

**Town of Westwood Planning Board
Meeting Minutes
50 Carby Street
May 29, 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

Public Hearing: Application for Site Plan Review for 100 High Street

Applicant: Tony Nakhle

Address: 100 High Street

Project: Change of use from Residential to Office for a building located at 100 High Street and the construction of a 26-space parking lot

Chairman Malster opened the hearing by reading the legal notice.

Edward J. Richardson, the attorney representing the Applicant Tony Nakhle presented the background information on the project. Mr. Richardson stated that his client is proposing to change the use of the building, which is now used as a residence, to a legally conforming 6,000 square foot real estate office building. As part of the project, they are also planning to construct a 26-space parking lot. The exterior of the building is to remain the same. The Applicant will also need to apply for an earth material movement special permit from the Board of Appeals.

Mr. Richardson brought up the issue that the driveway to the property (runs parallel to Route 109 and is accessed from Lowder Brook Drive) is in the old state Route 109 easement and that he is aware of some safety issues that have been raised by Meditech. There had been a suggestion that rather than use the existing access of Lowder Brook (which is a private way with public access rights in vicinity of Route 109); Meditech suggests that a new curb cut directly onto Route 109 be created. Mr. Richardson does not think this is necessary and that the existing driveway access onto Lowder Brook is safe.

Mr. Bertorelli concurred that the topography in that location would make it difficult to install a curb cut and new driveway off of Route 109. Massachusetts Highway Department would also have to authorize a curb cut as well.

The Applicant's traffic engineer, Bill Lyons with Traffic Solutions, LLC, presented an exhibit stating the number one issue presented by Meditech is the number of larger trucks making a u-turn into Lowder Brook Drive. [As part of the Route 109 reconstruction project, the cut in the Route 109 median directly across from Grove Street was eliminated. Meditech has indicated that Grove Street traffic that wants to travel east on Route 109 makes a u-turn at the Meditech traffic light, but rather than completing the turn within Route 109, most cars, SUVs and delivery trucks can not make that turn and instead uses their driveway or rides up on their median in their driveway.]

Mr. Lyons stated that he thinks that all but the largest vehicles can make the turn without a safety issue. Mr. Moore asked if the UPS truck is the largest truck that could make this turn. Mr. Lyons answered yes. He further asked Mr. Lyons if he conducted a traffic volume study. Mr. Lyons answered no. Mr. Lyons suggested possibly posting a sign that stated

“authorized users only” at the top of Lowder Brook Drive.

William O’Toole, Meditech’s attorney, was present at the public hearing and expressed Meditech’s concern as an abutter of the property. Mr. O’Toole stated there has been an ongoing problem with u-turns on their property since the Route 109 median was closed in front of Grove Street. He states that large trucks consistently drive over the median and sometimes cannot make the u-turn at all and end up further down the Meditech property. Mr. O’Toole stated that he personally observed 66 vehicles in one half hour which were making u-turns from Route 109 and entering into the Meditech property. He indicated that Meditech is concerned about its liability in the event that someone has an accident on their property. He further stated that Meditech own this section of roadway and does plow and maintain it and he would like to see the u-turns prohibited.

Mr. Bertorelli, Town Engineer and Sgt. Sicard, Safety Officer also suggested possibly prohibiting u-turns. There was further discussion by Mr. Bertorelli about access to the property directly from Route 109. Mr. Bertorelli stated that due to a 6-foot drop in the terrain, it would not be logical to have a curb cut in this location.

Mr. Richardson stated that the issues Meditech has are existing issues with increased traffic volume in that area; they do not deal with his client’s property in particular.

Jim Burke, the Applicant’s civil engineer was present at the meeting and reviewed plans for the property. Mr. Burke stated that the existing driveway will remain the same. Mr. Bertorelli asked about 4” caliper trees, architectural barriers, outlet control, two elevations, catch basins and e1 pressure main that were the subject of the Assistant Town Engineer’s review letter. Also discussed was a small isolated pocket of wetlands. Mr. Bertorelli asked about the lighting to be used. Mr. Burke stated there will be only one pole with a single light fixture on it.

The Board of Health indicated in their review letter that they had an issue with an old cesspool located on the property. Mr. Burke stated it would be filled in during construction of the parking lot. Mr. Olanoff asked about the amount of trees being removed to accommodate the project. Mr. Burke stated that the trees were being removed partly to accommodate the new parking lot and also to provide more visibility for the business.

Ms. Beecham stated that according to the zoning bylaws, the Planning board is generally restricted to the review of the removal of trees that are over 6 inches in diameter. Mr. Olanoff stated he would like to see exactly what trees are being removed. Mr. Moore asked if any trees could be saved. Mr. Bertorelli stated that the trees could be thinned in order to keep some of the trees. Mr. Olanoff asked about the height of the retaining wall. If the wall is greater than 4 feet, it would be considered a structure and must be approved by the building inspector. Mr. Burke stated he would provide responses to the above matters in a follow-up document. A suggestion was also made for a traffic volume assessment to be conducted.

