

**Town of Westwood Planning Board
Meeting Minutes
50 Carby Street
December 19, 2006
7:30 PM**

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

Board Members Absent: None

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

The meeting was convened at 7:30 pm.

Continuation of Public Hearing: Application for a Special Permit for a Shared Driveway

Endorsement of Previously Approved Definitive Subdivision Plan

Applicant: Joseph Flanagan, Sr.

Address: 215 High Street

Project: 2-lot subdivision plan to create lot for existing carriage house and special permit for shared driveway to serve the carriage house

In Attendance: Don Myers, Norwood Engineering

Mr. Meyers stated that the carriage house was acquired from the adjoining property owner. It was on a small separate lot that was able to be created through the ANR process because it was a "substantial" structure that predated the Town's adoption of the Subdivision Control Law. However, the lot was not conforming (it had no frontage). A subdivision plan that provided for a new subdivision roadway to provide frontage was approved in 2003; the plan provided waivers so that the new roadway did not have to be constructed. Instead, a special permit application for a shared driveway was submitted so that the carriage house could use the existing driveway that now serves the principal house. That application was originally submitted at the time that the subdivision application was submitted, but was ultimately withdrawn for reasons dealing with the relationship between the applicant and the engineer. Ultimately, the application was resubmitted, which is now before the Board.

The plan as now revised incorporates the following changes requested by the Fire Department:

- * minimum driveway width of 14 feet with a 65-foot turning radius and a note to that effect added to the plan;
- * hydrant in a location as required by the Fire Chief.

Mr. Bertorelli asked about surety to make sure that the required improvements are in fact constructed. Ms. Beecham explained that there is an active covenant for the subdivision as so they can not sell or build upon the lots until the infrastructure is constructed. However, given the unique circumstances of the subdivision [i.e. the subdivision was created to provide frontage for the existing carriage house], a

condition of the special permit to require the construction of the shared driveway within a certain period of time; otherwise they will have to set a bond.

On a motion by Bruce Montgomery and seconded by George Nedder, the Planning Board voted four in favor and one abstention to close the public hearing and to approve the special permit as follows:

**DECISION OF THE PLANNING BOARD
OF THE TOWN OF WESTWOOD**

APPLICANT

/OWNER: Joseph T. Flanagan, Sr.
215 High Street
Westwood, MA 02090

PROPERTY

LOCUS: 215 High Street
Town of Westwood Assessors' Map 5, Parcel 39

PROJECT SUMMARY:

Prior to June 2003, the Applicant acquired a carriage house from the property owner of the 206 Grove Street subdivision, which adjoins his property. Since the carriage house was one of two substantial structures on the 206 Grove Street parcel in existence at the time the Town adopted the Subdivision Control Law, the division of land separating these structures into separate parcels is not considered to be a subdivision. A non-complying parcel (with no frontage) was subsequently created for the carriage house and sold to the Applicant. In June 2003, the Applicant submitted a Definitive Subdivision Plan to create a complying lot for the carriage house, with waivers requested so not to construct the subdivision roadway. A shared driveway special permit application was submitted to allow the carriage house to instead use the principal house's driveway for access. The hearings for the subdivision and special permit applications were held and closed simultaneously.

In October 2003, the Planning Board conditionally approved the Definitive Subdivision Plan. Subsequently, a dispute arose between the Applicant and the project engineer. As a result, the Definitive Plan was not endorsed since no further engineering changes were made to the plan as required by the certificate of approval. Since this revised plan was also to serve as the basis for the Board's decision on the special permit application, this application was ultimately withdrawn without prejudice.

The Applicant and project engineer resolved their dispute and in October 2005, the Applicant submitted a new application for a shared driveway special permit. The required changes to the Definitive Plan were also completed.

