

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Christopher A. Pfaff, Chairman
Steven H. Olanoff, Vice Chairman
Trevor W. Laubenstein, Secretary
John J. Wiggin
Bruce H. Montgomery
Todd Sullivan, Associate Member



Abigail McCabe, Town Planner
amccabe@townhall.westwood.ma.us
(781) 251-2581

Janice Barba, Planning & Land Use
Specialist
jbarba@townhall.westwood.ma.us
(781) 251-1366

2016 JAN 13 4 10:55
TOWN CLERK
TOWN OF WESTWOOD

PLANNING BOARD

**CERTIFICATE OF VOTE
DEFINITIVE SUBDIVISION**

420 Providence Highway (Map 24, Lot 83)

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 January 12, 2016 by vote of four members in favor and none opposed, voted to **deny** the Definitive Subdivision plan for a two lot subdivision named Definitive Plan 420 Providence Highway at 420 Providence Highway as shown on the plans entitled "Definitive Plan 420 Providence Highway", dated August 31, 2015, prepared by A-Plus Construction Services Corporation of Norwell, MA, prepared for 420 Providence Highway Realty Trust, consisting of 10 sheets, and filed with the Planning Board and Town Clerk on October 21, 2015.

The plan was denied because it did not meet the following requirements of the Subdivision Regulations and as further detailed in the waiver section:

1. Section III.B.1.e – Locus Plan
2. Section III.B.1.h – Traffic Study Submission
3. Section III.B.3.h – Radius of cul-de-sac
4. Section III.B.3.l – Board Member signatures
5. Section IV.A.1.d – Distance from Intersection
6. Section IV.A.1.e – Sight Distance
7. Section IV.G – Drainage
8. Section VI.D - Six foot wide grass plots
9. Section V.M and VI.E - Trees

PROJECT SUMMARY AND BACKGROUND

The Applicant proposes to subdivide the existing ~3.51 property into two grassed lots served by a 60 ft. wide ~177 foot road proposed Roadway "A" with a cul-de-sac beginning on the east side of the property on Walper Street, sidewalks, and utilities. The proposed lot 1 is 1.61 acres and lot 2 is proposed to be 1.52 acres. The property presently contains a car dealership building, parking areas, walkways, utilities, and landscape areas. The Applicant has submitted this application for the purposes of a zoning freeze under M.G.L. Chapter 40A, Section 6.

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 with 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 October 21, 2015, an application was filed by or on behalf of Joseph Federico, Jr. Trustee of 420 Providence highway Realty Trust 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, last July 10, 2012.
2. 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 November 27, 2015 and again on December 4, 2015. Notice of the public hearing was posted in the Westwood Town Hall in the office of the Town Clerk on November 23, 2015 and continuing through the opening of the public hearing on December 15, 2015. 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 November 20, 2015.
3. The Planning Board provided copies of the Application 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, and the Dedham Westwood Water District on October 26, 2015.
4. The Board of Health filed their report to approve the Definitive Subdivision on November 19, 2015 after a meeting and vote on November 17, 2015, pursuant to M.G.L. Chapter 41, Section 81U.
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 December 15, 2015, in the Champagne Meeting Room at 50 Carby Street, Westwood, MA 02090, and was continued to January 12, 2016 in the same room and location, on which date the Planning Board closed the public hearing.
6. Westwood Planning Board members Bruce H. Montgomery, Christopher A. Pfaff, Steven H. Olanoff, John J. Wiggin, and Todd Sullivan were present for the December 15, 2015 public hearing at which testimony was taken.
7. Westwood Planning Board members Bruce H. Montgomery, Christopher A. Pfaff, Steven H. Olanoff, and John J. Wiggin deliberated on the Application at a duly authorized meeting and public hearing on January 12, 2016.

