

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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Brian D. Gorman, Vice Chair
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PLANNING BOARD

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

APPLICANT: Anthony J. Prevett Jr.
Prevett Realty Trust
1198 East Street
Westwood, MA 02090

PROPERTY OWNER: Prevett Realty Trust
Anthony J. Prevett Jr., Trustee
21 Westwood Terrace
Westwood, MA 02090

PROPERTY LOCUS: 1200 East Street
Assessor's Map 18, Lot 55

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to finish the second floor of the existing garage to create living quarters for a caretaker/watchman at 1200 East Street in Westwood, MA. The Applicant seeks to amend the 2010 EIDR by removing condition #2 that limits the use of the garage for parking and storage of vehicles associated with the Previtt Oil Business. The Applicant received Environmental Impact and Design Review Approval from the Planning Board on May 26, 2015 but the approval was never acted upon and has since expired.

The property is located in the Highway Business (HB) zoning district. The proposed living quarters for caretakers and watchman use is permitted by-right in the Highway Business (HB) zone as an accessory use, pursuant to Section 4.3.4.1. The change of use is 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 August 22, 2018, an application was filed by or on behalf of Prett 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 September 7, 2018 and September 14, 2018. Notice of the public hearing was posted in the Westwood Town Hall commencing on September 4, 2018, and continuing through the opening of the public hearing on September 25, 2018. 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 September 4, 2018.
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 August 30, 2018.
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 September 25, 2018, 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 September 25, 2018.
5. Westwood Planning Board Members David L. Atkins, Brian D. Gorman, Christopher A. Pfaff, Deborah J. Conant, and Michael L. McCusker deliberated on the Application at a duly authorized meeting on September 25, 2018.

PROJECT FINDINGS:

1. The subject property consists of approximately 18,600 SF located at 1200 East Street and is shown as Map 18, Lot 55 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site contains a commercial building for Prett Oil Company, parking, and a one and half story garage with access from Westwood Terrace.
3. The Applicant 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 existing garage at 1200 East Street, Westwood, MA 02090.
4. The Project Site is located within the Highway Business (HB) zoning district. The proposed caretaker/watchmen use is permitted by-right in the Highway Business (HB)

zone as an accessory use permitted by Section 4.3.4.1, subject to Environmental Impact Design Review (EIDR), pursuant to Section 7.3 of the Westwood Zoning Bylaw.

5. 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 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 for the Project as described above and in the application therefor filed in the office of the Town Clerk on August 22, 2018, 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 contact the Fire Department and shall install sprinklers if required.
3. The caretaker or watchman occupant shall be an employee of the Prevett Oil or similar independent contract responsible for patrolling the business and/or property.
4. 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.
5. This 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.

6. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
7. Any material modification, alteration, deletion or amendment to the EIDR Approval shall be done in accordance with the requirements of M.G.L. Chapter 40A § 9. Any modification, deletion or amendment to this EIDR which a majority of the Planning Board determines is a minor modification can be approved by the Board at a regular meeting without the need to follow the notice and hearing requirements of Chapter 40A.

APPLICATION AND PLANS

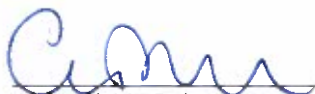
The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Planning Office and the Office of the Town Clerk on August 22, 2018. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Anthony J. Prevett, Jr. dated August 22, 2018, received by the Town Clerk and Planning Department on August 22, 2018.
2. Plan entitled "Second floor Fit Out Plan", prepared by Bourque Design, dated July 12, 2018 and Plan entitled "1200 East Street, Plot Plan of Land" dated December 18, 2009 and revised on February 18, 2010.

RECORD OF VOTE

The following members of the Planning Board voted on September 25, 2018 to grant EIDR Approval for the abovementioned Project: David L. Atkins, Brian D. Gorman, Christopher A. Pfaff, Deborah J. Conant, and Michael L. McCusker.

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



Abigail McCabe
Town Planner
October 12, 2018