

TOWN OF WESTWOOD BY:Westwood Town Clerk
COMMONWEALTH of MASSACHUSETTS

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PLANNING BOARD

DECISION OF THE PLANNING BOARD

**Consolidated Mixed Use and Multi-family Residential Overlay District (MUMFROD)
Special Permit & Earth Material Movement Environmental Impact and Design
Review (EMM-EIDR)**

APPLICANT

Peter Zahka
PP Everett Street, LLC
21 Eastbrook Road
Dedham, MA 02026

PROPERTY OWNERS

Everett Street Realty, Inc. and Hartling Corps
c/o Everett Street Realty Corp
15 Captain Teach Road
East Sandwich, MA 02537

PROPERTY LOCUS

22 Everett Street
Assessor's Map 23, Lots 226 & 227

BACKGROUND AND PROJECT SUMMARY

Peter Zahka on behalf of PP Everett Street, LLC (hereinafter "Applicant") filed an application (hereinafter "Application") requesting a consolidated MUMFROD Special Permit pursuant to Section 9.9 and EMM-EIDR Approval pursuant to Sections 7.1 and 7.3 of the Town of Westwood Zoning Bylaw (hereinafter "Zoning Bylaw") to permit the redevelopment of property located in the vicinity of 22 Everett Street, including the construction of a 149,035 square foot commercial, garage, and residential use building and an 83,868 square foot garage and residential use building, as well as associated site development, landscaping and amenities. The proposed development will have 160 apartment units and three (3) retail bays in total. The project is located within the Highway Business (HB) zoning district, and within various overlay districts, including MUMFROD, Flexible Multiple Use Overlay District 3 (FMUOD3), and Wireless Communication Overlay District (WCOD).

STATEMENT OF FINDINGS

PROCEDURAL FINDINGS

Having reviewed the plans and reports filed by the Applicant and its representatives and considered the technical analysis, supplemental information provided during the course of the public hearing, correspondence and testimony from the various boards, commissions, Town departments, and all other interested parties, the Town of Westwood Planning Board (hereinafter "Planning Board") determined the following procedural and project findings:

1. On July 12, 2022 and September 20, 2022, the Applicant participated in Pre-application Meetings with the Planning Board.
2. On May 24, 2023, an application requesting the Planning Board's consideration of a MUMFROD Special Permit pursuant to Section 9.9 and a consolidated EMM-EIDR Approval pursuant to Sections 7.1 and 7.3, was filed with the Westwood Planning Board and the Westwood Town Clerk by Peter Zahka, on behalf of PP Everett Street, LLC (hereinafter "Application").
3. Pursuant to M.G.L. Chapter 40A, Sections 9 and 11 and the applicable provisions of the Zoning Bylaw and the Planning Board's Rules and Regulations (hereinafter "Rules and Regulations"), the Planning Board caused notice of the public hearing to be published in the *Hometown Weekly*, a newspaper of general circulation in Westwood, on May 18, 2023 and May 25, 2023. Notice of the public hearing was posted in Westwood Town Hall commencing on May 19, 2023 and continuing through the opening of the public hearing on June 6, 2023. Said notice was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on May 19, 2023.
4. The Planning Board provided digital copies of the Application to other Town boards, commissions, departments, and officials – including, but not limited to, the Board of Health, Building Commissioner, Department of Public Works, Conservation, and Fire and Police Chiefs on May 24, 2023.
5. 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 6, 2023, via Zoom Webinar and filmed live by Westwood Media Center on Westwood Media's YouTube Channel and Comcast Channel 12 and Verizon Channel 42. The hearing was held in accordance with the Governor's March 12, 2020, Executive Order suspending certain provisions of the Open Meeting Law (MGL C. 30A, §18), currently extended through March 31, 2025.
6. The Planning Board met remotely via Zoom Webinar where public comments were offered by live time audio via Zoom and through the Question and Answer function. The opportunity for written comments to be submitted was also offered. On June 6, 2023, the application was presented to the Planning Board and public comments were taken on the Application before the public hearing was continued to June 20, 2023. On June 20, 2023, the Planning Board discussed the Application with the development team and received additional public comments before continuing the public hearing to August 8, 2023. On August 8, 2023, the Planning Board further discussed the Application and received additional comments before continuing the public hearing to September 26, 2023. On September 26, 2023, the Planning Board further discussed the Application and received additional comments before continuing the public hearing to October 24, 2023. On October 24, 2023, the Planning Board further discussed the Application and received additional comments before continuing the public hearing to December 5, 2023, at which time the Planning Board further discussed the Application and received additional comments.

7. Westwood Planning Board members Ellen Larkin Rollings, Joshua C. Ames, Philip M. Giordano, and Christopher A. Pfaff were present for all sessions of the public hearing. Kathleen Wynne was present for the June 6, June 20, August 8, October 24, and December 5, 2023 hearing sessions, but not present for the September 26, 2023 hearing session. Planning Board Member Wynne reviewed the video recording of the September 26, 2023 meeting and filed a Confirmation of Evidential Review statement in accordance with MGL Chapter 39, Section 23D on October 24, 2023. All aforementioned Planning Board members deliberated on the Application at a duly authorized meeting on December 5, 2023.

