

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 APR 15 4:07
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 71 Oak Street, LLC, as voted on April 12, 2016, and filed in the Office of the Town Clerk on March 16, 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 71 Oak Street, Westwood, MA 02090 to bring in ~1,000 cubic yards of fill to re-grade the property associated with the demolition to rebuilding the single-family dwelling.

LAND AFFECTED: 71 Oak Street (Assessors' Map 35, Lot 105)

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

Todd Sullivan

Steven Rafsky

Bruce Montgomery

Dated: 4/15/16

**DECISION OF THE PLANNING BOARD
SPECIAL PERMIT**

APPLICANT: Derrick Fitzgerald
71 Oak Street, LLC

ADDRESS: 288 Washington Street
Brookline, MA 02445

PROPERTY OWNER: 71 Oak Street, LLC
288 Washington Street
Brookline, MA 02445

PROPERTY LOCUS: 71 Oak Street
Assessor's Map 35, Lot 105

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to bring in 1,000 cubic yards of fill to regrade the property to demolish and rebuild a single-family residence. 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 March 16, 2016, an application was filed by or on behalf of 71 Oak Street, 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 March 25, 2016 and April 1, 2016. Notice of the public hearing was posted in the Westwood Town Hall commencing on March 18, 2016 and continuing through the opening of the public hearing on April 12, 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 March 22, 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 March 22, 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 April 12, 2016, in the meeting room at the Westwood Public Library, 660 High Street, Westwood, Massachusetts, 02090. The Planning Board closed the public hearing on April 12, 2016.

5. Westwood Planning Board Members Steven Rafsky, Steven H. Olanoff, Bruce H. Montgomery, Todd Sullivan, and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on April 12, 2016.

PROJECT FINDINGS:

1. The subject property consists of approximately 40,240 S.F. located at 71 Oak Street and is shown as Map 35, Lot 105 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site contains a recently demolished single-family residence.
3. The Applicant proposes to demolish the existing residence and to construct a new single-family residence, re-grade the property to raise the elevation of the structure by bringing in 1,000 cubic yards of fill, and drainage improvements by installing underground infiltration system, leaching field for roof runoff, and a swale. The Applicant stated that the fill will come from PJ Hayes, Inc. in Walpole, MA.
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 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.
6. 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.
7. The Board found that said operations will not be injurious or dangerous to public health or safety.
8. 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.
9. 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.
10. The Board found that said operations will not result in transportation which will cause 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 March 16, 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 entitled "Building Permit Plan of Land in Westwood, MA", prepared by Colonial Engineering Inc, of 11 AWL Street Medway, MA, dated March 1, 2016, revised April 7, 2016 in all respects and the Applicant shall pursue completion of the Project with reasonable diligence and continuity.
2. The existing pavement on Oak Street shall be protected from damage from loading and unloading materials and/or equipment related to the proposed construction.
3. The driveway shall be cleaned daily to prevent excess tracking of material onto the public way or a crushed stone entrance shall be used and replaced when necessary to keep dirt from being tracked onto the street.
4. The Applicant shall notify the Town Department of Public Works during installation and backfill of infiltration chambers, drywells, and roof drains that are proposed to ensure compliance with the design.
5. The Town Engineer shall verify that the swale was installed and functioning properly prior to the issuance of a Certificate of Occupancy.
6. The project engineer shall certify that the infiltration system was installed per the proposed design shown on the submitted and approved Project Plan. If the final design varies from the proposed design, an as-built plan certified by a professional engineering shall be submitted to the Town Planner and Town Engineer prior to the issuance of the Certificate of Occupancy.
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 am and 7:00 pm Monday through Saturday and 12:00 pm to 7:00 pm on Sundays.
8. All trucks carrying earth material to and from the Project Site shall be required to access the Project Site from Oak Street from the south only. Access from Reservoir Road is prohibited.
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 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.

10. 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.
11. Photographs shall be submitted by the Applicant prior to the expiration of this Special Permit's appeal period to reflect the existing conditions prior to the beginning of construction.
12. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.

APPLICATION AND PLANS

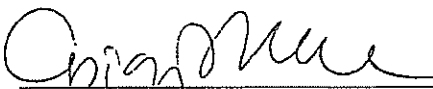
The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Planning Office and the Office of the Town Clerk on March 16, 2016. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by 71 Oak Street, LLC dated March 16, 2016, received by the Town Clerk and Planning Department on March 16, 2016.
2. Plan entitled "Building Permit Plan of Land in Westwood, MA", prepared by Colonial Engineering Inc, of 11 AWL Street Medway, MA, dated March 1, 2016, revised April 7, 2016.
3. Memorandum from Town Engineer, Jeffrey Bina, to Town Planner, Abigail McCabe, RE: Earth Material Movement Special Permit, 71 Oak Street, April 6, 2016, April 11, 2016.
4. Memorandum from Town Planner, Abby McCabe, to Planning Board Members, Re: 71 Oak Street for a hearing on April 12, 2016.
5. Electronic Mail from Health Director, Linda Shea, Subject: EMM SP-71 Oak Street, Sent: April 5, 2016.
6. Electronic Mail from Deputy Fire Chief, Michael Reardon, Subject: PB Earth Movement Application - 71 Oak St. for 4/12, Sent: March 23, 2016.

RECORD OF VOTE

The following members of the Planning Board voted on April 12, 2016 to grant Special Permit Approval for the abovementioned Project: Christopher A. Pfaff, Steven H. Olanoff, Bruce H. Montgomery, Steven Rafsky, and Todd Sullivan.

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



Abigail McCabe
Town Planner
April 15, 2016

