

Town of Westwood
Commonwealth of Massachusetts

Trevor W. Laubenstein, Chairman
David L. Atkins, Jr., Vice Chairman
Steven H. Olanoff, Secretary
Brian D. Gorman
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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 Anthony Delapa, Dela Construction Co., Inc., as voted on July 11, 2017 and filed in the Office of the Town Clerk on June 9, 2017, requesting Planning Board Earth Material Movement (EMM) Special Permit and Environmental Impact & Design Review (EIDR) pursuant to Westwood Zoning Bylaw Section 7.1, to move more than 200 cubic yards of earth material in a residential district at 16 Delapa Circle, Westwood, MA 02090 for work associated with the construction of a single family residence.


LAND AFFECTED: 16 Delapa Circle (Assessor's Map 29, Lot 157)


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.

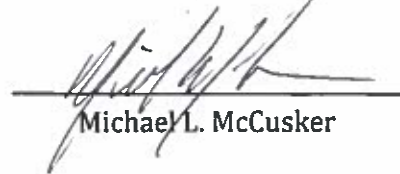
Appeals, if any, shall be made pursuant to Section 17 of said M.G.L. Chapter 40A and shall be filed within twenty (20) days after the filing of a copy of the decision in the office of the Town Clerk.

WESTWOOD PLANNING BOARD


Trevor W. Laubenstein, Chairman


David L. Atkins, Jr. Vice Chairman


Steven H. Olanoff, Secretary


Michael L. McCusker


Brian D. Gorman

7/11/17
Date

2017 JUL 13 P 2 11
TOWN CLERK
TOWN OF WESTWOOD

**DECISION OF THE PLANNING BOARD
SPECIAL PERMIT and EIDR**

APPLICANT: Anthony Delapa
ADDRESS: Dela Construction Co., Inc.
PO Box 277
Norwood, MA 02062

PROPERTY OWNER: Delapa Realty Trust, Anthony Delapa
PO Box 277
Norwood, MA 02062

PROPERTY LOCUS: 16 Delapa Circle
Westwood, MA 02090
Assessor's Map 29, Lot 157

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to import a net total of approximately 2,332 cubic yards of fill to construct a single family residence, driveway, landscape areas, utilities and related grading at 16 Delapa Circle. 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 an Earth Material Movement (EMM) Approval with the Planning Board, 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 June 9, 2017, an application was filed by or on behalf of Anthony Delapa, Dela Construction Co., Inc., pursuant to Section 7.1 [Earth Material Movement] and (Environmental Impact and Design Review) 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 June 23, 2017 and June 30, 2017. Notice of the public hearing was posted in the Westwood Town Hall commencing on June 15, 2017, and continuing through the opening of the public hearing on July 11, 2017. 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 June 16, 2017.

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, Historical Commission, Pedestrian and Bicycle Safety Committee, Department of Public Works, Fire Chief, Police Chief and Town Engineer on June 15, 2017.
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 July 11, 2017, in the meeting room at the Carby Municipal Building at 50 Carby Street, Westwood, Massachusetts, 02090. The Planning Board closed the public hearing on July 11, 2017 in the same location.
5. Westwood Planning Board Members Trevor W. Laubenstein, Steven H. Olanoff, David L. Atkins, Jr., Michael L. McCusker and Brian D. Gorman deliberated on the Application at a duly authorized meeting on July 11, 2017.

PROJECT FINDINGS:

1. The subject property consists of approximately 40,211 sq. ft. located at 16 Delapa Circle and is shown as Map 29, Lot 157 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site is an undeveloped residential lot off Delapa Circle near the intersection of Dela Park Road and Delapa Circle. The lot was originally known as lot 6 created as part of a 19 lot subdivision known as Dela Park Estates Subdivision approved by the Planning Board in 1987.
3. The Applicant proposes to import and regrade the lot including ~2,332 cubic yards of earth/rock import for grading, the installation of utilities, roof recharge systems, landscaping, erosion controls, and construction of a driveway and single-family residence
4. The Project Site is located within the SRC (Single Residence C) zoning district. The single-family 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) approval from the Planning Board, pursuant to Section 7.1 of the Westwood Zoning Bylaw. On May 2, 2017, Annual Town Meeting amended Zoning Bylaw Section 7.1 to change the type of application with the Planning Board from a Special Permit to an Environmental Impact and Design Review (EIDR), pursuant to Sections 7.1 of the Zoning Bylaw. The Zoning Bylaw was amended by Town Meeting on May 2, 2017 and is awaiting final approval from the Attorney General's office. Therefore, the Planning Board is considering this Application as a Special Permit and an EIDR pending final review by the Attorney General.
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:

On July 11, 2017, 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 and Environmental Impact and Design Review *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 June 9, 2017 and hereby approves the plan entitled "Proposed House Location Plan for lot 6 - #16 Delapa Circle in Westwood, MA" prepared by GLM Engineering Consultants, Inc., sheet 1 of 1, dated April 25, 2017, revised June 1, 2017, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. The plans shall be revised and submitted to the Town Planner prior to the start of any work associated with this permit with the following revisions:
 - o The Plan shall provide the quantity and composition of fill per Section 7.1.2.6;
 - o The Plan shall include a certification that there will be no hazardous waste;
 - o The Plan shall be updated to show a 50 ft. long construction entrance; and
 - o The Plan shall show silt sacks for the catch basins.
2. The Applicant shall submit certification that the fill material shall not contain any hazardous or substandard material.
3. The existing pavement on Delapa Circle shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
4. The construction entrance shall be replaced when the stone becomes clogged with dirt or is no longer effective in preventing excess tracking of material onto the public way.
5. The Applicant shall notify the Town Department of Public Works during installation of the recharge systems that are proposed to ensure compliance with the design.
6. 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.
7. All trucks carrying earth material to or from 16 Delapa Circle shall be required to access Delapa Circle via Dela Park Road from Winter Street only. If the import material comes from Rte. 109 the trucks shall take Pond Street to travel to Winter Street.
8. The imported fill material shall not contain any hazardous or substandard materials.
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 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.

10. 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.
11. 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 June 9, 2017. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Anthony Delapa, Dela Construction Co., Inc., dated June 6, 2017, received by the Town Clerk and Planning Department on June 9, 2017.
2. Letter from GLM Engineering Consultants, Inc. to the Westwood Planning Board, RE: Lot 6 - Delapa Circle, Westwood, MA dated June 6, 2017 (1 page).
3. Site Plan entitled "Proposed House Location Plan for lot 6 - #16 Delapa Circle in Westwood, MA", prepared by GLM Engineering Consultants, Inc., dated April 25, 2017, revised June 1, 2017 (1 sheet).
4. Memorandum from Philip F. Paradis, Jr., PE, to Todd Korchin, DPW Director, subject: 16 Delapa Circle Earth Material Movement Permit, dated July 6, 2017.
5. Email from K. Catrone, Conservation Agent to Abigail McCabe, Town Planner, subject: 16 Delapa Circle, dated June 19, 2017.

RECORD OF VOTE

The following members of the Planning Board voted on July 11, 2017 to grant Special Permit and Environmental Impact and Design Review Approval for the abovementioned Project: Trevor W. Laubenstein, David L. Atkins, Jr, Steven H. Olanoff, Michael L. McCusker and Brian D. Gorman.

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


Abigail McCabe, Town Planner

7/13/17
Date

2017 JUL 13
TOWN CLERK
TOWN OF WESTWOOD