

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

PROPERTY OWNERS: William R. McDonough
133 Hartford Street
Westwood, MA 02090

and

Colbea Enterprises, LLC
2050 Plainfield Pike
Cranston, RI 02921

PETITIONER: Colbea Enterprises, LLC
2050 Plainfield Pike
Cranston, RI 02921

LAND AFFECTED: 394-396 Providence Highway
Westwood, Massachusetts 02090
Assessor's Map 24 Lots 082 and 003

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 Wednesday December 14, 2022 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], 4.1.5.6 [Retail Sales and Services], 4.1.5.15 [Fast Food Establishment], 4.1.7.3 [Drive-Through Service], 6.2.7.1 [Signs-Number], 6.2.7.2 [Signs-Square footage], 6.2.7.3 [Signs-Area], 6.2.9.5.1 and 6.2.9.5.2 [Signs -Video Display], 6.2.10.2 [Signs-Illumination] and 6.1.25 [Driveways]. The Petitioner proposes to demolish an existing building and fuel dispenser/canopy and build a new 3,600 SF gas station/convenience store with drive-thru service for coffee shop. The project is proposed to include one free-standing pylon sign, building signage and directional signage. The proposed driveway on Walper Street will be closer than 150 feet to the centerline of Providence Highway.

The property was previously within the Industrial Office (IO) zoning district. A Zoning Map amendment, approved by Town Meeting on May 2, 2002, now places the property within the Highway Business (HB) zoning district, subject to the confirmation of said Zoning Map amendment.

BOARD MEMBERS: John Lally, Chairman
Michael McCusker
Sean Coffey

APPLICABLE SECTIONS OF THE WESTWOOD ZONING BYLAW

SECTION 4.0 USE REGULATIONS

4.1 PRINCIPAL USES

4.1.1 General. No building or structure shall be constructed, and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the uses herein set forth as permitted in the district in which said building, structure or land is located, or set forth as permissible by special permit in said district, and so authorized. In the case of lots lying partly within the Industrial District or Highway Business District of the Town of Westwood and partly within another abutting municipality, that portion of the lot lying outside of the Town of Westwood may be used to meet the zoning requirements of this Bylaw, and such lot may have effective access through such abutting municipality. However, in all other cases, no building or structure shall be constructed or used on a lot lying only partly within the Town of Westwood unless the Westwood portion of the lot shall meet the zoning requirements herein set forth, and the lot shall have effective access to the Town of Westwood. There shall be no more than one nonagricultural principal use for each lot in a Residential District, except as may otherwise be provided herein.

4.1.2 Table of Principal Uses. The Table of Principal Uses designates which Principal Uses are allowed in each zoning district.

A Use is permitted by right in any district under which it is denoted by the letter “Y”.

A Use is prohibited in any district under which it is denoted by the letter “N”.

A Use may be permitted by special permit from the Board of Appeals in any district under which is denoted by the letters “BA”.

A Use may be permitted by special permit from the Planning Board in any district under which is denoted by the letters “PB”.

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.3 RESIDENTIAL USES													
4.1.3.1 Single-Family Dwelling	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.1.3.2 Conversion of One-Family Dwelling to Two-Family Dwelling per Section 8.1	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.1.3.3 Two-Family Dwelling per Section 8.2	N	N	N	N	N	BA	N	N	N	N	N	N	N
4.1.3.4 Senior Residential Development per Section 8.3	PB	PB	PB	PB	PB	PB	PB	N	N	N	N	N	N
4.1.3.5 Residential Retirement Community per Section 8.4	N	N	N	N	N	N	N	N	N	N	N	N	BA
4.1.3.6 Nursing or Convalescent Home	N	N	N	N	N	N	N	N	N	N	N	N	BA ¹
4.1.3.7 Assisted Living Residence	N	N	N	N	N	N	N	N	N	N	N	N	BA ¹
4.1.3.8 Open Space Residential Development in accordance with Section 8.3 ²	N	Y	Y	N	Y	N	N	N	N	N	N	N	N
4.1.4 EXEMPT AND INSTITUTIONAL USES													
4.1.4.1 Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.2 Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.3 Child Care Facility in new building	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.1.4.4 Child Care Facility in existing building	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.5 Agricultural Use, Exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.6 Farm Stand. Exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.7 Municipal Facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.8 Essential Services	BA	BA	BA	BA	BA	BA	BA	Y	Y	Y	Y	Y	BA
4.1.4.9 Extension of existing cemetery	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.10 Public Utility	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	BA

