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**DECISION OF THE ZONING BOARD OF APPEALS
of the
TOWN OF WESTWOOD**

PROPERTY OWNER(S): Dedham-Westwood Water District
154 University Avenue
Westwood, MA 02090

PETITIONER(S): Weston & Sampson
55 Walkers Brook Drive, Suite 100
Reading, MA 01867

LAND AFFECTED: 154 University Avenue
Westwood, MA 02090
Map 33, Lot 007

HEARING:

The Board of Appeals for the Town of Westwood held a Public Hearing according to the General Laws of the Commonwealth of Massachusetts on Wednesday, June 12, 2024 at 7:00 P.M. via remote participation to consider the Petitioner's request for a special permit pursuant to the Westwood Zoning Bylaw Section §9.3.5.1 [Water Resource Protection Overlay District - Special Permit required for Storage of Hazardous Materials] and a Variance pursuant to Sections §10.4 and 5.2 [dimensional requirements], footnote 3. The Petitioner proposes to construct an approximately 2,831 sq. ft addition to the front of the existing Dedham Westwood Water District White Lodge Treatment Plant located at 154 University Avenue, Westwood. The parcel itself is nonconforming due to lack of frontage on a public way. The proposed addition would create a new non-conformity with the front of the building at 12.6' from the closest street line where 50' is required. The property is located in the Industrial(I) zoning district, and within the Water Resource Protection Overlay District (WRPOD).

BOARD MEMBERS: John F. Lally
Michael McCusker
Linda Walsh

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APPLICABLE SECTION OF THE WESTWOOD ZONING BYLAW

9.3 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD)

9.3.1 **Purpose.** The purpose of the Water Resource Protection Overlay District (WRPOD) is to protect, preserve and maintain the existing and potential groundwater supply and groundwater recharge areas within the known aquifers of the Town and to protect public health by preventing excessive degradation of the Town's water resources.

9.3.2 **Location.** The WRPOD is herein established as an overlay district. The WRPOD shall include the areas as shown on the Zoning Map, around White Lodge Wells 1, 2, 3 and 4; Rockmeadow Well; and Buckmaster Pond.

9.3.3 **Definition.** For purposes of this Section, 'dispose' shall be construed consistently with 'disposal' as that term is defined in 310 CMR 30.010; that is, to be on-site disposal, whether planned or accidental, but not such things as are transported from the site subject to Department of Environmental Protection-approved manifests.

9.3.4 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the WRPOD may be used for any purpose permitted as of right or by special permit in the underlying district; provided that application for a building or occupancy permit for a nonresidential use within the WRPOD must include documentation that the proposal has been reviewed for compliance with water resource protection requirements set forth herein, and must include documented assurance that there will be compliance with any conditions to agency approvals. The following uses shall be deemed to be permitted in the WRPOD provided that they meet the hazardous material storage requirements set forth in Subsection 9.3.7.5 herein and may also be subject to regulations as may otherwise be provided herein:

9.3.4.1 Any use of land or buildings which involves the generation, treatment, storage, disposal or other handling of toxic or hazardous materials or wastes, but only in quantities associated with normal household use and only if otherwise allowable at that location;

9.3.4.2 Storage of liquid petroleum products of any kind, but only if incidental to the following:

9.3.4.2.1 normal household use, ordinary maintenance, the heating of a structure and de minimis accessory uses;

