

**TOWN OF WESTWOOD**  
Commonwealth of Massachusetts

Steven H. Olanoff, Chairman  
Steven M. Rafsky, Vice Chairman  
Bruce H. Montgomery, Secretary  
Robert C. Malster  
Henry W. Gale



Nora Loughnane, Town Planner  
Janice Barba, Land Use Assistant

**PLANNING BOARD**

**DECISION OF THE PLANNING BOARD  
OF THE TOWN OF WESTWOOD**

**APPLICANT:** Thomas Wirth  
**PROPERTY OWNERS:** Stephen and Allison Pellegrino  
**PROPERTY LOCUS:** 423 Sandy Valley Road  
Assessor's Map 15, Lots 13

2009 AUG 18 A 10:48  
TOWN CLERK  
TOWN OF WESTWOOD

**PROJECT SUMMARY**

The Applicant proposes to remove a thirty foot (30') long section of stone wall in order to relocate the driveway at 401 Sandy Valley Road. The removed stones will be used to fill a gap in the existing stone wall as shown on submitted plans. A fifteen foot (15') section of new stone wall will be added at the entrance to the existing driveway, and a post-and-rail fence and gate will be installed to block access to the existing driveway entrance. The pavement of the existing driveway, which falls within one hundred feet (100') of wetlands, will be removed and the area will be seeded to match the surrounding area. No trees within the public way are proposed for removal, however, stumps from previously removed trees will be ground and the area returned to turf. Three (3) new swamp white oak trees will be planted within the public way.

**STATEMENT OF FINDINGS**

The Town of Westwood Planning Board makes the following findings with respect to the abovementioned Application:

1. On June 24, 2009, an application was filed by Thomas Wirth pursuant to M.G.L. Chapter 40, §15C and the Rules and Regulations of the Town of Westwood Planning Board as Permit Granting Authority Pursuant to M.G.L. Chapter 40, §15C, adopted July 14, 2004 ("Scenic Roads Rules and

Regulations"). The Planning Board is the Permit Granting Authority under this Section.

2. A permit pursuant to M.G.L. Chapter 40, §15C and the Town of Westwood Scenic Roads Rules and Regulations is required for the proposed stonewall alteration.
3. A public hearing before the Westwood Planning Board was held in accordance with the Westwood Scenic Roads Rules and Regulations in the Champagne Meeting Room, 50 Carby Street, Westwood, Massachusetts on July 14, 2009. Planning Board members Steven H. Olanoff, Steven M. Rafsky, Bruce H. Montgomery, Robert C. Malster and Henry W. Gale were present the public hearing.
4. The alteration of the stone wall to allow for the relocation of the driveway will have minimal negative impact on the natural resources.
5. The alteration of the stone wall to allow for the relocation of the driveway will have minimal negative impact on the environmental values.
6. The alteration of the stone wall to allow for the relocation of the driveway will have minimal negative impact on the historical values.
7. The alteration of the stone wall to allow for the relocation of the driveway will have minimal impact on the scenic and aesthetic characteristics.
8. The alteration of the stone wall to allow for the relocation of the driveway will have minimal impact on public safety.
9. The use of removed stones to fill a gap in the existing stone wall and the proposed installation of several new trees, both within the public right-of-way and on the subject property, constitutes sufficient compensatory action.
10. The removal of the existing driveway, which is within the 100' wetlands buffer zone, and the construction of a new driveway outside of the 100' wetlands buffer zone are appropriate actions that will provide benefit to the neighborhood.
11. A Request for Determination was filed with Westwood Conservation Commission. The Conservation Commission has no objection to the Project.

## **DECISION**

The Planning Board has evaluated the application in relation to the standards set forth in Section 6 of the Town of Westwood Scenic Roads Rules and Regulations and finds that if the conditions hereinafter set forth are satisfied, the Project will not produce a substantial adverse impact upon the safety, environmental, historical or

aesthetic characteristics of the area or property therein. The Planning Board, by a vote of five in favor and none opposed, hereby submits its **approval** pursuant to Chapter 40, §15C and the Town of Westwood Scenic Roads Rules and Regulations for the Project as described in the Application therefor filed in the Office of the Town Clerk on June 24, 2009, and the following related submissions filed with the Planning Board by or on behalf of the Applicant and other concerned parties:

1. Plan entitled "Landscape Site Plan, Pellegrino Residence, 423 Sandy Valley Road, Westwood, MA", prepared by Thomas Wirth Associates, Inc., 20 North Main Street, Sharon, MA 01770, dated June 15, 2009, consisting of one (1) sheet;
2. Electronic communication to Nora Loughnane, Town Planner, from Chris McKeown, Economic Development Officer, dated July 7, 2009, consisting of one (1) page;
3. Memorandum from Linda R. Shea, Health Director, to Nora Loughnane, Town Planner, re: Scenic Road Public Gearing pursuant to MGL Chapter 40, Section 15C (Scenic Road Act) and MGL Chapter 87, Section 3 (Public Shade Tree Act) regarding an application to relocate an existing driveway, reconstruct a stone wall and add trees to the property located at 423 Sandy Valley Road, dated July 8, 2009, consisting of one (1) page;

The foregoing plans and documents are hereby incorporated by reference and made part of this Decision.

### **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 all conditions of prior approvals, in all respects, and the Applicant shall pursue completion of the project with reasonable diligence and continuity.
2. The Applicant shall revise the plan entitled "Landscape Site Plan, Pellegrino Residence, 423 Sandy Valley Road, Westwood, MA", prepared by Thomas Wirth Associates, Inc., 20 North Main Street, Sharon, MA 01770, dated June 15, 2009, to show the location of an existing private irrigation well, and shall supply a copy of the revised plan to the Board of Health Office.
3. To the fullest extent possible, the Applicant and Property Owners, their heirs, successors or assigns shall minimize the removal or disturbance of existing vegetation within the public right-of-way during construction.

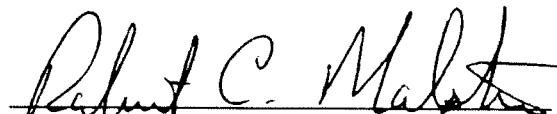
4. Following the alteration of the stonewall, the grinding of tree stumps and the planting of new trees, there shall be no additional clearing or pruning of the vegetation within the Sandy Valley right-of-way. The Applicant and Property Owners, their heirs, successors or assigns may remove or prune dead, diseased or noxious vegetation within this right-of-way only with the approval of the Tree Warden.

**WESTWOOD PLANNING BOARD**

  
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Steven H. Olanoff, Chairman

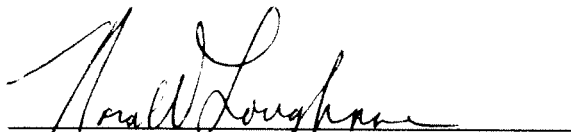
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Bruce H. Montgomery, Secretary

  
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Robert C. Malster

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Henry W. Gale

DATED: 8-18-09

  
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Nora Loughnane  
Town Planner

DATED: July 24, 2009