

Town of Westwood Planning Board
Meeting Minutes
Location: 50 Carby Street
July 8, 2008
7:00 PM

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

Staff Members Present: Nora Loughnane, Town Planner; John Bertorelli, Town Engineer; and Peter Alpert, Esq., Ropes & Gray.

Chairman Malster opened the meeting at approximately 7:15 p.m.

Public Hearing:

Second Modification of Phillips Estates Definitive Subdivision Plan

Chairman Malster read the Legal Notice, stating that the public hearing was being held pursuant to M.G.L. Chapter 41, Sections 81-T and 81-W and its Rules and Regulations governing the Subdivision of Land regarding an application filed by PJMJ LLC, to consider the modification, amendment or rescission of the 6-lot (5-buildable lot) Definitive Subdivision Plan [Phillip Estates] shown on a plan entitled "Phillip Estates Definitive Subdivision Plan Modification", dated September 8, 2004 and revised through November 14, 2006, located in the vicinity of Margery Lane. Property location: Assessor's Map 39, Lots 29, 30 and Assessor's Map 40, Lots 187, 188, 189, 17. Property Owner: PJMJ LLC.

Richard Merrikin of Merrikin Engineering, LLP and Ms. Margery J.E. Young were present at the meeting. Mr. Merrikin gave a brief presentation on the modification.

Chairman Malster asked Mr. Bertorelli, Town Engineer, for his opinion on the need for a 10' wide access area around the detention basin. Mr. Bertorelli stated that the 10' access is a DEP guideline and not a standard. He noted that, Paul Brodmerkle, the Conservation Commission's consultant recommended a 10' access around the basin during the Conservation Commission's review, but the applicant's engineer did not respond to this suggestion. Mr. Merrikin stated that Mr. Brodmerkle's concerns were intended to address the maintenance of a retaining wall originally proposed on one side of the basin. Mr. Merrikin noted that the plans have since changed and the current plans call for the wall to be buried. Mr. Bertorelli expressed concern about labor intensive maintenance that will be required on the hill side. Mr. Gale asked Mr. Bertorelli if it made sense to put a turnaround in at the other end. Mr. Bertorelli responded that this was not feasible and that from an environmental standpoint, the new design is better.

Chairman Malster asked about Mr. Bertorelli's comment on the plan needing a stamp and signature of professional land surveyor. Mr. Merrikin responded that the final Mylar and copies will be stamped as required.

Chairman Malster asked Mrs. Loughnane about the conditions of the decision. She responded that the draft decision carried forth all applicable conditions of the previous approval.

Chairman Malster asked if the Board had any additional comments. Mr. Moore asked the applicant to explain the request for a waiver of fees. Mr. Merrikin replied that he had asked for a waiver of fees because the proposed changes were minor and did not change the nature of the subdivision. Mrs. Eramo Young added that Ms. Beecham, former Town Planner, had said that she would suggest a waiver of the fees. Ms. Eramo Young noted that she understood that a waiver of fees was ultimately up to the Board to decide. Mr. Merrikin stated that the most labor intensive review of the engineering work was done by the Conservation Commission's consultant, Paul Brodmerkle, and noted that the applicant had

already paid for that review. Mr. Moore stated he did not have a problem with a reduction in fees. Mrs. Loughnane told the board that certain fees had been paid at the time of the previous modification, including inspection fees, abutter's fees, and lot fees. She noted that the Planning Board fee was waived during the previous review. The Board agreed to waive the three-thousand five hundred dollar (\$2,500.00) application fee, the one thousand dollar (\$1,000.00) lot fee, the one thousand one hundred and seventy dollar (\$1,170.00) road fee, and the three thousand dollar (\$3,000.00) fee to defray the costs incurred by the Planning Board for all fees, expenses and costs in connection with the review and evaluation of the Definitive Plan. The Board found this waiver to be appropriate in light of fees previously paid and the simultaneous review of plans in association with Conservation Commission proceedings. The remaining two thousand dollar (\$2,000.00) inspection fee and one hundred twenty-nine dollar (\$129.00) abutter fee were not waived. Mrs. Loughnane instructed the applicant to deliver a check to the Planning office in the amount of two thousand one hundred and twenty-nine dollars (\$2,129.00).

Chairman Malster opened the meeting up for comments from the public. Mr. Carlo Fernandez of 169 Marjorie Lane had some questions and comments. Mr. Fernandez asked why he had not been notified about previous public meeting regarding this application. Chairman Malster replied that the applicant had appeared before the Planning Board informally at an earlier posted meeting to share information and discuss their intent. He noted that the meeting was posted and that no public hearing was required. Mr. Fernandez had questions and concerns about why the applicant wished to change the plans at this stage. There was a discussion of the history of the subdivision approval, beginning with the original application in the late 1980's, continuing through the first modification in 2005, and including the application currently before the board. Another resident, Mr. Lia of 15 Pettee's Pond asked for a point of clarification. Mr. Merrikin provided a brief description.

