

**Westwood Planning Board
Meeting Minutes
May 17, 2011
Champagne Meeting Room
7:30 P.M.**

Board members present: Ch. S. Rafsky, S. Olanoff, B. Montgomery, C. Chafetz and J. Wiggin
Staff present: N. Loughnane, Town Planner, G. Garber. Minutes were recorded by J. Barba.

Chairman Rafsky called the meeting to order at approximately 7:35 P.M.

Continuation of Public Hearing for Consideration of Special Permit and Environmental Impact Design Review (EIDR) for Wireless Communication Facility at Temple Beth David – 7 Clapboardtree Street (no testimony will be taken at this hearing)

Ch. Rafsky reopened the hearing and stated that the focus for tonight will be on the final list of required submittal items for consideration of the application. He said all board members have received Mr. Maxson's memo #1 & memo #2 regarding post-meeting deliverables from the May 10th public hearing. He welcomed Mr. Sousa, representing the Applicant. Ch. Rafsky said Mr. Maxson would not be attending the meeting this evening.

Mr. Sousa said he received the two memos from Mr. Maxson and he said that he had no objections with the content. Mr. Sousa said he had a question regarding an item in memo #1, "Please provide a photo of a real 3 foot (base) to 2.5 foot (top) diameter unipole, 100 feet tall, taken from the same distance as the Location 1 photo, using the same equivalent focal length. Match size and cropping to the photos in the photo-simulation report." Mr. Sousa said he has not found a photo matching this description and he said he will continue to search for one that closely resembles it and will provide it to the board.

Ch. Rafsky asked board members if there was any additional information that should be included in this list. Board members agreed that this compendium of outstanding technical questions was quite thorough.

Ms. Loughnane asked Ch. Rafsky if the board would discuss the fees due to Isotrope, LLC. She said at this time the town has \$3,500 available in the 53G account for professional services but the Isotrope invoice is estimated to be approximately \$7,500.

Mr. Sousa said he received information via email from Ms. Loughnane regarding this invoice and he has not yet discussed it with his client, SBA Towers but did comment that the invoice is nearly twice the cost of the original estimate of \$3,500 and that fees usually do not exceed \$5,000.

Ch. Rafsky asked Ms. Loughnane what the ramifications may be if SBA Towers will not agree to pay the additional costs associated with this technical review. Ms. Loughnane said that Isotrope will be unable to complete its report for the Planning Board and the Board will have to make its decision based on the information received so far. In addition, she stated that in accordance with the bylaw, the Town will be reimbursed by the Applicant for the reasonable fees and expenses of consultants and the application contains such an agreement by the Applicant to that effect. She stated that at this point the consultant, Applicant and the Town need to discuss these cost overages and decide how to proceed.

Mr. Wiggin asked Ms. Loughnane what the anticipated total cost of the services may be.

Ms. Loughnane responded that Mr. Maxson based his initial fee on a typical proceeding but this application was not typical as it is based on coverage analysis and technical reporting for two wireless carriers.

Mr. Sousa said because there is a difference of opinion between Mr. Maxson and his RF consultants he believes that this may have contributed to the increased cost associated with the technical review by Isotrope. He reiterated that he would like to discuss the fees with his client and following that

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resolve this matter with Ms. Loughnane as soon as possible.

Ch. Rafsky said he would like Ms. Loughnane to take care of this matter with the direction of the board in mind. He asked board members if there were any additional comments.

Mr. Wiggin asked if the FAA has issued a confirmation of regulatory compliance for this tower.

Mr. Sousa said he has not received that information yet.

Mr. Olanoff commented on the importance of receiving this information.

Mr. Wiggin asked if the National Environmental Protection Agency review has been approved yet.

Mr. Sousa responded that this review has not been completed yet as it is a very detailed report.

Mr. Wiggin asked if the proposed tower site is listed on the National Historic Register.

Ms. Loughnane said that neither this site nor the adjacent properties is listed on the National Historic Register.

Upon a motion by Mr. Montgomery and seconded by Ms. Chafetz, the board voted unanimously, five votes in favor to continue the hearing to Thursday, June 16th at 7:30 p.m. at the Westwood High School Auditorium.

Ms. Loughnane asked a follow-up question to Mr. Sousa requesting that he bring the section of the proposed monopole such as a 36" diameter ring section, showing the color, sheen of the cladding material.

Mr. Sousa agreed to bring a sample section to the next hearing. He also mentioned that his client is working on a developing a tapered pole structure.

This concluded this portion of the meeting.

