

Planning Board Meeting Minutes
Tuesday, November 7, 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 W. Laubenstein, Steven H. Olanoff, David L. Atkins, Jr., Michael L. McCusker and Brian D. Gorman. Staff members present: Town Planner Abigail McCabe, Community & Economic Development Director, Nora Loughnane and Planning & Land Use Specialist Janice Barba.

Far Reach Road - Request to Extend OSRD-EIDR (Open Space Residential Development – Environmental Impact & Design Review) Approval

John Bensley of Beals & Thomas was present on behalf of property owner, Old Grove Partners, to request a two year extension of the OSRD-EIDR (Open Space Residential Development – Environmental Impact & Design Review) Approval for off Far Reach Road, originally granted on 11/17/15. Mr. Bensley stated that the property owner has not yet been able to advance with the residential development due to work on other property in Town. The owner also owns property on Summer Street that they are actively market and they are not ready to pursue this construction for the road at the same time as marking their other property.

Action Taken

Upon a motion by Mr. Olanoff and seconded by Mr. Atkins, the Planning Board members voted 4-0 to approve the request to extend the OSRD-EIDR (Open Space Residential Development – Environmental Impact & Design Review) Approval for land off Far Reach Road, Map 3 Lot 023, until November 17, 2019. (Mr. McCusker arrived late to the meeting during the discussion of this agenda item and did not participate in the vote on it.)

Fox Meadow Drive - Request for Bond Release (Fox Meadow Estates/Captains Crossing Subdivision)

Staff Comments

Ms. McCabe reported that Gilbane Development has requested the release the \$200,000 bond currently held for the Fox Meadow Estates Subdivision, formerly known as Captain's Crossing. Last April and May the Board reviewed the subdivision when reviewing the street acceptance requests for Town Meeting. Because there were some final items including line painting, paving, and submission of legal documents left to be completed by Town Meeting, the Planning Board recommended Street Acceptance shortly before Town Meeting but did not release the Bond at that time. Ms. McCabe informed the Board that the outstanding items have been completed by Gilbane Development and the bond is set to expire at the end of November 2017.

Action Taken

Upon a motion by Mr. Atkins and seconded by Mr. McCusker, the Board voted 5-0 to approve the request for release of the bond in the amount of \$200,000 held by International Fidelity Insurance Company to Gilbane Development Company for Fox Meadow Drive Subdivision.

ANR (Approval Not Required) Plan for 401 Sandy Valley Road & Sandy Valley Lot (Map 15, Lots 14 & 27)

Project Manager Nicholas Pratt of LandVest Consulting was present on behalf of the Applicant and gave a brief summary of the proposed ANR plan. Mr. Pratt explained that the Applicant Ralph Jaeger owns two lots on #401 Sandy Valley Road, Map 15, lot 14 & lot 27 and is seeking to reconfigure the lot lines into three lots, each having legal frontage (SRE zone requires 175 ft.) on Sandy Valley Road. An existing house and other structures are located at 401 Sandy Valley Road (Map 15, Lot 14) and Map 15, Lot 27 is vacant and is proposed to be split into two lots.

Staff Comments

Ms. McCabe reported that upon visiting the site on 11/7, she discovered that the pavement on Sandy Valley Road ends just prior to where these lots are proposed and therefore the new lots would not have the required physical and vital access on a qualified way, and recommended denial of this plan. There was also a question as to where the public road ended.

Applicant's Comments

Mr. Pratt disagreed with the opinion that the section of Sandy Valley Road where the new lots are proposed is not a public way.

Board Comments

- Some Board members commented that Sandy Valley Road, although not paved is considered sufficiently accessible to the public as it leads to the Lowell Woods recreation area.
- Ms. Loughnane stated that the unpaved road beyond #401 Sandy Valley Road is not considered an accepted way. Previous staff research found that the public portion of Sandy Valley Road ended prior to where these lots are and closer to Gay Street.
- Ms. McCabe recommended denial of the ANR but suggested that this ANR application and plan be determined incomplete if the Board is not willing to deny the endorsement. She asked the Applicant to submit evidence that the lots have frontage on public way or other qualified way for the next meeting of the Planning Board on Tuesday, November 28, 2017.

