

**Planning Board Meeting Minutes
Tuesday, October 3, 2017
Champagne Meeting Room - 7:00 PM
Westwood, MA 02090**

Call to Order:

The meeting was called to order by Chairman Laubenstein at approximately 7:03 p.m.

Present:

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

The Chairman opened the Public Hearing for Proposed Zoning Amendments for November Town Meeting. The proposed zoning articles are copied below and were printed as handouts at the meeting.

Article 1: Zoning Amendment Related to Accessory Uses In Highway Business – To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to permitting cafeterias, snack bars, gift shops and vending machines as accessory uses in the HB (Highway Business) zoning district by amending Section 4.3.1 [Table of Accessory Uses] and Section 2.0 [Definitions], or take any other action in relation thereto.

- 1) Amend Section 4.3.5 to read as follows (*underlined wording indicates new language, wording to be removed shown with strikethrough*):

4.3.5 ACCESSORY USES IN INDUSTRIAL, HIGHWAY BUSINESS AND ARO DISTRICTS

ACCESSORY USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.5.1 Retail uses, such as cafeterias, snack bars, gift shops and vending machines dispensing food, soft drinks and incidental merchandise items; provided that any such uses shall be conducted primarily for the convenience of employees and the clientele of the principal use of the premises and shall be wholly within a building and have no exterior advertising display.	N	N	N	N	N	N	N	N	N	N <u>Y</u>	Y	Y	BA

Discussion

Ms. McCabe, Town Planner, summarized that this article proposes allowing accessory uses such as cafeteria’s and uses interior to a building intended for employee convenience to be allowed in the Highway Business zone. These uses have traditionally only been permitted in the Industrial and Administrative-Research-Office zones but a property owner getting ready to market his building on Wilson Way requested the Planning Board consider this zoning change to attract commercial tenants. The Board reviewed this request at their September and August meetings and was supportive of the change and had no further discussion at this time.

The Chairman asked for any public comments on this article and there were none.

Article 2: Zoning Amendment Related to Residential Uses in Flexible Multiple Use Overlay Districts – To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw to add definitive caps on the number of residential dwelling units which may be constructed in any Flexible Multiple Use Overlay District which currently permits residential use by amending Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)], or take any other action in relation thereto.

9.5.13.1 Limit on Number of Residential Dwelling Units in FMUOD6 and FMUOD7. The aggregate number of residential dwelling units for all projects allowed by special permit within the FMUOD6 and FMUOD7 districts shall not exceed a maximum of 90 dwelling units per district. Said maximum shall include all residential dwelling units previously approved by FMUOD special permit or by Upper Story Residential Overlay (USROD) special permit.

Discussion

Ms. McCabe reviewed the purpose of this proposed article, which is to create a definitive cap on the number of residential dwelling units which may ever be constructed and issued a special permit by the Planning Board. The impacted areas for the FMUOD 6 & 7 (High Street and Washington Street) districts were reviewed on a map including the thirteen parcels on High Street and 21 parcels on Washington Street. The exact language of the article was reviewed stating that a maximum of 90 dwelling units in each district (90 in High Street and 90 in Washington Street) and language has been added to clarify that residential units already approved such as the 12 on Washington Street and 6 on High Street at the Colburn School would be included in this total. Ms. McCabe summarized how staff arrived at the suggested number of 90 by considering the existing limitations set in the FMUOD zoning related to the minimum project areas, maximum 36 ft. building height, that no more than 50% of the gross floor area of a project, maximum floor areas, parking, and residential landscape district buffer. After that there had to be assumptions made as to how many dwelling units could possibly be approved or constructed at full build-out. This resulted in 149 possible units in the Washington Street and 119 possible units in the High Street overlay districts. Staff recommended going down to 90 because the 119 and 149 are skewed and inflated by the Roche Brothers and the Good Plaza (Post Office building on High Street), which are unlikely to be developed in this way.

A Board member asked for more detail about why the total number of residential dwelling units has been reduced from 149 in FMUOD6 and 119 in FMUOD7 to 90 residential dwelling units in each district because it didn't seem like a proportional reduction from what could be constructed noting that this is a 40% reduction on Washington Street and 25% on High Street.