Chairman Malster expressed concern that one of the lots involved in the subdivision was no longer owned by the applicant. He noted that there may be an issue related to the application for modification of this subdivision that calls attention to M.G.L. Chapter 41, 81W:

No modification, amendment or rescission of the approval of a plan of a subdivision or changes in such plan shall affect the lots in such subdivision which have been sold or mortgaged in good faith and for a valuable consideration subsequent to the approval of the plan, or any rights appurtenant thereto, without the consent of the owner of such lots, and of the holder of the mortgage or mortgages...

Mrs. Loughnane stated that she would request an opinion from Town Counsel, Thomas McCusker, as to the need for any additional property owners to join the application.

Upon a motion by Mr. Moore and seconded by Mr. Gale, the Board voted to continue the public hearing to Tuesday, July 15, 2008 at 7:30 p.m. in the Champagne Meeting Room.

Consideration of Request to Remove Covenant on Lot 4 in Approved Howard Estates Definitive Subdivision

The Planning Board deferred consideration of the proposed modification of the covenant for Howard Estates until its next meeting on July 15, 2008. Mrs. Loughnane reported that an opinion from Town Counsel is pending.

NSTAR Way – Release of Covenant

The Planning Board received a letter from John Bertorelli, Town Engineer; stating that the NSTAR covenant is no longer necessary or relevant, as NSTAR Way was accepted at Town Meeting in May 2001 and the construction of and installation of municipal services were

finalized. This letter serves as confirmation of the Planning Board's determination, which was made on June 23, 2008, when the Planning Board voted 4 to 1 in favor of releasing the NSTAR covenant.

Attorney Alpert presented a letter and Release of Covenant for signatures of the Planning Board. A copy of the letter and Release of Covenant are included with these minutes.

Approval of Minutes of Prior Meetings

Mrs. Loughnane presented the Board with minutes for the June 23, 2008 Planning Board meeting. A motion was made by Mr. Moore and seconded by Mr. Gale, and the Board voted unanimously to accept the presented minutes.

Chairman Malster opened the Westwood Station public hearing portion of the meeting at approximately 8:10 p.m.

Continuation of Planning Board Public Hearing: Amendment #1 to the MPSP for the Westwood Station Area Master Plan

Continuation of Planning Board Public Hearing: EIDR for Phase 1B of the Westwood Station Area Master Plan

Planning Board members present: Chairman Robert Malster, Robert Moore, Steve Olanoff, Bruce Montgomery and Henry Gale. Minutes were taken by Janice Barba, Land Use Assistant to the Planning Board.

Staff Members Present: Nora Loughnane, Town Planner; John Bertorelli, Town Engineer; and Special Counsel to Planning Board; Peter Alpert, Esq., Ropes & Gray. Dan Quinn, Meredith & Grew.

Counsel to Applicant: Susan Kincaid, Esq., Wilmer, Cutler, Pickering, Hale & Dorr

Presenters: David Manfredi from Elkus-Manfredi and William Lyons, from Traffic Solutions

Chairman Malster began by telling the Board members that he had asked the proponent to provide an update of the changes to the project since the last meeting, including changes in traffic elements. Chairman Malster stated that John Kennedy of VHB and Dan Quinn of Meredith and Grew were present to assist in the Board's review of the proposed Master Plan amendment and Phase 1B application.

Mr. Adam Berger, of CC&F addressed the Board. Mr. Berger stated the presentation tonight would review updates to the Amended Master Plan, filed on March 14, 2008. He noted that design and program elements of the Plan would be reviewed by David Manfredi of Elkus Manfredi and traffic elements of the Plan would be reviewed by Bill Lyons of Traffic Solutions. Mr. Berger mentioned that he had met extensively with John Kennedy over the last several weeks. He noted that a great deal of progress had been made in addressing Mr. Kennedy's concerns.

Mr. Manfredi gave a presentation summarizing four planning program issues:

1. *Public Safety Building location change from 11A to 7D.* This included changing road configuration of Westwood Station Blvd. and Market St. Additional retail space is being extended to the north part of the street with enhancements in pedestrian use.

