

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
126 Skyline Drive

**APPLICANT &
PROPERTY
OWNER** Gail A. Mann
126 Skyline Drive
Westwood, MA 02090

PROPERTY LOCUS: 126 Skyline Drive, Westwood, MA 02090
Assessor's Map 02, Lot 077

BACKGROUND AND PROJECT SUMMARY

Applicant proposes regrading and earth work to construct a garage at 126 Skyline Drive. The proposed regrading will result in finished elevations of five (5) feet or more above surrounding grades located at 126 Skyline Drive, Westwood, MA 02090 also known as Assessor's Map 02, Lot 077. This property is located in the Single Residence C (SRC) zoning district. The regrading work and slopes are 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 September 8, 2021, an application was filed by Gail A. Mann, 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 September 23, 2021 and September 30, 2021. Notice of the public hearing was posted in the Westwood Town Hall commencing on September 14, 2021, and continuing through the opening of the public hearing on October 12, 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 September 14, 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 8, 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 October 12, 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 October 12, 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 October 12, 2021.

PROJECT FINDINGS:

1. The subject property consists of approximately 1.84 acres located at 126 Skyline Drive and is shown as Map 02, Lot 077 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the site consists of an existing single family home, shed, an existing attached three car garage.
3. The Project Site is located within the Single Residence C (SRC) zoning district. Construction of a garage/barn is permitted by-right in Single Residence C zone, and the Earth Material Movement review due to the slopes and re-grading is subject to an Earth Material Movement (EMM) EIDR, pursuant to Section 7.1 and Section 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 7.3.7.7 for a presentation model.
4. Waiver of the strict requirements under Section 7.3.7.6 for drainage system designs for stormwater.

DECISION:

On October 12, 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 8, 2021, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. Applicant shall revise the site plan submitted entitled "Gail A. Mann, 126 Skyline Drive, Westwood, MA" prepared by Kelly Engineering, dated September 1, 2021 to include the plan notes and requests from BETA Group's review memorandum dated October 8, 2021 comments 2-8. The revised plan shall be submitted to the Town Planner prior to issuance of a building permit.
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. 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.
4. All construction trucks carrying earth or construction material to or from 126 Skyline Drive shall be required to access Skyline Drive from either Wilsondale via Ridge Road or Far Reach via Summer Street. Construction trucks shall take the most direct route.
5. 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 Zoning Board of Appeals. 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.
6. 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.

7. 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. Project Plans entitled "Detached Garage Single Family Dwelling 126 Skyline Drive", prepared by High Rock Design dated June 11, 2021.
2. Application, Project Description, Waiver requests and Existing conditions photos submitted by David Mackwell for the Westwood Planning Board, dated September 8, 2021.
3. Memorandum from Daniel Hammerburg and Philip Paradis of BETA Group, to Todd Korchin, DPW Director, Subject: 66 Skyline Drive EMM EIDR, dated October 8, 2021.
4. Staff comments collected from View Permit for PB-20-45 dated October 7, 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 October 12, 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

October 13, 2021