

TOWN OF WESTWOOD

Commonwealth of Massachusetts

Robert C. Malster, Chairman
Steven H. Olanoff, Vice Chairman
Robert E. Moore, Jr., Secretary
George A. Nedder
Bruce H. Montgomery



PLANNING BOARD

NOTICE OF DECISION

In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has, by a vote of four in favor and one abstention, voted to grant the application of O.P.D.V. Trust, Christopher M. Noble, Trustee 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 122, 123 and 124
Town of Westwood Assessors' Map 5, Parcels 19A

The Planning Board hereby certifies that attached hereto is a true and complete copy of the Board's decision and that said decision and any plans referred to therein have been filed with the Planning Board and Town Clerk.

The Planning Board hereby certifies that statutory requirements have been complied with pursuant to Section 9 of said Chapter 40A.

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.

WESTWOOD PLANNING BOARD

Handwritten signature of Robert C. Malster in black ink.

Robert C. Malster, Chairman

Handwritten signature of Steven H. Olanoff in black ink.

Steven H. Olanoff, Vice Chairman

Handwritten signature of Robert E. Moore, Jr. in black ink.

Robert E. Moore, Jr., Secretary

George A. Nedder

Handwritten signature of Bruce H. Montgomery in black ink.

Bruce H. Montgomery

DATED: March 21, 2007

**DECISION OF THE PLANNING BOARD
OF THE TOWN OF WESTWOOD**

APPLICANT

/OWNER:

O.P.D.V Trust, Christopher M. Noble, Trustee
Grove Street, Land Court Plan 30612V, Lots 122, 123 and 124
Westwood, MA 02090

PROPERTY

LOCUS:

In the vicinity of 303 Grove Street
Town of Westwood Assessors' Map 5, Parcel 19A

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, which have areas of approximately 7.9 acres, 2.1 acres and 4.2 acres. 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 124 to serve Lots 122, 123 and 124. The actual shared portion of the driveway will have an approximately thirty (30)-foot layout, consisting of an eighteen (18)-foot pavement width and three (3)-foot grass shoulders on each side. The shared portion of the driveway will be approximately one hundred ten (110) feet in length. The curb radius on the westerly and easterly side of the driveway will be thirty (30) and twenty-five (25) feet, respectively.

In addition to this application, the Applicant has also submitted a Scenic Roads application to remove various trees with a trunk diameter of four (4) inches or more (as measured one (1) foot above grade) the public right-of-way of Grove Street and to remove approximately seventy (70) linear feet of an existing fieldstone wall along this street. A separate Shared Driveway special permit application and Scenic Roads application have also been submitted to serve two lots within the development site located on Summer Street.

PROCEDURAL FINDINGS:

1. On August 30, 2006, 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.
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 October 24, 2006, December 19, 2006 and January 9, 2007 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 Bruce H. Montgomery, Robert E. Moore, Jr., Steven H. Olanoff, Robert C. Malster and George A. Nedder were present for all public hearings.

PROJECT FINDINGS:

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

1. The use of a shared driveway will eliminate the need for three separate driveway openings in fairly close proximity on Grove Street, which is a narrow and winding road in very poor condition. 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 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.
4. The use of a shared driveway will require significantly less removal of the existing fieldstone wall along 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 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 one abstention, finds that the adverse effects of the proposed shared driveway as described above and in the Application therefor August 30, 2006 and subsequent 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 122-124 Hawthorne Estate 303 Grove Street Westwood, Massachusetts Prepared for Christopher M. Noble, O.P.D.V. Trust", dated August 30, 2006 and revised through December 8, 2009, 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 122, 123 & 124 and Lots 126 & 127, Hawthorn Estate Property Grove Street and Summer Street, Westwood, Massachusetts", dated August 30, 2006, Prepared by Meridian Associates, Inc., 69 Milk Street, Suite 032, Westborough, Massachusetts 01581, consisting of 49 pages;
3. Declaration of Common Driveway, Utility Easement and Covenants, consisting of four (4) sheets.

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

CONDITIONS OF APPROVAL:

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

1. The Declaration of Common Driveway, Utility Easement and Covenants, signed by the appropriate parties, shall be 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 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. No construction of residences on Lots 122, 123 and/or 24 shall commence until and unless the Applicant (or any heirs, successors and assigns) enters into an agreement with the Dedham-Westwood Water District for the extension of the existing Grove Street water main (with an eight (8)-inch diameter line) to a position along the existing frontage of the Applicant's (or any heirs, successors and assigns) property and installs a fire hydrant(s) in the vicinity of the subject Shared Driveway for fire protection purposes in a location(s) and with standard flows acceptable to the Westwood Fire Chief. This restriction shall be included as a note on the Project Plans.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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 abovementioned 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.

The following members of the Planning Board were absent from voting on the abovementioned Application: George A. Nedder.