

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

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

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

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

Public Hearing to Consider Application of Town of Westwood Board of Health for Special Permit and EIDR to Install a Wireless Communication Antenna on the Existing Communications Facility at the Dedham-Westwood Water District Tanks at 213 Fox Hill Street

Chairman Malster opened the public hearing by reading the legal notice.

Linda Shea, Health Director, was present to discuss the application. Accompanying Mrs. Shea was the BoH's FCC consultant, Kevin Jay of CyberComm, Inc. Mrs. Shea reported that the BoH is working with six surrounding communities (Canton, Dedham, Milton, Needham, Norwood and Wellesley) on emergency preparedness. She told the board that this group of communities received a grant to enhance communications, and that Westwood was selected as the most central location for the wireless communications antenna. Ms. Shea said that an FCC Commercial License was obtained in partnership with the Westwood School Department, and that permission was received from the Dedham-Westwood Water District (DWWD) to install the wireless communication antenna on the tanks at 213 Fox Hill Street. In addition, she noted that the Town's public safety officials are in agreement with this proposal to enhance Westwood's emergency communication abilities.

Ms. Shea told the board that the project consists of two phases. She said that Phase I would include the installation of one 14' antenna on the water tower, and the installation of one repeater in the existing public safety cabinet within the fenced area surrounding the tower. Mr. Gale asked if the antenna would be a single whip style antenna. Mrs. Shea confirmed that it will be a 3" diameter whip style antenna. She stated that Phase II would include the purchase of individual bay stations and associated antennas for each town's health department and staff.

Ch. Malster asked if the DWWD had placed any conditions on its approval of the proposed antenna. Mrs. Shea stated that DWWD had required the following conditions: (1) that the antenna cannot be installed within three feet of the existing access ladder; (2) that no additional ground space can be utilized; (3) that the cable needs to be installed underground; (4) that the antenna cannot interfere with existing signals; (5) that, if tank maintenance is required in the future, it will be the Town's responsibility to relocate, remove or adjust the antenna at its own expense; and (6) that 24-hour notification be provided prior to entrance to the property.

There were no further questions or comments from Board members. Ch. Malster opened the hearing to the public for comments or questions. Mr. Best of 229 Foxhill Street asked for better communication with the DWWD, specifically Bob Alexander, and the Town of Westwood regarding new installations. Ch. Malster stated there have been several requests to DWWD regarding better communication with Mr. Best. Other comments by Mr. Best included requests for all persons entering the DWWD property to observe the property lines,

appropriately dispose of all waste materials, and observe 8 am – 5 pm hours of operation at the site. Mr. Olanoff suggested that a condition be written in this decision that notes the permissible construction hours, as set forth in the general bylaws. He added that emergency activity could occur outside of these hours, with notice to the police and DWWD. Ch. Malster stated that conditions would also be placed on the approval to address Mr. Best's concerns about trespassing and trash removal.

There was additional discussion concerning the height of the antenna. Ms. Shea stated that the proposed height is the minimum necessary to obtain proper performance of the antenna. Mr. Best requested that the antenna be moved to the west side of the tank facing away from his property. Mr. Montgomery asked Mrs. Shea if she could comply with this request. Mrs. Shea stated she would discuss the final location of the antenna with Bob Eiben of DWWD. She noted that the location shown on the plan was the location approved by DWWD at this point. Ch. Malster noted that the Board of Health must verify that the antenna does not interfere with the town's existing emergency radio communications.

Upon a motion by Mr. Olanoff and seconded by Mr. Gale, with all members voting in favor, the public hearing was closed. A motion was made by Mr. Gale and seconded by Mr. Montgomery to approve the application with conditions set forth in the draft decision and discussed above. The board voted four in favor and none opposed. The application was approved with conditions. A copy of the Decision will be filed with these minutes.

Public Hearing to Consider Application of MetroPCS Massachusetts for EIDR to Install Wireless Communication Antennas on the Existing Communications Facility at 1 NStar Way

Ch. Malster opened the public hearing by reading the legal notice.

James "Ted" Hoyt, attorney for MetroPCS was present at the hearing to provide the Board with an overview of the application and answer any questions. Accompanying him were two radio frequency consultants to assist with technical questions.

