

**Westwood Planning Board  
Meeting Minutes  
Monday, October 19, 2015  
200 Nahatan St., High School Little Theatre  
7:30 P.M.**

**Present:**

Planning Board members present: Chris Pfaff, Steve Olanoff, John Wiggin, and Trevor Laubenstein. Staff members present: Town Planner Abigail McCabe, and Nora Loughnane, Community & Economic Development Director

Members of the Planning Board attended and participated in the Finance & Warrant Commission's (Fin Com) Public Hearing. Town Planner Ms. McCabe gave a presentation to the Fin Com summarizing each of the seven Planning Board sponsored warrant articles.

The Articles presented were:

**Article 5: Rezoning Related to American Legion – Zoning Map**

Ms. McCabe explained that this article is to amend the Official Zoning Map by re-zoning the 44,866 Sq. Ft. American Legion parcel of land located at 90 Deerfield Avenue, also known as Assessor's Parcel 14 and Lot 95, from Single Residence E (SRE) to Single Residence C (SRC). The map to the right shows the existing SRE zone in blue and the SRC zone in yellow. Both zoning districts are zoned for residential but the SRC zone has a smaller minimum lot area of 40,000 Sq. Ft. while the SRE zone requires an 80,000 Sq. Ft. minimum lot area.

The re-zoning of the American Legion parcel would provide consistent SRC zoning with similar sized properties along High Street and would make the new American Legion parcel conform to the minimum lot area requirements (40,000 required, about 44,000 is the size of the lot).

**Article 12: Rezoning for Adaptive Reuse of Obed Baker House – Zoning Map.**

Ms. McCabe informed the FinCom that this was a Board of Selectmen's zoning amendment that they are withdrawing. Based on the recent selection for the bidder in response to the RFP, no zoning amendment is necessary since WestCAT's proposal did not need a zoning change.

**Article 17: Zoning Bylaw Amendments to Flexible Multiple Use Overlay District (FMUOD-3) - §9.5**

In 2011 and amended further in 2014, Town Meeting established seven FMUOD districts throughout town. The FMUOD zones are an overlay district, overlay districts are special zone that is placed over the existing district known as the underlying base zone and outlines special provisions in addition to those in the underlying zone. Each of the 7 FMUOD's specifies what uses are allowed in each with their own criteria. This current Amendment is an amendment to the FMUOD-3 only, which is the Glacier / Everett Business District. The FMUOD-3 zone is the area of west of Providence Highway (Route 1), east of the railroad tracks, north of Everett Street and south of Willard Circle containing the properties on Glacier Drive and Wilson's Way. This zone contains a total of 12 properties which is there area where the former Foster Brick site down to the McDonalds, the Prime Dealership, Mercedes, and the area with Frugal Fannies.

This amendment proposes to add a new use category to allow age restricted dwellings for people over 55 by Special Permit from the Planning Board. The exact wording of this amendment is shown in red font while the black font shows the existing zoning bylaw language. The other uses allowed in this zone are for Assisted living, fast food establishments, multi-family, and research and development. Additionally, this amendment proposes to allow age-restricted dwelling for up to 100% gross floor area of a project. The black font shows how the ZBL exists today. There is a 50% cap for the GFA per project for multi-family, however, this article proposes to not have that cap for the age-restricted units. This is proposed because age-restricted developments are generally not mixed use projects. The purpose of the FMUOD is to prove a mix of land uses, promote creative & appropriate solutions to complex sites, encourage a comprehensive approach to design, encourage redevelopment of underutilized properties by allowing for a greater design flexibility, hence the name of the zone. There are no specific projects proposed at this time, however, the Planning Board has created a subcommittee and is working on amendments to the existing Senior

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Residential Development (SRD) zoning bylaw. The SRD zone currently permits age-restricted housing in residential zones only. The PB is working on a complete re-write to the SRD but was not ready at this time to come forward with that article but has identified the property known as the Foster Brook site on Everett Street as a promising location for age-restricted housing. The two parcels are currently used as a contractors yard storing vehicles and some office uses. The property owners have been exploring development opportunities and have had some prospective developers interested in age-restricted housing project but the SRD does not apply to this (HB and FMUOD zone) and multi-family has a max. of 50%, which is not desirable for senior developments. The PB's subcommittee feels this specific property may be a suitable location for senior housing because it is currently underutilized as a contractor's yard, is 6 acers, and situated near major roadways abutting the railway and business area, rather than a neighborhood.

