

TOWN OF WESTWOOD
Commonwealth of Massachusetts

Steven M. Rafsky, Chairman
Steven H. Olanoff, Vice Chairman
John J. Wiggin, Secretary
Bruce H. Montgomery
Carol E. Chafetz



2010 OCT 18 A 9 18
Nora Loughnane, Town Planner
Janice Barba, Land Use Assistant
TOWN CLERK
TOWN OF WESTWOOD

PLANNING BOARD

**DECISION OF THE PLANNING BOARD
ENVIRONMENTAL IMPACT AND DESIGN REVIEW**

APPLICANTS: Marjorie & Joseph Flanagan

PROPERTY OWNERS: Marjorie & Joseph Flanagan

PROPERTY LOCUS: 215 High Street
Assessor's Map 5, Lot 39

BACKGROUND AND PROJECT SUMMARY

The Applicants propose to make alterations to an existing entrance and driveway, and to install a new gravel parking lot, landscape display areas, and signage associated with a new business known as Harlequin Nursery, at 215 High Street. The subject lot, which is approximately 8.61 acres in size, is located within the Single Residence C (SRC) zoning district. A nursery business is permitted as an exempt agricultural use within the SRC district.

A site visit was held on Wednesday, June 2, 2010. In attendance were Planning Board members Steve Rafsky, Bruce Montgomery, Jack Wiggin and Carol Chafetz, Town Planner Nora Loughnane, and Applicant Joseph Flanagan. An additional site visit was held on Friday, June 4, 2010. In attendance were Planning Board member Steve Olanoff, Town Planner Nora Loughnane, and Applicant Joseph Flanagan. The purpose of each site meeting was to enable the Planning Board members to get a sense of the existing parking, circulation, egress and ingress so that members might better evaluate whether the existing conditions were sufficient to accommodate the recent expansion in use of the property to include a nursery business.

STATEMENT OF FINDINGS

After having reviewed all the plans and reports filed by the Applicant and its representatives; having considered the technical analysis, supplemental information

provided during the course of the public hearing, correspondence and testimony from representatives from various boards and commissions and departments within the Town of Westwood and from all other interested parties, the Town of Westwood Planning Board makes the following procedural findings and project findings:

PROCEDURAL FINDINGS:

1. On June 22, 2010, an application was filed by Marjorie and Joseph Flanagan pursuant to Section 7.3 [Environmental Impact and Design Review] of the Westwood Zoning Bylaw with the Westwood Planning Board and the Westwood Town Clerk (hereinafter "Application").
2. Pursuant to M.G.L. Chapter 40A, Section 9 and 11 and the applicable provisions of the Westwood Zoning Bylaw and the Rules and Regulations of the Westwood Planning Board (hereinafter "Rules and Regulations"), the Planning Board caused notice of the public hearing to be published in *The Westwood press*, a newspaper of general circulation in Westwood, on June 24, 2010, and on July 1, 2010. Notice of the public hearing was posted in the Westwood Town Hall commencing on June 25, 2010 until the opening of the public hearing on July 13, 2010. Said notice of the public hearing was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on June 28, 2010.
3. The Planning Board provided copies of the Application to other Town of Westwood boards and commissions, departments and officials including, but not limited to, the Board of Health, Board of Selectmen, Building Commissioner, Conservation Commission, Department of Public Works, Economic Development Officer, Fire Chief, Police Chief and Town Engineer.
4. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Sections 9 and 11, the public hearing on the Application commenced on July 13, 2010, continued to August 10, 2010, and continued to September 7, 2010, on which date the Planning Board closed the public hearing. All sessions of said hearing were held in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts.
5. Westwood Planning Board members Steven M. Rafsky, Steven H. Olanoff, John J. Wiggin, Bruce H. Montgomery, and Carol E. Chafetz were present for all public hearings at which testimony was taken.
6. Westwood Planning Board members Steven M. Rafsky, Steven H. Olanoff, John J. Wiggin, Bruce H. Montgomery, and Carol E. Chafetz deliberated on the Application at duly authorized meetings on July 13, 2010, August 10, 2010, and September 7, 2010.

