

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Christopher A. Pfaff, Chair
Ellen Larkin Rollings, Vice Chair
Kathleen Wynne, Secretary
Joshua C. Ames
Philip M. Giordano



Nora Loughnane, Director
nloughnane@townhall.westwood.ma.us
(781) 251-2595

Tiana Malone, Administrative Assistant
tmalone@townhall.westwood.ma.us
(781) 320-1366

PLANNING BOARD

DECISION OF THE PLANNING BOARD
Flexible Multiple Use Overlay District (FMUOD) Special Permit,
Consolidated Environmental Impact & Design Review (EIDR) Approval, and
Water Resource Protection Overlay District (WRPOD) Approval

APPLICANT: Bob Indeglia
Seyon Group, LLC
535 Bolyston Street
Boston, MA 02116

PROPERTY OWNERS: Seyon Group, LLC
535 Bolyston Street
Boston, MA 02116

PROPERTY LOCUS: Assessor's Map 38, Lots 2 and 5

BACKGROUND AND PROJECT SUMMARY

The Applicant filed an Application requesting a Special Permit pursuant to Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)] of the Westwood Zoning Bylaw, and also requesting consolidated Environmental Impact & Design Review (EIDR) Approval pursuant to Section 7.3 and Water Resource Protection Overlay District (WRPOD) Approval pursuant to Section 9.3, to permit the renovation and reuse of an existing 140,000 sq. ft. industrial structure at 26 Dartmouth Street, Westwood, MA 02090. The Application requests approval for alterations to the existing industrial facility, off-street parking, utilities, stormwater management system, lighting, landscaping, and signage to facilitate use by 24M Technologies as a lithium ion battery research and development facility. The property is in the Industrial (I) zoning district and the Flexible Multiple Use Overlay District 1 (FMUOD1).

STATEMENT OF FINDINGS

PROCEDURAL 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 and from all other interested parties, the Town of Westwood Planning Board makes the following procedural findings and project findings:

1. On October 25, 2022, an application requesting a Planning Board FMUOD Special Permit pursuant to Section 9.5, and consolidated EIDR Approval pursuant to Section 7.3, and consolidated WRPOD Approval pursuant to Section 9.3, was filed with the Westwood Planning Board and the Westwood Town Clerk by Brian Dundon, on behalf of Bob Indeglia of Seyon Group, LLC (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 *Hometown Weekly*, a newspaper of general circulation in Westwood, on October 6, 2022 and October 13, 2022. Notice of the public hearing was posted in the Westwood Town Hall commencing on October 11, 2022, and continuing through the opening of the public hearing on October 25, 2022. 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 October 6, 2022.
3. 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, Board of Selectmen, Building Commissioner, Conservation Commission, Department of Public Works, Fire Chief, Police Chief, and Town Engineer on October 13, 2022.
4. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Section 9 and 11, the public hearing on the Application commenced on October 25, 2022, via Zoom Webinar and filmed live by Westwood Media Center on Westwood Media's YouTube Channel and Comcast Channel 12 and Verizon Channel 42. The hearing was held in accordance with the Governor's March 12, 2020, Executive Order suspending certain provisions of the Open Meeting Law (MGL C. 30A, §18), currently extended through March 31, 2023.
5. The Planning Board met remotely via Zoom Webinar where public comments were offered by live time audio via Zoom and through the Question and Answer function. The opportunity for written comments to be submitted was also offered. On October 25, 2022, public comments were taken on the Application. The Planning Board continued the hearing to November 15, 2022. At the request of the Applicant, on November 15, 2022, the Planning Board continued the hearing without discussion to December 13, 2022. On December 13, 2022, at the request of the Applicant, the Planning Board continued the hearing without discussion to January 3, 2023. On January 3, 2023, public comments were taken on the Application.
6. Westwood Planning Board Members Ellen Larkin Rollings, Joshua Ames, Philip Giordano, and Christopher Pfaff were present for all sessions of the public hearing, and deliberated on the Application at a duly authorized meeting on January 3, 2023.

PROJECT SPECIFIC FINDINGS:

1. The subject site is comprised of two parcels of land which total approximately 6.9 acres in area and are bisected by a railroad line operated by CSX Transportation (hereinafter "Project Site" or "Property").
2. One parcel is identified on Assessor's Map 38 as Lot 5. This parcel is currently developed and contains an approximately 140,300 SF vacant single-story concrete/metal building with associated parking spaces and approximately 5.9 acres in area. The former use of the property was a warehouse fulfillment center operated by Universal Wilde.
3. The second parcel is identified on Assessor's Map 38 as Lot 2. This parcel is currently developed as a remote parking lot to support the use of the building on Lot 5. Lot 2 contains approximately 0.9 acres in area.
4. The Project Site is located within the Industrial (I) zoning district and the Flexible Multiple Use Overlay District 1 (FMUOD1).

