

**Westwood Planning Board  
Meeting Minutes  
October 25, 2011  
Champagne Meeting Room  
7:30 PM**

*Board members present:* Ch. S. Rafsky, S. Olanoff, B. Montgomery, J. Wiggin and C. Chafetz

*Staff present:* N. Loughnane, Town Planner and J. Barba, Planning & Land Use Specialist, recorded the minutes.

Chairman Rafsky called the meeting to order at 7:33 P.M.

**Consideration of Proposed ANR Plan for 267 and 281 Fox Hill Street – Hugh Mellor and Mark & Julie Lampie**

Ch. Rafsky welcomed the applicant, Hugh Mellor who gave a brief explanation of the proposed ANR plan. Mr. Mellor said his neighbor Mark Lampie is going to give him a piece of land that his driveway is currently on.

Ch. Rafsky asked Ms. Loughnane to comment on the plans.

Ms. Loughnane explained that this plan is intended to correct an encroachment caused by the accidental installation of a portion of a stone retaining wall for 267 Fox Hill Street on the abutting property at 281 Fox Hill Street. She said the proposed lot line change does not affect the frontage of either lot, and does not interfere with setback requirements for the existing structures, or negatively affect building setback requirements for either lot.

In addition, Ms. Loughnane said the plan has been reviewed by both the building commissioner and DPW director.

Upon a motion by Mr. Montgomery and seconded by Mr. Wiggin, the board voted unanimously, five votes in favor to endorse the ANR plan as presented.

**Pre-application Conference for Proposed Subdivision of 600 Clapboardtree Street – Bill Schroeder**

Ms. Loughnane explained that property owner Bill Schroeder is present to discuss his desire to create a new house lot at 600 Clapboardtree Street (A.P. 22, Lot 8). There is currently one house on a 4.45 acre parcel with 75' of frontage. The lot exceeds the Single Residence E minimum 80,000 square foot lot area requirement, but fails to meet the 175 foot frontage requirement for that district. Because the minimum frontage is not available on an existing way, the property owner is not entitled to divide the lot under an ANR. She said Mr. Schroeder would like to discuss his plans and waiver requests related to sight distance and subdivision roadway standards before expending money on engineering drawings.

Ms. Loughnane said that due to the location of this property, Mr. Schroeder cannot create this proposed roadway without obtaining waivers from the Subdivision Regulation Design Standards for Roadways, including a waiver of the 600' separation of streets requirement (Section IV. A. 1. d.) and a waiver of the 400' sight distance requirement (Section IV. A. 1. e.). In addition, because this proposed new street would only serve two lots, Mr. Schroeder would need to request a waiver of all construction standards for roadways set forth in Section V. of the Subdivision Regulations, and should ask the board to instead allow construction of a driveway that would serve the two house lots.

Ms. Loughnane said the road could be created as a right of way and would not have to be developed according to the subdivision regulations. She said this request to allow the construction of a driveway rather than the construction of a full roadway is not unlike a previous Planning Board approval which allowed for the creation of a partially paved road to serve a lot behind 215 High Street.

Board members discussed the subdivision history of this neighborhood and whether this parcel was

**Westwood Planning Board  
Meeting Minutes  
October 25, 2011  
Champagne Meeting Room  
7:30 PM**

part of a previous subdivision. Ms. Loughnane said these lots may have been created by ANR under State requirements for frontage, before zoning regulations were created.

Mr. Montgomery asked if the Zoning Board of Appeals would consider a dimensional variance for these plans.

Ms. Loughnane said if a dimensional variance was granted by the Zoning Board of Appeals, this would allow ANR but waivers of the 600' separation of streets requirement and a waiver of the 400' sight distance requirement would still be required. She said the real issue affecting this proposed subdivision is traffic safety.

Mr. Schroeder said he discussed traffic safety with Westwood Police Department and it was suggested that if shrubbery was trimmed back it may help with the line of sight.

Ms. Chafetz suggested that Ms. Loughnane or someone else go to the site and view the sight distance. She also suggested that Mr. Schroeder talk with the neighbor about cutting the shrubbery on the neighboring property.

Mr. Montgomery commented that an engineer would be more qualified to make an assessment on sight distance. In addition he said the applicant may have difficulty getting the neighbor to trim the shrubbery as Mr. Schroeder said the house is currently for sale.

Board members continued to discuss possible solutions.

Ms. Loughnane said the Town can trim any bushes located within the right of way.

Ch. Rafsky asked Board members to reach a consensus on how to go forward and whether the board would consider a waiver of the requirement of 600' separation of streets.

