

**SPECIAL PERMIT APPLICATION
MIXED-USE & MULTI-FAMILY RESIDENTIAL OVERLAY DISTRICT**

**APPLICANT:
PP EVERETT STREET, LLC**

**PROPERTY:
22 and 34 Everett Street, Westwood, MA**

PROJECT NARRATIVE

I. *INTRODUCTION/GENERAL OVERVIEW OF PROJECT*

PP Everett Street, LLC, (the “Applicant”) proposes to redevelop the real estate shown on Westwood Assessors’ Map 23, Lots 226 and 227, and known and numbered as 22 Everett Street and 34 Everett Street, Westwood, Massachusetts (the “Subject Property”)¹. The Subject Property contains approximately 6.794± acres (295,947± square feet) of land with approximately 551.5 feet of frontage on Everett Street. The Subject Property is located in the Highway Business (HB) and the Flexible Multiple Use Overlay District 3 (FMUOD 3) Zoning Districts. In addition, the Subject Property is located in the Mixed-Use & Multi-Family Residential Overlay District (MUMFROD).

The Subject Property is bordered by a railroad right of way (utilized by the MBTA for the Franklin Commuter Rail) to the west, commercial developments to the north and east, and Everett Street to the south. (The front property line on Everett Street is also the Westwood-Norwood town line.) South Brook and Purgatory Brook traverse the Subject Property. There are a number of easements on the Subject Property including a 40-right of way, Town of Westwood

¹ The portion of the Subject Property shown on Westwood Assessors’ Map 23-227 is identified on the Assessors’ record cards simply as Everett Street and is also known as 34 Everett Street. The Subject Property is currently owned by Everett Street Realty Corp. and Hartling Corp. (Donald Foster and family-owned entities). Applicant has entered into and executed a Purchase & Sale Agreement to purchase the Subject Property subject to certain permitting. For purposes of this Memorandum and Application it is assumed that Applicant will combine the two parcels into a single lot via a Form A/ANR Plan.

sewer easement, Town of Westwood drainage easement, and Algonquin transmission easements. Currently located on the Subject Property is a large 1-story masonry/concrete industrial building with a floor area of approximately 26,000 square feet. The building was originally constructed circa 1950 with a number of subsequent additions (most recently circa 1978). The building was originally used to manufacture concrete block/brick but is now utilized various commercial and industrial uses including offices, landscaping and trucking companies, bus, tractor trailer and construction equipment storage, and stockpiling of materials and debris.

As noted above, the Subject Property is traversed by South Brook and Purgatory Brook. Resource areas on the Subject Property associated with these waterways include Land Under Waterways, Bank, Bordering Vegetated Wetlands, Riverfront Area, and Bordering Land Subject to Flooding. The 100-foot Buffer Zone is offset from the outermost boundary of Bank and BW. These brooks and resource areas have been neglected for many years. As noted, the site is utilized by various trucking and landscape companies for staging and storage, as evidence by numerous metal cargo containers, portable sheds, concrete block storage bays containing salt, gravel, mulch, and loam, and material storage and soil and rock stockpile areas and scattered debris piles throughout the property. The majority of these areas occur within Riverfront Area. In addition, select areas of the river embankment contain unconsolidated fill comprised of landscape debris (e.g., leaves), and manmade debris including bricks, wood, cinder blocks, and metal. To a small extent, the debris extends within the waterways and onto the Bank.

The Subject Property has significant environmental/hazardous waste contamination issues which must be addressed prior to any redevelopment. During the period the Subject Property was operated for concrete manufacturing, several underground storage tanks (USTs) were present for the storage of diesel fuel and #2 fuel oil. The USTs have either been removed or closed in place. Hydraulic fuel was stored in 55-gallon drums. Diesel was utilized to fuel equipment and hydraulic fluid was used to operate mechanical equipment inside the building. Historically releases of diesel fuel and hydraulic fuel are reported to have occurred when the manufacturing was still taking place. A release of petroleum products was reported to MassDEP in May 1987. Clean-up efforts are estimated to be in excess of \$1,000,000.

Applicant proposes to redevelop the Subject Property by the demolishing the existing building and constructing new buildings under the Westwood Zoning By-Law provisions for developments in the MUMFROD. Applicant has explored various potential redevelopment proposals and initially proposed 7,000 square feet of retail/commercial floor area with 215 residential units in four (4) buildings. Applicant has made a number of revisions to the proposal including revisions based upon discussions with the Westwood Planning Board at two (2) “pre-application meetings”. The “Project” now involves approximately 232,903 square feet of floor area in two (2) four story buildings with 158 residential units and 12,000 square feet of nonresidential/commercial floor area. Of the 158 residential units, 24 units will be so-called Affordable Units (described further below). The 158 units (on a 6.794± acre parcel) equates to a density of approximately 23.24 units per acre.