Project Findings:

1. The subject property consists of one 3.51 acre parcel of land shown on the Westwood Board of Assessors' Map as 24, Lot 83.
2. The Applicant proposes a ~177 foot new road and cul-de-sac to serve two lots (lot 1 proposed to 1.61 acres and lot 2 proposed to be 1.52 acres), and two vacant lots with the new road and utilities on each of said parcels (herein after "Development").
3. The Applicant states that this Definitive Plan is submitted for the purposes of obtaining a zoning freeze under M.G.L. Chapter 40A, Section 6.

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 December 15, 2015, by a vote of five in favor and none opposed, **denied** the following waivers to the Rules and Regulations. The Planning Board finds that the waivers are not in the public interest and are inconsistent with the intent and purpose of the Subdivision Control Law.

10. Section IV.A.1.d requiring the proposed street not to be located within 600 feet of intersecting streets for major and secondary streets. The proposed Roadway "A" is within 600 ft. from Walper Street and the Providence Highway intersection (Route 1).
11. Section IV.A.1.e requiring the proposed minimum sight distance to be 400 feet. The proposed Roadway "A" has a sight distance less than 400 feet.

The Westwood Planning Board on January 12, 2016, by a vote of four in favor and none opposed, **denied** the following waivers to the Rules and Regulations because the request were not in the public interest and not consistent with the intent and purpose of the Subdivision Control Law and the Board's Rules and Regulations.

12. Section III.B.1.e requiring the submission of a location plan at a scale of two hundred feet to the inch.
13. Section III.B.1.h requiring submission of a traffic study.
14. Section III.B.3.h requiring sufficient data to determine the location, direction and length of every street and way line, lot line, boundary line. The radius of the cul-de-sac not provided.
15. Section III.B.3.l requiring the signature lines of the Board's action on each sheet.
16. Section IV.G requiring drainage compliance with Massachusetts department of Environmental Protection stormwater management standards.
17. Section VI.D requiring a minimum of six foot wide grass plots on each side of the roadway.

18. Section V.M and VI.E requiring the size and locations of trees at 30 foot intervals.

APPLICATION AND PLANS

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 October 21, 2015 and the following material associated with this application.

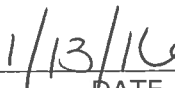
1. Application and cover letter for Definitive Subdivision Plan, prepared by Joseph Federico, dated October 15, 2015, received by the Town Clerk and Planning Board October 21, 2015.
2. Plan entitled "Definitive Plan 420 Providence Highway", prepared by A-Plus Construction Services Corporation of Norwell, MA, dated August 31, 2015, consisting of 10 sheets, prepared for 420 Providence Highway Realty Trust; submitted to the Planning Board and Town Clerk on October 21, 2015.
3. Memorandum from Health Director, Linda Shea, to Town Planner, Abigail McCabe; Subject: Definitive Subdivision-420 Providence Highway, November 19, 2015.
4. Memorandum from Town Engineer, Jeffrey Bina; to Town Planner, Abigail McCabe; RE: Application for Definitive Subdivision - 420 Providence Highway, dated December 8, 2015.
5. Memorandum from Town Planner, Abigail McCabe to Planning Board Members, RE: Definitive Subdivision 420 Providence Highway, dated December 14, 2015.
6. Electronic Mail from Dedham-Westwood Water District Executive Director, Eileen Commane, to Abigail McCabe, sent December 10, 2015.
7. Electronic Mail from Conservation Agent, Karon Catrone, to Abigail McCabe, RE: 420 Providence, sent December 7, 2015.
8. Electronic Mail from Public Safety Officer Sgt. Paul Sicard, to Abigail McCabe, Re: Wight Lane/420 Prov Hwy, sent December 11, 2015.

RECORD OF VOTE

The following members of the Planning Board voted on January 12, 2016 to **disapprove** the abovementioned Definitive Subdivision Project: Christopher A. Pfaff, Bruce H. Montgomery, Steven H. Olanoff, and John J. Wiggin.

The following members of the Planning Board voted in opposition to this Definitive Subdivision Approval for the abovementioned Project: None.


Abigail McCabe, Town Planner


DATE