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- 9.3.4.2.2 waste oil retention facilities required by M.G.L. Chapter 21, Section 52A;
- 9.3.4.2.3 treatment works approved under 314 CMR 5.00 for the treatment of contaminated ground or surface waters;
- 9.3.4.3 Facilities that generate, treat, store or dispose of hazardous waste which is subject to M.G.L. Chapter 21C and 310 CMR 30.00, but only for the following:
 - 9.3.4.3.1 very small quantity generators as defined under 310 CMR 30.00;
 - 9.3.4.3.2 waste oil retention facilities required by M.G.L. Chapter 21, Section 52A;
 - 9.3.4.3.3 treatment works approved under 314 CMR 5.00 for the treatment of contaminated ground or surface waters.
- 9.3.5 **Special Permit Uses.** The following uses may be authorized in the WRPOD by special permit from the Board of Appeals and may also be subject to regulations as may otherwise be provided herein:
 - 9.3.5.1 Any use of land or buildings which involves the generation, treatment, storage, disposal or other handling of toxic or hazardous materials or wastes in quantities greater than those associated with normal household use and only if otherwise allowable at that location. The storage of hazardous materials shall meet the requirements of Subsection 9.3.7.5 and such storage and transfer safety requirements as the Board of Appeals may require.
 - 9.3.5.2 Storage of liquid petroleum products of any kind for the sole use for emergency or back-up generators only for business, professional or other office uses where the Board of Appeals determines that such generator is required by statute, rule, regulation or operational necessity and where the Board of Appeals determines that the use of alternative fuels such as propane or natural gas is not feasible for the demonstrated need. The storage of liquid petroleum shall meet the hazardous materials storage requirements set forth in Subsection 9.3.7.5 herein and such storage and transfer safety requirements as the Board of Appeals may require.
 - 9.3.5.3 Storage of commercial fertilizers and soil conditioners, as defined in M.G.L. Chapter 128, Section 64, but only in a structure with an impermeable cover and impervious surface which the Board of Appeals finds is sufficiently designed to prevent the discharge of contaminated run-off or leachate.

- 9.3.5.4 Stockpiling of animal manures, but only in a structure with an impermeable cover and impervious surface which the Board of Appeals finds is sufficiently designed to prevent the discharge of contaminated run-off or leachate.
- 9.3.5.5 New buildings or structures, parking areas, disposal facilities, point source discharges, or additions to any of those, which are located within four hundred (400) feet of a public water supply well, or change in use within existing buildings or structures to a use prohibited or requiring a special permit hereunder, unless the portion of such development lying within four hundred (400) feet of a public water supply well is essential to the provision of public water supply, but only upon determination by the Board of Appeals that denial of such development would result in a substantial economic loss for the property involved, and that any threat from proposed development to the integrity of water quality has been minimized.
- 9.3.6 **Prohibited Uses.** The following uses are prohibited in the WRPOD:
- 9.3.6.1 Landfills and open dumps, as defined in 310 CMR 19.006;
- 9.3.6.2 Landfilling of sludge and septage;
- 9.3.6.3 Automobile graveyards and junkyards, as defined in M.G.L. Chapter 140B, Section 1;
- 9.3.6.4 Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roadways;
- 9.3.6.5 Stockpiling and disposal of snow and ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice which has been removed from roadways located outside of the WRPOD; and
- 9.3.6.6 Removal of soil except for excavations for the construction of building foundations, roadway construction or the installation of utility works, the removal of soil, loam, sand, gravel or any other mineral substances within four (4) feet of the historical high water level, as determined by the Board of Health, unless the substances removed are deposited on site to achieve a final grading greater than four (4) feet above the historical high water mark within forty-five (45) days of removal.
- 9.3.7 **Requirements.** The following requirements shall apply in the WRPOD:
- 9.3.7.1 **Minimum Lot Area.** The minimum lot area shall be as required in the underlying zoning district.

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- 9.3.7.2 **Drainage.** All drainage shall meet the stormwater management standards adopted and as amended from time to time by the Massachusetts Department of Environmental Protection. The WRPOD is a “critical area” under these standards.
- 9.3.7.3 **Vegetation.** No less than twenty percent (20%) of that portion of the lot area situated within a WRPOD shall be maintained as a vegetation area. If impervious materials cover more than fifteen percent (15%) of that portion of the lot area situated within a WRPOD, all storm drainage shall be recharged on-site.
- 9.3.7.4 **Split Lots.** Where the premises are partially outside of the WRPOD, site design shall to the degree feasible locate potential pollution sources such as on-site disposal systems outside of the WRPOD.
- 9.3.7.5 **Storage of Hazardous Materials.** Liquid hazardous materials, as defined in M.G.L. Chapter 21E, and also as required herein, shall be stored in the WRPOD only if stored above ground level and on an impervious surface and either in 1) a container or above ground tank within a building, or 2) outdoors in a covered container or above ground tank. All such containers and tanks shall be located in an area that has a containment system designed and operated to hold either ten percent (10%) of the total possible storage capacity of all containers, or one hundred ten percent (110%) of the largest container’s storage capacity, whichever is greater. These storage requirements shall not apply to storage of products used for normal household use in quantities associated with normal household use. These storage requirements shall not apply to the replacement of existing tanks or systems for the dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements.
- 9.3.7.6 **Public Sewer.** All uses requiring wastewater disposal shall be connected to a public sewerage system if available, and if such system is not available, any on-site disposal system shall be subject to the limitations of 310 CMR 22.21(2)(a) 5 and 6.
- 9.3.8 **Application.** Application for a special permit in a WRPOD shall include the following:
- 9.3.8.1 The written opinion of a Registered Professional Engineer, addressed to the Board of Appeals, as to the impact of the proposed use upon the existing and potential groundwater supply and groundwater recharge areas within the known aquifers of the Town. This opinion shall bear the stamp and signature of the Professional Registered Engineer responsible for its preparation;

