

**Westwood Planning Board  
Meeting Minutes  
September 27, 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 and J. Barba, Planning & Land Use Specialist, recorded the minutes.

*Chairman Rafsky called the meeting to order at 7:40 P.M.*

**Consideration of Approval Not Required (ANR) Plan for 35 Blueberry Lane**

Ms. Loughnane explained to board members that the applicant is seeking ANR for his property to correct an inconsistency to clear the title on the property as he is preparing to close on the sale of 35 Blueberry Lane.

Attorney Stuart Schrier was present with the applicant, Mike McGough and gave a lengthy explanation of the history of the property and the plans.

Ch. Rafsky asked Ms. Loughnane to explain the impact of these errors on these two lots from the assessor's point of view.

Ms. Loughnane explained that a 1975 plan proposed changes to this property, 35 Blueberry Lane and the abutting lot at 45 Blueberry Lane. That plan was never endorsed nor recorded, yet it was erroneously relied upon in the formation of recorded plans in 1983 and 2004. As a result, the Assessor's Plat configuration of Lot 35 (35 Blueberry Lane) and Lot 34 (45 Blueberry lane) are inconsistent with deeds for those two properties, and a small triangular parcel proposed for inclusion in Lot 35 (both in 1975 and today) is currently left without clear status.

In addition, Ms. Loughnane said abutting Lots 34 and 175 are also shown on this proposed ANR plan as conforming lots, and these lots are not proposed for alteration under this plan. However, endorsement and recording of this plan would result in changes to the Assessor's Plat configuration of Lot 34. No changes would be made to the Assessor's Plat configuration of Lot 175.

Ch. Rafsky asked the applicant why the other property owners are not present for tonight's discussion.

Attorney Schrier said his client is in jeopardy of losing the sale of his home and he cannot afford any delays in this process. He said the lot for 45 Blueberry Lane has not changed along the boundary with 35 Blueberry Lane and said he has the deed which confirms this.

Ms. Loughnane said the board's endorsement of the ANR will correct 35 Blueberry Lane and will make it a non-conforming lot and allow the sale of the property to go through. She said this will impact 45 Blueberry Lane and she will bring this matter to the attention of the Board of Assessors.

Board members commented that the unusual circumstances of this particular ANR application is precisely the reason for requiring applicants to submit ANR plans to the town planner in advance of the meeting for review, in which endorsement is requested.

Upon a motion by Mr. Montgomery and seconded by Mr. Olanoff, the board voted four votes in favor to endorse the ANR plan and one abstention.

**Continuation of Public Hearing for Consideration of an 11-buildable lot Definitive Subdivision to be known as Morgan Farm Estates Subdivision & for Consideration of the Modification of an 8-buildable lot Definitive Subdivision known as Powissett Estates Subdivision, and for Consideration of any Alternative Subdivision Plan submitted by the Applicant - Wall Street Development**

Ch. Rafsky reopened the public hearing at approximately 8:15 p.m.

Ms. Loughnane reported that at a meeting of the board in July, members agreed to consider the Subdivision Modification of Powissett Estates and Morgan Farm Estates Subdivision plans denied in 2010 and an alternative plan for the Morgan Farm Subdivision, which involved a cul-de-sac with a paved length in excess of 500' without secondary

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access. On September 23, the Applicant submitted a draft concept plan demonstrating one proposed layout for such an alternative plan. The plan was mailed to Planning Board members for review prior to tonight's meeting. The Applicant attempted to schedule a meeting with Hale Reservation to discuss a land swap, but was unsuccessful. Ms. Loughnane said the alternate plan proposes 10 lots, one of which is proposed to be located off of the emergency connector from Powissett Estates.

Ch. Rafsky asked Applicant Mr. Petrozzi to give a brief summary of the conceptual alternative plan and related waiver requests.

Before the Applicant began, Mr. Wiggin asked him if these waivers apply to the conceptual alternative plan or to the 2010 Subdivision Modification of Powissett Estates and Morgan Farm Estates Subdivision plans.

