

**Westwood Planning Board  
Meeting Minutes  
September 30, 2014  
Library Meeting Room - 660 High Street  
6:45 PM**

**Attendance & Call to Order:**

Ch. Rafsky called the meeting to order at 6:47 p.m. WestCat TV was present and was granted permission to videotape the meeting.

*Present:* Planning Board members: Steve Rafsky, Steve Olanoff, Jack Wiggin, Bruce Montgomery and Chris Pfaff. Also present, Town Planner Nora Loughnane and Planning & Land Use Specialist Janice Barba, who recorded the minutes.

**Open Discussion about Senior Residential Development (SRD)**

Ch. Rafsky welcomed approximately 40 abutting residents and interested parties of Reynold's Farms SRD at 1561 High Street, Proposed SRD - Four Seasons Village at 215 High Street and Proposed SRD at 615 High Street.

- It was explained that the purpose of the discussion tonight is to give residents a brief background on the inception of the Senior Residential Development (SRD) Bylaw as directed by the 2000 Comprehensive Master Plan, with the following purpose in mind: to provide alternative housing stock and encourage communities that are located and designed in a manner as to serve the physical and social needs of senior residents age 55 and older; to ensure design compatibility between new SRD's and the existing neighborhoods and to preserve open space, protect natural and cultural resources and to allow for a more dense layout than permitted under a conventional development.
- In response to the evolution of the three Applications for Special Permit for SRD that have been submitted over the past two years, and some unintended consequences associated with it, the Planning Board has an interest in reviewing the SRD bylaw and propose amendments to it for the May 2015 Town Meeting.
- Ch. Rafsky asked the public if it would make any difference in their opinion of the project was screened and had no visual impact on their property. Additionally, he asked besides traffic, what other impacts should the Planning Board consider?
- Ch. Rafsky invited the public to ask questions or to comment on Senior Residential Developments in general and not specifically about any of the SRD's whether already approved, in the open public hearing process or in the pre-application phase.

**Public Comments:**

K. Goldman, 129 Summer Street – SRD's need to be in the proper place and fit into the area; suggested considering a location at University Station; is also concerned about traffic and public safety.

R. Moore, 23 Beverly Lane – are these buildings going to be multi-level? Will screening be taken into consideration?

J. Tierney, 232 Grove Street – What is the character of the Town? What is the nature of the Town? This is a huge tax benefit to the Town but at what environmental expense? Does this make sense?

Mr. Wiggin commented that Senior Residential Development proposed in the 2000 Comprehensive Plan refers to small lot, single-family homes and not multi-unit development.

E. Gainey, 111 Summer Street – what is an appropriate density?

M. Tierney, 232 Grove Street – why does one section of Town have to have all the SRD's?

K. Zadeh, 246 Grove Street – each application should be reviewed case by case for compatibility with the neighborhood. He suggested that everyone should read the bylaw.

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J. Cassidy, 628 High Street – Why do we need more SRD's?

J. Chamberlin, 303 Dover Road – Expressed concern about the wetlands present on one of the projects.

R. Polansky, 42 Birch Tree Drive – Expressed concern about the visibility and setback of the projects, especially in the winter with bare trees.

E. Musto, Blue Hill Drive – Said that seniors all want a place to call home that is in a community or neighborhood, not a commercial location, with one floor living, 1-2 units per building. Seniors are mostly retired people who aren't tied to a time schedule. A developer should have the opportunity and the right to make a proposal to the Planning Board and it doesn't matter what part of town the parcel is located in.

G. Thorndike, 229 High Street – is concerned about preservation of open space.

M. Worshencko, Dover Road – She requested that the Planning Board continue to give the public more information on developing projects in the future. She thanked the Board for having this information session.

Unidentified resident – wants to know what the market appetite is for these types of developments; who are we allowing into our community to build these projects; what is their financial solvency; what happens once the buildings are built?

L. Cohen, 51 Hillcrest Place – suggested bylaw amendments related to the minimal amount of buildable acreage; and preserving open space; the minimum age requirement of seniors needs to be changed.

K. Manor Metzold, 5 Longmeadow Drive – The 2000 Comprehensive Plan identified a need for SRD but asked about the demand now. She added there is no guarantee that these projects will be inhabited by residents of Westwood or those who work in Westwood.

J. Kjellman, 258 Grove Street – Does the Planning Board qualify a proposed developer? What if the developer only develops a project half-way through? (Ch. Rafsky answered this question.)

B. Cole, 33 Hillcrest Place - Who manages these projects after the developer has moved on? What assurances are in place to see that these places are maintained so that they don't lower property values?

P. Young, 606 High Street - what rights do the neighbors or abutters have? (Ch. Rafsky explained that the special granting authority has the role and obligation to protect the town through the permitting process as this project is not allowed as of right. He said that residents should exercise their rights by getting involved.)

Ch. Rafsky thanked residents for their questions. He added that the board may consider scheduling another meeting on this topic.

**Board Comments:**

- A board member said that based on comments from residents that he heard tonight, he believes that neighbors who live in a single family neighborhood, simply do not want a multi-family building built near them. He added that he is not sure that the SRD bylaw is appropriate.
- A board member said that while there isn't a way to qualify a developer; no one has ever started a development in Westwood and dropped it, unfinished in the middle.

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- A board member commented that the board may need to readdress the list of specific factors used for consideration and determination for a Decision as set forth in the bylaw. He said that he does not think it is appropriate for anyone other than a professional expert in a particular field of engineering to comment on environmental impacts such as traffic, wetlands or public water supply.
- A board member said that he thinks this latest design for this project may be more compatible with the neighborhood if homes of similar size with multi-units could be developed.
- A board member asked the public how it can fairly judge whether a Senior Residential Development should be located in an area that is not visible from the road and meets public safety requirements.

*Ch. Rafsky said that this discussion will continue in the future and thanked the public for its input.*

**Motion/Action Taken:**

None needed.

