

**Planning Board Meeting Minutes**  
**Tuesday, November 28, 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 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.

**Westwood Estates Definitive Subdivision, Hedgerow Lane (fka 9 Hedgerow Ln. & 443 Canton St./Wight Ln.) – Request to release lots from Subdivision Covenant and accept Tripartite Agreement**

David Johnson of Norwood Engineering was present on behalf of David Spiegel of Canton Street Realty Trust, to request release of the ten lots of Westwood Estates Definitive Subdivision from the Subdivision Covenant dated January 10, 2017, and requests the Planning Board accept a Tripartite Agreement to secure the performance of the remaining work.

*Staff Comments*

Ms. McCabe reported that she and Town Counsel Tom McCusker reviewed and approved the language of the Tripartite Agreement and Phil Paradis of BETA, Group, Inc. reviewed the remaining subdivision work and estimated the construction costs to be \$686,895. Ms. McCabe noted that in accordance with the Condition #3 of the Certificate of Vote for the Definitive Subdivision, Mr. Spiegel has submitted a check for \$23,607 for the sidewalk fund because one of the sidewalks was waived on the south side of the street in the subdivision. Since the funds for the sidewalk fund were submitted this amount is not included in the amount secured by the Tripartite Agreement.

*Action Taken*

Upon a motion by Mr. Olanoff and seconded by Mr. Atkins, the Planning Board members voted 5-0 in favor to release lots 1-10 of the Westwood Estates Definitive Subdivision from the Subdivision Covenant dated January 10, 2017, in accordance with MGL c. 41 §81U and accept the Tripartite Agreement to secure the remaining work.

Tom McCusker, Town Counsel, was present to notarize the Planning Board's signatures on the Tripartite Agreement.

Upon a motion by Mr. Olanoff and seconded by Mr. McCusker, the Planning Board members voted 5-0 to accept a check for \$23,607 from the developer for deposit into the newly created sidewalk fund account for the creation of new sidewalks, converting asphalt sidewalks to concrete, and there was a suggestion for pedestrian improvements at crosswalks.

*Board Questions & Comments*

- Questions and answers were exchanged between a board member and Mr. Johnson regarding the status sidewalk binder, when the sidewalk would be completed, and current drainage flows.
- Board members asked staff questions about the sidewalk fund and how the funds can be spent.

**University Station, Request for Modification to Parking Layout for Cart Corrals and Project Specific Alternative Signage for signage on the corrals**

*Staff Comments*

Ms. McCabe explained that as Home Sense was getting ready to open with two cart corrals in two parking spaces, staff realized that Home Goods also had two cart corrals in two parking spaces that were not previously approved during the original Planning Board review of the core retail area in 2015. Both cart corrals also have signage on them needing

approval under Section 9.7.10.15 as the signage is outside the original core development area.

Antoinette Sutton, a representative from TJX Companies, Inc. was present to discuss the two requests for modification to the parking layout for cart corrals and project specific alternative signage for Home Goods and for Home Sense.

- **Home Goods, Core Development Area 1** – the existing, two cart corrals take up two parking spaces and have the Home Goods signage.
- **Home Sense, Core Development Area 1** – two new cart corrals take up two parking spaces and have the Home Sense signage.

#### *Action Taken*

Upon a motion by Mr. Olanoff and seconded by Mr. Atkins, the Board voted 4 in favor and one opposed (Mr. McCusker opposed) to approve the cart corrals and Project Specific Signage existing at Home Goods.

Upon a motion by Mr. Olanoff and seconded by Mr. Atkins, the Board voted 4 in favor and one opposed (Mr. McCusker opposed) to approve the new cart corrals and Project Specific Signage at Home Sense.

#### **401 Sandy Valley Road Approval Not Required (ANR) Plan Assessor's Map 15, Lots 14 & 27**

Nicholas Pratt of LandVest Consulting was present on behalf of the property owners/applicant and accompanying him was project engineer Patrick Arnow and the Applicant's attorney Denise Moynihan. Mr. Pratt summarized his November 20<sup>th</sup> letter to Town Planner Abby McCabe in which he indicates that Sandy Valley Road is a public way for a distance of 1,500 feet north at Gay Street and that Sandy Valley Road would be a public way for approximately 86 feet along the Jaeger property. He argued that Sandy Valley Road is used and maintained as a public way; furthermore that Sandy Valley Road has been adequate for year-round daily use by the public for access to Lowell Woods and should be adequate for access to one additional lot. He added that the owners have no immediate plans to build and just want to convey the land to family members by year end.

