

**Town of Westwood**  
Commonwealth of Massachusetts

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**PLANNING BOARD**

TOWN CLERK  
TOWN OF WESTWOOD

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

**APPLICANT:** Jason Hodges, Executive Pastor of Encounter Church  
17 Roosevelt Road  
Dedham, MA 02062

**PROPERTY OWNER:** 20 SWP, LLP  
c/o Richard Lee  
18-20 Southwest Park  
Westwood, MA 02090

**PROPERTY LOCUS:** 18-20 Southwest Park  
Assessor's Map 17, Lot 062; and  
  
28-30 Southwest Park  
Assessor's Map 17, Lot 063

**BACKGROUND AND PROJECT SUMMARY**

Applicant Jason Hodges for Encounter Church submitted an application for Limited Environmental Impact and Design Review (EIDR) of an Exempt Use, pursuant to Section 7.3 of the Zoning Bylaw and for shared parking pursuant to Section 6.1.10 [Joint/Shared Off-Street Parking in Local Business and Highway Business Districts] of the Zoning Bylaw. The Application involves interior demolition, interior alterations and reconfiguration of the ~10,000 sq. ft. former office space for a church use with a 192 seats and 48 on-site parking and 30 shared parking at 28-30 Southwest Park for overflow parking on Sunday mornings. The religious purposes use is a protected use under M.G.L. Chapter 40A, Section 3 and thus subject to a Limited EIDR pursuant to Section 7.3 of the Westwood Zoning Bylaw. The properties are located in the Highway Business zoning district.

**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 March 8, 2017, an application was filed by Jason Hodges, Executive Pastor, on behalf of the Encounter Church, 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 March 24, 2017 and March 31, 2017. Notice of the public hearing was posted in the Westwood Town Hall commencing on March 16, 2017, and continuing through the opening of the public hearing on April 11, 2017. 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 March 16, 2017.
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, Town Engineer, Historical Commission, and Pedestrian and Bicycle Safety Committee on March 15, 2017.
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 April 11, 2017, in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts, and closed the same evening.
5. Westwood Planning Board Members Christopher A. Pfaff, Trevor W. Laubenstein, Steven H. Olanoff, David L. Atkins, Jr. and Michael L. McCusker deliberated on the Application at a duly authorized meeting on April 11, 2017.

#### **PROJECT FINDINGS:**

1. The subject property consists of approximately 43,430 sq. ft. located at 18-20 Southwest Park and 48 legal sized parking spaces (additional spaces on the site do not meet the Planning Board's Parking Standards). The 30 shared/joint parking proposed at 28-30 Southwest Park, Assessor's Map 17, Lot 063 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. The Applicant proposes interior demolition of the office space, interior alterations and reconfiguration of the space to create a church use including 192 seats in the main assembly area and other unidentified assembly space. The primary gathering times for events and services will be Sundays.
3. The Project Site is located within the Highway Business zoning district. The religious purposes use is an exempt use permitted by-right in the Highway Business zone under M.G.L. Chapter 40A, Section 3 and Section 5.4.1.6 of the Westwood Zoning Bylaw, subject to a Limited Environmental Impact Design Review (EIDR), pursuant to Section 7.3 of the Westwood Zoning Bylaw.
4. Presently, the building contains with ~15,000 sq. ft. with 48 legal sized parking spaces. An accounting office (professional services establishment) use has ~5,000 sq. ft. and the ~10,000 sq. ft. is proposed with this application for the religious use.

5. Section 6.1.2 of the Zoning Bylaw requires 17 parking spaces for the professional services establishment and 48 spaces for the religious use for 192 seats (1 space per 4 seats). The accounting office has agreed to share the 17 spaces for Sundays, which provides the full 48 required spaces on the property. The abutting property at 28-30 Southwest Park (Assessor's Map 17, Lot 063) as agreed to share 30 spaces on Sundays for overflow parking, which provides 78 total spaces available for the Applicant on Sundays. Section 6.1.10 of the Westwood Zoning Bylaw gives the Planning Board authority to waive the required minimum number of parking spaces for existing buildings and allows shared parking spaces on nearby properties to be included in the parking calculation.
6. The Planning Board finds that 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 7.3.3, Exempt Uses, of the Westwood Zoning Bylaw.
7. The Planning Board finds the peak parking demand for Sundays and the shared spaces with the office use within the same building and the abutting property differ by different days is compatible with the proposed church use without impacting the traditional week day parking demands of the office uses.

