

WELLESLEY PLANNING BOARD
REGULAR MEETING
MONDAY, JUNE 9, 2014, 7:00 PM
PLANNING DEPARTMENT/BOARD OFFICE

MINUTES

Planning Board Present: Jeanne Conroy, Deborah Carpenter, Sara Preston, and Neal Glick
(Catherine Johnson arrived at 9:00 p.m.)

Staff Present: Michael Zehner and Ethan Parsons

Also Present: Frances Fallon, Robert Horgan, Paul Beaulieu, Allen Lappas, Larry Shind, Sheila Marinnuci, Dennis Duckworth, Robert Chabot, Patricia Chabot, Shengli Li, Kerri Oberhauser, Shih-Chen Hsu, Erin Reilly, John Hartnett, and Len LeGrand

1. Call to Order

Ms. Conroy called the meeting to order at 7:10 p.m.

2. Public Comments on Matters Not on the Agenda

Ms. Conroy invited comments from members of the public on any matters not on the agenda. Mr. Glick made comments regarding accessory buildings and suggested that the Board discuss developing policies for the use of such buildings. Ms. Conroy stated that a bylaw change may be necessary. The members discussed the regulation of accessory buildings further and suggested that it be a topic for discussion at the Board's upcoming retreat, along with the regulation of sports courts.

Hearing no comments, Ms. Conroy moved to the next agenda item.

3. Continued Applications and/or Public Hearings

Having no continued applications or public hearings, Ms. Conroy moved to the next agenda item.

4. New Applications and/or Public Hearings

a. Consider Endorsement of ANR14-02, 178 Cedar Street

Documents

- Memo from Planning Department Staff to Planning Board, dated June 4, 2014;
- Approval Not Required Application Form, stamped Received by the Clerk's Office on May 28, 2014;
- Copy of 1954 Subdivision Plan for property on Hayden Place (PB-54-E5-7);
- Approval Not Required Subdivision Plan of Land for 178 Cedar Street, prepared by Field Resources, Inc., dated May 21, 2014;
- Google Streetview of Hayden Place;
- Letter from Robert Horgan to Tim Quirk, dated April 3, 2014, with attached plans and deed referenced therein;
- Staff photograph of Hayden Place;

- Minutes of the Wellesley Planning Board meeting of May 24, 1954; and
- Excerpted minutes of the Wellesley Planning Board meetings of April 27, 1954 and May 3, 1954 pertaining to Hayden Place and the division of property later authorized under PB-54-E5-7

Ms. Conroy recognized Mr. Zehner, who provided the Board with an overview of the Plan. Ms. Conroy recognized Mr. Larry Shind, representing the applicant, who provided additional, new information. Mr. Paul Beaulieu, surveyor of the property for Field Resources, was also in attendance. Mr. Shind discussed the 1954 subdivision plan, indicating that Hayden Place was a way that was approved under the 1954 plan, and therefore the subject Plan was entitled to endorsement. Mr. Shind referenced the decision in *Richard v. Planning Board of Acushnet* as serving as a basis for the Board's endorsement.

Members of the Board indicated that they would like the opportunity to consider Mr. Shind's position, and the referenced decision. Members of the Board also expressed concerns that access from Hayden Place to the affected property was illusory due to steepness.

The Board collectively indicated that they wished to continue consideration of the Plan until their meeting on June 23, 2014, and asked if Mr. Shind and his applicant would waive their right to constructive approval/endorsement of the plan since a continuation would result in the Board failing to act within twenty-one (21) days from submittal. Mr. Shind consulted with Mr. Robert Horgan and indicated that they would waive such rights. Ms. Conroy indicated that the Board's consideration of the Plan would be continued until the meeting on June 23, 2014.

b. Consider Endorsement of ANR14-03, 60 Cartwright Road

Documents

- Memo from Planning Department Staff to Planning Board, dated June 4, 2014;
- Approval Not Required Application Form, stamped Received by the Clerk's Office on May 28, 2014;
- Approval Not Required Subdivision Plan of Land for 60 Cartwright Road, prepared by Field Resources, Inc., dated May 21, 2014;
- Revised memo from Planning Department Staff to Planning Board, dated June 9, 2014 (*provided to the Board at the meeting*); and
- Revised Approval Not Required Subdivision Plan of Land for 60 Cartwright Road, prepared by Field Resources, Inc., dated June 9, 2014, indicating Cartwright Road as a private way (*provided to the Board at the meeting*)

Ms. Conroy recognized Mr. Zehner, who provided the Board with an overview of the Plan. Mr. Zehner informed the Board that it had been determined that Cartwright Road is a private, unaccepted way, rather than a public way, and provided the Board with a revised memorandum noting this difference, as well as a revised Plan from the applicant noting the same. Mr. Zehner explained the review standard for ANR plans on unaccepted ways.

