

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Ellen Larkin Rollings, Chair
Kathleen Wynne, Vice Chair
Joshua C. Ames, Secretary
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PLANNING BOARD

DECISION OF THE PLANNING BOARD

**Environmental Impact & Design Review (EIDR) Approval Pursuant to Section 7.3
of the Town of Westwood Zoning Bylaw**

APPLICANT Shane Oates
Independence Engineering, LLC
33 Commercial Street
Raynham, MA 02767

PROPERTY OWNERS AMR Real Estate Holdings LLC
800 Gessner Road, Suite 500
Houston, Texas 77024

PROPERTY LOCUS 425 Providence Highway
Assessor's Map 23, Lot 230

BACKGROUND AND PROJECT SUMMARY

Shane Oates on behalf of Independence Engineering, LLC (hereinafter "Applicant") filed an application (hereinafter "Application") requesting EIDR Approval pursuant to Section 7.3 of the Town of Westwood Zoning Bylaw (hereinafter "Zoning Bylaw") to permit the demolition and reconstruction of portions of the existing Mercedes-Benz dealership, as well as reconfiguration and reconstruction of a portion of the existing parking lot, sidewalk, and drive aisles, and alterations to landscaping. The project is in the Highway Business (HB) zoning district and within the Flexible Multiple Use Overlay District (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 March 16, 2023, the Applicant submitted an Application requesting a Planning Board EIDR Approval pursuant to Section 7.3 that was deemed complete and filed with the Town Clerk on April 14, 2023.
2. Pursuant to M.G.L. Chapter 40A, Sections 9 and 11 and the applicable provisions of the Zoning Bylaw and Planning Board Rules and Regulations (hereinafter "Rules and

Regulations”), the Planning Board caused notice of the public hearing to be published in *Hometown Weekly*, a newspaper of general circulation in Westwood, on April 27, 2023 and May 3, 2023. Notice of the public hearing was posted in Westwood Town Hall commencing on April 14, 2023 and continuing through the opening of the public hearing on May 22, 2023. Said notice was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on April 19, 2023.

3. The Planning Board provided digital copies of the Application to Town boards, commissions, departments, and officials – including, but not limited to, the Board of Health, Building Commissioner, Department of Public Works, Town Engineer, Conservation Commission, and Fire and Police Chiefs on April 14, 2023.
4. Public hearing for the Application opened May 22, 2023 in a joint meeting with the Westwood Planning Board and Norwood Planning Board with remote and in-person participation. The Westwood Planning Board met remotely via Zoom for the three (3) subsequent continuation on June 6, June 20, and August 8, 2023. Public comment was accepted through live time audio and the Question function on Zoom during hearings, in addition to in writing or by phone.
5. Westwood Planning Board Members Ellen Larkin Rollins, Kathleen Wynne, Joshua C. Ames, and Christopher A. Pfaff were present for all sessions of the public hearing and deliberated on the Application at a duly authorized meeting on August 8, 2023.
6. Philip M. Giordano was not present for the May 22, 2023 joint hearing and, therefore, abstained from voting on a continuance on June 6 and June 20, 2023. On August 7, 2023, Philip M. Giordano submitted a Confirmation of Evidential Review pursuant to M.G.L. Chapter 39 Section 23D in order to vote on the EIDR application on August 8, 2023.

PROJECT SPECIFIC FINDINGS

1. The project site (hereinafter “Project Site” or “Property”) is comprised of an approximately 7.35-acre parcel. 235,659 square feet or 5.41 acres of said property is located in the Town of Westwood (hereinafter “Parcel A”) with an additional parcel consisting of 84,506 square feet or 1.94 acres (hereinafter “Parcel B”) within the Town of Norwood boundaries.
2. Parcel A is identified on the Westwood Board of Assessor’s Map as 23, Lot 230. The parcel contains a commercial car dealership (hereinafter “Building”) with an approximately 56,500 square foot footprint used by Mercedes-Benz of Westwood. Parcel A also contains approximately 80,000 square feet of asphalt paving for customer parking and car inventory storage with access to Providence Highway via Glacier Drive.
3. Parcel B is identified by the Norwood Board of Assessor as Map 19, Block 11, Lot 1 which contains parking and two (2) curb cuts on Everett Street.
4. The Property is located within the HB, FMUOD3, and WCOD zoning district. HB allows the sale of motor vehicles by special permit from the Zoning Board of Appeals.