**Public Safety Task Force Presentation**

The Public Safety Task Force has been meeting for more than a year to arrive at a solution to provide options and recommendations for new police and fire stations. Tonight, the Task Force representatives gave a brief presentation to update the Planning Board on its recommendations going forward. (A copy of this presentation is available at <https://sites.google.com/site/westwoodpublicsafety/Home/public-presentation>)

**Don Walter, Compass Project Management**

**Summary of Presentation:**

- Identified feasible sites; Reviewed calls and staffing needs; Made a recommendation to BoS; Retained Public Safety architect; Reviewed options for police and fire stations; Commenced space programming; Developed options for analysis; and Received cost estimates for basic building configurations.
- A brief review was presented of site plans, floor plans and exterior features.
- Design & Preparation Funds will be sought at November Town Meeting for new Fire Substation at Islington, further study of the Main Fire Station and for a new Police Station/Connector Road behind the current police station.
- The Debt Service is proposed to be funded within the current tax levy and Proposition 2 ½.
- A public informational meeting by the Public Safety Task Force is scheduled for Thursday, October 2<sup>nd</sup> at the Downey School.

**Board & Town Planner's Discussion:**

- Mr. Pfaff served on the Public Safety Task Force representing the Planning Board. Mr. Pfaff commented that the design of the Islington Fire Substation will create an important anchor for Islington.
- A board member commented that the new Islington Fire Substation will provide an important civic component to the downtown area.
- A board member commented that the site plan provides a village type feeling.

**Public & Other Comments:**

B. McKenna, 40 Putting Drive – commented that the fire station is undersized and a new substation is needed.

P. Kane, 149 Ellis Street – suggested the use of solar panels in the south-facing elevation and having an unobstructed south-facing roof on the new fire substation.

Police Chief Silva – Commented that the physical location for the fire department is critical, whereas the police deploy from the roads.

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Fire Chief Scoble – Commented that the future fire department needs will be met with the new fire substation and that public safety needs at University Station will be reassessed in the future.

**Motion/Action Taken:**

*Ch. Rafsky thanked the members of the Task Force for the work completed thus far and reminded the public of the Task Force informational forum scheduled for October 2<sup>nd</sup> at the Downey School.*

**Joint Public Hearing with Tree Warden for Consideration of Application for Scenic Road Approval for the Removal of Trees within the Public Right of Way – Near 504 Everett Street, 534 Everett Street, 83 Mill Street, and 129 Summer Street**

Ch. Rafsky opened the hearing by reading the Legal Notice and welcomed DPW Highway & Operations Manager Brendan Ryan. Planning Board members received color photographs of the subject trees as well as a copy of letter submitted with the application from Tree Warden Consultant George Markarian that provided an evaluation of and recommendation for the subject trees.

**Summary:**

The DPW is requesting the approval of the Planning Board to remove four dead or dying trees within the public rights-of-way that pose public safety hazards as follows:

- One dead oak tree located within the public right-of-way adjacent to 504 Everett Street;
- One dead white fir tree located within the public right-of-way adjacent to 534 Everett Street;
- One dead sugar maple tree located within the public right-of-way adjacent to 83 Mill Street; and
- One red maple tree located within the public right-of-way opposite 129 Summer Street.

In addition to the request for removal these four trees, Mr. Ryan informed the Board that he was contacted today by an abutting property owner who requested the removal of an additional dead tree located next to the dead tree noticed and advertised for removal at 504 Everett Street. Mr. Ryan asked the board if it would consider granting permission for this additional tree removal.

**Board & Town Planner's Discussion:**

- There was a brief discussion about process and whether this request could be considered in the scope of this hearing. A majority of board members agreed that this request could be considered within this hearing.
- A board member asked Mr. Ryan if tree removal will be carried out by the DPW staff. (Mr. Ryan said that most tree work is done by the DPW and if necessary, a subcontractor will be used to remove larger and more complicated tree work.)

**Public Comments:**

None

**Motion/Action Taken:**

Upon a motion by Mr. Montgomery and seconded by Mr. Pfaff, the board voted unanimously in favor to include consideration of the fifth tree for removal within the scope of the advertised public hearing.

Upon a motion by Mr. Montgomery and seconded by Mr. Wiggin, the board voted four votes in favor and one abstention to approve the application for scenic road approval for the removal of five trees in the public right of way at 504 Everett Street, 534 Everett Street, 83 Mill Street and 129 Summer Street.

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**Public Hearing for Consideration of 4-Lot Residential Definitive Subdivision – Off Far Reach Road**

Ch. Rafsky opened the hearing by reading the legal notice. He asked the Applicant to provide a brief introduction of the project and then suggested that the Board determine whether outside peer review was needed and a date for the continuation of the hearing.

**Present:** Attorney Christopher Milton for Applicant, Far Reach LLC and Project Engineer John Bensley from Beals & Thomas

**Summary of Project:**

- Proposed subdivision is 8.9 acres in Single Residence C District
- Intent is to subdivide the land into four lots, each lot area will equal or exceed 40,000 sq. ft. and each lot frontage will equal or exceed 125 feet.
- Proposed subdivision roadway is a 368+/- linear foot, cul-de-sac which will extend off the eastern side of Far Reach Road.
- Waiver requested to require sidewalks on both sides of the street; a waiver to require open space for a park and a waiver from the requirement to submit a traffic study.

**Presentation of Topographic Plans:**

- Property is fully forested of mini, white pine trees; some wetlands are onsite and have been identified by the Conservation Commission.
- The four lots will be served by a 26' wide, paved minor street with granite curbing and 6' wide grass shoulders on either side;
- All utilities will be tied into existing underground utilities on Far Reach Road.
- Profile of roadway – 100' of gravity sewer with ejector pumps at each house. At the request of Town Engineer Jeff Bina, the forced mains and sewer connection details for each house have been added to the plans; two catch basins with double grates have been added; Stormwater management basin has been designed in accordance with DEP.
- Vehicle Trip Generation numbers were estimated based on ITE numbers and the more conservative number was submitted to identify the worst case.

