

Planning Board Meeting Minutes
Tuesday, July 11, 2017
Champagne Meeting Room - 7:00 PM
Westwood, MA 02090

Call to Order:

The meeting was called to order by Chairman Laubenstein at approximately 7:03 p.m.

Present:

Planning Board members present: Trevor Laubenstein, Steven H. Olanoff, David L. Atkins, Jr., Michael L. McCusker and Brian D. Gorman. Staff members present: Town Planner Abigail McCabe, Nora Loughnane, Director of Community & Economic Development and Planning & Land Use Specialist Janice Barba.

16 Delapa Circle – Earth Material Movement (EMM)* Special Permit & EIDR* Public Hearing

Proposal to import ~2,332 cubic yards of earth to re-grade property, install utilities and landscaping for construction of a single-family residence

Presentation

Project manager Robert Truax of GLM Engineering Consultants, Inc. was present on behalf of Dela Construction Co., Inc. to summarize the proposal to construct a single-family residence on an undeveloped lot, approximately 40,211 square feet, at the intersection of Dela Park Road, known as 16 Delapa Circle.

- ~25,000 square feet of land will be disturbed and ~2,332 cubic yards of earth material will be imported to the site for work associated with the construction of the dwelling, driveway, landscape, utilities and related grading.
- This project has been reviewed under the Stormwater Management Bylaw by the Conservation Commission with a condition that silt sacks be installed down gradient from the catch basins.
- Mr. Truax stated that he reviewed the comments in a memo from Phil Paradis of BETA Group, acting Town Engineer, and he will incorporate the recommended revisions related to extending the length of the construction entrance from 25 ft. to 50 ft. into the plans (A copy of this memo is available with these minutes.)
- Applicant stated that there will be very little excavation with this project as it will mainly be importing the fill.

Board & Staff Comments

- Board members questioned why this lot is being built on now after so much time has passed since the original subdivision approval. Ms. McCabe noted that the Planning Board approved subdivision in 1987 and this lot was identified as a buildable lot.
- Ms. McCabe reported that the Conservation Commission approved this project under the Stormwater Bylaw last month.
- Board members discussed the preferred truck route as Winter Street for transporting earth material. If coming from Route 109 the truck should take Pond until it reaches Winter Street.
- A Board member requested certification from the Applicant that imported fill material meets hazardous waste requirements should be submitted.
- Ms. McCabe reviewed a list of suggested conditions that was provided to the Board in their meeting packet and to the Applicant.

Public Comment

K. Leary, 71 Dela Park Road commented that he is already dissatisfied with the construction noise from another project on Thompson Ave. and is not looking forward to more construction noise from this project. He requested clarification on the number of truckloads of earth material used to import and expressed concerns about the quality of the proposed fill.

Mr. Paradis responded that it depends on the size of the truck but that this project is estimated to be about 120-230 truckloads.

Action Taken

Upon a motion by Mr. Atkins and seconded by Mr. McCusker, the Board voted 5-0 to grant the Special Permit & EIDR to move more than 200 cubic yards of earth material in single residence C district at 16 Delapa Circle involving earth excavation and regrading associated with the construction of a single family residence, with the following 10 conditions as outlined in the draft list of conditions provided in the Board's packet and further amended during this hearing:

1. The plans shall be revised and submitted to the Town Planner prior to the start of any work associated with this permit with the following revisions:
 - The Plan shall provide the quantity and composition of fill per Section 7.1.2.6;
 - The Plan shall include a certification that there will be no hazardous waste;
 - The Plan shall be updated to show a 50 ft. long construction entrance; and
 - The Plan shall show silt sacks for the catch basins.
2. The Applicant shall submit certification that the fill material shall not contain any hazardous or substandard material.
3. The existing pavement on Delapa Circle shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
4. The construction entrance shall be replaced when the stone becomes clogged with dirt or is no longer effective in preventing excess tracking of material onto the public way.
5. The Applicant shall notify the Town Department of Public Works during installation of the recharge systems that are proposed to ensure compliance with the design.
6. Project related construction and earth material movement shall comply with the Town's General Bylaws Chapter 292, for Noise and Construction between 7:00 a.m. and 7:00 p.m. Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays.
7. All trucks carrying earth material to or from 16 Delapa Circle shall be required to access Delapa Circle via Dela Park Road from Winter Street only. If the import material comes from Rte. 109 the trucks shall take Pond Street to travel to Winter Street.
8. The imported fill material shall not contain any hazardous or substandard materials.
9. 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.
10. 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.
11. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.

Upon a motion by Mr. Atkins and seconded by Mr. McCusker, the Board voted 5-0 to close this hearing.

480 Summer Street - Shared Driveway Special Permit Public Hearing, continued from 5/9 & 5/23

Proposal for 500 ft. long common driveway to serve three, single-family residences.

Presentation

Engineer Paul Brodmerkle of Site Design Professionals gave a brief presentation on the revised plans to the Board since the last hearing.

