filed by Jason North, 90 Brigham Way, Westwood, MA submitted to the Planning Department on October 4, 2018.
2. Westwood Medical Chemical Inventory on Application Summary and Request for Special Permit, from Jason North, Executive Director Partners Urgent Care, LLC, letter dated May 30, 2019.
3. Spill Reporting Guidance Appendix B
4. Plans showing the truck routes, storage routes, exam room use, point of care testing, waste holding, and comprehensive inventory list of all materials, University Station, 90 Brigham Way.
5. Memorandum from Bruce W. Adams, Westwood & Sampson Engineers, Inc., to Eileen Commane of Dedham-Westwood Water District, Subject: Review of the 90 Brigham Way – Urgent Care Special Permit Application, dated June 7, 2019.
6. Revised Spill Response and Containment Plan, dated May 9 and revised July 10, 2019.
7. Photographs of Brigham and Women's storage areas received June 27, 2019.
8. Drive-Over Drain Blocker Drain Cover specification sheet.

All of the foregoing plans and reports are hereby incorporated by reference and made part hereof.