

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

Christopher A. Pfaff, Chairman
Trevor W. Laubenstein, Vice Chairman
Steven H. Olanoff, Secretary
David L. Atkins, Jr.
Michael L. McCusker



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

Janice Barba, Planning & Land Use
Specialist

jbarba@townhall.westwood.ma.us
781-320-1366

PLANNING BOARD

**CERTIFICATE OF VOTE
DEFINITIVE SUBDIVISION**

2017 FEB 10 A 9 20
TOWN CLERK
TOWN OF WESTWOOD

**Canton Terrace Definitive Subdivision
(36 & 44 Blue Hill Drive, 124 Canton Terrace and Map 18, Lots 10 & 73, Map 25,
Lots 59 & 60)**

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 February 7, 2017 by vote of five members in favor and none opposed, voted to conditionally **approve** the Definitive Subdivision plan for a two lot subdivision and ~220 ft. dead end road with cul-de-sac named Canton Terrace Definitive Subdivision Plan at 36 & 44 Blue Hill Drive and 124 Canton Terrace as shown on the plans entitled "Canton Terrace Definitive Plan, Westwood, MA", dated October 28, 2016, revised on January 18, 2017 prepared by John F. Glossa and Andrew C. Murphy, and filed with the Planning Board and Town Clerk on November 14, 2016.

PROJECT SUMMARY AND BACKGROUND

The project proposes combining four parcels and subdividing the ~6.99 acre parcel into two new buildable lots with a ~220 ft. dead end road on the north side of Blue Hill Drive in the SRC zone.

A Preliminary Subdivision application was submitted to the Planning Board for these properties in April 27, 2016 and the Certificate of Vote for the Preliminary Subdivision for Canton Terrace was submitted to the Town Clerk on June 24, 2016.

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 November 14, 2016, an application was filed by or on behalf of Edward J. and Bonnie J. Musto (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, 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 December 23, 2016 and again on December 30, 2016. Notice of the public hearing was posted in the Westwood Town Hall in the office of the Town Clerk on December 15, 2016 and continuing through the opening of the public hearing on January 10, 2017. 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 December 15, 2016.
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, Historic Commissioner, Pedestrian and Bicycle Safety Committee, and the Dedham Westwood Water District on November 18, 2016.
4. The Board of Health filed its report to approve the Definitive Subdivision on January 10, 2017, 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 January 10, 2017, in the Champagne Meeting Room at 50 Carby Street, Westwood, MA 02090 and was continued to February 7, 2017 in the same location on which date the Planning Board closed the public hearing.
6. Westwood Planning Board members Trevor W. Laubenstein, David L. Atkins Jr., Christopher A. Pfaff, Steven H. Olanoff, and Michael L. McCusker were present for all public hearings at which testimony was taken.
7. Westwood Planning Board members Trevor W. Laubenstein, David L. Atkins, Christopher A. Pfaff, Steven H. Olanoff, and Michael L. McCusker deliberated on the Application at duly authorized meeting on February 7, 2017.

Project Findings:

1. The subject property consists of ~6.99 acres of land shown on the Westwood Board of Assessors' Map 18, Lots 10 and 73, and Map 25, Lots 59 and 60 in the SRC (Single-Family Residence C) zoning district.
2. The Applicant proposes to construct a 220 ft. dead end road to serve two single-family house lots with sidewalks and utilities on each of said parcels situated on the north side of Blue Hill Drive south of Route 95 (herein after "Development").
3. The Planning Board determined that, subject to the conditions imposed herein, the development proposed in the Definitive Subdivision Plan is in harmony with the general purpose and intent of the Subdivision Regulations.

4. The Planning Board determined that, due to the proposal for two house lots where three house lots exist presently and the location on Blue Hill Drive, the waivers set forth below are appropriate.
5. The Planning Board determined that the detention basin outlet showing discharge to a long flat swale to dissipate the runoff which may occur during storm events greater than the 25 year storm is sufficient.
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.

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 February 7, 2017, by a vote of five in favor and none opposed, **granted** the following waivers to the Rules and Regulations.

