

Town of Westwood Planning Board
Meeting Minutes
Location: 50 Carby Street
September 23, 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; Christopher Gallagher, Assistant Town Engineer; Thomas McCusker.

Chairman Malster opened the meeting at approximately 7:05 p.m.

Joint Public Hearing with Tree Warden: Scenic Road Application on Sandy Valley Road

Chairman Malster opened the public hearing by reading the legal notice. He explained that this public hearing of the Planning Board was being held simultaneously with a public hearing by the Westwood Tree Warden, pursuant to M.G.L. Chapter 40, §15C (Scenic Road Act) and M.G.L. Chapter 87 § 3 (Public Shade Tree Act). Mr. Malster stated that the Scenic Road application was filed by Craig Foscaldo, Stephen Pellgerino and Cynthia Egan for the installation of a water main along the frontage of properties located at 439, 423 and 401 Sandy Valley Road, Westwood, MA 02090, involving the removal of three trees: one 16" elm, one 24" elm and one 26" elm.

Christopher Gallagher, Assistant Town Engineer, appeared before the Board on behalf of Ralph Phaneuf, the Westwood Tree Warden, to provide a presentation of the application and to answer any questions. Mr. Gallagher explained that the tree removal was necessary to permit the installation of a water main extension to serve these three house lots. He stated that an old water service was available off Gay Street but that this service was not up to current standards and did not provide safe drinking water. Mr. Gallagher told the board that the project would entail a 600' long extension of an 8" water main, 125' of which would be within the layout of Sandy Valley Road. He noted that the water main installation would be within the public right of way until reaching 439 Sandy Valley Road, at which point the main would be installed on private property. Mr. Gallagher said that an easement would be recorded in favor of the Dedham-Westwood Water District which would maintain the water line. He said that three trees were directly in the path of the water main and would need to be removed. Mr. Gallagher noted that each of the three trees were either dead or dying. He added that no stone walls would be disturbed.

Mr. Olanoff asked why Tree Warden, Ralph Phaneuf, was not present. Mr. Gallagher replied he was unable to attend. Mr. Olanoff stated that the Tree Warden should be a certified arborist and should not be permitted to send someone who is not a certified arborist to act on his behalf. Chairman Malster stated that Mr. Phaneuf had been the Town's Tree Warden for quite a while and had acted on several Scenic Road applications. He said that any objections to his qualifications for this position should have been raised well prior to this public hearing. Since no objections had previously been raised, Mr. Malster elected to continue with the public hearing.

Mr. Malster asked Mr. Gallagher if Mr. Phaneuf had any specific concerns regarding the three trees proposed for removal. Mr. Gallagher stated that Mr. Phaneuf had no concerns and was in agreement that the three trees were either dead or dying.

One of the three applicants, Steven Pelligrino, of 423 of Sandy Valley, was present at the hearing. Chairman Malster asked Mr. Pellegrino if he would like to make any comments or ask any questions. Mr. Pellegrino asked if it was possible to request that a particular type of piping be used for the water main extension. Mr. Gallagher said that he would need to

direct his request to the Dedham-Westwood Water District.

Mr. Moore asked if there was any reason why a greater length of the water line could not be installed outside of the public right of way. Mr. Gallagher explained that one of the driveways along Sandy Valley Road was new and the owner did not want to have the new paving disturbed. He explained that the water main would be installed in the gutter line. Mr. Olanoff asked if the driveway was more valuable than the trees that would need to be removed. Mr. Gallagher stated that the trees were dead and stated that the limbs of these dead trees were a threat to adjacent power lines. Mr. Olanoff asked if new trees could be planted. Chairman noted that the homeowners were already incurring substantial expenses for the installation of the water main. He stated he did not feel it would be fair to burden the homeowners with the additional expense of planting new trees.

Mr. Malster asked Mr. Bertorelli if the proposed extension would be sufficient to serve any future development along Sandy Valley Road. Mr. Bertorelli stated that no additional development was likely since the balance of Sandy Valley Road was conservation land. Duncan McFarland, an abutter, noted that the Egan property included one buildable lot. Mr. Pelligrino stated that, if a home was built on this lot, the new water line could be extended to the new property owner. However, he noted that the applicants were incurring the cost of the water main extension and were not under any obligation to allow a future connection. Mr. Bertorelli confirmed that this would be a privately owned line. Mr. Olanoff asked why DWWD was not paying for this work. Chairman Malster stated that the Planning Board's jurisdiction was limited to the removal of the trees. He said that the board had no say with respect to the details of the utility installation.

Mr. Olanoff noted that stones were likely to be unearthed during the water main installation. He asked that every effort be made to use these stones to extend the existing stone walls to fill in the gap that would be created by the removal of the three trees. He asked that wording to that affect be added as a condition of approval for this application.

