

**Town of Westwood Planning Board  
Meeting Minutes  
Carby Street Building  
January 10, 2006  
7:30 PM**

**Board Members Present:** Steven Olanoff, Bob Moore, Rob Malster, Henry Gale, George Nedder

**Board Members Absent:**

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

The meeting was convened at 7:40 pm.

**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 project

[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, January 10, 2006 7:38 p.m. at Westwood Town Hall 50 Carby Street, Westwood, Massachusetts 02090 Robert Moore, Jr., Chairman; Diane Beecham, Town Planner; Robert Malster, Member; Henry Gale, Member; Steven Olanoff, Member, George A. Nedder, Member Volume III, Pages 1-50", transcribed by Janey Associates will serve as the official minutes. A copy of this transcript is in the High Rock Village file.]

**Expansion of Highland Glen Progress Report**

**Applicant:** Equity Residential

**Address:** Highland Glen Road

**Project:** Amendment of 1976 Comprehensive Permit to expand Highland Glen by an additional 102 units

Diane Beecham provided an overview of the project. She stated that the Comprehensive Permit was amended by the Board of Appeals a couple of years ago to increase the number of units to 138. The approval was appealed by both the applicant and the immediate abutters. The appeals have since been settled and the number of units was reduced to 102. The applicant then attempted to apply for their building permits last summer. Since the site plan had not undergone a technical review since the initial public hearing process, it was decided that the Planning Board were take the lead role in this. The applicant and their development team came before the Planning Board last July and made a detailed presentation. Carl Balduf, the Town Engineer at the time, had also done a detailed review of the plan prior to this presentation. The applicant has since made the changes to the plan based on the Planning Board and Town Engineer's comments and they are now looking to apply for their necessary permits. The new Town Engineer, John Bertorelli, has also had the opportunity to review the plan, particularly the drainage,

since that was the focus of concern of Mr. Balduf's review.

Mr. Olanoff stated that he wanted a final copy of the plan that incorporates all the final changes.

John Bertorelli stated that he had been doing inspections and has talked to VHB, the civil engineers for the project, regarding the detention basin and felt that the bottom should not be sealed at this time. If problems persist, then the bottom of the detention basin could then it could always be sealed.

Mr. Bertorelli also indicated that VHB will provide weekly job site meeting minutes.

Diane Beecham indicated that she will follow up on the non-zoning issues, including the required \$50,000 contribution toward a signal at Highland Glen Road and the required conservation restriction around the problem that must be recorded.

### **Approval of Meeting Minutes**

On a motion by Mr. Gale and seconded by Mr. Malster, on a vote of three in favor and two abstentions, the Planning Board voted to approve the meeting minutes for the following meetings: July 5, 2005; August 9, 2005; August 23, 2005 and September 6, 2005.

### **Public Hearing: Modification, Amendment or Rescission of Definitive Subdivision Plan entitled Westview Estates**

**Applicant: Westwood Planning Board**

**Address: In the vicinity of Briarwood Drive and Thompson Avenue**

**Project: Modification, Amendment or Rescission of the unconstructed portion of Westview Estates subdivision**

**In Attendance: Philip Phillips, owner of Westview Estates subdivision**

Mr. Moore read the legal notice and opened the public hearing.

Diane Beecham provided an overview of the history of this project. She stated that this subdivision was approved by the Planning Board in 1965. The plan as recorded in the Registry is one page, and provides very little information on the construction standards for the development of the subdivision. What little information is provided is well below the current standards required for subdivision construction.

Ms. Beecham indicated that approximately half the lots in this subdivision were developed, leaving approximately 13 undeveloped lots. These undeveloped lots are secured by a covenant. Mr. Phillips had requested that the covenant be released for these lots; he wanted to a bond instead to serve as the performance guarantee to cover the costs of the required infrastructure. Mr. Phillips was insistent that the bond be set in the amount to cover the cost of the infrastructure as shown on the 1965 plan and not for current standards. Mr. Phillips had indicated that he was willing to negotiate about the upgrading but did not want that reflected in the bond amount. The Board felt that it could not allow for the remaining part of the subdivision to be built at these very substandard construction standards so, on its

own petition, called this Section 81W public hearing to modify, amend or rescind the unconstructed portion of the Westview Estates subdivision.

Mr. Phillips stated that he met with several engineering companies to discuss the subdivision. He stated that he had also met with Town Counsel. He indicated that he wants to make clear that he is only looking for the bond amount to release six lots along Thompson Avenue, and not for the entire unconstructed portion of the subdivision. He reiterated that he knows his rights and that the bond must reflect the value of the improvements shown on the original 1965 plan.

Mr. Phillips stated that the utilities are in and have been inspected and approved by the Town. He would like a representative from the Planning Board to be appointed to negotiate with him regarding the completion of this subdivision.

Mr. Olanoff stated that a lot of things have changed since 1965 and the Town looks to the Planning Board to represent their interests and to ensure that subdivisions are constructed properly and safely. He stated that the Town now has additional obligations that were not around in 1965. For example, there is an obligation for the Town to have good water quality; in 1965, there was not even a Clean Water Act. He stated that the drainage has to be up to the current standards or the Town would not be able to accept it.

Mr. Cappuccino, 70 Winter Street, stated that he was concerned regarding the decrepit condition of Mr. Phillip's house and should this be a factor as part of this process? Mr. Moore stated that this was more of a building/zoning enforcement issue rather than a subdivision issue.

John Bertorelli stated that the existing utilities need to be tested as it is not known exactly where these utilities are located and the condition that they are in. Once this is known, then the situation can be properly evaluated.

Resident of 116 Winter Street asked who had the ability to release the covenant? The Planning Board or the Town Planner? The response was that only the Planning Board, on a formal vote, has the authority to release a covenant.

Mr. Phillips stated that he wanted to put on the record that he did not concur with this Section 81W process. He wants to formally note that the covenant is a legal binding contract between the developer and the Planning Board and should be respected.

On a motion by Mr. Gale and seconded by Mr. Nedder, the Planning Board voted unanimously to continue this public hearing to March 7, 2006 at 8:00 pm.

The meeting was adjourned at 9:30 pm.