

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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Sean R. Weller, Vice Chair
Joshua C. Ames, Secretary
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DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
PLANNING BOARD

DECISION OF THE PLANNING BOARD

Modification of an Environmental Impact and Design Review (EIDR)
July 16, 2024

PROPERTY LOCUS 1652 High Street
Assessor’s Map 34, Lot 001

APPLICANT Marie Adams
Bubbling Brook
PO Box 61
Norwood, MA 02062

PROPERTY OWNER Bubbling Brook Realty, LLC
51 Beech Street
Norwood, MA 02062

APPLICATION #PB-24-25

BACKGROUND AND PROJECT SUMMARY

Marie Adams on behalf of Bubbling Brook (hereinafter “Applicant”) filed an application (hereinafter “Application”) requesting a modification to a previously approved EIDR (January 24, 2006, modified on April 10, 2008, and administratively on April 11, 2024 #PB-24-12) pursuant to Section 7.3 of the Town of Westwood Zoning Bylaw (hereinafter “Zoning Bylaw”) to modify site plans updating traffic circulation and siting a Food Truck location on the property at 1652 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. On April 11, 2024, the applicant was granted an administrative EIDR to modify the site plan to accommodate temporary food trucks on a rotating basis at lunch and/or dinner times. A condition of approval stated: To reflect the current parking and traffic patterns and general operations the applicant is required to file an EIDR modification by July 11, 2024 or this approval will be void.
2. The Applicant submitted an Application requesting a modification to a Planning Board EIDR Approval pursuant to Section 7.3, which was filed with the Town Clerk on June 28, 2024.
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 June 27, 2024.
4. Public meeting 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. In a roll call vote with five (5) in favor and none (0) opposed, the Planning Board voted to approve the modification of the EIDR application.

PROJECT SPECIFIC FINDINGS

1. The project site (hereinafter "Project Site" or "Property") is comprised of a 1.17 acre parcel and is bordered by residential uses to the east and west, a farm in Walpole to the south, and business and residential use to the north.
2. The Property, as proposed, will have an ice cream shop, a food truck site and portable restroom with outdoor seating.
3. The property, as proposed, will have additional signage and markings for traffic circulation.
4. The Project, as proposed, will maximize pedestrian and vehicular safety on the site and egress to and from the site.
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

No waivers were requested.

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 28, 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. Modification Application #PB-24-25 submitted by the Applicant and received by the Town Clerk on June 28, 2024, consisting of seven (7) pages
2. Site plan entitled "Site Plan and Parking Plan Bubbling Brook Restaurant 1652 High Street Westwood, Mass" prepared by Norwood Engineering, 1410 Rt 1, Norwood, MA 02062, stamped by Registered Engineer and Professional Land Surveyor Matthew D. Smith, dated March 29, 2023 and revised through July 9, 2024, consisting of one (1) sheet
3. As-Built plan entitled "As-Built Plan and Parking Plan Bubbling Brook Restaurant 1652 High Street Westwood, Mass" prepared by Norwood Engineering, 1410 Rt 1, Norwood, MA 02062, stamped by Registered Engineer and Professional Land Surveyor Matthew D. Smith, dated December 2, 2008, consisting of one (1) sheet
4. Photos prepared by Applicant, no date, consisting of four (4) pages
5. EIDR Impact Statement prepared by Applicant, no date, consisting of one (1) page
6. Waiver Requests prepared by the Applicant, dated June 3, 2024, consisting of one (1) page
7. "Property Owner Application Authorization" signed by Edward and Gloria Cortas, dated April 9, 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 Modification of an 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 28, 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 findings hereof, the Project shall comply with the Project Plans and with the conditions of all prior decisions, 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 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. Applicant to paint arrows in a prominent manner and add right turn only signage in parking lot indicating the flow of traffic per the intent expressed by the Planning Board at the July 16, 2024 meeting and provide an updated site plan indicating such on or before December 31, 2024 or this approval will be void.
5. Applicant to include barriers around the food truck location per the intent expressed by the Planning Board at the July 16, 2024 meeting and provide an updated site plan indicating such on or before December 31, 2024 or this approval will be void.
6. Applicant to submit a planting schedule indicating a Massachusetts native species.
7. The Applicant shall submit a plan and specifications for a new dumpster enclosure, which shall be in full compliance with applicable Zoning Bylaw and General Bylaw requirements, to the Town Planner for review and approval and, following approval, shall install said dumpster enclosure on or before December 31, 2024.
8. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.



Elijah Romulus, Town Planner
July 19, 2024