

TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS

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PLANNING BOARD

**CERTIFICATE OF VOTE
DEFINITIVE SUBDIVISION
EARTH MATERIAL MOVEMENT SPECIAL PERMIT**

**Westwood Estates Subdivision
(443 Canton Street/aka Wight Lane and 9 Hedgerow Lane
Map 32, Lots 197 & 009)**

Pursuant to M.G.L. Chapter 41, §81 and Westwood's Subdivision Rules and Regulations, the Planning Board of the Town of Westwood, at a meeting on November 1, 2016 by vote of five members in favor and none opposed, voted to conditionally **approve** the Definitive Subdivision and Earth Material Movement Special Permit plan for the removal, filling, and regrading of a net volume of ~8,008 cubic yards of earth to be exported from the property for a ten (10) lot subdivision named Westwood Estates at 443 Canton Street (aka Wight Lane) and 9 Hedgerow Lane as shown on the plans entitled "Westwood Estates" Definitive Subdivision Plan A Single Family Residential Subdivision Canton Street in Westwood, Massachusetts, dated February 10, 2016, last revised on October 21, 2016, prepared by Norwood Engineering Co., Inc, and filed with the Planning Board and Town Clerk on February 11, 2016 and March 4, 2016.

PROJECT SUMMARY AND BACKGROUND

The Applicant submitted an application for a Definitive Subdivision dated February 11, 2016, which application included a plan entitled "Westwood Estates" Definitive Subdivision Plan, A Single Family Residential Subdivision Canton Street, Westwood, Massachusetts, dated February 10, 2016, revised through October 21, 2016, prepared by Norwood Engineering Co., Inc., prepared for Canton Street Realty Trust, which proposed the subdivision of a combined area of 12.06 acres with frontage on Hedgerow Lane located on the west side of Canton Street on Assessor's Map 32, lots 009 and 197. The Project proposes ten (10) single-family lots, a 22-foot wide ~1,207 foot road with a cul-de-sac, the reconstruction and re-alignment of the existing layout of Hedgerow Lane, a 20 ft. wide emergency access with a 14 ft. wide-paved road, which extends into Norwood and connects the new cul-de-sac to Lyons Drive. The Project is located in the Single Residence C (SRC) zoning district.

The Applicant submitted an Earth Material Movement Special Permit dated February 25, 2016 to regrade the property, import material for the road base, and export ~8,008 cubic yards of fill, which is shown in the plan entitled "Westwood Estates" Definitive Subdivision Erosion Control Plan Westwood, Massachusetts (3 sheets) dated February 10, 2016, revised through October 5, 2016, the cut and fill calculations and submitted material.

Presently on the properties is a single-family residence at 9 Hedgerow Lane (Map 32, Lot 197) and single-family dwelling at 443 Canton Street/Wight Lane (Map 32, Lot 009), which

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TOWN OF WESTWOOD

is subject to the Historic Structure Demolition Chapter 250A of Westwood's General Bylaws. The properties received Preliminary Subdivision Approval from the Planning Board on December 15, 2015.

STATEMENT OF 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, commissions, departments within the Town of Westwood, members of the public, and from all other interested parties, the Town of Westwood Planning Board makes the following procedural findings and project findings:

Procedural Findings:

1. On February 11, 2016, an application(s) was filed by or on behalf of Canton Street Realty Trust, David Spiegel, Trustee (hereinafter referred to as the "Applicant") with the Westwood Planning Board and the Westwood Town Clerk (hereinafter "Application") pursuant to M.G.L. Chapter 41, Section 81, and the Rules and Regulations Governing the Subdivision of Land in Westwood, revised through July 10, 2012.
2. On March 4 2016, an application(s) was filed by or on behalf of Canton Street Realty Trust, David Spiegel, and Trustee, (hereinafter referred to as the "Applicant" with the Westwood Planning Board and the Westwood Town Clerk (hereinafter referred to as the "Application") pursuant to Westwood Zoning Bylaw Section 7.1 for a Special Permit for Earth Material Movement.
3. Pursuant to M.G.L. Chapter 41, Sections 81K through 81GG (hereinafter "Subdivision Control Law"), and the applicable provisions of the 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 March 25, 2016 and again on April 1, 2016. Notice of the public hearing was posted in the Westwood Town Hall in the office of the Town Clerk on March 18, 2016 and continuing through the opening of the public hearing on April 12, 2016. Said notice of the public hearing was mailed postage prepaid to the applicant, property owner, and all abutters as prescribed in the Subdivision Control Law on March 17, 2016.
4. The Planning Board provided copies of the Application(s) to other 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, Town Engineer, Police Chief, Fire Chief, Historic Commission, Sewer Commission, Pedestrian and Bicycle Safety Committee, and the Dedham Westwood Water District on February 29, 2016 and March 22, 2016.
5. After notice and publication was provided pursuant to the applicable provisions of the Subdivision Control Law and the Board's Rules and Regulations, the public hearing on the Application commenced on April 12, 2016, in the Community Room at Westwood Public Library at 660 High Street, Westwood, MA 02090, and was continued to May 24, 2016 in the Champagne Meeting Room at 50 Carby Street. On May 24, 2016, the