PROJECT SPECIFIC FINDINGS

1. The project site is comprised of two (2) parcels, parcel 23-227 consisting of 4.86 acres and parcel 23-226 consisting of 1.92 totaling approximately 6.8 acres (hereinafter "Project Site" or "Property").
2. The 1.92-acre parcel is identified on Assessor's Map 23, Lot 226 (hereafter "Parcel A") and abuts Everett Street. Parcel A contains a 26,025 square foot industrial building constructed in 1950 for manufacturing, which is currently used for commercial and industrial office and storage and is noted in the Town Assessor's records to be in below average condition.
3. The 4.86-acre parcel is identified on Assessor's Map 23, Lot 227 (hereafter "Parcel B"). Parcel B wraps around the east, north, and west boundaries of Parcel A and extends to the rear of the Project Site. Parcel B is currently used for commercial vehicle storage.
4. The Property is located within the HB zoning district and with the FMUOD3, WCOD, and MUMFROD overlay districts.
5. The Project Site is intersected by Purgatory Brook and South Brook, both of which are extensively culverted.
6. The Property is bordered by Progressive Insurance to the east; various industrial, retail, and commercial development to the north; age-restricted condominiums in Norwood to the south; and the MBTA Franklin/Foxboro Commuter Rail tracks to the west.
7. Once the existing industrial and commercial structure is demolished, stored vehicles are removed, and the site is remediated by the current property owner, the Applicant proposes to redevelop the property and to construct two (2) four (4)-story buildings. One building will be located on Parcel A and will contain residential apartments, retail bays, and ground level garage parking (hereafter "Building A"), while the second will be located on Parcel B (hereafter "Building B") and will contain residential apartments and ground level garage parking.
8. There will be a total of one hundred and sixty (160) apartment units with a residential density of 23.6 units per acre.

9. Building A will have a 39,700 square feet footprint with four (4) floors, arranged as follows:
 - a. The ground floor will include thirty-nine (39) garage parking spaces – including two (2) ADA-accessible spaces, and thirty-seven (37) standard parking spaces. The ground floor will contain nine (9) residential apartments, including seven (7) one-bedroom units, one (1) two-bedroom unit, and one (1) three-bedroom unit. The ground floor will also contain two (2) residential lobbies, bicycle storage facilities, a mailroom, leasing and maintenance offices, and a total of twelve thousand (12,000) square feet of commercial retail space split into three (3) units.
 - b. The second floor will contain thirty (30) residential apartments, including eleven (11) one-bedroom units, fifteen (15) two-bedroom units, and four (4) three-bedroom units.
 - c. The third floor will contain thirty (30) residential apartments, including eleven (11) one-bedroom units, fifteen (15) two-bedroom units, and four (4) three-bedroom units.
 - d. The fourth floor will contain thirty (30) residential apartments, including eleven (11) one-bedroom units, fifteen (15) two-bedroom units, and four (4) three-bedroom units.

10. Building B will have a 22,050 square feet footprint with four (4) floors, arranged as follows:
 - a. The ground floor will include fifty-four (54) garage parking spaces – including two (2) handicap accessible spaces, forty-five (45) standard spaces, and seven (7) compact spaces. The ground floor will also contain bicycle storage, a mailroom, and two (2) residential lobbies.
 - b. The second floor will contain twenty-one (21) residential apartments, including sixteen (16) one-bedroom units, four (4) two-bedroom units, and one (1) three-bedroom unit.
 - c. The third floor will contain twenty-one (21) residential apartments, including sixteen (16) one-bedroom units, four (4) two-bedroom units, and one (1) three-bedroom unit.
 - d. The fourth floor will contain nineteen (19) residential apartments, including eleven (11) one (1)-bedroom units, six (6) two-bedroom units, and two (2) three-bedroom units.

11. Of the one hundred and sixty (160) residential apartments, twenty-four (24), or fifteen percent (15%), of the residential units will be Affordable Dwelling Units with income restrictions as required pursuant to Section 9.9.10 of the Zoning Bylaw. All twenty-four (24) Affordable Dwelling Units will be Local Action Units (LAUs) eligible for listing on the Subsidized Housing Inventory (SHI) which is produced and annually updated by the Executive Office of Housing and Livable Communities (EOHLC)
 - a. One hundred and thirty-six (136) apartments will be market-rate units, arranged as follows: seventy-one (71) one-bedroom units, fifty-one (51) two-bedroom units, and fourteen (14) three-bedroom units.

