

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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PLANNING BOARD

DECISION OF THE PLANNING BOARD

**Flexible Multiple Use Overlay District (FMUOD) Special Permit,
Consolidated Environmental Impact & Design Review (EIDR) Approval, and
Water Resource Protection Overlay District (WROPD) Approval**

APPLICANT: Kristine Meaney
Site Design Professionals, LLC
One Merchant Street, Suite 110
Sharon, MA 02067

PROPERTY OWNERS Town of Westwood
580 High Street
Westwood, MA 02090

PROPERTY LOCUS: 909 High Street
Assessor's Map 21, Lots 42 and 43

BACKGROUND AND PROJECT SUMMARY

The Applicant filed an Application requesting a Special Permit pursuant to Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)] of the Westwood Zoning Bylaw, and also requesting consolidated Environmental Impact & Design Review (EIDR) Approval pursuant to Section 7.3 and Water Resource Protection Overlay District (WRPOD) Approval pursuant to Section 9.3, to permit the renovation, and addition to the existing two-story building (Obad-Baker House) to create a two-family residence, demolition of the existing cemetery barn, and construction of a new 5,730 sq. ft. animal clinic with associated parking, landscaping, lighting, utility services, and stormwater management systems. The property is in the Local Business A (LBA) zoning district and the Flexible Multiple Use Overlay District 7 (FMUOD7).

STATEMENT OF FINDINGS

PROCEDURAL FINDINGS:

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

1. On December 21, 2022, an application requesting a Planning Board FMUOD Special Permit pursuant to Section 9.5, consolidated EIDR Approval pursuant to Section 7.3, and consolidated WRPOD Approval pursuant to Section 9.3, was filed with the Westwood Planning Board and the Westwood Town Clerk by Kristine Meaney, on behalf of Todd C. Sullivan Construction LLC, (hereinafter "Application").

2. Pursuant to M.G.L. Chapter 40A, Sections 9 and 11 and the applicable provisions of the Westwood Zoning Bylaw and the Rules and Regulations of the Westwood Planning Board (hereinafter "Rules and Regulations"), the Planning Board caused notice of the public hearing to be published in the *Hometown Weekly*, a newspaper of general circulation in Westwood, on January 19, 2023 and January 26, 2023. Notice of the public hearing was posted in the Westwood Town Hall commencing on January 17, 2023, and continuing through the opening of the public hearing on February 7, 2023. Said notice of the public hearing was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on January 23, 2023.
3. The Planning Board provided copies of the Application to other Town of Westwood boards and commissions, departments and officials including, but not limited to, the Board of Health, Board of Selectmen, Building Commissioner, Conservation Commission, Department of Public Works, Fire Chief, Police Chief, and Town Engineer on January 6, 2023.
4. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Section 9 and 11, the public hearing on the Application commenced on February 7, 2023, via Zoom Webinar and filmed live by Westwood Media Center on Westwood Media's YouTube Channel and Comcast Channel 12 and Verizon Channel 42. The hearing was held in accordance with the Governor's March 12, 2020, Executive Order suspending certain provisions of the Open Meeting Law (MGL C. 30A, §18), currently extended through March 31, 2025.
5. The Planning Board met remotely via Zoom Webinar where public comments were offered by live time audio via Zoom and through the Question and Answer function. The opportunity for written comments to be submitted was also offered. On February 7, 2023, at the request of the Applicant, the Planning Board opened and immediately continued the hearing without discussion to March 7, 2023. On March 7, 2023, the application was presented simultaneously to the Planning Board and Conservation Commission, and public comments were taken on the Application before the hearing was continued to March 21, 2023. On March 21, 2023, the Planning Board received additional public comments before continuing the hearing to April 11, 2023. On April 11, 2023, public comments were again taken on the Application.
6. Westwood Planning Board Members Christopher A. Pfaff, Ellen Larkin Rollings, Kathleen Wynne, Joshua C. Ames, Philip M. Giordano were present for all sessions of the public hearing, and deliberated on the Application at a duly authorized meeting on April 11, 2023.