A more specific breakdown for each building is shown on the following tables:

BUILDING A

Total Floor Area - Building: 149,035 square feet (inclusive of garage)
 Total Residential Units – Building: 96 units
 Total Floor Area - First Floor: 38,835 square feet
 Commercial: 12,000 square feet
 Garage: 17,000 square feet
 Residential: 9,835 square feet (6 residential unit)
 Total Floor Area - Second Floor: 37,100 square feet (30 residential units)
 Total Floor Area – Third Floor: 37,100 square feet (30 residential units)
 Total Floor Area – Fourth Floor: 36,000 square feet (30 residential units)

BUILDING B

Total Floor Area - Building: 83,868 square feet (inclusive of garage)
 Total Residential Units – Building: 62 units
 Total Floor Area - First Floor: 21,618 square feet
 Commercial: N/A
 Garage: 20,200 square feet
 Residential: 1,418 square feet (0 residential units)
 Total Floor Area - Second Floor: 20,750 square feet (21 residential units)
 Total Floor Area – Third Floor: 20,750 square feet (21 residential units)
 Total Floor Area – Fourth Floor: 20,750 square feet (20 residential units)

The residential units will consist of 98 1-bedroom units, 44 2-bedroom units, and 16-3-bedroom units distributed between the buildings as shown on the following table:

	1-BEDROOM	2-BEDROOM	3-BEDROOM	TOTAL
BUILDING A	55	30	11	96
BUILDING B	43	14	5	62
TOTAL	98 (62%)	44 (28%)	16 (10%)	158

The Project will be served by a total of 248 parking spaces (including seven (7) ADA compliant/accessibly parking spaces). As detailed on the submitted plans, 46 parking spaces (including two (2) ADA compliant parking spaces) will be located in surface/grade level first floor garage of Building A, and 58 parking spaces (including two (2) ADA compliant parking spaces) will be located at surface/grade level first floor garage of Building B. The remaining 144 parking spaces (including three (3) ADA compliant/accessibly parking spaces) will be located in outdoor parking areas throughout the Subject Property. As discussed further below, 43 parking spaces will be located between Building A and Everett Street.

From an architectural perspective, the proposed buildings have taken a number of elements from the redeveloped Islington Village. The Project also proposes a number of amenities including:

- Walking trails
- Sports/pickle courts
- Playground
- Dog park (potentially open to the public if liability concerns are properly addressed)
- Indoor and outdoor gathering spaces
- Bike Racks
- Electric vehicle charging stations
- River access
- Solar panels

As part of the Project, Applicant proposes to implement restoration measures outside the proposed development footprint by 1) restoring approximately 35,000 square feet of previously

degraded/disturbed Riverfront Area with native plantings; 2) implementing an invasive species management plan along the waterway corridor that will include native restoration plantings; 3) removing debris within the river and along the river embankment; and 4) removing concrete along a 25-foot section of Bank and associated restoration.

Submitted with the Application is a “Traffic Impact and Access Study” prepared by Bayside Engineering, Inc. (“Bayside”). As detailed in the “Traffic Impact and Access Study”, the Project is anticipated to generate 1,318 vehicle trips (659 vehicles and 659 vehicles trips) on a typical weekday with 86 vehicles tips (30 vehicles entering and 56 vehicles existing) during the weekday morning peak hour and 133 vehicles trips (74 vehicles entering and 59 vehicles existing) during the evening peak hour. The “Traffic Impact and Access Study” concludes that the Project “will not have a significant impact (increase) on motorist delays or vehicle queuing over existing or anticipated future conditions. Furthermore, the “Traffic Impact and Access Study” includes stopping sight distance measurements and found that the Project site driveways will “exceed the recommended minimum distances for safe and efficient operation based upon appropriate approach speed.”

