

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Christopher A. Pfaff, Chairman
Ellen Larkin Rollings, Vice Chairman
Katherine Wynne, Secretary
Joshua C. Ames
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PLANNING BOARD

CERTIFICATE OF VOTE
DEFINITIVE SUBDIVISION RESCISSION
215 HIGH STREET
(Assessor's Map 05, Lot 39)

Pursuant to M.G.L. Chapter 41, §81W and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Westwood, the Planning Board of the Town of Westwood, at a virtual meeting on June 28, 2022, by roll call vote of five (5) members in favor and none (0) opposed, voted to **approve** the Rescission of the Definitive Subdivision Plan dated June 19, 2003 and revised through December 7, 2006, prepared by Matthew D. Smith, P.E. of Norwood Engineering Co., Inc., 1410 Route One, Norwood, MA 02062, consisting of the following three (3) sheets: "Sheet 1, Lotting Plan 2-Lot Definitive Subdivision 215 High Street Westwood, Mass.", dated June 19, 2003 and revised through December 7, 2006; "Sheet 2, Details 2-Lot Definitive Subdivision 215 High Street Westwood, Mass.", dated June 19, 2003 and revised through December 7, 2006; "Sheet 3, Sewer Plan 2-Lot Definitive Subdivision 215 High Street Westwood, Mass.", dated June 19, 2003 and revised through December 7, 2006 [the "Definitive Plan"]. The Definitive Plan had been conditionally approved by the Westwood Planning Board on October 14, 2003, and modified by the Board's Decision to grant a Shared Driveway Special Permit on December 19, 2006.

PROJECT SUMMARY AND BACKGROUND

On October 14, 2003, the Planning Board voted to approve a two (2) lot Definitive Subdivision of the parcel known as 215 High Street. On December 19, 2006, the Planning Board voted to accept modifications to the Definitive Plan that had been approved in 2003, and to grant a Special Permit for a Shared Driveway to serve the two lots shown on the Definitive Plan. On the same date, the Planning Board voted to endorse the above-reference Definitive Plan.

Copies of the Planning Board's October 14, 2003 Definitive Subdivision Approval Certificate of Vote, the January 22, 2007 Shared Driveway Special Permit Notice of Decision, and the 3-sheet Definitive Plan endorsed on December 19, 2006, which, are attached as exhibits to this Rescission Decision.

Following the Board's endorsement, the Property Owners elected not to file the Definitive Plan with the Norfolk Registry of Deeds. As such, the property has remained a single, undivided parcel located in the Single Residence E (SRE) zoning district.

More recently, the Property Owners agreed to sell the 215 High Street parcel to another party. The prospective purchasers have expressed an interest in continuing the exempt agricultural use of the property and do not wish to pursue the previously approved and endorsed Definitive Plan. A representative for the prospective purchasers filed an application requesting Rescission for the Definitive Plan.

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, commissions, departments within 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:

1. An application was filed with the Westwood Planning Board pursuant to M.G.L. Chapter 41, Section 81W, and the Rules and Regulations Governing the Subdivision of Land in Westwood, by Mernaysa Rivera-Bujosa of The Charleston Navy Shipyard, Shipway Place, Suite C-2, Boston, MA 02129 (hereinafter referred to as the "Applicant"), with the consent of Property Owners Joseph T. and Marjorie A. Flanagan of 215 High Street, Westwood, MA 02090, and with the consent of the Property Owners' Lender, Bank of America. Said Application was certified by the Westwood Town Clerk on June 14, 2022 (hereinafter "Application").
2. 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 *Hometown Weekly*, a newspaper of general circulation in Westwood, on June 9, 2022 and again on June 16, 2022. Notice of the public hearing was posted in the Westwood Town Hall and the Carby Street Municipal Building on June 3, 2022, and continuing through the opening of the public hearing on June 28, 2022. Said notice of the public hearing was mailed postage prepaid on June 7, 2022, to all Parties in Interest as defined in the Subdivision Control Law and the Board's Rules and Regulations.
3. 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, Board of Selectmen, Building Commissioner, Conservation Commission, Department of Public Works, Town Engineer, Police Chief, Fire Chief, Historic Commission, Sewer Commission, Pedestrian and Bicycle Safety Committee, and the Dedham Westwood Water District on June 14, 2022.
4. 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 June 28, 2022, 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 March 12, 2020, Executive Order suspending certain provisions of the Open Meeting Law (MGL c. 30A §18) and extended on June 16, 2021 through April 1, 2022, and further extended on February 15, 2022 through July 15, 2022.
5. 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. On June 28, 2022, public comments were taken, and the Planning Board deliberated on the Application, offered public comments, and voted to close the public hearing.

