

Town of Westwood Planning Board
Meeting Minutes
May 12, 2009
7:30 PM

Board Members Present: Ch. Robert Malster, Steve Olanoff, Bruce Montgomery, and Steve Rafsky. Henry Gale was absent.

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.

Public Hearing to Consider Application for Environmental Impact and Design Review Approval of Exterior Renovations at Dedham Institution for Savings – 673 High Street

Ch. Malster read the legal notice for the public hearing and opened the hearing at 7:55 PM. Present were Ralph Pina, of Dedham Institution for Savings and his engineer, John Rhodes from Norwood Engineering. Mr. Rhodes explained that the bank is proposing a 14' x 32.6' addition to their current facility, to be constructed at the rear of the building. He told the board that the existing parking area will not be expanded, that drainage components will be designed in conformance with the current DEP standards for redevelopment, and that non-water tight catch basins built in the 1970's will be eliminated. Mr. Rhodes said that the rear parking area will be reconstructed and regraded to drain toward two new stormceptor catch basins, and noted that these catch basins will provide 90% removal of the total suspended solids for oil-water separation. He explained that the two stormceptors will connect to an underground recharge system with three rows of 36" perforated piping each 60' long. He said there will be 12 inches of crushed stone beneath the piping and 6 inches of stone above the piping. Mr. Rhodes told the board that the project would also include new roof recharge systems, where roof runoff will be directed to a 6" diameter by 4' high recharge chamber set in stone and protected with a filter fabric. He said that sizing and flood routing calculations were performed and the recharge facilities are capable of retaining, at a minimum, the 10-year storm event. Ch. Malster asked about drainage on Windsor Road and whether the proposed changes to the bank's site will impact that drainage. Mr. Rhodes said the catch basin will be redirected and will flow onto Windsor Road into an existing street drain.

Mr. Rhodes explained that a temporary trailer, 28' wide by 45' in length, would be placed at the rear of the lot and used to conduct bank business for approximately 4-6 months during the renovation. He noted that the applicant received a special permit from the Board of Appeals for this use, and that the structure will be connected to town water and sewer and other utilities. Ch. Malster asked for information about the use of the parking lot on the Masonic Lodge property. Mr. Rhodes presented the board with a letter of permission from the Masonic Lodge, and confirmed that construction vehicles and bank employees will be allowed to park it that lot. Mr. Rhodes said that the current lot would be re-stripped to provide a total of eleven parking spaces, including two handicapped spaces, on the north side of the parking lot during construction. Questions were asked about the temporary surface of the parking lot. Mr. Rhodes said it would be gravel or partial gravel and partial pavement. A board member asked about the status of the drive-thru service during the construction. Mr. Pina responded that the drive-thru will not be in use during the construction, as the entire existing bank building will be gutted.

Ch. Malster asked about the landscaping and buffering between the bank and the neighbor directly behind the bank. He requested that any plantings damaged during construction be replaced. Mr. Rhodes stated that the existing row of arborvitaes along the property line will be extended and fencing will be added along the perimeter behind the temporary structure. He said that any landscaping that is damaged would be replaced. Questions arose about dumpster placement and a request was made that it be fenced in and gated. Mr. Rhodes said the dumpster will be placed in the back, left corner of the property and will be fenced in.

Ch. Malster asked Mr. Bertorelli for his overall comments. Mr. Bertorelli agreed with the proponent

that the traffic impact would be negligible. Regarding drainage, he said that the proposal significantly improves the site drainage, and that the volume of runoff will be reduced through the use of a large recharge system under the parking lot. Mr. Bertorelli said that the system will have an overflow that will discharge to the gutter along Windsor Road, and eventually to an existing catch basin. He noted that the system was sized to accommodate a 10-year storm event with no discharge off the site. He added that runoff from larger storms would be greatly reduced because of the volumetric storage in the underground piping system, thus the project will reduce impacts to the street in all storms.

Mr. Bertorelli asked the applicant for clarification regarding the site lighting. Mr. Rhodes said the existing site lighting will remain unchanged. Mr. Olanoff noted that any lighting fixtures mounted on the exterior of the temporary structure must be done so in accordance with the zoning bylaw.

