

TOWN OF WESTWOOD

COMMONWEALTH of MASSACHUSETTS

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DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
PLANNING BOARD

DECISION OF THE PLANNING BOARD

Minor Modification of Consolidated Mixed Use and Multi-family Residential Overlay District (MUMFROD) Special Permit & Earth Material Movement Environmental Impact and Design Review (EMM-EIDR)
September 10, 2024

PROPERTY LOCUS 22 Everett Street
Assessor’s Map 23, Lots 226 & 227

APPLICANT PP Everett Street LLC
21 Eastbrook Road
Dedham, MA 02026

PROPERTY OWNER Everett Street Realty Corp & Hartling Corp
PO Box 1140
East Sandwich, MA 02537

APPLICATION #PB-24-36

BACKGROUND AND PROJECT SUMMARY

PP Everett Street LLC (hereinafter “Applicant”) filed an application (hereinafter “Application”) requesting a minor modification to PB-23-25, consolidated MUMFROD Special Permit pursuant to Section 9.9 and EMM-EIDR Approval pursuant to Sections 7.1 and 7.3 (hereinafter “Zoning Bylaw”) for the purposes of reconfiguring floor plan layouts, landscape and hardscape revisions façade changes, and increasing the amount of EV chargers and associated parking spaces in “Building A” at 22 Everett Street . The project (hereinafter “Project”) is in the Highway Business (HB) zoning district, and within various overlay districts, including MUMFROD, Flexible Multiple Use Overlay District 3 (FMUOD3), and Wireless Communication Overlay District (WCOD).

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 modification to PB-23-25, consolidated MUMFROD Special Permit and EMM-EIDR Approval pursuant to Sections 9.9, 7.1 & 7.3, which was filed with the Town Clerk on August 7, 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 August 7, 2024.
3. A public meeting for the Application was held on September 10, 2024. The Planning Board met remotely via Zoom.
4. Westwood Planning Board Members Ellen Larkin Rollings, Joshua C. Ames, Kathleen Nee and Philip M. Giordano, were present for the public meeting and deliberated on the Application at a duly authorized meeting on September 10, 2024.
5. The Planning Board approved the minor modification consolidated MUMFROD Special Permit and EMM-EIDR Approval application in a roll-call vote with four (4) in favor and none (0) opposed.

PROJECT SPECIFIC FINDINGS

1. The project site is comprised of two (2) parcels, parcel 23-227 consisting of 4.86 acres and parcel 23-226 consisting of 1.92 totaling approximately 6.8 acres (hereinafter "Project Site" or "Property").
2. The 1.92-acre parcel is identified on Assessor's Map 23, Lot 226 (hereafter "Parcel A") and abuts Everett Street. Parcel A contains a 26,025 square foot industrial building constructed in 1950 for manufacturing, which is currently used for commercial and industrial office and storage and is noted in the Town Assessor's records to be in below average condition.
3. The 4.86-acre parcel is identified on Assessor's Map 23, Lot 227 (hereafter "Parcel B"). Parcel B wraps around the east, north, and west boundaries of Parcel A and extends to the rear of the Project Site. Parcel B is currently used for commercial vehicle storage.
4. The Property is located within the HB zoning district and with the FMUOD3, WCOD, and MUMFROD overlay districts.
5. The Project Site is intersected by Purgatory Brook and South Brook, both of which are extensively culverted.
6. The Property is bordered by Progressive Insurance to the east; various industrial, retail, and commercial development to the north; age-restricted condominiums in

Norwood to the south; and the MBTA Franklin/Foxboro Commuter Rail tracks to the west.

