

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Christopher A. Pfaff, Chairman
Trevor W. Laubenstein, Vice Chairman
Steven H. Olanoff, Secretary
David L. Atkins
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2016 AUG 29 P 2:53
TOWN CLERK
TOWN OF WESTWOOD

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 Saeed Rahman and Syed Iqbal, as voted on August 23, 2016, and filed in the Office of the Town Clerk on June 14, 2016, requesting Planning Board Special Permit pursuant to Section 6.3.9 [Screening Standards] 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 to renovate the building for a convenience store and redevelop the site for a four pump gasoline service station under a canopy and five off-site parking spaces.

LAND AFFECTED: 390 Washington Street (Assessors' Map 23, Lot 221)

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

Trevor W. Laubenstein, Vice Chairman

Steven H. Olanoff, Secretary

David L. Atkins

Michael L. McCusker

Dated: 8/29/2016

2016 AUG 29 P 2:53
TOWN CLERK
TOWN OF WESTWOOD

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

APPLICANT: Syed Iqbal
Saeed Rahman
104 Meadow Lane
Randolph, MA 02368

PROPERTY OWNER: Washington 390 Property LLC
P.O. Box 476
Norwood, MA 02062

PROPERTY LOCUS: 390 Washington Street (Assessor's Map 23, Lot 221)

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to redevelop the property by renovating the one-story building for a ~1,200 S.F. convenience store with gasoline station from the former gasoline station and two-bay repair use. Proposed exterior work includes façade improvements by installing new windows, removing the mansard roof and repair bays, new roof, beige stucco siding and stone veneer, re-stripe the lot for five parking spaces, re-use the gasoline pumps for four fuel stations, construct a canopy, new signage, install landscaping along the perimeter of the 9,635 S.F. property, one way traffic flow around the building with two curb cuts on Washington Street, and drainage improvements.

The properties are located in the Local Business B (LBB) zoning district. The proposal for motor vehicle light service use is a continuation of the existing use, which is permitted by Special Permit from the Board of Appeals and the convenience store retail use is allowed by-right in the LBB. The exterior alterations are subject to Environmental Impact and Design Review (EIDR), pursuant to Section 7.3 of the Westwood Zoning Bylaw and the request to waive the landscape screening requirements of Sections 6.1.18 and 6.3.6 was subject to a Special Permit, pursuant to Section 6.3.9 [Screening Standards Special Permit] 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 June 14, 2016, an application requesting EIDR public hearing was filed by or on behalf of Syed Iqbal and Saeed Rahman, pursuant to Section 7.3 [Environmental Impact and

Design Review] 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 June 24, 2016 and July 1, 2016. Notice of the public hearing was posted in the Westwood Town Hall commencing on June 16, 2016, and continuing through the opening of the public hearing on July 12, 2016. 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 June 16, 2016.
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, Town Engineer, Historic Commission, and Pedestrian and Bicycle Safety Committee on June 21, 2016.
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 July 12, 2016 and was immediately continued without discussion to August 2, 2016, in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts. On August 2, 2016, the Planning Board continued the hearing to August 23, 2016 in the same location and closed the public hearing the same evening.
5. Westwood Planning Board Members Trevor W. Laubenstein, Steven H. Olanoff, David L. Atkins, Michael L. McCusker, and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on August 2 and August 23, 2016.

PROJECT FINDINGS:

1. The subject properties consist of approximately ~9,635 S.F. located at 390 Washington Street and is shown as Map 23, Lot 221 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site contains a one-story building formerly used for a service station with two repair bays and four gasoline pumps.
3. The Applicant proposes to redevelop the property by renovating the one-story building for a ~1,200 S.F. convenience store with gasoline station from the former gasoline station and two-bay repair service use. Proposed exterior work includes façade improvements by installing new windows, removing the mansard roof and repair bays, new roof, beige stucco siding and stone veneer, re-stripe the lot for five parking spaces, re-use the gasoline pumps for four fuel stations, construct a canopy that is 14 ft. to the bottom of the canopy and 17 ft. to the top, an eight foot free-standing sign, a wall and canopy sign, install a mulched bed with landscaping along the perimeter of the 9,635 S.F. property, one way traffic flow around the building and exit through the northerly curb cut, and drainage improvements by

installing trench drains, catch basins, manholes, and leaching galleys in the north rear corner of the property.

