



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
TOWN COUNSEL

Jill Provencal
Section Chief
Wetlands Program-NERO
Department of Environmental Protection
Northeast Regional Office
205B Lowell Street,
Wilmington, MA 01887

By US Mail Return Receipt Requested

May 19, 2022

RE: WETLANDS/WESTWOOD
DEP File#338-0706
42 Mill Street
Superseding Order of Conditions

Dear Ms. Provencal,

I write this letter in response to your recent superseding order on the above-referenced property. The SOC states that the site will be served with a shared driveway, located on the abutting property. There has been no order by the Planning Board or any other authority to approve a shared driveway. Further, to my knowledge, there has been no application for a shared driveway.

A shared driveway is reviewable by the Planning Board under the Zoning By-Law which states:

“6.1.28 Shared Driveways. Use of land for shared driveways is permitted in all Districts, however, a shared driveway shall not be considered to adequately provide access for parking as required by this Bylaw on any lot for which a shared driveway is proposed as the sole means of access for parking unless the Planning Board so authorizes by special permit. Authorization shall be granted only if the Planning Board determines that the arrangement improves public safety, such as by reducing the number of curb cuts on a major roadway or by avoiding a driveway at a potentially dangerous location; or serves environmental protection, such as by eliminating a wetlands crossing, and that such an arrangement will be more advantageous to the neighborhood than separate driveways; and unless the Board further finds that the use of a shared driveway does not circumvent the intent of the Subdivision Control Law. The Planning Board shall adopt and may from time to time amend rules and regulations for the administration of this Section.

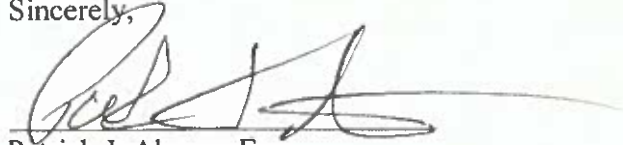
The Town of Westwood does not plan to appeal the SOC but wants you to understand that it reserves all of its rights under its Zoning Bylaws. We also want you and the Applicant to understand that we

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reserve our right to contest the Superior Court appeal on the basis that the proposed work is not authorized under the Town of Westwood Wetlands Bylaw.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick J. Ahearn', with a long horizontal flourish extending to the right.

Patrick J. Ahearn, Esq.
Town Counsel

Cc: Tyler Ferrick Mass DEP (via email)
Daniel Bailey, Pierce Atwood (via email)
Matt Watsky. Watsky Law (via email) Counsel to Delapa Realty Trust
Karon Catrone, Westwood Conservation Agent (via email)
Nora Loughnane, Westwood Director of Community and Economic Development (via email)
Westwood Conservation Commission
Tim McGuire, Godard Consulting 291 Main Street, Suite 8, Northborough, MA 01532 (via US Mail, First Class)
Brian Donahoe, Goldman Consultants, 60 Brooks Drive, Braintree, MA 02184 (via email)