

**TOWN OF WESTWOOD**  
COMMONWEALTH of MASSACHUSETTS

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Ellen Larkin Rollings, Vice Chair  
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**PLANNING BOARD**

**EARTH MATERIAL MOVEMENT  
ENVIRONMENTAL IMPACT & DESIGN REVIEW (EMM-EIDR) APPROVAL  
25 Fox Meadow Drive  
October 25, 2022**

**APPLICANT:** Christopher Andrews  
4 Misty Lane  
Walpole, MA 02032

**PROPERTY OWNERS:** Christopher & Ashley Andrews  
4 Misty Lane  
Walpole, MA 02032

**PROPERTY LOCUS:** 25 Fox Meadow Drive  
Westwood, MA 02090  
Assessor's Map 15, Lot 44

**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 single family dwelling on a 2.362-acre lot that will result in disturbance of approximately 38,150 square feet, and slopes greater than 15%, and finished elevations of 5 feet or more above the surrounding undisturbed grades, and will require the import of approximately 4,200 cubic yards of earth material at 25 Fox Meadow Drive, Westwood, MA 02090. The property is in the Single Residence E (SRE) 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 September 8, 2022, an application was filed by Christopher Andrews 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 September 8, 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 2.362 acres located at 25 Fox Meadow Drive, and is shown as Map 15, Lot 44 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. The Applicant is undertaking construction of a new single-family house with associated grading, public utility connections, a stormwater management system, paved driveway and landscaped areas.
3. The Applicant proposes regrading of the property which will result in disturbance of approximately 38,150 square feet, and slopes greater than 15%, and finished elevations of 5 feet or more above the surrounding undisturbed grades, and will require the import of approximately 4,200 cubic yards of earth material.
4. The Project Site is located within the Single Residence E (SRE) 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.

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.

### 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 September 8, 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 Christopher Andrews and received by the Town Clerk and Planning Department on September 8, 2022.
2. Site plan titled, "Site Design & Stormwater Plan for 25 Fox Meadow Drive in Westwood, MA", prepared by Mark E. Allen, PE, Allen Engineering & Associates, Inc., One Charlesview Road, Suite 2, Hopedale, MA 01747, dated June 28, 2022 and revised through October 24, 2022, consisting of two (2) sheets.
3. Landscape plan titled, "Proposed Landscape Plan, Project Address, 25 Fox Meadow Drive, Westwood, MA 02090", prepared by Desimone Building Company, 62 Eagle Drive, Mashpee, MA 02649, dated October 25, 2022, consisting of one (1) sheet.
4. Architectural plan set titled "The Andrews Residence, 25 Fox Meadow Dr., Westwood, MA", prepared by McKay Architects, 35 Bryant Street, Dedham, MA 02026, dated October 11, 2021 and revised through November 17, 2021, consisting of eighteen (18) sheets.
5. Stormwater Management Report titled "Drainage Analysis for '25 Fox Meadow Drive' in Westwood, MA", prepared by Mark E. Allen, PE, Allen Engineering & Associates, Inc., One Charlesview Road, Suite 2, Hopedale, MA 01747, dated August 25, 2022, consisting of ninety-six (96) pages.
6. Letter from John Primpas, President of Fox Meadow Homeowners' Association Inc. to Ashley & Chris Andrews, re: Fox Meadow HOA Inc., 25 Fox Meadow Drive, Westwood, MA 02090", dated June 9, 2022, consisting of one (1) page.
7. Peer Review Memorandum from Philip F. Paradis, Jr., PE, BETA Group, to Karon Skinner-Catrone, Conservation Agent, re: 25 Fox Meadow Drive (Stormwater) Peer Review, dated October 4, 2022, consisting of four (4) pages.
8. Peer Review Memorandum from Philip F. Paradis, Jr., PE, BETA Group, to Todd Korchin, DPW Director, re: 25 Fox Meadow Drive EMM EIDR Review, dated October 7, 2022, consisting of three (3) pages.
9. Peer Review Memorandum from Philip F. Paradis, Jr., PE, BETA Group, to Todd Korchin, DPW Director, re: 25 Fox Meadow Drive EMM EIDR Review, dated October 24, 2022, consisting of four (4) pages.
10. Letter from Mark E. Allen, PE, Allen Engineering & Associates, Inc., to Town of Westwood Planning Board, re: Comment Responses – 1, 25 Fox Meadow Drive, Chris & Ashley Andrews

- Owners, dated October 20, 2022, consisting of two (2) pages with ten (10) page attachment.

### 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 requirement to show all existing trees with a caliper of six (6) inches or larger and all trees which are proposed to be removed pursuant to Sections 7.1.5.1 and 7.1.5.3 of the Rules and Regulations for Environmental Impact & Design Review (EIDR) Approval;
2. Waiver of Exterior Lighting Plan required pursuant to Section 7.3.7.2 of the Zoning Bylaw;
3. Waiver of Traffic Study required pursuant to Section 7.3.7.3 of the Zoning Bylaw; and
4. 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 September 8, 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 submit a Revised Landscape Plan for review and approval by the Town Planner, which plan shall:
  - a. Indicate existing plantings to be retained, including the location, size, and species pursuant to Section 7.1.9.1 of the Planning Board's Rules and Regulations for EIDR Approval;
  - b. Indicate the limit of proposed tree clearing;
  - c. Revise the plant legend to show whether species are native or non-native, height and size at time of planting, quantity to be planted, typical spacing of plantings, and symbols used to represent the plantings on the Landscape Plan; and
  - d. Provide typical detail of a tree planting and specialty planting area.
3. 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.

4. 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.
5. 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.
6. If the Project involves blasting to remove any ledge, a blasting permit shall be obtained from the Fire Department and pre-blast surveys of the abutting and nearby properties shall be conducted prior to any blasting.
7. The existing pavement Fox Meadow Drive shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
8. All trucks carrying earth material to or from 25 Fox Meadow Drive shall be required to access Fox Meadow Drive from northbound Fox Hill Street; and all such trucks shall be required to travel from the site by proceeding south and then west on Fox Meadow Drive, then turning left onto Fox Hill Street and either right or left onto Gay Street. No trucks associated with the Project shall be permitted to travel on any other non-arterial road in Westwood, nor shall any such trucks be permitted to travel on any portion of Fox Hill Street which is north of the intersection with Fox Meadow Drive.
9. 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 Fox Meadow Drive, Fox Hill Lane, Gay Street, and any other roadways travelled in the transport of earth material to and from the site.
10. 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.
11. 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.

12. 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.
13. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times throughout the period of construction.
14. 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