Mr. Wiggin said if the Planning Board allowed this proposed roadway it must condition its approval so as to disallow the road to be further extended to connect into another subdivision.

Ch. Rafsky said although this proposal has minimal impacts he suggested that the applicant needs to provide the Planning Board with additional engineering work to measure and address the sight distance.

Mr. Schroeder said he would contact Ms. Loughnane after obtaining additional information.

**Continuation of Public Hearing for Consideration of Reynold's Farm Senior Residential Development Special Permit Application – 1561 High Street**

Ch. Rafsky reopened the public hearing and welcomed Applicant Ed Musto and his engineer John Glossa.

Mr. Glossa discussed amendments that were made in response to the board's requests at the last hearing. He distributed revised plan sets to board members and Ms. Loughnane.

Mr. Glossa went through the Beals & Thomas' review letter and addressed each item.

- The applicant should revised the plans to meet the minimum side-yard setback requirements, in accordance with Section 8.4.4.2: Mr. Glossa said the original plans depicting the side-yard setbacks of 27.88 feet have been amended to depict side yard setbacks of 30 feet, in accordance with the zoning bylaw. Unit #4 is 30 feet from the lot line.
- There is no required minimum distance between buildings. Mr. Glossa said the plans have

**Westwood Planning Board  
Meeting Minutes  
October 25, 2011  
Champagne Meeting Room  
7:30 PM**

been revised to show less than 30 feet (28.2') between buildings #5 and #6.

- Required/Allowable Dwelling Units: Mr. Glossa said the number of dwelling units for this project was determined by considering the total acreage minus the non-buildable wetland areas. He said the proposed twelve dwelling units are within the allowable number of dwelling units for this parcel size.
- The impervious surface coverage, 22.56% is well within the 50% maximum permitted. Mr. Glossa said he mistakenly thought the maximum impervious surface allowed was 30%. He said the 22.56% figure has been adjusted since adding the five foot wide sidewalk requested by the Planning Board. He said additional adjustments have been made to building #6, #7 & #8.
- The submitted plans have not been stamped or signed by a registered professional. Mr. Glossa said he brought two full-sized sets of plans that will be submitted tonight which are stamped by him, a licensed registered professional engineer. In addition he said Will Robinson; his registered landscape architect will stamp the plans. Mr. Glossa said the plans have not been stamped by a registered land surveyor because the land was professionally surveyed in 1957 and recorded at the Registry of Deeds.
  - Ms. Loughnane commented that the building commissioner will require that the plans be stamped by a registered professional land surveyor.
  - Mr. Glossa agreed to have the plans stamped by a registered professional land surveyor.
- The engineer's report does not detail the location, type, size and dimension of existing trees to be retained. Mr. Glossa said all the trees on the westerly property boundary will be removed due to the significant amount of grading required. He said the proposed replanting plan will provide a better cover of the ground than what exists now.
- Exterior lighting plans do not include a photometric plan. Mr. Glossa said the proposed lighting plans identify 100 watt decorative lamps on seven foot high posts with dusk and dawn timers at the driveways for each unit.
- A drawing or rendering of each proposed building shall be provided. Mr. Glossa said this has been provided to the board by Mr. Musto.
- A means of access and egress to and from dwelling units for handicapped persons shall be provided. Mr. Glossa said he does not envision this project to be assisted living but an area for people aged 55 and up. He said many units have 3-4 steps, typical to a house in New England. He said if someone needs a ramp, there are companies that provide temporary ramps instead of encumbering the building with a permanently constructed ramp. Board members expressed concern about the access and whether the project is more accessible or less accessible.
- Shared Driveway Regulations & Driveway Profile: The proposed centerline grade for the driveway is 10%. Mr. Glossa said he added a 5% slope for the first 50' then 8% slope and then added a vertical curve of 80' will give 100' of sight distance as you come up over the rise.
- Infiltration Trench Details; Outlet Structure Detail; Catch Basin Details: Mr. Glossa said he made an error on the detail for the trench and will correct this in accordance with the plan grading at elevation 209'. He will correct the sizes for standpipes and the catch basins will be identified as stormceptor catch basins and notes will be added to the plans.
- Traffic Impact Assessment. Mr. Glossa said this report has been updated and was already provided to the Planning Board.
- Fire Department Comments. Mr. Glossa said an additional fire hydrant will be installed at the entrance to the project; all building units will be sprinklered; he will change the 15' turning radius to 20-25' to accommodate the turning radius for the fire apparatus.
  - Board members asked Mr. Glossa to address guest and or maintenance vehicle

**Westwood Planning Board  
Meeting Minutes  
October 25, 2011  
Champagne Meeting Room  
7:30 PM**

parking. Mr. Glossa said to comply with this request he has added a one foot Cape Cod berm and a four foot wide sidewalk on the inside of the guardrail where the cul-de-sac begins. This can be used for guests or vehicle maintenance vehicles, or emergency vehicles. Mr. Glossa suggested that this use of this area be addressed in the condominium documents.