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- 9.3.8.2 Complete listing of toxic or hazardous materials which are to be:
- 9.3.8.2.1 stored, manufactured or used on or transported over any land in the WRPOD in such a quantity that the use, spilling or discharge thereof might cause a danger to public health or safety; and/or
 - 9.3.8.2.2 contained in industrial wastewater or sewage generation in excess of six (6) gallons per day per one thousand (1,000) square feet of lot area or fifteen thousand (15,000) gallons per day total. Such listing shall be accompanied by a description of measures to prevent vandalism, spills, corrosion and leakage and by a spill control plan;
- 9.3.8.3 Description of any hazardous or toxic waste to be generated;
- 9.3.8.4 Such further description of the proposed use and its operation as necessary to demonstrate that the use is not prohibited by this Section and will be in compliance with each of the requirements set forth herein;
- 9.3.8.5 Evidence of conformity with applicable requirements of the Massachusetts Department of Environmental Protection and of Town Bylaws and regulations, such as Article 17, the Hazardous Materials Bylaw;
- 9.3.8.6 Locus plan at an appropriate scale showing the boundaries of the property subject to the application in relation to the WRPOD boundaries; and
- 9.3.8.7 Site plan, if required by the Board of Appeals.
- 9.3.9 **Referral of Application to Other Boards.** Within ten (10) days after receipt of the WRPOD special permit application, the Board of Appeals shall forward a copy thereof to the Building Commissioner, Dedham-Westwood Water District, Planning Board, Conservation Commission, Board of Health and Fire Chief which may, at their discretion, conduct such investigations as they deem to be appropriate and report in writing their recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from said review agencies or until thirty-five (35) days has elapsed after receipt of such application without submission of a report. If such report is not received by the Board of Appeals within said thirty-five (35) days, it shall be deemed lack of objection to the issuance of the special permit.
- 9.3.10 **Review Meetings.** The Applicant or any one of the review agencies may request that the Building Commissioner schedule a meeting of said review agencies to perform a preliminary staff review of the proposed application in an effort to identify relevant issues and the regulatory framework applicable to the proposed project during the review

period. Any information exchanged as part of this meeting shall be considered as advisory and shall not be binding on the part of the Applicant or Board of Appeals.

9.3.11 **Decision.** A special permit required pursuant to this Section shall be granted by the Board of Appeals only upon its written determination of the following:

9.3.11.1 the application materials are sufficiently detailed, definite and credible to support positive findings relative to the standards of the Bylaw;

9.3.11.2 the proposed use meets the standards of this Section;

9.3.11.3 neither during construction nor thereafter will the use have material adverse impact upon the existing or potential quality or quantity of the existing and potential groundwater supply and groundwater recharge areas in the WRPOD; and

9.3.11.4 proposed control and response measures adequately and reliably mitigate risks to groundwater quality resulting from accident or system failure.

9.3.12 **Reimbursement for Consultants.** It is contemplated that in some cases it will be necessary for the Board of Appeals to hire consultants in connection with the review and evaluation of applications for special permits under this Section. The Board of Appeals will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for a special permit hereunder shall contain an agreement by the Applicant to that effect.