A question was asked by a board member as to why the applicant was proposing the building addition, noting that the proposed square footage doesn't add much to the current footprint. Mr. Pina responded that the building is fifty years old, and is cramped for both employees and customers. He said that the bank wishes to provide better customer service and a better space for its employees to conduct business.

A board member asked if any other town department had commented on the application. Ms. Loughnane said the health director and public safety officer had each submitted memos to the board.

The Health Director's memo stated the following:

- The applicant is required to use a licensed waste company to dispose of construction debris.
- The applicant is required to use a licensed company to provide portable toilets for the contractors.
- The applicant shall hire a pest control company to conduct a rodent inspection prior to any demolition.
- The dumpster on-site to collect daily trash shall meet the Westwood Board of Health Dumpster Regulations for the placement and screening.

Mr. Olanoff noted that the dumpster should not be placed in a parking space as is currently the case. He said that the dumpster should have its own defined space, enclosed with fencing and a gate, and added that the enclosure should be outside of the marked parking spaces.

Public Safety Officer, Sgt. Paul Sicard, reviewed the application and submitted a memo commenting that there are no police department issues or concerns associated with this work.

Ch. Malster opened the meeting for comments from the public.

Lou Fellon, 26 Windsor Road, asked if the limit of the pavement will be the same after the temporary structure is removed. Mr. Rhodes confirmed it will be the same with new curbing, new grass, and the existing trees remaining.

Ms. Loughnane asked about the status of the irrigation system. She said that she knew it had been damaged at one point by the landscapers who installed the plantings along Windsor Road. She noted that those plants do not look like they are being watered and asked if the sprinkler system was currently operational. Mr. Pina responded that the irrigation system was recently repaired and said that the plants will be properly cared for. He said that any plants that do not survive will be replaced in kind.

At approximately 8:30 PM, a motion was made by Mr. Olanoff and seconded by Mr. Montgomery, with four members voting in favor, to close the public hearing. Upon a motion by Mr. Montgomery

and seconded by Mr. Rafsky, the board voted four in favor to approve the application with conditions, including that the dumpster be located in the rear corner of the property, fully screened with fencing material similar to that which currently exists between the bank property and the adjacent plaza; that all dead or dying plantings be replaced in kind; that all site lighting is in conformance with the town's lighting requirements; and that all construction workers and employees park at the Masonic lot during construction, in accordance with the conditions of the ZBA approval for the temporary trailer.

Consideration of Proposed ANR Plan for 480 Summer Street

Mr. Mouhanna of 480 Summer Street presented the board with an ANR plan for its consideration. Mr. Mouhanna's engineer for this project was unable to attend tonight. Ch. Malster asked Mr. Mouhanna for an update on the status of the shared driveway special permit, noting that some work is still incomplete. Ms. Loughnane explained that last April, following a request from the applicant, a one-year extension of the special permit was granted through June 1, 2009. Board members told Mr. Mouhanna that they would like to confirm that the conditions of the special permit have been addressed, and that the shared driveway is in full conformance with the special permit, prior to endorsing an ANR for this property. Ch. Malster asked the applicant if his intent was to request another extension on the special permit. Mr. Mouhanna replied that such was not his intention and said that he could finish things up by June 1st. Ch. Malster said the outstanding conditions of the special permit include the following numbered conditions:

1. An additional wooden gate shall be located at the boundary line between Lot 2 and Lot 3, in the vicinity of the entrance into the turnaround and shall be shown on the Project Plans.
2. Speed bumps or humps shall be installed on the subject property's driveway between the turnaround and the property's boundary with 136 Westfield Street.
5. The location of the fire hydrant and fire flow adequacy shall be reviewed and approved by the Fire Chief.
6. The size of the water main to service the three lots shall be increased to six (6) inches.

Ch. Malster suggested that Ms. Loughnane send the applicant a letter with the above mentioned information. Ms. Loughnane reminded Mr. Mouhanna that he must either complete the work by June 1, 2009, or submit a request for a further extension of the shared driveway special permit.

