

**Town of Westwood Planning Board
Meeting Minutes
April 27, 2009
7:30 PM**

Board Members Present: Chairman Robert Malster, Steve Olanoff, Robert Moore, Bruce Montgomery and Henry Gale.

Staff Members Present: Nora Loughnane, Town Planner; John Bertorelli, Town Engineer; and Thomas McCusker, Town Counsel. Minutes were recorded by Janice Barba, Land Use Assistant.

Ch. Malster opened the meeting at approximately 7:35 p.m.

Consideration ANR Plan for 7 Alcott Lane and 158 Washington Street

An application and plan were presented by Don Myers of Norwood Engineering on behalf of John Beigbender, property owner of 158 Washington Street, Westwood, MA, for the review of an Approval Not Required (ANR) plan pursuant to MGL Chapter 41, Section 81P, involving a portion of Assessor's Map 16, Lot 145 to be combined with Assessor's Map 16, Lot 352. Property Owners: Janet A. & Joyce M. Costello (7 Alcott Lane).

Four members of the Planning Board, Ch. Malster, Mr. Olanoff, Mr. Gale, and Mr. Moore, signed the ANR for this property.

Public Hearing to Consider Application for Limited Environmental Impact and Design Review Approval of Exempt Use for the Removal and Relocation of the Noanet Parking Lot at Hale Reservation – 80 Carby Street

Ch. Malster read the legal notice for the public hearing.

Bob Fallon was present on behalf of the Applicant, Hale Reservation. He stated that Hale Reservation requests approval of an exempt use for the removal and relocation of the Noanet Parking Lot on the property located at 80 Carby Street. Mr. Fallon stated that Hale Reservation wished to remove the gravel parking lot that is adjacent to the Noanet Pond fishing area and construct a new parking lot closer to Carby Street. He explained that the new parking area would be a gravel lot located away from Noanet Pond and that the existing parking lot would be planted so as to alleviate current erosion concerns. He also noted that the new parking lot would allow for school buses to turn around, thus improving safety in the area.

There was some discussion by board members about how the Applicant might keep the public from parking near the pond once the old parking lot has been taken out of service. Mr. Olanoff recommended that a chain or gate of some kind be placed across the existing drive and that a "No Parking" or "Employees Only" sign be installed. Mr. Fallon pointed out that the plans call for a new gate to prevent motor vehicle access to the fishing area. He said that a "No Parking" sign could be placed on the gate.

Mr. Olanoff asked how the parking spaces would be delineated in the proposed gravel lot, with particular concern to the delineation of the proposed handicapped parking space. Mr. Fallon responded that bumpers would be installed to mark the parking spaces in the gravel, and that a handicapped accessible parking space would be further marked with a sign. Mr. Olanoff asked if the building department had standards for handicapped parking spaces and if Building Commissioner Joe Doyle had reviewed the proposed plans for conformance with those standards. Ms. Loughnane replied that no building permit would be required for the gravel lot and that she had not received any comments from Mr. Doyle.

Mr. Bertorelli provided a memo to the Board stating that he had reviewed the Noanet Parking Lot. He reported that there would be no additional runoff generated by the proposed gravel parking area, and that the traffic generated by the project would be minimal and would have no impact to traffic operations on Carby Street.

The board accepted a memo from Sgt. Paul Sicard stating that the plan appears to improve the traffic flow in the area and to improve the overall safety of the area.

Ch. Malster opened the hearing to the public for questions and comments. Ken Foscaldo, 35 Norfolk Avenue, asked if the new parking lot would minimize runoff to Noanet Pond. Mr. Fallon confirmed that the elimination of the old parking lot adjacent to the pond would improve conditions and prevent further erosion in the area.

At approximately 7:50 PM, a motion was made by Mr. Olanoff and seconded by Mr. Moore to close the public hearing. The four members present (Mr. Montgomery was not present for this hearing), voted in the affirmative and the public hearing was closed. A motion was made by Mr. Gale and seconded by Mr. Moore to approve the application with conditions set forth in the draft decision and discussed above, including the condition that a "No Parking" sign be installed on the new gate blocking entrance to the Noanet Beach access drive. With four votes in favor and none opposed, the application was approved with conditions.

