

**Town of Westwood Planning Board
Meeting Minutes
50 Carby Street
May 10, 2007
7:30 PM**

Board Members Present: Steven Olanoff, Bob Moore, Rob Malster, Bruce Montgomery,

Board Members Absent: George Nedder

Staff Members Present: Diane Beecham, Town Planner; John Bertorelli, Town Engineer

Continuation of Public Hearing: Application for a Senior Residential Development at High Rock Village

Applicant: Tremont Redevelopment Corporation/Michael Lombardi

Address: 30+-acre parcel in vicinity of High Street and Mill Street

Project: Approximate 119-unit Senior Residential Development

[A verbatim transcript of this public hearing entitled "TOWN OF WESTWOOD Application for Special Permit for the Residences at High Rock Village, 1255 High Street, Route 109 Westwood, Massachusetts 02090, HEARING, Tuesday, May 10, 2007 7:30 p.m. – 10:00 pm at Westwood Town Hall, 50 Carby Street, Westwood, Massachusetts 02090, Robert C. Malster, Chairman; Steven H. Olanoff, Vice Chairman; Robert E. Moore, Jr., Secretary; Member; Bruce H. Montgomery, Member; Diane Beecham, Town Planner; John Bertorelli, Town Engineer, Pages 1 – 120, transcribed by Janey Associates, P.O. Box 365355 Boston, MA 02136 will serve as the official minutes. A copy of this transcript is in the High Rock Village file.]

Decision: Application for Site Plan Review for Change of Use at New England Sports Academy

Applicant: New England Sports Academy

Address: 345 University Avenue

Project: Change of use of a portion of the commercial building located at 345 University Avenue into a day care center

[The Town Planner has provided a draft decision for the review of the Planning Board.]

Condition #2 Draft language: *The Applicant shall meet with the Town Planner, Town Engineer and the Building Inspector to develop a program to monitor the parking at this facility. This plan will include the use of an independent, third party to perform traffic counts on specific days, times and at special events. The costs associated with this monitoring plan will be the responsibility of the Applicant.*

Mr. Olanoff stated that he wants the parking lot monitored at all times; Mr. Malster and Mr. Moore indicated that monitoring the parking at all times would be difficult. Mr. Malster stated that the Applicant has adjusted program times in attempting to deal with the parking problem but this has been ineffective. Ms. Beecham stated that she wants the monitoring to be done by a party other than the Applicant, and be provided with comprehensive updates. Mr. Moore agreed. [The Board decided that the Town Planner and Mr. Olanoff should review this condition again and revise it to more accurately reflect what the independent monitor would be required to do and who the Applicant will have to meet with on staff to develop the parking monitoring program.]

Mr. Montgomery asked if any of the neighboring business owners have complained about NESAs spillover parking onto their lots. Ms. Beecham and Mr. Malster agreed that there have not been any complaints. Mr. Malster stated that at times when he has been on the premises, the patrons complain frequently about the parking situation and that patrons often illegally block aisles and/or park in the adjoining lot.

Condition #3 Draft language: *The Applicant must meet all applicable local, state and federal building, health and fire codes prior to the issuance of the required occupancy permit to operate the child care facility. This may include the installation of an additional handicapped accessible bathroom, as may be required by the Building Inspector.* Mr. Olanoff asked that the last sentence be deleted. Ms. Beecham responded that although this is technically is a building code issue, including this language puts the Applicant on notice that this is a likely possibility.

Condition #7 Draft language: *The Applicant shall provide to the Board of Health a copy of the license to operate a child care facility after it is issued by the Department of Early Education and Care, as requested in the memorandum from the Health Director, dated February 8, 2007.* Mr. Olanoff asked why Ms. Shea needed this. Ms. Beecham responded that all this condition requires is that the Applicant provide a copy of the license once it has been issued.

Mr. Olanoff suggested an additional condition: *The Applicant shall install and maintain a permanent fence along both sides of the driveway entrance to prevent automobiles from parking on any grass areas.* The Board agreed to this wording.

On a motion by Mr. Olanoff and seconded by Bruce Montgomery, the four members of the Board in attendance unanimously voted to accept the revised conditions and approve this Application subject to the following Decision:

APPLICANT

/OWNER: New England Sports Academy
345 University Avenue
Westwood, MA 02090

PROPERTY

LOCUS: 345 University Avenue
Town of Westwood Assessors' Map 37, Parcel 13

HEARING:

The Planning Board of the Town of Westwood held a public hearing in accordance with the General Laws of the Commonwealth of Massachusetts on Thursday, February 15, 2007 at 9:00 PM in the Champagne Meeting Room in the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts 02090 to consider the application of the New England Sports Academy pursuant to the provisions of Section 7.3 [Environmental Impact and Design Review] of the Westwood Zoning Bylaw.