6. Westwood Planning Board Members Joshua Ames, Philip Giordano, Ellen Larkin Rollings, Kathleen Wynne, and Christopher Pfaff deliberated on the Application at a duly authorized meeting on June 28, 2022. The public hearing was opened and closed on June 28, 2022 by a roll call vote.
7. No property owners, members or the public, or other interested parties expressed opposition to the proposed alterations.

PROJECT FINDINGS:

1. The subject property consists of approximately 8.63 acres on the northwest side of High Street with frontage on High Street as shown on the Westwood Board of Assessors' Map as 05, Lot 39 ("Project Site" or "Property").
2. The Project Site is located within the Single Residence E (SRE) zoning district.
3. The Planning Board granted all necessary waivers by votes on June 28, 2022.
4. The Rescission of the Definitive Plan will not present a public safety hazard to the town, or the surrounding residential properties and is in harmony with the general purpose and intent of the Subdivision Rules and Regulations and the Subdivision Control Law.
5. The entire parcel of land shown on the Subdivision Plan remains in the control of a single grantee, and the Rescission will not negatively affect the property shown on the Subdivision Plan, or any rights appurtenant thereto.

APPLICATION AND MATERIALS

The Planning Board evaluated the Application filed by or on behalf of the Applicant in the Office of the Town Clerk on June 14, 2022, and all material submitted through the close of the public hearing on June 28, 2022. All of the following plans and material are hereby incorporated by reference and made part of this Decision:

1. Application for Rescission of Definitive Subdivision Plan submitted by Mernaysa Rivera-Bujosa and certified in the Office of the Town Clerk on June 14, 2022.
2. Definitive Subdivision Plan dated June 19, 2003 and revised through December 7, 2006, prepared by Matthew D. Smith, P.E. of Norwood Engineering Co., Inc., 1410 Route One, Norwood, MA 02062, consisting of the following three (3) sheets: "Sheet 1, Lotting Plan 2-Lot Definitive Subdivision 215 High Street Westwood, Mass.", dated June 19, 2003 and revised through December 7, 2006; Sheet 2, "Details 2-Lot Definitive Subdivision 215 High Street Westwood, Mass.", dated June 19, 2003 and revised through December 7, 2006; "Sheet 3, Sewer Plan 2-Lot Definitive Subdivision 215 High Street Westwood, Mass.", dated June 19, 2003 and revised through December 7, 2006.
3. Planning Board Certificate of Vote for the Definitive Plan titled, "2-Lot Subdivision 215 High Street Westwood, Mass." Dated October 14, 2003.
4. Planning Board Certificate of Vote for the Definitive Plan entitled, "2-Lot Subdivision 215 High Street Westwood, Mass." Dated December 19, 2006.
5. Copy of the Town of Westwood Sewer Bill for 205-215 High Street, dated March 3, 2022, consisting of four (4) pages.