hearing was re-opened and continued without discussion to June 14, June 28, August 2, and September 20, 2016 to the Champagne Meeting Room at 50 Carby Street, Westwood, MA 02090. On September 20, 2016, the Board re-opened the hearing and took testimony in the Champagne Meeting Room at 50 Carby Street, the hearing was continued to October 4, October 18, 2016 in the same location and continued the hearing to November 1, 2016 in the Board of Selectmen's Room at Town Hall at 580 High Street, Westwood, MA 02090 to which date the Planning Board closed the public hearing.

6. On April 12, 2016, Westwood Planning Board Chairman, Christopher A. Pfaff designated Associate Members Todd C. Sullivan and Steven M. Rafsky to sit as full board members on these Definitive Subdivision and Earth Material Movement Special Permit applications.
7. On May 13, 2016, the Applicant submitted to the Planning Board written mutual agreement to extend the constructive grant date to July 15, 2016. The extension of time agreement was submitted to the Town Clerk on May 16, 2016.
8. On June 28, 2016, the Applicant submitted to the Planning Board written mutual agreement to extend the constructive grant date to December 31, 2016. The extension of time agreement was submitted to the Town Clerk on June 29, 2016.
9. Westwood Planning Board members Christopher A. Pfaff, Steven H. Olanoff, and Todd C. Sullivan were present for all public hearings at which testimony was taken.
10. Westwood Planning Board member Trevor W. Laubenstein was absent for the opening of the public hearing on April 12, 2016 and certified that all evidence submitted to the Board and a video recording of the missed hearing has been examined pursuant to M.G.L. c.39 §23D and the certification was submitted to the Planning Board on September 20, 2016 and to the Town Clerk on September 21, 2016.
11. Westwood Planning Board member Steven M. Rafsky participated remotely via speaker phone in the hearing held on October 18, 2016 in accordance with the Town's Remote Participation Policy and a Remote Participation form was submitted to the Town Clerk on October 19, 2016.
12. Westwood Planning Board members Trevor W. Laubenstein, Steven M. Rafsky, Todd C. Sullivan, Christopher A. Pfaff, and Steven H. Olanoff, deliberated on the Applications at a duly authorized meeting on November 1, 2016.

Project Findings:

1. The subject property consists of approximately 12.06 acres on two parcels of land on the west side of Canton Street with frontage on Hedgerow Lane and Canton Street as shown on the Westwood Board of Assessors' Map as 32, Lots 009 and 197 ("Project Site" or "Property").
2. The Project Site is located within the Single Residence C (SRC) zoning district. The proposed single-family residential development constitutes a use permitted in this district, subject to the Definitive Subdivision Plan Approval by the Planning Board, and

subject to the Board granting certain waivers, including a waiver of the five hundred (500) foot limitation on dead-end streets.

3. On February 22, 2016, the Board of Health filed its report to approve the Definitive Subdivision, pursuant to M.G.L. Chapter 41, Section 81U.
4. The Applicant proposes to construct a 1,207 road to serve the above parcels, and to accommodate the development of ten (10) single-family residences on each of said parcels (herein after "Development"). The Development proposes a 50 ft. right-of-way, 22 ft. of pavement, a vegetated drainage swale on both sides of the roadway, a total of three (3) street lights and a five (5) foot sidewalk on the north side of the new road extending from Canton Street to the emergency access road at the end of the new cul-de-sac. The Board determined this Definitive Subdivision Plan is preferable to the proposed OSRD (Open Space Residential Development, Section 8.3 of Westwood's Zoning Bylaw) alternative as shown in the progress plan for 11-13 residences on the plan entitled "Westwood Estates" Open Space Residential Development Conceptual Plan, Westwood, Massachusetts, prepared by Norwood Engineering, dated September 16, 2016 and presented to the Board on September 20, 2016. This Definitive Plan is preferred to the boulevard alternative for a 20 ft. paved roadway on either side of a 10 foot landscape median presented to the Board on October 4, 2016 as shown on the plan entitled "Westwood Estates" Definitive Subdivision Lot Layout, prepared by Norwood Engineering Company, Inc. as Boulevard Option, dated February 10, 2016, revised May 19, 2016 (sheet 2 of 16).
5. The Planning Board granted all necessary waivers by votes on October 18, 2016 and granted Definitive Subdivision and Special Permit Approval for the Earth Material Movement for the grading and export of material associated with the proposed roadway, infrastructure and emergency access road on November 1, 2016.
6. The Development, as modified by the conditions of this decision, will not present a public safety hazard to the town, or the surrounding residential properties and is in harmony with the general purpose and intent of the Subdivision Rules and Regulations and the Subdivision Control Law.