PROJECT SUMMARY

New England Sports Academy (NESA) proposes to convert a portion of its 33,600 square foot facility located at 345 University Avenue into a child care facility to serve 20 students. This partial conversion of use requires Environmental Impact and Design Review approval pursuant to Section 7.3 of the Zoning Bylaw.

The New England Sports Academy is a multi-purpose recreational facility that provides such activities as gymnastics, dance, yoga, aerobics, cheerleading, wrestling, martial arts and soccer. The maximum occupancy of the building is 374 persons, as reported by the Applicant. NESA was originally issued Environmental Impact and Design Review approval in October 2003, when the building, which was the former location of Metropolitan Cabinet, was converted from a warehouse into its current use as multi-use, indoor recreation space. At that time, there were no exterior changes, alterations or additions made to site, with the exception of some minor changes to the 67-space parking lot. At that time, the Applicant indicated that the resulting parking ratio of 1.99 spaces per 1,000 square feet of building space would be sufficient.

However, since the New England Sports Academy has opened, there have been incidences of inadequate parking at the facility, as evidenced by the Community Safety Officer's memorandum dated February 6, 2007 [in file] and direct inspections. There has also been additional concern expressed on how the additional pick up/drop off traffic associated with the child care facility will aggregate the sporadic parking problems, especially if the day care extends during the summer camp months. As such, this Environmental Impact and Design Review decision has placed particular emphasis on monitoring the parking at this facility.

DECISION OF THE WESTWOOD PLANNING BOARD

The Planning Board, by a vote of five in favor and none opposed, hereby submits its Environmental Impact and Design Review *approval* pursuant to Section 7.3 of the Westwood Zoning Bylaw for the Project as described above and in the application therefor dated November 10, 2006 and subsequent revisions, and the following related submissions filed with the Planning Board by or on behalf of New England Sports Academy:

1. Plan entitled "As-Built Plan at 345 University Avenue in Westwood, MA", dated January 23, 2006 and revised through January 24, 2007, prepared by Toomey-Munson & Associates, Inc., 89 Access Road, Unit 12, Norwood, MA 02062 and consisting of one (1) sheet;
2. Memorandum to Diane Beecham, Town Planner from Sergeant Paul R. Sicard, Re: New England Sports Academy, dated February 6, 2007;
3. Memorandum to Diane Beecham, Town Planner from Linda R. Shea, REHS/RS, Re: Environmental Impact and Design Review-New England Sports Academy-Partial Change of Use to Accommodate a Child Care Facility, dated February 8, 2007;
4. Memorandum to New England Sports Academy, Attn: Henry Shternberg from Joe Doyle, Building Inspector, Re: Occupancy Loads, dated February 5, 2007;

5. Letter to Joseph Doyle, Jr., Building Commissioner from Michael Oratovsky AIA, Re: New England Sports Academy [verification of emergency exits and occupancy], dated February 14, 2007;
6. Brochure entitled "NESAs Super Kid Academy" which states that the school year is from September 5th through June 22nd;
7. All of the foregoing plans and reports are hereby incorporated by reference and made part of this Decision.

CONDITIONS

The foregoing approval is issued to the Applicant for the aforementioned Project in accordance with the terms and conditions set forth below, all of which are an integral part hereof:

1. Except as modified by the conditions and findings hereof, the Project shall comply with the final Project Plans in all respects, and the Applicant shall pursue completion of the Project with reasonable diligence and continuity.
2. The Applicant shall meet with the Town Engineer to develop a program to monitor the parking at this facility. This plan will include the use of an independent, third party to perform traffic counts on specific days, times and at special events. The costs associated with this monitoring plan will be the responsibility of the Applicant. [To be further revised].
3. The Applicant must meet all applicable local, state and federal building, health and fire codes prior to the issuance of the required occupancy permit to operate the child care facility.
4. The Applicant shall continue to work with the Community Safety Officer to get state approval to erect "No Parking" signs on University Avenue in front of the facility.
5. The missing or broken bollards shall be reinstalled around the handicap ramp system located on the southerly side of the building.
6. The Applicant shall provide to the Board of Health a complete copy of the application packet and lead certification that was provided to the Department of Early Education and Care, as requested in the memorandum from the Health Director, dated February 8, 2007.
7. The Applicant shall provide to the Board of Health a copy of the license to operate a child care facility after it is issued by the Department of Early Education and Care, as requested in the memorandum from the Health Director, dated February 8, 2007.
8. The existing wall-mounted lighting fixtures affixed to the northerly side of the building must be moved so that they are mounted no higher than fifteen (15) feet above grade as required by Section 6.4.6 of the Bylaw.

