

Planning Board Meeting Minutes
Tuesday, March 21, 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 7:01 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.

188 Mayfair Drive –EMM* Special Permit Public Hearing (continued from 2/28/17)

Ms. McCabe reported that the applicant has requested a continuance of this hearing as they are still working on revised plans and working on the required Conservation Commission filing.

Action Taken

Upon a motion by Mr. McCusker and seconded by Mr. Laubenstein, the Board voted unanimously in favor to continue this hearing without testimony taken to Tuesday, April 11 at 7:00 p.m., in the Champagne Meeting Room.

14 Washington Street, Hogan Tire Center – Request for minor modification to EIDR* and Special Permit to install utility pole on north side of building

Presentation

Ed Hogan was present to give a brief summary of the request for a minor modification to the EIDR and Special Permit for Hogan Tire Center, 14 Washington Street. Mr. Hogan explained that Eversource needs to install an electric utility pole on the Hogan Tire property in order to service his business with three-phase power because the existing transformer that was previously used is outdated. The utility pole is expected to be permanently located on the northern corner of Hogan Tire's property between the building and Gay Street Extension.

Board Questions/Comments

Board members reviewed the site plan for 14 Washington Street along with Eversource work order plans depicting the locations of existing and proposed utility poles on Washington Street. Questions were raised about the need for the installation of an additional new pole in the sidewalk right of way, which is 50' from the proposed new pole on the Hogan Tire property. Board members generally agreed that they would rather see a connection made from an existing utility pole on the sidewalk right of way to the Hogan Tire utility pole and suggested that Mr. Hogan find out why Eversource has proposed the additional new pole. Board members agreed that this should not hold up this request for minor modification of the EIDR and Special Permit for 14 Washington Street. A Board member asked Ms. McCabe to relay the Planning Board's concerns about Eversource's existing and proposed utility pole locations with the Board of Selectmen, as the street commissioners.

Town Planner's Comments

Ms. McCabe informed the Board that Mr. Hogan had an additional request for modification of the project, which was to allow the deletion of a corner planting area (with grass-type plantings) located in the back corner adjacent to the building. Mr. Hogan explained that the proposed corner plantings will likely end up being run over by vehicles entering Hogan Tire's site for service and does not see the need for this planting bed.

- Ms. McCabe suggested that if the Board grants the request for modifications of the EIDR and Special Permit, the Decision should include a condition that no landscaping should be eliminated but she be adjusted to be continuous around the new utility pole.
- Ms. McCabe added that the Board should acknowledge that a propane tank has been temporarily placed onsite at 14 Washington Street to provide heat to Hogan Tire due to the Town's moratorium on road opening permits due to new paving on Washington Street in August 2016.
- Ms. McCabe stated that the as-built plans for 14 Washington Street should be submitted and depicted with the changes requested by the Board tonight.

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 consider this modification of the EIDR and Special Permit as a minor modification.

Upon a motion by Mr. McCusker and seconded by Mr. Olanoff, the Board voted unanimously in favor to approve the minor modification to the EIDR and Special Permit for 14 Washington Street – Hogan Tire, with the condition that the pole shall be located as far back from the street as possible, shall not eliminate any of the landscape, and the landscaping in that area shall continue around the utility pole and that the as-built plans shall reflect the other modification for removal of the small planting area along the back corner of the building as discussed.

Summer Street Lot 139 & Lot 140 (Assessor's Map 3, Lots 20 & 25) – EMM Special Permit public hearing to import and regrade property for two single-family house lots

Presentation

Dan Merrikin of Merrikin Engineering, LLP gave a brief presentation of the project which proposes importing 2,800 cubic yards of fill for the creation of two, single family house lots totaling 1.9 acres of land for construction of two, new single family houses. He informed the Board that on March 18th the Conservation Commission approved and issued an Order of Conditions for this project and the site plans have been revised to reflect the wetland buffer as well as the recommendations of BETA Group which were to: increase the construction entrance length to 50'; increase the compost sock diameter to 12"; added a note regarding requirements of § 7.1.5 of the Zoning Bylaw that no hazardous material shall be in the fill; and added a note regarding monitoring the roadway for sedimentation and damage.

