

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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PLANNING BOARD

NOTICE OF DECISION

In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has, by a vote of five (5) in favor and none (0) opposed, voted to **grant** the application of The Green Company, as voted on April 23, 2019, and filed a complete application with the Office of the Town Clerk on February 14, 2019 requesting Planning Board Special Permit pursuant to SECTION 8.3 [Open Space Residential Development (OSRD)] of the Westwood Zoning Bylaw, which incorporates a consolidated Environmental Impact and Design Review (EIDR) Approval pursuant to Section 7.3 of the Westwood Zoning Bylaw for a 40 dwelling unit age-restricted open space residential development at 45 Clapboardtree Street. The approved project includes the construction of an access road for 40 age-restricted dwelling units, open space, a group home single-family lot, a residential meeting facility, stormwater management, landscaping, and associated site work.

LAND AFFECTED: 45 Clapboardtree Street (Assessors' Map 29, Lot 123)

The Planning Board hereby certifies that attached hereto is a true and complete copy of the Board's decision and that said decision and any plans referred to therein have been filed with the Planning Board.

Appeals, if any, shall be made pursuant to Section 17 of said M.G.L. Chapter 40A and shall be filed within twenty (20) days after the filing of a copy of the decision in the office of the Town Clerk.

**DECISION OF THE PLANNING BOARD
OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)
SPECIAL PERMIT
ENVIRONMENTAL IMPACT AND DESIGN REVIEW (EIDR)**

APPLICANT: The Green Company
46 Glen Avenue
Newton, MA 02459

PROPERTY OWNER: UHS of Westwood Pembroke Inc.
45 Clapboardtree Street
Westwood, MA 02090

PROPERTY LOCUS: 45 Clapboardtree Street (Assessor's Map 29, Lot 123)

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to develop the existing 19.9 acre parcel by constructing a ~1,680 ft. 22 ft. wide road to access 40 age-restricted residential units (seven (7) affordable units proposed; two (2) within the age-restricted units and five (5) within a group home on an Approval Not Required (ANR) lot 1). The residences include two car garages with a driveway that can accommodate two vehicles and 18 visitor parking spaces are provided throughout the project site as well as a community meeting facility. The proposed open space includes retaining the existing playing field and providing a 40 space paved parking area on a lot to be conveyed to the Town. The residences are serviced by municipal water and sewer. Stormwater mitigation includes installing catch basins, manholes and pipes to capture runoff to surface and subsurface infiltration basis. The project also proposes open space areas, street trees, and a landscape perimeter buffer.

The property is located in the Single-Residence C (SRC) zoning district. The proposed single-family attached dwelling units and age-restricted bonus dwellings are uses permitted by Section 8.3 [Open Space Residential Development] subject to a special permit, pursuant to Section 8.3.6 [Special Permit Uses], the earth material movement work and the group home on lot 1 subject to a consolidated Environmental Impact and Design Review (EIDR), pursuant to Section 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 13, 2019, an application requesting an Open Space Residential Development Special Permit and combined Environmental Impact and Design Review was filed by or on The Green Company, pursuant to Section 8.3 [Open Space Residential Development (OSRD)] of the Westwood Zoning Bylaw with the Westwood Planning Board and on February 14, 2019 filed with 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 February 22, 2019 and March 1, 2019. Notice of the public hearing was posted in the Westwood Town Hall commencing on February 15, 2019, and continuing through the opening of the public hearing on March 12, 2019. 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 15, 2019.
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, Recreation Director, and Pedestrian and Bicycle Safety Committee on February 15, 2019.
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 12, 2019, in the Cafeteria at the Downey Elementary School Street, 250 Downey Street, Westwood, Massachusetts. On March 12, the Planning Board voted to continue the hearing to April 2, 2019, and on April 2, voted to continue the hearing to Tuesday, April 23, 2019 in the Cafeteria at the Downey Elementary School, 250 Downey Street. The Board voted to close the public hearing on April 23, 2019.
5. Westwood Planning Board Members David L. Atkins Jr., Brian D. Gorman, Christopher A. Pfaff, Deborah J. Conant, and Michael L. McCusker deliberated on the Application at a duly authorized meeting on April 23, 2019.