PROJECT SPECIFIC FINDINGS:

1. The subject site is comprised of two parcels of land which total approximately 1.51 acres in area (hereinafter "Project Site" or "Property").
2. One parcel is identified on Assessor's Map 21 as Lot 42. This parcel is currently developed and contains an approximately 1,508 SF vacant two-story wood frame building, an approximately 1,560 SF existing single-story wood frame barn/garage, and approximately .46 acres in area. The former use of the property was a vacant two-story residential building and a barn used by the town of Westwood's cemetery maintenance staff.
3. The second parcel is identified on Assessor's Map 21 as Lot 43. This parcel is currently forested. Lot 43 contains approximately 1.05 acres in area.

4. The Project Site is located within the Local Business A (LBA) zoning district, the Flexible Multiple Use Overlay District 7 (FMUOD7), and the Water Resource Protection Overlay District (WRPOD).
5. The Applicant proposes renovation, and addition to the existing two-story building (Obed-Baker House) to create a two-family residence, demolition of the existing cemetery barn, and construction of a new two-story 5,730 sq. ft. animal clinic with associated parking, landscaping, lighting, utility services, and stormwater management systems.
6. The project proposes a total of 25 parking spaces. After review of all the material submitted including the reports and recommendations of the Planning Board's peer review consultant, BETA Group, Inc., the Planning Board found the proposed number of parking spaces to be sufficient to meet the demand of the proposed development.
7. 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.
8. 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 7.3, 9.3 and 9.5 of the Westwood Zoning Bylaw.

WAIVERS

The Planning Board considered the Applicant's request 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. By a vote of five (5) in favor and none (0) opposed, the following waivers are hereby granted by the Planning Board:

1. Waiver from strict compliance with Section 7.3.7.2 of the Westwood Zoning Bylaw requiring the submission of a photometric plan.
2. Waiver from strict compliance with Section 7.3.7.3 of the Westwood Zoning Bylaw requiring the submission of a full Traffic Study to allow for acceptance of the submitted summary Traffic Analysis.
3. Waiver from strict compliance with Section 7.3.7.7 of the Westwood Zoning Bylaw requiring the submission of a presentation model.

APPLICATION AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Office of the Town Clerk on January 6, 2023, and all material submitted through the close of the public hearing on April 11, 2023. All of the following plans and material are hereby incorporated by reference and made part of this Decision:

1. Application, including detailed project description, waiver requests, and existing conditions photographs, submitted by Kristine Meaney on behalf of Site Design Professionals, LLC, and received by the Town Clerk and Planning Department on January 6, 2023 (as supplemented).
2. Site plan titled, "Site Plan for Proposed Site Development 909 High Street in Westwood, Massachusetts", prepared by Site Design Professionals, LLC, One Merchant Street – Suite 110, Sharon, MA, 02067, dated December 20, 2022 and revised through April 4, 2023, and stamped by Paul Brodmerkle, PE, consisting of nine (9) sheets.
3. Site plan titled, "Proposed Hydrology Plan 909 High Street", prepared by Site Design Professionals, LLC, One Merchant Street – Suite 110, Sharon, MA, 02067, dated December 20, 2022 and revised through March 29, 2023, consisting of one (1) sheet.
4. Site plan titled, "Earth Volume Calculations, 909 High Street in Westwood, MA", prepared by Site Design Professionals, LLC, One Merchant Street – Suite 110, Sharon, MA, 02067, dated March 1, 2023, consisting of one (1) sheet.
5. Site Plan titled "Cemetery Shed Site Plan" undated, consisting of one (1) sheet.
6. Architectural Plan titled "OBED Baker" prepared by Richard B. Levey Architects, 30 Jacobs Terrace, Newton, MA 02459, dated December 5, 2022 and revised through January 6, 2023, consisting of three (3) sheets.
7. Architectural Materials Board titled "Obed Baker", Richard B. Levey Architects, 30 Jacobs Terrace, Newton, MA 02459, dated December 5, 2022, consisting of one (1) sheet.
8. Architectural Plan titled "Red Barn Animal Hospital" prepared Rauhaus Freedenfeld & Associates, Boston, MA & Laguna Hills, CA, dated August 26, 2022, consisting of six (6) sheets.
9. Architectural Materials Board titled "Red Barn Animal Hospital", prepared by Rauhaus Freedenfeld & Associates, Boston, MA & Laguna Hills, CA, dated August 19, 2022, consisting of one (1) sheet.
10. Architectural Plan titled "Cemetery Shed" prepared by Richard B. Levey Architects, 30 Jacobs Terrace, Newton, MA 02459 dated September 12, 2022, consisting of two (2) sheets
11. Document titled "Proposed Site Plan 909 High Street Westwood, MA, Stormwater Report", prepared by Site Design Professionals, LLC, One Merchant Street – Suite 110, Sharon, MA, 02067, dated December 20, 2022 and revised through April 4, 2023, and stamped by Paul Brodmerkle, PE, consisting of one hundred and two (102) pages.
12. Document titled "Description of proposed operations at Red Barn Animal Hospital when operating at capacity", undated, consisting of two (2) pages.
13. Document titled "Signage Proposal for Red Barn Animal Hospital", undated, consisting of three (3) pages.
14. Document titled "MassDEP List of Massachusetts Hazardous Waste Generators", undated, consisting of one (1) page.
15. Document titled "Red Barn Veterinary Hospital List of Hazardous Materials", undated, consisting of one (1) page.

16. Document titled "Presto GeoSystems, Installation Guide", dated December 2021, consisting of four (4) pages.
17. Document titled "Presto GeoSystems, GEOWEB Slope & Shoreline Protection Overview", dated March 2022, consisting of eight (8) pages.
18. Document titled "Map Unit Description: Merrimac-Urban land complex, 0 to 8 percent slopes – Norfolk and Suffolk Counties, Massachusetts, 909 High Street", dated March 13, 2023, consisting of three (3) pages.
19. Document titled "9.5.15 Performance and Design Standards, 909 High Street, Westwood, MA, undated, consisting of four (4) pages.
20. Letter from Richard B. Levey, RBL Architects, to Westwood Building Department, re: Obed Baker House, 909 High St., dated November 3, 2022, consisting of one (1) sheet.
21. Letter from Kristine Meaney, Project Engineer, Site Design Professionals, to Westwood Planning Board, re: Request for Continuation of Public Hearing, Flexible Multiple Use Overlay District (FMUOD) Special Permit (PB-22-64), dated February 3, 2023, consisting of one (1) page.
22. Letter from Philip F. Paradis, Jr., PE, Associate, and Tyler de Ruiter, PE, PTOE, Senior Project Engineer, BETA Group, Inc., to Town of Westwood Planning Board, re: 909 High Street – Obed Baker House, FMUOD Special Permit and Environmental Impact & Design (EIDR) Peer Review, dated February 16, 2023, consisting of nine (9) pages.
23. Letter from Kristine Meaney, Project Engineer, Site Design Professionals, to Town of Westwood Planning Board, re: Impacts of the proposed upon the existing potential groundwater supply and groundwater recharge areas (9.3.8.1), FMUOD Special Permit and Environmental Impact & Design (EIDR), 909 High Street – Obed Baker House, dated March 2, 2023, consisting of one (1) page.
24. Letter from Kristine Meaney, Project Engineer, Site Design Professionals, to Town of Westwood Planning Board, re: BETA Group, Inc. Peer Review for FMUOD Special Permit and Environmental Impact & Design (EIDR), 909 High Street – Obed Baker House, First Engineering Response, dated March 2, 2023, consisting of eleven (11) pages.
25. Letter from Kristine Meaney, Project Engineer, Site Design Professionals, to Town of Westwood Planning Board, re: BETA Group, Inc. Peer Review for FMUOD Special Permit and Environmental Impact & Design (EIDR), 909 High Street – Obed Baker House, Second Engineering Response, dated March 17, 2023, consisting of eleven (11) pages.
26. Letter from Philip F. Paradis, Jr., PE, Associate, and Tyler de Ruiter, PE, PTOE, Senior Project Engineer, BETA Group, Inc., to Town of Westwood Planning Board, re: 909 High Street – Obed Baker House, FMUOD Special Permit and Environmental Impact & Design (EIDR) Peer Review Update, dated March 20 2023, consisting of sixteen (16) pages.
27. Letter from Michele F. Grenier to Karon Skinner-Catrone for the Westwood Conservation Commission and to Nora Loughnane for the Westwood Planning Board, dated April 8, 2023, consisting of one (1) page.
28. Document titled, "MA DEP Environmental Compliance Fact Sheet for Veterinary Facilities", consisting of four (4) pages.

