

**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  
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**TOWN CLERK  
TOWN OF WESTWOOD  
PLANNING BOARD  
SPECIAL PERMIT  
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 SORA Realty, LLC, as voted on March 21, 2017 and filed in the Office of the Town Clerk on February 2, 2017, requesting Planning Board Special Permit pursuant to Section 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw, to import and move approximately 2,800 cubic yards of earth material associated with the construction of two new single family houses on separate lots at Summer Street Lot 139 & Lot 140, Westwood, MA 02090. The properties are located in the SRC (Single Residence C) zoning district.

**LAND AFFECTED:** Summer Street Lot 139 & Lot 140 (Assessor's Map 3, Lot 20 and Assessor's Map 3 Lot 25)

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.

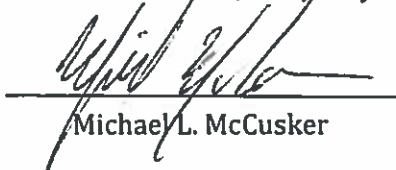
**WESTWOOD PLANNING BOARD**

  
Christopher A. Pfaff, Chairman

  
Trevor W. Laubenstein, Vice Chairman

  
Steven H. Olanoff, Secretary

  
David L. Atkins, Jr.

  
Michael L. McCusker

Date: 3/21/2017

**DECISION OF THE PLANNING BOARD  
SPECIAL PERMIT**

**APPLICANT:** Domenic Esposito, Manager - SORA Realty, LLC  
**ADDRESS:** 15 Longmeadow Drive  
Westwood, MA 02090

**PROPERTY OWNER:** Domenic Esposito, Manager - SORA Realty, LLC  
15 Longmeadow Drive  
Westwood, MA 02090

**PROPERTY LOCUS:** Summer Street Lot 139 & Lot 140  
Westwood, MA 02090  
Assessor's Map 3, Lot 20 & Lot 25

**BACKGROUND AND PROJECT SUMMARY**

The Applicant proposes to import and move approximately 2,800 cubic yards of earth material associated with the construction of two new single family houses on separate lots on Summer Street known as land court Lots 139 & Lot 140 and Assessor's Map 3 lots 20 and 25. 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 of earth material 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 February 2, 2017, an application was filed by or on behalf of SORA Realty, 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 February 24, 2017 and March 3, 2017. Notice of the public hearing was posted in the Westwood Town Hall commencing on February 17, 2017, and continuing through the opening of the public hearing on March 21, 2017 (Public hearing was published and scheduled for 3/14/17 but due to a snowstorm was canceled and rescheduled to 3/21/17.) 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 21, 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

Special Permit Decision – Earth Material Movement  
March 21, 2017 – Summer Street Lot 139 & Lot 140

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 February 10, 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 March 21, 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 March 21, 2017.
5. Westwood Planning Board Members Christopher A. Pfaff, Trevor W. Laubenstein, Steven H. Olanoff, David L. Atkins, Jr., and Michael L. McCusker deliberated on the Application at a duly authorized meeting on March 21, 2017.

#### **PROJECT FINDINGS:**

1. The subject property consists of approximately 1.9 acres located at Summer Street Lot 139 & Lot 140 and is shown as Map 3, Lot 20 and Map 3, Lot 25 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project is located on Summer Street on two separate residential house lots (Lot 139 and Lot 140) with a proposal to import and regrading of earth material that will add a net total of approximately 2,800 cubic yards of earth material on the lots for the purposes of constructing two new single family houses.
3. 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) Special Permit, pursuant to Section 7.1.3 of the Westwood Zoning Bylaw.
4. 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 February 2, 2017, subject to the Conditions stated herein, all of which are an integral part hereof:

#### **CONDITIONS OF APPROVAL:**

1. The Applicant shall file a scenic roads application with the Planning Board prior to removing the stone wall proposed for removal for the driveway entrances.

2. The existing pavement on Summer Street shall be protected from damage from equipment related to the proposed construction with the construction entrance as shown on the revised plan.
3. That the Westwood Department of Public Works (DPW) shall be notified to inspect the installation of the infiltration chamber.
4. The project engineer shall certify that the infiltration system was installed per the proposed design shown on the submitted and approved Project Plan [plan entitled "Lots 139 & 140 Summer Street, Site Plan of Land in Westwood, MA dated February 1, 2017, revised February 23, 2017, prepared by Merrikin Engineering, LLP"]. 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.
5. There shall be no substandard or hazardous fill material used with this project.
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 and from the Project Site on Summer Street shall be required to access Summer Street from High Street/Route 109 and are prohibited from travelling on Grove Street.
8. If the Project, or any Conditions imposed in this Decision, requires permit, license, or other approval from any other board, committee, or agency of the Town of Westwood such as the Conservation Commission under the Stormwater Bylaw, or any 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.
9. The 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.
10. 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 February 2, 2017. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by SORA Realty, LLC dated February 2, 2017, received by the Town Clerk and Planning Department on February 2, 2017.

2. Appendix A: Earthwork Report prepared by Merrikin Engineering, LLP, dated February 1, 2017 (2 pages).
3. Appendix B: "Lot 139 & 140 Summer Street Site Plan of Land in Westwood, MA" dated February 1, 2017, prepared by Merrikin Engineering, LLP, consisting of two sheets.
4. Site Plan entitled "Lot 139 & 140 Summer Street, Site Plan of Land in Westwood, MA", prepared by Merrikin Engineering, LLP, dated February 1, 2017, (1 sheet).
5. Site Plan entitled "Lot 139 & 140 Summer Street, Detail Sheet, Westwood, MA", prepared by Merrikin Engineering, LLP, dated February 1, 2017 (1 sheet).
6. Memorandum from Philip F. Paradis, Jr., PE, to Todd Korchin, DPW Director, subject: Lots 139 & 140 - Summer Street Earth Material Moving Permit, dated February 23, 2017.
7. Email from L. Shea, Health Director to Abigail McCabe, Town Planner, subject: Summer Street Lot 139 & Lot 140, dated February 15, 2017.
8. Site Plan entitled "Lot 139 & 140 Summer Street, Site Plan of Land in Westwood, MA", prepared by Merrikin Engineering, LLP, revised February 23, 2017, (1 sheet).
9. Site Plan entitled "Lot 139 & 140 Summer Street, Detail Sheet, Westwood, MA", prepared by Merrikin Engineering, LLP, revised February 23, 2017 (1 sheet).

#### **RECORD OF VOTE**

The following members of the Planning Board voted on March 21, 2017 to grant Special Permit Approval for the abovementioned Project: Christopher A. Pfaff, Trevor W. Laubenstein, Steven H. Olanoff, David L. Atkins, Jr., and Michael L. McCusker.

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



Abigail McCabe, Town Planner  
March 24, 2017