

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

David L. Atkins, Jr., Chair
Brian D. Gorman, Vice Chair
Christopher A. Pfaff, Secretary
Deborah J. Conant
Michael L. McCusker



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

Karyn Flynn, Land Use &
Licensing Specialist
kflynn@townhall.westwood.ma.us
(781) 767-6344

PLANNING BOARD

**DECISION OF THE PLANNING BOARD
ENVIRONMENTAL IMPACT AND DESIGN REVIEW**

**APPLICANT'S
REPRESENTATIVE:**

Monique Allen, The Garden Continuum, Inc.
67 West Street, Suite 101
Medfield, MA 02052

**PROPERTY
OWNER:**

Jeff and Linda Stoler
90 Brook Street
Westwood, MA 02090

PROPERTY LOCUS:

90 Brook Street
Westwood, MA 02090
Assessor's Map 41, Lot 035

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to import approximately 700 cubic yards of earth material as part of a landscape project that entails raising the grade of the driveway, reinstall asphalt driveway, remove and replace patio, upgrade the sewer service, and install gravity wall along the easterly property line and fieldstone retaining wall with staircase to access to pond.

The property is located in the Single Residence C (SRC) zoning district. The Project's proposal to import over 200 cubic yards of earth material for fill is subject to Environmental Impact and Design Review (EIDR), pursuant to Sections 7.1 and 7.3 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 October 26, 2018, an application was filed by or on behalf of Jeff and Linda Stoler, pursuant to Section 7.3 [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 November 9, 2018 and November 16, 2018. Notice of the public hearing was posted in the Westwood Town Hall commencing on November 1, 2018, and continuing through the opening of the public hearing on November 27, 2018. 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 November 2, 2018.
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, Historical Commission, and Pedestrian and Bicycle Safety Committee on October 26, 2018.
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 November 27, 2018, in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts. The Planning Board closed the public hearing on November 27, 2018.
5. Westwood Planning Board Members David L. Atkins, Brian D. Gorman, Christopher A. Pfaff, Deborah J. Conant, and Michael L. McCusker deliberated on the Application at a duly authorized meeting on November 27, 2018.

PROJECT FINDINGS:

1. The subject property consists of approximately 1.02 acres located at 90 Brook Street and is shown as Map 41, Lot 035 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 import approximately 700 cubic yards of earth material to regrade and perform landscaping renovations to the yard, patio, and driveway and add field stone wall and access to pond.
4. The Project Site is located within the Single Residence C (SRC) zoning district. The existing single family residence is permitted by-right in the SRC zone, and the Earth Material Movement greater than 200 cubic yards is subject to Earth Material Movement (EMM) EIDR, 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 7.3.8 of the Westwood Zoning Bylaw.

DECISION:

On November 27, 2018, 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** Environmental Impact and Design Review Approval pursuant to Section 7.1 and 7.3 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 October 26, 2018 and plans revised through November 1, 2018 (including plan submitted during November 27, 2018 hearing), subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. The submitted project plans shall be revised to include a drainage swale to collect storm water to reduce any runoff onto the abutting property to the southeast.
2. The existing pavement on Brook Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
3. There shall be a construction entrance to prevent excess tracking of material onto the public way.
4. The Applicant shall clean the site daily to prevent excess fill or dust from impacting the road or abutting properties.
5. Applicant shall contact the Public Works Department at least 48 hours in advance to schedule an inspection during the instillation of the recharge chamber.
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.
6. All trucks carrying earth material to or from 90 Brook Street shall be required to access Oak Street.
7. The imported fill material shall not contain any hazardous or substandard material.
8. Applicant/Owner is responsible for filing a Notice of Intent with the Conservation Commission and application for building permit for the retain wall and any other as needed. 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 all applicable Planning Board rules and regulations.

9. 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. The Applicant shall provide photographs of the existing conditions of the right-of-way and nearby areas to document the existing conditions prior to the start of construction and submit for the Planning Board's file.

APPLICATION AND PLANS

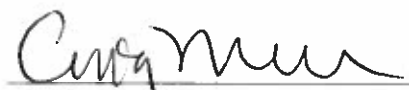
The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Planning Office and the Office of the Town Clerk on October 26, 2018. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Monique Allen of The Garden Continuum, Inc., dated October 25, 2018, received by the Town Clerk and Planning Department on October 26, 2018.
2. Plan entitled "Site Plan in Westwood, Massachusetts", prepared by Borderland Engineering, Inc., dated October 22, 2018, last revised on November 1, 2018.
3. Photographs taken by the Garden Continuum.
4. Proposed Drainage Plan entitled "Site Plan in Westwood, Massachusetts", prepared by Broderland Engineering, Inc., dated October 22, 2018, revised November 1, 2018 - Roof Drain.
5. Planting Plan prepared by The Garden Continuum, prepared for Stoler Residence, 90 Brook Street, Westwood, MA, dated November 27, 2018, received November 27, 2018 during the hearing and entered into the record.
6. Memorandum from Phil Paradis and Chris Luppino of Beta Group to Town Planner, dated November 21, 2018.

RECORD OF VOTE

The following members of the Planning Board voted on November 27, 2018 to grant EIDR Approval for the abovementioned Project at 90 Brook Street: David L. Atkins, Brian D. Gorman, Christopher A. Pfaff, Deborah J. Conant, and Michael L. McCusker.

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



Abigail McCabe, Town Planner

December 4, 2018