

**Town of Westwood Planning Board
Meeting Minutes
Carby Street Building
April 11, 2006
7:30 PM**

Board Members Present: Steven Olanoff, Bob Moore, Rob Malster, George Nedder

Board Members Absent: None

Staff Members Present: Diane Beecham, Town Planner; John Bertorelli, Town Engineer

The meeting was convened at 7:30 pm.

Continuation of Public Hearing: Application for a Shared Driveway Special Permit at 480 Summer Street

Applicant: Michael & Yvette Mouhanna c/o Fourzol, LLC

Address: 480 Summer Street

Project: Shared Driveway to service a total of three lots

Attending: Chesley Oriel, Esq.; Michael & Yvette Mouhanna

Mr. Oriel stated that he has had a discussion with Mr. Gillis [an abutter to the project] this evening to address his concerns for safety. His clients have agreed to put an additional wooden gate which would be self-closing and run by remote, which would make for a total of two gates on the proposed shared driveway. Also, his clients have agreed to install speed bumps on the driveway easement that is on Mr. Gillis' property, at locations selected by Mr. Gillis.

Mr. Oriel also stated that the plans now show two signs installed on the property (Do Not Enter and Private Property). The plan already has been revised per the Fire Chief's requirements.

Mr. Moore asked if the gates and speed bumps were shown on the plan. The response was that they were drawn in on the plan by hand but were not done formally by the engineer.

Mr. Bertorelli stated that his only concern was how the lots would be hooked up to the sewer. This can be addressed outside of the Planning Board hearing process.

Mr. Mouhanna stated that he will be removing at least seven trees in order to comply with the Fire Chief's changes.

The Planning Board wants a description of the gate and a detail of the gate shown on the plan.

Mr. Gillis, Westfield Street, stated the following:

- He did not want a gate controlled by a remote.
- All conditions required by the Planning Board should be shown on the plan.
- He did not think that the shared driveway improved safety as compared to the proposed lots having individual driveways.
- The speed bumps should be shown on the plan and located in the area between the property line and his house.
- The gates and speed bumps should be installed before the new houses were built.

Mr. Moore stated that he thought that the shared driveway did enhance safety because it allowed for one curb cut on Summer Street rather than three curb cuts. Mr. Nedder agreed that the reduction of curb cuts enhanced safety in this particular case.

On a motion by Mr. Nedder and seconded by Mr. Olanoff, the Planning Board voted unanimously to close the public hearing.

On a motion by Mr. Olanoff and seconded by Mr. Malster, the Planning Board voted unanimously to approve the application subject to the following:

DECISION

APPLICANT:

Michael and Yvette Mouhanna
c/o Fourzol, LLC
15 Main Street, Suite 8-B
Franklin, MA 02038

PROPERTY

LOCUS:

480 Summer Street
Assessors' Map 2, Parcel 1

HEARING:

The Planning Board of the Town of Westwood held a public hearing in accordance with the General Laws of the Commonwealth of Massachusetts in the Champagne Meeting Room, 50 Carby Street, Westwood, Massachusetts on October 11, 2005; continued to November 29, 2005 (immediately continued and no testimony taken); continued to December 20, 2005; continued to February 21, 2006 (immediately continued and no testimony taken); continued to March 7, 2006 (immediately continued and no testimony taken); continued to April 11, 2006 at which time the Planning Board closed the public hearing at the end of this hearing. Planning Board members Robert C. Malster, Robert E. Moore, Jr., Steven H. Olanoff and George A. Nedder were present for all public hearings.

PROJECT SUMMARY:

Mr. and Mrs. Mouhanna submitted an application for a Shared Driveway Special Permit pursuant to Section 6.1.26 of the Westwood Zoning Bylaw on August 16, 2005 for property located at 480 Summer Street. The proposed shared driveway will provide access to a total of three single-family lots, which will include two new residences in addition to the current residence on the property. The Applicant proposes to create the three lots through a subsequent submission of an Approval Not Required (ANR) Plan pursuant to M.G.L. Chapter 41, § 81P.