4. The Project Site is located within the Local Business B (LBB) zoning district. The motor vehicle light service use is a continuation of the former pre-existing use and the convenience store retail use is allowed by-right in the LBB, subject to Environmental Impact Design Review (EIDR), pursuant to Section 7.3 of the Westwood Zoning Bylaw.
5. The project proposed a total of five (5) parking spaces on-site at 390 Washington Street. The Westwood Zoning Bylaw parking requirements of Section 6.1 require five (5) off-street parking spaces.
6. The Board finds that 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 of the Westwood Zoning Bylaw.
7. The Board finds that the proposal for Rhododendrons, Hydrangeas, two Flowering Dogwoods, and American Holly in mulched beds along the property's perimeter where none exist presently improves the property. The size of the property, the required number of parking spaces, and the 25 ft. wide right-of-way along the southern portion of the property limit the ability for additional landscaping. The Board hereby waives the strict requirements for parking lot and landscape screening.
8. The Board finds that the Project, as modified by the Conditions of this Decision and the revised plans, does not interfere with the existing 25 foot right-of-way over the southern portion of the property granted to the adjacent property at 338 Washington Street. The plans as revised and conditioned by this Decision are designed to maintain safe passage and full access to the right-of-way.

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 of the requirements for the submission of the presentation model under Section 7.3.7.7 of the Westwood Zoning Bylaw.
2. Waiver of the requirement for a traffic study under Section 7.3.7.3 of the Westwood Zoning Bylaw upon finding that the Institute of Transportation Engineers model projects less daily trips with the proposed gasoline station with convenience store than the previous use of gasoline and repair service station use.

3. The Applicant's original request from the requirement to provide a Storm Drainage Report and runoff calculations in Section 7.3.7.1.6 of the Zoning Bylaw has been deferred. The Applicant submitted drainage plans on August 23, 2016 and the submission of the stormwater runoff calculations are a condition of this approval.

DECISION:

The Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, by a vote of five 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 in the application therefor filed in the office of the Town Clerk on June 14, 2016, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. The plan set entitled "Definitive Site Plan, 390 Washington Street, Westwood, Massachusetts", prepared by Sea-Coast Consulting, and stamped by Vladimir L. Nemchenok, dated June 10, 2016 and last revised on August 11, 2016, updated sheets received by Planning Board on August 23, 2016, be revised to include the following changes and annotations and submitted to the Planning Board:
 - Remove the "Enter Only" painted pavement marking from the southerly curb cut;
 - Shift and angle the first one-way arrow out of the right-of-way to be closer to the gasoline pumps;
 - Remove or shift the two one-way arrows closer to the two parking spaces adjacent to the building;
 - Install two "no parking signs" along the southern property line to restrict parking in the right-of-way;
 - Increase two of the rear parallel spaces to be 22 ft. in length; and
 - Modify the dumpster enclosure to include recycling.
2. 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.
3. The Applicant/Owner shall submit final drainage plans with calculations to the Town Engineer and Town Planner for final review and approval. The proposal shall improve and capture stormwater runoff by installing catch basins, trench drains, manholes, a grit chamber, and leaching galleys as shown on the plans submitted on August 23, 2016.
4. Prior to construction of the leaching galley and infiltration system, the Applicant shall perform and submit soil percolation tests and revised stormwater calculations to verify the existing conditions of the soil and assumptions made for drainage and submit the results to the Planning and Public Works Departments. If the Town Engineer determines the soil conditions are unsuitable for infiltration and leaching, a contribution in an amount acceptable

to the Town Engineer shall be submitted by the Owner/Applicant and escrowed for drainage improvements to benefit the Washington Street and/or Purgatory Brook drainage catchment area. If the infiltration system cannot be installed the Applicant shall submit a cost estimate of the entire drainage system to the Town Engineer and Town Planner to assist in calculating the contribution amount.

