

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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



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TOWN CLERK
TOWN OF WESTWOOD

PLANNING BOARD
NOTICE OF DECISION

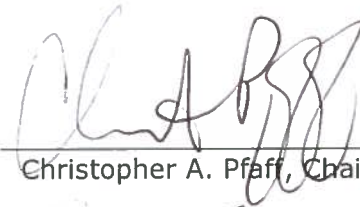
In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has voted in favor to **grant** the application from Better Living Investment Partners, LLC, as voted on March 15, 2016, and filed in the Office of the Town Clerk on January 21, 2016, requesting Planning Board Special Permit pursuant to Section 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw, to import and move more than 200 cubic yards of earth material in a residential district at 79 Country Lane, Westwood, MA 02090 for grading work associated with the a proposed addition on a single-family dwelling.

LAND AFFECTED: 79 Country Lane (Assessors' Map 05, Lot 13)

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.

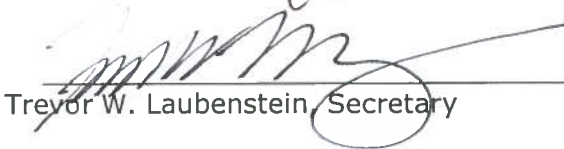
WESTWOOD PLANNING BOARD



Christopher A. Pfaff, Chairman



Steven H. Olanoff, Vice Chairman



Trevor W. Laubenstein, Secretary



Bruce H. Montgomery



John J. Wiggin

Dated: 3/15/16

**DECISION OF THE PLANNING BOARD
SPECIAL PERMIT**

APPLICANT: Shawqui Alsarabi
Better Living Investment Partners, LLC

ADDRESS: 32 Starlight Drive
Walpole, MA 02081

PROPERTY OWNER: Better living Investment Partners, LLC
32 Starlight Drive, Walpole, MA 02081

PROPERTY LOCUS: 79 Country Lane
Assessor's Map 5, Lot 13

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to remove ~1,045 cubic yards of fill to regrade the property, construct a new driveway, walkway, landscape retaining wall, rain garden, and addition to the existing single-family residence. The property is located in the SRC (Single Residence C) zoning district. The proposed earth material movement for import, export 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 January 21, 2016, an application was filed by or on behalf of Better Living Investment Partners, LLC, 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 February 5, 2016 and February 12, 2016. Notice of the public hearing was posted in the Westwood Town Hall commencing on January 28, 2016, and continuing through the opening of the public hearing on February 23, 2016. 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 January 25, 2016.
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 January 28, 2016.
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 February 23, 2016, in the meeting room at the Public Library, 660 High Street, Westwood, Massachusetts, 02090. The Planning Board continued the hearing to March 15, 2016 in the auditorium at the Downey School, 250 Downey Street, Westwood, MA and closed the public hearing on March 15, 2016.

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 March 15, 2016.

PROJECT FINDINGS:

1. The subject property consists of approximately 23,763 S.F. located at 79 Country Lane and is shown as Map 5, Lot 13 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 construct an addition to the front of the existing residence, landscape walls, new driveway and walkway, rain garden, and site re-grading. Approximately 1,045 cubic yards of earth will be removed from the property.
4. The Project Site is located within the SRC 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) Special Permit, pursuant to Section 7.1 of the Westwood Zoning Bylaw.
5. The Board found that earth material operations proposed to be conducted under the requested special permit, as modified by the conditions imposed thereby, will not be contrary to the best interests of the Town, and will be in harmony with the general purpose and intent of Section 7.1.
6. The Board found that said operations will not be injurious or dangerous to public health or safety.
7. The Board found that said operations will not produce noise, dust or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property.
8. The Board found that said operations will not result in transportation of materials on ways giving access to the subject land which will cause traffic congestion or hazards.
9. The Board found that said operations will not result in transportation which will cause injury to roadway surfaces.
10. The Board found that said operations will not result in transportation which will cause undue injury to roadway surfaces.
11. The Board found that said operations will not have a material adverse effect on the natural or engineered drainage patterns of groundwater or surface water.
12. The Board found that said operations will not have a material adverse effect on the health or safety of persons living in the neighborhood or on the use or amenities of adjacent land.

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 January 21, 2016 and as shown on the plan entitled "Proposed Site and Grading and Detail Plan, 79 Country Lane, Westwood, Massachusetts" (Sheets 1 & 2), prepared by George J. Zambouras, last revised February 14, 2016", 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 last revised February 14, 2016 and the Hydrologic Report dated March 3, 2016 in all respects and the Applicant shall pursue completion of the Project with reasonable diligence and continuity.
2. The existing pavement on Country Lane shall be protected from damage from loading and unloading materials and/or equipment related to the proposed construction.
3. The existing wall between #79 and #89 Country Lane shall be removed and reconstructed in compliance with the detail as shown on the February 14, 2016 revised plan. The wall shall be installed in a stepped manner with offset vertical joints and the vertical foot of the wall set back a minimum of three (3) ft. from the property line.
4. Vegetation and plantings shall be installed above the landscape retaining wall to stabilize the site.
5. A natural decorative stone wall to curve from the front of the property back 30 – 40 ft. to the retaining wall shall be installed.
6. The Applicant shall submit an as-built plan certified by a professional engineer showing the property lines, walls, roof downspouts and drain connection, and plantings prior to the issuance of the Certificate of Occupancy.
7. The roof's downspouts shall be directed and piped to the Town drain system and shall be approved by the Westwood Department of Public Works and the connection shown on the final as-built plan.
8. The Applicant/Owner shall be responsible for maintaining the rain garden.
9. Project related construction and earth material movement shall comply with the Town's General Bylaws Chapter 292, for Noise and Construction between 7:00 am and 7:00 pm Monday through Saturday and 12:00 pm to 7:00 pm on Sundays.
10. All trucks carrying earth material to and from the Project Site shall be required to access Country Lane from Summer Street via High Street/Route 109 only.
11. 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 [Conservation Commission], or other regulatory agency of the Commonwealth or 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 or modification of this Decision, and the Planning Board shall consider such application in accordance with the requirements of M.G.L. Chapter 40A, Section 9 and all applicable Planning Board Rules and Regulations.

12. The Applicant shall promptly repair any damage which the Applicant causes to sidewalks, street pavement, signs or other fixtures or features within any public right-of-way, after obtaining permission from the Town. Such repairs shall be performed to Town of Westwood standards.
13. The Applicant shall not damage abutting properties during this Project. Any repairs shall be coordinated with property owners.
14. 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 January 21, 2016. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Alsarabi of Better Living Investment Partners, LLC dated January 21, 2016, received by the Town Clerk and Planning Department on January 21, 2016.
2. Plan entitled "Proposed Site and Grading Plan and Details Plan, 79 Country Lane, Westwood, Massachusetts (Sheets 1 and 2)", prepared by George J. Zambouras, dated January 12, 2016, last revised on February 14, 2016.
3. Hydrologic Report for 79 Country Lane, prepared for Better Living Investment Partners, LLC, prepared by George J. Zambouras, dated March 3, 2016.
4. Memorandum from Town Engineer, Jeffrey Bina, to Town Planner, Abigail McCabe, RE: Earth Material Movement Special Permit, 79 Country Lane, dated February 7, 2016, February 22, 2016, and March 8, 2016.
5. Electronic Mail from Conservation Agent Karon Catrone, to Abigail McCabe, Subject: 79 Country, sent January 25, 2016.

RECORD OF VOTE

The following members of the Planning Board voted on March 15, 2016 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
March 18, 2016