

**Westwood Planning Board  
Meeting Minutes  
July 12, 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 7:30 P.M.*

Ch. Rafsky informed board members that he received a few phone calls from concerned residents about a LED digital billboard proposed at the University Avenue MBTA station. Board members said they had also heard about this proposal. Ch. Rafsky said he contacted Selectman Pat Ahearn in response to these calls who said he was aware of the proposal and he will be discussing the matter with the Board of Selectmen and town officials. Ch. Rafsky said he offered Sel. Ahearn the Planning Board's support.

Board members recalled a similar proposal in 2010 at the same location. Mr. Olanoff said there was a story in the Dedham Patch and said he would forward the link to Ms. Barba who will forward it to board members. In addition, Mr. Olanoff said the MBTA Advisory Board testified at a hearing against this proposal and Ms. Loughnane said the application was subsequently withdrawn.

**Continuation of Public Hearing for Consideration of Environmental Impact Design Review (EIDR) Application for Addition to Ann's Lunch Building – 920 High Street**

Ch. Rafsky reopened the hearing and welcomed the architectural designer, John Andrews from Concord Lumber. Mr. Andrews presented revised plans to the board. He gave a brief summary of the applicant's proposal to demolish the existing building and construct a new two-story building to house a café bakery with seating for 15-20 patrons and eight parking spaces.

Ms. Loughnane said the original plans filed with the EIDR application in April proposed a renovation of the existing restaurant, an addition to the rear of the building and construction of a second floor on the existing building footprint. She informed the board that the building commissioner reviewed this plan and conveyed concerns to the applicant related to a building code prohibition against door and/or window openings in any building wall within three feet of a lot line.

Mr. Andrews said that the existing building will be demolished and the proposed new building will be built ten feet back from the sidewalk with the entrance to the building moved to Church Street, which eliminates the problem with the code prohibition. He added that eight parking spaces are proposed after the existing shed is removed from the rear of the property.

Ch. Rafsky asked Ms. Loughnane if she considered this application to be complete.

Ms. Loughnane said the application is missing a full set of finalized plans addressing parking and drainage and she has not had a chance to fully review these newly submitted plans. In addition, she said she has some concerns about the proposed parking layout.

Board members asked the applicant several questions and the applicant essentially responded that the proposed second floor would be used for baking, still operating as one business, with the square footage of the building increasing to approximately 900 sq. ft. on each floor or 1,800 total sq. ft.

There was a discussion the need for the submitted parking plans to comply the Zoning Bylaw, *Section 6.1.5.22 – Restaurant without entertainment, less than 10,000 sq. ft.*, which specifies one parking space for each four seats plus one parking space per two employees.

Board members commented about the missing information on the submitted plans and there was agreement about the applicant's requirement to comply with Zoning Bylaw, *Section 7.3.6.1 Site Plan*, specifically with regard to drainage, existing and proposed planting, landscaping and screening,

**Westwood Planning Board  
Meeting Minutes  
July 12, 2011  
Champagne Meeting Room  
7:30 P.M.**

access and egress points, sidewalk, traffic circulation, etc. In addition, Ms. Loughnane suggested that the applicant review the Parking Design Standards, as the current parking plan shows a 22' back up, and angled parking may be an option.

Mr. Andrews said that these items will be added to the plans.

Ms. Chafetz asked if the design of the building will be similar to the design shown on the originally submitted plans.

Mr. Andrews said that the design would be similar.

There was a discussion about the minimum setbacks for zoning in Local Business A: according to *Section 5.2 Dimensional Requirements*: lot frontage, lot width and front setback are 40' and side and rear setbacks are 15'. Ms. Loughnane informed the board that the applicant has applied to the Board of Appeals for a Special Permit, under *Section 4.5.3 Non-Conforming Structures*, as the structure is pre-existing to zoning and non-conforming.

Mr. Wiggin asked Ms. Loughnane why the building is required to be set back ten feet. In addition, he said it is unclear on the plans where exactly the sidewalk and the edge of the building are.

Mr. Andrews said the building will be setback ten feet in order to comply with building code. He also said there will be grass planted in that ten foot space, as well as a garden and a few tables.

Ch. Rafsky said the board is supportive of a proposal to improve this building although the information submitted tonight is insufficient in order to get started with its review.

Ms. Loughnane suggested that the Planning Board may accept the plans tonight, continue the hearing and require a full set of plans prepared in accordance with the bylaw.

Ms. Chafetz asked about *Corner Clearance* and where the forty feet would be measured from and also asked what the town requirements are for the sidewalk.

