

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Brian D. Gorman, Chair
Deborah J. Conant, Vice Chair
Christopher A. Pfaff, Secretary
David L. Atkins, Jr.
William F. Delay



Abigail McCabe, Town Planner
amccabe@townhall.westwood.ma.us
(781) 251-2581

Karyn Flynn, Land Use &
Licensing Specialist
kflynn@townhall.westwood.ma.us
(781) 767-6344

PLANNING BOARD

**MODIFICATION
DEFINITIVE SUBDIVISION**

**WESTWOOD ESTATES DEFINITIVE SUBDIVISION MODIFICATION II
HEDGEROW LANE**

Land Affected by Modification: 6, 18 & 22 Hedgerow Lane (Assessor's Map 32, Lots 200, 202, & 201)

Land Involved with Westwood Estates Definitive Subdivision: 25, 26, 29, 30, 33, 34, 37, 38, 41, 42 Hedgerow Lane (Assessor's Map 32, lots: 197, 220, 219, 218, 217, 009, 213, 214, 215, 216)

PROJECT SUMMARY AND BACKGROUND

On November 1, 2016, the Planning Board voted to conditionally approve a Definitive Subdivision and Earth Material Movement Special Permit plan for the removal, filling, and re-grading of earth to be exported from the property for a ten (10) lot subdivision named "Westwood Estates" at property formerly known as 443 Canton Street and 9 Hedgerow Lane as shown on the plans entitled "Westwood Estates" Definitive Subdivision Plan A Single Family Residential Subdivision Canton Street in Westwood, Massachusetts, dated February 10, 2016, last revised on November 1, 2016 per Planning Board approval, prepared by Norwood Engineering Co., Inc, and endorsed by the Planning Board on January 10, 2017.

The approved plans and condition #4 of the Planning Board's November 1, 2016 Certificate of Vote called for the sidewalk to be installed with the binder course when the roadway binder is laid and condition #6 called for the trees and landscape features to be planted at the time the roadway binder course is laid. The modification request is related to the timing to construct the sidewalk, drainage swales, and street trees.

DECISION

Pursuant to M.G.L. Chapter 41, §81 and Westwood's Subdivision Rules and Regulations, the Planning Board of the Town of Westwood, at a meeting on November 5, 2019 by vote of five (5) members in favor and none (0) opposed, voted to **approve** the Modification to the Westwood Estates Definitive Subdivision plan to modify the original 2016 Definitive Subdivision Certificate of Vote relative to conditions 4 and 6 to be replaced as follows:

Condition 4: Sidewalks will be constructed and installed as shown on the Project Plans in accordance with Condition 6 below.

Condition 6: As shown on the Project plans, there shall be a minimum of seventy (70) trees planted approximately 30 ft. on-center with at least three varying tree species and shall be planted

with at least a three (3) inch caliper when measured four (4) feet above the ground the Trees shall be in accordance with the landscape plan submitted and approved by the Tre Warden and Town Planner, showing specific tree species and plant size including trees along the emergency access to buffer Lyons Drive residences. The trees and landscape features shall be planted and sidewalks shall be constructed and installed as follows:

- A. Trees and plantings (and required signage) along the emergency access road shall be planted prior to the issuance of the Certificate of Occupancy for the first dwelling within the subdivision.
- B. The sidewalk (binder course), drainage swale, and 18 street trees on the northerly side of Hedgerow Lane shall be constructed and installed from Canton Street u to the lot line between Lot 1 and Lot 2 (to approximately STA 6+50) prior to the issuance of the Certificate of Occupancy for the first swelling within the subdivision.
- C. The 23 proposed street trees on the southerly side of Hedgerow Lane shall be planted from Canton Street up to the lot line between Lot 8 and Lot 9 (approximately STA 7+75) prior to issuance of the Certificate of Occupancy for the first dwelling within the subdivision.
- D. An additional landscaped area (not previously shown on the Project Plans) shall be installed on the northerly side of Hedgerow Lane at the entrance to the subdivision. The plan for this landscape area shall be submitted to the Town Planner for review and approval.
- E. The sidewalks (binder course), drainage swale, and street trees in front of Lots 1-5 (approximately STA 6+50 to STA 12+140) shall be constructed and installed in front of any particular lot upon the completion of the construction of the dwelling on such lot. The full length of the sidewalk in binder course form shall be completed by December 31, 2021.
- F. The street trees on the southerly side of Hedgerow Lane (from approximately STA 7+75 to STA 12+40) shall be completed in connection with the completion of the drainage swale on the southerly side of Hedgerow Lane.
- G. The final top course of asphalt on the sidewalks shall be installed when the final top course of asphalt is installed on the roadway.

STATEMENT OF 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, commissions, departments with the Town of Westwood, members of the public, and from all other interested parties, the Town of Westwood Planning Board makes the following procedural findings and project findings:

Procedural Findings:

1. On August 27, 2019, an application was filed by or on behalf of Canton Street Realty Trust (hereinafter referred to as the "Applicant") with the Westwood Planning Board and the Westwood Town Clerk (hereinafter "Application") pursuant to M.G.L. Chapter 41, Section 81, and the Rules and Regulations Governing the Subdivision of Land in Westwood, last amended April 25, 2016.

