

Planning Board Meeting Minutes
Tuesday, February 28, 2017
Champagne Meeting Room - 7:00 PM
Westwood, MA 02090

Call to Order:

The meeting was called to order by Chairman Chris Pfaff at approximately 7:03 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 L. Atkins, Jr. and Michael McCusker. Staff members present: Town Planner Abigail McCabe, Nora Loughnane Director of Community & Economic Development, and Planning & Land Use Specialist Janice Barba.

565 Gay Street – Gay Street Estates Definitive, Two-lot Subdivision & Earth Material Movement (EMM) Special Permit Public Hearing

Ms. McCabe reported that the applicant has requested a continuance of this hearing as they are still working to update the submitted plan and provide more information requested by the Board.

Action Taken

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted 4 in favor and one abstention (David Atkins abstained), to continue this hearing without testimony taken to Tuesday, April 11th at 7:00 p.m., in the Champagne Meeting Room.

60-90 Glacier Drive, EIDR & Special Permit – Prime Motor Group

Ms. McCabe reported that the applicant has requested a continuance of this hearing as they are working to update the submitted plan and provide more information.

Action Taken:

The Board continued this hearing without discussion or taken testimony to their meeting on Tuesday, March 14th at 7:00 p.m., in the Champagne Meeting Room.

University Station Operations & Maintenance Plan Review

Ms. McCabe reported that this item was placed on the agenda to discuss the Operation and Maintenance (O&M) Plan for University Station's snow and ice removal products thinking an amendment to the O&M Plan may be needed based on earlier discussions with the project developer regarding de-icing products, which ultimately led to a proposed zoning amendment to Section 9.7 - University Avenue Mixed Use District (UAMUD) and Section 9.7.5 – Water Resource Protection Overlay District (WRPOD). Ms. McCabe received a letter from Attorney Brian Dugdale of Goulston & Storrs on Friday that was provided to the Board in the electronic packet informing the Board that the current use and storage of deicing agents within the UAMUD conform to current applicable regulations, the O&M plan, permits and approvals and that no zoning or O&M plan amendments are needed at this time. No action was taken by the Board.

188 Mayfair Drive – Earth Material Movement (EMM) Special Permit Public Hearing

Present were owner Timothy Gagnon, Craig Cifanouski Civil Engineer from RIM Engineering, and Peter Grover, Architect from Mitchell Construction Group.

Mr. Grover gave a brief presentation:

- Mitchell Construction Group will be finishing this unfinished home remodeling project so that the owner can obtain a certificate of occupancy. In order to for Mitchell Construction to apply for and be granted a building

permit to finish this job, the building commissioner has required EMM Special Permit review.

- Mr. Grover stated that the Project Engineer has agreed to follow the recommendation of the town engineer as requested in the review comments to cutback and regrade the site so that slopes do not exceed 2:1 slopes and remove approximately 70-80 cubic yards of earth to regrade the front slope and terracing and regrading will be done instead of earth removal in the back yard, and remove the fill from the right of way.
- Erosion control will be staked into place prior to proposed site work.

Town Planner's Comments

Ms. McCabe stated that this project also requires a review by the Conservation under the Stormwater Management Bylaw for disturbance of 5,000 square feet or more of land triggers stormwater review and informed the Applicant that he should contact the conservation agent for information on filing an application.

Town Engineer Comments

Phil Paradis of BETA Group, Inc., acting as Westwood's acting as Town Engineer, gave a brief presentation summarizing findings, comments and recommendations. Mr. Paradis also provided google images and photographs of the site and to restore the slope away from the right of way. *(BETA Group, Inc.'s full report is available with these minutes.)*

Board Questions/Comments

- The Board discussed conditioning the approval for plan revisions or continuing the hearing so they can see the revised plans. The Board asked the Applicant to provide revised plans for a continued hearing and asked Ms. McCabe to review proposed conditions if approved.

Ms. McCabe summarized the Board's request for the continued hearing:

- Revise plans so that slopes are no more than 2:1, provide the quantities of earth being exported, imported and regraded, fill removed from right-of-way
- A suggested condition on any approvals will be for the truck traffic to not be allowed on Mayfair Drive but rather restricted travel from High St. to Hartford St. and then to Mayfair Drive.
- Any damage caused to sidewalks, street pavement, signs or other fixtures or features within the public right of way shall be repaired in accordance with Town of Westwood standards.
- Final as-built plan submitted certified by professional engineer ensuring all work is in compliance with final approved plan.

