

**Westwood Planning Board
Meeting Minutes
January 11, 2011
Selectmen's Meeting Room
7:30 PM**

Board members present: Ch. S. Rafsky, J. Wiggin, S. Olanoff, B. Montgomery & C. Chafetz.

Staff present: N. Loughnane, Town Planner, G. Garber, CD Director. Minutes were recorded by J. Barba.

Ch. Rafsky opened the meeting at 7:35 p.m.

Continuation of Public Hearing for Consideration of 81 W Modification of Westview Estates Definitive Subdivision

Ch. Rafsky welcomed the applicant's Engineer, Paul Brodmerkle. Ch. Rafsky said at the public hearing held in December, the board requested further information on the proposed design and function of the front yard drainage swales. Mr. Brodmerkle addressed the board's questions in a letter which he referred to in a letter dated 1/3/2011, which is included with these minutes. He provided additional comments tonight.

Mr. Brodmerkle said the drainage swales in the front of each lot are designed to contain the water runoff from the roof, driveway and front yard, recharge the water back into the water table, which slows the rate of runoff to the street. He said the location or orientation of these attenuation basins doesn't matter but the Conservation Commission may have jurisdiction on this matter.

Ch. Rafsky read the memo from the Board of Health into the record, stating that it has no health or environmental concerns with the plans as presented.

Mr. Brodmerkle presented other construction revisions plans to the board which depict the suggested improvements by the town engineer, at the hearing in December. Mr. Brodmerkle explained that a gravity sewer has been extended to the back edge of the cul-de-sac, the 30' sewer easement has been added so as to allow for a future sewer line connection on Dela Park Road; the water quality inlet has been moved off the easement, straight lined the curbing at the end of Briarwood and redesigned the profile of the sewer, making it deeper. Two catch basins on the easterly section of the plan were also added, so that the water will not flow over the intersection.

Ch. Rafsky asked if Mr. Bina had any questions. Mr. Bina said he had not seen this plan before tonight. Mr. Brodmerkle said he would provide him a copy. Ch. Rafsky asked members of the board if they had any questions or comments.

Mr. Wiggin asked Mr. Brodmerkle if tests have been conducted on the soils below the proposed attenuation basins to determine its permeability. Mr. Brodmerkle said soil has been tested and it has permeability. Mr. Wiggin asked Mr. Brodmerkle if these basins will be similar to rain gardens and also asked how deep they would be. Mr. Brodmerkle said the depth of each basin is approximately two feet, so that a homeowner could mow this area.

Ms. Chafetz asked how often the basins would fill up during a storm. Mr. Brodmerkle said that the basins will not fill unless there is a 100 year storm. He said in a typical storm event you would not see any standing water. He said 96% of rainstorms are two years or less.

Mr. Olanoff asked Mr. Brodmerkle if revised plans have been submitted. Mr. Brodmerkle replied that he has not submitted revisions yet. Mr. Olanoff asked about whether utilities will be above or below ground and where street lights would be located. Mr. Brodmerkle said the utilities would be underground throughout the subdivision. Mr. Brodmerkle said the street lighting would be at the intersection and cul-de-sac. Mr. Olanoff asked Mr. Brodmerkle to indicate these items on the plans. Mr. Brodmerkle said he would do so.

Ch. Rafsky said he would be inclined to close the hearing, but first asked Ms. Loughnane a procedural question about plan revisions made this evening. Ms. Loughnane said the board could

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close the hearing and approve the plans as submitted, subject to revisions from this evening's meeting and ask for a re-submittal of revised plans.

Upon a motion by Mr. Wiggin and seconded by Mr. Olanoff, the board voted unanimously, five votes in favor to close the hearing.

Upon a motion by Mr. Montgomery and seconded by Mr. Wiggin, the board voted unanimously, five votes in favor to approve the plan as submitted with revisions and requested the applicant update the plan as requested.

Ms. Loughnane asked Mr. Brodmerkle to submit a mylar and seven copies of updated plans and the board will sign them at the convenience of the applicant.

**Continuation of Public Hearing for Consideration of Modification of Powissett Estates
Definitive Subdivision & Morgan Farm Estates Definitive Subdivision**

Ch. Rafsky welcomed Lou Petrozzi to the meeting at approximately 7:50 p.m.

Mr. Petrozzi began his presentation with showing the board three alternative subdivision designs, Concept Plans A, B & C. He began showing Concept Plan C which depicted seven housing lots in the following configuration. The lots 1-4 which are before the wetland crossing, lots 5 & 6 which are just after the wetland crossing, each off its own cul-de-sac and lot 7 with access off right of way from Powissett Estates. Mr. Petrozzi said with this plan, he would request several waivers on construction standards to limit the intrusion into the property.