DECISION

On April 11, 2023, the Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, on a roll call vote by a vote of five (5) in favor and none (0) opposed, hereby **grants** the requested FMUOD Special Permit, with consolidated EIDR and WRPOD Approvals, pursuant to Sections 9.5, 7.3 and 9.3 of the Westwood Zoning Bylaw, for the Project as described above and in the application therefor filed in the office of the Town Clerk on January 6, 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. The Applicant shall file an application for Limited Environmental Impact & Design Review (EIDR) Approval for the proposed new Cemetery Barn on the adjacent town-owned parcel, and shall obtain Limited EIDR Approval for that structure, prior to the issuance of a Building Permit for the proposed Veterinary building.
4. The Applicant shall file an application for an Approval Not Required (ANR) Plan to combine the two parcels into a single parcel of land.
5. 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.
6. The Applicant shall submit a fully revised set of site plans and updated Operations & Maintenance Plan (O&M Plan) addressing all remaining comments in the Memorandum from Philip F. Paradis, Jr., PE, of BETA Group, Inc. to Town of Westwood Planning Board dated March 31, 2023. Said fully revised set of site plans shall be reviewed by the Town Planner and approved if consistent with all of the above.
7. The Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the Town Planner and Consulting Town Engineer prior to the issuance of a Building Permit for the Project.

8. The Applicant shall submit a Construction Sequencing Plan for review and approval by the Town Planner and Consulting Town Engineer prior to the issuance of a Building Permit for the Project.
9. 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.
10. All trucks carrying earth material to or from 909 High Street shall be required to access the Property directly over the site access drive via eastbound or westbound High Street; and no trucks associated with the Project shall be permitted to travel on any non-arterial road in Westwood.
11. 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 High Street, and any other roadways travelled in the transport of earth material to and from the site.
12. The existing pavement on High Street and on the site access drive shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
13. 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.
14. 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.
15. 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.
16. 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.
17. No Certificate of Occupancy for the proposed Veterinary building shall be issued unless and until the new Cemetery Barn on the adjacent town-owned parcel has been fully constructed and a Certificate of Occupancy has first been issued for the new Cemetery Barn.
18. 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.

19. No inorganic landscape chemicals, fertilizers or pesticides shall be used at the Property.
20. No diesel fuel shall be used or stored on the Property. All generators shall be operated with propane or natural gas and shall be tested on a regular basis between the hours of 12:00 noon and 3:00 pm on weekdays.
21. 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.
22. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
23. 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.
24. This FMUOD Special Permit 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 April 11, 2023, to **grant** FMUOD Special Permit with consolidated EIDR Approval and WRPOD Approval for the abovementioned Project with conditions as set forth above: Ellen Larkin Rollings, Joshua C. Ames, Philip M. Giordano, and Christopher A. Pfaff.

The following members of the Planning Board voted in opposition to the grant of FMUOD Special Permit with consolidated EIDR Approval and WRPOD Approval for the abovementioned Project: None.

Elijah Romulus, Town Planner
April 11, 2023