

**Westwood Planning Board
Meeting Minutes
November 8, 2011
Champagne Meeting Room
7:30 PM**

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

Staff present: N. Loughnane, Town Planner and J. Barba, Planning & Land Use Specialist, recorded the minutes.

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

Continuation of Public Hearing for Consideration of Reynold's Farm Senior Residential Development Special Permit Application – 1561 High Street

Ch. Rafsky reopened the public hearing at 7:35 P.M.

Applicant Ed Musto and his engineer John Glossa were present to submit and review the plan amendments requested at the last hearing.

Mr. Glossa distributed plan sheets pages #3, #5, #6 and #9 to the board and discussed each amendment.

- *Sheet #3 "Site Plan"* – The major revision is the addition of the 1' wide stamped asphalt or stone paver strip to delineate the parking aisle on the left side of the roadway. The total width of the pavement is now 28' feet wide with a 20' wide driving aisle and an 8' wide parking aisle. The cul-de-sac width was increased from 18' of pavement to 22' of pavement based on the 44' requirement from the fire chief. There is a 5' obstruction zone that will remain free of plantings within 5' of the edge of the access area, in order to accommodate the bumper of the fire apparatus. Units #9 and #10 were moved back to 30' accordingly. Lastly, the turning radius at High Street has been increased to 20' to accommodate fire apparatus.
- *Sheet #5 - "Grading & Drainage Plan"* – Drainage changes have been made in accordance with the addition of pavement to the project. Mr. Glossa said the Conservation Commission will review the grading and drainage in its review process.
- *Sheet #6 - "Planting & Landscaping Plan"* – The Plant List has been noted with: "When applicable, all trees to be a minimum of 4" caliper." Ms. Chafetz asked if the requested change to the berm have been made. Mr. Glossa said the change to the berm has been shown on the cross section and the "Detail Sheet" shows the berm detail.
- *Sheet #9 - "Detail Sheet"* Shows the modified berm details.

Mr. Glossa also added that the total number of parking spaces provided is now 39, which added an extra 13 parking spaces from the first plan submittal.

At this point Ch. Rafsky gave board members the opportunity to ask questions or make comments.

Ch. Rafsky asked if Mr. Glossa if he looked further into the addition of ramps since the last meeting.

Mr. Glossa responded that he did not do any further research.

Mr. Wiggin asked Mr. Glossa how many housing units are accessible at ground level to the front door.

Mr. Glossa said that none of the units are at ground level and all have three steps.

Mr. Olanoff commented that the plan sheet showing the roadway layout was confusing and asked for clarification and asked if the road would have a line striped down it.

Mr. Glossa explained that the construction centerline of the road corresponds with the site plan and that there would be no lined painted on the street.

Mr. Olanoff questioned the location of the mailboxes and whether there is safe access to them. He and other board members agreed that mailboxes should be placed in front of each housing unit. He also asked about the driveway at Unit #6 being too close to the edge of the road.

Mr. Glossa said he could move Unit #6 back which would move the driveway back a bit.

Mr. Wiggin asked Ms. Loughnane if condominium documents addressing the minimum age of residents will be required

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as a condition of the Planning Board's decision.

Ms. Loughnane said a deed restriction and homeowner's association documents will be required as conditions of the Special Permit.

Mr. Wiggin asked if there will be a restriction on the maximum number of bedrooms allowed.

Mr. Musto said two bedrooms is the maximum number of bedrooms per unit and this would be stated in the condominium documents. He said a master deed would restrict the minimum age of residents.

Mr. Olanoff asked about the details and requirements of a homeowner's association.

Ms. Loughnane said the board could require the developer to submit the homeowner's association documents for review as a condition of the Special Permit.

Ch. Rafsky opened the meeting to public comments.

B. Shea – 14 Cardinal Drive, said in her experience as a real estate agent a buyer was required to show a driver's license when purchasing a 55+ housing unit.

