

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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2015 DEC - (781) 320-2366

PLANNING BOARD

DECISION
OPEN SPACE RESIDENTIAL DEVELOPMENT
ENVIRONMENTAL IMPACT AND DESIGN REVIEW

TOWN CLERK
TOWN OF WESTWOOD

APPLICANT: Old Grove Partners, LLC
117 Kendrick Street, Suite 700
Needham, MA 02494

PROPERTY OWNER: Far Reach, LLC
c/o Connors Family Office
200 Clarendon Street, 60th Floor
Boston, MA 02116

PROPERTY LOCUS: Land off of Far Reach Road
Assessor's Map 03, Lot 023

PROJECT SUMMARY AND BACKGROUND

The Applicant submitted an application for a definitive subdivision and environmental impact and design review dated September 3, 2015, which application included a plan entitled "Open Space Residential Development Definitive Plan Off Far Reach Road in Westwood, Massachusetts (Norfolk County)", that proposed the subdivision of an undeveloped ~8.9 acre parcel, situated on the east side of Far Reach Road and south of Ridge Road into three buildable single-family lots, a ~170 foot road with a cul-de-sac and a ~4.5 acre open space parcel.

The property is located in the SRC (Single Residence C) zoning district. The proposed detached single-family dwellings are permitted by-right in the SRC zone and the OSRD (Open Space Residential Development).

The project requires Definitive Subdivision Approval under M.G.L. Chapter 41, §81 and was filed under the Open Space Residential Development (OSRD) provisions set forth in §8.3 of the Westwood Zoning Bylaw and also requires an Environmental Impact and Design Review (EIDR) under §7.3.2.4 of the Westwood Zoning Bylaw.

On November 17, 2015 the Planning Board granted approval of the OSRD Definitive Subdivision and approved the requested waivers from the Subdivision Requirements for: submission of a traffic study, showing existing trees over 10" caliper, providing six foot sidewalks on both sides of the street, grass plot requirements, public park and playground, diameter for dead end streets, paved road width, curb radius, vertical granite curbing, reinforced concrete pipes for all drainage systems, and headwalls at ends of pipes, as outlined in the Planning Board Certificate of Vote dated November 17, 2015.

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 September 3, 2015, an application was filed by or on behalf of Old Grove Partners, LLC, pursuant to Section 7.3 [Environmental Impact and Design Review] and Section 8.3 [Open Space Residential Development] of the Westwood Zoning Bylaw with the Westwood Planning Board and the Westwood Town Clerk (hereinafter "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 *Westwood Press*, a newspaper of general circulation in Westwood, on October 2, 2015 and October 9, 2015. Notice of the public hearing was posted in the Westwood Town Hall commencing on September 21, 2015, and continuing through the opening of the public hearing on October 20, 2015. 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 22, 2015.
3. The Planning Board provided copies of the 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 September 17, 2015.
4. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Section 9 and 11, the public hearing on the Application commenced on October 20, 2015, in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts, and was continued to November 17, 2015. The Planning Board closed the public hearing on November 17, 2015.
5. Westwood Planning Board Members Trevor W. Laubenstein, Steven H. Olanoff, and Christopher A. Pfaff deliberated on the Application at a duly authorized meeting on November 17, 2015.

PROJECT FINDINGS:

1. The subject property consists of one ~8.9 acre parcel of land shown on the Westwood Board of Assessors' Map 03, Lot 023 ("Project Site" or "Property").
2. The Project Site is located within the Single Residence C (SRC) zoning district. The proposed OSRD Definitive Subdivision Plan constitutes a use permitted in this district, subject to the issuance of an OSRD Definitive Subdivision Plan Approval and OSRD-

EIDR Approval by the Planning Board, and subject to the Planning Board granting certain waivers. The Planning Board granted approval of the OSRD-Definitive Subdivision on November 17, 2015 as outlined in a separate Certificate of Vote.