#### *Staff Comments*

Ms. McCabe stated that a search by staff has not found a street acceptance plan but only reference to the 1,500' from Gay Street, which is to the existing driveway at 401 Sandy Valley Rd. considered as public.

#### *Board Comments*

- Board members questioned ownership and status of this portion of Sandy Valley and ultimately found that Sandy Valley Road from the driveway of property at 401 Sandy Valley Road to Lowell Woods is not publically accepted.
- A Board member summarized the Conservation Commission's land trust document for the abutting land.
- The road leading to Lowell Woods is not paved and has many ditches and varying grades; is not necessarily wide enough for two cars to pass
- Acknowledges that the Planning Board approved an ANR plan for 401 Sandy Valley Road in 2002, this Planning Board is not bound to repeat and enhance a mistake at this time with the new information provided on the status of the road.
- The dirt road is an access road for the public and not maintained by the DPW in the same way as an accepted street.
- Therefore, the adequacy of access to the proposed new lots is not sufficient.

#### *Public Comment*

T. Aaron, 37 Pheasant Hill Street – commented that the public accesses this area to go to Lowell Woods and encouraged the Planning Board to approve this application.

### *Action Taken*

Upon a motion made by Mr. Olanoff, seconded by Mr. McCusker, the Planning Board of the Town of Westwood voted 4-0-1 (Mr. Atkins abstained) to deny endorsement of the 401 Sandy Valley Road Approval Not Required Plan, Assessor's Map 15, Lots 14 & 27 submission for the following reasons:

1. The proposed lots do not front on a public way or a way which is maintained and used as a public way as specified in Chapter 41, Section 81, M.G.L.
2. The plan submitted with this Application is not shown on a way approved in accordance with the Subdivision Control Law.
3. This portion of Sandy Valley Road does not have sufficient width, suitable grades, or adequate construction to provide safe and convenient travel of vehicular traffic to each of the proposed lots.
4. Adequate access to proposed lots 16 and 17 as specified and contemplated by Chapter 41, Section 81M, M.G.L. does not exist on this portion of Sandy Valley Road at the time of this application.
5. Since meaningful, adequate access to each lot does not exist, the plan constitutes a subdivision requiring approval under the Subdivision Control Law.

**565 Gay Street, Pre-Application Meeting - Informal discussion to review three alternative plans to create two buildable lots** (Mr. Atkins recused himself from the discussion due to possible conflict of interest as he is a board member of Westwood Affordable Housing Associates, Inc., which owns the abutting property.)

### *Presentation*

Engineer John Glossa presented Sketches 1, 2 & 3 on behalf of the property owner Tom Geraghty in an attempt to provide a proof plan.

Sketch 1 - is essentially the same as one that was discussed at the last meeting except that the driveway to Lot 2 was relocated to access the lot from the proposed subdivision road instead of an access from Gay Street.

Sketch 2 - is a the attempted "Proof Plan" which conforms as much as possible to the Rules and Regulations but three waivers are needed because it cannot meet the requirement in Section 4.4.7 - Subdivision Rules & Regulations that "No ways created pursuant to the Subdivision Control Law shall be closer than 40 ft. to any lot line of any lot situation outside the subdivision", the proposed new road is not 600 ft. (345 ft. proposed), from Gay Farm Way required in Section 4.4.2 "the minimum right of way offset of a proposed street to an adjacent street shall be a minimum of 600 ft. if the proposed street is a local major or local secondary street", and the minimum centerline radius required in Section 4.6.2.

Sketch 3 - has a proposed 25 foot Right of Way from Gay Street to Gay Farm Way with one lot in the front and a second lot in the rear.

### *Staff & Board Comments*

- The Planning Board is permitted to grant waivers from you Subdivision Rules and Regulations if it can find that such action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law. For these reasons, the Planning Board's practice has been to not grant waivers unless the Applicant can first demonstrate that these waivers are not required.
- Sketch 2 – the proof plan is not a waiver-free plan and has risky sight distance; could provide a significant relief to the abutters. Ms. McCabe stated that the minimum of 40 ft. to create new ways was specifically added to the Planning Board's Rules and Regulations in 2016 after many years of discussion to prevent new roads from being created too close to other properties.
- Single Residence E Zoning was not created with the intent to allow owners to subdivide their lots and if these plans were approved it could set a precedence for hundreds of other similar sized lots in Town. This zoning district is

purposely restrictive with large minimum lot size requirements.