Public Hearing to Consider Application for Limited Environmental Impact and Design Review Approval of Exempt Use for the Construction and Establishment of an Equestrian Facility – 401 Sandy Valley Road

Ch. Malster opened the public hearing at approximately 7:55 PM and read the legal notice for the public hearing.

Appearing before the board were Michael Newman and Polly Kornblith, Applicants and property owners of 401 Sandy Valley Road, along with their attorney, Dan Hill. Mr. Hill gave a presentation, summarizing the limited EIDR application, focusing on the proposed use as an exempt agricultural use. He provided an overview about how he believes the state law exempting agricultural uses applies to this project. Mr. Hill presented the plans for the project, which he said were the same plans that were approved by the Conservation Commission on April 14, 2009. He described the plans as having the following key components: (1) a stable with stalls for 22 horses, an attached indoor riding arena, and other amenities including an office, observation room and small second floor apartment for an in-house farm manager; (2) an outdoor riding ring; (3) twelve fenced horse paddocks; (4) an existing barn with stable for two horses; and (5) an existing gravel driveway which would be improved to create a parking area for cars and trailers. Mr. Hill stated that the proposed use is a dressage barn for elite horses. He explained that these are not the type of horses that you would ride through the woods, and stated that they would primarily remain in the paddocks and stall areas. Mr. Hill asked to respond to a letter addressed to the Planning Board from attorney Gregor McGregor with respect to the question of whether the proposed use constitutes an exempt use under MGL Chapter 40A, Section 3. Mr. Hill responded that the proposed use is an exempt use as it involves the keeping of horses as a commercial enterprise.

Ch. Malster had questions about the "Plan B" that was recently submitted to the board. Mr. Hill responded that Plan B was an alternative plan, not the preferred plan, as the original plan has been approved by the Conservation Commission. He said that the Applicants would like the board to consider both plans separately and to issue a decision approving both plans. There was some discussion amongst the board members as to whether Plan B constituted a part of the original EIDR submission. Ms. Loughnane explained that both plans were submitted as a part of a single EIDR application with two alternatives for layout of the project. Mr. Gale asked if the Applicants were expecting two decisions tonight. Mr. Hill said they were. Mr. Moore asked whether the Zoning Bylaw contemplates such a request. Ms. Loughnane stated that the bylaw is silent on this issue.

Ch. Malster expressed the opinion that Plan A and Plan B are too different, and that Plan B lacks sufficient information for the board's consideration at this meeting. He said that he did not see how the Planning Board would be able to approve both Plan A and Plan B without having more time and answers to many questions. Ch. Malster noted that the board had received comments from the building inspector, engineering department, health department, police department and fire department stating that Plan B is lacking information. Ch. Malster said if the Applicants would like the board to focus on Plan B, more information is needed. Mr. Hill stated that, at this time, the Applicants would like the board to focus on Plan A, and if necessary, Plan B would be refined to reflect the information requested. Ch. Malster asked if Plan B had been prepared to address outstanding building code issues related to Plan A. Mr. Hill replied that he is working through Plan A issues with the building commissioner and that the Applicants are hiring a code consultant to ensure code compliance. Ch. Malster asked when the Applicants might know whether or not Plan A is viable. The Applicants stated they do not have an answer at this time.

Ch. Malster said there are many unanswered questions, particularly with regard to the Conservation Commission prohibiting the removal of three trees and widening of the end of the driveway to accommodate turning radii for larger vehicles. He noted that the Planning Board would be looking at traffic circulation and stated that the driveway width would be an important focus of the plans. Mr. Hill said if there is an appeal to DEP, this issue would be brought forward and he is confident that they would be allowed to remove the trees and widen the driveway. Ch. Malster stated that ingress, egress and traffic circulation around the site are the most important issues at hand. He noted that the Fire Chief, Town Engineer, Public Safety Officer have all submitted comments related to the width of the driveway.