WAIVERS

The Planning Board may waive any of its Rules and Regulations if the Board finds the waiver is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law. The Westwood Planning Board on October 18, 2016, by a roll call vote of five in favor and none opposed, **granted** the following waivers to the Rules and Regulations Governing the Subdivision of Land in the Town of Westwood, Massachusetts, lastly revised July 10, 2012.

1. Waiver of §IV.A.4.b & c of the Subdivision Rules and Regulations limiting the length of dead-end streets to no longer than five hundred (500) feet, to allow for a ~1,207 ft. new road beginning from Canton Street to the end of a new cul-de-sac that will reconstruct, re-align and extend Hedgerow Lane and proposes a 20 ft. wide emergency access with 14 ft. of pavement and 3 ft. of gravel shoulders on both sides on the emergency access connection from the end of the new cul-de-sac to connect to Lyons Drive. The Board finds that because the proposed emergency connection will be

provided, this waiver is not inconsistent with the intent and purpose of the Subdivision Control Law.

2. Partial waiver of §III.B.3.n of the Subdivision Rules and Regulations requiring the location of major site features including existing trees with a caliper of ten (10) inches or greater to be shown on the Definitive Plans to allow for the Applicant to only show the trees with a caliper of twenty-four (24) inches or greater.
3. Waiver of §IV.A.2.a of the Subdivision Rules and Regulations requiring streets entering opposite sides of another street to be laid out either directly opposite one another or within a minimum of two hundred (200) feet separation from intersections. The Board finds this waiver to be an improvement from the existing conditions of Hedgerow Lane serving three lots with an intersection separation from Hemlock Drive of 77.5 ft. The Project proposes re-aligning Hedgerow Lane and to increase the separation from Hedgerow Lane to Hemlock Drive to 92.4 ft. and is in the public interest.
4. Waiver of §IV.C.1 of the Subdivision Rules and Regulations requiring a minimum of thirty (30) feet wide easements for storm drains across lots to allow a twenty-five (25) foot drainage easement at one location on lot 6. The Board finds that, given the existing topographical considerations, the requested width to be adequate for access to the inflation basin for the drain line and related equipment.
5. Waiver of §IV.E of the Subdivision Rules and Regulations requiring Open Space in the form of a playground, park, or area for recreation purposes. The Board determined this waiver request is not inconsistent with the Subdivision Control Law.
6. On October 18, 2016, the Board granted a waiver of §V.E.1 as a "minor variance" to allow for the unaligned centerline for the realigned section of Hedgerow Lane for the portion of existing right-of-way in front of the #18 and #21 Hedgerow Lane properties that is proposed to be expanded to the north.
7. Waiver of §V.H.1 of the Subdivision Rules and Regulations requiring a sidewalk of six (6) feet on both sides of each roadway to allow a five (5) foot wide sidewalk on the north side of the roadway. The Board granted this waiver subject to a condition of this Approval that the Applicant submit funds to a Town sidewalk fund. The Board determined this proposal is consistent with the Board's updated Subdivision Rules and Regulations adopted on April 25, 2016 providing for Low Impact Development techniques.
8. Waiver of §III.B.1.h of the Subdivision Rules and Regulations requiring a traffic study. The Board determined a traffic study for a ten lot residential subdivision on a dead-end street with an emergency connection to Lyons Drive in a SRC zone is not warranted and not inconsistent with the Subdivision Control Law.
9. Waiver of the detail in the Typical Roadway Section requiring seven (7) ft. minimum coverage over a sewer pipe to allow 2.1 ft. of coverage. The Board finds due to topographical considerations the requested width is not inconsistent with the Subdivision Control Law.

DECISION

After reviewing all evidence and testimony submitted during the public hearings, at a meeting of the Board on November 1, 2016, and on a motion duly made and seconded, it was voted five in favor and none opposed to **approve** the **Definitive Subdivision** for "Westwood Estates" for ten (10) single-family lots with the following conditions.

After reviewing all evidence and testimony submitted during the public hearings, at a meeting of the Board on November 1, 2016, and on a motion duly made and seconded, it was voted five in favor and none opposed to **approve** the **Earth Material Movement Special Permit** to export ~8,008 cubic yards of soil to be transported from the property, regrading, and importing of material associated with the construction of the roadway with the following conditions.

