

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS



Christopher A. Pfaff, Chairman
Trevor W. Laubenstein, Vice Chairman
Steven H. Olanoff, Secretary
David L. Atkins
Michael L. McCusker
Todd Sullivan, Alternate
Steve Rafsky, Alternate
TOWN OF WESTWOOD

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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 Hogan Tire Centers, Inc., as voted on June 14, 2016, and filed in the Office of the Town Clerk on March 8, 2016, requesting Planning Board Special Permit pursuant to Section 6.3.9 [Screening Standards] and Section 7.1 [Earth Material Movement] 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 demolish the existing ~7,500 SF building used for motor vehicle general repair to construct a new ~4,882 SF one-story building with six garage bays for the same use with sixteen (16) off-street parking spaces, install landscaping and drainage improvements, and import 1,038 cubic yards of earth for regrading work associated with this project.

LAND AFFECTED: 14 Washington Street (Assessors' Map 16, Lot 024)
+032

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

Steve Rafsky

Todd Sullivan

Dated: 6/14/2016

TOWN CLERK
TOWN OF WESTWOOD
2016 JUN 24 A 11:41

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

APPLICANT: Hogan Tire Centers, Inc.
P.O. Box 2235
Woburn, MA 01888

PROPERTY OWNER: Thomas E. Hogan, Inc.
P.O. Box 2234
Woburn, MA 01888

PROPERTY LOCUS: 14 Washington Street (Assessor's Map 16, Lot 24)
Gay Street (Assessor's Map 16, Lot 32)

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to demolish the existing ~7,500 SF footprint building to construct a new ~4,882 SF one-story building with six garage bays, sixteen (16) off-street parking spaces and a loading zone, install landscaping, stormwater management facilities and utilities at 14 Washington Street. The motor vehicle general repair use is a pre-existing use in the Local Business B (LBB) zoning district, with all exterior alterations subject to Environmental Impact and Design Review (EIDR), pursuant to Section 7.3 of the Westwood Zoning Bylaw. The project area is within the LBB zone while the abutting 5,662 SF lot to the rear is under common ownership and in the General Residence (GR) zone. The Application also involves a Special Permit for Earth Material Movement under Section 7.1 of the Zoning Bylaw to import a net total of 1,038 cubic yards of fill associated with re-grading the property and a Special Permit for the screening requirements pursuant to Section 6.3.9 of the Westwood Zoning Bylaw to continue the nonconforming landscape screening buffer along the southeasterly/rear property line.

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 March 8, 2016, a public hearing application requesting approval was filed by or on behalf Hogan Tire Centers, Inc., pursuant to Section 7.3 [Environmental Impact and Design Review] and 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 April 8, 2016 and April 15, 2016. Notice of the public hearing was posted in the Westwood Town Hall commencing on March 31, 2016, and continuing through the opening of the public hearing on April 25, 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 March 31, 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 March 29, 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 April 25, 2016, in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts. On April 25, 2016, the Chairman appointed Associate Planning Board Members Steven Rafsky and Todd Sullivan to sit on the application as full Board members. The Planning Board continued the hearing to May 24, 2016 where it was further continued without discussion to June 14, 2016 to the same location.
5. Westwood Planning Board Members Trevor W. Laubenstein, Steven H. Olanoff, Todd Sullivan, Steven Rafsky, and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on June 14, 2016.

PROJECT FINDINGS:

1. The subject properties consist of approximately ~33,776 S.F. located at 14 Washington Street at the corner of the Washington Street and Gay Street Extension and is shown as Map 16, Lots 24 and 32 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site contains a ~7,500 S.F. footprint building for a motor vehicle general repair use and paved parking area.
3. The Applicant proposes to demolish the existing building to construct a new ~4,882 SF one-story building with sixteen (16) off-street parking spaces, install landscaping, a dumpster enclosure, new signage, stormwater management facilities, and utilities at 14 Washington Street. The Application also involves a Special Permit for Earth Material Movement to import a net total of 1,038 cubic yards of fill associated with re-grading the property and a Special Permit to continue the existing nonconforming landscape buffer in the rear along the southeasterly property line where it does not meet the 20 ft. minimum.

