



THE PLANNING BOARD OF WEST BOYLSTON

140 WORCESTER STREET
WEST BOYLSTON, MASSACHUSETTS 01583

CERTIFICATE OF SITE PLAN REVIEW APPROVAL and STORMWATER MANAGEMENT APPROVAL

February 10, 2016

Kim Hopewell, Town Clerk
Municipal Offices
140 Worcester Street
West Boylston, MA 01583

Applicant: Cumberland Farms, Inc.
Proposal: Fuel Dispensing Station and Convenience Store
Site: 184-186 West Boylston Street
Owner: Surabian Realty Co., Inc.

In conformance with the West Boylston Zoning Bylaws, Section 3.6, Site Plan Review, the Planning Board of West Boylston, Massachusetts hereby certifies that it voted to **APPROVE** the Site Plan Review Application for the above-noted location with the conditions listed below at a duly called and properly posted meeting of said Planning Board, held on **January 27, 2016**. The Planning Board, acting as the Stormwater Authority's designee, voted to **APPROVE** the Stormwater Management Plan at the same time.

The Approved Site Plan is entitled "184 West Boylston Street (Route 12), Town of West Boylston, Worcester County, Massachusetts, 01583" and contains 29 sheets dated September 30, 2015 with revisions through January 25, 2016, prepared by Bohler Engineering, Southborough, MA. The Approved Site Plan is stamped by W.D. Goebel, P.E., Civil License #42644-C. The Site Plan was originally filed with the Planning Board on November 10, 2015, concerning the proposed construction of a fuel dispensing station and convenience store. The public hearing was opened on December 9, 2015, continued to January 13, 2016 and closed on January 27, 2016.

Findings:

1. The applicant, Cumberland Farms, Inc. (hereinafter "Applicant") submitted a notarized authorization from the owner, Surabian Realty Co., Inc (hereinafter "Owner") to act on their behalf relative to the depicted lease area and entrance shown on the Approved Plan.
2. The improvements presented by the Applicant were relative to the leased area (hereinafter "Leased Area") abutting West Boylston Street and north of the existing mall access driveway, specifically in the northeast portion of the property noted as 184-186 West Boylston Street, containing approximately 36,654 square feet.
3. The location of the lot is in the Business Zone of the Town of West Boylston. Retail businesses are allowed by right in this Zone and automobile-fuel services are allowed in this Zone with a Special Permit from the Zoning Board of Appeals, which has been granted.
4. A new 4,738 square foot building, 6 fueling stations (12 fueling positions) and 14 parking spaces are to be constructed with access from the existing plaza entrance and an additional entrance-only access from West Boylston Street on the Leased Area.

5. 22 parking spaces will be created on the property including one ADA accessible space; these totals meet the required number for a "retail area for sales" with a "12-seat restaurant" use, as determined by the Building Inspector. A legal agreement for Cumberland Farms' sole use of 8 shared parking spaces to the northwest of the building outside of the Leased Area has been submitted. These 8 spaces are required to be included with the 14 spaces proposed to be constructed within the Leased Area.
6. Since this application includes new construction, the Applicant worked with the Planning Board's consulting engineer and has ensured that the project complies with the MassDEP Stormwater Design Standards and the West Boylston Stormwater Bylaw. Regular maintenance of this system is required.
7. The Operation and Maintenance Plan for the stormwater treatment system is documented on Sheet CFG09.3 of the Approved Site Plan, and has been included as part of the site manager's required operations and maintenance procedures.
8. This approval specifically notes all waivers to the sign bylaws that are granted by the Planning Board. No other reductions or changes are allowed.
9. The approved stormwater treatment system is designed only for the Leased Area north of the entrance driveway, therefore a new Site Plan Review for the area south of the entrance driveway is needed prior to creation of any impervious surfaces or issuance of a building permit in this area of the property. The work associated with the previously-approved Site Plan Review was not completed.
10. The Municipal Light Department, Water District, Police Department and the Fire Department approved this application with no objections. The Conservation Commission issued a Negative Determination of Applicability for this proposal.

Waivers

The Applicant requested several waivers and the West Boylston Planning Board has approved the following waivers for this project:

- ☐ Section 5.6.A.7.c Sign Location – a waiver to include signs closer than 10 feet to the Owner's property line. A standing sign to be located 8.2' from the northerly property line was approved; waivers to allow two (2) directional signs, and two (2) informational signs at the northerly curb-cut on West Boylston Street to be located approximately 4.7' and 8', respectively, from the property line were approved.
- ☐ Section 5.6.C.2 Sign Schedule- a waiver to include a wall sign exceeding 30 square feet in area. A wall sign with a maximum area not to exceed 37.6 square feet was approved.
- ☐ Section 5.6.C.2 Sign Schedule- a waiver to include a standing sign exceeding 40 square feet in area. A standing sign with an area not to exceed 82.5 square feet was approved.
- ☐ Section 5.6.C.2 Sign Schedule – a waiver to include a wall sign, and two (2) canopy signs, visible from a public street. A wall sign and two (2) canopy signs, visible from West Boylston Street, were approved.
- ☐ Section 5.6.B.7.b Informational and Directional Signs- a waiver to include informational and directional signs exceeding 2 square feet in area. Directional signs with an area not to exceed 3.5 square feet were approved; informational signs ("Do Not Enter" and "Stop") with an area exceeding 2 sf. were approved.
- ☐ Section 5.6.B.7.c Informational and Directional Signs – a waiver to include informational and directional sign letters and symbols exceeding 4" in height. Symbols on the directional signs and letters on the informational signs exceeding 4" in height were approved.
- ☐ Section 5.6.B.7.d. Informational and Directional Signs – a waiver to include informational signs exceeding 4' in height. Informational signs ("Do Not Enter" and "Stop") not to exceed 7' in height were approved.
- ☐ Section 5.6.E.1.d Canopy Signs- a waiver to include canopy signs exceeding 8 square feet in area. Canopy signs with an area not to exceed 11 square feet were approved.
- ☐ Section 5.6.D.3.1.d. Gasoline price signs – a waiver to include a gasoline price sign exceeding 8 square feet in area. A gasoline price sign with an area not to exceed 20 square feet per side was approved.