5. The Property is bordered by commercial property on all sides, including: McDonald's to the east; Progressive Insurance to the west; and Fresenius Kidney Care, KLA Corporation, and Porsche Westwood to the north.
6. The Applicant proposes demolishing and reconstruction the east and south-facing facades. This will extend a small portion of the Building into Norwood and increase the Building footprint from 56,500 square feet to 59,549 square feet.
7. To accommodate the larger Building footprint, the Applicant proposes reconfiguring the parking, landscaping, sidewalks, and drive aisles.
8. The parking will decrease from 495 spaces to 463, which will require 9 ADA-accessible spaces – the majority of which are in Westwood.
9. The project, as proposed, will minimize the volume of cut and fill, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution.
10. The project, as proposed, will maximize pedestrian and vehicular safety on the site and egress to and from the site.
11. The project, as proposed, will minimize obstruction of scenic views from publicly accessible locations.
12. The project, as proposed, will minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from the public ways or premises residentially used or zoned.
13. The project, as proposed, will minimize glare from headlights and lighting intrusion.
14. The project, as proposed, will minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.
15. The project, as proposed, 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.
16. The project, as proposed, will ensure compliance with the provisions of Section 7.3 of the Zoning Bylaw, including parking, landscaping, exterior lighting, and noise.
17. 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 Section 7.3 of the Zoning Bylaw.
18. The Project, as modified by the Conditions of this Decision, will/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 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 this Section/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 [date], the following waivers are hereby granted by the Planning Board:

1. Waiver from strict compliance with Section 7.3.7.3 of the Zoning Bylaw requiring a full traffic impact study to allow for acceptance of the submitted summary Traffic Analysis.
2. Waiver from strict compliance with Section 7.3.7.7 of the Zoning Bylaw requiring a model.

APPLICATIONS AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Office of the Town Clerk on April 14, 2023 and all material submitted through the close of the public hearing on August 8, 2023. All of the following plans and materials are hereby incorporated by reference and made part of this Decision:

1. EIDR Application PB-23-17 submitted by the Applicant on March 16, 2023, and received by the Town Clerk on April 14, 2023, consisting of eight (8) pages (as supplemented through August 8, 2023)
2. "Site Development Plans for Group One Automotive – Mercedes-Benz", prepared by the Applicant, stamped by Civil Engineer Neil E. Sander, dated March 14, 2023 and revised through August 8, 2023, consisting of 15 sheets
3. Architectural plan set entitled "Mecedes-Benz of Westwood", prepared by Johnson + McLean x Design, LLC (J+MxD), Fernandina Beach, FL and Woodland Park, CO, dated August 5, 2022, consisting of 16 sheets
4. Architectural plan with town boundary entitled "Architectural Site Plan with Town Line (2023-03-29)", prepared by J+MxD, dated March 29, 2023, consisting of one (1) sheet
5. Stormwater management plan entitled "Stormwater Management Report", prepared by Independence Engineering LLC, stamped by Neil E. Sanders, Civil Engineer, dated March 2023 and revised through August 2023, consisting of 89 pages
6. Lighting, exterior finish, electrical, mechanical, and elevation specifications entitled "90% Progress Set", prepared by J+MxD, dated May 26, 2023, consisting of 10 sheets

7. "Lighting Proposal", prepared by LSI Industries, 10000 Alliance Road, Cincinnati, OH 45242, dated May 8, 2023 and revised through May 26, 2023, consisting of one (1) sheet
8. Sign package entitled "Mercedes-Benz Brand Book", prepared by AGI, 2655 International Parkway, Virginia Beach, VA 23452, no date, consisting of 13 pages
9. "Emergency Response Action Plan", prepared by KPA, LLC, 11080 Circle Point Road, Suite 200, Westminster, CO 80020, no date, consisting of 12 pages
10. "Hazardous Spill Response and Containment", prepared by KPA, LLC, no date, consisting of one (1) page
11. "Envelope Compliance Certificate" prepared by J+MxD, LLC, dated July 11, 2023, consisting of 11 pages
12. Engineering peer review entitled "425 Providence Highway – Mercedes Benz Environmental Impact & Design Review (EIDR) Peer Review", prepared by Beta Group, dated May 31, 2023, consisting of eight (8) pages
13. Architectural peer review entitled "425 Providence Highway, Westwood – DSK – Architectural Peer Review Report", prepared by Dewing Schmid Kearns Architects + Planners, dated June 15, 2023, consisting of five (5) pages
14. Current property site photographs entitled "Site Photos", prepared by Independence Engineering LLC, no date, consisting of eight (8) pages
15. Property owner authorization entitled "Property Owner Application Authorization", signed by Brad Johnson, Director, Facilities Planning and Construction, of Group 1 Automotive, Inc. and AMR Real Estate Holdings, LLC, dated March 7, 2023, consisting of one (1) page

