

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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Brian D. Gorman, Vice Chair
Christopher A. Pfaff, Secretary
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PLANNING BOARD

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

**APPLICANT:
& PROPERTY
OWNER:** Joseph R. Yerardi
5 Eldridge Place
Westwood, MA 02090

PROPERTY LOCUS: 5 Eldridge Place
Westwood, MA 02090
Assessor's Map 16, Lot 129

BACKGROUND AND PROJECT SUMMARY

The Applicant seeks retroactive Environmental Impact and Design Review (EIDR) approval for placing approximately 608 cubic yards of earth material in the back yard of the existing residence. The property is located in the General Residence (GR) zoning district. The earth material movement for importing and regrading of greater than 200 cubic yards is subject to an Environmental Impact and Design Review, 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 July 11, 2018, an application was filed by or on behalf of Joseph R. Yerardi, 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 July 20, 2018 and July 27, 2018. Notice of the public hearing was posted in the Westwood Town Hall commencing on July 12, 2018, and continuing through the opening of the public hearing on August 7, 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 July 12, 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 July 12, 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 August 7, 2018, in the meeting room at the Carby Municipal Building at 50 Carby Street, Westwood, Massachusetts, 02090. On August 7th, the Planning Board continued the hearing until September 25, 2018 at the same time and location at 50 Carby Street.
5. Westwood Planning Board Members Christopher A. Pfaff, Deborah J. Conant, David L. Atkins, Jr., Michael L. McCusker, and Brian D. Gorman deliberated on the Application at a duly authorized meeting on September 25, 2018 and closed the hearing that evening.

PROJECT FINDINGS:

1. The subject property consists of approximately 19,161 S.F. located at 5 Eldridge Place and is shown as Map 16, Lot 129 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 seeks retroactive Environmental Impact and Design Review (EIDR) approval for placing approximately 608 cubic yards of earth material in the back yard. The property is located in the General Residence (GR) zoning district.
4. The Project Site is located within the GR (General Residence) zoning district. The proposed single-family dwelling use is permitted by-right in the GR 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:

On September 25, 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* EIDR **Approval** pursuant to Sections 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 July 11, 2018 and as shown on the plan of land for 5 Eldridge Place for Earth Material Movement, prepared by Glossa Engineering Inc. revised through September 17, 2018, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. The Applicant's engineer shall perform additional soil test at multiple locations throughout the area of the earth import (six total) and shall submit the soil test locations and a certification statement that the fill does not contain any hazardous material for the Planning Board's file.
2. The Applicant shall remove the extended portion of the drain pipe as noted on the submitted plan revised through September 17, 2018.
3. The Applicant shall prepare an easement plan and easement document for the drainage pipe to the Town Planner and Public Works Department for review and approval. The Applicant is responsible for preparing the drainage easement and finalizing the conveyance to the Town including providing all required documentation to grant the easement to the Town.
4. 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.
5. 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.
6. 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 July 11, 2018. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Joseph R. Yerardi dated July 11, 2018, received by the Town Clerk and Planning Department on July 11, 2018.
2. Plan entitled "#5 Eldridge Place, Earth Material Movement, Plan of Land in Westwood, MA", prepared by Glossa Engineering, dated July 9, 2018, last revised on September 17, 2018.
3. Letter from Glossa Engineering to Westwood Planning Board dated September 19, 2019.
4. Statement from Matthew Campbell to Planning Board, dated September 23, 2018.
5. Statement from Alexander Wilson to Planning Board, dated September 22, 2018.
6. Photographs taken by staff.
7. Review memorandum from Phil Paradis and Chris Luppino of BETA Group to Town Planner, dated August 3, 2018.

RECORD OF VOTE

The following members of the Planning Board voted on September 25, 2018 to grant EIDR Approval for the abovementioned Project: David L. Atkins Jr., Brian D. Gorman, Christopher A. Pfaff, Deborah J. Conant, and Michael L. McCusker.

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



Abigail McCabe
Town Planner
October 15, 2018