

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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



Elijah Romulus, Town Planner
eromulus@townhall.westwood.ma.us
(781) 251-2581
Amanda Wolfe, Housing & Land Use Planner
awolfe@townhall.westwood.ma.us
(781) 251-2598
Tiana Malone, Administrative Assistant
tmalone@townhall.westwood.ma.us
(781) 320-1366

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
PLANNING BOARD

DECISION OF THE PLANNING BOARD

**Access Approval Pursuant to Section 7.5 & Limited Earth Material Movement
Environmental Impact & Design Review (EMM-EIDR) Approval Pursuant to
Sections 7.1 and 7.3**

APPLICANT

Connor Ennis
Xaverian Brothers High School
800 Clapboardtree Street
Westwood, MA 02090

c/o Bohler Engineering
352 Turnpike Road
Southborough, MA 01772

PROPERTY OWNERS

Xaverian Brothers High School
800 Clapboardtree Street
Westwood, MA 02090

PROPERTY LOCUS

906-936 Clapboardtree Street
Assessor's Map 23, Lots 7-12 & 18

BACKGROUND AND PROJECT SUMMARY

Connor Ennis on behalf of Xaverian Brothers High School (hereinafter "Xaverian") in the care of Bohler Engineering (hereinafter "Applicant") filed an application (hereinafter "Application") requesting limited Earth Material Movement Environmental Impact Design Review (EMM-EIDR) Approval pursuant to Sections 7.1 and 7.3 and Access Approval pursuant to Section 7.5 of the Town of Westwood Zoning Bylaw (hereinafter "Zoning Bylaw") to build a 121-space parking lot (Phase I) and receiving the approval for a future 54-space parking lot (Phase II, if needed) both phases with associated earthwork and stormwater management at 906-936 Clapboardtree Street, Westwood, MA 02090. The project also includes demolishing the existing single-family residential structure at 928 Clapboardtree Street and widening the existing curb cut at 924 Clapboardtree Street. The project is in the Single Residence A (SRA) zoning district and Access Approval Overlay District (AAOD).

Per M.G.L. ch. 40A, § 3 (1950) – commonly known as the Dover Amendment, no zoning ordinance or bylaw shall prohibit, regulate, or restrict the use of land or structures for religious or educational purposes on land owned by a nonprofit educational corporation. The Dover Amendment does permit that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking, and building coverage requirements.

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. The Applicant submitted an Application requesting a Planning Board EMM-EIDR pursuant to Sections 7.1 and 7.3 and Access Approval pursuant to Section 7.5 that was filed with the Town Clerk on July 19, 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 July 20, 2023 and July 27, 2023. Notice of the public hearing was posted in Westwood Town Hall commencing on July 19, 2023 and continuing through the opening of the public hearing on August 8, 2023. Said notice was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on July 20, 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 July 19, 2023.
4. Planning Board members Ellen Larkin Rollins, Kathleen Wynne, and Christopher A. Pfaff attended a site visit on September 11, 2023.
5. Public hearing for the Application opened August 8, 2023. The Planning Board met remotely via Zoom each time and continued once to September 12, 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.
6. Westwood Planning Board Members Ellen Larkin Rollings, Kathleen Wynne, Joshua C. Ames, Philip M. Giordano, and Christopher A. Pfaff were present for both sessions of the public hearing and deliberated on the Application at a duly authorized meeting on September 13, 2023.

PROJECT SPECIFIC FINDINGS

1. The project site (hereinafter "Project Site" or "Property") is comprised of seven (7) parcels, totaling approximately 4.49 acres.
2. The parcels are identified on the Westwood Board of Assessor's Map as 23, Lots 7 through 12 and 18.