10.4 VARIANCES

10.4.1 **Permit Granting Authority.** Variances from the specific requirements of this Bylaw may be authorized by the Board of Appeals, except that variances authorizing a use not otherwise permitted in a particular zoning district shall not be granted.

10.4.2 **Application.** A petition for a variance shall be filed with the Town Clerk, who shall forthwith transmit it to the Board of Appeals. The Board of Appeals shall hold a public hearing within sixty-five (65) days of the receipt of the petition from the Town Clerk and shall render a decision within one hundred (100) days from the date of filing. Failure by the Board of Appeals to take final action within the one hundred (100)-day period shall be deemed to be a grant of the variance.

10.4.3 **Findings.** Before granting a variance from the requirements of this Bylaw, the Board of Appeals must specifically find that owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the Applicant and that desirable relief may be granted without substantial

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detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw.

- 10.4.4 **Procedures.** An application for a variance shall be filed in accordance with the rules and regulations of the Board of Appeals.
- 10.4.5 **Conditions.** Variances may be granted with such reasonable conditions, safeguards or limitations on time or use, including performance guarantees, as the Board of Appeals may deem necessary to serve the purposes of this Bylaw.
- 10.4.6 **Plans.** An Applicant for a variance shall submit a plan in substantial conformance with the requirements of the Board of Appeals.
- 10.4.7 **Regulations.** The Board of Appeals may adopt rules and regulations for the administration of this Section.
- 10.4.8 **Fees.** The Board of Appeals may adopt reasonable administrative fees and technical review fees for applications for variances.
- 10.4.9 **Lapse.** Any rights authorized by a variance which are not exercised within one (1) year from the date of grant of such variance shall lapse. The Board of Appeals, in its discretion and upon the written application of the Applicant, may extend the time for exercise of the variance for a period not to exceed six (6) months provided that the application for such extension is filed with the Board of Appeals prior to the expiration of the one (1) year period. If the request for an extension is not granted, the variance may be reestablished only after notice and new hearing pursuant to M.G.L. Chapter 40A, Section 10.

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5.2 TABLE OF DIMENSIONAL REQUIREMENTS¹

	DISTRICTS	DIMENSIONAL REQUIREMENTS								
		Minimum Lot Area (sq ft)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Nonwetland Area ² (sq ft)	Minimum Front Setback ³ (feet)	Minimum Side Yard Setback ⁴ (feet)	Minimum Rear Yard Setback ⁴ (feet)	Maximum Building Coverage (%)	Maximum Impervious Surface (%)
5.2.1	SRA	12,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.2	SRB¹³	20,000	90	90	15,000	25	15 ⁵	30 ⁶	25	50
5.2.3	SRC¹³	40,000	125	125	30,000	40	20 ⁷	30 ⁸	25	50
5.2.4	SRD	15,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.5	SRE¹³	80,000	175	175	60,000	40	20 ⁷	30 ⁸	25	50
5.2.6	GR	12,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.7	SR	80,000	175	175	60,000	40	20 ⁷	30 ⁸	25	50
5.2.8	LBA	4,000	40	40	4,000	10	15 ⁹	15	25	80
5.2.9	LBB	4,000	40	40	4,000	0	15 ⁹	15	25	80
5.2.10	HB	10,000	100	100	10,000	50	15	15	50	80
5.2.11	I	40,000	200	200	12,000	50	15 ¹⁰	15 ¹¹	50	80
5.2.12	IO	40,000	200	200	12,000	50	15 ¹⁰	15 ¹¹	50	80
5.2.13	ARO	80,000	175	175	60,000	50	30 ¹²	30	30	50