The project proposes to improve the existing buffer by providing the required minimum of 20 ft. landscape buffer along the southerly side property line.

4. The Project Site is located within the LBB (Local Business B) and the rear portion of the property is GR (General Residence) zoning district. The proposed motor vehicle general repair use is considered a pre-existing nonconforming use. The exterior alterations are subject to Environmental Impact Design Review (EIDR), pursuant to Section 7.3 of the Zoning Bylaw and the movement of greater than 250 cubic yards of fill is subject to a Special Permit pursuant to Section 7.1 of the Westwood Zoning Bylaw.
5. The project proposes a total of sixteen (16) parking spaces on-site and a loading zone at 14 Washington Street. The proposed project meets the parking requirements of Section 6.1 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 Sections 7.1 and 7.3 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 of the strict adherence to the traffic study requirement of Section 7.3.7.3 of the Westwood Zoning Bylaw. The Board finds this requirement is not necessary because the proposed motor vehicle general repair use has existed at this location for some time and the project will not increase the level of business activity at the site.
2. Waiver of the strict adherence to the 150 ft. minimum distance for access or egress points to a parking area from an intersecting street as required in Section 6.1.25 of the Westwood Zoning Bylaw. The proposal includes reusing the existing access point for the driveway off of Washington Street.
3. Waiver of the submission of the presentation model required in Section 7.3.7.7 of the Westwood Zoning Bylaw. The Board finds this requirement is not relevant to this application.

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 Approval** pursuant to Section 6.3.9 [Screening Standards Special Permit] to allow the continuance of the nonconforming landscape screening along rear southeasterly property line, Section 7.1 [Earth Material Movement (EMM)] for a Special Permit to import 1,038 cubic yards of fill for construction, and Section 7.3 [Environmental Impact and Design Review] 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 March 8, 2016, subject to the Conditions stated herein:

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. A final revised plan set and corresponding documents shall be revised and submitted to the Planning Board's peer reviewer and Town Planner for approval to address all outstanding items in the memorandum from Philip Paradis of PSC dated June 13, 2016.

The plan entitled "Site Plan of 14 Washington Street, Westwood, Massachusetts", prepared by Timothy D. Paris, P.E., dated March 6, 2016, and last revised on June 6, 2016 consisting of 4 sheets, shall be revised to include the following changes:

- o Add contour 146 to reflect grading change;
- o Show dumpster screening detail;
- o Show the limit of work;
- o Provide detail for electrical connection for a transformer and details for the proposed transformer or mechanical area on the north side of the building; and
- o Show the location with correct dimensions and orientation for the proposed bicycle rack.

The landscape plan entitled "Landscape Planting Plan, Hogan Tire, 14 Washington Street, Westwood, Ma" Sheet 1, prepared by MF Landscape and Design, LLC of Walpole, MA, dated May 12, 2016 shall be submitted to the Town Planner for review and approval with the following revisions:

- o Show planting details;
- o Add details to clarify the front lawn area and proposed swale;
- o Add dense plantings of shrubs and trees to serve as visual screening planted at a height visible over the existing stockade fence;
- o Label the dimension of the landscape buffer; and

