

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
66 Skyline Drive

APPLICANT &: Jay Patel
PROPERTY OWNER: 66 Skyline Drive
Westwood, MA 02090

PROPERTY LOCUS: 66 Skyline Drive, Westwood, MA 02090
Assessor's Map 02, Lot 012

BACKGROUND AND PROJECT SUMMARY

Applicant proposes building a 36 ft. by 78 ft. tennis court, and re-grading the backyard and importing approximately 715 cubic yards of earth material at 66 Skyline Drive, Westwood, MA 02090 also known as Assessor's Map 02, Lot 012. This property is located in the Single Residence C (SRC) zoning district. The regrading work and import of greater than 200 cubic yards is subject to an Earth Material Movement (EMM) 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 July 16, 2021, an application was filed by Jay Patel, 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 July 29, 2021 and August 5, 2021. Notice of the public hearing was posted in the Westwood Town Hall commencing on July 22, 2021, and continuing through the opening of the public hearing on August 17, 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 July 22, 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 August 2, 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 August 17, 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 Governor Baker's June 16, 2021 signing of Chapter 20 of the Acts of 2021 to extend certain COVID-19 measures adopted during the State of Emergency Executive Order from March 12, 2020 Order suspending certain provisions of the Open Meeting Law MGL c. 30A §18 to allow remote participation. 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 August 17, 2021 by a roll call vote.
5. Westwood Planning Board Members David L. Atkins, Jr., Christopher A. Pfaff, Kathleen Wynne, Ellen Larkin Rollings, and Thomas P. McCusker deliberated on the Application at a duly authorized meeting on August 17, 2021.

PROJECT FINDINGS:

1. The subject property consists of approximately 2.53 acres located at 66 Skyline Drive and is shown as Map 02, Lot 012 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the site consists of an existing single family home.
3. The project proposes building a 36 ft. wide by 78 ft. tennis court with lights in the back yard. The project involves regrading in the back yard where total disturbance will be 11,688 SF and ~715 CY to be imported gravel, crushed stone, sand bedding and other soil. Import of fill will come from residential projects in Needham, Newton, or Wellesley.
4. The Project Site is located within the Single Residence C (SRC) zoning district. Construction of a tennis court 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 August 17, 2021 the Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, 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 and Planning Board on August 2, 2021, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. Update the plan entitled "Proposed Conditions Plan, 66 Skyline Drive", prepared by MBL sheet C-3.0 dated May 25, 2021 and submit to the Town Planner and BETA prior to any further site work showing the following:

- Provide drainage and soil erosion prevention measures
 - Detail for construction entrance
 - Include quantity and composition of earth material to be imported
 - Provide stamp from professional engineer
 - Provide an infiltration swale on the down gradient side of the tennis court
2. The existing pavement on Skyline Drive shall be protected from damage from loading and unloading of material and/or equipment related to the proposed 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. There shall be no substandard or hazardous fill material used with this project. Applicant shall submit certification that the fill is clean and does not contain any hazardous materials. Applicant shall submit this certification from a professional to the Town Planner and Building Commissioner prior to bringing any fill on site prior to bringing any fill on the property and prior to issuance of any building permit.
 5. 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.
 6. All trucks carrying earth material to or from 66 Skyline shall be required to access Skyline Drive from either Wilsondale via Ridge Road or Far Reach Off via Summer Street. Trucks carrying earth material to the property shall take the most direct route.
 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 with the Conservation Commission and Dedham Westwood Water District. 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 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 Department of Public Works. 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 on July 16, 2021 and the Office of the Town Clerk on August 2, 2021. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Site Plan entitled "Proposed Conditions plan 66 Skyline Drive", prepared by MBL Land Development & Permit Corp., dated May 25, 2021.
2. Application, Project Description, waiver requests and Existing conditions photos submitted by Tracy Duarte for the Westwood Planning Board, dated August 2, 2021.
3. Memorandum from Daniel Hammerburg and Philip Paradis of BETA Group, to Todd Korchin, DPW Director, Subject: 66 Skyline Drive EMM EIDR, dated August 9, 2021.
4. Staff comments collected from View Permit for PB-20-45 dated August 13, 2021.
5. Revised plan set entitled "Proposed Tennis Court, Site Plans, 66 Skyline Drive, Assessors Map 2 Lot 12, Westwood, Massachusetts", prepared by MBL Land Development & Permitting, Corp., plans revised August 16, 2021, presented at August 17, 2021 public hearing, Sheet C-1.0 Cover Sheet, C-2.0 Existing Conditions Plan, C-3.0 Proposed Conditions Plan, C-4.0 Detail Sheet.

RECORD OF VOTE

The following members of the Planning Board voted on August 17, 2021 on a roll call vote to grant EIDR-EMM Approval for the abovementioned Project: David L. Atkins Jr., Christopher A. Pfaff, Kathleen Wynne, Ellen Larkin Rollings, and Thomas P. McCusker.

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



Abigail McCabe, Town Planner

August 18, 2021