J. Wolfe – 39 Hoover Ave., said you cannot require both parties to be over 55 years of age; only one party must be 55 years or older.

Ch. Rafsky informed the board that a letter has been submitted to it by Jerry Wolfe as the Chair of the Westwood Affordable Housing Associates, Inc., and not the Housing Partnership, on which both he and Ms. Chafetz serve as board representatives.

Mr. Wolfe explained that on behalf of the Westwood Affordable Housing Associates (WAHA) he supports Reynold's Farm Senior Residential Development, as it addresses a priority for Westwood seniors. He told the board that he would like to discuss and reach an agreement for a linkage payment to WAHA from Mr. Musto to develop more affordable housing in Westwood.

Ch. Rafsky and other board members agreed that they were not sure how to address Mr. Wolfe's request as they were anticipating the close of the hearing this evening.

Board members discussed that the subdivision rules and regulations do not address requirements for linkage payments for affordable housing.

Mr. Montgomery commented that he thinks this agreement is being requested a bit late in the application review process.

Ms. Loughnane suggested that a condition could be added to the special permit decision to encourage a discussion about linkage payments to take place between the applicant and the Westwood Affordable Housing Associates.

Mr. Wolfe said he is satisfied with that as he said this would be a private agreement with Mr. Musto.

Mr. Musto agreed to have a meeting with Mr. Wolfe and Housing Director Jill Onderdonk to discuss the matter.

Mr. Wiggin said Mr. Musto has always been very cooperative with the Housing Partnership and noted that this is a voluntary negotiation.

Board members agreed with Ms. Loughnane's suggestion to add a condition related to encouraging the discussion between the applicant and the Town regarding the linkage payment.

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Ch. Rafsky suggested that the board review its regulations with regard to linkage payments in the future.

Ch. Rafsky asked if board members want to discuss any concerns about the lack of ramps or suitable handicapped access.

Ms. Loughnane said according to Section 8.4.2.5: "There shall be provided in all cases suitable means of access and egress to and from dwelling units for handicapped persons."

Ms. Loughnane suggested that a condition could be added to state that the homeowner may need to provide a temporary ramp or suitable access if the need arises and the homeowner's association will be required to allow it.

Mr. Musto said the condominium documents would address this. He suggested an elevator, a ramp or a lift could be used.

Ms. Loughnane reviewed the proposed conditions discussed by the board:

- Revisions must be made to the driveway detail in accordance with the recommendations of Beals & Thomas' and drainage calculations must be submitted when prepared.
- Central mailboxes will be eliminated and a mailbox will be placed at each unit.
- The location of Unit #6 will be moved back to lengthen the driveway.
- All buildings will be sprinklered.
- A hydrant will be located according to fire department specifications.
- Compliance with Health Department demolition requirements for the existing house.
- Plans are subject to review by the Conservation Commission.
- Encourage a discussion between the applicant and the Town with regard to negotiating an affordable housing component.
- Homeowner's Association Documents and the Deed Restriction Documents must be submitted for review and approval by the Planning Board specifying age restrictions and maximum number of bedrooms per unit.
- Submission of revised architectural plans showing lifts or some other means of handicapped access.

Ms. Chafetz said she is ready to vote on this application, although she said that she is somewhat uncomfortable with the affordable component not previously addressed.

Mr. Olanoff and Mr. Wiggin both commented that an affordable housing provision should be added to the rules and regulations for Senior Residential Developments.

Mr. Wiggin said the handicapped access requirement needs to be addressed for all future applications.

Mr. Musto said he will set aside space in the garages for ramps or lifts. (A condition addressing this was added to the bulleted list above.)

Ms. Loughnane reminded the board that there are three separate approvals required for this single Consolidated Special Permit Decision: Senior Residential Development, Earth Material Movement Special Permit and Environmental Impact and Design Review.

