

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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PLANNING BOARD

**EARTH MATERIAL MOVEMENT
ENVIRONMENTAL IMPACT & DESIGN REVIEW APPROVAL (EMM EIDR)
121 Cedar Lane
July 12, 2022**

APPLICANT Alex Lyon
250 Bent Street
Franklin, MA 02038

PROPERTY OWNERS: Dean A. & Christine Sandonato
121 Cedar Lane
Westwood, MA 02090

PROPERTY LOCUS: 121 Cedar Lane
Assessor's Map 8, Lot 4

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to undertake site work that will include the construction of a 100-foot long by 4.5-foot high fieldstone retaining wall to eliminate the sharp grade from the back basement door to the lawn area below, which involves the import of approximately 250 cubic yards of earth material. In addition, the grade in the vicinity of the wall will be altered by more than five (5) feet.

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 June 9, 2022, an application was filed by Alex Lyon, 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 *Hometown*

Weekly, a newspaper of general circulation in Westwood, on June 23, 2022 and June 30, 2022. Notice of the public hearing was posted in the Westwood Town Hall commencing on June 15, 2022, and continuing through the opening of the public hearing on July 12, 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 July 12, 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 June 9, 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 July 12, 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) and extended on June 16, 2021 through April 1, 2022, and further extended on February 15, 2022 through July 15, 2022.
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 July 12, 2022, public comments were taken, and the Planning Board deliberated on the application.
6. Westwood Planning Board Members Joshua Ames, Philip Giordano, Ellen Larkin Rollings, Kathleen Wynne, and Christopher Pfaff deliberated on the Application at a duly authorized meeting on July 12, 2022.

PROJECT FINDINGS:

1. The subject property consists of approximately 0.92 acres, located at 121 Cedar Lane and is shown as Map 8, Lot 4 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the site consists of an existing single family home with attached garage. The Applicant proposes the construction of a 100-foot long by 4.5-foot high fieldstone retaining wall to eliminate the sharp grade from the back basement door to the lawn area below, which involves the import of approximately 250 cubic yards of earth material. In addition, the grade in the vicinity of the wall will be altered by more than five (5) feet.
3. The Project Site is located within the Single Residence C (SRC) zoning district. The re-grading and import 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.

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 June 14, 2022, and all material submitted through the close of the public hearing on July 12, 2022. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application, site plans, drawings/renderings, existing conditions photographs, project description and waiver requests submitted by Alex Lyon and received by the Town Clerk and Planning Department on June 9, 2022.
2. Plan entitled “Notice of Intent Plan, 121 Cedar Lane in Westwood, MA”, prepared by Site Design Professionals, LLC, One Merchant Street, Suite 100, Sharon, MA 02067, stamped by Paul Brodmerkle, PE, dated October 19, 2020 and revised through January 19, 2021, consisting of one (1) sheet.
3. Existing Conditions Plan titled “Existing Conditions Plan, 121 Cedar Lane in Westwood, MA” prepared by Site Design Professionals, LLC, One Merchant Street, Suite 100, Sharon, MA 02067, stamped by Paul Brodmerkle, PE, dated May 12, 2022, consisting of one (1) sheet.
4. Proposed Conditions Plan titled “Proposed Design Plan, 121 Cedar Lane in Westwood, MA” prepared by Site Design Professionals, LLC, One Merchant Street, Suite 100, Sharon, MA 02067, stamped by Paul Brodmerkle, PE, dated May 12, 2022, consisting of one (1) sheet and revised through July 1, 2022, consisting of two (2) sheets.
5. Proposed Landscape Plan titled “D’Amico Residence, 121 Cedar Lane, Westwood, MA 2022, Home Improvements” prepared by Lyon Landscaping Nursery, Inc., 250 Bent Street, Franklin, MA 02038, dated March 8, 2022, consisting of one (1) sheet.
6. Proposed Landscape Grading Plan titled “D’Amico Residence, 121 Cedar Lane, Westwood, MA, Grading & Elevations” prepared by Lyon Landscaping Nursery, Inc., 250 Bent Street, Franklin, MA 02038, dated March 8, 2022, consisting of one (1) sheet.
7. Drawings/Renderings titles, “Proposed Boulder Retaining Walls, 121 Cedar Lane, Westwood, Massachusetts prepared by Lyon Landscaping Nursery, Inc., 250 Bent Street, Franklin, MA 02038, dated February 16, 2022, consisting of one (1) sheet.
8. Letter titled, “Sandonato Project Description” prepared by Lyon Landscaping Nursery, Inc., 250 Bent Street, Franklin, MA 02038, dated June 28, 2022, consisting of two (2) pages.
9. Memorandum to Todd Korchin, DPW Director from Stephen Borgatti, PE and Philip F. Paradis, PE titled, “121 Cedar Lane – Engineering Review” dated June 23, 2022, consisting of five (5) pages.

DECISION:

On July 12, 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 and 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 June 9, 2022, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. Prior to start of work on the Project, the Applicant shall submit revised plans, as follows:
 - a) Provide a riprap apron or level spreader at the end of the proposed swale to mitigate erosion potential.

- b) Provide proposed specifications and detail for riprap armoring, including depth of riprap, sizing of material, and means of securing riprap in place such as geotextile fabric.
 - c) Depict location of boulder wall on the construction plans, to scale. As shown on the wall drawings, the existing driveway will be blocked by the wall.
 - d) Provide grading design of area surrounding proposed wall.
 - e) Provide additional stone tracking pad within the existing driveway.
 - f) Include provision to repair existing bituminous concrete berm if damaged by construction vehicles accessing the Site.
2. 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.
 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 Project shall be constructed in full conformity with the submitted plans and the Applicant shall pursue completion of the Project with reasonable diligence and continuity.
 6. The existing pavement on Cedar Lane shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
 7. All trucks carrying earth material to or from 121 Cedar Lane shall be required to access Cedar Lane from eastbound or westbound Dover Road by turning north onto Rock Meadow Road, and then turning immediately left onto Cedar Lane and proceeding to the site; and all such trucks shall be required to travel from the site by proceeding south on Cedar Lane, then turning right onto Rock Meadow Road, then turning right or left onto Dover Road. No trucks associated with the Project shall be permitted to travel on any portion of High Rock Street or High Rock Lane, nor on any portion of Rock Meadow Road or Cedar Lane that lie to the east of the Project site.
 8. 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 Cedar Lane, Rock Meadow Road, Dover Road, and any other roadways travelled in the transport of earth material to and from the site.
 9. 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.

10. 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.
11. 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.
12. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times throughout the period of construction.
13. 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 July 12, 2022 to grant 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.



John Charbonneau, Town Planner
DATE: July 14, 2022