PROJECT FINDINGS:

1. The subject properties consist of approximately ~19.9 acres located at 45 Clapboardtree Street and is shown as Map 29, Lot 123 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site contains an access drive and the Westwood Lodge hospital facility which includes ten existing buildings on the project site.
3. The Applicant proposes to develop the existing 19.9 acre parcel by constructing a ~1,680 ft. 22 ft. wide paved road to access 40 age-restricted residential units in townhouse duplex style. Seven (7) affordable units are proposed; two (2) within the

age-restricted units and five (5) within a group home on ANR lot 1, and a residential meeting facility. The residences include two car garages with a driveway that can accommodate two vehicles and 18 visitor parking spaces are provided throughout the project site as well as a community meeting facility. The proposed open space includes retaining the existing playing field and providing a 40 space paved parking area on a lot to be conveyed to the Town. The residences are serviced by municipal water and sewer. Stormwater mitigation includes installing catch basins, manholes and pipes to capture runoff to surface and subsurface infiltration basis. The project also includes a sidewalk on the east side of the road, landscaping, a landscaped perimeter buffer, and open space.

4. The Project Site is located within the Single Residence C (SRC) zoning district. The proposed uses for single-family attached dwellings and bonus density units for age-restricted dwellings are permitted by special permit, pursuant to Section 8.3 [Open Space Residential Development], which incorporates and includes a consolidated Environmental Impact and Design Review (EIDR) Section 7.3, pursuant to Section 8.3.8.3 of the Westwood Zoning Bylaw. The earth work associated with the proposed project to grade the property, and import and export a net total of ~12,821 cubic yards of fill required by Section 7.1 [Earth Material Movement] and 7.3 of the Zoning Bylaw is incorporated with this Special Permit and the proposed group home on ANR Lot 1 is incorporated as a Limited Environmental Impact and Design Review (EIDR).
5. The project proposes a two car garages for each residences and a driveway that can accommodate two vehicles. The project also includes 18 visitor parking spaces for the residential portion and a 40 space parking lot for the soccer field.
6. 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 Sections 7.1, 7.3, 8.3 and 10.3 [Special Permits] of the Westwood Zoning Bylaw.
7. Affordability Requirement Section 8.3.11: Application proposes to construct two (2) affordable dwelling units on-site within the open space residential development (OSRD) and to partner with Lifeworks, Inc. to utilize one ANR parcel shown as proposed lot 1 to construct a five-bedroom supported group home, such that a total of seven (7) units of affordable housing will count toward Westwood's requirements under Massachusetts General Law Chapter 40B, Section 20-23, as amended and such that all seven (7) units will remain affordable in perpetuity. The proposal includes siting for the two (2) on-site affordable units and identifies ANR lot 1 on Clapboardtree Street as the site for the Lifeworks five-bedroom group home. The two (2) affordable units within the age-restricted development will provide housing for aging residents and the five-bedroom group home will provide housing for people with disabilities. The Project requires six

- (6) affordable units, and the Applicant's proposal includes a total of seven (7) affordable units. The Planning Board, after consultation with the Westwood Housing Partnership and the Westwood Housing Authority, hereby finds that the Applicant's proposal for five (5) group home units on proposed Lot 1 and two (2) affordable units within the OSRD, and as modified by the conditions of this approval, is equivalent in serving the Town's housing needs as would be the provision of six (6) on-site affordable units.
8. The Planning Board finds the preservation of the playing field and proposal for 40 off-street parking spaces designed for field use and parking is consistent with the purposes of Section 8.3 and positive benefit for the Town.
 9. The Applicant submitted material and documentation to the Planning Board demonstrating the performance of the OSRD 4-step design review process establishing the layout of open space, housing units, and clusters or streets and residences.
 10. Applicant has submitted a fiscal impact analysis demonstrating no significant negative fiscal impact to the town or neighborhood.
 11. The project proposes a sidewalk along the east side of the new road. The sidewalk within the residential portion is 4 ft. in width and expands to 5 ft. in front of the parking lot and field portion and connects to existing sidewalk on Clapboardtree Street. The sidewalk extends to Winter Street and a new crosswalk is proposed along with accessible ramps to connect to the existing sidewalk on the east side of Winter Street. The Applicant is providing \$70,000.00 contribution to the Town's sidewalk fund in lieu of providing the sidewalk on the west side of the new road and further outlined in condition #10 of this approval.
 12. The property is currently a non-conforming hospital use in SRC (single-family residence) zone. The proposal for residences is more conforming than the prior use.
 13. The project proposes additional housing options for Westwood's aging population. The application provides 40 new home ownership age-restricted dwellings in Westwood. A five bedroom group home to serve people with physical, mental, and intellectual disabilities is proposed with this application on the ~40,000 sq. ft. lot 1.
 14. The project proposes historic preservation. Historic elements of the existing buildings are proposed to be integrated into the meeting house within the OSRD development.
 15. On December 11, 2018, the Planning Board voted to approve the preliminary review for this project with a maximum density of 40 age-restricted units on the 14 acres of the

~20 acre parcel finding the property and land suitable for the overall OSRD project. After review of the density bonus units the yield calculation determined 68 total units could be proposed for the ~20 acre parcel, pursuant to Sections 8.3.9 and 8.3.9.4.

