

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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PLANNING BOARD

DECISION OF THE PLANNING BOARD

**Environmental Impact & Design Review (EIDR) Pursuant to Section 7.3 of the
Town of Westwood Zoning Bylaw**

APPLICANT

Kristine Meaney
Todd C. Sullivan Construction LLC
101 Fieldstone Road
Westwood, MA 02090

PROPERTY OWNERS

Town of Westwood
580 High Street
Westwood, MA 02090

PROPERTY LOCUS

0 High Street – New Westwood Cemetery
Assessor's Map 20, Lot 72

BACKGROUND AND PROJECT SUMMARY

Kristine Meaney on behalf of Todd C. Sullivan Construction LLC (hereinafter "Applicant") filed an application (hereinafter "Application") requesting [permit/EIDR type] pursuant to Section 7.3 of the Town of Westwood Zoning Bylaw (hereinafter "Zoning Bylaw") to build a two-story 58'x32' shed for New Westwood Cemetery of the property at 0 High Street – also known as 855 High Street – to replace the current cemetery shed 909 High Street, Westwood, MA 02090 in accordance with PB-23-34. The existing cemetery shed will be demolished in a separate project as part of the Planning Board decision for 909 High Street (PB-22-64). The project is in the Single Residence C (SRC) zoning district.

STATEMENT OF FINDINGS

PROCEDURAL FINDINGS

Having reviewed the plans and reports filed by the Applicant and its representatives and considered the technical analysis, supplemental information provided during the course of the public hearing, correspondence and testimony from the various boards, commissions, Town departments, and all other interested parties, the Town of Westwood Planning Board (hereinafter "Planning Board") determined the following procedural and project findings:

1. On April 11, 2023, the Planning Board granted a FMUOD Special Permit with consolidated EIDR Approval and Water Resource Protection Overlay District (WRPOD) Approval (PB-22-64) for 909 High Street to renovate the Obed Baker House into a two-family affordable residence, demolish the existing cemetery barn, and construct an animal clinic in its place. The third condition required the Applicant to file a

Limited EIDR Approval for the new cemetery shed prior to the issuance of a Building Permit for the animal clinic, as the new shed needed to be complete to demolish the existing one.

2. On May 18, 2023, the Applicant submitted an Application requesting a Planning Board EIDR pursuant to Sections 7.3 with the Planning Board that was deemed complete and filed with the Town Clerk on June 7, 2023
3. Pursuant to M.G.L. Chapter 40A, Sections 9 and 11 and the applicable provisions of the Zoning Bylaw and Planning Board Rules and Regulations (hereinafter "Rules and Regulations"), the Planning Board caused notice of the public hearing to be published in *Hometown Weekly*, a newspaper of general circulation in Westwood, on June 22, 2023 and June 29, 2023. Notice of the public hearing was posted in Westwood Town Hall commencing on June 7, 2023 and continuing through the opening of the public hearing on July 11, 2023. Said notice was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on June 21, 2023.
4. The Planning Board provided digital copies of the Application to Town boards, commissions, departments, and officials – including, but not limited to, the Board of Health, Building Commissioner, Department of Public Works, Town Engineer, Conservation Commission, and Fire and Police Chiefs on June 7, 2023.
5. Public hearing for the Application opened July 11, 2023. The Planning Board met remotely via Zoom each time and continued to August 8, 2023. Public comment was accepted through live time audio and the Question function on Zoom during hearings, in addition to in writing or by phone.
6. Westwood Planning Board Members Ellen Larkin Rollins, Kathleen Wynne, Joshua C. Ames, Piliip M. Giordano, and Christopher A. Pfaff were present for all sessions of the public hearing and deliberated on the Application at a duly authorized meeting on August 8, 2023.

PROJECT SPECIFIC FINDINGS

1. The project site (hereinafter "Project Site" or "Property") is comprised of a 31.44-acre parcel.
2. The parcel is identified on the Westwood Board of Assessor's Map as 20, Lot 72 and contains New Westwood Cemetery and wetlands.
3. The Property is located within the SRC zoning district.
4. The Property is bordered by commercial development to the south. The Project Site is situated out of sight from residential property that surrounds New Westwood Cemetery.
5. The Applicant proposes constructing a 58'x32' or 1,856 square foot shed (hereinafter Building) with three garage doors.