Mr. Hoyt stated that MetroPCS is seeking to install six (6) panel antennas on the facades of the two existing penthouses on the roof of the existing building at One NStar Way, and to install five (5) equipment cabinets on a proposed steel frame located inside of one of the existing penthouses. He explained that coaxial cables would be installed between the equipment cabinets and the antennas within rooftop cable trays, and a GPS/GSM antenna would be installed on the proposed steel frame as shown in the plans.

Mr. Gale asked about the dimensions of the proposed antennas. Mr. Hoyt responded that each of the antennas would be approximately 52" by 12" by 3". He noted that the antennas would not extend above the height of the existing penthouse wall, and that the equipment cabinets would not exceed 6'4" in height. Mr. Hoyt told the board that the antennas and cabinets would be finished in a steel gray paint to match the penthouse walls. Mr. Olanoff asked if the GPS unit would be visible from the ground. Mr. Hoyt stated that it would not. Mr. Olanoff asked if the cable runs could be placed inside the penthouses. Mr. Hoyt replied that they could. Mr. Olanoff asked that this be made a condition of the approval.

Ch. Malster opened the hearing to the public for questions and comments. There were no questions or comments from the public.

Mrs. Loughnane told the board that Sgt. Paul Sicard, Police Safety Officer, had requested that a condition be added to the Decision to require verification that there would not be any interference with public safety communications. Ch. Malster stated that this should be a condition of the approval.

Upon a motion by Mr. Gale and seconded by Mr. Montgomery, with all members voting in favor, the public hearing was closed. A motion was made by Mr. Gale and seconded by Mr. Montgomery to approve the application with conditions set forth in the draft decision and discussed above. The board voted four in favor and none opposed. The application was approved with conditions. A copy of the Decision will be filed with these minutes.

Discussion of Alterations to Parking and Circulation at the Goode Plaza and Dedham Savings Bank – High Street

Michael Jaillet, Town Administrator, appeared before the Planning Board to provide background information on the Goode Plaza alterations and to answer questions posed by those in attendance. He said that the site changes were necessary to solve a problem with truck access to the Goode Plaza following the High Street reconstruction project.

Mr. Jaillet explained that a determination had been made by the Building Commissioner, in consultation with Town Counsel, that the current set of proposed changes to the access and parking areas at the Goode Plaza and Dedham Bank property were de minimus and therefore not subject to Site Plan Review. He noted that an earlier proposal to provide truck access to the Goode Block by way of a curb cut on Windsor Road and a driveway along the rear of the bank property was not considered de minimus and had been sent to the Planning Board for Site Plan Review. Mr. Jaillet said that the neighborhood opposition to that earlier proposal expressed on the night of that first hearing had led representatives of the Dedham Institute of Savings to withdraw its support of that proposal. He noted that the Town, Dedham Savings Bank and the owners of the Goode Plaza had been working toward a more acceptable solution to the problem of truck access ever since.

Mr. Jaillet further explained that, during the redesign of High Street, it was decided that a traffic signal was warranted at the intersection of Gay Street. He said that, in order for this traffic signal to function properly, the entrance and exit to the Goode Block needed to be aligned directly across from Gay Street. Unfortunately, Mr. Jaillet noted, this change, eliminated direct truck access to the rear of the Goode Block. He said that the redesign engineers proposed either leaving a curb cut for trucks to the right side of the relocated entrance/exit or providing a new driveway across the rear of the Dedham Institute of Savings parking lot.

Mr. Jaillet noted that, apart from this issue, a number of property owners from the Windsor Road neighborhood were upset that a traffic signal was not being provided for Windsor Road to allow for safer exiting from Windsor Road, primarily during rush hour and on Saturdays when traffic volumes are very heavy. He said that traffic engineers found the traffic volumes on Windsor Road insufficient to warrant a traffic signal, and these engineers also expressed concern with locating a traffic signal so close to the Gay Street traffic signal. However, Mr. Jaillet added, the town found that realigning the entrance and exit to the Library and Colburn School parking lot, and counting the traffic on Saturdays during the soccer season, resulted in conditions that just barely met a warrant requirement for a traffic signal. He explained that, once the Windsor Road traffic signal was added to the plan, and it was clear that a truck access curb cut between the two traffic signals could not possibly function properly, the recommendation of the traffic engineers was for a new truck access driveway off of Windsor Road. Mr. Jaillet noted that while most of the neighborhood was pleased about the decision to realign the entrance to the Library and Colburn School and install a traffic signal at Windsor Road, all were strongly opposed to providing truck access from Windsor Road. He said that, as a result, the Board of Selectmen directed that the High Street truck access curb cut be maintained as the solution to the truck access problem for the Goode Block.