There was a discussion about the incomplete work required on the water main and installation of a fire hydrant. Mr. Rafsky said that he did not believe it would be possible to complete conditions 5 and 6 by June 1st. Mr. Rafsky suggested to Mr. Mouhanna that his engineer contact the town planner quickly to determine if he needs to request an extension of the special permit. At the suggestion of the board, Ms. Loughnane hand wrote an agreement for an extension of time for the board's consideration of the ANR until May 27, 2009, and Mr. Mouhanna signed it.

Ch. Malster asked that this matter be continued to the next meeting of the board on Tuesday, May 26, 2009 at 7:30 PM. He asked that both Mr. Mouhanna and his engineer attend. Mr. Mouhanna said that they would be there.

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 re-opened the public hearing at approximately 8:45 PM. He stated that on Friday, May 8th, the board, town planner, town counsel, and conservation commission specialist visited the site at 401 Sandy Valley Road.

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 in response to the additional submittal items requested by the board at its last meeting on April 27th. Mr. Hill responded to these 8 requested submittal items as follows:

1. Estimate of the number and types of vehicles to be parked on the property at any one time, with supporting data based on analysis of similar facilities;

Mr. Hill replied that it is impossible to predict how many vehicles would actually be on the farm at any one time, so the Applicants undertook an informal survey of three similarly-sized horse barns in the area in order to estimate the number of vehicles which could be expected to use the site. He presented Exhibit A, showing a table of vehicle types for Farm A, Farm B, Farm C and Wildstar Farm. Mr. Hill summarized that there will be an average of 9.6 vehicle trips to the farm per day (not including the farm owners' personal vehicles, or personal vehicles of their tenants.) He noted that these vehicles include feed and supply deliveries, horse owners/riders, veterinarians, blacksmiths, dentists, trainers, dumpster removal company, employees and trailers.

Ch. Malster asked for clarification on the size of the surveyed farms A, B & C. Ms. Kornblith replied that the three farms were similar in size, with similar programs and offerings, but not including "school horses". Mr. Montgomery asked if lessons would be offered. Ms. Kornblith replied that lessons would not be offered to the public. Mr. Rafsky asked about the possibility of shows being held at the site and the number of cars this might attract. Mr. Hill reiterated that this is a private horse farm and there will be no shows, no public lessons and no riding academy. He said that there may be an occasional special event (i.e.: a family party) but this is not in the business plan. Mr. Montgomery asked if the use of the riding ring is scheduled. Ms. Kornblith responded that the riding times will be staggered, based on an individual's schedule. She said there would be "de facto scheduling". Mr. Olanoff asked why this is considered a commercial business. Mr. Hill stated it is a commercial business because the primary activity is renting the stalls and providing basic care of the horses.

2. Estimated frequency of feed and supply deliveries, including information of the type of vehicles associated with such visits;

Mr. Hill referred to Exhibit A and stated that such deliveries would be made less than once per week.

3. Estimated frequency of scheduled visits by horse owners, riders, veterinarians, blacksmiths, trainers and similar parties, including information of the type of vehicles associated with such visits;

Mr. Hill again referred to Exhibit A. He pointed out that the Applicants would expect 7 horse owners/riders per day, 0.6 veterinarians/blacksmiths/dentists per month, 2 trainers per week, manure removal 0.5 times per week, 2 employees per day, and 0.5 trailers per week.

4. Amended site plan showing vehicular and pedestrian circulation areas and clearly delineated parking spaces for cars, trucks and trailers, including measurements of driveway width and effective driveway width following snow removal;

Mr. Hill presented a revised plan, showing hypothetical parking lanes, but noted that the Applicants have no plans to delineate these spaces on the site. There was a discussion about the turning radius of trailers, hay trucks and other vehicles navigating the end of the driveway. Mr. Hill presented his engineer's plan which was made using templates for Westwood's fire equipment. He said that the plan shows that the radii are sufficient. Mr. Rafsky asked if the gravel on the driveway was sufficient to support the fire truck. Mr. Bertorelli commented that the template provided by the applicant shows the fire truck going 5 mph with part of the truck

extending over the edge of the driveway, but with the wheels staying fully on the driveway. He noted that the truck could make an even tighter turn, if it came to a stop before taking the turn, or backed up and added another maneuver. Mr. Hill said the applicant is appealing the Conservation Commission decision on the prohibition of driveway widening.

