

**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 roll call vote of five (5) in favor and none (0) opposed, voted to **grant** the application of Westwood Green LLC, as voted on March 16, 2021. A complete application was filed with the Office of the Town Clerk on February 8, 2021 requesting Planning Board Special Permit pursuant to Section 8.3 [Open Space Residential Development (OSRD)] of the Westwood Zoning Bylaw, for an amendment to the OSRD Special Permit approval granted on April 23, 2019. The Special Permit Amendment approval is for two detached single-family residences at 25 Clapboardtree Street to be combined with the condominiums at the *Homes at 45* on Abbey Road (FKA as 45 Clapboardtree Street). Project also includes landscaping improvements at Lot 2, Lot 1, and along Clapboardtree Street, stormwater management, and associated site work.

**LAND AFFECTED:** 25 Clapboardtree Street (Assessors' Map 29, Lot 199)

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 AMENDMENT**

**APPLICANT &  
PROPERTY OWNER:** Westwood Green LLC  
46 Glen Avenue  
Newton, MA 02459

**PROPERTY LOCUS:** 25 Clapboardtree Street (Assessor's Map 29, Lot 199)

**BACKGROUND AND PROJECT SUMMARY**

The Applicant proposes to amend the Open Space Residential Development (OSRD) Special Permit approval granted on April 23, 2019 which original approval included the consolidated Earth Material Movement (EMM) Environmental Impact Design Review (EIDR), pursuant to Sections 7.1, 7.3, and 8.3 of the Zoning Bylaw. The April 23, 2019 OSRD Special Permit approval included 40 age-restricted dwellings units, open space, preservation of the sports field, a group home single-family residence on lot 1, a residential meeting facility, landscaping, stormwater management, and associated site work.

The amendment proposes to add two age-restricted single-family detached dwellings on the parcel adjacent to the *Homes at 45* at 25 Clapboardtree Street (Lot 2) previously proposed as a single-family home via the approval not required plan endorsed by the Planning Board on June 11, 2019. The two new units are proposed to be combined with the condominiums at the *Homes at 45* on Abbey Road (FKA as 45 Clapboardtree Street).

The two ~2,400 SF age-restricted residential units include two car garages with a driveway and are serviced by municipal water and sewer. Stormwater mitigation includes collecting roof runoff and directing to a surface infiltration basin behind the two new homes. The project also proposes open space areas, trees, and a landscape buffer 50-70 ft. set back from Clapboardtree Street at 25 Clapboardtree Street (Lot 2), landscaping at 15 Clapboardtree Street (lot 1), and additional plantings along Clapboardtree Street in front of Lot 2 and in front of the field lot.

The property is located in the Single-Residence C (SRC) zoning district. The proposed two single-family dwelling units 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].

**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 January 21, 2021, an application requesting an Open Space Residential Development Special Permit and combined Environmental Impact and Design Review was filed by Westwood Green LLC, pursuant to Section 8.3 [Open Space Residential Development (OSRD)] of the Westwood Zoning Bylaw with the Westwood Planning Board and on February 8, 2021 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 *Transcript & Bulletin*, a newspaper of general circulation in Westwood, on February 4, 2021 and February 11, 2021. Notice of the public hearing was posted in the Westwood Town Hall commencing on January 27, 2021, and continuing through the opening of the public hearing on February 23, 2021. 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 January 29, 2021.
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 8, 2021.
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 February 23, 2021, via Zoom Webinar and filmed live by Westwood Media Center on Westwood Media's YouTube Channel and Comcast Channel 12 and Verizon Channel 42. The hearing was held in accordance with the Governor's January 12, 2021 Order suspending certain provisions of the Open Meeting Law MGL c. 30A §18 and the Governor's March 23, 2020 Emergency Order imposing limitations on the number of people that may gather in one place. The Planning Board met remotely via Zoom Webinar where public comments were offered by live time audio via Zoom and through the Question and Answer function. The opportunity for written comments to be submitted was also offered. The public hearing was opened on February 23, 2021, continued to and closed on March 16, 2021. All motions were made by a roll call vote.
5. Westwood Planning Board Members David L. Atkins Jr., Christopher A. Pfaff, Deborah J. Conant, Robert R. Gotti and Michael L. McCusker deliberated on the Application at a duly authorized meeting on March 16, 2021.