5. The Applicant shall notify the Westwood Department of Public Works (DPW) during excavation and installation of the leaching galley and infiltration system to have a DPW representative be present and inspect to ensure compliance with the approved design.
6. The proposed Flowering Dogwoods shall be planted with a 3 inch caliper. All landscape shall be maintained by the Owner/Applicant and replaced in-kind as necessary if any plantings do not survive.
7. The proposed new curbing in the landscape area along the front property line between the two curb cuts shall meet the street side of the existing granite curbing in the Town's right-of-way.
8. The dumpster shall be screened from view by a six (6) foot fenced enclosure constructed of vinyl-clad wood as shown on the submitted plans and licensed by the Board of Health.
9. The mulched area in the right-of-way shall be constructed to allow vehicle passage and shall not impede traffic in any way; any raised portion of the bed shall be limited to no more than two inches in height.
10. The existing noncompliant free-standing sign shall be removed. The proposed pylon sign shall be limited to 8 ft. in height with external illumination. The Board accepts the proposed conceptual sign package but the final sign details for the pylon, wall and canopy signs shall be submitted to the Planning Board prior to applying for a sign permit for consistency with this EIDR. If the signage proposal differs substantially from the concept plans submitted, the Applicant shall submit a request for a minor modification of the EIDR to the Planning Board.
11. The northerly curb cut exit shall be identified with directional signage that shall be less than five feet in height. The pavement markings indicating one-way traffic flow around the building shall be repainted as necessary.
12. The canopy's light fixtures shall be in the recessed portion of the canopy and the lens flush with the canopy's ceiling.
13. 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.

14. Prior to renovation of any existing structure, the Applicant shall provide an asbestos inspection report conducted in compliance with DEP Asbestos Regulations and the Westwood Health Department.
15. The Applicant shall provide plans for the convenience store in compliance with 105 CMR 590/Federal Food Code to the Board of Health.
16. The Applicant shall provide an application for the Sale of Tobacco Products in compliance with the Westwood Board of Health Tobacco Regulations, if tobacco products are proposed.
17. The dumpster, waste hauler, and any portable toilets during construction shall be licensed by the Board of Health.
18. No audible speakers or TVs, other than the required communication system at the pumps for ADA compliance, were proposed or approved with this Decision.
19. All lights shall be full cutoff. All non-security lighting shall be turned off within an hour after the close of business. Security lights were identified as two site lights at the front corners of the property and three lights behind the building.
20. The 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.
21. 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.
22. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
23. 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.
24. The Applicant shall submit a final As-Built plan certified by a professional engineer showing the property lines, right-of-ways, walls, parking, utilities, drainage system, curbing, sidewalks, utilities, lights, plantings, and all site features prior to the issuance of the Certificate of Occupancy. The As-Built shall be submitted as a PDF, AutoCAD file, and two full size copies to the Planning Board and Town Engineer.

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 June 14, 2016. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