- b. Twenty-one (21) apartments will be Affordable Dwelling Units restricted to households earning no more than 80% of the area median income (AMI) for the Boston-Cambridge-Quincy, MA-NH Fair Market Rent Area (BCQ), arranged as follows: twelve (12) one-bedroom units, eight (8) two-bedroom units, and one (1) three-bedroom unit.
 - c. Three (3) apartments will be Affordable Dwelling Units restricted to households earning no more than 60% AMI for the BCQ, arranged as follows: one (1) one-bedroom unit, one (1) two-bedroom unit, and one (1) three-bedroom unit.
12. The Applicant proposes to construct a universal design playground accessible to persons with disabilities on the west side of the Project Site which will be open to the general public.
13. The Applicant proposes to construct ninety-three (93) ground level garage parking spaces and one hundred and sixty-one (161) surface parking spaces for a total of two hundred fifty-four (254) parking spaces throughout the Property. Twelve (12) of these parking spaces will be handicap accessible spaces, and eight (8) spaces will be reserved for electric vehicles (EV) . The Planning Board found the proposed number of parking spaces to be sufficient to meet the demand of proposed development as modified by the conditions of this approval.
14. The Applicant proposes daylighting and remediating Purgatory Brook and South Brook.
15. The Applicant proposes that 12,600 square feet of roof space on Building A, and 8,200 square feet of roof space on Building B, totaling in approximately 20,800 square feet, will be dedicated to solar panels.
16. The Applicant proposes completing construction in two phases, with Building A to be constructed in Phase I and Building B and the playground to be constructed in Phase II. Building A is expected to be reviewed for issuance of a Certificate of Occupancy independent of Building B. In addition, the Applicant intends to receive permission for occupancy of the residential units in Building A prior to the issuance of a Certificate of Occupancy for the commercial space on the ground floor of Building A.
17. The Project, as modified by the Conditions of this Decision, will not deviate from the dimensional requirements.
18. The Project, as modified by the Conditions of this Decision, will minimize the volume of cut and fill, the number of removed trees six (6) inch caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution – as the work will include remediation of the Project Site.
19. The Project, as modified by the Conditions of this Decision, will maximize pedestrian and vehicular safety on the site and egress to and from the site.
20. The Project, as modified by the Conditions of this Decision, will minimize obstruction of scenic views from publicly accessible locations.

21. The Project, as modified by the Conditions of this Decision, will minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from the public ways or premises residentially zones
22. The Project, as modified by the Conditions of this Decision, will minimize glare from headlights and lighting intrusion.
23. The Project, as modified by the Conditions of this Decision, will minimize reasonable departure from the character, materials and scale of buildings in the vicinity, as viewed from public ways and places.
24. The Project, as modified by the Conditions of this Decision, will minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of hazardous substances.
25. The Project, as modified by the Conditions of this Decision, will ensure compliance with the provisions of Bylaw 7.3, including parking, landscaping, exterior lighting and noise.
26. The Project, as modified by the Conditions of this Decision, will not be injurious or dangerous to the public health or safety.
27. The Project, as modified by the Conditions of this Decision, will not produce noise, dust or other effects observable at the lot lines in the amounts serious objectionable or detrimental to the normal use of adjacent property.
28. The Project, as modified by the Conditions of this Decision, will not result in transportation of materials on ways giving access to the subject land which will cause unacceptable levels of traffic congestion or hazards.
29. The Project, as modified by the Conditions of this Decision, will not result in transportation which will cause undue injury to roadway surfaces.
30. The Project, as modified by the Conditions of this Decision, will not result in change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operations are conducted.
31. The Project, as modified by the Conditions of this Decision, will not have a material adverse effect on the natural or engineered drainage patterns of groundwater or on the use or amenities of adjacent land.
32. The Applicant has demonstrated that higher residential density is necessary for the Project's feasibility, and that said density will have no adverse impact on the public health, public welfare, or public safety of any nearby neighborhood, adjacent properties, or the Town as a whole. Moreover, the Applicant has demonstrated that the fiscal impact from the additional residential units will have a positive fiscal impact on the Town.

33. The beneficial effects of the Project will outweigh any adverse impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the Project in relation to that site, and the uses allowed are in harmony with the general purpose and intent of Sections 7.1, 7.3, and 9.9 of the Zoning Bylaw.
34. 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 Sections 7.1, 7.3, and 9.9 of the 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 these Sections; 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. On December 5, 2023, by a vote of five (5) in favor and none (0) opposed, the following waivers are hereby granted by the Planning Board:

1. Waiver from strict compliance with Section 9.9.8 of the Zoning Bylaw requiring prohibiting parking between the building and the street.

APPLICATIONS AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicant in the Office of the Town Clerk on May 24, 2023, and all material submitted through the close of the public hearing on December 5, 2023. All of the following plans and materials are hereby incorporated by reference and made part of this Decision:

1. MUMFROD Special Permit and consolidated EMM-EIDR Application #PB-23-25, including Detailed Project Description, Property Owner Authorization Form, waiver requests, and existing conditions photographs, submitted by the Applicant and received by the Town Clerk and Planning Board on May 24, 2023 (as supplemented through December 5, 2023).
2. Site Plans titled "Site Development Plans for PP Everett Street, LLC", prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, stamped by Registered Professional Engineer Zachary L. Richards, dated March 22, 2023 and revised through September 1, 2023, consisting of the following twenty-eight (28) sheets, including sheets C-101, C-102, C-201, C-301, C-302, C-303, C-401, C-402, C-403, C-501, C-502, C-601, C-602, C-901, C-902, C-903, L-100, L-101, L-102, L-103, L-104, L-105, L-200, L-201, L-300, L-301, L-302, L-303.
3. Phasing Plan titled "Site Development Plans for PP Everett Street, LLC", prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, dated November 28, 2023, consisting of one (1) sheet C-301.
4. Architectural Plans titled "New Development, 22 Everett Street, Westwood, MA", prepared by McKay Architects of 35 Bryan Street, Dedham, MA 02026, stamped by Registered Architect Michael L. McKay, dated November 28, 2023, consisting of ten