Ch. Malster asked if the fire chief's requests have been addressed. Mr. Hill responded that the access around the buildings is not an issue and is shown on the plan. He said that Chief's Scoble's concern is water pressure and water flows getting to the building from the fire hydrant which is 800' away. Mr. Hill said preliminary studies indicate that the pressure is sufficient. He said that a sprinkler installation is not an option being considered by the Applicants, and noted that the proposed use is exempt. Mr. Hill asked that the EIDR process not be held up due to code compliance issues, outside of the Planning Board's review. Mr. Rafsky said this public hearing needs to consider public safety as part of the board's decision. Mr. Hill stated that he disagrees and feels that code issues are not relevant to the scope of the limited EIDR. He said that he knows that town counsel said that these areas are applicable to review, but he and his clients do not agree. Mr. Hill said that they had decided to provide the above-mentioned information despite their belief that it is not required under a limited EIDR. He said that he does not believe off-site traffic is within the scope of the Planning Board's review.

Mr. McCusker, said the Building Inspector has determined that this is an agricultural exempt use under the statute, and noted that he concurs with Mr. Doyle's determination. An audience member (name inaudible) asked if the building inspector's determination could be appealed and Mr. McCusker said it could be appealed to the Zoning Board of Appeals, but that is a separate matter.

Mr. Hill said the width of the gravel driveway is approximately 12-15 feet, with a grass shoulder on either side of the pavement of approximately 5 feet. He said that the driveway will be cleared of snow and ice by a tractor with a snow blower attachment. Mr. Hill said that this practice had worked well this past winter and cars were able to pass each other. There was some discussion about the width of the driveway in relation to trees beside the driveway.

5. Turning templates for trucks and trailers expected to access the site, demonstrating the adequacy of the existing drive absent modifications prohibited by the Westwood Conservation Commission's April 14, 2009 Order of Conditions for this property;

Mr. Hill responded that the Order of Conditions issued by the Conservation Commission has been appealed, and one of the disputed issues is the condition prohibiting the requested driveway entrance widening.

6. Copy of Manure Management Plan for proposed facility, including information on frequency and hours of dumpster emptying;

Mr. Hill said that this had been provided for the board and currently being reviewed by the Board of Health.

7. Copy of Vector Management Plan for proposed facility;

Mr. Hill said that this had also been provided for the board and currently being reviewed by the Board of Health. He noted that fly predators and rodent predators, such as barn cats will be utilized.

8. Hours of operation for proposed facility.

Mr. Hill told the board that there will be no set schedule, and that hours will be subject to the demand of the tenants: before work, after work and during normal business hours.

Mr. Rafsky asked the Applicants to explain the effects that winter may have on the business operations, including parking and snow removal. Ms. Kornblith responded that most people do not ride outside in the winter and if the weather is severe or icy, the paddocks will not be used. She said that, during the coldest winter temperatures, there may be fewer riders because the barn and arena will not be heated. In addition, she noted, some riders and their horses may travel to Florida for the winter. Ms. Kornblith also noted that plowing will be done in-house.

Ch. Malster stated that the board would make its decisions based on input received from the Applicants. He said that, when it comes to deciphering the complexities of site plan review and traffic, the Planning Board must hold the Applicants to the testimony they gave during the hearings. He noted that in the past, if traffic figures have exceeded expectations, applicants have been asked to come back before the Planning Board to reassess traffic issues. Mr. Hill agreed that the Applicants would do so.

Mr. Bertorelli asked the Applicants what the largest vehicle would be that would access the property. Ms. Kornblith said the largest vehicle would be a trailer, similar in size to a landscaper's trailer.

Ch. Malster opened the meeting to hear comments from the public.

Mr. Michael DeCenzo, 493 Sandy Valley Road, requested clarification about on-site riding lessons and how they relate to the traffic figures in Exhibit A. Ms. Kornblith stated that, on occasion, they will host a guest trainer to provide private lessons to individual horse owners, not to the public. Mr. DeCenzo asked if there will be summer lessons for children. Mr. Hill responded they will not be open to the public for lessons. Mr. DeCenzo commented on the traffic figures for blacksmiths, dentists and vets. He said there will be detrimental effects to the public safety and to Lowell Woods.

