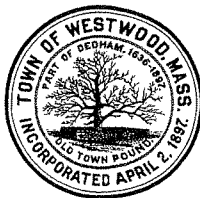


TOWN OF WESTWOOD

Commonwealth of Massachusetts

Robert C. Malster, Chairman
Steven H. Olanoff, Vice Chairman
Robert E. Moore, Jr., Secretary
George A. Nedder
Bruce H. Montgomery



PLANNING BOARD

Diane Beecham, Town Planner
Town Hall 580 High Street Westwood, MA 02090 (781) 326-6450 (781) 329-8030

June 15, 2007

Mr. Henry Shterenberg
New England Sports Academy
345 University Avenue
Westwood, MA 02090

RE: 345 University Avenue
New England Sports Academy

Dear Henry:

Please find enclosed the Planning Board's Environmental Impact and Design Review Decision approval pursuant to Section 7.3 of the Westwood Zoning Bylaw for the partial change of use of a portion of the NESAs facility into a day care center. The decision is effective immediately and a copy has been forwarded to the Building Commissioner as required.

Sincerely,

Diane Beecham
Town Planner

Enclosure

cc: Board of Appeals
Board of Assessors
Board of Health
Board of Selectmen
Building Commissioner
Conservation Commission
Dedham-Westwood Water District

Department of Public Works
Economic Development Officer
Fire Chief
Police Chief
Town Clerk
Town Counsel
Town Engineer

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PLANNING BOARD

DECISION OF THE PLANNING BOARD OF THE TOWN OF WESTWOOD

APPLICANT

/OWNER: New England Sports Academy
345 University Avenue
Westwood, MA 02090

PROPERTY

LOCUS: 345 University Avenue
Town of Westwood Assessors' Map 37, Parcel 13

HEARING:

The Planning Board of the Town of Westwood held a public hearing in accordance with the General Laws of the Commonwealth of Massachusetts on Thursday, February 15, 2007 at 9:00 PM in the Champagne Meeting Room in the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts 02090 to consider the application of the New England Sports Academy pursuant to the provisions of Section 7.3 [Environmental Impact and Design Review] of the Westwood Zoning Bylaw.

PROJECT SUMMARY

New England Sports Academy (NESA) proposes to convert a portion of its 33,600 square foot facility located at 345 University Avenue into a child care facility to serve 20 students. This partial conversion of use requires Environmental Impact and Design Review approval pursuant to Section 7.3 of the Zoning Bylaw.

The New England Sports Academy is a multi-purpose recreational facility that provides such activities as gymnastics, dance, yoga, aerobics, cheerleading, wrestling, martial arts and soccer. The maximum occupancy of the building is 374 persons, as reported by the Applicant. NESA was originally issued Environmental Impact and Design Review approval in October 2003, when the building, which was the former location of Metropolitan Cabinet, was converted from a warehouse into its current use as multi-use, indoor recreation space. At that time, there were no exterior changes, alterations or additions made to site, with the exception of some minor changes to the 67-space parking lot. At that time, the Applicant indicated that the resulting parking ratio of 1.99 spaces per 1,000 square feet of building space would be sufficient.

However, since the New England Sports Academy has opened, there have been incidences of inadequate parking at the facility, as evidenced by the Community Safety Officer's memorandum dated February 6, 2007 [in file] and direct inspections. There has also been additional concern expressed on how the additional pick up/drop off traffic associated with the child care facility will aggregate the sporadic parking problems, especially if the day care extends during the summer camp months. As such, this Environmental Impact and Design Review decision has placed particular emphasis on monitoring the parking at this facility.

