

**Town of Westwood Planning Board  
Meeting Minutes  
Carby Street Building  
August 8, 2006  
7:30 PM**

**Board Members Present:** Steven Olanoff, Bob Moore, Rob Malster, George Nedder

**Board Members Absent:** Bruce Montgomery

**Staff Members Present:** Diane Beecham, Town Planner; John Bertorelli, Town Engineer

The meeting was convened at 7:30 pm.

**ANR Plan: Blue Hill Drive**

**Applicant: Laurence R. Markham**

**Address: Blue Hill Drive (across from the intersection with Whitewood Road)**

**Project: Creation of four (4) lots**

On a motion by Mr. Malster and seconded by Mr. Nedder, the Planning Board voted three in favor and one opposed to endorse, as not requiring approval under the Subdivision Control Law, a plan entitled "Plan of Land Located in Dedham & Westwood, Massachusetts (Norfolk County), dated June 19, 2006, prepared by GEOD Consulting, 56R Roland Street, Boston, MA 02129.

Record Owner: Laurence Markham  
109 Juniper Ridge Road  
Westwood, MA 02090

Land Affected: Blue Hill Drive  
Assessors' Map 26, Parcel 17

Mr. Olanoff indicated that he had read numerous studies showing the detrimental impacts of constructing residences within 500 feet of a highway. He felt that this property was a terrible place to construct homes and therefore he will not support the endorsement of this plan.

**Continuation of Public Hearing: Howard Estates Definitive Subdivision Plan**

**Applicant: Charlie & Jane Howard**

**Project: 2-lot subdivision at 265 Dover Road**

**In Attendance: Steve Poole, Consolidated Design Group [Project Engineer]; Mr. & Mrs. Howard**

Mr. Poole indicated that the following changes were made to the subdivision plan since the previous public hearing:

1. There is now a four percent (4%) leveling area at the intersection of the subdivision roadway with Dover Road and the grade of the subdivision

roadway transitions to a fourteen percent (14%) grade.

2. Additional land has been provided on either side of the subdivision roadway to allow for a jag in the layout of the roadway.

John Bertorelli stated that there were two minor outstanding issues: closed traverses need to be done and a list of the granted waivers should be on the cover sheet, as opposed to the current list of requested waivers.

Mr. Bertorelli indicated that the leaching basins were sufficient based on the information provided to him.

In return for the waivers from the subdivision rules and regulations, the subdivision will be limited to two lots in perpetuity. This must be included as a note on the plan.

One condition of the certificate of approval shall be that the Applicant must contact the Fire Chief and Dedham-Westwood Water District to find out if there is a need for additional fire hydrants to be shown on the plan.

Arthur Howe, an immediate abutter, requested that another condition of the approval be that to all practical extent, the paved area within the subdivision roadway layout be moved as far away as possible from his house.

Mr. Bertorelli indicated that the Department of Public Works does not want granite curbing around the roundings.

Diane Beecham indicated that there will have to be two conveyances of small parcels between the Howard's and the two abutting houses owned by the Howes and Mr. Howard's mother. These will need to be separately identified and the conveyances completed prior to the endorsement of the subdivision plan.

On a motion by Mr. Moore and seconded by Mr. Nedder, the Planning Board voted four in favor and none opposed to close the public hearing.

On a motion by Mr. Moore and seconded by Mr. Nedder, the Planning Board voted four in favor and none opposed to approve the definitive subdivision plan application subject to the following:

Pursuant to M.G.L. Chapter 41, § 81U, the Planning Board of the Town of Westwood, by vote of four in favor and none opposed, hereby **approves** the Definitive Subdivision Plan entitled "Howard Estates Definitive Subdivision Plans Located in Westwood, Massachusetts", dated September 25, 2005 and revised through July 20, 2006; prepared by Consolidated Design Group, Inc., 21 Main Street, Hudson, MA 01749; consisting of the following six (6) sheets and filed by Charles & Jane Howard III, 265 Dover Road, Arthur F. & Paula L. Howe, 259 Dover Road and Charles & Ethel M. Howard, 265 Dover Road, all in Westwood, Massachusetts:

Sheet 1 entitled "Howard Estates Definitive Subdivision Plans Located in Westwood, Massachusetts", dated September 25, 2005 and revised through July 20, 2006;

Sheet 2 entitled "Definitive Subdivision "Howard Estates" Existing Conditions in Westwood, Mass.", dated July 20, 2006;

Sheet 3 entitled "Draft "Howard Estates" Subdivision Plan Westwood, Mass.", dated July 20, 2006;

Sheet 4 entitled "Definitive Subdivision "Howard Estates" Topographic Plan Westwood, Mass.", dated September 25, 2005 and revised through July 20, 2006;

Sheet 5 entitled "Definitive Subdivision "Howard Estates" Utility Profile in Westwood, Mass.", dated May 10, 2006 and revised through July 20, 2006;

Sheet 6 entitled "Definitive Subdivision "Howard Estates" Construction Details in Westwood, Mass.", dated September 25, 2005 and revised through July 20, 2006.

The approval of said Definitive Subdivision Plan is subject to the conditions specified herein. These conditions include both waivers and extensions to the Rules and Regulations Governing the Subdivision of Land in Westwood, dated December 15, 1998.

***Conditions of Approval***

1. Section III.B.1.h. requiring a traffic study shall be waived. The Planning Board finds that this waiver is in the public interest and is not inconsistent with the intent and purpose of the Subdivision Control Law.
2. Section IV.A.2.e. requiring the layout width of the right-of-way to be a minimum of fifty (50) feet shall be waived, due to the constraints of the existing right-of-way which has a layout width of forty (40) feet. 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.
3. Section IV.A.3.b. shall be waived to allow for a maximum centerline grade of fourteen percent (14%) as shown on the Definitive Plan. Since the constraints of the existing topography does not currently allow for emergency vehicle access to the existing residence on the property and the proposed centerline grade of the subdivision roadway will allow for this emergency access, 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.

4. Section IV.A.3.c. shall be waived to allow for the subdivision roadway and Dover Road intersection to have a leveling area with a grade not to exceed four percent (4%) for a distance of not less than fifty (50) feet, as shown on the Definitive Plan. Given the constraints of the existing topography of the property, the Planning Board finds that this waiver is in the public interest and is consistent with the intent and purpose of the Subdivision Control Law.
5. Section IV.A.4.d. shall be waived to allow for the turnaround to have an outside street line diameter of thirty (30) feet, as shown on the Definitive Plan. Since the roadway will serve a total of two residences and this turnaround can adequately accommodate passenger vehicles, the Planning Board finds that this waiver is in the public interest and is consistent with the intent and purpose of the Subdivision Control Law.
6. Section V.E.2. shall be waived to allow for a minimum roadway pavement width of sixteen (16) feet with a three (3)-foot gravel shoulder on one side and a five (5)-foot gravel shoulders on the other side, as shown on the Definitive Plan. Since the roadway will serve a total of two residences, the Planning Board finds that this waiver is in the public interest and is consistent with the intent and purpose of the Subdivision Control Law.
7. Section V.F. requiring the installation of granite curbing along each edge of the roadway shall be waived. 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.
8. Section V.H. requiring the construction of six (6)-foot sidewalks on both sides of the roadway shall be waived. 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.
9. Section V.K. requiring side slopes that provide for seven (7)-foot wide shoulders shall be waived to allow for the side slopes as shown on the Definitive Plan. 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.
10. Section V.M. requiring the planting of street trees shall be waived. 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.
11. There shall be no further division or subdivision of Lot 4 and/or Lot 5 to create additional buildable lots. This restriction shall be included as a note on the Definitive Plan.
12. The existing bituminous driveway across the property at 259 Dover Road, which is marked to be abandoned on the Definitive Plan, shall be removed

and the land restored in accordance with an agreement between the owners of record of 259 Dover Road and 265 Dover Road.