5.3 NOTES FOR TABLE OF DIMENSIONAL REQUIREMENTS

- 1 Shall not apply to sewage pumping stations operated by the Town.
- 2 The term “Nonwetland Area” shall mean land other than the fresh water wetland as that term is defined in M.G.L. Chapter 131, Section 40. The Minimum Nonwetland Area shall be measured in contiguous square feet. The Minimum Nonwetland Area requirement of 12,000 square feet in all Residential Districts shall apply to all lots created prior to the date of adoption of this provision. M.G.L. Chapter 40A, Section 6 may also limit the requirements for certain other lots.
- 3 The minimum front setback distance shall be measured from the nearest street line; provided, however, that where the street has a right-of-way width of less than forty (40) feet, the setback distance shall be measured from a line on the lot twenty (20) feet from and parallel to the center line of said street.
- 4 The minimum side yard and rear yard setbacks shall be the minimum horizontal distance from the lot line to the nearest point of a building or structure.
- 5 Except that a portion of any building or structure not exceeding fifteen (15) feet in height shall be set back a minimum of ten (10) feet from the side lines of its lot, and a detached accessory building or structure having a height of less than fifteen (15) feet and a front setback of at least seventy-five (75) feet shall be set back a minimum of three (3) feet from the side lines of its lot.
- 6 Except that a detached accessory building or structure having a height of less than fifteen (15) feet shall be set back a minimum of three (3) feet from the rear line of its lot.
- 7 Except that a portion of any building or structure not exceeding fifteen (15) feet in height shall be set back a minimum of fifteen (15) feet from the side lines of its lot, and a detached accessory building or structure having a height of less than fifteen (15) feet and a front setback of at least one hundred (100) feet shall be set back a minimum of six (6) feet from the side lines of its lot.
- 8 Except that a detached accessory building or structure having a height of less than fifteen (15) feet shall be set back a minimum of six (6) feet from the rear line of its lot.
- 9 Unless the wall facing a side lot line is either a party wall or, if adjoining another lot in the same district, a wall with its outer face coincident with such line. The space between buildings or structures, if any, shall not be reduced to less than fifteen (15) feet.
- 10 Except that if the side yard abuts a railroad right-of-way, there shall be no minimum side yard setback.
- 11 Except that if the rear yard abuts a railroad right-of-way, there shall be no minimum rear yard setback.

- ¹² Each side yard setback shall be increased by one (1) foot for each foot that the height of the building exceeds fifteen (15) feet; provided always that the side yards shall total not less than forty (40) percent of the lot width.
- ¹³ See Section 8.3 OPEN SPACE RESIDENTIAL DEVELOPMENT for density and dimensional requirements for OSRD.

STATEMENT OF FACTS

On May 30, 2024, the Applicant, Aaron Guazzaloca on behalf of Weston & Sampson, filed an application with the Westwood Board of Appeals for a Special Permit pursuant to Westwood Zoning Bylaw Section §9.3.5.1 [Water Resource Protection Overlay District - Special Permit required for Storage of Hazardous Materials] and a Variance pursuant to Sections §10.4 and 5.2 [dimensional requirements], footnote 3. Weston & Sampson's client Dedham Westwood Water District (DWWD) is the only public water supplier for the towns of Dedham and Westwood. DWWD treats raw water from five groundwater wells within the Neponset River Basin at the White Lodge Treatment plant located at 154 University Avenue, Westwood. DWWD currently treats groundwater for iron, manganese and volatile organic compounds. The proposed 2,831 sq. ft addition will house equipment to provide additional water quality treatment capabilities for the removal of Per and Polyfluorinated Substances (PFAS). A list of hazardous materials has been provided to the Zoning Board of Appeals as required under the bylaw been registered with the Town of Westwood's Health Department. The list of the hazardous materials that are presently used by Dedham Westwood Water District in its current operations is attached to the application. These materials will, except when being used in the process, be stored in above ground tanks in a dedicated chemical storage area of the building and within a containment system as required under the Zoning Bylaw. The applicant submitted to the Board a signed letter by a registered Professional Engineer stating in part that the proposed addition project which includes installation of a subsurface dry well chamber system is an improvement of current conditions and will have no negative impact on the water quality within the groundwater supply and groundwater recharge areas within the known aquifers of the Town of Westwood. The Petitioner proposes to construct an approximately 2,831 sq. ft addition to the front of the existing Dedham Westwood Water District White Lodge Treatment Plant located at 154 University Avenue, Westwood. The parcel itself is nonconforming due to lack of frontage on a public way. The proposed addition would create a new non-conformity with the front of the building at 12.6' from the closest street line where 50' is required. As, such the applicant is seeking a Variance pursuant to Sections §10.4 and 5.2 [dimensional requirements], footnote 3 of the Westwood Zoning Bylaws. The property is located in the Industrial(I) zoning district, and within the Water Resource Protection Overlay District (WRPOD).

