

**TOWN OF WESTWOOD**  
COMMONWEALTH of MASSACHUSETTS

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

**DECISION OF THE PLANNING BOARD**

**Earth Material Movement Environmental Impact & Design Review (EMM-EIDR) Approval**

**APPLICANT:** Mark Tomasello  
191 Beach Street  
Wrentham, MA 02093

**PROPERTY OWNERS** Stephen Siller, Tunnel to Towers Foundation  
2361 Hylan Boulevard  
Staten Island, NY 10306

**PROPERTY LOCUS:** Assessor's Map 16, Lot 457

**BACKGROUND AND PROJECT SUMMARY**

An application filed by Mark Tomasello, for an Earth Material Movement Environmental Impact & Design Review (EMM-EIDR) Approval pursuant to Sections 7.1 and 7.3 of the Westwood Zoning Bylaw. The Applicant seeks approval to undertake site work associated with the construction of a new accessible residential structure which will result in finished elevations of more than 5 feet above the surrounding undisturbed grades at 748 Gay Street, Westwood, MA 02090. The property is in the Single Residence A (SRA) zoning district.

**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 January 1, 2023, an application requesting a Planning Board EIDR Approval pursuant to Section 7.3 was filed with the Westwood Planning Board and the Westwood Town Clerk by Mark Tomasello (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 January 19, 2023, and January 26, 2023. Notice of the public hearing was posted in the Westwood Town Hall commencing on January 17, 2023, and continuing through the opening of

the public hearing on February 7, 2023. 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 January 17, 2023.

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 January 1, 2023.
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 February 7, 2023, 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 February 7, 2023, public comments were taken on the Application.
6. Westwood Planning Board Members Ellen Larkin Rollings, Kathleen Wynne, Joshua Ames, Philip Giordano, and Christopher Pfaff were present for all sessions of the public hearing, and deliberated on the Application at a duly authorized meeting on February 7, 2023.

#### **PROJECT SPECIFIC FINDINGS:**

1. The subject site is comprised of a single parcel of land approximately 0.77 acres in area, located at 748 Gay Street, Westwood MA, and shown on Assessor's 16, Lot 457 (hereinafter "Project Site" or "Property").
2. The Project Site is located within the Single Residence A (SRA) zoning district and the Property is currently undeveloped. The proposed single-family home is an allowed use within the SRA Zoning District, subject to EMM-EIDR Approval, where required.
3. The Planning Board is the appropriate granting authority for an EMM-EIDR Approval.
4. The Applicant seeks approval to undertake site work associated with the construction of a new accessible residential structure which will result in finished elevations of more than 5 feet above the surrounding undisturbed grades. The proposed finished elevations are necessary to achieve full accessibility of the proposed structure and surrounding landscaped area.
5. The beneficial effects of the project will outweigh any adverse impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to that site, and the uses allowed are in harmony with the general purpose and intent of Sections 7.1 and 7.3 of the 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.

#### **WAIVERS**

The Planning Board considered the Applicant's request for the specific waiver listed below, and determined that such waiver 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. By a vote of five (5) in favor and none (0) opposed, the following waiver is hereby granted by the Planning Board:

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.
3. Waiver of Stormwater Drainage Report required pursuant to Section 7.3.7.1.6 of the Zoning Bylaw.
4. Waiver of Presentation Model required pursuant to Section 7.3.7.7 of the 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 January 1, 2023, and all material submitted through the close of the public hearing on February 7, 2023. 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 Mark Tomasello, and received by the Town Clerk and Planning Department on January 1, 2023 (as supplemented).
2. Site plan titled, "#748 Gay Street Plan of Land in Westwood, MA", prepared by Glossa Engineering Inc., 46 East Street, East Walpole, MA 02032, dated December 20, 2021, and revised through June 29, 2022, and stamped by John F. Glossa on June 29, 2022, consisting of two (2) sheets.
3. Architectural Plan Set titled, "Fitzgerald Residence by Tunnel to Towers Foundation", prepared by Sean Stewart Architect, seanstewartarchitect@gmail.com, and Glossa Engineering, Inc., 46 East Street, East Walpole, MA 02032, dated May 9, 2022, and stamped by Sean Stewart on May 9, 2022, consisting of nine (9) sheets, as follows:

Sheet A1	Foundation Plan, Basement Plan
Sheet A2	Level One Plan, Reflected Ceiling Plan
Sheet A3	Roof Plan
Sheet A4	Building Cross Section A, Building Cross Section B
Sheet A5	Building Elevation South, Building Elevation East, Exterior Door & Window Schedule
Sheet A6	Building Elevation North, Building Elevation West
Sheet A7	Wall Sections, FFE Schedule
Sheet A8	Specifications
Sheet A9	Alternate 2 Reference Information

4. Photo, untitled, prepared by Mark Tomasello, dated November 11, 2022, consisting of one (1) page.

5. Document titled "Quantities of earth to be imported/exported", prepared by Mark Tomasello, undated, consisting of one (1) page.
6. Letter from John F. Glossa, P.E., Glossa Engineering Inc., 46 East Street, East Walpole, MA 02032, to Christopher A. Pfaff, Chairman Westwood Planning Board & Town of Westwood Planning Board, re: Section 7.1 Earth Material Movement 748 Gay Street, dated December 17, 2022, consisting of three (3) pages.
7. Document titled, "WPA Form 5 – Order of Conditions", prepared by Westwood Conservation Commission, MassDEP #338-0732, dated February 15, 2022, consisting of nineteen (19) pages.
8. Letter from Westwood Conservation Agent Karon Skinner Catrone, to John Koch, Tunnel to Towers Foundation 2361 Hylan Boulevard, Staten Island, NY 10306, re: #748 Gay Street – Minor Modification, Assessors Map 16, Lot 457, dated June 29, 2022, consisting of one (1) page.
9. Memorandum from Stephen Borgatti, PE & Philip F. Paradis Jr., PE, BETA Group, Inc., www.BETA-Inc.com, to Todd Korchin, DPW Director, Subject: 748 Gay Street EMM EIDR Review, dated January 25, 2023, consisting of four (4) pages.

### **DECISION**

On February 7, 2023, 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** the requested 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 January 1, 2023, 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. Prior to start of work on the Project, the Applicant shall submit revised plans to address recommendations in the January 25, 2023 Peer View Memo from Stephen Borgatti, PE, and Philip F. Paradis, Jr., PE of BETA Group, Inc., for review and approval by the Town Planner, including the provision of transition ramps and transition curb at location where proposed driveway will cross the existing sidewalk, and documentation from abutter granting permission to modify grading on the abutting property to the south.
3. 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, and shall obtain all required approvals prior to the start of any work.
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

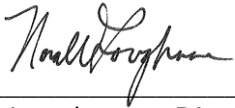
shall be considered through the filing of an Administrative EMM-EIDR Application, pursuant to Section 7.3.6 of the Zoning Bylaw or through the filing of an Application of Minor Modification of EMM-EIDR Approval for review by the Planning Board at a publically posted Planning Board meeting. Proposed alterations 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 existing pavement on Gay Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
6. All trucks carrying earth material to or from 748 Gay Street shall be required to access Gay Street from eastbound or westbound High Street or from northbound or southbound Washington Street and shall proceed directly to the site. No trucks associated with the Project shall be permitted to travel on any other non-arterial road in Westwood.
7. 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 Gay Street, High Street, Washington Street, and any other roadways travelled in the transport of earth material to and from the site.
8. 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.
9. 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.
10. 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.
11. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times throughout the period of construction.
12. 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 on February 7, 2023, to **grant** EMM-EIDR Approval for the abovementioned Project with conditions as set forth above: Ellen Larkin Rollings, Kathleen Wynne, Joshua C. Ames, Philip M. Giordano, and Christopher A. Pfaff.

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



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Nora Loughnane, Director of Community & Economic Development  
February 21, 2023