6. Letter from Westwood Health Director Linda R. Shea, R.E.H.S./R.S., to Joseph and Marjorie Flanagan, dated April 20, 2000, regarding abandonment of the septic system consisting of two (2) pages, including a one (1) page attachment of Board of Health Permit No. G-2000-07.
7. Letter from Westwood Health Director Linda R. Shea, R.E.H.S./R.S., to Joseph Flanagan, dated January 27, 2004, regarding compliance with 310 CMR 15.000 of the State Sanitary Code, Title V, Minimum Requirements for the Disposal of Sanitary Sewage, consisting of one (1) page.
8. Letter from Mernaysa Rivera-Bujosa to Nora Loughnane, Department of Community and Economic Development, Subject: Rescission of 2003 2-Lot Definitive Subdivision Approval -215 High St, Applicant -Joshua and Anita Fink (Contract Buyers), Owner: Joseph T. Flanagan and Marjorie A. Flanagan (Contract Sellers), dated May 26, 2022, regarding request for waiver of Earth Material Movement Calculations, consisting of one (1) page.
9. Letter from Mernaysa Rivera-Bujosa to Nora Loughnane, Department of Community and Economic Development, Subject: Rescission of 2003 2-Lot Definitive Subdivision Approval -215 High St, Applicant -Joshua and Anita Fink (Contract Buyers), Owner: Joseph T. Flanagan and Marjorie A. Flanagan (Contract Sellers), dated May 26, 2022, regarding request for waiver of Erosion and Sedimentation Control Plan, consisting of one (1) page.
10. Letter from Mernaysa Rivera-Bujosa to Nora Loughnane, Department of Community and Economic Development, Subject: Rescission of 2003 2-Lot Definitive Subdivision Approval -215 High St, Applicant -Joshua and Anita Fink (Contract Buyers), Owner: Joseph T. Flanagan and Marjorie A. Flanagan (Contract Sellers), dated May 26, 2022, regarding request for waiver of Stormwater Drainage Plan, consisting of one (1) page.
11. Letter from Mernaysa Rivera-Bujosa to Nora Loughnane, Department of Community and Economic Development, Subject: Rescission of 2003 2-Lot Definitive Subdivision Approval -215 High St, Applicant -Joshua and Anita Fink (Contract Buyers), Owner: Joseph T. Flanagan and Marjorie A. Flanagan (Contract Sellers), dated May 26, 2022, regarding request for waiver of Stormwater Management Operation and Maintenance Plan, consisting of one (1) page.
12. Letter from Mernaysa Rivera-Bujosa to Nora Loughnane, Department of Community and Economic Development, Subject: Rescission of 2003 2-Lot Definitive Subdivision Approval -215 High St, Applicant -Joshua and Anita Fink (Contract Buyers), Owner: Joseph T. Flanagan and Marjorie A. Flanagan (Contract Sellers), dated May 26, 2022, regarding request for waiver of Traffic Impact Study, consisting of one (1) page.
13. Property Owner Application Authorization signed by Joseph T. & Marjorie A. Flanagan, on May 26, 2022, and assented to by the Property Owners' Mortgage Lender, Bank of America, and signed by representative Renard Cato on June 3, 2022, consisting of one (1) page.
14. Peer review memorandum from Philip F. Paradis, Jr., PE of BETA to Todd Korchin, DPW Director, Subject: 205-215 High St. - Rescission of 2003 2-Lot Definitive Subdivision Approval, dated June 23, 2022, consisting of one (1) page.

WAIVERS

1. The Planning Board considered requests for the specific waivers listed below, and determined that said waivers were in the public interest and not inconsistent with the

intent and purpose of the Subdivision Control Law. The Westwood Planning Board on June 28, 2022, by a roll call vote of five (5) in favor and zero (0) opposed, **granted** the following waivers to the Rules and Regulations Governing the Subdivision of Land in the Town of Westwood, Massachusetts, lastly revised April 25, 2016: Waiver of the \$3,750 application fee of, and the \$2,000 inspection fee, so as to allow a refund of the \$2,500 partial fee payment previously paid by the Applicant.