CONDITIONS

The Definitive Subdivision and Earth Material Movement Special Permit of Westwood Estates Subdivision as described above are subject to the following conditions:

1. The Applicant shall construct the Project as shown on the Plan entitled "Westwood Estates", Definitive Subdivision Plan, A Single family Residential Subdivision Canton Street in Westwood, Massachusetts, dated February 10, 2016, last revised on October 21, 2016, prepared by Norwood Engineering Co., Inc., prepared for Canton Street Realty Trust, consisting of sixteen (16) sheets, except as otherwise set forth in this Decision and the plan shall be revised to show the following:
 - o Show proposed landscaping in the island in the cul-de-sac of the new road;
 - o Revise the proposed emergency access signage notation on sheets 9 and 11 to read "Do Not Enter, Authorized Vehicles Only, Pedestrians & Bicycles Permitted";
 - o Signage shall be installed at the beginning of Hedgerow Lane at Canton Street and Lyons Drive at Everett Street indicating that the streets are not a through way;
 - o The catch basin proposed in the emergency access road closest to Lyons Drive shall be revised to be a double catch basin; and
 - o The revision date shall be updated on all plan sheets.
2. A sidewalk shall be constructed on the north side of the new road and shall continue around the cul-de-sac in front of lot five and continue to the emergency access road. The sidewalk shall have a minimum width of no less than five (5) feet as shown on the approved plan.
3. The Board waived the requirement for the sidewalk on both sides of the street and the Applicant has agreed to contribute funds into a sidewalk fund to be established by the Town of Westwood. The funds may be used for future sidewalk improvements or development of new sidewalks elsewhere in Westwood. The specific amount of the contribution shall be equivalent to the amount it would cost the Town to construct that length of sidewalk on the south side of the new road from Canton Street to Lyons Drive based upon the Town Engineer's current cost estimates.

4. The sidewalk shall be installed with the binder course when the roadway binder course is laid and the top course shall be installed when the top course for the roadway is laid.
5. The turnaround at the end of the new road shall incorporate a landscaped circle surrounded by three (3) feet of gravel as shown on the revised plan.
6. As shown on the Project Plans, there shall be a minimum of seventy (70) trees planted approximately 30 ft. on-center with at least three varying tree species and shall be planted with at least a three (3) inch caliper when measured four (4) feet above the ground. A landscape plan showing the specific tree species and plant size including trees along the emergency access to buffer the Lyons Drive residences shall be submitted to and approved by the Tree Warden and Town Planner. The trees and landscape features shall be planted at the time the roadway binder course is laid.
7. Any tree plantings that do not survive shall be replaced within one growing season. Failed trees shall be replaced at expense of the Applicant or Homeowners Association as often as necessary until such roadway is accepted by the Town.
8. The Applicant shall make every effort to retain existing mature trees with greater than twenty-four (24) inch trunk diameter, unless removal of any such tree is unavoidable due to particular site constraints.
9. The 50-foot right-of-way consisting of a 20 ft. wide access with 14 ft. of pavement and 3 ft. gravel shoulders between the proposed cul-de-sacs at the end of Hedgerow Lane Extension and connecting to Lyons Drive shall be available for use as a means of emergency access and egress to and from those two cul-de-sacs at all times. Until such time as the new road and the emergency access is accepted as a public way by Town Meeting, the emergency access shall be continuously maintained by the Applicant or Homeowners Association including seasonal maintenance in all-weather including ice and snow. There shall be no gates, fences, vegetation, or any other obstructions that could prevent use by emergency and public safety vehicles at any time. Signage shall be installed and maintained at both ends of the emergency access way at the intersection of Lyons Drive and the new road that reads "Do Not Enter, Authorized Vehicles Only, and Pedestrians & Bicycles Permitted". The mountable curb on both ends of the emergency connection shall not exceed four (4) inches in height with sloped granite curbing as shown on the Project Plans.
10. The Applicant shall submit the plans for the construction of the emergency access road and stormwater management system in Norwood to the Norwood Planning Board for its review and shall apply for all permits/approvals required by the Town of Norwood.
11. There shall be a fence on the south side of the proposed emergency access road as shown on the Project Plans. The fence shall be a six (6) foot high black chain-link fence and shall be maintained in good condition by the Applicant until such time the Homeowners Association takes over.
12. The Applicant shall replace/upgrade the existing catch basins on Lyons Drive to include hoods or an oil and debris trap, and shall upgrade and improve the cul-de-sac and stormwater system at the end of Lyons Drive as shown on the approved subdivision plans.

