

Planning Board Meeting Minutes
Monday, March 27, 2017
Selectmen's Meeting Room, Town Hall - 6:00 PM
580 High St. - Westwood, MA 02090

Call to Order:

The meeting was called to order by Chairman Chris Pfaff at approximately 6:02 p.m.

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. *DPW Director Todd Korchin was also present at the meeting.*

Review Street Acceptance Requests submitted for Annual Town Meeting:

- **Fox Meadow Drive**

Discussion

Ms. McCabe gave a brief summary of the one agenda item before the Board.

- On 3/20 the Board of Selectmen voted to recommend the three street acceptances to Town Meeting contingent upon compliance with any conditions imposed by the Planning Board.
- On 3/21 the Planning Board voted 4 to 1 to recommend against the acceptance of Fox Meadow Drive by Town Meeting due to the inaccessibility of the sidewalks present at each driveway having a cobblestone apron. One Board member voted in favor of recommending street acceptance by Town Meeting conditioned upon completion of the unfinished items held by a performance bond.
- On 3/21 the Pedestrian & Bike Safety Committee met and recommended that the Planning Board not approve Fox Meadow Drive as a public way because the sidewalks are not currently ADA compliant.
- Ms. McCabe summarized the following items are outstanding and are required to be complete prior to release of the existing subdivision bond held by the Planning Board.
 1. The stop line shall be painted at stop sign entering development;
 2. The 20 ft. wide emergency access shall be cleared and remain passable at all times, and the existing gate on lot 3 shall be removed per condition 6a of the 2004 Definitive Subdivision Certificate of Vote;
 3. The developer shall execute and record a perpetual 20 ft. wide easement for the emergency access extending all the way out to Fox Hill Street over lot 300 Fox Hill St. A draft of said easement shall be submitted to the Planning Board for review and approval prior to recording;
 4. The developer shall execute and record a 20 ft. wide pedestrian walkway easement along Fox Hill Street extending along Gay Street to Thatcher Street. A draft of said easement shall be submitted to the Planning Board for review and approval prior to recording;
 5. The Amended and Restated Articles of Association and Imposition of Covenants and Easements Fox Meadow Homeowners' Association, Westwood, Massachusetts, recorded on January 27, 2010 shall be updated to include the 20 ft. wide pedestrian easement, and the 20 ft. emergency excess easement extending from Fox Meadow full way to Fox Hill Street.

DPW Director Todd Korchin provided a memo to the Town Administrator in which he stated that he has examined the infrastructure along Fox Meadow Drive and has determined the utility and roadway conditions to be acceptable to the Town of Westwood's standards. Mr. Korchin added that once the roadway is accepted, funds will be required for the remaining buildable lots and returned if there is no damage. This money will be in place for pavement restoration if such restoration was needed due to damage caused during construction of the remaining lots.

Board Comments

A Board member reiterated that the sidewalks that cross the driveways in the subdivision are not ADA compliant with the cobblestone aprons. He stressed the importance of compliance with the ADA and the law.

A Board member responded that he believes that the ADA standards are a bit vague as far as road texture and are to be a "level surface".

A Board member asked Mr. Korchin if the street lights on Fox Meadow Drive will be maintained by the Town and whether they are LED lights. *Mr. Korchin said that the lights are already LED in the subdivision and if a light goes out it will be replaced with another LED light fixture.*

A Board member commented that the cobblestone driveways are located in the town right of way, outside the homeowner's property and asked if the DPW director had any concerns about damages that could occur with snowplowing sidewalks. *Mr. Korchin responded and said that the sidewalks would not be snow plowed by the Town.*

A Board member asked Mr. Routhier if the HOA was aware of and supportive of the conditions that must be met prior to the Planning Board releasing the performance bond.

A Board member asked Ms. McCabe to include two additional conditions of acceptance and performance bond release being to replace the inoperable street light and to require an easement leading from the subdivision to Lowell Woods and including three parking spaces.