The Chairman opened the hearing to public comments:

M. Hollingsworth, 182 Mayfair Drive – submitted photos of his land abutting the property line of 188 Mayfair Drive which document erosion, believes trees were removed on his property, and significant tree clearing and current conditions and asked for placement of erosion controls. *(Ms. McCabe stated that erosion control will be required and enforced under the stormwater management plan required by the Conservation Agent.)*

R. Guerrero, 162 Mayfair Drive – commented that he would like to see this project finished and asked about how long a building permit remains in effect before it expires.

Board Questions/Comments

Ch. Pfaff asked the Applicant to revise the project plans completing the open items requested by the Town before the Planning Board will consider granting an approval.

Action Taken

Upon a motion by Mr. Olanoff and seconded by Mr. McCusker, the Board voted unanimously in favor to continue this hearing until *Tuesday, March 14th at 7:00 p.m., in the Champagne Meeting Room.*

690 Canton Street, Sprint – Wireless Communications Overlay District (WCOD) EIDR for a Minor Wireless Communications Facility Public Hearing

Presentation

Ignacio Formoso of Tower Resource Management was present on behalf of Applicant, Sprint Spectrum. The proposal includes the addition of three new antennas and associated cabling and mounting of three new radio heads behind the antenna for the purposes of upgrading existing telecommunications systems, located on the rooftop of 690 Canton Street. Mr. Formoso explained that these upgrades be installed at the same height of the existing antennas and will provide better voice quality and data speeds in Westwood and the immediate surrounding area.

Town Planner’s Comments

- Ms. McCabe stated that this application was approved by Planning Board in 2014 but never constructed due to an equipment shortage.
- Since then, the Applicant has filed a Radio Frequency report certification and coverage maps were submitted.
- Waivers have been requested from Section 7.3.7 EIDR site plan, showing all items (parking, landscaping, major site features, etc.); submission of an exterior lighting plan; traffic study and model.
- *The following conditions were suggested:*
 1. No component of antennas or any part of the facility shall extend over 10 ft. above the roof of the building.
 2. The Applicant shall verify with a post installation monitoring report of an independent radio engineering consultant, that the new antennas and radio heads will not interfere with nor have any negative effect on the Town’s emergency radio communication system.
 3. The Planning Board shall be notified within 30 days of any discontinuance of the facility. All antennas, brackets, cabling etc. be removed within 6 months if ever discontinued.

The Applicant agreed to the conditions.

Board Questions/Comments

- A board member asked if this installation would increase the number of antennas that are currently located on the roof. (Mr. Formoso responded that no expansion of equipment is planned rather replacement of equipment with upgraded technology.)
- A board member questioned why the original 2014 Planning Board Decision was not just extended and why a new Decision is needed. Ms. Loughnane stated that the Decision expired before a request for a modification was received and therefore a new decision needs to be issued.

Public Comments

The Chairman opened up the public portion of the hearing, asked if there were any public comments, to which no one responded.

Action Taken

Upon a motion by Mr. Laubenstein and seconded by Mr. McCusker, the Board voted unanimously in favor to approve this EIDR for a Minor Wireless Communications Facility at 690 Canton Street with the waivers and the standard conditions discussed.

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

20 East Street, Verizon Wireless – Wireless Communications Overlay District (WCOD) Special Permit Public Hearing for a Major Wireless Communications Facility

Presentation

Attorney Daniel Klasnick was present on behalf of Verizon Wireless, the Applicant. The project includes the installation of six (6) rooftop antennas within three (3) stealth canisters installed at a maximum height of 48.5' above ground level with rooftop ballast mounted remote radio heads and junctions boxes. The associated cabling will run through rooftop cable trays to the proposed equipment inside the building at 20 East Street (also known as Public Storage). A natural-gas backup generator located on a 10'x4' concrete pad is proposed to be installed next to the building. The Applicant stated the generator would be tested once per week.

