

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Received May 18, 2023@1:34PM
Westwood Town Clerk

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



Elijah Romulus, Town Planner
eromulus@townhall.westwood.ma.us
(781) 251-2581
Amanda Wolfe, Housing & Land Use Planner
awolfe@townhall.westwood.ma.us
(781) 251-2598
Tiana Malone, Administrative Assistant
tmalone@townhall.westwood.ma.us
(781) 320-1366

PLANNING BOARD

MINOR MODIFICATION OF EMM-EIDR APPROVAL
290-294-298 SUMMER STREET
May 16, 2023

- APPLICANT:** Daniel Merrikin
Sora Realty, LLC
15 Longmeadow Dr
Westwood, MA 02090
- OWNER:** Sora Realty, LLC
15 Longmeadow Dr
Westwood, MA 02090
- PROPERTY:** 290-294-298 Summer Street, Westwood, MA 02090
- LOCUS:** Assessor's Map 03, Lots 025, 026, 027
- Request:** Minor Modification request to modify plantings, reduce impervious surface, add fill, and change lot line from the 2021 EMM-EIDR Special Permit granted on October 12, 2021.
- Purpose:** Plantings at 298 Summer Street were added at the request of the Conservation Commission. The proposed house for 290 Summer Street has been reduced in footprint and the pool configuration has changed slightly. Changes result in a net reduction in impervious coverage of 590 square feet. The revised plan results in 400 cubic yards of additional fill as compared to the previously approved plan. Minor changes to the lot line math per the Land Court review process for the ANR.

STATEMENT OF FINDINGS

After having reviewed all the plans and reports filed by the Applicants and their representatives, and having considered the technical analysis, supplemental information provided during the course of the public meeting, 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:

PROCEDURAL FINDINGS:

1. On April 18, 2023, an application was filed by Daniel Merrikin for Sora Realty, LLC (hereinafter "Applicant") 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. The Planning Board provided copies of the Modification 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 April 18, 2023.
3. A discussion of the Modification Application commenced at a remote meeting of the Planning Board on May 16, 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 meeting 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, 2025.
4. Westwood Planning Board Members Joshua Ames, Philip Giordano, Kathleen Wynne, Christopher Pfaff, and Ellen Larkin Rollings were present for the public meeting on May 16, 2023, and deliberated on the Modification Application.
5. The Planning Board voted unanimously on May 16, 2023 to find that the Modification Application proposes Minor Modifications to the previously granted EMM-EIDR Approval which are eligible for consideration by the Board at a duly noticed public meeting.

PROJECT FINDINGS:

1. The property currently known as 298 Summer Street shown as Assessor's Map 03, Lot 027 is 109,201 S.F. located after a lot line alteration of the south side lot line. The property currently at 294 Summer and shown as Map 03, Lot 026 is 87,850 S.F. after altering the side lot lines. The property currently known as 290 Summer Street and shown as Map 03, Lot 025 is combined with the other two lots. The plan proposes two single-family dwellings on their respective lots.
2. Presently, the project site consists of two vacant lots in the SRC zoning district.
3. The Applicant proposes to bring in approximately 3,950 cubic yards of fill to re-grade the properties to construct two single-family residences. The imported earth material will be gravel subbase for the new driveways, crushed stone for the foundation, mulch for landscaping, and general fill for re-grading. The Applicant anticipates the fill will come from Lorusso Corp. in Norwood via dump trucks off of Summer Street. Underground stormwater infiltration systems are proposed for both lots to capture runoff from the driveways and roofs.
4. The Project Sites are located within the SRC (Single-Residence C) zoning district. The proposed single-family dwelling use is permitted by-right in the SRC zone, and the Earth Material Movement greater than 200 cubic yards 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 Modification Application filed by or on behalf of the Applicant in the office of the Town Clerk on April 18, 2023, and all material submitted through the close of the public hearing on May 16, 2023. All of the following plans and materials are hereby incorporated by reference and made part of this Decision:

1. Previously Approved Site Plans entitled "2021-09-08 Site Plan_P," prepared by Legacy Engineering, stamped by Daniel Merrikin, dated September 9, 2021
2. 2021 EMM-EIDR Planning Board Decision entitled "Decision Summer St 290-294-298 EMM 2021-10-12," dated October 12, 2021.
3. Proposed Site Plans entitled "2023-04-04 Site Plan_E_P," prepared by Legacy Engineering, stamped by Daniel Merrikin, dated April 4, 2023
4. Description of Changes entitled "2023-04-04 Letter," prepared by Legacy Engineering, signed by Daniel Merrikin, dated April 4, 2023
5. Property Owner Authorization entitled "property owner authorization copy," signed by Domenic Esposito, dated April 4, 2023
6. EMM-EIDR Modification request prepared by Daniel Merrikin.

All of the foregoing plans and reports are hereby incorporated by reference and made part of this Decision.

DECISION

On May 16, 2023 the Planning Board evaluated the Modification 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 Minor Modification EMM-EIDR Approval pursuant of 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 May 17, 2023, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS

The foregoing approval is issued to the Applicant for the aforementioned project in accordance with the terms and conditions set forth below, all of which are an integral part hereof:

1. Except as modified by the conditions and findings hereof, the Project shall comply with the Project Plans, and with the conditions of all prior approvals, 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 board or commission, including the Westwood Conservation Commission, Westwood Zoning Board of Appeals, Westwood Select Board, 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. 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.
3. The Applicant shall submit a final revised plan set, including civil site plans and architectural design plans, revised to incorporate all approved modifications, in PDF format. Said plan set shall be submitted to the Town Planner for the Planning Board's file.
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 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.
5. The existing pavement on Summer 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 290-294-298 Summer Street shall be required to access Summer Street from eastbound or westbound High 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 Summer Street, High 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. All landscaping approved herein shall be installed at the earliest possible date, except that, if plantings cannot be installed prior to November 15, 2023, they shall be installed between April 15, 2024, and June 15, 2024. Any plantings that do not survive shall be replaced in-kind in perpetuity.
12. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during 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 on May 16, 2023 on a roll call vote to grant EMM-EIDR Approval for the abovementioned Project: Joshua Ames, Philip Giordano, Kathleen Wynne, Christopher Pfaff, and Ellen Larkin Rollings.

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



Elijah Romulus
Town Planner
DATED: May 16, 2023