

**TOWN OF WESTWOOD**  
COMMONWEALTH of MASSACHUSETTS

Christopher A. Pfaff, Chair  
Ellen Larkin Rollings, Vice Chair  
Kathleen Wynne, Secretary  
Joshua C. Ames  
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**PLANNING BOARD**

**MODIFICATION OF  
OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD) SPECIAL PERMIT,  
AND CONSOLIDATED EARTH MATERIAL MOVEMENT &  
ENVIRONMENTAL IMPACT & DESIGN REVIEW (EMM-EIDR) APPROVAL  
Homes at 45 – 20-79 Abbey Road  
October 25, 2022**

**APPLICANT:** Daniel Green  
Westwood Green LLC  
46 Glen Avenue  
Newton MA 02459

**PROPERTY OWNERS:** Westwood Green LLC  
46 Glen Avenue  
Newton MA 02459

**PROPERTY LOCUS:** 20-79 Abbey Road  
Westwood, MA 02090  
Assessor's Map 29, Lot 123

**BACKGROUND AND PROJECT SUMMARY**

The Applicant requests modification of the previously issued and previously amended Open Space Residential Development (OSRD) Special Permit and Consolidated Earth Material Movement Environmental Impact & Design Review (EMM-EIDR) Approval for the Proposed Development known as the Homes at 45, 20-79 Abbey Road, pursuant to Sections 8.3 [Open Space Residential Development (OSRD)], 7.1 [Earth Material Movement (EMM)] and 7.3 [Environmental Impact Design Review (EIDR)] of the Westwood Zoning Bylaw. The original OSRD Special Permit and consolidated EMM-EIDR Approval was granted on April 23, 2019, and subsequently amended on March 16, 2021. This application proposes grading and landscape modifications to the property known as the Homes at 45 Condominium Development, located at 20-79 Abbey Road (formerly 45 Clapboardtree Street), Westwood, MA 02090. The property is located in Single Residence C (SRC) zoning district.

**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 October 12, 2022, an application was filed by Daniel Green on behalf of Westwood Green LLC, pursuant to Sections 8.3 [Open Space Residential Development (OSRD)], 7.1 [Earth Material Movement (EMM)] and 7.3 [Environmental Impact Design Review (EIDR)] of the Westwood Zoning Bylaw, with the Westwood Planning Board and the Westwood Town Clerk. (hereinafter "OSRD/EMM-EIDR Modification 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 *Hometown Weekly*, a newspaper of general circulation in Westwood, on October 6, 2022 and October 13, 2022. Notice of the public hearing was posted in the Westwood Town Hall commencing on September 29, 2022, and continuing through the opening of the public hearing on October 25, 2022. 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 September 30, 2022.
3. The Planning Board provided copies of the OSRD Modification 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, and Town Engineer on October 12, 2022.
4. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Section 9 and 11, the public hearing on the OSRD Modification Application commenced on October 25, 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), currently extended through March 31, 2023.
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 October 25, 2022, public comments were taken on the OSRD Modification Application.
6. Westwood Planning Board Members Joshua Ames, Philip Giordano, Ellen Larkin Rollings, Kathleen Wynne, and Christopher Pfaff were present for the public hearing, and deliberated on the OSRD Modification Application at a duly authorized meeting on October 25, 2022.

## **PROJECT FINDINGS:**

1. The subject properties consist of approximately 12.53 acres including forty-two (42) residential condominium units with addresses 20 through 79 Abbey Road (previously part of 45 Clapboardtree Street), and is shown as Map 29, Lot 199 on the Westwood Board of Assessors' Map (hereinafter "Project Site" or "Property").
2. The Project Site is located within the Single Residence C (SRC) zoning district. The age-restricted single-family OSRD development 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.
3. The Project Site contains forty (40) age-restricted two-bedroom single-family attached homes and two (2) age-restricted two-bedroom single-family detached homes, as well as a community center structure.