Action Taken

Upon a motion by Mr. McCusker and seconded by Mr. Olanoff, the Board voted 5-0 to determine that the ANR Plan for 401 Sandy Valley Road and Map 15, Lots 14 & 27 is incomplete for the following reasons:

- The Applicant did not demonstrate that the lots front on one of the qualified ways as specified in Chapter 41, 81L, M.G.L.;
- The plan submitted with this Application are not shown on a way approved in accordance with the Subdivision Control Law;
- Sandy Valley Road does not have sufficient width or suitable grades to provide safe and adequate access to a public way; and
- Vital access to proposed lots 16, 17 and 18 as specified by Chapter 41, Section 81M, M.G.L. does not exist on this portion of Sandy Valley Road.

1561 High Street Reynold's Farm - Modification to SRD (Senior Residential Development) Special Permit

Town Planner's Introduction

In 2012 the Planning Board approved Reynold's Farm, a 12-unit Senior Residential Development. Since the 2012 approval, there were several more modifications and the plans were last revised in 2014 to reflect the revisions and improvements reviewed by the Conservation Commission. Construction has been ongoing for the past few years and Ms. McCabe recently checked in with the developer, Ed Musto on the status of the final paving, drainage improvement work, landscaping and lighting elements of the Special Permit plan approval that have not been completed. Mr. Musto informed Ms. McCabe that with regard to drainage improvements he had no intention of replacing the existing 15 inch drainage pipe crossing High Street to Stanford Drive. Ms. McCabe believed there was a discrepancy with what was shown on the approved plans and invited Mr. Musto to request a modification of the Special Permit plans.

Developer's Comments

Ed Musto was present to provide clarification to the Board presenting Page 5 and Page 8, "Plan and Profile" of the approved plans in which manhole 1, 1A and 1B are shown as connecting to the existing 15" pipe currently extending over High Street to Stanford Drive. He stated that at no time did the proposed plans show replacement of the 15" drainage pipe crossing High Street and this was not part of the 2014 approval. He added that there will be very little flow going into the 15" pipe with the proposed drainage improvements.

Town Planner's Comments

Ms. McCabe informed the Board that in January 2017, the Conservation Commission denied a request for a partial certificate of compliance because the proposed drainage work was not complete. At that time there was a question about the adequacy of the existing 15' drainage pipe to function with the connection from Reynold's Farm. Since that time, Ms. McCabe was informed by DPW Director Todd Korchin that the existing 15" pipe has been evaluated with a video camera and has been confirmed to be adequate for this new capacity and does not need to be replaced. Ms. McCabe asked the Planning Board to determine whether a modification of the Special Permit is needed. Ms. McCabe added that much of the site work, including installation of the catch basins and landscaping remains incomplete and the water from the site is not draining properly. There is an expectation that this work should be completed immediately with the construction and planting season coming to an end in November.

Staff & Planning Board Comments/Questions

- A board member expressed concern about whether the 15" pipe has been functioning well all along.
- A board member asked Mr. Musto when the rest of the site work will be completed. (*Mr. Musto responded that he is in the process of getting ready to start it. Trees and landscaping are underway and the drainage will be started in the next week. He said it will be 3-4 weeks to a month before the work has been finished.*) (*John Glossa, engineer for the project reiterated that there was never any reason to replace the 15" drainage pipe.*)
- Ch. Laubenstein stated that he did not believe that a modification was required and board members commented they did not think any action was required.
- A board member asked Ms. McCabe to elaborate on the letter sent to Mr. Musto informing of the project being in violation of the special permit conditions. Ms. McCabe stated that since a number of these items, particularly the required drainage improvements, are essential to ensure public safety, both for the residents at Reynold's Farm and for vehicles travelling on High Street, these items must be completed prior to any further inspections or permits.
- Ms. Loughnane responded further that the Board needs to provide feedback on whether the plans did call for the 15" pipe to be replaced. She stated that at the time of the approval she recalled that there was some question about whether the pipe was functioning and it was agreed that if the pipe was not functioning then the project would include replacing the 15" pipe. She asked the Planning Board to determine whether it believes there was a discrepancy on the approved plans.
- A board member asked if the full length of the pipe was inspected. Ms. Loughnane stated that the only part of the pipe that was inspected was the section crossing under High Street to Stanford Drive. The information provided by Mr. Korchin regarding the pipe is that it is old but is functioning. Ms. Loughnane added that back in 2011 a neighbor expressed concerns about flooding and the Planning Board at the time felt that if the pipe was found to be in need of replacement then it would be replaced as a part of this plan. If this Planning Board disagrees then it should determine that the plans should be modified.
- A few board members agreed that the two sheets related to the drainage plans do not indicate the replacement of the 15" pipe.