Mr. Petrozzi said these waivers apply to the conceptual alternative plan as it is a modification of Powissett Estates/Morgan Farm Estates Subdivisions.

Ms. Loughnane confirmed that the title is carried through this application and applies to the submitted sets of plans.

Mr. Petrozzi said the alternative subdivision plan calls for ten building lots, nine will be located on the existing Morgan Farm Road, which will be extended approximately 1,168 feet and the remaining lot will have access through the connector road from Powissett Estates.

Mr. Petrozzi read through a list of requested waivers:

1. Location of trees with caliper of 10" or greater. Requested Waiver: Not required.
2. Dead-end streets shall not be longer than five hundred (500) feet. Requested Waiver: Extension of Morgan Farm to total length of 1,168 feet.
3. Improvements outside the Subdivision. Requested Waiver: No improvements outside the subdivision.
4. Open Spaces/Park or Playground. Requested Waiver: No park or playground.
5. Underground Services. Requested Waiver: At the discretion of the Applicant and respective utility, above-ground services may be permitted from Stations 10+50 to 12+00.
6. The minimum width of paved roadways – Minor Street. Requested Waiver: 26 feet
7. Curbing – Requested Waiver: Allow Cape Cod berm in place of standard granite vertical curbing. (Vertical granite to be installed between Stations 10+50 to 12+00 on sidewalk side.)
8. Sidewalks, having a width of not less than six (6) feet, shall be constructed on both sides of each roadway. Requested Waiver: Sidewalks having a width of not less than five (5) feet shall be constructed on one side of the roadway.
9. Sidewalk Construction – Requested Waiver: Allow for 6" of selected gravel instead of 12" and allow a paved thickness of 3" of bituminous concrete pavement – 1 ½ " base course and 1 ½ " top course instead of 4" thickness.
10. Trees – Requested Waiver: Allow for the applicant to determine the size, type, quantity and location of trees to be planted, at the discretion of the applicant.
11. Grass Plots - One grass plot shall be provided on each side of the roadway, immediately adjacent to the curbing as shown on the applicable roadway cross section plan. The grass plots shall be a minimum of six (6) feet, or as directed by the Board. Requested Waiver: Allow grass plots to be a minimum of five (5) feet and from Station 10+50 to 12+00 – No Grass Plots on sidewalk side.
12. Underground Utilities: All utilities systems, except for street lights, shall be located underground. Requested Waiver: From Station 10+50 to 12+00 – Electric Telephone & Cable may be installed above ground at the discretion of the applicant and respective utility.

At this point, Ch. Rafsky said the Board needs to discuss process with regard to these requested waivers and the time frame required to make a Decision.

Ms. Loughnane said according to the Subdivision Rules and Regulations, the Board shall take action within ninety (90) days after the plan submission, or such further time as may be agreed upon at the written request of the applicant. She said the application was submitted on July 26, 2011 and the Board has until October 24<sup>th</sup> to make a Decision.

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Ch. Rafsky said the Planning Board has three options to consider in moving forward with this application: (1) the board may deny the remanded plan, (2) may favorably consider the remanded plan or (3) deliberate the newly submitted alternative plan.

Ch. Rafsky asked board members to comment.

Mr. Wiggin said he did not think option 1 should be considered as he said the remanded plans cannot be denied.

Ch. Rafsky agreed and said he does not want to rely on the land court system for our town planning purposes.

Mr. Montgomery agreed and expressed concerns about the impact of the subdivision on the wetlands and stressed the importance of supporting the neighbors in their wishes to not have a through street between the two subdivisions.

Ms. Chafetz said she is still confused on the legal process. She asked if the board came to an impasse and could not approve a modification or new concept plan, would the Applicant would be allowed to build either of the two lots.

Ch. Rafsky said if the board does not approve the Applicant's alternative plan it would have to approve or deny the remanded plan currently before it.

Ms. Loughnane said eventually the board would have to approve or deny the remanded plan or approve another plan in its stead. She said the courts required that the remanded plan of Powissett Estates must be allowed to be altered and not denied.

