

**TOWN OF WESTWOOD**  
COMMONWEALTH of MASSACHUSETTS

Trevor W. Laubenstein, Chairman  
David L. Atkins, Jr., Vice Chairman  
Steven H. Olanoff, Secretary  
Brian D. Gorman  
Michael L. McCusker



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**PLANNING BOARD**

2018 FEB 20 P 4: 46

**DECISION OF THE PLANNING BOARD**  
**Environmental Impact and Design Review for Earth Material Movement**

TOWN CLERK  
TOWN OF WESTWOOD

**APPLICANT:** Eramo Building & Property, LLC  
**ADDRESS:** 77 Mill Street  
Westwood, MA 02090

**PROPERTY OWNER:** Same

**PROPERTY LOCUS:** 85 Burgess Avenue, Westwood, MA 02090  
Assessor's Map 27, Lot 91

**BACKGROUND AND PROJECT SUMMARY**

The Applicant proposes to bring in 900 cubic yards of fill to regrade a portion of the property to demolish the existing single-family dwelling and construct a new single-family residence. 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 is subject to a 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 January 9, 2018, an application was filed by or on behalf of Eramo Building, 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 January 26, 2018 and February 2, 2018. Notice of the public hearing was posted in the Westwood Town Hall commencing on January 18, 2018, and continuing through the opening of the public hearing on February 13, 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 January 19, 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 January 19, 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 February 13, 2018, in the cafeteria at Sheehan School, 549 Pond Street, Westwood, Massachusetts, 02090. The Planning Board closed the public hearing the same evening.
5. Westwood Planning Board Members Trevor W. Laubenstein, David L. Atkins, Jr., Michael L. McCusker, and Brian D. Gorman deliberated on the Application at a duly authorized meeting on February 13, 2018.

**PROJECT FINDINGS:**

1. The subject property consists of approximately 24,938 S.F. located at 85 Burgess Avenue and is shown as Map 27, Lot 91 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, bring in 900 cubic yards of fill to regrade a portion of the property for the construction of a new single-family residence. The project also proposes a new driveway and subsurface infiltration system.
4. The Project Site is located within the SRC (Single-Family Residence) 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) 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 7.1 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** Environmental Impact and Design Review (EIDR) **Approval** pursuant to Sections 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 9, 2018 and the plan revised through February 5, 2018, subject to the Conditions stated herein, all of which are an integral part hereof:

**CONDITIONS OF APPROVAL:**

1. The existing pavement on Burgess shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
2. There shall be a construction entrance to prevent excess tracking of material onto the public way.

2. There shall be a construction entrance to prevent excess tracking of material onto the public way.
3. The Applicant shall clean the site daily to prevent excess fill or dust from impacting the road or abutting properties.
4. The Applicant shall notify the Town Department of Public Works during installation of the infiltration system that is proposed to ensure compliance with the design.
5. 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 85 Burgess shall be required to access Burgess Ave. from High Street only.
7. The imported fill material shall not contain any hazardous or substandard material.
8. 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.
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.

### 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 9, 2018. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Phillip Eramo dated January 8, 2018, received by the Town Clerk and Planning Department on January 9, 2018.
2. Plan entitled "Building Permit Plan of Land in Westwood, MA", prepared by Colonial Engineering, Inc., prepared for Phillip Eramo, dated January 2, 2018, last revised on February 5, 2018.
3. Memorandum from acting/on-call Town Engineer, Philip F. Paradis and Scott Ridder, to Todd Korchin, DPW Director, RE: 85 Burgess Ave. Earth Material Movement Permit, dated January 31, 2018.

4. Memorandum from Conservation Agent Karon Skinner Catrone, to Abigail McCabe, re: 85 Burgess Avenue, dated January 19, 2018.

**RECORD OF VOTE**

The following members of the Planning Board voted on February 13, 2018 to grant EIDR Approval for the abovementioned Project: Brian D. Gorman, David L. Atkins, Jr., Michael L. McCusker, Trevor W. Laubenstein.

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



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Abigail McCabe  
Town Planner  
February 20, 2018

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TOWN CLERK  
TOWN OF WESTWOOD