The property is located within the Single Residence E zoning district and presently contains the principal single-family residence, several sheds and a 120' x 60' barn

and a 35' x 40' barn on one lot and the carriage house on the second lot. The approved subdivision plan provides for a subdivision roadway to provide frontage to the carriage house lot, which will remain unconstructed. Access will instead be provided by the existing driveway, which will be upgraded to a paved minimum width of 14 feet with two-foot wide gravel shoulders on both sides of the driveway. A turn-around with a 65-foot radius will be constructed at the terminus of the driveway. A fire hydrant will be installed on the carriage house lot.

PROCEDURAL FINDINGS:

1. On October 31, 2005, an application was filed by Joseph T. Flanagan, Sr. pursuant to Section 6.1.26 [Shared Driveways] of the Westwood Zoning Bylaw. The Planning Board is the Special Permit Granting Authority under this Section.
2. The Property subject to the application is located in the Single Residence E zoning district. A shared driveway is allowed in this zoning district subject to the grant of a special permit.
3. A public hearing was held in accordance with the General Laws of the Commonwealth of Massachusetts in the Champagne Meeting Room, 50 Carby Street, Westwood, Massachusetts on December 14, 2005; February 7, 2006; February 21, 2006 (immediately continued); April 1, 2006; June 6, 2006; September 12, 2006 (immediately continued); October 24, 2006 (immediately continued) and December 19, 2006 at which time the Planning Board closed the public hearing at the end of this hearing. All statutory requirements for notice of the public hearing have been complied with pursuant to M.G.L. Chapter 40A § 11. Planning Board members Robert C. Malster, Robert E. Moore, Jr., Steven H. Olanoff and George A. Nedder were present for all public hearings.

PROJECT FINDINGS:

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

1. The shared driveway will eliminate the need to construct a full subdivision roadway to serve the two existing residences on the property, which are currently using the existing driveway on the property with minimal impact.
2. The shared driveway will eliminate the need for substantial earth disturbance that would be required to construct the subdivision roadway and individual driveways alternative, and thus is a more environmentally sensitive design.
3. The shared driveway will have minimal negative impact on the historical and aesthetic character of High Street.

4. The design and construction standards of the shared driveway will provide adequate access and turnaround area for emergency response vehicles and non-emergency municipal vehicles. It is a substantial improvement relative to the existing driveway on the property, which the Fire Chief has indicated does not provide sufficient emergency access to the large horse barn on the Property.
5. The increased pavement width of the shared driveway's intersection with High Street improves the overall safety of this intersection.
6. Based on the above findings, the shared driveway will result in a better overall project design than the construction and use of separate driveways.
7. The Maintenance Agreement submitted as part of the Application will adequately provide for the long-term maintenance of the shared driveway.
8. The shared driveway does not circumvent the intent of M.G.L. Chapter 40, the Subdivision Control Law.

DECISION:

The Planning Board has evaluated the application in relation to the above findings and as the Special Permit Granting Authority, the Board, by a vote of four in favor and one abstention, finds that the adverse effects of the proposed shared driveway as described above and in the Application therefor October 31, 2005 and subsequent revisions, and the following related submissions (hereinafter referred to as the "Project Plans") filed with the Planning Board by or on behalf of Joseph T. Flanagan, Sr. will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to the site and votes to **approve** said Application, subject to the conditions stated herein:

Plan dated June 19, 2003 and revised through December 7, 2006, prepared by Norwood Engineering Co., Inc., 1410 Route One, Norwood, MA 02062, consisting of the following three (3) sheets:

Sheet 1, Lotting Plan 2-Lot Definitive Subdivision 215 High Street Westwood, Mass., dated June 19, 2003 and revised through December 7, 2006; Sheet 2, Details 2-Lot Definitive Subdivision 215 High Street Westwood, Mass., dated June 19, 2003 and revised through December 7, 2006; Sheet 3, Sewer Plan 2-Lot Definitive Subdivision 215 High Street Westwood, Mass., dated June 19, 2003 and revised through December 7, 2006;