- Mr. Glossa said the last 50' of the wall for the detention basin; it has been moved back to 18' from the property line. Plantings will be added right up to the limit of work area.

Ch. Rafsky asked Ms. Loughnane to comment.

Ms. Loughnane asked Mr. Glossa to address the fire chief's concern about the angle and grading onto the project driveway in relation to the possibility of the fire truck "bottoming out".

Mr. Glossa responded that the grading at that slope has been changed to 5%.

Ms. Loughnane suggested that Mr. Glossa provide a location in town where there is a similar slope where the fire department could do a test drive to see whether this "bottoming out" would occur.

Ch. Rafsky said the driveway slope plans have changed since the fire chief's memo and asked Ms. Loughnane to see if this concern is still valid.

Ms. Loughnane suggested creating a pedestrian walkway within the project, possibly done with a visually different, possibly stamped area of pavement. In addition she cautioned against using a Cape Cod berm because it she thinks it could be destroyed.

Mr. Montgomery suggested a "no parking" sign on the sidewalk side of the street.

Ms. Loughnane said it would be difficult for another vehicle to pass when a truck and a car are parked on both sides on a 22' wide road.

Ch. Rafsky said this may cause a yielding situation but thought that 22' is wide enough.

Mr. Wiggin commented that he did not think it would not be possible to back out of a driveway if there was a car parked on the other side of the street. He also said that he thinks the sidewalk should be located on the side of the housing units.

Mr. Glossa said he could put the sidewalk on the housing unit side of the street.

Mr. Montgomery and Mr. Wiggin asked if there is enough space to park a car between driveways.

Mr. Glossa said between unit #3 & #4, unit #7 & #8 there is enough space to do so.

Ms. Chafetz agreed with the reasons Ms. Loughnane provided about possible damage trash trucks and landscape trucks driving over the berm could do and that Cape Cod berm should be not be used.

Ch. Rafsky asked peer review consultant John Bensley from Beals & Thomas to comment on the plan revisions.

Mr. Bensley said Mr. Glossa did an adequate job of addressing the comments in his report and the modification of roadway is a significant improvement. He said that putting a sidewalk between housing units is a good idea. He said with 22' of pavement you cannot allow parking on both sides. He said he is not sure whether a parking sign is necessary in a residential area. He said he does not encourage widening pavement due to the environmental impacts associated with doing so.

**Westwood Planning Board  
Meeting Minutes  
October 25, 2011  
Champagne Meeting Room  
7:30 PM**

Ms. Chafetz asked for clarity about the deed restriction associated with a senior residential development regarding age of residents; and the greater density allowed in accordance with the bylaw and how it compares with density allowed within OSRD.

Mr. Montgomery said that he prefers sidewalks on housing unit side and parking on the opposite side.

Mr. Glossa suggested a monolithic type of construction of the berm.

Ch. Rafsky noted that he is satisfied with the improvements in these plans with regard to sight distances. He said he has a concern about backing out of driveway if someone has parked opposite the driveway. He wants a balance between pedestrians, vehicles and public safety and maintenance vehicles.

Mr. Glossa said this is different than a parking lot. The driveways are 11' wide.

Public Comments:

B. Shea -14 Cardinal Drive asked the board why it has not addressed the idea of having a two-car wide driveway.

S. Hoban – 1581 High Street asked about the original survey and whether topography has been updated since 1957.

Mr. Musto said yes and there was a stamped survey in 2003.

B. Shea – 14 Cardinal Drive asked why the grade was made steeper since the last plans were submitted.

Mr. Glossa responded that standards for a common driveway were used at 5% then 8%. He said this lowers the high point by 5.5 feet. He said the buildings are essentially lower and the top of the retaining wall – will not be higher than 4'. In addition, Mr. Glossa said there is a 2-3% slope on driveway and 1-2 steps into the buildings have been added.

Ms. Chafetz asked members of the public if they ever cross High Street at this location to get to the other side.

S. Hoban -1581 High Street is directly across from Stanford Drive. She said she does cross but not at a leisurely pace.

Ms. Chafetz said the reality is that some people may attempt to cross the street when walking from this development.

Mr. Musto asked if pedestrian signs could be posted.

Ms. Loughnane said adding signs at this location would encourage pedestrian crossing.