Mr. Musto expressed his dissatisfaction with the restriction that has been imposed by the Town Planner and Director of Community & Economic Development and the Building Commissioner which prevents him from being able to apply for any new permits, inspections or be granted certificates of occupancies for any other projects he is working on in town, until all site work is completed.

Ms. McCabe informed the Board that she has received multiple complaints from current residents of Reynold's Farm about the unfinished status of the project.

Action Taken

Upon a motion by Mr. Atkins and seconded by Mr. Gorman the Board voted 5-0 in favor with the determination that the existing 15" pipe is functioning and that there is no evidence referenced in the project plans that indicate the replacement of such pipe, therefore, no formal modification is required.

Mr. Musto said the sub-surface infiltration drainage system will be finished within a month. He asked where in the decision it is stated that there is a time limit for the completion of the project.

Ms. Loughnane stated that condition number one of the Decision of 2012 states "The project shall comply with the project plans, and with all conditions of prior approvals, in all respects, and the applicant shall pursue completion of the project with reasonable diligence and continuity." The site work, especially the drainage not being completed in accordance with the plan, the project is in default. There was an expectation that the project work would be completed reasonably and with due diligence and Ms. Loughnane stated that this is not the case here.

Mr. Musto said he will not sell the 12th unit until the site work has been completed.

- A board member asked if the building commissioner's holding back inspections is holding up work on the 12th project.
- Two Board members commented that there doesn't seem to be any matter before the Planning Board that needs a further determination.
- Ms. Loughnane reiterated that no new permits, inspections or certificates of occupancies shall be granted to Mr. Musto until all site work is completed.

Pre-Application Meeting – 565 Gay Street – Informal discussion to review two plan alternatives to create two buildable lots (*Mr. Atkins recused himself from the discussion due to possible conflict of interest as he is a member of the Housing Authority, which owns the abutting property.*) In April plans for 565 Gay Street were withdrawn following the Planning Board's suggestion to the applicant to seek the Conservation Commission's determination on the wetland boundaries and minimum upland areas for the proposed lots.

Presentation

Engineer John Glossa was presented two alternative lot plans on behalf of the property owner Tom Geraghty requesting the Planning Board's feedback prior to filing a formal application. The two proposals will require waivers; (section 4.4.7 the off-set distance to the lot line 40' outside the subdivision) but create the least amount of disturbance to the site and to allow for the maximum sight distance at the access points on Gay Street and as far away from the wetlands onsite, as possible.

- Proposal one shows an 18 foot wide road in a 25 foot right of way. The roadway is positioned at Gay Street to provide maximum sight distance and it connects to Gay Farm Way to allow residents of Gay Farm Way an alternative access and egress point.
- Proposal two shows a 50 foot wide right of way terminating with a cul de sac with a 12 foot wide driveway to serve one house lot. The other house would be served by a driveway directly on Gay Street.

Staff & Board Comments

- Board members agreed that another driveway layout, keeping it more than 20' away from Gay Street should be presented.
- A suggestion for a waiver free subdivision was made. Ms. Loughnane suggested that the Planning Board give the applicant a sense of direction.
- A Board member asked for a list of what the possible waivers would be.
- Mr. Glossa stated that he will submit a plan with the least amount of waivers, likely three. (less than 40' radius, road, less than 600' between two streets)
- A board member expressed a concern about preserving the historic house on the property. If the house was preserved, he would consider waivers.
- A board member stated he would consider waivers but more in favor of one additional drive and not two.

- A board member stated he is not in favor of the two curb cuts proposed.

Continuation of Public Hearing for Special Town Meeting Zoning Amendments – Prepare for Town Meeting

Staff Comments

The Planning Board opened its Public Hearing for the Proposed Zoning Amendments for Special Town Meeting on 10/3, continued the hearing to 10/17, 10/24 and 11/7.