Mr. Charles Donohue, 407 Gay Street, made comments about the use of Lowell Woods by horses and the risk to the town regarding health and safety of the residents. Mr. Hill responded that these issues have been addressed by other boards.

Mr. Thomas Soltys, 461 Sandy Valley Road, commented that this building and other structures of this size are required to have a sprinkler system installed. He expressed his concern for the public safety of the neighborhood.

Mr. Tony DeBenedictis, 500 Sandy Valley Road, asked about the alternative plan submitted by the applicant. He asked what would happen if the current plan before the board does not meet the building code, and will the alternative plan have to go through the same process as the current plan. Ch. Malster stated that the building inspector is responsible for making the determination as to whether plans meet applicable building codes. He said that if that the Applicants are not able to obtain a building permit for the current plan, they would have to come back to the Planning Board for review of the alternative plan. Mr. DeBenedictis said the project is too big.

Mr. Ken Foscaldo, 35 Norfolk Avenue, commented on the validity of the traffic numbers and mentioned the Applicants' manure co-op. He asked if one of the farms used in Exhibit A was Sage Farms. Ms. Kornblith stated she would not reveal the names of the farms surveyed, per their request.

Mr. Craig Foscaldo, 439 Sandy Valley Road, commented that school buses are not able to drive down Sandy Valley Road, so the children must wait at a bus stop at the corner of Sandy valley Road and Gay Street. He said he is concerned about the safety of kids on the street, the condition of Sandy Valley Road and the Applicants' driveway width.

Mr. DeCenzo, 493 Sandy Valley Road, commented that runners from the high school use Sandy Valley Road and Lowell Woods.

Ms. Mary Ann Soltys, 461 Sandy Valley Road, asked what the expansion plan is for the horse farm.

She thinks the trips per day mentioned by the Applicants are understated. She also commented on best practices for horses and how this relates to number of trips per day.

Mr. Donohue, 407 Gay Street, commented that the Applicants' website showed a map of Lowell Woods.

Gregor McGregor, attorney representing several abutters, gave a lengthy presentation to the board. He suggested that the board require the Applicants to provide a professional traffic evaluation to verify that 9.6 vehicles per day is not an understated estimate. He stated that insufficient information had been submitted pertaining to parking delineation, driveway widths, driveway widths during snow, and turning templates for trailers accessing the property. He asked for additional information on vector management, dumpster emptying, manure co-op, and hours of operation. He said that he disagrees with Mr. Hill regarding jurisdiction of mitigation of off-site impacts and believes that the town can reasonably regulate this use.

Ms. Soltys, 461 Sandy Valley Road, commented about the weight of a 24' dumpster, full of manure, and the frequency of emptying.

Mr. Rafsky asked the neighbors and Applicants why there had been a breakdown in trust between the parties. Mr. DeCenzo, Sandy Valley Road, responded that a get together was held by the Applicants, at which time they shared plans for a barn, indicating that it would be for their personal use for their two horses. Following that Ms. Kornblith went to each house in the neighborhood to present the current plan. Mr. DeCenzo said the project seemed to be much more commercial and said he felt it was misrepresented.

Mr. Hill responded stating there was no malicious misrepresentation made by the Applicants as they shared the plans with the neighbors. He said not all of the neighbors are opposed to the plans, some are neutral, and he is not sure if there are supporters.

Mr. Newman gave a lengthy rebuttal saying that he has not misrepresented any of the plans and asked the board to go forward and approve the project in a straight-forward manner.

Mr. Olanoff asked Mr. Newman about the previous permitting he mentioned and asked that he provide more information on this. Ms. Loughnane said that the Conservation Commission had previously issued an Order of Conditions for a 20-horse barn, but that no building application or EIDR application had been submitted. Mr. Newman responded that the previous owner had the plans approved by the Conservation Commission in 2004. Ch. Malster said the project did not come before the Planning Board at that time. Ch. Rafsky said he hopes the neighbors can come together in a positive way and avoid the courts. Mr. Olanoff said one thing the attorneys agree on is that the Planning Board can make suggestions about what needs to get done.