Ms. Loughnane, Director of Community and Economic Development, explained that comparing the zoning, size and layout of the 21 parcels on Washington Street and the zoning, size and layout of the 13 parcels on High Street in the FMUOD she found that the Washington Street numbers were over inflated because Roche Brothers (at 5 acres) could support 64 apartments, but this is not realistic because it's unlikely that this site would be developed in this way nor would the Planning Board approve that many units on this one property. By limiting the number to 90 in each FMUOD, it will provide a maximum cap for future multi-family residential development while still encouraging the residential use to meet the purpose of flexibility and providing incentives to develop the village centers. Many assumptions were made when reviewing the parcels including assuming underground parking, one bedroom units on upper floors with commercial below to maximum building coverage of each parcel. Essentially, the cap of 90 should not be overinflated nor should it be underinflated because the true goal and purpose is to add clarity to how many residential could ever be built.

A Board member commented that the 90 dwellings each was a reasonable number to encourage development and meet the purpose of the FMUOD zoning.

A Board member asked if the Planning Board would have the authority to waive the number of residential units in FMUOD 6 and FMUOD 7.

Ms. Loughnane responded that the Planning Board would not have the authority to waive the number because this is a clear maximum in the zoning. If this amendment is approved, the only way more could be constructed would be by a zoning bylaw amendment.

A Board member commented that he supports the spirit of this amendment but felt 90 was still too high. He noted that he believes this article may have difficulty reaching an affirmative 2/3 vote of Town Meeting and suggested the maximum number of 90 dwellings be further decreased.

The Chairman opened the hearing up to public comment.

Public Comment:

Nancy Hyde, resident and member of Board of Selectmen, commented that the Board of Selectmen supports the definitive caps at 90 residential dwellings per FMUOD 6 and FMUOD 7 as a reasonable number. Mrs. Hyde stated that residents should not get hung up on the number. This amendment does not change the Planning Board as the Special Permit Granting Authority and aims at keeping the maximum as a reasonable number so that the number of total units possible cannot misconstrued.

Article 3: Zoning Amendments Related to Medical Uses – To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to various medical uses by amending Section 2.0 [Definitions] and Section 4.1.2 [Table of Principal Uses], or take any other action in relation thereto.

1) Revise definitions in Section 2.0 [Definitions] for “Medical Center or Clinic” and “Office of Health Care Professional” to read as follows (*underlined wording indicates new language; words to be removed have strikethrough*):

Medical Center or Clinic A building designed and used for the diagnosis and treatment of human patients ~~that does not include substance rehabilitation or overnight care facilities~~ is not a Hospital or Substance Rehabilitation or Treatment Facility.

Office of Health Care Professional An office for a medical doctor, dentist, psychologist, chiropractor, acupuncturist, or similar physical or mental health care professional, including clinical and laboratory analysis activities directly associated with such medical office use, but excluding offices within Medical Centers or Clinics, Hospitals, or Substance Rehabilitation or Treatment Facilities.

2) Add new definitions to Section 2.0 [Definitions] for “Hospital” and “Substance Rehabilitation or Treatment Facility” as follows:

Hospital A building designed and used for the diagnosis and treatment of human patients that includes overnight care facilities.

Substance Rehabilitation or Treatment Facility A building designed and used for the diagnosis and treatment of human patients for substance rehabilitation and/or treatment facilities.

3) Amend Section 4.1.5 [Table of Principal Uses - Commercial Uses] by revising new definitions to Section 2.0 [Definitions] for “Hospital” and “Substance Rehabilitation or Treatment Facility” changing the title of Section 4.1.5.22 from “Office of a doctor or dentist not a resident on premises” to “Office of Health Care Professional”, and by adding new Section 4.1.5.23 “Medical Center or Clinic”, new Section 4.1.5.24 “Hospital”, and new Section 4.1.5.25 “Substance Rehabilitation Facility” as follows, and renumber subsequent sections as appropriate:

4.1.5 COMMERCIAL USES

PRINCIPAL USE	DISTRICTS													
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO	
4.1.5.22 Office of doctor or dentist not a resident on premises <u>Health Care Professional</u>	N	N	N	N	N	BA	N	Y	Y	Y	Y	Y	Y	
4.1.5.23 <u>Medical Center or Clinic</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	
4.1.5.24 <u>Hospital</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>BA</u>	
4.1.5.25 <u>Substance Rehabilitation or Treatment Facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>BA</u>	

4) Amend Section 9.5.8.1.9 [Use Permitted by FMUOD Special Permit in any FMUOD] by revising new definitions to Section 2.0 [Definitions] for “Office of Health Care Professional” from “Office of a doctor or dentist” as follows:

9.5.8.1.9 ~~Office of doctor or dentist~~ Office of Health Care Professional;

Ms. McCabe explained that this amendment amends the existing definitions for Medical Clinics and office of health Care Professional, creates new definitions for undefined terms, and updates the Table of Uses to reflect the new definitions. Hospital is not specified in the existing zoning and would now be permitted in the ARO zone by special permit.