Town Planner's Comments

- Waivers have been requested from Section 7.3.7 EIDR site plan, showing all items (parking, landscaping, major site features, etc.); submission of an exterior lighting plan; traffic study and model.
- *The following specific conditions were suggested with the standard conditions:*
 1. The canister, antennas, all brackets and associated cabling shall be painted the identical color of the exterior of the public storage building to minimize visual impacts and maintained as necessary.
 2. The backup emergency generator shall only be used in instances of emergency use when power is lost and tested approximately once per week during the day time mid-day mid-week to minimize the noise impacts to abutters and neighbors. [This condition was added during the Board's deliberation discussion]
 3. The proposed facility will not cause interference to any lawfully operating emergency communications system in the surrounding area.
 4. The Planning Board shall be notified in writing within thirty (30) days of any discontinuance of the wireless facility. All antennas and related equipment shall be removed within six (6) months if the facility is abandoned or discontinued.

Board Questions/Comments

- Questions were raised about whether there is an existing gap in coverage; generator noise level; and the location of these antennas in relation to antennas located within two exits of this site.
- Mr. Klasnick reviewed the photo renditions/simulations of the existing and proposed conditions from all views and the coverage maps.
- Mr. Klasnick and the Radio Frequency Engineer responded that the coverage is related to increasing the bandwidth and increasing signal strength for this site, which is considered taxed; relative to the generator noise level he stated that the site is approximately 230' away from the nearest resident and the generator will operate at below ambient. Essentially, the application will strengthen the capacity in the area and alleviate the current strain to the south to establish more reliable service.

Public Comments

The Chairman opened up the public portion of the hearing, asked if there were any public comments, to which no one responded.

Action Taken

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted unanimously in favor to approve this Special Permit for a Major Wireless Communications Facility at 20 East Street with the waivers and the conditions as discussed.

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

Proposed Zoning Amendments for Annual Town Meeting

Ms. McCabe presented each of the eleven zoning articles, followed by Board discussion with edits suggested, and public comment on each article.

Article 1: Zoning Amendment Related to Non-Medical Marijuana Establishments

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to marijuana establishments, including amendments to Section 2.0 [Definitions], Section 4.1.2 [Table of Principal Uses], and any necessary amendments to Section 7.4 [Registered Marijuana Dispensary], or take any other action in relation thereto:

Board & Staff Comments

This article proposing prohibiting the non-medical facilities in all zoning districts because Westwood’s citizens voted 57% to deny the November ballot question legalizing marijuana. The article also clarifies the definitions. The Board of Selectmen will place a ballot question on the April 25th local election asking residents to prohibit all marijuana establishments excluding medical facilities. If the ballot question does not pass an amendment will be prepared for the Planning Board to make on Town Meeting floor to allow no more than one recreational marijuana facility by special permit from the ZBA in the ARO zone to match the medical facilities. The Board discussed revising the definition for the Medical Marijuana Establishment to be simplified but final language was to be further reviewed by staff and Town Counsel.

The Chairman asked if there were any public comments on this article to which there were no comments.

Article 2: Zoning Amendment Related to the Number of Allowable 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] to amend the limited number of special permits to be issued and in effect in Section 8.5.4 [Limited Number of Special Permits], or take any other action in relation thereto:

Board & Staff Comments

- Staff in the planning, zoning, and building departments have received inquiries from residents wishing to apply for special permits for accessory apartments and have had to be turned away because we have reached the 1% limits based on the total number of single and two-family houses in Westwood.
- Accessory apartments need to meet specific criteria in order to be granted by the Zoning Board of Appeals, including maintaining the appearance of a single-family property, be less than 900 square feet and have its own means of egress; the property owner must live in the principal dwelling or the accessory unit.
- No changes are proposed to the definition of “accessory apartment”. The proposed change is related to the maximum number of special permits allowed and a correction to a section number.
- Accessory Apartments can be occupied by related or unrelated individuals to the owner, with the only restriction being that the owner must occupy either the principal dwelling or the accessory apartment.
- There was discussion about limiting to family members which Town Counsel has advised against because zoning bylaws are not permitted to regulate ownership.
- Accessory Apartments are permitted in all residential zones in town.