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5 COMMERCIAL USES													
4.1.5.1 Agricultural Use, Non-exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.2 Farm Stand, Non-exempt ³	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.1.5.3 Animal Hospital or Animal Clinic	N	N	N	N	N	N	N	BA	BA	Y	BA	BA	N
4.1.5.4 Funeral Home	N	N	N	N	N	N	N	BA	BA	BA	N	N	BA
4.1.5.5 Motel or Hotel on five (5) acres or more	N	N	N	N	N	N	N	N	N	N	BA	BA	N
4.1.5.6 Retail sales and services, less than 10,000 square feet	N	N	N	N	N	N	N	Y	Y	Y ⁴	Y	Y	N
4.1.5.7 Retail sales and services, 10,000 square feet or more	N	N	N	N	N	N	N	N	N ⁵	Y ⁴	BA ⁶	BA ⁶	N
4.1.5.8 Motor Vehicle Sales and Rental; other open air sales	N	N	N	N	N	N	N	N	N	BA	N	N	N
4.1.5.9 Motor Vehicle General Repairs and Body Repair	N	N	N	N	N	N	N	N	N	BA	BA	BA	N
4.1.5.10 Motor Vehicle Light Service	N	N	N	N	N	N	N	BA	BA	BA	N	N	N
4.1.5.11 Car Wash	N	N	N	N	N	N	N	N	N	BA	N	N	N
4.1.5.12 Restaurant without entertainment, less than 10,000 square feet	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.13 Restaurant without entertainment, 10,000 square feet or more	N	N	N	N	N	N	N	PB	PB	Y	PB	PB	N
4.1.5.14 Restaurant with entertainment	N	N	N	N	N	N	N	PB	PB	PB	N	N	N
4.1.5.15 Fast Order Food Establishment	N	N	N	N	N	N	N	N	N	BA ⁷	N	N	N
4.1.5.16 Coffee Shop	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.17 Ice Cream Parlor	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.18 Pet Care facility	N	N	N	N	N	N	N	Y	Y	Y	BA	BA	N
4.1.5.19 Commercial boarding or training kennel; Commercial breeder kennel; Veterinary kennel	N	N	N	N	N	N	N	N	N	Y	BA	BA	N
4.1.5.20 Professional Services Establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y
4.1.5.21 Business Services Establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5 COMMERCIAL USES, CONTINUED													
4.1.5.22 Office of Health Care Professional	N	N	N	N	N	BA	N	Y	Y	Y	Y	Y	Y
4.1.5.23 Medical Center or Clinic	N	N	N	N	N	N	N	N	N	N	N ¹⁰	N	N
4.1.5.24 Hospital	N	N	N	N	N	N	N	N	N	N	N	N	N
4.1.5.25 Substance Rehabilitation or Treatment Facility	N	N	N	N	N	N	N	N	N	N ¹¹	N	N	N
4.1.5.26 Bank, Financial Institution	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.27 Commercial Recreation, Outdoor	N	N	N	N	N	N	N	N	N	BA	N	N	N
4.1.5.28 Commercial Recreation, Indoor	N	N	N	N	N	N	N	BA	BA	BA	BA	BA	BA
4.1.5.29 Golf Course	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.30 Personal Services Establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.31 General Services Establishment	N	N	N	N	N	N	N	N	N	BA	N	N	N
4.1.5.32 Campground, wildlife preserve, fishing grounds operated not for profit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.33 Printing/copy/publishing establishment, less than 4,000 square feet	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.34 Printing/copy/publishing establishment, 4,000 square feet or more	N	N	N	N	N	N	N	BA	BA	Y	Y	Y	N
4.1.5.35 Major Business Development per Section 7.2	N	N	N	N	N	N	N	PB	PB	PB	PB	PB	PB
4.1.5.36 Building Trade Shop in an establishment with less than 8,000 square feet	N	N	N	N	N	N	N	Y ⁸	Y ⁸	Y	Y	Y	N
4.1.5.37 Building Trade Shop in an establishment with 8,000 square feet or more	N	N	N	N	N	N	N	BA	BA	Y	Y	Y	N
4.1.5.38 Commercial laundry, dry cleaning, dye work, carpet cleaning	N	N	N	N	N	N	N	N	N	BA	BA	BA	N
4.1.5.39 Public Communications Use	N	N	N	N	N	N	N	N	N	BA ⁹	BA ⁹	BA ⁹	N
4.1.5.40 Educational Use, Non-Exempt	N	N	N	N	N	N	N	BA	BA	Y	Y	Y	Y
4.1.5.41 Contractor's Yard	N	N	N	N	N	N	N	N	N	BA	BA	N	N
4.1.5.42 Medical Marijuana Establishment per Section 7.4	N	N	N	N	N	N	N	N	N	N	N	N	BA