Public Comments

Kevin Routhier, 8 Fox Meadow Drive, President of the Fox Meadow Estates homeowner's association (HOA) was present along with his neighbor John Prompas, 1 Fox Meadow Drive. Mr. Routhier was present to represent the HOA and its desire to have the street accepted by the Town so that the residents can enjoy full town services. He also informed the Board that the cobblestone driveway aprons are a design element in the association's covenant. Mr. Routhier stated that he will work with Gilbane, the developer, on behalf of the HOA to see that the outstanding items identified by the Planning Board are completed by Town Meeting on May 1, 2017.

Action Taken

Upon a motion by Mr. Laubenstein and seconded by Mr. McCusker, the Board voted four in favor and one opposed (Mr. Olanoff voted in opposition) to recommend street acceptance with the following conditions, each of which must be satisfactorily addressed on or before April 19, 2017, with the performance bond held until all items are complete:

1. The stop line shall be painted at stop sign entering development;
2. The 20 ft. wide emergency access shall be cleared and remain passable at all times, and the existing gate on lot 3 shall be removed per condition 6a of the 2004 Definitive Subdivision Certificate of Vote;
3. The developer shall execute and record a perpetual 20 ft. wide easement for the emergency access extending all the way out to Fox Hill Street over lot 300 Fox Hill St. A draft of said easement shall be submitted to the Planning Board for review and approval prior to recording;
4. The developer shall execute and record a 20 ft. wide pedestrian walkway easement along Fox Hill Street extending along Gay Street to Thatcher Street. A draft of said easement shall be submitted to the Planning Board for review and approval prior to recording;
5. The Amended and Restated Articles of Association and Imposition of Covenants and Easements Fox Meadow Homeowners' Association, Westwood, Massachusetts, recorded on January 27, 2010 shall be updated to include the 20 ft. wide pedestrian easement, and the 20 ft. emergency excess easement extending from Fox Meadow full way to Fox Hill Street.
6. The street light that has gone out shall be replaced/repared.

7. The developer shall execute and record an easement to Lowell Woods recreation area and include three parking spaces.

Adjournment

Upon a motion by Mr. McCusker, and seconded by Mr. Laubenstein, the Board voted unanimously in favor to adjourn the meeting at approximately 6:35 p.m.

List of Documents

• Memo to Board of Selectmen from DPW Director T. Korchin dated 3/1/17 re: Fox Meadow Dr.	PDF
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**Planning Board Attendance at Finance and Warrant Commission's Meeting
Monday, March 27, 2017 – 7:30 PM
Community Meeting Room, Library, 660 High Street**

The Planning Board reconvened at 7:30 pm in the Community Room in the Library to attend the Fin Com's continued public hearing on Annual Town Meeting warrant articles.

Chairman Chris Pfaff and Ms. McCabe were called to the front of the room to report on the Planning Board's response to Annual Town Meeting petition articles A & B relative to amendments to the FMUOD 6 & 7 (Islington Center and High Street) proposing to eliminate the multi-family housing use and amend the alternative dimensions in Section 9.5.

Chairman Pfaff introduced himself and the other board members and explained that the Planning Board is a five member elected Board charged with reviewing development and zoning to guide growth in Westwood. The Planning Board is also responsible for creating and implanting the community's comprehensive plan, which serves as a guiding document for the Town's vision. The Planning Board refers to the comprehensive plan to guide it in its efforts to help the community reach its vision. The Comprehensive Plan was adopted by Town Meeting in 2000 and he quoted several of the plan's goals and action items as they related to zoning changes to diversify housing opportunities, flexible density-based residential and performance based incentives, and creating village center zoning.

Mr. Pfaff showed where the FMUOD 6 (Washington Street Business District) and the FMUOD 7 (High Street Business District) were located. He described how the FMUOD (Flexible Multiple Use Overlay Districts) were first adopted in 2011 to encourage commercial property improvement and to require performance and design standards and were applied to University Avenue Business District, Southwest Park, Glacier/Everett Business District, Perwal/Walper Business District, and the Allied Drive Business District, which saw the first FMUOD special permit application at the MRI Shields building at 40 Allied Drive. In 2014, the Planning Board proposed and the Fin Com unanimously supported the creation of the FMUOD 6 & 7 to provide opportunity for town center redevelopment. A year later in 2015, the Planning Board proposed and the Fin Com unanimously supported the addition of allowing the multi-family dwelling use as a special permit use in the FMUOD 6 & 7 as an added incentive for redevelopment to improve the village centers and to help sustain desirable businesses, which was ultimately adopted by Annual Town Meeting two years ago in May 2015. Mr. Pfaff reviewed photographs of the properties within the FMUOD 6 & 7.