Action Taken

Upon a motion by Mr. McCusker and seconded by Mr. Olanoff, the Board voted 5-0 to close the public hearing for the proposed zoning amendments and made the following recommendations:

Article 5: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw to add definitive caps of 90 on the number of residential dwelling units which may be constructed in Flexible Multiple Use Overlay Districts 6 and 7 by adding a new section limiting the number of residential units in Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)].

By a vote of four (4) in favor and one (1) opposed (Gorman voting against), the Planning Board voted to recommend that Town Meeting approve Article 5.

Article 10: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to permitting cafeterias, snack bars, gift shops and vending machines as an accessory uses in the HB (Highway Business) zoning district by amending Section 4.3.1 [Table of Accessory Uses].

By a vote of five (5) in favor and none (0) opposed, the Planning Board voted to recommend that Town Meeting approve Article 10.

Article 11: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to various medical uses by amending and adding to Section 2.0 [Definitions] and amending Section 4.1.2 [Table of Principal Uses].

By a vote of five (5) in favor and none (0) opposed, the Planning Board voted to recommend that Town Meeting approve Article 11.

Article 12: To see if the Town will vote to approve certain housekeeping amendments to various sections of the Westwood Zoning Bylaw as necessary to correct errors or inconsistencies and to clarify such sections.

By a vote of five (5) in favor and none (0) opposed, the Planning Board voted to recommend that Town Meeting approve Article 11.

Review Street Acceptance Request – Thompson Avenue (Westview Estates Subdivision) and Request to Release Cornerstone Corporation from Tri-Partite Agreement

Staff Comments & Discussion

Ms. McCabe reported that at the Planning Board's meeting on 10/3/17, the Board voted to recommend street acceptance of Thompson Ave. to the Board of Selectmen with the following conditions to be completed prior to Town Meeting.

1. The street trees shall be planted. - **Planted week of 10/10**
2. The as-built plan entitled "Street Acceptance & As-Built Plan Thompson Avenue in Westwood, MA" prepared by Site Design Professionals, LLC, dated August 30, 2017 be updated to show the locations of the planted street trees. - **Planted, shown on as-built**

3. The Applicant shall apply for a final Certificate of Compliance with the Conservation Commission. - **Completed, approved on 10/11/17**
4. The Operation and Maintenance Plan shall be revised and submitted to the Planning and Conservation staff for approval. -**Completed**

Ms. McCabe asked that the Planning Board provide an updated recommendation to the Board of Selectmen for Town Meeting now that the four conditions have been met.

Action Taken

On a motion made by Mr. Olanoff, seconded by Mr. McCusker, the Board voted 5-0 to recommend acceptance of Thompson Avenue finding that all previous conditions have been satisfied.

Action Taken

Upon a motion by Mr. McCusker and seconded by Mr. Olanoff the Board voted 5-0 to release the remaining funds of \$49,240 from the tripartite agreement subject to a condition that the Developer, Cornerstone Corporation, record a document at the Registry of Deeds stating that a bond shall be posted prior to any request for foundation or building permits for lot 9 (110 Thompson Ave., Map 29, Lot 113) to provide funds to the Town in case the road is damaged, the funds will be returned if there is no damage. Proof of recording of this document shall be submitted to the Town Planner prior to the release of the funds in the triparty agreement.

Westwood Estates, Hedgerow Lane – Request to release lots from Covenant and Accept Tripartite Agreement

The Applicant was unable to submit the executed Tripartite Agreement to the Town Planner in time for her and the Board's review before the meeting and this item was removed from the agenda.

Other Business:

1000 Washington Street, Dedham

A public hearing is scheduled for Thursday, 11/9/17 at 7:30 pm at Dedham Town Offices. The proposal includes construction of a three story, mixed-use building with first floor commercial uses and 28 apartments above. This property is located near the Westwood town line near Gay St. and Hogan Tire. Ms. McCabe asked Board members to review the plans and to forward any additional comments to her so that she can send a letter to the Dedham Board of Selectmen. The Board supported the proposal to construct a sidewalk in front of the property and asked that improvements be made to include crosswalks on all sides of Washington and Gay Streets and requested the most up to date traffic study for review to see if any signal timing changes are necessary because the traffic signal is in Westwood.