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5 COMMERCIAL USES, CONTINUED													
4.1.5.43 Non-Medical Marijuana Establishment	N	N	N	N	N	N	N	N	N	N	N	N	N
4.1.5.44 Fire Arms/Explosives Sales and Service	N	N	N	N	N	N	N	N	N	BA	BA	N	N
4.1.5.45 Taxi Service	N	N	N	N	N	N	N	N	N	BA	N	N	N
4.1.6 INDUSTRIAL USES													
4.1.6.1 Earth Material Movement per Section 7.1	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
4.1.6.2 Light Manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	Y	N
4.1.6.3 Warehouse, wholesale or distribution facility without outdoor storage	N	N	N	N	N	N	N	N	N	Y	Y	Y	N
4.1.6.4 Warehouse, wholesale or distribution facility with outdoor storage	N	N	N	N	N	N	N	N	N	BA	BA	BA	N
4.1.6.5 Manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	Y	N
4.1.6.6 Junkyard or Automobile Graveyard	N	N	N	N	N	N	N	N	N	N	N	N	N
4.1.6.7 Research and Development	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y
4.1.6.8 Self-Storage or Mini-Storage Facility per Section 7.6	N	N	N	N	N	N	N	N	N	PB	PB	PB	N
4.1.7 OTHER USES													
4.1.7.1 Pay-to-Park Outdoor Parking Facility	N	N	N	N	N	N	N	BA	BA	BA	BA	BA	N
4.1.7.2 Parking Garage	N	N	N	N	N	N	N	N	N	N	N	N	BA
4.1.7.3 Drive-Through Service	N	N	N	N	N	N	N	BA	BA	BA	BA	BA	BA
4.1.7.4 Temporary Structure, building or use not in conformance with this Bylaw, but not for more than one (1) year, or extended over more than a total of three (3) years ¹²	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.1.7.5 Other Solar pursuant to Section 7.7 ¹⁰	YN	YN	YN	YN	YN	YN	YN	Y BA	Y BA	YNBA	YNBA	YNBA	YNBA

PRINCIPAL USE	DISTRICTS													
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO	
4.1.6 INDUSTRIAL USES, CONTINUED														
4.1.7.6 Roof-mounted Solar ¹⁰	YN	YN	YN	YN	YN	YN	YN	Y BA	Y NBA	YNBA Y NBA	Y NBA	Y NBA	Y NBA	
4.1.7.7 Large Scale Solar pursuant to Section 7.7 ¹⁰	YN	YN	YN	YN	YN	YN	YN	Y BA	Y NBA	YNBA Y NBA	Y NBA	Y NBA	Y NBA	