13. If the Town Engineer or other designee from the Department of Public Works determines there is a drainage problem at the end of Lyons Drive, the Applicant shall be responsible for additional drainage improvements as may be deemed necessary by the Town Engineer.
14. Prior to the release of the Performance Guarantee by the Planning Board, the Applicant must grant to the Town the appropriate easements including drainage access easements and conveyance of utilities and a permanent easement granting to the Town of Westwood the right of access for public safety vehicles, pedestrians and bicycles over the emergency access road (said easement shall prohibit any of the home owner's from installing any fences, gates, landscaping improvements, walls or any other obstructions that would impair access by public safety vehicles, pedestrians or bicycles).
15. Prior to the conveyance of any of the lots in the subdivision, the Applicant shall establish a Homeowners Association (as referenced herein) and shall record a trust or other document for the same in the appropriate Registry of Deeds.
16. The final signed Long Term Operation and Maintenance Plan (O&M Plan) and Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Planning Department, Conservation Commission, and Town Engineer for final review and approval. The Applicant and later the Homeowners' Association shall be responsible for the Long Term O&M Plan. The O&M Plan shall include Best Management Practices with a professional engineer to manage the stormwater system and shall be funded by the Homeowners Association.
17. The final signed SWPPP shall be provided to the Planning Department prior to the start of construction.
18. The Applicant shall remove the existing pavement and street features within the existing surplus layout of Hedgerow Lane and shall loam and seed all areas outside the new paved roadway and sidewalk area. The Applicant shall be responsible for extending the paved driveways serving #18 and #21 Hedgerow Lane to meet the new re-aligned road and relocating utilities if necessary. All work in the right-of-way shall be coordinated with the Department of Public Works.
19. All utilities for the Project, with the exception of the street light poles, shall be installed underground and shall have their above ground appurtenances, if any, designed or located to avoid damage in the event of flooding. All existing above ground utilities shall be removed.
20. The locations of the three (3) light poles in front of lot 1, in front of lot 3 on the west side, and in front of lot 5 on the west side close to the emergency access are acceptable to the Board. The final light fixture detail shall be approved by the Town Planner and Department of Public Works and shall be LED and shall include a control feature. The Applicant and/or Homeowner's Association is responsible for installing the light fixtures and is responsible for electricity and maintenance until such time as the road is accepted by Town Meeting. The lights shall be installed at the time the roadway binder course is laid and prior to the issuance of the Certificate of Occupancy for the first dwelling within the subdivision.
21. The Applicant shall submit any and all documents establishing easements, covenants, restrictions, and the Homeowner's Association governing this Project to

the Planning Department for review and approval, in consultation with Town Counsel. There shall be nothing in said Documents deemed to be contrary to this Decision.

22. The Homeowners Association shall provide for the following:
 - a. Maintenance responsibility for the emergency access road and its signage, the infiltration basin and the stormwater system for the Project, in perpetuity.
 - b. Provisions for management, maintenance and periodic cleaning of the stormwater management system activities.
 - c. A professional engineer shall be responsible for managing the stormwater system and shall provide regular inspections and reporting to the Homeowners' Association and Westwood Town Engineer. The Association shall fund the professional engineer.
23. The Applicant shall provide a Performance Guarantee, in a manner acceptable to the Planning Board, prior to the release of any lot or the issuance of any building permit for construction of any building, to ensure that the required improvements will be constructed and/or installed in accordance with the approved Project Plans.
24. After notice from the Town Clerk of "No Appeal", the Applicant shall submit the Definitive Subdivision Plan, for endorsement by the Planning Board in accordance with this Certificate of Vote, and following said endorsement, shall record the Definitive Subdivision and a copy of this Decision at the Norfolk County Registry of Deeds.
25. 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 to the Building Inspector and Planning Board.
26. There shall be no non-emergency municipal services provided along the new road, including snow removal and recycling/trash service, until approved street acceptance by Town Meeting.
27. If the Project, or any condition imposed by 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 is responsible for filing the appropriate application. The Applicant shall contact the following entities, but not limited to, the Westwood and Norwood Conservation Commissions, Norwood Planning Board, Westwood Historic Commission for the demolition of 443 Canton Street, Board of Health, Sewer Commission, and the Dedham Westwood Water District. The town of Norwood shall have the opportunity to review and comment on the Project Plans specifically relative to the design, methods of construction and dimensions of the emergency access road to be located in Norwood and the design of the drainage system. If any condition of such permit is inconsistent with or modifies the approved Project Plans 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.
28. Any future change, modification or amendment to the Definitive Plan as it may be approved by the Planning Board shall be in accordance with the requirements of M.G.L. Chapter 41, §81W.