- a. The 0.81-acre parcel at 906 Clapboardtree Street is identified as Lot 7 and contains a baseball field.
 - b. The 0.75-acre parcel at 914 Clapboardtree Street is identified as Lot 8 and contains a portion of the baseball field, but is mostly vacant.
 - c. The vacant 0.7-acre parcel at 924 Clapboardtree Street is identified as Lot 9.
 - d. The 0.93-acre parcel at 928 Clapboardtree Street is identified as Lot 10 and contains a single family residential home currently accessible through a private driveway that intersects 932 and 936 Clapboardtree Street. The home is planned for demolition after the September 12, 2023 hearing.
 - e. The vacant parcel at 930 Clapboardtree Street is identified as Lot 18 and abuts Marshall Street.
 - f. The 0.56-acre vacant parcel at 932 Clapboardtree Street is identified as Lot 11 and is intersected by the aforementioned private driveway.
 - g. The 0.36-acre vacant parcel at 936 Clapboardtree is identified as Lot 12 and is intersected by the aforementioned private driveway.
3. The Property is located within the SRA zoning district and AAOD. As an exempt educational and religious organization, use of Xaverian property cannot be regulated.
 4. The Property is bordered by additional Xaverian property to the east, single-family residential property to the north and west within the Town of Westwood. The abutting properties to the south are in the Town of Norwood and include single and multi-family residential property.
 5. For Phase I, the Applicant proposes constructing a paved 121-space parking lot with the associated earthwork and stormwater management on Lots 9, 10, 11, and 12.
 6. For Phase II, the Applicant proposes completing the earthwork and stormwater management for an a 54-space expansion to be constructed in the future on Lots 7, 8, and 10 due to funding restrictions.
 7. The combined parking will be accessible via the existing driveway curb cut on Lot 12, which will be widened to accommodate two-way traffic.
 8. The lot will be gated and locked when not in use for school overflow and special event parking. The proposed Project is intended to replace the overflow parking formerly available to the school across the street on Moderna property accessible via Upland Road (Route 1A) in Norwood.
 9. Xaverian and/or Westwood Police Department will provide traffic control during events.

10. The Applicant also proposes the installation of landscaping, retaining walls, lighting, and fencing. This will include grading on all lots. The fencing will provide visual screening to the single family home on Assessor's Map 23, Lot 19.
11. The existing public sidewalk on Clapboardtree will provide pedestrian access to Xaverian Brothers High School buildings and athletic facilities.
12. Earth Material Movement (EMM) operations are not expected to be injurious or dangerous to the public health or safety.
13. EMM operations are not expected to produce noise, dust or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property.
14. EMM operations are not expected to result in transportation of materials on ways giving access to the subject land which will cause traffic congestion or hazards.
15. EMM operations are not expected to result in change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted.
16. EMM operations are not expected to have a material adverse effect on the natural or engineered drainage patterns of groundwater or surface water.
17. EMM operations are not expected to have a material adverse effect on the health or safety of persons living in the neighborhood or on the use or amenities of adjacent land.
18. The project, as proposed, will minimize the volume of cut and fill, the number of removed trees six (6) inch caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and threat of air and water pollution.
19. The project, as proposed, will maximize pedestrian and vehicular safety on the site and egress to and from the site.
20. The project, as proposed, will minimize obstruction of scenic views from publicly accessible locations.
21. The project, as proposed, will minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned.
22. The project, as proposed, will minimize glare from headlights a lighting intrusion.
23. The project, as proposed, will minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.

24. The project, as proposed, will minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.
25. The project, as proposed, will ensure compliance with the provisions of Section 7.3 of the Zoning Bylaw, including parking, landscaping, exterior lighting and noise.
26. The project, as proposed, will adequately protect the public interest and will not cause material detriment to the public safety of residents within the district and the Town.
27. The project, as proposed, will roughly align with the curb cut on the opposite side of the street in order to maximize pedestrian and vehicular safety.
28. 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 7.1, 7.3, and 7.5 of the Zoning Bylaw.
29. 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 7.1, 7.3, and 7.5 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 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 September 12, 2023, the following waivers are hereby granted by the Planning Board:

1. Waiver from strict compliance with Section 7.3.7.3 of the Zoning Bylaw requiring a traffic impact study to allow for acceptance of the submitted summary Traffic Analysis
2. Waiver from strict compliance with Section 7.3.7.4 of the Westwood Zoning Bylaw requiring the submission of a drawings/renderings.
3. Waiver from strict compliance with Section 7.3.7.7 of the Zoning Bylaw requiring a presentation model

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 July 19, 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. EMM-EIDR and Access Approval Application #PB-23-41 submitted by the Applicant on June 30, 2023, and received by the Town Clerk on July 19, 2023, consisting of eight (8) pages (as supplemented through September 13, 2023).
2. "Project Narrative" prepared by the Applicant, dated June 30, 2023, consisting of one (1) page
3. Site Plans entitled "Proposed Site Plan Documents", prepared by Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772, stamped by John A. Kucich, Civil Engineer, dated June 30, 2023 and revised through August 15, 2023, consisting of 18 sheets
4. Grading & Drainage Plan entitled "Proposed Site Plan Documents", prepared by Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772, stamped by John A. Kucich, Civil Engineer, dated June 30, 2023 and revised through September 11, 2023, consisting of one (1) sheet
5. "Xaverian Boulder Retaining Wall Detail" prepared by prepared by Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772, no date, consisting of one (1) page
6. Design standards entitled "Application for Environmental Impact and Design Review (EIDR), Earth Material Movement and Access Approval", prepared by the Applicant, dated June 30, 2023, consisting of six (6) pages
7. Traffic memo entitled "Memorandum", prepared by McMahon, 120 Water Street, 4th Floor, Boston, MA 02109, dated June 28, 2023, consisting of three (3) pages
8. Supplemental traffic memo entitled "Memorandum", prepared by McMahon, dated August 31, 2023, consisting of six (6) pages
9. "Site Lighting Plan" prepared by Vincent A. DiIorio, Inc., 89 Access Road, Suite 18, Norwood, MA 02062, dated June 28, 2023, consisting of two (2) sheets
10. "Drainage Report" prepared by the Applicant, stamped by John A. Kucich, Civil Engineer, dated June 30, 2023, consisting of 104 pages
11. "Photographs" prepared by the Applicant, dated June 30, 2023, consisting of five (5) pages
12. "Limited Geotechnical Investigation" prepared by Whitestone, 352 Turnpike Road, Suite 105, Southborough, MA 01772, dated April 14, 2023, consisting of 27 pages
13. "Response to Planning Board Hearing Comments Letter" prepared by the Applicant in response to the August 8, 2023 Planning Board meeting, dated August 31, 2023, consisting of four (4) pages