Discussion:

A Deerfield Avenue resident asked about the parking requirements. Ms. McCabe responded that generally requirement parking is two per dwelling.

A member of the FinCom asked how many units could 22 Everett Street possibly have. Ms. McCabe and Chairman Pfaff responded that it could be a wide-range of units depending on the unit types but the property has expressed initial interest around 100 dwellings.

Article 18: Zoning Amendments to Definitions and Use Chart Related to Solar Energy Facilities.

Ms. McCabe explained that this article renames the existing zoning definitions for solar and provides applicants the option to exceed the current maximum allowed in the current zoning bylaw. Shown in black font is the way the current ZBL exists today and the red font shows the proposed changes. This amendment proposes to amend the definitions by re-naming solar energy facilities from "Commercial Scale Solar" to Large Scale Solar and the "Non-Commercial Scale Solar" to "Small Scale Solar". This amendment does not change the existing zoning definition and keeps it as defined with the 15 kilowatt threshold, the purpose is to rename them to provide clarity. Additionally, this amendment allows applicants to exceed the 15 kw threshold, with the approval of a Special Permit by the Zoning Board of Appeals (ZBA). The existing ZBL table of uses is shown in black font above on the slide and the proposed changes are shown in red font in the bottom table. The ZBL currently allows under 15 kw by-right (which means after submission of a building & electrical permit with no board approval or abutter notification) in all zoning districts in Town. The over 15 kw is currently only allowed by SP from the ZBA in a few zones (SRC, SRE, LBA, LBB, and ARO) and allows by-right in the HB, I, and IO zones. Currently, if a residential property wants to exceed the 15 kw max. there are no options as it is strictly prohibited. The intent of this bylaw is to provide more opportunities for applicants to exceed the 15 kw but has set a clear threshold of where more review is needed.

Why the 15 kw? Last year when solar was first regulated in the town through adoption at annual Town Meeting, the PB set the threshold of 15 kw based on the applications received in town and based on the state's 2014 model for solar energy stems. The State's model generally defined small scale solar typically found to be an accessory use for residential was typically 10 kw and occupy ~1,750 SF of surface area. Additionally, the state's model defined large-scale solar to be more than ~40,000 SF and over 250 kw.

After review of the existing solar permits issued by the building dept. the average size is between 7 – 12 kw and has generally been more common at residential properties than commercial, and typically roof mounted as opposed to ground mounted. The size of the panels can vary greatly but the kW seems to be the industry standard and deciding factor on what is installed. There may have been some solar over the 15 kw before we started regulating solar but they generally are small and there is one at Bay Colony Drive that is 47 kw issued before the existing bylaw was adopted. In August, we received a request from a property on Washington Street looking to install over the 15 (around 18 kw) and that permit was denied, which is the motivation for this article.

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If this amendment is approved, if there is an application submitted for over the 15 kw, the building permit would be denied and application to ZBA submitted. Generally is an application is submitted, public hearing with abutter notification, and public hearing with the ZBA. The ZBA is a quasi-judicial Board that hears cases seeking dimensional relief. The Board's criteria for granting a Special Permit is specially related to the neighborhood and includes 6 findings that must be met for approval. A SP is discretionary, which means it can be denied if it does not meet the 6 findings related to the neighborhood.