16. Pre-application review meetings by the Land Use Committee were held on October 3, 2018 and November 7, 2018 and memorandums with a recommendation provided to the Planning Board in memorandums dated October 17 and November 7, 2018.

WAIVERS:

The Planning Board considered requests for the specific waivers listed below, and determined that such waivers will result in a substantially improved project; that such project will otherwise meet the performance and design standards set forth in this Section; and that such waivers will pose no substantial detriment to any adjacent property or proximate neighborhood, and will not nullify or substantially derogate from the intent or purpose of the Westwood Zoning Bylaw. On April 23, 2019, the Planning Board by a vote of five (5) in favor and none (0) opposed, voted to grant the following waivers for the project as proposed:

1. Waiver for the submission requirement for the presentation model under Section 7.3.7.7 of the Westwood Zoning Bylaw.
2. Waiver to preserve the soccer field use in its current state as part of the Open Space Standards under Section 8.3.10.3 requiring open space to be in a natural state.
3. Waiver from the strict requirements of Section 8.3.16.1 requiring plans to show the location of trees with a 10 inch caliper or greater. The Board waived this requirement finding identification of trees 24 inches or greater to be sufficient.

The following are waivers from the Planning Board's Rules and Regulations Governing the Subdivision of Land in Westwood, revised through April 25, 2016. Section 8.3.8 of the Zoning Bylaw refers to Subdivision Approval where required and refers to the Planning Board's Subdivision Regulations for design and construction standards. The Board finds the following waivers to be acceptable for the proposed private access road that serves the 40 residences.

4. Waiver from strict adherence to the requirement to provide the minimum right of way offset distance of a proposed street to an adjacent existing street (Section 4.4.2); minimum centerline radius (Section 4.6.2) and curb radius (Section 4.6.4). Applicant provided a proof plan showing 11 single-family lots were allowed by-right during the preliminary review hearing. The Board finds the Applicant's overall proposal including a local minor road intersecting at similar locations to the existing drive to be beneficial for the neighborhood and Town. The fire department has reviewed the plans and finds the proposed curb and centerline radius to be sufficient.

5. Waiver from strict adherence to the roadway improvements and construction specifications of Section 5 of the Subdivision Regulations to waive .5 inch of binder course (Section 5.4.1); .5 inch of top course (Section 5.5.1); sidewalk on one side of the road (Section 5.8.1 and 5.8.11); 4 inches of sidewalk gravel (Section 5.8.5); sidewalk pavement depth (Section 5.8.6); waiver from providing the 6 ft. wide grass plots (Section 5.9.1); waiver from providing the street trees in the grass plots at 30 ft. intervals to be at 50 ft. intervals located around driveways (Section 5.10.1); waiver from requirement for vertical granite curbing to allow bituminous berm along street (Section 5.11); waiver from requirement for vertical granite curbing to allow bituminous berm along inlets at catch basis (Section 5.12); waiver to construct slopes at 2:1 (Section 5.15).

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) opposed, hereby **grants** Open Space Residential Development Special Permit and consolidated Environmental Impact and Design Review **Approval** pursuant to Sections 8.3 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 February 14, 2019 and as shown on the final revised plans entitled "Site Plans 45 Clapboardtree Street OSRD Zoning, 45 Clapboardtree Street, Westwood, MA", prepared by VHB for The Green Company, dated February 5, 2019, and revised through April 17, 2019 (19 sheets), subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. Prior to the release of the decision, as soon as possible thereafter and no later than 65 days after the close of the public hearing [June 27, 2019], Applicant shall submit legal documentation satisfactory to the Town Counsel and the Town Planner which documentation shall ensure a permanent means to provide at least four (4) off-site affordable dwelling units, to replace the proposed group home units in the event that the proposed group home units cease to exist or otherwise become ineligible for listing on the Subsidized Housing Inventory (SHI). Permanent means of providing off-site affordable units shall be substantially as described in parts a) and b) below, or in such other manner as determined by Town Counsel to be equally effective in providing permanent affordable dwelling units:
 - a) The Green Company shall convey Lot 1 to the Town, which shall then lease the property to Lifeworks in the amount of \$1, for 99 years or so long as Lifeworks shall operate a 4-unit or 5-unit group home on said property in a manner eligible for listing of all group home units on the SHI. If Lifeworks should cease to operate said group home, or if the group home units shall otherwise become ineligible for listing on the SHI, the Town may 1) lease the property to another SHI-eligible group home provider, or 2) sell or lease the

property as an affordable housing unit, or 3) sell the property as a market-rate single-family home and use the proceeds to establish the maximum possible number of affordable dwelling units somewhere in Westwood.