Ms. Loughnane said the forty feet would be measured as if it were two front yards. She said according to Section 5.5.4 of the bylaw that says no building or structure shall be built within 25' from the point of intersection. She suggested that Mr. Andrews review this with Louise Rossi, the zoning administrator, before the next Board of Appeals hearing. Ms. Loughnane also said that she will have the Department of Public Works review the final plans and make a recommendation.

Mr. Olanoff asked if there are any substantial trees on the property.

Mr. Andrews said that there are four or five trees and three of them are dying. He said there are also existing scrubby plantings that are mostly dead.

Mr. Olanoff asked if there is a possibility of sharing parking spaces with the abutting business.

Ms. Dowlatshaki the owner of the property responded that the Spa already has very limited parking and sharing is not an option.

Mr. Olanoff asked if the existing foundation will be used for the new building.

Mr. Andrews said an engineering assessment has not yet been completed on the existing foundation to determine its viability.

**Westwood Planning Board  
Meeting Minutes  
July 12, 2011  
Champagne Meeting Room  
7:30 P.M.**

Ch. Rafsky suggested that the board continue the hearing.

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 26, 2011 at 7:00 p.m. in the Champagne Meeting Room.

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

Attorney Ed Parry from Brown Rudnik presented revised site plans for the facility. He directed the Board to plan sheet A-1, showing the new location of the proposed tower which was shifted 25', after the Planning Board site walk. Mr. Parry explained that the tower will be 90' tall and 30" wide and 36" at the base.

Mr. Wiggin asked if this pole will be used by just one carrier.

Mr. Parry confirmed that AT&T will be the only carrier using this tower but will use three bays or antennas.

Ms. Loughnane mentioned to board members that on plan page A-2 the "NOTE:" box states "Proposed tower dimensions of max. 36' ± at the base & 30"± at the top, final design to be provided by the tower manufacturer." She said the Planning Board requires the actual specifications of the monopole and site layout that is drawn to scale. She added that a landscaping plan depicting the existing trees over 4" caliper, trees to be removed and proposed new screening plantings.

Ms. Loughnane said the screening should include evergreens at the base of tower from the field and Roche Brothers that are not already screened by existing trees. Arborvitae were suggested to fill view gaps between trees.

Mr. Olanoff requested a condition in the Decision state that trees to be saved should be protected during construction.

Mr. Wiggin asked if this tower will expand coverage.

Mr. Parry said new coverage, LTE will be provided with this new pole.

Ms. Loughnane requested that a notation is made on the plans that the existing concrete platform will be removed and the grass will be restored.

Upon a motion by Ms. Chafetz and seconded by Mr. Montgomery, the board voted unanimously, five votes in favor to continue the hearing to July 26, 2011 at 8:30 p.m. in the Champagne Meeting Room.

**Public Hearing for Consideration of Environmental Impact Design Review (EIDR)  
Application for Modification of Wireless Communication Facility at Thurston Middle School  
– 850 High Street**

Ch. Rafsky opened the public hearing at approximately 8:15 p.m. and read the legal notice.

Attorney Ed Parry from Brown Rudnik explained to the board that the proposed modifications to the existing facility located on the roof at the middle school in the cupola and the enclosed equipment

**Westwood Planning Board  
Meeting Minutes  
July 12, 2011  
Champagne Meeting Room  
7:30 P.M.**

shelter on the ground will provide better service to its customers. He said three LTE antennas will be installed and the present antennas will be upgraded. In order to accommodate the changes the open area of the existing cupola will be closed in with a louver design and the upper canister will be widened. He said no expansion of the present equipment shelter will be necessary.

Mr. Wiggin asked if the canister will be taller than the existing facility.

Ms. Loughnane said if the structure is no greater than ten feet, a special permit is not required. She said these plans are not drawn to scale. She said it would be sufficient if the applicant confirmed that the antenna is no greater than ten feet tall.

Mr. Parry said no height is being added to the antenna, it will remain at 83' high.

Ms. Loughnane said according to the bylaw, the facility shall be no more than ten feet in height, adds no more than ten feet in height to the building or structure and is subject to approval pursuant to Section 7.3, Environmental Impact and Design Review.

Ch. Rafsky said the board can condition that the antenna will not exceed ten feet.

Mr. Olanoff asked about the radiation study.

Ms. Loughnane said the radiation study was reviewed and the Board of Health had no health or environmental concerns.

