

TOWN OF WESTWOOD
Commonwealth of Massachusetts

Steven M. Rafsky, Chairman
Steven H. Olanoff, Vice Chairman
John J. Wiggin, Secretary
Bruce H. Montgomery
Carol E. Chafetz



Nora Loughnane, Town Planner
Janice Barba, Land Use Assistant
2009 OCT 16 A 9 19

TOWN CLERK
TOWN OF WESTWOOD

PLANNING BOARD

NOTICE OF DECISION
EARTH MATERIAL MOVEMENT SPECIAL PERMIT

In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has, by a vote of four (4) in favor and none (0) opposed, voted to **grant** the Application of St. Margaret Mary's Parish, filed with the Planning Board and Town Clerk on September 17, 2009, for a Special Permit pursuant to Section 7.1 [Earth Material Movement] of the Town of Westwood Zoning Bylaw.

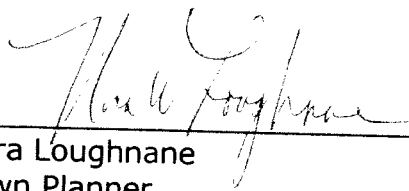
LAND AFFECTED: 837 High Street
Assessor's Map 21, Lot 44
Size of Subject Property: ±4.85 acres
Description of Project: 99-car parking lot

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 and Town Clerk.

The Planning Board hereby certifies that statutory requirements have been complied with pursuant to Section 9 of said Chapter 40A.

Appeals, if any, shall be made pursuant to Section 17 of said 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.

Date of Decision: October 12, 2010



Nora Loughnane
Town Planner

DATED: October 12, 2010

**DECISION OF THE PLANNING BOARD
EARTH MATERIAL MOVEMENT SPECIAL PERMIT**

APPLICANT: St. Margaret Mary Parish

**PROPERTY
OWNER:** Archdiocese of Boston

**PROPERTY
LOCUS:** 837 High Street
Assessor's Map 21, Lot 44

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to construct a new 99-car parking lot adjacent to an existing parking area at 837 High Street. The property is located in the Single Residence C (SRC) zoning district. A parking lot is permitted in association with the exempt use of land or structures for religious purposes in this district, subject to limited Environmental Impact Design Review (EIDR) of an exempt use under Section 7.3.3 [Exempt Uses] of the Westwood Zoning Bylaw.

STATEMENT OF FINDINGS

After having reviewed all the plans and reports filed by the Applicant and its representatives; 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 has determined that the Special Permit Application complies with the requirements of Section 7.1 [Earth Material Movement] and other applicable sections of the Zoning Bylaw. Specifically, the Planning Board makes the following procedural findings and project findings:

PROCEDURAL FINDINGS:

1. On September 17, 2009, an application was filed by St. Margaret Mary's Parish pursuant to Section 7.3 [Environmental Impact and Design Review] of the Westwood Zoning Bylaw with the Westwood Planning Board and the Westwood Town Clerk (hereinafter "Application").
2. On October 13, 2009, it was determined that the proposed project would involve the import and/or regrading of more than two hundred (200) cubic yards of earth material in the aggregate in one year on one premises in a Residential District, thus requiring approval pursuant to Section 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw, and the original Application was determined to be sufficient to permit the Planning Board's review pursuant to both Sections 7.1 and 7.3 of the Westwood Zoning Bylaw.