Ms. Loughnane said the planning board can reconsider the original plan with the court decision in mind and grant waivers if necessary to allow the subdivision to go forward.

Mr. Olanoff asked why these plans allow no waivers. He said there isn't anything to make him believe that waivers would be allowed.

Ms. Loughnane said the 2008 plans are not necessarily waiver free but these plans could be modified to be waiver free.

Ch. Rafsky said the board needs to look at what is best for the abutting neighborhood. He said the board needs to come to a consensus and focus on the alternative plan.

Ms. Chafetz agreed.

Ch. Rafsky opened the hearing to public comments.

B. Philips, 530 Dover Rd. – said he wants town counsel to be present at the planning board meeting to give the board a direct opinion, in person. He expressed concerns about the impacts to the wetlands and Hale Reservation. He asked questions about the conservation commission's buffer zone requirement.

J. Gantert, 12 Little Boot Ln. – asked for clarification from the board about which plans are being considered.

Mr. Petrozzi said the alternative plan with the extended cul-de-sac is the one the being presented tonight.

J. Gantert, 12 Little Boot Ln. – commented that this consideration of alternative plan and associated requested waivers could take several meetings to decide. He had questions about the right of way connecting the house lot on the top left of the plans.

Ms. Loughnane said this connection would be constructed as a "paper street" and would not be considered a street but more like a driveway to the house lot. She explained that this is necessary in order to provide street frontage for this house lot.

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T. Hiller, 10 Little Boot Ln. – agreed with Mr. Philips that town counsel should provide an opinion to the board. He asked the board to consider the alternative plans as he said it doesn't create the same conservation challenges and destructive widening of the road, negatively affecting the neighborhood. He asked the planning board to use prudence in its review.

T. Farren, 155 Westchester Dr. – agreed with Mr. Hiller's comments and encouraged the Board's review of the alternative plan.

M. Whelan, 25 Morgan Farm Rd. – said she is against the extension of the length of the cul-de-sac.

In response to the public's comments, Ch. Rafsky said the planning board will not be pressured to expedite a decision on this project without conducting a thorough review. He said that all requested waivers before the planning board will be reviewed thoroughly by the town staff before any decisions are made. He said town counsel has advised the planning board throughout this process.

B. Philips – expressed concern about gravel piles on Morgan Farm Road and asked who would regulate this dumping.

Mr. Montgomery he is concerned about public safety vehicles have adequate turnaround access on the paper street serving the house lot on the upper left side of the plan.

Mr. Petrozzi said all the waivers he requested are consistent with what was previously approved for the formerly submitted plans.

Mr. Olanoff said no one has ever asked for discretion in determining size, type, location and quantity of trees to be planted.

Ch. Rafsky asked the applicant if he would be willing to give the board an extension to continue the hearing until October 25<sup>th</sup>. He recommended that Town Planner Ms. Loughnane work with the applicant and Ms. Quiram director of public works to discuss thoroughly review the waiver requests and to provide guidance to the planning board.

Ms. Loughnane said Ms. Quiram has asked for the opinion of the planning board regarding the proposed review by Beta Engineering, the town's engineering contractor or if it prefers to hire a separate peer review consultant.

Mr. Petrozzi said at this time he does not have information from the planning board for which to present a plan ready for its review, as this plan is still conceptual. He said he needs more information as to whether the board will consider the waiver of the length of the cul-de-sac.

Ch. Rafsky said a straw vote of the planning board said four members would consider the waiver of the length of the cul-de-sac.

Mr. Petrozzi asked for the waivers to be reviewed sooner rather than later.

Ms. Loughnane agreed and said these waivers could be discussed with the DPW director within a week's time and report on this information to the planning board for its meeting on October 11<sup>th</sup>.

Mr. Olanoff said input on these waivers should be provided by the town engineer. He wants to discuss how this alternative plan works in relation to what the board would like to see.