5. The Applicant proposes to renovate and reuse the existing 140,300 sq. ft. industrial structure, including alterations to the existing industrial facility, off-street parking, utilities, stormwater management system, lighting, landscaping, and signage to facilitate use by 24M Technologies as a lithium ion battery research and development facility.
6. The project proposes a total of 191 parking spaces. After review of all the material submitted including the reports and recommendations of the Planning Board's peer review consultant, BETA Group, Inc., the Planning Board found the proposed number of parking spaces to be sufficient to meet the demand of proposed development as modified by the conditions of this approval.
7. The beneficial effects of the project will outweigh any adverse impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to that site, and the uses allowed are in harmony with the general purpose and intent of Section 9.5 of the Zoning Bylaw.
8. The Project, as modified by the Conditions of this Decision, will not be detrimental to the Town or to the general character or visual appearance of the surrounding properties, and will be consistent with all applicable standards set forth in Sections 7.3, 9.3 and 9.5 of the Westwood Zoning Bylaw.

WAIVER

The Planning Board considered the Applicant's request for the specific waiver listed below, and determined that such waiver will result in a substantially improved project; that such project will otherwise meet the performance and design standards set forth in this Section; and that such waivers will pose no substantial detriment to any adjacent property or proximate neighborhood, and will not nullify or substantially derogate from the intent or purpose of the Westwood Zoning Bylaw. By a vote of four (4) in favor and none (0) opposed, the following waiver is hereby granted by the Planning Board:

1. Waiver of the 10-acre minimum project size requirement pursuant to Section 9.5.9.1 of the Westwood Zoning Bylaw to allow for a project size of 6.9 acres.

APPLICATION AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Office of the Town Clerk on October 25, 2022, and all material submitted through the close of the public hearing on January 3, 2023. All of the following plans and material are hereby incorporated by reference and made part of this Decision:

1. Application, including detailed project description, waiver requests, and existing conditions photographs, submitted by Brian Dundon on behalf of Bob Indeglia of Seyon Group, LLC, and received by the Town Clerk and Planning Department on October 25, 2022 (as supplemented).
2. Site plan titled, "Site Plan for Redevelopment of 26 Dartmouth Street, Westwood, MA", prepared by RJ O'Connell & Associates, Inc., 80 Montvale Avenue, Suite 201, Stoneham, MA 02180, dated August 15, 2022 and revised through November 30, 2022, and stamped by Brian P. Dundon, PE on November 30, 2022, consisting of twenty-seven (27) sheets.
3. Document titled "Environmental Impact and Design Review (EIDR) Report, 26 Dartmouth Street, Westwood, Massachusetts", prepared by RJ O'Connell & Associates, Inc., 80 Montvale Avenue, Suite 201, Stoneham, MA 02180, dated August 18, 2022 and updated November 30,