3. An OSRD Definitive Plan was voluntarily submitted by the Applicant in response to a request for the same from the Planning Board.
4. The OSRD Definitive Subdivision Plan, providing for three (3) residential house lots and an open space lot, is preferable to the originally proposed development in 2014 for a standard four (4) lot subdivision for residential house lots.
5. The Applicant proposes to construct a 22-foot wide and ~170 feet long road to serve the above parcel, and to accommodate the development of three (3) single-family houses and one (1) open space lot, on each of said parcels (herein after "Development").
6. The Applicant submitted, and the Planning Board considered, all plans and materials necessary for the Board to confirm the sufficiency of measures established to provide for effective protection and maintenance of the common open space, as required in the OSRD-EIDR Approval.
7. The Applicant submitted, and the Planning Board approved, all waivers and plans and materials necessary for the Board to confirm compliance with all applicable elements of the EIDR standards in Section 7.3 of the Zoning Bylaw, as required in the OSRD-EIDR Approval.
8. The Planning Board considered the OSRD Application with respect to the criteria set forth in Section 8.3.13 of the Westwood Zoning Bylaw, and determined that, subject to the conditions imposed herein,
 - a. The Application, as conditioned below, is consistent with the purposes of this Section.
 - b. The Applicant demonstrated proper and complete application of the OSRD 4-step design process.
 - c. The Application, as conditioned below, is generally consistent with all applicable elements of the EIDR standards in Section 7.3.7.
 - d. The Application, as conditioned below, is responsive to all applicable elements of the Design Standards in Section 8.3.12. The project proposes preserving some interior and most perimeter trees including 4.456 acres of open space and plantings along Far Reach Road. The tree single family homes are not expected to generate excessive traffic or present public safety issues.
 - e. The Application, as conditioned below, includes the establishment of measures sufficient to provide for effective protection and maintenance of the common open space.
9. The Planning Board determined that this 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 Section 7.3.8 and is in general harmony with the intent and purposes of Section 8.3 of the Westwood Zoning Bylaw.

WAIVERS:

The Planning Board considered requests for the specific waivers listed below, and determined that such waivers will result in a substantially improved project; that such project will otherwise meet the performance and design standards set forth in Section 7.3 [Environmental Impact and Design Review] and Section 8.3 [Open Space Residential Development] of the Westwood Zoning Bylaw. The Board determined that such waivers will pose no substantial detriment to any adjacent property or proximate neighborhood, will not nullify or substantially derogate from the intent or purpose of the Westwood Zoning Bylaw, and are within harmony of the general purpose and intent of the OSRD-EIDR. The following waivers are granted by the Planning Board:

1. Waiver of strict compliance with the submission requirements for a traffic study under Section 7.3.7.3 of the Westwood Zoning Bylaw.
2. Waiver of strict compliance of the requirement for the submission of a presentation model under Section 7.3.7.7. of Westwood Zoning Bylaw.
3. Waiver from Section 8.3.9.3 [OSRD Dimensional Requirements] pursuant to Section 8.3.9.3.9 of the Westwood Zoning Bylaw for a reduction of the minimum lot frontage for lot 2 (40.15' provided, 75' required).
4. Waiver from Section 8.3.9.3 [OSRD Dimensional Requirements] pursuant to Section 8.3.9.3.9 of the Westwood Zoning Bylaw for a reduction of the minimum lot width for lot 2 (40.15' provided, 125' required). The Board found the location of the lot and a reduced lot width is not detrimental to the neighborhood.
5. Waiver from Section 8.3.9.3.9 of the Westwood Zoning Bylaw for a reduction in the minimum lot width for lot 1. The lot width at the front portion of the lot is 40 feet and 130 feet at the building line (125 feet required). The Board found the location of the lot and a reduced lot width is not detrimental to the neighborhood.

DECISION:

The Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, by a vote of three (3) in favor and none (0) opposed, finds that the adverse effects of the Project 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, on November 17, 2015, voted to **grant** Open Space Residential Development approval pursuant to Section 8.3 and Environmental Impact and Design Review approval pursuant to Section 7.3 of the Westwood Zoning Bylaw, for the Project as described above, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. The Applicant shall submit three sets and one electronic (PDF) copy of the final revised plans. The plan set entitled "Open Space Residential Development Definitive Plan Off Far Reach Road in Westwood, Massachusetts", consisting of seven (7) sheets, dated September 3, 2015 and last revised on November 5, 2015,

prepared by Beals and Thomas, Inc. for Old Grove Partners, LLC, shall be revised to include the following:

- 12 inch reinforced concrete drainage pipes within the road and in the drain easement.
 - The catch basin shall have a hood on the outlet pipe and a minimum of a 4 foot sump.
 - A pedestrian access easement over lot 3 shall be provided to permit access to all areas of the open space lot and shall be clearly noted on the revised plan. The easement shall not be restricted with fencing, plantings, signage, or other obstructions to prevent pedestrian access.
 - The pedestrian access easement shall be identified with cedar post trail signage, or other similar material, of not more than 4 feet in height on Far Reach Road.
 - The existing guard rail along Far Reach Road shall be opened to at least three (3) feet in width to allow physical access to the pedestrian access easement.
 - The two (2) foot wide gravel strip around the cul-de-sac island shall have at least three (3) inches of loam and seed.
 - The extent of the proposed five (5) foot sidewalk on the north side of the road shall be clearly identified.
 - The deciduous trees shall be planted at a 3-3.5 inch caliper and 12 foot evergreens at the time of planting.
 - Label the open space parcel as "Public Accessible Open Space".
2. The pedestrian access easement over lot 3 and extending from Far Reach Road to the open space parcel shall not be restricted with fencing, plantings, signage, or other obstructions to prevent pedestrian access.
 3. The Applicant shall submit to the Town Planner, in a timely fashion, final drafts of all legal documents related to the project, including deeds for each lot, sewer easement, homeowners' association documents, pedestrian access easement, and other documents related to the transfer, permanent preservation, and maintenance of the open space parcel, for review and approval by Town Counsel.
 4. A conservation restriction or other means acceptable pursuant to Section 8.3.11.4 of the Zoning Bylaw to convey and ensure the ownership, protection, maintenance of the Open Space parcel shall be submitted to the Planning Board, the Town Planner, and Town Counsel prior to the issuance of final certificate of occupancy. The open space shall be perpetually kept in an open state.
 5. The Applicant and Owner, including future owners, shall preserve the existing natural landscape features of the open space parcel.
 6. Except as modified by the Conditions and Findings hereof, the Project shall comply with the Project Plans in all respects and the Applicant shall pursue completion of the Project with reasonable diligence and continuity.

7. A final As-Built plan showing the road and utilities shall be submitted to the Town Engineer and Town Planner. The "As Built" plan shall be delivered in a format approved by the Information Systems Director for compatibility with the Town of Westwood GIS database.
8. Project related construction shall comply with the Town's General Bylaws Chapter 292, for Noise and Construction between 7:00 a.m. and 7:00 p.m. Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays.
9. If the Project, or any Condition imposed in this Decision, requires a permit, license, or other approval from any other board, committee, or 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. 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 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.
10. Applicant shall promptly repair any damage which Applicant causes to sidewalks, street pavement, signs or other fixtures or features within the public right of way, after obtaining permission from the Town. Such repairs shall be performed to Town of Westwood standards.
11. This EIDR Approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant thereof. The Planning Board may extend such approval, for good cause, upon the written request of the Applicant. In the case of the EIDR Approval, the term "substantial use thereof or construction thereunder" shall mean the commencement and substantial progress of approved vertical construction activity.
12. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
13. Any alterations, modifications, deletions or amendments to the EIDR Approval shall be done in accordance with the requirements of M.G.L. Chapter 40A § 9.

APPLICATION AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicant in the Planning Office and the Office of the Town Clerk on September 3, 2015. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application for Definitive Subdivision Plan and Environmental Impact and Design Review, narrative and supporting material; prepared by Old Grove Partners, dated September 3, 2015; received as complete by the Planning and Town Clerk on September 3, 2015.
2. Stormwater Management Calculations and Plans, Section 5 of Application Submittal Packet, prepared by Beals and Thomas, Inc.

