

**Planning Board Meeting Minutes**  
**Tuesday, January 10, 2017**  
**Champagne Meeting Room - 7:00 PM**

**Call to Order:**

The meeting was called to order by Chairman Chris Pfaff at approximately 7:08 p.m. The Chairman announced that Westwood Media Center is recording this meeting and asked if anyone else wished to record the meeting and no one responded.

**Present:**

Planning Board members present: Christopher A. Pfaff, Steven H. Olanoff, Trevor W. Laubenstein, David J. Atkins and Michael McCusker. Associate members Steven Rafsky and Todd Sullivan were present for the Westwood Estates Subdivision matter. Staff members present: Town Planner Abigail McCabe, Nora Loughnane, Director of Community & Economic Development and Planning & Land Use Specialist Janice Barba.

**Westwood Estates Definitive Subdivision, 9 Hedgerow Ln. & 443 Canton Street/Wight Lane – *Performance Guarantee, Covenant and Endorsement of Definitive Subdivision plans***

*Presentation*

Ms. McCabe reported that the 20-day appeal period has lapsed for the Westwood Estates Definitive Subdivision and the Town Clerk has certified the plan sheets and Decision of the Planning Board. The proposed performance guarantee in the form of a Covenant was also submitted and has been reviewed by Planning Staff and Town Counsel and is sufficient for Planning Board. Attorney Peter Zahka was present on behalf of the Proponent and Town Counsel Thomas McCusker was present to witness and notarize the documents.

*Action Taken*

Upon a motion by Mr. Rafsky, and seconded by Mr. Laubenstein, the Board voted unanimously in favor to approve the Performance Guarantee and endorse the Definitive Subdivision Plans for Westwood Estates.

**Hogan Tire Center, 14 Washington Street – *Request to open business prior to the completion of landscaping Board & Staff Discussion***

Ms. McCabe reported that the EIDR & Special Permit granted in June 2016 for Hogan Tire Center's new building and site work include landscaping improvements including the 20 ft. landscape buffer between the property and the residential zone along Lull Street. A condition of the Board's June approval was for the final landscape plan was to be approved by the Town Planner, which was ultimately approved in November 2016. The Planning Board received a letter from Ed Hogan stating that he is expecting the business to be ready to be opened in February, prior to spring planting season and requests the business be permitted to open prior to completing the approved landscaping work. Mr. Hogan provided a copy of the invoice for his deposit for the plants and stated that the final landscaping buffer will be completed in the spring, when the planting season begins. Since the landscape buffer is a very important screen for the Lull Street residences, Ms. McCabe asked the Board to determine if Hogan Tire Center should be allowed to open prior to completing the landscaping. Board members agreed with Ms. McCabe that it should not hold up a business opening and with her recommendation that a bond be posted with a specific date for plantings to be completed and in an amount acceptable to the Town Engineer & Planning Staff.

*Public Comments*

- John Smith – representing the neighbors requested that the Board require the property owner to provide a bond to ensure that the landscaping is completed.
- Applicant Ed Hogan was present at the meeting and confirmed that the landscaping would be completed in the spring and agreed to a bond, if required by the Board.

### *Action Taken*

Upon a motion by Mr. Olanoff, and seconded by Mr. McCusker, the Board voted unanimously in favor to modify the EIDR to allowing the Building Commissioner to issue a temporary Certificate of Occupancy to Hogan Tire Center, if the only item remaining to be completed is the landscaping. The Applicant will be required to post a bond (amount to be determined by the staff) and held until such time that the landscaping is completed and no later than May 1, 2017.

### **294/304 Clapboardtree Street – EMM Special Permit Public Hearing**

The Applicant proposes to bring in a net volume of ~4,210 cubic yards of fill to regrade the property to construct a new single-family dwelling.

### *Presentation*

David Johnson from Norwood Engineering was present on behalf of the property owners Tara and Thomas Themistocles to review the project and to explain the erosion control barriers, dust control, sediment control measures and daily sweeping. Mr. Johnson further informed the Board that the Conservation Commission has already reviewed the stormwater management and erosion control methods and issued an Order of Conditions in October 2015. A gravel driveway is proposed to reduce the amount of impervious surface.