14. Presentation of photos and videos of existing parking during an event entitled "Xaverian Brothers High School Friday Night Football Game", prepared by the Applicant, dated September 8, 2023, consisting of 11 slides
15. "Waiver Request Letter" prepared by the Applicant, dated June 30, 2023, consisting of one (1) page
16. "Property Owner Application Authorization" signed by Jacob Conca, Head of School at Xaverian Brothers High School on June 27, 2023

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 five (5) in favor and zero (0) opposed, hereby **grants** the requested Limited EMM-EIDR and Access Approval pursuant to Sections 7.1, 7.3, and 7.5 of the Zoning Bylaw for the Project as described above and in the Application therefore filed with the Town Clerk on July 19, 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 Limited Environmental Impact & Design Review (EIDR) with consolidated Earth Material Movement Environmental Impact & Design Review (EMM-EIDR) and access approval 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 said approval 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 approval and will require a new public hearing before the Planning Board.

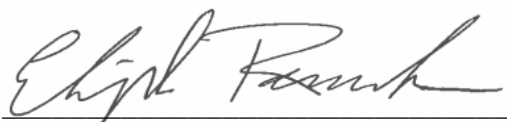
4. Prior to the issuance of a Building Permit the applicant must submit a revised Landscaping Plan indicating all Massachusetts native plantings to be reviewed and approved by the Town Planner.
5. This Approval is granted for Phase I of the proposed plan, 121 parking spaces. The applicant will have to apply for a separate Limited Environmental Impact & Design Review (EIDR) with consolidated Earth Material Movement Environmental Impact & Design Review (EMM-EIDR) approval for the additional 54 parking spaces and provide comparison of proposed parking spaces to the required number of spaces to determine if maximum parking requirements are exceeded.
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 906-936 Clapboardtree Street shall be required to access the Property directly over the site access drive via Route 1A Washington Street/Upland Road; 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 a.m. and 9:00 a.m., and between the hours of 4:00 p.m. and 6:00 p.m. Mondays thru Fridays. No truck traffic on Clapboardtree Street outside of entering the site.
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 Clapboardtree 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. 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.
15. The Applicant shall install a new sight impervious fence to screen the view of the proposed new parking lot from properties currently shown as A.P. 23, Lot 19 on the Assessor's Map to be submitted for review and approval by the Town Planner.
16. No vehicular access shall be provided from the proposed new parking lot onto any portion of the property currently shown as A.P. 23, Lot 18 on the Assessor's Map nor through to Marshall Street.
17. The proposed new parking lot shall be used for approximately 15 special events (e.g.: sports events, parent night, annual fundraising event, open house, graduation, or similar events) per year and shall be gated and locked to prevent entry at all other times.
18. One or more Police details shall be engaged along Clapboardtree Street at such times, as may be appropriate, during the use of the proposed new parking lot.
19. No tailgating or similar activity shall occur within the proposed new parking lot nor on the property currently shown as A.P. 23, Lot 18 on the Assessor's Map.
20. Prior to the start of construction of the proposed new parking lot, the parcels currently shown as Assessor's Map 23, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 shall be combined into a single parcel through the submission of an Approval Not Required (ANR) Plan.

RECORD OF VOTE

The following members of the Planning Board voted on September 12, 2023 to grant the Limited EMM-EIDR and Access Approval for the abovementioned Project with conditions as set forth above: Ellen Larkin Rollins, Kathleen Wynne, Joshua C. Ames, Philip M. Giordano, and Christopher A. Pfaff.

The following members of the Planning Board voted in opposition to the grant of the Limited EMM-EIDR and Access Approval for the abovementioned Project: none.



Elijah Romulus
Town Planner
September 20, 2023