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FINDINGS

In consideration of all of the testimony and exhibits and documents submitted before the Board, the Board makes the following findings of fact:

1. The Subject Property is located at 154 University Avenue, within the Industrial (I) Zoning district and within the Water Resource Protection Overlay District (WRPOD).
2. The Petitioner proposes to construct an approximately 2,831 sq. ft addition to the front of the existing Dedham Westwood Water District White Lodge Treatment Plant located at 154 University Avenue, Westwood.
3. The Subject property is non-confirming due to the lack of frontage on a public way.
4. The existing structure conforms to all dimensional requirements.
5. The proposed addition will create a new non-conformity to an existing conforming structure, as the front of the building will be set 12.6' from the closest street line, University Avenue.
6. The Petitioner is seeking a Variance pursuant to Section 5.2, note 3 of the Zoning Bylaw.
7. That the proposed use and storage of hazardous materials in quantities greater than those associated with normal household use requires a Special Permit compliant with Section 9.3.5.1 of the Zoning Bylaw, and that the Zoning Board of Appeals is the Special Permit Granting Authority.
8. That the minimum lot area is as required in the underlying zoning district.
9. That all drainage meets the stormwater management standards adopted and as amended from time to time by the Massachusetts Department of Environmental Protection. The WRPOD is a "critical area" under these standards.
10. That no less than twenty percent (20%) of that portion of the lot area situated within the WRPOD shall be maintained as a vegetation area. If impervious materials cover more than fifteen percent (15%) of that portion of the lot area situated within a WRPOD then all storm drainage shall be recharged on-site.
11. All uses requiring wastewater disposal shall be connected to the public sewerage system.
12. That the Board has received into evidence the written opinion of Registered Professional Engineer James Pearson registration No. 50675, of Weston & Sampson Engineers, Inc., as to the impact of the proposed project on the existing and potential groundwater supply and groundwater recharge areas within the known aquifers of the Town. This opinion (which is incorporated by reference) bears the stamp and signature of the Professional Registered Engineer responsible for its preparation; and concludes that the design represents an improvement over existing conditions as more stormwater will be retained

and groundwater recharge will be increased onsite and that there is no negative impact on the water quality within the groundwater supply and recharge area of the Town's known aquifers.

13. That there are no toxic or hazardous materials which are to be stored, manufactured or used on or transported over any land in the WRPOD in such a quantity that the use, spilling or discharge thereof might cause a danger to public health or safety; and/or contained in industrial wastewater or sewage generation in excess of six (6) gallons per day per one thousand (1,000) square feet of lot area or fifteen thousand (15,000) gallons per day total.
14. Chemicals currently added to the discharge piping out of the plant in the treatment of drinking water are the following: Chlorine gas for disinfection, Fluoride for dental properties, Potassium Hydroxide for pH control and Orthophosphate (PO₄) to provide consistent phosphate residual. Dedham Westwood Water District's Hazardous Material storage permit is current with the Board of Health.
15. Each chemical stored onsite is contained within a dedicated chemical storage area that includes a chemical bulk tank and day tank. The chemical containment area includes concrete containment walls designed to hold 110% capacity of the chemical stored which is in compliance with Bylaw Section 9.3.7.5.
16. All chemical storage and feed systems comply with MASS DEP's Chapter 6 -Chemical Application Standards and the Town of Westwood's Hazardous Material Bylaws. All chemical containment areas have been inspected and approved by MassDEP
17. The proposed addition to the White Lodge Treatment plant will contain new PFAS treatment system which includes Ion Exchange Media in pressure vessels to treat PFAS compounds already existing in the drinking water to non-detect levels through absorption.
18. That the Board received evidence of conformity with applicable requirements of the Massachusetts Department of Environmental Protection and Town Bylaws and regulations, such as Article 17, the Hazardous Materials Bylaw.
19. That the Board received a locus plan at an appropriate scale showing the boundaries of the property subject to the application in relation to the WRPOD boundaries.
20. That within ten (10) days after receipt of the WRPOD special permit application, the Board of Appeals forwarded a copy thereof to the Building Inspector, Dedham-Westwood Water District, Planning Board, Conservation Commission, Board of Health and Fire Chief. Written responses (all of which are incorporated by reference) were received from the Board of Health and the Dedham-Westwood Water District (the "District").
21. That the application materials are sufficiently detailed, definite and credible to support positive findings relative to the standards of Bylaw.