Ms. Conroy suggested that given the change in the status of the way the Board needed additional time to review the Plan. Mr. Shind, representing the applicant, confirmed that they had not realized that the way was not public, stating that they believed the portion located in Needham was actually a public way. Mr. Shind provided an overview of the Plan.

The Board collectively agreed that they needed additional time to review the Plan, as they had not analyzed the roadway or the Plan based on Cartwright being an unaccepted way. Additionally, Ms. Conroy directed Planning Staff to request input from the Town Engineer as to whether Cartwright Road is adequate for access. Ms. Conroy asked Mr. Shind if he and his applicant would waive their right to constructive approval/endorsement of the plan since a continuation would result in the Board failing to act within twenty-one (21) days from submittal. Mr. Shind indicated that they would waive such rights. Ms. Conroy indicated that the Board's consideration of the Plan would be continued until the meeting on June 23, 2014.

c. Consider Large House Review Major Revisions - LHR-12-06, 16 Marigold Avenue

Documents

- Memo from Michael Zehner to Planning Board, dated June 2, 2014;
- Letter from Shengli Li to Michael Zehner, dated May 12, 2014;
- Planting Key for 16 Marigold Avenue, Wellesley MA, prepared by Oberhauser Designs (*accompanies Planting Plan for Screening, dated May 8, 2014*);
- Planting Plan for Screening, prepared by Oberhauser Designs, dated May 8, 2014;
- Letter from Michael Zehner to Shengli Li, dated May 22, 2014;
- Original Screen Planting Plan, dated November 12, 2012;
- Alternate Front Elevation Plan, dated December 21, 2012;
- Site Plan, dated September 10, 2012;
- Letter from William Hulsey and Amy Novick to Planning Board;

Ms. Conroy recognized Mr. Parsons, who provided the Board with an overview of the requested revisions. Ms. Conroy recognized the property owner, Mr. Shengli Li, and his landscape architect, Ms. Kerri Oberhauser. Mr. Li and Ms. Oberhauser reviewed the requested changes to the approved Large House Review approved plans.

The Board discussed the requested revisions. Mr. Glick indicated that he objected to the continued requests to revise the original approval.

Ms. Conroy asked for comments from members of the public. Mr. Shih-Chen Hsu, the abutting property owner to the rear, spoke, stating that he objected to the requested changes, specifically any changes that would affect size and location of the Arborvitae to be planted in the rear, and the location of the garden. Mr. William Hulsey, the owner of property on Marigold across from the subject property, spoke, indicating that he would like to see the shed removed, the lattice AC screening reduced in height, and the driveway remain as gravel. Mr. Hulsey also indicated that he was concerned that the property owner would never fully comply with any decision of the Planning Board.

Mr. Glick made a motion to deny the requested revisions. Ms. Preston seconded the motion. Ms. Conroy called for a vote. The motion failed by a vote of 2-3 (Ms. Conroy, Ms. Carpenter, and Ms. Johnson opposed).

The Board discussed the requested revisions further. Members stated that some of the requested revisions were reasonable, while others, such as retaining the shed, were not.

Ms. Conroy made a motion to continue consideration of the application, requesting that the applicant submit a revised Planting Plan for Screening to the Design Review Board for review and submit the plan to the Planning Board for consideration thereafter, and that at a minimum the following revisions shall be required:

- 1. The shed shall be removed entirely.*
- 2. The play set shall be installed in the northeast corner of the property.*
- 3. The height of the lattice surrounding the AC units shall be shortened.*
- 4. The vegetable garden shall be shifted away from the fence on the east property line.*
- 5. The Arborvitae screening along the rear (east) shall be planted in a location and manner that will ensure their survivability.*
- 6. The plantings along Marigold Avenue shall incorporate evergreens to allow year-round screening.*

Ms. Johnson seconded the motion. Ms. Conroy called for a vote. The motion was approved, 3-2 (Mr. Glick and Ms. Preston opposed).

5. Old Business

a. Consider Request to Modify Obligations & Extend Escrow Agreement for Review of Adequacy at 73 Edgemoor Avenue

Documents

- Memo from Michael Zehner to Planning Board, dated June 2, 2014;
- Letter from Len LeGrand to Planning Board, dated May 8, 2014;
- Proposed Paving and Stormwater Plan; and
- Proposed Paving and Stormwater Plan with comments from George Saraceno, dated April 15, 2014

Ms. Conroy recognized Mr. Zehner, who provided the Board with an overview of the request. Ms. Conroy recognized Mr. Len LeGrand, the builder, who explained the request and current status of the project. Mr. LeGrand indicated that he would like to extend the expiration of the Escrow Agreement and Conditional Order to Pay for any additional forty-five (45) days.

Ms. Conroy called for a motion. Ms. Carpenter made a motion to grant a forty-five (45) day extension to the Escrow Agreement and Conditional Order to Pay for surety for required work under the Planning Board's certification of the adequacy of frontage for 73 Edgemoor Avenue. Ms. Johnson seconded the motion. Ms. Conroy called for a vote. The motion was unanimously approved, 5-0.