Concept Plan B depicted seven lots; three lots before the wetland crossing, three lots after the wetland crossing and one with access off right of way from Powissett Estates. Mr. Petrozzi said again he would be requesting similar waiver on construction waivers. He said this is his preferred plan.

Concept Plan A depicted six lots; three lots before the wetland crossing, two lots after the crossing and one with access off right of way from Powissett Estates. The main difference is that there are two cul-de-sacs planned before the wetland crossing, serving three lots. In addition, a turn around would provide frontage for the back lots and he said a waiver for constructing that turn around would be requested. Lots 4 and 5 would share a common driveway.

Mr. Montgomery asked if the frontage is sufficient for Lot 5 and 6. Mr. Petrozzi said a turn around existing on paper would be necessary to provide driveway access and satisfy the frontage for these lots.

Ch. Rafsky asked the board if it had any comments.

Mr. Wiggin asked Mr. Petrozzi about the waiver required for the dead end street. Mr. Petrozzi said the right of way between Little Boot Land and Shoe String Lane is counted in the footage needed for the roadway and he requests that the board to waiver the additional 600'.

Ms. Chafetz asked if there are any changes in access on lot 7. Mr. Petrozzi said the access is via Little Boot Lane.

Mr. Montgomery commented on the long length of the driveways and said his opinion is the same about prohibiting through access on the emergency road.

Ch. Rafsky said he is not in favor of waiving the roadway footage beyond 500'. He said he has concerns about public safety access for the lots in the back and is unable to justify permitting 6 or 7

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building lots. He said he would consider less.

Mr. Montgomery and Ms. Chafetz asked about the width of the roadway off of Lot 7. Mr. Petrozzi said the width remains the same as on the plans as no widening would be required.

Ms. Chafetz expressed concern about allowing through access from Little Boot Lane and the precedence that this would set for future subdivisions. Mr. Olanoff said that the Powissett Estates decision stated that only one lot would have the right to use the emergency access road.

Ch. Rafsky read a letter into the record from an abutter, Mr. Hiller of 10 Little Boot Lane regarding his overall disapproval of the subdivision.

Ch. Rafsky asked the members of the public if it had any comments.

Joe Gantert, 12 Little Boot Lane expressed concern about public safety and fire department access to lots 5 & 6. He also said he did not agree with the emergency access road remaining the same width but needed to be wider.

Bob Phillips, 530 Dover Road commented that he thought Mr. Petrozzi should have applied the open land concept in this subdivision. He said he is concerned about the property's wetland and believes it should be preserved and protected.

Eric Arnold, Hale Reservation commented that he was disappointed that Mr. Petrozzi did not meet with the neighborhood to discuss compromise. In addition, he said all designs that have been put forward to the Planning Board have all requested exceptions or waivers.

Ch. Rafsky said at this point the board has an extension through January 31st to consider this application. Mr. Petrozzi said he would like to make revisions and addition to plans to satisfy comments made by the town's engineering consultant and asked the planning board to continue the hearing.

Ch. Rafsky strongly encouraged Mr. Petrozzi to reach out to the neighborhood and try to find a compromise and recommended fewer lots or else the Planning Board will have to consider the original plan submitted. Mr. Montgomery and Ms. Chafetz made similar supporting comments.

Upon a motion by Mr. Montgomery and seconded by Ms. Chafetz the board voted unanimously, five votes in favor to continue the hearing to January 25th at 8:30 p.m. in the Champagne Meeting Room.

Public Hearing for Consideration of Scenic Road Designation of Fox Hill and Thatcher Streets

Ch. Rafsky opened the public hearing at approximately 8:30 p.m. and read the legal notice. He welcomed petitioner, Charles Domina of 95 Fox Hill Street.

Mr. Domina said both Fox Hill and Thatcher streets meet the criteria for scenic road designation, said many historical figures have lived on these streets and he would like to see that these streets retain their character.

A member of the audience asked what it means for a road to be designated as scenic.

Ch. Rafsky said that the following criteria are considered for scenic road: ways bordered by any trees of exceptional quality; ways bordered by stone walls; ways bordered by any other natural or

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man-made features of aesthetic value; ways for which any alteration would lessen the aesthetic value of natural or man-made features bordering them; and ways for which alteration is being planned or is likely to be planned in the future. He said that any work to be proposed on scenic road would be prohibited without the permission of the Planning Board. According to the rules and regulations, scenic roadways cannot be altered without following proper procedures and without adherence to proper considerations; and ways so designated will not be altered by the decision of any person, organization or agency other than the Planning Board.