Also submitted with the Application is a “Fiscal Impact Analysis” prepared by Fougere Planning & Development, Inc. As detailed in the “Fiscal Impact Analysis”, twenty-six (26) school age children are estimated to reside in the proposed 158 residential units. In addition, the “Fiscal Impact Analysis” estimates that the Project will generate total revenues (i.e., real estate taxes, etc.) to the Town in the amount of \$797,293. This is an increase of \$684,851 (or 1,708%) over the current \$41,942 in the real estate taxes generated by the Subject Property. Furthermore, the “Fiscal Impact Analysis” estimates municipal costs (including but not limited to school costs) of the Project at \$293,035 resulting in a net annual positive fiscal impact of the Project of \$504,258. The “Fiscal Impact Analysis” also provides a “fiscal” comparison between the Project with the proposed 158 residential units and an as-of-right development with 102 residential units. As described below, “Fiscal Impact Analysis” concludes that the additional 56 residential units (above those allowed as-of-right) will not have a significant negative fiscal impact on the Town (and in fact produce a net annual positive fiscal benefit to the Town).

II. ZONING ANALYSIS/SPECIAL PERMITS/WAIVERS

A. ZONING DISTRICT

The Project is being proposed and developed under the Mixed-Use & Multi-Family Residential Overlay District (MUMFROD) provisions set forth in accordance with Section 9.9 of the Westwood Zoning By-Law. Section 9.9.2 of the Westwood Zoning By-Law specifically includes the Subject Property (Westwood Assessors' Map 23, Lots 226 and 227) in the MUMFROD.

B. USES

Pursuant to the Table of Principal Uses of the Westwood Zoning By-Law, the following uses are allowed as of right in the HB Zoning District (not intended as an exhaustive listing):

1. Retail
2. Restaurant
3. Coffee shop, Ice cream parlor
4. Professional service establishment
5. Business service establishment
6. Office of doctor or dentist
7. Bank or financial institution
8. Personal service establishment
9. Professional service establishment
10. Light Manufacturing
11. Warehouse, wholesale or distribution facility (outdoor storage requires special permit)

In addition, the following uses are allowed by Special Permit in the HB Zoning District (not intended as an exhaustive listing):

1. Motor vehicle sales and service
2. Motor vehicles repair and body service
3. Car wash
4. Restaurant with entertainment
5. Fast order food establishment
6. Commercial recreation indoor or outdoor
7. General service establishment
8. Commercial laundry, dry cleaning
9. Contractor's yard
10. Self-storage

Pursuant to Section 9.9.5 of the Westwood Zoning By-Law, the following uses are permitted as of right upon grant of a MUMFROD-EIDR approval by the Planning Board (not intended as an exhaustive listing):

1. Multi-Family Residential Dwelling Units (per density requirements of Section 9.9.6)
2. Bank or financial institution
3. Child care facility
4. Coffee shop
5. Ice cream parlor
6. Institutional use
7. Office of health care professional
8. Personal services establishment
9. Professional service establishment
10. Restaurant with or without entertainment
11. Retail sales and service establishment

C. RESIDENTIAL DENSITY, BEDROOM SIZE, AND AFFORDABLE HOUSING

Section 9.9.6.1 of the Westwood Zoning By-Law provides that Multi-Family Residential Dwelling Units at a maximum density of 15 units per acre shall be permitted as of right. Inasmuch as the Subject Property contains 6.794± acre parcel, 102 residential dwelling units (i.e., $6.794 \times 15 = 101.91$) are allowed as of right at the Subject Property. Section 9.9.6.2 of the Westwood Zoning By-Law provides that Multi-Family Residential Dwelling Units at a density exceeding 15 units per acre requires a MUMFROD Special Permit. Since Applicant is proposing 158 residential units (i.e., a density of approximately 23.24 units per acre), the Project requires a MUMFROD Special Permit. Applicant respectfully submits that due to the high cost of environmental remediation/cleanup, the extensive reclamation/restoration of the brooks and other resource areas, and the land costs, a redevelopment with less than the proposed 158 residential units is not economically feasible.

Said Section 9.6.2 further provides that “any residential units over and above 15 units per acre shall be subject to the Fiscal Analysis submittal requirement outlined in Section 9.9.12.10.” Said Section 9.9.12.10 requires that “all MUMFROD Special Permit applications requesting a residential density greater than 15 units per acre, shall submit a fiscal analysis demonstrating that the additional proposed residential units will have no significant negative fiscal impact to the Town.” The “Fiscal Impact Analysis” prepared by Fougere Planning & Development, Inc.,

provides a “fiscal” comparison of the Project with 158 residential units and an as-of-right development with 102 residential units and demonstrates “that the additional proposed residential units will have no significant negative fiscal impact to the Town.” As detailed in the “Fiscal Impact Analysis”, the estimated number of school aged children in an as-of right development is 16 students² (i.e., 15.97 students rounded up) and the estimated number of school aged children in the proposed Project is 26 students (i.e., 25.46 students rounded up). Simply stated there is an increase of 10 school age children³. Moreover, the “Fiscal Impact Analysis” demonstrates that an as-of-right project has a net positive fiscal impact on the Town of \$325,584 and that the proposed increased density of 56 units would have an *additional* net positive fiscal impact on the Town of \$178,752. Overall, the “Fiscal Impact Analysis” estimates that the Project will have a net annual positive fiscal impact on the Town of \$504,258.

