

**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**  
**20 Wildwood Drive**  
**February 1, 2022**

**APPLICANT & PROPERTY OWNER:** Litao Chen  
20 Wildwood Drive  
Westwood, MA 02090

**PROPERTY LOCUS:** 20 Wildwood Drive  
Assessor's Map 20, Lots 078

**BACKGROUND AND PROJECT SUMMARY**

The Applicant proposes to re-grade ~10,800 Sq. Ft. of land and removing 350 cubic yards of earth material and importing ~160 cubic yards of loam to level the backyard for lawn area and a patio. Site work also includes removing ten trees, removing the existing ledge, regrading, building a four-foot retaining wall, and installing a fence around the backyard.

The proposed earth material movement for site work and regrading resulting in slopes greater than 15% and finished grades greater than five feet above surrounding grades 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 November 10, 2021, an application was filed by Litao Chen, 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 November 25, 2021 and December 2, 2021. Notice of the public hearing was posted in the Westwood Town Hall commencing on November 18, 2021, and continuing through the opening of the public hearing on December 14, 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 November 18, 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 November 15, 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 December 14, 2021, the public hearing was public comments were taken, and the Planning Board voted to continue the hearing to January 11, 2022. On January 11, the Planning Board voted to further continue the public hearing to February 1, 2022 to allow more time for a revised plan and didn't take any further testimony on January 11. On February 1, 2022, the Planning Board re-opened the public hearing, deliberated on the application, offered public comments, and voted to close the public hearing.
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 December 14, 2021 and February 1, 2022.

### **PROJECT FINDINGS:**

1. The subject property consists of approximately 19,239 sq. ft. located at 20 Wildwood Drive and is shown as Map 20, Lot 078 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the site consists of an existing single family home, garage, and driveway.
3. The Project Site is located within the Single Residence C (SRC) zoning district. The re-grading and import and export of earth material 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.
4. 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 regrading work for a single-family residence:

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 7.3.7.1.6 for a storm drainage report.

#### **DECISION:**

The Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, on a roll call vote by a vote of five (5) in favor and none (0) opposed, hereby **grants** Earth Material Movement Environmental Impact and Design Review **Approval** pursuant to Sections 7.1 and 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 November 15, 2021 and all material through the close of the public hearing on February 1, 2022, subject to the Conditions stated herein, all of which are an integral part hereof:

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

1. The existing pavement on Wildwood Drive shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
2. There shall be no substandard or hazardous fill material used with this project. Applicant shall submit certification from the company providing the loam that the material does not contain any hazardous material to the Town Planner and Building Commissioner prior to bringing any fill on the property.
3. All project related construction such as ledge removal and earth material movement shall comply with the Town's General Bylaws Chapter 292, for Noise and Construction, which are between the hours of 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 trucks carrying earth material to or from 20 Wildwood Drive shall be required to access 20 Wildwood Drive via Hartford Street directly from High Street/Route 109.
5. If project involves blasting to remove the ledge, a blasting permit from the Fire Department is required. A pre-blast survey of the abutting and nearby properties is required prior to any blasting.
6. 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.

7. Any alterations, modifications, deletions or changes to the EIDR Approval shall be requested in writing to the Town Planner and Building Commissioner prior to implementation. Changes considered de minimis by the Building Commissioner may be accepted as a note to the file, changes considered minor by the Building Commissioner pursuant to Section 7.3 of the Zoning Bylaw may be required to file an Administrative EIDR pursuant to Section 7.3.6 of the Zoning Bylaw or return to the Planning Board as a request for a Minor Modification at a publically posted Planning Board meeting. Alterations determined to be major by the Building Commissioner or the Planning Board, shall return to the Planning Board as a formal Amendment and will require a new public hearing with the Planning Board.
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.
10. This EMM-EIDR Approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant thereof. The Planning Board may extend such approval, for good cause, upon the written request of the Applicant. In the case of the EMM-EIDR Approval, the term "substantial use thereof or construction thereunder" shall mean the commencement and substantial progress of the approved activity.

### **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 November 15, 2021 and all material submitted through the close of the public hearing on February 1, 2022. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application, project description, existing conditions photographs, waiver requests submitted by Litao Chen on November 10, 2021, received by the Town Clerk and Planning Department on November 15, 2021,
2. Plan entitled "Certified Plot Plan located at 20 Wildwood Drive Westwood, MA", prepared by Continental Land Survey, LLC dated November 10, 2021.
3. Memorandum from Dan Hammerberg and Philip Paradis of BETA Group, to Todd Korchin DPW Director, dated December 2, 2021.
4. Staff review comments from View Permit PB-21-46 dated December 9, 2021.
5. Project Engineer Daniel J. Merrikin response to comments from Legacy Engineering to the Planning Board dated January 17, 2022.
6. Site plan entitled "20 Wildwood Drive Site Plan of Land in Westwood, MA" prepared by Legacy Engineering, digitally stamped by Daniel J. Merrikin, P.E., dated January 17, 2022, and revised January 31, 2022.
7. Memorandum from Sami El Khatbi and Philip Paradis of BETA Group, to Todd Korchin DPW Director, Subject: 20 Wildwood Drive EMM EIDR Review, dated January 24, 2022.

8. Applicant response from Daniel Merrikin, P.E. of Legacy Engineering LLC to Planning Board dated January 31, 2022.

**RECORD OF VOTE**

The following members of the Planning Board voted on February 1, 2022 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

February 2, 2022