

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

John J. Wiggin, Chairman
Steven H. Olanoff, Vice Chairman
Christopher A. Pfaff, Secretary
Steven M. Rafsky
Bruce H. Montgomery



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TOWN CLERK
TOWN OF WESTWOOD

PLANNING BOARD

NOTICE OF DECISION

ENVIRONMENTAL IMPACT DESIGN REVIEW APPROVAL

SPECIAL PERMIT FOR REDUCTION OF REQUIRED MINIMUM NUMBER OF PARKING SPACES

APPLICANT: Jaimie Thang
16 Hodges Avenue
Quincy, MA 02171

PROPERTY OWNER: Alfred Magaletta
P.O. Box 66
Westwood, MA 02090

PROPERTY LOCUS: 301 Washington Street, Westwood, MA
Assessor's Map 23, Lot 80

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to convert a retail space within the multi-use building at 301 Washington Street to a restaurant. The proposed restaurant use is permitted in the Local Business B (LBB) District, subject to Environmental Impact Design Review (EIDR) pursuant to Section 7.3 of the Westwood Zoning Bylaw. The conversion of the tenant space from a retail use to a restaurant use will result in an increase in the number of required parking spaces for the property pursuant to Section 6.1 of the Zoning Bylaw. Restaurant customers and employees will be permitted to use the nearby municipal parking lot on Washington Street. Section 6.1.8 of the Zoning Bylaw requires a special permit from the Planning Board to permit a reduced number of parking spaces.

APPLICATION AND PLANS

The Planning Board evaluated the Application dated October 31, 2012, and filed by or on behalf of the Applicants in the Planning Office and the Office of the Town Clerk on November 8, 2012, and the following related submissions:

1. Plan entitled "Proposed Interior Tenant Fit Up, Wild Blossom Asian Cuisine, 301 Washington Street, Westwood, MA 02090", prepared by Barnett B. Berliner Associates, 265 Saint Paul Street, Brookline, MA 02446, undated, consisting of the following eight (8) sheets:

- A-1 Proposed First Floor Plan,
- A-2 Equipment Plan,
- A-3 Sushi Bar Plans,
- M-1 Mechanical Plans,
- M-2 Mechanical Plans,

E-1 Electrical Plan,
E-2 Lighting Plan,
P-1 Plumbing Plan, and
X-1 Selective Demo Plan.

2. Report entitled "Wild Blossom Asian Cuisine, 301 Washington Street, Westwood, Ma 02090, Project Summary", submitted by Jaimie Thang, dated November 8, 2012, consisting of ten (10) pages.
3. Memorandum to Nora Loughnane, Town Planner, from Michael Jaillet, Town Administration, re: Wild Blossom – 301 Washington Street, dated December 4, 2012, consisting of one (1) page.
4. All of the foregoing plans and reports are hereby incorporated by reference and made part of this Decision.

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 has determined that the Application complies with the requirements of Section 7.3 [Environmental Impact and Design Review], Section 6.1.8 [Reduction of Required Minimum Number of Parking Spaces], and other applicable sections of the Zoning Bylaw. Specifically, the Planning Board makes the following Procedural Findings and Project Findings:

PROCEDURAL FINDINGS:

1. An application dated October 31, 2012 was filed by or on behalf of Jaimie Thang in the Planning Office and in the Office of the Town Clerk on November 8, 2012, pursuant to Section 7.3 [Environmental Impact and Design Review] and Section 6.1.8 [Reduction of Required Minimum Number of Parking Spaces] of the Westwood Zoning Bylaw (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 November 15, 2012 and again on November 22, 2012. Notice of the public hearing was posted in the Westwood Town Hall commencing on November 14, 2012, and continuing through the opening of the public hearing on December 4, 2012. 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 November 14, 2012.
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, on November 21, 2012.
4. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Sections 9 and 11, the public hearing on the Application was held on December 4, 2012 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, Bruce H. Montgomery, John J. Wiggin, and Christopher Pfaff were present for the public hearing, and deliberated on the Application at a duly authorized meeting on December 4, 2012.

