

Town of Westwood
Commonwealth of Massachusetts

Trevor W. Laubenstein, Chairman
David L. Atkins, Jr., Vice Chairman
Steven H. Olanoff, Secretary
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CLERK
WESTWOOD
AUG 24 4 11

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 voted in favor to *grant* the application of Coastal Development LLC, as voted on August 22, 2017, and filed in the Office of the Town Clerk on March 23, 2017, pursuant to the Rules and Regulations of the Planning Board as Special Permit Granting Authority for a Shared Driveway Special Permit under Section 6.1.28 of the Westwood Zoning Bylaw. The Application seeks to construct a 500 ft. long shared driveway to provide access to three single-family house lots on the west side of Summer Street located on the ~5.9 acre property at 480 Summer Street in Westwood, MA 02090 in the SRC zoning district.

LAND AFFECTED: 480 Summer Street (Assessor's Map 2, Lot 001), Westwood, MA 02090

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.

Appeals, if any, shall be made pursuant to Section 17 of said M.G.L. 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

Trevor W. Laubenstein, Chairman

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Michael L. McCusker

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TOWN CLERK
TOWN OF WESTWOOD

Dated: 8/22/17

**DECISION OF THE PLANNING BOARD
SPECIAL PERMIT**

APPLICANT: Paul J. Sullivan, Manager
ADDRESS: Coastal Building Solutions, Inc.
PO Box 504
Milton, MA 02186

And,

10 Porter Street
Stoughton, MA 02072

PROPERTY OWNER: Michael and Yvette Mouhanna
c/o Fourzol, LLC
15 Main Street, Suite 8B
Franklin, MA 02038

PROPERTY LOCUS: 480 Summer Street
Westwood, MA 02090
Assessor's Map 2, Lot 001

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to construct a 500 ft. long shared driveway pursuant to Zoning Bylaw Section 6.1.28 [Shared Driveways] to provide access to a total of three single-family residences located at 480 Summer Street. This project proposes to widen the existing ~10-11 ft. wide driveway to 16 ft. with two (2) ft. grass pavers and stone shoulders on either side of the drive in the same general location as the existing driveway and improves the turnaround to an 85 ft. layout and 55 ft. of pavement width to serve the three lots. A 30 ft. wide shared driveway, utility access and maintenance agreement is proposed.

The property is located in the SRC (Single Residence C) zoning district. The ~5.9 acre property presently contains one single-family residence, a one-story garage and two sheds served by a ~500 ft. long driveway with primary access from Summer Street with a turnaround and a paved easement from the turnaround connecting to the westerly property line, which ultimately connects to Westfield Street with a 12 ft. wide right-of-way easement across the property at 136 Westfield Street.

The property was granted a Shared Driveway Special Permit approval for a ~500 ft. driveway for three houses lots on April 11, 2006 and issued eight Special Permit extensions by the Planning Board. The lots were never created, the shared driveway was not constructed, and the previous Planning Board approval expired on December 1, 2015. The Applicant has filed a Special Permit and intends to create the three lots through a subsequent submission of an Approval Not Required (ANR) Plan, pursuant to M.G.L. Chapter 41, Section 81P.

