

Planning Board Meeting Minutes
Tuesday, August 22, 2017
Champagne Meeting Room - 7:00 PM
Westwood, MA 02090

Call to Order:

The meeting was called to order by Chairman Laubenstein at approximately 7:02 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, and Planning & Land Use Specialist Janice Barba.

480 Summer Street – Shared Driveway Special Permit Public Hearing – Continued from 5/9, 5/23 & 7/11
Proposal to build 500 ft. long, common driveway to serve three, single-family residences

Presentation

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

- Plans have been revised to show a rear and side yard landscape buffer; a speed bump in the paved area between the turnaround and the gate that leads to the easement out to Westfield Street.
- A driveway plan has been submitted to show the proposed driveways (with 15% slopes) and access to each of the two proposed lots.
- In addition, an Approval Not Required (ANR) Plan was presented showing a proposed grading for a driveway plan with the creation of two additional lots that meet the minimum frontage required on an existing road with access from Summer Street.

Town Planner's Comments

- Ms. McCabe recommended that the Board approve the Special Permit application with the conditions to reduce curb cuts at this location and to impose controls that are more beneficial to the abutters and neighborhood. She added that the Applicant has a by-right alternative, which is to move forward with the ANR plan to create two additional lots and two driveways off of Summer Street if the Board does not approve this special permit.
- Four affirmative votes of the Planning Board are needed for approval of the special permit. A draft motion has been prepared with a list of three waivers and twenty two conditions which was provided in the electronic meeting packet and to the Applicant.

Board Questions & Comments

- A Board member asked if the existing lot 8 will continue to have access to the emergency easement road. *(Paul Sullivan replied that the owner of lot 8 would continue to have access to the easement road.)*
- A Board member asked if the owner is willing to remove the pavement on the emergency easement. *(Paul Sullivan replied that the Applicant/property owner is open to negotiating a sale of the emergency easement to the neighbor, Michael Gillis but owner is unwilling to remove paving on his lot leading to the easement at this time)*
- A Board member suggested that the Board consider leaving this hearing open and continuing it to a later date to allow for the property owner and neighbor to discuss the possible purchase of the easement.
- A Board member disagreed with continuing this public hearing as he stated that this Shared Driveway application is separate from a private land sale. He commented that the Special Permit Application is properly before the Planning Board as a Special Permit and he is open to reconsider the vote taken at the last meeting on this application and is in favor of imposing the prepared 22 conditions to ensure controls that are more beneficial to the abutters because there is a benefit to the community to have one access drive from Summer

Street rather than two additional driveways at this location.

- A Board member commented that he is concerned about the history of the use of the easement and asked why the existing pavement leading to the easement cannot be reconfigured to eliminate the possibility of overuse of the easement. (*Mr. Brodmerkle responded that there is currently a retaining wall at that location and a stone wall would have to be removed.*)
- A Board member commented that denying the Special Permit will not prevent this project from being built, as the ANR plan will not require any town approval and can be built.
- A Board member wants the neighbors to fully understand the need for compliance with the conditions of the approval and requirement for the gate to remain closed at all times and about the fines that could result for noncompliance.

Public Comment

M. Gillis - 136 Westfield Street: commented that he doesn't think this meeting is properly before the Board this evening; requested a continuation of the meeting to review the revised plans; and wants a condition of the Decision to include restriction that no construction trucks can use the emergency easement.

J. Tofoloni - 65 Ridge Road: reiterated his opposition to the plan.

Ms. McCabe responded that Town Counsel has reviewed the applicant and provided comments that the application is properly before the Planning Board as a special permit and the application is not a subdivision. Additionally the hearing was continued to this specific date and time with an announcement at the last meeting and has been properly posted. She added the revised plans were submitted on August 4 and available at the Planning Office and on the Planning Board's webpage.

The Board revised the language in the draft condition #2 to add wording that construction or other contractor vehicles are not permitted to use the easement.

Action Taken

Upon a motion by Mr. Olanoff and seconded by Mr. McCusker, the Board voted 4 in favor and one opposed (B. Gorman opposed) to grant the Shared Driveway Special Permit to serve three, single family residences located at 480 Summer Street, with the twenty two conditions, with condition #2 as amended this evening.

