

**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**  
**321 Gay Street**

**APPLICANT &  
PROPERTY OWNER:** Gele Kovstovski  
321 Gay Street  
Westwood, MA 02090

**PROPERTY LOCUS:** 321 Gay Street, Westwood, MA  
Assessor's Map 22, Lot 087

**BACKGROUND AND PROJECT SUMMARY**

The Applicant proposes to remove 785 cubic yards of earth material to construct a new garage/barn in the rear of the property to be used for storage and construct an in ground swimming pool. Proposed work includes a new driveway and curb cut, and stormwater is proposed to be collected via swales and roof drains to be infiltrated into a subsurface recharge system. The property is located in the SRE (Single Residence E) zoning district. The proposed earth material movement for removal of greater than 200 cubic yards is subject to an Environmental Impact and Design Review (EIDR) approval, 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 10, 2020, an application was filed by Gele Kostovski, pursuant to Section 7.1 [Earth Material Movement] and 7.3 (Environmental Impact Design and 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 & Bulletin*, a newspaper of general circulation in Westwood, on July 30, 2020 and August 6, 2020. Notice of the public hearing was posted in the Westwood Town Hall commencing on July 27, 2020, and continuing through the opening of the public hearing on August 18, 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 July 27, 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 July 21, 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 August 18, 2020 via Zoom Webinar and filmed live by Westwood Media Center on Westwood Media's YouTube Channel and 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 August 18, 2020 by a roll call vote.
5. Westwood Planning Board Members Deborah J. Conant, William F. Delay, David L. Atkins, Jr., Christopher A. Pfaff, Robert R. Gotti deliberated on the Application at a duly authorized meeting on August 18, 2020.

#### **PROJECT FINDINGS:**

1. The subject property consists of approximately 2.29 acres located at 321 Gay Street and is shown as Map 22, Lot 087 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site consists of a single family dwelling. The Applicant proposes to remove 785 cubic yards of earth material for the construction of a new driveway and curb cut, new barn or garage for storage of equipment, and construct an in ground swimming pool. Stormwater improvements are also proposed via swales and roof drains to be directed into a subsurface infiltration and recharge system.
3. The Project Site is located within the Single Residence E zoning district. The proposed construction of a barn/garage and in ground swimming pool is permitted by-right in SRE zone, and the Earth Material Movement greater than 200 cubic yards is subject to an Earth Material Movement (EMM) approval, pursuant to Section 7.1 and Section 7.3 of the Westwood Zoning Bylaw.
4. 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 7.3.7.7 for a presentation model and Section 7.3.7.1.6 for full drainage report. 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 August 18, 2020, 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, 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 July 21, 2020 and with the Planning Board on July 10, 2020, subject to the Conditions stated herein, all of which are an integral part hereof:

**CONDITIONS OF APPROVAL:**

1. The existing pavement on Gay Street 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 321 Gay Street shall travel to and from Gay Street via Route 109 to the interstate.
5. 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.
6. Applicant shall monitor roadway and 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.
7. 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 July 21, 2020. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Kristine Meaney for Gele Kostovski, dated July 16, 2020, and received by the Town Clerk and Planning Department on July 21, 2020.
2. Site Plan entitled "Notice of Intent & Building Permit Plan Volume Calculations", prepared by Site Design Professionals, LLC, dated June 25, 2020.
3. Revised two page plan entitled "Notice of Intent & Building Permit Plan" prepared by Site Design Professionals, LLC, dated 5/15/19, last revised 8/12/20.
4. Cover letter submitted by Site Design Professionals, LLC, to the Westwood Planning Board, dated July 2, 2020.
5. Rendering of proposed barn/garage and photographs of existing conditions on site submitted by Site Design Professionals, LLC.
6. Request for waivers submitted by Site Design Professionals, LLC.
7. Westwood Conservation Commission Order of Conditions DEP File #338-0687, dated 6/10/19
8. Memorandum from Daniel Hammerburg and Philip Paradis of BETA Group, to Todd Korchin, DPW Director, Subject: 321 Gay Street EMM EIDR, dated August 10, 2020.
9. Staff comments collected from View Permit for PB-20-30 dated August 14, 2020.

## RECORD OF VOTE

The following members of the Planning Board voted on August 18, 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, Deborah J. Conant, William F. Delay, and Robert R. Gotti.

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



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Abigail McCabe  
Town Planner  
August 26, 2020