3. The Planning Board is the Special Permit Granting Authority for the export, import and/or regrading of earth material on any parcel of land in connection with a plan submitted pursuant to Section 7.3 of the Westwood Zoning Bylaw.
4. 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 as Special Permit Granting Authority (SPGA) Pursuant to Section 7.1 of the Westwood Zoning Bylaw (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 November 5, 2009 and on November 12, 2009. Notice of the public hearing was posted in the Westwood Town Hall commencing on October 30, 2009 until the opening of the public hearing on November 24, 2009. 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 November 2, 2009.
5. 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, Economic Development Officer, Fire Chief, Police Chief and Town Engineer.
6. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Sections 9 and 11, the public hearing on the Application commenced on November 24, 2009, continued to January 26, 2010, continued to May 25, 2010, continued to July 13, 2010, and continued to August 10, 2010, on which date the Planning Board closed the public hearing. All sessions of said hearing were held in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts.
7. Westwood Planning Board members Steven M. Rafsky, Steven H. Olanoff, John J. Wiggin and Bruce H. Montgomery were present for all public hearings at which testimony was taken.
8. Westwood Planning Board members Steven M. Rafsky, Steven H. Olanoff, John J. Wiggin and Bruce H. Montgomery deliberated on the Application at duly authorized meetings on August 10, 2010, September 7, 2010, and September 21, 2010.

PROJECT FINDINGS:

1. The subject property consists of approximately 4.85 acres located at 837 High Street and is shown as Map 21, Lot 44 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. The Applicant proposes to construct a new 99-car parking lot adjacent to an existing parking area at 837 High Street, which will require the import and/or

regrading of earth material that will result in more than two hundred (200) cubic yards of earth material in the aggregate.

3. The Project Site is located within the Single Residence C (SRC) zoning district. A parking lot is permitted in association with the exempt use of land or structures for religious purposes in this district, subject to limited EIDR of an exempt use under Section 7.3 of the Westwood Zoning Bylaw.
4. The Applicant's proposed construction will not have a material adverse effect on the value of the land and buildings in the neighborhood, or on the amenities thereof, or be detrimental to the normal use of the adjacent property, and it will not be injurious or dangerous to the public health or hazardous because of traffic congestion, or other reason, and any adverse effects of the proposed use do not outweigh its beneficial aspects, all in view of the particular characteristics of the site and of the proposal in relation to that site.
5. The Applicant's proposed earth material movement operations, subject to the conditions imposed herein, will not be contrary to the best interests of the Town, and:
 - a. will not be injurious or dangerous to the public health or safety;
 - b. 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;
 - c. will not result in transportation of materials on ways giving access to the subject land which will cause traffic congestion or hazards;
 - d. will not result in transportation which will cause undue injury to roadway surfaces;
 - e. 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;
 - f. will not have a material adverse effect on the natural or engineered drainage patterns of groundwater or surface water; and
 - g. 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 has evaluated the application in relation to the above findings and as the Special Permit Granting Authority, the Board, by a vote of four (4) in favor and none (0) opposed, finds that the adverse effects of the Project, as described above and in the Application dated and filed in the Planning office and the

Office of the Town Clerk on September 17, 2009, and the following related submissions filed with the Planning Board by or on behalf of the Applicants, will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to the site and votes to **approve** said Application for a Special Permit pursuant to Section 7.1 , subject to the conditions stated herein:

1. Plan entitled "Proposed 'Parking Improvements', Saint Margaret Mary Parish, Westwood, Massachusetts", prepared by Danena Engineering Associates, P.O. Box 387, North Easton, MA, consisting of the following five (5) sheets:

Title Page, dated June 14, 2009, and revised through July 25, 2010;

Sheet 1 of 4 entitled "Existing Conditions Plan", dated January 28, 2009;

Sheet 2 of 4 entitled "Proposed Parking Plan", dated January 28, 2009 and revised through July 25, 2010;

Sheet 3 of 4 entitled "Detail Sheet 1", dated May 27, 2009 and revised through July 25, 2010; and