4.2 NOTES FOR TABLE OF PRINCIPAL USES

- 1 Accessory dwellings may be allowed to the extent expressly allowed by the special permit.
- 2 Open Space Residential Development shall be permitted in the SRB, SRC and SRE districts and the uses delineated in Article 8.0, Special Residential Development, Section 8.3, Open Space Residential Development, shall be the allowed uses in OSRD projects.
- 3 Non-exempt farm stands on municipal properties are permitted and exempt from BA special permit requirements.
- 4 For only retail sales and services in the Highway Business District that do not require a special permit pursuant to other sections of the Bylaw and do not involve Adult Uses
- 5 Except for a retail grocery store which may exceed 10,000 square feet.
- 6 Retail sales and services in the Industrial and Industrial-Office Districts between 10,000 square feet and 50,000 square feet shall require a special permit from the Board of Appeals. Retail sales and services over 50,000 square feet shall require only a special permit from the Planning Board pursuant to Section 7.2, Major Business Development.
- 7 In addition to meeting all other requirements for a special permit for a Fast Order Food Establishment in the Highway Business District, the Applicant shall be required to submit the opinion of a qualified professional expert, and the data upon which such opinion is based, showing to the reasonable satisfaction of the Board of Appeals that the facilities for on-site parking (taking into account all other uses and activities that share the premises with the proposed use) will be sufficient to serve the employees and customers of such establishment without encroaching upon or using neighboring streets or property.
- 8 A special permit from the Board of Appeals shall be required if there is outdoor storage of equipment or materials.
- 9 Does not include wireless communications facilities.
- 10 Except in accordance with all applicable provisions of Section 9.7 [University Avenue Mixed Use District (UAMUD)] and limited to those properties specifically listed within the UAMUD.
- 11 Except in accordance with a special permit issued pursuant to Section 9.8 [Substance Rehabilitation Facility Overlay District (SRFOD)] and limited to those properties specifically listed within the SRFOD.
- 12 Except that short-term temporary uses or structures not otherwise prohibited, may be granted administrative approval for a period of up to six (6) months, at the discretion of the Building Commissioner. An application for administrative approval of a short-term temporary use or structure shall include a site plan and written description, including proposed timeframe, hours of operation, and anticipated parking needs. Applications for

administrative approvals of short-term temporary uses or structures shall be distributed to the Town Administrator, Town Planner, and Select Board for review and comment prior to approval. Following approval, the Building Commissioner may permit one (1) extension for an additional period of up to six (6) months, but no temporary use or structure shall be allowed to continue beyond one (1) year unless in conformance with a special permit granted by the Zoning Board of Appeals.

10 All solar energy systems must comply with Section 5.0 [DIMENSIONAL REQUIREMENTS], and 5.2 [TABLE OF DIMENSIONAL REQUIREMENTS], including minimum setback requirements for the district in which they are installed.

6.1.25 **Driveways.** No access or egress point to a parking area shall be closer than one hundred fifty (150) feet to the centerline of an intersecting street. There shall be no more than a total of two (2) access and two (2) egress points to any one parking area.

6.2.7 **Signs Allowed in Highway Business (HB), Industrial (I), Industrial Office (IO), and Administrative-Research-Office (ARO) Districts.**

The following signs may be erected or maintained in Highway Business, Industrial, Industrial Office and Administrative Research-Office Districts, provided such signs are in compliance with all conditions set forth in this Section: Awning signs, development identification signs, directory signs, freestanding signs, marquee signs, projecting signs, wall signs, wayfinding signs, and window signs.

6.2.7.1 The maximum number of signs shall not exceed the number of commercial establishments located on the premises, plus one (1) additional sign.

6.2.7.2 The maximum area of one (1) sign associated with a commercial establishment shall not exceed one hundred (100) square feet, and the maximum area of all other signs associated with that same commercial establishment shall not exceed thirty (30) square feet each.

6.2.7.3 The total square footage of all signs associated with any commercial establishment shall not exceed fifteen percent (15%) of the facade attributed to that commercial establishment.

6.2.7.4 The sign surface and supporting framework shall be of a material in compliance with the applicable provisions of the Massachusetts State Building Code.

