

**Planning Board Meeting Minutes**  
**Tuesday, December 6, 2016**  
**Champagne Meeting Room, 50 Carby St., Westwood – 7:00 PM**

**Call to Order:**

The meeting was called to order by Chairman Chris Pfaff at approximately 7:01 p.m. The Chairman announced that WestCAT was recording this meeting and asked if anyone else wished to record the meeting, to which no one responded.

**Present:**

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

**Fire Station II, 300 Washington Street – FMUOD Special Permit Minor Modification Request to relocate the softball field safety net system, add a stone dust warning track, pedestrian walkways between Little League and Softball Fields, and add split rail fencing**

*Presentation*

Project Manager Bryan Jarvis from Compass Project Management summarized the requests for minor modifications and displayed revised site drawings.

- **Item/Area #1:** Proposed – relocate the Safety Net System on Morrison softball field several feet to the North, closer to the new FS2 retaining wall, in order to maximize the playing area of the softball field. It is also requested that the Loam and Seed (LS) finish material be replaced by stone dust material to serve as a “warning track” for softball players and for ease of maintenance (less mowing and trimming) by the DPW.
- **Item/Area #2:** Propose that the concrete sidewalk along East Street to Morrison Park terminate as shown on Attachment C – Modifications Overview Rev. 1. The new sidewalk will follow the existing granite curb along East Street and into the Morrison Park Driveway. It will terminate at the location of the previous sidewalk on the site. A sidewalk ramp, with grey ADA detectable warning mat will be provided to transition the new sidewalk to the existing to remain, bituminous concrete hardscape at Morrison Park. It is also requested that project to eliminate the bituminous concrete walk (BCW) nor the Loam and Seed (LS) along the area between the Morrison Little League field and the FS2 site. It is requested that the project finish the entire area with stone dust material. It is also requested that the project install several sections of wooden, split rail fencing to match the existing fencing at Morrison field at each end of the new stone dust walkway. The fencing will be used to guide pedestrians along the stone dust walkway. These modifications are being requested to better coordinate the FS2 project with the Town’s/Westwood Little League’s pending snack shack project. These modifications are shown in Attachment C Rev 1 and Attachment D.

*Board Comments*

- Questions and answers were exchanged related to the maintenance, the fabric and quality of the safety net, etc.
- Board members asked about the sidewalk connection on East Street. Mr. Jarvis said there is no direct connection to East Street because that section of East Street does not have a sidewalk. A board member asked why the sidewalks cannot connect because of the ADA ramp, which is raised. The finished stone dust walkway will remain until the new snack shack is built.

*Action Taken*

Upon a motion by Mr. Olanoff, and seconded by Mr. McCusker, the Board voted unanimously in favor to consider the requested modifications as minor in nature.

Upon a motion by Mr. Olanoff, and seconded by Mr. Laubenstein, the Board voted unanimously in favor to approve the

minor modifications to the FMUOD Special Permit for Fire Station II.

### **Proposed Zoning Amendments Discussion**

Ms. McCabe reported that the Board of Selectmen has opened the Warrant for Annual Town Meeting on 11/28 and all proposed zoning amendments must be submitted by 1/9/17. Ms. McCabe gave a brief explanation of the Planning Board's zoning amendment public hearing process, the Finance Commission's multiple public hearings in March, and ending with Town Meeting in May. The Planning Board public hearing will be scheduled for a date in February and will be continued through the end of March. The Finance Commission is scheduled to meet on the following dates: 3/6, 3/7 & 3/27 at the Library.

Ms. McCabe summarized the current zoning for Solar, Small and Large Scale was established in 2015 Town Meeting established solar in all zoning districts under 15 kW by-right and over 15 kW by Special Permit for all zones except HB, I, and IO.

