

TOWN OF WESTWOOD  
COMMONWEALTH of MASSACHUSETTS

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**PLANNING BOARD**

**EARTH MATERIAL MOVEMENT  
ENVIRONMENTAL IMPACT & DESIGN REVIEW (EMM-EIDR) APPROVAL  
510 Far Reach Road  
October 25, 2022**

**APPLICANT:** Dilip Gandhi  
510 Far Reach Road  
Westwood, MA 02090

**PROPERTY OWNERS:** Dilip & Puja Gandhi  
510 Far Reach Road  
Westwood, MA 02090

**PROPERTY LOCUS:** 510 Far Reach Road  
Westwood, MA 02090  
Assessor's Map 2, Lot 45

**BACKGROUND AND PROJECT SUMMARY**

The Applicant requests Earth Material Movement Environmental Impact Design Review (EMM-EIDR) pursuant to Sections 7.1 and 7.3 of the Westwood Zoning Bylaw for the purposes of site work related to the construction of a new 4,815 square foot single family dwelling that will result in disturbance of approximately 43,000 square feet and slopes greater than 15% and will require the import of approximately 300 cubic yards of earth material at 510 Far Reach Road, Westwood, MA 02090. The property is in the Single Residence C (SRC) zoning district.

The proposed earth material movement 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 August 17, 2022, an application was filed by Dilip Gandhi pursuant to Sections 7.1 [Earth Material Movement (EMM)] and 7.3 [Environmental Impact Design Review (EIDR)] 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 *Hometown Weekly*, a newspaper of general circulation in Westwood, on October 6, 2022 and October 13, 2022. Notice of the public hearing was posted in the Westwood Town Hall commencing on September 20 2022, and continuing through the opening of the public hearing on October 25, 2022. 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 20, 2022.
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 August 17, 2022.
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 25, 2022, 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, Executive Order suspending certain provisions of the Open Meeting Law (MGL C. 30A, §18), currently extended through March 31, 2023.
5. 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 October 25, 2022, public comments were taken on the Application.
6. Westwood Planning Board Members Joshua Ames, Philip Giordano, Ellen Larkin Rollings, Kathleen Wynne, and Christopher Pfaff were present for the public hearing, and deliberated on the Application at a duly authorized meeting on October 25, 2022.

**PROJECT FINDINGS:**

1. The subject properties consist of approximately 1.42 acres located at 510 Far Reach Road, and is shown as Map 2, Lot 45 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the site consists of a new 4,815 square-foot single family house with associated grading, public utility connections, a stormwater management system, paved driveway and landscaped areas. The property is heavily constrained in terms of ledge and topography. The northern end of the property is roughly 40 feet higher than the southern end, with existing slopes exceeding 40% in some areas. In order to grade a relatively level yard, particularly around the patio area, the project will require some filling of the existing hillside in addition to proposing slopes greater than 15%.
3. The Applicant proposes regrading of the property which will result in disturbance of approximately 43,000 square feet and slopes greater than 15% and will require the import of approximately 300 cubic yards of earth material.
4. In an effort to conform with state and local stormwater management requirements, the impervious area generated by the new building roof and driveway shall be piped to underground infiltration systems to provide stormwater improvements.

5. 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.
6. 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.

### **APPLICATION AND PLANS**

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Office of the Town Clerk on August 17, 2022, and all material submitted through the close of the public hearing on October 25, 2022. All of the following plans and material are hereby incorporated by reference and made part of this Decision:

1. Application, including detailed project description, waiver requests, and existing conditions photographs, submitted by Dilip Gandhi and received by the Town Clerk and Planning Department on August 17, 2022.
2. Site plan set titled, "Site Plan Set for Proposed Single-family Residence, Plat Map 2, Lot 45, Zoning District SRC, Single Residence C, 510 Far Reach Road, Westwood, Massachusetts", prepared by Steven M. Cabral, PE, Crossman Engineering Engineers & Surveyors 103 Commonwealth Avenue, North Attleborough, MA 02763, dated April 2018 and revised through July 26, 2022, consisting of seven (7) sheets.
3. Architectural plan set titled "Proposed New Home at 510 Far Reach Road, Westwood, MA 02090", prepared by B.D. Nayak Architects & Planners Inc., 220 Forbes Road, Suite 306, Braintree, MA, 02184, dated April 23, 2018, consisting of eight (8) sheets.
4. Stormwater Management Report titled "Drainage Narrative and Assessment for Proposed Single Family Residence, Assessor's Plat 2, Lot 45, 510 Far Reach Road, Westwood, Massachusetts", prepared by Steven M. Cabral, PE, Crossman Engineering Engineers & Surveyors 103 Commonwealth Avenue, North Attleborough, MA 02763, dated July 2022, consisting of forty-five (45) pages.
5. Peer Review Memorandum from Stephen Borgatti, PE and Philip F. Paradis, Jr., PE, BETA Group, to Todd Korchin, DPW Director, re: 510 Far Reach Road EMM Review, dated August 31, 2022, consisting of three (3) pages.
6. Letter from Chris Cabral, PE, Crossman Engineering to Todd Korchin, DPW Director, re: 510 Far Reach Road EMM Review, dated September 20, 2022, consisting of two (2) pages.
7. Peer Review Memorandum from Stephen Borgatti, PE and Philip F. Paradis, Jr., PE, BETA Group, to Todd Korchin, DPW Director, re: 510 Far Reach Road EMM Review, dated October 24, 2022, consisting of four (4) pages.

