

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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2016 MAR -3 A 10: 26

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 Eramo Building & Property, LLC / Phillip Eramo, as voted on February 23, 2016, and filed in the Office of the Town Clerk on January 13, 2016, requesting Planning Board Special Permit pursuant to Section 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw, to allow the movement of more than 200 cubic yards of earth material in a residential district on property at Mill Street (aka Lot 1), Westwood, MA 02090 for work associated with the construction of a new single-family residence and pool.

LAND AFFECTED: Mill Street (aka Lot 1) (Assessors' Map 19, Lot 23)


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.

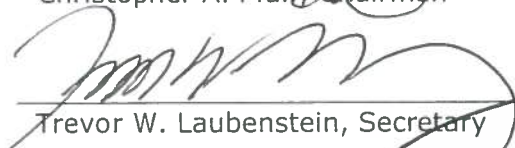
WESTWOOD PLANNING BOARD




Christopher A. Pfaff, Chairman



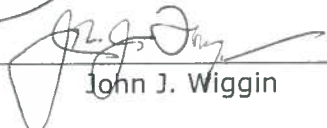
Steven H. Olanoff, Vice Chairman



Trevor W. Laubenstein, Secretary



Bruce H. Montgomery



John J. Wiggin

Dated: 2/23/16

TOWN CLERK
TOWN OF WESTWOOD
2016 MAR -3 A 10: 26

**DECISION OF THE PLANNING BOARD
SPECIAL PERMIT**

APPLICANT: Eramo Building & Property Co., LLC

ADDRESS: 77 Mill Street
Westwood, MA 02090

PROPERTY OWNER: Edward Buonato
68 Willow Street
Westwood, MA 02090

PROPERTY LOCUS: Mill Street (aka Lot 1)
Assessor's Map 19, Lot 23

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to move more than 200 cubic yards of fill to cut, move and regrade the property for work associated with the construction of a new single-family residence and a pool. The property is located in the SRC (Single Residence C) zoning district. The proposed earth material movement 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 13, 2016, an application was filed by or on behalf of Eramo Building & Property Co., 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 and January 22, 2016. Notice of the public hearing was posted in the Westwood Town Hall commencing on January 29, 2016, and continuing through the opening of the public hearing on January 15, 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 15, 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 15, 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 9, 2016, in the meeting room at the Carby Municipal Building at 50 Carby Street, Westwood, Massachusetts, 02090 and

was continued to February 23, 2016 at the Library at 660 High Street, Westwood, MA 02090. The Planning Board closed the public hearing on February 23, 2016.

5. Westwood Planning Board Members Trevor W. Laubenstein, Steven H. Olanoff, John J. Wiggan, Bruce H. Montgomery, and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on February 23, 2016.

PROJECT FINDINGS:

1. The subject property consists of approximately 27,676 S.F. located at Mill Street (aka Lot 1) and is shown as Map 19, Lot 23 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site is undeveloped. Earth work activities associated with preparing the property for a single-family residence, driveway and a pool at the end of 2015.
3. On December 11, 2015, the Building Commissioner issued a cease and desist letter to the property owner for earth work in progress without having received the proper special permit from the Planning Board pursuant to Section 7.1.
4. The Applicant proposes to remove earth and regrade the property with a total volume of earth to be removed from the property of 3,250 cubic yards in-place volume. This work is associated with the construction of a single-family residence, a driveway, and a pool.
5. 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.

DECISION:

The Planning Board evaluated the Application in relation to the Board's 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 13, 2016 and as shown on the plan entitled "Lot 1 Mill Street Site Plan, Plan of Land in Westwood", prepared by Merrikin Engineering, LLP, dated July 17, 2015, last revised February 19, 2016 (Sheet 1 of 1), based on the findings and subject to the Conditions stated herein, all of which are an integral part hereof:

FINDINGS:

1. The Board finds that the 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 Zoning Bylaw Section 7.1;
2. The Board finds that said operations will not be injurious or dangerous to the public health or safety;
3. The Board finds 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;

4. The Board finds 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;
5. The Board finds that said operations will not result in transportation which will cause undue injury to roadway surfaces;
6. The Board finds that said operations will not result in change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted;
7. The Board finds that said operations will not have a material adverse effect on the natural or engineered drainage patterns of groundwater or surface water; and
8. The Board finds that 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.

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. The existing pavement on Mill Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
3. That the Westwood Department of Public Works (DPW) shall be notified to inspect the installation of the infiltration chamber.
4. The project engineer shall certify that the infiltration system was installed per the proposed design shown on the submitted and approved Project Plan [plan entitled "Lot 1 Mill Street, Site Plan, Plan of Land in Westwood, MA", prepared by Merrikin engineering, LLP, dated July 17, 2015, last revised February 19, 2016"]. If the final design varies significantly from the proposed design, an as-built plan certified by the design engineer shall be submitted to the Town Planner and Town Engineer prior to the issuance of the Certificate of Occupancy.
5. 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.
6. All trucks carrying earth material to the Project Site shall be required to access Mill Street from the north from Hartford Street only. All trucks leaving the property shall be prohibited from travelling south on Mill Street.
7. 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.

8. The 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.
9. 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 13, 2016. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application, cover letter, and appendix prepared by Merrikin Engineering on behalf of Phillip Eramo of Eramo Building & Property Co., LLC application signed December 21, 2015, dated January 13, 2016, received by the Town Clerk and Planning Department on January 13, 2016.
2. Plan entitled "Lot 1 Mill Street, Site Plan, Plan of Land in Westwood, MA", prepared by Merrikin Engineering, LLP of 730 Main Street, dated July 17, 2015, last revised on February 19, 2016.
3. Memorandums from Town Engineer, Jeffrey Bina, to Town Planner, Abigail McCabe, RE: Earth Material Movement Special Permit, Lot #1 Mill Street, dated February 1, 2016, and February 17, 2016.
4. Revised plan cover letter from Daniel J. Merrikin, to Westwood Planning Board, dated February 19, 2016.
5. Response to comments and revised plan from Daniel J. Merrikin, to Westwood Planning Board, RE: Earth Material Movement Special Permit Application, Lot 1 - Mill Street, dated February 7, 2016.
6. Public comment material; photographs, exhibits, and letter prepared by Lindsey and Fernando Almenas, 198 Mill Street, dated February 9, 2016, received February 9, 2016.

RECORD OF VOTE

The following members of the Planning Board voted on February 23, 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 3, 2016