

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Westwood Town Clerk

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



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PLANNING BOARD

NOTICE OF DECISION

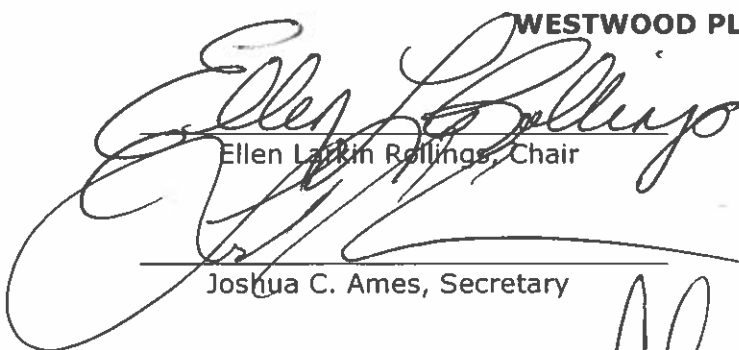
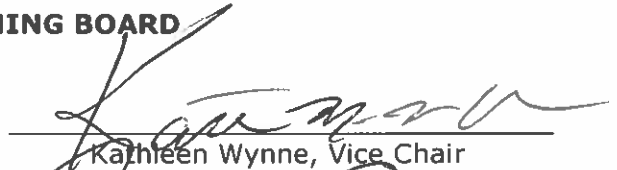
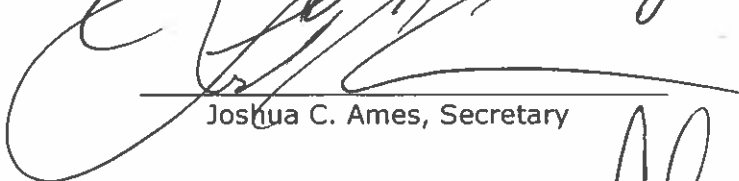

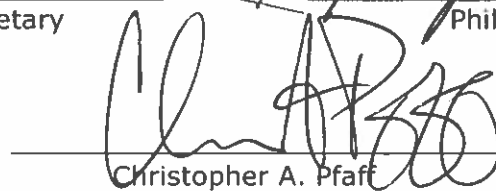
In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has, at a duly authorized hearing on August 8, 2023, by a vote of five in favor and none opposed, voted to **grant** the application filed by Mike Barsamian on behalf of Skye Realty Management, LLC, 1208 VFW Parkway, #200, West Roxbury, MA 02132, requesting a consolidated Earth Material Movement Environmental Impact and Design Review (EMM-EIDR) pursuant to Sections 7.1 and 7.3 and Special Permit for Reduction of Required Minimum Number of Spaces pursuant to Section 6.1.9.1 of the Westwood Zoning Bylaw, to renovate an existing two (2)-story commercial building formerly used by an insurance agency into a beauty salon on the first floor and office space on the second floor.

LAND AFFECTED: 190 Washington Street (Assessors' Map 16, Lot 162)

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


Ellen Larkin Rollings, Chair

Kathleen Wynne, Vice Chair

Joshua C. Ames, Secretary

Philip M. Giordano

Christopher A. Pfaff

Dated: 9/5/23

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PLANNING BOARD

DECISION OF THE PLANNING BOARD

**Earth Material Movement Environmental Impact and Design Review (EMM-EIDR)
Approval & Special Permit for Reduction of Required Minimum Number of Parking
Spaces**

APPLICANT

Mike Barsamian, *Manager*
Skye Realty Management, LLC
1208 VFW Parkway, #200
West Roxbury, MA 02132

PROPERTY OWNERS

Sky Realty Management, LLC
1208 VFW Parkway, #200
West Roxbury, MA 02132

PROPERTY LOCUS

190 Washington Street
Assessor's Map 16, Lot 162

BACKGROUND AND PROJECT SUMMARY

Mike Barsamian on behalf of Skye Realty Management, LLC (hereinafter "Applicant") filed an application (hereinafter "Application") requesting a consolidated EMM-EIDR Approval pursuant to Sections 7.1 and 7.3 and Special Permit for Reduction of Required Minimum Number of Spaces pursuant to Section 6.1.9.1 of the Town of Westwood Zoning Bylaw (hereinafter "Zoning Bylaw") to renovate an existing two (2)-story commercial building formerly used by an insurance agency into a beauty salon on the first floor and office space on the second floor. The project is in the Local Business B (LBB) zoning.

