

TOWN OF WESTWOOD By: Westwood Town Clerk
COMMONWEALTH of MASSACHUSETTS

Ellen Larkin Rollings, Chair
Sean R. Weller, Vice Chair
Joshua C. Ames, Secretary
Kathleen Nee
Philip M. Giordano



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DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
PLANNING BOARD

DECISION OF THE PLANNING BOARD

Project Development Review (PDR)
July 16, 2024

PROPERTY LOCUS 174 University Avenue
Assessor’s Map 33, Lot 009

APPLICANT Andy Fitz
Project Expeditors Consulting Company
28 Station Street
Manalapan, NJ 07726

PROPERTY OWNER Scott Darling
SVF University Westwood LLC
PO BOX 847
Carlsbad, CA 92018

APPLICATION #PB-24-26

BACKGROUND AND PROJECT SUMMARY

Andy Fitz on behalf of Project Expeditors Consulting Company (hereinafter “Applicant”) filed an application (hereinafter “Application”) requesting PDR Approval pursuant to Section 9.7 of the Town of Westwood Zoning Bylaw (hereinafter “Zoning Bylaw”) for a change of use for a new Chase Bank Branch in the former Casa Loca Mexican Cantina restaurant space at 174 University Avenue. The project (hereinafter “Project”) is in the Industrial (I) zoning district and within the University Avenue Mixed Use District (UAMUD) and Water Resource Protection Overlay District (WRPOD).

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 PDR Approval pursuant to Section 9.7, which was filed with the Town Clerk on June 20, 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 20, 2024.
3. 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.
4. 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.
5. The Planning Board approved the PDR 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 1.88 acres parcel and is bordered by commercial and industrial uses.
2. The Property, as proposed, will have a bank previously occupied by a restaurant.
3. The Project, as modified by the conditions herein, does not pose new material adverse impacts or exacerbate existing impacts that have not previously been addressed;
4. The Project, as modified by the conditions herein, results in net fiscal benefits to the town, and the proponent has adequately mitigated any adverse fiscal impacts by, among other things, previously entering into a Development Agreement with the Town;
5. No previously developed portion of the UAMUD project has resulted in a material adverse impact that does not comply with regulatory requirements or is substantially detrimental to public health, safety or the environment;
6. The Project, as modified by the conditions, complies with the requirements of Section 9.7 of the Westwood 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.

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 20, 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. PDR Application #PB-24-26 submitted by the Applicant and received by the Town Clerk on June 20, 2024, consisting of six (6) pages
2. Site plan entitled "Chase Site Improvement Plan" prepared by Stonefield Engineering & Design, stamped by Professional Engineer Joshua H Kline, dated May 9, 2024 and revised through July 9, 2024, consisting of seven (7) sheets
3. Elevation & Signage plan, untitled, prepared by Philadelphia Sign, 50 Porter Road, Littleton, MA 01460, dated June 10, 2024, consisting of eight (8) sheets
4. Exterior Elevation plan entitled "Proposed Exterior Elevations" prepared by Core States Group, 5257 Shaw Avenue, Suite 206, St. Louis, MO 63110, dated June 6, 2024, consisting of two (2) sheets
5. Narrative & Waiver entitled "Project Narrative and Waiver Request Summary" prepared by the Applicant, dated May 9, 2024, consisting of two (2) pages
6. "Property Owner Application Authorization" signed by Scott Darling, Executive Managing Director, Portfolio Management, SVF University Westwood, LLC, consisting of two (2) pages
7. Quitclaim Deed by Westwood Marketplace Holdings, LLC, consisting of four (4) pages

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 PDR Approval pursuant to Sections 9.7 of the Zoning Bylaw for the Project as described above and in the Application therefore filed with the Town Clerk on June 20, 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. This PDR Approval only allows the use of the 3,499 sf section of the building, as indicated on the site plans, for a bank. The portion of the existing structure which is titled "Future Permitted Use" on said site plans shall not be used for any purpose unless and until an additional PDR Approval applicable to that portion of the existing structure is requested by the Applicant or Property Owner and granted by the Board.
5. 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.
6. Prior to the issuance of a Certificate of Occupancy for any portion of the structure, the Applicant shall submit an updated landscape plan including new planters containing Massachusetts native plant species, 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.
7. Prior to the issuance of any building permits for any portion of the structure, the Applicant shall submit updated elevation plans reflecting façade changes including but not limited to color, texture, and material, 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.
8. Prior to the issuance of a Certificate of Occupancy for any portion of the structure, 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.

9. Prior to the issuance of any building permits for any portion of the structure, the site must be cleaned of any litter and/or debris, and landscaping must be remedied.
10. Prior to the issuance of a Certificate of Occupancy for any portion of the structure, the Applicant must submit an updated site plan indicating light fixtures in full conformance with applicable Zoning Bylaw requirements, for review and approval by the Town Planner.
11. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
12. 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.
13. 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 22, 2024