- b) The Green Company shall also contribute funds to the Town's Affordable Housing Trust Fund. Contributions shall be in the amount of \$10,000 per market-rate unit, and shall be provided within 30 days following the sale of each market-rate unit.

Prior to Conveyance of the Field Lot:

1. Prior to conveying the 2.8-acre lot to the Town for the field, Applicant shall provide final legal documentation for review and approval to the Town Planner, Town Counsel, Recreation Director, Director of Public Works, and Town Administrator.
2. The field and parking area shall be fully constructed prior to conveyance of the 2.8 acre parcel to the Town.

Prior to Construction and Issuance of Building Permits:

3. Applicant shall perform at least one test pit within the limits of each infiltration basin prior to the start of construction. The Department of Public Works/BETA Group shall be contacted at least 72 hours in advance for scheduling to be present during the testing.
4. Applicant is responsible for filing an application for a Stormwater Management Land Disturbance Permit with the Conservation Commission, which application shall include a draft copy of the Stormwater Pollution Prevention Plan (SWPPP). Draft copies of the SWPPP shall also be provided to the Town Engineer/BETA Group and Town Planner for review and comment to the Conservation Commission. As a condition of the Stormwater Management Land Disturbance Permit, the Applicant shall provide signed copies of the final SWPPP to the Conservation Commission and Planning Board prior to the start of construction.
5. Applicant is responsible for filing any other permits that may be required. If the Project or any conditions imposed by this decision requires a permit, license or other approval from any other board, committee or agency of the Town of Westwood or any other regulatory agency of the Commonwealth or the Federal government, the Applicant is responsible for filing the appropriate application.
6. Applicant shall update the Operation and Maintenance (O&M) Plan to include the names, addresses, and daytime telephone numbers of the responsible parties, and signatures of owners. Final O&M Plan shall be provided to the Town Planner, Town Engineer, and Conservation Agent prior to construction.
7. Applicant shall submit \$70,000.00 into the Town's sidewalk fund to be used for future sidewalk improvements or the development of new concrete sidewalks elsewhere in Westwood. Sidewalk improvements shall include converting existing asphalt sidewalks

to concrete, accessibility upgrades at existing crosswalks, and repairing damaged concrete or curbing of existing sidewalks. These funds shall be submitted prior to issuance of a building permit.

8. Applicant shall submit a non-refundable inspection fee in the amount of \$2,000.00 per each one thousand feet of proposed way in accordance with Section 3.3 of the Planning Board's Special Permit Rules and Regulations prior to construction.
9. The Applicant shall provide a Performance Guarantee, in a manner acceptable to the Planning Board such as a covenant, performance bond, or tripartite agreement, prior to issuance of any building permit for the construction of the residences, to ensure that the required infrastructure improvement will be constructed and installed in accordance with the approved Project Plans.
10. If necessary, the applicant shall provide a portable toilet, licensed by the Westwood Board of Health.
11. The applicant shall hire a pest control company to inspect the premises for rodents and/or wildlife and to exterminate if necessary; and shall provide a copy of the inspection report to the Health Department prior to demolition.
12. Applicant shall hire a licensed pest control company to inspect the premises for rodents. If rodent activity is found, extermination must be performed on interior of buildings for a minimum of 10 days prior to building demolition. Interior bait stations shall be removed prior to building demolition. Rodent bait stations must be installed around perimeter of job site throughout the demolition process. All extermination to be performed by a licensed PCO and report must be provided to the Health Dept.
13. The applicant shall document that there are no underground tanks on site. If underground tanks are present, they must be removed according to DEP and local regulations.
14. The applicant shall document that there is no Freon on site. If present, Freon shall be professionally remediated and documentation provided the Board of Health.
15. Applicant shall submit in writing the source of water which will be readily available to control dust during demolition.
16. The applicant shall use a waste hauler, licensed by the Westwood Board of Health to dispose of construction debris.
17. Interior/exterior renovations or demolition require an asbestos survey to be conducted in compliance with DEP Asbestos Regulations; and if found must be remediated according to DEP regulations.