Based on the Board's action, Mr. Parsons indicated that the Escrow Agreement and Conditional Order to Pay shall hereby expire on July 24, 2014.

b. Review Status & Correspondence Regarding Review of Adequacy for 84 & 88 Hopkinson St.

Documents

- Memo from Michael Zehner to Planning Board, dated May 30, 2014;
- Letter from James Goodhue to Joseph Flaherty

Ms. Conroy recognized Mr. Parsons, who reviewed the letter from Mr. Goodhue. Mr. Parsons explained that Mr. Goodhue was serving as attorney for Sheila Marinucci, abutter to 84 Hopkinson Street.

The Board discussed the issues raised in the letter. The Board invited Ms. Marinucci to speak. Ms. Marinucci stated that she was concerned that the grading of the property had caused stormwater issues on her property. Mr. Zehner indicated that much of the improvements required under the Review of Adequacy are not yet complete.

The Board directed Staff to review whether there were issues with building height and whether there were any grade assumptions or requirements associated with the plan approved under the Review of Adequacy. Mr. Zehner confirmed that Staff would review the approvals and status of the project further.

c. Discuss Denton Road Neighborhood Conservation District Commission Appointment

Documents

- Memo from Erin Heacock to Planning Board, dated June 5, 2014;

Ms. Conroy recognized Mr. Zehner. Mr. Zehner indicated that Staff was working to fill a vacancy on the Historic District Commission, and stated that one of the two candidates may wish to serve on the Denton Road Neighborhood Conservation District Commission. Mr. Zehner indicated that he would provide further updates to the Board at a future meeting.

d. Discuss Retreat Schedule and Agenda

Documents

- Memo from Michael Zehner to Planning Board, dated June 5, 2014;

Mr. Zehner outlined the anticipated Retreat discussion topics. Ms. Conroy and Mr. Zehner requested that the Board suggest any additional discussion topics for the Retreat. The Board agreed that the Retreat would be held on June 23, 2014, prior to the regularly scheduled meeting.

6. New and Other Business

a. Discuss Planning Board Contribution to North 40 Study Consultant Funds

Documents

- Memo from Michael Zehner to Planning Board, dated June 5, 2014;

Ms. Conroy recognized Mr. Zehner, who reviewed the anticipated request that the Planning Board contribute funds to the North 40 Study to be used for consultants. The Board indicated that they were not opposed to the idea, but wished to consider the matter further.

b. Discuss Sequence for Review of Re-Application for Tolles-Parsons Center PSI

Documents

- Memo from Michael Zehner to Planning Board, dated June 5, 2014; and
- Decision Brief in the matter of Ranney v. Board of Appeals of Nantucket, 11 Mass. App. Ct. 112

Ms. Conroy recognized Mr. Zehner, who discussed that it may be necessary for the Board to establish a procedure by which they would consider re-applications for previously denied PSI Special Permits. The Board discussed the matter and agreed that it needed to be discussed further at the Retreat, and requested that Town Counsel be prepared to provide input to the Board.

c. Appoint Member to MetroWest Regional Collaborative

Documents

- Memo from Michael Zehner to Planning Board, dated June 5, 2014; and
- Letter from Paul Dell'Aquila to Michael Zehner, dated May 18, 2014

Ms. Conroy indicated that it was necessary for the Board to consider appointing or reappointing its representative to the MetroWest Regional Collaborative. Ms. Conroy indicated that Ms. Johnson served as the Board's representative for the past year. Ms. Johnson stated that she would be happy to continue serving as the Board's representative, but that assistance might be needed. The Board agreed that Ms. Johnson would continue to serve as the Board's representative, and that Mr. Zehner would assist Ms. Johnson in representing the Board when necessary.

d. Planning Director Project Update Report

Documents

- Memo from Michael Zehner to Planning Board, dated June 5, 2014;
- Draft Letter to the Editor of the Wellesley Townsman regarding Mr. Broder's resignation as Chair of the Design Review Board; and
- Planning Department Punchlist for the week beginning June 2, 2014

Mr. Zehner reviewed the status of several existing projects. The Board approved the Letter to the Editor regarding Mr. Broder's resignation.

7. Minutes

a. December 16, 2013 Regular Meeting Minutes

Ms. Conroy called for a motion on the minutes. Ms. Preston made motion to approve the minutes as presented. Ms. Johnson seconded the motion. Ms. Conroy called for a vote. The Board approved the minutes unanimously, 5-0.

8. Adjourn

Hearing no other business, Ms. Conroy asked for a motion to adjourn. Ms. Preston made a motion to adjourn. Ms. Conroy called for a vote. The motion was approved unanimously, 5-0.

Meeting Adjourned: 10:35 p.m.

Next Meeting: June 23, 2014 Retreat and June 23, 2014 Regular Meeting

Minutes Approved: September 2, 2014

Note: A recording of this meeting is available from the Planning Department.

Michael D. Zehner, AICP
Planning Director