Public Comments:

R. Beauregard, 61 Lull St. – commented that his neighbor’s accessory apartment was initially granted with a restriction that only allowed a family member to occupy the apartment but the ZBA recently removed that restriction for the new property owner and the accessory apartment is now a rental. He said that allowing accessory apartments changes the character of the neighborhood. He said the definition should have mention of “rental” added to it. He requested the zoning amendment that goes to Town Meeting make clear that accessory apartments may be rented to people unrelated to the property owner. He was also concerned about additional parking in yards.

M. Cuozzo, 17 Sexton Ave. – asked for clarification on the differences between a two-family house and an accessory apartment.

The Board and staff responded that accessory apartments are only permitted on a property that is a single-family residence either in the principal building or an accessory building such as a garage and must maintain the character of single-family residences which is reviewed by the ZBA upon submission of complete site and building plans. Accessory apartments on single-family properties are still considered a single-family residence. There is also a strict size limit to be no more than 900 sq. ft.

M. Parker, 124 Mill St. – commented that he supports this article and the increase to 2% because he would like to consider applying for an accessory apartment to provide a living space for a family member and provide an option for family to live in town.

The Board did not make any edits to the article as written.

Article 3: Zoning Amendment Related to Storage Facility Special Regulations

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related Section 4.1.6.8 [Self-Storage or Mini-Storage Facility] in the Table of Uses, add a new Section 7.6 [Storage Facilities Regulations], and amend the parking requirements for storage facilities in Section 6.1.6.6, to take any other action in relation thereto:

Board & Staff Comments

This article creates a new special permit criteria section with specifics on where storage facilities can be located and in what manner with 200 ft. setback from major commercial roads in the HB, I and IO zones. The Special Permit Granting Authority changes from the ZBA to the Planning Board where there is a combined Special Permit and EIDR review. The intent of this article is to allow storage facilities only where they are beneficial to the Town and not located on Westwood's most prominent and valuable commercial land because they are industrial type uses but don't generate a lot of activity in commercial areas.

There were no further edits from the Board and no public comments on this article.

Article 4: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions], Section 4.1 [Table of Principal Uses] and Section 4.3 [Table of Accessory Uses], for amendments related to solar energy facilities, large scale solar and small scale solar, or take any other action in relation thereto:

This article proposes changing the definitions that are currently in place for small scale and large scale solar which currently triggers a special permit for proposals over 15 kW. As proposed, this article eliminates these definitions to allow roof mounted facilities to be as-of-right with a permit to the building department at any size but by special permit from the Zoning Board of Appeals (ZBA) when solar is proposed on the ground, on an accessory structure such as a garage or outbuilding.

Minor edit made in *red*:

Roof-mounted Solar Any solar arrays, facilities, or solar photovoltaic installations mounted to the roof of a principal building which do not extend or project beyond the principal building's roof *and at the same angle as the existing roof*.

Board and Staff Comments

The purpose of this article is to expedite the permitting process for solar arrays proposed on roofs of existing buildings so that the property owner can apply directly with the Building Division without having to go through the ZBA's review which can take up to 6-8 weeks.

Public Comments

C. Galkowski, 320 Dover Rd. – asked why the ZBA reviews solar panel installations. (ZBA reviews to ensure no negative impacts to abutters.)

P. Kane, 149 Ellis St. – commented that he supports this article.

Article 5: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 7.1 [Earth Material Movement (EMM)] to change the type of permit from a Special Permit to an Environmental Impact and Design Review (EIDR) in Section 7.3, or take any other action in relation thereto

Board & Staff Comments

The purpose of this article is to help reduce the delay between the time of Board approval and appeal period to when construction can begin. Additionally, this amendment helps clarify the bylaw's purpose that focuses on the transportation of the earth to and from the property.

No edits made to the article as written.

Public Comments:

R. Beauregard, 61 Lull St. – asked for clarification on the amount of earth that would require this type of review. Staff responded that earth movement of more than 200-250 cubic yards, which is about 10-25 dump trucks requires Planning Board review.

Article 6: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 6.4 [Exterior Lighting] to clarify the height limit for wall mounted fixtures for nonresidential properties, limit the hours for exterior lighting at nonresidential properties, and identify security and non-security lighting on the exterior lighting plan, or take any other action in relation thereto

Board & Staff Comments

The purpose of this article is to require applicants to identify security and non-security lighting on exterior lighting plans to ensure appropriate design, reducing unnecessary glare outside of business operating hours.

No edits.

No public comments.