Ms. Loughnane discussed the Applicant's request for waiver of the application fee but the planning board agreed because the Thurston Middle School is not the applicant, the fee should be paid by the wireless carrier.

Upon a motion by Mr. Montgomery and seconded by Mr. Wiggin, 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 to approve the application subject to the conditions discussed, and to keep the existing color of the structure and receipt of the \$500 application fee.

**Consideration of Request for Release of Covenant – 6 Shoestring Lane, Powissett Estates**

Ms. Loughnane explained that the owner of 6 Shoestring Lane is in the process of selling the property. The buyer had concerns about a covenant related to the 1999 subdivision approval which was overlooked. Ms. Loughnane said this covenant does not serve any purpose and is an impediment to the transfer of the property. Town Counsel prepared a release of the covenant for the Planning Board's endorsement.

Upon a motion by Mr. Montgomery and seconded by Ms. Wiggin, the board voted unanimously, five votes in favor to release and endorse the covenant.

**Consideration of Request for Waiver of Fees for Reynold's Farm Senior Residential Development Special Permit Application – 1561 High Street**

Mr. Musto was present to discuss his request for a waiver or reduction of the application fees for this project.

Ch. Rafsky informed board members that he had a conversation with former planning board

**Westwood Planning Board  
Meeting Minutes  
July 12, 2011  
Champagne Meeting Room  
7:30 P.M.**

member, Henry Gale, who served during the hearings for Mr. Musto's prior Senior Residential Development. Ch. Rafsky informed the board that Mr. Gale did not remember directly discussing a reduction of future fees with Mr. Musto. However, he recalled making a passing comment that he suggested a reduction of fees to encourage Mr. Musto to resubmit a senior residential development application as he supported this type of development and the last project that Mr. Musto proposed. He said that he hoped the current planning board would consider reducing the fees required if Mr. Musto has resubmitted an application for a senior residential development at the High Street location.

Mr. Olanoff said he was also on the planning board at the time of Mr. Musto's prior SRD submission. He said at that time, he voted in favor of the project but thought some modifications were needed. He said the engineering of the project was insufficient. He did remember Mr. Gale's comment.

Mr. Musto stated that in the first SRD application, Beals & Thomas had been hired to provide peer review for the Planning Board. He said that he thought Beals & Thomas attempted to re-design his project and that the fees were excessive. He told the board that the new plans incorporate some of the same ideas in the old plan but is more simplified, the scope is smaller and the number of units is less.

Mr. Montgomery asked Ms. Loughnane to explain the application fee.

Ms. Loughnane said the fee is based on the number of units. She said the \$13,500 is the fee required.

Mr. Musto said this project is a one lot development with multiple units.

Ms. Loughnane reviewed the subdivision fees. She said the fee is based on the scale of the project.

Mr. Olanoff agreed that a reduced fee should be considered.

Ch. Rafsky asked Ms. Loughnane for her recommendation.

Ms. Loughnane said she recommended a 50% reduction in the fees. She said the fees are designed to pay the in-house staff review of the plan. The staff that reviewed the original SRD plans is no longer employed by for the town.

Mr. Wiggin agreed that there is an expense associated with town staff review.

Ch. Rafsky suggested, based on the history of the project and the fact that the applicant will still be required to fund the peer review consultant that a 75% reduction of the fees which would amount to: \$13,500 less \$10,125 = \$3,375.

Upon a motion by Mr. Montgomery and seconded by Mr. Olanoff, the board voted unanimously, five votes in favor to a reduction of 75% of the application fee only, with the total due to the Town of Westwood is \$3,375.00.

**Zoning Board of Appeals Referral of Earth Material Movement Special Permit Request for 11 Fox Meadow Drive**

Ms. Loughnane reported that the ZBA has an upcoming application for Earth Material Movement (EMM) Special Permit for the construction of a single family dwelling at 11 Fox Meadow Street and is requesting Planning Board comment. She said this development appears to be in conformance with the approved Captain's Crossing/Fox Meadow Definitive Subdivision and the areas to receive fill will

**Westwood Planning Board  
Meeting Minutes  
July 12, 2011  
Champagne Meeting Room  
7:30 P.M.**

be placed appropriately and will not affect adjacent properties.

Mr. Olanoff asked if there were other house lots in Fox Meadow Estates have needed EMM special permits.

Ms. Loughnane said that so far no other lots have needed EMM special permits, although she said as development continues, there may be additional requests for EMM special permits due to some of the lots having unusual shapes and topography.

Questions were asked about drainage issues and whether the Conservation Commission had reviewed this special permit. Ms. Loughnane said the Conservation Commission approved this special permit in June 2011.