Ch. Malster asked Mr. Bertorelli if he wanted to make any comments in addition to those provided in his memo to the Planning Board dated April 24, 2009. Mr. Bertorelli said that he considered the submission incomplete, as the plans do not show marked parking spaces and lanes for internal circulation. He said that since no demarcation of lanes for parking and circulation are shown, no determination can be made as to potential conflicts between trailers and personal vehicles. Mr. Bertorelli noted that turning templates of trailer and truck movements are also missing from the plan. He said that he was particularly concerned with the denial by the Conservation Commission to allow the Applicants to expand the existing footprint at the driveway entrance at Sandy Valley Road. Mr. Bertorelli expressed concern as to whether horse trailers and other large vehicles, including fire fighting vehicles, would be able to negotiate the turn into the site without the proposed widening. He requested that the Applicants provide turning templates to demonstrate the adequacy of the existing drive in conformance with conditions imposed by the Conservation Commission.

Mr. Hill responded that this will be a private stable which would only be accessed by tenants. He said that he does not anticipate traffic problems. Mr. Hill added that there is plenty of space on either side of the driveway in case one car was coming in the driveway while another was attempting to exit. Mr. Montgomery asked about the impact of snow banks on the width of the driveway in the winter. Mr. Montgomery asked for information on the "plowed width" of the driveway. Ch. Malster reiterated that many pieces of information need clarification and said that the Applicants must provide that information before the Planning Board could make its decision.

Mr. Gale asked a few questions about the proposed scope of the work. Ms. Kornblith responded that information on the number and types of anticipated truck deliveries was submitted to the Conservation Commission. She apologized that it was not submitted to the Planning Board. She said that the number of deliveries would be limited and that accommodations could be made as to the size of vehicles providing those deliveries. There was some discussion about access to the property by fire safety vehicles. Ms. Kornblith explained her rationale for the number of horse trailers likely to be onsite at any one time. She said she expects that there will be 8-10 owners who would own 18-20 of the horses, and that each owner would likely come 3-4 times a week in their cars. Ms. Kornblith said that some of those people will compete in horse shows (not at Wildstar Farm) and would thus need to trailer their horses off the property on occasion. She noted that many dressage riders will send their horses to Florida in winter, and added that the size of trailers used to transport

those horses would necessarily be based on what size trailer could maneuver onto the property. Ms. Kornblith stated that she knows that a 2-horse trailer can be accommodated by the existing driveway opening. She explained that if larger trailers were needed, the horses could be walked down the driveway and loaded onto the trailers in the road. Mr. Newman stated that he has a 26' long glider trailer that he can maneuver into the existing driveway.

Ch. Malster asked that the board's questions be answered in writing by an engineer. Mr. Hill stated that he would have the engineering information provided to the board. Ms. Kornblith said she has some data on trucks and trailers used at similar stables in the area. Mr. Gale asked for information on vehicles used by blacksmiths, veterinarians, or other parties that might visit the property on a regular basis. Ch. Malster asked Mr. Bertorelli about the drainage plans. Mr. Bertorelli stated he found the plans to be satisfactory. Ch. Malster asked the Applicants how much time they needed to provide the aforementioned information. Mr. Hill and Ms. Kornblith each said that one week would be sufficient.

Mr. Gale asked a procedural question regarding the EIDR process and required submittals. Ms. Loughnane said that she had reviewed the list of required submittal items with the Applicants, and had advised the Applicants as to which submittal requirements might be waived by the board for a limited EIDR. Ch. Malster requested that a site visit be scheduled. He repeated that the Planning Board would only be reviewing Plan A at this time.

There was some discussion related to the determination that the proposed use constituted an exempt agricultural use. Mr. Montgomery asked Town Counsel to confirm that the Planning Board might consider the application whether or not the use is permitted. Mr. McCusker confirmed that the Planning Board may consider the site plan. Ms. Loughnane stated that the building inspector had issued a determination that the proposed use constituted an exempt agricultural use and that the project was thus subject to a limited EIDR.

Ch. Malster opened the meeting up to receive comments from the public.