Essentially, this article provides an opportunity for applicants to apply to install over the 15 kw, but sets a clear threshold at which time additional review by the Town is needed to consider impacts to the surrounding properties. If this ZBL is not adopted, there is no option for many properties to exceed the 15 kw.

**Discussion:**

A Mill Street resident asked what the setbacks were and encouraged the zoning to be expanded to include more detailed and specific criteria.

**Article 19: Delete Zoning Bylaw Section 5.5.7 [Creation of Ways]**

Ms. McCabe reported that this amendment to Section 5.5.7 [Creation of Ways] is to delete this section to comply with Massachusetts Subdivision Control Law and the Planning Board's Rules and Regulations Governing the Subdivision of Land relative to the process of the creation of ways.

Zoning Bylaw Section 5.5.7 states that no new way may be created within 40 feet of an existing property line. The Zoning Bylaw does not have the authority to regulate the creation of ways - only the Planning Board's Subdivision Rules and Regulations, based on the state's Subdivision Control Laws, can do that. This section can exist in the Zoning Bylaw only as a reference to the current Subdivision Rules and Regulations, which is how it was incorporated into the Zoning Bylaw originally. Several years ago the Board intended to revise its Subdivision Rules and Regulations to contain this 40 foot way requirement, but those revisions have not yet been made, thus making this section of the Bylaw unenforceable.

**Article 20: Housekeeping Zoning Map Amendment (Dedham Elm parcel)**

Ms. McCabe said this was a housekeeping amendment to the Official Zoning Map for a parcel that does not have a zoning designation, a 777 SF parcel along the border of Westwood and Dedham, known as (Assessor's Map 17, Lot 175) does not have a zoning designation. The revised Official Zoning Map proposed under this article will correct this error by zoning this parcel Highway Business (HB) which is consistent with zoning of surrounding land.

**Discussion:**

A member of the FinCom asked what was on this parcel. Ms. McCabe responded that it was on the Westwood-Dedham line and partially within Dedham. Most of the commercial building is in Dedham.

**Article 21: Housekeeping Amendments – Text and Map**

Ms. McCabe explained the Planning Board has withdrawn this article. This was requested as a place holder in case any errors were found during the public hearing process, but this is not needed at this time.

**Article [no number] –Rezoning 790 Gay Street (Hanlon School Lot)**

Ms. McCabe stated that this article sponsored by the Board of Selectmen to re-zone the rear portion of a split zoned parcel of land at 790 Gay Street shown as Assessor's Parcel 16 Lot 5 from Single Residence E District to Single Residence A at 790 Gay Street, known as the Hanlon School property.

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This zoning map change was originally proposed because it was related to the exchange of property between the Town and the Girl Scouts of Eastern Massachusetts for 582 High Street. The Town is negotiating with the Girl Scouts to find a new location due to the extension of Deerfield Avenue to Westwood Glen and over the existing Girl Scouts property. The plans for the relocation of the Girl Scout house are still in the concept stage but the zone change may not be necessary as the house may be located fully in the SRA zone and the Board of Selectmen did not forward this to the Finance and Warrant Commission. However, at the Planning Board's September 30 and October 6 public hearing, the Planning Board voted to extend the SRA zone to rear of the property so that the property does not remain split zone. When zoning was first adopted it was common practice for zoning districts to be set back a certain distance from the center of the road, which resulted in many split zone properties. Generally, a single property should be within one zoning districts.

Ms. McCabe and some members of the Planning Board addressed questions and received comments from the Fin Com and then moved onto the next warrant article sponsors.

**List of Documents**

<ul style="list-style-type: none"><li>• Memo from Town Planner A. McCabe to Finance &amp; Warrant Commission, dated 10-09-15 re: Summary of Proposed Zoning Amendment Articles for Fall Town Meeting</li></ul>	PDF
<ul style="list-style-type: none"><li>• Power Point Presentation by Town Planner A. McCabe to Finance &amp; Warrant Commission - Zoning Amendments</li></ul>	PDF