

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Brian D. Gorman, Chair
Deborah J. Conant, Vice Chair
Christopher A. Pfaff, Secretary
David L. Atkins, Jr.
William F. Delay



Abigail McCabe, Town Planner
amccabe@townhall.westwood.ma.us
(781) 251-2581

Karyn Flynn, Land Use &
Licensing Specialist
kflynn@townhall.westwood.ma.us
(781) 767-6344

PLANNING BOARD

DECISION OF THE PLANNING BOARD
Environmental Impact and Design Review for Earth Material Movement
72 Reservoir Road
April 7, 2020

**APPLICANT AND:
PROPERTY OWNER:** Walsh Bros. Building Co. Inc
11 Saddle Way
Walpole, MA 02081

PROPERTY LOCUS: 72 Reservoir Road
Westwood, MA 02090
Assessor's Map 35, Lot 096

BACKGROUND AND PROJECT SUMMARY

The Applicant has retroactively filed an earth material movement application due to the earth work associated with the recent construction of a single-family residence on a previously undeveloped lot. The work imported approximately 200 cubic yards of earth to re-grade which resulted in grades with slopes over 15% on the property at 72 Reservoir Road, Westwood, MA 02090 also known as Assessor's Map 35, Lot 096. The project includes a driveway, parking spaces for a least two vehicles and includes collection of stormwater runoff, treatment and infiltration on-site. The property is located in Single Residence C (SRC) zoning district. The

The import and regrading of greater than 200 cubic yards and the elevation changes is subject to 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 February 11, 2020, an application was filed by Walsh Bros. Building Co Inc, 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, February 27, 2020 and again on Thursday, March 5, 2020. Notice

of the public hearing was posted in the Westwood Town Hall commencing on February 20, 2020 and continuing through the opening of the public hearing on March 17, 2020. 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 February 20, 2020.

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 February 13, 2020.
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 March 17, 2020 in the meeting room at the Carby Municipal Building at 50 Carby Street, Westwood, Massachusetts, 02090. Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law MGL C. 30A, Section 18 the Board Members participated in the meeting remotely through phone and video. On March 17th, the Planning Board continued the public hearing to Tuesday, April 7, 2020. On April 7, 2020 the public hearing was through remote participation through Zoom consistent with the Governor's March 12 Order and the March 23, 2020 Emergency Order imposing strict limitations on number of people that may gather in one place in response to the COVID-19 outbreak and state of emergency.
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 April 7, 2020 and closed the hearing that same evening.

PROJECT FINDINGS:

1. The subject property consists of approximately 3.7 acres located at 72 Reservoir Road and is shown as Map 35, Lot 096 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 imported a net total of approximately 200 cubic yards to re-grade which resultant grades over a 15% slope for the construction of a single family residence.
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 material imported consists of crushed gravel, processed from blast rock by Walsh Bros. at a site in Holliston, MA.
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 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. The following waivers are hereby granted by the Planning Board upon a finding that these general application requirements outlined in Section 7.3 are not required for this single-family residential project:

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 7.3.7.1.6 for stormwater drainage runoff calculations. Applicant has designed site to collect stormwater runoff to be treated and infiltrated on-site.

DECISION:

The Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, by a vote of 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 described above and in the application therefor filed with the Town Clerk on February 11, 2020, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. Applicant shall extend the erosion controls along the full limit of disturbance up to the driveway entrance.
2. Applicant/Owner shall monitor the roadway for sedimentation until disturbed areas have been stabilized and providing corrective measures as needed.

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 February 13, 2020. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application and narrative description, photographs prepared by Walsh Bros. Building Co. Inc dated February 11, 2020, received by the Town Clerk and Planning Department on February 14, 2020.
2. Plan entitled "Proposed House Location Plan, Lot C - Reservoir Road Westwood, Massachusetts", prepared by GLM Engineering Consultants, Inc, and dated April 30, 2018 and last revised on June 19, 2018 (Sheets 1 and 2).
3. Staff review comments from View Permit for Project Number PB-20-8.
4. Memorandum from Holly Faubert and Philip F. Paradis to Todd Korchin, DPW Director, Subject: 72 Reservoir Road EMM EIDR, Date: March 2, 2020.

RECORD OF VOTE

The following members of the Planning Board voted on April 7, 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
April 8, 2020