

**TOWN OF WESTWOOD**  
COMMONWEALTH of MASSACHUSETTS

Christopher A. Pfaff, Chairman  
Steven H. Olanoff, Vice Chairman  
Trevor W. Laubenstein, Secretary  
Bruce H. Montgomery  
John J. Wiggin



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**PLANNING BOARD**

2015 DEC -7 P 4: 00

**NOTICE OF DECISION**

TOWN CLERK  
TOWN OF WESTWOOD

In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has **granted** the application from Colbea Enterprises, LLC, as voted on November 17, 2015, and filed in the Office of the Town Clerk on October 16, 2015, requesting Planning Board Special Permit pursuant to Section 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw, to move more than 250 cubic yards of earth material in a nonresidential district at 75-85 Providence Highway, Westwood, MA 02090 for site preparation work associated with the redevelopment of a new Shell Station service area and convenience retail building.

**LAND AFFECTED:** 75-85 Providence Highway:  
75 Providence Highway (Assessor's Map 17, Lot 059)  
85-87 Providence Highway (Assessor's Map 17, Lot 058)

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**

\_\_\_\_\_  
Christopher A. Pfaff, Chairman

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Steven H. Olanoff, Vice Chairman

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Trevor W. Laubenstein, Secretary

\_\_\_\_\_  
Bruce H. Montgomery

Dated: 12/7/15

**DECISION OF THE PLANNING BOARD  
SPECIAL PERMIT**

**APPLICANT:** Colbea Enterprises, LLC  
2050 Plainville Pike  
Cranston, RI 02921-2062

**PROPERTY OWNER:** Colbea Enterprises, LLC for 75 Providence Highway  
2050 Plainville Pike, Cranston, RI 02921-2062  
Providence Highway, LLC for 85 Providence Highway  
1039 East Street, Dedham, MA 02062

**PROPERTY LOCUS:** 75-85 Providence Highway:  
75 Providence Highway (Assessor's Map 17, Lot 059)  
85-87 Providence Highway (Assessor's Map 17, Lot 058)

**BACKGROUND AND PROJECT SUMMARY**

The Applicant proposes to bring in a net total of 1,368 cubic yards of fill to the site, removing 2,481 cubic yards, for a total 1,113 cubic yard net cut material and 3,849 cubic yards for regrading of the property for site work associated with the redevelopment of the existing Shell Station for a new retail building and service pumps. The property is located in the Highway Business (HB) and the WCOD (Wireless Communications Overlay District) zoning district. The proposed earth material movement for export, import and regrading of greater than 250 cubic yards is subject to a Special Permit, pursuant to Section 7.1 of the Westwood Zoning Bylaw.

**STATEMENT OF FINDINGS**

**PROCEDURAL FINDINGS:**

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

1. On October 16, 2015, an application was filed by or on behalf of Colbea Enterprises, LLC, pursuant to Section 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw with the Westwood Planning Board and the Westwood Town Clerk (hereinafter "Application").
2. Pursuant to M.G.L. Chapter 40A, Section 9 and 11 and the applicable provisions of the Westwood Zoning Bylaw and the Rules and Regulations of the Westwood Planning Board (hereinafter "Rules and Regulations"), the Planning Board caused notice of the public hearing to be published in the *Westwood Press*, a newspaper of general circulation in Westwood, on October 30, 2015 and November 6, 2015. Notice of the public hearing was posted in the Westwood Town Hall commencing on October 19, 2015, and continuing through the opening of the public hearing on November 17, 2015. Said notice of the public hearing was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on October 22, 2015.
3. The Planning Board provided copies of the Application to other Town of Westwood boards and commissions, departments and officials including, but not limited to, the Board of Health,

Board of Selectmen, Building Commissioner, Conservation Commission, Department of Public Works, Fire Chief, Police Chief and Town Engineer, on October 22, 2015.

4. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Section 9 and 11, the public hearing on the Application commenced on November 17, 2015, in the meeting room at the Carby Municipal Building at 50 Carby Street, Westwood, Massachusetts, 02090. The Planning Board closed the public hearing on the same evening.
5. Westwood Planning Board Members Trevor W. Laubenstein, Steven H. Olanoff, Christopher A. Pfaff, Bruce H. Montgomery, deliberated on the Application at a duly authorized meeting on November 17, 2015. Mr. Montgomery participated in the hearing remotely pursuant to Westwood's Remote Participation Policy.