### *Board Discussion*

- Board members exchanged questions and answers with Mr. Johnson about the driveway construction materials; the 100' buffer line and where the fill is coming from. Applicant responded fill would be from various locations such as Weston, Wellesley, and mainly from Route 109.
- Board members agreed that all trucks carrying earth material to or traveling from 294 Clapboardtree Street shall be required to access Clapboardtree Street via Nahatan Street from High Street/Route 109 only. Trucks are prohibited from travelling to and from the Project site via Gay Street and Clapboardtree Street between Nahatan and Washington Streets.

### *Town Engineer's Comments*

Phil Paradis of BETA Group, Inc. recommended Town staff monitoring of the roadway for sedimentation and damage from trucking operations and provide corrective measures as needed.

### *Town Planner's Comments*

Ms. McCabe prepared a draft decision with suggested conditions for the Board's review. She summarized the Board's standard conditions as protecting the existing pavement from loading and unloading; photographs to be submitted prior to construction beginning; a stone tracking pad to protect the roads from tracking dirt onto public way; DPW be contacting during installation of chambers for inspection; truck routes shall be from Rte. 109 to Nahatan to Clapboardtree only; and construction hours.

### *Public Comment*

Resident, 65 Old Carriage Road – expressed concern about possible flooding of the wetlands; suggested a truck route of 109 to Pond St. to Clapboardtree St.

### *Action Taken*

Upon a motion by Mr. Olanoff and seconded by Mr. Atkins, the Board voted unanimously in favor to **grant** the Earth Material Movement Special Permit to import and move more than 200 cubic yards of earth material in a residential district at 294 Clapboardtree Street, to import ~4,210 cubic yards of earth for grading work associated with the construction of a new single-family residence on a 7.4 acre lot with the standard conditions discussed during the hearing.

Upon a motion by Mr. Olanoff and seconded by Mr. McCusker, the Board voted unanimously in favor to close this hearing.

## **Canton Terrace Definitive Subdivision, 36 & 44 Blue Hill Drive and 124 Canton Terrace – Public Hearing**

### *Presentation*

John Glossa of Glossa Engineering, Inc. was present on behalf of the property owners Ed Musto and Javier Castro to discuss a proposal to construct a new ~220 ft. cul-de-sac and two-lot subdivision of land comprised of four parcels with a total of approximately 6.6 acres off Blue Hill Drive and Canton Terrace. The Property has 400' of street frontage on Blue Hill Drive; 40' of street frontage on Canton Terrace and abuts Route 95 and is served by municipal sewer and water from Dedham Westwood Water District. Most of the property is lightly wooded with moderate land slopes and there are no jurisdictional wetlands onsite. The proposal includes removing, relocating or razing the existing three buildings on the site; a new roadway will be laid out to create frontage on two new lots which will connect to the sewer main and a drainage system will be constructed to control storm water runoff. No increase in traffic is expected. Mr. Glossa stated that this Subdivision is submitted for the purposes of a zoning freeze and the applicant has no plans to build. If approved, this would freeze the zoning in place at the time the preliminary was submitted in April 2016 for eight years.

### *Town Engineer's Comments*

Phil Paradis of BETA Group, Inc. reports that this project includes the combining of four parcels and subdividing the new 6.99± acre parcel into two new buildable lots with a 220± foot dead end road with utilities. He stated that based on the area of the combined parcels the lot could be subdivided into 5 to 6 lots. Generally the road meets the minimum requirements for roadway and sidewalks design. Mr. Paradis provided 32 comments on the project related to compliance with the subdivision rules and regulations including showing sight distance measurements; curb cuts and driveway aprons; water services, hydrant, private utilities, street trees, stormwater design, soil test data, erosion and sediment control, operation and maintenance plan details and Stormwater Pollution Prevention Plan. (A copy of this report is available with these minutes.)

### *PSC, Inc. – Peer Review Comments*

Tom Houston provided a comprehensive review of the Definitive Subdivision. Mr. Houston identified a number of the same requirements Mr. Paradis did as well along with other items that must be met in order for the project to be compliant with the subdivision rules and regulations.