Attorney Gregor McGregor, gave a lengthy presentation on behalf of a group of area residents. Mr. McGregor asked that the board confirm that it received his letter of 4/29/09. Ch. Malster confirmed that it had. Mr. McGregor stated that the Applicants did not include some submittal items based on the exempt agricultural use status. He suggested that more information should be required regarding parking and traffic. He also asked that a manure management plan and vector control plan be provided. Mr. McGregor also asked for information on vegetated buffers, lighting plans, and snow and ice management plans for the site. He stated his opinion that the proposed facility is not an exempt agricultural use, but is rather a "horseback riding facility" which is prohibited in this zoning district. Lastly, Mr. McGregor requested that two of his clients be permitted to attend the site visit.

Audience member Craig Foscaldo, 439 Sandy Valley Road, commented about existing and proposed traffic, making particular note of the narrow width of Sandy Valley Road.

Audience member Maryann Soltys, 461 Sandy Valley Road, expressed concern about the lack of orientation and parking space delineations on the plans to allow for thorough review of internal site traffic.

Audience member Yvonne Renwick, 464 Sandy Valley Road, told the board about a fire that had occurred in a structure on her property approximately two years ago. She explained that fire safety vehicles had difficulty accessing her property, and noted that they had been lucky that the fire did not spread to the adjacent wooded area.

Audience member (name not audible) commented about the type of vehicles used to transport horses and suggested that a turnaround at the end of the street might be beneficial to the whole neighborhood.

Audience member Ken Foscaldo, 35 Norfolk Avenue, commented that he has been following the process since an application was first filed with the Conservation Commission. He noted that the Applicants have not compromised with the neighbors.

Audience member Marie Debenedictis, 500 Sandy Valley Road, commented on the number of cars driving down Sandy Valley at present to access Lowell Woods. She expressed concern about the amount of additional traffic related to the proposed equestrian facility, about the hours of operation, and about possible lighting issues.

Audience member Maryann Soltys, 461 Sandy Valley Road, asked if parking, lighting and planting requirements would be included in the new information that is requested from the Applicants. Ch. Malster stated that there are no minimum parking space requirements for an exempt agricultural use. Mr. McCusker confirmed this.

Audience member Mike DeCenzo, 493 Sandy Valley Road, stated that the proposed facility would be developed on 3.5 acres, not on the 12.7 acres previously suggested. He noted that this was not a case of neighbors trying to fight an existing farm, since the residential neighborhood was there first and the Applicants' property had not previously been used as a farm.

Audience member Dana Pope, 309 Far Reach Road, commented that he used to keep his horse at Sage Farm, which is on 3.5 acres. He said that this a facility of this size is quite common in the equestrian community. He also noted the narrowness of Sandy Valley Road and the lack of a place to turn around. Mr. Pope suggested that if the Applicants' driveway could be widened, it would benefit the entire neighborhood.

Audience member Bob Philips, 530 Dover Road, asked the Applicants if horses would leave the property and go into the Lowell Woods to ride. He expressed concern about conflicts between horses and dog walkers, and told the board about a conflict he had experienced involving a horse and a dog. Mr. Hill responded that this was not the Applicants' intention. He stated that the Conservation Commission has jurisdiction for Lowell Woods, and said that he welcomed discussion regarding pedestrian safety in Lowell Woods.

Mr. Newman said that most people who board their horses at this facility will be uninterested in riding in Lowell Woods. He noted that some may choose to take their horses for walks in the woods, but said that this would not be the primary activity of his business.

Audience member John O'Donnell, 401 Sandy Valley Road, who currently lives in the guest cottage on the property, suggested that there should be cooperation among people using the woods.

Ch. Malster noted that the Planning Board has no jurisdiction over Lowell Woods. He said that the management of this conservation area is in the hands of the Conservation Commission. Mr. Montgomery asked Town Counsel to confirm this. Mr. McCusker stated that such was the case.

Audience member Craig Foscaldo, 439 Sandy Valley Road, stated that he would like the Planning Board to look at the impacts of this project on the neighborhood. He also added that the Applicants' website mentions direct access to 75 acres of wooded conservation land with well-maintained trails.

