

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Christopher A. Pfaff, Chairman
Steven H. Olanoff, Vice Chairman
Trevor W. Laubenstein, Secretary
John J. Wiggin
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PLANNING BOARD
NOTICE OF DECISION

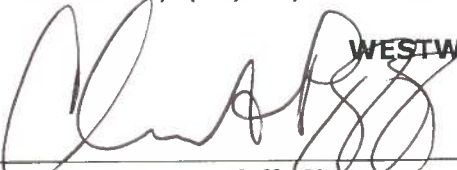
In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has, by a vote of five in favor and none opposed, voted to **grant** the application of Colbea Enterprises, LLC, on October 20, 2015, and filed in the Office of the Town Clerk on July 13, 2015, requesting Planning Board waiver pursuant to Section 6.1.19.5 [Reduction of Landscaping Requirements] and a Special Permit pursuant to Section 6.3.9 [Screening Standards Special Permit] of the Westwood Zoning Bylaw, and also requesting Environmental Impact and Design Review (EIDR) approval pursuant to Section 7.3 of the Westwood Zoning Bylaw. The Application proposes the construction of a ~3,600 SF retail convenience store containing a coffee shop with drive-through service, five double-sided gasoline pump islands under a canopy in front of the proposed building and two diesel pump stations and canopy on the south side of the proposed building, three subsurface storage tanks, 17 off-street parking spaces, landscaping improvements, utility connections, and stormwater management system at 75-85 Providence Highway.

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



Steven H. Olanoff, Vice Chairman



Trevor W. Laubenstein, Secretary

Dated: Nov 17, 2015

2015 NOV 18 P 2:08
TOWN CLERK
TOWN OF WESTWOOD

**DECISION OF THE PLANNING BOARD
SPECIAL PERMIT and ENVIRONMENTAL IMPACT AND DESIGN REVIEW**

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 demolish the existing structures on the project site to construct a ~3,600 SF retail convenience store containing a coffee shop with drive-through service, five double-sided gasoline pump islands 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 a stormwater management system.

The properties are located in the HB (Highway Business) and the WCOD (Wireless Communications Overlay District zoning districts). The proposed professional retail sales and coffee shop is permitted by-right in the HB zone. The drive-through service, motor vehicle light service, and fast order food establishment uses were subject to a Special Permit from the Zoning Board of Appeals. The construction, exterior alterations and parking lot reconfiguration are subject to Environmental Impact and Design Review (EIDR), pursuant to Section 7.3 of the Westwood Zoning Bylaw, and a request to eliminate landscape areas adjacent to the proposed building requires a waiver pursuant to Section 6.1.19.5 [Reduction of Landscaping Requirements], and a Special Permit is required pursuant to Section 6.3.9 [Screening Standards Special Permit] for the 20 foot wide buffer in the rear abutting the Residential Zoning District.

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 July 13, 2015, an application requesting Environmental Impact & Design Review (EIDR) was filed by Colbea Enterprises, LLC, pursuant to Section 7.3 [Environmental Impact and Design Review] and Section 6.3.9 [Screening Standards Special Permit] 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 July 31, 2015 and August 7, 2015. Notice of the public hearing was posted in the Westwood Town Hall commencing on July 23, 2015, and continuing through the opening of the public hearing on August 18, 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 July 23, 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, Pedestrian and Bike Safety Committee, and Town Engineer, on July 17, 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 August 18, 2015 where it was continued without discussion at the request of the applicant to September 1, 2015, in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts, and further continued to October 6, 2015, and October 20, 2015 in the same location. The Planning Board acted on the application on October 20, 2015.
5. Westwood Planning Board Members Trevor W. Laubenstein, Steven H. Olanoff, Bruce H. Montgomery, John J. Wiggin, and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on October 20, 2015.

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. The Project includes three access points to Providence Highway; a shared driveway with the adjacent property to the south at 115 Providence Highway, a one-way into the site at the northern side of the site, and an entrance and exit in the middle of the property.

4. The Project Site is located within the HB (Highway Business) and WCOD (Wireless Communications Overlay District) zoning districts. The proposed retail sales uses are permitted by-right in the HB zone and the drive-through service, motor vehicle light service, and fast order food establishment uses were subject to a Special Permit from the Zoning Board of Appeals. Relief from the requirement of five foot landscape areas around the proposed building (Section 6.1.19.1.1 [Landscape Areas Adjacent to Building]) requires a waiver pursuant to Section 6.1.19.5 [Reduction of Landscaping Requirements]. Relief from the screening requirements for the 20-foot landscape screening in the rear (Section 6.3.2) is subject to a Planning Board Special Permit (Section 6.3.9). The exterior construction and parking lot reconfiguration is subject to Environmental Impact Design Review (EIDR), pursuant to Section 7.3 of the Westwood Zoning Bylaw.
5. The project proposed seventeen (17) off-street parking spaces at 75-85 Providence Highway. The Westwood Zoning Bylaw requirements of Section 6.1 require 17 spaces.
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 Sections 7.3 and 6.3.9 of the Westwood 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; 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. The following waivers are hereby granted by the Planning Board:

1. Waiver from the strict requirements for five foot landscape areas adjacent to buildings requirement of Section 6.1.19 for the proposed retail building. The Board found that the landscaping improvements proposed on-site are sufficient to grant a waiver under Section 6.1.19.5 [Reduction of Landscaping Requirements].
2. Waiver of submission of the presentation model under Section 7.3.7.7 of the Westwood Zoning Bylaw.
3. Waiver of a full traffic study under Section 7.3.7.3 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 five (5) in favor and none (0) opposed, hereby **grants** Special Permit and Environmental Impact and Design Review **Approval** pursuant to Section 6.3.9 and Section 7.3 of the Westwood Zoning Bylaw for the Project as described above and as shown on the plans entitled "Special Permit/EIDR Site Improvement Plans", prepared by Ayoub Engineering, Engineers & Architects, last revised on October 20, 2015, and in the application therefor filed in the office of the Town Clerk on July 13, 2015, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. The Applicant shall submit an Approval Not Required Plan to the Planning Board to combine the two lots prior to the issuance of building permits.
2. The Applicant shall submit a revised mounding analysis and supplemental stormwater calculations to verify proper groundwater drainage under the infiltration systems prior to the issuance of building permits.
3. Prior to demolition, the Applicant shall provide to the Board of Health asbestos surveys for both buildings in compliance with the Department of Environmental Protection Asbestos Regulations.
4. The Applicant shall hire a pest control company to inspect the premises for rodents and /or wildlife, exterminate as necessary, and submit the invoice and inspection report to the Westwood Health Department prior to demolition.
5. The Applicant shall submit food plans, equipment specification sheets, and related documents for the convenience store and the coffee shop to the Westwood Health Department prior to installation.
6. The waste company providing the construction dumpster and/or portable toilet must be licensed by the Westwood Board of Health.
7. The exterior dumpster shall be screened as shown on the approved plans and be maintained pursuant to the Westwood Board of Health Dumpster Regulations.
8. The Applicant shall submit proof of MassDOT curb cut approval to the Planning Department for the new curb cuts on Providence Highway (Route 1) prior to the final certificate of occupancy.
9. 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.
10. The Applicant is responsible for applying for all other local and state regulations, permits, and requirements for this project such as sewer permits, Zoning Board of Appeals,

Conservation Commission, Board of Health, MassDOT, Common Victualler License, Earth Material Movement Special Permit, or any other regulatory agency of the Commonwealth, the federal government, or Town of Westwood. If any condition of such permit, license, or other approval 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.

11. This 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 the approved activity.
12. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
13. Any alterations, modifications, deletions or amendments to the EIDR and/or the Special Permit Approval shall be done in accordance with the requirements of M.G.L. Chapter 40A § 9.

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 July 13, 2015. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application, narrative, and photographs prepared by Colbea Enterprises, LLC for 75-85 Providence Highway, dated July 13, 2015, and received by the Town Clerk and Planning Department on July 13, 2015.
2. Preliminary Traffic Evaluation entitled "Technical Memorandum", Re: Proposed Shell Gas Station/Season's Convenience Store, 75-85 Providence Street, Westwood, MA, prepared by D'Amico Engineering Technology, Inc., consisting of seven (7) pages, dated July, 9, 2015.
3. Plan set entitled "Special Permit/EIDR Site Improvement Plans", prepared by Ayoub Engineering, Engineers & Architects, 414 Benefit Street, Pawtucket, RI 02861, stamped by Alan Micale, dated June 11, 2015, received by the Town Clerk on July 13, 2015, revised August 26, 2015, revised October 9, 2015, and last revised on October 20, 2015, consisting of the following nineteen (19) sheets:

Cover Sheet	General Plan Cover Sheet
Sheet 1	ALTA/ACSM Land Title Survey
Sheet C-1	Site Improvement Plan
Sheet C-1A	Site Overview Plan
Sheet C-2	Site Grading Plan
Sheet C-3	Site Utility Plan
Sheet L-1	Site Landscape Plan

Sheet ER-1 Soil Erosion & Sediment Control Plan
 Sheet 1 Lighting Plan
 Sheet TD-1 Tanker Delivery Plan
 Sheet SG-1 Existing Sign & Graphics Plan
 Sheet SG-2 Proposed Sign & Graphics Plan
 Sheet SD-1 Site Detail Sheet
 Sheet SD-2 Site Detail Sheet
 Sheet SC-3 Site Detail Sheet
 Sheet SC-4 Site Detail Sheet
 Sheet A1.1 Main Level Floor Plan
 Sheet A2.0 Exterior Elevations
 Sheet A2.1 Exterior Elevations