Section 9.9.11 of the Westwood Zoning By-Law provides that a MUMFROD project with more than eight (8) residential units shall have at least 10% of the total number of residential units as three (3) bedroom units. As noted above, Applicant is proposing 158 residential units. Therefore, 16 residential units (i.e., $15.8 \times 10\% = 16$) are required to be 3-bedroom units for this Project. As shown in the table above, the Project provides the requisite 16 (i.e., $158 \times 10\% = 15.8$) 3-bedroom units.

Section 9.9.10 of the Westwood Zoning By-Law provides that a MUMFROD project with at least eight (8) residential dwelling units must restrict a minimum number of units to meet the definition of Affordable Housing as defined in Section 2.0 of the Westwood Zoning By-Law. Specifically, said Section 9.9.10 provides that a project with 27 or more dwelling units must have at least 15% of the total number of dwelling units as so-called Affordable Units. In accordance with said Section 9.9.10, these units shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Massachusetts Department of

² The “Fiscal Impact Report” assumed the same ratio of 1-bedroom, 2-bedroom, and 3-bedroom apartments for the Project and the as-of-right development. As presented by Applicant during the “pre-application meetings” with the Planning Board, the number of 2-bedroom and 3-bedroom units in the as-of-right development would be considerably higher (due to land, clean-up, and constructions costs).

³ As shown in the “Fiscal Impact Analysis”, a 56-unit development (the difference between the 158 proposed and the 102 as-of-right) would result in 9 students. To be conservative, a differential of 10 students is use in this Project Narrative.

Housing and Community Development, will be indistinguishable from market rate units, shall be scattered throughout the Project, and shall remain affordable in perpetuity. Accordingly, the Project requires and does provide 24 Affordable Units (i.e., 158 x 15% = 23.7 units). Applicant proposes that number of each “size” of Affordable Units shall be the same as the percentage of each “size” throughout the Project (i.e., 62% 1-bedroom, 28% 2-bedroom, and 10% (3-bedroom) as shown on the following table:

AFFORDABLE UNITS BY UNIT SIZE

	1-BEDROOM	2-BEDROOM	3-BEDROOM	TOTAL
	15	7	2	24

D. PARKING REQUIREMENTS

Pursuant to Section 9.9.8 of the Westwood Zoning By-Law, a MUMFROD project is required to provide 1.25 parking spaces per residential dwelling. In addition, for all other uses, the number of parking spaces shall be determined by the Planning Board (and may be few parking spaces than otherwise required under Section 6.1.2 (Table of Parking Requirements) of the Westwood Zoning By-Law. Therefore, the parking required for the Project is as follows:

158 residential dwelling units x 1.25 parking spaces	198 parking spaces
12,000 sf of commercial spaces x 1 space/250 sf	38 parking spaces ⁴
Total Required Parking Spaces	246 parking spaces

The Project provides a total of 248 parking spaces and satisfies the above parking requirement. All parking is surface/grade parking. As noted above, however, 104 parking spaces will be located under the buildings and 144 parking spaces will be in outdoor surface/grade level parking areas.

Section 9.9.8 of the Westwood Zoning By-Law provides in pertinent part that: “All surface parking shall be located at the rear or side of buildings and no parking spaces shall be located

⁴ This is based upon retail, personal service establishment, bank, and dentist/doctor office. Professional service establishment will require less parking.

between a building and the street.” As proposed, the Project would provide parking between the buildings and Everett Street (off-set by landscaping) for the commercial uses. Applicant submits that parking in this area is necessary to make the commercial floor area in the Project rentable/viable. Accordingly, a waiver is requested.