22. That the proposed control and response measures adequately and reliably mitigate risks to groundwater quality resulting from accident or system failure.
23. That Weston & Sampson on behalf of Dedham Westwood Water District White Lodge Water Treatment Plant has met all of the necessary requirements for a Special Permit under all of the provisions of Section 9.3.
24. The Board specifically finds that owing to circumstances relating to the shape, soils or topography of this parcel and the structures thereon that especially affect such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the Petitioner and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw.
25. The Petitioners have met all the requirements for a Variance pursuant to the Westwood Zoning Bylaw.

DECISION and CONDITIONS

The Board of Appeals voted unanimously to grant the Petitioner's request for a Special Permit pursuant to Section§ 9.3 and Variance pursuant to Section§ 5.2, footnote 3 and 10.4 of the Westwood Zoning Bylaw and upon the following conditions:

1. The Project shall be undertaken in substantial conformity with the submitted Site plans entitled "DWWD-White Lodge WTP PFAS Treatment" prepared by the Applicant, stamped by Registered Professional Engineer James I. Pearson, dated March 25, 2024 and revised through May 20, 2024, consisting of ten (10) sheets and Architectural plans titled" White Lodge PFAS Remediation Project 154 University Avenue, Westwood, MA" prepared by Weston & Sampson Engineers, Inc, 100 Foxborough Boulevard, Suite 250, Foxborough, MA 02035" dated May 23, 2024 consisting of 5 sheets: A102, A200, A210, A232 and A301.
2. Prior to the issuance of a Building Permit, the Petitioner will supply a Hazardous Chemical Safety Storage Plan to the Health Director.
3. Prior to Building Permit issuance, the Petitioner shall submit updated Operation and Maintenance Manuals for each existing chemical feed system and the new PFAS system to the Town Planner and Zoning Agent.
4. Prior to Certificate of Occupancy for the addition, Petitioner shall submit a Spill Containment Plan (Emergency Response and Security Plan) for the White Lodge

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Treatment plant to the Zoning Agent. This plan will be provided to the Health Director and Deputy Fire Chief for review and approval prior to occupancy.

5. Weston & Sampson Engineers, Inc. on behalf of Dedham Westwood Water District shall comply with all requirements and conditions of the following departments and boards as specified in Section 9.3.9 of the Westwood Zoning Bylaw, Westwood Fire Department, Building Department, Dedham-Westwood Water District, Planning Board, Conservation Commission, and Board of Health.
6. This Special Permit shall not take effect until a copy of the Decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and either that no appeal has been filed or that an appeal has been filed within such time period, is recorded in the Registry of Deeds and indexed under the name of the property owner of record and the parcel address. A copy of these recordings shall be provided to the Building Commissioner, Town Clerk and the Board of Appeals.
7. **Any person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and any construction performed under the permit may be ordered to be undone.**
8. This Special Permit shall lapse within a specified period of time, of not more than two (2) years, which shall not include such time required to pursue or await the determination of the appeal referred to in Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause. Prior to the expiration of the Special Permit, the Applicant may apply for an extension of the Special Permit for a period not to exceed one (1) year if the substantial construction or use thereof has not commenced for good cause.

RECORD OF VOTE

The following members of the Board of Appeals voted to grant the Special Permit and Variance for the above mentioned Project: John F. Lally, Michael McCusker, and Linda Walsh.

The following members of the Board of Appeals voted in opposition to the grant of the Special Permit: None.



RECEIVED

By Town Clerk at 1:28 pm, Jun 20, 2024

WESTWOOD ZONING BOARD OF APPEALS



John Lally, Chair



Michael McCusker



Linda Walsh

6-20-2024
Date

154 University Avenue