Planning Board members generally agreed that after spending multiple meetings reviewing the various options for 565 Gay Street, it was ultimately decided that they are not going to support waivers when there is not a waiver free subdivision option.

### **215 High Street, Pre-Application Meeting – Informal discussion to review concept proposal for open space residential development (OSRD)\***

#### *Presentation*

Westwood resident, Michael Yanoff of 21 Longmeadow Drive is before the Board to introduce a conceptual proposal for an age-restricted open space residential development at 215 High Street, the current Harlequin Stables property. Mark Romaniwicz and Lee Barberi from Highland Meadows Development Team in Weston presented the proposal which was summarized as follows:

- *15 homes consisting of 11 single family detached homes and an attached, 4 single family home using L.I.D. (low impact design) standards and connect to municipal sewer and water.*
- *Approximately 25,000 sf will be acquired to meet the minimum land area requirement for OSRD.*
- *Three home styles – Case, Paine & Wellington: Single and two-story living; with master bedroom on first floor; with standard and custom finishes; accessed by a 500' dead end drive connecting common drives.*
- *Applicant requested board comments related to the proposed floor plans*

#### *Board Questions & Comments*

- An emergency access road must be considered and streets and interior driveways in the OSRD shall be designed to be in compliance with the locational and dead end standards of the Rules and Regulations.
- 50% of the project must be dedicated, contiguous open space and no less than 50' in in its smallest dimensions
- Provide more open space
- A board member asked if Mr. Yanoff has discussed this plan with his neighbors and if so has there been any opposition.
- Limit on number of bedrooms is 2; no dens, offices, bonus room, loft, attic or similar area that could be converted into a 3<sup>rd</sup> bedroom.
- Need information on the home price range
- Why two-car garages? Consider one car garages or shared car program such as zip car
- Affordable units requirement is 15% and must meet Department of Housing and Community Development Requirements for Local Initiative Program (LIP) including indistinguishable from market rate and must be integrated in the development – not next to eachother
- Consider the possibility of fulfilling the affordable housing component off-site.
- Remove request for waivers and present a “waiver free” plan.

#### *Staff Comments*

Ms. McCabe asked the proponents to consider items discussed tonight, meet again with Town Planner Abby McCabe, prepare to give a presentation to the Land Use Committee for a preliminary recommendation, submit a Preliminary OSRD Application and then a Special Permit Application.

#### *Public Comments*

None

### **300 Washington Street (Assessor's Map 23, Lot 215) - Approval Not Required (ANR) Plan to create two lots to separate the Fire Station parcel from the Morrison Park parcel**

#### *Staff Comments & Discussion*

Ms. McCabe summarized that this ANR has been submitted by the Town to separate the Fire Station from Morrison Park to create two separate lots. The minimum frontage is 40 ft. and both lots have well over the 40 ft. minimum.

*Action Taken*

On a motion made by Mr. McCusker, seconded by Mr. Gorman, the Board voted 5-0 to endorse Approval Not Required (ANR) Plan to create two lots to separate the Fire Station parcel from the Morrison Park parcel.

**Other Business:**

- Review Upcoming ZBA Applications: Ms. McCabe provided a comment summary for Board members in IQM2/Minute Trak for the following addresses: 2 Overlook Ave.; 63 Loring St.; 168 Pond Plain Rd.; and 1464 High St. The Board had no additional comments to the draft prepared by staff.
- 1000 Washington Street, Dedham – Ms. McCabe informed the Board that the Public Hearing has been continued to 12/14/17 to allow Dedham’s Design Review Committee to review. Dedham’s Planning Board provided an updated traffic report, which is currently under review by BETA on Westwood’s behalf. Ms. McCabe said that she will review the report and traffic signal timing and forward any comments to Dedham for the continued hearing. Ms. McCabe will continue to share any new information.
- Mr. McCusker and Mr. Olanoff attended a TRIC meeting a couple of weeks ago in which the agenda for next year was discussed. A Legislative Breakfast is planned in February.
- The Metropolitan Planning Organization will meet on 12/7 at the new Westwood Marriott Courtyard.
- Open Space & Recreation Plan Survey – As a part of the update to the Open Space and Recreation Plan (OSRP) a survey has been posted on November 11<sup>th</sup> to the Town’s homepage seeking residents input about open space and recreation facilities in town. The survey will be open until December 1<sup>st</sup>.
- Committee Reports – *Open Space & Recreation Plan Steering Committee* will have its first meeting to discuss the survey on Wednesday, 12/6 at 7 p.m., in the Champagne Meeting Room.