2. Waiver of the requirement to submit a Traffic Impact Study.
3. Waiver of the requirement to submit a Stormwater Drainage Plan.
4. Waiver of the requirement to submit a Stormwater Management Operation and Maintenance Plan.
5. Waiver of the requirement to submit an Erosion and Sediment Control Plan.
6. Waiver of the requirement to submit Earth Material Movement Calculations.

DECISION

After reviewing all evidence and testimony submitted during the public hearings, at a meeting of the Board on June 28, 2022, and on a motion duly made and seconded, it was voted five (5) in favor and zero (0) opposed to **approve** the Rescission of Approval of the Definitive Subdivision of Plan titled, "2-Lot Definitive Subdivision, 215 High Street, Westwood, Mass", dated June 19, 2003 and revised thru December 7, 2006, which plan was conditionally approved by the Westwood Planning Board on October 14, 2003, modified and final approval granted on December 19, 2006, pursuant to M.G.L. Chapter 41, Section 81W, as requested by Mernaysa Rivera-Bujosa and recorded in the Office of the Town Clerk on June 14, 2022.

RECORD OF VOTE

The following members of the Planning Board voted on June 28, 2022 to grant **Approval** for **Rescission** of the abovementioned Definitive Subdivision Plan:

WESTWOOD PLANNING BOARD



Christopher A. Pfaff, Chairman



Ellen Larkin Rollings, Vice Chair



Katherine Wynne, Secretary



Joshua C. Ames



Philip M. Giordano

Exhibit A

Westwood Planning Board's October 14, 2003
Definitive Subdivision Approval Certificate of Vote

TOWN OF WESTWOOD
Commonwealth of Massachusetts

Steven H. Olanoff, Chairman
Michael K. Terry, Vice Chairman
Robert E. Moore, Jr., Secretary
Henry W. Gale
Robert C. Malster



PLANNING BOARD

CERTIFICATE OF VOTE

October 14, 2003

The Planning Board of the Town of Westwood did this date, by a vote of five in favor and none opposed, **approve** the definitive plan entitled "Lotting Plan 2-Lot Definitive Subdivision 215 High Street Westwood, Mass.", dated June 19, 2003 and revised through August 19, 2003, prepared by Norwood Engineering Co., Inc., 1410 Route One, Norwood, MA 02062, consisting of two (2) sheets and filed by Joseph T. Flanagan, 215 High Street, Westwood, MA 02090. This approval is subject to the conditions listed below and includes waivers to the Rules and Regulations Governing the Subdivision of Land in Westwood, dated December 15, 1998.

1. Section III.B.1.c requiring a \$3,000.00 review and evaluation fee shall be waived. The Applicant shall provide the required \$900.00 inspection fee.
2. Section III.B.2.h, requiring a traffic study shall be waived, as this Definitive Plan provides for a fully designed subdivision roadway that will not be constructed and instead, an existing driveway will be used to access the two lots. The Planning Board finds that this waiver is in the public interest and is not inconsistent with the intent and purpose of the Subdivision Control Law.
3. Section IV.A.1.d, requiring a minimum distance of six hundred (600) feet between an existing intersection and the intersection of the proposed street if both intersections are on the same side of an existing way shall be waived to allow for the distance as shown on the Definitive Plan. The Planning Board finds that this waiver is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law as the fully designed subdivision roadway will not be constructed and instead, an existing driveway will be used to access the two lots. The existing intersection in the adjoining subdivision will also serve only two lots.
4. Section IV.A.2.d, requiring a 55-foot curb radius at the street intersection shall be waived to allow for the curb radius as shown on the Definitive Plan. The Planning Board finds that this waiver is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law as this Definitive Plan provides for a fully designed subdivision roadway that will not be constructed and instead, an existing driveway will be used to access the two lots.
5. Section IV.A.3.c, shall be waived to allow for the Road "A" and High Street intersection to have a leveling area with a grade not to exceed three (3) percent for a distance as shown on the Definitive Subdivision Plan. The Planning Board finds that this waiver is in the public

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interest and not inconsistent with the intent and purpose of the Subdivision Control Law as this Definitive Plan provides for a fully designed subdivision roadway that will not be constructed and instead, an existing driveway will be used to access the two lots.

