

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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TOWN CLERK
TOWN OF WESTWOOD

PLANNING BOARD

**NOTICE OF DECISION
MINOR MODIFICATION OF OPEN SPACE RESIDENTIAL DEVELOPMENT
ENVIRONMENTAL IMPACT AND DESIGN REVIEW APPROVAL**

February 26, 2013

APPLICANT: Wall Street Development Corp.

PROPERTY OWNERS: Wall Street Development Corp. and Hale Reservation, Inc.

PROPERTY LOCUS: Land off Morgan Farm Road
Assessor's Map 13, Lot 186 and Assessor's Map 20, Lot 13

BACKGROUND AND PROJECT SUMMARY

The Applicant submitted an application for Modification of the Morgan Farm Estates Open Space Residential Development Environmental Impact and Design Review (OSRD-EIDR) Approval, which was originally granted by the Planning Board on February 28, 2012, and subsequently modified by the board on October 22, 2012. Both the previously approved plan and the modified plan result in a total of ten (10) residential lots and additional conservation parcels which total 22.6 acres of land. The purpose of this minor modification is to reconfigure the boundaries of Lots 1 thru 6.

The OSRD development constitutes a use permitted in this district, subject to the issuance of an OSRD Definitive Subdivision Approval by the Planning Board pursuant to the Rules and Regulations Governing the Subdivision of Land in the Town of Westwood, Massachusetts, and subject to the issuance of an Open Space Residential Development Environmental Impact and Design Review (OSRD-EIDR) Approval by the Planning Board pursuant to Sections 8.3 and 7.3 of the Westwood Zoning Bylaw, and subject to the Planning Board having granted certain waivers, including a waiver of the five hundred (500) foot limitation on dead-end streets.

APPLICATION AND PLANS

The Planning Board evaluated the request for a Minor Modification of OSRD-EIDR Approval Morgan Farm Estates, which request was presented to the Planning Board at a public meeting on February 26, 2013, and the following related submissions ("Project"):

1. Plan entitled "Amended Open Space Definitive Subdivision, Second Modification of Powissett Estates and Morgan Farm Estates, 10 Lot Residential Subdivision, Westwood, Massachusetts", prepared by GLM, 19 Exchange Street, Holliston, MA 01746, dated

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Morgan Farm Estates Minor Modification of OSRD-EIDR Approval

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September 10, 2012, and revised through February 4, 2013 ("Definitive Subdivision Plan"), consisting of fifteen (15) sheets, as follows:

Sheet 1 of 13:	Cover Sheet;
Sheet 2 of 13:	Subdivision Layout Plan;
Sheet 3 of 13:	Subdivision Layout Plan;
Sheet 4 of 13:	Existing & Proposed Contours;
Sheet 5 of 13:	Existing & Proposed Contours;
Sheet 6 of 13:	Profile Morgan Farm Road;
Sheet 7 of 13:	Profile Morgan Farm Road;
Sheet 8 of 13:	Profile Road B;
Sheet 9 of 13:	Wetland Replication Plan;
Sheet 10 of 13:	Details;
Sheet 11 of 13:	Details;
Sheet 12 of 13:	Details;
Sheet 13 of 13:	Details;
Sheet E-1 of 2:	Erosion Control Plan; and
Sheet E-2 of 2:	Erosion Control Plan.

2. Plan entitled "Morgan Farm Road B Alternatives", prepared by GLM, 19 Exchange Street, Holliston, MA 01746, undated, consisting of two (2) sheets.
3. Report entitled "Drainage Calculations for Open Definitive Subdivision, Second Modification Powissett and Morgan Farm Estates, Westwood, Massachusetts", prepared by GLM, 19 Exchange Street, Holliston, MA 01746, dated September 30, 2012, consisting of ninety-three (93) pages.
4. Letter to Jack Wiggin, Chairman, Westwood Planning Board, from Louis Petrozzi, President, Wall Street Development Corp., re: Open Space Residential Development, 2nd Modification of Powissett Estates and Morgan Farm Estates Subdivision, dated August 28, 2012, consisting of one (1) page with five (5) page attachment.
5. Letter to Jack Wiggin, Chairman, Westwood Planning Board, from Louis Petrozzi, President, Wall Street Development Corp., re: Open Space Definitive Subdivision, 2nd Modification of Powissett Estates and Morgan Farm Estates - Amendment, dated August 31, 2012, consisting of one (1) page with eight (8) page attachment.
6. Electronic communication to Nora Loughnane, Town Planner, from Bill Scoble, Fire Chief, re: Morgan farm - Road B Turnaround, dated October 9, 2012, consisting of one (1) page.
7. Letter to Jack Wiggin, Chairman, Westwood Planning Board, from Louis Petrozzi, President, Wall Street Development Corp., re: Open Space Residential Development, 2nd Modification of Powissett Estates and Morgan Farm Estates Subdivision, dated October 10, 2012, consisting of one (1) page.
8. Letter to Louis Petrozzi, from Nora Loughnane, Town Planner, re: Applications for Modifications of Approved Morgan Farm Estates Open Space Residential Development (OSRD) Definitive Subdivision and Modification of Morgan Farm Estates Open Space Residential Development Environmental Impact and Design Review (OSRD-EIDR) Approval, dated October 10, 2012, consisting of one (1) page.
9. Letter to Nora Loughnane, Town Planner, from Chris McKeown, President of the Board, Hale Reservation, dated October 11, 2012, consisting of two (2) pages.