**Town Planner & Board Discussion:**

- Although Town Engineer Jeff Bina reviewed several aspects of the drainage, utilities and trip generation for this project, the Planning Board often seeks the services of an outside peer review consultant to provide a more comprehensive review.
- Ms. Loughnane commented that the review could be done by the Town Engineer or by Phil Paradis, Westwood's Town Engineer representative at Planning Board meetings.
- Ms. Loughnane said that she would discuss engineering review options with Mr. Bina in terms of number of man hours required for this review and if the scope of the work is beyond the contract with Mr. Paradis, then an outside peer review consultant should be hired and paid for by the Applicant. Ms. Loughnane will report back to the Board as soon as possible.

**Public Comments:**

- D. O'Dea, 416 Far Reach Rd – resident who said that she is the president of the Far Reach Road homeowners association; she asked for clarification on the sizes of the proposed lots. (*Mr. Bensley identified the sizes of the lots on the plans and all meet minimum lot size.*) She added that the project is too dense.
- G. Silver, 108 Far Reach Rd – expressed concerns about the density of the project and the impacts on wetlands, the steepness of the grade, rocky topography, concerned about the sewage and added that gas is not available in the neighborhood. He also suggested that the Planning Board request a full engineering review. (*Mr. Bensley commented that the road's maximum grade is 8%.*)

**Board Questions:**

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- Ch. Rafsky reported that the general consensus is that this project needs further engineering review.
- A board member asked where this open land came from and whether it had been a part of the High Ridge Estates Subdivision. *(Mr. Milton responded that a portion of the land was once a part of the original subdivision which was then conveyed to the Gregory family.)*
- A board member questioned the lot layout and frontage. *(Mr. Bensley said that the cul-de-sac is necessary to get the frontage.)* He also asked the applicant did not consider filing project this under the Open Space Residential Development to allow for flexibility of design.
- A board member asked if low impact development standards for stormwater management will be followed in this project. *(Mr. Bensley said that conventional stormwater treatment standards will be followed.)*
- A board member asked if the applicant spoke with town staff to discuss the possibility of filing this project under Open Space Residential Development. *(Ms. Loughnane said there was no pre-application conference or request for a discussion prior to this submittal.)*
- A board member requested that the Applicant show the building envelopes on the plans.
- A board member asked how the 200' riverfront area will be maintained. *(Mr. Bensley said there is already a protection in force for that area by Mr. Gregory.)*
- Another board member suggested filing the project under OSRD.
- A board member stated that he wants to see the major site features identified on the plans.

**Motion/Action Taken:**

Upon a motion by Mr. Olanoff and seconded by Mr. Montgomery, the board voted unanimously in favor to authorize Ms. Loughnane to determine whether outside an peer review consultant services will be necessary.

**Waiver Requests:**

1. To require a sidewalk on both sides of the proposed way: a 6' level grass shoulder will be provided at both sides of the road; the adjacent road, Far Reach Road has only one sidewalk; heavy pedestrian or vehicular traffic is not expected. *(One member said that he is against waiving both sidewalks and would require the installation of a sidewalk on one side and suggested that the applicant propose to install sidewalks or a trail at another location in town. Ch. Rafsky said that the board will hold its vote on this waiver.)*
2. To include open space for a park or parks suitably located for playground or recreation purposes: the proposed ample lot size will provide substantial areas of undisturbed open space for passive recreation. *(Ch. Rafsky said that the board will hold its vote on this waiver.) (A board member asked Ms. Loughnane if there was an open space provision imposed upon this land that would prevent it from further development. Ms. Loughnane said that she would check with Town Counsel that would require an amendment of the original subdivision.) (Ch. Rafsky suggested that the applicant consider a better design.)*
3. To require a traffic study describing the effect of traffic generated by the subdivision on other streets in town. *(Upon a motion by Mr. Montgomery and seconded by Mr. Olanoff, the board voted unanimously in favor to grant this waiver.)*
4. Ms. Loughnane asked the Planning Board if it would like to consider another waiver should be added requesting to omit the identification of the stonewalls, trees with a caliper of 10" or larger and other natural features on-site. *(Ch. Rafsky suggested that the board wait for further engineering review of the project.)*

**Motion:**

Upon a motion by Mr. Olanoff and seconded by Mr. Wiggin, the board voted unanimously in favor to continue this hearing until Monday, November 3<sup>rd</sup> at 8 p.m. in the Champagne Meeting Room at 50 Carby Street.

**Public Hearing for Consideration of Environmental Impact and Design Review (EIDR) Approval for Exterior Alterations at Hogan Tire Center – 14 Washington Street**

Ch. Rafsky opened the public hearing by reading the legal notice and welcomed Applicant Ed Hogan and engineer Timothy Paris.

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**Highlights of Presentation:**

- The existing building will be retained, with minor renovations, adding six garage doors to the south side of the building, the customer entrance will be moved from the west side to the south side so that it faces the parking area, the roof on the front portion of the building will be changed from a flat roof to a peaked roof. The entire front portion of the building will become office/retail space for Hogan Tire.
- The existing site contains 19 marked parking spaces (with room for another 10 or 12.) The original plans depict parking spaces in the back portion of the lot behind the commercial portion of the lot. Ms. Loughnane discovered that this back portion is zoned residential and cannot be used for a commercial parking lot. This will create a non-conformance with the minimum number of required parking spaces. Therefore, Mr. Paris stated that the Applicant will be requesting an amendment of this application adding the request for a Special Permit for a reduction in the number of required parking spaces.
- Runoff from the new roof and paved area will be directed through a new stormwater management system with deep sump catch basins to subsurface infiltration systems, bringing the site into conformance with DEP Standards.
- Traffic generated from this site contributes between 0.8% and 1.3% to the total traffic on Route 1A. This project will have no impact on the volume of traffic on Route 1A, because the traffic generated by the site is not anticipated to change.
- Most of the work is cosmetic and plus the revisions improving the parking lot.
- Requested waivers of the following: submission of a model and submission of a photometric/lighting plan.