2. *Retail Buildings 9C and 11A reconfigured.* Building 9C is now proposed to be a smaller, free-standing, 60,000 square foot, 45' tall two-story retail building. This will be a signature building with direct access both from University Ave. and the P9 garage. Building 11A is proposed to be a 100,000 square foot, 45' tall, two-story building. Parking will likely be shared between these two buildings. Mr. Olanoff asked if 11A would become part of Phase 1B. Mr. Berger stated that 11A could be added to Phase 1B if a tenant is confirmed in the near future.
3. *Pedestrian Connections.* The proposed pedestrian access connecting the office campus drive and Market Place will move north, as the grade will be pushed down. Office tenants can cross the surface road. Loading has also been pushed down, creating a better buffer. This will be a better connection from Westwood Station Blvd. to Market Street.
4. *Addition of 8A & 8B.* Buildings 8A and 8B will be located where Target was originally proposed. Building 8A is proposed to be a 75,000 square foot, 65' tall, three-story building. This building will have two tenants -- a lower level tenant and another tenant on the second floor occupying the mezzanine level. Building 8B would be an approximately 100,000 square foot, 50' tall building with an anchor tenant. Mr. Olanoff asked if either building could be accessed from the other. Mr. Manfredi replied that the buildings would abut one another with no access between them. Service for the first floor tenant would be at grade level, with an elevator to service the second floor tenant. Mr. Gale asked if this would be the tallest structure. Mr. Manfredi said that it would be. Mr. Gale asked about the façade. Mr. Manfredi stated there would be more diversity in the height and the mass of the buildings in this part of Market St.

The Planning Board asked a series of questions at this point.

Mr. Olanoff asked about Building 12A's pedestrian corridor to Market St. Mr. Manfredi said there would be a signalized crossing, sidewalk and a landscaped edge of the parking structure. Mr. Olanoff had more questions that will be addressed in the traffic portion of the presentation. Mr. Gale asked if there would be pedestrian access through the garage. Mr. Manfredi said pedestrian access would be on top of the garage.

Mr. Moore's questions were about the changes proposed for the Public Safety Building. He asked if these changes have been made in consultation with the Fire Chief. Mr. Berger stated they have discussed the site with Fire Chief Scoble and Chief Scoble is comfortable with the site change. Mr. Malster stated that Fire Chief Scoble was happy with either site, and that Police Chief Chase is happier being close to higher density locations. Mr. Malster noted that Chief Scoble is awaiting more information regarding traffic patterns with one-way aspects.

Mr. Moore asked about the cap on retail building size and whether the project was still in compliance with the permit requirements. It was stated that Building 11A was not previously included, and thus did not have applicable design guidelines.

At this point Chairman Malster invited Mr. Bill Lyons of Traffic Solutions to make his presentation. Mr. Lyons stated he would address three changes to the overall traffic plan.

1. *Introduction of a roundabout at intersection of Harvard Street and Market Street.* This intersection was previously signalized. Creating the roundabout would improve the cueing on Market Street, create less impervious surface, allow for more landscaping, and include pedestrian accommodations. The Board had some questions about specifics on pedestrian crosswalks. Mr. Lyons stated that this configuration is still a work in progress, and has been proposed to find a resolution

for Market Street that will create a balance between accommodating pedestrians, public safety vehicles and delivery vehicles.

2. *Revised intersection access of P10 access from Westwood Station Blvd. NStar Way would no longer be a signalized intersection with Westwood Station Blvd.*
3. *Reduction in Lanes on University Avenue along the stretch from Harvard Street to Dedham Westwood Water District building.*

John Kennedy discussed P10, access to the garages, and the traffic impacts in relation to Wegmans.

Chairman Malster opened the meeting to the public for discussion. No one asked to address the Board.

Chairman Malster asked the proponent for a status update on the affordable housing amendment. He asked where things stand with Westwood Station Blvd. and Canton Street intersection and plans for the neighborhood. He also asked how all of these would interface with the Planning Board's work. Chairman Malster asked the proponent what portion of the presentation would be ready for the next scheduled meeting on 7/21/08. Mr. Berger responded that the environmental components of the amended plan would be reported on at that meeting.

Chairman Malster asked about the parking scheme and analysis based on the level of the expansion of the garage in terms of Wegman's needs. Mr. Berger stated that parking aspects would also be ready for the next meeting. Chairman Malster agreed that this plan would work for the meeting on 7/21/08. He also requested an update on the 1A process, and an update from Steve Cecil at that meeting.

Mrs. Loughnane reminded the Board that Amendment #1 to the Definitive Subdivision should be noticed for a public hearing. She asked if the Board wished to advertise a public hearing for the first available meeting in August. It was suggested that the hearing could be opened on August 4, 2008 and continued to a later date.

Chairman Malster asked for a motion to continue the open hearings. Mr. Moore made a motion and Mr. Montgomery seconded the motion, to continue the open hearings until July 21, 2008 at the Champagne Meeting Room, 50 Carby Street, beginning at 7:30 pm. All members voted in the affirmative.

The meeting adjourned at approximately 8:55 P.M.