

**DECISION OF THE ZONING BOARD OF APPEALS
of the
TOWN OF WESTWOOD**

PROPERTY OWNER(S): Abel Hobson Garner Family Properties LLC

PETITIONER(S): Global Montello Group Corp.
710-722 High Street
Westwood, MA 02090

LAND AFFECTED: 710-722 High Street
Westwood, Massachusetts 02090
Map 14 Lots 128 & 130

HEARING:

The Board of Appeals for the Town of Westwood held a Public Hearing according to the General Laws of the Commonwealth of Massachusetts on Tuesday July 21, 2021 at 7:00 P.M. via remote participation to consider the Petitioner’s request for a special permit pursuant to the Westwood Zoning Bylaw Sections §4.1.5.10 [Motor Vehicle Light Service facility] and §9.3.5.1 [Storage of Petroleum Products within the Water Resource Protection Overlay District]. The proposed redevelopment includes the merger of 710 and 722 High Street. The front and developed portions of the property are in the Local Business A (LBA) zoning district and the rear portions are in the Single Residence C (SRC) zoning district, the Flexible Multiple Use Overlay District (FMUOD 7), Water Resources Protection Overlay District (WRPOD), and Wireless Communications Overlay District (WCOD).

BOARD MEMBERS: John Lally, Chairman
Michael McCusker
Danielle Button

APPLICABLE SECTIONS OF THE WESTWOOD ZONING BYLAW

| | DISTRICTS | | | | | | | | | | | | |
|--------------------------------------|-----------|-----|-----|-----|-----|----|----|-----|-----|----|---|----|-----|
| | SRA | SRB | SRC | SRD | SRE | GR | SR | LBA | LBB | HB | I | IO | ARO |
| 4.1.5 COMMERCIAL USES | | | | | | | | | | | | | |
| 4.1.5.10 Motor Vehicle Light Service | N | N | N | N | N | N | N | BA | BA | BA | N | N | N |

9.3.5 Special Permit Uses. The following uses may be authorized in the WRPOD by special permit from the Board of Appeals and may be subject to regulations as may otherwise be provided herein:

9.3.5.1 Any use of land or buildings which involves the generation, treatment, storage, disposal or other handling of toxic or hazardous materials or wastes in quantities greater than those associated with normal household use and only if otherwise allowable at that

location. The storage of hazardous materials shall meet the requirements of Subsection 9.3.7.5 and such storage and transfer safety requirements as the Board of Appeals may require.

FINDINGS

In consideration of all of the testimony and exhibits and documents submitted before the Board, the Board makes the following findings of fact:

1. The Subject Property is located at 710-720 High Street. The front and developed portions of the property are in the Local Business A (LBA) zoning district and the rear portions are in the Single Residence C (SRC) zoning district, the Flexible Multiple Use Overlay District (FMUOD 7), Water Resources Protection Overlay District (WRPOD), and Wireless Communications Overlay District (WCOD).
2. The Petitioner is proposing to merge 710 and 722 High Street. Additionally, the existing two-dispenser service station located at 722 High Street including site features and utility infrastructure will be razed while the existing convenience store and canopy at 710 High Street will be expanded. Specifically, the expansion at 710 High Street will include a roughly 1,718 sf retail space addition along with the addition of one fueling dispenser. As part of the redevelopment, three of the four existing driveways will remain, however, the northernmost driveway at 722 High Street will be closed and sidewalk added. An area for fourteen parking spaces and six electric vehicle charging stations will be constructed on 722 High Street along with the necessary electrical equipment and utility infrastructure. Another four-stall parking area for employees, a loading space, and dumpster enclosure are proposed on the north side of the expanded convenience store. Additionally, the three existing underground storage tanks and associated product piping, vents, and dispensers will be replaced with two new double-walled, state of the art underground fuel storage tanks. The existing concrete pad and pavement at 710 High Street will also be replaced. Lastly, a comprehensive storm water management system is proposed to provide water quality treatment and ground water recharge along with an upgraded landscape plan to improve the overall operation and appearance of the property.
3. Environmental Impact and Design Review (EIDR) Approval for the Project was granted by the Westwood Planning Board following a duly noticed public hearing on April 26, 2021.
4. Relief in the form of a Special Permit pursuant to Sections §4.1.5.10 [Motor Vehicle Light Service facility] and §9.3.5.1 [Storage of Petroleum Products within the Water Resource Protection Overlay District] was requested. The Board of Appeals is the Special Permit Granting Authority.
5. Any adverse effects of the Petitioner's proposed construction, as conditioned herein, will not outweigh its beneficial impact to the Town, or the neighborhood, in view of the particular characteristics of the site and the proposal in relation to that site.
6. The Petitioner's proposal, as conditioned herein, will not have a material adverse effect on the value of the land and buildings in the neighborhood, or on the amenities thereof, or be detrimental to the normal use of the adjacent property, and it will not be injurious or dangerous to the public health or hazardous because of traffic congestion, or other reason, and any adverse effects of the proposed use do not outweigh its beneficial aspects, all in view of the particular characteristics of the site and of the proposal in relation to that site.

7. The Petitioner has met all the requirements for a Special Permit pursuant to the Westwood Zoning Bylaw.

DECISION and CONDITIONS

The Board of Appeals voted unanimously to grant the Petitioner's request for a Special Permit pursuant to Sections §4.1.5.10 and §9.3.5.1 of the Westwood Zoning Bylaw and upon the following conditions:

1. The Project shall be constructed in conformity with the submitted site plan prepared by Bohler Engineering, dated December 27, 2020 and revised thru April 29, 2021, consisting of nineteen (19) sheets, and in conformance with the elevation and signage detail plans prepared for Global Partners, 800 South Street, Suite 500, Waltham, MA 02454, dated February 26, 2021, consisting of four (4) sheets. The Applicant shall pursue completion of the Project with reasonable diligence and continuity.
2. The Project shall be constructed in full conformance with all conditions of the Westwood Planning Board's EIDR Approval for the Project, which was granted on April 26, 2021.
3. This Special Permit shall not take effect until a copy of the Decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and either that no appeal has been filed or that an appeal has been filed within such time period, is recorded in the Registry of Deeds and indexed under the name of the property owner of record and the parcel address. A copy of these recordings shall be provided to the Building Commissioner, Town Clerk and the Board of Appeals.
4. **The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and any construction performed under the permit may be ordered to be undone.**
5. This Special Permit shall lapse within a specified period of time, of not more than two (2) years, which shall not include such time required to pursue or await the determination of the appeal referred to in Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause. Prior to the expiration of the Special Permit, the Applicant may apply for an extension of the Special Permit for a period not to exceed one (1) year if the substantial construction or use thereof has not commenced for good cause.

RECORD OF VOTE

The following members of the Board of Appeals voted to grant the Special Permit for the above-mentioned project: John Lally, Michael McCusker, and Danielle Button.

The following members of the Board of Appeals voted in opposition to the grant of the Special Permit: None.



RECEIVED

By Town Clerk at 4:35 pm, Aug 03, 2021

WESTWOOD ZONING BOARD OF APPEALS

John Lally, Chairman

Michael McCusker

Danielle Button

Date **8/3/21**

710-722 High Street