13. Parcel A-1 shall be identified on the Definitive Plan.
14. There shall be a note on the Definitive Plan to indicate that Parcel C-3 (2,364± square feet) will be combined with Parcel B-2 (37,704± square feet) to create Lot 3 (40,068± square feet).
15. There shall be a note on the Definitive Plan to indicate that Parcel C-1 (1,748± square feet) will be combined with Parcel A-1 (39,306± square feet) to create Lot 1 (41,054± square feet).
16. A closed traverse for the boundaries of the Subdivision, the roadway and the interior lot lines shall be shown on the Definitive Plan, as required by Section B.1.f. of the Subdivision Rules and Regulations.
17. It must be demonstrated to the satisfaction of the Fire Department and the Dedham-Westwood Water District that there is adequate water flow at the location of the proposed fire hydrant.
18. All slope easements shall be specifically described by length and direction on the Definitive Plan as required by Section V.K. of the Subdivision Rules and Regulations.
19. Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points as determined by the Town Engineer, as required by Section V.N. of the Subdivision Rules and Regulations.
20. Sheet 1 of the Definitive Plan shall list only those waivers of the Subdivision Rules and Regulations that have been granted by the Planning Board.
21. The word "Draft" shall be removed from Sheet 3 of the Definitive Plan.
22. Compliance with the Board of Health memorandum dated February 22, 2006 which requires the following: 1) the existing private drinking water well shall be shown on the Definitive Plan; 2) the existing residence at 265 Dover Road must be connected to the municipal sewer system once it becomes available; and 3) if the existing residence at 265 Dover Road does not connect to the municipal water service then the drinking water well must be tested in compliance with the Board of Health private well regulations after the construction of the subdivision roadway.
23. The subdivision roadway shall remain a private way in perpetuity and shall not be proposed nor accepted as a public way. There shall be no non-emergency municipal services provided to the subdivision roadway, which

include snow and trash removal. This restriction shall be included as a note on the Definitive Plan.

24. Any future change, modification or amendment to the Definitive Plan as may be approved by the Planning Board shall be in accordance with the requirements of M.G.L. Chapter 41, § 81W.
25. The Definitive Plan shall include a reference to this Certificate of Vote and its date of approval.
26. Before endorsement of the Definitive Plan, the Applicant shall provide for an appropriate Performance Guarantee to ensure that the required improvements will be constructed and/or installed in accordance with the approved Definitive Plan as required by Section III.B.6. and M.G.L. Chapter 41 § 81U.
27. The Applicant shall submit a final Definitive Plan incorporating all the above Conditions and any changes necessitated for compliance with said Conditions to the Planning Board for their final review and approval and endorsement.
28. 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, as required by Section III.B.10.

### **Working Session on the MUOD Rules and Regulations**

**In Attendance: Dan Bailey, Esq., Rackemann, Sawyer & Brewster [Special Counsel for the Board of Selectmen]; Mike Jaillet, Executive Secretary; Victor Karen, R.F. Walsh [Consultant for the Westwood Station project for the Board of Selectmen]**

The following items were discussed:

Where do the proposed design guidelines come into play as part of the MUOD rules and regulations [primarily for the future design of the office buildings that are not expected to be developed or designed for a number of years]? There is a need to flesh out what role the design guidelines play in this process.

There needs to be a requirement that if a preliminary subdivision plan is required as part of the project, then it has to be submitted as part of the special permit application.

There will need to be a standard condition of the special permit decision that allows the Board to determine the timing of the site plan review applications.

There will need to be a master construction plan for the special permit application to regulate how the traffic/construction vehicles will get to the site.

As part of the Service Improvements report there will need to be language that the

Planning Board must receive recommendations regarding the application from the Board of Selectmen and the Finance Commission.

The application must include renderings and other visual details that show the public areas in detail. For other elements, such as the future office buildings, there may not need to be as much detail.