29. The Applicant shall coordinate a pre-construction meeting with the Town Planner prior to initiation of any work within the subdivision permits to review these conditions and any final construction sequencing, details and plans for the project. In attendance shall be a designee from the Department of Public Works, Fire, Building, Police, Health, Conservation and Planning Departments.
30. Pest Control is required prior to demolition of the house at 9 Hedgerow Lane and 443 Canton Street/Wight Lane.
31. A construction dumpster company licensed by the Westwood Health Department must be used for construction debris and recycling.
32. The Applicant shall deliver a copy of this Decision and any Order of Conditions issued by the Conservation Commission to all purchasers of the lots within this Project.
33. The Applicant shall notify the Town Department of Public Works at least forty-eight (48) hours prior to the anticipated commencement of any of the following construction related work so that an inspection may be scheduled. During excavation and installation of infiltration systems, the basin after excavation and before loam and seed is installed, any soils testing during construction, right-of-way clearing prior to roadway construction, installation of storm drainage, water, and sewer facilities, laying of material for sub-base, installation of curbing, spreading of gravel in sidewalks, and setting of bounds. The cost of the inspections shall be from the inspection fee submitted with this Definitive Plan Application and if that amount is exceeded, the Applicant or Contractor shall be billed on an hourly rate or other mutually agreed upon method.
34. Project related construction and earth material movement shall comply with the Town's current regulations outlined in 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, excluding legal holidays.
35. All trucks carrying earth material to and/or from the Project Site shall be required to access the Project Site via Canton Street from the South from University Avenue only. Trucks going to or from the property shall be prohibited from traveling on Canton Street north of the Project Site and prohibited from traveling on Everett Street.
36. The Applicant shall be responsible for the cleanup of construction debris, including the tracking of dirt by construction vehicles onto the public way, which shall be cleaned on a daily basis on Town ways within 200 yards from the entrance to the Project Site.
37. The Applicant shall return to the Board for an Earth Material Movement Special Permit for the individual building lots in any cases where the grading, exporting, and/or importing will exceed 200 cubic yards, pursuant to Section 7.1 of the Zoning Bylaw.
38. 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.

39. Members of the Planning Board and its agents shall be permitted access to the Project Site during construction with proper notification to the Applicant (and subject to any construction safety requirements), and shall have the right to gather all information, measurements, photographs or other materials needed to ensure compliance with the terms of this Decision, subject to applicable safety requirements.
40. A final as-built plan shall be submitted to the Town Planner, Town Engineer, and Building Commissioner prior to issuance of the Completion Certificate or release of the Performance Guarantee. The as-built plan shall be prepared and certified by a professional engineer and submitted as three full size stamped copies, a PDF, and CAD file. The "As Built" Plan shall indicate the stormwater system, parking, driveways, sidewalks and walkways, utilities, sight lighting, fencing, storm drains, water mains and their appurtenances, any grease traps, etc. in material compliance with the approved project plans.
41. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.

APPLICATION AND MATERIALS

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Planning Office and the Office of the Town Clerk on February 11 and March 4, 2016 and the following material associated with this application during the course of the public hearings.

1. Application for Definitive Subdivision Plan; prepared by Canton Street Realty Trust, dated February 10, 2016; received as complete by the Planning Department and Town Clerk on February 11, 2016.
2. Application for Earth Material Movement Special Permit, prepared by Canton Realty Trust, submitted to the Planning Board and Town Clerk on March 4, 2016.
3. Plans entitled "Westwood Estates" Definitive Subdivision Plan, A Single Family Residential Subdivision Canton Street, Westwood, Massachusetts, dated February 10, 2016, and last on revised October 21, 2016 consisting of the following 16 sheets prepared by Norwood Engineering Co., Inc., prepared for Canton Street Realty Trust; received October 28, 2016.
4. Memorandum from Town Planner, Abby McCabe to Planning Board Members, RE: Westwood Estates Subdivision update for 11/1/16 Meeting, dated October 28, 2016 and October 31, 2016.
5. Draft Declaration of the Hedgerow Lane Homeowners Association Trust, received October 21, 2016, prepared by Peter Zahka, prepared for David Spiegel of Canton Realty Trust.
6. Plan entitled "Westwood Estates" Definitive Subdivision Erosion Control Plan, Westwood, Massachusetts, (3 sheets), prepared by Norwood Engineering Company, Inc. dated February 10, 2016 and last revised October 5, 2016.