3. Plans entitled "Open Space Residential Development Definitive Plan Off Far Reach Road in Westwood, Massachusetts", consisting of seven (7) sheets, dated September 3, 2015, last revised on November 5, 2015, prepared by Beals and Thomas, Inc. for Old Grove Partners, received by the Town Clerk and Planning Department on September 3, 2015.
4. Architectural Plans entitled "Proposed Residence: Lot 1 Far Reach Rd. Westwood, MA" prepared by HPA Design Inc., Title Sheet - sheet AO.1, First Floor Plan - Sheet A1.1, Second Floor Plan - Sheet A1.2, Elevations - Sheet A2.1, Elevations - Sheet A2.2, Sections - Sheet A4.1, Air Barrier Notes and Details A4.2, in Section 9 of Application Submission Packet.
5. Architectural Plans entitled "Proposed Residence Lot 2 Far Reach Rd. Westwood, MA", prepared by HPA Design, Inc., Title Sheet - Sheet A0.1, First Floor Plan - Sheet A1.1, Second Floor Plan - Sheet A1.2, Elevations - Sheet A2.1, Elevations - Sheet A2.2, Elevations - Sheet A2.3, Sections - Sheet A4.1, Air Barrier Notes and Details - Sheet A4.2, in Section 9 of Application Submission Packet.
6. Architectural Plans entitled "Proposed Residence Lot 3 Far Reach Rd. Westwood, MA", prepared by HPA Design, Inc., Title Sheet - Sheet A0.1, First Floor Plan - Sheet A1.1, Second Floor Plan - Sheet A1.2, Elevations - Sheet A2.1, Elevations - Sheet A2.2, Sections - Sheet A4.1, Air Barrier Notes and Details - Sheet A4.2, in Section 9 of Application Submission Packet.
7. Full size artistic renderings of residences, untitled and undated.
8. Request for Peer Review Professional Services Scope and Qualifications, from Town Planner Abigail McCabe, to VHB, Site Design Professionals, and BETA Group dated September 22, 2015.
9. Response to Request for Peer Review Professional Services from BETA Group, prepared by Philip F Paradis, Re: Off Far Reach Road - Definitive Plan, Open Space Residential Developments and Environmental Impact & Design (EIDR) Peer Review Scope & Fee (Attachment A), consisting of three pages, dated October 1, 2015.
10. Memorandum from Health Director Linda R. Shea, to Town Planner Abigail McCabe, Subject: Off Far Reach Road - Definitive Subdivision Plan Open Space Residential Development (OSRD) and Environmental Impact and Design Review (EIDR), dated September 24, 2015.
11. Memorandum from Public Safety Officer, Sgt. Paul R. Sicard, to Abigail McCabe, Subject: Subdivision off Far Reach Road, dated October 9, 2015.
12. Memorandum from Town Engineer, Jeffrey Bina, to Town Planner, Abigail McCabe; RE: OSRD-definitive plan, off Far Reach Road, dated October 19, 2015 and November 17, 2015.
13. Review Comments from Professional Peer Review BETA Group, Inc., prepared by Philip Paradis, to Abigail McCabe, consisting of seven (7) pages, dated October 20, 2015.
14. Meeting Summary Letter from John Bensley, Beals and Thomas, Inc., consisting of two pages, issue date October 30, 2015.
15. Electronic Mail from Conservation Agent Karon Catrone, to Town Planner Abigail McCabe, Subject: Comments for Far Reach Road project, sent: November 2, 2015.

16. Cover letter from Applicant for revised submission, letter prepared by John Bensley of Beals and Thomas, Inc., to Westwood Planning Board, consisting of four (4) pages, dated November 5, 2015.
17. Draft Declaration of Covenants, Restrictions and Easements and Homeowners Association, prepared by Far Reach, LLC Timothy D. Connors, received by Planning Department November 6, 2015.
18. Operation and Maintenance Plan entitled "Definitive Subdivision Off Far Reach Road, Westwood, Massachusetts", prepared for Far Reach, LLC, prepared by Beals and Thomas, Inc., dated November 2, 2015, received by Planning Department November 6, 2015.
19. Electronic Mail from Deputy Fire Chief Michael Reardon, to Town Planner Abigail McCabe, Subject: Far Reach Road, sent November 13, 2015.
20. Review Comments from Professional Peer Review BETA Group, Inc., prepared by Philip Paradis, to Abigail McCabe, consisting of nine (9) pages, dated November 10, 2015.
21. Memorandum from Town Planner, Abigail McCabe to Planning Board Members, RE: Far Reach Road – Open Space Residential Development (OSRD), Definitive Subdivision & EIDR, consisting of three (3) pages, dated November 13, 2015, revised November 17, 2015.

All of the foregoing plans and reports are hereby incorporated by reference and made part of this Decision and the Board's findings.

RECORD OF VOTE

The following members of the Planning Board voted on November 17, 2015 to **grant** OSRD-EIDR Approval pursuant to Section 8.3 [Open Space Residential Development] and Section 7.3 [Environmental Impact and Design Review], of the Westwood Zoning Bylaw for the abovementioned application, subject to the conditions above: Christopher A. Pfaff, Steven H. Olanoff, and Trevor W. Laubenstein.

The following members of the Planning Board voted on November 17, 2015 to **deny** OSRD-EIDR Approval pursuant to Section 8.3 [Open Space Residential Development] and Section 7.3 [Environmental Impact and Design Review], of the Westwood Zoning Bylaw for the abovementioned application: None.



Abigail McCabe
Town Planner
December 7, 2015