- 2022, and stamped by Brian P. Dundon, PE on November 30, 2022, consisting of twenty (20) pages.
4. Document titled "Stormwater Management Report, 26 Dartmouth Street, Westwood, Massachusetts", prepared by RJ O'Connell & Associates, Inc., 80 Montvale Avenue, Suite 201, Stoneham, MA 02180, dated August 15, 2022 and revised November 30, 2022, and stamped by Brian P. Dundon, PE on November 30, 2022, consisting of five hundred sixteen (516) pages.
 5. Document titled "Hazard Communications Program, Policies and Procedures Regarding Hazardous Chemicals in the Workplace", prepared by 24M Technologies, 26 Dartmouth St., Westwood MA 02090, dated November 2022, consisting of thirty (30) pages.
 6. Document titled "Chemical Hygiene Plan, Policies and Procedures Regarding Work in Laboratories", prepared by 24M Technologies, 26 Dartmouth St., Westwood MA 02090, undated, consisting of thirty-four (34) pages.
 7. Document titled "Preliminary Response to Westwood Hazardous Materials Bylaw Article 17", prepared by 24M Technologies for 26 Dartmouth St, undated, consisting of eight (8) pages.
 8. Plan titled, "Hazardous Materials Code Compliance Plan (for Planning Only)", prepared ACS Group/24M, dated November 11, 2022, consisting of one (1) sheet.
 9. Document titled "24M Emergency Action Plan", prepared by 24M Technologies Emergency Action Plan Coordinator – Tyler Eusden, 26 Dartmouth St., Westwood MA 02090, dated 2022, consisting of twenty-three (23) pages.
 10. Document titled Material Safety Data Sheets Combined, prepared by Sigma-Aldrich, www.sigmaaldrich.com, consisting of one thousand twenty-eight (1028) pages.
 11. Spreadsheet labeled "2022-12-01_-_24m_Chemical_Inventory_Wed_Dec_21_2022_10-42-42".
 12. Memorandum from Jeffrey S. Dirk, P.E., PTOE, FITE and Daniel LaCivita, Vanasse & Associates, Inc., 35 New England Business Center Drive, Suite 140, Andover, MA 01810-1066, to Brian Dundon, PE, RJ O'Connell & Associates, Inc., 80 Montvale Avenue, Suite 201, Stoneham, MA 02180, re: 9401, Transportation Impact Assessment, Proposed Research and Development Building – 26 Dartmouth Street, Westwood, Massachusetts, dated August 15, 2022, consisting of eighty-four (84) pages.
 13. Letter from Stephen Borgatti, PE, MENG, Philip F Paradis, Jr., PE, and Tyler de Ruiter, PE, PTOE, BETA Group, Inc., 315 Norwood Park South, 2nd Floor, Norwood, MA 02062, to Town of Westwood Planning Board, re: 26 Dartmouth Street Special Permit and Environmental Impact & Design Review (EIDR) Peer Review, dated October 4, 2022, consisting of fourteen (14) pages.
 14. Letter from Brian P. Dundon, PE, RJ O'Connell & Associates, Inc., 80 Montvale Avenue, Suite 201, Stoneham, MA 02180, to Nora Loughnane, re: 26 Dartmouth Street Special Permit and EIDR Application, Submission of Supplemental Information, Westwood, MA 22010.03, dated December 1, 2022, consisting of two (2) pages.
 15. Letter from Timothy J. Snay of Sanborn, Head & Associates, Inc. to Town of Westwood, re: Response to Comments, Proposed Renovations, 26 Dartmouth Street, Westwood, Massachusetts, dated December 1, 2022, consisting of three (3) pages.

16. Letter from Philip F Paradis, Jr., PE, and Tyler de Ruiter, PE, PTOE, BETA Group, Inc., 315 Norwood Park South, 2nd Floor, Norwood, MA 02062, to Town of Westwood Planning Board, re: 26 Dartmouth Street Special Permit and Environmental Impact & Design Review (EIDR) Peer Review Update, dated December 12, 2022, consisting of twenty-one (21) pages.
17. Memorandum from Michael Warner, PE, and Nicole Lewis, EIT, Weston & Sampson, to Blake Lukis and Steve Locke, DWWD, re: 26 Dartmouth Street Development Review, dated December 22, 2022, consisting of six (6) pages.

DECISION

On October 25, 2022, the Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, on a roll call vote by a vote of four (4) in favor and none (0) opposed, hereby **grants** the requested FMUOD Special Permit, with consolidated EIDR and WRPOD Approvals, pursuant to Sections 9.5, 7.3 and 9.3 of the Westwood Zoning Bylaw, for the Project as described above and in the application therefor filed in the office of the Town Clerk on October 25, 2022, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. Except as modified by the conditions and findings hereof, the Project shall comply with the Project Plans, in all respects, and the Applicant shall pursue completion of the project with reasonable diligence and continuity.
2. If the Project, or any Condition imposed in this Decision, requires any other permit, license, or other approval from any board or commission, or any agency of the Town of Westwood, or other regulatory agency of the Commonwealth or the federal government, the Applicant shall make an appropriate application for the same and shall obtain all required approvals prior to the start of any work. If any condition of such permit, license, or other approval from any other board, committee, or agency is inconsistent with this Decision, the Applicant shall make application to the Planning Board for an amendment of this Decision, and the Planning Board shall consider such application in accordance with the requirements of M.G.L. Chapter 40A §9 and all applicable Planning Board rules and regulations.
3. Any proposed alterations, modifications, deletions or changes to the FMUOD Special Permit shall be requested in writing to the Town Planner and Building Commissioner prior to implementation. Proposed alterations which are considered de minimis by the Building Commissioner may be accepted as a note to the file. Proposed alterations which are considered minor by the Building Commissioner shall require the filing of an Application of Modification of FMUOD Special Permit for review by the Planning Board at a publically posted Planning Board meeting. Proposed alterations which are determined to be major by the Building Commissioner or by the Planning Board, shall be considered by the Planning Board as a formal Amendment to the FMUOD Special Permit and will require a new public hearing before the Planning Board.
4. Prior to issuance of a Certificate of Occupancy, the Applicant shall obtain approval of the final pedestrian route plans by the Planning Board or the Town Planner. In connection with the foregoing, the Applicant shall continue working in good faith with CSX to develop a safe pedestrian route across the railroad tracks, similar to that shown on submitted sidewalk plans, to the extent practicable and subject to CSX's approval of the same.
5. The Applicant shall submit a fully revised set of site plans and updated Operations & Maintenance Plan (O&M Plan) addressing all remaining comments in the Memorandum from Philip F. Paradis, Jr., PE, of BETA Group, Inc. to Town of Westwood Planning Board dated

December 12, 2022, and in the Memorandum from Michael Warner, PE and Nicole Lewis EIT of Weston & Sampson to Blake Lukis and Steve Locke of Dedham-Westwood Water District dated December 22, 2022, and in staff comments from the Deputy Fire Chief received on January 3, 2023, and all revisions required by the Planning Board at the January 3, 2023 Planning Board meeting. Said fully revised set of site plans shall be reviewed by the Town Planner and approved if consistent with all of the above.

