

PLANNING BOARD

**REVISED CERTIFICATE OF VOTE
DEFINITIVE SUBDIVISION PLAN**

2005 JUN -2 PM 3: 12

August 10, 2004

TOWN CLERK
TOWN OF WESTWOOD

Pursuant to M.G.L. Chapter 41, § 81-U, the Planning Board of the Town of Westwood, by vote of five in favor and none opposed, hereby **approves** the definitive subdivision plan entitled "MRD Special Permit "Captain's Crossing" Definitive Subdivision Plan in Westwood, Massachusetts", dated July 30, 2003; revised November 18, 2003; revised December 2, 2003; revised May 20, 2004, prepared by Toomey-Munson & Associates, Inc., Civil Engineers & Land Surveyors, 89 Access Road, Unit 12, Norwood, Massachusetts 02062, consisting of the following twenty-one (21) sheets and filed by William N. Duffey, Jr., Trustee of Fox Wood Real Estate Trust; Fox Hill Real Estate Trust; First Norfolk Real Estate Trust and Second Norfolk Real Estate Trust:

Sheet 1 entitled "MRD Special Permit "Captain's Crossing" Definitive Subdivision Plan in Westwood Massachusetts", Dated July 30, 2003 and revised through May 20, 2004;

Sheet 2 entitled "MRD Special Permit Index Plan "Captain's Crossing" Definitive Subdivision Plan in Westwood Massachusetts", Dated July 30, 2003 and revised through May 20, 2004;

Sheet 3 through Sheet 8: "MRD Special Permit Lot Layout Plan "Captain's Crossing" Definitive Subdivision Plan in Westwood Massachusetts", Dated July 30, 2003 and revised through May 20, 2004;

Sheet 9 through Sheet 14: "MRD Special Permit Topographic Plan "Captain's Crossing" Definitive Subdivision Plan in Westwood Massachusetts", Dated July 30, 2003 and revised through May 20, 2004;

Sheet 15 through Sheet 19: "MRD Special Permit Plan & Profile "Captain's Crossing" Definitive Subdivision Plan in Westwood Massachusetts", Dated July 30, 2003 and revised through May 20, 2004;

Sheet 20: "MRD Special Permit Cross Country Profiles "Captain's Crossing" Definitive Subdivision Plan in Westwood Massachusetts", Dated July 30, 2003 and revised through May 20, 2004;

Sheet 21: "MRD Special Permit Detail Sheet "Captain's Crossing" Definitive Subdivision Plan in Westwood Massachusetts", Dated July 30, 2003 and revised through May 20, 2004.

The approval of said Definitive Subdivision Plan is subject to the conditions specified herein. These conditions include both waivers and extensions to the Rules and Regulations Governing the Subdivision of Land in Westwood, dated December 15, 1998.

Conditions of Approval

1. Section IV shall be waived to allow for the combined length of Road "A" and Road "B" to be a maximum of 2,870.98 feet, as shown on the Definitive Plan. The Planning Board has determined that this waiver is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law for the following reasons: the roadway layout preserves the scenic vista and appearance along Gay Street and provides for more uniform and conventional residential lot configurations and the designated 20' Wide Emergency Access easement provides for alternative and adequate emergency vehicle access. The Planning Board determined that the roadway and lot layout of this Definitive Plan most closely met the intent and purpose of the Subdivision Control Law, as compared to the alternative plans that were reviewed by the Board.
2. The Planning Board has further determined that the waivers described in Exhibit 1 attached hereto are in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law are hereby granted.
3. Sewage disposal shall be through a force main system that will connect with the existing sewer line in Fox Hill Street. The final design of the sewer system, including the pump station, shall be reviewed and approved by the Department of Public Works and the Board of Sewer Commissioners.
4. The water main shall be looped to Fox Hill Street to provide redundancy and flow equalization. The final design of the looped water system shall be reviewed and approved by the Department of Public Works, Dedham-Westwood Water District and Westwood Fire Chief.
5. In connection with the Major Residential Development Special Permit granted for the Captain's Crossing Definitive Subdivision Plan, the Applicant has submitted documents to the Planning Board entitled "Declaration of Restrictive Covenants" (the "Declaration"), "Grant of Easement" (setting forth an easement to be offered to the Town of Westwood pursuant to the Special Permit issued by the Planning Board to the Applicant, recorded at the Norfolk County Registry of Deeds in Book 19154, Page 497) (the "Easement"), and "Articles of Association and Imposition of Covenants and Easements, Captain's Crossing Homeowners' Association, Westwood, Massachusetts" ("Homeowners' Association Covenant"), all of which have been approved by the Planning Board. The Applicant shall record the Declaration and the Homeowners' Association Covenant at the Norfolk County Registry of Deeds contemporaneously with the recording of the Definitive Plan, and provide the Planning Board with the recording information. If and when the Easement is accepted by the Town of Westwood, the Applicant shall record the Easement at the Norfolk County Registry of Deeds and provide the Planning Board with the recording information.
6. The Homeowners' Association Covenant as approved by the Planning Board includes the following:

- a. A permanent easement granting to the Town of Westwood the right of access for public safety vehicles over the twenty (20)-foot wide strip of land shown on the Definitive Plan as “20’ Wide Emergency Access.” Said easement prohibits the owner(s) of Lot 3 and Lot 4 (as shown on the Definitive Plan) from installing any above-ground improvements, structures (which shall include but not be limited to fences, landscaping improvements or walls) or other obstructions that would impair access by public safety vehicles.
 - b. A perpetual grant of restriction for the benefit of lot owners within the Subdivision that the land shown on the Definitive Plan as the “Open Space Parcel” shall be maintained as open space in perpetuity, and that no structure or fence shall be erected on the Open Space Parcel.
 - c. Provision for the periodic cleaning and routine maintenance of the oil/sand separator located upgradient of the Detention Basin, as part of the stormwater management system activities described in the Homeowners’ Association Covenant.
7. The Easement provides for the following:
- a. An offer to the Town or Westwood of a permanent easement granting to the Town of Westwood the right of pedestrian access over Road A, Road B, Lot 7 and the Open Space Parcel to provide an upland connection from the Subdivision to abutting Town-owned land at Lowell Woods (“Proposed Upland Easement”). The Proposed Upland Easement to be so offered is ten (10) feet wide except where it is within Road A or Road B, where it is six (6) feet wide. The Proposed Upland Easement shall be shown on the Definitive Plan.
 - b. An offer to the Town of Westwood of a permanent easement granting to the Town of Westwood the right of pedestrian access over a ten (10) foot wide strip of land running from the entrance to Road A southward along Fox Hill Street and eastward along a portion of Gay Street.
8. There shall be no more than twenty-two (22) building lots within the Subdivision. This restriction shall be included as a note on the Definitive Plan.
9. There shall be no non-emergency municipal services provided on ways not accepted by Town Meeting, including snow removal and recycling/trash service. This restriction shall be included as a note on the Definitive Plan.
10. In order to facilitate the Town’s acceptance of the ways within the Subdivision as public ways, the Applicant or the Homeowners’ Association shall retain the fee in all roadways and an interest in all drainage, sewer and water easements. Each deed from the Applicant conveying out a lot shall reflect the same.

11. Until such time as the Subdivision roadways become public ways, snow and trash/recycling removal from the roadways within the Subdivision shall be at the sole expense of the Applicant, Homeowners' Association, or other entity established by the Applicant and approved by the Planning Board. Prior to issuance of the first certificate of occupancy for any lot within the Subdivision the Applicant or the Homeowner's Association shall provide the Planning Board with a copy of a contract for a one year period for snow removal and trash/recycling removal.
12. The Applicant shall provide a plan for the long-term private maintenance of the sewer facilities and all appurtenances when construction of the pumping station has been completed and become operational.
13. Any future change, modification or amendment to the Definitive Plan as may be approved by the Planning Board shall be in accordance with the requirements of M.G.L. Chapter 41, § 81W, to the extent M.G.L. Chapter 41, § 81W is otherwise applicable.
14. Easements for the emergency repair of water lines within the Subdivision roadway layout shall be granted to the Dedham-Westwood Water District.
15. Compliance with items 4 through 17, inclusive, of the Town Engineer's memorandum to the Planning Board dated July 15, 2004. Said paragraphs of said Memorandum are hereby incorporated by reference.
16. Compliance with paragraphs 4 through 6, and paragraphs 9 and 10, of the Town Engineer's memorandum to the Planning Board dated August 9, 2004. Said paragraphs of said Memorandum are hereby incorporated by reference.
17. The Definitive Plan shall include a reference to this Certificate of Vote and its date of approval.
18. The distance between the bottom of the catch basin and the hood as shown on the Detail Sheet shall be a minimum of four (4) feet. There shall also be a notation for this detail that the design shall be watertight.
19. The number and location of fire hydrants shall be reviewed and approved by the Fire Chief.
20. The location of natural waterway and water bodies within eight hundred (800) feet of the Subdivision shall be shown on the Definitive Plan as required by Section III.B.3.j.
21. The size and location of existing storm drains adjacent to the Subdivision shall be shown on the Definitive Plan as required by Section III.B.3.k.
22. The location of all underground utilities and streetlights shall be shown on the Definitive Plan.