**Public Comments:**

- S. Zinno, 6 Lull Street – stated that he had significant concerns and doesn't see the need for the business to expand but does understand the need to improve the façade. Why are the garage bay doors being relocated to the residential side? Stated that this location is considered as an entrance to Islington; is concerned that this may bring even more business to the location causing more traffic and noise.
- B. Fleming, 10 Lull Street – said that he agreed with the comments of the previous abutter. Would like the Applicant to provide a buffer zone between the business and the neighbors. Asked if the current entrance will remain as the 7<sup>th</sup> bay? He is concerned that the noise is going to increase. He is concerned about a decrease in his property value.
- K. Holthaus, 14 Lull Street – stated similar concerns. She suggested that the business owner install a noise barrier between the properties.

*Applicant Ed Hogan was given an opportunity to respond to the abutter's questions and comments.*

- Hogan Tire has decided to discontinue renting space to tenants in its building as it is seeking to make better use of their existing space for tire inventory/storage.
- The proposed work will correct the parking lot's existing drainage problems; rearrange the entrance location of the service bays; and the front of the building elevation will be raised.

**Town Planner & Board Discussion:**

- Ms. Loughnane informed the Board that the next step in the process is to schedule the continuation of this hearing and for the Applicant to amend this application by requesting a Special Permit for a Reduction of Required Minimum Number of Parking Spaces.
- Eliminating some of the spaces may allow for a buffer to be created. It was suggested that the public hearing for the Special Permit could be heard before the continuation of the Site Plan Review hearing on November 3<sup>rd</sup>.
- A board member said the improvements proposed with this project could be advantageous to both the property/business owner and the abutters. He suggested a proper fence and buffering, a photometric plan and for Hogan Tire to consider keeping closing the vehicle bays.
- Ms. Loughnane said that the building commissioner will review the interior layout when determining the required number of parking spaces.

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- A board member asked if the rear access will be used by customers or if it will be eliminated. Mr. Hogan said that a vehicle cannot access here and would likely be used only for workers to access tire storage.
- A board member suggested a visit to the site. Ms. Loughnane suggested that board members may drop by the business at their convenience, during business hours.

**Motion/Action Taken:**

Upon a motion by Mr. Olanoff and seconded by Mr. Pfaff, the board voted unanimously in favor to continue this hearing until Monday, November 3<sup>rd</sup> at 8:00 p.m. in the Champagne Meeting Room at 50 Carby Street.

**Public Hearing for Consideration of Environmental Impact and Design Review (EIDR) Approval for Exterior Alterations at Needham Bank – 341 Washington Street**

Ch. Rafsky opened the public hearing by reading the legal notice and welcomed representatives from Needham Bank, Project Manager Vic Taylor and architect Jim Zigawicz from the MZO Group.

**Notes:**

*The submitted plans for 341 Washington Street depict a new parking lot configuration which was installed without Planning Board EIDR review and approval. These unlawful alterations included removal of a portion of a landscaped area that was installed in accordance with the Planning Board's 2008 EIDR Approval for the Needham Bank drive-thru.*

**Highlights of Presentation by Jim Zigawicz:**

- The proposed parking lot reconfiguration will add a total of 456 net square feet of new paved area, including six new parking spaces, new planting bed at the center of the existing parking lot and the construction of a new concrete-block, gravity retaining wall.
- The new parking layout will organize customers to circulate through the parking lot in a standard, one-way direction, adding five new parking spaces. Some bituminous curb was also removed and in its place painted lines and rubber curb stops will be added to this area.
- Existing lighting location will remain as is.
- Identified the lot lines and setbacks.

**Town Planner & Board Discussion:**

- Ms. Loughnane informed the board that the buffer zone has been violated. A twenty foot buffer zone is required as the Bank is located in a Local Business District which abuts and is within twenty feet of the boundary line of a Residential District. A pre-existing condition already violates the buffer zone and these new conditions further violate it. Mr. Loughnane said that according to the bylaw, a suitable planting area requiring an impervious screen of evergreen foliage of at least eight feet in height or less dense planting of shrubs and trees complemented by an impervious fence at least five feet high and not more than eight feet tall is required.
- Ms. Loughnane added that the existing concrete wall and parking spaces are located in the buffer zone and will require the Applicant to seek an application for a variance from the Zoning Board of Appeals before the Planning Board will be able to continue this hearing. An amendment of the previously approved site plan of 2008 will be necessary as well.
- A Board member asked how many spaces there are now. *(Applicant responded that there are now 25.)*
- A Board member hypothetically asked how a Bank does not know that an Environmental Impact and Design Review is required for this type of project.
- A Board member stressed the importance of not allowing encroachment by businesses on the town's residential properties.
- Project Manager Vic Taylor responded that the parking lot is not visible to the abutters as a new fence has been installed and therefore not encroaching on the residences.



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- A board member asked if the fire department has reviewed the plans for conformance with the parking design standards with regard to public safety vehicle access.
- Ms. Loughnane said that she will speak to the Board of Appeals administrator regarding the time frame for the ZBA to schedule a public hearing to review an application for a zoning variance for this property. The Planning Board will be unable to continue with this hearing until after that matter has been taken up and will most likely continue the hearing and reopen it without testimony taken and then continue it again.
- Ch. Rafsky asked Ms. Loughnane to consult with town counsel for an opinion on this matter.

**Public Comments:**

None.

**Motion/Action Taken:**

Upon a motion by Mr. Montgomery and seconded by Mr. Olanoff, the board voted unanimously in favor to continue this hearing until Monday, November 10<sup>th</sup> at 8:00 p.m. in the Champagne Meeting Room at 50 Carby Street.

**Update on University Station**

Paul Cincotta and John Twohig were present at this meeting to update the board on the status of construction and traffic at University Station.