Resident, 82 Thatcher Street asked how far back trees on personal property would be considered. Mr. Olanoff said that only trees in the right of way, which would be in the center of a stone wall, are affected by this regulation.

Mr. Foster, Thatcher Street asked if a scenic road designation would result in a decrease in traffic.

Ch. Rafsky said scenic road designation is not a traffic mitigation tool but does guarantee that a road would not get widened.

Mr. Diccio, 127 Thatcher Street stated his concerns with trees on his property and how this designation would affect those trees. Mr. Diccio was confused about the regulations and whether the town enforces the State's regulations or its own.

Ms. Loughnane said the Town has its own Scenic Road Rules & Regulations which she would send him a copy of tomorrow.

John Goodfellow, Fox Hill Street asked about maintenance of granite columns etc. on his property.

Ms. Loughnane said any new work or permanent alteration of a tree or stone wall would require a hearing, maintenance and repair of a stone wall does not require a permit. Furthermore, the intent of the scenic road designation is to protect the integrity of the historic qualities of the street.

Upon a motion by Ms. Chafetz and seconded by Mr. Olanoff the board voted unanimously, five votes in favor to close the hearing.

Upon a motion by Mr. Wiggin and seconded by Ms. Chafetz the board voted unanimously, five votes in favor to recommend to the 2011 Town Meeting that Fox Hill and Thatcher Streets be considered for designation as scenic roads.

Consideration of Request for Reduction in Amount of Bond for Fox Meadow Estates Subdivision

Ms. Loughnane said a request was received from Gilbane Development Company for a reduction in the amount of security bond for the Fox Meadow Estates Subdivision from \$400,000 to \$200,000. She said she asked Town Engineer Jeff Bina to review this request and to provide the board with a recommendation. Mr. Bina provided a detailed memo and a copy is included with these minutes.

Mr. Olanoff asked Mr. Bina to provide an update. Mr. Bina said he has determined that the reduced bond amount to \$200,000 is sufficient to complete the outstanding improvements, including completion of the stone dust path within a 10' wide easement along the edge of the property on both Fox Hill Street and Gay Street.

Andrew Bourne from Gilbane Development Company was seated in the audience and explained that drainage issues on the pathway will be addressed by raising the grade to allow for the installation of

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drainage to alleviate the path from being underwater. He said the cost of this work is substantially less than the bond currently held, thus the reason for the request.

Barbara McDonald asked if the developer had thought of constructing a wooden bridge over the pathway. The developer responded that this was considered and the drainage alternative was chosen instead.

Upon a motion by Mr. Olanoff and seconded by Mr. Montgomery the board voted unanimously, five votes in favor to reduce the security bond according to the recommendations of the Town Engineer.

Ms. Loughnane provided two copies of the bond reduction document for the board's signature. In addition, she asked Gilbane Development to provide the Planning Board with an as-built plan showing the pedestrian path, along with a metes and bounds description of the easement to assure that the two are properly aligned in accordance with the bond reduction release.

Discussion of Proposed Warrant Articles for 2011 Annual Town Meeting

Ch. Rafsky said that several warrant articles have been proposed by the Planning Board for the 2011 Annual Town Meeting. He said over the next month the board will need to prioritize these articles and be sensitive to the Finance Commission's agenda.

Ch. Rafsky explained that he, Phil Shapiro (BoS), Jim Elcock (EDAB), Ms. Loughnane, Mr. Garber and Chris McKeown, Economic Development Director met last week to discuss the benefits of more flexible approaches to zoning that Westwood might consider in order to foster economic development. (A copy of a memo outlining the details is included with these minutes.) Ch. Rafsky invited Mr. McKeown to the planning board's meeting to discuss these ideas with all the members of the board.

Mr. McKeown explained to the Board that last spring the owners of Southwest Park, Maric, Inc. met with the Economic Development Advisory Board (EDAB) to discuss amending the zoning on its property to allow for more efficient, flexible redevelopment of their site adjacent to Route 1 and 128/95. At that time the EDAB discussed the matter and Mr. McKeown and Mr. Garber have been doing extensive research of municipalities that have adopted flexible zoning bylaws with successful development.

Ch. Rafsky said it is imperative that the board decide if this zoning amendment proposal is a priority to pursue. In addition, he said this initiative must be shared by both the Board of Selectmen and the Economic Development Advisory Board in order for the proposed zoning changes to be accepted by town meeting. He said this it is not the Planning Board's objective to propose this zoning amendment. Mr. McKeown agreed.

He and Mr. Wiggin expressed the importance of holding public information sessions on the proposed flexible zoning.