STATEMENT OF FINDINGS

PROCEDURAL FINDINGS

Having reviewed the plans and reports filed by the Applicant and its representatives and considered the technical analysis, supplemental information provided during the course of the public hearing, correspondence and testimony from the various boards, commissions, Town departments, and all other interested parties, the Town of Westwood Planning Board (hereinafter "Planning Board") determined the following procedural and project findings:

1. On April 18, 2023, the Applicant submitted an Application requesting a Planning Board EMM-EIDR pursuant to Sections 7.1 and 7.3 and Special Permit for Reduction

of Required Minimum Number of Spaces pursuant to Section 6.1.9.1 that was filed with the Town Clerk on May 11, 2023.

2. Pursuant to M.G.L. Chapter 40A, Sections 9 and 11 and the applicable provisions of the Zoning Bylaw and Planning Board Rules and Regulations (hereinafter "Rules and Regulations"), the Planning Board caused notice of the public hearing to be published in *Hometown Weekly*, a newspaper of general circulation in Westwood, on May 18, 2023 and May 25, 2023. Notice of the public hearing was posted in Westwood Town Hall commencing on May 19, 2023 and continuing through the opening of the public hearing on June 6, 2023. Said notice was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on May 19, 2023.
3. The Planning Board provided digital copies of the Application to Town boards, commissions, departments, and officials – including, but not limited to, the Board of Health, Building Commissioner, Department of Public Works, Town Engineer, Conservation Commission, and Fire and Police Chiefs on May 11, 2023.
4. Public hearing for the Application opened May 19, 2023. The Planning Board met remotely via Zoom each time and continued three times to June 20, July 11, and August 8, 2023. Public comment was accepted through live time audio and the Question function on Zoom during hearings, in addition to in writing or by phone.
5. Westwood Planning Board Members Ellen Larkin Rollins, Kathleen Wynne, Joshua C. Ames, Philip A. Giordano, and Chris Pfaff were present for all sessions of the public hearing and deliberated on the Application at a duly authorized meeting on August 8, 2023.

PROCEDURAL FINDINGS

1. The project site (hereinafter "Project Site" or "Property") is comprised of a 0.31-acre parcel.
2. The parcel is identified on the Westwood Board of Assessor's Map as 16, Lot 162 and situated on the corner of Washington Street and Waldo Way.
3. The parcel contains an existing two (2)-story, wood frame, 4,689 square foot building (hereinafter "Building") built in 1980 that includes a 1,311 square foot unfinished basement, 144 square foot porch, and 72 square foot utility/storage unit that was primarily used for an insurance company.
4. The Property is located within the LBB zoning district.
5. The Property is bordered by residential development and by the General Residence (GR) zoning district in all directions with frontage on Washington Street.
6. The Applicant proposes renovating the interior and exterior of the Building for use as a salon on the first floor and office space on the second floor. The renovation will involve enclosing the existing porch and adding an entry to the northwest corner of the Building.

7. The renovated Building design will be consistent with the appearance and character of the Islington redevelopment further south on Washington Street.
8. The renovated Building will be 1,390 square feet in the basement, 1,905 square feet on the first floor, and 1,860 square feet on the second floor.
9. The Applicant proposes closing one (1) of the two (2) existing curb cuts.
10. The Applicant proposes including 13 off-street parking spaces, which is one (1) less than the required 14 spaces for office space and personal services pursuant to Section 6.1.5 of the Zoning Bylaw. The parking lot in its current condition is an existing nonconformity with 11 spaces.
11. The Applicant demonstrated that the particular uses proposed do not warrant the minimum number of parking spaces otherwise required.
12. The Applicant demonstrated that the issuance of a special permit would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of the Zoning Bylaw.
13. 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 Sections 6.1, 7.1, and 7.3 of the Zoning Bylaw.
14. 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 6.1, 7.1 and 7.3 of the Westwood Zoning Bylaw.

