

Westwood Planning Board - Meeting Minutes
Tuesday, May 26, 2015
50 Carby Street - 7:30 PM

Call to Order

Chairman Pfaff called the meeting to order at 7:31 p.m. and granted WestCat TV permission to record/videotape the meeting.

Present:

Planning Board members present: Chris Pfaff, Steve Olanoff, and Trevor Laubenstein. Jack Wiggin and Bruce Montgomery were absent. Staff members: Nora Loughnane, Director of Community & Economic Development, Abigail McCabe, Town Planner and Janice Barba, Planning & Land Use Specialist (who recorded the minutes).

New Business:

1. Public Hearing: EIDR Amendment - 1200 East Street – Prevett Oil

Ch. Pfaff opened the public hearing by reading the legal notice.

Michael Viano and Buddy Prevett were present for the application. Mr. Viano, representing the Applicant Anthony Prevett, gave a brief presentation.

- Requesting an amendment to the 2010 EIDR approval to allow the second floor garage space to be finished as living quarters for a caretaker and watchmen under Accessory Use Section 4.3.4.1 in the Highway Business District.
- Mr. Viano stated that the presence of a caretaker/watchman is needed to ensure safety and security of the property, the vehicles and inventory.
- The proposed floor plans showing the first floor of the garage and the second floor interior renovations were provided with the application and additional photographs of the garage interior were submitted at the hearing and entered into the record.

Board Questions & Comments:

- A Board member asked the Applicant to explain the responsibilities and hours of the caretaker/watchman. Mr. Prevett explained that a caretaker was needed to help with various work such as snow plowing, site clean-up, and taking care of the vehicles, a lot of which occurs after normal business hours.
- A Board member asked if the caretaker/watchman will be an employee of Prevett Oil. Mr. Prevett responded a friend had been performing these duties over the last several years but now a caretaker is needed and may live in the apartment in exchange for carrying out caretaker/watchman duties.
- A condition was suggested by a board member about requiring the individual living in the garage be an independent contractor so as to clearly prevent this space from appearing as an accessory apartment, which is not allowed in the Highway Business District.

Town Planner Comments: Ms. McCabe informed the Board that the application was distributed to review staff. The Town Engineer did not have any concerns because the application does not propose exterior changes and the Fire Department commented that they will require sprinklers per MA Building Code Table 903.2 because of the mixed use nature of living space above commercial space. She also noted that two parking spaces are required for the residence, although the parking is not shown on the submitted plan there is room for two parking spaces.

Public Comments: No public comments.

Motion/Action Taken:

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted unanimously in favor to approve the amendment to the EIDR for the caretaker accessory use on the second floor of the garage with the condition that the caretaker occupant be an employee of the business through pay or other independent contract.

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Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted unanimously in favor to close the public hearing.

2. Morgan Farm Definitive Subdivision and Open Space Residential Development – EIDR Minor Modification

Lou Petrozzi of Wall Street Development Corp. was before the Board to present an ANR plan to change the lot lines for the three lots on Appleseed Lane. He explained that the rear lot line for Lot 3 at the corner of Morgan Farm Road and Appleseed Lane is shifting back to give lot 3 (new lot 3R) 1,192 more SF, lot 4A (new lot 4R) is conveying the 1,192 SF to lot 3 and gaining 2,681 SF from lot 5R, and lot 5R is conveying the 2,681 SF Parcel B to lot 4R.

Board Questions & Comments: None

Staff Comments: Ms. McCabe added that although this is a lot line change that can be done through the ANR process, the Subdivision and OSRD-EIDR should also be modified to reference these plans because the original approval conditions all changes to come back before the Board.

Public Comments: None

Motion/Action Taken:

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted unanimously in favor to consider this amendment as a minor modification to the OSRD EIDR.

Motion/Action Taken:

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted unanimously in favor to endorse the ANR plans.

3. Canton Terrace Preliminary Subdivision Plan – 36 & 44 Blue Hill Drive

The applicant, Ed Musto, was present for his application for a Preliminary Subdivision Plan. Mr. Musto explained that he submitted an application to create a two lot subdivision where there are presently four lots that will be combined into two lots and a new road with a cul-de-sac is proposed off of Blue Hill Drive.