Ms. Loughnane said the DPW director provided a cursory review only and needs to have Beta Engineering to take a closer look at the waivers. Therefore, the planning board needs to decide if outside peer review is necessary.

Ms. Chafetz agreed that Ms. Loughnane should meet with the DPW director, and does not need outside peer review at this time and that the board should continue the hearing until October 11<sup>th</sup>.

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Mr. Montgomery agreed but asked for the option for allowing outside peer review if significant changes are made to the plans.

Mr. Petrozzi said he has no objection to an outside peer review once the formal plans have been submitted, at a later date.

Ms. Loughnane asked Mr. Petrozzi to put that statement in writing.

Mr. Montgomery agreed that the engineering review should be provided by the DPW director and Beta Engineering.

Mr. Olanoff said these plans are still in the concept stage and until the plans are formally submitted an outside peer review should be provided.

Mr. Wiggin agreed with Ms. Chafetz's comments.

Upon a motion by Mr. Wiggin and seconded by Ms. Chafetz, the board voted unanimously in favor to require an outside peer review consultant upon receipt of formal subdivision plans, at a later date.

Mr. Olanoff said he is looking for compromise and the applicant has not compromised with this proposal. He said the number of lots should be decreased to 7 or less with a shortened length of the cul-de-sac and creation of an emergency access road/grass strip.

Mr. Wiggin said a grass strip emergency access road is a good idea but said the building lot would be lost. He said he would like wetlands to be removed from the lots.

Ms. Chafetz agreed with Mr. Wiggin's comments and agreed that the length of the cul-de-sac should be shortened. She said this plan is a lot better than the other plan agrees with not crossing wetlands even to create emergency access. She asked for a status update on the applicant's meeting with Hale Reservation regarding a land swap.

Ms. Loughnane said a meeting has yet to be arranged between the applicant and Hale Reservation.

Mr. Petrozzi said he intends to propose a land swap of a two acre wet area for a 4 acre parcel. He said if the formal application is submitted under Open Space Residential Development, the land swap would be less important and unnecessary.

Mr. Montgomery said he thinks a very thorough review by the board is necessary.

Ch. Rafsky said he would like to see pristine areas conserved in this project and would like the applicant to consider filing an OSRD application. He told the applicant that there is a strong indication from board members that an extended length of the cul-de-sac may be considered. He said the board should stay focused on the process and forget about the existing animosity about this project.

Mr. Olanoff said the applicant should consider a different area for a wetland crossing. He suggested that Mr. Petrozzi keep an open mind. He said an example of an emergency access grass strip is located in Steven's Farm.

Mr. Petrozzi said there are a lot of considerations in identifying the best area for a wetland crossing.

Upon a motion by Mr. Montgomery and seconded by Ms. Chafetz, the board voted unanimously, five votes in favor to continue the hearing until Tuesday, October 11<sup>th</sup> at 8:00 p.m. in the Champagne Meeting Room.

**Continuation of Public Hearing for Consideration of Revisions to Planning Board Rules and Regulations**

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Upon a motion by Mr. Montgomery and seconded by Mr. Olanoff, the board voted unanimously, five vote in favor to continue the hearing until Tuesday, October 11<sup>th</sup> at 7:30 p.m. in the Champagne Meeting Room.

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

Board members scheduled October 24<sup>th</sup> for the Allied Drive hearing in Dedham and chose November 8<sup>th</sup> and 22<sup>nd</sup> for future planning board meetings.

Upon a motion by Mr. Montgomery and seconded by Mr. Wiggin, the board voted unanimously, five votes in favor to adjourn the meeting at approximately 10:35 P.M.

*The next meeting of the Planning Board is Tuesday, October 11, 2011 at 7:30 PM at 50 Carby Street, in the Champagne Meeting Room.*

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**List of Documents, Materials and Exhibits**

Letter from Wall Street Development Corp., dated September 22, 2011 re: 2<sup>nd</sup> Modification of Powissett Estates Subdivision and Morgan Farm Estates Subdivision Alternative Subdivision Plan