- Identify proposed surface treatments for all areas where pavement is proposed to be removed.
3. A final Erosion and Sediment Control Plan and Operation and Maintenance Plan including bi-annual pavement sweeping shall be submitted to the Planning Board's peer reviewer and Town Planner for review and approval.
 4. A final sign package detailing the dimensions, material, and lighting for the proposed free-standing sign shall be submitted to the Town Planner for approval. The exact height shall be determined after a site visit and based on visibility but shall not be higher than eight (8) feet.
 5. The submitted photometric plan shall be revised so that the proposed "W2" wall light be mounted no higher than fifteen (15) feet above the ground directly below.
 6. Test pit data for subsurface Infiltration system #2 shall be provided to the Board's professional peer reviewer and Town Planner prior to construction to verify proper separation from high ground water elevations. Any plan modifications as a result of further testing shall return to the Planning Board for review.
 7. All exterior lights shall be installed so there is no glare onto nearby properties as shown on the submitted light details and photometric plan. No wall mounted light fixtures shall be mounted higher than 15 ft. above the grade directly below.
 8. The garage doors shall remain closed at all times, except as necessary to move vehicles into and out of the garage bays.
 9. The proposed future location for building mechanical area on the north side of the building shall be screened from view with landscaping or fencing. The final details for any equipment such as the air conditioning condenser units shall be submitted to the Town Planner for review and approval if this mechanical area is determined to be necessary for the new building.
 10. The removal and replacement of the existing concrete sidewalk and driveway apron shall be coordinated with the Department of Public Works and replaced to match the existing materials.
 11. Trees to remain shall be protected to prevent damage during construction as shown on the project plans.
 12. The Owner/Applicant shall clean the property daily of any trash or debris. All trash, recycling, and material storage shall be within the proposed enclosure. The frequency of waste removal shall be increased if found to be insufficient.
 13. All work within the right-of-way shall be coordinated with the Westwood Department of Public Works relative to the Washington Street resurfacing planned for July – August 2016. Work associated with this project shall not damage the new pavement or the traffic signal conduit under the sidewalk.
 14. Prior to demolition the Applicant shall hire a pest control company to inspect the premises and submit the inspection report and invoices to the Westwood Health Department.
 15. Prior to demolition the Applicant shall submit a copy of the asbestos inspection conducted in compliance with DEP Asbestos Regulations to the Westwood Health Department.

16. The waste hauler and/or portable toilet shall be licensed with the Board of Health if used during this project.
17. Applicant shall submit revised emergency plans to meet the Westwood Board of Health Hazardous Materials Bylaw after project completion to identify the storage and management of any hazardous materials.
18. All trucks carrying the fill shall access and exit the property from Washington and Gay Streets only and shall not travel down the side streets.
19. The existing pavement on Washington Street shall be protected from damage from loading and unloading materials and/or equipment related to the proposed construction.
20. Prior to the proposed connection, the Applicant shall verify the outlet for catch basin in Gay Street for the proposed foundation drain connection.
21. The driveway shall be cleaned daily during construction to prevent excess tracking of material onto the public way and a crushed stone entrance shall be used and replaced when necessary to keep dirt from being tracked onto the street.
22. The Applicant shall provide three (3) certified copies of an "As Built" Site Development Plan prepared by a Registered Professional Engineer and/or Land Surveyor, and shall indicate that all driveways, parking areas, sidewalks, storm drains, sewer mains, water mains and their appurtenances have been constructed in material compliance 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 (Auto Cad and PDF) for compatibility with the Town of Westwood GIS database.
23. 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.
24. 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.
25. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
26. Any alterations, modifications, deletions or amendments to the EIDR 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 March 8, 2016. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Hogan Tire Centers, Inc. for EIDR and Special Permit dated –March 6, 2016 and May 4, 2016, received by the Town Clerk and Planning Department on March 8, 2016.
2. Plan entitled "Site Plan of 14 Washington Street, Westwood, Massachusetts", prepared by Timothy D. Paris, P.E., dated March 6, 2016, and last revised on June 6, 2016 consisting of four sheets (Sheet 1 – site plan, Sheet 2 – Detail Sheet, Sheet 3 – Detail Sheet, Sheet 4 – Erosion Control Plan).
3. Architectural plans entitled "Hogan Tire, Washington Street, Westwood, Massachusetts" prepared by JSN Associates, Inc. dated February 2, 2016 and sheet A2.0 revised May 18, 2016, consisting of the following sheets: Sheet A1.0 – Basement Floor Plan, Sheet A1.1- First Floor Plan, Sheet A2.0 – Conceptual Elevations revised May 8, 2016.
4. Design Documentation for Site Plan of 14 Washington Street, Westwood, Massachusetts, prepared for Ed Hogan Thomas Hogan, Inc., dated March 6, 2016, received by the Town Clerk March 8, 2016.
5. Landscape plan entitled "Landscaping Planting Plan, Hogan Tire, 14 Washington Street, Westwood, MA (sheet 1)", prepared by MF Landscape & Design Services, LLC, of Walpole, dated May 12, 2016.
6. Memorandum from Health Director Linda Shea to Abigail McCabe, Town Planner and Planning Board, dated April 6, 2016.
7. Electronic Mail from Building Commissioner, Joe Doyle, to Abigail McCabe, Subject: 14 Washington Street, sent: April 11, 2016.
8. Letter from Salvatore J. Zinno, 6 Lull Street, to Westwood Planning Board Chairman Pfaff, dated April 18, 2016.
9. Peer review comment letter from Philip Paradis, Professional Services Corporation, (PSC), re: 14 Washington St – Hogan Tire Site Plan Peer Review, dated April 18, 2016 (7 pages).
10. Sketches of proposed alternatives A & B to site layout, submitted at April 25, 2016 hearing.
11. Memorandum from Town Engineer, Jeffrey Bina to Town Planner, Abigail McCabe, RE: Environmental Impact and Design Review, 14 Washington Street, dated May 13, 2016.
12. Applicant's Response to Comments from Timothy D. Paris to Abigail McCabe, re; 14 Washington Street-Hogan Tire Site Plan, dated May 6, 2016 (5 pages).
13. Earth Material Movement Application, dated May 4, 2016.
14. Proposed signage prepared by Barlo Signs of Hudson, NH, Job Name: Hogan Tire Westwood, 3 sheets, dated May 5, 2016.
15. Continuance Request form from Edward Hogan, dated May 17, 2016.