The foregoing plan is 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. A covenant shall be recorded requiring that if there is any conveyance of Lot 1 and/or Lot 2 as shown on the Project Plans/Definitive Subdivision Plan or a new principal dwelling is constructed on Lot 2, then, in either event, the existing sewer service from the 35' x 40' barn to the existing principal dwelling on Lot 1 shall be removed and a new connection to the 8' x 6' wye shall be made in accordance with Note #5 on said Plans. The covenant shall be recorded in the Registry of Deeds and indexed under the name of the property owner of record and parcel address. A copy of the recording shall be provided to the Planning Board. This recorded covenant is hereby incorporated by reference and made part of this Decision.
2. A covenant shall be recorded requiring that for a period of five years from the recording of the Project Plans/Definitive Subdivision Plan at the Registry of Deeds, there shall be no application for construction of a new principal dwelling on Lot 2. The covenant shall be recorded in the Registry of Deeds and indexed under the name of the property owner of record and parcel address. A copy of the recording shall be provided to the Planning Board. This recorded covenant is hereby incorporated by reference and made part of this Decision.
3. The agreement entitled "Shared Driveway Maintenance Agreement, Lots 1 and 2, 215 High Street, Westwood, Massachusetts" shall be recorded in the Registry of Deeds and indexed under the name of the property owner of record and parcel address. A copy of the recording shall be provided to the Planning Board. This recorded agreement is hereby incorporated by reference and made part of this Decision.
4. The shared driveway shall serve only the two lots as shown on the Project Plans /Definitive Subdivision Plan.
5. The shared driveway shall not be extended to connect to any other streets or ways except where it originates on High Street.
6. The shared driveway shall not be used as frontage for any buildable lots.
7. This Special Permit shall not take effect until a copy of the Decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk County Registry of Deeds and indexed under the name of the property owner of record and parcel address. If the Special Permit has been approved by reason of the failure of the Special Permit Granting Authority to act within the time prescribed, a copy of the Application for the Special Permit accompanied by the certification of the Town Clerk stating the fact that the Special Permit

Granting Authority failed to act within the time prescribed, and whether or not an appeal has been filed within that time, and that the grant of the Application resulting from the failure to act has become final, is recorded in the Norfolk County Registry of Deeds and indexed under the name of the property owner of record and parcel address.

8. This Special Permit 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 Special Permit, the Applicant may apply for an extension of the Special Permit for a period not to exceed one (1) year if the substantial construction or use thereof has not commenced for good cause.
9. Any alterations, modifications, deletions or amendments to this Special Permit shall be done in accordance with the requirements of M.G.L. Chapter 41A § 9.

RECORD OF VOTE:

The following members of the Planning Board voted to grant a special permit for the abovementioned Application: Steven H. Olanoff, Robert E. Moore, Jr., Robert C. Malster, George A. Nedder.

The following members of the Planning Board abstained from voting on the abovementioned Application: Bruce H. Montgomery.

The following members of the Planning Board voted in opposition to the grant of a special permit for the abovementioned Application: None.

[The Planning Board also endorsed the Definitive Subdivision Plan dated June 19, 2003 and revised through December 7, 2006, prepared by Norwood Engineering Co., Inc., 1410 Route One, Norwood, MA 02062, consisting of the following three (3) sheets: Sheet 1, Lotting Plan 2-Lot Definitive Subdivision 215 High Street Westwood, Mass., dated June 19, 2003 and revised through December 7, 2006; Sheet 2, Details 2-Lot Definitive Subdivision 215 High Street Westwood, Mass., dated June 19, 2003 and revised through December 7, 2006; Sheet 3, Sewer Plan 2-Lot Definitive Subdivision 215 High Street Westwood, Mass., dated June 19, 2003 and revised through December 7, 2006.]