6. Section V.A. (Drainage); V.B. (Hydrants); V.C. (Underground Services); V.D. (Street Grading); V.E. (Roadways); V.F. (Curbing); V.G. (Street Signs); V.H. (Sidewalks); V.I. (Grass Plots); V.J. (Minor Streets); V.K. (Side Slopes); V.L. (Loaming and Seeding) and V.M. (Trees) shall all be waived to allow for what is shown on the Definitive Plan. The Planning Board finds that these waivers are in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law as this Definitive Plan provides for a fully designed subdivision roadway that will not be constructed and instead, an existing driveway will be used to access the two lots.
7. With the exception of the waivers from the Subdivision Rules and Regulations explicitly granted by the Planning Board, the Definitive Plan shall comply with all other conditions as set forth in the Town Engineer's memorandum dated September 29, 2003.
8. The Definitive Plan shall comply with all conditions as set forth in the Board of Health's memorandum dated September 23, 2003.
9. The Definitive Plan shall comply with all conditions as set forth by the Sewer Commission regarding the pending application to connect to the existing sewer pipe located in the adjoining Grove Street Farms subdivision. The Planning Board must receive written correspondence formally approving the application from the Sewer Commission.
10. The Definitive Plan shall comply with all conditions as set forth in a pending special permit application filed by the Applicant for the shared use of the existing driveway to access the two lots. The special permit decision shall be incorporated into this Decision by reference and shall be noted on the Definitive Plan.
11. The Planning Board shall set a performance guarantee in an amount sufficient, in the opinion of the Board, to secure performance of all improvements as shown on the Definitive Plan and the conditions as set forth in this Certificate of Vote.
12. There shall be no further subdivision of the two lots as shown on the Definitive Plan, thereby limiting the property in perpetuity to two building lots. There shall be a statement on the Definitive Plan indicating that there shall be no further subdivision of Lot 1 and Lot 2.
13. Road "A" shall remain a private way in perpetuity and shall not be proposed nor accepted as a public way. There shall be no non-emergency municipal services provided to said Road "A", which include snow and trash removal. This statement shall be noted on the Definitive Plan.
14. As agreed to by the Applicant, there shall be no application filed with the Town to demolish the existing 2-story dwelling as shown on Lot 2 (formerly Lot "A") or to construct a new dwelling on Lot 2 for a period of five (5) years from the date of the recording of the Definitive Plan. This statement shall be shown in a covenant recorded with the deed of Lot 2 and noted on the Definitive Plan. A copy of the deed shall be provided to the Planning Board.

15. The approval of the Definitive Subdivision Plan 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 this recording shall be provided to the Planning Board.
16. Any future change, modification or amendment to the Definitive Subdivision Plan shall be in accordance with the requirements of M.G.L. Chapter 41, §81W.

Exhibit B

Westwood Planning Board's January 22, 2007
Shared Driveway Special Permit Notice of Decision

TOWN OF WESTWOOD
Commonwealth of Massachusetts

Robert C. Malster, Chairman
Steven H. Glanoff, Vice Chairman
Robert E. Moore, Jr., Secretary
George A. Nedder
Bruce H. Montgomery



2007 JAN 25 AM 9:15

TOWN CLERK
TOWN OF WESTWOOD

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 four in favor and one abstention, voted to grant the application of Joseph T. Flanagan, Sr. for a Special Permit pursuant to Section 6.1.26 (Shared Driveways) of the Westwood Zoning Bylaw.

