

TOWN OF WESTWOOD

Commonwealth of Massachusetts

Robert C. Malster, Chairman
Steven H. Olanoff, Vice Chairman
Robert E. Moore, Jr., Secretary
Bruce H. Montgomery
Henry W. Gale



2008 MAR 17 A 10:41

TOWN CLERK
TOWN OF WESTWOOD

PLANNING BOARD

NOTICE OF DECISION

In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, notice is hereby given of the Decision of the Town of Westwood Planning Board dated February 26, 2008 entitled "Decision of the Planning Board of the Town of Westwood, Special Permit Application for Shared Driveway to Serve Lots 118, 119 and 120, Grove Street", by a vote of five in favor and none in opposition, to grant **approval** of the application of O.P.D.V. Trust, Christopher M. Noble, Trustee, filed with the Westwood Planning Board and Westwood Town Clerk on December 21, 2007, as amended and supplemented, for a Special Permit pursuant to Section 6.1.26 (Shared Driveways) of the Westwood Zoning Bylaw.

LAND AFFECTED: Grove Street, Land Court Plan 30612V, Lots 118, 119 and 120
Town of Westwood Assessors' Map 5, Parcels 019, 121 and 122

The Decision and approved application are available for inspection during regular municipal business hours at the offices of the Planning Board and Town Clerk.

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.

Date of Filing of Decision with the Town Clerk: March 13, 2008.

**DECISION OF THE PLANNING BOARD
OF THE TOWN OF WESTWOOD
SPECIAL PERMIT APPLICATION FOR SHARED DRIVEWAY
TO SERVE LOTS 118, 119 AND 120
GROVE STREET**

APPLICANT

/OWNER: O.P.D.V Trust, Christopher M. Noble, Trustee
Grove Street, Land Court Plan 30612V, Lots 118, 119 and 120
Westwood, MA 02090

PROPERTY

LOCUS: In the vicinity of 303 Grove Street
Town of Westwood Assessors' Map 5, Parcels 019, 121 and 122

PROJECT SUMMARY:

O.P.D.V Trust is requesting a special permit to construct a shared driveway off of Grove Street to serve three single-family residential lots identified as lots 118, 119 and 120 with lots areas of 4.17± acres, 1.92± acres and 2.04± acres, respectively. These lots are part of a larger development which includes a total of nine (9) new residential building lots and one lot with an existing estate residence. The development parcel is approximately thirty-six (36) acres in size and is located at the northeasterly corner of Summer Street and Grove Street. The Approval Not Required (ANR) plan creating the lots was endorsed by the Planning Board in 2005.

The shared driveway is proposed to be constructed through Lot 119 to serve Lots 118, 119 and 120. The actual shared portion of the driveway will have a thirty (30)-foot layout, consisting of an eighteen (18)-foot pavement width and three (3)-foot grass shoulders on each side. The proposed shared portion of the driveway is shown on the plan to be approximately ninety-four (94) feet in length. The curb radii on both sides of the shared driveway will be thirty (30) feet, as required by the Westwood Fire Chief.

The curb cut location proposed for this shared driveway was approved by the Planning Board on May 10, 2007 pursuant to the Scenic Road Act. The work subject to the Scenic Roads permit involves the removal of approximately eighty (80) linear feet of an existing fieldstone wall along Grove Street. The removed stones will be reused as necessary to construct an enhanced entrance for the driveway, which will include repositioned fieldstone walls and end posts which flank the driveway.

PROCEDURAL FINDINGS:

1. On December 21, 2007, an application was filed by O.P.D.V. Trust, Christopher M. Noble, Trustee 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 pursuant to Section 6.1.26 of the Westwood Zoning Bylaw.

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 February 12, 2008 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, Bruce H. Montgomery, Robert E. Moore, Jr., Steven H. Olanoff and Henry W. Gale were present for the public hearing.

PROJECT FINDINGS:

The Town of Westwood Planning Board makes the following findings with respect to the above mentioned Application:

1. The use of a shared driveway will eliminate the need for three separate driveways. Two of these driveways would be located in fairly close proximity to each other on Grove Street, which is a narrow and winding road. The third separate driveway would be accessed from Summer Street, a heavily traveled roadway in which traffic speeds are often in excess of the posted speeds. Thus, the shared driveway alternative will have a more beneficial impact on safety than the individual driveway alternative.
2. The use of a shared driveway will allow for significantly less removal of the mature trees and wooded area along Grove Street and Summer Street than would be required to construct individual driveways, and thus is a more environmentally sensitive design.
3. The design, location and construction standards of the shared driveway will have minimal negative impact on the historical and aesthetic character of Grove Street and Summer Street.
4. The use of a shared driveway will require significantly less removal of the existing fieldstone wall along Summer Street and Grove Street, and thus is a more aesthetically sensitive design than the individual driveway alternative.
5. 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.
6. Based on the above findings, the use of a shared driveway will result in a better overall project design than the construction and use of separate driveways.
7. The draft 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 none in opposition,

finds that the adverse effects of the proposed shared driveway as described above and in the Application therefor December 21, 2007 and subsequent supplements and revisions, and the following related submissions (hereinafter referred to as the "Project Plans") filed with the Planning Board by or on behalf of O.P.D.V. Trust, Christopher M. Noble, Trustee 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:

1. Plan entitled "Driveway Plan Lots 118-120 Hawthorne Estate 303 Grove Street Westwood, Massachusetts Prepared for Christopher M. Noble, O.P.D.V. Trust", dated December 21, 2007 and revised through February 12, 2008, prepared by Meridian Associates, Inc., 152 Conant Street, Beverly, Massachusetts 01015 and 69 Milk Street, Suite 302, Westborough, Massachusetts 01581, consisting of two (2) sheets;
2. Report entitled "Stormwater Management Report, Proposed Common Driveways Serving Lots 118, 119 & 120, Hawthorn Estate Property Grove Street and Summer Street, Westwood, Massachusetts", dated November 21, 2007, prepared by Meridian Associates, Inc., 69 Milk Street, Suite 032, Westborough, Massachusetts 01581, consisting of 27 pages; associated plan entitled "Existing Conditions Watershed Areas, Hawthorn Estate Property 303 Grove Street, Westwood, Massachusetts [E-1]", dated November 21, 2007 and consisting of one (1) page; associated plan entitled "Existing Conditions Watershed Areas, Hawthorn Estate Property 303 Grove Street, Westwood, Massachusetts [P-1 and P-1A]", dated November 21, 2007 and consisting of one (1) page;
3. Report entitled "Supplemental Stormwater Calculation Summary: Proposed Common Driveway--Serving Lots 118, 119 & 120", dated February 12, 2008, stamped by Mark E. Beaudry, Civil No. 38189, consisting of 23 pages; associated plan entitled "Existing Conditions Watershed Areas, Hawthorn Estate Property 303 Grove Street, Westwood, Massachusetts [E-1]", dated November 21, 2007 and consisting of one (1) page; associated plan entitled "Existing Conditions Watershed Areas, Hawthorn Estate Property 303 Grove Street, Westwood, Massachusetts [P-1, P-1A and P-1b]", dated November 21, 2007 and revised though February 12, 2008 and consisting of one (1) page;
4. Draft of Declaration of Common Driveway, Utility Easement and Covenants, consisting of four (4) sheets [unsigned];
5. Memorandum to Ms. Diane Beecham, Town Planner, Re: Shared Driveway Special Permit for Lots 118, 119 and 120 off Grove Street (303 Grove Street, Westwood, MA) Waiver Requests, dated December 21, 2007 and consisting of two (2) pages.

The foregoing plans and documents are hereby incorporated by reference and made part of this Decision.

CONDITIONS OF APPROVAL:

The approval of the above mentioned Application is subject to the following conditions:

1. The Declaration of Common Driveway, Utility Easement and Covenants, shall be signed by the appropriate parties and recorded in the Norfolk County Registry of Deeds and

recited in and attached to the deeds of the three (3) lots served by the shared driveway. Reference to this document shall be included as a note on the Project Plans and a copy of the recording shall be provided to the Planning Board. This recorded document is hereby incorporated by reference and made part of this Decision.

2. There shall be a sign indicating the street name and house numbers of the three (3) lots, to be located at the intersection of Grove Street and the shared driveway. There shall be a minimum of two (2) additional signs at appropriate locations along the shared driveway showing the house numbers and the direction to their corresponding house. These signs shall be reviewed and approved by the Public Safety Officer.
3. The three residences served by the shared driveway shall all have a Grove Street address.
4. The Applicant may lengthen the shared portion of the driveway beyond what is shown on the Approved Plans, in order to reduce the length of the individual driveways that will serve Lot 119 and Lot 120. The revised plan showing this modification may be reviewed and approved by the Planning Board at a duly authorized meeting. This specific revision to the Approved Plans has been determined not to be a material modification and thus will not require a formal amendment to the Special Permit.
5. The design and construction of the shared driveway shall be in compliance at all times with the Scenic Roads Act decision issued by the Planning Board for Lot 119, dated May 10, 2007 and filed with the Town Clerk on May 15, 2007.
6. The shared driveway shall in perpetuity remain a private way, and no non-emergency municipal services shall be provided, which includes snow and trash/recycling removal. This restriction shall be included as a note on the Project Plans.
7. The shared driveway shall serve only the three (3) lots as shown on the Project Plans. This restriction shall be included as a note on the Project Plans.
8. The shared driveway shall not be extended to connect to any other streets or ways except where it originates on Grove Street. This restriction shall be included as a note on the Project Plans.
9. The shared driveway shall not be used as frontage for any buildable lots. This restriction shall be included as a note on the Project Plans.
10. A copy of the Final Project Plans, incorporating the conditions cited in this Decision, shall be provided to the Town Planner and Building Inspector, prior to the start of the construction of the shared driveway.
11. 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.

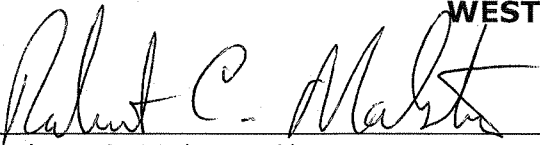
12. This Special Permit shall lapse within a specified period of time, not more than two (2) years, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A § 17, from the grant thereof, if a substantial use thereof has not sooner commenced 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.
13. Notwithstanding Condition #4, 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:

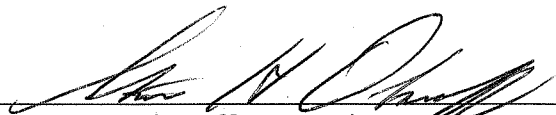
The following members of the Planning Board voted to approve the grant of a special permit for the above mentioned Application: Robert C. Malster, Steven H. Olanoff, Robert E. Moore, Jr., Bruce H. Montgomery.

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

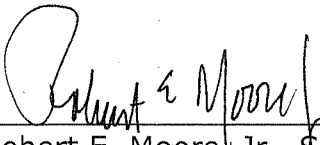
WESTWOOD PLANNING BOARD



Robert C. Malster, Chairman

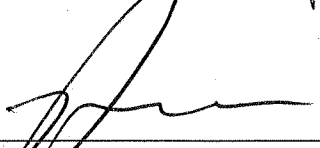


Steven H. Olanoff, Vice Chairman



Robert E. Moore, Jr., Secretary

Henry W. Gale



Bruce H. Montgomery

DATED: 3-12-08