The property is located within the Single Residence C zoning district and presently contains a single-family residence, several small accessory structures and a paved driveway with primary access from Summer Street, which transverses the property and connects to Westfield Street within a easement across the property located at 136 Westfield Street (Assessors' Map 2-004). The Applicant proposes to construct a shared driveway approximately 500 feet in length in the same location as the existing driveway to serve the three lots. As part of the public hearing process, the construction and design standards of the proposed driveway were enhanced to address issues raised by the Fire Chief. A wooden gate will also be installed at the property's boundary with 136 Westfield Street and at the entrance to the turnaround to prohibit Lots 1 and 2 from accessing the driveway easement over 136 Westfield Street. Speed bumps and signage will also be installed to prohibit unauthorized traffic from accessing the Westfield Street easement.

PROCEDURAL FINDINGS:

1. On August 16, 2005, an application was Michael and Yvette Mouhanna pursuant to Section 6.1.26 [Shared Driveways] of the Westwood Zoning Bylaw. The Planning Board is the Special Permit Granting Authority under this Section.
2. The Project Site is located in the Single Residence C zoning district. A shared driveway is allowed in this zoning district subject to the grant of a special permit.
3. A public hearing was held in accordance with the General Laws of the Commonwealth of Massachusetts in the Champagne Meeting Room, 50 Carby Street, Westwood, Massachusetts on October 11, 2005; continued to November 29, 2005 (immediately continued and no testimony taken); continued to December 20, 2005; continued to February 21, 2006 (immediately continued and no testimony taken); continued to March 7, 2006 (immediately continued and no testimony taken); continued to April 11, 2006 at which time the Planning Board closed the public hearing at the end of this hearing. All statutory requirements for notice of the public hearing have been complied with pursuant to M.G.L. Chapter 40A § 11. Planning Board members Robert C. Malster, Robert E. Moore, Jr., Steven H. Olanoff and George A. Nedder were present for all public hearings.

PROJECT FINDINGS:

The Town of Westwood Planning Board makes the following findings with respect to the abovementioned Application for a Shared Driveway Special Permit:

1. The shared driveway will eliminate the need for two additional driveway openings along the frontage of an existing street [Summer Street].
 2. The shared driveway will eliminate the need for two additional driveways openings along a curved section of Summer Street with limited sight distance, and thus have a greater beneficial impact on safety than the individual driveway alternative.
 3. The shared driveway will eliminate the need for very substantial blasting and earth disturbance that would be required for the individual driveway alternative, and thus is a more environmentally sensitive design.
 4. The shared driveway will have minimal negative impact on the historical and aesthetic character of Summer Street.
 5. The design and construction standards of the shared driveway will provide adequate access and turnaround area for emergency response vehicles and non-emergency municipal vehicles.
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1. The increased pavement width of the shared driveway and improvements to the leveling area in the immediate vicinity of the driveway's intersection with Summer Street improves the overall safety of this intersection.
 2. Based on the above Findings, the shared driveway will result in a better overall project design than the construction and use of separate driveways.
 3. The Maintenance Agreement submitted as part of the Application will adequately provide for the long-term maintenance of the shared driveway.
 4. The shared driveway does not circumvent the intent of M.G.L. Chapter 40, the Subdivision Control Law.

