



# Town of Westford

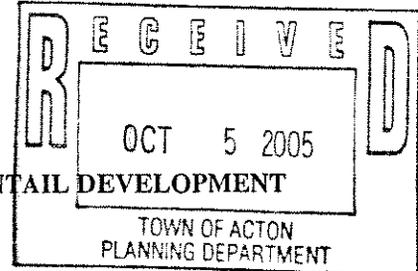
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Westford, MA 01886  
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## Office of the Planning Board

**CERTIFICATE OF APPROVAL OF A OPEN SPACE RESIDENTIAL DEVELOPMENT  
SPECIAL PERMIT: PB05025-DEF  
"STONY BROOK ROAD"  
TOWN OF WESTFORD**



**Applicant:** Nagog Real Estate Consulting Corporation  
530 Groton Road,  
Acton, MA 01720

**Landowner:** CAL Realty Trust  
165 Princeton Boulevard  
Chelmsford, MA 01863

**Property Location:** West of Stony Brook Road, South of the Stony Brook  
Westford MA 01886

**Assessor's Map and Parcel:** Map 32, Parcel 27

**Application Submitted:** July 7, 2005

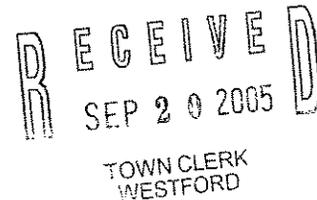
**Public Hearing:** August 1, 2005  
September 6, 2005

**Planning Board Vote:** 5-0-0 to Approve

**Filed with Town Clerk:** September 20, 2005

**Decision Effective:** October 10, 2005 (unless appealed)

**Reference Plans:** C1.1 – Title Sheet Plan  
C2.1 – Existing Conditions Plan  
C3.1 – Plan of Lots  
C4.1 – Conventional layout  
C5.1 – Grading, Drainage and Paving Plan  
C6.1 – Plan and Profile  
C7.1 – Sight Distance Analysis Plan  
C8.1 – Erosion and Sediment Control Plan  
C9.1 – Construction Details  
C9.2 – Construction Details  
C9.3 – Erosion and Sediment Control Plan  
C9.4 – Construction Details



**PUBLIC HEARING:**

**August 1, 2005 & September 6, 2005**

**DECISION**

At its regular meeting on September 6, 2005 the Planning Board voted 5-0-0 to **APPROVE** the Special Permit Application of the Nagog Real Estate Consulting Corporation to create an Open Space Residential Development for 6 single residences on an 18.77 Acre parcel known on Assessors Map 32 as Parcel 27. The proposed work is shown on plans entitled "Definitive Plan, Open Space Residential Development Stony Brook Road, Westford MA" prepared by Goldsmith Prest and Ringwall, Inc dated June 2005 revised through August 25, 2005, consisting of 12 sheets.

**FINDING OF FACT:**

The Planning Board finds that the Stony Brook Road Open-space Residential Development plan is in harmony with the general purposes of Chapter 173 and the requirements of Chapter 40A of the General Laws and the long-range plan of the Town; that it will not have a detrimental impact on the neighborhood; will be designed with due consideration for health and safety; and is superior to a conventional plan in preserving open space, minimizing environmental disruption, and allowing for more efficient provision of services. In addition, the Planning Board finds that the Stony Brook Road Open-space Residential Development plan meets the specific requirements of Section 7.1 *Open-space Residential Development*.

**General Conditions:**

- 1) The Applicant shall record with the North Middlesex Registry of Deeds and in the case of registered land with the Recorder of the Land Court, this decision, Definitive Plan and any Covenants, and shall submit evidence of such recording to the Planning Staff as required in Section 218-11 (K) of the Subdivision Rules and Regulations
- 2) Within 30 days after the endorsement of the Definitive Plan, the Applicant shall obtain and deliver to the Board or its representative, four prints of said Plan as so completed for the Board's files and for subsequent distribution to appropriate Town agencies and one copy on Mylar of the layout plans and profiles of the proposed street for the files of the Engineering Department. The Applicant shall thereafter provide Planning Board with the recording information of said plans.
- 3) The Applicant shall submit all drawings (subdivision plans and As Built Plans) in the appropriate Auto CAD format to the Town Engineer and Planning Department.
- 4) In the absence of any details or waivers set forth herein, the current Subdivision Rules and Regulations of the Planning Board shall govern and become an integral part of this decision. All construction details not specifically shown on the approved plan shall conform to the specifications and requirements of the Town of Westford Subdivision Rules and Regulations in effect at the time.
- 5) The Applicant acknowledges that this approval is subject to completion of all necessary filings and any order of conditions issued for this project by the Town

of Westford Conservation Commission. In addition, if any of the approved site features are amended by the Conservation Commission in a way that would require an amendment, then the Applicant shall submit these changes to the Planning Board for their review and approval;

