

**Town of Westwood Planning Board**  
**Meeting Minutes**  
**July 14, 2009**  
**7:30 PM**

**Board Members Present:** Ch. Steve Olanoff, Steve Rafsky, Robert Malster, Bruce Montgomery, and Henry Gale.

**Staff Members Present:** Nora Loughnane, Town Planner; John Bertorelli, Town Engineer; and Glenn Garber, Community Development Advisor. Thomas McCusker, Town Counsel, was absent due to health concerns. Minutes were recorded by Janice Barba, Land Use Assistant.

Ch. Olanoff called the meeting to order at 7:37 PM.

**Consideration of Proposed ANR Plan for 102-114 Canton Terrace**

Mr. Ed Musto, owner of 102 Canton Terrace, presented the board with a plan entitled "Plan of Land at 102-114 Canton Terrace in Westwood, MA, Prepared for Bonnie J. & Edward J. Musto and Edward R. & Jeannie C. Germano", dated May 21, 2009, prepared by Paul N. Robinson Associates, Inc., being the division of one lot, shown as Lot 011 on Assessor's Map 18, and the combination of a portion of that lot with Lot 012 on Assessor's Map 18, and also being the division of Lot 012 on Assessor's Map 18, into one parcel shown on said plan as "Lot 1", one parcel shown as "Lot 2", and one unbuildable parcel shown as "Remainder Lot C". The parcel shown on this ANR plan as "Remainder of Lot C" has no street frontage, does not constitute a buildable lot, and shall be treated as if combined with the adjacent 124 Canton Terrace now under common ownership. Mr. Musto explained that this proposal would redistribute a small portion of land between 102 and 114 Canton Terrace, in order to permit sufficient setback for a new house.

Mr. Montgomery made a motion to endorse the ANR and it was seconded by Mr. Gale. The vote was unanimous, five votes in favor. Ms. Loughnane presented the plan to the board for endorsement. All members signed the Mylar plan and two copies. A copy was given to Mr. Musto for recording at the Registry of Deeds.

**Update on Westwood Station: Glenn Garber**

Mr. Garber reported that he, staff members and two planning Board members met with Howard Davis earlier today to discuss the federal stimulus funding for Westwood Station. He said it was still unclear what dollar amount of funding the project could receive.

**Update on Community Development: Glenn Garber**

Mr. Garber stated that principal Planning projects for the near future include the development of a process for an updated Master Plan, revitalization of the Economic Development Advisory Board, amendments to MRD and MUOD sections of the Zoning Bylaw, and collaboration on Westwood Station permitting.

**Continuation of Public Hearing to Consider 81W Modification of Definitive Subdivision Approval for Presidential Estates – High Street**

Ms. Loughnane informed the board that Town Counsel received notification from the attorney representing Presidential Estates, that the claim of constructive approval of Presidential Estates has been withdrawn by the owner, Mr. Gobbi. Therefore, she said that no 81W modification needs to be considered. Ms. Loughnane asked that the Planning Board close the hearing, without taking any further action. She noted that this project is presently under Conservation Commission review and is awaiting a determination on wetland delineation. Ms. Loughnane stated that new plans for the property may be developed in the future. Mr. Montgomery made a motion to close the hearing without taking any action. The motion was seconded by Mr. Rafsky, and unanimously approved with five votes in favor.

### **Consideration of Scenic Roads Approval – 423 Sandy Valley Road**

Ch. Olanoff opened the Scenic Road Public Hearing, to consider an application filed by Thomas Wirth Associates, Inc., on behalf of property owners Stephen and Allison Pellegrino.

Ch. Olanoff asked why the Tree Warden was not present tonight. Ms. Loughnane said that Tree Warden Ralph Phaneuf had reviewed the application. She noted that no trees are proposed for removal, and that Mr. Bertorelli was appearing on Mr. Phaneuf's behalf.

Mr. Pellegrino made a brief statement about the proposed work, which includes the relocation of an existing driveway entrance, the reconstruction of a missing section of stone wall and the addition of several trees to the property. He turned the presentation over to his landscape architect, Thomas Wirth. Mr. Wirth showed the plan to the board and provided details and specifications of the proposed driveway. He said the existing driveway will be re-vegetated with turf and the new driveway will be located outside of the stream buffer zone. He noted that fifteen feet of new stone wall will be added to the existing stone wall at the opening of the old driveway, and that a post and rail fence and gate will be installed. Mr. Wirth also stated that any stumps remaining from recent removals will be ground up.

Planning Board members agreed that the new driveway location was preferred from a conservation standpoint and from the perspective of utility for the homeowner. A question was asked about the proximity of the new driveway opening to that of the driveway across the street. Mr. Wirth said the neighbor's driveway is 85' away. A Planning Board member asked if the driveway is wide enough to accommodate fire apparatus. Mr. Wirth confirmed that it is wide enough.

Ms. Loughnane told the board that Health Director Linda Shea noted that there is a private irrigation well on the property that is not shown on the plans. She said that Mrs. Shea requested that the Applicant revise the submitted plans to show the location of the well, in order to avoid compromising it during construction. Mr. Wirth agreed to revise the plans. Ch. Olanoff stated that the board's decision will reflect this request in one of the conditions.

Ch. Olanoff opened the hearing for public comments. Michael Decenzo, 493 Sandy Valley Road, asked if stumps will be removed from the property. Mr. Wirth confirmed that the stumps would be removed.

Upon a motion by Mr. Gale and seconded by Mr. Rafsky, all five board members voted in favor, to close the public hearing. Mr. Montgomery made a motion to approve the above-mentioned application with conditions set forth in the draft decision and discussed above. The motion was seconded by Mr. Gale., and unanimously approved with five votes in favor.