An audience member from the back of the room commented that dogs should be leashed and controlled by their walkers so that conflicts do not occur.

Audience member Tony Debenedictis, 500 Sandy Valley Road, commented that he is most concerned by the size of the project and the potential impacts on local traffic and safety.

Ch. Malster recapped the meeting by stating that the main issues which had been raised included traffic on Sandy Valley Road and parking and circulation within the site. He said that there was a

lack of sufficient information for the board to make a decision at this time. Ch. Malster noted that other questions pertained to proposed hours of operation, site lighting, plans riding horses in Lowell Woods, and the overall size of the project.

Audience member Maryann Soltys, 461 Sandy Valley Road, commented that this facility would constitute a really big change to the neighborhood. She asked that the Planning Board consider the project's affects on traffic along Sandy Valley Road and at the intersection of Sandy Valley Road and Gay Street.

Audience member Pat O'Connor, 291 Farm Lane, stated that he wonders what would be the next project to waive the banner of agriculture and request approval of a for-profit business in a residential district.

Mr. Hill asked Mr. McGregor to identify his clients. Mr. McGregor replied that a short list of his clients include: the Foscaldos, the Debenedictis, the DeCenzos, the Renwicks, and the Soltys. He said he would not identify the rest of his clients without first obtaining their permission.

Mr. Hill stated that Sandy Valley Road is not a dirt road, but a paved road in bad shape. He said that the Applicants do not intend to install new light poles, or to have exterior lighting which would shed onto abutting properties. He said he would provide information on potential vehicles and traffic counts for the project based on similar existing uses. As for the size of the development, Mr. Hill said that the facility covers more than 3 acres. He stated that he would be happy to address any other issues or concerns.

Mr. Gale asked for information about proposed dumpsters and the frequency of emptying those dumpsters. He asked that such information be included in the documentation to be submitted to the Planning Board. Ch. Malster asked if any members of the board had any additional questions. None did.

The board discussed schedules and decided on a site visit to 401 Sandy Valley Road on Friday, May 8, 2009 at 6:00 PM. There was a request from the audience that other town officials involved in approvals of this project be invited to the site visit. Mr. Hill requested that the Applicants be provided a list of persons wishing to attend the site visit for prior approval. Ms. Loughnane said that she would see if other board and commission members and town staff wished to attend, and would give the names of interested persons to the Applicants next week.

Ms. Loughnane stated that she had provided Mr. Hill with copies of all memos received from department heads, so that he would be aware of the additional information that had been requested. Ch. Malster restated that the board is only addressing Plan A at this time and would not be looking at Plan B. He said that he would work with Ms. Loughnane to create a list of items that should be provided by the Applicants prior to the next meeting.

Ms. Loughnane reminded Ch. Malster that the Applicants had requested a waiver of the application fee for EIDR. She explained that the board's regulations call for a fee equal to the greater of \$.05 per square foot of new construction or \$750. Ms. Loughnane told the board that she had only required that the Applicants pay \$750 at the time of the application, since the proposed project would be reviewed as a limited EIDR. She said that the Planning Board could either grant a waiver of the balance of the required fee, or require an additional payment prior to approval. Ms. Loughnane noted that, while the Applicants had paid the \$750, they requested that the board grant a waiver of the full fee and return the \$750 which had been paid. Ch. Malster said that he would like the board to discuss this question at the next meeting.

Upon a motion by Mr. Gale, and seconded by Mr. Moore, with five members voting in favor, the public hearing was continued to May 12, 2009 at 8:00 PM, at the Champagne Meeting Room, 50 Carby Street, Westwood, MA.

Approval of Minutes from Prior Meetings

Upon a motion by Mr. Moore and seconded by Mr. Montgomery, the Board voted unanimously to approve the minutes from November 18, 2008, March 31, 2009 and April 14, 2009.

The next scheduled meeting of the Planning Board is Tuesday, May 12, 2009 at 7:30 P.M.

The meeting adjourned at approximately 9:55 PM.