Board Questions/Comments

The Board asked a few questions about the grade of the proposed houses, the existing stone wall, its current condition and its future and the requirement for a Scenic Road Special Permit to reconstruct or repair the wall. Mr. Merrikin confirmed that he will apply for a Scenic Road hearing application to alter the existing stone wall in front of the two house lots next week, for the Board's consideration its 4/24 meeting.

Town Engineer Comments

Phil Paradis of BETA Group, Inc., acting as Westwood's acting as Town Engineer, confirmed that all his recommendations have been incorporated into Merrikin's revised plans dated 2/23/17. *(BETA Group, Inc.'s full report is available with these minutes.)*

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 Special Permit for Earth Material Movement for Summer Street Lots 139 & 140 with the standard conditions plus three conditions that an application for a Scenic Road Special Permit shall be filed; that the existing pavement on Summer Street shall be protected from damage from equipment related to construction; that the DPW shall be notified to inspect the installation of the infiltration chamber; and that all trucks carrying earth material to and from the project site on Summer Street shall be required to access Summer Street from High Street/Route 109 and are prohibited from travelling on Grove Street.

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

80 Carby Street, Hale Reservation – Limited EIDR Public Hearing for construction of residence

Presentation

Michael Terry, a member of the Board of Directors and Eric Arnold, Executive Director of Hale Reservation were present to give a summary of the proposed construction of a new residence for a full-time Hale staff member and his family. Mr. Arnold explained that having a staff member living on site will provide greater security and educational program supervision at Hale. The cape-style house, which is proposed to be approximately 1,900 s.f., will be set back from Carby St., accessed through a dirt driveway off the Cucchiarra parking area and blend with the same style of buildings in the area.

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 from the sewer commission to upgrade and extend the sewer line for future expansion plans. The Applicant's engineer provided a letter to the Board agreeing to install a sewer manhole in Carby Street and extend the sewer line. *(BETA Group, Inc.'s full report is available with these minutes.)*

Board Questions/Comments

The Board discussed the waivers requested from the application filing fee; exterior lighting plan; traffic study and presentation model.

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 Limited EIDR for 80 Carby Street with the waivers requested, standard conditions plus the Applicant is responsible for the sewer extension and improvements as agreed upon with the DPW and shown on the submitted plans and described in the memo from Carlos Quintal dated March 10, 2017 and shall be completed by August 31, 2018; the water line and well shall be shown on the final plans submitted as part of the building permit application.

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

60-90 Glacier Drive, EIDR & Special Permit – Prime Motor Group (Previously postponed from 2/7 & 2/28) – Request to modify parking plan and reduce parking

Presentation

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*EMM = Earth Movement Special Permit, pursuant to Section 7.1 of the Zoning Bylaw

*EIDR = Environmental Impact and Design Review, pursuant to Section 7.3 of the Zoning Bylaw

Applicant David Rosenberg, CEO of Prime Motor Group and his attorney John Dockerty were present. Mr. Dockerty explained that the Applicant has leased an additional 15,000 sq. ft. of contiguous space located in the building at 60 Glacier Drive, which will be used for the same permitted uses as the original leased premises. According to the zoning bylaw the expanded use requires 95 spaces however the Applicant only anticipates needing 40 parking spaces at its peak employee count. The Applicant is requesting to allocate the 55 excess parking spaces to the vehicle storage spaces. Mr. Dockerty presented the proposed parking plan with color coded parking spaces which depicted the following: yellow for Prime Motor Group employees (49); red for Frugal Fannie employees (29); blue for all other tenants (146) and green for the vehicle storage spaces (326). Mr. Dockerty further explained that the Glacier property currently has 541 parking spaces but only 215 are required for the entire property for zoning compliance.

Town Planner's Comments

Ms. McCabe informed the Board that the vehicle storage area was redesigned due to the recent approval of the Verizon monopole proposed to be built on the back of the lot behind 90 Glacier Drive.

Board Questions/Comments

The Board discussed the requested waivers of a site plan showing full site features; traffic study; drawings/renderings; and presentation model. Ms. McCabe commented that while an exterior lighting plan was waived in 2015, she reported that at an evening site visit she observed several wall lights on the building that should be directed downward or have shields to reduce glare. Photographs were shared with the board. Board members discussed the possibility of requiring the wall lights to be brought into conformance with the zoning bylaw. The Applicant commented that while he is a tenant and does not own the building, he would offer to work with the landlord to modernize the building lighting.