LAND AFFECTED: 215 High Street
Town of Westwood Assessors' Map 5, Parcel 39

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 and Town Clerk.

The Planning Board hereby certifies that statutory requirements have been complied with pursuant to Section 9 of said Chapter 40A.

Appeals, if any, shall be made pursuant to Section 17 of said 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.

WESTWOOD PLANNING BOARD

Robert C. Malster, Chairman

Steven H. Glanoff, Vice Chairman

Robert E. Moore, Jr., Secretary

George A. Nedder

Bruce H. Montgomery

DATED: JAN 23, 2007

**DECISION OF THE PLANNING BOARD
OF THE TOWN OF WESTWOOD**

APPLICANT

/OWNER: Joseph T. Flanagan, Sr.
215 High Street
Westwood, MA 02090

PROPERTY

LOCUS: 215 High Street
Town of Westwood Assessors' Map 5, Parcel 39

PROJECT SUMMARY:

Prior to June 2003, the Applicant acquired a carriage house from the property owner of the 206 Grove Street subdivision, which adjoins his property. Since the carriage house was one of two substantial structures on the 206 Grove Street parcel in existence at the time the Town adopted the Subdivision Control Law, the division of land separating these structures into separate parcels is not considered to be a subdivision. A non-complying parcel (with no frontage) was subsequently created for the carriage house and sold to the Applicant. In June 2003, the Applicant submitted a Definitive Subdivision Plan to create a complying lot for the carriage house, with waivers requested so not to construct the subdivision roadway. A shared driveway special permit application was submitted to allow the carriage house to instead use the principal house's driveway for access. The hearings for the subdivision and special permit applications were held and closed simultaneously.

In October 2003, the Planning Board conditionally approved the Definitive Subdivision Plan. Subsequently, a dispute arose between the Applicant and the project engineer. As a result, the Definitive Plan was not endorsed since no further engineering changes were made to the plan as required by the certificate of approval. Since this revised plan was also to serve as the basis for the Board's decision on the special permit application, this application was ultimately withdrawn without prejudice.

The Applicant and project engineer resolved their dispute and in October 2005, the Applicant submitted a new application for a shared driveway special permit. The required changes to the Definitive Plan were also completed.

The property is located within the Single Residence E zoning district and presently contains the principal single-family residence, several sheds and a 120' x 60' barn and a 35' x 40' barn on one lot and the carriage house on the second lot. The approved subdivision plan provides for a subdivision roadway to provide frontage to the carriage house lot, which will remain unconstructed. Access will instead be provided by the existing driveway, which will be upgraded to a paved minimum width of 14 feet with two-foot wide gravel shoulders on both sides of the driveway. A turn-around with a 65-foot radius will be constructed at the terminus of the driveway. A fire hydrant will be installed on the carriage house lot.

PROCEDURAL FINDINGS:

1. On October 31, 2005, an application was filed by Joseph T. Flanagan, Sr. 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 Property subject to the application is located in the Single Residence E 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 December 14, 2005; February 7, 2006; February 21, 2006 (immediately continued); April 1, 2006; June 6, 2006; September 12, 2006 (immediately continued); October 24, 2006 (immediately continued) and December 19, 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:

1. The shared driveway will eliminate the need to construct a full subdivision roadway to serve the two existing residences on the property, which are currently using the existing driveway on the property with minimal impact.
2. The shared driveway will eliminate the need for substantial earth disturbance that would be required to construct the subdivision roadway and individual driveways alternative, and thus is a more environmentally sensitive design.
3. The shared driveway will have minimal negative impact on the historical and aesthetic character of High Street.
4. 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. It is a substantial improvement relative to the existing driveway on the property, which the Fire Chief has indicated does not provide sufficient emergency access to the large horse barn on the Property.
5. The increased pavement width of the shared driveway's intersection with High Street improves the overall safety of this intersection.
6. Based on the above findings, the shared driveway will result in a better overall project design than the construction and use of separate driveways.

