

**Town of Westwood**  
Commonwealth of Massachusetts

Christopher A. Pfaff, Chairman  
Trevor W. Laubenstein, Vice Chairman  
Steven H. Olanoff, Secretary  
David L. Atkins, Jr.  
Michael L. McCusker  
Steven M. Rafsky, Associate  
Todd C. Sullivan, Associate



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TOWN CLERK  
TOWN OF WESTWOOD (781) 320-1366

**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 Timothy Gagnon, as voted on April 24, 2017 and filed in the Office of the Town Clerk on January 25, 2017, 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 188 Mayfair Drive, Westwood, MA 02090 to regrade an existing residential lot involving earth excavation and regrading associated with the remodeling of the existing, single-family dwelling.

**LAND AFFECTED:** 188 Mayfair Drive (Assessor's Map 20, Lot 159)

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

  
Trevor W. Laubenstein, Vice Chairman

  
Steven H. Olanoff, Secretary

  
David L. Atkins, Jr.

4/24/17  
Date

**DECISION OF THE PLANNING BOARD  
SPECIAL PERMIT**

**APPLICANT:** Timothy Gagnon  
**ADDRESS:** 188 Mayfair Drive  
Westwood, MA 02090

**PROPERTY OWNER:** Timothy Gagnon  
188 Mayfair Drive  
Westwood, MA 02090

**PROPERTY LOCUS:** 188 Mayfair Drive  
Westwood, MA 02090  
Assessor's Map 20, Lot 159

**BACKGROUND AND PROJECT SUMMARY**

The Applicant proposes to remove a net total of approximately 1,880 cubic yards of fill to regrade the property at 188 Mayfair Drive for work associated with the remodeling of an existing, single-family residence. 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 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 25, 2017, an application was filed by or on behalf of Timothy Gagnon, 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 10, 2017 and February 17, 2017. Notice of the public hearing was posted in the Westwood Town Hall commencing on February 3, 2017, and continuing through the opening of the public hearing on February 28, 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 February 6, 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 January 30, 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 February 28, 2017, in the meeting room at the Carby Municipal Building at 50 Carby Street, Westwood, Massachusetts, 02090. The Planning Board continued the public hearing to March 14, 2017, March 21, 2017, April 11, 2017 and April 24, 2017 in the same location and closed the hearing on April 24, 2017.
5. Westwood Planning Board Members Trevor W. Laubenstein, Steven H. Olanoff, David L. Atkins, Jr., and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on April 24, 2017.

#### **PROJECT FINDINGS:**

1. The subject property consists of approximately .52 acres (22,508 sq. ft.) located at 188 Mayfair Drive and is shown as Map 20, Lot 159 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project is located on an existing developed residential lot with a single-family residence being remodeled with grading work that will remove a net total of approximately 1,880 cubic yards of earth.
3. The Applicant proposes to regrade the lot including 1,880 cubic yards of earth/rock excavation and to construct retaining walls, drywells, install vegetation and erosion controls.
4. The Project Site is located within the SRC (Single-Family Residence) 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) 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 the above Findings, and as the approving authority, by a vote of four (4) 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 25, 2017 and hereby approves the plan entitled "Land Disturbance Mitigation Plan for 188 Mayfair Drive in Westwood, MA" prepared by Ralph I. Maloon, sheets 1 and 2, dated October 24, 2016, revised April 24, 2017, 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 in all respects and the Applicant shall pursue completion of the Project with reasonable diligence and continuity.
2. The existing pavement on Mayfair Drive shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
3. 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.
4. All trucks carrying earth material to or from 188 Mayfair Drive shall be required to access the property from Harford Street and not travel on Mayfair Drive from High Street but High Street directly to High Rock or Hartford Street.
5. The Applicant is responsible for filing with the Conservation Commission. Any plan revisions as a result shall be submitted to the Town Planner for the Planning Board's file and more substantial plan changes may need to return to the Planning Board as a modification request.
6. A final as-built plan shall be submitted by a professional engineer certifying that slopes are stable and that site grading and swales are in compliance with the final approved plan.
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. 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**

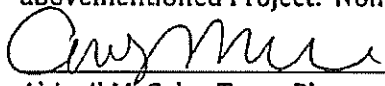
The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Planning Office and the Office of the Town Clerk on January 25, 2017. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

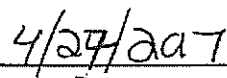
1. Violation notice from Town of Westwood building department dated December 20, 2016.
2. Application prepared by Timothy Gagnon dated January 23, 2017, received by the Town Clerk and Planning Department on January 25, 2017.
3. Aerial Mapping from Westwood MapsOnline from 2001, 2010 and 2013.
4. Statement of Cut and Fill Analysis prepared by RIM Engineering, Co. Inc., dated February 27, 2017 (1 page).
5. Architectural Plans entitled "Tim Gagnon & Laurie Ribeiro Residence, 188 Mayfair Drive, Westwood, MA 02090", prepared by Mitchell Construction Group, Inc., dated January 25, 2017 consisting of ten sheets.
6. Site Plan entitled "Erosion Control Plan for 188 Mayfair Drive, Westwood, Massachusetts", prepared by RIM Engineering, Inc., dated 11/7/2016, (1 sheet).
7. Site Plan entitled "Erosion Control Plan for 188 Mayfair Drive, Westwood, Massachusetts", prepared by RIM Engineering, Inc., revised February 7, 2017 (1 sheet).
8. Memorandum from Philip F. Paradis, Jr., PE, to Todd Korchin, DPW Director, subject: 188 Mayfair Drive Earth Material Movement Permit, dated February 23, 2017.
9. Letter from K. Catrone, Conservation Agent to Abigail McCabe, Town Planner, subject: 188 Mayfair Drive, dated January 31, 2017.
10. Photographs submitted at February 28, 2017 Public Hearing.
11. Letter from Ralph I. Maloon of RIM Engineering Co., Inc to Abigail McCabe, dated February 27, 2017.
12. Plan entitled "Land Disturbance Mitigation Plan for 188 Mayfair Drive in Westwood, MA" prepared by Ralph I. Maloon, sheets 1 and 2, dated October 24, 2016, revised April 24, 2017.
13. Memorandum from ECR to RIM Engineering Company, Inc. RE: 188 Mayfair Drive, Westwood, dated April 6, 2017.
14. Drainage Study 188 Mayfair Drive, Westwood, Ma. received April 18, 2017.
15. Letter from Karon Skinner Catrone, Westwood Conservation Agent to Abigail McCabe, re: 188 Mayfair Drive, dated April 18, 2017.
16. Electronic Mail from Phil Paradis, Associate of BETA Group, Inc. to Abigail McCabe, RE: Planning Board Mon. 4/24 Meeting - 188 Mayfair Dr., sent April 20, 2017.

#### RECORD OF VOTE

The following members of the Planning Board voted on February 28, 2017 to grant Special Permit Approval for the abovementioned Project: Christopher A. Pfaff, Steven H. Olanoff, David L. Atkins, Jr., and 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

  
Date

