

**TOWN OF WESTWOOD**  
COMMONWEALTH of MASSACHUSETTS

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Christopher A. Pfaff, Secretary  
David L. Atkins, Jr.  
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**PLANNING BOARD****DECISION OF THE PLANNING BOARD**  
**Environmental Impact and Design Review for Earth Material Movement**

**APPLICANT:** Joyce Hastings  
GLM Engineering Consultants, Inc.  
19 Exchange Street  
Holliston, MA 01746

**PROPERTY OWNER:** Rosario Paparazzo  
31 Carnegie Harbor Drive  
Portsmouth, RI 02871

**PROPERTY LOCUS:** 405 Nahatan Street  
Westwood, MA 02090  
Assessor's Map 29, Lot 170

**BACKGROUND AND PROJECT SUMMARY**

The Applicant proposes to bring in 924 cubic yards of fill to regrade the property to for the construction of a single-family residence at 405 Nahatan Street. The property is located in the Single Residence E (SRE) zoning district. The property is currently wooded and undeveloped. The proposed earth material movement for import and regrading of greater than 200 cubic yards is subject to a Earth Material Movement Environmental Impact and Design Review (EIDR), 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 October 25, 2019, an application was filed by or on behalf of GLM Engineering Consultants, Inc., pursuant to Section 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw with the Westwood Planning Board and application was considered complete and submitted to the Westwood Town Clerk (hereinafter "Application") on November 5, 2019.
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 Thursday, November 14, 2019 and again on Thursday, November 21, 2019. Notice of the public hearing was posted in the Westwood Town Hall commencing on

November 7, 2019 and continuing through the opening of the public hearing on December 10, 2019. 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 November 8, 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 November 5, 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 December 10, 2019 in the meeting room at the Carby Municipal Building at 50 Carby Street, Westwood, Massachusetts, 02090. The Planning Board closed the public hearing on December 10, 2019.
5. Westwood Planning Board Members Brian D. Gorman, Deborah J. Conant, David L. Atkins, Jr., William F. Delay and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on December 10, 2019.

### **PROJECT FINDINGS:**

1. The subject property consists of approximately 3.68 acres located at 405 Nahatan Street and is shown as Map 29, Lot 170 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site is an undeveloped wooded lot.
3. The Applicant proposes to import 924 cubic yards of fill to re-grade the property for the construction of a single family residence. The Applicant stated that the fill will be composed of 764 yards of loam, 60 yards of crushed stone, and 100 yards of processed gravel. The source of materials has not been determined. The Application states they will provide receipts for all earth material materials to confirm the quality of the fill.
4. The Project Site is located within the Single Residence E (SRE) zoning district. The proposed single-family dwelling use is permitted by-right in the SRE zone, and the Earth Material Movement greater than 200 cubic yards is subject to an Earth Material Movement (EMM) EIDR, pursuant to Section 7.1 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 7.1 of the Westwood Zoning Bylaw.

### **WAIVERS:**

On December 10, 2019, the Planning Board voted to approve 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 requirements under Section 7.3.7.2 of the Westwood Zoning Bylaw to provide an Exterior Lighting Plan. This project is the new construction of a single residence home.
2. Waiver of the strict requirements under Section 7.3.7.3 of the Westwood Zoning Bylaw to provide a traffic study. This project is the construction of a single residence home.
3. Waiver of the strict requirements under Section 7.3.7.4 of the Westwood Bylaw to provide a presentation model.
4. Waiver of the strict requirements under Section 7.3.7.4 of the Westwood Bylaw to provide a drawing /renderings. Site plans and existing condition photographs have been submitted for review.
5. Waiver of the strict requirements under Section 7.3.7.1.6 of the Westwood Bylaw to provide a Stormwater Drainage Plan. The Planning Board found this requirement not to be necessary for this application. The Conservation Commission also reviewed this project for work within 100 ft. buffer and approved an order of conditions with conditions on November 13, 2019.

#### **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** Environmental Impact and Design Review Earth Material Movement **Approval** pursuant to Section 7.1 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 November 5, 2019, subject to the Conditions stated herein, all of which are an integral part hereof:

#### **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. The existing pavement on Nahatan Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
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 at least 48 hours in advance during installation and backfill of infiltration chambers that are proposed 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 or from 405 Nahatan Street shall be required to access street via High Street or Clapboardtree Street to the east.
7. Applicant shall submit certification from a professional that the fill does not contain any hazardous or substandard material. This certification shall be submitted to the Town

Planner prior to issuance of a building permit and prior to any material being brought on site.

8. 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 submit a written summary of any requests for changes to the Office of the Planning Board. Any de minimis changes may be considered minor by the Building Commissioner and administratively reviewed by the Town Planner for consistency with this approval, pursuant to Section 7.3 of the Zoning Bylaw. Any substantial changes that drastically change the overall site design, site drainage, and which may cause substantial impact to the public ways shall return to the Planning Board at a public meeting. A modification request if determined to be major shall require a formal EIDR submission, pursuant to Section 7.3 of the Zoning Bylaw and require a public hearing with the Planning Board for a formal amendment to this approval.
9. 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 Department of Public Works. Such repairs shall be performed to Town of Westwood standards.
10. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.

#### **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 November 5, 2019. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application package prepared by GLM Engineering Consultants, Inc. dated October 25, 2019, received by the Town Clerk and Planning Department on November 5, 2019.
2. Plan entitled "Proposed Site Plan 405 Nahatan Street Westwood", prepared by GLM Engineering consultants, Inc, dated October 21, 2019, last revised on October 24, 2019.
3. Memorandum from Holly Fabuert and Philip Paradis of BETA Group, to Todd Korchin, DPW Director, Subject: 405 Nahatan Street EIDR.
4. Staff Comments from View Permit for 405 Nahatan Street Application to Planning Board.

#### **RECORD OF VOTE**

The following members of the Planning Board voted on December 10, 2019, to grant EIDR Approval for the abovementioned Project: David L. Atkins Jr., Brian D. Gorman, Christopher A. Pfaff, Deborah J. Conant, and William F. Delay. The following members of the Planning Board voted in opposition to the EIDR for the abovementioned Project: None.



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Abigail McCabe, Town Planner

December 11, 2019