The Chairman opened the hearing up to public comment to which there were none.

Article 4: Housekeeping – 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 errors or inconsistencies and to clarify such sections, or take any other action in relation thereto.

- Add Access Approval Overlay District (AAOD) to overlay districts in Section 3.1.3
- Correct section number in table 9.5.9 pointing to wrong section for public amenities
- Correct section number in 9.7.12.5 that refers to wrong section number for Residential Retirement Community & delete old reference to Senior Residential section that no longer exists

Ms. McCabe summarized that a few errors were identified and have been added to this article. Correcting section references numbers and updating the list of overlay districts.

The Chairman opened the hearing up to public comment to which there were none.

Action Taken

Upon a motion by Mr. Atkins and seconded by Mr. McCusker, the Board voted 5-0 in favor to recommend the Finance and Warrant Commission approve the four zoning articles as written.

Upon a motion by Mr. McCusker and seconded by Mr. Olanoff, the Board voted 5-0 in favor to continue this public hearing to Tuesday, October 17, 2017 at 7:30 p.m. at the Library.

80-88 Morgan Farm Road (Lots 9 & 10), Approval Not Required (ANR) Plan

Ms. McCabe explained that Wall Street Development submitted an ANR plan for the purpose of straightening lot lines. Both lots meet minimum frontage requirements and maintain the minimum lot areas.

Action Taken

Upon a motion by Mr. Atkins and seconded by Mr. McCusker, the Planning Board members voted 5-0 to endorse the Approval Not Required (ANR) Plan for 80-88 Morgan Farm Road (Lots 9 & 10).

Morgan Farms Estates Definitive Subdivision - Request for Performance Bond Reduction for Phase II *Staff Comments*

Wall Street Development submitted a memo to the Planning Board to identify the completed work on Morgan Farm Road to Station 10+50 which included: gravel sidewalks; sidewalk pavement binder; granite gutter-mouth @catch-basins; sloped granite curbing; loan burrow and seeding. Ms. McCabe reported that she has received a report from Phil Paradis of BETA Group, Inc. on the estimated cost for the work to be finished and work already completed. Wall Street Development is requesting that \$34,738, the cost of the completed work, to be deducted from the original Tripartite Agreement.

Board Questions & Comments

A Board member asked for a review of the remaining work to be finished. Ms. McCabe gave a quick summary of items. A Board member asked if this developer has typically completed these items as required. Ms. McCabe responded that the Applicant has regularly requested releases from the Board as work as progressed.

No Public Comment

Action Taken

Upon a motion by Mr. McCusker and seconded by Mr. Atkins, the Board voted 5-0 to approve the request for a reduction of the Tripartite Agreement for Morgan Farms Estates, Phase II, dated 8/21/15 from \$81,623.00 to \$48,146.

247 Station Drive (fka 1 NSTAR Way), NSTAR Electric Eversource Energy – EIDR (Environmental & Impact Design Review) Public Hearing proposal for ground mounted solar canopies over parking areas (Hearing continued from 9/19/17.)

Steve Wiehe of Weston & Sampson and Amy Voisine-Shea project manager for Eversource Energy were present for the application. Mr. Wiehe informed that since the hearing on September 19' the lighting and landscaping plans have been updated.

Mr. Wiehe explained to the Board that since the last meeting on September 19, the lighting and landscape plans were revised. The lighting plan was updated to show the existing lights that are proposed to remain and new lights to be added to the canopies to meet the minimum light levels required by the zoning bylaw. Additionally, a proposed landscaping plan adding to plantings in the buffer areas around the parking lot has been submitted after a recent site visit with the Town Planner to provide screening to the residential abutters. The revised landscape plan the Board received last week have been revised again on 10/2 to change one of the tree types in response to the Town Planner's suggestion for a different species.

Board Questions & Comments

- Board members had questions related to the luminary schedule and dual and single fixtures. Applicant said that 26 wall packs were added and the light poles will be reused near the west wing. The lights that were at the end of the parking canopies are being removed and reused elsewhere.

