

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
45 Winter Street

**APPLICANT &
PROPERTY
OWNER** Jillian Carocari
682 East 8th Street
Unit 3
Boston, MA 02127

PROPERTY LOCUS: 45 Winter Street, Westwood, MA 02090
Assessor's Map 29, Lot 202

BACKGROUND AND PROJECT SUMMARY

Application submitted retroactively after exporting a net total of approximately 240 cubic yards of earth material to re-grade the property to reduce the slope for the construction of a new single family residence. During construction the fill was exported to the adjacent property to the rear. The property is located in the SRC (Single Residence C) zoning district. The exporting 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 December 31, 2021, an application was filed by Jillian Carocari, 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 January 14, 2021 and January 21, 2021. Notice of the public hearing was posted in the Westwood Town Hall commencing on January 5, 2021, and continuing through the opening of the public hearing on February 2, 2021. 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 January 5, 2021.

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 January 5, 2021.
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 February 2, 2021 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 February 2, 2021 by a roll call vote.
5. Westwood Planning Board Members David L. Atkins, Jr., Christopher A. Pfaff, Robert R. Gotti and Michael L. McCusker deliberated on the Application at a duly authorized meeting on February 2, 2021.

PROJECT FINDINGS:

1. The subject property consists of approximately .92 acres located at 45 Winter Street and is shown as Map 29, Lot 202 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, construction is ongoing for a new two-story single family residence with two car garage and asphalt driveway.
3. Application submitted retroactively after exporting a net total of approximately 240 cubic yards of earth material to re-grade and reduce slope at the property for the construction of a new single family residence and the fill was exported to the lot directly behind in the rear owned by and part of the Homes at 45.
4. The Project Site is located within the Single Residence C (SRC) zoning district. Construction of a 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.

DECISION:

On February 2, 2021 the Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, and on a roll call vote of four (4) in favor and none (0) opposed, the Board on a roll call vote **granted** Earth Material Movement (EMM) Environmental Impact and Design Review (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 January 5, 2021 and with the Planning Board on December 31, 2021, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. Applicant shall sweep the southern roadway and install a catch basin silt sack in the downstream Winter Street catch basin until the site is stabilized.
2. Applicant shall extend the straw wattles and silt fence to match the plans and add erosion controls to the front of the site to prevent sediment runoff until the site is stabilized.

APPLICATION AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Planning Office on December 31, 2020 and the Office of the Town Clerk on January 5, 2021. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Jillian Carocari dated July 16, 2020 December 31, 2021 Site Plan entitled "Lot 5 Winter Street", prepared by W. Engineering LLC, dated August 10, 2020, updated September 18, 2020.
2. Project Description, waiver requests and Existing conditions photos and submitted by Jillian Carocari, to the Westwood Planning Board, dated December 30, 2020.
3. Elevation plans submitted by Coastal Woods for 45 winter Street-Lot 5, dated October 10, 2020.
4. Photographs of existing conditions of undeveloped site submitted by Mark Joyce.
5. Memorandum from Daniel Hammerburg and Philip Paradis of BETA Group, to Todd Korchin, DPW Director, Subject: 1345 winter Street EMM EIDR, dated January 27, 2021.
6. Staff comments collected from View Permit for PB-20-45 dated January 28, 2021.

RECORD OF VOTE

The following members of the Planning Board voted on February 2, 2021 on a roll call vote to grant EIDR-EMM Approval for the abovementioned Project: David L. Atkins Jr., Christopher A. Pfaff, Robert R. Gotti and Michael L. McCusker.

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



Abigail McCabe, Town Planner

February 8, 2021