6. The building will be used for storing maintenance equipment and vehicles, including gas powered lawnmowers, a backhoe, hand tools, and small amounts of gasoline containers.
7. The project, as proposed, will minimize the volume of cut and fill, the number of removed trees six (6) inch caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution.
8. The project, as proposed will maximize pedestrian and vehicular safety on the Project Site and egress to and from the Project Site.
9. The project, as proposed, will minimize obstruction of scenic views from public accessible locations.
10. The project, as proposed, will minimize visual intrusion by controlling the visibility of parking, storage or other outdoor service areas view from public ways or premises residentially used or zoned.
11. The project, as proposed, will minimize unreasonable departure from the character, materials and scale of buildings in the vicinity, as viewed from public ways and places.
12. The project, as proposed, will minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of hazardous substances.
13. The project, as proposed, will ensure compliance with the provision of this Bylaw, including parking, landscaping, exterior lighting, and noise.
14. 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 Section 7.3 of the Zoning Bylaw.
15. 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 7.3 of the Zoning Bylaw.

WAIVERS

The Planning Board considered the Applicant's request for the specific waivers listed below and determined that such waivers will result in a substantially improved project, otherwise meet the performance and design standards set forth in this Section, pose no substantial detriment to any adjacent property or proximate neighborhood, and not nullify or substantially derogate from the intent or purpose of the Zoning Bylaw.

1. Waiver from strict compliance with Section 7.3.7.1.6 of the Zoning Bylaw requiring a stormwater drainage report
2. Waiver from strict compliance of Section 7.3.7.2 of the Zoning Bylaw requiring an exterior lighting plan
3. Waiver from strict compliance of Section 7.3.7.3 of the Zoning Bylaw requiring a full traffic study to allow for acceptance of the submitted summary traffic analysis
4. Waiver from strict compliance of Section 7.3.7.5 of the Zoning Bylaw requiring photographs
5. Waiver from strict compliance of Section 7.3.7.7 of the Zoning Bylaw requiring a presentation model

APPLICATIONS 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 7, 2023, and all material submitted through the close of the public hearing on August 8, 2023. All of the following plans and materials are hereby incorporated by reference and made part of this Decision:

1. EIDR Application PB-23-34 submitted by the Applicant, received by the Planning Division on May 18, 2023 and Town Clerk on June 7, 2023, consisting of 5 pages (as supplemented through August 8, 2023)
2. "Site Plan for Cemetery Maintenance Shed High St in Westwood, Massachusetts", prepared by Site Design Professionals, LLC, One Merchant Street, Suite 110, Sharon, MA 02067, stamped by Paul Broomekle, Civil Engineer, dated May 18, 2023 and revised through August 3, 2023, consisting of six (6) sheets
3. "Shed Main Floor Plan", prepared by Richard B. Levey Architects, 30 Jacobs Terrace, Newton, MA 02459, dated September 12, 2023 and revised through June 13, 2023, consisting of one (1) sheet
4. "Exterior Elevations", prepared by Richard B. Levey Architects, dated September 12, 2023 and revised through June 13, 2023, consisting of one (1) sheet
5. Engineering peer review entitled "Cemetery Garage (0 High St) EIDR Engineering Review", prepared by BETA Group, 701 George Washington Hwy, Lincoln, RI 02865, dated June 9, 2023, consisting of five (5) pages
6. First engineering peer review applicant response entitled "BETA Group, Inc. Peer Review for Cemetery Garage (0 High St) EIDR Engineering Review First Engineering Response", prepared by Site Design Professionals, LLC, dated July 5, 2023, consisting of three (3) pages