Status of University Station Off-site Roadway Projects

Mr. Twohig distributed and reviewed a table to Board members with updates on the following Projects including: Description; Responsibility; Estimated Cost; Funding; Design and Permit Status; Anticipated Design and Construction Schedule.

- Blue Hill Drive Ramp Project
- Canton/University Intersection Project
- University Station - University Avenue
  - Remote Intersections in Westwood, Canton and Norwood

*For full details on this topic, a copy of this document is available with these minutes.*

Update from Special Counsel Dan Bailey

Mr. Bailey stated that in accordance with the Development Agreement, "...all off-site roadwork must be substantially completed prior to the issuance of the first certificate of occupancy permit for the Project's Core Development Area, unless the Proponent can demonstrate to the satisfaction of the Westwood Planning Board by the submission of traffic studies prepared by a registered traffic engineer that the existing or to be completed improvements are sufficient to adequately handle the anticipated traffic".

Mr. Twohig said that TetraTech is working on finalizing a presentation to the Planning Board which will fully demonstrate the status and capacity of the roadway projects. He reported that all of Canton Street and University Avenue will be in place and if not, a contingency plan will be shown to the Board. The capacity improvements for Blue Hill Drive will be identified as well. Mr. Cincotta added that University Avenue will be fully completed with the exception of the intersection of Blue Hill Drive/University Ave. Mr. Twohig said that the traffic numbers will easily show that the roadways will be sufficient to handle 600,000 sq. ft. of retail and associated operations.

Update on University Station Building Construction

Mr. Cincotta reported that the 400,000 sq. ft. of the retail core with the exception of Wegmans will be ready by March 2015; Lifetime Fitness by June 1<sup>st</sup>; Hanover Apartments by August/September; and Epoch in June. The only standalone restaurant that is expected to be open in March 2015 is Bonefish Grill and the other restaurants

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will be in the summer.

**Consideration of Proposed Alternative Sign Package for University Station Development**

**Highlights of Discussion:**

Paul Cincotta reported that at the Alternate Sign Package calls for changes to the manner of calculation for determination of the maximum size allowance for wall signs within the UAMUD district and calls for an increase in allowances for window signs throughout the UAMUD district.

- Other items for the zoning amendment – refining wording for temporary graphics for construction fencing and way-finding signs.

**Board & Town Planner's Discussion:**

- Ms. Loughnane suggested that the Planning Board allow the increases to wall signs as proposed; to limit the window sign allowances to no more than 20% of storefront glass for all buildings within the University Station development.
- In addition, it was recommend that the Board allow up to 25% window signage in the display boxes at the northeast corner of the Target building, which would be consistent with the renderings approved by the Planning Board in April 2013.
- The sign package itself is approved now for the core development area and the proposed zoning amendments are for the purpose of making the zoning bylaws clearer for future tenants of retail spaces that turnover.
- Additional work is needed on the zoning amendment language will be ready and be presented to the Board for consideration at the next meeting on October 14<sup>th</sup>.

**Public Comments:**

None.

**Motion/Action Taken:**

None needed.

**Public Hearing to Consider the Following Proposed Amendments to the Town of Westwood Zoning Bylaw and Official Zoning Map:**

Ch. Rafsky opened the public hearing by reading the legal notice. The full text of the proposed zoning amendments is below.

Ms. Loughnane gave a brief summary of each of the articles, which is listed after each in **red text**.

**Article 1:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions] and to Section 4.1 [Principal Uses], including amendments related to various motor vehicle uses, or take any other action in relation thereto:

- 1) Replace the existing definition for the term “Motor Vehicle Light Service” with a new definition to read as follows:

Motor Vehicle Light Service Premises for the supplying of fuel, oil, lubrication, or minor repair services, but not to include body work, washing, rinsing, polishing, waxing, painting, and/or major repairs.

- 2) Add a new definition for the term “Car Wash” to read as follows:

Car Wash An establishment where motor vehicles are washed, rinsed, polished and/or waxed, by mechanical or manual means, whether or not operated in conjunction with another motor vehicle use.

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3) Add a new Sections 4.1.5.11 to read as follows, and renumber subsequent sections as appropriate:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.11 Car Wash	N	N	N	N	N	N	N	N	N	BA <sup>5</sup>	N	N	N

**This article is intended to create a separate use category for Car Wash and to permit such use in the Highway Business District by a SP granted by the ZBA.**

**Article 2:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 7.3 [Environmental Impact and Design Review (EIDR)], or take any other action in relation thereto:

1) Replace the existing Section 7.3.2 [Applicability] with a new Section 7.3.2 to read as follows:

7.3.2 **Applicability.** The following types of activities and uses shall require review and approval pursuant to the provisions of this Section, unless found to be de minimis by the Building Commissioner. Nothing herein shall be deemed to permit any use or structure not otherwise permitted as of right or by special permit under this Zoning Bylaw, or to give rise to an implication as to whether or not a particular use or structure is permitted as of right or by special permit under this Zoning Bylaw. The following shall require approval hereunder:

- 7.3.2.1 Construction, expansion, exterior alteration (exclusive of signs governed by the provisions of Section 6.2), or change of use of any municipal, institutional, commercial, industrial, or multi-family property.
- 7.3.2.2 Reconfiguration, restriping or expansion by three (3) or more parking spaces, of any parking area or facility containing five (5) or more parking spaces.
- 7.3.2.3 Any change in use which results in a use prohibited or requiring a special permit in a Water Resource Protection Overlay District, whether or not within such a district and whether or not requiring a building permit.
- 7.3.2.4 Construction of an Open Space Residential Development (OSRD) pursuant to Section 8.3 of this bylaw.
- 7.3.2.4 Construction, installation or alteration of a Minor Wireless Communication Facility pursuant to Section 9.4 of this bylaw.