Article 7: To see if the Town will vote to approve certain zoning amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions], Section 4.5 [Nonconforming Uses and Structures], or take any other action in relation thereto:

Board & Staff Comments

In 2016 the ZBA received 16 special permit applications under Section 4.5.6 and granted all but one. These amendments are being considered in response to the petition article on the housing moratorium but staff and the planning board has discussed making these changes in the past. This article proposes changes the process for substantial alterations to nonconforming properties to be more in keeping with the way conforming properties are handled, which encourages compliance with the minimum setbacks. If this amendment is passed, it would change the process for substantial alterations and reconstruction of nonconforming properties; special permits would still be permitted when there is no further encroachment into a setback and can still apply for a special permit to continue within or along the same horizontal or vertical requirements but a variance would be required for alterations that proposed new nonconformities or if proposing to go closer to the lot lines. The intent of this article is to maintain the character of the neighborhood by requiring compliance with setbacks.

Ms. McCabe informed the Board that the ZBA provided some edits that have been incorporated and highlighted in the language before the Board and commented that they were concerned that this amendment would limit improvements to nonconforming houses.

Edits Made:

- Change “also” to still in Section 4.5.3.1.1
- Remove “or structurally changed” and “extension” and “or change” in Section 4.5.3.1
- Add reference to Section 10.4 for Variance in Section 4.5.3.3
- Add the “and” and an “a” in Section 4.5.3.4.3
- Remove “in kind” from 4.5.2.2
- Recommendation to revise the image for the proposal to go up within a setback to clarify the vertical alteration proposal

Public Comments

C. Galkowski, 320 Dover Rd. – commented that agrees with word changes in this article.

Article 8: To see if the Town will vote to approve certain zoning amendments to the Westwood Zoning Bylaw related to Section 5.5.5 [Corner Clearance], to prohibit fences from being located within a certain distance from intersections, or take any other action in relation thereto:

5.5.5 Corner Clearance. On any corner lot, no building, structure, fence, wall, landscaping, or any other similar obstruction greater than three (3) feet above the road surface shall be located within the sight distance triangle. The sight distance triangle is the area formed by the point of intersection of the tangents of the curb lines or the tangents of the edge of pavement lines of the intersecting streets and the two points along those tangents that are a distance from that intersection point of 25 feet ~~along roads with speed limits of 25 mph, 20 feet on roads with speed limits of 30 mph, 25 feet on roads with 35 mph, and 30 feet on roads of 40 mph or greater.~~ Said triangular area shall remain clear as to not interfere with traffic visibility around the corner.

Board & Staff Comments

The purpose of this article is to prevent dangerous conditions and to protect clear sight distances and visibility at corners. Fences have now been captured and the definition has been clarified to explain how you measure the distance from the pavement intersections and obstructions are over three feet. The references to speed limits have been removed from the earlier version because when drawing the image it was realized that it creates an uneven distance for sight and provides more visibility if 25 ft. at all intersections.

Public Comments

B. Gorman, 145 School St. – asked how one knows if this works and who tests it? Staff responded that DPW and Westwood Police Department have reviewed this and made some suggested wording changes.

Article 9: To see if the Town will vote to approve certain zoning amendments to the Westwood Zoning Bylaw related to Section 10.1.6 [Penalty for Noncriminal Complaint] to increase the penalty for a violation from \$100.00 to up to \$300.00 for each offense, or take any other action in relation thereto.

Board & Staff Comments

This article’s purpose is to give the Building Commissioner authority to impose a monetary fine substantial enough to motivate timely compliance with zoning requirements. The article changes the reference from \$100.00 to be “up to \$300.00” and the amount at the building commissioner’s discretion.

The Board asked if we should be more specific on the fines. Staff responded that if adopted, the building department will establish a policy based on the types of violations, frequencies etc.

Article 10: To see if the Town will vote to approve certain zoning amendments to the Westwood Zoning Bylaw related to Section 9.7 [University Avenue Mixed Use District (UAMUD)] and Section 9.7.5 [Water Resources Protection Overlay District (WRPOD) Requirements], to amend the allowable snow and ice removal products and approval process or take any other action in relation thereto. Amend Section 9.7.4.4.2. b [Accessory Uses Permitted By Special Permit] to delete the words “but not sodium chloride” as follows:

Staff summarized the letter submitted by the attorney for the project developer at University Station stating that they are in compliance with the zoning and are not requesting any zoning amendments at this time. Staff commented that since the Applicant has agreed to fully comply and there is no formal report or recommendation from the Dedham Westwood Water District at this time, staff recommends withdrawing this article. Staff will work with developer and DWWD and if needed a change could be considered at a future town meeting.