Prior to Occupancy for OSRD Residential Units:

18. Applicant shall install bike racks at the meeting house and at the soccer field near the parking area.
19. The two portable bathrooms near the playing field shall be screened from view from the age-restricted residences with fencing as shown on the submitted final landscape plans.
20. The Applicant shall submit to the Town Planner, in a timely fashion, final drafts of all legal documents related to the project, including the final form of deed restrictions for the permanent affordability of the two affordable age-restricted parcels, and provisions for the permanent affordability of the group home units on lot 1, deeds for the parcel(s) to be conveyed to the Town, homeowners' association documents, deeds for the residences with the restriction limiting each unit to no more than 2 bedrooms and age-restriction, walkway easement and other documents related to the transfer, permanent preservation, and maintenance of the open space parcel containing the field and the OSRD common open space areas, for review and approval by Town Counsel.
21. The Group Home property, shown as Lot 1 on the Project Plans, shall be used in perpetuity as a five-bedroom group home supporting people with intellectual, developmental and/or physical disabilities and the group home shall be licensed by the Massachusetts Department of Developmental Services (DDS) or similar agency of the Commonwealth and the group home shall satisfy the criteria established by the Department of Housing and Community Development ("DHCD") for a group home and for each of its bedrooms to be eligible to be counted as affordable dwelling units on the SHI. Proof of eligibility for listing on the SHI shall be submitted to the Housing Agent and Town Planner prior to sale and occupancy of the age-restricted units.
22. The Applicant is responsible for filing the Local Action Unit application with the Town and MA Department of Housing and Community Development (DHCD). Two of the 40 residential units at 45 Clapboardtree Street shall be affordable as defined in the Town of Westwood Zoning Bylaw and by DHCD. These units shall be affordable in perpetuity, shall count toward the Town's requirements under M.G.L. Chapter 40B, Sections 20-23, and shall be listed on DHCD's SHI.
23. Proof of eligibility for a total of seven (7) affordable units must be submitted to the Housing Agent and Town Planner prior to occupancy of any of the market-rate age-restricted units. The required affordable units shall be created on a phase-by-phase basis, prior to or simultaneously with the market-rate units, at the rate of one affordable unit for each 6 market-rate units. Occupancy shall not be granted for any market-rate units in any phase of development which contains one or more affordable units until the Regulatory Agreement(s) for said affordable units have been executed.

24. In the event that only four (4) affordable dwelling units are approved by DHCD in the group home, a third age-restricted dwelling unit shall be established within the OSRD, and the regulatory agreement for said affordable dwelling unit shall be approved by DHCD prior to occupancy of any of the market-rate units in that phase of the project.
25. A conservation restriction, Conservation Covenant or other means acceptable pursuant to Section 8.3.10.4 of the Zoning Bylaw to convey and ensure the ownership, protection, maintenance of the Open Space areas shall be submitted to the Planning Board, the Town Planner, and Town Counsel prior to the sale or issuance of the first certificate of occupancy of any of the residences. The common open space areas shall be owned and maintained by the Homeowners Association and owners of the Open Space Residential development in perpetuity.
26. Parcel 8 containing the field and the parking lot shall be conveyed to the Town of Westwood. The Town of shall be responsible for the ownership and maintenance of the 2.8 acre parcel containing the parking, field and recreational use area. The final legal documents including the deed shall be submitted to the Town Planner for review by the Town Administrator, Public Works Director, Recreation Director, and Town Counsel.
27. No lighting or artificial turf shall be permitted unless approved by the Homeowner's Association.
28. Applicant shall provide a 15 ft. wide easement for the maintenance of the walk between the Temple property at 7 Clapboardtree Street over lots 1 and 2 to connect to the field's parking area. Easement document shall be submitted to Town Planner and BETA Group/or Town Engineer.
29. Applicant shall provide to the Town Planner and BETA Group or Town Engineer easements for all walkways, paths and stormwater management system components, sewer system plans, calculations, and agreements for review and approval.
30. Applicant is responsible for recording all easement documents with the Registry of Deeds and shall provide proof of recording and recorded copies to the Planning Board prior to the project turning over to the Homeowner's Association.
31. Completion of the exterior site work including installation of utilities, landscaping, and infrastructure shall be completed, prior to the first occupancy permit or prior to occupancy for the first unit for that phase, if construction is completed in phases. If residences are constructed in phasing, appropriate protection and fencing shall be secured around the project area.
32. The Town Planner, Town Engineer, and Town Counsel shall review the above conditions for compliance. The Town Planner and Town Engineer shall and perform a site visit prior to the recommending issuance of the first occupancy permit.

