

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Christopher A. Pfaff, Chairman
Steven H. Olanoff, Vice Chairman
Trevor W. Laubenstein, Secretary
John J. Wiggin
Bruce H. Montgomery



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2015 SEP 22 A 11:41
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PLANNING BOARD
NOTICE OF DECISION

TOWN CLERK
TOWN OF WESTWOOD

In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has voted in favor to **grant** the application of Richard and Sheila Sabatino, as voted on September 15, 2015, and filed in the Office of the Town Clerk on September 22, 2015, requesting Planning Board Special Permit pursuant to Sections 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw, to install and move more than 200 cubic yards at 175 Colburn Street, Westwood, MA 02090 for the demolition and replacement of the existing single-family dwelling.

LAND AFFECTED: 175 Colburn Street (Assessors' Map 21, Lot 332)

The Planning Board hereby certifies that attached hereto is a true and complete copy of the Board's decision and that said decision and any plans referred to therein have been filed with the Planning Board.

Appeals, if any, shall be made pursuant to Section 17 of said M.G.L. Chapter 40A and shall be filed within twenty (20) days after the filing of a copy of the decision in the office of the Town Clerk.

WESTWOOD PLANNING BOARD

Christopher A. Pfaff, Chairman

Steven H. Olanoff, Vice Chairman

Trevor W. Laubenstein, Secretary

Bruce H. Montgomery

John J. Wiggin

Dated: 9/22/15

**DECISION OF THE PLANNING BOARD
SPECIAL PERMIT**

APPLICANT: Richard and Sheila Sabatino

ADDRESS: 175 Colburn Street
Westwood, MA 02090

PROPERTY OWNER: Richard and Sheila Sabatino

PROPERTY LOCUS: 175 Colburn Street
Assessor's Map 21, Lot 332

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to bring in between 300 and 350 cubic yards of fill to regrade the property for the demolition and replacement of the existing single-family residence. The property is located in the SRD (Single Residence D) zoning district. The proposed earth material movement for import and regrading of greater than 200 cubic yards is subject to a Special Permit, pursuant to Section 7.1 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 August 18, 2015, an application was filed by or on behalf of Richard and Sheila Sabatino, pursuant to Section 7.1 [Earth Material Movement] 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 *Westwood Press*, a newspaper of general circulation in Westwood, on August 28, 2015 and September 4, 2015. Notice of the public hearing was posted in the Westwood Town Hall commencing on August 21, 2015, and continuing through the opening of the public hearing on September 15, 2015. 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 August 24, 2015.
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 August 21, 2015.

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 September 15, 2015, in the meeting room at the Westwood Public Library, 660 High Street, Westwood, Massachusetts. The Planning Board closed the public hearing on September 15, 2015.
5. Westwood Planning Board Members Trevor W. Laubenstein, Steven H. Olanoff, John J. Wiggin, Bruce H. Montgomery, and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on September 15, 2015.

PROJECT FINDINGS:

1. The subject property consists of approximately 14,402 S.F. located at 175 Colburn Street and is shown as Map 21, Lot 332 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site contains a single-family residence.
3. The Applicant proposes to demolish the existing residence and to construct a new single-family residence, install roof drains, an underground infiltration chamber, loam and seed, and bring in between 300 and 350 cubic yards of earth fill to regrade the property. The Applicant stated that the fill will come from S.M. Lorusso of Walpole, MA.
4. The Project Site is located within the SRD zoning district. The proposed single-family dwelling use is permitted by-right in the SRD zone, and the Earth Material Movement greater than 200 cubic yards is subject to an Earth Material Movement (EMM) Special Permit, pursuant to Section 7.1.3 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 Section 7.1 of the Westwood Zoning Bylaw.

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 are hereby granted by the Planning Board:

1. Waiver of the strict requirements under Section 7.1.2.2 of the Westwood Zoning Bylaw to show the existing topographical contours of adjacent lands shown at two foot intervals.

2. Waiver of the strict requirements under Section 7.1.2.4 of the Westwood Zoning Bylaw to provide lateral support to adjacent properties.

DECISION:

The Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, by a vote of five (5) in favor and none (0) opposed, hereby **grants** Special Permit **Approval** pursuant to Section 7.1 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 August 18, 2015, 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. There shall be no excavation within the roadway due to the five year no excavation moratorium after the repaving of Colburn Street in 2014.
3. The existing pavement on Colburn Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
4. The crushed stone entrance shall be replaced when the stone becomes clogged with dirt or is no longer effective in preventing excess tracking of material onto the public way.
5. The Applicant shall notify the Town Department of Public Works during installation and backfill of infiltration chambers that are proposed to ensure compliance with the design.
6. The project engineer shall certify that the infiltration system was installed per proposed design shown on the submitted and approved plan.
7. Project related construction and earth material movement shall comply with the Town's General Bylaws Chapter 292, for Noise and Construction between 7:00 a.m. and 7:00 p.m. Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays.
8. All trucks carrying earth material to or from 175 Colburn Street shall be required to access Colburn Street via Pond via High Street/Route 109.
9. 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. 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 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.

10. Applicant shall promptly repair any damage which Applicant causes to sidewalks, street pavement, signs or other fixtures or features within the public right of way, after obtaining permission from the Town. Such repairs shall be performed to Town of Westwood standards.
11. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.

APPLICATION AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Planning Office and the Office of the Town Clerk on August 18, 2015. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Richard and Sheila Sabatino dated August 18, 2015, received by the Town Clerk and Planning Department on August 18, 2015.
2. Plan entitled "Notice of Intent and Building Permit Plan", prepared by Site Design Professionals, LLC, dated June 29, 2015, last revised on July 27, 2015.
3. Memorandum from Town Engineer, Jeffrey Bina, to Town Planner, Abigail McCabe, RE: Earth Material Movement Special Permit, 175 Colburn Street, dated September 11, 2015.
4. Memorandum from Town Planner, Abby McCabe, to Planning Board Members, Re: 175 Colburn Street – Earth material Movement – Special Permit.

RECORD OF VOTE

The following members of the Planning Board voted on September 15, 2015 to grant Special Permit Approval for the abovementioned Project: Christopher A. Pfaff, Steven H. Olanoff, Bruce H. Montgomery, John J. Wiggin, Trevor W. Laubenstein.

The following members of the Planning Board voted in opposition to the Special Permit for the abovementioned Project: None.



Abigail McCabe
Town Planner
September 22, 2015