Pre-Application

1. "Concept Plan A", prepared by the Applicant, dated October 21, 2022 and revised through December 1, 2022, consisting of one (1) sheet
2. "Existing Conditions Plan" prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, stamped by Land Surveyor Steve M. Horsfall, dated September 2, 2022, consisting of one (1) sheet
3. "Architectural Site Plans" prepared by J+MxD, dated June 17, 2022 and revised through August 6, 2022, consisting of five (5) sheets
4. "ALTA/NSPS Land Title Survey Plan" prepared by Kelly Engineering Group, stamped by Land Surveyor Steven M. Horsfall, dated November 22, 2021 and revised through February 22, 2022, consisting of one (1) sheet

DECISION

On August 8, 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 zero (0) opposed, hereby **grants** the requested EIDR Approval pursuant to Section 7.3 of the Zoning Bylaw for the Project as described above and in the Application therefore filed with the Town Clerk on April 14, 2023, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL

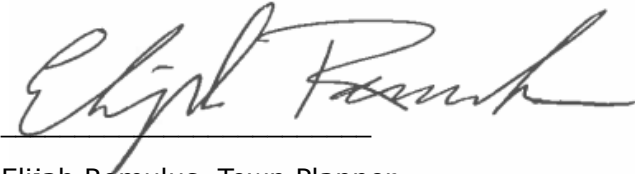
1. Except as modified by the conditions and findings hereof, the Project shall comply with the Project Plans, in all respects, and the Applicant shall pursue completion of the project with reasonable diligence and continuity.
2. If the Project, or any Condition imposed in this Decision, requires any 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. Prior to the issuance of a Building Permit the applicant must submit an Operations & Maintenance Plan (O&M Plan) to be reviewed and approved by the Town Planner which shall include, but not limited to:
 - Location of hazardous materials from auto service facilities will be handled and stored,
 - Provisions for inspection and maintenance for all stormwater BMPs,
 - Manufacturer’s recommended maintenance procedures for proprietary BMP’s
 - Spill prevention and response plan,
 - A map indicating anticipated snow storage areas,
 - A map showing the location of the systems and facilities including all structural and nonstructural stormwater best management practices.
4. Prior to the issuance of a Building Permit the applicant must submit an updated stormwater Pollution Prevention Plan (SWPPP) to be reviewed and approved by the Town Planner.
5. Prior to the issuance of a Building Permit the applicant must submit an updated photometric plan to be reviewed and approved by the Town Planner.
6. Prior to the issuance of a Building Permit the applicant must submit updated architectural plans to reflect solar ready roofing to be reviewed and approved by the Town Planner.
7. Prior to the issuance of a Building Permit the applicant must submit an updated landscaping plan to reflect native plant species to be reviewed and approved by the Town Planner.

8. Prior to the issuance of a Building Permit the applicant must submit an updated Site Plan indicating a cross walk connecting the paver walkway by the flagpole to the dealership, to be reviewed and approved by the Town Planner.
9. Prior to the issuance of a Building Permit the applicant must submit a Plan to be reviewed and approved by the Town Planner which shall include, but not limited to
 - Test pit data from qualified soils professional at all new infiltration areas, including description of soil textures and estimated seasonal high groundwater elevations,
 - Soil test data in footprint for proposed infiltration system,
 - Quantity and composition of earth materials to be exported, imported or regraded.
10. The Applicant shall provide one (1) original and one (1) certified copy of an "As Built" Site Development Plan. Certification shall be by a Registered Professional Engineer and/or Land Surveyor, as required the appurtenances have been constructed in accordance with said Project Plans and are accurately located as shown thereon. The "As Built" plan shall be delivered to the Board in a format approved by the Information Systems Director for compatibility with the Town of Westwood GIS database.
11. Applicant shall promptly repair any damage which Applicant causes to sidewalks, street pavement, signs or other fixtures or features within the public right of way, after obtaining permission from the Town. Such repairs shall be performed to Town of Westwood standards.
12. 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.
13. 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.
14. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
15. Any alterations, modifications, deletions or amendments to the EIDR Approval shall be done in accordance with the requirements of M.G.L. Chapter 40A § 9.
16. Applicant is responsible for obtaining any other required permits including but not limited to conservation, electrical, and building permits.

RECORD OF VOTE

The following members of the Planning Board voted on August 8, 2023 to grant the 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 of EIDR Approval for the abovementioned Project: none.



Elijah Romulus, Town Planner
August 21, 2023