Public Hearing for Consideration of Environmental Impact Design Review (EIDR) for Application for Addition to Ann's Lunch Building - 920 High Street – THIS HEARING WILL BE IMMEDIATELY CONTINUED WITH NO TESTIMONY TAKEN

Ch. Rafsky opened this hearing at 7:53 p.m. and stated that it would be immediately continued without testimony. He asked if anyone was present this evening on behalf of the Applicant.

Ms. Loughnane informed the board that she said left a message for the Applicant, Alan Brennan to advise him that the public hearing would be immediately continued with no testimony taken. She explained that this application proposes an addition to the existing building to accommodate a bakery/catering facility in addition to the existing restaurant. Concerns have been raised by both the Health Director and the Building Commissioner regarding the proposed alterations. The construction of a second story addition to the existing structure will require building code compliance, including the elimination of window and door openings on the High Street façade. Additional information is required before the Building Commissioner can determine the minimum number of parking spaces which will be required for the facility.

This Applicant is also scheduled to be heard by the Zoning Board, which is also expected to immediately continue its hearing.

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Upon a motion by Mr. Wiggin and seconded by Mr. Olanoff, the board voted unanimously, five votes in favor to continue the hearing to Tuesday, July 12th at 7:30 p.m. in the Champagne Meeting Room.

Continuation of Public Hearing for a modification of the Environmental Impact Design Review (EIDR) for the Audi Dealership at 420 Providence Highway, involving alterations to parking and automobile display areas.

Ch. Rafsky opened the public hearing at 7:57 p.m. and read the legal notice. He welcomed the Applicant, Matt McGovern from Prime Porsche-Audi, his attorney John Dockerty and engineer John Wescott.

Mr. McGovern explained that this application is a request for the amendment of a previously approved site plan for the Audi Dealership, in response to the Building Commissioner's issuance of a compliance order, following repeated violations of the parking and automobile display arrangements permissible under the original EIDR Approval. He said the lot has now been reconfigured to resolve the outstanding issues of the building commissioner. He said last month the Zoning Board of Appeals approved the amended Special Permit and conditioned the following items: relocation of handicapped parking spaces to an area adjacent to the dealership building, the addition of plantings to screen views of the proposed stacked parking are from an abutting business, and the continuation of a prohibition against on-street parking on Perwal and Walper Streets.

Mr. Olanoff expressed his concerns about public safety, traffic flow, public convenience as well as the business viability and the importance of strict adherence to Site Plan Review approval.

Mr. McGovern responded that if he had developed the business from the beginning he would have done many things differently. He gave a summary of the site alteration plans. He explained that additional employees have been hired to provide valet parking and overall management of vehicle movement on the site. In addition, the conditions of the Zoning Board of Appeals have also been incorporated into the altered site plans.

At this point, Ch. Rafsky asked Ms. Loughnane to provide the board an update on the current process and the status of the temporary license issued by the Board of Selectmen.

Ms. Loughnane explained that back in the late fall the building commissioner identified ongoing violations on the property, informed the applicant about these violations. As a result the Board of Selectmen suspended the renewal process for the applicant's vehicle sales license. The applicant met with the Selectmen and the Economic Development Advisory Board to discuss these issues. A few months later the applicant was invited to meet with the Land Use Committee to assist the applicant with resolution of these violations. Meantime, the Board of Selectmen issued a temporary vehicle sales license on the condition of the applicant filing with both the Zoning Board of Appeals and the Planning Board for amendments to the special permits. This temporary license expires on June 30, 2011. The Board of Selectmen is waiting to issue the full license pending the outcome of this application.

Ms. Loughnane said the plans that are before the Planning Board this evening do reflect the amendments requested by the Zoning Board of Appeals and changes to the handicapped accessible parking, requested by Police Sgt. Paul Sicard. She said the plans have not yet been reviewed by the engineering department and asked that if the board makes a decision tonight that it be conditional upon further review of these plans.

Mr. Olanoff asked if these plans were reviewed by the town engineer. Ms. Loughnane said the plans

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were reviewed by Jeff Bina, the town engineer at the time of the original application. She said Vicki Quiram; acting town engineer did briefly review these new plans and did not see any major concerns but requested additional time to provide a full report.

Ch. Rafsky asked Ms. Loughnane if she had any comments or questions about these plans.

Ms. Loughnane asked how many additional parking spaces have been created with this new plan.

The applicant responded that eighteen additional spaces have been created with this new plan.