Mr. Jaillet further explained that once construction was completed and the traffic signals were made operational, truck access to the Goode Block, as predicted, was extremely difficult and at times dangerous. He added that the turning movements resulted in the building being hit a number of times, and some of the larger trucks actually had to park in the front of the plaza to make their deliveries, interfering with parking, or had to back up in the rear parking lot which was particularly unsafe for pedestrians. Mr. Jaillet said that the owners of the Goode property then began discussing a privately-funded driveway access from Windsor Road, which would have been very similar to that which had been originally proposed by the traffic consultants. He said that plans for the privately-funded driveway were sent to the Planning Board for Site Plan Review, a public hearing was scheduled and notice was given to abutters. Mr. Jaillet reminded the board that the public hearing actually had to be postponed due to the absence of one of the Planning Board members, but that the neighborhood outpouring against this proposal, both through phone calls during the week leading up to the public hearing, and through a significant turn-out at the Planning Board meeting, was enough to make the parties reconsider their plans. He said that, after hearing the opposition to the proposal for truck access off Windsor Road, the parties decided to take another look at the situation to see if there was a better alternative, and the application for Site Plan Review was withdrawn.

Mr. Jaillet said that the Town, the Dedham Institute of Savings and the owners of the Goode Block began discussing alternatives. He noted that the continued delay in resolving this matter, coupled with the mounting legal and engineering costs incurred by the owners of the Goode Block, led to the filing of a law suit to recover damages caused by the limitation of access for delivery vehicles, and the parties redoubled their efforts to find a solution that provided truck access to the property that did not require a curb cut on Windsor Road. Mr. Jaillet said that the Town and the two commercial property owners, eventually came to agreement on the proposed solution to widen the truck access driveway along the right hand side of the Goode Block, through an encroachment on the property owned by the bank. He added that this proposal involved lowering the grade of this section of the bank lot, relocating a retaining wall, and eliminating three parking spaces used by bank customers and employees, thus it was agreed that three new parking spaces would be added to the bank's parking lot.

Mr. Jaillet explained that, since no additional parking spaces are being created under the new plan, and since the relocated two-foot high retaining wall does not meet the definition of a structure, neither the Building Commissioner nor Town Counsel felt that these modifications would require Site Plan Review. He said that, in an effort to accomplish this reconstruction before the onset of winter, a contractor was selected and engaged to begin the construction, but then the start of construction led to the expression of concern on the part of the neighborhood. In hindsight, he added, the neighborhood concern might have been alleviated had he sent out a letter describing the resolution that had been reached and that he believed was consistent with the concerns previously expressed by the neighborhood. Mr. Jaillet stated that this was an oversight on his part and said that he wanted to make it clear that Town Officials have made every effort to respond to the expressed concerns of the neighborhood.

Mr. Jaillet explained to the board and the neighborhood residents that he had asked Mrs. Loughnane to work with the bank to install some new landscaping along Windsor Road to better screen the expanded parking area. He also stated that he would speak to the bank about moving the dumpster away from the Windsor Road side of the lot and placing it closer to the Goode property, provided there is no adverse impact on the traffic flow in the parking lot. Mr. Jaillet added that, if relocation of the dumpster is not feasible, he would be willing to look into adding additional landscape treatments to shield the dumpster from the view of the neighborhood.

Several neighbors attended the meeting and were given a chance to speak and express

their concerns to the Board and Mr. Jaillet. Most wanted to be involved in the creation of landscape plans and to be involved in the early stages of any future plans affecting their neighborhood. Mr. Jaillet apologized for the lack of communication. He stated that Ms. Loughnane would schedule a meeting with those neighbors who were interested in shaping the landscape plans. He wrapped up his presentation and said he would have a discussion with the bank regarding the concerns raised this evening, and that he was confident that a resolution could be reached that would be satisfactory to all involved.

Mr. Bertorelli, Town Engineer, added that Beta Group has been engaged to analyze the functioning of the traffic lights on the High Street corridor. He said that Beta Group would make recommendations to his office regarding the timing of the traffic lights.

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, Tuesday, October 7, 2008, 8:20 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. (absent), 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.]