*Definitions: Large Scale Solar Any Solar Energy Facility which exceeds fifteen (15) kilowatts capacity.*

*Small Scale Solar Any Solar Energy Facility which has a capacity of fifteen (15) kilowatts or less.*

Ch. Pfaff welcomed resident and former Finance Commission member Peter Kane who was present to suggest changes to the Planning Board on the Solar, Large and Small Scale bylaw. Mr. Kane encouraged the Planning Board to consider ways to expedite the solar review process and suggested no size limit that would trigger ZBA special permit review for roof mounted solar systems for existing residential properties. He also provided the Board members with the Governor's executive order related to climate change and encouraged the Board to take action to encourage alternative energy.

### *Board Comments*

A board member stressed that he believes it is important that the Planning Board find out what the concerns of the Town's residents are regarding the scale and thresholds of the solar bylaw. A board member said the Planning Board wrote the bylaw so as to be cognizant of environmental impacts of solar panels on the neighborhood.

Mr. Kane commented that he believes that the Town should not limit the number of solar panels installed on a residential roof and should expedite all building permits for residential solar panels. He said the bylaw is an unnecessary roadblock to residents due to the length of the Special Permit process before the ZBA.

A board commented that with solar technology changing, amending the bylaw to increase or decrease the kW limit, may not be the best approach to take and more about addressing possible negative impacts on abutting neighbors.

Another board member suggested researching the solar bylaws in the abutting communities; adding to the definition section and adding a footnote to the Table of Uses.

Board members generally agreed that ground mounted solar panels should require ZBA Special Permit.

Staff stressed the importance of a thorough review of all solar panel permit applications by the building department and disagreed with the suggestion to expedite these types of applications ahead of other building applications.

**Other (Non-medicinal) Marijuana Uses** – Ms. McCabe informed the Board that an interpretation of new marijuana requirements is pending from the office of the Attorney General and therefore do not yet know if Westwood's Zoning Bylaw will require any changes to comply with the unwritten State regulations. While many towns merely addressed medicinal marijuana, our Zoning Bylaw included a definition of "Other marijuana uses" and then prohibited those uses in all districts. At first blush it appears that the town may need to confirm the zoning prohibition through a vote of the general electorate. It's likely that the Planning Department should coordinate with the Town Clerk to prepare a ballot

question at the local election in April. After the April election, any necessary zoning amendments will be made for the Fall Town Meeting. A board member suggested clarification of the current definitions in the bylaw.

**Accessory Apartments - Section 8.5** Westwood's current Zoning Bylaw limits ZBA special permits for Accessory Apartments to 1% of the total number of single-family and two-family dwellings in Town (45-50 issued). This cap has been met. Numerous property owners have since enquired about raising this cap. The Planning Board may want to consider proposing an increase to 2% of the total number of single-family and two-family dwellings in Town. This number would be reasonable. *A Board member noted that the Zoning Reform Act requires Towns to allow accessory apartments. Board members questioned whether 2% is too low and agreed to research this percentage further.*

**Sight Visibility at Corners** – The current bylaw prohibits property owners from blocking sight distance at street corners with structures or plantings. This prohibition does not apply to fences, as fences up to 6 ft. in height are not considered structures. Due to a number of recent corner fence installations which contribute to sight distance problems at intersections (Example: Currier Lane & Canton Street ), the Planning Board has been asked by Safety Officer Sgt. Paul Sicard to amend the Zoning Bylaw to also prohibit fence obstructions. *Mr. Olanoff suggested using the definition in Section 4.5.2 of the Subdivision Rules and Regulations. Ms. Loughnane said this should be based on sight distances and the edge of the pavement.*

**Fences** – Change the definition of "Structure" to increase the height of a fence not to be considered a structure to 7' from the current 6' to match the new building code. Board members asked why. Ms. Loughnane gave a couple of examples, one with Con Com, other to raise a fence. **BOARD MEMBERS VOTED TO REMOVE THIS PROPOSED AMENDMENT FROM THIS LIST** because it changes the character of the town of what fencing can be permitted by-right.