- (10) sheets, including sheets A-1.1, A-1.2, A-1.3, A-1.4, and A-1.5 for Building A, and sheets A-1.1, A-1.2, A-1.3, A-1.4, and A-1.5 for Building B.
- a. Architectural Plans titled "New Development, 22 Everett Street, Building B, Westwood, MA", prepared by McKay Architects of 35 Bryan Street, Dedham, MA 02026, dated November 28, 2023, consisting of five (5) sheets, including sheets A-1.1, A-1.2, A-1.3, A-1.4, and A-1.5 for Building B. (Correcting unit count to show 61 units)
5. Traffic Impact Study titled "Traffic Impact and Access Study", prepared by Bayside Engineering, 600 Unicorn Park Drive, Woburn, MA 01801, dated April 13, 2023, consisting of three hundred and forty-two (342) pages.
 6. Stormwater Management Report titled "Drainage Report", prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, stamped by Registered Professional Engineer Zachary L. Richards, dated March 22, 2023, consisting of one hundred eighty-nine (189) pages.
 7. "Transportation Demand Management Plan" prepared by Bayside Engineering, 600 Unicorn Park Drive, Woburn, MA 01801, dated November 1, 2023 and revised through November 13, 2023, consisting of twenty (20) pages.
 8. Fiscal report titled "Mixed-Use Development, 22 Everett Street, Westwood, MA Updated Fiscal Analysis", prepared by Fougere Planning & Development, 253 Jennison Road, Milford, New Hampshire 03055, dated April 13, 2023 and revised through August 28, 2023, consisting of seventeen (17) pages.
 9. Fiscal Peer Review Report titled "Fiscal Impact Peer Review Memorandum", prepared by RKG Associates, 76 Canal Street, Suite 401, Boston, MA 02114, dated August 1, 2023, consisting of seven (7) pages.
 10. Updated Fiscal Peer Review Report titled "Updated Fiscal Impact Peer Review Memorandum", prepared by RKG Associates, 76 Canal Street, Suite 401, Boston, MA 02114, dated September 14, 2023, consisting of two (2) pages.
 11. Response to Fiscal Peer Review Report prepared by Fougere Planning & Development of 253 Jennison Road, Milford, New Hampshire 03055, dated August 30, 2023, consisting of six (6) pages.
 12. First Engineering Peer Review Report titled "Peer Review of the Application for a Mixed-use & Multi-family Residential Overlay District (MUMFROD) Special Permit for 22 Everett Street, Westwood, MA", prepared by Professional Services Corporation, PC (PSC), 10 Lincoln Road, Suite 201, Foxboro, MA 02035, dated June 15, 2023, consisting of thirty-nine (39) pages.
 13. Second Engineering Peer Review Report titled "Peer Review of the Application for a Mixed-use & Multi-family Residential Overlay District (MUMFROD) Special Permit for 22 Everett Street, Westwood, MA", prepared by Professional Services Corporation, PC (PSC), 10 Lincoln Road, Suite 201, Foxboro, MA 02035, dated August 23, 2023, consisting of fifty-three (53) pages.

14. Applicant's Response to Second Engineering Peer Review Report prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, dated September 1, 2023, consisting of twenty-two (22) pages.
15. Third Engineering Peer Review Report titled "Mixed-use & Multi-family Residential Overlay District (MUMFROD) Special Permit for 22 Everett Street, Westwood, MA", prepared by Professional Services Corporation, PC (PSC), 10 Lincoln Road, Suite 201, Foxboro, MA 02035, dated September 9, 2023, consisting of twenty-eight (28) pages.
16. Architect's Memorandum titled "Memorandum, 22 Everett Street, Westwood, MA, Building Department Comments", prepared by McKay Architects, dated September 26, 2023, consisting of two (2) pages.
17. Plan titled "Fire Truck Turning Exhibit" prepared the Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, dated September 1, 2023, consisting of one (1) sheet.
18. Plan titled "Passenger Vehicle Turning Exhibit" prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, dated September 1, 2023 and revised September 15, 2023, consisting of one (1) sheet.
19. Plan titled "Transportation Demand Management Plan" prepared by Bayside Engineering, 600 Unicorn Park Drive, Woburn, MA 01801, dated November 1, 2023, consisting of twenty (20) pages.
20. Operation and Maintenance Plan titled "Stormwater Management System Post-Construction Inspection", prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, undated, consisting of eleven (11) pages.
21. Report titled "Rational Pipe Sizing Calculations" prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, dated August 30, 2023, consisting of one (1) page.
22. Plan titled "BMP Map" prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, dated August 29, 2023, consisting of one (1) sheet.