E. DIMENSIONAL REQUIREMENTS

Section 9.9.7 of the Westwood Zoning By-Law provides specific dimensional requirements for a MUMFROD project. It is further provided as part of the MUMFROD Special Permit, the Planning Board may allow deviations from such requirements. As shown on the following chart, the Project satisfies the MUMFROD dimensions requirements:

	REQUIRED MUMFROD	PROPOSED	WAIVER REQUIRED
MINIMUM PROJECT AREA	40,000 s.f.	295,947 s.f.	NO
MINIMUM LOT AREA	10,000 s.f.	295,947 s.f.	NO
MINIMUM LOT FRONTAGE	50 ft.	551.5 ft.	NO
MINIMUM LOT WIDTH	50 ft.	551.5 ft.	NO
MINIMUM FRONT SETBACK	10 ft.	53.5 ft.	NO
MINIMUM SIDE YARD SETBACK	10 ft.	10.1 ft.	NO
MINIMUM REAR YARD SETBACK	20 ft.	118.3 ft.	NO
MAXIMUM IMPERVIOUS SURFACE	80%	55.6%	NO
MAXIMUM BUILDING HEIGHT	45 ft.	44 ft. 10 in./ 44 ft.	NO

Section 9.9.9 of the Westwood Zoning By-Law provides that a MUMFROD development project with 50 or more residential dwelling units must provide an outdoor play area or common space appropriate for use by families with children. As noted above, such outdoor play area and/or

common space including walking trails, sports court, playground, and dog park have been incorporated into the Project. The proposed walking trail system provides circulation to all of the proposed amenity spaces on-site. The pickleball court and one (1) playground area are proposed on the northern end of the site, west of the existing riverfront area and connected by the walking trail system. One (1) dog park with perimeter fencing is proposed on the northern end of the site, south of the proposed parking area. A large outdoor amenity space is proposed on the southern end of the site that is highlighted by patio areas, multi-use lawn spaces, seating and fire pit feature.

E. BUILDING & DESIGN/ENVIRONMENT DESIGN & IMPACT STANDARDS

The following is the Impact Statement required by Section 9.9.12.7 of the Westwood Zoning By-Law explain how each of the Building & Design Standards cited in Section 9.9.13 of the Westwood Zoning By-Law have been incorporated into the design of the Project. It is noteworthy that these Standards essentially mirror the Environmental Design and Impact Standards set forth in Section 7.3.8 of the Westwood Zoning By-Law.

9.9.13.1 Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable. Tree and soil removal shall be minimized, and any grade changes shall be consistent with the general appearance of neighboring developed areas. Due regard shall be given to the attractive utilization of the natural features of the area, including trees, woods, streams and ponds. All open areas which cannot be preserved in their natural state shall be replanted as far as practicable with as many trees and plantings as previously existed.

***Explanation:** Currently, the Subject Property is underutilized, neglected, and in a blighted and deteriorated condition. However, as part of the Project, Applicant proposes to restore the landscape outside the proposed development footprint by 1) restoring approximately 35,000 square feet of previously degraded/disturbed areas with native plantings; 2) implementing an invasive species management plan along the waterway corridor that will include native restoration plantings; 3) removing debris within the waterways and along the waterway embankments; and 4) removing concrete along a 25-foot section of Bank and associated restoration. Existing native vegetation is to remain along the natural riverfront corridor. The proposed restoration work is intended to supplement existing native vegetation.*

9.9.13.2 Relation of Buildings to Environment. The proposed development shall be related

harmoniously to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building. The Planning Board may require a modification in massing so as to reduce the effect of shadows on abutting property, public open space or streets.

***Explanation:** The Project has been designed with references to the recently completed design in Islington Village. The massing, materials and detailing is based on traditional forms with the ground floor having awnings and signage with oversized windows with traditional muntins and trim. The facades have been designed to have first level cornices then step back the upper façade with varying walls and bays to help break up the massing. The front building (Building A) is anchored by a turret to help identify the residential entrance. Building B first level has interior parking and we have detailed the façade to simulate openings. Façade treatment on this building is similar to Building A with subtle differences.*

9.9.13.3 Open Space. All open space shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

***Explanation:** Open Space areas along the waterway corridor are proposed to be restored including removal of debris, invasive species management and planting of new native plant species. The waterway corridor is located throughout the site and is visible from Everett Street. Open space consisting of common spaces, amenity areas and walking trails shall be maintained regularly and shall provide an attractive aesthetic complimented by proposed landscaping.*

9.9.13.4 Circulation, Traffic Impact, Pedestrian Access and Features. With respect to vehicular and pedestrian circulation and traffic, including entrances, ramps, walkways, drives and parking, special attention shall be given to location, , number and function of access points to the public streets (especially in relation to existing traffic flow, traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, the arrangement, safety and convenience of both vehicle and bicycle parking areas and the effect thereof upon the use and enjoyment of proposed buildings and structures and the neighboring properties, and the traffic impact of the proposed development on nearby public and private streets. Each proposed facility shall have bicycle and stroller parking, and shall make adequate provisions for the convenience of vehicular and pedestrian movement within the site and over clear accessible routes to nearby streets, sidewalks, and public transportation.

