

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

By: Westwood Town Clerk

Ellen Larkin Rollings, Chair
Sean R. Weller, Vice Chair
Joshua C. Ames, Secretary
Kathleen Nee
Philip M. Giordano



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PLANNING BOARD

CERTIFICATE OF VOTE

**Minor Modification of Open Space Residential Development
Definitive Subdivision Approval and
Environmental Impact Design Review**

September 24, 2024

Pursuant to M.G.L. Chapter 41, §81W, and M.G.L. Chapter 40A §9, and all applicable Planning Board rules and regulations, the Planning Board of the Town of Westwood hereby **grants** the requested **Minor Modification of the Morgan Farm Estates Open Space Residential Development (ORSR) Definitive Subdivision and Open Space Residential Development Environmental Impact and Design Review (OSRD-EIDR) Approval** as described in the application therefore filed with the Planning Board by or on behalf of Wall Street Development Corporation on September 5, 2024, as associated materials made part of the record.

- APPLICANT** Wall Street Development Corp.
P.O. Box 272
Westwood, MA 02090
- PROPERTY OWNERS** Howard & April Heppelmann
9 Appleseed Lane
Westwood, MA 02090

George Frangiadakis
35 Morgan Farm Road
Westwood, MA 02090
- PROPERTY LOCUS** 9 Appleseed Lane and 63 Morgan Farm Road
Assessor’s Map 13, Lots 212 and 209
- APPLICATION** #PB-24-15

BACKGROUND AND PROJECT SUMMARY

Wall Street Development Corp. (hereinafter “Applicant”) filed an application (hereinafter “Application”) requesting a Modification of the previously approved Morgan Farm Estates

OSRD Definitive Subdivision and OSRD-EIDR Approval, which was originally granted by the Planning Board on July 10, 2012, and modified on November 13, 2012, February 26, 2013, and May 26, 2015. Said Application requests a minor modification pursuant to the Rules and Regulations governing the Subdivision of Land in the Town of Westwood, Massachusetts, and subject to Section 8.3 and 7.3 of the Town of Westwood Zoning Bylaw (hereinafter "Zoning Bylaw"). Both the previously approved plan and the modified plan result in a total of ten (10) residential lots and additional conservation parcels. The purpose of this minor modification is to reconfigure the lot lines for 9 Appleseed Lane and 63 Morgan Farm Road. The project (hereinafter "Modification Project") is in the Single Residence C (SRC) zoning district.

The only modification associated with this request is an Approval Not Required (ANR) plan to change the lot lines for the two lots described herein. A 4,392 SF portion of the lot shown on Assessor's Map 13 as Lot 212 (9 Appleseed Lane) is proposed to be transferred to and combined with Assessor's Map 13, Lot 209 (63 Morgan Farm Road) so that the new lot area for Assessor's Map 13, Lot 212 is 53,179 SF and the new lot area for Assessor's Map 13, Lot 209 is 39,794 SF.

STATEMENT OF FINDINGS

Having reviewed the plans and reports filed by the Applicant and its representatives and considered the technical analysis, supplemental information provided during the course of the public hearing, correspondence and testimony from the various boards, commissions, Town departments, and all other interested parties, the Town of Westwood Planning Board (hereinafter "Planning Board") determined that the Application complies with the requirements of the Planning Board's Rules and Regulations for the Subdivision of Land ("Subdivision Regulations"), and with the requirements of Section 8.3 [Open Space Residential Development] and Section 7.3 [Environmental Impact and Design Review] of the Town of Westwood Zoning Bylaw ("Zoning Bylaw"). Specifically, the Planning Board makes the following procedural and project findings:

PROCEDURAL FINDINGS

1. The Applicant submitted an Application requesting a Planning Board Modification of the Morgan Farm Estates OSRD Definitive Subdivision & OSRD-EIDR pursuant to the Rules and Regulations governing the Subdivision of Land in the Town of Westwood, Massachusetts, and subject to Section 8.3 and 7.3 which was filed with the Town Clerk on September 5, 2024.
2. The Planning Board provided digital copies of the Application to Town boards, commissions, departments, and officials – including, but not limited to, the Board of Health, Building Commissioner, Department of Public Works, Town Engineer, Conservation Commission, and Fire and Police Chiefs on September 5, 2024.
3. The public meeting for the Application opened on September 24, 2024. The Planning Board met remotely via Zoom.
4. The Planning Board considered this request for Minor Modification in conformance with all conditions of prior approvals, and specifically in conformance with conditions #2 and #14 of the November 13, 2012 Approval Decision limiting the number of lots within the OSRD Definitive Subdivision and requiring modifications to the OSRD

Definitive Subdivision to be approved by the Planning Board.

5. Westwood Planning Board Members Ellen Larkin Rollings, Sean R. Weller, Kathleen Nee, and Philip M. Giordano deliberated on the Application at a duly authorized meeting on September 24, 2024.
6. The Planning Board deemed the modification request to be minor in nature.
7. The Planning Board approved the Minor Modification of the Morgan Farm Estates OSRD Definitive Subdivision & OSRD-EIDR Approval in a roll-call vote with four (4) in favor and none (0) opposed.