Ms. Loughnane said in accordance with the bylaw, if five or more parking spaces have been added, screening shall be required with fencing or impervious shrubs at least three feet wide. She said the planning board would have to consider granting a waiver for this plan. Ms. Loughnane said that ordinarily parking is not stacked but this a bit different than the usual parking as the general public will not be using the stacked parking, but the applicant's staff only. However she stressed that when display cars are moved, vehicles are prohibited from being parked on Walper Street at any time.

Ms. Chafetz asked if a waiver of the on-street parking was granted by the Board of Appeals.

The applicant responded that the Board of Appeals did not grant this waiver.

Mr. Olanoff asked if trees would be removed in order to construct traffic islands. He said he would like to see any mature trees protected. In addition he had some additional comments about the lack of an existing plan for this site. He also asked about where the curbs will be removed.

The applicant said the red markings on the plans show curb revisions and the new plans submitted this evening show existing and proposed conditions regarding trees. He said a line of trees will be added to make up for this loss of one tree in the island.

Ch. Rafsky said these plan changes are minor and complemented the applicant on these changes. He said subject to the town engineer's report he believes a decision could be made this evening. He asked board members agreed or if they believe more study is needed.

Mr. Wiggin commented that he does not think the changes are minor as the changes involve terminal islands which our bylaw addresses.

Mr. Olanoff disagreed that this application cannot be approved tonight because final plans are not available.

Board members further discussed the submitted plans.

Ms. Loughnane asked if the display area in front of the property is pervious or impervious and suggested that the applicant did not want to exceed the 85% area allowed.

The Applicant and his engineer responded that this area is an impervious and they confirmed they have not exceeded the 80%.

Ch. Rafsky asked each board member to comment.

Mr. Montgomery agreed that the modifications to the site are adequate and is satisfied with the addition of the sixteen trees as a result of the removal of an island.

Ms. Chafetz agreed and added that the violations identified by the building commissioner have been

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addressed and feels the applicant is committed to monitoring parking on site, etc.

Ch. Rafsky asked if there are any other issues of compliance.

Ms. Loughnane stated that her concerns have been addressed.

Mr. Olanoff asked if the ATM on site will remain and suggested that the applicant remove it.

The applicant responded that with permission of the landlord, he would do so but does not have permission.

Mr. Olanoff had a concern about the appearance of the ATM building and the handicapped space being underutilized. He also discussed changing the traffic direction in that area. He suggested that the planning board's decision be contingent upon removing the ATM and changing the traffic direction.

Board members discussed and agreed to approve this application upon the following conditions: a revised site plan shall be submitted, clearly showing existing and proposed conditions, including (a) relocation of the required handicapped parking spaces to an area adjacent to the building; (b) addition of striping in parking lot adjacent to the southeast corner of dealership building, in place of existing raised island; (c) notation on plans that parking, loading and unloading of vehicles shall be prohibited on Walper and Perwal Streets; and (d) should the existing ATM be removed, the associated handicapped parking space shall be relocated to a more appropriate location in proximity to the sales or service entrance of the building.

In addition, the applicant shall submit a landscape plan which includes sixteen red pines, ten feet in height at the time of planting, along the east property line, to screen views of the proposed stacked parking area from abutting properties; plan notation that all existing plantings in islands and landscaped areas shall be maintained and if any trees, shrubs, grass etc., that die shall be replaced within six months.

The applicant shall obtain written approval of the stacked parking arrangement from the acting town engineer and the applicant shall employ a qualified attendant to manage the stacked parking during all hours of business operation.

Upon a motion by Mr. Montgomery 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 Ms. Chafetz, the board voted unanimously, five votes in favor approve the application with the above mentioned conditions.

Public Hearing for Consideration of Special Permit for Environmental Design Review (EIDR) for Wireless Communication Facility at Morrison Park – 300 Washington Street

At approximately 8:56 p.m., Ch. Rafsky read the legal notice of public hearing. Michael Dolan was present on behalf of the applicant, AT&T Mobility. He explained that this application submitted by AT&T proposes to remove the 80' stealth communications antenna flagpole, and relocate and install a 100' antenna flagpole with nine (9) interior mounted panel antennas and associated coax cables, conduits and other electronic equipment located at the site, 300 Washington Street. The monopole will be situated in the far back rear of the property in the same area as the current monopole. He explained that the addition of the nine panel antennas will provide a remedy to an existing gap in AT&T's network coverage in the area. Lastly, the existing antenna will be removed following the completion of the proposed monopole.

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Ms. Loughnane emphasized to the board that the new monopole is proposed to be significantly wider and taller than the existing monopole. She said the proposed monopole is 36" in diameter at the base and then tapers to 30" at the top of the pole. The current monopole is 19" in diameter at the base and tapers to 12" at the top.

