

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

2016 MAR -3 A 10: 27

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 Assaad and Mary Sayah, as voted on February 23, 2016, and filed in the Office of the Town Clerk on January 22, 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 14 Stonemeadow Drive, Westwood, MA 02090.

LAND AFFECTED: 14 Stonemeadow Drive (Assessors' Map 5, Lot 099)

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: 27

DECISION OF THE PLANNING BOARD

**DECISION OF THE PLANNING BOARD
SPECIAL PERMIT**

APPLICANT & OWNER: Assaad J. Sayah and Mary S. Sayah

ADDRESS: 14 Stonemeadow Drive
Westwood, MA 02090

PROPERTY LOCUS: 14 Stonemeadow Drive
Assessor's Map 5, Lot 99

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to bring in 4,470 cubic yards of fill to regrade the backyard and install a retaining wall. The property is located in the SRC (Single Residence C) 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 January 22, 2016, an application was filed by or on behalf of Assaad J. Sayah and Mary S. Sayah, 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 28, 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 25, 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 Carby Municipal Building at 50 Carby Street, Westwood, Massachusetts, 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. Wiggin, 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 2.36 Acres located at 14 Stonemeadow Drive and is shown as Map 5, Lot 99 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site contains a single-family residence and a pool. Tree removal, grading and earth work began at the end of 2015 without a special permit. The Building Commissioner sent a violation notice to the property owner on December 15, 2015 notifying the owner of the special permit process pursuant to Section 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw.
3. The Applicant proposes to add ~4,470 cubic yards of fill to the property, specifically to re-grade the back and side yards and to construct a segmented block retaining wall near the westerly property line. The Applicant stated the fill is to be provided by Revoli Construction company, Inc.
4. The Project Site is located within the SRC (Single-Residence C) 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 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.

DECISION:

The Planning Board evaluated the Application in relation to these 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 herein and in the application therefor filed in the office of the Town Clerk on January 22, 2016 and as shown on the plan entitled "Proposed Grading Plan, 14 Stonemeadow Drive, Westwood, Massachusetts", prepared by George J. Zambouras, dated January 12, 2016, revised February 14, 2016, 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 Westwood 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 uses 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 a 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;
8. The Board finds 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; and

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 Stonemeadow Drive shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
3. The project engineer shall certify that the retaining was installed per the proposed design shown on the submitted and approved Project Plan [plan entitled "Proposed Grading Plan, 14 Stonemeadow Drive, Westwood, Massachusetts", prepared by George J. Zambouras, dated January 12, 2016, revised February 14, 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.
4. 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.
5. All trucks carrying earth material to and from the Project Site at 14 Stonemeadow Drive shall be required to access Stonemeadow Drive from the east from Summer Street via Longmeadow Drive only. All trucks shall be prohibited from travelling on the emergency connector between Stonemeadow Drive and Far Reach Road.
6. 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 such as the Conservation Commission under the Stormwater Bylaw, or any 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.

7. 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.
8. 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 22, 2016. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Assaad J. Sayah and Mary S. Sayah dated January 21, 2016, received by the Town Clerk and Planning Department on January 22, 2016.
2. Plan entitled "Proposed Grading Plan, 14 Stonemeadow Drive, Westwood, Massachusetts", prepared by George Zambouras, P.E. of Beverly, MA, dated January 12, 2016, revised February 14, 2016.
3. Violation Notice from Building Commissioner, Joseph Doyle, to Assaad Sayah, dated December 15, 2015.
4. Memorandums from Town Engineer, Jeffrey Bina, to Town Planner, Abigail McCabe, RE: Earth Material Movement Special Permit, 14 Stonemeadow Drive, dated February 7, 2016 and February 22, 2016.
5. Electronic Mail from Conservation Agent, Karon Catrone, to Abigail McCabe, Subject: 14 Stonemeadow Dr., sent January 25, 2016.
6. Electronic Mail from Project Attorney Edward (Ned) Richardson to Abigail McCabe, Subject: 14 Stonemeadow Drive and 79 Country Lane, sent February 18, 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