- The mature oak tree on lot 8 will be preserved and the mature trees in the center of the turnaround have been identified and will be preserved. Rocks in the center of turnaround will be removed to accommodate passage of emergency vehicles.

- The slope of driveway for Lot 7 has been added to the plans.
- A second gate has been added at the point of turnaround and the driveway to the secondary easement and notes plastic strap to be used to secure gates.
- Show tree line on the rear of Lot 9 and house and driveway has been moved out of 100' wetlands buffer
- Swale from graphic has been removed.
- Separate water meters shown
- Clay dams have been annotated at every 100' for infiltration trench along shared drive
- Notes have been added to plan showing address signs, no trespassing signs
- The width of the pavement has been widened to 16' per request of the Fire Department and the homeowner's association will cover the maintenance of the private drive.
- A speed bump will be added to the driveway portion near the emergency easement, at the Board's request.
- A deed restriction will be placed on Lot 7 & 9 with regards to prohibiting access to the emergency easement.
- Mr. Sullivan commented that an ANR plan will be submitted to create the three lots and the lot layout plan was submitted to the Board.

Board & Staff Comments on Waiver Requests and Proposed Conditions

- Some board members commented that the most significant concern for preventing overuse of the easement has not been addressed by the Applicant.
- Phil Paradis offered another solution to prevent use of the easement by the other lot owners would be to realign the existing driveway toward the emergency easement.
- Board members agreed that a speed bump visible from the cul de sac should be added.
- Board members suggested that only vehicles registered or operated by to the owner of lot 8 should be allowed to use the emergency access.
- Signs should be added to both gates about the gates remaining closed at all times and locked with a plastic strap.
- The shared driveway will not be maintained by the Town.
- Subdivision Rules and Regulations are not applicable to Shared Driveway Special Permits, which this application is for. Summer Street is the physical access point and meets minimum zoning requirements.
- An ANR plan which would propose adding two more driveways on Summer Street would be more detrimental to the environment and neighborhood than this plan.
- The Town has expended a great deal of effort to preserve the character of Summer Street and all scenic roads. An ANR plan with two more driveways would change the character of Summer Street.
- Questions were raised about the removal of the buffer zone and board members suggested a 25-50' buffer zone, preventing the removal of trees around the property line. 50 ft. in the back and 25 ft. on the sides and south side.
- There was a discussion about Town enforcement of the use of the emergency access route; and fines assessed by the Building Commissioner, which could ultimately be up to \$300 a day per violation.
- Two board members agreed that this Shared Driveway should be approved as having the least negative environmental impacts and expressed concern that the reason for a denial would not hold up in court.
- One driveway serving three houses in the same general location as the existing driveway is less dangerous to public safety for everyone on Summer Street as two additional driveways at this location would be dangerous.
- The construction of two more driveways would require regrading of the front of the lots will remove trees along a designated scenic road.
- Three board members disagreed with the revised plans and that the proposed conditions would not be adequate mitigation to ensure that the easement will not be used by all lots.

Requested waivers:

- 1) Traffic Impact Study
- 2) Stormwater Management Report
- 3) Exterior Lighting Plan

Public Comment:

J. Tofoloni, 65 Ridge Road – commented that he believes this plan has been submitted so as to circumvent the subdivision control laws and requested an opinion from Town Counsel.

M. Gillis, 136 Westfield Street – commented that he believes this plan circumvents the subdivision control law; asked how the town will enforce the special permit conditions; doesn't believe this plan is not in the best interest of the public; topography is missing from plans; doesn't believe the application is complete; commented that the applicant should submit an ANR plan with two separate driveways so as to take away the overburden of the easement.

Applicant's Comments:

Paul Brodmerkle, Site Design Professionals, this plan was not submitted as a subdivision but for a shared driveway and therefore does not have to comply with subdivision rules and regulations. The owner does not want to give up his right to the easement and will not extinguish it. The owner will enforce the use of the easement for emergency access only.

Paul Sullivan responded to Mr. Paradis' suggestion to re-align the driveway at the existing house at 480 Summer Street saying that because of the slope there that is not realistic and there is a retaining wall.

Action Taken

Upon a motion made by Mr. Olanoff and seconded by Mr. McCusker, the Board voted two in favor and three opposed to approve the requested three waivers (storm water, traffic study, exterior lighting plan). Olanoff and Laubenstein voted to approve, Atkins, McCusker, Gorman voted to oppose.

Upon a motion by Mr. Olanoff and seconded by Mr. McCusker, to grant the Shared Driveway Special Permit with conditions, the Board voted two in favor, three opposed. Therefore, the motion to approve the Special Permit failed. Olanoff and Laubenstein voted to approve, Atkins, McCusker, Gorman voted to oppose.

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, a motion to reconsider granting the Shared Driveway Special Permit with conditions was denied, three votes not in favor and two votes in favor. Olanoff and Laubenstein voted to approve, Atkins, McCusker, Gorman voted to oppose.