Upon a motion by Mr. Olanoff and seconded by Mr. McCusker, the Board voted 5-0 to approve the three waiver requests for (1) traffic impact study (2) stormwater management report and (3) exterior lighting plan submission.

Upon a motion by Mr. Olanoff and seconded by Mr. Atkins, the Board unanimously in favor to close this hearing.

Review and discuss possible zoning amendments for November Town Meeting:

- The Board of Selectmen will review proposed articles and close the Town Warrant at their September meeting; Finance Commission public hearings will begin October 17th.
- Request to extend Local Business A (LBA) zoning district to include 529 High Street – no new information has been received from the Petitioner after your July meeting when the Board recommended the owner speak with abutters to gage support.
- An amendment to the FMUOD zones which would cap the number of residential units allowed has been suggested over the last several months at various meetings and by residents. The Board could consider FMUOD amendments to address concerns heard during last year's hearings. Board members discussed the possibility of a simple calculation to limit the amount of residential but was unsure of how that would work and zoning isn't typically written with a maximum. Zoning generally has lot sizes, setbacks, and other requirements which restrict the overall capacity and density.
- A property owner on Wilson Way submitted a request to the Planning Board asking if the Board would submit an

article to allow cafeterias as an accessory uses Highway Business (HB) District to Section 4.3.5, Accessory Uses. The property owner is marketing the building and would like to be able to include the option for tenants to have a cafeteria. Staff reviewed the zoning and realized cafeterias are allowed in the two industrial zones and the ARO (Administrative Office zone) but not allowed in HB zone. The Board was supportive of this change to expand the accessory use to HB zone. Staff suggested some housekeeping items and any others that may be relatively easy if we are going through the zoning process. Staff will provide more draft language for the Board’s consideration on 9/5 to be then submitted to the Board of Selectmen.

Other Business:

- Signing of decisions from prior meetings or hearings closed on 8/22/17 – the Board signed the cover page for the decision for 480 Summer Street.
- *Update on May 2017 Zoning Amendments* – All zoning articles approved at May 2017 Town Meeting were approved by the Attorney General and now in effect. The Town’s website has updated.
- *Committee Reports & Updates* –
Open Space & Recreation Plan Steering Committee – Ch. Laubenstein appointed Brian Gorman and Steve Olanoff as Planning Board Representative(s). The Board of Selectmen will consider these appointments.

Approval of Minutes:

Upon a motion by Mr. Gorman and seconded by Mr. Atkins, the Board voted 5-0 in favor to approve the following meeting minutes as drafted: 7/11/17.

Adjournment

Upon a motion by Mr. McCusker and seconded by Mr. Gorman, the Board voted unanimously in favor to adjourn the meeting at approximately 8:40 p.m.

List of Documents

<ul style="list-style-type: none"> • Memo to Planning Board from A. McCabe dated 7/6/17, revised 8/18/17 re: Meeting Summary for 8/22/17 	PDF
<ul style="list-style-type: none"> • Plan entitled “Driveway Plan for Lots 7, 8, & 9 Summer Street in Westwood, MA” Sheet 1 of 1, prepared by Site Design Professionals, LLC, dated July 21, 2017, received August 4, 2017. • Plan entitled “ANR Land Court Pre-File Plan in Westwood, Massachusetts, 480 Summer Street”, prepared by Borderland Engineering, Inc., dated July 21, 2017. • Pre submission ANR Application form completed by Coastal Development, LLC c/o Paul Sullivan, submitted August 4, 2017. • Quitclaim Deed (Individual) Document, 343817, from Norfolk County Registry District, dated June 20, 1974. • Revised plans entitled “Shared Driveway for 3 Lots, 480 Summer Street in Westwood, Massachusetts” 4 Sheets, prepared by Site Design Professionals, LLC, dated December 11, 2015, revised through July 21, 2017. • Electronic Mail from Paul Brodmerkle to Abigail McCabe, Subject: 480 Summer Street, Sent August 11, 2017 (driveway slope information). • Draft of findings, waivers and conditions prepared by Town Planner Abigail McCabe, prepared for August 22, 2017. 	PDF