

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
25 Phillips Way

APPLICANT: Matthew DiPerri
165 Endean Drive
East Walpole, MA 02032

PROPERTY OWNER: 25 Phillips Way LLC
77 Mill Street
Westwood, MA 02090

PROPERTY LOCUS: 25 Phillips Way, Westwood, MA 02090
Assessor's Map 39, Lot 029

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to import 100 cubic yards of fill and export a total of approximately 700 cubic yards of earth material to re-grade the property for the construction of a new single family residence. 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 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 29, 2020, an application was filed by Daniel Merikin, 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 and Bulletin*, a newspaper of general circulation in Westwood, on November 12, 2020 and November 19, 2020. Notice of the public hearing was posted in the Westwood Town Hall commencing on November 4, 2020, and continuing through the opening of the public hearing on December 1, 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 November 4, 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 November 3, 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 December 1, 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 opened and closed on December 1, 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 December 1, 2020.

PROJECT FINDINGS:

1. The subject property consists of approximately 1.36 acres located at 25 Phillips Way and is shown as Map 39, Lot 029 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site is undeveloped.
3. The Applicant proposes to import 100 cubic yards of fill and export a total of approximately 700 cubic yards of earth material to re-grade the property for the construction of a new single family residence.
4. The Project Site is located within the Single Residence C (SRC) zoning district. The proposed single-family dwelling use is permitted by-right in Single Residence C 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 on a roll call vote upon a determination that they were not necessary for this application:

1. Waiver of the strict requirements of the application submission requirements of Section 7.3.7.2 for an Exterior Lighting Plan, Section 7.3.7.1.6 for stormwater calculations, Section 7.3.7.3 for a Traffic Study, Section 7.3.7.7 for a Presentation Model and Section 7.3.7.4 Drawings/Rendering of new Home. The lot is within the approved subdivision where stormwater best management practices were installed. Construction includes underground infiltration for roof runoff and treatment of runoff from the driveway.

DECISION:

On December 1, 2020, the Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, and on a roll call 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 November 17, 2020 and with the Planning Board on October 29, 2020, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. The existing pavement on Phillips Way shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
2. Applicant shall coordinate the road protection bond with Public Works prior to beginning 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. 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.
5. All trucks carrying earth material to or from 25 Phillips Way shall be required to access Phillips Way by turning right onto Margery Lane from Trailside.
6. Applicant is responsible for contacting the Dedham Westwood Water District to coordinate water service.
7. 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 (such as the Land Disturbance Permit). 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.
8. 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.

9. 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 17, 2020. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Daniel Merrikin dated October 29, 2020, received by the Town Clerk on November 17, 2020 and by the Planning Department on November 3, 2020.
2. Site Plan entitled "Lot 2A Phillips Way in Westwood, Massachusetts", prepared by Legacy Engineering, and dated October 29, 2020, revised plan dated November 30, 2020.
3. Project Narrative and supporting documentation submitted by Daniel Merrikin of Legacy Engineering, dated November 2, 2020.
4. Photograph of existing conditions of undeveloped site submitted by Daniel Merrikin.
5. Request for waivers submitted by Daniel Merrikin of Legacy Engineering.
6. Staff comments collected from View Permit for PB-20-36 dated November 23, 2020.

RECORD OF VOTE

The following members of the Planning Board voted on December 1, 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, 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.



Abigail McCabe, Town Planner

December 3, 2020