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 grant the following waivers: submittal of an exterior lighting plan; site plan showing full site features; traffic study; drawings/renderings; and the presentation model.

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted unanimously in favor to grant approval of this modification of the EIDR and Special Permit for relief of 56 parking spaces, subject to approval by the ZBA for the open storage of vehicle use, waives a condition that the building lighting is modernized; employee parking spaces are designated; and if the number of storage spaces needs to be reduced to provide the minimum parking requirements, that the applicant will return to the Planning Board for a modification.

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

Review Street Acceptance Requests submitted for Annual Town Meeting:

- *Wilson Way* – Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted unanimously in favor to recommend street acceptance to the Board of Selectmen conditioned upon the street lights to be improved and brought to town standards (LED), and painted pavement markings on the shoulders for pedestrians.
- *Phillips Way* – Staff noted that the Planning Board is still holding \$4,620.00 in a passbook account for the planting of three trees and installation of a light post to be completed after the remaining house lots are

constructed. The Board will hold this money until those items are completed but don't want to plan and install now because they are to be located where the new proposed house lots are and still need to be built. Upon a motion by Mr. Laubenstein and seconded by Mr. McCusker, the Board voted unanimously in favor to recommend street acceptance to the Board of Selectmen with suggested condition for \$5,000.00 bond for each remaining lot to protect road paving from any damage or repairs needed from remaining lots.

- *Fox Meadow Drive* – Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted four votes against (C.Pfaff voted against) recommending street acceptance to the Board of Selectmen until the sidewalks across the driveways are compliant with ADA (American for Disabilities Act) standards to provide a level surface and shall remove the cobblestone pavers.
- *Deerfield Avenue Extension* - Upon a motion by Mr. Olanoff and seconded by Mr. Atkins, the Board voted unanimously in favor to recommend street acceptance to the Board of Selectmen conditioned upon the final stop line and crosswalks painting/markings to be completed.

Continuation of Public Hearing for Proposed Zoning Amendments for Annual Town Meeting (continued from 3/7/17)

Ms. McCabe summarized changes made since March 7th.

- A. Zoning Amendments Related to Non-Marijuana Establishments – the definition was changed to “A facility registered pursuant to 105 CMR 725 as a Registered Marijuana Dispensary (RMD).”
- B. Zoning Amendment Related to the Number of Allowable Accessory Apartments - Amend Section 8.5.10 [Expiration of Special Permit] to change the Section reference from 8.6.5.4 to 8.5.5.4 to read as follows:

8.5.10 Expiration of Special Permit. A special permit issued pursuant to this Section shall automatically become null and void upon the expiration of ninety (90) days following such time as neither the principal dwelling nor the accessory apartment is occupied as the primary residence of the owner thereof for voting and tax purposes. Failure to provide recertification of owner occupancy pursuant to Section 8.5.5.4 shall be grounds for automatic expiration.

C. No changes

D. Zoning Amendments Related to Large Scale Solar for Residential Properties

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 pitch as the existing roof.

E. & F. No changes

G. Zoning Amendments Related to Non-conforming Uses and Structures -

Revised:

Applicability. Nonconforming uses and structures are those that do not fully comply with the current Bylaw, but were either lawfully in existence, lawfully begun, or granted a building or special permit before the adoption date of this Bylaw or any relevant part of it. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no alteration of the use or the structure is accomplished unless authorized hereunder. The adoption date is the date of the first publication of notice of the public hearing required by M.G.L. Chapter 40A, Section 5 for the adoption of this Bylaw or any relevant part of it. An alteration to a structure is any modification, structural change, extension, or reconstruction of the structure.

- 4.5.3.1.4 Alteration to the ~~a~~ side or face of a structure which violates a required setback ~~area~~, where the alteration will not ~~extend into the encroachment upon such area to a distance greater than the existing structure~~ increase the setback violation, and will

comply with building height restrictions regardless of whether the lot complies with current lot area and lot frontage requirements.

4.5.3.2.3 Horizontal or vertical extensions for overhangs, porches or porticos no greater than four feet by six feet, or other similar decorative features that improve the nature of the design and are determined to be de Minimis in nature by the Board.

4.5.3.4.2.2 Shall comply with all current setbacks, and building coverage and height requirements, except that if the lot does not comply with lot, area and frontage requirements, it must comply with a building height limit of twenty-five (25) feet.