**PROJECT FINDINGS:**

1. The subject properties consist of approximately .92 acres (40,000 SF) located at 25 Clapboardtree Street and is shown as Map 29, Lot 199 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. Presently, the project site contains an undeveloped single family lot located at 25 Clapboardtree Street originally shown on the special permit plans as lot 2.
3. The Applicant proposes to add two age-restricted single-family detached residences on the parcel adjacent to the *Homes at 45* at 25 Clapboardtree St (Lot 2) facing Abbey Road previously proposed as a single-family house lot. The new units are proposed to be combined with the condominiums at the *Homes at 45* on Abbey Road (FKA as 45 Clapboardtree Street).
4. The Project Site is located within the Single Residence C (SRC) zoning district. The proposed use for age-restricted single-family dwellings is 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) per Section 7.3, pursuant to Section 8.3.8.3 of the Westwood Zoning Bylaw.
5. The project proposes two ~2,400 SF residences, with two bedrooms, two car garages for each residence and driveways onto Abbey Road. Project proposal also includes landscaping on lot 2/25 Clapboardtree Street, and additional landscaping in front of the lot along Clapboardtree Street, in front of the field lot, and on the group home lot 1 at 15 Clapboardtree Street. Project includes capturing roof runoff to collect in a surface drainage basin behind the two homes.
6. Affordability Requirement Section 8.3.11: The Applicant's original 2019 approval met the affordability requirements of Zoning Bylaw Section 8.3.11 by providing a total of seven (7) affordable units eligible for listing on the Town's Subsidized Housing Inventory and a \$10,000 contribution towards affordable housing after the sale of each of the 38 market rate units pursuant to condition 1B of the April 23, 2019 approval. Applicant's current Special Permit Amendment proposal includes an increased monetary contribution of \$35,000 for each of the two new units (\$70,000 total for the two additional dwellings) after the sale to go towards affordable housing for the town.
7. The Board finds that the Applicant's proposal meets the purpose of the OSRD Section 8.3.1.3 to provide more flexibility and imagination in the design of residential developments; offers greater housing choice by allowing varied mixes of housing types; and encourages senior and affordable housing development.
8. The Board finds the proposal for landscaping along Clapboardtree Street in front of Lot 2, the substantial landscape buffer 50-70 ft. on Lot 2, landscaping at Lot 1 (Lifeworks

group home Lot), and landscaping at the corner near the field provides additional screening for Clapboardtree neighbors.

9. The proposal includes a \$70,000 (\$35,000 per residence) financial contribution towards affordable housing to help the Town reach its affordable housing goals.
10. The Board found that the proposal does not create a significant negative fiscal impact to the Town.

**DECISION:**

On March 16, 2021, the Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, by a roll call vote of five (5) in favor and none (0) opposed, hereby **grants** an Open Space Residential Development (OSRD) Special Permit Amendment **Approval** pursuant to Section 8.3 of the Westwood Zoning Bylaw for the Project as described above and in the application filed in the office of the Town Clerk on February 14, 2019 and as shown on the final revised plans and material submitted through the close of the public hearing on March 16, 2021. The final approved plans reviewed by the Board are entitled "Site Plan for 45 Clapboardtree Street OSRD Zoning Amendment" Site Plan Sheet C1.00, prepared by VHB, dated March 10, 2021; planting plan entitled "Landscape Plan Westwood Green, #45 Clapboardtree Street, Westwood, Massachusetts", prepared by Grady Consulting, LLC, dated March 11, 2021; and architectural Plans prepared by KTGy Group Inc. Architecture & Planning, Plan 3 Sheet A3.1 and subject to the Conditions stated herein.

**CONDITIONS OF APPROVAL:**

1. Applicant shall submit an Approval Not Required (ANR) to the Planning Board to combine lot 2 (25 Clapboardtree Street) with the *Homes at 45* lot prior to the issuance of a Building Permit for either of the two new market rate OSRD units.
2. On or before June 15, 2021, Applicant shall complete the landscaping improvements at Lot 1 for 15 Clapboardtree Street, on the east corner near the field, and in front of lot 2 along Clapboardtree Street as shown on the updated landscape plan prepared by Grady Consulting, LLC dated March 11, 2021. The landscaping on lot 2/25 Clapboardtree Street shall be completed prior to occupancy or in the event occupancy is during the winter, completed by the next available planting season which is between April 15-June 30 or September 15-November 15).
3. Applicant shall notify Public Works to inspect the soils during construction of the infiltration basin system and notified at least 48 business hours in advance.
4. Applicant shall provide an additional sum of \$70,000 towards the Town's affordable housing goals by donating \$35,000 to Westwood Affordable Housing Associates, Inc.

(WAHA, Inc.) within 30 days of sale of each of the two new market rate OSRD units.