STATEMENT OF FINDINGS

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

1. On March 23, 2017, an application was filed by or on behalf of Paul J. Sullivan, Manager of Coastal Development LLC., pursuant to the Rules and Regulations of the Planning Board as Special Permit Granting Authority for a Shared Driveway Special Permit under Section 6.1.28 of the Westwood Zoning Bylaw with the Westwood Planning Board and the Westwood Town Clerk (hereinafter "Application").
2. Pursuant to M.G.L. Chapter 40A, Section 9 and 11 and the applicable provisions of the Westwood Zoning Bylaw and the Rules and Regulations of the Westwood Planning Board (hereinafter "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 April 21, 2017 and April 28, 2017. Notice of the public hearing was posted in the Westwood Town Hall commencing on April 13, 2017, and continuing through the opening of the public hearing on May 9, 2017. Said notice of the public hearing was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on April 14, 2017.
3. The Planning Board provided copies of the Application to other Town of Westwood boards and commissions, departments and officials including, but not limited to, the Board of Health, Board of Selectmen, Building Commissioner, Conservation Commission, Historical Commission, Pedestrian and Bicycle Safety Committee, Department of Public Works, Fire Chief, Police Chief, and Town Engineer on April 12, 2017.
4. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Section 9 and 11, the public hearing on the Application commenced on May 9, 2017 at the Carby Municipal Building at 50 Carby Street, Westwood, Massachusetts, 02090. On May 9, 2017, the Board continued the public hearing to May 23 at the same location. On May 23, 2017, the Board reopened the public hearing and took testimony, in the same location and continued the hearing until July 11, 2017 in the same location. On July 11, 2017, the Board reopened the public hearing, took testimony and ultimately continued the public hearing until August 22, 2017 in the same location. At the July 11, 2017 hearing, the Board motioned to approve the application and the vote to approve did not pass with two members voting in the affirmative and three in the negative. On August 22, 2017, the Planning Board re-opened the hearing, took testimony, deliberated on the application, reconsidered the earlier vote, and closed the hearing.
5. Westwood Planning Board Members Trevor W. Laubenstein, Steven H. Olanoff, David L. Atkins, Jr., Michael L. McCusker and Brian D. Gorman deliberated on the Application at a duly authorized meeting on August 22, 2017.

PROJECT FINDINGS:

1. The shared driveway special permit will eliminate the need for two additional driveway openings on Summer Street.

2. The creation of two new buildable lots with the minimum required frontage and access on an existing street (Summer Street) is permitted by-right and a proof plan showing the lot division and pre-ANR plan has been provided by the Applicant.
3. The shared driveway will eliminate the need for two additional driveways along a curved section of Summer Street that could have limited sight distances. Thus, one driveway opening has a greater beneficial impact on safety than the alternative for three individual driveway openings on Summer Street.
4. The shared driveway will eliminate the need for substantial blasting, earth disturbance, and tree removal on the designated scenic road if the alternative for two additional driveway openings is implemented. Thus, the shared driveway serving three houses is more environmentally sensitive design.
5. The shared driveway in the same location as the existing drive serving the house at 480 Summer Street protects the removal of mature trees and has been designed to adequately accommodate emergency vehicles by increasing the pavement width and adding shoulders on the driveway and an expanded turnaround.
6. The design and construction standards of the shared driveway and the improved turnaround area with increased width along with the conditions imposed as part of this special permit will provide adequate access and turnaround area for emergency and non-emergency vehicles.
7. Public safety is improved with the hydrant proposed on the south side of the driveway on Summer Street where there is no hydrant serving the existing dwelling presently.
8. The property and driveway serving the dwelling at #480 Summer Street exist today with a right-of-way easement connecting to Westfield Street without any restrictions. This special permit provides the opportunity for reasonable restrictions not presently in place. Thus, a conditional special permit provides opportunity to protect abutters from overuse of the easement where no controls exist without this approval.
9. The shared driveway does not circumvent the intent of M.G.L Chapter 40, the Subdivision Control Law because the lots have access and meet the minimum frontage requirements on an existing way [Summer Street]. Additionally, the driveway is no longer than the 500 ft. maximum as required in the Board's Subdivision Rules and Regulations and provides a minimum width of 16 ft. of pavement and 2 ft. shoulders on both sides (20 ft. total) and is substantially consistent with the Board's adopted Lane Policy for small subdivisions.
10. The Project, as modified by the Conditions of this Decision, will not be detrimental to the Town or to the general character or visual appearance of the surrounding properties, and will be consistent with all applicable standards set forth in the Westwood Zoning Bylaw Section 6.1.28 and the Planning Board's Rules and Regulations for Special Permits.

WAIVERS

1. Waiver of Section 6.2.2.1 of the Board's Special Permit Rules and Regulations requiring the submission of a Traffic Impact Study upon a finding that a traffic impact study is not needed for a proposal for two additional house lots in a single-family residential zoning district.
2. Waiver of Section 6.2.2.1 of the Board's Special Permit Rules and Regulations requiring the submission of a Stormwater Management Report upon a finding that a full stormwater report is not warranted for this project since the proposal is for two house lots on a 5.9 acre parcel and the Project proposes drainage improvements to the existing driveway.
3. Waiver of Section 6.1.2.1 of the Board's Special Permit Rules and Regulations requiring the submission of an Exterior Lighting Plan upon a finding that an exterior lighting plan is not necessary for this request for a common driveway for three residences.