Review Upcoming ZBA Applications:

90 Church Street – Application for a Variance from Section 4.5.3.3 to construct an addition which will create a new non-conformity within the setbacks in Single Residence D Zoning District. Draft comments prepared by Town Planner emphasizing requirements for Variance finding.

409 Blue Hill Drive –Application for a Special Permit under Section 6.3.10 to construct a fence to exceed six feet in height in the Single Residence C Zoning District.

Town Planning Board Emails – All Planning Board members should now be using your assigned town email addresses. Please verify that your email is working and if not, please contact Abby or our IT Department at 781 320-1021.

Committee Reports – *Islington Center Task Force* meets tomorrow night; *Complete Street Project for High St & North Street* intersection meeting has scheduled a public hearing for 11/16/19 at 7 AM; *Open Space & Recreation Plan Steering Committee* meeting has been scheduled for Thursday, 1/18/18 at 7 pm.

Signing of Decisions from prior meetings or hearings closed on 11/7/17

Board members signed the Street Acceptance Plans for Thompson Ave. in the Westview Estates Subdivision.

Approval of Minutes:

Upon a motion by Mr. Atkins and seconded by Mr. McCusker, the Board voted 5-0 in favor to approve the meeting minutes from October 3, 2017.

Adjournment

Upon a motion by Mr. McCusker and seconded by Mr. Gorman, the Board voted 5-0 in favor to adjourn the meeting at approximately 9:48 p.m.

Upcoming Planning Board Meetings: Tuesday 11/28, Monday 12/11

Upcoming Islington Task Force Meetings: Wed. 11/8, Wed. 1/10/18, Wed. 2/7/18, Wed. 3/14/18

Town Meeting: Monday, November 13 High School Auditorium 7:30 pm

Review 2018 Planning Board Meeting Schedule: The following dates were chosen for meetings in 2018: 1/9/2018 1/30/2018; 2/13/2018; 2/27/2018; 3/13/2018; 3/20/18 (Tentative, only if needed); 4/10/2018; Monday, 4/23/2018; 5/15/2018; 5/29/2018; 6/12/2018; 6/26/2018; 7/17/2018; 7/31/2018; 8/21/2018; 9/4/2018; 9/25/2018; 10/9/2018; 10/23/2018; Monday, 11/5/2018; 11/27/2018 and 12/11/2018.

List of Documents

<ul style="list-style-type: none"> • Memo to Planning Board from A. McCabe dated 11/03/17 and revised 11/07/17 re: Meeting Summary for 11/07/17 	PDF
<ul style="list-style-type: none"> • Letter to T. Laubenstein, Chairman of Planning Board, dated 10/17/17 from J. Bensley from Beals & Thomas, Inc. re: Request for two year extension of OSRD-EIDR Off Far Reach Road 	PDF
<ul style="list-style-type: none"> • Email to A. McCabe from R. Gagliardi of Gilbane Development Co., dated 11/7/17 re: Request for Bond Release for Fox Meadow Estates/fka Captain’s Crossing • Copy of Fox Meadow Drive Street Acceptance Plan Endorsed by the Planning Board & Board of Selectmen 5/1/17 	PDF
<ul style="list-style-type: none"> • ANR (Approval Not Required) Application Plan for 401 Sandy Valley Road & Sandy Valley Lot (Map 15, Lots 14 & 27) 	PDF
<ul style="list-style-type: none"> • 565 Gay Street Plans, Concept sketches, Applicant’s list of waivers 	PDF
<ul style="list-style-type: none"> • 1000 Washington Street, Dedham – Mixed Use Development Site Plans 	PDF
<ul style="list-style-type: none"> • Reynold’s Farm High Street Narrative from Ed Musto and John Glossa, 2012 Special Permit Decision, 2014 Special Permit Decision, Approved Plans revised through 2014 	PDF
<ul style="list-style-type: none"> • Fall Town Meeting Warrant Book 	PDF
<ul style="list-style-type: none"> • Draft report to Town Meeting from Planning Board for Zoning Articles 	PDF
<ul style="list-style-type: none"> • ZBA 11/15/17 Agenda and Applications 	PDF
<ul style="list-style-type: none"> • Draft 2018 meeting schedule 	PDF