10. Letter to Jack Wiggin, Chairman, Westwood Planning Board, from Louis Petrozzi, President, Wall Street Development Corp., re: Open Space Residential Development, 2nd Modification of Powissett Estates and Morgan Farm Estates Subdivision, dated October 15, 2012, consisting of one (1) page.
11. Letter to Chris Gallagher, Deputy Director of Public Works, from Louis Petrozzi, President, Wall Street Development Corp., re: Open Space Definitive Subdivision, 2nd Modification of Powissett and Morgan Farm Estates, Construction Management Plan, dated October 15, 2012, consisting of one (1) page with five (5) page attachment.
12. Electronic communication to Nora Loughnane, Town Planner, from Louis Petrozzi, President, Wall Street Development Corp., re: Morgan Farm – Road B, dated October 19, 2012, consisting of one (1) page with three (3) page attachment.
13. Electronic communication to Nora Loughnane, Town Planner, from Chris Gallagher, Deputy Director of Public Works, re: Morgan Farm, dated October 19, 2012, consisting of one (1) page.
14. Letter to Town of Westwood Planning Board, from Paul Brodmerkle, P.E., Managing partner of Site Design Professionals, re: Engineering Peer Review, Town of Westwood Planning Board Rules and Regulations, Location: "Morgan Farm Estates" and "Powissett Estes", Westwood, Owner/Occupant: Wall Street Development Corp., dated October 18, 2012, consisting of two (2) pages.
15. All of the foregoing plans and reports are hereby incorporated by reference and made part of this Decision.

STATEMENT OF FINDINGS

After having reviewed all the plans and reports filed by the Applicant and its representatives; 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 has determined that the Application complies with the requirements of Section 8.3 [Open Space Residential Development] and Section 7.3 [Environmental Impact and Design Review], and other applicable sections of the Zoning Bylaw. Specifically, the Planning Board makes the following procedural findings and project findings:

PROCEDURAL FINDINGS:

1. On February 26, 2013, a request for a minor modification of the approved OSRD-EIDR Approval for Morgan Farm Estates (hereinafter "Application") was presented to the Planning Board by or on behalf of Wall Street Development Corp. (hereinafter "Applicant"), pursuant to Section 8.3 and Section 7.3 of the Westwood Zoning Bylaw (hereinafter "Application").
2. The Planning Board is the Granting Authority for OSRD-EIDR Approval, pursuant to Sections 8.3 and 7.3 of the Westwood Zoning Bylaw.
3. Westwood Planning Board members Steven M. Rafsky, Steven H. Olanoff, Bruce H. Montgomery, Christopher A. Pfaff, and John J. Wiggin were present and deliberated on the Application at a duly authorized meeting on February 26, 2013.

PROJECT FINDINGS:

1. The subject property consists of approximately 22.6 acres, located off of Morgan Farm Road, and is shown as Map 13, Lot 186 and Assessor's Map 20, Lot 13 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 proposed OSRD constitutes a use permitted in this district, subject to the issuance of an OSRD-EIDR Approval by the Planning Board.
3. The calculation required pursuant to Section 8.3.9.2 of the bylaw provides for a maximum base number of twenty-two (22) dwelling units that may be constructed on the Project Site. In connection with the Applicant's proposal to preserve 10.48 acres as permanent open space, the Applicant has offered to forego development of twelve (12) residential house lots and, as such, proposes to develop no more than ten (10) residential house lots under the OSRD Plan. The Applicant has agreed to waive all rights to develop any additional residential lots on the Project Site pursuant to Section 8.3.9.2 of the bylaw.
4. The minimum 40% open space requirement set forth in Section 8.3.11.1 of the bylaw for an OSRD in the SRC district leads to a minimum requirement of 9.0 acres of permanent open space. The Applicant proposes to preserve 10.48 acres as permanent open space.
5. The Minor Modification of OSRD-EIDR Plan is preferable to the previously approved OSRD-EIDR Plan, in that the Minor Modification of OSRD-EIDR Plan results in an improved configuration of Lots 1 thru 6.
6. The Planning Board considered the Project 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.
 - e. The Application, as conditioned below, includes the establishment of measures sufficient to provide for effective protection and maintenance of the common open space.
7. The Planning Board determined that, subject to the conditions imposed herein, the development proposed in the OSRD Plan is in harmony with the general purpose and intent of Section 8.3 and Section 7.3.

DECISION

The Planning Board evaluated the Application in relation to the above findings, and as the Granting Authority, by a vote of five (5) 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, and votes to **approve** said Application for minor modification of OSRD-

EIDR Approval pursuant to Sections 8.3 and 7.3 of the Zoning Bylaw, subject to the conditions stated herein:

CONDITIONS OF APPROVAL

The approval of the abovementioned Application is subject to the following conditions:

1. Except as modified by the conditions and findings hereof, the Project shall comply with the Minor Modification of OSRD-EIDR Plan, and with all conditions of prior approvals, in all respects, and the Applicant shall pursue completion of the project with reasonable diligence and continuity.
2. All reasonable and appropriate measures shall be taken to improve fire-fighting capability within the development, including but not limited to the location of additional fire hydrants along the length of the cul-de-sacs, if determined necessary by the Fire Chief, and the installation of residential fire suppression sprinkler systems in a manner to be approved by the Fire Chief.
3. Any alterations, modifications, deletions or amendments to this Approval shall be considered in accordance with the requirements of M.G.L. Chapter 40A § 9.

RECORD OF VOTE

The following members of the Planning Board voted to **grant** Minor Modification of 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 stated above: Steven M. Rafsky, Bruce H. Montgomery, Christopher A. Pfaff, Steven H. Olanoff, and John J. Wiggin.

The following members of the Planning Board voted to **deny** Modification of 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.



Nora Loughnane
Town Planner

DATED: April 8, 2013