

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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Steven H. Olanoff, Vice Chairman
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PLANNING BOARD

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

July 7, 2015

APPLICANT:

Wilfred J. Lambert, Trustee
Lambert Realty Trust
735 Morrissey Boulevard
Dorchester, MA 02122

**PROPERTY
OWNER:**

Lambert Realty Trust, Wilfred J. Lambert, Trustee
735 Morrissey Boulevard
Dorchester, MA 02122

PROPERTY LOCUS:

220-310 Providence Highway
Assessor's Map 24, Lot 74

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to add nineteen (19) six foot long picnic tables for use by patrons of Lambert's Market, add three (3) dumpster enclosures behind the building, repair the stockade fence along the rear property line, install a one foot wide rip-rap berm along the drainage swale, install sixteen (16) bollards in front of the picnic tables, and to make associated parking lot improvements as shown on the final approved plans last revised on July 1, 2015.

The Applicant originally sought to fully enclose the partially enclosed storage area in front of Lambert's Market for seating but this request was withdrawn during the course of the public hearings.

The property is located in the Single-Residence B (SRB) zoning district. The property and the commercial uses are considered a pre-existing non-conforming use. For this project, the Applicant has applied for a Special Permit of the Board of Appeals, pursuant to Sections 4.5.6 of the Westwood Zoning Bylaw, in order to change the non-conforming use on the premises by adding the outdoor tables. The proposed exterior and parking lot changes are subject to Environmental Impact and Design Review (EIDR), pursuant to Section 7.3 of the Westwood Zoning Bylaw.

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TOWN CLERK
TOWN OF WESTWOOD

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 hearings, correspondence and testimony from representatives from various boards, commissions and departments and from all other interested parties, the Westwood Planning Board makes the following procedural and project findings:

1. On May 18, 2015, an application was filed by or on behalf of Lambert 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 28, 2015 and on June 4, 2015. Notice of the public hearing was posted in the Westwood Town Hall commencing on May 22, 2015 and continuing through the opening of the public hearing on June 16, 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 26, 2015.
3. The Planning Board provided copies of the Application and plans to other Town of Westwood boards and commissions, departments, and other interested parties on May 26, 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 June 16, 2015 and was continued to July 7, 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 July 7, 2015.
5. Westwood Planning Board Members Steven H. Olanoff, John J. Wiggin, Bruce H. Montgomery, and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on July 7, 2015.
6. On July 7, 2015, the Board voted on the plan entitled "Plan of Land in Westwood, Mass", prepared by The Russell A Wheatley Co., Inc. Land Surveyors and Engineers, dated February 9, 2008, last revised on July 1, 2015 and the "Detail Plan of Lambert's Market Showing Limits of Picnic Area", prepared by Russell A. Wheatley Co. Inc. Land Surveyors & Engineers, dated March 25, 2015, last revised July 1, 2015. These plans are hereby incorporated by reference and made part of this Decision.

PROJECT FINDINGS:

1. The subject property consists of approximately 217,800 S.F. located at 220-310 Providence Highway and is shown as Map 24, Lot 74 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site contains two multi-tenanted, one-story retail buildings and a greenhouse. Lambert's Market is located in the larger building on the southern portion of the property and the site has two curb cuts off of Providence Highway (Route 1) and ~287 striped parking spaces.
3. The Applicant sought retroactive approval to provide outdoor seating for patrons with nineteen picnic tables in front of the partially enclosed area and in front of the business entrance located at 220-330 Providence Highway, Westwood, MA 02090. The original application also sought to fully enclose the front of the building that is currently partially enclosed, but that request was withdrawn during the course of the public hearings due to Fire and Building Code requirements.
4. The Project Site is located in the Single-Residence B (SRB) zoning district and is a non-conforming use, subject to a Special Permit from the Zoning Board of Appeals and Environmental Impact Design Review (EIDR), pursuant to Section 7.3 of the Westwood Zoning Bylaw.
5. Available on-site parking as shown on the final approved plan is 264 spaces (189 required). The proposed 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.

