

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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Kathleen Wynne, Vice Chair
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PLANNING BOARD

DECISION OF THE PLANNING BOARD

Minor Modification of a Flexible Multiple Use Overlay District (FMUOD) Special Permit

APPLICANT & PROPERTY OWNER Stephen David
436 Washington Street Realty Trust
601 High Street
Dedham, MA 02026

PROPERTY LOCUS 436 Washington Street
Assessor's Map 23, Lot 224

BACKGROUND AND PROJECT SUMMARY

Stephen David on behalf of 436 Washington Street Realty Trust (hereinafter "Applicant") filed an application (hereinafter "Application") requesting a Modification to the FMUOD Special Permit previously granted on April 11, 2023 (PB-22-57) pursuant to Section 9.5 of the Town of Westwood Zoning Bylaw (hereinafter "Zoning Bylaw") to construct a mixed-used development on the existing slab foundation. The previous approval included using the existing first floor structure, but it had to be demolished for structural reasons. The project is in the Local Business B (LBB) zoning district and within the FMUOD6.

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 July 21, the Town was made aware that the existing structure was demolished without a Building Permit and in violation of the existing FMUOD Special Permit. The Applicant failed to follow Condition #3, triggering the need to return to the Planning Board for a Modification:

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 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 FMUOD Special Permit and will require a new public hearing before the Planning Board.

2. The Applicant submitted an Application requesting a Planning Board Modification of the FMUOD Special Permit pursuant to Section 9.5 that was filed with the Town Clerk on August 4, 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 August 4, 2023.
4. The Planning Board considered the Modification request at the August 8, 2023 Planning Board meeting to determine if it was Minor or Major. Three (3) Planning Board members voted to consider it Minor: Christopher A. Pfaff, Philip M. Giordano, and Kathleen Wynne. Two (2) Planning Board members voted to consider it Major: Ellen Larkin Rollins and Joshua C. Ames. This vote made it a Minor Modification.
5. The Planning Board continued to September 12, 2023 and met remotely via Zoom each time. Public comment was accepted through live time audio and the Question function on Zoom during hearings, in addition to in writing or by phone, though it was not a public hearing.
6. Westwood Planning Board Members Ellen Larkin Rollings, Kathleen Wynne, Joshua C. Ames, Philip M. Giordano, and Christopher A. Pfaff were present for all sessions of the public meeting and deliberated on the Application at a duly authorized meeting on September 12, 2023.

PROJECT SPECIFIC FINDINGS

1. The project site (hereinafter "Project Site" or "Property") is comprised of a 0.32-acre parcel.
2. The parcel is identified on the Westwood Board of Assessor's Map as 23, Lot 224. The parcel previously contained a one-story 3,200 square foot industrial building.
3. The Property is located within the LBB zoning district and FMUOD6.
4. The Property is bordered by Dunkin' Donuts to the north, MBTA Commuter Rail tracks to the east, vacant land to the south, and multi-family residential development to the west across Route 1A.
5. The Property is intersected by a covered portion of Purgatory Brook.
6. The Applicant proposes to redevelop the existing building constructing a new first and second floor with an uninhabitable attic on the existing slab foundation. The proposed 2.5-story building will contain approximately 6,550 SF of floor area. The

first floor will have approximately 3,275 SF of commercial (retail, personal service establishment, professional service establishments, etc.) floor area. The second floor of the building will contain five (5) one-bedroom apartments. All five residential units will be designated as "Affordable" through the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) Local Initiative Program (LIP).

7. The project proposes a total of 18 parking spaces, six (6) of which will be compact size. After review of all the material submitted including the reports and recommendations of the Planning Board's peer review consultant, Professional Services Corporation, PC, 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.
8. 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.
9. 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 Section 9.5 of the 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 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. On September 12, 2023, the following waivers are hereby granted by the Planning Board: **none**.

APPLICATIONS AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Office of the Town Clerk on August 4, 2023, and all material submitted through the close of the public hearing on September 12, 2023. All of the following plans and materials are hereby incorporated by reference and made part of this Decision:

1. FMUOD Special Permit Modification Application #PB-23-45 submitted by the Applicant on July 24, 2023 and received by the Town Clerk on August 4, 2023, consisting of three (3) pages (as supplemented through September 12, 2023)
2. Project narrative with no title prepared by the Applicant, dated July 24, 2023, consisting of one (1) page

3. Site plans entitled "Mixed-use Redevelopment", prepared by River Hawk Environmental, 2183 Ocean Street, Marshfield, MA 02050, stamped by Robert S. Rego, Civil Engineer, dated November 8, 2022 and revised through August 28, 2023, consisting of eight (8) sheets
4. Architectural plans entitled "New Multi-Family Dwelling", prepared by McKay Architects, 35 Bryant Road, Dedham, MA 02026, stamped by Michael L. McKay, Registered Architect, dated March 31, 2023, consisting of 19 sheets
5. Engineer letter entitled "Structural Condition of the Existing Structure", prepared by CM Kirby Engineering, PO Box 291, Norwood, MA 02062, dated August 1, 2023, consisting of two (2) pages
6. Engineer letter regarding plan revisions entitled "436 Washington Street, Westwood Minor Modification", prepared by River Hawk Environmental, stamped by Robert S. Rego, Civil Engineer, dated September 12, 2023, consisting of one (1) page
7. Asbestos report entitled "Analysis Report prepared for Envirotest Labs", prepared by SanAir, 10501 Trade Court, North Chesterfield, Virginia 23236, for Envirotest Labs, 16 Circuit Street, Westwood, MA 02090, dated April 20, 2023, consisting of 14 pages
8. Asbestos report entitled "Analysis Report prepared for Envirotest Labs", prepared by SanAir for Envirotest Labs, dated April 28, 2023, consisting of 18 pages

DECISION

On September 12, 2023, the Planning Board evaluated the Application in relation to the above Findings and – as the approving authority – on a roll call vote with three (3) in favor, one (1) opposed, and one (1) abstained, hereby **grants** the requested FMUOD Special Permit Modification pursuant to Section 9.5 of the Zoning Bylaw for the Project as described above and in the Application therefore filed with the Town Clerk on August 4, 2023, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL

1. A new mixed-use structure shall be built on the existing slab as shown on the Modified Project Plans entitled "Mixed-use Redevelopment", prepared by River Hawk Environmental, 2183 Ocean Street, Marshfield, MA 02050, stamped by Robert S. Rego, Civil Engineer, dated November 8, 2022 and revised through August 28, 2023, consisting of eight (8) sheets.
2. The Project shall fully comply in all respects with the Modified Project Plans indicated in condition #1 and with all conditions of prior approvals, which are hereby incorporated by reference, and the Applicant shall pursue completion of the project with reasonable diligence and continuity.
3. A copy of this Decision and the Modified Project Plans indicated in condition #1 shall be kept on the Project Site at all times during installation.

RECORD OF VOTE

The following members of the Planning Board voted on September 12, 2023 to grant the Minor Modification of the FMUOD Special Permit for the abovementioned Project with conditions as set forth above: Kathleen Wynne, Philip M. Giordano, and Christopher A. Pfaff.

The following members of the Planning Board voted in opposition to the grant the Minor Modification of the FMUOD Special Permit for the abovementioned Project: Joshua C. Ames.

The following member of the Planning Board abstained from the vote to grant the Minor Modification of the FMUOD Special Permit for the abovementioned Project: Ellen Larkin Rollings.



Elijah Romulus
Town Planner
September 20, 2023