Ch. Rafsky asked peer review consultant John Bensley if he reviewed the plans presented tonight.

Mr. Bensley said he had not seen this amended set of plans before this evening.

Ms. Loughnane said another revision of the plans must be submitted in a timely manner in order to allow for review by police, fire and public safety departments.

**Westwood Planning Board  
Meeting Minutes  
October 25, 2011  
Champagne Meeting Room  
7:30 PM**

Ch. Rafsky requested that the following issues are addressed: 1. Additional Peer Review 2. Fire Chief's – driveway slope concerns and 3. Parking issues.

Ms. Loughnane said at the last hearing the board requested landscaping amendments and she suggested that Mr. Glossa review these.

Mr. Olanoff asked Mr. Glossa if the guardrail be pushed out a bit to accommodate parked cars. Mr. Olanoff suggested 22' of pavement and no sidewalk. He and Mr. Glossa agreed that the width be the following: 10', 10' and 8'.

Mr. Montgomery commented that he does not think there is a need for two cars to pass with a car parked. He asked Mr. Bensley what his opinion is.

Mr. Bensley said 8' wide is a typical parallel parking space.

Mr. Montgomery said sidewalks are not required.

There was a consensus that there would be a greater use of the parking than use of sidewalks.

Ch. Rafsky asked Mr. Glossa to review the amendments to the landscaping.

Mr. Glossa said the retention wall was moved closer to the detention basin and this will maintain an 8' wide access, plus an additional 10' to the lot line. White fir and Colorado spruce plantings will be added here which will provide adequate screen between houses on High Street.

Ms. Loughnane said the size of the trees on the plans call for mostly 2"-2.5" caliper. She said the Board requires 4" caliper trees. Ms. Loughnane asked how high the blueberry bushes are.

Mr. Glossa said the blueberry bushes grow to 2'-3' high.

Ms. Chafetz asked why the species of trees are being mixed.

Mr. Glossa said he believes a mix of species will provide a more natural screening than a hedge-like, uniform screen.

Ch. Rafsky asked Board members to check their calendars for the continuation of the public hearing.

Mr. Montgomery suggested that everything is in order and November 8th may be a good date to continue the hearing.

Mr. Olanoff asked Mr. Bensley if all the drainage calculations and erosion control plan have been adequately reviewed.

Mr. Bensley said the applicant has planned an extensive stormwater management plan for this project.

Ch. Rafsky asked board members if there are any comments about the lack of handicap access to units.

Mr. Olanoff asked Mr. Glossa why a ramp cannot be constructed permanently as opposed to temporary ramps and wondered if these ramps will meet the building code.

**Westwood Planning Board  
Meeting Minutes  
October 25, 2011  
Champagne Meeting Room  
7:30 PM**

Mr. Glossa commented that a ramp may be undesirable and he is unsure if a temporary ramp will meet code.

Mr. Olanoff asked about constructing a ramp that could be disguised with landscaping.

Mr. Musto said he does not want this to look like an institution and more residential. He said a lift could be provided.

Board members discussed pros and cons of the temporary ramps.

Mr. Wiggin said a senior residential development should always be built to provide universal access. Furthermore, he said the units should be developed for people to "age in place".

Ms. Chafetz said this type of housing development should be encouraged on parcels closer to town centers.

Ch. Rafsky said zoning amendments have to be reevaluated and guidance should be provided up front and designed in such a way from the beginning.

Upon a motion by Mr. Montgomery and seconded by Ms. Chafetz, the board voted unanimously, five votes in favor to continue the hearing until Tuesday, November 8<sup>th</sup> at 8:00 p.m. in the Champagne Meeting Room.

**Discussion Regarding the Planning Board's Authority under the Declaration of Protective Covenants for Cedar Hill Estates**

Ch. Rafsky asked Ms. Loughnane to give brief summary of this matter.

Ms. Loughnane explained that the Zoning Board of Appeals (ZBA) recently granted a permit for an accessory apartment and a parking area for more than three cars at 2 Cedar Hill Drive on October 20<sup>th</sup>. The Planning Board has been asked by the ZBA if it intends to prosecute property owners at 2 Cedar Hill, and presumably others throughout the development, for any alleged violations of the Declaration of Protective Covenants for Cedar Hill Estates.

Ms. Loughnane explained that the Declaration appears to require approval of alterations such as those proposed for 2 Cedar Hill Drive. It has been suggested that the pending special permit applications might constitute an attempt to violate the protective covenants, as no prior approval of the proposed alterations was requested from the Developer or the Developer's nominee. However, the Developer, Wheelock Grant Development Corporation, is no longer in business, and no other entity appears to have been nominated by the Developer to review the proposed alterations. Without a designated approval authority, there is no clear process for the consideration of alterations pursuant to the terms of the Declaration.