HydroCAD Report, prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, dated August 30, 2023, consisting of sixty-seven (67) pages.
23. Plan titled "Snow Storage Exhibit A" prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, dated June 31, 2023, consisting of one (1) sheet.
24. Plan titled "Snow Storage Exhibit B" prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, dated June 31, 2023, consisting of one (1) sheet.
25. Plan titled "Snow Storage Exhibit C" prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, dated June 31, 2023, consisting of one (1) sheet.

26. Snow Storage Volume Summary Report titled "M211078_SnowStorage-Volume", prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, consisting of one (1) page.
27. Presentations by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, presented on August 8, 2023, September 26, 2023, September 11, 2023 consisting of fifty-two (52) slides.
28. Memorandums prepared by Town of Norwood dated November 9, 2023, September 11, 2023 September 8, 2023 consisting of ten (10) pages.

DECISION

On December 5, 2023, the Planning Board evaluated the Application in relation to the above Findings and – as the approving authority – on a roll call vote with five (5) in favor and none (0) opposed, hereby **grants** the requested MUMFROD Special Permit pursuant to Section 9.9 of the Zoning Bylaw, with consolidated EMM-EIDR Approval pursuant to Sections 7.1 and 7.3, for the Project as described above and in the Application therefor filed with the Town Clerk on May 24, 2023, 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. If the Project, or any Condition imposed in this Decision, requires any other permit, license, or other approval from any board or commission, or any 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 and shall obtain all required approvals prior to the start of any work. 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 an 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.
3. Any proposed alterations, modifications, deletions or changes to the MUMFROD Special Permit shall be requested in writing to the Town Planner and Building Commissioner prior to implementation. Proposed alterations which are considered de minimis by the Building Commissioner may be accepted as a note to the file. Proposed alterations which are considered minor by the Building Commissioner shall require the filing of an Application of Modification of MUMFROD Special Permit for review by the Planning Board at a publicly posted Planning Board meeting. Proposed alterations which are determined to be major by the Building Commissioner or by the Planning Board, shall be considered by the Planning Board as a formal Amendment to the MUMFROD Special Permit and will require a new public hearing before the Planning Board.
4. The Project consists of two (2) buildings and Applicant, at Applicant's discretion, may construct the Project in phases and Building Permits may be issued, construction commenced and/or completed, and Occupancy Permits for one of the buildings

issued prior to Applicant obtaining Building Permits and/or constructing the second building. Project phasing plan shall be clearly addressed in the required Construction Sequencing Plan, which shall be submitted by the Applicant for review and approval by the Town Planner and Consulting Town Engineer prior to the start of construction. Said Construction Sequencing Plan shall be updated, as needed throughout period of development, and any updates shall require review and approval by the Town Planner and Consulting Town Engineer.

5. Prior to the start of construction of the playground, the Applicant must provide a set of plans for the playground to the Disability Commission for comment and for review and approval by the Town Planner and Building Commissioner.
6. Prior to the issuance of a Building Permit for any building, the Applicant must submit data based on a fire flow test to demonstrate that static pressure and fire flow shall comply with DEP Guidelines and Policies for Public Water Systems (2001), and that static pressure shall be 60 pounds per square inch (psi) desirable, 35 psi minimum; and that fire flow shall meet Insurance Services Office (ISO) fire flow guidelines while maintaining a residual pressure of 20 psi for review and approval by the Town Planner and Fire Department.
7. Prior to the start of construction, the Applicant must provide confirmation that the proposed Site changes are or have been reviewed by the Algonquin Gas Company (or successor) and provide information on any issues that Algonquin Gas Company (or successor) may have regarding the proposed Site modifications encroaching upon and/or interfering with any easement rights Algonquin Gas Company (or successor) may hold on the Subject Property for review and approval by the Town Planner; provided, however, this Condition shall be deemed satisfied if Applicant can demonstrate that Applicant provided written notice of said Site changes to Algonquin Gas Company (or successor) for its review and comment and that Algonquin Gas Company (or successor) has failed to respond within sixty (60) days of such notice.
8. Prior to the start of construction, the Applicant must submit an assessment of construction impacts and truck traffic impacts on area traffic. Such an assessment should include a proposed site construction schedule and describe proposed efforts to minimize impacts, and to mitigate for anticipated impacts during the construction period for review and approval by the Town Planner.
9. Prior to the start of construction, the Applicant must submit a construction phase Transportation Demand Management (TDM).
10. Prior to the issuance of a Building Permit for the first building, the Applicant shall file an application for an Approval Not Required (ANR) Plan to combine the two parcels into a single parcel of land prior to the issuance of any Building Permit.
11. Prior to the start of construction, the Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the Town Planner, Conservation Agent, and Consulting Town Engineer.
12. Prior to the issuance of a Building Permit for the first building, the Applicant shall submit an Operations & Maintenance Plan (O&M Plan) for review and approval by the Town Planner, Conservation Agent, and Consulting Engineer.
13. Prior to the issuance of a Building Permit for the first building, the Applicant must provide information on the latest Site status relative to MGL Ch. 21E and the Massachusetts Contingency Plan (MCP): Discuss the location(s) and status of Site areas that have been impacted by the release of oil or hazardous waste, and provide

evidence that the LSP of record for the Site does not have concerns about mobilization of subsurface contaminants in the Site areas of proposed stormwater infiltration for review and approval by the Town Planner. It is understood that the remediation efforts relative to any hazardous waste are independent of the Project and may be undertaken prior to or simultaneously with the construction of any of the buildings. It is further understood that no Certificate of Occupancy for any building shall be issued absent sufficient evidence of compliance with an approved 21E Plan for this Property.