During Construction:

33. Applicant shall construct the field parking lot at the time of the roadway. Applicant shall make best efforts to complete the field and parking area prior to the spring 2020 sports season.
34. The Public Works Department/BETA Group shall be contacted at least 72 hours in advance to schedule inspections of sewer and stormwater systems and underground utility work.
35. Project related construction 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.
36. The sidewalk shall be installed in phases such that each length of sidewalk necessary to serve each phase of development is constructed prior to the occupancy of any units within that phase of development, and such that by the complete sidewalk is fully installed prior to the occupancy of the first unit in the final phase of construction, unless another timeframe is approved by the Planning Board and outlined in the performance guarantee.
37. The street tree plantings and other landscape plantings shall be planted prior to issuance of the final certificate of occupancy of each phase of construction, unless another timeframe is approved by the Planning Board and outlined in the performance guarantee. Street trees and landscaping shall be planted during the current or next available growing session (mid-April to mid-November).
38. 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 Department of Public Works. Such repairs shall be performed to Town of Westwood Standards.
39. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
40. The existing pavement on Clapboardtree and Winter Streets shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
41. The construction entrance shall be replaced when stone becomes clogged with dirt or is no longer effective in preventing excess tracking of material onto the public way.
42. All trucks carrying earth material to or from the project site shall be required to access the site via Clapboardtree Street from Route 109/High Street via Pond Street. Trucks carrying the earth material are prohibited from travelling south on Winter Street and prohibited from travelling east on Clapboardtree Street past the project site.

43. Proof of all seven affordable housing units on the Town's Subsidized Housing Inventory (SHI) shall be submitted to the Town Planner and Housing Agent.
44. Provisions to protect the seven affordable housing units in perpetuity in a means acceptable to the Planning Board prior to release the Applicant from the performance guarantee.
45. Proof of recording at the Registry of Deeds all associated legal documents including deeds, Homeowners Association Documents including provisions for maintenance of the open space, maintenance of stormwater and sewer systems, and easements shall be submitted to the Planning Board.
46. A final As-Built plan showing the road and utilities shall be submitted to the Town Engineer and Town Planner. The "As Built" plan shall be delivered in a format approved by the Information Systems Director for compatibility with the Town of Westwood GIS database.

After Occupancy & On-Going:

47. The Homeowner's association will be responsible for walkway maintenance, open space preservation and maintenance, stormwater system, and sewer system after Applicant has completed the project, except that the Homeowners association shall not be responsible for maintenance or upkeep of the field lot.
48. Lot 1 shall be permanently restricted to use as an affordable single-family residence, except as permitted in Condition #1 above.
49. The residences are limited to no more than two bedrooms. No additional areas such as dens, attic spaces, offices etc. shall be converted for use into a third bedroom in accordance with Zoning Bylaw Section 8.3.13.10.3. This specific language shall be incorporated into a deed restriction for all the age-restricted residences.
50. There shall be no non-emergency municipal services provided for the OSRD residences including snow removal and recycling/trash service on the private road.
51. The project must be constructed substantially as shown on the submitted plans including the site plans and architectural plans. Minor changes to the design of the residences may be approved administratively by the Town Planner. Modifications made to increase the footprint may be considered more substantial changes to the residential design shall return to the Planning Board for a modification or special permit amendment. Any alterations, modifications, deletions or amendments to this Special Permit shall be done in accordance with the requirements of M.G.L. Chapter 40A § 9.