Board Questions & Comments:

- A Board member asked if it was the developer's intention when submitting this plan to freeze the zoning in place at the time of application. Mr. Musto responded that his current proposal as shown on the plan is for a two lot subdivision and the existing single-family residences are noted to be demolished.
- A Board member asked if lot shape factor has been provided and Ms. Loughnane responded that the plans are compliant (each lot is shown over 3 acres and the lot shape configuration is included on the plan).
- A Board member asked if the Sewer Commission can restrict the diameter of a water/sewer pipe, proposed for installation in a subdivision. Staff responded that utility connections require a permit from the town department of public works and engineering, separate from planning board approval.
- A Board member suggested that Mr. Musto communicate openly with the neighbors on his future plans.

Chairman Pfaff opened the meeting up to public comment.

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Public Comments:

R. Kelly, 20 Blue Hill Drive, expressed her strong concern for the proposed road and the traffic impact, particularly with regards to her children. She was also concerned with aesthetics related to tree removal for development and the size of the houses in comparison to the small ranch houses in the neighborhood. Ms. Kelly submitted comments in writing to the Board, which was entered into the record as an exhibit.

P. Craine, 50 Blue Hill Drive, expressed concern that larger homes would be constructed and asked clarification questions.

Ms. McCabe responded that this is a Preliminary Subdivision application. A Preliminary Subdivision cannot be recorded at the Registry and the applicant cannot get building permits from this application. To move forward with recording and permitting the applicant must submit a Definitive Subdivision Plan. Definitive Plans have much greater requirements for submission to the Planning Board and require a public hearing for which abutters will be notified. The Preliminary Subdivision is submitted prior to the Definitive and is typically submitted to receive initial feedback from the board, staff, and residents.

B. Kelly, 85 Canton Terrace, commented that he believes the applicant is really interested in building senior housing.

E. Germano, 114 Canton Terrace, noted that he also believes the applicant plans to do senior housing and the proposal for an eight inch sewer and water connection was excessive and did not seem necessary for this proposal.

J. Chan, 28 Blue Hill Drive, asked what could happen after this meeting. Staff responded that this is a Preliminary Subdivision application and before this proposal for a subdivision can move forward a Definitive Plan must be reviewed by the Planning Board. However, the applicant has recently submitted an ANR plan to combine the four lots into one and that plan noted the existing houses would be demolished. Property owners can apply for demolition and utility permits without having to go to the Planning Board.

C. Gopal, 102 Canton Terrace, asked if there was a connection to Blue Hill to Canton Terrace and the Board responded that no road connection is shown on the plan. The plan shows a cul-de-sac off of Blue Hill Drive.

M. Piccione, 150 Canton Street, asked what was proposed behind her house and the Board responded that no changes are shown behind her property on the proposed plan – the land extends behind her property but not the road.

C. Burgess, 97 Canton Terrace, asked if only single-family residence is allowed in this zone and the Board responded that this project is in the Single-Family Residence C zoning district.

Town Planner's Comments: Ms. McCabe summarized comments received from other town departments and included in the Board's meeting packet.

- The Board of Health voted to approve the Preliminary Subdivision Plans on May 12, 2015.
- Town Engineer submitted a memo dated May 18, 2015, noting that Blue Hill Drive is schedule to be resurfaced this summer and any proposed utilities should be installed outside of the street layout and there should not be excavation of the new pavement on Blue Hill Drive, joints between Blue Hill Drive and the new road must be straight and sealed with hot rubberized asphalt sealant, the town is not responsible for snow removal on unaccepted roads, the detention basin must allow

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access of heavy vehicles for maintenance and Low Impact Design techniques, particularly related to stormwater drainage, is encouraged.

- The Fire Department did not have any concerns with the plans.
- Ms. McCabe informed the Board that the Board may approve as submitted, approve with modifications suggested by and agreed to by the applicant, or disapprove but must state in detail the specific reasons for denial. She added that the submission met all of the criteria for Preliminary Plan submission required in the Board's Subdivision Rules and Regulations. The constructive grant date for this application is prior to the next meeting because the Board must act within 45 days from the submission of the complete application.

Motion/Action Taken:

Upon a motion by Mr. Laubenstein and seconded by Mr. Olanoff, the Board voted unanimously in favor to approve the Preliminary Subdivision Plan named Canton Terrace off Blue Hill Drive.

4. Preliminary Subdivision Plan - 420 Providence Highway

Property owner Joseph Federico was present before the Board with a proposal for a two lot subdivision at 420 Providence Highway. He explained that at this time his intent is to freeze the zoning in the Highway Business District and has no intent of going forward with the preliminary subdivision plan in the near future.