2) Replace the existing Section 7.3.3 [Exempt Uses] with a new Section 7.3.3 to read as follows:

7.3.3 **Exempt Uses.** In cases where M.G.L. Chapter 40A, Section 3 provides certain exemptions from zoning restrictions for uses protected thereunder, review and approval pursuant to this Section shall be limited consistent with those statutory provisions and on other matters shall be advisory only. For all uses exempt under M.G.L. Chapter 40A, Section 3, the Planning Board shall make determinations of compliance with dimensional and parking requirements of this Bylaw, including requirements related to setbacks, building height, building coverage, impervious surface, parking and circulation, buffers, screening, landscape, lighting, and stormwater management. Application and review procedures for such uses shall be as provided herein, except that the Planning Board shall waive the requirement of any submittals which are unnecessary for the Planning Board’s regulatory determinations.

3) Replace the existing Section 7.3.5 [Procedures] with a new Section 7.3.5 to read as follows:

7.3.5 **Procedures.** An application for environmental impact and design review shall be accompanied a site plan and other application materials in accordance with the requirements specified below and the Planning Board’s rules and regulations. The Planning Board shall hold a public hearing in accordance with its rules and regulations and shall provide its decision forthwith to the Building Commissioner and Applicant.

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- 4) Add a new Section 7.3.5 [Administrative Review and Approval] to read as follows, and renumber subsequent sections as appropriate:

7.3.5 **Administrative Review and Approval of Minor Alterations.** An application for environmental impact and design review involving exterior alterations to buildings or sites, which alterations are determined by the Building Commissioner to be minor in nature, shall be reviewed and considered for approval by the Town Planner. Application and submittal items shall be the same as set forth in this Section and in the Planning Board's rules and regulations for Planning Board consideration, except in the number of paper copies required, which shall be reduced to a number determined by the Town Planner to be sufficient for review purposes. The Town Planner, within 21 days of receipt of a complete application, shall review the application and submittal items for conformance with the standards set forth in Section 7.3.7, and shall issue an Administrative Approval, an Administrative Approval with Conditions, or an Administrative Denial of said application. In the case of an Administrative Approval with Conditions or an Administrative Denial, the applicant may apply to the Planning Board for further consideration of the EIDR Application in the course of a duly noticed public hearing.

- 5) Amend Section 7.3.6 [Submittal Requirements] by adding a new Subsection 7.3.6.1.9 to read as follows:

7.3.6.1.9 Location and description of any proposed disturbance to existing vegetation, or alteration of natural or historic features, which are proposed in relation to temporary access, utility installation, or other aspects of construction, including provisions for site restoration.

- 6) Delete Section 7.3.13 [Appeal] in its entirety and renumber subsequent sections as appropriate.

**This article is intended to amend the EIDR section to clarify the types of non-residential projects that require review under this section, and to ensure consistency between this bylaw section and the provisions of the Dover Amendment with respect to EIDR review of exempt uses. The article will also establish a streamlined administrative EIDR review procedure for proposed alterations to existing non-residential properties which are clearly minor in nature and fully compliant with specified performance standards.**

**Article 3:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 7.0 [Special Regulations], including the addition of a new Section 7.5 [Non-Residential Access Special Permit], or take any other action in relation thereto:

- 1) Insert a new Section 7.5 to read as follows:

## **SECTION 7.5 STREET ACCESSES SPECIAL PERMIT**

7.5.1 **Purpose.** The purpose of this Section is to protect the integrity and character of the Town and its existing neighborhoods by requiring sufficient and appropriate access to properties which can be expected to generate moderate or high levels vehicular traffic, including non-residential, multi-family residential, and/or mixed use properties, and to assure that where access to such properties is permitted by way of existing streets, adequate provisions are made to effectively address impacts upon the Town and its existing neighborhoods, and upon public services, infrastructure and property values therein, thereby affecting the public health, safety and general welfare thereof.

7.5.2 **Special Permit Required.** No principal or secondary ingress and/or egress shall be constructed or established to serve a non-residential, multi-family residential, and/or mixed use development, unless a Street Access Special Permit therefor is granted by the Planning Board in accordance with Section 7.5. This requirement shall apply whether or not said property is located wholly or partially within the Town of Westwood. Notwithstanding the above, no Street Access Special Permit shall be required for any development which is subject to and approved by the Planning Board pursuant to Section 7.3 [Environmental Impact and Design Review], Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)] or Section 9.7 [The University Avenue Mixed Use District (UAMUD)] of this Bylaw.

7.5.3 **Application Requirements.** An application for a Street Access Special Permit shall be accompanied by a site plan and all

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applicable materials required by the Planning Board's Rules and Regulations as Special Granting Authority, as well as the following additional materials:

- 7.5.3.1 **Project Narrative.** A detailed description of all proposed on-site uses and activities, including hours of operation of all non-residential project components.
- 7.5.3.2 **Traffic Study.** A traffic study prepared by a Registered Professional Engineer consistent with study guidelines adopted and from time to time amended by the Planning Board.
- 7.5.3.3 **Project Impact Report.** A detailed analysis of anticipated project-related impacts, including fiscal and public service impacts, and impacts to public infrastructure, including a description of any proposed public improvements which are proposed to be undertaken by the Applicant.
- 7.5.4 **Reimbursement for Consultants.** If the Planning Board determines the need to hire one or more consultants, engineers or attorneys in connection with the review and evaluation of the an application for a Street Access Special Permit, it may do so, and all reasonable costs associated with the hiring of said consultant or consultants shall be reimbursed by the applicant, in accordance with Massachusetts General Law Chapter 53G, and in the manner specified in the Rules and Regulations. Each application pursuant to this Section shall contain an agreement by the applicant to that effect.
- 7.5.5 **Findings.** No Street Access Special Permit shall be granted unless the Planning Board finds that operations conducted under such special permit, subject to the conditions imposed thereby, will not outweigh its beneficial impacts on the Town or the neighborhood, and will not:
  - 7.5.5.1 Cause material deterioration of roadway, drainage, water, sewer, and/or other public infrastructure;
  - 7.5.5.2 Result in hazard or contamination of air, land and/or water resources;
  - 7.5.5.3 Result in environmental degradation, including loss of mature trees and significant vegetation, disturbance to habitats, and/or the loss soil through erosion;
  - 7.5.5.5 Have a material adverse effect on the health or safety of persons living in the neighborhood or on the use or amenities of adjacent land; or
  - 7.5.5.6 Increase vehicle trips on ways giving access to the subject land by more than five percent (5%) above existing conditions, unless it is demonstrated to the satisfaction of the Planning Board that:
    - a. Such increase would not cause vehicular traffic to operate in an objectively unsafe manner, or cause queue lengths that block intersections; and
    - b. Such increase for any intersection that operates at LOS D or better would not result in a reduction of overall intersection level of service below LOS D.
- 7.5.6 **Decision.** A Street Access Special Permit shall be granted by the Planning Board only upon its written determination of the required findings set forth in Section 7.5.5. In addition, the Planning Board shall consider and may condition a special permit upon:
  - 7.5.6.1 The extent of visual compatibility with the vicinity, including consideration of site arrangement, consistency in architectural scale (or reasonability of departure), retention of existing site features, especially trees and architectural character;
  - 7.5.6.2 The suitability of existing and proposed buffering and screening from nearby properties;
  - 7.5.6.3 The proposed hours of operation of any non-residential or mixed-use activity;