Mr. Montgomery and Ms. Chafetz commented that they agree that zoning amendments associated with growth in the town's commercial zones is an important priority. Mr. Montgomery asked Mr. Garber to provide the board with the best examples of bylaws that already exist and are successful, in another communities so as to expedite the research.

Ms. Loughnane said she disagreed with using zoning from another community. She said that each of the four specific commercial areas has qualitative standards that are vastly different for each area and zoning will require a fair amount of research. Mr. Garber echoed these comments.

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Ms. Chafetz commented that she is unsure if there is enough time to analyze each commercial area thoroughly.

Mr. Olanoff commented that he was disappointed with the rhetoric of the memo from Mr. McKeown. He also said that he read over the example of the zoning overlay district from the town of Pepperell that was included in the memo and is not sure that it differs that much from what Westwood has adopted. He also commented that he would like to know what Southwest Park's schedule is for redevelopment as it relates to our town meeting process time frame.

Mr. McKeown addressed Mr. Olanoff and said he was not trying to criticize the Planning Board. He said with the lack of success with Westwood Station, the Town of Westwood has earned the reputation of being restrictive and inflexible, and difficult to do business with.

There was a general sentiment that the board should do its best to go forward with this redrafting of the existing bylaw section 9.6, Mixed Use Overlay District and the proposed flexible zoning overlays districts.

Approval of Minutes of Prior Meetings

Board members asked for additional time to consider the drafts of the minutes.

Other Planning Board Business that may come before the Board

Scheduling of Planning Board Meetings

Board members discussed calendars for the February and March Planning Board meetings. The following dates were scheduled; Thursday, February 10th, Thursday, February 17th, Tuesday, March 1st and Tuesday, March 15th.

Mr. Wiggin asked Mr. McKeown if the Economic Development Advisory Board could assist the Planning Board with amending the MUOD and the proposed flexible zoning overlays.

Ms. Loughnane distributed updated plans and documents for Fox Hill Village EIDR.

Comprehensive Plan Update

Mr. Garber and Mr. Wiggin discussed this week's upcoming Comprehensive Steering Committee Meeting. Mr. Wiggin said all members of the Steering Committee and all subcommittees will meet and have a general discussion of the comprehensive plan as a whole. Mr. Wiggin said that he expects that the first half of the meeting will include a general discussion and the second half of the meeting subcommittees will be break out into groups to share ideas. He asked planning board members if each could be available to each of the subcommittees. The last few minutes of the meeting will be to bring all members back together to discuss housing issues related to Open Space Residential Development and Senior Residential Development.

Board members decided on assignments to the subcommittees. Mr. Olanoff - Transportation, Ms. Chafetz - Open Space, Mr. Montgomery - Community Character, Mr. Wiggin - Housing, Ch. Rafsky - Economic Development and Ms. Loughnane - Community Services.

Upon a motion by Mr. Wiggin and seconded by Mr. Montgomery five members voted unanimously in favor to adjourn the meeting at approximately 9:30 p.m.

The next meeting of the Planning Board is Tuesday, January 25th at 7:30 PM in the Champagne Meeting Room.

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List of Documents, Materials and Exhibits

Memorandum from Linda Shea, Health Director to Nora Loughnane, Town Planner, dated 12/15/10, stating the Board of Health's approval of the modification of Westview Estates Definitive Subdivision.

Email from Nora Loughnane, Town Planner to Paul Brodmerkle & Paul Tryder, dated 12/22/10. Content of email includes seven questions from the planning board requesting further information on the proposed front yard drainage swales for the lots in Westview Estates.

Letter from Site Design Professionals, LLC to the Westwood Planning Board, dated 01/03/11, responding to the Planning Board's request for more information on the "front yard drainage swales" proposed at Westview Estates Definitive Subdivision.

Construction Revisions of Plan & Profile for Westview Estates Definitive Subdivision, (Site Design Professionals) 3 pages depicting drainage outlet profiles.

Morgan Farm Estates Plans: Concept Plans A, B & C (Wall Street Development Corp.), 3 pages depicting lot layouts.

A letter of support for Fox Hill Street scenic road designation, from Marilyn E. Wales, 272 Fox Hill Street.

Email from Joyce Harkness, 247 Alder Road expressing support for Fox Hill and Thatcher Streets scenic road designations.

Memo from Jeff Bina, Town Engineer dated 01/10/11 regarding partial release of subdivision bond for Captain's Crossing Definitive Subdivision.

Memo from Chris McKeown, Economic Development Director dated 12/30/10 regarding Flex Zoning and Economic Development in Westwood.