On a motion duly made and seconded, the Board voted to withdraw this article for consideration at Annual Town Meeting.

Article 11: To see if the Town will vote to approve certain housekeeping amendments to various sections of the Westwood Zoning Bylaw and Official Zoning Map as may be necessary to correct any errors or inconsistencies, including without limitation the correction of one or more erroneous section references, update the footnotes in Section 4.1 [Table of Principal Uses], and update the Official Zoning Map to remove an area depicted as a road without a zoning designation as follows

Changes to the notes in the table of uses to correct the formatting and numbering and map change. No further edits from the Board or public comments.

Petitioner Articles:

Islington Center Zoning Article A – *Petitioners: Debbie Conant, 21 Strasser Ave., Ellen Rollings, 86 Greenhill Rd.*

E. Rollings presented a slide show to the Board defending the proposed zoning change. Concerned about impacts to schools, height of buildings, parking and traffic, not supportive of more housing.

To eliminate the multi-family residential permitted use from the FMUOD 6 (Washington Street Business District) and FMUOD 7 (High Street Business District) zoning districts and delete any reference to the amount of housing allowed in these zones.

Board & Staff Comments

- Removing permitted residential uses from High St. and Washington St. detracts from the purpose of FMUOD bylaw which is to provide a desirable mix of land uses, to serve Town and regional interests in housing, employment, and economic development.
- Housing helps add vitality to the area.
- Allowing housing as an option provides an economic incentive for development and improvements to be made and is an important to make a project feasible.
- The FMUOD bylaw promotes economic development.
- The one FMUOD project approved included an underground parking garage for the tenants of the building and it's likely that any applications for housing will propose parking for any of the residences.
- Current zoning permits the Planning Board to consider multi-family housing in the local business districts. The

Planning Board has discretion through the special permit process to determine whether or not the project is appropriate and beneficial to the town and the surrounding neighborhood when applications are proposed.

- The one project developed with this use at 323 Washington Street would become nonconforming, although it would be protected because it has already been approved.

Public Comments

R. Beauregard, 61 Lull St. – commented that he is concerned about the direction that the town is going in.

L. Fitzhenry, 57 Brookfield Rd. – commented that she supports this proposed zoning amendment. Believes the previous changes to the FMUOD were done without planning and public education. She said she is concerned about the current traffic conditions and a lack of sufficient parking spaces in Islington and future development will impact this.

B. Gorman, 145 School St. – commented that he agrees with this proposed zoning amendment and if the Town doesn't pass this it will end up with 100s of apartments.

L. Fitzhenry, 57 Brookfield Rd. – commented that she supports this proposed zoning amendment. Disagrees with the redevelopment as Islington is already a vibrant area.

Ms. Loughnane, Director of Community & Economic Development explained that residents that this article will be given a recommendation by the Planning Board, Finance Commission and then to a vote of residents at Town Meeting. She also mentioned that the FMUOD 7 zoning was passed prior to Petruziello's purchase of the Islington property and its redevelopment.

Board members agreed that the residential uses in FMUOD 6 balance the proposed retail uses and as far as parking concerns the apartments under construction that were approved last year in Islington have a dedicated garage parking.

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the board voted unanimously in favor to recommend the Finance and Warrant Commission indefinitely postponement this article.

Islington Center Zoning Article B – (Footnote Change)

Petitioners: Debbie Conant, 21 Strasser Ave., Ellen Rollings, 86 Greenhill Rd.

D. Conant presented a slide show to the Board defending the proposed zoning change.

To remove the footnote marker 1 from after the words "Minimum Project Area" in the Alternative Dimensions table in Section 9.5.9.1, which presently applies to all seven FMUOD zoning districts so that the footnote marker would apply only to FMUOD 1 – 5 and not to the FMUOD 6 (Washington Street Business District) and FMUOD 7 (High Street Business District). The footnote reads: "Minimum project area shall include contiguous parcels and parcels separated by a roadway or railroad right-of-way that are effectively contiguous."