Ms. Loughnane commented that the denial of the Shared Driveway Special Permit will stand although suggested that the Planning Board consider keeping the hearing open to allow further consideration of the submitted lot layout and driveway plan presented this evening.

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted 5-0 to continue this hearing until Tuesday, 8/22 at 7:00 p.m., in the Champagne Meeting Room, 50 Carby Street.

Review and discuss possible zoning amendments:

- **Informal discussion on extending Local Business A (LBA) zone to 529 High Street – Property owner interested in extending commercial zone into #529 High St. presently zoned Single Residence C (SRC) to serve as parking for the commercial office building located at #541 in LBA zone.**
- **Review any other possible zoning amendments for fall town meeting in November**

Presentation

Anthony Antonellis Attorney for property owner, John Salvatore, was present to discuss the proposed extension of the parking lot serving the businesses located at 541 High Street, a medical office building located in Local Business B district. The proposal includes creating a parking lot with 32 parking spaces on the vacant lot, 529 High Street, which is located in Single Residence C district. There is a need for additional parking spaces to serve the needs of the businesses

located at 541 High Street. Mr. Antonellis is requesting that the Planning Board consider sponsoring an article to change the zoning on 529 High Street to Local business B district.

Board & Staff Comments

- Board members asked why the additional 32 parking spaces are needed; if the lot is buildable with the zoning change and whether the property owner has shared this proposal with the neighbors.
- Board members asked for more detailed plans including a buffer between the surrounding residential lots to be submitted and discussed further.
- Board members recommended neighborhood and abutter outreach to gain support prior to returning to Planning Board.
- Recommended landscape buffer to residences.
- Provide Board with reasons to support the rezoning, which should include the benefits to the residents and to the High Street business. Consider improvements to existing site with building, building upgrades, additional landscaping.
- Staff commented that if the Board is supportive of the change, the Applicant could prepare an EIDR site plan for the Board's review to accompany a zoning change that would help people better understand the zoning change once it gets to Town Meeting for the re-zoning.
- The Board discussed possible condition to restrict further development of something other than parking. Staff commented that this could be incorporated into an EIDR decision as a condition but zoning cannot include any restrictions.
- Provide more information on what the situation is and where cars are parking now.
- Requested more advanced plan, more to demonstrate that parking is highest and best use, the Board would be more likely to support if the neighborhood is in support of the change.
- Check back in with Board, will be discussing fall Town Meeting articles at August 22 meeting.

Other Business:

- Signing of decisions from prior meetings or hearings closed on 7/11/17 – the Board signed the decision for 16 Delapa Circle.

- Committee Reports & Updates – The Board of Selectmen and Petruzzello still working on a memorandum of understanding. The final disposition agreement would come later. The Board discussed creating a subcommittee where two Planning Board members could participate in pre-application meetings with staff, the peer review consultant and the Applicant for the Petruzzello-Town project prior to an application being formally submitted to the Board. Staff explained that only two members can participate outside of a publically posted meeting. The purpose is to provide advisory and informal guidance to a development before it moves too far along in the process to provide input and ideas at an early stage. Staff explained that this process has been used in large complex projects such as University Station. The Board continued this discussion until their next meeting on August 22 and Chairman Laubenstein appointed himself and Brian Gorman to participate in any subcommittee meeting that may come up before then.

– Reserved for topics not reasonably anticipated to be discussed

- The Ground Breaking Ceremony for Brigham & Women's Health Care Center is scheduled for Monday, July 17th at 8:30 a.m.

Approval of Minutes:

Upon a motion by Mr. Atkins and seconded by Mr. McCusker, the Board voted 5-0 in favor to approve the following meeting minutes as drafted: 5/9, 5/23 and 6/27.

Adjournment

Upon a motion by Mr. McCusker and seconded by Mr. Atkins, the Board voted unanimously in favor to adjourn the meeting at approximately 10:55 p.m.

List of Documents

• Memo to Planning Board from A. McCabe dated 7/6/17, revised 7/11/17 re: Meeting Summary for 7/11/17	PDF
• Proposed House Location Plan, Lot 6 - #16 Delapa Circle, Westwood, MA by GLM Engineering Consultants, Inc. dated 4/25/17	PDF
• Email from K. Catrone, Conservation Agent to A. McCabe, Town Planner re: 16 Delapa Circle	PDF
• Memo to T. Korchin, cc: A. McCabe from P. Paradis, dated 7/6/17 re: Review of 16 Delapa Circle Earth Material Moving Permit	PDF
• 480 Summer Street – Shared Driveway for 3 Lots Plans – Revised 7/5/17	PDF
• 480 Summer Street, updated narrative from Paul Sullivan, dated 7/1/17	
• 529 High Street: Aerial View High Street Lots; Existing Zoning High Street Properties; Proposed Zoning High Street Properties; Proposed Parking Concept;	PDF
• Draft decision with conditions for 480 Summer Street and 16 Delapa Circle	PDF