7. Once the existing industrial and commercial structure is demolished, stored vehicles are removed, and the site is remediated by the current property owner, the Applicant proposes to redevelop the property and to construct two (2) four (4)-story buildings. One building will be located on Parcel A and will contain residential apartments, retail bays, and ground level garage parking (hereafter "Building A"), while the second will be located on Parcel B (hereafter "Building B") and will contain residential apartments and ground level garage parking.
8. There will be a total of 160 apartment units with a residential density of 23.6 units per acre. 99 units in Building A and 61 units in Building B.
9. Building A will have a 39,700 square feet footprint with four (4) floors, arranged as follows:
 - a. The ground floor will include thirty-nine (39) garage parking spaces – including two (2) ADA-accessible spaces, and thirty-seven (37) standard parking spaces. The ground floor will contain seven (7) residential apartments, including four (4) one-bedroom units and three (3) two-bedroom units. The ground floor will also contain two (2) residential lobbies, bicycle storage facilities, a mailroom, leasing and maintenance offices, and a total of twelve thousand (12,000) square feet of commercial retail space split into four (4) units.
 - b. The second floor will contain 31 residential apartments, including 12 one-bedroom units, 14 two-bedroom units, and five (5) three-bedroom units.
 - c. The third floor will contain 31 residential apartments, including 13 one-bedroom units, 14 two-bedroom units, and four (4) three-bedroom units.
 - d. The fourth floor will contain 30 residential apartments, including 11 one-bedroom units, 15 two-bedroom units, and four (4) three-bedroom units.
10. Of the 160 residential apartments, 24, or fifteen percent (15%), of the residential units will be Affordable Dwelling Units with income restrictions as required pursuant to Section 9.9.10 of the Zoning Bylaw. All 24 Affordable Dwelling Units will be Local Action Units (LAUs) eligible for listing on the Subsidized Housing Inventory (SHI) which is produced and annually updated by the Executive Office of Housing and Livable Communities (EOHLC)
 - a. 136 apartments will be market-rate units, arranged as follows: 71 one-bedroom units, 51 two-bedroom units, and 14 three-bedroom units.
 - b. 21 apartments will be Affordable Dwelling Units restricted to households earning no more than 80% of the area median income (AMI) for the Boston-Cambridge-Quincy, MA-NH Fair Market Rent Area (BCQ), arranged as follows: 12 one-bedroom units, eight (8) two-bedroom units, and one (1) three-bedroom unit.
 - c. Three (3) apartments will be Affordable Dwelling Units restricted to households earning no more than 60% AMI for the BCQ, arranged as follows:

one (1) one-bedroom unit, one (1) two-bedroom unit, and one (1) three-bedroom unit.

11. The Applicant proposes to construct a universal design playground accessible to persons with disabilities on the west side of the Project Site which will be open to the general public.
12. The Applicant proposes to construct 93 ground level garage parking spaces and 161 surface parking spaces for a total of 254 parking spaces throughout the Property. 12 of these parking spaces will be handicap accessible spaces, and 18 spaces will be reserved for electric vehicles (EV) . The Planning Board found the proposed number of parking spaces to be sufficient to meet the demand of proposed development as modified by the conditions of this approval.
13. The Applicant proposes daylighting and remediating Purgatory Brook and South Brook.
14. The Applicant proposes that 12,600 square feet of roof space on Building A, and 8,200 square feet of roof space on Building B, totaling in approximately 20,800 square feet, will be dedicated to solar panels.
15. The Applicant proposes completing construction in two phases, with Building A to be constructed in Phase I and Building B and the playground to be constructed in Phase II. Building A is expected to be reviewed for issuance of a Certificate of Occupancy independent of Building B. In addition, the Applicant intends to receive permission for occupancy of the residential units in Building A prior to the issuance of a Certificate of Occupancy for the commercial space on the ground floor of Building A.
16. The Project, as modified by the Conditions of this Decision, will not deviate from the dimensional requirements.
17. The Project, as modified by the Conditions of this Decision, will minimize the volume of cut and fill, the number of removed trees six (6) inch caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution – as the work will include remediation of the Project Site.
18. The Project, as modified by the Conditions of this Decision, will maximize pedestrian and vehicular safety on the site and egress to and from the site.
19. The Project, as modified by the Conditions of this Decision, will minimize obstruction of scenic views from publicly accessible locations.
20. The Project, as modified by the Conditions of this Decision, will minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from the public ways or premises residentially zones
21. The Project, as modified by the Conditions of this Decision, will minimize glare from headlights and lighting intrusion.