WAIVERS:

On June 16, 2015, 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 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. The following waivers are hereby granted by the Planning Board:

1. Waiver of submission of a traffic study under Section 7.3.7.3 of the Westwood Zoning By-Law.
2. With the condition for the lights under the building's front overhang to be shielded, the Board waived the requirement for the submission of an exterior lighting study pursuant to Section 7.3.7.2 of the Westwood Zoning By-Law.
3. Waiver of submission of a rendering under to Section 7.3.7.4 of the Westwood Zoning By-Law.

DECISION:

The Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, by a vote of four (4) 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 May 18, 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 light fixtures under the building overhang on the front of the building shall be shielded to prevent glare onto nearby properties and installed by September 1, 2015. Before and after photographs shall be submitted to the Town Planner.
3. An evaluation of the egress and access paths shall be submitted to and accepted by the Fire Department and Town Planner by September 1, 2015.
4. The dumpsters shall be located in gated enclosures with a wooden / stockade screening at least six feet high with multiple gates or other similar enclosure. The design shall be approved by the Town Planner and installed by September 1, 2015.
5. The parking lot shall be striped in accordance with the final approved plan last revised on July 1, 2015 and the existing spaces that are not feasible shall be removed.
6. The accessible parking spaces and hatched areas in front of the picnic tables shall have bollards for a total of sixteen (16) bollards [three more than as shown on the plans revised July 1, 2015].

7. Trash / recycling removal for all businesses shall be coordinated and shall not be between 12:00 AM and 6:00 AM.
8. Trash and debris shall be cleaned from the site daily and the drainage swale / easement cleaned at least twice a week.
9. 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.
10. This EIDR Approval shall lapse if the changes outlined in the above conditions # 2 - # 6 and all changes as shown on the final approved plans last revised on July 1, 2015, have not been substantially completed by September 1, 2015.
11. 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 following plans and material were submitted as part of the record on this application.

1. Application, narrative, parking tabulations, prepared by Lambert Realty Trust, received by the Town Clerk and Planning Department on May 18, 2015.
2. Plan entitled "Plan of Land in Westwood, Mass", prepared by The Russell A Wheatley Co., Inc. Land Surveyors and Engineers, dated February 9, 2008, revised January 12, 2015, March 25, 2015, last revised on July 1, 2015; received on July 6, 2015.
3. Plan entitled "Detail Plan of Lambert's Market Showing Limits of Picnic Area", prepared by Russell A. Wheatley Co. Inc. Land Surveyors & Engineers, dated March 25, 2015, last revised July 1, 2015; received July 6, 2015.
4. Photographs taken by Town Planner on June 4, 2015.
5. Letter from Town Planner, Abigail McCabe, to David W. Krumsiek, Zoning Board of Appeals Chairman, Re: Lambert Realty Trust, 220-310 Providence Highway, dated April 15, 2015.

6. Electronic Mail from Linda Shea, Health Director, to Abigail McCabe, Subject: EIDR Lamberts, dated June 10, 2015.
7. Memorandum from Abby McCabe, Town Planner, to Planning Board Members, Re: EIDR Application – 220-330 Providence highway (Lambert’s Market), dated June 12, 2015, revised June 17 and July 7, 2015.
8. Memorandum from Michael F. Reardon, Deputy Fire Chief, to Abigail McCabe, Re: Lambert’s EIDR, dated June 12, 2015.
9. Certification of Evidential Review for June 16, 2015 public hearing, signed by Christopher A. Pfaff, dated July 7, 2015.

RECORD OF VOTE

The following members of the Planning Board voted on July 7, 2015 to grant EIDR Approval for the abovementioned Project: Christopher A. Pfaff, Steven H. Olanoff, Bruce H. Montgomery, John J. Wiggin.

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



Abigail McCabe
Town Planner
July 21, 2015