### **Continuation of Public Hearing to Consider Application for Limited EIDR Approval of Exempt Use for the Construction and Establishment of an Equestrian Facility – 401 Sandy Valley Road**

*(Mr. Malster resumed his duties as chair for the above mentioned Application, as he was chairman at the opening of the public hearing and subsequent hearings.)*

Ch. Malster opened the continuation of this public hearing at approximately 8:20 PM.

Ch. Malster gave a brief recap of all that had transpired since the last hearing session on June 23<sup>rd</sup>. He stated that the board has received a revised opinion from Town Counsel regarding the addition of a condition to require sprinkler installation in the barn at 401 Sandy Valley Road. Ch. Malster read from Town Counsel's June 29<sup>th</sup> letter to the board, in which Mr. McCusker states "In considering the holdings in Cumberland Farms, Prudential Insurance, the concerns expressed by the Fire Chief, the

location of the site and the configuration of the roadway, it would not be unreasonable for the Planning Board to include in its decision a requirement for a sprinkler system." There was a lengthy discussion amongst the board members about Mr. McCusker's revised opinion and the proposed condition, with respect to how this should affect the procedure of the hearing, which was only to remain open for Planning Board deliberation, but was to be closed to public testimony. Ch. Malster said he felt strongly that the Applicants and public should have the opportunity to comment on this recent communication from Town Counsel. Other board members expressed their opinions that this new condition to require sprinklers should be the only area reopened for public comment.

Mr. Gale asked the Planning Board if the majority of the members think this condition should be included. Mr. Rafsky said if the board doesn't move forward tonight, the next meeting is more than a month away, and that the current issues are not going to change the facts. Mr. Montgomery said any sprinkler system should be subject to the Fire Chief's approval. Mr. Montgomery noted that, based on research he has done, he does not feel that sprinklers are necessary in the riding arena portion of the barn structure, since little combustible material is present. Mr. Rafsky shared a similar opinion. Mr. Olanoff agreed, but added that the living quarters above the barn should be sprinklered. Ch. Malster said he would not agree to a condition that says in what areas the sprinkler system should be installed. He said the Fire Chief never provided an opinion limiting which buildings or areas should have sprinklers installed. The board discussed the possibility of leaving this condition as to what areas should have sprinklers installed to the Fire Chief's discretion and approval.

Ch. Malster asked the Applicants and their attorney if they'd wish for the hearing to be continued or to close tonight. Daniel Hill, attorney for the Applicants, said he would like the board to make a decision tonight, but noted that he would not be pleased with the addition of this condition.

The Planning Board reviewed the sixteen conditions of the decision. Condition #11 was deleted in its entirety. Condition #13 was changed to read: "Compacted gravel fire lines of at least eighteen feet (18') in width, suitable to withstand the weight of fire safety vehicles and equipment, shall be maintained at all times around the eastern, southern and western sides of the stable/indoor riding arena. A gravel access lane of at least twelve feet (12') in width shall be maintained at all times along the northern side of the stable/indoor riding arena."

Condition #14 was changed to read: "There shall be at least one firewall between the indoor riding arena and the stable and another firewall between the storage area and the apartment."

In Condition #15, the word "throughout" was changed to "in".

Ch. Malster stated that he would not approve this application based on what he considered to be flaws with the procedural aspects of tonight's hearing. He said that he wished that Town Counsel had been able to attend so that board members could question him on his revised opinion. For these reasons, Ch. Malster said that he would abstain from the vote.

Upon a motion by Mr. Gale and seconded by Mr. Montgomery, the Planning Board voted, with four votes in favor with one abstention, to approve the application to grant Limited EIDR Approval of an Exempt Use for the abovementioned project with conditions set forth in the draft decision and discussed above.

Upon a motion by Mr. Gale and seconded by Mr. Olanoff, the Planning Board voted, with four votes in favor with one abstention, to close the public hearing.

This part of the meeting adjourned at approximately 9:45 PM.

### **Enterprise Rent-a-Car**

Ms. Loughnane informed the board that Enterprise Rent-A-Car would be appearing before the Zoning Board of Appeals this month for an expansion of a non-conforming use. She noted that the Route One car dealer was operating as a pre-existing non-conforming use in a residential zone. Ms. Loughnane told the Planning Board that the Applicant is seeking to install a new illuminated signs. She reminded the board that she had received several complaints from area residents about light infiltration and glare from this site and surrounding sites. Ch. Olanoff suggested that the planning Board recommend that the ZBA add a stipulation to its decision to bring the lighting on this site into compliance with requirements of the Zoning Bylaw.

### **Dedham Savings Bank**

Ms. Loughnane told the board that many of the new town-funded plantings at Dedham Savings Bank, on the side of the lot running along Windsor Road, have been removed and relocated elsewhere on the site. She noted that, although other plantings have been put in their place, many of these new plantings will not be effective in providing four season screening of the parking lot from nearby residential properties. Board members agreed that non-compliance of the screening condition should be enforced by the Building Inspector. Ch. Olanoff directed Ms. Loughnane to work with representatives from Dedham Savings Bank, and the Building Inspector, to see that appropriate plantings, effective in providing four season screening of the parking lot from nearby residential properties, be installed along that side of the bank property. Ms. Loughnane noted that active construction was ongoing at this facility, and suggested that the planting issue be resolved following the completion of construction. All board members were in agreement.

### **Joint Meeting with Board of Selectmen**

Ms. Loughnane asked Planning Board members about their availability for a joint meeting with the Board of Selectmen for the purpose of appointing a replacement member for Henry's seat. Messrs. Olanoff, Malster, and Montgomery agreed to be available for the joint meeting on July 20<sup>th</sup>. Mr. Rafsky stated that he would be out of town of business.

The meeting adjourned at approximately 10:15 PM