2. At a meeting of the Planning Board on September 3, 2019, the Planning Board voted 4-1-0 (C. Pfaff voting against) finding that the Applicant's request was not minor in nature and not considered as a minor modification.
3. After review and receipt of an updated modification narrative from Norwood Engineering and revised plan dated September 12, 2019, and photographs. At a meeting of the Planning Board on September 17, 2019, the Planning Board voted 4-0-0 (C. Pfaff was absent) that there is not sufficient new information to overturn the September 3, 2019 request for a minor modification and therefore, a public hearing for a formal modification is required.
4. Pursuant to M.G.L. Chapter 41, Sections 81k through 81GG (hereinafter "Subdivision Control Law"), and the applicable provisions of the Rules and Regulations, the Planning Board caused notice of the public hearing to be published in the Transcript & Bulletin, a newspaper of general circulation in Westwood, on September 26, 2019 and again on October 3, 2019. Notice of the public hearing was posted in the Westwood Town Hall in the office of the Town Clerk on September 19, 2019 and continuing through the opening of the public hearing on October 22, 2019. Said notice of the public hearing was mailed postage prepaid to the applicant, property owner, and all abutters and parties of interest as prescribed in the Subdivision Control Law on September 25, 2019.
5. The Planning Board provided copies of the Application to other Westwood boards and commissions, departments and officials, including, but not limited to, the Board of Health, Select Board, Building Commissioner, Conservation Commission, Department of Public Works, Police Chief, Fire Chief, Historic Commissioner, Pedestrian and Bicycle Safety Committee, and the Dedham Westwood Water District on August 28, 2019 and new material as received on September 12, 2019 and through October 22, 2019.
6. After notice and publication was provided pursuant to the applicable provisions of the Subdivision Control Law and the Board's Rules and Regulations, the public hearing on the Application commenced on October 22, 2019, in the Champagne Meeting Room at the Carby Street Municipal Offices, 50 Carby Street, Westwood, MA 02090, and continued to November 5, 2019.
7. Applicant requests to modify the original 2016 Definitive Subdivision Certificate of Vote conditions 4 and 6 to be replaced as outlined in the Applicant's October 22, 2019 memorandum from Attorney Peter Zahka and as shown on the plan entitled "Westwood Estates" Exhibit for Request for Modification, Westwood, Massachusetts" dated August 27, 2019 and revised on September 12, 2019, prepared by Norwood Engineering of Norwood, MA, and filed with the Planning Board and Town Clerk on August 27, 2019 and September 12, 2019.
8. Westwood Planning Board members David L. Atkins Jr., Brian D. Gorman, Christopher A. Pfaff, Deborah J. Conant, were present for all sessions of the public hearing at which testimony was taken on October 22, 2019 and November 5, 2019. The Board deliberated on the Application at duly authorized meeting on November 5, 2019.
7. Westwood Planning Board member William F. Delay participated in the November 5, 2019 Planning Board meeting by telephone in full accordance with the town's Remote Participation Policy. Remote Participation Request form signed by Chair Gorman and completed by William Delay dated November 2, 2019.

8. Westwood Planning Board Chairman Brian D. Gorman called for Roll Call Votes at the November 5, 2019 Planning Board meeting in accordance with requirements of the town's Remote Participation Policy.

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 August 27, 2019 and the following material associated with this application.

1. Application for Modification to a Definitive Subdivision Plan; prepared by David Spiegel of Canton Realty Trust on August 27, 2019; received as complete by the Planning and Town Clerk on August 28, 2019.
2. Cover Letter Narrative to Abigail McCabe from David A. Johnson of Norwood Engineering, dated August 27, 2019 and last revised September 12, 2019.
3. Plans entitled "Westwood Estates" Exhibit for Request for Minor Modification, Westwood, Massachusetts" dated August 27, 2019 and revised on September 12, 2019 prepared by Norwood Engineering.
4. Certificate of Vote for Definitive Subdivision and Earth Material Movement approval dated November 1, 2016 for Westwood Estates Subdivision.
5. Comments received from Board Member Chris Pfaff dated September 13, 2019 relative to Westwood Estates Minor Modification Request at September 17, 2019 meeting.
6. Memorandum from Law Offices of Peter A. Zahka, II, P.C. to the Westwood Planning Board, re: Westwood Estates Definitive Subdivision - Modification, dated October 22, 2019.
7. Photographs of existing conditions and construction progress presented at public hearings and public meetings on September 17 and October 22, 2019.

RECORD OF VOTE

The following members of the Planning Board voted on November 5, 2019 to grant **Approval** on a roll call vote as follows

Yes:

David L. Atkins, Jr.
Brian D. Gorman
Christopher A. Pfaff
Deborah J. Conant
William F. Delay.

No:

None



November 7, 2019

Abigail McCabe, Town Planner

DATE