16. Stormwater Operation and Management Plan for Hogan Tire - 14 Washington Street, Westwood, Massachusetts, 5 pages, dated June 9, 2016.
17. Stormwater Report for Hogan Tire, 14 Washington Street, Westwood, MA, prepared for Hogan Tire/Thomas Hogan, Inc. dated July 9, 2015 [sic], received June 9, 2016.
18. Photometric Plan for 14 Washington Street, One Sheet.
19. Light specification sheet for Lumark proposed site lights, PRV Prevail LED.
20. Light specification sheet for Lumark proposed building wall mounted lights, XTOR CROSSTOUR LED.
21. Ten photographs of project site, 14 Washington Street.
22. Applicant's Response to Comments to Abigail McCabe from Timothy D. Paris, Re: 14 Washington Street-Hogan Tire Site Plan, dated May 31, 2016 (2 pages).
23. Supplemental Design Documentation for Site Plan of 14 Washington Street, Westwood, Massachusetts, prepared for Ed Hogan/Thomas Hogan, Inc. dated May 2, 2016 (94 pages).
24. Peer review comment letter from Philip Paradis, Professional Services Corporation, (PSC), re: 14 Washington St - Hogan Tire Site Plan Peer Review, dated June 9, 2016, revised June 13, 2016 (10 pages).
25. Memorandum from Abby McCabe, Town Planner, to Planning Board Members, dated June 9, 2016, revised June 13, 2016 (4 pages).
26. Certification of April 25, 2015 missed public hearing from Planning Board member Todd Sullivan, dated June 14, 2016.

RECORD OF VOTE

The following members of the Planning Board voted on June 14, 2016 to **grant** EIDR and Special Permit Approval for the abovementioned project as amended by the conditions: Christopher A. Pfaff, Steven H. Olanoff, Steve Rafsky, Todd Sullivan, 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

6/24/2016
DATE