- Earthwork calculations should be provided and a Land Disturbance Permit is required;
- Provide the minimum distance between side lot lines at all points between the front lot line and the nearest point of a principal building;
- Submit a traffic study with sight distance study and stopping sight distance methods to verify the sight distances;
- Plans should be amended to include diameter of existing water mains, drain lines and sanitary sewer lines; diameter of proposed tapping sleeve and valve
- Recommends relocating the detention outlet further from the MassDOT site;
- A MassDOT permit related to drainage discharge should be reviewed;
- Planning Board should consider allowing the curb cut radii to be 25', not 55' as the smaller radius is sufficient.

(A copy of this report is available with these minutes.)

### *Applicant's Response*

Mr. Glossa requested clarification about what is considered a "major street"; to clarify "drainage" page 21, and commented that drainage calculations will be adjusted; stated that the applicants would prefer to submit a waiver-less subdivision plan although the applicant does not intend to build this subdivision.

### *Board & Staff Discussion*

Ms. McCabe reminded the Board that this property received a Preliminary Subdivision approval in May 2016 and the Applicant had indicated that the intent was for a zoning freeze because it was submitted prior to Town Meeting amending and removing the old Senior Residential Development (SRD) Bylaw. State Law allows Preliminary Subdivisions, followed by a Definitive Plan submitted within 7 months which is ultimately approved a zoning freeze for 8

years for the zoning that was in place at time of the initial submission (November 2015). If this Definitive Subdivision is approved then the zoning will be frozen. In addition, Ms. McCabe said that this Application has been submitted under the old Subdivision Rules & Regulations because it was submitted prior to the most recent update. Ms. McCabe informed the board that the Board of Health met earlier this evening and approved this subdivision. The project also requires Conservation review under the Stormwater Bylaw.

*Public Comment:*

J. Crane, 50 Blue Hill Drive – Asked multiple questions about the intent of this plan and asked Mr. Musto to be more transparent about what he really intends to build here.

S. Mepani, 86 Canton Terrace – questioned whether this proposal will be built

D. Kelly, 20 Blue Hill Drive – expressed concern about noise, especially with the possibility of tree loss/land clearing.

E. Germano, Canton Terrace – had a question about the size of the recently installed water main.

*Board Discussion*

Board members suggested if approved, conditions of the approval should include relocating the basin outlet, fixing the outflow, specify the curb line turning radii for the road paving, ramp down from the sidewalks, not further subdivision of the lots without further review by the planning board, and the outflow basin pipe to be located 50 ft. past the last house.

*Action Taken*

Upon a motion by Mr. Olanoff, and seconded by Mr. Laubenstein, the Board voted unanimously in favor to continue this public hearing until Tuesday, February 7, 2017 at 7:00 p.m., in the Champagne Meeting Room, 50 Carby Street.

**Proposed Zoning Amendments for Annual Town Meeting**

Ms. McCabe informed the Board that she submitted twelve zoning amendments to the Board of Selectmen for consideration at Annual Town Meeting on May 1. The Selectmen closed the warrant yesterday and also received three zoning amendments submitted by citizen petitions. The Zoning Amendment Public Hearing will be scheduled at the Board's February 28<sup>th</sup> meeting and will be kept open throughout the Finance Commission Public Hearings and close it just prior to Town Meeting. Below is a list of 12 possible zoning articles.

**Article 1: Zoning Amendments Related to Recreational Marijuana** – To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions], Section 4.0 [Use Regulations], and Section 7.4 [Registered Marijuana Dispensaries]. The purpose of this amendment is to make any necessary zoning amendments to regulate and protect Westwood related to the sale of recreational marijuana in response to the recent passage of the initiative petition allowing the regulation and taxation of marijuana. **More changes may be required in accordance with state law.**

**Article 2: Zoning Amendment Related to Accessory Apartments** – To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 8.5 [Accessory Apartments] by considering amendments to the number of Special Permits. The purpose of this article is to consider increasing the maximum number of available Special Permits that can be issued by the Zoning Board of Appeals, which is presently limited to one percent (1%) of the current number of single-family and two-family dwelling units in Town.