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

Upon a motion by Mr. Olanoff and seconded by Mr. Wiggin, the board voted unanimously in favor to grant approval of the Consolidated Special Permit, which includes Senior Residential Development Approval, Earth Material Movement Special Permit Approval and Environmental Impact and Design Review, subject to the conditions discussed this evening.

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Approval of Minutes for Past Planning Board Meetings

Ch. Rafsky asked board members if they had comments on the minutes sent via email by Ms. Barba. He said he reviewed the minutes and gave edits to Ms. Barba who will incorporate them.

Upon a motion by Mr. Olanoff and seconded by Mr. Wiggin, the board voted unanimously in favor to accept the minutes with requested edits for the minutes of the meeting on September 27, 2011.

Upon a motion by Mr. Wiggin and seconded by Mr. Olanoff, the board voted four votes in favor (Ms. Chafetz abstained – she was not present at the 10/11/11 meeting) to accept the minutes with requested edits for the minutes of the meeting on October 11, 2011.

Upon a motion by Ms. Chafetz and seconded by Mr. Olanoff, the board voted unanimously in favor to accept the minutes with requested edits for the minutes of the meeting on October 24, 2011.

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 two public hearings at 8:55 p.m.

Ch. Rafsky stated that he thinks the project is moving toward a resolution and determination but believes some intervention is necessary to achieve a better result. He said he would like to continue this hearing tonight and not deliberate this evening. Ch. Rafsky would like to establish an initiative whereby he and Ms. Chafetz would organize and hold a meeting in the next thirty days with Pat Ahearn, chairman of the Board of Selectmen, a representative from the Westwood Land Trust and a representative from Hale Reservation to discuss a possible establishment of permanent conservation land at Morgan Farm Estates.

Ch. Rafsky asked Ms. Loughnane to tell Mr. Petrozzi that if the Board cannot accomplish something in the next thirty days the hearing will be continued on a fast track. He wants to see fewer housing units and a shorter length cul-de-sac. He asked Mr. Petrozzi if he had any comments.

Mr. Petrozzi said he is willing to meet with interested parties but does not want to get bogged down with a process that is not working toward a resolution.

Ms. Chafetz said she is surprised by this suggestion but agrees with the suggested meeting toward a resolution.

Mr. Olanoff said as far as the applicant's OSRD proposal he believes that more work could have been done to minimize impact on the wetlands.

Board members discussed their availability for meetings in December and January.

Ms. Loughnane said an extension of time is needed for the continuation of the remanded subdivision.

Mr. Petrozzi's attorney hand wrote and submitted to the Planning Board a letter of extension of time to consider the remanded subdivision modification until 12/24/11.

Upon a motion by Mr. Montgomery and seconded by Mr. Wiggin, the board voted unanimously in favor to endorse the process to allow Ch. Rafsky and Ms. Chafetz to initiate a meeting with representatives from the Westwood Land Trust, Hale Reservation and the Board of Selectmen regarding a possible establishment of permanent conservation land at Morgan Farm Estates.

Upon a motion by Ms. Chafetz and seconded by Mr. Montgomery, the board voted unanimously in favor to continue the

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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 on December 13th at 8:00 p.m. in the Champagne Meeting Room.

Public Hearing for Consideration of Open Space Residential Development (OSRD) Application for Morgan Farm Estates - Wall Street Development

Ch. Rafsky read the legal notice of public hearing to open the Open Space Residential Development (OSRD) Application for Morgan Farm Estates – Wall Street Development.

Ms. Loughnane informed the board that she would like to engage the services of Paul Brodtkmerkle of Site Design Professionals, Inc. to provide peer review for this application. She said she received an estimate for peer review and stated that the cost of services will not exceed \$1,800 and there are sufficient funds left in the peer review consultant account to fund this review. She requested the board’s approval to go forward.

Upon a motion by Mr. Wiggin and seconded by Mr. Montgomery, the board voted unanimously in favor to authorize Paul Brodtkmerkle of Site Design Professionals to serve as peer review consultant for the OSRD application.