Mr. Pfaff reported that the Planning Board does not support the petition Article A (as listed in the Fin Com's public hearing notice) for the following reasons:

- Eliminating the multi-family housing use is not consistent with the Comprehensive Plan or the Comp Plan Update Committee's goals for more housing opportunities for seniors, young people, empty nesters, young families, single headed households;

- The article removes economic incentive for redevelopment that would generate positive fiscal benefit (commercial taxes keeps the residential taxes lower with split tax rate);
- Multi-family is an appropriate use for business districts under specific conditions and a smart growth tool because it promotes use of public transportation, walking, biking, places housing above commercial rather than on undeveloped land, supports businesses; and
- Not consistent with the FMUOD's stated purpose for desirable mix of land uses, doesn't encourage comprehensive approach to site design.

Mr. Pfaff reported that the Planning Board does not support the petitioners proposed Article B (amendment to Minimum Project Area) for the following reasons:

- Petition article makes it more difficult for property owners to work together;
- Adjunct parcels would need to be combined to form a single-lot
- Includes properties next to each other and under same ownership; and
- Contrary to Planning Board's common practice and unnecessarily cumbersome.

Mr. Pfaff stated that at the public hearing on February 28, 2017 the Planning Board voted to recommend the Fin Com indefinitely postpone the two FMUOD 6 & 7 petition articles (Article A & B).

Ms. McCabe followed up on the articles the Fin Com asked questions about at the March 8 hearing. She reported that the Planning Board continues to support the Planning Board Article B to increase the limited number of special permits from 1% to 2% because there is a need; staff currently has a list of 13 residents that have asked to be notified when a special permit becomes available because they are interested in constructing an accessory apartment. A list of the 45 accessory apartments in Westwood was provided in the meeting packet exhibit for members to review. The Planning Board believes the zoning is designed to protect the single-family character of properties and neighborhoods while also providing this housing option.

She reported that since the opening of the hearing planning staff and a Planning Board member met with the ZBA (Zoning Board of Appeals) to discuss the proposed changes to Section 4.5.6 [Nonconforming uses and structures] Article G and incorporated a change the recommended. The ZBA suggested allowing minor encroachments for non-livable space as a special permit option rather than a variance for alterations for decorative features such as porticos, porches, dormers etc. Ms. McCabe said the following was added to the zoning as a special permit provision as requested by the ZBA:

“Construction of an overhang, porch, portico, or similar decorative feature, which extends no further than 4 additional feet into a required setback area, provided that the ZBA makes a positive finding that the proposed design element is de minimis in nature and improves the aesthetic quality of the property.”

This language gives some flexibility to the ZBA when considering applications.

Ms. McCabe discussed Article I related to zoning penalties and explained that a draft violation guidelines was submitted with the meeting packet to be adopted by the Building Commissioner for assessing and evaluating fines. The zoning article proposes increasing the maximum fine amount from \$100 to up to \$300 to be in accordance with the Building Commissioner's adopted guidelines that will be a separate document from the zoning. The guidelines are in draft form but provide for two violation notices to be sent first, then \$100 for the first offense, \$200 second offense, and \$300 for third and repeat offenders.

The Planning Board adjourned at approximately 10:30 pm.

List of Documents

• PowerPoint presentation, presented on 3/27/17 by Planning Board	PDF
• Zoning Amendment Language for March 27 & 28, 2017 – Continued Public hearing, changes made since March 7 hearing highlighted (18 pages).	PDF
• Memorandum from Abby McCabe and Planning Board Members to Finance and Warrant Commission Members and Jane O’Donnell, Re: Planning Board Warrant Article Follow up from Continued Hearing, dated March 23, 2017.	
• Exhibit: Memorandum to Finance Warrant Commission Members, from Abby McCabe, Re: Draft Penalty Violation Guidelines, dated March 23, 2017.	PDF
• Exhibit: List of accessory apartment special permits	PDF
• Finance and Warrant Commission Final Public Hearing packet for March 27, 2017 (33 pages)	PDF