9. The Applicant shall install and maintain a picket-type fence along both sides of the driveway entrance and elsewhere as needed to prevent automobiles from parking on grass areas.
10. As required in Section 6.1.1 of the Zoning Bylaw [Off-Street Parking], "...Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question." The Applicant must ensure that the users of the facility will not park in any lot of an adjoining building or along University Avenue or other proximate streets. If the Building Inspector determines that there is a consistent violation of this zoning provision, the Applicant will be required to expand the number of off-street parking spaces. Any approval to expand the existing parking lot on this site will include the requirement to upgrade the stormwater management system to current standards.
11. This Environmental Impact and Design Review approval shall lapse within a specified period of time, not more than two (2) years, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun within the specified period of time except for good cause. Prior to the expiration of the Environmental Impact and Design Review approval, the Applicant may apply for an extension of this approval for a period not to exceed one (1) year if the substantial construction or use thereof has not commenced for good cause.

Endorsement of Decision: Application for Scenic Roads

Applicant: OPDV Trust

Address: 303 Grove Street/Sarkis Property

Project: Opening of stone wall to accommodate driveway for Lot 119

On a motion by Bruce Montgomery and seconded by Bob Moore, the four members of the Planning Board approved the scenic roads application cited above subject to the following Decision:

APPLICANT: O.P.D.V. Trust, Christopher M. Noble, Trustee; Grove Street, Land Court Plan 30612V, Lot 119

PROPERTY LOCUS: In the vicinity of 303 Grove Street; Town of Westwood Assessors' Map 5, Parcel 019

PROJECT SUMMARY:

O.P.D.V. Trust proposes to remove approximately eighty (80) linear feet of an existing fieldstone wall located along Grove Street to allow for a driveway opening on Lot 119. The location of the opening and the fieldstone wall is shown on the plan entitled "Driveway Plan - Lot 119 Hawthorne Estate 303 Grove Street Westwood, Massachusetts Prepared for Christopher M. Noble, O.P.D.V. Trust", dated August 30, 2006 and revised through November 28, 2006.

The original application provided for a driveway opening and driveway location straddling the lot line between Lot 119 and Lot 120, to serve the existing estate residence on Lot 118. Subsequent to the site visit, the location of the opening was moved entirely onto Lot 119. Also, because the Board's interpretation that the location of a driveway through one or more lots to serve another lot constitutes a shared driveway, the Applicant revised the plan

to show only the driveway opening on Lot 119. The actual driveway location serving Lot 118 was removed from the plan. However, if the Applicant intends to use the driveway opening on Lot 119 to access Lot 118, then a shared driveway special permit will be required.

The work subject to this Scenic Roads application involve the removal of approximately eighty (80) linear feet of an existing fieldstone wall along Grove Street. The removed stones will be reused as necessary to construct an enhanced entrance for the driveway, which will include repositioned fieldstone walls and end posts which flank the driveway. The driveway will have a pavement width of approximately eighteen feet and typical curb radii of thirty (30) feet.

These lots are part of a larger development which includes a total of nine (9) new residential building lots and one (1) lot with an existing estate residence. The development parcel is approximately thirty-six (36) acres in size and is located at the northeasterly corner of Summer Street and Grove Street. The Approval Not Required plan creating the lots was endorsed by the Planning Board in 2005. A Shared Driveway special permit was granted for these two lots by the Planning Board on March 26, 2007.