**Earth Material Movement Earth Material Movement** special permits are now issued by the Planning Board. (They were previously issued by the ZBA until May 2015.) The Board may want to consider an amendment to allow EMM by site plan (EIDR) approval rather than by special permit. This would lessen the delay for applicants to proceed by eliminating the mandatory 20-day waiting period after a special permit decision is filed with the Town Clerk. The approval would no longer be discretionary but the Planning Board generally would not have ever denied one unless it clearly didn't meet the bylaw.

**Sign Bylaw** Staff explained that last year there was a Supreme Court decision in the case of Reed v. Town of Gilbert (Arizona). This decision has been interpreted to put all content-based sign regulations at risk. The Board should undertake a complete re-write of the Sign Section of the Zoning Bylaw, but it seems unlikely that this amendment would be ready in time for consideration at the May 2017 Town Meeting. It seems more likely that amendments to the Sign Section will be proposed for a fall 2017 Town Meeting.

**Exterior Lighting** – Add new section requiring exterior lighting to be turned off an hour after the close of business for nonresidential uses, except security lights. And language to clarify the 15 ft. maximum height for wall lights in Section 6.4.5:

***Wall Mounted Fixtures.** In Nonresidential Districts, a luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than fifteen (15) feet above **the grade directly below the fixture** and shall be shielded to control glare.*

**Nonconforming Structures/Uses:** Amend references in Section 4.5.8.3 under [Single and Two-Family Reconstruction after Catastrophe or Voluntary Demolition] we need to revise the section references in to allow for a special permit only in the event of non-compliance with Section 4.5.8.2.1 (located on same footprint as original structure) and 4.5.8.2.2 (that it complies with current setbacks) – corrects the section references.

**Nonconforming Single & Two-Family Residential Structures** – Section 4.5.5 remove word "reconstruction" and

“reconstructed” and “reconstruction” from Section 4.5.6 because this adds to confusion and reconstruction is covered in the following Section 4.5.8. – Ms. Loughnane suggested additional broad review of this section.

**Storage Facilities** – Currently permitted by Special Permit from the ZBA in HB, I, IO zones. Consider adding additional special permit criteria related to siting locations and setbacks so we don’t have storage facilities in valuable and visible locations. Change the number of parking spaces required. (Make related changes in the Parking Table.)

**Section 10.1.6** [Penalty for Noncriminal Complaint] – The Building Commissioner has requested an increase in the penalty from \$100.00 to \$300.00 for each offense. Board members requested more information the Building Commissioner’s discretion on the amount of the fee on if it would be on a sliding scale basis depending on the violation.

**Housekeeping (insubstantial typos or errors) Items:**

This article is for any errors discovered in the zoning bylaw or zoning map that may be scrivener’s error but not content based changes.

**Petition to Prevent Demolition to discourage tear downs.**

A petition was received in the fall requesting a moratorium be imposed on demolishing properties with the intent of curtailing the building of new larger structures and eliminating the homes available for entry level buyers. Ms. Loughnane suggested a Planning Board amendment related to this. Staff suggested revisiting the section allowing nonconforming properties to be altered, expanded, torn down and rebuilt by special permit.

**Approval Not Required (ANR) Plan – One Longmeadow Dr. (Map 5, Lot 106) & Summer St. (Map 3, Lot 24)**

Applicant Old Grove Partners on behalf of Far Reach LLC, submitted an ANR Plan to subdivide two lots into six lots. Ms. McCabe reported that following her review of the plans she found every lot shown on the plan to have vital access and frontage. It is expected that a future filing with the Conservation Commission will be required.

*Action Taken:*

Upon a motion by Mr. Laubenstein, and seconded by Mr. Atkins, the Board voted unanimously four votes in favor to endorse the ANR plan for One Long Meadow Drive & Summer Street. Mr. Olanoff recused himself due to a conflict of interest.

**Select Peer Review Consultants for Upcoming Projects:**

Ms. McCabe provided the Board with electronic copies of two new definitive subdivision applications: Canton Terrace Definitive Subdivision, 36 & 44 Blue Hill Drive & 124 Canton Terrace – Two lot subdivision; Gay Street Estates Definitive Subdivision, 565 Gay Street – Two lot Subdivision, which will be heard in January 2017. Requests for peer review scope and fee estimates were solicited from seven local engineering firms and two responses were received from Beta Group, Inc. and Professional Services Corporation (PSC). Board members reviewed the two responses and voted to choose one peer reviewer for both projects.