6.2.7.5 Notwithstanding the above limitations on number and area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.

6.2.9 Dimensional Requirements.

- 6.2.9.1 **Sign Area Requirements.** Maximum sign area requirements shall be as set forth in Sections 6.2.3 through 6.2.5. Sign area measurements shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface. For a sign painted on or applied to a building or structure, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color or finish material of the building or structure. For a sign consisting of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall be considered to be that of the smallest rectangle, circle, oval or other simple straight-lined shape which encompasses all of the letters and symbols. The area of supporting framework, such as the brackets and posts, shall not be included in the area if such framework is incidental to the display. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two (2) faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.
- 6.2.9.2 **Sign Height Requirements.** No part of any sign, or light fixture illuminating said sign, shall be at a height greater than the maximum height permitted pursuant to Section 5.4 of this bylaw for the building or structure to which the sign pertains. No part of any sign, or light fixture illuminating said sign, shall be higher than the highest point of any building or structure on the same premises. In the case of a sign located on a lot where there is no other structure, no part of said sign, or light fixture illuminating said sign, shall exceed a height of ten (10) feet above ground.
- 6.2.9.3 **Sign Setback Requirements.** Signs exceeding one (1) square foot in area shall be set back at least fifteen (15) feet from the edge of roadway pavement, except for temporary signs which shall be set back at least ten (10) feet from the edge of roadway pavement, but in no case shall signs be placed within the public right-of-way without written permission from the Select Board. All signs shall meet side and rear setback requirements for accessory structures as set forth in Section 5.2 of this bylaw.
- 6.2.10 **Illumination and Movement.** Sign illumination and movement shall be prohibited except as specified herein.
- 6.2.10.1 **Illumination in Residential, Local Business and Administrative Research-Office Districts.** Illumination of any sign within a Residential District, Local Business District, or Administrative-Research-Office District shall only be external illumination by properly shielded light fixtures, or by edge-lighting, or by halo lighting. Internal illumination shall not be permitted. In all cases illumination shall only be by steady

white light. Notwithstanding the above, awning signs shall not be internally illuminated.

6.2.10.2 **Illumination in Highway Business, Industrial, and Industrial Office Districts.** Illumination of any sign within a Highway Business, Industrial, or Industrial Office District shall be external illumination by properly shielded light fixtures, or by edge-lighting, or by halo lighting, or internal illumination of only the lettering, wording or insignia portions of a sign. In all cases illumination shall only be by steady white light. Notwithstanding the above, awning signs shall not be internally illuminated.

6.2.10.5 **Video Media Display.** Video media display shall be permitted in Local Business and Highway Business Districts, only as follows:

6.2.9.5.1 No video media display shall be positioned so as to be visible from any public way, including any sidewalk, whether such display is located on the interior or exterior of a building or structure.

6.2.9.5.2 No more than four (4) video media displays shall be permitted on any property at one time. 6.2.9.5.3 No single video media display shall exceed one and one-half (1-1/2) square feet in area.

6.2.15 **Special Permit.** The Board of Appeals may grant a special permit for a sign that does not comply with sign area, height, or setback requirements set forth herein, or which exceeds the maximum number of signs permitted, provided that said sign is otherwise in compliance with all other provisions of this section, and provided further that the Board of Appeals makes the following findings:

6.2.15.1 Applicant has adequately demonstrated that compliance with the provisions of this Section will be an undue hardship.

6.2.15.2 Sign scale is determined to be in reasonable relation to the scale of the building or structure and the sizes of signs on nearby structures.

6.2.15.3 Sign size, shape and placement serves to define or enhance architectural elements of the building or structure such as columns, sill lines, cornices and roof edges.

6.2.15.4 Sign design is harmonious with other signage on the same or adjacent structures and provides reasonable continuity in mounting location and height, proportions and materials.

6.2.15.5 Sign materials, colors, lettering style, illumination and form are reasonably compatible with building design, and surrounding neighborhood.