7. Town of Westwood Remote Participation form submitted on October 18, 2016 and signed by Steven M. Rafsky, submitted to the Westwood Town Clerk on October 19, 2016.
8. Stormwater Pollution Prevention Plan and Long Term Operation and Maintenance Plan for Westwood Estates Definitive Residential Subdivision, prepared for Canton Street Realty Trust, dated September 29, 2016.
9. Memorandum to Planning Board Members, from Abby McCabe, Re: Westwood Estates Subdivision updated for 11/1/16 meeting, revised November 1, 2016 (5 pages).
10. Peer review comment letter to Abigail McCabe, from Philip Paradis of Professional services Corporation, PC (PSC), Re: Westwood Estates Definitive Subdivision Peer Review, dated October 31, 2016 (12 pages).
11. Letter from John P. Flynn of Murphy Hesse, Toomey & Lehane, LLP, to Norwood Planning Board, Re: Westwood Estates Subdivision - Westwood, MA, dated October 17, 2016.
12. Response to Comments letter from Norwood Engineering, to Abigail McCabe, dated October 5, 2016.
13. Plan entitled "Westwood Estates" Definitive Subdivision Through Roadway Proof Plan, Westwood, Massachusetts, prepared by Norwood Engineering Company, Inc., Sheet 1 of 1, and dated September 29, 2016.
14. Request for extension of constructive approval date, for 9 Hedgerow Ln. & Wight Ln./Canton St. Definitive Subdivision for Westwood estates, Canton Street Realty Trust, signed by David Spiegel, dated June 28, 2016, submitted to Westwood Town Clerk on June 29, 2016.
15. Electronic Mail from project traffic engineer Kenneth P. Cram to Peter Zahka, Subject: Westwood Estates, Westwood, MA, sent: October 17, 2016, forwarded to Abigail McCabe October 18, 2016.
16. Electronic Mail from Fire Chief Bill Scoble to Abigail McCabe, Subject: Westwood Estates Definitive Subdivision, sent: October 17, 2016.
17. Electronic Mail from Eileen Commane, Executive Director of Dedham-Westwood Water District, to Abigail McCabe, Subject: Westwood Estates, sent: October 18, 2016.
18. Electronic Mail from Brendan Ryan, Operations Manager DPW, to Abigail McCabe, Subject: Lyons Drive sent: October 17, 2016.
19. Memorandum from Conservation Agent Karon Skinner Catrone, to Abigail McCabe, re: Westwood Estates, dated October 17, 2016.
20. Electronic Mail from Health Director Linda Shea, to Abigail McCabe, Subject: Westwood Estates Definitive Subdivision, sent: October 14, 2016.
21. Electronic Mail from Mark Bourbeau, Counsel at Drohan Tocchio & Morgan, P.C. on behalf of Feeney Brothers, to Abigail McCabe, Subject: Westwood Estates, sent: October 18, 2016.


22. Traffic evaluation prepared by Bayside Engineering, RE: Westwood Estates, Westwood, MA, 4 pages, dated October 12, 2016.
23. Pre-Development and Post-Development Stormwater Discharge Rates for "Westwood Estates" Emergency Access Road, Lyons Drive, Westwood, Massachusetts, prepared for Canton Street Realty Trust, prepared by Norwood Engineering, dated May 19, 2016, revised October 5, 2016 (160 pages).
24. Norwood Planning Board meeting minutes of July 11, 2016.
25. Drainage Narrative and Project Documents, prepared for "Westwood Estates" prepared by Norwood Engineering, prepared for Canton Street Realty Trust, (28 pages), revised October 5, 2016.
26. Peer review comment letter to Abigail McCabe, from Philip Paradis of Professional services Corporation, PC (PSC), Re: Westwood Estates Definitive Subdivision Peer Review, dated October 17, 2016 (12 pages).
27. Memorandum to Planning Board Members from Abby McCabe, Re: Waivers for Westwood Estates Proposals, dated October 18, 2016 (2 pages).
28. Plan entitled "Westwood Estates" Definitive Subdivision Lot Layout", prepared by Norwood Engineering Company, Inc. as Boulevard Option, dated February 10, 2016, revised May 19, 2016 (sheet 2 of 16).
29. Peer review comment letter to Abigail McCabe, from Philip Paradis of Professional services Corporation, PC (PSC), Re: Westwood Estates Definitive Subdivision Peer Review, dated June 7, 2016 (11 pages).
30. Electronic mail from Mark Bourbeau of Drohan Tocchio & Morgan, P.C., of Hingham, MA to Abigail McCabe, Subject: Westwood Estates Subdivision 10/4 - Continued Hearing, sent September 30, 2016.
31. Progress plan entitled "Westwood Estates" Open Space Residential Development Conceptual Plan, Westwood, Massachusetts, prepared by Norwood Engineering Company, Inc., dated September 16, 2016, sheet 1, presented to Planning Board on September 20, 2016.
32. Memorandum from Peter A. Zahka, to David Spiegel and Lyons Drive Property Owners, RE: Westwood Estates, dated February 17, 2016.
33. Plan entitled "Westwood Estates", Definitive Subdivision, Grading, Westwood, Massachusetts, prepared by Norwood Engineering Company, Inc. Sheet 8 of 16, dated March 11, 2016 and last revised on October 5, 2016.
34. Memorandum from Town Planner Abby McCabe to Planning Board members, Re: Westwood Estates Subdivision, dated June 10, 2016, revised June 13, July 26, September 16, September 29, and October 4, 2016 (3 pages).
35. Security Insurance Group, bond for Lyons Drive Subdivision, dated September 26, 1974 for Wight Lane, Westwood, Massachusetts, submitted by Dennis Cronin, 45 Lyons Drive, at October 18, 2016 hearing.
36. Pre-Development & Post-Development Stormwater Discharge Rates for "Westwood Estates" Definitive Subdivision, Westwood, Massachusetts, prepared for Canton Street Realty Trust, prepared by Norwood Engineering, dated May 19, 2016, revised September 30, 2016 (294 pages).