6. The Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the Town Planner and Consulting Town Engineer prior to the issuance of a Building Permit for the Project.
7. All Project-related construction activities shall comply with the timeframes set forth in the Town's General Bylaws Chapter 292, for Noise and Construction, which allow such work Monday through Saturday between the hours of 7:00 a.m. and 7:00 p.m., and Sunday between the hours of 12:00 p.m. and 7:00 p.m.
8. All trucks carrying earth material to or from 26 Dartmouth Street shall be required to access the Property via University Avenue; and no trucks associated with the Project shall be permitted to travel on any non-arterial road in Westwood.
9. Any trucks delivering or removing materials shall be covered as to prevent said material from spilling onto the public roadway and any spilled material shall be cleaned from Dartmouth Street, University Avenue, and any other roadways travelled in the transport of earth material to and from the site.
10. The existing pavement on Dartmouth Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
11. There shall be no substandard or hazardous fill material used with this Project. Prior to the import of any earth material, the Applicant shall submit certification to the Town Planner and Building Commissioner from the company providing said material, stating that the material does not contain any hazardous material.
12. All chemicals used during construction shall be located in a designated containment area outside of Zone 1 of the Water Resource Protection Overlay District (WRPOD) and shall be located on an impervious surface designed to prevent the discharge of contaminated run-off into the soil or groundwater.
13. The Applicant shall promptly repair any damage which the Applicant or its agents cause to sidewalks, street pavement, signs, or other fixtures or features within the public right-of-way, after first obtaining permission from the Town Department of Public Works or Massachusetts Department of Public Works. Such repairs shall be performed to Town of Westwood standards.
14. All landscaping approved herein shall be installed at the earliest possible date, but only during the spring growing season running from April 15 thru June 15 or during the fall growing season running from September 15 thru November 15. Any plantings that do not survive shall be replaced in-kind in perpetuity at the Applicant's expense.
15. All proposed dumpsters, compactors, trash and/or recycling containers, generators, gas tanks, electrical switch gear, electric transformers, and similar features shall be fully screened from view by gated solid enclosures constructed of wood, stone, brick or similar materials, and shall not include chain link fencing. Dumpsters, compactors, trash and/or recycling containers shall have an impermeable lid or cover integral to the dumpster, compactor or

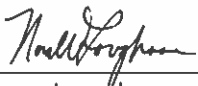
container itself, and shall be located on an impervious surface designed to prevent the discharge of contaminated run-off or leachate into the soil or groundwater. Gates shall be closed and fastened at all times other than active loading and/or unloading of trash and/or recycling materials.

16. No landscape chemicals shall be used and no snow storage shall be permitted within Zone 1 of the WRPOD.
17. No diesel fuel shall be used or stored within Zone 1 of the WRPOD. All generators shall be operated with propane, natural gas, or another means that is acceptable to the Dedham-Westwood Water District.
18. The Applicant shall obtain approval by the Town Planner for any signage not included in this Application and shall obtain all required Signage Permits from the Building Division prior to installation.
19. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
20. The Applicant shall submit As-Built plans at the conclusion of construction, which shall indicate the location of all water quality units, underground storage tanks, pipes and/or appurtenances which remain on the site, prior to the issuance of a Certificate of Occupancy for the Property. The As-Built plans shall be delivered in a format approved by the Information Systems Director for compatibility with the Town of Westwood GIS database.
21. This FMUOD Special Permit shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant thereof. The Planning Board may extend such approval, for good cause, upon the written request of the Applicant. In the case of this Approval, the term "substantial use thereof or construction thereunder" shall mean the commencement and substantial continued progress of the approved activity.

RECORD OF VOTE

The following members of the Planning Board voted on January 3, 2023, to **grant** FMUOD Special Permit with consolidated EIDR Approval and WRPOD Approval for the abovementioned Project with conditions as set forth above: Ellen Larkin Rollings, Joshua C. Ames, Philip M. Giordano, and Christopher A. Pfaff.

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



Nora Loughnane, Director of Community & Economic Development
January 20, 2023