4. The original OSRD Special Permit and Consolidated EMM-EIDR Approval was granted on April 23, 2019, and subsequently amended on March 16, 2021. The Applicant requests further modification of the previously to allow for grading and landscape modifications to the Property.
5. The Project is subject to Affordability Requirements pursuant to Section 8.3.11 of the Zoning Bylaw. The 2019 OSRD Special Permit 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, as well as a contribution to fund affordable housing in Westwood, in the amount of \$10,000 for each of the original thirty-eight (38) market-rate single-family attached units. The 2021 Amended OSRD Special Permit Approval required a contribution of \$35,000 for each of the two detached single-family units approved thereunder. Following the sale of the final home, a total contribution of \$450,000 will have been made to the Westwood Affordable Housing Associates (WAHA) to fund affordable housing in Westwood.
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 8.3, 7.1 and 7.3 of the Westwood Zoning Bylaw.

### **APPLICATION AND PLANS**

The Planning Board evaluated the OSRD/EMM-EIDR Modification Application filed by or on behalf of the Applicants in the Office of the Town Clerk on October 12, 2022, and all material submitted through the close of the public hearing on October 25, 2022. All of the following plans and material are hereby incorporated by reference and made part of this Decision:

1. OSRD/EMM-EIDR Modification Application submitted by Daniel Green and received by the Town Clerk and Planning Department on October 12, 2022.
2. Project Description titled "The Homes at 45 Modification 9/21/2022", consisting of one (1) page.
3. Memorandum from Craig W. Finn, PE, Lighthouse Land Surveying, LLC, 27 Jefferson Street, Taunton, MA, to Town or Westwood, re: 45 Clapboardtree Street, dated July 29, 2022, consisting of one (1) page.
4. Site Plans titled, "45 Clapboardtree Street OSRD Zoning", prepared by VHB, 101 Walnut Street, PO Box 9151, Watertown, MA 02471, dated February 5, 2019 and revised through September 19, 2022, consisting of nineteen (19) sheets.
5. Site Plan titled, "45 Clapboardtree Street OSRD Zoning, Site Plan with Grading Changes", prepared by VHB, 101 Walnut Street, PO Box 9151, Watertown, MA 02471, dated October 18, 2022, consisting of one (1) sheet.
6. Site Plan titled, "45 Clapboardtree Street OSRD Zoning, Site Plan with Aerial Image", prepared by VHB, 101 Walnut Street, PO Box 9151, Watertown, MA 02471, dated October 18, 2022, consisting of one (1) sheet.
7. Plan titled "Existing Utility As-Built Final, The Homes at 45, 25 Abbey Road, Previously at 45 Clapboardtree Street (Norfolk County), Westwood, Massachusetts", prepared by Lighthouse Land Surveying, LLC, 27 Jefferson Street, Taunton, MA, stamped by Craig W. Finn, PE, and Richard W. Reid, Jr., Land Surveyor, dated October 4, 2022, consisting of two (2) sheets.

8. Plan titled, "45 Clapboardtree Street OSRD Zoning, Grading & Drainage Plan", prepared by VHB, 101 Walnut Street, PO Box 9151, Watertown, MA 02471, dated July 19, 2019 and revised through September 19, 2022, consisting of two (2) sheets.
9. Annotated Plan titled, "45 Clapboardtree Street OSRD Zoning, Grading & Drainage Plan", prepared by VHB, 101 Walnut Street, PO Box 9151, Watertown, MA 02471, dated July 19, 2019 and revised through September 19, 2022, consisting of two (2) sheets.
10. Annotated Landscape Plan titled, "Landscape Plan, Westwood Green, #45 Clapboardtree Street, Westwood, Massachusetts", prepared by Grady Consulting, L.L.C., dated February 4, 2019 and revised through April 17, 2019, with undated notations, consisting of two (2) sheets.