Ms. Loughnane noted that she had prepared a draft decision which also included the standard conditions that the applicants minimize the removal or disturbance of existing vegetation, that there shall be no additional clearing or pruning of the vegetation within the Sandy Valley right-of-way, and that the applicants remove or prune dead, diseased or noxious vegetation within this right-of-way only with the approval of the Tree Warden.

Ms. Loughnane informed the Planning Board that the Board of Selectmen's office had asked that all fees associated with the project be waived. Mr. Malster stated that the applicants should not incur any additional costs. All members were in agreement that the \$100 review fee associated with the Scenic Road application would be waived.

The Planning Board has evaluated the application in relation to the standards set forth in Section 6 of the Town of Westwood Scenic Roads Rules and Regulations and found that the removal of these three trees would have minimal negative impact on the area's natural resources, environmental values, historical values, scenic and aesthetic characteristics, and public safety. The Planning Board further found that the removal of these three trees and the installation of a water main are appropriate actions that will provide benefit to the neighborhood.

A motion by Mr. Montgomery and seconded by Mr. Gale, to close the public hearing. All were in favor and the public hearing closed at 7:30 p.m.

A motion by Mr. Mr. Gale and seconded by Mr. Montgomery, to approve the Scenic Road application. The application was unanimously approved with the conditions set forth above.

Executive Session to Discuss Pending Litigation

On a motion by Mr. Olanoff and seconded by Mr. Moore, the five members of the Planning Board voted unanimously to go into Executive Session to discuss pending litigation with Wall Street Development. The roll call vote was as follows: Olanoff-yes, Moore-yes, Malster-yes, Montgomery-yes, Gale-yes. The presiding officer, Chairman Malster, stated that the Board would reconvene to public session after the Executive Session.

Public session of the Planning Board reconvened at 7:55 p.m.

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

Continuation of Public Hearing: First Amendment and Supplement #1 to the Application for Amendment #1 to the Area Master Plan Special Permit and Consolidated Special Permits for Westwood Station

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

Continuation of Planning Board Public Hearing: Amendment #1 to the Definitive Subdivision for Westwood Station

[A verbatim transcript of these public hearings, Monday, September 23, 2008, 8:00 p.m. at 50 Carby Street, Carby Street Municipal Office Building, Champagne Meeting Room, Westwood, MA 02090, Robert C. Malster, Chairman; Steven H. Olanoff, Vice Chairman; Robert E. Moore, Jr., Secretary; Bruce H. Montgomery, Member; Henry W. Gale, Member; Nora Loughnane, Town Planner; John Bertorelli, Town Engineer, Peter Alpert, Esq.; Ropes & Gray. Pages 1-97, transcribed by G&M Court Reporters, Ltd., 42 Chauncy Street, Suite 1A, Boston, MA 02111-2211 will serve as the official minutes. A copy of this transcript is in the Westwood Station file.]

Approval of Minutes of Prior Meetings

The board discussed the approval of previously unapproved minutes for regular session Planning Board meetings which took place in 2007. The board also discussed the approval of previously unapproved minutes for executive session Planning Board meetings which took place in 2000, 2002, 2004 and 2005. Copies of these minutes had been provided to the board members for review prior to this meeting.

Upon a motion by Mr. Gale and seconded by Mr. Moore, the Board voted unanimously to approve the minutes of the following past meetings: July 10, 2007, July 17, 2007, July 23, 2007, July 24, 2007, August 7, 2007, August 13, 2007, August 16, 2007, September 4, 2007, September 11, 2007, September 25, 2007, October 2, 2007, October 23, 2007, October 25, 2007, October 30, 2007, November 5, 2007, November 6, 2007, November 14, 2007, November 15, 2007, November 19, 2007, November 20, 2007, December 4, 2007 and December 18, 2007.

Upon a motion by Mr. Olanoff and seconded by Mr. Gale, the Board voted to approve the minutes of the following past executive sessions: October 5, 2000, November 8, 2000, January 15, 2002, June 11, 2002, September 11, 2002, September 14, 2004, October 19, 2004, November 30, 2004, January 11, 2005, May 17, 2005, May 31, 2005 and October 25, 2005.

Upon a motion by Mr. Olanoff and seconded by Mr. Gale, the Board voted to authorize the release of the minutes of the following past executive sessions, conditional upon approval of the same by Town Counsel Tom McCusker: October 5, 2000, November 8, 2000, June 11,

2002, September 11, 2002, September 14, 2004, November 30, 2004, January 11, 2005, May 17, 2005, and May 31, 2005.

Chairman Malster adjourned the Planning Board meeting at 11:15 pm.