1. Section III.B.1.h requiring a traffic study. The Applicant submitted a report describing the sight distances and provided a sight distance sketch plan for the project proposing the removal of three single-family house lots to be replaced by two single-family house lots. The Planning Board determined that the proposal for two house lots has minor traffic impacts and finds the sight distance study to be sufficient. The Planning Board finds that this waiver is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law.
2. Section IV.2.b.,d requiring property lines at intersections to be rounded or cut back to provide for a curb radius of not less than 40 ft. (55 ft. if a major or secondary street) to allow for a smaller curb radius of 25 feet. The Board determined that the smaller radius is sufficient to accommodate truck and emergency vehicles and provides better control of vehicles exiting the subdivision and encourages vehicles to come to a full stop before entering Blue Hill Drive.
3. Section V.A.5 requiring the outflow system from the proposed detention basin to extend for at least 50 feet beyond the last lot in the subdivision or into an existing drainage system. The Board determined that the outflow designed to extend past the location of the proposed house location on lot 1 is sufficient.
4. Waiver from Section 8B of Westwood's Stormwater Management Regulations, requiring compliance with the MA Stormwater Handbook for the submission of low impact design alternatives considered for the project's Stormwater Management Plan. The Board found the submitted information and the sewer laterals incorporated into the plan to be sufficient and agreed to defer submission of the low impact design alternatives as part of the Land Disturbance Permit to be filed with the Stormwater Authority, the Westwood Conservation Commission.

CONDITIONS

After the public hearing, the Westwood Planning Board by a vote of five in favor and none opposed, voted to approve the Definitive Subdivision of Canton Terrace as described above, subject to the following conditions:

Conditions Prior to Plan Endorsement:

1. The Definitive Plan entitled "Canton Terrace Definitive Plan, Westwood, MA", prepared by Glossa Engineering, dated October 28, 2016, revised January 18, 2017, be revised as follows:
 - o Sheet 1 "Cover Sheet" shall be revised to accurately show the correct project parcels in the locus map;
 - o The Double Grate Catch Basin detail on Sheet 8 "Detail Sheet" shall include a hood;
 - o The existing stone wall at the rear of proposed lot 1 shall be annotated to remain and a note added indicating the portion of the wall that will be removed for the proposed drainage easement;
 - o Detail sheet 8 shall be updated to include paving thickness, gravel, and all details for the road cross section to comply with the Town's road constructions standards;
 - o "No further subdivision allowed without returning to the Planning Board for a modification pursuant to M.G.L. c.41, §81W . Further division of any lot created hereon, whether by ANR or any other method, is expressly prohibited, except that lots may be reconfigured, such that the total number of building lots does not exceed two (2) lots. Any change in roadway or increase in number of lots requires a new subdivision filing."
2. 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 Plan and a copy of this Decision at the Norfolk Country Registry of Deeds.
3. Prior to endorsement of the Definitive Plan, the Applicant shall provide a Performance Guarantee, in a manner acceptable to the Planning Board, and prior to the release of any lot or the issuance of any building permit for the construction of any buildings, to ensure that the required improvements will be constructed and/or installed in accordance with the approved Definitive Plan.

Conditions Prior to Construction:

4. 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.
5. The Applicant shall submit a pest-control report and asbestos survey to the Health Department prior to demolition of the existing houses on Blue Hill Drive.

6. A construction dumpster company licensed by the Westwood Health Department must be used for construction debris and recycling.
7. The Applicant is responsible for filing with the Conservation Commission for disturbance within a resource area and land disturbance permit under the Westwood Stormwater Bylaw.
8. The Applicant shall submit the low impact design alternatives as required in Section 8.B of the Westwood Stormwater Regulations as part of the Stormwater Management Plan to the Planning Board prior to construction and to the Conservation Commission as part of the Notice of Intent process.
9. Prior to the start of construction, the Applicant shall submit earth work calculations to verify exemption with Zoning Bylaw Section 7.1.8.1 or if the Project is not exempt, the Applicant shall submit an application for an Earth Material Movement Special Permit, pursuant to Section 7.1 of the Zoning Bylaw prior to conducting any earth movement work.
10. Prior to the start of construction, the Applicant shall submit an Illicit Discharge Compliance Statement to the Conservation Commission verifying that there will be no illicit discharge at the site.

