

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Christopher A. Pfaff, Chairman
Trevor W. Laubenstein, Vice Chairman
Steven H. Olanoff, Secretary
David L. Atkins
Michael L. McCusker



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TOWN CLERK
TOWN OF WESTWOOD

2017 JAN 11 P 12:09

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 Tara and Thomas Themistocles, as voted on January 10, 2017, and filed in the Office of the Town Clerk on December 8, 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 294 Clapboardtree Street, Westwood, MA 02090 to import ~4,210 cubic yards of earth for grading work associated with the construction of a new single-family residence on a 7.4 acre lot.

LAND AFFECTED: 294 Clapboardtree Street (Assessors' Map 29, formerly Lot 072, new lot to be 197)

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

Michael L. McCusker

Dated: 1/10/2017

TOWN CLERK
TOWN OF WESTWOOD

2017 JAN 11 P 12:09

**DECISION OF THE PLANNING BOARD
SPECIAL PERMIT**

**APPLICANT:
& PROPERTY
OWNER:** Tara and Thomas Themistocles
Same

ADDRESS: 304 Clapboardtree Street
Westwood, MA 02090

PROPERTY LOCUS: 294 Clapboardtree Street
Assessor's Map 29, formerly Lot 072 new lot 197

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to bring in a net volume of ~4,210 cubic yards of fill to regrade the property to construct a new single-family dwelling at 294 Clapboardtree Street (the lot formerly known as #304 Clapboardtree Street). The property is located in the SRE (Single Residence E) 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 December 8, 2016, an application was filed by or on behalf of Tara and Thomas Themistocles, 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 December 23, 2016 and December 30, 2016. Notice of the public hearing was posted in the Westwood Town Hall commencing on December 15, 2016 and continuing through the opening of the public hearing on January 10, 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 December 15, 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, Town Engineer, Historic Commission, and Pedestrian Bicycle Safety Committee on December 14, 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 January 10, 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 January 10, 2017.

5. Westwood Planning Board Members Trevor W. Laubenstein, Steven H. Olanoff, David L. Atkins, Michael L. McCusker, and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on January 10, 2017.

PROJECT FINDINGS:

1. The subject property consists of approximately 7.40 Acres located at 294 Clapboardtree Street and is shown as Map 29, formerly Lot 072 to become Lot 197 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site contains an undeveloped portion of a single-family residential lot formerly known as 304 Clapboardtree Street.
3. The Applicant proposes to construct a new single-family dwelling and garage on the new 7.4 acre lot, construct a gravel and sand driveway, install landscaping, rain garden, retaining wall, infiltration basin and infiltration chambers/dry wells, and re-grade property by cutting 753 cubic yards, importing 4,963 cubic yards, for a net volume total of 4,210 cubic yards of earth. The Applicant stated that the fill will come from several sources including but not limited to commercial gravel operations as well as other construction sites with excess material located outside of the Town of Westwood.
4. The Project Site is located within the SRE zoning district. The proposed single-family dwelling use is permitted by-right in the SRE zone, and the Earth Material Movement greater than 200 cubic yards is subject to an Earth Material Movement (EMM) Special Permit, pursuant to Section 7.1.3 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 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 December 8, 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 in all respects and the Applicant shall pursue completion of the Project with reasonable diligence and continuity.
2. The existing pavement on Clapboardtree Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.

3. Photographs shall be submitted to the Planning Department by the Applicant prior to the expiration of this Special Permit's appeal period to reflect the existing conditions of the right-of-way surrounding the Project prior to the beginning of construction.
4. A stone tracking pad at the property's entrance shall be provided and 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 chambers that are proposed to ensure compliance with the design.
6. The project engineer shall certify that the infiltration system was installed per the proposed design shown on the submitted and approved plan.
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 a.m. and 7:00 p.m. Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays.
8. All trucks carrying earth material to or traveling from 294 Clapboardtree Street shall be required to access Clapboardtree Street via Nahatan Street from High Street/Route 109 only. Trucks are prohibited from travelling to and from the Project site via Gay Street and Clapboardtree Street between Nahatan and Washington Streets.
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 December 8, 2016. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

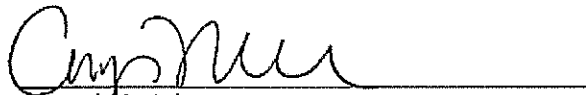
1. Application prepared by Norwood Engineer and Tara and Thomas Themistocles, received by the Town Clerk and Planning Department on December 8, 2016.
2. Cover letter from Norwood Engineering dated December 7, 2016.
3. O&M Plan for 294 Clapboardtree Street, dated December 1, 2016, prepared by Norwood Engineering.

4. Plan entitled "Earth Material Movement, Building Permit Plan, 294 Clapboardtree Street, Lot B, Westwood, Mass. (3 sheets), prepared by Norwood Engineering Company, Inc., dated September 10, 2015, last revised December 1, 2016.
5. Memorandum from Philip F. Paradis, to Todd Korchin, DPW Director, RE: 294 Clapboardtree Street Earth Material Moving Permit, dated January 5, 2017.
6. Memorandum from Conservation Agent Karon Skinner-Catrone, to Abigail McCabe, re: 304 Clapboardtree Street, dated January 3, 2017.

RECORD OF VOTE

The following members of the Planning Board voted on January 10, 2017 to grant Special Permit Approval for the abovementioned Project: Christopher A. Pfaff, Steven H. Olanoff, Dave Atkins, Michael McCusker, 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
January 11, 2017