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 April 13 and April 14, 2019 and through the close of the public hearing on April 23, 2019. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application submission and application summary, prepared by The Green Company submitted as complete to the Office of the Planning Board on February 13, 2019 and to the Office of the Town Clerk on February 14, 2019.
2. Public Hearing Notice for 45 Clapboardtree Street, submitted to Town Clerk on February 15, 2019.
3. Plan entitled "Site Plans, 45 Clapboardtree Street OSRD Zoning, 45 Clapboardtree Street, Westwood, MA", prepared by VHB, prepared for The Green Company, dated February 5, 2019 (18 sheets).
4. Grady Consulting, LLC Report for Westwood Lodge OSRD 4-Step Design Process, dated February 5, 2019 (8 pages).
5. Affordable Housing Proposal for Westwood Lodge OSRD, prepared by the Green Company and Lifeworks Inc., dated February 14, 2019 (3 pages).
6. Environmental Impact Statement, prepared by Joia Clifford of VHB, Memorandum dated February 5, 2019 (6 pages).
7. Fiscal Impact Analysis for Clapboardtree Street, Westwood, MA, prepared by Fougere Planning & Development, Inc., dated January 29, 2019 (14 pages).
8. Electronical Mail to Abigail McCabe, from Dan Green, Subject: Westwood Lodge Sidewalk Fund Contribution, sent March 11, 2019.
9. Fresco Floor Plans; Fresco 2, 3, & 6 with optional 2nd floor.
10. Landscape plan entitled "Landscape Plan, Westwood Green" 45 Clapboardtree Street, Westwood, Ma, prepared by Grady Consulting, LLC, dated 4, 2019 (3 sheets).
11. Meeting House Plans prepared by Duckham Architecture & Interiors, dated January 23, 2019 Sheets A101, A201, A202.
12. Stormwater Management Report, 45 Clapboardtree Street OSRD Zoning, Westwood, MA, prepared for The Green Company, prepared by VHB, dated February 14, 2019.
13. Traffic Impact and Access Study, The Green Company Open Space Residential Development, 45 Clapboardtree, Westwood, MA, prepared for The Green Company, prepared by VHB (189 pages), dated January 2019.
14. List of Project Waivers for OSRD, 45 Clapboardtree Road Westwood, MA (2 pages).
15. OSRD Yield Calculations for Westwood Lodge Parcel 45 Clapboardtree Street.
16. Housing Partnership & Fair Housing Committee Memorandum also from Sarah Bouchard Housing & Zoning Agent, to Planning Board, Re: Comment on Special Permit Application - 45 Clapboardtree Street (formerly Westwood Lodge), dated March 12, 2019.
17. Letter from Westwood Affordable Housing Associates, Inc. (WAHA) to Planning Board Members, dated march 8, 2019.
18. Staff Review Comments from View Permit, 45 Clapboardtree Street Application
19. Letter from Town Administrator Michael A. Jaillet to Planning Board, dated March 7, 2019.
20. Historical Commission Decision for Historic Structure Demolition, dated February 5, 2019.
21. Peer Review letter from Philip Paradis of BETA Group to Abigail McCabe, Re: Open Space Residential Development - 45 Clapboardtree Street peer Review, dated march 7, 2019 (12 pages).
22. PowerPoint Presentation on March 12, 2019 (19 slides).

23. Applicant's initial response to comments in letter dated March 12, 2019 highlighted on BETA's March 7, 2019 review letter.
24. Revised Fresco Floor Plans, dated March 26, 2019.
25. Revised Landscape Plan entitled "Landscape Plan Westwood Green 45 Clapboardtree Street", prepared by Grady Consulting, LLC, dated February 4, 2019 and revised March 26, 2019 (3 sheets).
26. O&M (Operation & Maintenance Plan) Figure 1, prepared by VHB, dated March 13, 2019.
27. Plan entitled "Site Plans, 45 Clapboardtree Street OSRD Zoning, 45 Clapboardtree Street, Westwood, MA", prepared by VHB, prepared for The Green Company, revised March 25, 2019 (19 sheets).
28. Applicant's response to BETA's comments, highlighted in BETA's peer review letter, dated March 12-15, 2019 (20 pages).
29. Updated list of waivers for Section 5 of Subdivision Rules and Regulations.
30. Frimpter Method Calculation High Ground-Water Levels in Massachusetts, prepared VHB, dated November 29, 2018, and January 26, 2019.
31. HydroCAD Report Exhibit, prepared by VHB (45 pages).
32. MA DEP Checklist for Stormwater Report, stamped and signed by Craig W. Finn.
33. Letter from Recreation Director Nicole Banks to Abigail McCabe, re: Multipurpose field and parking agreement – former Westwood Lodge property, dated April 2, 2019.
34. Letter from Mark Plecinoga, President of Westwood Youth Soccer, undated.
35. Electronic Mail from Deputy Fire Chief Richard J. Cerullo, to Abigail McCabe; Re: Westwood Lodge Revised Plans Received, sent: April 2, 2019.
36. Memorandum from Philip Paradis of BETA Group to Abigail McCabe, Re: Open Space Residential Development – 45 Clapboardtree Street Peer Review Update, dated March 29, 2019 (16 pages).
37. Annual Operations & Maintenance Budget for Stormwater Management System, 45 Clapboardtree Street, Westwood, MA.
38. Memorandum from Town Planner Abigail McCabe to Planning Board; Re: Meeting summary for March 12, 2019, dated March 8, 2019 and revised March 12, 2019.
39. Memorandum from Town Planner Abigail McCabe to Planning Board; re: Meeting summary for April 2 Meeting, dated March 29, 2019 revised April 1, 2019 and April 2, 2019.
40. Estimate for sidewalk fund contribution by Patriot Excavating Corp. of Acton, MA.
41. Applicant's response to comments on BETA's review letter, dated April 2 and April 11, 2019.
42. PowerPoint Presentation on April 2, 2019 (13 slides).
43. Plan of land for Lifeworks for Lot 1 on Clapboardtree Street, prepared by VHB entitled "Lifeworks Inc. 5 Bedroom Home", dated April 11, 2019.
44. Site Pan for Lifeworks 5 Bedroom Home, Clapboardtree Street, Westwood, Ma by Group 7 Design, dated April 10, 2019.
45. Subsurface System Figure 1 & 2 Detail, prepared by VHB, dated April 11, 2019.
46. Applicant's response in BETA's memo dated April 2, April 11, and April 17, 2019.
47. BETA sidewalk estimate dated April 11, 2019.
48. Final List of Waivers, updated April 23, 2019.
49. Infiltration Area 2 (Chambers) Mounding Analysis.
50. Peer review memo from Phil Paradis of BETA Group, Re: Open Space Residential Development – 45 Clapboardtree Street Peer Review Updated, dated April 15, 2019 (17 pages).
51. Public comment letter to Westwood Planning Board from Mark and Allison Fossella, dated April 15, 2019.
52. Public Comment letter to Westwood Planning Board from Wayne and Kyle Nanna, dated April 15, 2019.
53. Draft Quitclaim Deed with Restrictions.
54. Draft Group Home Deed Bullets for LifeWorks Affordable Group Home Deed Restrictions, April 18, 2019.