**DECISION:**

On October 25, 2022, the Planning Board evaluated the OSRD/EMM-EIDR Modification Application in relation to the above Findings, and as the approving authority, on a roll call vote by a vote of five (5) in favor and none (0) opposed, hereby **grants** the requested Modification of Open Space Residential Development (OSRD) and Consolidated Earth Material Movement Environmental Impact & Design Review (EMM-EIDR) Approval, pursuant to Sections 8.3, 7.1 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 October 12, 2022, subject to the Conditions stated herein, all of which are an integral part hereof:

**CONDITIONS OF APPROVAL:**

1. Except as modified by the conditions and findings hereof, the Project shall comply with the Project Plans, and with the conditions of all prior approvals, in all respects, and the Applicant shall pursue completion of the project with reasonable diligence and continuity.
2. If the Project, or any Condition imposed in this Decision, requires permit, license, or other approval from any board or commission, or any agency of the Town of Westwood, or other regulatory agency of the Commonwealth or the federal government, the Applicant shall make an appropriate application for the same and shall obtain all required approvals prior to the start of any work. If any condition of such permit, license, or other approval from any other board, committee, or agency is inconsistent with this Decision, the Applicant shall make application to the Planning Board for an amendment of this Decision, and the Planning Board shall consider such application in accordance with the requirements of M.G.L. Chapter 40A §9 and all applicable Planning Board rules and regulations.
3. The Applicant shall submit a Revised Landscape Plan with additional trees in the specific areas discussed during the course of the public hearing, for review and approval by the Town Planner and Westwood Tree Warden. Said Revised Landscape Plan shall clearly display the locations of the minimum 30 ft.-wide natural wooded landscape buffer areas adjacent to the rear yards of homes on Colby Way, Sherman's Way, and Winter Street, as well as the 50-70 ft.-wide natural wooded landscape buffer area between 20 Abbey Road and Clapboardtree Street. The natural wooded landscape buffer areas shall be maintained substantially in the condition existing prior thereto, in perpetuity, and no non-invasive vegetation shall be altered or removed from these natural wooded landscape buffer areas without express written approval from the Westwood Tree Warden.
4. All landscaping required herein shall be installed at the earliest possible date. If plantings cannot be installed by November 15, 2022, they shall be planted in the next growing season running from April 15 thru June 15, 2023. Any plantings that do not survive shall be replaced in-kind in perpetuity at the expense of the Homeowners' Association.

5. The Applicant shall submit As-Built Plans at the conclusion of construction and prior to the issuance of a Certificate of Occupancy for the Property. The As-Built Plans shall be delivered to the Town Planner in a format approved by the Information Systems Director for compatibility with the Town of Westwood GIS database.
6. The Operations & Maintenance (O&M) Plan for the Property shall be updated to include copies of the Revised Landscape Plan and the As-Built Plans as exhibits to the O&M Plan. A copy of the original OSRD Special Permit and all subsequent amendments and modifications to that OSRD Special Permit shall also be added as exhibits to the O&M Plan. An electronic copy of the updated O&M Plan shall be submitted to the Town Planner for review and approval. Following approval by the Town Planner, a complete paper copy of the O&M Plan, including all exhibits, shall be placed in a labelled binder and delivered to the Homeowners' Association. Said binder shall be permanently stored in a convenient and accessible location within the Community Building at 25 Abbey Road.
7. Following completion of the OSRD Project, and receipt of all required payments to the Westwood Affordable Housing Associates, the Applicant shall request the Planning Board's release of remaining surety funds. If said request is received prior to the successful establishment of grass within the public rights-of-way along Clapboardtree and Winter Streets, the Board shall hold back a sufficient amount of surety funds to cover the cost of any necessary reseeding of these grass strips. Once the grass within the public rights-of-way along Clapboardtree and Winter Streets has been successfully established, the Town Planner shall arrange for the return of any remaining surety funding to the Applicant.
8. A copy of this Decision and the Project Plans shall be kept on Project Site at all times during construction.

### RECORD OF VOTE

The following members of the Planning Board voted by roll call vote on October 25, 2022 to **grant** the requested Modification of the previously issued and previously amended OSRD Special Permit and Consolidated EMM-EIDR Approval for the abovementioned Project: Joshua Ames, Philip Giordano, Ellen Larkin Rollings, Kathleen Wynne, and Christopher Pfaff.

The following members of the Planning Board voted in opposition to the requested Modification of the previously issued and previously amended OSRD Special Permit and Consolidated EMM-EIDR Approval for the abovementioned Project: None.

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Nora Loughnane, Director  
DATE: November 30, 2022