DECISION:

On August 22, 2017, the Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, by a vote of four (4) in favor and none (0) opposed, hereby *grants* the application of Coastal Development LLC, and filed in the Office of the Town Clerk on March 23, 2017, pursuant to the Rules and Regulations of the Planning Board as Special Permit Granting Authority for a Shared Driveway Special Permit under Section 6.1.28 of the Westwood Zoning for the Project as described above and in the application therefor filed in the office of the Town Clerk on March 23, 2017 and the subsequent submissions during the course of the public hearing, hereby approves the plan entitled "Shared Driveway for Three Lots #480 Summer Street in Westwood, MA" prepared by Site Design Professionals, Inc., sheets 1-4, dated December 11, 2015, and last revised July 21, 2017, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. Except as modified by any of the conditions and findings hereof, the Project shall comply with the Project Plans, and with all conditions in all respects, and the Applicant shall pursue completion of the project with reasonable diligence and continuity.
2. The easement over lot 3 (136 Westfield Street) out the rear of the property shall be for the personal use and benefit of the residents of lot 8 (the existing dwelling at 480 Summer St.) and for emergency vehicle access only. No delivery trucks, landscape trucks or trailers, construction vehicles, service or contractor vehicles, are permitted to use the easement to access any lots, nor shall the easement be used for the transportation or temporary storage of construction or demolition materials during the build-out of any of the lots. If additional permits are required, such as for earth material movement, these permits shall incorporate this as a condition.
3. The future owners or any visitors to lots 7 and 9 shall not have any rights to the easement over lot 8 and this prohibition shall be included in the deed to lots 7 and 9.
4. There shall be two gates on proposed lot 8 on the easement located near the turn around and near the north westerly property line abutting Westfield Street lots. The gate shall remain closed at all times and locked with a plastic strap and shall be maintained in this state by the owner of lot 8. If the gate is opened, the owner shall immediately close the gate and replace the plastic strap.

5. Signage: There shall be signage that reads "No Trespassing Authorized Vehicles Only" on both sides of the easement and located at the beginning of the paved easement near the turnaround and near the property line. There shall be a sign on both gates that the gate shall remain closed at all times. A directional sign for "Right Turn Only" located at intersection of private drive for lot 9 and shared drive for vehicles to exit the lot with right turn only.
6. There shall be a speed bump halfway between the two gates visible from the turnaround as shown on the approved project plans.
7. No vehicles such as delivery trucks, visitors, or landscape trailers shall be parked on or along the shared driveway that would block access at any time. All parked vehicles shall be required to pull into the individual private driveways.
8. The shared driveway shall serve only the three (3) lots as shown on the Project Plans. The restriction shall be included as a note on the Project Plans.
9. 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.
10. The Applicant shall file an ANR (Approval Not Required) Plan with the Planning Board for the creation of the lots prior to applying for any building permits and prior to any site work approved as part of this project.
11. The Applicant shall file an Earth Material Movement application with the Planning Board, if triggered by Section 7.1 of the Zoning Bylaw.
12. There shall be house address signs at the end of each house's private driveway where it intersects with the shared drive.
13. The house addresses numbers shall be clearly identified with signage on Summer Street and the signage shall be reviewed by the Public Safety Officer prior to installation.
14. The Applicant is responsible for filing with the Conservation Commission for disturbance within the buffer zone or under the Stormwater Bylaw as well as any other local, state or federal permits required for this project.
15. If the Project, or any Condition imposed in this Decision, requires 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 shall make an appropriate application for the same. If any condition of such permit, license, or other approval from any other board, committee, or agency is inconsistent with this Decision, 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.
16. The shared driveway shall not be extended and shall not connect to any other streets or ways except where it originates on Summer Street.
17. The shared driveway shall not be used as frontage for any new buildable lots.
18. There shall be no additional driveways permitted to connect to Summer Street. The shared driveway shall not be further extended other than as shown on the approved project plans.
19. A 50 ft. landscape buffer shall be provided and maintained in the rear (from the westerly property line) and 20 ft. landscape buffer from the south and side property lines.