55. Draft Soccer Field Lot Restrictions draft Bullet Points, for 345 Clapboardtree Soccer Lot Restrictions, dated April 19, 2019.
56. Revised Landscape Plan entitled "Landscape Plan Westwood Green 45 Clapboardtree Street", prepared by Grady Consulting, LLC, dated February 4, 2019 and revised through April 17, 2019 (3 sheets).
57. Revised Landscape-Lighting-Signage Plan set prepared by Grady Consulting, LLC, dated February 4, 2019 and revised through April 12, 2019.
58. Plan entitled "Site Plans, 45 Clapboardtree Street OSRD Zoning, 45 Clapboardtree Street, Westwood, MA", prepared by VHB, prepared for The Green Company, last revised April 17, 2019 (19 sheets).
59. Memorandum from Town Planner Abigail McCabe to Planning Board, Re: Summary for April 23 Meeting, dated April 19, 2019 and revised April 23, 2019.
60. Draft list of planning board conditions prepared by Town Planner, distributed on April 22, 2019, revised through April 23, 2019.

RECORD OF VOTE

The following members of the Planning Board voted on **April 23, 2019** to **grant** an Open Space Residential Development Special Permit Approval for the abovementioned project as amended by the conditions: 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 Special Permit Approval for the abovementioned Project: None.



Abigail McCabe
Town Planner
June 7, 2019

45 CLAPBOARDTREE STREET

Land Affected: 45 Clapboardtree Street, Westwood, MA 02090 also known as Assessor's Map 29, Lot 123. The property is in the Single Residence C (SRC) zoning district.

The Planning Board hereby certifies that attached hereto is a true and complete copy of the Board's decision and that said decision and any plans referred to therein have been filed with the Planning Board.

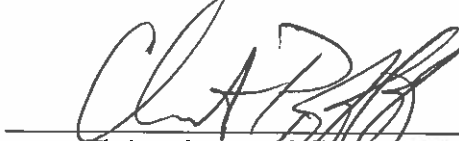
Appeals, if any, shall be made pursuant to Section 17 of said M.G.L. Chapter 40A and shall be filed within twenty (20) days after the filing of a copy of the decision in the office of the Town Clerk.



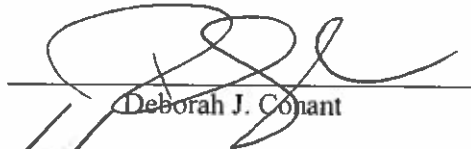
David L. Atkins, Jr., Chairman



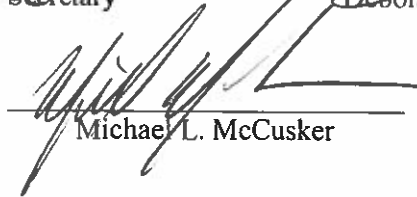
Brian D. Gorman, Vice Chairman



Christopher A. Pfaff, Secretary



Deborah J. Conant



Michael L. McCusker

April 23, 2019