

**TOWN OF WESTWOOD**  
COMMONWEALTH of MASSACHUSETTS

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Deborah J. Conant, Vice Chair  
Christopher A. Pfaff, Secretary  
David L. Atkins, Jr.  
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**PLANNING BOARD**

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

**APPLICANT:** Jillian Carocari  
682 East 8th Street  
Unit 3  
Boston, MA 02127

**PROPERTY OWNER:** The Green Company  
46 Glen Avenue  
Newton, MA 02459

**PROPERTY LOCUS:** 35 Winter Street  
Westwood, MA 02090  
Assessor's Map 29, Lot 201

**BACKGROUND AND PROJECT SUMMARY**

The Applicant proposes to bring in approximately 600 cubic yards of fill to regrade the property for the construction of a single family residence with an attached garage at 35 Winter Street. The property is located in the Single Residence C (SRC) zoning district. The proposed earth material movement for import and regrading of greater than 200 cubic yards 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 February 11, 2020, an application was filed by Jillian Carocari, pursuant to Section 7.1 [Earth Material Movement] and 7.1 [Environmental Impact and Design Review] EIDR 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 *Transcript and Bulletin*, a newspaper of general circulation in Westwood, on Thursday, February 27, 2020 and again on Thursday, March 5, 2020. Notice of the public hearing was posted in the Westwood Town Hall commencing on February 20,

2020 and continuing through the opening of the public hearing on March 17, 2020. 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 25, 2020.

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 February 14, 2020.
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 17, 2020 in the meeting room at the Carby Municipal Building at 50 Carby Street, Westwood, Massachusetts, 02090. The Planning Board opened and closed the public hearing on March 17, 2020.
5. Westwood Planning Board Members Brian D. Gorman, Deborah J. Conant, David L. Atkins, Jr., William F. Delay and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on March 17, 2020.

### **PROJECT FINDINGS:**

1. The subject property consists of approximately .92 acres located at 35 Winter Street and is shown as Map 29, Lot 201 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site is an undeveloped wooded lot.
3. The Applicant proposes to import a net total of approximately 600 cubic yards of fill to re-grade the property for the construction of a single family residence with an attached garage.
4. The Project Site is located within the Single Residence C (SRC) zoning district. The proposed importing of earth material greater than 200 cubic yards is subject to an Earth Material Movement (EMM) Environmental Impact and Design Review (EIDR), pursuant to Sections 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 7.1 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), hereby **grants** Environmental Impact and Design Earth Material Movement **Approval** pursuant to Section 7.1 and 7.3 of the Westwood Zoning Bylaw for the Project as shown on the revised plan entitled "Plan to Accompany Building Permit, Map 29 Lot 123 / OSRD Lot 4, Westwood, Massachusetts for Jillian Carocari, prepared by Prime Engineering, dated March 12, 2020" described above and in the application therefor filed with the Town Clerk on February 14, 2019 and through the conclusion of the public hearing on March 17, 2020, subject to the Conditions stated herein, all of which are an integral part hereof:

### **CONDITIONS OF APPROVAL:**

1. All trucks carrying earth material to or from 35 Winter Street shall be required to access the property from High Street (Route 109) by following a route which turns onto eastbound Pond Street near the Sheehan Elementary School, then turns right onto Clapboardtree Street, then turns right onto Winter Street, and then turns right onto the property. Those same trucks shall be required to egress the property by following a route which turns left from the property onto Winter Street, then turns left onto Clapboardtree Street, then turns left onto Pond Street, and then turns either right or left onto High Street (Route 109). No truck carrying earth material to or from 35 Winter Street shall travel on any portion of Clapboardtree Street east of Winter Street, nor on any portion of Pond Street northeast of Clapboardtree Street.
2. On Mondays, Tuesdays, Thursdays, and Fridays when school is in session, earth material trucks shall NOT enter or exit the property between the hours of 8:15 am and 9:15 am, nor between the hours of 2:45 pm and 3:45 pm. On Wednesdays when school is in session, earth material trucks shall NOT enter or exit the property between the hours of 8:15 am and 9:15 am, nor between the hours of 11:30 am and 12:30 pm, nor between the hours of 2:45 pm and 3:45 pm.
3. A Police Detail shall be employed at the Applicant's expense to direct traffic during all times when earth material trucks are entering or exiting the property, and during all times when construction vehicles or equipment are operating or parked within the public right of way.
4. The existing pavement on Winter Street shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
5. 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.
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. 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.
8. 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.
9. 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 14, 2020. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application and narrative prepared by Jillian Carocari dated February 11, 2020, received by the Town Clerk and Planning Department on February 14, 2020.
2. Plan entitled "Plan to Accompany Building Permit, Map 29 Lot 123 / OSRD Lot 4 Westwood, Massachusetts", prepared by Prime Engineering, prepared for Jillian Carocari dated March 12, 2020
3. Staff review comments from View Permit PB-20-9 for 3/17/2020 Meeting.
4. Memorandum from Holly Faubert and Philip F. Paradis to Todd Korchin, DPW Director, Subject: 35 Winter St EMM EIDR, Date: March 4, 2020.
5. Electronic Mail from Holly Faubert of BETA Group, to Abigail McCabe, RE: 3/17 Planning Board Meeting, Westwood sent: March 17, 2020.

## RECORD OF VOTE

The following members of the Planning Board voted on March 17, 2020, Brian D. Gorman, Deborah J. Conant, Christopher A. Pfaff, David L. Atkins Jr., and William F. Delay.

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  
March 20, 2020