H. No Changes

I. Zoning Amendment Related to Penalty for Noncriminal Complaint

- 1) Amend Section 10.1.6 to read as follows: *(bold italics denote new language words to be removed have strikethrough)*

Penalty for Noncriminal Complaint. In addition to the procedures for enforcement as described in this Section, the provisions of this Bylaw may be enforced by the Building Commissioner by noncriminal complaint pursuant to the provisions of M.G.L. Chapter 40, Section 21D. The penalty for a violation enforced hereunder shall be ~~one up to three~~ **three** hundred dollars (~~\$100~~ **300.00**) for each offense **and the specific amount shall be in accordance with the Building Commissioner's adopted regulations.** Each day that such violation continues shall constitute and be considered a separate offense.

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 27th at 7:00 p.m. at the Library.

Other Business:

- Review of upcoming ZBA Applications – 60-90 Glacier Drive – sales and storage of motor vehicles and the updated parking plan - 4/26, comments on tonight’s application will be forwarded to the ZBA.

- Committee Reports: Islington Task Force will meet on 3/22 to choose an option for Islington Center redevelopment to present to the Board of Selectmen for consideration.

Approval of Minutes: 2/28/17

Upon a motion by Mr. Atkins and seconded by Mr. Laubenstein, the Board voted unanimously in favor to approve the minutes of 2/28/17 as submitted.

Adjournment

Upon a motion by Mr. McCusker, and seconded by Mr. Laubenstein, the Board voted unanimously in favor to adjourn the meeting at approximately 10:05 p.m.

List of Documents

<p><u>14 Washington Street:</u></p> <ul style="list-style-type: none"> Letter to A. McCabe from E. Hogan dated 02/24/17 re: Request to Modify EIDR & Special Permit – 	<p>PDF</p>
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<ul style="list-style-type: none"> to install a utility pole on site • 14 Washington Street – Eversource Pole Plan dated 03/16/17 • 14 Washington Street – Hogan Tire Site Plan with new utility pole • Photographs 	
<p><u>Summer Street Lots 139 & 140</u></p> <ul style="list-style-type: none"> • Memo to T. Korchin from P. Paradis of BETA Group, Inc. dated 2/23/17 re: Summer St. Lots 139 & 140, EMM SP • Letter to Planning Board from D. Merrikin, Merrikin Engineering, LLP dated 02/01/17 re: cover memo, application and associated documents • Summer Street Lots 139 & 140 Site Plan dated 02/01/17 • Letter to Planning Board from D. Merrikin, Merrikin Engineering, LLP dated 02/23/17 re: cover memo with revisions • Summer Street Lots 139 & 140 Site Plan revised 02/23/17 	PDF
<p><u>60-90 Glacier Drive, Prime</u></p> <ul style="list-style-type: none"> • Application, Narrative, Plans, plan entitled “Proposed Parking Plan, Prime Motor Group, 60-90 Glacier Drive, Westwood, MA” prepared by Kelly Engineering Group, Inc. dated June 18, 2015, last revised February 17, 2017, Sheet No. 2 • Photographs • Public comments submitted by Paul & Wendy Kelly, 107 Willard Circle, Westwood, MA, sent March 15, 2017 • Memorandum from Linda R. Shea, Health Director to Abigail McCabe, dated January 23, 2017 	PDF
<p><u>80 Carby Street</u></p> <ul style="list-style-type: none"> • Memo to A. McCabe from L. Shea, Health Director dated 2/23/17 re: 80 Carby Street • Email to A. McCabe from K. Catrone, Conservation Agent dated 2/13/17 re: 80 Carby Street • Memo to P. Paradis from C. Quintal of CAQ Engineering Associates, dated 03/10/17 re: Sewer Extension Permit • Plan – Carby Street Sewer Expansion 	PDF
<ul style="list-style-type: none"> • Zoning Amendment Language for 3/21, 27 & 28, 2017 – Continued Public Hearing changes made since 3/7 public hearing highlighted. • Draft Penalty Violation Regulations 	PDF
<ul style="list-style-type: none"> • Meeting summary memo from Town Planner Abby McCabe to Planning Board members, dated 3/20/17, revised 3/21/17 Re: Summary for 3/21/17 Meeting 	PDF