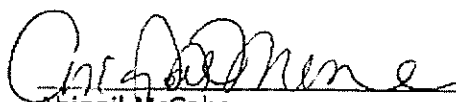
1. Application, Narrative, and Photographs prepared by Sea-Coast Consulting and S. Rahman and S. Iqbal for EIDR Public Hearing, dated June 13, 2016, and received by the Town Clerk and Planning Department on June 14, 2016.
2. Plan set entitled "Definitive Site Plan, 390 Washington Street, Westwood, Massachusetts", prepared by Sea-Coast Consulting, and stamped by Vladimir L. Nemchenok, dated June 10, 2016 and last revised on August 11, 2016, updated sheets received by Planning Board on August 23, 2016 consisting of the following 12 sheets:
 - Sheet 1: Cover Sheet
 - Sheet 2: Existing Conditions Plan
 - Sheet 3: Demolition Plan
 - Sheet 4: Site Layout Plan
 - Sheet 5: Site Grading Plan
 - Sheet 6: Site Utility Plan
 - Sheet 7: Soil Erosion and Soil Control Plan
 - Sheet 8: Landscape Plan
 - Sheet 9: Vehicle Maneuvering Plan
 - Sheet 10: Photometric Plan
 - Sheet 11: Construction Details Plan
 - Sheet 12: Construction Details Plan
3. Architectural plans prepared by Sea-Coast Consulting, LLC dated May 12, 2016, revised August 5, 2016 consisting of the following five sheets:
 - Sheet A100 – Existing Conditions First Floor Plan
 - Sheet A200 – Existing Conditions Elevation Plans
 - Sheet B100 – Proposed Conditions First Floor Plan
 - Sheet B101 – Proposed Conditions Proposed Elevations
 - Sheet B102 – Preliminary design of Proposed Canopy Elevations
4. Four color renderings/drawings prepared by Sea-Coast Consulting, LLC, undated, View of Northwest (2), West, Southwest.
5. Memorandum from Abby McCabe, Town Planner, to Planning Board Members, dated July 29, 2016, revised August 19 and August 23, 2016.
6. Memorandum from Health Director Linda Shea to Abigail McCabe, Subject: EIDR-390 Washington Street, dated June 23, 2016.
7. Memorandum from Town Engineer Jeffrey Bina to Abigail McCabe, RE: Environmental Impact and Design Review, 390 Washington Street, dated June 30, 2016, and revised July 28, 2016.
8. Electronic Mail from Building Commissioner Joe Doyle, to Abigail McCabe, Subject: Planning Board Application – 390 Washington St. (Gas Station), Sent: July 26, 2016.

9. Electronic Mail from Deputy Fire Chief Michael Reardon, to Abigail McCabe, Subject: Revised Plan Set for 390 Washington Street, Sent: August 18, 2016.
10. Trip Generation Rates from 8th Edition ITE Trip Generation Report.
11. Electronic Mail from Deputy Fire Chief Michael Reardon, to Abigail McCabe, Subject: 390 Washington Street Sent: June 28, 2016.
12. Electronic Mail from Public Safety Officer, Paul Sicard to Janice Barba and Abigail McCabe, Subject: Planning Board EIDR application -390 Washington Street Sent: June 22, 2016.
13. Letter from James A. Sperber of Roche Bros. Supermarkets (2 pages), to Westwood Planning Board, Re: 390 Washington Street (PB-2016-28), dated July 1, 2016 with Exhibit A – Plan of Land, 338 Washington Street, Westwood, Mass.
14. Letter from James A. Sperber of Roche Bros. Supermarkets (3 pages), dated August 18, 2016, exhibit A: Letter from Charles Comely, Exhibit B: Plan of Land 338 Washington Street, Westwood, Mass.
15. Quitclaim Deed, Dated November 7, 2013, Book 31891 P236 Norfolk County Registry of Deeds.
16. Frank N. Gobbi Deed, dated 1970.
17. Land in Westwood, Mass. dated April 15, 1952.
18. Plan of Land in Westwood, Mass. dated November 5, 1969.
19. Letter from Charles A. Bomely, Jr. Re: Westwood/Convenience Store Site Plan Submission; dated August 16, 2016.
20. Public Comments, Electronic Email from Kevin McCabe, sent to Dave Atkins, Sent: August 17, 2016.

RECORD OF VOTE

The following members of the Planning Board voted on August 23, 2016 to *grant* EIDR and Special Permit Approval for the abovementioned project as amended by the conditions: Christopher A. Pfaff, Steven H. Olanoff, David L. Atkins, Michael L. McCusker, 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
 August 29, 2016