14. Prior to the issuance of a Building Permit for each building, the Applicant must submit a report prepared, by a Massachusetts Professional Engineer (PE), detailing measures required to ensure that the residential and commercial spaces in said building do not experience concentrations of carbon monoxide or other pollutants from vehicle emissions exceeding air quality standards for review and approval by the Town Planner.
15. Prior to the issuance of a Building Permit for each building, the Applicant must submit final plans for the garage fire protection system in said building, prepared by a Massachusetts Mechanical Professional Engineer (PE). Said plans must include design of a fire suppression systems in the garages must accommodate exposure to freeze/thaw conditions for review and approval by the Fire Department and Town Planner.
16. Prior to the issuance of a Building Permit for the first building, the Applicant must submit a landscaping plan for the entire Property, stamped by a registered landscape architect, indicating all Massachusetts native plant species for review and approval by the Town Planner and Conservation Agent.
17. Prior to the issuance of a Building Permit for each building, the Applicant shall submit details and documentation for all exterior mechanical equipment units or other noise sources associated with said building, to demonstrate compliances with the noise requirements in Section 6.6 to the Town Planner for review and approval
18. Prior to the issuance of a Certificate of Occupancy for the mixed-use building, the Applicant shall submit a letter report from a MA Civil Professional Engineer (PE) estimating parking spaces available upon leasing of space by a commercial tenant, for review and approval by the Town Planner and Building Commissioner.
19. Prior to the issuance of the first Certificate of Occupancy for the Project, the Applicant shall submit an updated TDM plan which includes:
 - a. Traffic counts associated with the final residential unit count and the proposed accessible playground;
 - b. A last mile shuttle service to the Islington commuter rail station and Route 128 commuter rail station; and
 - c. Employee sponsored subsidized commuter rail passes.
20. Prior to the issuance of the first Certificate of Occupancy for the Project, the Applicant shall provide confirmation of membership in the Neponset Valley Transportation Management Association, which membership shall be continuously maintained.
21. The Applicant shall participate in the submission of a Local Action Unit (LAU) Application for twenty-four (24) Affordable Dwelling Units eligible for listing on the Subsidized Housing Inventory (SHI) to the Executive Office of Housing & Livable Communities (EOHLC) prior to the start of construction. All Affordable Dwelling Units

shall be affordable in perpetuity, shall count towards the Town's requirements under M.G.L. Chapter 40B, Sections 20-23, and shall be permanently listed on EOHLC's Subsidized Housing Inventory (SHI). All Affordable Dwelling Units shall be restricted through the recording of a Regulatory Agreement at the Norfolk County Registry of Deeds, in a form approved by the Town and EOHLC. No Certificate of Occupancy shall be issued for any residential unit at the Property until the Regulatory Agreement has been recorded at the Registry of Deeds and a receipt showing the book and page of recording has been submitted to the Town Planner.

22. Twenty-one (21) of the twenty-four (24) Affordable Dwelling Units shall be made available to households earning no more than 80% Area Median Income (AMI) for the Boston-Cambridge-Quincy, MA-NH HUD Metro Fair Market Rent Area (BCQ), and three (3) of the Affordable Dwelling Units shall be made available to households earning no more than 60% AMI for the BCQ. The Affordable Dwelling Units shall be indistinguishable from market-rate dwelling units, shall be interspersed among market-rate dwelling units within each building, shall not be grouped together nor located on a single floor, and shall be allocated as follows:
 - a. twelve (12) one-bedroom, eight (8) two-bedroom, and one (1) three-bedroom apartments available to households earning no more than 80% AMI, and
 - b. one (1) one-bedroom, one (1) two-bedroom, and one (1) three-bedroom apartments available to households earning no more than 60% AMI.
23. The Applicant shall notify the Westwood School Department as soon as the residential apartments reach 95% occupancy. The Westwood School Department shall then certify to Applicant the actual number of school-aged children who are registered to attend the Westwood Public Schools with home addresses at the Property. In the event the number of school-aged children so certified by the Westwood Public Schools exceeds 29 students, the Applicant will pay and tender to the Town of Westwood a one-time payment of the sum of \$10,000 for each student in excess of 29 students.
24. The Applicant shall ensure that all walls, windows and doors are properly insulated to lessen the potential for residents of the proposed dwelling units to be disturbed by noise related to adjacent land uses, including the nearby rail line.
25. All Project-related construction activities shall comply with the timeframes set forth in the Town's General Bylaws Chapter 292, for Noise and Construction, which allow such work Monday through Saturday between the hours of 7:00 a.m. and 7:00 p.m., and Sunday between the hours of 12:00 p.m. and 7:00 p.m.
26. All trucks carrying earth material and/or building materials to or from 22 Everett Street shall be required to access the Property from either of the two existing curb cuts on Everett Street via eastbound or westbound Washington Street/Upland Road; and no trucks associated with the Project shall be permitted to travel on Clapboardtree Street or any non-arterial road in Westwood. If determined necessary by the Building Commissioner, the Applicant shall engage a Police Detail to assist with trucks entering and exiting the site during heavy traffic hours.
27. Any trucks delivering or removing materials shall be covered as to prevent said material from spilling onto the public roadway and any spilled material shall be cleaned from Everett Street, Washington Street and any other roadways travelled in the transport of earth material to and from the site. Construction entrances and exits, shall be cleaned daily or more frequently, as needed.