Chairman Pfaff opened the meeting up to public comment.

Public Comments:

P. Wilton of Portland Trust (an abutter), 15 Perwal Street, asked if the property had always been zoned highway business and asked if the property would go back to the previous condition if the uses are changing. Ms. Loughnane explained that the property was previously zoned Industrial but Town Meeting changed the zoning on the property to be Highway Business. The current uses (the car dealerships) received a special permit from the Zoning Board of Appeals, which is allowed in the Highway Business zone. The special permit may not still be valid if the uses leave but the zoning designation continues as Highway Business.

Board Comments:

- A Board member suggested that Mr. Federico communicate openly with the neighbors on his future plans.
- A Board member asked if there was a lot shape calculation requirement and Ms. Loughnane responded that there is none in this zoning district.
- There was a question if the curb cut on Route 1 was going away and Mr. Federico responded that the curb cut is not planned to be closed and will stay.

Town Planner's Comments:

- The Board of Health voted to approve the Preliminary Subdivision Plan on May 12, 2015.
- The Town Engineer submitted a memo to the Board dated May 18, 2015, commenting that the town is not responsible for snow removal on private roads, sewer and water mains are recommended to be installed parallel to each other and with a 10 foot separation, and inclusion of Low Impact Design related to stormwater drainage is encouraged.
- The Fire Department did not have any comments on the Plans

Motion/Action Taken:

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted unanimously in favor to approve the Preliminary Subdivision Plan for 420 Providence Highway.

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5. Project Development Review – 119 University Avenue - Anthony's Coal Fired Pizza

Paul Cincotta of New England Development (NED) and John Twohig of Goulston & Storrs were present to give the Board a summary of the waiver request to reduce the sidewalk clearance setback. They are requesting a waiver (relief of 2 feet) from the 6 foot requirement to allow 4 feet for the outdoor seating area in the front bar / window area approximately 20 feet long along the sidewalk next to the parking lot.

Board Comments and suggested conditions:

1. The fence shall be non-permanent and shall be removed when not in use during the winter months. A Board member was concerned about snow removal in the winter and having to maneuver around a fence when the outdoor area was not in use. The applicant responded that the front outdoor bar area would likely only be in use between May through October.
2. Protective bollards shall be installed at the head of the four adjacent parking spaces.
3. The fencing on the north corner shall be reduced from what is shown on the plan to provide at least 5 feet of clearance between the fence and the outer edge of the base of the light fixture.
4. The Planning Board shall review this sidewalk clearance waiver request to ensure accessibility for pedestrians and will review the surface paving material for adequacy in one year (May, 2016). A Board member was concerned of the hard brick surface for people in wheelchairs.

Public Comments: None

Town Planner's Comments: See the draft Decision below.

Motion/Action Taken:

Motion made by Planning Board Member Trevor W. Laubenstein, as follows:

I move that, pursuant to Sections 9.7.12.11 and 9.7.12.2.6 of the Westwood Zoning Bylaw, the Planning Board:

- (1) Grant waivers from the submission requirements of the University Avenue Mixed Use District Rules and Regulations as requested in the Post Construction Project Development Review Application by Westwood Marketplace Holdings dated May 22, 2015 ("Application").
- (2) Grant a waiver of 2 feet for 119 University Avenue of Zoning Bylaw Section 9.7.7.3, which requires 6 feet of clearance along all sidewalks (4 feet provided) for ~ 20 feet along the front (west side) of Anthony's Coal Fired Pizza outdoor window seating.
- (3) Approve the proposed sidewalk configuration at 119 University Avenue, as shown on plans included with the Application and entitled "Site Layout Plan" prepared by Tetra Tech, dated May 22, 2015, received May 26, 2015, as modified with the following conditions of approval:
 5. The fence shall be non-permanent and shall be removed when not in use during the winter months.
 6. Four protective bollards shall be installed at the head of the four adjacent parking spaces.
 7. The fencing on the north corner shall be reduced from what is shown on the plan to provide at least 5 feet of clearance between the fence and the outer edge of the base of the light fixture.
 8. The Planning Board shall review this sidewalk clearance waiver request to ensure accessibility for pedestrians and will review the surface paving material for adequacy in one year (May, 2016).
- (4) Vote to issue a Post Construction Project Development Review approval for 119 University Avenue.