Continuation of Public Hearing: Application for Special Permits for Shared Driveways/Scenic Roads
Applicant: OPDV Trust
Address: 303 Grove Street/Sarkis Property
Project: Request for two shared driveways to serve two and three lots, respectively

In Attendance: Jeff Richards, Meridian Associates; Chris Noble, O.P.D.V. Trustee

Mr. Richards stated a site visit was conducted in early November and each of the three driveway locations were inspected by Planning Board members and Town staff. The following changes were improvements were recommended and incorporated into plan as a result of the site visit:

Lots 126 and 127 on Summer Street: The driveway location was shifted 80 feet farther north on Summer Street, which allowed the driveway to be farther from the curve and thus increased the sight distance. Metes and bounds have also been included on the plan. The radius for the driveway's northernmost rounding was reduced to 20 feet and the southernmost rounding remained at 30 feet. The Town Engineer and Fire Chief reviewed and approved this change.

Lots 122, 123, 124: The driveway location has been moved slightly westward on Summer Street so that it is now not directly across from an existing driveway. This new location also allows an existing 30-foot tree to remain. The radius for the driveway's westernmost rounding is 30 feet and the easternmost rounding is 25 feet.

Lot 119: The driveway location has moved slightly westward toward the intersection of Summer and Grove Streets. The original location of the proposed driveway was to straddle the lot lines of Lot 119 and Lot 118; it now has been moved entirely within Lot 119. This was done to remove the issue of whether this could this driveway could be interpreted as being a shared driveway since it crossed lot lines (although intended to serve one lot).

Mr. Olanoff stated that he still has an issue of whether the Lot 119 driveway should still be considered a shared driveway. Presently it is now being shown only as a curb cut for purposes of the Scenic Roads Act however, if the driveway is actually being shown to extend to serve Lot 118, it will require a shared driveway special permit.

There will be approximately 40 to 50 feet of net loss of the stone wall for the curb cuts. However, technically, the Scenic Roads Act does not apply because most of the stone walls are on private property.

There was some discussion of the extension of the water main. [The Fire Chief wants a condition that prohibits construction of residences on Lots 122, 123 and/or 24 until and unless the Applicant enters into an agreement with the Dedham-Westwood Water District for the extension of the existing Grove Street water main (with an eight (8)-inch diameter line) to a position along the existing frontage of the Applicant's property. This will create a much-needed loop in the water system in this area]. Chris Noble stated that he is concerned about a special permit condition (which would require an additional 300 feet of water main beyond the Applicant's property and thus would be the responsibility of the Water District) that essentially requires a contract with a third party.

Mr. Moore agreed that he thinks that a condition that requires a contract with a third party that is not an Applicant will not be enforceable.

Mr. Nedder stated that the public hearing should be continued until the contract between the Applicant and the Water District is actually signed.

The resident of 206 Grove Street stated he strongly opposes the driveway on Grove Street. He wants the meeting to be continued so that all the residents of Grove Street can be in attendance.

Betsy Reynolds of 314 Grove Street stated that Grove Street is a scenic road and the Town's bylaws do not allow for the scenic walls to be rebuilt. A neighbor on Grove Street tried to rebuild the walls in front of their house and the Town stopped them and now the wall is a mess. Also, any change in the roadway, especially at the low point, exacerbates the drainage problems.

On a motion by Steve Olanoff and seconded by Bob Moore, the Planning Board unanimously voted to close the shared driveway public hearing and the scenic roads public hearing for Lots 126,127 and the scenic roads public hearing for Lot 119.

On a motion by George Nedder and seconded by Bob Moore, the Planning Board voted unanimously to continue the shared driveway and scenic roads public hearings for Lots 122, 123 and 124 to January 9, 2007 at 8:00 pm.

Public Hearing: Application for Special Permit to Reduce Required Number of Parking Spaces and Site Plan Review

Applicant: Romanow Container

Address: 346 University Avenue

Project: Construction of a 67,000 square foot addition to Romanow Container building

In Attendance: Michael Romanow and Ted Romanow; John Bensley, Beals and Thomas

Mr. Malster read the public hearing notice and opened the public hearing.