- ☐ Section 5.6.D.3.1.e. Digital Display signs – a waiver to include a digital display sign area exceeding 12 square feet. A digital display area not to exceed 16.5 square feet was approved.
- ☐ Section 5.6.E.1.d.i Canopy signs – a waiver to include no more than one wall sign, whether located on the primary structure or the canopy, shall face in any given direction. A wall sign on the structure facing southerly and a canopy sign facing southerly were approved.
- ☐ Section 5.6.D.3.1.e . Digital Display Signs – a waiver to include digital displays of static and moving advertisement and video at the fueling stations. Digital displays at each fueling station, not to exceed 8” by 8”, for the dual purpose of facilitating fuel sales and advertisement during fuel dispensing were approved.

The following conditions shall apply to the development:

1. The final grading of the area shall not worsen any existing drainage flow onto abutting properties.
2. Prior to the release of this Approval, the Applicant shall reimburse the Town for all professional review fees in excess of the amount originally posted.
3. The Applicant shall comply with the requirements of the DCR Asian Longhorn Beetle eradication program when removing vegetation from the site.
4. All lighting at the site shall be directed down and be anti-glare in compliance with the Zoning Bylaws.
5. All work proposed within the Route 12 right of way shall be reviewed and permitted by MassHighway and meet appropriate ADA standards.
6. Any additional exterior signage or sign area beyond those approved in the requested waivers above, other than signs required under the Building Code, must be submitted to the Building Inspector and Planning Board, and receive approval prior to installation. Additional sign area includes, for example, electronic signs or advertisement displays at the pump stations.
7. Any earth removal planned on site must be completed in accordance with Section 5.4 of the Zoning Bylaws and Article XXII of the Town of West Boylston’s General Bylaws, including any permits necessary from the Earth Removal Board.
8. The Applicant shall provide the Board with monthly written progress updates summarizing project and site activities during construction. The Applicant acknowledges that they will be responsible to reimburse the Town for the Planning Board’s Engineer to conduct regular inspections of the site during construction. The inspections will be performed by its Engineer at least once every month (or as agreed to by the Applicant and the Planning Board and determined based on the construction schedule for the site) to monitor site activities and stabilization. A separate letter addressing the details of the Construction Inspection requirements will be submitted to the Applicant separately from this Site Plan Approval. The Applicant acknowledges that no construction can begin on site until the Construction Inspection Fees have been paid to the Planning Board and a Preconstruction Meeting has been conducted.
9. Construction shall conform to the Approved Site Plans and specifications submitted to the Planning Board and be in conformance with good industry practices. The Approved Site Plans shall not be changed, amended or modified without approval of the Planning Board. Any significant changes to the Approved Site Plans shall require a formal re-submittal of the proposed changes to the Board prior to implementation. Failure to abide by this requirement may result in the Board rescinding its Site Plan Approval.
10. Construction must be started within one (1) year from the date of this Certificate of Site Plan Review Approval. This approval may be extended for up to one year if an acceptable reason and written request is received by the Board at a meeting before the end of the approval period. Construction must be completed within three (3) years from the date of this approval. If Applicant fails to meet either of these conditions, this Certificate of Site Plan Approval shall become null and void without further action of this Board and

an Amended Site Plan Review application will be required to be approved before a permanent occupancy permit may be issued.

11. "As-Built" Site Plans and a written certification by a professional engineer noting discrepancies between the actual construction and the approved plans shall be stamped by the engineer. Certification that construction was completed in accordance with the Approved Site Plan shall be submitted to the Planning Board for review and approval before a Certificate of Completion may be issued. **In accordance with Section 3.6-D.7 of the Zoning By-laws, a Certificate of Completion is required before a permanent occupancy permit may be issued by the Building Inspector.** The Applicant shall reimburse the Board for consulting services to review and verify that the As-Built Plans conform to the Approved Site Plans.

VOTED As Follows regarding requested waivers:

Marc S. Frieden, Chair
Cheryl Carlson
Christopher E. Olson
Barur R. Rajeshkumar
Vincent P. Vignaly

YES
Yes
No
YES
NO

VOTED As Follows regarding Site Plan (waivers notwithstanding) and Stormwater Permit:

Marc S. Frieden, Chair
Cheryl Carlson
Christopher E. Olson
Barur R. Rajeshkumar
Vincent P. Vignaly

YES
Yes
YES
YES
yes

No permit to build or alter any building or structure or change of use requiring a Site Plan Review shall be issued by the Building Inspector without a Certificate of Site Plan Approval. No changes to the Approved Site Plans may be made without Planning Board approval.

Consented to by the West Boylston Planning Board:

Marc S. Frieden

Marc S. Frieden, Chair

Cheryl Carlson

Cheryl Carlson

Christopher E. Olson

Christopher E. Olson

Barur R. Rajeshkumar

Barur R. Rajeshkumar

Vincent P. Vignaly

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Filed with the Town Clerk on 2/11/16