#### **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 found to not be applicable to the proposed project and are hereby granted by the Planning Board:

1. Waiver of EIDR application filing fee. The Board finds the application filing fee is not necessary because the Applicant is a religious and this is a Limited EIDR for interior demolition, alterations and reconfiguration of space to create a church use of assembly.
2. Waiver of the requirement for the submission of a full site plan required by Section 7.3.7.1 of the Westwood Zoning Bylaw. The Board found that details such as drainage, utilities, topography and all site features were not necessary for this application.
3. Waiver of the requirement for an exterior lighting plan required by Section 7.3.7.2 of the Westwood Zoning Bylaw. The Board found this requirement was not necessary since the proposal is for interior demolition, alterations and reconfiguration of space to create a church use of assembly and subject to a Limited EIDR only.
4. Waiver of the requirement for the submission of a traffic study required by Section 7.3.7.3 of the Westwood Zoning Bylaw. The Board found that this requirement was not necessary for the proposal for interior demolition, alterations and reconfiguration of space to create a church use of assembly.
5. Waiver of the requirement for the submission of drawings/renderings in Section 7.3.7.4 of the Westwood Zoning Bylaw. The Board found this requirement was not necessary for this application.
6. Waiver of the requirement for the submission of a presentation model in Section 7.3.7.7 of the Westwood Zoning Bylaw. The Board found this requirement was not necessary for this application.

## **DECISION:**

The Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, by a vote of five (5) in favor and none (0) opposed, hereby *grants* 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 filed in the office of the Town Clerk on March 8, 2017 and on the plan entitled "Encounter Church, Site Plan and Code Summary", prepared by Vanko Studio Architects, dated March 3, 2017, 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 Applicant shall use a waste hauler, licensed by the Westwood Board of Health to dispose of the construction debris and trash disposal; the dumpster provided for trash disposal shall be sized appropriately, placed on a concrete base and appropriately screened in compliance with the Westwood Board of Health Dumpster Regulations; if necessary during construction, the applicant shall provide a portable toilet, licensed by the Westwood Board of Health.
3. The Applicant shall return to the Planning Board for further consideration and modification of the shared/joint parking arrangements if the Encounter Church's assembly exceeds the maximum occupancy capacity of 312, which requires 78 parking spaces.
4. If the Planning Board and/or Building Commissioner determine the parking is not sufficient, the Applicant shall return to the Board to modify the parking arrangements.
5. 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.
6. Project related construction and earth material movement shall comply with the Town's General Bylaws Chapter 292, for Noise and Construction between 7:00 a.m. and 7:00 p.m. Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays.
7. This Limited 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. In the case of the EIDR Approval, the term "substantial use thereof or construction thereunder" shall mean the commencement and substantial progress of approved vertical construction activity.

8. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.

### 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 March 8, 2017. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Jason Hodges, Executive Pastor, on behalf of the Encounter Church, dated March 8, 2017, and received by the Town Clerk and Planning Department on March 8, 2017.
2. EIDR Narrative prepared by Jason Hodges, Executive Pastor of the Encounter Church, Inc., undated (1 page).
3. Plan entitled "Encounter Church, Site Plan and Code Summary", prepared by Vanko Studio Architects, and dated March 3, 2017.
4. "Encounter Church Parking Waiver Request"
5. "Encounter Church Shared Parking Agreements"
6. Letter to Rich Lee, Owner 20 Southwest Park, from Jason Hodges, Executive Pastor at Encounter Church, 18 Southwest Park, cc: Town of Westwood Planning Board, dated February 27<sup>th</sup>, 2017; re: Parking Agreement
7. Letter to Executive Team, Telamon Insurance and Financial Network, 30 Southwest Park, from Jason Hodges, Executive Pastor at Encounter Church, 18 Southwest Park, cc: Town of Westwood Planning Board, dated February 27<sup>th</sup>, 2017; re: Parking Agreement
8. Letter to Executive Team, Telamon Insurance and Financial Network, 30 Southwest Park, from Jason Hodges, Executive Pastor at Encounter Church, 18 Southwest Park, cc: Town of Westwood Planning Board, dated April 7<sup>th</sup>, 2017; re: Parking Agreement
9. Memorandum from Linda Shea, Health Director, to Abigail McCabe, Town Planner, Re: Planning Board Review – 18-20 Southwest Park - Limited EIDR: Encounter Church dated March 28, 2017.
10. Email from Deputy Fire Chief Michael Reardon to Abigail McCabe, Re: Limited EIDR, 18-20 Southwest Park, dated March 16, 2017.
11. Memorandum from Joseph Doyle, Building Commissioner, to Abigail McCabe, Town Planner, Re: Planning Board Review – 18-20 Southwest Park - Limited EIDR: Encounter Church dated April 5, 2017.

### RECORD OF VOTE

The following members of the Planning Board voted on April 11, 2017 to grant Limited EIDR Approval for the abovementioned Project: Christopher A. Pfaff, Trevor W. Laubenstein, Steven H. Olanoff, David L. Atkins, Jr. and Michael L. McCusker.

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

  
Abigail McCabe, Town Planner

April 13, 2017