Sheet 4 of 4 entitled "Detail Sheet 2", dated May 27, 2009 and revised through July 25, 2010;
2. Letter to Westwood Planning Board, from Robert Murphy, Danena Engineering Associates, re: Parking Improvements, St. Margaret Mary Church, dated September 17, 2009, consisting of one (1) page;
3. Electronic communication to Nora Loughnane, Town Planner, from Chris McKeown, Economic Development Officer, re: St. Margaret Mary's Parking Lot Expansion, dated September 25, 2009, consisting of one (1) page;
4. Electronic communication to Nora Loughnane, Town Planner, from Sgt. Paul Sicard, Safety Officer, re: St. Margaret Mary's, dated September 29, 2009, consisting of one (1) page;
5. Memorandum to Nora Loughnane, Town Planner, from Linda R. Shea, REHS/RS, Health Director, re: Site Plan Review pursuant to Section 7.3 (Environmental Impact and Design Review) of the Westwood Zoning Bylaw regarding an application filed by St. Margaret Mary Parish for the construction of an additional 99-car parking lot at 837 High Street, dated September 29, 2009, consisting of one (1) page;
6. Memorandum to Steven H. Olanoff, Chairman, from John Bertorelli, PE, PLS, Town Engineer, re: Expansion of parking at St. Margaret Mary Church - 837 High Street, dated October 13, 2009, consisting of one (1) page;

7. Letter to Westwood Planning Board, from Robert Murphy, Danena Engineering Associates, re: Parking Improvements, St. Margaret Mary Church, dated October 12, 2009, consisting of one (1) page;
8. Letter to Westwood Planning Board, from Robert Murphy, Danena Engineering Associates, re: Parking Improvements, St. Margaret Mary Church, dated November 17, 2009, consisting of one (1) page;
9. Letter to Westwood Planning Board, from Robert Murphy, Danena Engineering Associates, re: Parking Improvements, St. Margaret Mary Church, dated January 25, 2010, consisting of one (1) page;
10. Letter to Nora Loughnane, Westwood Planning Board, from Robert Murphy, Danena Engineering Associates, re: St. Margaret Mary Church – 837 High Street, dated July 12, 2010, consisting of one (1) page;
11. Letter to Westwood Planning Board, from Jeffrey J. Bina, P.E., Town Engineer, re: Expansion of parking at St. Margaret Mary Church – 837 High Street, Plan set revised to July 25, 2010, dated August 9, 2010, consisting of one (1) page with two (2) page attachment;
12. All of the foregoing plans and reports are hereby incorporated by reference and made part of this Decision.

CONDITIONS OF APPROVAL

The approval of the abovementioned Application is subject to the following conditions:

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. All exterior construction and earth removal/disturbance activities on the Project Site, including the idling of construction vehicles, shall be conducted between the hours of 8:00 AM and 6:00 PM, Monday through Friday and 9:00 AM and 6:00 PM on Saturdays. The Building Commissioner may allow for longer hours of construction only for emergency circumstances, provided that the oral request is followed by a timely, written report of the specific emergency circumstances. There shall be no interior and exterior construction and earth removal/disturbance activities on Sundays and state or federal legal holidays. Hours of operation shall be enforced by the Building Commissioner and the Westwood Police Department.
3. The Board or its agents shall have the right to enter the Project Site during regular business hours and to gather all information, measurements, photographs or other materials needed to ensure compliance with the terms of

this Decision, subject to applicable safety requirements as established by the Applicant or its Contractor.