6.2.15.6 Sign size, location, design and illumination do not present a safety hazard to vehicular or pedestrian traffic.

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 394-396 Providence Highway and is shown as Map 24, Lots 082 and 003.
1. The Petitioner is proposing to demolish an existing gas station building and fuel dispenser/canopy and build a new 3,600 SF gas station with convenience store, drive thru, with a new fuel dispenser island/canopy with four double sided pumps. The project as proposed will require Special Permits. The Board of Appeals is the Special Permit granting Authority.
2. The Property was previously located within the Industrial office (IO) zoning district. A Zoning Map amendment, approved by Town Meeting on May 2, 2022 places the two lots within the Highway Business (HB) zoning district.
3. The Petitioner is proposing to combine two existing lots at 394 Providence Highway and 396 Providence Highway into one property. This project will require an (ANR) Approval Not Required application with the Planning Board.
4. The Petitioner has requested relief for exceeding Bylaw requirements for sign square footage, area, number, illumination and video displays.
5. The convenience store will carry minimal auto supplies, fresh and packaged snacks, soft drinks and assorted beverages.
6. The coffee shop will serve hot and cold beverages along with donuts, bagels and limited sandwiches.
7. Directional Signs will be used throughout the site to guide automobile traffic and drive thru patrons.
8. Shell branding signs and coffee shop co-branding signs will be utilized throughout the site for visibility.
9. The new Walper Street driveway was redesigned to meet the Bylaw requirements. Petitioner has requested Special Permit relief pursuant to Bylaw section §6.1.25 to continue use of the preexisting nonconforming driveway on Providence Highway.
10. The Petitioner received Environmental Impact and Design Review (EIDR) and Earth Material Movement (EMM) approval from the Planning Board on October 25, 2022 and an Order of Conditions from the Conservation Commission on September 20, 2022.
11. The Petitioner's proposal 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.
12. 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 Special Permits pursuant to Westwood Zoning Bylaw Sections:

- Section § 4.1.5.10 [Motor Vehicle Light Service]
 - Section § 4.1.5.6 [Retail Sales and Services]
 - Section § 4.1.5.15 [Fast Food Establishment]
 - Section § 4.1.7.3 [Drive-Through Service]
 - Section § 6.1.25 [Driveways]
 - Section § 6.2.7.1 [Signs-Number]
 - Section § 6.2.7.2 [Signs-Square footage]
 - Section § 6.2.7.3 [Signs-Area]
 - Section § 6.2.9.5.1 and 6.2.9.5.2 [Signs -Video Display]
 - Section § 6.2.10.2 [Signs-Illumination]
1. The Project shall be constructed in conformity with the submitted site plan titled "Environmental Impact Design Review Submission, Seasons Corner Market, 394 Providence Hwy, Westwood, Massachusetts, Assessor's Map 24, Lots 82 & 3", prepared by DiPrete Engineering, 105 Eastern Avenue, Suite 200, Dedham, MA 02026, stamped by Registered Professional Engineer Leonard R. Bradley, Jr., dated May 4, 2022 and revised through September 8, 2022, consisting of (23) sheets, and architectural plans titled "Rendered Building Elevations" prepared for Colbea Enterprises, LLC, 394 Providence Highway, Westwood, MA by Harrison French & Associated LTD, 31 Hayward Street, Franklin, Massachusetts 02038, dated March 16, 2022 and revised through April 18, 2022, consisting of three (3) sheets.
 2. The Petitioner is granted relief for the signage package as proposed in the submitted plan titled "Signage Plan & Elevations Season Corner Market" prepared by DiPrete Engineering, 105 Eastern Avenue, Suite 200, Dedham, MA 02026, stamped by Registered Professional Engineer Leonard R. Bradley, Jr., dated September 8, 2022.
 3. All conditions placed by the Planning Board, Conservation Commission, State agencies and any other local boards shall be incorporated here by reference and made part of this decision.
 4. The Petitioner will apply for an Approval Not Required (ANR) application with the Planning Board to combine the two lots into one property.
 5. The Applicant shall obtain a license from the Westwood Select Board for continued use of a portion of Town-owned property immediately adjacent to the Subject Property prior to the issuance of any Building Permit for the Project.
 6. 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.

7. 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.
8. 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 Sean Coffey.

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



Received December 28, 2022 @ 12:41PM
Westwood Town Clerk

WESTWOOD ZONING BOARD OF APPEALS



John F. Lally, Chairman



Michael L. McCusker



Sean Coffey

12/28/22
Date

394-396 Providence Highway