There was a discussion about the visual impacts considering the significant increase in the diameter and height of the pole. Ms. Loughnane suggested that the Planning Board schedule a site visit to review the impact this new monopole will have on vegetation and trees at the site. Board members agreed and commented that few, if any trees should be removed or trimmed to accommodate the new pole and it should be designed to be visually non-intrusive.

Ch. Rafsky opened the hearing to public comments.

B. Haas, 27 Sexton Ave. – asked Ch. Rafsky why any trees would need to be removed.

Ms. Loughnane stated tree removal may be necessary to construct a new 15' x 15' foundation which will be the base of the tower.

Mr. Wiggin asked the applicant to provide information about access and maintenance of the facility.

Other members asked about the time period for construction, the possibility of using a temporary tower on a wheeled trailer, and requested the site marked out before the board conducts a site visit.

Upon a motion by Mr. Montgomery and seconded by Ms. Chafetz, the board voted unanimously, five votes in favor to continue the hearing to July 12, 2011 at 7:30 p.m. in the Champagne Meeting Room.

Upon a motion by Mr. Montgomery and seconded by Ms. Chafetz, the board voted unanimously, five votes in favor to conduct a site visit on June 16, 2011 at 8:30 a.m.

Pre-application Conference for Proposed Addition of ATM at Needham Bank Drive-thru – 341 Washington Street

Attorney Peter Zahka was present on behalf of Needham Bank to request the board to determine whether a formal amendment to the EIDR approval is needed for an ATM to be added to the bank at 341 Washington Street. He explained that in 2008 the bank received EIDR approval for a drive-thru teller window, which has been beneficial to serving customers and now would like to add a 24-hour drive-up ATM machine. Mr. Zahka said the same exterior wall and drive up lane would be utilized for the ATM machine and would not increase traffic to the site, as it would often be accessed when the bank is closed.

Ch. Rafsky asked the applicant why Needham Bank is proposing the ATM.

Mr. Zahka explained that Needham Bank is seeking to increase the convenience of its customers by providing the 24-hour ATM and it will simultaneously allow for necessary equipment updates.

Ms. Loughnane reminded the board that back in 2008 there was some concern about left-hand turns onto Washington Street from the drive-thru lane.

Board members agreed that if there is any increase in traffic it will be likely be during off-peak hours and did not recommend prohibiting left-hand turns.

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Upon a motion by Mr. Montgomery and seconded by Mr. Olanoff, the board voted unanimously, five votes in favor that the request by the Applicant, Needham Bank, to install the ATM is a diminimus change and does not require a formal amendment to its 2008 EIDR Approval.

Consideration of Modification to Environmental Impact Design Review (EIDR) Approval for ReMax Building – 100 High Street

Jeff Koss, property owner 100 High Street, was present to request a modification of the 2008 EIDR Approval to reflect the as-built plans, as a Certificate of Occupancy is being sought by the Building Commissioner.

Board members discussed the differences between the as-built plans and the plans submitted at the time of EIDR approval. Mr. Montgomery asked about the deck, which he said was not part of the original approval, which now has slightly changed the parking and striping. Ms. Loughnane stated that handicapped van access striping should also be added. Also discussed were the trees removed along Meditech's property line and the certified approval from Meditech accepting the 12 deciduous trees that have been re-planted.

Upon a motion by Ms. Chafetz and seconded by Mr. Wiggin, the board voted unanimously, five votes in favor to accept the modifications to the 2008 EIDR Approval for 100 High Street.

Other Planning Board Business that my come before the Board

CLURPA Letter

Board members agreed that Mr. Garber should submit the letter with minor edits, to the State supporting CLURPA legislation.

Upon a motion by Mr. Montgomery and seconded by Ms. Chafetz, the board voted unanimously, five votes in favor to adjourn the meeting.

The meeting adjourned at approximately 10:00 P.M.

The next meeting of the Planning Board is Thursday, June 16th at 7:30 PM at Westwood High School Auditorium.

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List of Documents, Materials and Exhibits

Memorandum #1 to N. Loughnane from D. Maxson, Isotrope Wireless, dated May 11, 2011 RE: SBA 7 Clapboardtree WCF – Applicant Post-Meeting Deliverables

Memorandum #2 to N. Loughnane from D. Maxson, Isotrope Wireless, dated May 13, 2011 RE: SBA 7 Clapboardtree WCF – Applicant Post-Meeting Deliverables

11" x 14" Parking Plan for Audi-Porsche, Prime Motor Group, dated February 22, 2011

As Built Plan for 100 High Street