

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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Steven H. Olanoff, Vice Chairman
Trevor W. Laubenstein, Secretary
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PLANNING BOARD

TOWN CLERK
TOWN OF WESTWOOD

**DECISION OF THE PLANNING BOARD
ENVIRONMENTAL IMPACT AND DESIGN REVIEW (EIDR)**

APPLICANT: Anthony J. Prevett, Jr. Trustee
Prevett Realty Trust

PROPERTY OWNER: Prevett Realty Trust, Anthony J. Prevett, Trustee

PROPERTY LOCUS: 1200 East Street
Assessor's Map 18, Lot 055

BACKGROUND AND PROJECT SUMMARY

The Applicant sought to amend the 2010 EIDR by removing condition # 2 that limits the use of the garage for parking and storage of vehicles and articles associated with the Prevett Oil Business. The 2010 EIDR Decision permitted the construction of a 1.5 story garage for storage of oil delivery trucks behind the existing office building at 1200 East Street. This 2015 application proposes to perform interior renovations by adding partition walls and closets to construct a living space for a caretaker / watchman on the second floor of the garage.

The property is located in the Highway Business (HB) zoning district. The proposed caretaker / watchmen use is permitted as an accessory use in the HB zone in accordance with Zoning By-Law Section 4.3.4.1. The change of use in the garage space was subject to Environmental Impact and Design Review (EIDR), pursuant to Section 7.3 of the Westwood Zoning Bylaw.

STATEMENT OF FINDINGS

PROCEDURAL FINDINGS:

After having reviewed all the plans and reports filed by the Applicant and its representatives and 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:

1. On April 22, 2015, an application was filed by or on behalf of Prevett Realty Trust, 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 May 7, 2015 and May 14, 2015. Notice of the public hearing was posted in the Westwood Town Hall commencing on May 1, 2015, and continuing through the opening of the public hearing on May 26, 2015. Said notice of the public hearing was mailed postage prepared to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on May 1, 2015.
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, Fire Chief, Police Chief and Town Engineer, on April 30, 2015.
4. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Section 9 and 11, the public hearing on the Application commenced on May 26, 2015, in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts. The Planning Board closed the public hearing on May 26, 2015.
5. Westwood Planning Board Members Trevor W. Laubenstein, Steven H. Olanoff, and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on May 26, 2015.

PROJECT FINDINGS:

1. The subject property consists of approximately 18,600 S.F. located at 1200 East Street and is shown as Map 18, Lot 055 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site contains an office building that houses Prevett Oil Company, a retail home heating company, with an entrance off of East Street, a parking area, and a 1.5 story garage with access from Westwood Terrace and parking on the east and south side of the garage.
3. The Applicant proposes to make interior changes to create a living space for a caretaker on the second floor of the garage. The residence has a separate entrance accessible from the west side of the garage and driveway access off of Westwood Terrace. The property is located at 1200 East Street, Westwood, MA 02090.

4. The Project Site is located within the HB zoning district. The proposed living quarters for necessary caretakers and watchmen is a permitted accessory use by-right in the HB zone under Section 4.3.4.1, subject to Environmental Impact Design Review (EIDR), pursuant to Section 7.3 of the Westwood Zoning Bylaw.
5. Available on-site parking is 27 spaces. The parking spaces are sufficient to meet the minimum parking requirements of Section 6.1 of the Westwood Zoning Bylaw.
6. 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 7.3.8 of the Westwood Zoning Bylaw.

DECISION:

The Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, by a vote of three (3) in favor and none (0) opposed, hereby **grants** 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 filed in the office of the Town Clerk on April 22, 2015, 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 in all respects and the Applicant shall pursue completion of the Project with reasonable diligence and continuity.
2. The caretaker / watchman occupant shall be an employee of the Prevett Oil company through pay or other independent contract.
3. If the Project, or any Condition imposed in this Decision, requires permit, license, or other approval from any other board, committee, or 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. 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 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.
4. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.

5. Any alterations, modifications, deletions or amendments to the EIDR Approval shall be done in accordance with the requirements of M.G.L. Chapter 40A § 9.

APPLICATION AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Planning Office and the Office of the Town Clerk on April 22, 2015.

1. EIDR Application, Narrative and Impact Statement prepared by Anthony J. Prevett; received by the Planning Department and Town Clerk on April 22, 2015.
2. Floor plan, prepared by BTA Development Corp. of Abington, MA, for Buddy Prevett, undated.
3. Foundation Plan sheet A-1 received at May 26, 2015 public hearing.
4. Plan of land entitled "Proposed Garage 1200 East Street Plot Plan of Land in Westwood, Mass", prepared Landmark Engineering of New England, Inc., stamped by David E. Lukens, dated December 18, 2009, revised February 18, 2010.
5. Interior photographs received at May 26, 2015 public hearing and exterior site photographs taken by staff.
6. Memorandum from Town Engineer, Jeffrey Bina, to Town Planner, Abigail McCabe, Re EIDR 1200 East Street, dated May 18, 2015.
7. Memorandum from Town Planner to Planning Board Members, Re: Planning Staff review 1200 East Street – Amendment to EIDR, dated May 21, 2015.
8. Electronic Mail from Deputy Fire Chief, Mike Reardon, to Abigail McCabe, sent May 22, 2015.

RECORD OF VOTE

The following members of the Planning Board voted on May 26, 2015 to grant EIDR Approval for the abovementioned Project: Christopher A. Pfaff, Steven H. Olanoff, and Trevor W. Laubenstein.

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



Abigail McCabe
Town Planner
June 17, 2015