

TOWN OF WESTWOOD
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

NOTICE OF DECISION

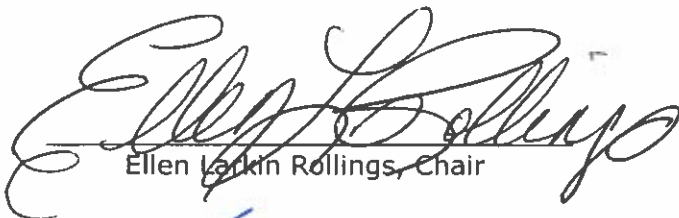
In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has, at a duly authorized hearing on September 24, 2024 by a vote of four in favor and none opposed, voted to **grant** the application PB-24-40 filed by William Brzoza on behalf of Bar `Cino Westwood Inc, 300 Metro Center Blvd, Warwick, RI 02886, requesting a Special Permit for Reduction of Required Minimum Number of Spaces pursuant to Section 6.1.9 of the Westwood Zoning Bylaw, for the purposes of sharing 15 parking spaces with 541-543 High Street through a shared parking agreement in addition to the 26 spaces at 569 High Street to meet the parking requirement of 41 spaces that will accommodate 122 seats and up to 20 employees.

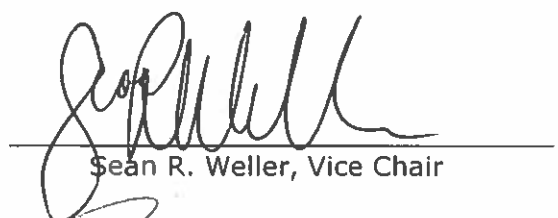
LAND AFFECTED: 569 High Street (Assessors' Map 09, Lot 113)

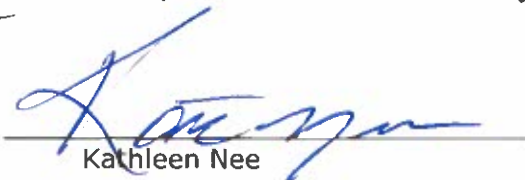
The Planning Board hereby certifies that attached hereto is a true and complete copy of the Board's decision and that said decision and any plans referred to therein have been filed with the Planning Board.

Appeals, if any, shall be made pursuant to Section 17 of said M.G.L. Chapter 40A and shall be filed within twenty (20) days after the filing of a copy of the decision in the office of the Town Clerk.

WESTWOOD PLANNING BOARD


Ellen Larkin Rollings, Chair


Sean R. Weller, Vice Chair


Kathleen Nee


Philip M. Giordano

Dated: 10/3/24

TOWN OF WESTWOOD By: Westwood Town Clerk
COMMONWEALTH of MASSACHUSETTS

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DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
PLANNING BOARD

DECISION OF THE PLANNING BOARD

Reduction of Required Minimum Number of Parking Spaces Special Permit
September 24, 2024

APPLICANT William Brzoza
Bar `Cino Westwood Inc
300 Metro Center Blvd
Warwick, RI 02886

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

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

APPLICATION #PB-24-40

BACKGROUND AND PROJECT SUMMARY

William Brzoza on behalf of Bar `Cino Westwood Inc (hereinafter "Applicant") filed an application (hereinafter "Application") requesting an Reduction of Required Minimum Number of Parking Spaces Special Permit Approval pursuant to Section 6.1.9 of the Town of Westwood Zoning Bylaw (hereinafter "Zoning Bylaw") for the purposes of sharing 15 parking spaces with 541-543 High Street through a shared parking agreement in addition to the 26 spaces at 569 High Street to meet the parking requirement of 41 spaces that will accommodate 122 seats and up to 20 employees at Bar `Cino, 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 Reduction of Required Minimum Number of Parking Special Permit Approval pursuant to Section 6.1.9, which was filed with the Town Clerk on August 29, 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 30, 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 September 5, 2024 and September 12, 2024. Notice of the public hearing was posted in Westwood Town Hall commencing on August 29, 2024, and continuing through the opening of the public hearing on September 24, 2024. Said notice was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on September 6, 2024.
4. Public hearing for the Application opened on September 24, 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, Kathleen Nee, and Philip M. Giordano deliberated on the Application at a duly authorized meeting on September 24, 2024.
6. The Planning Board approved the Reduction of Required Minimum Number of Parking Special Permit application in a roll-call vote with four (4) 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, Map 09, Lot 113, 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 26 parking spaces and share an additional 15 parking spaced with 541-543 High Street for a total of 41 parking spaces.
4. That Project, as proposed does not warrant the minimum number of parking spaces otherwise required under this Section;