20. Any alterations, modifications, deletions or amendments to the approved project plans shall require the applicant to return to the Planning Board for amendment in accordance the requirements of M.G.L. Chapter 40A, Section 9.
21. 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.
22. 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 March 23, 2017. All of the following plans and material are hereby incorporated by reference and made part of this Decision.

1. Application prepared by Coastal Development, LLC, dated March 14, 2017 and received by the Town Clerk and Planning Department on March 23, 2017.
2. Narrative and requested waivers prepared by Paul J. Sullivan, Coastal Development, LLC dated March 20, 2017 and received by the Town Clerk and Planning Department on March 23, 2017.
3. Revised narrative prepared by Paul J. Sullivan, Coastal Development, LLC dated April 29, 2017 and received by the Planning Department on May 1, 2017.
4. Revised waiver request prepared by Paul J. Sullivan, Coastal Development, LLC dated April 29, 2017 and received by the Planning Department on May 5, 2017.
5. Site plans entitled "Shared Driveway for Three Lots #480 Summer Street in Westwood, MA" prepared by Site Design Professionals, Inc., sheets 1-4, dated December 11, 2015, revised January 6, 2016, revised May 16, 2017, revised May 22, 2017, and revised July 5, 2017.
6. Electronic Mail from Police Sgt. Paul Sicard to Abigail McCabe, Subject: 480 Summer St Shared Driveway Special Permit Tues. 5/9 Meeting, Sent: May 3, 2017.
7. Narrative prepared by Paul Sullivan, dated July 1, 2017.
8. Memorandum from Philip F. Paradis, Jr., PE, to Todd Korchin, DPW Director, Subject: 480 Summer Street Shared Driveway Special Permit, dated April 28, 2017.
9. Memo from K. Catrone, Conservation Agent to Abigail McCabe, Town Planner, Subject: 480 Summer Street, dated May 2, 2017.
10. Memo from Westwood Fire Chief Bill Scoble to Abigail McCabe, Town Planner, Subject: 480 Summer Street, dated May 9, 2017 and May 23, 2017.
11. Plan entitled "Driveway Plan for Lots 7, 8, & 9 Summer Street in Westwood, MA" Sheet 1 of 1, prepared by Site Design Professionals, LLC, dated July 21, 2017, received August 4, 2017.
12. Plan entitled "ANR Land Court Pre-File Plan in Westwood, Massachusetts, 480 Summer Street", prepared by Borderland Engineering, Inc., dated July 21, 2017.
13. Pre submission ANR Application form completed by Coastal Development, LLC c/o Paul Sullivan, submitted August 4, 2017.

14. Quitclaim Deed (Individual) Document, 343817, from Norfolk County Registry District, dated June 20, 1974.
15. Revised plans entitled "Shared Driveway for 3 Lots, 480 Summer Street in Westwood, Massachusetts" 4 Sheets, prepared by Site Design Professionals, LLC, dated December 11, 2015, revised through July 21, 2017.
16. Electronic Mail from Tom McCusker to Abigail McCabe, RE: 480 Summer Street – Deeded Easement, Sent: Friday, August 18, 2017.
17. Electronic Mail from Paul Brodmerkle to Abigail McCabe, Subject: 480 Summer Street, Sent August 11, 2017 (driveway slope information).
18. Draft of findings, waivers and conditions prepared by Town Planner Abigail McCabe, prepared for July 11, 2017.
19. Draft of findings, waivers and conditions prepared by Town Planner Abigail McCabe, prepared for August 22, 2017.

RECORD OF VOTE

The following members of the Planning Board voted on August 22, 2017 to **grant** the Applicant a special permit to construct a common driveway to provide access to three single family house lots for the abovementioned Project: Trevor W. Laubenstein, David L. Atkins, Jr, Steven H. Olanoff, and Michael L. McCusker.

The following members of the Planning Board voted in **opposition** to the Special Permit for the abovementioned Project: Brian D. Gorman.


 Abigail McCabe, Town Planner

8/24/2017
 Date

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 TOWN CLERK
 TOWN OF WESTWOOD