23. The "20' Wide Emergency Access" easement as shown on the Definitive Plan shall be adjusted to correspond with the physical layout and boundaries of that portion of the existing "Carpath" situated between Fox Hill Street and Road B.
24. The first deeds out from the Applicant to each Lot within the Subdivision shall include a reference to the Declaration, the Easement (as an easement offered to the Town, if not then accepted by the Town) and the Homeowners' Association Covenant. A copy of such deeds shall be provided to the Planning Board.
25. Before endorsement of the Definitive Plan, the Applicant shall provide for an appropriate Performance Guarantee to ensure that the required improvements will be constructed and/or installed in accordance with the approved Definitive Plan as required by Section iii.B.5. and M.G.L. Chapter 41 § 81-U.
26. The Applicant shall submit a final Definitive Plan incorporating all the above Conditions and any changes necessitated for compliance with said Conditions to the Planning Board.
27. Within thirty (30) days after the final endorsement of the Definitive Plan, the Applicant shall provide three (3) copies of said Plan showing the final endorsement, as required by Section III.B.10.
28. The Applicant shall file forthwith two (2) copies of the final endorsement of the Definitive Plan with the Sewer Commissioners.

PLANNING BOARD
SUPPLEMENTARY CERTIFICATE OF VOTE
DEFINITIVE SUBDIVISION PLAN

April 29, 2005

Pursuant to M.G.L. Chapter 41, § 81-U, the Planning Board of the Town of Westwood, by vote of four in favor and none opposed, hereby amends the Planning Board Certificate of Vote dated August 10, 2004 by deleting it in its entirety and substituting therefor the Revised Certificate of Vote dated August 10, 2004, set forth above.

Pursuant to M.G.L. Chapter 41, § 81-U, and subject to the conditions set forth above in the Planning Board Revised Certificate of Vote dated August 10, 2004, the Planning Board of the Town of Westwood, by vote of five in favor and none opposed, hereby **approves** the definitive subdivision plan entitled "MRD Special Permit "Captain's Crossing" Definitive Subdivision Plan in Westwood, Massachusetts", dated July 30, 2003, revised November 18, 2003, revised December 2, 2003, revised May 20, 2004 and revised April 18, 2005, prepared by Toomey-Munson & Associates, Inc., Civil Engineers & Land Surveyors, 89 Access Road, Unit 12, Norwood, Massachusetts 02062, consisting of twenty-one (21) sheets and filed by William N. Duffey, Jr., Trustee of Fox Wood Real Estate Trust; Fox Hill Real Estate Trust; First Norfolk

Real Estate Trust and Second Norfolk Real Estate Trust, subject to the following additional conditions:

1. The pedestrian easement to be offered to the Town of Westwood along Fox Hill Street and a portion of Gay Street (the "Perimeter Easement"), as referenced in Condition 7.b of the Planning Board's Revised Certificate of Vote dated August 10, 2004 shall be extended to Thatcher Street, as shown on a plan entitled "Pedestrian Easement Plan of Land in Westwood, MA," prepared by Toomey-Munson & Associates, Inc., dated May 3, 2005. The Perimeter Easement shall be shown on the Definitive Subdivision Plan.