On a motion by Mr. Montgomery and seconded by Mr. Moore, the Board members in attendance voted unanimously to continue the hearing to Tuesday, June 26th at 7:00 pm.

Public Hearing: Application For Site Plan Review for 1472 High Street (Sassy Building)
Applicant: Phil Eramo

Address: 1472 High Street

Project: Construction of a new second floor to the Sassy building at 1472 High Street

Chairman Malster opened the hearing by reading the legal notice.

Mr. Eramo was present at the hearing to provide a summary of his development proposal for the property located at 1472 High Street. He is proposing to remove and replace the second floor of the existing structure in order to update the rental accessory apartment. Mr. Eramo gave a brief history of the building as it was built and added onto over the past 20 years. The plan is to remove the front and rear dormers and replace them with a more colonial roof style. A conceptual image showing the proposed second floor addition was provided along with a copy of the plot plan and some current photos of the building today.

It was stated that the Zoning Board of Appeals has already granted a request for a Special Permit pursuant to Section 4.5.3 entitled Nonconforming Structures and granted a Special Permit under section 4.5.2 entitled Nonconforming Uses, in order to remove and replace a second story structure.

Mr. Malster asked whether there would be changes to the lighting on the site, parking or storm water management. Mr. Eramo stated there are no changes to these items.

Mr. Eramo stated that the Building Inspector did not have any outstanding issues with this project.

Ms. Beecham stated that Mr. Eramo needed to contact the Board of Health with regard to compliance with the dumpster regulations, as there is a dumpster located on the property.

A neighbor at 1457 High Street was present to support the remodeling of this property and did not have any adverse comments.

On a motion by Bruce Montgomery, and seconded Robert Moore, the Planning Board voted unanimously to close this hearing at 9:20 pm.

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

[There was some controversy about the wording of one draft Condition #2 relating to a traffic monitoring program for this property since there had been issues with respect to this facility's parking lot. The Town Planner was asked to work with Steve Olanoff to revise the wording of this condition to reflect the sentiments of the Board's discussions. Mr. Olanoff has proposed the following condition, which was incorporated into the decision that has not yet been filed with the Town Clerk or Building Inspector, but had been given to the Applicant:

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.

Rob Malster indicated that this was not sufficient and did not adequately reflect what the Board wanted. The following language is what was proposed which was accepted by the Board and provided in the decision that was filed with the Building Inspector and Town Clerk:

2. The Applicant shall meet with the Town Engineer to develop a comprehensive program to monitor the parking at this facility, to insure that vehicles are properly parked, and that drop-offs and pickups occur in a safe manner with no backups onto University Avenue. The Town Engineer may require the Applicant to hire an independent parking monitor to perform traffic counts on specific days, times and at special events. These counts would serve as the basis from which to develop a plan to mitigate any parking problems at this facility. The costs associated with this condition will be the responsibility of the Applicant.

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 "NESA 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 comprehensive program to monitor the parking at this facility, to insure that vehicles are properly parked, and that drop-offs and pickups occur in a safe manner with no backups onto University Avenue. The Town Engineer may require the Applicant to hire an independent parking monitor to perform traffic counts on specific days, times and at special events. These counts would serve as the basis from which to develop a plan to mitigate any parking problems at this facility. The costs associated with this condition will be the responsibility of the Applicant.
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.

Westwood Station Requests for Extension of Subdivision and Consolidated Special Permit Public Hearing and Filing Dates

Ms. Beecham reported that the Cabot, Cabot & Forbes sent a letter with a request to extend the time period to June 28, 2007, by which the Planning Board is required to hold a public hearing on the application or special permits as requested in the First Amendment to Application for MUOD Area Master Plan Special Permit for Westwood Station, filed March 16, 2007. On a motion by Robert Moore, and seconded by Bruce Montgomery, the Planning Board voted unanimously, (4 members) to grant the Applicant's written request, beyond the 65 days as required by M.G.L. Chapter 40A, section 9 to June 28, 2007.

Ms. Beecham reported that the Cabot, Cabot & Forbes sent a letter with a request to extend the time period on the Definitive Subdivision Plan for Westwood Station, submitted by Traffic Solutions, Inc. as agent, to the Westwood Town Clerk, Planning Board and Sewer Commissioners on March 1, 2007. On a motion by Robert Moore, and seconded by Bruce Montgomery, the Planning Board voted unanimously, (4 members) to grant the Applicant's written request for an extension of the time from which the Planning Board has to file a decision on the abovementioned Definitive Subdivision Plan to August 30, 2007.

The meeting was adjourned at 10:00 pm.