PROJECT FINDINGS:

1. The subject property consists of approximately 0.53 acres located at 301 Washington Street and is shown as Map 23, Lot 80 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. The Property is located in the Local Business B (LBB) zoning district. A restaurant is a permitted use in this district, with all exterior alterations subject to Environmental Impact Design Review (EIDR), pursuant to Section 7.3 of the Westwood Zoning Bylaw.
3. The Applicant proposes to convert an existing two thousand (2,000) square foot retail space into 48-seat restaurant with nine (9) employees, resulting in an increase in the number of parking spaces required to serve the multi-use building from eight (8) spaces to seventeen (17) spaces (hereinafter "Project").
4. Pursuant to Section 6.1.8 of the Zoning Bylaw, a reduction in the number of required parking spaces may be allowed by Planning Board Special Permit.
5. Pursuant to Section 6.1.11 of the Zoning Bylaw, off-site municipally-owned parking spaces may be used to meet the minimum parking requirements, provided (a) such spaces are located within four hundred (400) feet walking distance of the building entrance to be served and (b) the Board of Selectmen or its designee documents to the Building Inspector Commissioner that there is in fact sufficient capacity in the municipal lot to accommodate the excess parking required.
6. Town Administrator Michael Jaillet documented that a sufficient number of parking spaces in the Washington Street Municipal Parking Lot, within four hundred (400) feet walking distance of the proposed restaurant entrance, are available to meet the parking requirements for the proposed restaurant.
7. In light of the availability of spaces within the Washington Street Municipal Parking Lot to serve restaurant customers and employees, the proposed use does not warrant the minimum number of parking spaces otherwise required under Section 6.1 of the Zoning Bylaw.
8. The issuance of a special permit would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of the Zoning Bylaw.
9. The issuance of a special permit would reduce the environmental impact and enhance the aesthetic quality of the Project.
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 of the Westwood Zoning Bylaw.

11. The Project, as modified by the Conditions of this Decision, meets all applicable objectives set forth in Section 7.3.8 of the Westwood Zoning Bylaw.
12. The Project, as modified by the Conditions of this Decision, will not be contrary to the best interests of the Town, as specified in Section 7.1.4 of the Westwood 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 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 parking lot landscaping requirements under Section 6.1.17 of the Westwood Zoning Bylaw.
2. Waiver of model submission required under Section 7.3.6.7 of the Westwood Zoning Bylaw.

DECISION

The Planning Board evaluated the Application in relation to the above Findings, and as the Granting Authority, by a vote of five (5) in favor and none (0) opposed, hereby **grants** Environmental Impact and Design Review **Approval** pursuant to Section 7.3 of the Westwood Zoning Bylaw, and a Special Permit pursuant to Section 6.1.8 of the Zoning Bylaw, for the Project as described above and in the application therefor dated October 31, 2012 and filed in the office of the Town Clerk on November 8, 2012, subject to the Conditions stated herein, all of which are an integral part hereof.

CONDITIONS OF APPROVAL

The approval of the abovementioned Application is subject to the following conditions:

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. In the event of a change in use, or a change in the intensity or character of use, that results in an increased parking need, additional parking spaces shall be provided, up to the minimum number otherwise required by Section 6.1 of the Zoning Bylaw, as determined by the Planning Board.
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. The EIDR Approval 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.
5. Any alterations, modifications, deletions or amendments to this EIDR Approval shall be done in accordance with the requirements of M.G.L. Chapter 40A § 9.

RECORD OF VOTE

The following members of the Planning Board voted to grant EIDR Approval for the abovementioned Project: Steven M. Rafsky, Steven H. Olanoff, Bruce H. Montgomery, John J. Wiggin, and Christopher Pfaff.

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: February 15, 2013