Board & Staff Comments

- Staff informed the Board and public that this footnote was added one year ago and was proposed in response to a settlement agreement with a property owner on University Avenue that had property that crosses the road and a railway and was nearing a settlement agreement from a land taking with the Town almost ten years ago. During discussions with the Town's legal counsel they asked the Board to consider a zoning amendment reducing the size of another FMUOD project area (FMUOD-1) and to clarify the Board's practice of considering more than one parcel when they are adjacent to each other with the footnote. The Board also agreed to add the footnote since it the question of why the Board reviewed three parcels adjacent together as one project came up last year during the FMUOD hearings for 323 Washington Street.
- The Board commonly reviews applications for more than one parcel when they are next to each other and

proposed to operate and function together such as the recent approval of a new Shell Station and retail store at 75-85 Providence Highway, the plaza on High Street (719-745 High Street), and University Station consists of several parcels.

- The proposal to remove this footnote from FMUOD-6 and FMUOD-7 is forcing the board to treat applications in these zones differently than how it treats other projects in town in other zoning districts and could make the board open to challenges in other applications for Planning Board approvals where more than one property is involved.
- The amendment is not consistent with the FMUOD's stated purpose of promoting creative and efficient design solutions to complex sites, does not encourage a comprehensive and effectively takes the "flexibility" out of the Flexible Multiple Use Overlay District.

Public Comments:

A.Meredith, 53 Beacon St. – commented that she thinks the residential building is too tall.

Staff explained that this amendment does not change the height limit of 36 feet.

G. Petruziello, commented that he is committed to promoting vibrancy of Islington Center.

Resident, 35 Croft Regis Rd. – disagrees with the residential component of the project and wants green space.

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the board voted unanimously in favor to recommend indefinite postponement of this article.

Citizen Petition: Housing Moratorium – Jerrold Wolfe presented handouts to the Board called "Summary – 26 Sexton Ave." The handout summarizes the recent sale, demolition and reconstruction of a single family dwelling at 26 Sexton Ave. The property was purchased by a contractor for \$461,000, who demolished the structure and is the process of reconstructing a new single family house which has been sold for \$1,200,000.

This article proposes a three year moratorium against demolishing dwellings. The stated intent is to preserve smaller entry level "starter" homes. Certain exclusions apply for when a dwelling has been deemed unsafe. Additionally, demolition of homes would not be permitted for one year after the date of purchase¹. Mr. Wolfe explained he intended this to be for a one year moratorium but has been informed that the article cannot be revised at this time.

Staff suggested a town meeting floor amendment to change the year. Ms. Loughnane also suggested included language on where the amendment would be located because the article as written does not specify if it's a general or zoning bylaw and where in the zoning bylaw it would go. Additionally, a more narrow focus on what dwellings could not be demolished is important because as written the petition would stop a \$4 million home from being demolished when clearly that would not be considered a starter home and thus not serving the purpose of the petition.

Board & Staff Comment

- Staff have been studying teardowns in Westwood and surrounding communities for some time, and do not believe that further study during a period of moratorium would result in measures other than those currently proposed. The broadness of the article would prevent the demolition of structures which have no bearing on the purported purpose of the article to preserve moderately priced housing, and would delay current property owners from carrying out plans to demolish and rebuild their own homes.

- The Board agreed with the Applicant’s intent and understood the concerns of eliminating the more affordable or moderately priced homes but felt this article as written, infringes on a property owner’s rights to sell their homes to builders or tear down and rebuild.

Public Comments:

P. Cuozzo, 17 Sexton Ave. – stated he is in favor of this article.

Upon a motion by Mr. Olanoff and seconded by Mr. McCusker, the board voted unanimously in favor to recommend indefinite postponement of this article.

Action Taken

Upon a motion by Mr. Atkins and seconded by Mr. McCusker, the Board voted unanimously in favor to continue the public hearing until Monday, March 6th at 7:00 p.m. at the Library.

Other Business

- Review of upcoming ZBA Applications – No new applications at this time.
- Signing of decisions from prior meetings or hearings closed on 2/28 – the Board signed the signature page for 20 East Street.
- Citizens Planning Training Collaborative Spring Conference – Saturday 3/18

Approval of Minutes: 2/7/17

Upon a motion by Mr. Atkins and seconded by Mr. McCusker, the Board voted unanimously in favor to approve the minutes of 2/7/17 as written.