DECISION OF THE WESTWOOD PLANNING BOARD

The Planning Board, by a vote of five in favor and none opposed, hereby submits its 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 November 10, 2006 and subsequent revisions, and the following related submissions filed with the Planning Board by or on behalf of New England Sports Academy:

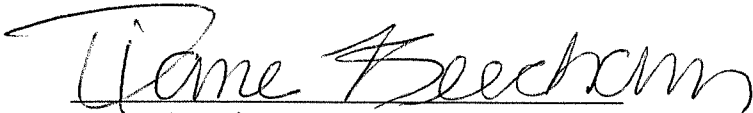
1. Plan entitled "As-Built Plan at 345 University Avenue in Westwood, MA", dated January 23, 2006 and revised through January 24, 2007, prepared by Toomey-Munson & Associates, Inc., 89 Access Road, Unit 12, Norwood, MA 02062 and consisting of one (1) sheet;
2. Memorandum to Diane Beecham, Town Planner from Sergeant Paul R. Sicard, Re: New England Sports Academy, dated February 6, 2007;
3. Memorandum to Diane Beecham, Town Planner from Linda R. Shea, REHS/RS, Re: Environmental Impact and Design Review-New England Sports Academy-Partial Change of Use to Accommodate a Child Care Facility, dated February 8, 2007;
4. Memorandum to New England Sports Academy, Attn: Henry Shternberg from Joe Doyle, Building Inspector, Re: Occupancy Loads, dated February 5, 2007;
5. Letter to Joseph Doyle, Jr., Building Commissioner from Michael Oratovsky AIA, Re: New England Sports Academy [verification of emergency exits and occupancy], dated February 14, 2007;
6. Brochure entitled "NESA Super Kid Academy" which states that the school year is from September 5th through June 22nd;
7. All of the foregoing plans and reports are hereby incorporated by reference and made part of this Decision.

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 final Project Plans in all respects, and the Applicant shall pursue completion of the Project with reasonable diligence and continuity.
2. The Applicant shall meet with the Town Engineer to develop a comprehensive program to monitor the parking at this facility, to insure that vehicles are properly parked, and that drop-offs and pickups occur in a safe manner with no backups onto University Avenue. The Town Engineer may require the Applicant to hire an independent parking monitor to perform traffic counts on specific days, times and at special events. These counts would serve as the basis from which to develop a plan to mitigate any parking problems at this facility. The costs associated with this condition will be the responsibility of the Applicant.
3. The Applicant must meet all applicable local, state and federal building, health and fire codes prior to the issuance of the required occupancy permit to operate the child care facility.
4. The Applicant shall continue to work with the Community Safety Officer to get state approval to erect "No Parking" signs on University Avenue in front of the facility.
5. The missing or broken bollards shall be reinstalled around the handicap ramp system located on the southerly side of the building.
6. The Applicant shall provide to the Board of Health a complete copy of the application packet and lead certification that was provided to the Department of Early Education and Care, as requested in the memorandum from the Health Director, dated February 8, 2007.
7. The Applicant shall provide to the Board of Health a copy of the license to operate a child care facility after it is issued by the Department of Early Education and Care, as requested in the memorandum from the Health Director, dated February 8, 2007.
8. The existing wall-mounted lighting fixtures affixed to the northerly side of the building must be moved so that they are mounted no higher than fifteen (15) feet above grade as required by Section 6.4.6 of the Bylaw.
9. The Applicant shall install and maintain a picket-type fence along both sides of the driveway entrance and elsewhere as needed to prevent automobiles from parking on grass areas.
10. As required in Section 6.1.1 of the Zoning Bylaw [Off-Street Parking], "...Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question." The Applicant must ensure that the users of the facility will not park in any lot of an adjoining building or along University Avenue or other proximate streets. If the Building Inspector determines that there is a consistent violation of this zoning provision, the Applicant will be required to expand the number of off-street parking spaces. Any approval to expand the existing parking lot on this site will include the requirement to upgrade the stormwater management system to current standards.

11. This Environmental Impact and Design Review approval shall lapse within a specified period of time, not more than two (2) years, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun within the specified period of time except for good cause. Prior to the expiration of the Environmental Impact and Design Review approval, the Applicant may apply for an extension of this approval for a period not to exceed one (1) year if the substantial construction or use thereof has not commenced for good cause.



Diane Beecham
Town Planner

DATE: June 15, 2007