PROJECT SPECIFIC FINDINGS

1. The subject land consists of two parcels of land containing a total of approximately 2.11 acres of land, which parcels are shown as Assessor's Map 13, Lots 212 and 209 on the Westwood Board of Assessor's Map ("Project Site" or "Property"). The Project Site is bordered by residential uses and by conservation land held by Hale Reservation to the Northwest.
2. The Project, as proposed, will alter lot lines between Assessor's Map 13, Lot 212 (9 Appleseed Lane) and Assessor's Map 13, Lot 209 (63 Morgan Farm Lane), in order to temporarily create a non-buildable lot of approximately 4,392 SF, to be combined with Assessor's Map 13, Lot 209, so that the new lot area for Assessor's Map 13, Lot 212 is 53,179 SF and the new lot area for Assessor's Map 13, Lot 209 is 39,794 SF.
3. 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 the Subdivision Regulations and in Sections 8.3 and 7.3 of the Zoning Bylaw.

APPLICATIONS AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Office of the Town Clerk on September 5, 2024, and all material submitted through the close of the public hearing on September 24, 2024. All of the following plans and materials are hereby incorporated by reference and made part of this Decision:

1. Modification Application #PB-24-15 submitted by the Applicant and received by the Town Clerk on September 5, 2024, consisting of three (3) pages
2. Proposed plans entitled "Plan of Land, Westwood, Massachusetts," prepared by GLM Engineering Consultants, Inc. of 19 Exchange Street, Holliston, MA 01746, stamped by Registered Professional Land Surveyor Joyce E. Hastings, dated September 9, 2024, consisting of (1) sheet

3. 2016 approved plans entitled "Plan of Land, Westwood, Massachusetts," prepared by GLM Engineering Consultants, Inc., stamped by Professional Land Surveyor Joyce E. Hastings, dated January 12, 2016, consisting of one (1) sheet
4. 2015 approved modification plans entitled "Plan of Land, Westwood, Massachusetts," prepared by GLM Engineering Consultants, Inc., stamped by Professional Land Surveyor Joyce E. Hastings, dated May 5, 2014, consisting of one (1) sheet
5. 2013 modification decision entitled "Notice of Decision, Modification of Open Space Residential Development, Environmental Impact and Design Review," prepared by the Planning Board, dated February 26, 2013, consisting of five (5) pages
6. 2013 certificate of vote entitled "Certificate of Vote, Modification of Open Space Residential Development, Definitive Subdivision Approval," prepared by the Planning Board, dated February 26, 2013, consisting of six (6) pages
7. 2013 approved modification plans entitled "Amended Open Space Definitive Subdivision, Second Modification Powissett and Morgan Farm Estates, 10 Lot Residential Subdivision, Westwood, Massachusetts," prepared by GLM Engineering Consultants, Inc., stamped by Professional Land Surveyor Joyce E. Hastings, dated September 10, 2012 and revised through February 4, 2013, consisting of three (3) sheets
8. 2013 modification decision entitled "Notice of Decision Modification of Open Space Residential Development, Environmental Impact and Design Review Approval," prepared by the Planning Board, dated October 22, 2012, consisting of seven (7) pages
9. 2012 certificate of vote entitled "Certificate of Vote, Modification of Open Space Residential Development, Definitive Subdivision Approval," prepared by the Planning Board, dated November 12, 2012, consisting of nine (9) pages
10. 2012 OSRD decision entitled "Notice of Decision, Open Space Residential Development, Environmental Impact and Design Review," prepared by the Planning Board, dated February 28, 2012, consisting of seven (7) pages

DECISION

On September 24, 2024, the Planning Board evaluated the Application in relation to the above Findings and – as the approving authority – on a roll call vote with four (4) in favor and zero (0) opposed, hereby **grants** the requested **Minor Modification of the Morgan Farm Estates OSRD Definitive Subdivision and OSRD-EIDR Approval** pursuant to the Planning Board's Subdivision Regulations and subject to Section 8.3 and 7.3 of the Zoning Bylaw for the Project as described above and in the Application therefore filed with the Town Clerk on September 5, 2024, 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 finding hereof, the Project shall comply with the Project Plans, and with the conditions of all prior decisions for the Property, 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 any other permit, license, or other approval from any Town of Westwood board, commission, or agency, or other Commonwealth or federal regulatory agency, 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 81W, and M.G.L. Chapter 40A §9, and all applicable Planning Board rules and regulations.
3. Any proposed alterations, modifications, deletions, or changes to the Decision shall be requested in writing to the Town Planner and Building Commissioner prior to implementation.
 - a. Proposed alterations which are considered de minimis by the Building Commissioner may be accepted as a note to the file.
 - b. Proposed alterations which are considered minor by the Building Commissioner shall require the filing of a Modification Application of said approval for review by the Planning Board at a publicly posted Planning Board meeting.
 - c. Proposed alterations which are determined to be major by the Building Commissioner or by the Planning Board, shall be considered by the Planning Board as a formal Amendment to the approval and will require a new public hearing before the Planning Board.
4. This Minor Modification shall become effective only upon confirmation by the Town Planner that the required pavement patch repairs to Morgan Farm Road, as described in the September 22, 2023, memorandum from Daniel Walsh and Phil Paradis of BETA Group to Town Planner Elijah Romulus, and as discussed by the Planning Board at its September 24, 2024, meeting, have been satisfactorily made and deemed acceptable by the Acting Town Engineer.

RECORD OF VOTE

The following members of the Planning Board voted on September 24, 2024, to grant the Minor Modification of the Morgan Farm Estates OSRD Definitive Subdivision and OSRD-EIDR Approval for the abovementioned Project with conditions as set forth above: Ellen Larkin Rollings, Sean R. Weller, Kathleen Nee & Philip M. Giordano.

The following members of the Planning Board voted in opposition to grant the Minor Modification of the Morgan Farm Estates OSRD Definitive Subdivision and OSRD-EIDR Approval for the abovementioned Project: None.



Elijah Romulus, Town Planner
October 1, 2024