5. 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.
6. The Project, as proposed, would reduce the environmental impact and enhance the aesthetic quality.
7. The Project, as proposed, has a total floor area of the building or structure associated with the special permit no greater than that which would be permitted absent the grant of a special permit pursuant to section 6.1.9
8. That the number of parking spaces otherwise required pursuant to Section 6.1.2 could be accommodated on the subject parcel or on nearby parcels, if a change in use or in the intensity or character of use ever requires an increase of parking pursuant to Section 6.1.8.2, and that sufficient provisions securing the continued availability of land for such additional parking, and the ability to construct such additional parking, are assured in a manner satisfactory to the Planning Board. Such provisions may include a demonstration of physical and financial ability to construct additional surface or structured parking spaces in compliance with the requirements of Section 6.1.2, or such other assurances as are satisfactory to the Planning Board.
9. The Project, as proposed, will ensure compliance with the provisions of this Bylaw, including parking, landscaping, exterior lighting, and noise.
10. 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 6.1.9 of the Zoning Bylaw.
11. 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 6.1.9 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 September 24, 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 August 29, 2024, and all material submitted through the close of the public hearing on September 24, 2024. All of the following plans and materials are hereby incorporated by reference and made part of this Decision:

1. Special Permit Application #PB-24-40 submitted by the Applicant and received by the Town Clerk on August 29, 2024, consisting of three (3) pages
2. Site plan entitled "Mechanical Site Plan" prepared by Wilkinson Associates Inc, 615 Jefferson Boulevard, Suite 7, Warwick, RI 02886, stamped by Robert S. Wilkinson, Professional Engineer, dated September 19, consisting of one (1) sheet
3. 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
4. Shared Parking Agreement, no title, prepared by Applicant, dated August 21, 2024, consisting of one (1) page
5. Waiver Requests prepared by the Applicant, no date, consisting of one (1) page
6. "Property Owner Application Authorization" signed by Joseph S Carter Jr., Trustee, 569 High Street Realty Trust, dated August 29, 2024, consisting of one (1) page

DECISION

On September 24, 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 Reduction of Required Minimum Number of Parking Special Permit Approval pursuant to Section 6.1.9 of the Zoning Bylaw for the Project as described above and in the Application therefore filed with the Town Clerk on August 29, 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. Prior to the issuance of a certificate of occupancy, the applicant shall submit a signage plan directing the foot traffic of patrons and staff to and from 541-543 High Street and Bar `Cino at 569 High Street for review and approval by the Town Planner.
5. Prior to the issuance of a certificate of occupancy, the applicant shall submit an updated parking agreement with the owner of 541-543 High Street and Bar `Cino at 569 High Street reflective of the views expressed by the Planning Board on September 24, 2024 for review and approval by the Town Planner.
6. Prior to the issuance of a certificate of occupancy, the applicant shall submit an updated landscape plan with Massachusetts native species reflective of the views expressed by the Planning Board on September 24, 2024 for review and approval by the Town Planner.
7. 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 returning to the Planning Board for a modification of the Special Permit.
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.

RECORD OF VOTE

The following members of the Planning Board voted on September 24, 2024, to grant the Reduction of Required Minimum Number of Parking Special Permit Approval for the abovementioned Project with conditions as set forth above: Ellen Larkin Rollings, Sean R. Weller, Kathleen Nee & Philip M. Giordano.

The following members of the Planning Board voted in opposition to grant the Reduction of Required Minimum Number of Parking Special Permit Approval for the abovementioned Project: None.



Elijah Romulus, Town Planner
October 3, 2024