

**TOWN OF WESTWOOD**  
COMMONWEALTH of MASSACHUSETTS

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David L. 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**  
**290, 294, & 298 Summer Street**  
**October 12, 2021**

**APPLICANT:** Domenic Esposito  
Sora Realty, LLC  
15 Longmeadow Drive  
Westwood, MA 02090

**PROPERTY OWNER:** Sora Realty, LLC  
300 Summer Street  
Westwood, MA 0290

**PROPERTY LOCUS:** 290, 294, & 298 Summer Street  
Assessor's Map 03, Lots 025, 026, & 027

**BACKGROUND AND PROJECT SUMMARY**

The Applicant proposes to bring in approximately 960 cubic yards of fill to regrade the property to construct two new single-family residences on three undeveloped lots. The proposed work disturbs 57,695 SF of land by importing gravel, crushed stone, sand bedding, and soil. The property is located in the SRC (Single Residence C) zoning district. The proposed earth material movement for import and regrading of greater than 200 cubic yards is subject to an Environmental Impact and Design Review (EIDR) approval for Earth Material Movement, 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 7, 2021, an application was filed by Dan Merrikin, project engineer, on behalf of Sora Realty, pursuant to Section 7.1 [Earth Material Movement] and Section 7.3 [Environmental Impact and Design 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 & 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 23, 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, and Town Engineer on July 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 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 the Governor's March 12, 2020 Order suspending certain provisions of the Open Meeting Law MGL c. 30A §18 and pursuant to Chapter 20 of the Acts of 2021, signed into law by Governor Baker on June 16, 2021 an Act Extending Certain COVID-19 Measures Adopted during the State of Emergency. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order. 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. On August 17, 2021, the public hearing was opened and immediately continued without discussion by a roll call vote of the Planning Board to September 21, 2021 at the request of the Applicant. On September 21, 2021, the Planning Board on a roll call vote, voted to continue the hearing further to October 12, 2021 on a roll call vote at the request of the Applicant to October 12, 2021. The public hearing was opened, deliberated on, and public comment taken on October 12, 2021. The Planning Board voted to close the public hearing on October 12, 2021.
5. Westwood Planning Board Members Ellen Larkin Rollings, Kathleen Wynne, David L. Atkins, Jr., Christopher A. Pfaff, and Thomas P. McCusker deliberated on the Application at a duly authorized meeting on October 12, 2021.

## **PROJECT FINDINGS:**

1. The property currently known as 298 Summer Street shown as Assessor's Map 03, Lot 027 is currently 86,916 S.F. and is proposed to be 109,200 S.F. located after a lot line alteration of the south side lot line. The property currently at 294 Summer and shown as Map 03, Lot 026 is currently 66,939 S.F. and proposed to be 87,850 S.F. after altering the side lot lines. The property currently known as 290 Summer Street and shown as Map 03, Lot 025 is currently 43,197 S.F. and is being combined with the other two lots. The plan proposes combining three undeveloped lots to create two buildable lots.
2. Presently, the project site consists of three vacant lots in the SRC zoning district.
3. The Applicant proposes to bring in approximately 960 cubic yards of fill to re-grade the properties to construct two single-family residences. The imported earth material will be gravel subbase for the new driveways, crushed stone for the foundation, mulch for landscaping, and general fill for re-grading. The Applicant anticipates the fill will come from Lorusso Corp. in Norwood via dump trucks off of Summer Street. Underground stormwater infiltration systems are proposed for both lots to capture runoff from the driveways and roofs.

4. The Project Sites are located within the SRC (Single-Residence C) zoning district. The proposed single-family dwelling use is permitted by-right in the SRC zone, and the Earth Material Movement 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.
5. 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 Sections 7.1 and 7.3 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 from standard EIDR application submittal requirements of Section 7.3.7 are hereby granted by the Planning Board upon a determination that they are not relevant for an earth material movement application for two single-family residences:

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/Renderings. Applicant has submitted sample drawings for a prototypical style for the houses.
4. Waiver of the strict requirements under Section 7.3.7.7 for a presentation model.
5. Waiver of the strict requirements under EIDR Rules and Regulations Section 7.1.9.

#### **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** Special Permit **Approval** pursuant to Section 7.1 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 July 7, 2021, subject to the Conditions stated herein, all of which are an integral part hereof:

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

1. Except as modified by the Conditions and Findings hereof, the Project shall comply with the Project Plans entitled "290 Summer Street Lot 148 Site Plan of Land in Westwood, MA" and "298 Summer Street Lot 147 Site Plan of Land in Westwood, MA" prepared by Legacy Engineering, revised through September 8, 2021 three sheets in all respects and the Applicant shall pursue completion of the Project with reasonable diligence and continuity.

2. Applicant shall submit the Approval Not Required (ANR) Plan to the Planning Board creating the proposed lot lines prior to issuance of a building permit. After the ANR Plan is recorded with the Registry of Deeds new map, lot, and addresses will be assigned to the parcels. Proof of recording at the Registry/or Land Court is required to be submitted to the office of the Planning Board prior to issuance of building permits.
3. The existing pavement on Summer Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
4. 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.
5. 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.
6. 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.
7. All trucks carrying earth material to or from 290, 294 & 298 Summer shall be required to access street via Summer Street via High Street/Route 109 directly. Trucks carrying earth material are prohibited from travelling on Grove Street.
8. 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. 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.
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 Department of Public Works. 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 and the Office of the Town Clerk on July 7, 2021. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Daniel Merrikin submitted on July 1, 2021, received by the Town Clerk and Planning Department on July 7, 2021, Impact Statement, Project Narrative, Photographs, Waiver Requests, Property Owner Authorization.

2. Plan entitled "290 Summer Street Site Plan of Land in Westwood, MA", prepared by Legacy Engineering, Sheet C-1, dated June 21, 2021, and revised September 8, 2021.
3. Plan entitled "298 Summer Street Site Plan of Land in Westwood, MA", prepared by Legacy Engineering, Sheet C-2, dated June 24, 2021, and revised on September 8, 2021.
4. Plan entitled "290 & 298 Summer Street Site Plan of Land in Westwood, MA", prepared by Legacy Engineer, Sheet C-3, dated June 24, 2021, and revised on September 8, 2021.
5. Elevations for Typical Design Style 1 and 2, prepared by HPA Design, Inc. Architects.
6. Stormwater Report for 290 & 298 Summer Street, prepared by Legacy Engineer, LLC, dated June 23, 2021, revised on September 8, 2021.
7. Memorandum from Dan Hammerberg and Philip Paradis of BETA Group, to Todd Korchin DPW Director, dated August 27, 2021.
8. Staff review comments from View Permit PB-21-23 dated August 17, 2021.

### **RECORD OF VOTE**

The following members of the Planning Board voted on October 12, 2021 on a roll call vote to grant EIDR-EMM Approval for the abovementioned Project: David L. Atkins Jr., Kathleen Wynne, Christopher A. Pfaff, Ellen Larkin Rollings, and Thomas P. McCusker.

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



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Abigail McCabe, Town Planner

October 13, 2021