7. The Maintenance Agreement submitted as part of the Application will adequately provide for the long-term maintenance of the shared driveway.
8. 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 one abstention, finds that the adverse effects of the proposed shared driveway as described above and in the Application therefor October 31, 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 Joseph T. Flanagan, Sr. 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:

Plan dated June 19, 2003 and revised through December 7, 2006, prepared by Norwood Engineering Co., Inc., 1410 Route One, Norwood, MA 02062, consisting of the following three (3) sheets:

- Sheet 1, Lotting Plan 2-Lot Definitive Subdivision 215 High Street Westwood, Mass., dated June 19, 2003 and revised through December 7, 2006;
- Sheet 2, Details 2-Lot Definitive Subdivision 215 High Street Westwood, Mass., dated June 19, 2003 and revised through December 7, 2006;
- Sheet 3, Sewer Plan 2-Lot Definitive Subdivision 215 High Street Westwood, Mass., dated June 19, 2003 and revised through December 7, 2006;

The foregoing plan is hereby incorporated by reference and made part of this Decision.

CONDITIONS OF APPROVAL:

The approval of the abovementioned Application is subject to the following conditions:

1. A covenant shall be recorded requiring that if there is any conveyance of Lot 1 and/or Lot 2 as shown on the Project Plans/Definitive Subdivision Plan or a new principal dwelling is constructed on Lot 2, then, in either event, the existing sewer service from the 35' x 40' barn to the existing principal dwelling on Lot 1 shall be removed and a new connection to the 8' x 6' wye shall be made in accordance with Note #5 on said Plans. The covenant shall be 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. This recorded covenant is hereby incorporated by reference and made part of this Decision.
2. A covenant shall be recorded requiring that for a period of five years from the recording of the Project Plans/Definitive Subdivision Plan at the Registry of Deeds, there shall be no application for construction of a new principal dwelling on Lot 2. The covenant shall be 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. This recorded covenant is hereby incorporated by reference and made part of this Decision.

3. The agreement entitled "Shared Driveway Maintenance Agreement, Lots 1 and 2, 215 High Street, Westwood, Massachusetts" shall be 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. This recorded agreement is hereby incorporated by reference and made part of this Decision.
4. The shared driveway shall serve only the two lots as shown on the Project Plans /Definitive Subdivision Plan.
5. The shared driveway shall not be extended to connect to any other streets or ways except where it originates on High Street.
6. The shared driveway shall not be used as frontage for any buildable lots.
7. 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 either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk County Registry of Deeds and indexed under the name of the property owner of record and parcel address. If the Special Permit has been approved by reason of the failure of the Special Permit Granting Authority to act within the time prescribed, a copy of the Application for the Special Permit accompanied by the certification of the Town Clerk stating the fact that the Special Permit Granting Authority failed to act within the time prescribed, and whether or not an appeal has been filed within that time, and that the grant of the Application resulting from the failure to act has become final, is recorded in the Norfolk County Registry of Deeds and indexed under the name of the property owner of record and parcel address.
8. This Special Permit shall lapse within a specified period of time, not more than two (2) years, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun within the specified period of time except for good cause. 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.
9. Any alterations, modifications, deletions or amendments to this Special Permit shall be done in accordance with the requirements of M.G.L. Chapter 41A § 9.

RECORD OF VOTE:

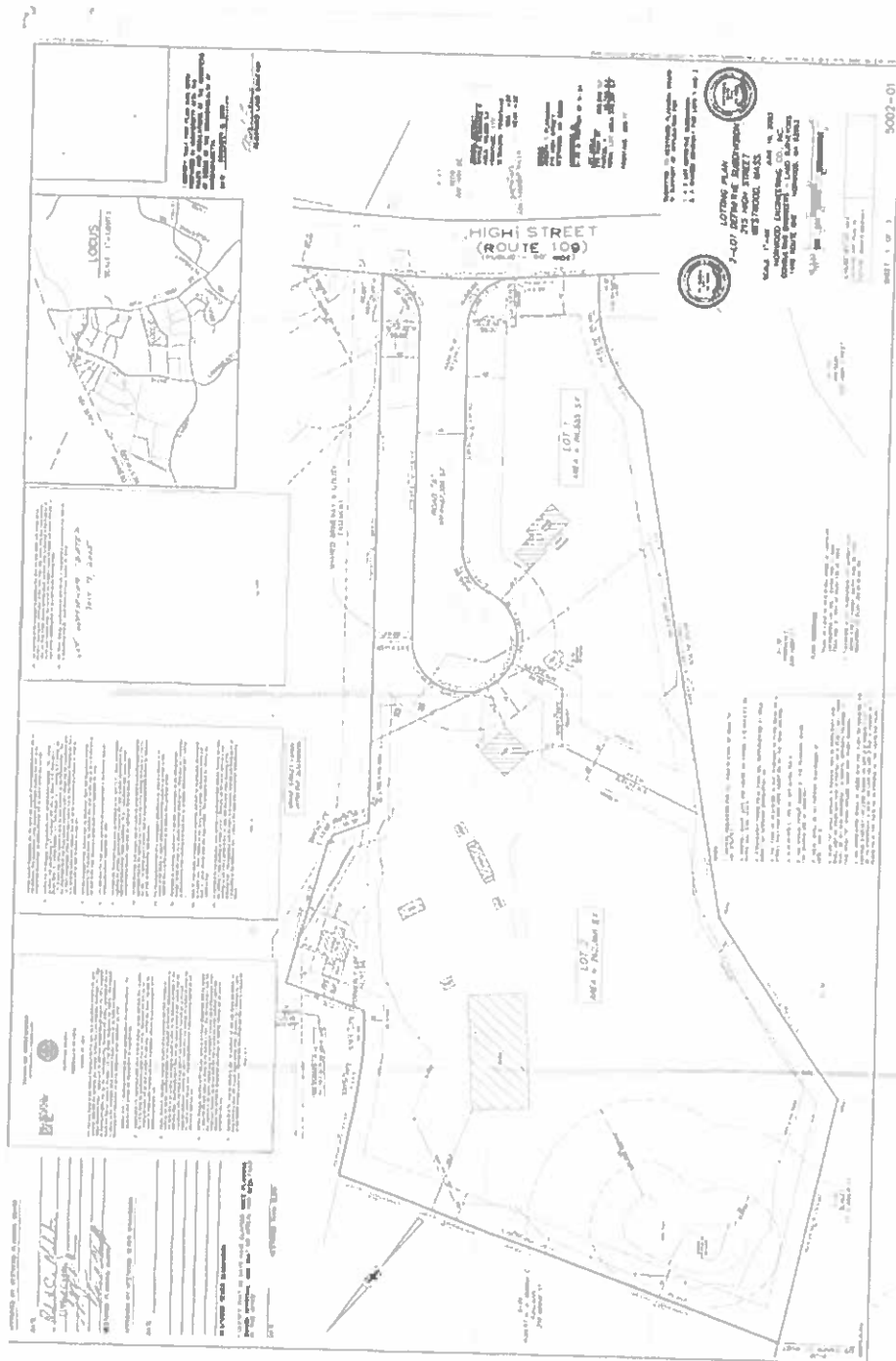
The following members of the Planning Board voted to grant a special permit for the abovementioned Application: Steven H. Olanoff, Robert E. Moore, Jr., Robert C. Maister, George A. Nedder.

The following members of the Planning Board abstained from voting on the abovementioned Application: Bruce H. Montgomery.

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

Exhibit C

Westwood Planning Board's 3-sheet Definitive Plan
Endorsed on December 19, 2006





Received July 15, 2022 @9:03AM
Westwood Town Clerk