Mr. Michael Romanow stated that the building was purchased in 1996. A portion of the property lies within an ACEC and within Zone 1 of Wellheads #3 and #4. In 1996, the company, which primarily manufactures corrugated boxes, received a Water Resource Protection Overlay District special permit and has been operating under that permit since 1996. When that permit was issued, there were stringent controls regarding water quality monitoring requirements that had to be reported to the water District every six months. Mr. Romanow reported that for the past 10 years, these reports indicated that there were no problems and in fact, the Water District has requested that the reports be required now only annually.

Romanow Container is now before the Board of Appeals and the Planning Board in order to construct a 67,300 square foot addition to its existing 145,320 square foot building. The building expansion will provide for additional warehouse space. The current driveway and parking area are proposed to remain as presently configured, with minimal modifications to accommodate loading docks on the new addition.

Mr. Romanow stated that there are currently 68 striped parking spaces, which are sufficient to serve the existing facility and its expansion. The submitted site plan provides for an additional 86 spaces that can be provided on the project site to accommodate the existing facility and building addition. The additional spaces would all be created by striping the existing paved areas on the site. Rather than having to actually create these spaces, they have requested a special permit pursuant to Section 6.1.8 of the Zoning Bylaw [Reduction of Minimum Number of Required Spaces] for permission not to stripe or line these additional 86 parking spaces.

Mr. Romanow indicated that they met with the Water District in February 2006 and have prepared the various studies, including soil studies, that the Water District requested.

Romanow also has filed with the Conservation Commission, since a fairly small piece of the building falls within the Conservation Commission's jurisdiction and is within the 10-foot no build zone. The ConCom wanted the area essentially blocked off which conflicted with the Fire Chief's requirement to have access around the building. They have now revised the plan to "notch" out the square building in two places to get out of the 10-foot no build zone and thus remove the application from the jurisdiction of the ConCom.

The Water District has provided a memo to the Planning Board and Board of Appeals that indicates that the Water District does not oppose the project.

Mr. Romanow stated that they now have sufficient parking for 85 employees over two shifts; they generally have 45 to 50 cars parked at one time. Romanow can accommodate over 154 parking spaces to fully comply with zoning for both the existing building and the addition. However, they do not want to construct this additional parking (which would essentially be done by lining the already paved spaces). Instead, they have requested a special permit to reduce the required number of spaces.

Mr. John Bensley stated they are proposing to add new impervious surface to the Zone 1 area. To compensate for this additional impervious surface, they are proposing to provide significant roof recharge on the entirety of the new addition and also on approximately half of the roof of the existing building. Also, another improvement will be that actual truck traffic will be reduced because the trucks that are parked across the street at 245 University Avenue, which now go back and forth between to Romanow, will now all be located at the Romanow building. This will reduce all this back and forth truck traffic across University Avenue.

Mr. Bensley indicated that there will be a significant benefit in water quality from what currently exists because the stormwater run-off will be recharged from the new roof and some from the roof of the existing building.

Access is provided around the entirety of the building as required by the Fire Chief.

Mr. Bertorelli asked if any thought has been given to the removing some of the impervious surface and changing it pervious surface, since it will not be needed for parking? Mr. Bensley responded that most of the impervious asphalt area is used for traffic circulation.

Mr. Bensley further stated in terms of increasing the water budget, the increase in recharge is a great net benefit.

Mr. Olanoff wants to make sure that the hoods on the catch basins are still intact. He further stated that there should be a condition to specify that the catch basins be cleaned by vacuuming; also the hoods should be checked on an annual basis.

Additional conditions on the permit include the condition that the Fire Chief has to approve the type of Grasscrete that will be used and that any new lights that are wall mounted fixtures must be no higher than 15 feet.

On a motion by Bob Moore and seconded by George Nedder, the Planning Board unanimously voted to close the public hearing.

The meeting was adjourned at 10:00 pm.