

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
188 Mayfair Drive
April 26, 2021

APPLICANT AND: John Murphy
Natureworks Landscape Services, Inc.
1660 Main Street
Walpole, MA 02081

PROPERTY OWNER Timothy Gagnon
Laurie Ribeiro
188 Mayfair Drive
Westwood, MA 02090

PROPERTY LOCUS: 188 Mayfair Drive
Westwood, MA 02090
Assessor's Map 20, Lot 159

BACKGROUND AND PROJECT SUMMARY

The Applicant is proposing to import 225 cubic yards of fill and export a total of approximately 225 cubic yards of earth material to re-grade the property for landscaping at 188 Mayfair Drive, also known as Assessor's Map 20, Lot 159. The property is located in Single Residence C (SRC) zoning district.

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 March 25, 2021, an application was filed by John Murphy, 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, April 8, 2021 and again on Thursday, April 15, 2021. Notice of the public hearing was posted in the Westwood Town Hall commencing on April 1, 2021 and continuing through the opening of the public hearing on April 26, 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 April 1, 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 March 29, 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 April 26, 2021 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 Deborah J. Conant, David L. Atkins, Jr., Robert R. Gotti, Michael L. McCusker, and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on April 26, 2021 and closed the hearing that same evening.

PROJECT FINDINGS:

1. The subject property consists of approximately 22508 SF located at 188 Mayfair Drive and is shown as Map 20, Lot 159 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 is proposing to import 225 cubic yards of fill and export a total of approximately 225 cubic yards of earth material to re-grade the property for landscaping
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 soil from Sam White and Sons in Medfield, 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.

DECISION:

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, 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 March 29, 2021, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. All trucks carrying earth material to and from the property shall be from Hartford Street only.
2. Applicant shall provide a police detail during the earth import and excavation to assist with traffic at the Applicant's expense, as required by the police department. Applicant shall coordinate with the police department.
3. Applicant shall install two drywells to capture the roof runoff as proposed with the 2017 approval and shown on a revised plan to be submitted to the Town Planner for the Planning Board file and to Conservation/Engineering.
4. Applicant shall stake the property line in the field to clearly identify the property boundaries. No work on abutting properties is approved by this approval. If Applicant or Owner wishes to perform any work over the property line written approval must be obtained in advance of any work.
5. 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.
6. The existing pavement on Mayfair shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
7. The Applicant is responsible for filing with the Conservation Commission. Any plan revisions as a result shall be submitted to the Town Planner for the Planning Board's file and more substantial plan changes may need to return to the Planning Board as a modification request.
8. The three trees removed within the Town's right-of-way shall be replaced by the Applicant. Applicant shall remove the old stumps and submit the proposed location and tree species for approval by the Tree Warden and Town Planner prior to installation.

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 March 29, 2021. 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 John Murphy dated March 26, 2021, received by the Town Clerk and Planning Department on March 29, 2021.

2. Proposed landscape Plans entitled "188 Mayfair Drive Westwood, Massachusetts Landscape Plan", prepared by Chris Dindal Landscape Architecture LLC, not dated, comprised on 6 sheets.
3. Staff review comments from View Permit for Project Number PB-21-8.
4. Memorandum from Philip F. Paradis to Todd Korchin, DPW Director, Subject: 188 Mayfair Drive EMM EIDR, Date: April 1, 2021.
5. Applicant response to BETA comments dated Monday, April 26, 2021
6. Electronic Mail from Matthew Hollignsworth to Abigail McCabe, Subject: Planning Board for 188 Mayfair Dr. Westwood, Sent: April 24, 2021.

RECORD OF VOTE

The following members of the Planning Board voted on April 26, 2021, David L. Atkins Jr., Christopher A. Pfaff, Deborah J. Conant, 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
April 29, 2021