

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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PLANNING BOARD

DECISION OF THE PLANNING BOARD
Environmental Impact and Design Review for Earth Material Movement
85 Burgess Avenue

APPLICANT: Philip Eramo
77 Mill Street
Westwood, MA 02090

PROPERTY OWNER: Erin and Jared Hawkins
85 Burgess Avenue
Westwood, MA 02090

PROPERTY LOCUS: 85 Burgess Avenue
Westwood, MA 02090
Assessor's Map 27, Lot 091

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to bring in approximately 800 cubic yards of fill to regrade the property for the construction of a boulder wall and to re-grade the side and rear yard at 85 Burgess Avenue for the purposes of installing a playground area. The property is located in the Single Residence C (SRC) zoning district. The proposed earth material movement for import and regrading of greater than 200 cubic yards is subject to Environmental Impact and Design Review (EIDR), pursuant to Sections 7.1 and 7.3 of the Westwood Zoning Bylaw. The property received an earth material movement approval on February 13, 2018 to import fill to regrade the property associated with the demolition of the former residence and construction of the new residences.

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 23, 2019, an application was filed by Phil Eramo, pursuant to Section 7.1 [Earth Material Movement] and 7.1 [Environmental Impact and Design Review] EIDR 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 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 8, 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 hearing was opened on December 10th and immediately continued at the request of the Applicant for further plan revisions and the Board voted to continue the hearing to January 7, 2020, January 21, 2020 and was heard on February 11, 2020. The Planning Board closed the public hearing on February 11, 2020.
5. Westwood Planning Board Members Brian D. Gorman, David L. Atkins, Jr., William F. Delay and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on February 11, 2020.
6. Westwood Planning Board member Deborah J. Conant recused herself from this application.

PROJECT FINDINGS:

1. The subject property consists of approximately 24,938 square feet located at 85 Bures Avenue and is shown as Map 27, Lot 091 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site consists of a single family residence.
3. The Applicant proposes to import a net total of approximately 800 cubic yards of fill to re-grade the property for the construction of a boulder wall and re-grade the side and rear yard for a playground area.
4. The Project Site is located within the Single Residence C (SRC) zoning district. The proposed importing of earth material 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:

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 a motion made by Mr. Atkins, seconded by Mr. Pfaff, the Planning Board voted 4-0 finding that these standard application requirements are not necessary for the review of this project to re-grade a yard. 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 for the requirement to provide an Exterior Lighting Plan.
2. Waiver of the strict requirements under Section 7.3.7.3 of the Westwood Zoning Bylaw for a traffic study.
3. Waiver of the strict requirements under Section 7.3.7.4 of the Westwood Bylaw for the requirement to provide a presentation model.
4. Waiver of the strict requirements under Section 7.3.7.4 of the Westwood Bylaw for the requirement to provide drawings/renderings because no new vertical construction is involved.

DECISION:

The Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, by a vote of four (4) in favor and none (0) opposed, hereby **grants** Environmental Impact and Design Earth Material Movement **Approval** pursuant to Section 7.1 and 7.3 of the Westwood Zoning Bylaw for the Project as shown on the revised plan entitled "Proposed Deck Plan of Land in Westwood, MA" for Philip Eramo, prepared by Colonial Engineering, Inc. dated October 17, 2019 and revised through February 3, 2020 described above and in the application therefor filed with the Town Clerk on November 5, 2019 and through the conclusion of the public hearing on February 11, 2020, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. The existing pavement on Burgess Avenue shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
2. 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.
3. 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.
4. All trucks carrying earth material to or from 85 Burgess Avenue shall be required to access Burgess Ave. street via High Street only.
5. Applicant shall provide a certification from a professional engineer that the walls were constructed in accordance with the detail and are structurally sound.
6. 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.

7. 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.
8. 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, narrative, photographs prepared by Phil Eramo dated October 23, 2019, received by the Town Clerk and Planning Department on November 5, 2019.
2. Plan entitled "Proposed Deck Plan of Land Westwood", prepared by Colonial Engineering, dated October 17, 2019, revised February 3, 2020.
3. Electronic Mail from E. Rollings to Abigail McCabe, Subject: Planning Board Meeting, Sent: February 11, 2020.
4. Staff review comments from ViewPermit.
5. Memorandum from Holly Faubert and Philip F. Paradis to Todd Korchin, DPW Director, Subject: 85 Burgess EIDR, Date: December 3, 2019 and updated February 6, 2020.
6. Disclosure of Appearance of Conflict of Interest as required by G.L. c. 268A. Section 23(b)(3) from Deborah Conant, submitted to the Town Clerk on February 10, 2020.

RECORD OF VOTE

The following members of the Planning Board voted on February 11, 2020, Brian D. Gorman, Christopher A. Pfaff, David L. Atkins Jr., and William F. Delay.

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



Abigail McCabe
Town Planner
Reissued on February 28, 2020 to correct an error in the waivers section