Mr. Olanoff commented that he would like to see that trucks follow an appropriate and restricted route to travel to prevent traffic congestion or hazards.

Ms. Loughnane said the ZBA requires the applicant to follow the same special permit compliance standards as the Planning Board.

Ch. Rafsky suggested that Ms. Loughnane inform the ZBA that the Planning Board has no objections to the granting of the EMM Special Permit.

Mr. Olanoff said he wants the trucks restricted to a specific route, avoiding certain roads.

Ch. Rafsky disagreed stating that we should apply the same requirements as the Town would normally impose.

Ms. Loughnane said the route is usually limited to the principal highways and no minor streets that are not necessary to reach the property.

Board members agreed with this.

Upon a motion by Mr. Montgomery and seconded by Mr. Olanoff, the board voted unanimously, five votes in favor to support the earth material movement special permit, with the truck route restriction mentioned above.

**Update on Revisions to Planning Board Rules and Regulations**

Ms. Loughnane reported that she has been working on revisions on the Planning Board's rules and regulations for Subdivision Control, General Special Permits, SRD special Permits, MUOD Special Permits, Shared Driveways and Scenic Roads. In addition Ms. Loughnane has prepared drafts of new rules and regulations for FMUOD Special Permits, OSRD Approvals, and EIDR Approvals. The public hearing has been scheduled for July 26<sup>th</sup>.

Ms. Loughnane asked if the board wants to review the regulations all at once. She said an outside consultant may need to be hired to revise all the rules and regulations. She suggested that the critical sets could be adopted in advance of the remaining sets.

Mr. Olanoff suggested that the town engineer review and revise the subdivision rules and regulations.

Ms. Loughnane suggested that Board members meet with DPW Director Vicki Quiram regarding the status of town engineering services.

**Westwood Planning Board  
Meeting Minutes  
July 12, 2011  
Champagne Meeting Room  
7:30 P.M.**

**Other Planning Board Business that may come before the Board**

Ch. Rafsky informed the board that she asked Ms. Loughnane to send a group of past meeting minutes to board members for review and discussion at the August meeting.

Mr. Olanoff mentioned that there have been several complaints about the MBTA garage at University Avenue. He explained that commuters have been complaining about noxious odors from standing water in the garage. Mr. Olanoff explained that he has been working with the health director and conservation specialist to address the situation. He mentioned the DEP inspections and maintenance requirements.

Ch. Rafsky suggested that Mike Jaillet should write a letter to the MBTA about this matter.

**Status of the Comprehensive Plan Update**

Mr. Wiggin said the town has made arrangements for Phil Herr to provide assistance with the Comprehensive Plan Update.

**Status of Morgan Farm/Powissett Estates Subdivision Application**

Ms. Loughnane has asked Town Counsel to explain the board's obligations under the recent court decision. She has not yet received a response.

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

The meeting adjourned at approximately 9:30 P.M.

*The next meeting of the Planning Board is Tuesday, July 26<sup>th</sup> at 7:30 PM at 50 Carby Street, in the Champagne Meeting Room.*

**Westwood Planning Board  
Meeting Minutes  
July 12, 2011  
Champagne Meeting Room  
7:30 P.M.**

**List of Documents, Materials and Exhibits**

Memo from L. Shea, Health Director, dated July 12, 2011, re: review of 920 High Street/Ann's Lunch, associated with EIDR application.

Copy of Plan for 920 High Street/Ann's Lunch, dated December 7, 2010

Supplemental documents from KJK Wireless re: 850 High Street/Thurston Middle School, associated with EIDR application, undated but recorded in the office of the Town Clerk on 07/01/11

Maximum Permissible Exposure Study for 850 High Street/Thurston Middle School, dated 07/05/11

Plan set T-1 thru G-1 for 850 High Street/Thurston Middle School, for Wireless Communications Facility

Revised Plan set T-1 thru G-1 for 850 High Street/Thurston Middle School, for Wireless Communications Facility

Memo from L. Shea Health Director, dated July 12, 2011, re: review of 850 High Street/Thurston Middle School, associated with EIDR application.

Copy of Letter from David Kertzman, dated June 22, 2011 re: request for release of covenant for 6 Shoestring Lane.

Copy of Town of Westwood Planning Board Release of Covenant, original signed by Planning Board.

Memo from L. Shea Health Director, dated July 12, 2011, re: review of 1561 High Street/Reynold's Farm Senior Residential Subdivision.