5. Condition 1B of the April 23, 2019 OSRD Special Permit shall be and is hereby revised to change the contribution fund recipient for the market rate unit donations to Westwood Affordable Housing Associates, Inc. (WAHA, Inc.). All donated funds shall be used to cover the cost of creating one or more units of affordable housing to supplement the Town's SHI and met the Town's housing goals.
6. The legal documents associated with the OSRD Homes at 45 Development shall be updated to include the two OSRD units including preservation of the 50-70 ft. natural landscape buffer on the lot between Clapboardtree Street and the new homes at lot 2/25 Clapboardtree Street. The legal documents shall be submitted to the Town Planner and Town Counsel for review and approval prior to recording at the Registry of Deeds.
7. Applicant shall contribute an initial monetary contribution to the Homes at 45's homeowner association to fund maintenance of landscaping.
8. After occupancy of a majority of the OSRD residences, the Planning Board reserves the right to monitor pedestrian activity, and if, it finds that in the opinion of the public safety and traffic officer, may require a crosswalk be added from the walking path across Abbey Road.
9. All other requirements and conditions of the original OSRD Special Permit granted on April 23, 2019, shall remain in full force and effect.

#### **Application and Plans Submitted**

1. Plan entitled "Site Plan for 45 Clapboardtree Street OSRD Zoning Amendment" Site Plan Sheet C1.00, prepared by VHB, dated March 10, 2021.
2. Landscape Plan entitled "Landscape Plan Westwood Green, #45 Clapboardtree Street, Westwood, Massachusetts", prepared by Grady Consulting, LLC, dated March 11, 2021.
3. Open Space Evaluation Layout submitted March 10, 2021.
4. Revised architectural Plans prepared by KTG Group Inc. Architecture & Planning, Sheet A3.1 Plan 3 prepared for Westwood Green LLC.
5. Memorandum from Housing & Zoning Agent Sarah Bouchard, to Planning Board, Re: 25 Clapboardtree Street, Homes at 45, dated March 12, 2021.
6. Project narrative submitted to Town Planner Abigail McCabe, from Joia Clifford and Craig Finn, P.E. of VHB, Re: Environmental impact Statement OSRD at 45 Clapboardtree Street, dated February 5, 2019, revised January 21, 2021 (6 pages).
7. Traffic Impact letter from Matthew Kealey, PE of VHB, RE: Trip Generation Summary, dated December 23, 2020.

8. Application submitted by Daniel Green of Westwood Green LLC.
9. Site Plan Sheet C1.00 entitled "45 Clapboardtree Street OSRD Zoning Amendment, 45 Clapboardtree Street, Westwood" prepared by VHB, dated December 21, 2021 and revised February 10, 2021 and Site Dimensions Sheet C1.01.
10. Stormwater Memorandum prepared by Craig Finn, P.E. of VHB, to Town Planner, Re: Stormwater Memorandum, dated January 29, 2021.
11. Fiscal Impact Analysis for Clapboardtree Street, Westwood, MA, prepared by Fougere Planning & Development, Inc. updated by Daniel Green, Westwood Green, LLC, dated January 24, 2019, updated February 4, 2021.
12. OSRD Yield Calculations for Westwood Large Parcel – 45 Clapboardtree Street, dated January 21, 2021.
13. Landscape plan entitled "Landscape Plan Westwood Green #45 Clapboardtree Street, Westwood, Massachusetts" prepared by Grady Consulting, LLC, dated December 31, 2020, sheets 1 & 2.
14. April 23, 2019 OSRD Special Permit Approval granted by Westwood Planning Board.
15. Letters from Daniel Green, President of Westwood Green LLC, to Abby McCabe, dated February 8, 2021.
16. Village 3 Westwood architectural plans prepared by KTGy Group Inc. Sheet A3.1 and Plan 3 two sheets.
17. Carriage C plans entitled The Homes at 45, Westwood, MA, dated October 27, 2020, drawn by Stephen Kelleher Architects.
18. Landscape Perspectives early years and 4-5 years, presented on February 23, 2021.
19. Staff Comments from View Permit, dated February 22, 2021.
20. Public Comments submitted by Doug Hyde, to Planning Board dated, Re: 25 Clapboardtree Street & Abbey Road, February 15, 2021.
21. Public Comment letter and photographs submitted by Margery J. Eramo, to Westwood Planning Board, RE: Application – 25 (Lot 2) Clapboardtree Street/Abbey Way, dated February 21, 2021.
22. Draft findings of fact prepared by Town Planner, added February 22, 2021, revised March 12, 2021.
23. Memorandum from Town Planner Abby McCabe to Planning Board Members, Re: OSRD Special Permit 25 Clapboardtree St. Homes at 45, dated February 19, 2021, revised March 15, and March 16, 2021.

### RECORD OF VOTE

The following members of the Planning Board voted by a roll call vote on March 16, 2021 to **grant** an Open Space Residential Development Special Permit Amendment Approval for the abovementioned project: David L. Atkins Jr., Robert R. Gotti, 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

March 29, 2021  
DATE SIGNED