**Approval of Minutes:**

Upon a motion by Mr. Atkins and seconded by Mr. McCusker, the Board voted 5-0 in favor to approve the minutes of the meetings of 10/17/17 and 11/7/17.

**Adjournment**

Upon a motion by Mr. McCusker and seconded by Mr. Atkins, the Board voted 5-0 in favor to adjourn the meeting at approximately 10:00 p.m.

**List of Documents**

<ul style="list-style-type: none"> <li>• Memo to Planning Board from A. McCabe dated 11/22/17 and revised 11/27/17 re: Meeting Summary for 11/28/17</li> </ul>	PDF
<ul style="list-style-type: none"> <li>• Westwood Estates Subdivision Tripartite Agreement</li> <li>• Westwood Estates Subdivision Covenant dated January 10, 2017, 6 pages.</li> <li>• Memo to T. Korchin DPW Director from P. Paradis of BETA Group dated 11/15/17 re: Construction Estimate for Performance Guarantee – Westwood Estates</li> <li>• Phil Paradis e-mail to Abigail McCabe and Todd Korchin; Sent 11/15/17 for sidewalk fund estimate</li> <li>• Westwood Estates Definitive Subdivision – Certificate of Vote dated November 1, 2016 and final revised</li> </ul>	PDF

approved plans (revised through 12/12/16)	
<ul style="list-style-type: none"> <li>• Letter to Town Planner A. McCabe from T. Wynn of TJX Companies, Inc. dated 11/16/17 re: Home Goods Request to approve existing cart corrals and signs.</li> <li>• Letter to Town Planner A. McCabe from T. Wynn of TJX Companies, Inc. dated 11/16/17 re: Home Sense Request to approve cart corrals and signs.</li> <li>• Photographs of cart corrals</li> <li>• Home Sense parking plan</li> </ul>	PDF
<ul style="list-style-type: none"> <li>• Letter to Town Planner A. McCabe from N. Pratt of LandVest dated 11/20/17re: ANR (Approval Not Required) Application Plan for 401 Sandy Valley Road &amp; Sandy Valley Lot (Map 15, Lots 14 &amp; 27) 4 pages</li> <li>• Plan entitled "Record Drawings, Sandy Valley Road, Plan and Profile, Westwood, Mass", Vollmer Associates, August 2002</li> <li>• Letter to Nicholas R. Pratt, LandVest Consulting, from Todd Korchin, DPW Director, dated November 15, 2017.</li> <li>• The ANR Handbook Approval Not Required Plans, prepared by MA Department of Housing and Community Development, Tina Brooks Undersecretary, dated January 1997, September 2010</li> <li>• "Plan of Land in Westwood, Massachusetts Being A Subdivision of Lot A2 Shown on Land Court Plan 12075B Assessor's Map 15, Lot 014", prepared by Paul N. Robinson Associates, Inc. of Millis, MA, dated October 26, 2002.</li> <li>• Letter from Town Planner Diane Beecham, to Edith McCracken, Town Clerk, dated November 20, 2002, subject "ANR Plan: Sandy Valley Road.</li> <li>• Form A Application for Endorsement, dated November 11, 2002, from Sandy Valley Realty Trust.</li> <li>• Planning Board Meeting Minutes from November 19, 2002.</li> <li>• Atlas of the Towns of Needham, Dover, Westwood, Millis and Medfield, Norfolk County, MA</li> <li>• Photographs of Sandy Valley Road, taken by Staff, November 2017</li> <li>• ANRs and Ancient Ways by Attorney Alexandra Dawson</li> <li>• Subdivision Control Law Guide Sheet, prepared by MA Department of Housing and Community Development, Donald J. Schmidt, dated November 30, 2009.</li> <li>• Case Summary for Wayne E. Goldman vs. Planning Board of Burlington (and a companion case), December 5, 1963, April 14, 1964</li> </ul>	PDF
<ul style="list-style-type: none"> <li>• 565 Gay Street Concept sketches 1,2 &amp; 3 and "List of Potential Waiver Requests" (2 pages)</li> </ul>	PDF
<ul style="list-style-type: none"> <li>• Presentation: "Age Restricted Open Space Residential Development" - 215 High Street</li> </ul>	PDF
<ul style="list-style-type: none"> <li>• ANR Plan 300 Washington Street, application and plan</li> </ul>	PDF