Mr. Soltys, 461 Sandy Valley Road, repeated that he is concerned about public safety.

Mr. Hill asked for clarification about what else the Applicants needed to submit to the Planning Board. Ch. Malster said the fire chief and safety officer may need additional information based on town counsel's restated opinion on the scope of the Planning Board's review. Mr. Newman said questions about what else is needed from the Applicants should be generated in a public forum. Ch. Malster disagreed. Mr. Bertorelli suggested that the Applicants' engineer use ITE standards to identify typical traffic counts that could be expected for that site. Mr. Hill said they looked at ITE standards but did not find comparable categories. Mr. Olanoff asked for a professional comparison. Ch. Malster said generally a professional engineer provides this type of information. Mr. Bertorelli said that even if the trips are 3 ½ to 4 times what the applicants propose, that would amount to only 4 trips an hour up and down the road, which will not cause a traffic problem. He said there isn't an engineer that will say 4 cars per hour will cause a traffic problem.

Mr. Hill asked whether the board was worried about a traffic problem or a parking problem. Mr.

Bertorelli said he thought the neighbors' concerns are really about the traffic up and down Sandy Valley Road. Mr. Bertorelli also asked about the turning radius for a 40' trailer at the end of the driveway, and said he doesn't think it will fit. Mr. Newman concurred that a 40' trailer will not fit. Mr. Bertorelli asked if the Applicants would do some research and get a "horse association" to confirm their traffic numbers. He asked that the Applicants' engineer professionally verify these numbers. Mr. Hill asked if trip generation is typically required of a limited site plan review. Mr. Olanoff said NESAs had to provide this information. Mr. Rafsky concurred that he would like to see professionally verifiable evidence for the decision. Mr. Bertorelli said in the decision the board could specifically set a maximum number of cars allowed on the site. Ch. Malster said he wants confirmation from the fire chief that fire vehicles can move within the site, around the proposed parking spaces, and around the buildings. Ch. Malster said a list can be created and provided to the applicant before the next meeting on May 26th. Mr. Hill said he will provide the on-site circulation to the fire chief but is not sure what else the public safety officer may want. Ch. Malster said members of the board would like to see what the traffic implications are on Sandy Valley Road. Mr. Hill said he will go back and look at the ITE for comparable data and would do his best to get the data. He said he would talk to the fire chief about on-site circulation. He said that he does not believe there is anything else that the public safety officer needs. Mr. Rafsky said that if there are any additional issues that the Planning Board would like addressed, the Applicants should be informed in 48 hours.

Upon a motion by Mr. Montgomery, and seconded by Mr. Olanoff, with four members voting in favor, the public hearing was continued to May 26, 2009 at 8:00 PM.

Approval of Minutes for Prior Meetings

Upon a motion by Mr. Montgomery and seconded by Mr. Rafsky, four members voting in favor, the minutes were approved from the April 27, 2009 Planning Board meeting.

Planning Board Reorganization and Committee Assignments

Upon a motion by Mr. Rafsky and seconded by Mr. Montgomery, four members voting in favor, Steve Olanoff was elected as Planning Board Chairman for the 2009-2010 term. Upon a motion by Mr. Olanoff and seconded by Mr. Montgomery, four members voting in favor, Steve Rafsky was elected as Planning Board Vice Chairman for the 2009-2010 term. Upon a motion by Mr. Olanoff and seconded by Mr. Malster, four members voting in favor, Bruce Montgomery was elected as Planning Board Secretary for the 2009-2010 term.

The board collectively decided that Rob Malster would serve as Planning Board Representative to the Housing Partnership/Fair Housing (alternate-not yet assigned); Steve Olanoff and Steve Rafsky would serve as representative and alternate, respectively, to MAPC; Steve Olanoff would serve as MBTA Advisory Board Designee, (alternate not yet assigned). At the next meeting the board would finalize representatives for the Regional Transportation Advisory Counsel and all necessary alternates.

The meeting adjourned at 11:45 PM.

The next scheduled meeting of the Planning Board is Tuesday, May 26, 2009 at 7:30 P.M.