28. The existing pavement on Everett Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
29. All existing trees on the property or near the property and within the public right-of-way, which are shown on Project Plans to remain, shall be protected at all times during construction activity including shielding of the root area wherever possible.
30. There shall be no substandard or hazardous fill material used with this Project. Prior to the import of any earth material, the Applicant shall submit certification to the Town Planner and Building Commissioner from the company providing said material, stating that the material does not contain any hazardous material.
31. All chemicals used during construction shall be located in a designated containment area and shall be located on an impervious surface designed to prevent the discharge of contaminated run-off into the soil or groundwater.
32. The Applicant shall promptly repair any damage which the Applicant or its agents cause to sidewalks, street pavement, street signs, trees, tree grates, curbing, driveway aprons, signs, or other fixtures or features within the public right-of-way, after first obtaining permission from the Town of Westwood Department of Public Works or Town of Norwood Department of Public Works, as appropriate. Such repairs shall be performed to Town's standards.
33. The Town of Westwood Department of Public Works shall be notified at least 48 hours prior to installation of infiltration systems, catch basins, and drainage chambers, and shall be afforded an opportunity to be present during the installation and backfill.
34. All landscaping approved herein shall be installed at the earliest possible date, but only during the spring growing season running from April 15 thru June 15 or during the fall growing season running from September 15 thru November 15. Any plantings that do not survive shall be replaced in-kind in perpetuity at the Property Owner's expense.
35. All proposed dumpsters, compactors, trash and/or recycling containers, generators, gas tanks, electrical switch gear, electric transformers, and similar features shall be fully screened from view by gated solid enclosures constructed of wood, stone, brick or similar materials, and shall not include chain link fencing. Dumpsters, compactors, trash and/or recycling containers shall have an impermeable lid or cover integral to the dumpster, compactor or container itself, and shall be located on an impervious concrete surface designed to prevent the discharge of contaminated run-off or leachate into the soil or groundwater. Gates shall be closed and fastened at all times other than active loading and/or unloading of trash and/or recycling materials.
36. All sidewalks and walkways shall remain clear from snow. Snow shall be stored in the snow storage locations and not stored in the required parking spaces. The Applicant shall remove snow off site and treat areas as outlined in the Operation and Maintenance (O&M) Plan.
37. All vehicles loading or unloading at the mixed-use building must use the designated loading space shown on Project Plans.
38. All outdoor seating areas and play areas shall be cleaned daily or as often as needed. All outdoor furniture shall be secured to withstand inclement weather or removed in advance of forecasted storms. Outdoor furniture shall be situated as to always maintain a minimum three (3) foot wide accessible aisle for pedestrian travel.

39. All building mounted light fixtures shall be designed and installed to prevent glare onto nearby properties. No fixtures shall be mounted higher than fifteen (15) feet above the ground directly below such fixture.
40. Parking lot site lighting may remain on throughout the night where needed for security purposes. All building wall and signage lights associated with commercial portions of the property shall be turned off an hour after the close of business.
41. The Applicant shall work with the Westwood Department of Public Works, the Norwood Department of Public Works, the MBTA, and the owners of properties along Washington Street in Westwood to install improved pedestrian lighting along the existing pedestrian route from the Property entrances on Everett Street to the northernmost lot line for the existing commercial property at 436 Washington Street.
42. The Applicant shall be responsible for the removal of trash and recycling from the residential building on weekly basis, or more frequently, if necessary.
43. All parking lot line striping and on-site crosswalks shall be maintained by the Applicant, as necessary.
44. The bicycle racks shall be installed and maintained in compliance with the Planning Board's current Bicycle Parking Standards and shall be located a minimum of two (2) feet from any obstructions on at least three sides such as walls, landscaping, signage or other street furniture as shown on the Project Plans.
45. All sidewalks across driveways on Everett Street shall be continuous and maintain the existing height of the adjacent sidewalk. The driveway apron shall slope down to meet the grades of the street and the site's driveway, as shown on the approved plans. All work within the public right-of-way including sidewalk replacement, utility work, and curbing repairs shall be coordinated with the Town of Westwood's Department of Public Works or the Town of Norwood's Department of Public Works, as appropriate.
46. The Applicant shall obtain approval by the Town Planner for any signage not included in this Application and shall obtain all required Signage Permits from the Building Division prior to installation. A final sign package for each separate building shall be submitted to the Town Planner including dimensions, materials, and lighting details prior to applying for a sign permit from the Building Department for that building to ensure compliance with the Zoning Bylaw Sections 6.2 and 9.9.13.6. All wall signage shall have a wooden appearance and shall have exterior illumination by gooseneck lighting fixtures.
47. The Applicant shall work cooperatively with the Town Planner, Town Engineer, Public Safety Officer, Town of Westwood Select Board, Town of Norwood Select Board, and MassDOT, to design and facilitate signal timing adjustments in order to realize operational improvements at the Everett Street/Clapboardtree Street/Upland Road/Washington Street intersection, without geometric or physical modifications to said intersection. All costs associated with signal timing adjustments related to this project, including the installation of new signal equipment, if required and if authorized by MassDOT, shall be the responsibility of the Applicant. Signal timing adjustments, if required, shall be implemented following 80% residential occupancy and within two (2) years of the issuance of the final Certificate of Occupancy for the Project, unless additional time for such implementation is granted by the Westwood Select Board.