**Article 3: Zoning Amendments Related to Storage Facilities** – To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to self-storage and mini-storage facilities. Amendments may include a new section for special permit criteria related to parking, siting, setbacks, and screening. The purpose of this article is to

ensure that storage facilities are appropriately sited, neighborhoods and prime commercial real estate is protected and reserved for the highest and best use. **Check other communities.**

Peter Kane was present and requested the Board consider further amendments to the solar section of the bylaw that would expedite the permitting process for homeowner's submitting solar application. He suggested not requiring roof solar requests to have to go to the ZBA and encouraged only a permit submittal to building department and to be reviewed as quickly as possible to encourage energy sources to help with climate change. He submitted to the Board the Governor's Recent Executive Order establishing an integrated climate change strategy.

**Article 4: Zoning Amendments Related to Large Scale Solar for Residential Properties** – To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to the review process for residential properties proposing 15 kW + roof mounted solar arrays. The purpose of this article is to expedite the review process for homeowner's looking to install solar panels on existing roofs without having to go through the Zoning Board of Appeals special permit process. **Roof and on the ground – very important difference. Could be an EIDR if raise kw. Suggested percentage of roof coverage or increasing the trigger for ZBA review (increase 15 kW).**

**Article 5: Zoning Amendment Related to Earth Material Movement Permit Process** – To see if the Town will vote to approve certain zoning amendments to Sections 4.1 [Use Regulations], 7.1 [Earth Material Movement] and Section 7.3 [Environmental Impact and Design Review (EIDR)] of the Zoning Bylaw to change the type of approval required from the Planning Board from a Special Permit to an EIDR approval. The purpose of this article is to expedite the permit review process to allow Applicant's to apply for a building permit shortly after Board approval. **Suggestions to write the legal notice that says what the PB is reviewing – transport only. (board ok'd)**

**Article 6: Zoning Amendments Related to Exterior Lighting for Nonresidential** – To see if the Town will vote to approve certain zoning amendments to Section 6.4 [Exterior Lighting] of the Zoning Bylaw to restrict the height of wall mounted fixtures in nonresidential districts to 15 ft. and require non-security lighting to be turned off within an hour after the close of business. The purpose of this article is to protect properties against glare and light trespass. **In a parking lot**

**Article 7: Zoning Amendments Related to Nonconforming Uses and Structures** – To see if the Town will vote to approve certain zoning amendments to Section 2.0 [Definitions], Section 4.5 [Nonconforming Uses and Structures] and related sections of the Zoning Bylaw. The purpose of this article is to revisit the special permit criteria for alterations to existing nonconforming residential properties and the provisions for permitting reconstruction of single and two-families after voluntary demolition. **Jerry Wolfe invited to next meeting.**

**Article 8: Zoning Amendment Related to Maximum Height of Perimeter Fence** – To see if the Town will vote to approve a certain zoning amendment to Section 6.3.10 [Perimeter Fence by Special Permit] to remove the maximum height of eight (8) ft. as currently permitted upon the issuance of a Special Permit from the Zoning Board of Appeals. The purpose of this amendment is to allow the maximum height to be determined during the Special Permit process when a fence higher than six (6) ft. is proposed. **Board decided to eliminate this article.**

**Article 9: Zoning Amendment Related to Corner Clearance** – To see if the Town will vote to approve a zoning amendment to Section 5.5.5 [Corner Clearance] of the Zoning Bylaw to prevent fencing, landscaping and other obstructions from blocking the sight distances at corners. The purpose of this amendment is to protect visibility at corners.

**Article 10: Zoning Amendment Related to Penalty for Noncriminal Complaint** – To see if the Town will vote to approve a zoning amendment to Section 10.1.6 [Penalty for Noncriminal Complaint] of the Zoning Bylaw to increase the penalty for a violation from \$100.00 to \$300.00 for each offense. The purpose of this article is to give the Building Commissioner authority to impose a fine that motivates timely compliance.

**Article 11: Zoning Amendment Related to Sodium Chloride Use in UAMUD and WRPOD** – To see if the Town will vote to approve certain zoning amendments to permit the use of sodium chloride based deicers and snow removal products in the UAMUD (University Avenue Mixed Use Overlay District) and the WRPOD (Water Resources Protection

Overlay District) by Special Permit. The purpose of this article is to permit products containing sodium chloride to remove snow or ice from roadways within the WRPOD and UAMUD. **More info, review with DWWD.**

**Article 12: Housekeeping Amendments to Zoning Bylaw and Official Zoning Map** – To see if the Town will vote to approve general housekeeping amendments to various sections of the Zoning Bylaw and Official Zoning Map as may be necessary to correct any errors or inconsistencies and to clarify sections, including but without limitation to the correction of a section reference to “Accessory Apartments” in the Table of Uses references the wrong section number, Note 3 in the Table of Principal Uses does not correspond to the details in the chart above, and the connection appears as a road between Dover Terrace and Birch Tree Drive.

