

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 Winter Street

APPLICANT : Jillian Carocari
682 East 8th Street
Unit 3
Boston, MA 02127

PROPERTY OWNER: The Green Company
46 Glen Avenue
Newton, MA 02459

PROPERTY LOCUS: 25 Winter Street, Westwood, MA 02090
Assessor's Map 29, Lot 200

BACKGROUND AND PROJECT SUMMARY

Applicant proposes to import ~1,000 cubic yards of fill to regrade a lot for the construction of a single-family residence at 25 Winter Street. The property is located in the SRC (Single Residence C) zoning district. The importing 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 April 15, 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 April 29, 2021 and May 6, 2021. Notice of the public hearing was posted in the Westwood Town Hall commencing on April 22, 2021, and continuing through the opening of the public hearing on May 18, 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 26, 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 April 20, 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 May 18, 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 May 18, 2021 by a roll call vote.
5. Westwood Planning Board Members David L. Atkins, Jr., Christopher A. Pfaff, Robert R. Gotti, Ellen Larkin Rollings, and Kathleen Wynne deliberated on the Application at a duly authorized meeting on May 18, 2021.

PROJECT FINDINGS:

1. The subject property consists of approximately .918 acres located at 25 Winter Street and is shown as Map 29, Lot 200 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the existing residential lot is vacant.
3. Applicant proposes to import ~1,000 cubic yards of fill to regrade a lot for the construction of a single-family home at 25 Winter Street.
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 May 18, 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 five (5) 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 April 20, 2021 and with the Planning Board on April 15, 2021 and through the close of the public hearing on May 18, 2021, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. Applicant shall update the plan as outlined in the memorandum from BETA Group dated May 14, 2021, and submit a revised plan to the Town Planner for review prior to the start of earth work.
2. All trucks carrying earth material to or from 25 Winter Street shall be required to access the property from High Street (Route 109) by following a route which turns onto eastbound Pond Street near the Sheehan Elementary School, then turns right onto Clapboardtree Street, then turns right onto Winter Street, and then turns right onto the property. Those same trucks shall be required to egress the property by following a route which turns left from the property onto Winter Street, then turns left onto Clapboardtree Street, then turns left onto Pond Street, and then turns either right or left onto High Street (Route 109). No truck carrying earth material to or from 35 Winter Street shall travel on any portion of Clapboardtree Street east of Winter Street, nor on any portion of Pond Street northeast of Clapboardtree Street.
3. On Mondays, Tuesdays, Thursdays, and Fridays when school is in session, earth material trucks shall not enter or exit the property between the hours of 8:15 am and 9:15 am, nor between the hours of 2:45 pm and 3:45 pm. On Wednesdays when school is in session, earth material trucks shall not enter or exit the property between the hours of 8:15 am and 9:15 am, nor between the hours of 11:30 am and 12:30 pm, nor between the hours of 2:45 pm and 3:45 pm.
4. A Police Detail shall be employed at the Applicant's expense to direct traffic during all times when earth material trucks are entering or exiting the property, and during all times when construction vehicles or equipment are operating or parked within the public right of way.
5. The existing pavement on Winter Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
6. A construction entrance shall be installed and replaced when the stone becomes clogged with dirt or is no longer effective in preventing excess tracking of material onto the public way.
7. 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.
8. If the Project, or any Condition imposed in this Decision, requires permit such as the Stormwater Land Disturbance 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.

9. 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.
10. 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 on April 15, 2021 and the Office of the Town Clerk on April 20, 2021 and through the close of the public hearing on May 18, 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 April 15, 2021; Site Plan entitled "Lot 3 Winter Street", prepared by W. Engineering LLC, dated May 4, 2021, updated May 6, 2021.
2. Drainage Plan entitled "Lot 3 Winter Street", prepared by W. Engineering LLC, dated April 15, 2021.
3. Project Description, waiver requests and renderings and submitted by Jillian Carocari, to the Westwood Planning Board, dated April 15, 2021.
4. Memorandum from Daniel Hammerburg and Philip Paradis of BETA Group, to Todd Korchin, DPW Director, Subject: 25 Winter Street EMM EIDR, dated, May 14, 2021.
5. Staff comments collected from View Permit for PB-21-13 dated May 14, 2021.
6. Revised site plan entitled "Lot 3 Winter Street, Sheet Name: Site Plan", prepared for Jillian Carocari, prepared by W. Engineering, LLC, dated May 4, 2021, revised May 17, 2021.

RECORD OF VOTE

The following members of the Planning Board voted on May 18, 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, Ellen Larkin Rollings, and Kathleen Wynne.

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



Abigail McCabe, Town Planner

May 24, 2021