4. Prior to the start of any Project Site construction and earth removal or disturbance activity, the Applicant shall submit a comprehensive Construction Management Plan to the Town Engineer for review and approval. The Plan shall include, but not be limited to the following requirements:
 - a. The Applicant shall employ the following construction noise mitigation measures: continuous running equipment, such as air compressors and welding generators, shall have effective muffling enclosures; quieter alternative equipment and construction techniques should be used whenever possible (i.e. electric instead of diesel-powered and vibration pile driving instead of impact driving); all equipment shall have the proper sound attenuation devices, such as mufflers or sound baffles; relatively loud, stationary construction equipment shall be located as far as practically possible from abutting residential properties; and construction trailers shall be located as far as practical from the abutting residential properties.
 - b. The Applicant shall be responsible for the cleanup of construction debris, including the tracking of dirt by construction vehicles, which shall be conducted on a daily basis on Town ways within 200 yards from the entrance to the Project construction site.
 - c. The Applicant shall submit a proposed truck route for construction vehicles for review and approval by the Town Engineer and Public Safety Officer. The Applicant shall provide each Contractor with a copy of the approved truck routes.
 - d. The limit of construction areas shall be clearly delineated at all times during the construction phase.
 - e. No dumping, burning or storage of any waste materials shall be permitted on the Project Site. During construction, waste materials may be temporarily stored pending removal, provided that such waste materials shall not constitute a hazardous condition and that all waste materials subject to being windblown are secured. Nothing contained herein shall be deemed to permit activities otherwise prohibited by applicable law, order, rule, regulation, code or bylaw.
 - f. All equipment and material staging shall be located on the Project Site.
 - g. All construction employee parking shall be located on the Project Site. Under no circumstances shall there be such parking on High Street or other proximate streets.


5. The limit of clearing shall be clearly staked or flagged prior to the cutting of trees, and during the entire construction period, all necessary steps shall be taken to protect the remaining trees from construction vehicles, equipment, materials and the like which could harm the bark or root zone of the said trees.
6. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times.
7. The Special Permit shall not take effect until a copy of the Decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk County Registry of Deeds and indexed under the name of the property owner of record and parcel address. If the Special Permit has been approved by reason of the failure of the Special Permit Granting Authority to act within the time prescribed, a copy of the Application for the Special Permit accompanied by the certification of the Town Clerk stating the fact that the Special Permit Granting Authority failed to act within the time prescribed, and whether or not an appeal has been filed within that time, and that the grant of the Application resulting from the failure to act has become final, is recorded in the Norfolk County Registry of Deeds and indexed under the name of the property owner of record and parcel address.
8. The Special Permit shall lapse within a specified period of time, not more than two (2) years, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun within the specified period of time except for good cause. Prior to the expiration of the Special Permit, the Applicant may apply for an extension of the Special Permit for a period not to exceed one (1) year if the substantial construction or use thereof has not commenced for good cause.
9. The Applicant shall provide one (1) original and three (3) certified copies of an "As Built" Site Development Plan. Certification shall be by a Registered Professional Engineer and/or Land Surveyor, as required, and shall indicate that all roadways, sidewalks, storm drains, sewer mains, water mains and their appurtenances have been constructed in accordance with said Project Plans and are accurately located as shown thereon. All detention basins shall be certified that they have been built in accordance with the approved Plans, including volume, area and location. There shall also be certification of the road centerline of finished gravel sub-base. The "As Built" plan shall be delivered to the Board in AutoCAD (dwg) format, preferably model space and paper space, and projected in Massachusetts State Plane NAD 83 (ft) coordinates to match the Town of Westwood GIS database. Vertical control is based on NAVD88 datum.


10. Any alterations, modifications, deletions or amendments to this Special Permit shall be done in accordance with the requirements of M.G.L. Chapter 40A § 9.

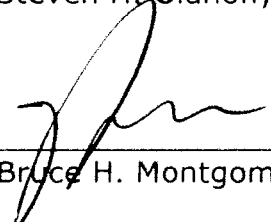
RECORD OF VOTE

The following members of the Planning Board voted to **grant** a Special Permit pursuant to Section 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw for the abovementioned Application for the abovementioned Application, subject to the Conditions stated herein:


Steven M. Rafsky, Chairman


Steven H. Olanoff, Vice Chairman


John J. Wiggin, Secretary


Bruce H. Montgomery

The following members of the Planning Board voted to **deny** a Special Permit pursuant to Section 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw for the abovementioned Application.

None

The following members of the Planning Board **abstained** from consideration of a Special Permit pursuant to Section 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw for the abovementioned Application.

Carol E. Chafetz

Date of Decision: October 12, 2010