48. The Applicant shall apply best efforts to ensure the earliest feasible installation of improved pedestrian routes from the Property to area amenities including Islington Center and the Islington MBTA station.
49. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
50. At the conclusion of each phase of construction, prior to the issuance of a Certificate of Occupancy for any building, and again at the conclusion of the Project as a whole the Applicant shall submit As-Built plans which shall indicate the location of all water quality units, underground storage tanks, pipes and/or appurtenances which remain on the site. The As-Built plans shall be delivered in a format approved by the Information Systems Director for compatibility with the Town of Westwood GIS database.
51. This MUMFROD Special Permit 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 this Approval, the term "substantial use thereof or construction thereunder" shall mean the commencement and substantial continued progress of the approved activity.

RECORD OF VOTE

The following members of the Planning Board voted on December 5, 2023 to **grant** the MUMFROD Special Permit with consolidated EMM-EIDR Approval for the abovementioned Project with conditions as set forth above: Ellen Larkin Rollings, Kathleen Wynne, Joshua C. Ames, Philip A. Giordano, and Christopher A. Pfaff.

The following members of the Planning Board voted in opposition to the grant the MUMFROD Special Permit with consolidated EMM-EIDR Approval for the abovementioned Project: none.



Elijah Romulus, Town Planner
January 16, 2024

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Ellen Larkin Rollings, Chair
Kathleen Wynne, Vice Chair
Joshua C. Ames, Secretary
Philip M. Giordano
Christopher A. Pfaff



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PLANNING BOARD

NOTICE OF DECISION


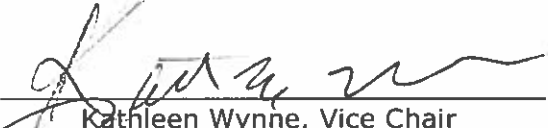
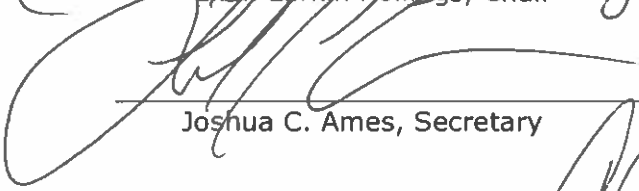
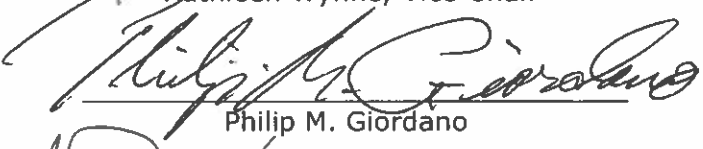

In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has, at a duly authorized hearing on December 5, 2023, by a vote of five in favor and none opposed, voted to **grant** the application filed by Attorney Peter Zahka on behalf of PP Everett Street, LLC, 21 Eastbrook Road, Dedham, MA 02132, requesting a consolidated Mixed Use and Multi-family Residential Overlay District, MUMFROD, Special Permit pursuant to Section 9.9 and Earth Material Movement Environmental Impact and Design Review, EMM-EIDR, Approval pursuant to Sections 7.1 and 7.3 of the Westwood Zoning Bylaw, to construct a 149,035 square foot commercial, garage, and residential use building and an 83,868 square foot garage and residential use building, as well as associated site development, landscaping and amenities. The proposed development will have 160 apartment units and three (3) retail bays in total.

LAND AFFECTED: 22 Everett Street (Assessors' Map 23, Lots 226 & 227)

The Planning Board hereby certifies that attached hereto is a true and complete copy of the Board's decision and that said decision and any plans referred to therein have been filed with the Planning Board.

Appeals, if any, shall be made pursuant to Section 17 of said M.G.L. Chapter 40A and shall be filed within twenty (20) days after the filing of a copy of the decision in the office of the Town Clerk.

WESTWOOD PLANNING BOARD


Ellen Larkin Rollings, Chair

Kathleen Wynne, Vice Chair

Joshua C. Ames, Secretary

Philip M. Giordano

Christopher A. Pfaff

Dated: 1/16/24