4. Stormwater Report for Colbea Enterprises, LLC, 75-85 Providence Highway, Westwood, MA, prepared by Ayoub Engineering, consisting of 288 pages, dated June 8, 2015, revised August 28, 2015, and October 12, 2015.
5. Request to Postpone and continue without discussion the August 18, 2015 public hearing to September 1, 2015, from Attorney for Applicant, Mark Vaughan, dated August 17, 2015.
6. Request for Peer Review Consultant Qualifications, Scope of Services and Fee Estimate, from Town Planner Abby McCabe, dated July 21, 2015.
7. Responses to Request for Peer Review Professional Services: from Beals and Thomas, Inc. dated July 30, 2015 and BETA Group, Inc. dated August 12, 2015.
8. Electronic Mail from Public Safety Officer, Sgt. Paul R. Sicard, to Abigail McCabe, dated August 26, 2015.
9. Memorandum from Health Director, Linda R. Shea, to Abigail McCabe, Subject: EIDR-75-85 Providence Highway-Shell Gas Station/Colbea Enterprises, LLC, dated August 4, 2015.
10. Electronic Mail from Deputy Fire Chief, Michael Reardon, to Abigail McCabe, sent August 13, 2015.
11. Public Comments, Electronic Mail from Michael Kraft, sent July 22, 2015 to Abigail McCabe.
12. Peer Review Consultant Notification Letter to Attorney Mark Vaughan from Abigail McCabe, dated September 2, 2015.
13. Memorandum from Abby McCabe, Town Planner, to Planning Board Members, dated August 28, 2015 and revised October 2, 2015 (three pages).
14. Certification for confirmation of evidential review from Board Member Bruce Montgomery, pursuant to M.G.L. c. 39, Section 23D, dated October 6, 2015.
15. Electronic Mail from Westwood Conservation Agent, Karon Catrone, to Abigail McCabe and Janice Barba, Subject: 75 Providence Highway sent August 26, 2015.
16. Review comment letter from peer review consultant, Matthew Cote of Beals and Thomas, Inc., to Christopher A. Pfaff, Re: Supplemental Environmental Impact & Design Peer Review, consisting of 11 pages, dated September 29, 2015.

17. Applicant's response to comments from Alan J. Micale of Ayoub Engineering, Inc., to Westwood Planning Board, consisting of five pages, dated October 6, 2015.
18. Applicant's response to comments from Alan J. Micale of Ayoub Engineering, Inc. to Westwood Planning Board, dated October 6, 2015 and revised October 13, 2015, consisting of seven (7) pages.
19. Photograph and Rendering Exhibit of other Colbea Enterprise locations (Johnston, RI, North Kingstown, RI, Greenwich, RI, Randolph, MA, Shrewsbury, MA), dated September 9, 2015.
20. Review comment letter from peer review consultant, Matthew Cote of Beals and Thomas, Inc., to Christopher A. Pfaff, Re: Supplemental Environmental Impact & Design Peer Review, consisting of 13 pages, dated October 16, 2015.
21. Deed with right to use 20-foot strip right-of-way, dated February 28, 1958, and corresponding plan entitled "Plan of Land in Westwood, Mass", prepared by Pilling Engineering, dated July 8, 1957, and signed by the Westwood Planning Board on August 15, 1957.
22. Deed for right-of-way over property dated December 1, 1954, and corresponding plan entitled "Plan of Land in Westwood, Mass", prepared by Basil W. Gilbert, dated March 29, 1950, recorded in Norfolk Registry of Deeds Book 2971, Page 425.
23. Applicant's response letter from Alan J. Micale, dated October, 6, and revised through October 20, 2015, consisting of two page cover letter and nine pages of the stormwater report checklist.
24. Mounding Analysis for Colbea Enterprises, LLC, 75-85 Providence Highway, Westwood, MA, prepared by Ayoub Engineering, consisting of six (6) pages, dated November 11, 2015.
25. Electronic Mail from peer review consultant, Matthew Cote of Beals and Thomas, Inc. to Abigail McCabe, sent November 12, 2015.

RECORD OF VOTE

The following members of the Planning Board voted on October 20, 2015 to **grant** EIDR and Special Permit Approval for the abovementioned project as amended by the conditions: Christopher A. Pfaff, Steven H. Olanoff, Bruce H. Montgomery, John J. Wiggin, Trevor W. Laubenstein.

The following members of the Planning Board voted in opposition to EIDR and Special Permit Approval for the abovementioned Project: None.


Abigail McCabe, Town Planner

11/18/15
November 18, 2015

TOWN CLERK
TOWN OF WESTWOOD
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