

**TOWN OF WESTWOOD**  
COMMONWEALTH of MASSACHUSETTS

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David J. Atkins, Jr., Vice Chair  
Kathleen Wynne, Secretary  
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**PLANNING BOARD**

**DECISION OF THE PLANNING BOARD**  
**Environmental Impact and Design Review for Earth Material Movement**  
**229 High Street**  
**September 31, 2021**

**APPLICANT &  
PROPERTY  
OWNER**

Rahul Mutha  
1 Edugewater Drive  
Suite 200  
Norwood, MA 02062

**PROPERTY LOCUS:**

229 High Street, Westwood, MA 02090  
Assessor's Map 05, Lot 038

**BACKGROUND AND PROJECT SUMMARY**

Applicant proposes importing 5,248 CY of earth material and exporting 1,447 CU of earth material to regrade property after demolishing existing dwelling and garage to build a new single family home. Site work includes regrading and installation of retaining walls, stormwater is proposed to be collected via an existing catch basin, roof drains and infiltrated via a Cultec 330ZL infiltration system located at 229 High Street, Westwood, MA 02090 also known as Assessor's Map 05, Lot 038.

This property is located in the Single Residence E (SRE) 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 August 19, 2021, an application was filed by Rahul Mutha, 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"). Application was considered complete and submitted to the Town Clerk on September 7, 2021.
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 September 2, 2021 and September 9, 2021. Notice of the public hearing was posted in the Westwood Town Hall commencing on September 9, 2021, and continuing through the opening

of the public hearing on September 21, 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 August 30, 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 September 7, 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 September 21, 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 September 21, 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 September 21, 2021.

#### **PROJECT FINDINGS:**

1. The subject property consists of approximately 5.31 acres located at 229 High Street and is shown as Map 05, Lot 038 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the site consists of an existing single family home and detached garage.
3. The project proposes demolition of the existing dwelling and garage and the construction of a new 4,782 Sq. Ft. single-family home located southwest of the existing dwelling. The project will also include flattening the steep slopes in the back of the lot by constructing a series of retaining walls and paving a new bituminous driveway retained by a set of walls. The project will result in an increase of impervious ground surface (+1,558 sq. ft.), importing 5,248 CY of material and exporting 1,447 CY of material. Imported material consists is of gravel, crushed stone, sand bedding, and other soil components. The import and export of more than 200 cubic yards of fill, and re-grading that results in an increase of more than 5 ft. above surrounding grades is the trigger for this application, pursuant to Section. 7.1 of the Zoning Bylaw [Earth Material Movement (EMM)] EIDR and Section 7.3 [Environmental Impact and Design Review] 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 by a roll call vote on September 21, 2021 upon a finding that these standard application requirements for an Environmental Impact and Design Review application are not necessary for the earth movement application for a single-family house:

1. Waiver of the strict requirements under Section 7.3.7.2 of the Westwood Zoning Bylaw for an exterior lighting plan.
2. Waiver of the strict requirements under Section 7.3.7.3 of the Westwood Zoning Bylaw for a traffic study.
3. Waiver of the strict requirements under Section 7.3.7.4 for drawings and renderings.
4. Waiver of the strict requirements under Section 7.3.7.7 for a presentation model.
5. Waiver of the strict requirements from the EIDR Rules and Regulations for a landscape plan.

#### **DECISION:**

On September 21, 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 September 7, 2021, subject to the Conditions stated herein, all of which are an integral part hereof:

#### **CONDITIONS OF APPROVAL:**

1. Applicant shall submit a revised plan with the notes and revisions requested by BETA Group in memo dated September 10, 2021 to be submitted to the Town Planner prior to site work.
2. The existing pavement on High Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
3. A crush stone construction entrance shall be provided and 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 a 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 229 High Street shall be required to access street via High Street/Route 109 directly and not travel down any side roads.
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 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 August 19, 2021 and continuing through the close of the public hearing on September 21, 2021. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Site Plan entitled "Earthwork Quantity Plan", prepared by Munden Engineering, dated August 19, 2021 consisting of 2 pages.
2. Application, Project Description, waiver requests submitted by Munden Engineering for the Westwood Planning Board, dated August 19, 2021.
3. Memorandum from Daniel Hammerburg and Philip Paradis of BETA Group, to Todd Korchin, DPW Director, Subject: 229 High Street EMM EIDR, dated September 10, 2021.
4. Staff comments collected from View Permit for PB-21-31 dated September 14, 2021.
5. Architectural Plans entitled "229 High Street Residence, Permit Set" prepared by Munden Engineering dated 7/19/21.
6. Town of Westwood Land Disturbance Permit issued August 18, 2021.
7. Applicant's response to BETA Group Comments, Re: 229 High Street EMM EIDR Review, dated September 20, 2021.
8. Revised plan set "Prepared for 229 High Street Residence Westwood, MA, prepared by Munden Engineering, dated July 19, 2021, revised through September 20, 2021, Sheets 1-6".

### **RECORD OF VOTE**

The following members of the Planning Board voted on September 21, 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.



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Abigail McCabe, Town Planner

September 23, 2021