- A question was asked about an existing light pole that will remain and lighting up the roof of the canopy. Multiple questions about brackets and lights on fascia on canopy.

Public Comments

The Chairman asked if there were any public comments to which there were none.

Ms. McCabe distributed and summarized comments emailed from S. Rafsky, 646 Canton Street. Mr. Rafsky believes that new plantings for screening for the abutters should be included as a condition of approval. He also requested conditions that the plantings be installed as soon as possible preferably this year or by spring 2018 at latest, the landscape screening is maintained, and that no additional structures, other than what is proposed with this application, are approved to be within the 200 ft. building setback from the residential district boundary, which was part of the approval from 1999/2000. Ms. McCabe distributed the graphic illustrating a 200 ft. no-built from the 1999/2000 approval and summarized the buffer section of the zoning bylaw (Section 6.3.4).

Staff Comments

Ms. McCabe commented that updated landscape and lighting plans were received this week. Ms. McCabe suggested the following conditions by the Board as outlined in her meeting summary to the Board last revised 10/3/17:

1. All plantings shall be installed prior to completion of the solar canopies and maintained as necessary to provide a year-round impervious screen of the canopies and the canopy's support structures such that they are not visible from the ground level of the abutting residential properties on Canton Street, Hemlock Drive and Partridge Drive.
2. The Applicant shall use best efforts to complete plantings in the fall 2017 planting season. However, if not feasible due to construction and weather, the landscaping shall be completed prior to the final close out of the Building Department's permit and shall be planted no later than May 31, 2018.
3. The Applicant/Owner is responsible for lifetime replacement of all plantings. Any dead or dying trees or plant materials shall be replaced in kind annually.
4. The existing unused light bases in the landscape buffer areas shall be removed prior to completion of the solar canopies.

After receiving Mr. Rafsky's email she suggested adding a fifth condition to prohibit additional structures, other than what is proposed with this application, are approved to be within the 200 ft. building setback from the residential district.

Ms. McCabe reviewed the list of waivers for the application:

1. The Applicant requested a partial waiver from the hour's section of the zoning to have the lights remain on all night and not be turned off at the close of business. Mr. Olanoff noted that security lighting is allowed to remain on and believes the request for the lights to be on all night for security and safety purposes because of the 24 hour call center can be considered security lighting. The Board members agreed the lights could be considered as security lighting because the facility is open throughout the night.
2. Request for waiver from providing a traffic study.
3. Request for waiver from providing a presentation model.

Action Taken

Upon a motion by Mr. Olanoff and seconded by Mr. Atkins, the Board voted 5-0 in favor to grant the waivers for the traffic study and presentation model as discussed and noted that a waiver from the lighting requirements was not necessary because the Board finds the facility does not have a traditional close of business.

Upon a motion by Mr. Olanoff and seconded by Mr. Atkins, the Board voted 5-0 in favor to grant Environmental Impact and Design Review Approval with specific Conditions reviewed above as well as additional standard conditions for NSTAR Electric Eversource Energy; for the proposal to install ground mounted solar canopies over the existing parking areas at 247 Station Drive (fka 1 NSTAR Way).

Upon a motion by Mr. Olanoff and seconded by Mr. McCusker, the Board voted 5-0 in favor to close this hearing.

Review Street Acceptance Request Submitted for Town Meeting – Westview Estates Subdivision: Thompson Ave. Street Acceptance

Town Planner's Comments

Ms. McCabe reviewed the outstanding items for completion of the Westview Estates Subdivision extending Thompson Avenue: tree planting as approved at Board's 10/3/17 meeting are in progress, with 10/12/17 expected completion date; the confirmation of a sub-drain installation was received by Phil Paradis at BETA Group; the updated As-Built plan showing trees is still needed; final certification of compliance from the Conservation Commission; and final revisions to the O&M Plan are still pending.

Discussion

- Staff requested the Board members make an initial recommendation to the Board of Selectmen prior to the scheduled hearing on 10/16/17.