7. Engineering peer review update for July 12, 2023 Planning Board meeting entitled "Cemetery Garage (0High St) EIDR Engineering Review Update", prepared by BETA Group, dated July 11, 2023, consisting of six (6) pages
8. Second engineering peer review applicant response entitled "BETA Group, Inc. Peer Review for Cemetery Garage (0 High St) EIDR Engineering Review Second Engineering Response", prepared by Site Design Professionals, LLC, dated August 1, 2023, consisting of four (4) pages
9. Stormwater management plan entitled "Stormwater Maintenance Plan", prepared by Site Design Professionals, LLC, dated July 5, 2023, consisting of one (1) sheet
10. "MassDEP WPA 5 Order of Conditions", prepared by Site Design Professionals, LLC, recorded by the Norfolk County Registry of Deeds on May 18, 2023, consisting of 18 pages
11. "TSS Removal Calculation Worksheet", prepared by the Site Design Professionals, LLC, dated August 2, 2023, consisting of one (1) page
12. "Operation and Maintenance Plan & Maintenance Agreement", prepared by Site Design Professionals, LLC, dated May 18, 2023, consisting of ten pages
13. "Project Description", prepared by Site Design Professionals, LLC, dated May 23, 2023, consisting of one (1) page
14. April 2023 Planning Board Decision for PB-22-64 entitled "Decision of the Planning Board Flexible Multiple Use Overlay District (FMUOD) Special Permit, Consolidated Environmental Impact & Design Review (EIDR) Approval, and Water Resource Protection Overlay (WRPOD) Approval", prepared by the Town of Westwood, dated April 11, 2023, filed with the Town Clerk April 27, 2023, consisting of nine (9) pages
15. "Property Owner Authorization" signed by Christopher Coleman, *Town Administrator*, dated December 19, 2022, consisting of one (1) page

DECISION

On August 8, 2023 the Planning Board evaluated the Application in relation to the above Findings and – as the approving authority – on a roll call vote with five (5) in favor and zero (0) opposed, hereby **grants** the requested EIDR Approval pursuant to Section 7.3 of the Zoning Bylaw for the Project as described above and in the Application therefore filed with the Town Clerk on June 7, 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 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.
3. Any proposed alterations, modifications, deletions or changes to the EIDR 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 shall require the filing of an Application of Modification of an EIDR 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 EIDR and will require a new public hearing before the Planning Board.
4. Prior to the issuance of a Building Permit the applicant must submit an updated set of plans providing detail on newly proposed infiltration basin and revising western swale to discharge directly to infiltration basin to be reviewed and approved by the Town Planner.
5. Prior to the issuance of a Building Permit the applicant must submit an updated Operations and Maintenance (O&M) Plan providing information on any hazardous materials to be stored on site and a spill contingency plan to be reviewed and approved by the Town Planner.
6. The Applicant shall submit a Construction Sequencing Plan for review and approval by the Town Planner and Consulting Town Engineer prior to the issuance of a Building Permit for the Project.
7. All Project-related construction activities 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.
8. All trucks carrying earth material to or from 0 High Street shall be required to access the Property directly over the site access drive via eastbound or westbound High Street; and no trucks associated with the Project shall be permitted to travel on any non-arterial road in Westwood.
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 High Street and any other roadways travelled in the transport of earth material to and from the site.

10. The existing pavement on High Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
11. 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.
12. All chemicals used during construction shall be located in a designated containment area and shall be located on an impervious surface designed to prevent the discharge of contaminated run-off into the soil or groundwater.
13. 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 or Massachusetts Department of Public Works. Such repairs shall be performed to Town of Westwood standards.
14. All landscaping approved herein shall be installed at the earliest possible date, but only during the spring growing season running from April 15 thru June 15 or during the fall growing season running from September 15 thru November 15. Any plantings that do not survive shall be replaced in-kind in perpetuity at the Property Owner's expense.
15. All proposed dumpsters, compactors, trash and/or recycling containers, generators, gas tanks, electrical switch gear, electric transformers, and similar features shall be fully screened from view by gated solid enclosures constructed of wood, stone, brick or similar materials, and shall not include chain link fencing. Dumpsters, compactors, trash and/or recycling containers shall have an impermeable lid or cover integral to the dumpster, compactor or container itself, and shall be located on a concrete surface designed to prevent the discharge of contaminated run-off or leachate into the soil or groundwater. Gates shall be closed and fastened at all times other than active loading and/or unloading of trash and/or recycling materials.
16. The Applicant shall obtain approval by the Town Planner for any signage not included in this Application and shall obtain all required Signage Permits from the Building Division prior to installation.
17. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
18. The Applicant shall submit As-Built plans at the conclusion of construction, which shall indicate the location of all water quality units, underground storage tanks, pipes and/or appurtenances which remain on the site, prior to the issuance of a Certificate of Occupancy for the Property. The As-Built plans shall be delivered in a format


approved by the Information Systems Director for compatibility with the Town of Westwood GIS database.

This 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 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 August 8, 2023 to grant the EIDR Approval for the abovementioned Project with conditions as set forth above: Ellen Larkin Rollings, Kathleen Wynne, Joshua C. Ames, Philip A. Giordano, and Christopher A. Pfaff.

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



Elijah Romulus, Town Planner
August 16, 2023