

**TOWN OF WESTWOOD**  
COMMONWEALTH of MASSACHUSETTS

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Westwood Town Clerk

Christopher A. Pfaff, Chair  
Ellen Larkin Rollings, Vice Chair  
Kathleen Wynne, Secretary  
Joshua C. Ames  
Philip M. Giordano



Nora Loughnane, Director  
[nloughnane@townhall.westwood.ma.us](mailto:nloughnane@townhall.westwood.ma.us)  
(781) 251-2595

Elijah Romulus, Town Planner  
[eromulus@townhall.westwood.ma.us](mailto:eromulus@townhall.westwood.ma.us)  
(781) 251-2581

Tiana Malone, DCED Administrative Assistant  
[tmalone@townhall.westwood.ma.us](mailto:tmalone@townhall.westwood.ma.us)  
(781) 320-1366

**PLANNING BOARD**

**EARTH MATERIAL MOVEMENT  
ENVIRONMENTAL IMPACT & DESIGN REVIEW (EMM-EIDR) APPROVAL  
403 Gay Street  
March 21, 2023**

**APPLICANT:** Duncan McFarland  
c/o Caroline Booth  
Beals and Thomas  
144 Turnpike Road  
Southborough, MA 01772

**PROPERTY OWNERS:** Duncan McFarland  
299 Clapboardtree Street  
Westwood, MA 02090

**PROPERTY LOCUS:** 403 Gay Street  
Westwood, MA 02090  
Assessor's Map 22, Lot 14

**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 and accessory dwelling unit on a 3.91-acre lot that result in disturbance of approximately 68,400 square feet, and slopes greater than 15%, and will require the import of approximately 2,220 cubic yards of earth material including soil, gravel, and crushed stone aggregate, at 403 Gay Street, 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 February 22, 2023, an application was filed by Caroline Booth, on behalf of Duncan McFarland, 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 March 2, 2023 and March 9, 2023. Notice of the public hearing was posted in the Westwood Town Hall commencing on February 22, 2023, and continuing through the opening of the public hearing on March 21, 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 March 7, 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 February 22, 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 March 21, 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), then 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 March 21, 2023, 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 March 21, 2023.

#### **PROJECT FINDINGS:**

1. The subject properties consist of approximately 3.91 acres located at 403 Gay Street, and is shown as Map 22, Lot 14 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. The Applicant is undertaking construction of a new single-family house and accessory dwelling unit 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 68,400 square feet, and slopes greater than 15%, and will require the import of approximately 2,220 cubic yards of earth material including soil, gravel, and crushed stone aggregate.
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 February 22, 2023, and all material submitted through the close of the public hearing on March 21, 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 Caroline Booth and received by the Town Clerk and Planning Department on February 22, 2023.
2. Site plan titled, "Lot 14 Gay Street in Westwood, Massachusetts (Norfolk County)", prepared by Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01771, dated February 15, 2023, and stamped by Jeffrey R. Murphy, PE, on February 15, 2023, consisting of ten (10) sheets, including:

- Cover Cover Sheet
- TP Topographic Plan of Land
- C1.1 Notes, References and Legend
- C2.1 Site Preparation + Sedimentation Control Plan
- C3.1 Layout and Materials Plan
- C3.2 Grading, Drainage and Utilities Plan
- C4.1 Landscape Plan
- C5.1 Site Details
- C5.2 Site Details
- C5.3 Site Details and Sewer Profile

3. Architectural plan set titled, "New Construction, McFarland Residence, Lot 14, Gay Street, Westwood, MA", prepared by Saltonstall Architects, 380 Wareham Street, Marion, MA 02738, dated February 3, 2023, consisting of seven (7) sheets, including:

- T-1 Title Sheet
- A-1.0 Foundation Plan
- A-1.1 1<sup>st</sup> Floor Plan
- A-1.2 2<sup>nd</sup> Floor Plan
- A-1.3 Roof Plan
- A-2.1 Building Elevations
- A-2.2 Building Elevations

4. Stormwater Management Report titled "Stormwater Management Report, Lot 14 Gay Street", prepared Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01771, dated February 15, 2023, and stamped by Jeffrey R. Murphy, PE, on February 15, 2023, consisting of one hundred and twenty-six (126) pages.
5. Peer Review Memorandum from Philip F. Paradis, Jr., PE, BETA Group, to Todd Korchin, DPW Director re: 403 Gay Street EMM-EIDR Review, dated March 21, 2023, consisting of three (3) 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 March 21, 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** 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 February 22, 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. 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.
3. 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 publicly 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.
4. 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.

5. All trucks carrying earth material to or from 403 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times throughout the period of construction.
11. 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 March 21, 2023 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: April 20, 2023