DECISION:

The Planning Board has evaluated the application in relation to the above findings and as the Special Permit Granting Authority, the Board, by a vote of four in favor and none in opposition, finds that the adverse effects of the proposed shared driveway as described above and in the Application therefor August 16, 2005 and subsequent revisions, and the following related submissions (hereinafter referred to as the "Project Plans") filed with the Planning Board by or on behalf of Michael and Yvette Mouhanna will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to the site and votes to *approve* said Application, subject to the conditions stated herein:

1. Plan entitled "Shared Driveway 480 Summer Street in Westwood, MA (Norfolk County)", dated August 15, 2005 and revised through December 20, 2005, prepared by Beals and Thomas, Inc., Reservoir Corporate Center, 144 Turnpike Road (Route 9), Southborough, Massachusetts 01772, consisting of the following three (3) sheets:

Sheet 1, Existing Conditions and Site Development Plan
Sheet 2, Plan and Profile
Sheet 3, Locus, Notes, References, Legend and Details;
2. Report entitled "Request for Shared Driveway Special Permit 480 Summer Street Westwood, Massachusetts, Prepared for: Michael and Yvette Mouhanna c/o Fourzol, LLC, 15 Main Street, Suite 8-B, Franklin, MA 02038; Prepared by: Beals and Thomas, Inc., Reservoir Corporate Center, 144 Turnpike Road (Route 9), Southborough, Massachusetts 01772", dated August 17, 2005 and consisting of the following: Application Form; Project Narrative; Abutters Information; Deed and Easement Information
3. All of the foregoing plans and reports are hereby incorporated by reference and made part of this Decision.

CONDITIONS OF APPROVAL:

The approval of the abovementioned Application for a Shared Driveway Special Permit is subject to the following conditions:

1. An additional wooden gate shall be located at the boundary line between Lot 2 and Lot 3, in the vicinity of the entrance into the turnaround and shall be shown on the Project Plans. A detail of both wooden gates shall be reviewed and approved by the Planning Board and shown on the Project Plans.
2. Speed bumps or humps shall be installed on the subject property's driveway between the turnaround and the property's boundary with 136 Westfield Street. A detail of the speed bumps or humps shall be reviewed and approved by the Planning Board and shown on the Project Plans.
3. The Applicant should seek an easement across the abutting property to allow for the installation of the proposed force sewer main to a new sewer manhole from which a gravity connection to the existing sewer can be accomplished. If this easement can not be secured, the Sewer Commission may consider the installation of the force sewer main along the shoulder of Summer Street to a manhole from which a gravity line can then be connected to the existing manhole in Summer Street. Appropriate indemnification of the Town from responsibility for any sewer line within the public right-of-way will be required.
4. The lot closures and coordinates for the shared driveway easement shall be provided, which must be tied into the property's lot lines.

5. The location of the fire hydrant and fire flow adequacy shall be reviewed and approved by the Fire Chief.
6. The size of the water main to service the three lots shall be increased to six (6) inches.
7. Any easements needed to supply power to the three lots shall be shown on the Project Plans.
8. The minimum angle of the intersection of the proposed shared driveway and Summer Street shall not be less than 60 degrees, as required by Section 7.1.7 of the Shared Driveway Rules and Regulations. The intersection angle shall be as close as possible to 90 degrees.
9. The existing and proposed topographic contours shown at two (2) foot intervals shall be shown for the entire subject property, as required by Section 7.5.1 of the Shared Driveway Rules and Regulations.
10. The shared driveway shall in perpetuity remain a private way, and no non-emergency municipal services shall be provided, which includes snow and trash/recycling removal. This restriction shall be included as a note on the Project Plans.
11. The shared driveway shall serve only the three lots as shown on the Project Plans. This restriction shall be included as a note on the Project Plans.
12. The shared driveway shall not be extended to connect to any other streets or ways except where it originates on Summer Street. This restriction shall be included as a note on the Project Plans.
13. The shared driveway shall not be used as frontage for any buildable lots. This restriction shall be included as a note on the Project Plans.
14. The "Common Driveway, Utility Access, Maintenance Agreement and Easement" document shall be recorded in the Registry of Deeds and be recited in and attached to every deed to every lot served by the shared driveway. Reference to this document shall be included as a note on the Project Plans and a copy of the recording shall be provided to the Planning Board.
15. This Special Permit shall not take effect until a copy of the Decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the Decision and no appeal has been filed, is recorded in the Registry of Deeds and indexed under the name of the property owner of record and parcel address. A copy of the recording shall be provided to the Planning Board.