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7.5.6.4 The timing and method of control of traffic entering and leaving the site; and

7.5.6.5 The degree to which the proposal creates jobs for or otherwise serves the interests of Town residents;

This article is intended to establish a PB SP review procedure for any proposed non-residential, multi-family residential, and/or mixed use development project which proposes access onto an existing street, and which is not otherwise subject to PB review under EIDR, FMUOD or UAMUD sections of the Zoning Bylaw. It is intended to allow an opportunity for public review of projects which could be expected to generate traffic on local roads, whether or not such projects are located wholly or partially within the Town of Westwood.

**Article 4:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 6.1 [Off-Street Parking], or take any other action in relation thereto:

1) Add a new Section 6.1.3 to read as follows, and renumber subsequent sections as appropriate:

6.1.3 **Maximum Parking Requirements.** The minimum parking requirements set forth in Section 6.1.2 shall not be exceeded by more than 5%, unless authorized upon the grant of a special permit by the Planning Board in compliance with the provisions of this Section.

6.1.3.1 If an Applicant has obtained all other necessary zoning permits and approvals, the Planning Board may, subject to the provisions of this Section, grant a special permit that would authorize an increased number of parking spaces than would otherwise be permitted by this Section where it can be demonstrated by such Applicant that the proposed use warrants a greater number of parking spaces than otherwise allowed.

6.1.3.2 A special permit to authorize an increased number of parking spaces shall be granted by the Planning Board only upon its written determination that, in addition to any other findings required under this Bylaw, it finds the following:

6.1.3.2.1 That the particular use proposed warrants an increased number of parking spaces than would otherwise be permitted by this Section; and

6.1.3.2.2 That the issuance of a special permit would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of this Bylaw.

6.1.3.3 The special permit shall be granted upon such conditions as the Planning Board may deem appropriate in carrying out the provisions of this Section.

2) Replace the existing Section 6.1.8 with a new Section 6.1.8 to read as follows:

6.1.8 **Reduction of Required Minimum Number of Parking Spaces.**

6.1.8.1 If an Applicant has obtained all other necessary zoning permits and approvals, the Planning Board may, subject to the provisions of this Section, grant a special permit that would authorize a reduced number of parking spaces than would otherwise be required by this Section where it can be demonstrated by such Applicant that the proposed use does not warrant the number of parking spaces otherwise required.

6.1.8.2 A special permit granted pursuant to this Section shall provide for an increase in the number of parking spaces up to the minimum number otherwise required by this Section if there is a change in use or in the intensity or character of use that results in an increased parking need as determined by the Planning Board.

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6.1.8.3 A special permit to authorize a reduced number of parking spaces shall be granted by the Planning Board only upon its written determination that, in addition to any other findings required under this Bylaw, it finds the following:

6.1.8.2.1 That the particular use proposed does not warrant the minimum number of parking spaces otherwise required under this Section;

6.1.8.2.2 That the issuance of a special permit would reduce the environmental impact and enhance the aesthetic quality of the proposed project.

6.1.8.2.3 That the total floor area of the building or structure associated with the special permit is no greater than that which would be permitted absent the grant of a special permit pursuant to this Section.

6.1.8.2.4 That the number of parking spaces otherwise required pursuant to Section 6.1.2 could be accommodated on the subject parcel or on nearby parcels, if a change in use or in the intensity or character of use ever requires an increase of parking pursuant to Section 6.1.8.2, and that the continued availability of land for such additional parking is assured in a manner satisfactory to the Planning Board.

6.1.8.2.5 That the issuance of a special permit would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of this Bylaw; and

6.1.8.4 Nothing herein shall be deemed to authorize a special permit waiving strict adherence to parking design requirements or parking space, passageway or driveway dimensional requirements.

6.1.8.5 The special permit shall be granted upon such conditions as the Planning Board may deem appropriate in carrying out the provisions of this Section.

3) Replace the existing Section 6.1.9 with a new Section 6.1.9 to read as follows:

6.1.9 **Joint Off-Street Parking in Local and Highway Business Districts.** Joint off-street parking facilities may be provided for two or more separate buildings or uses on the same parcel, or on parcels within four hundred (400) feet walking distance of the building entrance to be served, but in such case the total number of parking spaces required shall be the sum of the parking spaces required for the individual buildings or uses. In cases where parking spaces are provided on nearby parcels, the continued availability of said parking spaces must be adequately assured in a manner satisfactory to the Planning Board, such as by permanent easement.

4) Replace the existing Section 6.1.10 with a new Section 6.1.10 to read as follows:

6.1.10 **Joint Off-Street Parking in Industrial and Industrial-Office Districts.** Joint off-street parking facilities may be provided for two or more separate buildings or uses on the same parcel, or on parcels within six hundred (600) feet walking distance of the building entrance to be served, but in such case the total number of parking spaces required shall be the sum of the parking spaces required for the individual buildings or uses. In cases where parking spaces are provided on nearby parcels, the continued availability of said parking spaces must be adequately assured in a manner satisfactory to the Planning Board, such as by permanent easement.