During Construction:

11. 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.
12. 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.
13. The sidewalks 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.
14. As shown on the Project Plans, the trees shall be planted approximately 30 ft. on-center and shall be planted with at least a three (3) inch caliper when measured four (4) feet above the ground. The trees and landscape features shall be planted at the time the roadway binder course is laid. Any tree plantings that do not survive shall be replaced within one growing season. Failed trees shall be replaced at the expense of the Applicant or Homeowners Association as often as necessary until such roadway is accepted by the Town.

Continuing Conditions:

- 16 Except as modified by the conditions and findings hereof, the Project shall comply with the Definitive Plan, in all respects, and the Applicant shall pursue completion of the project with reasonable diligence and continuity.
17. The development shall be limited to a total of two (2) lots, regardless of the number of lots which could otherwise be developed and the road may not be extended without returning to the Planning Board for an amendment or modification pursuant to M.G.L. Chapter 41, Section 81W. The endorsed Definitive Plan shall contain the wording "No further subdivision allowed without returning to the Planning Board, pursuant to M.G.L. c.41, §81W. Further division of any lot created hereon, whether by ANR or any other method, is expressly prohibited, except that lots may be reconfigured, such that the total number of building lots does not exceed two (2) lots. Any change in roadway or increase in number of lots requires a new subdivision filing."
18. The Applicant is responsible for promptly repairing any damage caused to 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.
19. 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.
20. 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.
21. 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. 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.
22. 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.

23. Any future change, modification or amendment to the final Definitive Plan as may be approved by the Planning Board shall be in accordance with the requirements of M.G.L. Chapter 41, Section 81W.

24. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.

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 November 14, 2016 and the following material associated with this application.

1. Application for Definitive Subdivision Plan; prepared by Edward and Bonnie Musto, dated November 14, 2016, received as complete by the Planning and Town Clerk on November 16, 2014.
2. Plans entitled "Canton terrace definitive Plan, Westwood, MA", dated October 28, 2016, revised on January 18, 2017 prepared by John F. Glossa and Andrew C. Murphy, and filed with the Planning Board and Town Clerk on November 14, 2016.
3. Engineer's Report for Canton Terrace A Residential Subdivision Blue Hill Drive Westwood, MA, dated November 7, 2016, prepared for Edward J. Musto, prepared by Glossa Engineering, Inc. 46 East Street, East Walpole, MA 02032 (9 pages).
4. Storm Water Report for Canton Terrace A Residential Subdivision Blue Hill Drive, Westwood, MA dated November 7, 2016, prepared for Edward J. Musto, prepared by Glossa Engineering, Inc. 46 East Street, East Walpole, MA 02032 (91 pages).
5. Traffic Technical Memorandum to Edward Musto, from John T. Gillon, P.E. Re: Westwood - Blue Hill Drive, dated November 26, 2016.
6. Supplemental Storm Water Report Canton Terrace A Residential Subdivision Blue Hill Drive Westwood, MA, dated January 18, 2017, prepared for Edward J. Musto, prepared by Glossa Engineering, Inc. 46 East Street, East Walpole, MA 02032 (70 pages).
7. Sketch Plan for Sight Distances, Canton Terrace, prepared by Glossa Engineering, dated January 18, 2017.
8. Operation and Maintenance Plan for Canton Terrace Single Family Residential Development Westwood, MA (3 pages), received February 3, 2017.
9. Illicit Discharge Compliance Statement for Canton Terrace Westwood, MA Definitive Subdivision, signed by project design engineer John F. Glossa, dated February 3, 2017.
10. Response to comments to Abigail McCabe, RE: Canton Terrace Definitive Subdivision, dated January 24, 2017 (4 pages).
11. Memorandum from Philip F. Paradis, BETA Group to Todd Korchin, DPW Director, dated January 4, 2017 and February 1, 2017.

- 12. Memorandum from Thomas Houston, PSC to Abigail McCabe, dated January 5, 2017, and February 2, 2017.
- 13. Memorandum from Karon Skinner Catrone to Abigail McCabe, re: Canton Terrace Definitive Plan, dated January 3, 2017.

RECORD OF VOTE

The following members of the Planning Board voted on February 7, 2017 to grant **Approval** for the abovementioned Definitive Subdivision Project: Christopher A. Pfaff, David L. Atkins, Michael L. McCusker, Steven H. Olanoff, Trevor W. Laubenstein.

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


Abigail McCabe, Town Planner

2/10/2017
DATE

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TOWN CLERK
TOWN OF WESTWOOD