STATEMENT OF FINDINGS:

The Town of Westwood Planning Board makes the following findings with respect to the abovementioned Application:

1. On August 30, 2006, an application was filed by O.P.D.V. Trust, Christopher M. Noble, Trustee pursuant to M.G.L. Chapter 40, §15C and the Rules and Regulations of the Town of Westwood Planning Board as Permit Granting Authority Pursuant to M.G.L. Chapter 40, §15C, adopted July 14, 2004 ("Scenic Roads Rules and Regulations"). The Planning Board is the Permit Granting Authority under this Section.
2. The removal of the designated portion of the existing fieldstone wall within the Grove Street public right-of-way will include more than fifteen (15) linear feet of the wall involving more than one (1) cubic foot of wall material per linear foot above existing grade. A permit pursuant to M.G.L. Chapter 40, §15C and the Town of Westwood Scenic Roads Rules and Regulations is required for the wall removal.
3. A public hearing was held in accordance with the Westwood Scenic Roads Rules and Regulations in the Champagne Meeting Room, 50 Carby Street, Westwood, Massachusetts on October 24, 2006 and December 19, 2006 at which time the Planning Board closed the public hearing at the end of this hearing. The Planning Board also held a site visit on November 10, 2006. Planning Board members Robert C. Malster, Bruce H. Montgomery, Robert E. Moore, Jr., Steven H. Olanoff and George A. Nedder were present for all public hearings.
4. The stone wall opening to accommodate the driveway opening will have minimal negative impact on the natural and environmental resources of Grove Street.
5. The stone wall opening to accommodate the driveway opening will have minimal impact on the scenic and aesthetic characteristics of Grove Street.

6. The stone wall opening to accommodate the driveway opening will have minimal impact on the historical characteristics of Grove Street.
7. The stone wall opening to accommodate the driveway opening is sited in a location that will have minimal impact on public safety.
8. Reuse of the removed stones and construction of an enhanced entrance to the driveway are appropriate compensatory actions that will provide benefit to the neighborhood by improving the aesthetic and historic value of Grove Street.

DECISION:

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 finds that if the conditions hereinafter set forth are satisfied, the Project will not produce a substantial adverse impact upon the safety, environmental, historical or aesthetic characteristics of the area or property therein.

The Planning Board, by a vote of five in favor and none opposed, hereby submits its **approval** pursuant to Chapter 40, §15C and the Town of Westwood Scenic Roads Rules and Regulations for the Project as described in the Application therefor dated August 30, 2006, subject to the conditions stated herein.

1. Plan entitled "Driveway Plan – Lot 119 Hawthorne Estate 303 Grove Street Westwood, Massachusetts Prepared for Christopher M. Noble, O.P.D.V. Trust", dated August 30, 2006 and revised through November 28, 2006, prepared by Meridian Associates, Inc., 152 Conant Street, Beverly, Massachusetts 01015 and 69 Milk Street, Suite 302, Westborough, Massachusetts 01581, consisting of one (1) sheet;
2. Report entitled "Stormwater Management Report, Proposed Common Driveways Serving Lots 122, 123 & 124 and Lots 126 & 127, Hawthorn Estate Property Grove Street and Summer Street, Westwood, Massachusetts", dated August 30, 2006, Prepared by Meridian Associates, Inc., 69 Milk Street, Suite 032, Westborough, Massachusetts 01581, consisting of 49 pages.

The foregoing plans and documents are hereby incorporated by reference and made part of this Decision.

CONDITIONS OF APPROVAL:

The approval of the abovementioned Application is subject to the following conditions:

1. To the fullest extent possible, the Applicant, its heirs, successors or assigns shall minimize the removal or disturbance of existing vegetation and the remaining fieldstone wall during the construction of the driveway.
2. After the designated area of the fieldstone wall is removed and the subsequent construction of the driveway, there shall be no additional clearing or pruning of the vegetation within the Grove Street right-of-way. The Applicant, its heirs, successors or assigns may remove or prune dead, diseased or noxious vegetation within this right-of-way only with the approval of the Tree Warden.

3. The Tree Warden shall be given adequate written notice prior to the start of the stone wall opening.
4. The opening of the stone wall to accommodate the driveway shall be located as shown on the Project Plans and shall be no wider than is necessary to safely accommodate the thirty (30)-foot curb radii and eighteen (18)-foot pavement width of the driveway, as shown on said Plans. No more than eighty (± 80) linear feet of the existing stone wall shall be removed, as requested in the Application.
5. To the fullest extent possible, the Applicant shall reuse the stones removed to create the new opening, and others as needed, to reinforce and repair areas of the existing stone wall that have fallen into disrepair.
6. If the Applicant, its heirs, successors or assigns wants to use the driveway opening on Lot 119 to access Lot 118 and/or other lots, then a shared driveway special permit will be required.

The meeting was adjourned at 11:00 pm.