WAIVERS

The Planning Board considered requests for the specific waivers listed below, and determined that such waivers will result in a substantially improved project; that such project will otherwise meet the performance and design standards set forth in these Sections; 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. On August 8, 2023, the following waivers are hereby granted by the Planning Board:

1. Waiver from strict compliance with Sections 6.1.19.1 and 6.1.19.2 to permit reduction in required landscape areas.
2. Waiver from strict compliance with Section 7.3.7.2 requiring photometric plan for exterior lighting to permit submission of light fixture specifications.
3. Waiver from strict compliance with Section 7.3.7.3 requiring full traffic study to permit abbreviated traffic analysis.

4. Waiver from strict compliance with Section 7.3.7.7 requiring presentation model.

APPLICATIONS AND PLANS

The Planning Board evaluated the Application filed on April 18, 2023 with the Office of the Town Clerk and all other materials submitted through the close of the public hearing on ____. All the following plans and material are hereby incorporated by reference and made part of this Decision:

1. Special Permit EMM and EIDR Application #PB-23-26 submitted by the Applicant, and received by the Town Clerk on May 11, 2023, as supplemented through August 8, 2023, consisting of five (5) pages
2. "Project Narrative" prepared by the Applicant, no date, consisting of 16 pages
3. "Site Development Plans" prepared by Marchionda & Associates, L.P., 62 Montvale Avenue, Suite 1, Stoneham, MA 02180, stamped by Civil Engineer John A. Barrows dated April 12, 2023 and revised through July 31, 2023, consisting of 23 sheets
4. Gross square foot clarification floor plans entitled "Gross SQ' Clarification No Vestibule or Rear Egress Stair", prepared by JMB Design Studio, 14 North Central Street, Peabody, MA 01960, dated June 16, 2023, consisting of one (1) sheet
5. "Landscape and Planting Plan" prepared by Marchionda & Associates, L.P., stamped by Landscape Architect Christian C. Huntress, dated April 12, 2023 and revised through July 24, 2023, consisting of two (2) sheets
6. "Estimated Earth Material Quantities" prepared by Marchionda & Associates, L.P., dated June 27, 2023, consisting of one (1) page
7. "Stormwater Report" prepared by Marchionda & Associates, L.P., dated April 12, 2023 and revised through June 27, 2023, consisting of 91 pages
8. "Checklist for Stormwater Report" prepared and signed by Civil Engineer John A. Barrows, dated June 23, 2023, consisting of seven (7) pages
9. Traffic memorandum entitled "Proposed Mixed-Use Westwood, MA", prepared by Kenneth P. Cram, P.E., dated April 13, 2023, consisting of 11 pages
10. Initial presentation submittal entitled "Presentation to Town of Westwood Planning Board" prepared by JMB Design Studio, dated April 2023, consisting of 18 pages
11. June 6, 2023 presentation entitled "Presentation to Town of Westwood Planning Board", prepared by JMB Design Studio, dated June 2023, consisting of 19 sheets
12. June 20, 2023 presentation entitled "Presentation-2 to Town of Westwood Planning Board", prepared by JMB Design Studio, dated June 20, 2023, consisting of 12 sheets