PROJECT FINDINGS

1. The proposed nursery facility has been determined by the Building Inspector to constitute an exempt agricultural use under MGL Chapter 40A, Section 3. As such, the proposed facility is subject to Limited Environmental Impact and Design Review under Section 7.3 of the Westwood Zoning Bylaw.
2. Section 6.1.2 [Table of Parking Requirements] of the Westwood Zoning Bylaw does not establish a minimum number of required parking spaces for an exempt agricultural use.
3. The twelve (12) parking spaces shown on submitted plans will be sufficient to meet the Project's parking needs as presented.
4. The proposed application includes a free-standing business identification sign, the size of which exceeds the maximum requirements of area of signs set forth in Section 6.2.6 [Permitted Signs in Residence Districts] of the Westwood Zoning Bylaw, and the location of which fails to meet the minimum setback requirements specified in Section 5.2 [Table of Dimensional Requirements] of the Westwood Zoning Bylaw.
5. Section 6.2.17 [Special Permit] of the Westwood Zoning Bylaw establishes a procedure whereby the Zoning Board of Appeals may grant a Special Permit for a sign that exceeds the maximum requirements of area of signs, and minimum setback requirements as specified in Section 5.2 [Table of Dimensional Requirements] provided that the sign is otherwise in compliance with all other provisions of Section 6.2 [Signs] and provided further that the Board of Appeals makes certain findings set forth in that section.
6. The issuance of a Special Permit pursuant to Section 6.2.17 [Special Permit] of the Westwood Zoning Bylaw is contradicted by the project's classification as an exempt agricultural use under MGL Chapter 40A, Section 3.
7. The Applicant has demonstrated compliance with the spirit of Section 6.2.17 [Special Permit] of the Westwood Zoning Bylaw, and the Planning Board finds that:
 - a) The Applicants have adequately demonstrated that compliance with the provisions of Section 6.2.6 [Permitted Signs in Residence Districts] and Section 5.2 [Table of Dimensional Requirements] will be an undue hardship;
 - b) Sign scale is determined to be in reasonable relation to the scale of the stone wall and piers and the sizes of signs on other High Street properties;
 - c) Sign size, shape and placement serves to define or enhance architectural elements of the stone wall and piers;
 - d) Sign design is harmonious with other signage on High Street and provides

reasonable continuity in mounting location and height, proportions and materials;

- e) Sign materials, colors, lettering style, illumination and form are reasonably compatible with the design of the stone wall and piers, and surrounding neighborhood; and
 - f) Sign size, location, design and illumination do not present a safety hazard to vehicular or pedestrian traffic.
8. The Project, as modified by the conditions of this decision, will provide for safe and effective vehicular and pedestrian circulation into and through the project site.
 9. The Project, as modified by the conditions of this decision, will not present a public safety hazard to the Town, or the surrounding residential properties.
 10. 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 residential properties, and will be consistent with all applicable standards set forth in Section 7.3.7 [Environmental Impact and Design Standards] of the Westwood Zoning Bylaw.

DECISION

The Planning Board, by a vote of five (5) in favor and none opposed, hereby submits its Limited Environmental Impact and Design Review **Approval** pursuant to Section 7.3 of the Westwood Zoning Bylaw for the Project as described above and in the application therefor dated and filed in the office of the Town Clerk on June 22, 2010, and the following related submissions filed with the Planning Board by or on behalf of the Applicant:

1. Untitled and undated plan prepared by Joseph Flanagan, being a hand marked copy of an aerial photograph of 215 High Street printed from the Town of Westwood GIS database, delineating the proposed location of a sixty-five foot (65') by seventy-five foot (75 ') gravel parking area, and the proposed locations of one (1) "Parking" sign, two "No Parking" signs, and one (1) business identification sign, consisting of one (1) sheet;
2. Sign plans entitled "Work order e-17147, Prepared for Joseph Flanagan", prepared by Amy Lovett of Instant Sign Center, 508 Boston Providence Turnpike, Norwood, MA 02062, dated May 26, 2010, consisting of two (2) sheets;
3. Narrative statement addressing anticipated parking demand and satisfaction of EIDR criteria set forth in Section 7.3.7.1 of the Westwood Zoning Bylaw,

prepared and submitted by Joseph Flanagan, undated, consisting of one (1) sheet;