[The group went over the memo from the Town Planner dated August 8<sup>th</sup> which included the following issues:]

***Quality and quantity of information that must be provided in the special permit application***

The developer's most recent comments on the draft shows their intention to provide most of the detailed information as part of the site plan review process. This is not acceptable and so there will be further clarification throughout the regulations of what information and at what level of detail will be required at both the special permit and site plan review levels (i.e. master drainage plan as part of the special permit and detailed building by building drainage calculations as part of the site plan).

***Section 1.3: Timing of the filings of the site plan review applications vis-à-vis the special permit application***

The language will be clarified that the developer can apply for site plan approval in conjunction with the special permit application but can not submit a site plan application prior to the submission of the special permit application. This section will also be expanded to more clearly define the relationship between the special permit and the site plan reviews.

***Section 2.0: Definition of open space***

A definition of Open Space needs to be included that distinguishes open and recreational space from Open Public Amenity Areas in order to more clearly distinguish that these are separate land uses.

***Section 4.1 and 4.2: Application fees and consultant selection***

The developer's draft requests a justification for the calculation of the application fees. Also, in terms of consultant selection, the developer would like to considerably broaden the definition of conflict of interest beyond that of the M.G.L. Chapter 268A (Conflict of Interest law).

***Section 7.2: Existing Conditions Report***

Although it may not be part of this report, the issue of the University Avenue realignment and how it will impact existing easements (as well as what easements presently exist) is an issue that may have potentially big implications for the project. Dan will draft language that will require the developer to provide this information.

***Section 7.3: Proposed Development Report***

This report will be expanded to include a master drainage plan, master utility plan

and master earth material movement plan as part of the special permit application. The proposed master plan implementation plan and construction plan will be broadened to emphasize that these plans must include both off-site and on-site infrastructure improvements.

***Section 7.4: Service Improvements Report***

The developer will have to provide alternative funding mechanisms for those improvements that are slated to be publicly financed in case that financing is not realized.

***Section 7.5: Traffic Impact Assessment Report***

The regulations will be revised to make clear that each time a site plan review application is submitted, there needs to be a traffic analysis for that particular stage, as well as an analysis of project wide traffic impacts, both generally and as a result of that stage.

***Section 7.9: Other Requirements for a MUOD Special Permit***

The requirement for schematic renderings, computerized renditions, drawings and/or photographs will be expanded to require that they be provided for each phase or stage of the project and for each proposed open space area and Open Public Amenity Area. There will also be language added that this information must be at a detail sufficient for the Planning Board to evaluate such issues as the overall design of the project, including general design elements, materials and textures; general sense of individual retail uses and their general locations; the overall design elements that will serve to “connect” the project in subsequent phases, etc.

***Section 8.5: Table of Development Data***

This information will be included as part of the proposed development report. The language will also be made clearer that this information will be provided as part of the special permit application by each anticipated phase or stage and will also be provided as part of each site plan review application.

***New Section: Monitoring Report***

A new report section will be added that will emphasize Section 9.6.10.6, which requires a description of the proposed methods for monitoring impacts of each phase of development and the means of making change in later phases if earlier phases have traffic, school enrollment, groundwater or other impacts substantially departing from the projections in the special permit application. This will be a separate report required for both the special permit and site plan review applications.

***Section 8.8: Traffic Impact Assessment***

The regulations will be revised to make clear that each time a site plan review application is submitted, there will need to be a traffic analysis for that particular stage, as well as an analysis of project wide traffic impacts, both generally and as a result of that stage.

***Section 13.0: Affordability Provisions***



The developer would like the regulations to provide some flexibility regarding the timing on the affordable units in order not to have to meet the 12% requirement at all times during the development of the project. A suggestion is that this percentage may drop to say 10% depending on when certain residential structures are built.

***Section 16.0: Provision of Security***

The language of this regulation will be strengthened and expanded to more accurately reflect its importance as part of this process. The amount of security that the Town may hold could be very significant.

The meeting was adjourned at 10:15 pm.