

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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PLANNING BOARD

APPROVAL
ENVIRONMENTAL IMPACT AND DESIGN REVIEW (EIDR)
EARTH MATERIAL MOVEMENT (EMM)
272 Summer Street
August 13, 2019

**APPLICANT/
PROPERTY OWNER:** Claudio and Maria Diletizia
70 Colt's Crossing
Canton, MA 02021

PROPERTY LOCUS: 272 Summer Street
Westwood, MA 02090
Assessor's Map 03, Lot 032

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to import 5,184 cubic yards of earth material to re-grade the property to construct a single family dwelling and driveway at 272 Summer Street, Westwood, MA 02090 also known as Assessor's Map 03, Lot 032.

The property is located in the Single Residence C (SRC) zoning district. The proposed importing and regrading of greater than 200 cubic yards is subject to an Earth Material Movement Environmental Impact and Design Review, pursuant to Sections 7.1 and 7.3 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 July 11, 2019, an application was filed by Claudio and Maria Diletizia, pursuant to Section 7.1 and 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 *Transcript and Bulletin*, a newspaper of general circulation in Westwood, on and July 25, 2019 and August 1, 2019. Notice of the public hearing was posted in the Westwood Town Hall commencing on July 12, 2019 and continuing through the

opening of the public hearing on August 13, 2013. 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 15, 2019.

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, Historical Commission, and Pedestrian and Bicycle Safety Committee on July 11, 2019.
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 13, 2019, in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts. The Planning Board closed the public hearing on August 13, 2019.
5. Westwood Planning Board Members David L. Atkins, Brian D. Gorman, Christopher A. Pfaff, Deborah J. Conant, and William F. Delay deliberated on the Application at a duly authorized meeting on August 13, 2019.

PROJECT FINDINGS:

1. The subject property consists of approximately 6.2 acres located at 272 Summer Street and is shown as Map 03 Lot 032 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site at 272 Summer Street is undeveloped.
3. The Applicant proposes to import 5,184 cubic yards of earth material to re-grade the property to construct a single family residence and driveway at 272 Summer Street, Westwood, MA 02090.
4. The Project Site is located within the Single Residence C zoning district. The proposed importing or more than 200 cubic yards of earth material is subject to Earth Material Movement (EMM) Environmental Impact Design Review (EIDR), pursuant to Sections 7.1 and 7.3 of the Westwood Zoning Bylaw.
5. 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 7.3.8 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. On August 13, 2019, the following waivers are hereby granted by the Planning Board:

1. The Board voted to waive the strict requirement of Section 7.3.7.2 [Exterior Lighting Plan] requiring the submission of an exterior lighting plan.

2. The Board voted to waive the strict requirement of Section 7.3.7.3 [Traffic Impact Report] requiring a professionally traffic study because no increase is projected with this project.
3. The Board voted to waive the requirement for submission of a presentation model under Section 7.3.7.7 [Presentation Model] of the Zoning Bylaw.
4. The Board voted to waive the requirement for the submission of drawings and rendering elevations under Section 7.3.7.4.

DECISION:

On August 13, 2019, 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** Earth Material Movement Environmental Impact and Design Review (EIDR) Approval pursuant to Section 7.1 and 7.3 of the Westwood Zoning Bylaw for the Project as described above and in the application therefor filed in the office of the Planning Board and the Town Clerk on July 11, 2019 and as shown on the plans entitled "Stormwater Management Plan 272 Summer Street" prepared by Norwood Engineering, dated July 10, 2019 and all material submitted through close of hearing on August 13, 2019, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. There shall be no substandard of hazardous fill material used with this project. Provide a certification from a certified professional that the fill material does not contain any hazardous or substandard material. Applicant shall be provided certification prior to any fill being brought to the property, within 30 days of the close of the hearing, and prior to the issuance of a building permit.
2. Applicant is responsible for contact the Fire Department and Dedham Westwood Water District to verify access to water and hydrant locations.
3. 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.
4. The Applicant shall notify the Town Department of Public Works to be present during the installation and backfill of subsurface infiltration chamber to ensure compliance with the design.
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 272 Summer Street shall be required to access the property from Route 109/High Street and are prohibited from travelling or turning around in other nearby streets such as Grove Street.
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 Section 7.3 [Environmental Impact and Design Review] and applicable Planning Board EIDR 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. Such repairs shall be performed to Town of Westwood standards.

APPLICATION AND PLANS

The Planning Board evaluated the Application filed by the Applicant in the Planning Application system on July 11, 2019. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application submission, project description, photographs, Site Plan dated July 10, 2019 prepared by Norwood Engineering, Permit Plan Set, Waiver Request in View Permit on July 11, 2019.
2. Stomwater Description Summary for 272 Summer Street, prepared by Norwood Engineering.
3. Review memo from Phil Paradis of BETA Group, dated August 6, 2018 [sic].
4. Plan showing hydrants near 272 Summer Street.
5. Soil Testing Pre-characterization Results submitted on August 21, 2019, prepared by Phoenix Environmental laboratories, Inc. (305 pages).
6. Staff Review Comments
7. Post Hearing Submission per Condition #1: Soil Certification Summary prepared by GREEN Environmental, dated September 5, 2019, 36 pages.

RECORD OF VOTE

The following members of the Planning Board voted on August 13, 2019 to grant EMM-EIDR Approval for the abovementioned Project: David L. Atkins, Brian D. Gorman, Christopher A. Pfaff, Deborah J. Conant, and William F. Delay.

The following members of the Planning Board voted in opposition to EMM-EIDR Approval for the abovementioned Project: None.



Abigail McCabe
Town Planner
September 6, 2019