37. Certification from Trevor Laubenstein regarding April 12, 2016 hearing, dated September 20, 2016, submitted to the Westwood Town Clerk on September 21, 2016.
38. Letter from Alan B. Almeida of Connor & Hillard, P.C. to Abigail McCabe, dated July 6, 2016 (4 pages and Grant of Easement, Plan of Land in Norwood, Mass and supporting material).
39. Meeting summary from Town Planner Abby McCabe, to Planning Board Members, Re: August 2, 2016 Meeting Summary, dated July 29, 2016.
40. Memorandum and photographs from Sgt. Paul R. Sicard, to Abigail McCabe, Subject: Subdivision off Wight Lane, dated December 10, 2016.
41. Electronic Mail from Peter A. Zahka to Abigail McCabe, requesting continuance, Subject: Westwood Estates Subdivision, sent June 13, 2016.
42. Continuance Request form dated May 13, 2016, signed by Peter A. Zahka, submitted to Town Clerk on May 16, 2016.
43. Continuance Request form dated April 12, 2016, signed by David Spiegel, submitted to Town Clerk on April 13, 2016.
44. Plan entitled "Exhibit Plan #1", Westwood Estates, Definitive Subdivision Possible Lyons Drive Turnarounds, Westwood, Massachusetts, prepared by Norwood Engineering Company, Inc., dated March 17, 2016.
45. Plan entitled "Westwood Estates", Definitive Subdivision Erosion Control Plan, Westwood, Massachusetts, prepared by Norwood Engineering Company, Inc., dated February 10, 2016, (3 sheets).
46. Electronic Mail from Town Engineer Jeffrey Bina to David Johnson, RE: Pipe Materials, cc: Abigail McCabe, sent May 11, 2016.
47. Electronic Mail from Joe Doyle, Building Commissioner, to Abigail McCabe, RE: Def Subdivision Application – Westwood Estates 4/12 Public Hearing, sent April 11, 2016.
48. Letter from Westwood Conservation Agent Karon Skinner Catrone, to Abigail McCabe, re: Westwood Estates Subdivision Roadway, dated April 6, 2016.
49. Memorandum from Town Engineer Jeffrey Bina to Town Planner Abigail McCabe, RE: Definitive Subdivision Review, "Westwood Estates", dated April 4, 2016.
50. Electronic Mail from Eileen Commane Executive Director, Dedham-Westwood Water District, to Abigail McCabe, Re: Definitive Subdivision Application – Westwood Estates 4/12 Public Hearing, sent April 7, 2016.
51. Electronic Mail from Sgt. Paul Sicard to Abigail McCabe, Re: Definitive Subdivision Application – Westwood Estates 4/12 Public Hearing, sent April 7, 2016.
52. Memorandum from Health Director Linda R. Shea, to Westwood Board of Health, dated February 22, 2016, Subject: Definitive Subdivision Plan – Westwood Estates.
53. Electronic Mail from Fire Chief Bill Scoble, to Abigail McCabe, Subject: Westwood Estates Subdivision, sent April 11, 2016.
54. Application cover letter from Norwood Engineering, to Abigail McCabe, Subject: Earth Material Movement Special Permit, dated February 29, 2016.

RECORD OF VOTE

The following members of the Planning Board voted on November 1, 2016 to grant **Approval** for the abovementioned Definitive Subdivision and Earth Material Movement Special Permit Project:

WESTWOOD PLANNING BOARD



Christopher A. Pfaff, Chairman



Trevor W. Laubenstein, Vice Chairman



Steven H. Olanoff, Secretary



Steven M. Rafsky



Todd C. Sullivan

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TOWN CLERK
TOWN OF WESTWOOD