

**TOWN OF WESTWOOD**  
COMMONWEALTH of MASSACHUSETTS



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**PLANNING BOARD**

**DECISION OF THE PLANNING BOARD  
ENVIRONMENTAL IMPACT AND DESIGN REVIEW (EIDR)**

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

**PROPERTY LOCUS:** 36 Phillips Way  
Westwood, MA 02090  
Assessor's Map 40, Lot 188

**BACKGROUND AND PROJECT SUMMARY**

The Applicant seeks Environmental Impact and Design Review (EIDR) approval to raise the grade more than (5) feet above the existing slope after construction. The regrading of the lot is for the construction of a single-family residence with a driveway. The property is located in the Single Residential C (SRC) zoning district. The proposed raising the grade of the existing slope more than five (5) feet 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 November 2, 2018 an application was filed by or on behalf of Eramo Building & Property, LLC, pursuant to Section 7.1 [Earth Material Movement] of the Westwood Zoning Bylaw with the Westwood Town Clerk (hereinafter "Application") and on November 5, 2018 with the Planning Board.
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 23, 2018 and November 30, 2018.

Notice of the public hearing was posted in the Westwood Town Hall commencing on November 15, 2018, and continuing through the opening of the public hearing on December 11, 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 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 November 9, 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 December 11, 2018, in the Downey School Cafeteria at the Downey School located at 250 Downey Street, Westwood, MA 02090. The Planning Board closed the public hearing on December 11, 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 December 11, 2018.

#### **PROJECT FINDINGS:**

1. The subject property consists of approximately .92 acres (40,012 S.F.) located at 36 Phillips Way and is shown as Map 40, Lot 188 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site is an undeveloped single family residential lot. The lot was created as lot 4 as part of the Phillips Estates Definitive Subdivision and the road was accepted as a public road by Annual Town Meeting in May 2017.
3. The Applicant proposes to regrade an existing sloped portion of the property after construction that raises the finished grade more than five feet above the surrounding grades. The regrading of the lot is for the construction of a single-family residence, a driveway, a series of retaining walls along the south and east of the property.
4. The Project Site is located within the Single Residence C zoning district. The proposed regrading of earth material more than five feet of the surrounding existing grade is subject to Environmental Impact Design Review (EIDR), pursuant to Section 7.1 and 7.3 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 7.3.8 of the Westwood Zoning Bylaw.

## **DECISION:**

At a hearing on December 11, 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 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 November 2, 2018, 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 Project Engineer shall provide certification statement from project engineer to confirm that more than 200 cubic yards of earth will not be imported or exported prior to issuance of a building permit.
3. Applicant shall provide a detail of the proposed retaining walls to the Town Planner and Town Engineer for review and approval.
4. Any future plan or site modifications will require Applicant/Owner filing with the Conservation Commission and Planning Board.
5. The existing pavement on Phillips Way shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
6. The catch basins on Phillips Way shall be cleaned and protected from sediment prior to any further work on site.
7. Provide erosion control measures for temporary stockpiles of materials.
8. The crushed stone entrance shall be replaced when the stone becomes clogged with dirt or is no longer effective in preventing excess tracking of material onto the public way.
9. The Applicant shall notify the Town Department of Public Works during installation and backfill of infiltration chamber and the roof drains that are proposed to ensure compliance with the design.
10. The project engineer shall certify that the infiltration system was installed per the proposed design shown on the submitted and approved plan.
11. 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.

12. All trucks carrying earth material to or from 36 Phillips Way shall be required to access Phillips Way via Margery Lane from Trailside Drive through Bubbling Brook Road and North Streets in Walpole.
13. 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.
14. 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 November 2, 2018. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Eramo Building & Property LLC, dated November 2, 2018, received by the Town Clerk and Planning Department on November 5, 2018.
2. Plan entitled "Lot 4 Phillips Way site Plan of Land in Westwood, MA", prepared by Merrkin Engineering, LLP, dated September 12, 2018, last revised on September 27, 2018.
3. Memorandum from Phil Paradis and Chris Luppino of BETA Group to Town Planner, dated November 30, 2018.
4. Memorandum from Karon Skinner Catrone, Conservation Agent, to Abigail McCabe, Re: Conservation Commission Comments for December 11, 2018 Planning Board Meeting, dated November 13, 2018.

### **RECORD OF VOTE**

The following members of the Planning Board voted on December 11, 2018 to grant EIDR Approval for the abovementioned Project: 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.



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Abigail McCabe, Town Planner

December 19, 2018