*Action Taken:*

Upon a motion by Mr. Laubenstein, and seconded by Mr. McCusker, the Board voted unanimously in favor to select Professional Services Corporation (PSC) as peer review consultant for the Canton Terrace Definitive Subdivision.

Upon a motion by Mr. Laubenstein, and seconded by Mr. McCusker, the Board voted unanimously in favor to select Professional Services Corporation (PSC) as peer review consultant for the Gay Street Estates Definitive Subdivision.

**Other Business:**

- Review and update 2017 Planning Board Meeting Schedule – Board members agreed to the following meeting dates through June 2017: 1/10, 1/17, 2/7, 2/28, 3/14, 3/21 (if needed), 4/11, Monday, 4/24, 5/9, 5/23, 6/13, 6/27). The July – December dates will be reviewed in May when people know their summer schedules.

- *Committee Reports* – Mr. Laubenstein reported that the Islington Center Task Force met on 11/10 and came up with six proposals and one alternative option; and discussed a Capital Needs Assessment and Replacement Reserve Analysis of the Islington Community Center. The next meeting of the ICTF will be held in January.
- Reserved for topics not reasonably anticipated to be discussed – Mr. Atkins discussed the need for a Q & A session about the Planning Board’s roles and responsibilities; to educate residents about the FMUOD bylaw, its purpose and its relation to the current Islington project. He further expressed the need for the Planning Board to show its transparency related to the current redesign of Islington. A Board member suggested possibly scheduling the Q & A session immediately before the next scheduled meeting of the ICTF.

**Approval of Minutes:** 9/20, 10/6, 10/18, 11/1

*Action Taken*

Upon a motion by Mr. Olanoff and seconded by Mr. Laubenstein, the Board voted the Board voted unanimously in favor to approve the meeting minutes of 9/20, 10/6, 10/18, and 11/1 as submitted.

**Upcoming Planning Board Meetings:** Tuesdays starting at 7:00 PM: 1/10/17, 1/17, 2/7, 2/28

**Upcoming Islington Task Force Meetings:** January 2017, Date TBD

**Adjournment:**

Upon a motion by Mr. Laubenstein, and seconded by Mr. McCusker, the Board voted unanimously in favor to adjourn the meeting at approximately 9:54 p.m.

**List of Documents**

• Letter to Town Planner A. McCabe from Compass Project Management, dated 11/22/16 re: Site Modifications	PDF
• Letter to Town Planner A. McCabe from Compass Project Management, dated 12/05/16 re: REVISED Site Modifications	PDF
• Town Planner’s Memo to Planning Board dated 12/2/16 re: ATM Possible Zoning Amendments for Discussion	PDF
• Submitted during meeting: executive Order No. 569 by Charles D. Baker, Governor “Establishing an Integrated Climate Change Strategy for the Commonwealth” (5 pages).	PDF
• Copy of Petition Article from resident Jerry Wolfe, dated 8/26/16 re: imposing a moratorium against demolishing residential dwellings for a period of three years.	PDF
• Approval Not Required (ANR) Plan – 1 Longmeadow Dr. (Map 5, Lot 106) & Summer St. (Map 3, Lot 24) Application and Plans	PDF
• Letter to Town Planner A. McCabe from P. Paradis, Beta Group dated 11/28/16 RE: Peer Review Scope and Fee for Canton Terrace Definitive Subdivision Plan	PDF
• Letter to Town Planner A. McCabe from T. Houston, Professional Services Corporation (PSC) dated 11/30/16 RE: Peer Review Scope and Fee & Qualifications for Canton Terrace Definitive Subdivision Plan	PDF
• Copy of draft meeting schedule for 2017	PDF
• Draft Minutes for review 9/20, 10/6, 10/18 and 11/1	PDF