16. This Special Permit shall lapse within two (2) years from the date of the final action by the Board unless it has been recorded at the Norfolk County Registry of Deeds and substantial construction or use thereof has commenced within this time period. Prior to the expiration of the Special Permit, the Applicant may apply for an extension of the Special Permit for a period not to exceed one (1) year if the substantial construction or use thereof has not commenced for good cause.

17. Any alterations, modifications, deletions or amendments to the Project Plans shall be done in accordance with the requirements of M.G.L. Chapter 41A § 9.

RECORD OF VOTE:

The following members of the Planning Board voted to grant a special permit for the abovementioned Application: Steven H. Olanoff, Robert E. Moore, Jr., Robert C. Malster, George A. Nedder.

The following members of the Planning Board voted in opposition to the grant of a special permit for the abovementioned Application: None.

Continuation of Public Hearing: Application for Shared Driveway Special Permit for Two Lots at 215 High Street

Applicant: Joseph Flanagan

Address: 215 High Street

In Attendance: Joe Flanagan, Jr. and Joe Flanagan, Sr.

Mr. Flanagan, Sr. stated that when they filed the original plans for the subdivision, the Town Engineer at the time required some changes and those were made and now there seems to be additional changes that are required. He does not understand why he has to make the new changes when they have not made absolutely no changes to the property. He stated that he would make the change that the Fire Chief required which is minimum driveway width of 18 feet.

Ms. Beecham stated that the Fire Chief has issues with the emergency vehicle access to all the accessory structures on the property, particularly the large stable on the property.

Mr. Flanagan, Sr. stated that he does not understand why they have to go through all these different hearings for subdivision and shared driveways in order to use an existing driveway to access an existing house that have always been there. He compared this to the 206 Grove Street shared driveway that was built what seems to be six inches from his driveway. Diane Beecham responded this was actually a subdivision roadway and not a shared driveway.

Ms. Beecham stated that briefly, Mr. Flanagan's property was given conditional subdivision approval to create frontage and a conforming lot for the existing carriage house that was originally owned by the developers of 206 Grove Street. The non-complying lot on which the carriage house is located was created through

the 81L process, which basically states that a division of a lot that has two substantial buildings that have been in existence since prior to the town's adoption of the Subdivision Control Law is not to be considered a subdivision. After that, Mr. Flanagan needs a shared driveway special permit for use by the main house and the carriage house.

On a motion by Mr. Olanoff and seconded by Mr. Nedder, the Planning Board voted unanimously to continue the public hearing to June 6, 2006 at 7:30 pm.

Continuation of Public Hearing: Application for Definitive Subdivision Plan Approval for Howard Estates at 265 Dover Road

Applicant: Charles and Jane Howard

Address: 265 Dover Road

Project: Two-lot definitive subdivision plan

On a motion by Mr. Malster and seconded by Mr. Olanoff, the Planning Board unanimously voted to accept the Applicant's request for an immediate continuance of the public hearing to June 6, 2006 at 8:00 pm.

ANR PLAN: 213 Whitewood Road

Applicant: CFRI/Doherty

Address: 213 Whitewood Road

Project: Creation of a buildable residential lot

The Planning Board voted unanimously in favor to endorse, as not requiring approval under the Subdivision Control Law, a plan entitled "Plan of Land 213 Whitewood Road Westwood, Massachusetts", dated March 10, 2006, prepared by R.E. Cameron & Associates, Inc., 681 Washington Street, Norwood, MA 02062.

Record Owner:

CFRI/Doherty 213 Whitewood Road, LLC

c/o Commonfund Realty, Inc.

15 Old Danbury Road

P.O. Box 812

Wilton, CT 06897

Land Affected:

213 Whitewood Road

Assessors' Map 33, Parcel 20

The meeting was adjourned at 10:45 pm.