4. Photographs on newly constructed gravel parking area taken on July 12, 2010, by Nora Loughnane, Town Planner, consisting of eleven (11) photographs;
5. Electronic Communication to Nora Loughnane, Town Planner, from Sgt. Paul R. Sicard, Safety Officer, re: 215 High Street, dated July 8, 2010, consisting of one (1) page;
6. Letter to Joseph Flanagan, from Nora Loughnane, Town Planner, re: EIDR for Harlequin Nursery – 215 High Street, dated July 9, 2010, consisting of two (2) pages and seven (7) page attachment;
7. Memorandum to Nora Loughnane, Town Planner, from Linda R. Shea, REHS/RS, Health Director, re: Harlequin Nursery-215 High Street: Limited Environmental Impact and Design Review of an Exempt Use pursuant to Section 7.3 of the Westwood Zoning Bylaw for alterations to an existing entrance and driveway, the installation of a new gravel parking lot, landscape display area and signage , dated July 12, 2010, consisting of one (1) page;
8. Electronic Communication to Janice Barba, Land Use Assistant, from Jeffrey Bina, Town Engineer, re: fyi, dated August 9, 2010, consisting of one (1) page;
9. All of the foregoing plans and reports are hereby incorporated by reference and made part of this Decision.

WAIVERS

The following waivers are hereby granted by the Planning Board in accordance with Section 7.3.3 of the Westwood Zoning Bylaw:

1. Waiver of submission of a site plan prepared by a Registered Professional Engineer, Registered Landscape Architect and/or Registered Professional Land Surveyor under Section 7.3.6.1 of the Westwood Zoning Bylaw;
2. Waiver of submission of an exterior lighting plan under Section 7.3.6.2 of the Westwood Zoning Bylaw;
3. Waiver of submission of traffic study under Section 7.3.6.3 of the Westwood Zoning Bylaw;
4. Waiver of submission of photographs under Section 7.3.6.5 of the Westwood Zoning Bylaw;
5. Waiver of model submission required under Section 7.3.6.7 of the Westwood Zoning Bylaw.

CONDITIONS

The foregoing approval is issued to the Applicant for the aforementioned project in accordance with the terms and conditions set forth below, all of which are an integral part hereof:

1. Except as modified by the conditions and findings hereof, the Project shall comply with the Project Plans in all respects, and the Applicant shall pursue completion of the project with reasonable diligence and continuity.
2. The Applicants shall obtain confirmation from Town Engineer Jeff Bina that proposed site changes do not cause any appreciable increase in runoff to neighboring properties, including the High Street public right-of-way.
3. The Applicants shall construct and maintain a two-foot (2') wide shoulder on each side of the driveway, effectively extending the width of the driveway from fourteen feet (14') to eighteen feet (18').
4. The Applicants shall ensure that no parking or storage of nursery stock or other materials is permitted along the driveway, or within the driveway shoulders, or within three feet (3') of those shoulders at any time.
5. The Applicants shall erect two (2) "No Parking" signs and one (1) "Parking" sign to direct customers to the new gravel parking area. These signs shall be erected in the locations indicated on the approved site plan.
6. The Applicants shall ensure that the twelve (12) car parking area is at all times maintained and kept free of nursery stock or other materials, so as to permit the full use of this area for customer parking.
7. The Applicants shall locate the business identification sign west of the existing stonewall which runs along the front of the subject property, so that all portions of said sign are fully upon the Applicants' property.
8. All exterior lighting shall be in full conformance with requirements set forth in the Zoning Bylaws for exterior lighting in a residential district
9. This approval shall be conditional upon the full payment of all fees associated with the EIDR application.

RECORD OF VOTE

The following members of the Planning Board voted to grant limited EIDR Approval of an exempt use for the abovementioned Project: S. Rafsky, S. Olanoff, J. Wiggin, B. Montgomery & C. Chafetz.

The following members of the Planning Board voted in opposition to limited EIDR Approval of an exempt use for the abovementioned Project: None.



Nora Loughnane
Town Planner

DATED: October 12, 2010