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- (5) In connection with the issuance of such Post Construction Project Development Review approval, make the following findings with respect to the 119 University Avenue:
- (i) 119 University Avenue materially conforms to the Master Development Plan and supporting documents on file with the Town Clerk;
 - (ii) Any previously-developed portion of the University Avenue Mixed Use Development (UAMUD) project has not resulted in material adverse impacts that have caused a condition that does not comply with applicable regulatory requirements or, in the opinion of the Planning Board, is substantially detrimental to the public health or safety or the environment;
 - (iii) 119 University Avenue does not pose new material adverse impacts or materially exacerbate existing adverse impacts to any adjacent property or the proximate neighborhood that have not already been addressed through mitigation required by the Development Agreement by and between the Town of Westwood and Westwood Marketplace Holdings LLC dated as of May 7, 2013, as the same may be amended from time to time;
 - (iv) 119 University Avenue results in net fiscal benefits to the Town and the Proponent has adequately mitigated any adverse fiscal impact; and
 - (v) 119 University Avenue complies with the standards and requirements set forth in Section 9.7 of the Westwood Zoning Bylaw, including but not limited to the performance and design standards set forth in Section 9.7.11.

Motion seconded by Steven H. Olanoff.

APPLICATION AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Planning Office and the Office of the Town Clerk on May 26, 2015 including the following material.

1. Application Cover Letter from Brian Dugdale, Esq. of Westwood Marketplace Holdings, LLC, to Planning Board (two pages), dated May 22, 2015, received May 26, 2015.
2. Application for Project Development Review, prepared by Westwood Marketplace Holdings, dated May 22, 2015, received May 26, 2015.
3. Project Plans consisting of the following three sheets:
Plan entitled "Retail Building N – PDR Submittal University Station Westwood, Massachusetts" (Cover Sheet, General Layout Map Sheet C-101, and Site Layout Plan Sheet C-111) prepared by Tetra Tech, dated May 22, 2105.
4. Memorandum from Town Engineer, Jeffrey Bina, to Town Planner, Abigail McCabe, dated May 18, 2015, received May 26, 2015.
5. Photographs taken by Board Member on May 26, 2015.

RECORD OF VOTE

The following members of the Planning Board voted on May 26, 2015 to grant PDR Approval for the abovementioned Project: Christopher A. Pfaff, Steven H. Olanoff, Trevor W. Laubenstein.

The following members of the Planning Board voted in opposition to PDR Approval for the abovementioned Project: None.

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Old Business:

6. Continuation of Public Hearing for Discussion of Proposed Revisions to Various Planning Board Rules and Regulations

Ms. Loughnane asked Board members to send final edits to her.

Motion/Action Taken:

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted unanimously in favor to continue this hearing until Tuesday, June 16th at 7:30 p.m. in the Champagne Meeting Room, 50 Carby Street.

7. Approval of Meeting Minutes - 05/12/15

Motion/Action Taken:

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted unanimously in favor to approve the meeting minutes of 05/12/15 as written.

8. New Business – No new business was discussed.

Adjournment:

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted unanimously in favor to adjourn the meeting at approximately 10:20 p.m.

Next Meeting:

- Monday, June 1st, 7:30 p.m., (Joint meeting with BoS), Selectmen’s Meeting Room, 580 High Street
- Tuesday, June 16th, 7:30 p.m., Champagne Meeting Room, 50 Carby Street

List of Documents:

1200 East Street – Prevett Oil, submitted floor plans and photographs	PDF
ANR Plan – Appleseed Lane & Morgan Farm Road, dated 05-22-15	PDF
Canton Terrace Preliminary Subdivision Plan, dated 04-22-15	PDF
Memo to McCabe Town Planner from L. Shea, Health Director re: comments on Canton Terrace Preliminary Subdivision Plan	
Memo to A. McCabe Town Planner from J. Bina Town Engineer re: comments on Canton Terrace Preliminary Subdivision Plan	PDF
420 Providence Highway Preliminary Subdivision Plan	PDF
Memo to A. McCabe Town Planner from J. Bina Town Engineer re: comments on 420 Providence Highway Preliminary Subdivision Plan	PDF
Memo to McCabe Town Planner from L. Shea, Health Director re: comments on 420 Providence Highway Preliminary Subdivision Plan	PDF
Email to A. McCabe from M. Reardon re: comments on PB Apps	PDF
Copy of Sheet Number SKA-21 – Anthony’s Coal Fired Pizza, dated 05-08-15	