

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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



Abigail McCabe, Town Planner
amccabe@townhall.westwood.ma.us
(781) 251-2581

Janice Barba, Planning & Land Use Specialist
jbarba@townhall.westwood.ma.us
(781)-320-1366

2017 JAN 20 11:07
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 Derrick Fitzgerald, 94 Oak Street, LLC, as voted on January 17, 2017, and filed in the Office of the Town Clerk on December 21, 2016, requesting Planning Board Special Permit pursuant to Section 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw, to regrade the property and construct a wall at 94 Oak Street, Westwood, MA 02090. The proposed site work is associated with a new single-family house.

LAND AFFECTED: 94 Oak Street (Assessors' Map 35, Lot 189)

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~~
Secretary

Trevor W. Laubenstein, Secretary
Vice Chairman

David L. Atkins

Michael L. McCusker

Dated: 1/17/2017

**DECISION OF THE PLANNING BOARD
SPECIAL PERMIT**

APPLICANT: Derrick Fitzgerald
94 Oak Street LLC
42 Riverdale Ave.
Newton, MA 02458

PROPERTY OWNER: Derrick Fitzgerald
42 Riverdale Ave.
Newton, MA 02458

PROPERTY LOCUS: 94 Oak Street
Assessor's Map 35, Lot 189

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to regrade the lot and to construct a retaining wall on the north side of the driveway at 94 Oak Street, Westwood, MA 02090. The site work is associated with the construction of a single-family house. The property is located in the SRC (Single Residence C) zoning district. The proposed earth material movement for regrading that will result in finished elevations of five feet or more above the undisturbed grade elevations 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 21, 2016, an application was filed by or on behalf of Derrick Fitzgerald, 94 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 December 30, 2016 and January 6, 2017. Notice of the public hearing was posted in the Westwood Town Hall commencing on December 22, 2016, and continuing through the opening of the public hearing on January 17, 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 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 December 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 January 17, 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 17, 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 17, 2017.

PROJECT FINDINGS:

1. The subject property consists of approximately 42,612 S.F. located at ADDRESS and is shown as Map 35, Lot 189 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site contains a single-family residence.
3. The Applicant proposes to demolish the existing residence and to construct a new single-family dwelling, construct a new driveway, retaining wall along the northerly side property line to extend around the back of the driveway, and install landscaping. The Application was filed pursuant to Section 7.1 of the Zoning Bylaw because the finished grades were not less than five feet below the undisturbed grades.
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 7.1.3 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 21, 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 Oak Street shall be protected from damage from loading and unloading of material 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 of infiltration chambers that are proposed to ensure compliance with the design.
5. The project engineer shall certify that the infiltration system was installed per the proposed design shown on the submitted and approved plan. If the final design varies significantly from the proposed design, an as-built plan certified by the design engineer shall be submitted to the Town Planner and Town Engineer prior to the issuance of the Certificate of Occupancy.
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 94 Oak Street shall be required to access the Property from Oak Street from the south only.
8. 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.
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

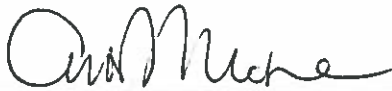
The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Planning Office and the Office of the Town Clerk on December 21, 2016. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Derrick Fitzgerald dated December 21, 2016, received by the Town Clerk and Planning Department on December 21, 2016.
2. Plan entitled "Building Permit Plan of Land in Westwood, MA", prepared by Colonial Engineering, dated April 22, 2016, revised on January 16, 2017.
3. Plan entitled "94 Oak Street site Plan of Land in Westwood, MA", prepared by Merrikin Engineering, LLP, dated January 17, 2017.
4. Wall Design prepared by D.E.C. Inc. of Norton, MA, for 94 Oak Street, dated November 11, 2015.
5. Memorandum from Conservation Agent Karon Skinner Catrone, to Abigail McCabe, re: 94 Oak Street, dated January 3, 2017.
6. Memorandum from Building Commissioner Joseph Doyle to Mr. Fitzgerald, December 12, 2016.
7. Letter from Pete Shamon, 88 Oak Street, dated January 17, 2017.

RECORD OF VOTE

The following members of the Planning Board voted on January 17, 2017 to grant Special Permit Approval for the abovementioned Project: Christopher A. Pfaff, Steven H. Olanoff, David L. Atkins, Michael L. 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 20, 2017

TOWN OF WESTWOOD
TOWN CLERK
2017 JAN 20 A 11:07