#### **PROJECT FINDINGS:**

1. The subject properties consist of approximately ~16,300 S.F. located at 75 Providence Highway and is shown as Map 17, Lot 059 on the Westwood Board of Assessors' Map and ~1.06 acres at 85-87 Providence Highway also known as Map 17, Lot 058 on the Westwood Board of Assessors' Map. When combined, the properties contain ~1.43 acres (hereinafter "Project Site" or "Property").
2. Presently, the Project Site contains a Shell service station with convenience store at 75 Providence Highway and a former retail building at 85-87 Providence Highway and off street parking spaces on the south side of Providence Highway (Route 1).
3. The Applicant proposes to demolish all existing structures on the project site to construct a ~3,600 SF retail convenience store with a 1,480 SF basement level and self-serve fuel sales. The project includes a coffee shop with drive-through service, five gasoline pump stations (double-sided) under a canopy in front of the proposed building and two diesel pump stations and canopy on the south side of the proposed retail building, three subsurface storage tanks, 17 off-street parking spaces, landscaping improvements, utility connections, and stormwater management system. This Project requires EIDR and Special Permit approval from the Planning Board and was granted approval by the Planning Board on October 20, 2015.
4. This Application proposes site preparation work that involves brining in a net total of 1,368 cubic yards of fill, removing 2,481 cubic yards, for a total 1,113 cubic yard net cut material and 3,849 cubic yards for regrading of the property for site work associated with the redevelopment of the existing Shell Station for a new retail building and service pumps.
5. The Project Site is located within the HB and WCOD zoning district. The proposed Earth Material Movement greater than 250 cubic yards is subject to an Earth Material Movement (EMM) Special Permit, pursuant to Section 7.1.3 of the Westwood Zoning Bylaw.
6. The Project, as modified by the Conditions of this Decision, will not be detrimental to the Town or to the general character or visual appearance of the surrounding properties, and will be consistent with all applicable standards set forth in Section 7.1 of the Westwood Zoning Bylaw.

## **DECISION:**

The Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, by a vote of four (4) in favor and none (0) opposed, hereby **grants** Special Permit **Approval** pursuant to Section 7.1 of the Westwood Zoning Bylaw for the Project as described above and in the application therefor filed in the office of the Town Clerk on October 16, 2015, subject to the Conditions stated herein, all of which are an integral part hereof:

## **CONDITIONS OF APPROVAL:**

1. The Applicant shall provide necessary protection for adjacent property owners during excavation and grading work, specifically infiltration basin number one. There shall be a physical barrier to prevent vehicles from entering the work zone.
2. The crushed stone entrance shall be replaced when the stone becomes clogged with dirt or is no longer effective in preventing excess tracking of material onto the public way.
3. The Applicant shall notify the Westwood Department of Public Works during installation and backfill of the proposed infiltration chambers to ensure compliance with the design.
4. The project engineer shall certify that the infiltration system was installed per proposed design shown on the submitted and approved plan. If the design varies significantly, a certified as-built plan shall be submitted and approved by the Department of Public Works prior the issuance of a Certificate of Occupancy.
5. Project related construction and earth material movement shall comply with the Town's General Bylaws Chapter 292, for Noise and Construction between 7:00 a.m. and 7:00 p.m. Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays.
6. All trucks carrying earth material to and from the project site shall be required to access the property from Providence Highway (Route One) only.
7. If the Project, or any Condition imposed in this Decision, requires permit, license, or other approval from any other board, committee, or agency of the Town of Westwood or other regulatory agency of the Commonwealth or the federal government, the Applicant shall make an appropriate application for the same. If any condition of such permit, license, or other approval from any other board, committee, or agency is inconsistent with this Decision, the Applicant shall make application to the Planning Board for amendment of this Decision, and the Planning Board shall consider such application in accordance with the requirements of M.G.L. Chapter 40A § 9 and all applicable Planning Board rules and regulations.
8. 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 or other owner, as applicable. Such repairs shall be performed to Town of Westwood standards and/or the standards of the other owner.
9. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.

## APPLICATION AND PLANS

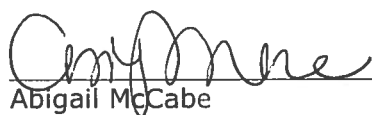
The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Planning Office and the Office of the Town Clerk on October 16, 2015. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application and narrative prepared by Colbea Enterprises, LLC dated October 16, 2015, received by the Town Clerk and Planning Department on October 16, 2015.
2. Cut/Fill Calculations prepared by Ayoub Engineering, prepared for Colbea Enterprises, LLC.
3. Narrative letter and completed Commonwealth of Massachusetts Soil Suitability Assessment form 11
4. Plans prepared for and entitled "Colbea Enterprises, LLC, 2050 Plainfield Pike Cranston, RI", prepared by Ayoub Engineering, dated August 26, 2015, last revised on October 9, 2015 consisting of three sheets (Site Grading Plan – Sheet C-2, Soil Erosion and Sediment Control Plan – Sheet ER-1, Site detail Sheet – Sheet SD-4.
5. Memorandum from Town Engineer, Jeffrey Bina, to Town Planner, Abigail McCabe, RE: Earth Material Movement Special Permit, 75-85 Providence Highway, dated November 1, 2015.
6. Memorandum from Town Planner, Abby McCabe, to Planning Board Members, Re: 75-85 Providence Highway - Earth material Movement – Special Permit, dated November 13, 2015.
7. Completed Town of Westwood Remote Participation Request form for Board Member, Bruce Montgomery, dated November 17, 2015.

## RECORD OF VOTE

The following members of the Planning Board voted on November 17, 2015 to **grant** Special Permit Approval for the abovementioned Earth Material Movement Special Permit Project: Christopher A. Pfaff, Steven H. Olanoff, Bruce H. Montgomery, and Trevor W. Laubenstein.

The following members of the Planning Board voted in opposition to the Special Permit for the abovementioned Earth Material Movement Special Permit Project: None.



Abigail McCabe  
Town Planner  
December 07, 2015