***Explanation:** Two entrances have been provided on-site to provide adequate circulation for both Building A and Building B. A 33' drive aisle has been provided for Building A to provide three*

(3) 11' width lanes. One lane to enter the site and two lanes to exit, to include both an exclusive left-turn lane and an exclusive right-turn lane. This has been designed to prevent queuing in the parking area adjacent to the entrance way. The remainder of the Building A parking area has been designed with 24' width lanes, with 4' turn around areas to allow adequate vehicular circulation around the parking area. The entrance and parking area for Building B was designed at a 24' width and allows for circulation around the parking area. There is adequate parking provided across the entire Site per Zoning requirement at 1.25 spaces per unit, and 1 space per 250 sf of retail space for a total required parking of 246 spaces and a proposed of 248 spaces. Spaces have been provided in both areas of the Site with sidewalks to allow pedestrian movement across the entire Site with connections to Everett Street, Building A, Building B, the proposed dog park area and the amenity area. Bike racks have been provided at both building entrances and an 8' wide path has been designed to allow safe pedestrian and bike access from both buildings and amenities.

9.9.13.5 Stormwater Drainage and Erosion Control. Special attention shall be given to proper site surface drainage (i) so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system and (ii) so as to minimize any adverse impact upon nearby "downstream" properties. Stormwater shall be removed from all roofs, canopies and paved areas in compliance with the stormwater management standards adopted and from time to time amended by the Massachusetts Department of Environmental Protection. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. Erosion and sediment controls must be implemented to prevent any negative impacts during construction or other land disturbance activities. Permanent post- development erosion controls must be implemented and maintained where necessary.

Explanation: Stormwater on-site has been managed with an on-site stormwater system in accordance with Massachusetts Department of Environmental Protection and Town of Westwood Stormwater Regulations and meets or exceeds all standards. A combination of three subsurface infiltration chamber systems, catch basins, water quality units, water quality inlets, drain manholes, and area drains through a pipe system has been proposed on-site. The management system will provide a decrease in peak rates of runoff from the proposed facility for the 2-, 10-, 25-, and 100-year storm events. The introduction of BMP's to the Site will be a large improvement from the existing conditions.

9.9.13.6 **Advertising Features.** The size, location, design, color texture, lighting and materials of all permanent signs shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties. Signage for commercial uses shall be regulated pursuant to Section 6.2 [SIGNS] applying the Local Business (LBA) and Local Business B (LBB) districts, specifically Section 6.2.6 [Signs Allowed in Local Business A (LBA) and Local Business B (LBB) Districts], and Section 6.2.10 [Illumination and Movement], unless another alternative is presented and approved by the Planning Board.

***Explanation:** All signs for commercial use will follow Section 6.2. There are no proposed signs at this time of submission. Awnings are proposed for first level commercial area with no specific signage until tenants are confirmed.*

9.9.13.7 **Special Features.** Storage areas, service areas, truck loading areas, utility buildings, and other accessory structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required by the Planning Board to prevent their being incongruous with the existing or contemplated environment and the surrounding properties. All towers, antennas and poles shall be sited, designed and sized to have minimal visual impact on nearby properties.

***Explanation:** All accessory structures have been designed to meet setback requirements per Town of Westwood Zoning Requirements. Screen plantings are proposed wherever practicable. All poles and antennas have been designed to have minimal visual impacts on nearby properties.*

9.9.13.8 **Safety.** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of an accident or attempted criminal act. Traffic to and from any facility shall not cause safety hazards or increased congestion in nearby residential neighborhoods.

***Explanation:** The site has been designed to facilitate building evacuation, and accessibility by fire, police, and other emergency personnel to the maximum extent practicable. Proper access for emergency vehicle has been provided for both buildings and tested through truck turning software for the Town of Westwood fire trucks. The Applicant has reviewed the truck turning plans with the Town of Westwood Fire Department and the layout has been deemed accessible for fire truck access.*

9.9.13.9 **Heritage.** With respect to the Town's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

Explanation: Currently, the Subject Property is underutilized, neglected, and in a blighted and deteriorated condition. Applicant is unaware of any buildings on the Subject Property which are on the Massachusetts Register of Historic Places.

