

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
PLANNING BOARD

DECISION OF THE PLANNING BOARD

Minor Modification of Limited Earth Material Movement Environmental Impact & Design Review (EMM-EIDR)

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

800 & 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 a Modification to a limited consolidated Earth Material Movement Environmental Impact Design Review (EMM-EIDR) Approval previously granted on September 12, 2023 (PB-23-41) pursuant to Sections 7.1 and 7.3 of the Town of Westwood Zoning Bylaw (hereinafter "Zoning Bylaw") to alter the previously approved landscaping plans and the deadline for filing an Approval Not Required (ANR) prior to construction. The previously approved project was to build a 121-space parking lot (Phase I) and complete the earthwork for a future 54-space parking lot (Phase II) at 906-936 Clapboardtree Street, Westwood, MA 02090. The project also included 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. chapter 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 Modification of an EMM-EIDR pursuant to Sections 7.1 and 7.3 that was filed with the Town Clerk on October 10, 2023.
2. 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 October 9, 2023.
3. Public meeting for the Application was held on October 10, 2023. The Planning Board met remotely via Zoom.
4. Westwood Planning Board Members Ellen Larkin Rollings, Kathleen Wynne, Joshua C. Ames, Philip M. Giordano, and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on October 10, 2023.
5. In a roll call vote with five (5) in favor and none (0) opposed, the Planning Board found that the proposed modifications to be minor in nature.

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. In order to prevent winter weather-related construction delays, the Applicant proposes modifying the previously approved condition to allow the ANR to be filed at a later date but delay use of the lot until the ANR is complete. The previous condition stated:

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.

13. The Town of Westwood Conservation Committee held a public hearing for requested Stormwater Land Disturbance permit on September 13, 2023 and requested that the previously approved landscaping encompassing the parking lot be staggered to create a more natural appearance.
14. Earth Material Movement (EMM) operations are not expected to be injurious or dangerous to the public health or safety.
15. 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.
16. 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.
17. 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.
18. EMM operations are not expected to have a material adverse effect on the natural or engineered drainage patterns of groundwater or surface water.
19. 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.
20. 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.
21. The project, as proposed, will maximize pedestrian and vehicular safety on the site and egress to and from the site.
22. The project, as proposed, will minimize obstruction of scenic views from publicly accessible locations.
23. 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.
24. The project, as proposed, will minimize glare from headlights a lighting intrusion.
25. 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.

26. 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.
27. 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.
28. 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.
29. 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.
30. 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 and 7.3 of the Zoning Bylaw.
31. 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 and 7.3 of the Zoning Bylaw.

WAIVERS

No waivers were requested by the Applicant for the Planning Board to consider in this decision.

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 October 10, 2023, and all material submitted through the close of the public meeting on September 10, 2023. All of the following plans and materials are hereby incorporated by reference and made part of this Decision:

1. Modification of the EMM-EIDR Application #PB-23-54 submitted by the Applicant on October 9, 2023, and received by the Town Clerk on October 10, 2023, consisting of three (3) pages
2. Project narrative entitled "Application for Modification of Planning Approval", prepared by Bohler Engineering of 352 Turnpike Road, Southborough, MA 01772, dated October 6, 2023, consisting of one (1) page
3. Previously approved 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. Proposed 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 October 6, 2023, consisting of 18 sheets

DECISION

On October 10, 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 Minor Modification of the limited consolidated EMM-EIDR pursuant to Sections 7.1 and 7.3 of the Zoning Bylaw for the Project as described above and in the Application therefore filed with the Town Clerk on October 10, 2023, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL

1. By January 2, 2024 the parcels currently shown as A.P. 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. The parking lot cannot be used until the Planning Board is in receipt of an endorsed ANR plan with proof of recording at the Norfolk County, MA Registry of Deeds.
2. Applicant to adjust planting plans as laid out in Landscaping Plan C-701 by Bohler Engineering, stamped by Matthew J. Mrva, dated 6/30/2023 and revised through 10/6/2023 and according to the Conservation Commission determination on 9/27/2023.

RECORD OF VOTE

The following members of the Planning Board voted on October 10, 2023 to grant the minor modification of the Limited EMM-EIDR 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 minor modification of the Limited EMM-EIDR and Access Approval for the abovementioned Project: none.



Elijah Romulus, Town Planner
October 13, 2023