No Public Comment

Action Taken

Upon a motion by Mr. Atkins and seconded by Mr. Olanoff, the Board voted 5-0 in favor to recommend street acceptance with conditions to be completed prior to street acceptance including:

1. The street trees be planted
2. The as-built plan be updated to show the locations of the trees
3. Applicant apply for final certificate of compliance with Conservation Commission
4. Final revised O&M plan be submitted to Planning & Conservation staff for approval

Partial Release – Westview Estates Subdivision

Westview Estates Developer has requested a partial release of funds to reduce its 2012 Tripartite Agreement which is currently has \$178,933. Phil Paradis of BETA Group, Inc. has inspected and agrees that these are the only remaining items. Staff suggests the following amount be held for the following items:

Final As-Built Survey: \$10,000
Trees (60 @\$654/tree): \$39,240
\$49,240 Remaining Funds

Action Taken

Upon a motion by Mr. Olanoff and seconded by Mr. McCusker, the Board voted 5-0 in favor to recommend a partial release of \$129,693 so that the new amount held in the tripartite agreement is \$49,240.

Other Business:

Review of upcoming ZBA Applications:

Ms. McCabe summarized the application provided in the Board's meeting packet regarding 256 Washington Street – This is an application for Special Permit under a change on a non-conforming use because it was previously a retail use and now proposed to be personal service establishment use on the first floor to relocate the Barber Shop from across the street to the former Ski Shop; two residential apartments on the second floor will also remain. Ms. McCabe reported

that this project also requires an administrative environmental impact and design review.

195 Woodland – This special permit application is for an accessory apartment in the basement of a residence that appears to have parking that is well buffered. No Board comments.

The next meeting of the Islington Center Task Force is tentatively scheduled for Wednesday, October 11th at 6:30 p.m., at the Islington Community Center and then members will be short to attend the East Street Bridge public informational meeting at 7:30 at Downey.

Islington Project: The Board of Selectmen and Petruzziello Properties have signed the Memorandum of Agreement. This means Petruzziello can now engage his full engineering team to work on submitting an application and fully designed plans to the Planning Board. Much work is still needed to submit an application to the Planning Board but a late November or early December public hearing with the Planning Board may be possible if they can submit within in next 4-6 weeks.

Committee Reports – Mr. Olanoff and Mr. Atkins reported attending the Moving Together Conference a couple of weeks ago. They said was a worthwhile workshop which included presentation of a new bicycle and pedestrian plan; resource guide for municipalities making them walkable and bike-able. Mass DOT has requested comments. Mr. Olanoff added that Westwood is way ahead of many communities as far as pedestrian and bicycle safety.

Approval of Minutes:

Upon a motion by Mr. McCusker and seconded by Mr. Gorman, the Board voted 4-0 in favor (Mr. Laubenstein abstained) to approve the following meeting minutes from September 19, 2017.

Adjournment

Upon a motion by Mr. McCusker and seconded by Mr. Gorman, the Board voted 5-0 in favor to adjourn the meeting at approximately 8:42 p.m.

List of Documents

<ul style="list-style-type: none"> • Memo to Planning Board from A. McCabe dated 9/29/17, revised 10/2/17, revised 10/03/17 re: Meeting Summary for 10/03/17 	PDF
<ul style="list-style-type: none"> • 247 Station Drive (fka One NStar Way) Eversource – Photo renderings, simulations & trees in parking islands • Eversource 247 Station Drive – Landscape Plan – Site Preparation and Demolition Plan, L1.00, Revised 9/28/17 • Eversource 247 Station Drive – Landscape Plan – Planting Plan, L2.00, Revised 9/28/17 and 10/2/17 • Updated supplemental narrative from Weston & Sampson, dated 10/2/17 • Electronic Mail from Steven Rafsky, sent to Abigail McCabe on October 3, 2017, Subject: Eversource Soar panels and nstar1.pdf 	PDF
<ul style="list-style-type: none"> • Letter to Planning Board from Wall Street Development re: Request for Reduction of the Amount of Security, dated 9/12/17 	PDF
<ul style="list-style-type: none"> • Memorandum from Phil Paradis of BETA Group to Todd Korchin, DPW Director, subject: Tri-partite Agreement dated August 21, 2015 Request for Reduction of the Amount of Security, dated 9/29/17 	PDF
<ul style="list-style-type: none"> • Westview Estates – Street Acceptance & As Built Plan for Thompson Avenue dated 8/31/17 	PDF
<ul style="list-style-type: none"> • Proposed Zoning Language for 10/3/17 Public Hearing – Articles 1-4 (3 pages) 	PDF
<ul style="list-style-type: none"> • PowerPoint presentation on Zoning Articles presented by Town Planner on 10/3/17 (15 slides) 	PDF