

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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Sean R. Weller, Vice Chair
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DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
PLANNING BOARD

DECISION OF THE PLANNING BOARD
Environmental Impact and Design Review (EIDR)
July 16, 2024

PROPERTY LOCUS 569 High Street
Assessor’s Map 09, Lot 113

APPLICANT Ken Cusson
Bar Cino Westwood Inc
300 Metro Center Blvd
Warwick, RI02886

PROPERTY OWNER Joseph S Carter Jr., Trustee
569 High Street Realty Trust
601 Neponset St,
Canton, MA 02021

APPLICATION #PB-24-28

BACKGROUND AND PROJECT SUMMARY

Ken Cusson on behalf of Bar Cino Westwood Inc (hereinafter “Applicant”) filed an application (hereinafter “Application”) requesting an EIDR Approval pursuant to Section 7.3 of the Town of Westwood Zoning Bylaw (hereinafter “Zoning Bylaw”) to make exterior façade alterations including rear HVAC and exhaust equipment and implement outdoor dining for a new restaurant on the property at 569 High Street. The project (hereinafter “Project”) is in the Local Business A (LBA) zoning district.

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 EIDR Approval pursuant to Section 7.3, which was filed with the Town Clerk on June 24, 2024.
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 June 24, 2024.
3. 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 June 27, 2024 and July 3, 2024. Notice of the public hearing was posted in Westwood Town Hall commencing on June 24, 2024, and continuing through the opening of the public hearing on July 16, 2024. Said notice was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on July 11, 2024.
4. Public hearing for the Application opened on July 16, 2024. The Planning Board met remotely via Zoom. Public comment was accepted through live time audio and the Question function on Zoom during hearings, in addition to in writing or by phone.
5. Westwood Planning Board Members Ellen Larkin Rollings, Sean R. Weller, Joshua C. Ames, Kathleen Nee, and Philip M. Giordano deliberated on the Application at a duly authorized meeting on July 16, 2024.
6. The Planning Board approved the EIDR application in a roll-call vote with five (5) in favor and none (0) opposed.

PROJECT SPECIFIC FINDINGS

1. The project site (hereinafter “Project Site” or “Property”) is comprised of a 16,366 SF parcel and is bordered by residential uses to the east, west, and south, and business use to the north directly abutting the property.
2. The Property, as proposed, will have a restaurant with outdoor patio seating previously occupied by Chiara’s
3. The property, as proposed, will have additional HVAC and Exhaust equipment in the rear of the building.
4. 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.
5. The Project, as proposed, will ensure compliance with the provisions of this Bylaw, including parking, landscaping, exterior lighting, and noise.
6. 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 7.3 of the Zoning Bylaw.

7. The Project, as modified by the Conditions of this Decision, will not be detrimental to the Town or to the general character or visual appearance of the surrounding properties, and will be consistent with all applicable standards set forth in Section 7.3 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 a project will otherwise meet the performance and design standards set forth in this Section; and that such waivers will pose no substantial detriment to any adjacent property or proximate neighborhood, and will not nullify or substantially derogate from the intent or purpose of the Westwood Zoning Bylaw. On July 16, 2024, the following waivers are hereby granted by the Planning Board:

1. Waiver from strict compliance with Section 7.3.7.1.6 of the Westwood Zoning Bylaw requiring the submission of a Stormwater Drainage Report.
2. Waiver from strict compliance with Section 7.3.7.3 of the Westwood Zoning Bylaw requiring the submission of a full Traffic Study.
3. Waiver from strict compliance with Section 7.3.7.7 of the Westwood Zoning Bylaw requiring the submission of 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 June 24, 2024, and all material submitted through the close of the public hearing on July 16, 2024. All of the following plans and materials are hereby incorporated by reference and made part of this Decision:

1. EIDR Application #PB-24-28 submitted by the Applicant and received by the Town Clerk on June 24, 2024, consisting of seven (7) pages
2. Site plan entitled "Proposed Site Plan" prepared by Gary M. Lepore, AIA, LDL Studio, Inc, 106 Putnam Street, Providence, RI 02909, dated June 5, 2014, consisting of one (1) sheet
3. Plan set including Floor Plans, Elevations, Photos & Renderings entitled "Bar Cino 569 High Street Westwood, MA 02090" prepared by ZDS inc., 2 Charles Street, Suite A1, Providence, RI 02904, stamped by Registered Architect Eric N. Zuena, dated May 24, 24, consisting of 24 sheets
4. Mechanical Plan entitled "Mechanical: First Floor Plan New Work" prepared by Wilkinson Associates Inc Consulting Engineers, 615 Jefferson Boulevard, Suite 7, Warwick, RI 02886, stamped by Registered Engineer Robert S. Wilkinson, dated April 10, 2024, consisting of one (1) page

5. EIDR Impact Statement prepared by Applicant, no date, consisting of one (1) page
6. Waiver Requests prepared by the Applicant, no date, consisting of one (1) page
7. "Property Owner Application Authorization" signed by Joseph S Carter Jr., Trustee, 569 High Street Realty Trust, dated June 17, 2024, consisting of one (1) page

DECISION

On July 16, 2024, 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 EIDR Approval pursuant to Sections 7.3 of the Zoning Bylaw for the Project as described above and in the Application therefore filed with the Town Clerk on June 24, 2024, 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 finding hereof, the Project shall comply with the Project Plans, and with the conditions of all prior decisions for the Property, 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 Town of Westwood board, commission, or agency, or other Commonwealth or federal regulatory agency, 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 Decision shall be requested in writing to the Town Planner and Building Commissioner prior to implementation.
 - a. Proposed alterations which are considered de minimis by the Building Commissioner may be accepted as a note to the file.
 - b. Proposed alterations which are considered minor by the Building Commissioner shall require the filing of a Modification Application of said approval for review by the Planning Board at a publicly posted Planning Board meeting.
 - c. 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. The Applicant shall submit a Sound Attenuation Plan consistent with the intentions expressed by a majority of Planning Board members at the July 16, 2024 hearing and town bylaws, for review and approval by the Town Planner, and shall install all required

sound attenuation materials prior to the issuance of a Certificate of Occupancy for any portion of the structure.

5. The Applicant shall submit an updated Site Plan including the mechanical equipment in the rear of the building consistent with the intentions expressed by a majority of Planning Board members at the July 16, 2024 hearing, for review and approval by the Town Planner, prior to the issuance of any building permits.
6. If at any time the Building Commissioner determines that parking provisions are inadequate to serve the needs of the business, the Applicant shall address the apparent parking inadequacy by taking one of the following actions:
 - a. Reduce the number of seats within the restaurant or within the outdoor seating area;
 - b. Provide a plan for off-site parking of cars, which will require Special Permit approval by the Planning Board.
7. Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit an updated site plan indicating a dumpster enclosure in full compliance with applicable Zoning Bylaw and General Bylaw requirements, for review and approval by the Town Planner.
8. The Applicant shall submit a Sign Plan for review and approval by the Town Planner for any signage not included in this Application and shall obtain Sign Permits from the Building Division prior to installation of any sign on the Property.
9. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
10. 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.
11. The Decision 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.



Elijah Romulus, Town Planner
July 18, 2024