Upcoming Planning Board Meetings: Tuesdays at 7:00 p.m., 3/14, 3/21 (tentative), 4/11, Monday 4/24

Upcoming Islington Center Task Force Meetings: Weds. 3/22 @7:00 p.m. Thurston Middle School and Weds. 4/12 @7:00 p.m. at Downey School

Fin Com: Mon. 3/6 & Tues. 3/7; Mon. 3/27 & Tues. 3/28 all at 7:30 p.m. at Library

Town Meeting: Mon. May 1st

Adjournment

Upon a motion by Mr. McCusker, and seconded by Mr. Laubenstein, the Board voted unanimously in favor to adjourn the meeting at approximately 12:35 a.m.

List of Documents

<ul style="list-style-type: none"> • Letter to N. Loughnane, dated 02/24/17 from B. Dugdale of Goulston & Storrs Re: Proposed Amendments to Town of Westwood Zoning Bylaws • University Station Operations and Maintenance Plan, DRAFT (dated 2/24/17) Section 2 – Snow and Ice Removal Operations 	PDF
<ul style="list-style-type: none"> • Mayfair Drive #188 – SP Application, Architectural Plans, Erosion Control Plan (Revised 2/6/17) 	PDF
<ul style="list-style-type: none"> • Mayfair Drive #188 – Review Memo from BETA Group, Inc. to A. McCabe, dated 2/23/17 	PDF
<ul style="list-style-type: none"> • Mayfair Drive #188 – Letter from RIM Engineering, Inc. to A. McCabe, dated 2/27/17 Re: Response to BETA Group, Inc.’s Memo to A. McCabe dated 2/23/17 	PDF
<ul style="list-style-type: none"> • Canton Street #690 – EIDR Application, Narrative, Plans, RF Letter & Maps, FCC Compliance 	PDF

Report, Coverage Maps, Plans	
<ul style="list-style-type: none"> • Canton Street #690 – Memo to A. McCabe from L. Shea, dated 2/23/17 Re: EIDR WCF Health Department Comments • Canton Street #690 – Memo to A. McCabe from K. Catrone, dated 1/31/17 Re: EIDR WCF Conservation Commission Comments 	PDF
<ul style="list-style-type: none"> • East Street #20 – SP Application, Narrative, Plans, RF Letter & Maps, FCC Compliance Report, Coverage Maps, Plans 	PDF
<ul style="list-style-type: none"> • East Street #20 – Memo to A. McCabe from L. Shea, dated 2/1/17 Re: SP & EIDR WCF Health Department Comments • East Street #20 – Memo to A. McCabe from K. Catrone, dated 1/31/17 Re: SP & EIDR WCF Conservation Commission Comments 	PDF
<ul style="list-style-type: none"> • Legal Notice of Public Hearing – Proposed Zoning Amendments “Long Version” of full language – Revised 02/10/17 	PDF
<ul style="list-style-type: none"> • Memo from A. McCabe to Planning Board dated 2/27/17 Re: Housing Moratorium Petition • Memo from A. McCabe to Planning Board dated 2/27/17 Re: Islington Center Petition Article A • Memo from A. McCabe to Planning Board dated 2/27/17 Re: Islington Center Petition Article B • Memo from A. McCabe to Planning Board dated 2/26/17, revised 2/27/17, Re: Planning Board Warrant Article Summaries for Annual Town Meeting (10 pages) 	PDF
<ul style="list-style-type: none"> • Proposed Zoning Amendments PowerPoint Presentation 	PDF
<ul style="list-style-type: none"> • Memo from A. McCabe to Planning Board Members dated 2/24/17, revised 2/27/17, Re: Warrant Articles for February 28 Public Hearing (16 pages) 	PDF
<ul style="list-style-type: none"> • Meeting summary memo from Town Planner Abby McCabe to Planning Board members, dated Re: Summary for 2/28/17 Meeting 	PDF
<ul style="list-style-type: none"> • “Summary – 26 Sexton Ave.” submitted by J. Wolfe at public hearing 2/28/17 	PDF