

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

APPLICANT: Mark Joyce
Old Grove Partners

ADDRESS: P.O. Box 920358
Needham, MA 02492

PROPERTY OWNER: Far Reach LLC
C/O Connors Family
200 Clarendon Street
Boston, MA 02116

PROPERTY LOCUS: 3, 6, & 9 Recess Way (off of Far Reach Road)
Assessor's Map 03, Lots 028, 029, & 30

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes regrading of three undeveloped lots and constructing three new single-family homes and a new road named Recess Way. The project includes cutting into the existing water main in Far Reach Road to install a tee, water main, and hydrant along Recess Way. Stormwater is proposed to be collected via sheet flow and a catch basin in Recess Way, treated by two detention basins, and infiltrated via two infiltration basins. In addition, three drywells are proposed at each of the three homes to infiltrate roof runoff. The project proposes an import of approximately 620 cubic yards of fill and 820 cubic yards of gravel, requiring an estimated of 75-150 truckloads.

The property is located in the SRC (Single Residence C) zoning district. The proposed earth material movement for import and regrading of greater than 200 cubic yards is subject to an Earth Material Movement Environmental Impact Design Review, pursuant to Sections 7.1 and 7.3 of the Westwood Zoning Bylaw.

The project was previously approved as an Open Space Residential Development (OSRD)-Environmental Impact and Design Review, pursuant to Section 8.3 of the Zoning Bylaw and a Definitive Subdivision in November 2015.

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 June 18, 2020, an application was filed by or on behalf of Mark Joyce of Old Grove Partners, pursuant to Section 7.1 [Earth Material Movement] 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 & Bulletin*, a newspaper of general circulation in Westwood, on July 2, 2020 and July 9, 2020. Notice of the public hearing was posted in the Westwood Town Hall commencing on June 22, 2020, and continuing through the opening of the public hearing on July 21, 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 June 23, 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 June 22, 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 July 21, 2020, via Zoom Webinar and filmed live by Westwood Media Center on Westwood Media's YouTube Channel and local government channels Comcast Channel 12 and Verizon Channel 42. The hearing was held in accordance with the Governor's March 12, 2020 Order suspending certain provisions of the Open Meeting Law MGL c. 30A §18 and the Governor's March 23, 2020 Emergency Order imposing limitations on the number of people that may gather in one place. The Planning Board met remotely via Zoom Webinar where public comments were offered by live time audio via Zoom and through the Question and Answer function. The opportunity for written comments to be submitted was also offered. The public hearing was closed on July 21, 2020 by a roll call vote.
5. Westwood Planning Board Members Deborah J. Conant, William F. Delay, David L. Atkins, Jr., Christopher A. Pfaff, and Robert R. Gotti deliberated on the Application at a duly authorized meeting on July 21, 2020.

PROJECT FINDINGS:

1. The subject property consists of approximately 8.9 acres located off of Far Reach Road on a new 170 foot cul-de-sac and a 4.5 acre open space parcel with three house lots. The recently named new road is Recess Way and the new house lots is shown as Map 03, Lot 028, 029, & 030 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site is undeveloped. On November 17, 2015, the Planning Board approved a Definitive Subdivision and Open Space Residential Development-Environmental Impact and Design Review approval for a new road, utilities, three house lots, and an open space parcel.
3. The Applicant proposes regrading of three undeveloped lots and constructing three new single-family homes and a new road named Recess Way. The project includes cutting into the existing water main in Far Reach Road to install a tee, water main, and hydrant along Recess Way. Stormwater is proposed to be collected via sheet flow and a catch basin in Recess Way, treated by two detention basins, and infiltrated via two infiltration basins. In addition, three

drywells are proposed at each of the three homes to infiltrate roof runoff. The project proposes an import of approximately 620 cubic yards of fill and 820 cubic yards of gravel, requiring an estimated of 75-150 truckloads.

4. The Project Site is located within the SRC zoning district. The proposed single-family dwelling use is permitted by-right in the SRC 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 and Section 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 7.1 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:

1. Waiver of the strict requirements under application submission requirements of Section 7.3.7.2 for an Exterior Lighting Plan, Section 7.3.7.3 for a Traffic Study, Section 7.3.7.5 for photographs, Section 7.3.7.1.6 for storm drainage runoff calculations, and Section 7.3.7.7 for a presentation model. The Board finds the Environmental Impact and Design Review standard application submission materials are not necessary and germane to this earth material movement application.

DECISION:

On July 21, 2020, 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 one (1) abstention, the Board on a roll call vote granted Earth Material Movement EIDR Approval pursuant to Sections 7.1 & 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 June 22, 2020 and with the Planning Board on June 18, 2020, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. Applicant shall provide detailed composition of the fill to be imported including supplier certification that the fill is clean and does not contain any hazardous material. Applicant shall provide this to the Town Planner prior to bringing in any fill to the property and prior to issuance of building permits.
2. Plans submitted to the building and Dedham Westwood Water District shall include details on water and sewer connections, hydrants, and utilities.
3. All trucks carrying earth material to and from the Project Site shall be required to access the Project Site from Summer Street via High Street/Route 109 only.

4. 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.
5. The existing pavement on Far Reach Road shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
6. 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.
7. The Applicant shall notify the Town Department of Public Works during installation and backfill of infiltration chambers that are proposed to ensure compliance with the design.
8. 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.
9. If there are any proposed changes or modifications to the approved plans, Applicant shall submit a written request and plan depicting such change to the Planning office prior to executing any changes. If the change is determined to be de minimis per the Building Commissioner per Zoning Bylaw Section 7.3 no formal Planning Board approval is required. If the change is not de minimis a minor modification request shall be submitted to the Planning Board and reviewed at a duly noticed public meeting. If changes are determined to not be minor by the Planning Board, Applicant shall file an application for a public hearing with the Planning Board.
10. 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.
11. 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.
12. 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 June 18, 2020. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Beals & Thomas, prepared for Old Grove Partners, entitled "Definitive Plan Off Far Reach Road, Westwood, MA", dated November 3, 2015, last revised June 17 2020.

2. Cover letter from and cut and fill calculations and supporting documentation submitted by Regan Harrold and Jeffrey Murphy of Beals & Thomas, to the Westwood Planning Board, dated June 17, 2020.
3. House and floor plans submitted by McKay Architects for Far Reach Road, dated June 15, 2020.
4. Request for waivers submitted by Old Grove Partners.
5. Memorandum from Holly Faubert and Philip Paradis of BETA Group, to Todd Korchin, DPW Director, Subject: 3, 6, 9 Recess Way EMM EIDR, dated July 15, 2020.
6. Staff comments collected from View Permit for PB-20-29 dated July 17, 2020.

RECORD OF VOTE

The following members of the Planning Board voted on July 21, 2020 on a roll call vote to grant EIDR-EMM Approval for the abovementioned Project: David L. Atkins Jr., Deborah J. Conant, Christopher A. Pfaff, and Robert R. Gotti.

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

The following members of the Planning Board abstained from the vote: William F. Delay.



Abigail McCabe
Town Planner
July 27, 2020