9.9.13.10 **Microclimate.** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage or the installation of machinery which emits heat, vapor or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air and water resources or on noise and temperature levels of the immediate environment.

Explanation: The proposed development includes an extensive storm water management design that will control roof and surface rainwater. HVAC systems will be designed to have controlled visual and noise impact. There will not be any machinery that will have negative impact on the environment.

9.9.13.11 **Energy Efficiency.** To the maximum extent reasonably practicable, proposals shall utilize energy-efficient technology and renewable energy resources and shall adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping and other elements. Efforts shall be made to harmonize energy-related components with the character of the building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.

Explanation: The proposed development will include a rooftop solar energy system for each building. Areas available for solar panels have been identified and it is anticipated that the panels will be installed as part of the construction which will have positive impact on the energy requirements. In addition, all residential units and common areas will be fossil fuel free utilizing heat pumps and electric appliances.

9.9.13.12 **Detrimental Effects.** No proposed facility shall be detrimental to the health, safety or welfare of persons working or living in the neighborhood, or by reason of danger of fire or explosion, environmental pollution, corrosion, toxic or noxious fumes, gas, smoke, soot, dust, odors, noise or vibrations or other hazards.

Explanation: *The proposed development will be protected by fire suppression and notification systems in accordance with the Massachusetts State Building Code. There will not be any equipment used in the development that will have any negative impact on the neighborhood.*

9.9.13.13 Nearby Properties. Nearby properties shall be protected against detrimental uses on the site.

Explanation: *As noted above, neighboring properties will not be affected by any equipment, uses or materials used.*

9.9.13.14 Exterior Materials. Exterior walls for the project shall use a combination of architectural masonry materials, including but not limited to brick, glass, stone, stucco, exterior insulation and finishing system (EIFS), high quality siding and shingles, precast concrete architectural panels, stainless steel, split face block. No standard scored or flat face block will be allowed. Stainless steel shall be used solely as accents at entrances or windows, unless otherwise allowed by the Planning Board. Extreme colors shall not be used except as accents at entrances.

Explanation: *The proposed exterior materials for each building are as follows:*

- *Commercial storefront will be AZEK panels with aluminum storefront glazing*
- *Sliding is a mixture of AZEK panels, cement board shingles and clapboards*
- *Visible roofing will be architectural fiberglass shingles*
- *Decorative railing will be powder coated aluminum*
- *No flat face CMU is proposed*

9.9.13.15 Rooftop Mechanical Features. Rooftop mechanical features including heating and air condition units, vents, stacks, mechanical penthouse(s) shall be screened from view at street level by the use of parapet walls or similar screening elements.

Explanation: *All rooftop equipment will be shielded from view with a combination of parapets and roof top fencing.*

9.9.13.16 Air Quality. Any use whose emissions are such as to cause it to be classified as a major new stationary source of air pollution, as defined by the Environmental Protection Agency (EPA) under the Clean Air Act, and any use required to apply to the Massachusetts Department of Environmental Protection under 310 CMR 7.00 or to EPA under Section 112 of the Clean Air Act for permission to emit asbestos, benzene, beryllium, mercury, vinyl chloride, or radionuclides shall be permitted only upon determination by the Planning Board that compliance with the requirements of those agencies is assured, and that health and safety are adequately protected.

Explanation: *No emissions are classified as a source of air pollution and no use or activity requires an air quality permit from MA DEP.*

9.9.13.17 Plants and Animals. Location and design shall not cause avoidable damage to wildlife habitats or corridors, or to any plant species listed as endangered, threatened or of special concern by the Massachusetts Natural Heritage Program, or to any tree with more than a twenty-four (24) inch trunk diameter one (1) foot above grade. An application for a MBD special permit must include documentation to the Planning Board of having consulted with the Conservation Commission and the Massachusetts Natural Heritage Program regarding these considerations, and that the proposed site either contains no such habitats or materials, or that all feasible efforts to avoid, minimize or compensate for damage have been reflected in the development proposal.