**Petition Articles Submitted to the Board of Selectmen**

Two petition articles have been received submitted by residents to (1) amend Section 9.5.2.6 FMUOD 6 – to “exclude properties along Washington Street within the Local Business B District between Fairview Street and Everett Street”; and amend Section 9.5.2.7 FMUOD 7 – to “exclude properties along High Street within the Local Business A District between Windsor Road and High Rock Street”; and (2) amend Section 9.5 FMUOD by deleting “minimum project area shall include the contiguous parcels and parcels separated by a roadway or railroad-right-of-way that are effectively contiguous from FMUOD 6 and FMUOD 7 in its entirety”. Also, a petition article submitted for a moratorium for houses torn down to preserve affordable housing stock for entry level buyers.

**Other Business:**

- Ms. McCabe summarized two upcoming ZBA Applications: 94 Oak Street (Variance for retaining wall over 8’ high) and 471 East Street (Special Permit under §4.5.6 – 2<sup>nd</sup> story addition)
- Conflict of Interest Law Acknowledgement due 1/19/17 and Ethics Online Training due by 4/7/17 <http://www.muniprogram.state.ma.us/>
- Committee Reports – no new information
- Reserved for topics not reasonably anticipated to be discussed – nothing to report

**Consideration of Draft Minutes**

*Action Taken*

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted unanimously in favor to approve the meeting minutes of 12/6/16 with a minor edit to a misspelled board member’s name.

**Upcoming Planning Board Meetings:** Tuesdays starting at 7:00 PM: 1/17, 2/7, 2/28

**Upcoming Islington Center Task Force Meeting:** 1/18/17, 7:00 PM, Middle School Cafeteria

**Adjournment:**

Upon a motion by Mr. McCusker, and seconded by Mr. Olanoff, the Board voted unanimously in favor to adjourn the meeting at approximately 10:45p.m.

**List of Documents**

• Memo to DPW Director from Phil Paradis, BETA Group, Inc., dated 1/4/17 re: Canton Terrace Definitive Subdivision Review	PDF
• Definitive Subdivision Plans for Westwood Estates a Residential Subdivision, last revised 12/12/16 (16 sheets).	PDF
• Subdivision Covenant for Westwood Estates dated January 10, 2017, 6 pages.	PDF
• Letter to Planning Board from Hogan Tire/Ed Hogan, dated 12/29/16 (1 Page), landscape quote and invoice from MF Landscape Design LLC, final approved landscape plan.	PDF
• Application and plans for 294 Canton Street, Earth Material Movement	PDF
• Application from Ed Musto for Canton Terrace Definitive Subdivision, Engineering Report	PDF

prepared by Mr. John Glossa, Canton Terrace Definitive Subdivision Plans, Traffic memo, Stormwater management report.	
<ul style="list-style-type: none"> <li>Letter to Town Planner A. McCabe from P. Paradis, Beta Group dated 11/28/16 RE: Peer Review Scope and Fee for Canton Terrace Definitive Subdivision Plan</li> </ul>	PDF
<ul style="list-style-type: none"> <li>Letter to Town Planner A. McCabe from T. Houston, Professional Services Corporation (PSC) dated 11/30/16 RE: Peer Review Scope and Fee &amp; Qualifications for Canton Terrace Definitive Subdivision Plan</li> </ul>	PDF
<ul style="list-style-type: none"> <li>Meeting Summary from Town Planner, Abby McCabe to Planning Board members, dated January 9, 2015 (5 pages)</li> </ul>	PDF
<ul style="list-style-type: none"> <li>Executive Order No. 569 "Establishing an Integrated Climate Change Strategy for the Commonwealth", by Charles D. Baker, dated 9/16/16.</li> </ul>	PDF
<ul style="list-style-type: none"> <li>Draft Minutes 12/6/16</li> </ul>	PDF