

Planning Board Meeting Minutes
Monday, May 1, 2017
Westwood High School Cafeteria - 6:15 PM
Westwood, MA 02090

Call to Order:

The meeting was called to order by Chairman Pfaff at 6:15 p.m.

Present:

Planning Board members present: Christopher A. Pfaff, Trevor W. Laubenstein, Steven H. Olanoff, David L. Atkins, Jr., and Michael L. McCusker. Staff members present: Town Planner Abigail McCabe, Director of Community & Economic Development Nora Loughnane and Planning & Land Use Specialist Janice Barba.

Review Street Acceptance Requests submitted for Annual Town Meeting: Fox Meadow Drive

Staff Comments

Ms. McCabe reported as of April 26, the emergency access has been cleared of rocks, overgrowth, and the gate has been removed. The emergency access easement has been executed and granted in favor of the Town, as well as the pedestrian easement along Fox Hill and Gay Street and the upland easement in the recorded Amended and Restated Articles of Association (Book 27418, Page 218). The amended and relocated walkway easement plans of land for the pedestrian easement and the relocated upland/walkway easement have also been recorded. The stop line was painted at the stop sign at the entrance of the development.

Board Questions & Comments

A Board member asked about the status of the three parking spaces for the trail. Ms. McCabe said the developer informed her that the parking spaces for the trail access are within the upland easement and partially within the road's right of way. A Board member asked who is responsible for taking care of the upland easement. Ms. McCabe said that the homeowner's association is. Mr. Olanoff said that he is not voting in favor of acceptance because he not satisfied with the cobblestone aprons on the driveways and the ownership of the trailhead parking spaces is not entirely clear on the plan.

Action Taken

Upon a motion by Mr. McCusker, seconded by Mr. Atkins, the Planning Board voted 4-1 to recommend acceptance of Fox Meadow Drive upon a finding that the conditions outlined in the Board's March 27, 2017 motion have been satisfactorily completed. A summary provided by staff is below.

1. That the stop line shall be painted at the stop sign when entering the development. – **Completed.**
2. That the 20 foot wide emergency access shall be cleared and remain passable at all times. The existing gate across the emergency access shall be removed per condition 6a of the 2004 Definitive Subdivision Certificate of Vote. – **Cleared.**
3. That 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 the lot at 300 Fox Hill Street. A draft of said easement shall be submitted to the Planning Board for review and approval prior to recording. – **Amended and Restated Articles of Association recorded January 27, 2010 Article V, Section 2, 6 grants perpetual easement in favor of the association and the Town of Westwood.**
4. That the Amended and Restated Articles of Association and Imposition of Covenant and Easements for Fox Meadow Homeowners' Association, Westwood, Massachusetts, recorded on January 27, 2010 be updated to include the 20 ft. wide pedestrian easement, and the 20 ft. emergency excess easement extending from Fox Meadow Drive the full way to Fox Hill Street. – **The original subdivision plan showed a 10 ft. wide walkway easement along Gay Street. Later it was expanded and relocated to be 20 ft. wide as shown on the recorded plan entitled "Relocated Walkway Easement Plan of Land in Westwood, MA" prepared by Site Design Professionals.**

5. That the missing street light be repaired. – **Replaced/repared.**
6. A copy of all easement and covenant documents shall be submitted to the Planning Board. – **The recorded upland easement going towards Lowell Woods is shown in the plan entitled “Relocated Upland/Walkway Easement Plan of Land in Westwood, MA” prepared by Site Design Professionals.**

The motion was seconded by Mr. Laubenstein. One Board member (Mr. Olanoff) voted in opposition to the recommended acceptance of Fox Meadow Drive.

Continued Public Hearing: Zoning Amendments & Prepare for Town Meeting

Staff Comments

Ms. McCabe introduced a possible floor amendment for consideration by the Planning Board to make on Town Meeting floor based on the votes on Petitioner Article 22 and Petitioner Article 23 related to FMUOD 6 & 7. She briefly explained that if the Finance Commission vote of indefinite postponement was overturned then the original articles as written could then be taken up by Town Meeting. New zoning language as follows was suggested:

For Article 22: Proposed Amendment by the Planning Board would be to add language that the residential uses were limited to up to 50% of the structure whereas the bylaw today says 50% of the project’s gross floor area and the petition article as written is to eliminate the residential uses.

To see if the Town will vote to amend Section 9.5 of the Westwood Zoning Bylaw [Flexible Multiple Use Overlay District (FMUOD)] to restrict multi-family residential uses within FMUOD6 [Washington Street Business District] and FMUOD7 [High Street Business District] as follows, or take any other action thereon:

1) Amend Section 9.5.13 so that the revised Section 9.5.13 reads as follows:

9.5.13 Percentage of Residential Units. *Pre-existing and new housing units, where permitted, shall occupy no more than thirty-three (33%) of the total gross floor area of any project within FMUOD 1, and no more than fifty percent (50%) of the total gross floor area of any project within FMUOD 3, except that age-restricted dwelling units for persons 55-years or older permitted within FMUOD 3 may occupy up to 100% of the total gross floor area of a project. **Within FMUOD 6 or FMUOD 7, permitted housing units shall occupy no more than fifty percent (50%) of the total gross floor area of any individual structure.***

For Article 23: To revise the footnote language so that contiguous parcels are allowed except that no parcels that are separated by right-of-way.– see below.

*To see if the Town will vote to amend Section 9.5 of the Westwood Zoning Bylaw [Flexible Multiple Use Overlay District (FMUOD)] to remove footnote marker 1 from after the words “Minimum Project Area” in Section 9.5.9.1 and to add **revised footnote marker 1** after each of the values listed for FMUOD1, FMUOD2, FMUOD3, FMUOD4 and FMUOD5, so that Section 9.5.9 reads as follows, or take any other action thereon:*

9.5.9 Alternative Dimensions. *The alternative dimensions set forth in the table below may be used for a project developed under a FMUOD Special Permit rather than the requirements provided elsewhere in this Bylaw. There shall be no minimum lot frontage, lot width, or setback requirement, and no maximum impervious surface or lot coverage requirements for a project developed under a FMUOD Special Permit. Rather, specific project dimensions shall be determined by the Planning Board. In all cases, there shall be sufficient separation between any two structures to allow emergency vehicle access.*

1. Minimum project area may include parcels separated by a roadway or railroad right-of-way that are effectively

contiguous.

This revised footnote would apply to FMUOD 1-5 and not to 6 & 7, which would allow parcels next to each other but not separated by a road or right-of-way to be considered for FMUOD 6 & 7, and allows the option for parcels across street and r-o-w to be considered in the other FMUODs at the discretion of the Planning Board.

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

Action Taken

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

Vice Chair Laubenstein volunteered to make the amendment for the articles.

Adjournment

Upon a motion by Mr. McCusker and seconded by Mr. Laubenstein, the Board voted unanimously in favor to adjourn the meeting at approximately 6:50 p.m. in order to attend **Annual Town Meeting @ 7:00 p.m.**

List of Documents

• Memo to Planning Board dated 4/26/17 Re: Fox Meadow Drive Street Acceptance Update	PDF
• Amendment to Articles 22 and 23	