Part 19 of the Declaration grants the Planning Board authority to "prosecute any persons violating or attempting to violate any such covenant". Zoning Administrator Louise Rossi has asked whether Planning Board intends to take any action pursuant to Part 19. The Declaration was required as a condition of the Zoning Board of Appeal's approval of the Cedar Hill Estates Section 40B Comprehensive Permit. This development was permitted without Definitive Subdivision Approval by the Planning Board, and the Planning Board's only action was to endorse the final subdivision plan as being consistent with the 40B Comprehensive Permit. The Planning Board is not a signatory to the Declaration. The Developer cannot unilaterally confer upon the Planning Board a responsibility to enforce these protective covenants, nor can any party affected by the Declaration compel the Planning Board to take action thereunder.

**Westwood Planning Board  
Meeting Minutes  
October 25, 2011  
Champagne Meeting Room  
7:30 PM**

Board members discussed the Planning Board's review authority of roadways developed according to the subdivision rules and regulations and not development on individual residential lots. In addition they discussed the lack of an active homeowners association to be a reviewing authority.

Ch. Rafsky opened the meeting to public comments:

Margaret Cutler - 2 Cedar Hill Drive, said she is not opposed to the project but what is going to do to the drainage patterns. She wants the area of the neighborhood to be kept in the character in the way in which it was intended.

Frank Smith - 2 Cedar Hill Drive, said he thinks the town should resolve this.

Ch. Rafsky read from the declaration documents and said the project is the 56 houses and shall be subject to reciprocal covenants enforceable by the Planning Board consistently found in first class subdivisions. Said covenants shall be reasonable satisfactory to the Board of Selectmen.

Ms. Loughnane said in this case a comprehensive permit is issued by the zoning board and does not have to be built consistent with local zoning. The homeowners association was put in place to be the review authority when the developer steps out of the project upon completion. This leaves a neighborhood with a covenant that cannot be enforced.

Ch. Rafsky said the Planning Board does not have any authority to cause a hearing unless something has changed on the public areas of the development.

Ch. Rafsky said he would like to ask town counsel who the neighbors can turn to regarding the review authority.

Ms. Loughnane said town counsel gave the opinion that the homeowner's association is the vehicle for review of projects.

Several other residents commented on the lack of authority to enforce covenants.

Ch. Rafsky said he will call Board of Selectmen Ch. Pat Ahearn and town counsel to ask for opinions on this matter. He said the board would continue the discussion on this matter on November 8<sup>th</sup>.

Upon a motion by Mr. Montgomery and seconded by Mr. Olanoff, the board voted four votes in favor, one opposed, to seek an opinion of the Board of Selectmen.

**Continuation of Public Hearing for Consideration of Revisions to Planning Board Rules and Regulations**

Ch. Rafsky reopened and immediately continued this hearing without testimony.

Upon a motion by Mr. Montgomery and seconded by Ms. Chafetz, the board voted unanimously, five votes in favor to continue the public hearing until to Tuesday, November 22, 2011.

**Discussion of Possible Zoning Bylaw Amendments for 2012 Town Meeting**

Ms. Loughnane read the following list of possible amendments:

- 4.1.1 -lots crossing two towns
- Temporary site access



**Westwood Planning Board  
Meeting Minutes  
October 25, 2011  
Champagne Meeting Room  
7:30 PM**

- Limited EIDR for exempt uses
- OSRD bylaw – review carefully
- Parking for home occupations
- Municipal signs – variable message boards – discuss
- Housekeeping-many
- Comprehensive Plan bylaws?
- High Street rezoning
- Irregular shape lots

Mr. Wiggin mentioned a housekeeping change that he will forward to Ms. Loughnane.

Upon a motion by Mr. Montgomery and seconded by Mr. Olanoff, the board voted unanimously, five votes in favor to adjourn the meeting at approximately 11:25 P.M.

The next meeting of the Planning Board is Tuesday, November 8, 2011 at 7:30 PM in the Champagne Meeting Room.

**Westwood Planning Board  
Meeting Minutes  
October 25, 2011  
Champagne Meeting Room  
7:30 PM**

**List of Documents, Materials and Exhibits**

Memo dated 10/24/11 to N. Loughnane, Town Planner from William Scoble, Fire Chief re: Reynold's Farm Senior Residential Development.

Letter to D. Krumsiek dated 10/19/11 from N. Loughnane, Town Planner re: 2 Cedar Hill Estates

Copy of Amended & Restated Stipulation and Agreement - Cedar Hill Estates