Upon a motion by Ms. Chafetz and seconded by Mr. Montgomery, the board voted unanimously in favor to immediately continue the public hearing for consideration of OSRD Application for Morgan Farm Estates to December 13th at 8:00 p.m. in the Champagne Meeting Room.

Abutter Tom Hiller from Shoestring Lane thanked the Planning Board for keeping transparency in this review process.

Discussion Regarding the Planning Board’s Authority under the Declaration of Protective Covenants for Cedar Hill Estates

Ch. Rafsky asked Ms. Loughnane to update board members on this matter since the last meeting.

Ms. Loughnane said at the last meeting Ch. Rafsky had planned to speak with the chairman of the Board of Selectmen to discuss this matter related to Cedar Hill Estates and requested additional information from town counsel.

Ch. Rafsky said that he spoke with Mr. Ahearn, chairman of the Board of Selectmen who found this information interesting and concluded that an opinion should be sought from town counsel on this matter.

Ms. Loughnane said the following questions were asked of town counsel:

1. Does the Planning Board have the authority or obligation to undertake review on matters of alterations to residential properties at Cedar Hill Estates?
2. Does the building commissioner have the right to deny a building permit for work that is in conformance with the requirements of the zoning bylaw and permissible under the Massachusetts State Building Code?

The following answers were provided by town counsel:

1. The Planning Board, in fact, does not have the authority or obligation to undertake review on matters of alterations to residential properties at Cedar Hill Estates.
2. The building commissioner does not have the right to deny a building permit for work that is in conformance with the requirements of the zoning bylaw and permissible under the Massachusetts State Building Code.

Ch. Rafsky said no action on this matter is necessary by the Planning Board and it would move from this topic onto other business.

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Ms. Loughnane said she received a message from an abutter, John Cummings, who said that he and some other neighbors were unable to attend this meeting due to a conflict and wanted to be sure that their absences were not construed as showing a lack of interest in this matter.

Ed McCarthy, 2 Cedar Hill Drive was present in the audience and asked what the future is for the protective covenant for this subdivision.

Ms. Loughnane offered to meet with any of the residents of Cedar Hill Estates if they would like assistance with reinstating their homeowner's association in order to move forward with a process to have a review authority for future projects and authority to enforce the protective covenants.

There were numerous comments from abutters related to their dissatisfaction with the answers provided by the Planning Board related to the Cedar Hill Estates discussion.

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

Ms. Loughnane sent copies of the draft FMUOD Rules & Regulations to the Board members and informed the board that she has received the following revisions:

- Page 15, Section 7.4.1 and 7.4.2 – “Department of Public Works” replace with *Town Engineer*
- Page 18, Section 12.0 – “If the Board grants” replace with *Upon the granting of*
- Page 6, Section 4.6 – “Massachusetts Department of Highway” replace with *MassDOT Highway Division (throughout document)*
- Page 6, Section 4.6 – add *and* before “certificates issued...” and “Secretary of Environmental Affairs” replace with *Secretary of Energy & Environmental Affairs* and remove “etc.” and end sentence with a period.
- Page 17, Section 10.1 “Method for Providing Age Restriction” Mr. Wiggin suggested adding this wording in Section 8.4 *Senior Residential Development* of the zoning bylaw.
- Page 17, Section 10.3 – Mr. Olanoff asked what is a “Coordinated Unit”? Mr. Wiggin and Mr. Rafsky said this term is listed in “Definitions” in the zoning bylaw. The definition says: *An association of dwelling unit owners or a management company operating and maintaining a residential facility as a common entity.* Ms. Loughnane suggested adding a sentence to the Rules and Regulations that says something like “any capitalized term is defined in Section 2 of the Westwood Zoning Bylaw.”
- Page 17, Section 10.1 – “If the Planning Board approves” replace with *Upon approval by the Planning Board.* Some board members disagreed about whether this is a substantive change.
- Page 17, Section 10.2 “Right of First Refusal” Mr. Wiggin suggested that this section might be included in the Section 8.4 *Senior Residential Development* of the zoning bylaw. It was agreed that Section 10.1 and Section 10.2 could be struck from the FMUOD Rules & Regulations.