22. The Project, as modified by the Conditions of this Decision, will minimize reasonable departure from the character, materials and scale of buildings in the vicinity, as viewed from public ways and places.
23. The Project, as modified by the Conditions of this Decision, will minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of hazardous substances.
24. The Project, as modified by the Conditions of this Decision, will ensure compliance with the provisions of Bylaw 7.3, including parking, landscaping, exterior lighting and noise.
25. The Project, as modified by the Conditions of this Decision, will not be injurious or dangerous to the public health or safety.
26. The Project, as modified by the Conditions of this Decision, will not produce noise, dust or other effects observable at the lot lines in the amounts serious objectionable or detrimental to the normal use of adjacent property.
27. The Project, as modified by the Conditions of this Decision, will not result in transportation of materials on ways giving access to the subject land which will cause unacceptable levels of traffic congestion or hazards.
28. The Project, as modified by the Conditions of this Decision, will not result in transportation which will cause undue injury to roadway surfaces.
29. The Project, as modified by the Conditions of this Decision, will not result in change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operations are conducted.
30. The Project, as modified by the Conditions of this Decision, will not have a material adverse effect on the natural or engineered drainage patterns of groundwater or on the use or amenities of adjacent land.
31. The Applicant has demonstrated that higher residential density is necessary for the Project's feasibility, and that said density will have no adverse impact on the public health, public welfare, or public safety of any nearby neighborhood, adjacent properties, or the Town as a whole. Moreover, the Applicant has demonstrated that the fiscal impact from the additional residential units will have a positive fiscal impact on the Town.
32. 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 Sections 7.1, 7.3, and 9.9 of the Zoning Bylaw.
33. 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 7.1, 7.3, and 9.9 of the Zoning Bylaw.

WAIVERS

The Planning Board did not grant any waivers for this Application.

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 August 7, 2024, and all material submitted through the close of the public hearing on September 10, 2024. All of the following plans and materials are hereby incorporated by reference and made part of this Decision:

1. MUMFROD Special Permit Modification Application PB-24-36 received by the Town Clerk on August 7, 2024, consisting of three (3) pages (as supplemented through September 10, 2024)
2. Detailed project description entitled "22 Everett Street, Westwood, MA Modifications to Approved Plans", prepared by the Applicant, undated, consisting of one (1) page
3. Site plans entitled "Site Development Plans for PP Everett Street, LLC", prepared by Bohler Engineering of 45 Franklin Street, 5th Floor, Boston, MA 02110, stamped by Registered Professional Engineer Zachary L. Richards, dated March 22, 2024, and revised through July 25, 2024, consisting of 25 sheets
4. Architectural plans of Building A entitled "Mixed Use Development Building A: 22 Everett Street Westwood, MA", prepared by McKay Architects of 35 Bryant Street, Dedham, MA 02026, dated June 26, 2024, consisting of 42 sheets
5. Previously approved site plans entitled "Proposed Site Plan Documents for PP 22 Everett Street, LLC", prepared by Bohler Engineering, stamped by Registered Professional Engineer Zachary L. Richards, dated March 22, 2023, and revised through September 1, 2023, consisting of 30 sheets
6. Property owner authorization entitled "Property Owner Application Authorization", signed by President of Everett Street Realty Corp. and Hartling Corp. Donald H. Foster, dated August 5, 2024, consisting of one (1) page

DECISION

On September 10, 2024, the Planning Board evaluated the Application in relation to the above Findings and – as the approving authority – on a roll call vote with four (4) in favor and zero (0) opposed, hereby **grants** the requested consolidated MUMFROD Special Permit and EMM-EIDR modification pursuant to Sections 9.9, 7.1 & 7.3 of the Zoning Bylaw for the Project as described above and in the Application therefore filed with the Town Clerk on August 7, 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. Any proposed alterations to "Building B" must come before the Planning Board for a modification determination.

RECORD OF VOTE

The following members of the Planning Board voted on September 10, 2024, to grant the Minor Modification of the consolidated MUMFROD Special Permit and EMM-EIDR Approval for the abovementioned Project with conditions as set forth above: Ellen Larking Rollings, Joshua C. Ames, Kathleen Nee & Philip M. Giordano.

The following members of the Planning Board voted in opposition to grant the Minor Modification of the consolidated MUMFROD Special Permit and EMM-EIDR Approval for the abovementioned Project: None.



Elijah Romulus, Town Planner
September 23, 2024