### **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 Exterior Lighting Plan required pursuant to Section 7.3.7.2 of the Zoning Bylaw;
2. Waiver of Traffic Study required pursuant to Section 7.3.7.3 of the Zoning Bylaw; and
3. Waiver of Presentation Model required pursuant to Section 7.3.7.7 of the Zoning Bylaw.

**DECISION:**

On October 25, 2022, 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 & Design Review (EMM-EIDR) 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 August 17, 2022, 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, in all respects, and the Applicant shall pursue completion of the project with reasonable diligence and continuity.
2. The Applicant shall obtain a Land Disturbance Permit from the Westwood Conservation Commission pursuant to the Westwood Stormwater Management Bylaw prior to the issuance of any Building Permit for the Project, and the conditions of said approval shall be incorporated as conditions of this EMM-EIDR Approval.
3. If the Project, or any Condition imposed in this Decision, requires any other permit, license, or other approval from any board or commission, or any 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 and shall obtain all required approvals prior to the start of any work. 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 an 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.
4. Any alterations, modifications, deletions or changes to the EMM-EIDR Approval shall be requested in writing to the Town Planner and Building Commissioner prior to implementation. Proposed alterations which are considered de minimis by the Building Commissioner may be accepted as a note to the file. Proposed alterations which are considered minor by the Building Commissioner pursuant to Section 7.3 of the Zoning Bylaw shall be considered through the filing of an Administrative EMM-EIDR Application, pursuant to Section 7.3.6 of the Zoning Bylaw or through the filing of an Application of Minor Modification of EMM-EIDR Approval for review by the Planning Board at a publically posted Planning Board meeting. Proposed alterations which are determined to be major by the Building Commissioner or by

the Planning Board, shall be considered by the Planning Board as a formal Amendment to the EMM-EIDR Approval and will require a new public hearing before the Planning Board.

5. The Project shall reuse on site material (including large stones and boulders in some instances) and imported clean fill to create a stepped down yard and slope down as depicted on the Grading, Drainage & Utility Plan (Sheet C5), with 1:1 maximum slopes and erosion control blankets as specified.
6. The Applicant shall provide the manufacturer and product name of the erosion control blanket that is proposed to be used and a plan detail which identifies the proposed erosion control blanket installation practices, such as anchoring, minimum overlap, stapling pattern, and slope preparation. Special care shall be taken to properly install the proposed erosion control blanket in accordance with the detailed installation practices in order to minimize the risk of erosion.
7. The Applicant shall remediate and repair any erosion/sedimentation/slope instability which occurs post-construction.
8. The existing pavement Far Reach Road shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
9. All trucks carrying earth material to or from 510 Far Reach Road shall be required to access Far Reach Road from northbound or southbound Summer Street; and all such trucks shall be required to travel from the site by proceeding east on Far Reach Road, then turning right or left onto Summer Street. No trucks associated with the Project shall be permitted to travel on any other non-arterial road in Westwood.
10. Any trucks delivering or removing materials shall be covered as to prevent said material from spilling onto the public roadway and any spilled material shall be cleaned from Far Reach Road, Summer Street, and any other roadways travelled in the transport of earth material to and from the site.
11. There shall be no substandard or hazardous fill material used with this Project. Prior to the import of any earth material, the Applicant shall submit certification to the Town Planner and Building Commissioner from the company providing said material, stating that the material does not contain any hazardous material.
12. All Project-related construction activities, including any ledge removal, tree removal, and all earth material movement, shall comply with the timeframes set forth in the Town's General Bylaws Chapter 292, for Noise and Construction, which allow such work Monday through Saturday between the hours of 7:00 a.m. and 7:00 p.m., and Sunday between the hours of 12:00 p.m. and 7:00 p.m.
13. The Applicant shall provide start and end dates for the proposed site work to the Town Planner, Conservation Agent, and Department of Public Works, and all work should be completed within two weeks of the issuance of a Land Disturbance Permit from the Conservation Commission.
14. The Applicant shall promptly repair any damage which the Applicant or its agents cause to sidewalks, street pavement, signs, or other fixtures or features within the public right-of-way, after first obtaining permission from the Town Department of Public Works. Such repairs shall be performed to Town of Westwood standards.

15. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times throughout the period of construction.
16. 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 this EMM-EIDR Approval, the term "substantial use thereof or construction thereunder" shall mean the commencement and substantial continued progress of the approved activity.

### RECORD OF VOTE

The following members of the Planning Board voted by roll call vote on October 25, 2022 to **grant** the EMM-EIDR Approval for the abovementioned Project: Joshua Ames, Philip Giordano, Ellen Larkin Rollings, Kathleen Wynne, and Christopher Pfaff.

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



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Nora Loughname, Director  
DATE: November 30, 2022