Ms. Loughnane asked the board if it would be suitable for this draft to be sent to the proponent of 40 Allied Drive, with the above mentioned changes as well as Mr. Wiggin's changes.

Mr. Olanoff asked whether the vote for approving a waiver in Section 26 should be by a majority or supermajority vote.

Mr. Montgomery said requiring a supermajority could slow a permitting process down.

The Board agreed upon a simple majority.

Ch. Rafsky said this hearing needs to be continued.

Ch. Rafsky told the board that he and Ms. Loughnane have discussed the board's overloaded agendas of late. They tentatively agreed that applicants should be informed that although a hearing is legally advertised and scheduled, the Planning Board will have discretion to determine if the hearing must be immediately continued due to a full agenda.

Board members agreed that Ms. Loughnane may put this procedure in place going forward. They suggested that notice

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to the Applicant should be made in advance of the day of the hearing or at the beginning of a meeting to minimize the inconvenience.

Upon a motion by Mr. Montgomery and seconded by Ms. Chafetz, the board voted unanimously in favor to continue the public hearing to December 13th at 7:30 p.m. in the Champagne Meeting Room.

Discussion of Possible Zoning Bylaw Amendments for 2012 Town Meeting

Ms. Loughnane reviewed the following:

1. Section 4.1.1. (General Use Regulations) – Amendment to allow unified treatment of lots lying partially in Westwood and partially in an abutting jurisdiction to apply to lots within the Highway Business District as well as the Industrial District.
2. Section 4.1.5 (Use Chart, Commercial Uses) – Amendment to address uses set forth in the definition section of the bylaw, but not included in the current use chart, including for-profit education facilities and contractor yards.
3. Section 4.4.1 (Home Occupations) – Amendments to address parking to serve employees and customers of home occupations.
4. Section 6.2 (Signs) – Limitations on the use of electronic municipal signs to permit the use of such signs for roadway construction and safety-related notices, but to prohibit or limit use for non-safety related announcements of public events.
5. Section 7.3 (EIDR) – Amendments to require more detailed proposals addressing temporary site access and utility construction, to address significant disruption and loss of vegetation as recently seen at Fox Hill Village.
6. Section 7.3.3 (EIDR of Exempt Uses) – Refinement of language pertaining to limited EIDR for exempt uses.
7. Section 8.3 (OSRD) – Any amendments which might arise out of the board's initial experience with this new bylaw section, including possible amendments to the yield calculation to require a greater discount for unsuitable land.
8. Housekeeping Amendments (various sections) – Amendments to address errors and inconsistencies which have recently been brought to light.
9. Irregularly Shaped Lots
10. Senior Residential Development – Linkage Component
11. Comprehensive Plan - ? Mr. Wiggin mentioned this may be a possibility.

The board will continue to discuss these zoning amendments at its next meeting and Ms. Loughnane will update the Finance Commission as to the Board's intentions for warrant articles by mid-December.

Upon a motion by Ms. Chafetz and seconded by Mr. Montgomery, the board voted unanimously, five votes in favor to adjourn the meeting at approximately 10:15 p.m.

The next meeting of the Planning Board is Tuesday, November 21, 2011 at 7:30 PM at the Dedham Hilton.

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List of Documents, Materials and Exhibits

Letter to Planning Board from Beals & Thomas, Inc., dated 11/7/11 re: Supplemental Review Comments for Reynold's Farm Senior Residential Development

Letter to Ch. Steve Rafsky from Jerry Wolfe, Westwood Affordable Housing Associates, Inc., dated 10/31/11 re: request for linkage payment for Reynold's Farm Senior Residential Development

Draft: FMUOD Rules & Regulations