13. July 11, 2023 presentation entitled "Presentation-3 to Town of Westwood Planning Board", prepared by JMB Design Studio, dated July 11, 2023, consisting of 11 pages
14. August 8, 2023 presentation entitled "Presentation-4 to Town of Westwood Planning Board", prepared by JMB Design Studio, dated August 8, 2023, consisting of 11 pages
15. First engineering peer review entitled "Peer Review of the Applications for EIDR Approval, Earth Material Movement EIDR Approval, and Special Permit for Reduced Parking and Potentially Other Nonconforming Special Permits", prepared by PSC, 10 Lincoln Road, Suite 201, Foxborough, MA 02035, dated June 2, 2023, consisting of 19 pages
16. Traffic engineer peer review response entitled "Proposed Redevelopment 190 Washington Street, Plainville, MA", prepared by Bayside Engineering, 600 Unicorn Park Drive, Woburn, MA 01801, dated June 19, 2023, consisting of four (4) pages
17. Applicant response to first engineering peer review entitled "Applicant: Skye Realty Management, LLC, Property: 190 Washington Street, Westwood, MA", prepared by the Applicant, dated June 29, 2023, consisting of 11 pages
18. Second engineering peer review entitled "Evaluation of Response to Comments on Peer Review of the Applications for EIDR Approval, Earth Material Movement EIDR Approval, and Special Permit for Reduced Parking and Potentially Other Prior Nonconforming Special Permits", prepared by PSC, dated July 8, 2023, consisting of 17 pages
19. Applicant response to second engineering peer review entitled "Applicant: Skye Realty Management, LLC, Property: 190 Washington Street, Westwood, MA", prepared by the Applicant, dated July 10, 2023, consisting of 28 pages
20. Third engineering peer review entitled "Evaluation of Second Response to Comments (7/10/1023) [sic] on Peer Review of the Applications for EIDR Approval, Earth Material Movement EIDR Approval, and Special Permit for Reduced Parking and Potentially Other Prior Nonconforming Special Permits", prepared by PSC, dated July 11, 2023, consisting of 10 pages
21. "Property Owner Application Authorization" signed by Mike Barsamian, Manager of Skye Realty Management, LLC, dated April 18, 2023, consisting of one (1) page

DECISIONS

On August 8, 2023, the Planning Board evaluated the Application in relation to the above Findings and – as the approving authority – on a roll call vote with five (5) in favor and zero (0) opposed, hereby **grants** the requested EMM-EIDR pursuant to Sections 7.1 and 7.3 and Special Permit for Reduction of Required Minimum Number of Parking Spaces pursuant to Section 6.1.9.1 of the Zoning Bylaw for the Project as described above and in the Application therefore filed with the Town Clerk on May 11, 2023, 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 EMM EIDR and 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 Special Permit for review by the Planning Board at a publicly 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 Special Permit and will require a new public hearing before the Planning Board.
4. Prior to the issuance of a Building Permit the applicant must submit a revised Landscaping Plan indicating two American hornbeam, *Carpinus caroliniana*, 8-10' HT, in the landscaped space fronting Washington Street between the curb cut and Waldo way, as well as a native species replacement of the 200 gray headed coneflowers to be reviewed and approved by the Town Planner.
5. Prior to the issuance of a Building Permit the applicant must submit a revised site plan to keep the sidewalk of concrete material and at grade with the driveway opening to be to be reviewed and approved by the Town Planner.
6. 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.
7. All trucks carrying earth material to or from 190 Washington Street shall be required to access the Property directly over the site access drive via eastbound or westbound Washington Street; and no trucks associated with the Project shall be permitted to travel on any non-arterial road in Westwood. Said trucks shall be prohibited from entering or exiting the Property between the hours of 7:00 am and 9:00 am, and between the hours of 4:00 pm and 6:00 pm Mondays thru Fridays.
8. 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 Washington Street, and any other roadways travelled in the transport of earth material to and from the site.

9. The existing pavement on Washington Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
10. 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.
11. All chemicals used during construction shall be located in a designated containment area and shall be located on an impervious surface designed to prevent the discharge of contaminated run-off into the soil or groundwater.
12. 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.
13. 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 Property Owner's expense.
14. 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.
15. 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.
16. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
17. 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.

18. This Special Permit EMM-EIDR Approval 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 August 8, 2023 to grant the EMM-EIDR Approval and Special Permit for Reduction of Required Minimum Number of Spaces for the abovementioned Project with conditions as set forth above: Ellen Larkin Rollins, Kathleen Wynne, Joshua C. Ames, Philip A. Giordano, and Christopher A. Pfaff.

The following members of the Planning Board voted in opposition to the grant of EMM-EIDR Approval and Special Permit for Reduction of Required Minimum Number of Spaces for the abovementioned Project: none.



Elijah Romulus, Town Planner
8/21/23