Explanation: *According to the 15th Edition of the Massachusetts Natural Heritage Atlas (effective August 1, 2021) published by the Natural Heritage & Endangered Species Program (NHESP), no areas of Estimated Habitats of Rare Wildlife or Priority Habitat of Rare Species, or Potential or Certified Vernal Pools exist on the subject property. An existing Sycamore tree with a DBH greater than 24-inches is located within the project footprint but will be protected and preserved. Wildlife habitat and corridors will be improved as a result of the project given the approximately 35,000 square feet of Riverfront Area restoration located immediately along the Purgatory Brook and South Brook corridors.*

9.9.13.18 Vibration. Except for blasting and other activities within the jurisdiction of the Board of Fire Prevention Regulations, no use shall be allowed which produces vibration at or beyond the boundaries of the premises exceeding two-thirds (2/3) the frequency/amplitude limitations established by the Board of Fire Prevention Regulations at 527 CMR 13.11 (18) for three (3) minutes or more in any hour between 7:00 am and 9:00 pm or for thirty (30) seconds or more in any hour between 9:00 pm and 7:00 am.

Explanation: *Except for short-term construction related activity, there will be no significant vibrations created by this Project.*

9.9.13.19 Electrical Disturbances. No EMF emission shall be permitted which adversely affects the operation of any equipment on other properties.

Explanation: *The Project does not involve EMF emissions that will adversely affect the operation of any equipment on other properties.*

9.9.13.20 **Historic and Archaeological Sites.** Location and design shall not cause avoidable damage or impairment to the historic or archaeological value of buildings on sites recorded on the Massachusetts Register of Historic Places. An application for a MUMFROD-EIDR Approval or MUMFROD Special Permit shall include documentation that either the site does not contain or impact such buildings or sites, or that any potential damage or impairment has been effectively mitigated.

Explanation: The Subject Property does not appear on the Massachusetts Register of Historic Places.

9.9.13.21 **Solid Waste.** Each development must document arrangements for satisfactory disposal of tree stumps and debris resulting from construction, and must make permanent arrangement for satisfactory on-site storage of refuse and recycling materials pending their removal, such storage to be screened from public view, secure from vermin, birds or other animals, and located to present minimal hazard in the event of fire and minimal threat to water quality in the event of container failure.

Explanation: Appropriate disposal for tree stumps and debris resulting from construction has been provided on the Soil Erosion and Sediment Control Plan (Sheet C-601) of Site Plan documents. Two soil stockpile areas have been provided, allowing appropriate access for each of the buildings for construction. Permanent disposal areas have been provided for each of the buildings and are shown on Site Layout Plan A and Site Layout Plan B (Sheets C-302 – C-303). Proper access for trash removal vehicles has been provided for both buildings and tested through truck turning software using a WB-60. Both areas will be screened from public view with proper fencing.

9.9.13.22 **Water Quality.** Any development under this Section which lies within the Water Resources Protection Overlay District (WRPOD) and which involves a use requiring a special permit under Section 9.3 shall be reviewed pursuant to Section 9.3 with the Planning Board designated as the special permit granting authority. Any use which is prohibited in the Water Resources Protection Overlay District (WRPOD) pursuant to Section 9.3 shall be prohibited in the MUMFROD.

Explanation: Not applicable. The development is not in a Water Resource Overlay Protection District.

F. SPECIAL PERMITS AND WAIVERS

The Planning Board is the appropriate authority for the granting of the approvals for this Project. Section 9.9.3 of the Westwood Zoning By-Law provides that:

Granting Authority. The Planning Board shall be the granting authority for all approvals under this Section. Multi-family residential units and mixed-use development, including any one or more of the specific uses set forth in Section 9.8.5, may be permitted to the extent authorized under

a MUMFROD Environmental Impact & Design Review (MUMFROD-EIDR) Approval in compliance with the provisions of this Section. Applications exceeding the maximum residential density set forth in Section 9.9.6.1 shall require a MUMFROD Special Permit from the Planning Board. Any EIDR approval otherwise required pursuant to Section 7.3 of this Bylaw shall be consolidated into the MUMFROD-EIDR Approval of MUMFROD Special Permit and no separate EIDR Approval shall be required.

Applicant respectfully requests the following special permits and/or waivers will be required for the Project:

1. MUMFROD Special Permit (including MUMFROD-EIDR and approval of a residential density of 23.24 units/acre) pursuant to Section 9.9 of the Westwood Zoning By-Law
2. Earth Material Movement EIDR pursuant to Section 7.1 of the Westwood Zoning By-Law (which pursuant to the above language is consolidated into the MUMFROD-EIDR Approval of MUMFROD Special Permit)
3. Waiver of Section 9.9.8 prohibition on parking between building and street

Respectfully submitted,
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By Its Attorney.



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