- 6) The Applicant acknowledges that this approval is subject to completion and approval of all necessary filings with the Town of Westford Board of Health. In addition, if any of the approved site features are amended by the Board of Health in a way that would require an amendment, then the Applicant shall submit these changes to the Planning Board for their review and approval;
- 7) Recorded copies of all required legal documents (e.g. covenants, easements, etc.) shall be submitted to the Town Planner, for review and approval, prior to the release of any lots within the subdivision;
- 8) The Applicant shall provide the Planning Department with a full size, reduced, and DWG digital copy of the final set of approved recorded plans prior to the issuance of a building permit.
- 9) The provision of this approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or control;
- 10) This approval shall lapse within two (2) years from Plan endorsement unless substantial use or construction of the site has commenced. Substantial use or construction on the site will be determined by a majority of the Planning Board. If substantial use or construction has not commenced within two (2) years, the Applicant shall petition the Planning Board for an extension of time;
- 11) The following information shall be deemed part of the decision
  - a) Plan: Titled: Definitive Plan, Open Space Residential Development  
Stony Brook Road, Westford MA  
Prepared by: Goldsmith Prest and Ringwall, Inc  
Dated: June 2005
- 12) Any changes, revisions or modifications to the plans as approved herein shall require approval by the Planning Board.

### **Special Conditions**

- 13) The Application shall restrict a minimum of 51% of the entire site for the purposes of continuing the agricultural use as shown on the approved Plan.
- 14) All the land designated for the continuation of the agricultural use shall be permanently restricted from further subdivision and other forms of development through a conservation easement/restriction running with the chain of title, in perpetuity, approved by the Board prior to issuance of the first building permit, and recorded at the North Middlesex Registry of Deeds. The Town of Westford Conservation Commission (Westford Land Preservation Trust??) shall be listed as a co-signer of such easement and shall be given the ability to enforce these restrictions and to recover its costs from the owner(s) responsible for any breach of the conservation restriction/easement.
- 15) The number of residences permissible in this subdivision shall be 6 single-family residences and the Applicant covenants with the Town that all land shown on this Plan shall not be further subdivided.

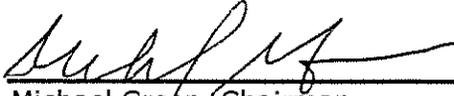
- 16) The Applicant shall, prior to endorsement of the Subdivision Plan, provide a Plan for Maintenance of the Common Area and the Agricultural Land in accordance with the following requirements:
- a) The Plan shall define ownership.
  - b) The Plan shall establish the necessary regular and periodic operation and maintenance responsibilities for common land and the agricultural lands.
  - c) The Plan shall estimate the associated costs and define the means for funding the maintenance of the common land and the agricultural land on an ongoing basis. Such funding plan shall include tax assessment of all lots as the means for funding long term capital improvements as well as regular yearly operational and maintenance costs. Failure to pay such assessment shall create a lien on the property assessed, enforceable by the Homeowners Association or the owner of any lot in the subdivision.
  - d) The Plan shall identify the means for escrowing sufficient funds for the maintenance and operation costs of the common areas and the agricultural lands.
  - e) Any changes to the Maintenance Plan shall be approved by the Board.
- 17) Approval is subject to Town Engineers satisfaction in regards to;
- a) Successful review of the structural designs for the retaining wall
  - b) Successful review of the test pit data in the areas of the proposed ponds
- 18) Approval is subject to confirmation by the Conservation Commission that it accepts the land parcel designated as open space.

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the town of Westford. Reference to this approval shall be entered upon the Plan and this Approval shall be recorded in the North Middlesex Registry of Deeds with the Plan.

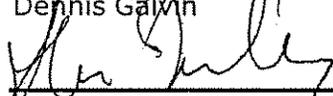
Any person aggrieved by this decision may appeal within twenty (20) days of the filing of this decision with the Town Clerk under the Provision of M.G.L. Chapter 40A Section 17.

Members present and voting in the affirmative

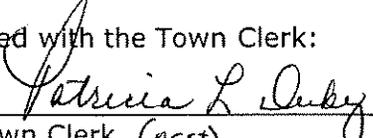
Stony Brook Road Definitive Subdivision -  
PB05024-DEF  
Nagog Real Estate Consulting  
Corporation  
Stony Brook Road

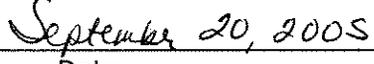
  
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Michael Green, Chairman

  
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Andrea Peraner Sweet

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Frederick Palmer  
  
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Dennis Galvin  
  
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Allen Nudler

Filed with the Town Clerk:

  
\_\_\_\_\_  
Town Clerk (Asst)

  
\_\_\_\_\_  
Date

Decision effective \_\_\_\_\_ unless appealed.

The undersigned, being the Town Clerk of the Town of Westford, Massachusetts do hereby certify that twenty days have elapsed since the above referenced decision of the Planning Board was filed in the office of the Town Clerk and no appeal has been filed with the Town Clerk.

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

cc; Hall Finnegan Ahern and Deschenes, Douglas Deschenes; Goldsmith, Prest and Ringwall Inc, Bruce Ringwall; Board of Selectmen; Board of Appeals; Board of Assessors; Board of Health; Building Inspector; Conservation Commission; Engineering Department; Police Chief; Fire Chief; Highway Superintendent; Tax Collector; Water Department; Abutters within 300 feet.