5) Add a new Section 6.1.11 to read as follows, and renumber subsequent sections as appropriate:

6.1.11 **Reduction of Required Number of Joint Off-Street Parking Spaces.** If an Applicant has obtained all other necessary zoning permits and approvals, the Planning Board may, subject to the provisions of this Section, grant a special permit that would authorize a reduced number of joint parking spaces than would otherwise be required pursuant to Section 6.1.9 or Section 6.1.10 where it can be demonstrated by such Applicant:

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- 6.1.11.1 That the demand for the shared joint off-street parking spaces differs significantly by time of day between the various uses; and
- 6.1.11.2 That a sufficient number of shared joint off-street parking spaces are available for each use during the time of day that parking is required for said use.
- 6) Replace the existing Section 6.1.11 with a new Section 6.1.12 to read as follows, and renumber subsequent sections as appropriate:
  - 6.1.12 **Off-Site Municipal Parking Lot.** Where an existing property does not meet the minimum parking requirements for a permitted use, off-site municipally-owned parking spaces may be used to meet the minimum parking requirements, provided:
    - 6.1.12.1 That such spaces are located within a Municipal Parking Lot, so dedicated by the Board of Selectmen;
    - 6.1.12.2 That such spaces are within four hundred (400) feet walking distance of the building entrance to be served;
    - 6.1.12.3 That such off-site parking shall not be used to accommodate increased parking requirements due to new construction and/or expansion of existing buildings or structures; and
    - 6.1.12.2 That the Board of Selectmen or its designee documents to the Building Commissioner that there is in fact sufficient capacity in the Municipal Parking Lot to accommodate the excess parking required.

The article proposes revisions to the SP procedure for the approval of SP to permit reduced parking requirements where minimum required parking requirements are deemed unnecessary in light of the particular characteristics of a development or use. This article also establishes maximum parking requirements, in addition to current minimum parking requirements, for all non-residential uses.

**Article 5:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 9.7.10 [University Avenue Mixed Use District (UAMUD) Signage], or take any other action in relation thereto:

- 1) Amend Section 9.7.10 [Signage] to read as follows:
  - 9.7.10 **Signage.** The alternative sign requirements set forth in this Section 9.7.10 shall be used for a UAMUD project rather than the signage requirements applicable to the underlying district as provided elsewhere in this Bylaw.
    - 9.7.10.1 **Definitions.** For the purposes of these alternate sign requirements, the following terms shall be defined as indicated below:
      - 9.7.10.1.1 **Awning Sign.** A sign consisting of letters, numbers, symbols, logos, emblems and/or graphic representations painted on, incorporated into, or affixed to any fixed or retractable device, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway or similar area or space.
      - 9.7.10.1.2 **Development Identification Sign.** A sign or group of signs clustered together as a single compositional unit which identifies a development, and may also identify individual business establishments within that development.
      - 9.7.10.1.3 **Directional Sign.** A sign providing pedestrian and/or vehicular traffic instruction, and/or restrictions on the use of parking or travel areas. “No Parking”, “One Way”, “No Outlet”, and “Do Not Enter” are examples of directional signs.



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- 9.7.10.1.4     **Directory Sign.** A listing and/or graphic representation of individual business establishments and other uses within a development or portion of a development.
- 9.7.10.1.5     **Facade.** The exterior surface of a building wall facing a street, internal drive, or pedestrian and/or vehicular access way, which wall corresponds to the height and width of the interior space owned or leased by the occupant of the building.
- 9.7.10.1.6     **Projecting Sign.** A sign consisting of letters, numbers, symbols, logos, emblems and/or graphic representations which is attached to or suspended from a building or structure such that any part of said sign extends more than eight (8) inches from the wall surface of that building or structure.
- 9.7.10.1.7     **Special Event.** A charitable, nonprofit or civic event, which event may include an open house, registration or similar event associated with a charitable, nonprofit or civic organization.
- 9.7.10.1.8     **Temporary Construction Sign.** A sign at a specific development site currently under construction which identifies the name of the development, and may include the names and addresses of the contractor, architect, landscape architect, and project engineer, and other pertinent information. For purposes of this definition, individual developments within the master development plan project site may be considered specific development sites, even if such developments consist of more than one individual business establishment, but the entire master development plan project site shall not be considered a specific development site.
- 9.7.10.1.9     **Wall Sign.** A sign consisting of letters, numbers, symbols, logos, emblems and/or graphic representations painted on, incorporated into, or affixed parallel to the wall of a building or structure and which extends not more than eight (8) inches from the wall surface of that building or structure.
- 9.7.10.1.10    **Way Finding Sign.** A sign providing instructions for circulation throughout a development, including direction to individual business establishments and parking areas related to said business establishments. “Retail Center Parking”, “Shuttle Bus Stop Ahead”, “Exit to Providence Highway”, “Additional Parking in Rear” are examples of way finding signs.
- 9.7.10.1.11    **Window Sign.** A sign consisting of letters, numbers, symbols, logos, emblems and/or graphic representations painted on, incorporated into, or affixed to either side of the glass surface of a window or door, or designed to be visible from the exterior of a building or structure and located within five (5) feet of the interior side of such glass surface.
- 9.7.10.1.12    **Window Screening Display.** Graphic or display which is intended to reduce visual access to the interior of an establishment, in order to screen back of house operations, restrooms, and other private or semi-private areas.
- 9.7.10.2     **Development Identification Sign.** A UAMUD project shall be allowed to install and maintain development identification signs in the vicinity of each substantial gateway(s) or entrance(s) to the project from neighboring streets, which signs may be installed at on-site and/or off-site locations. Such development identification sign may include the name and/or logo of the development project, as well as the names and/or logos of any occupants within the development. Development identification signs may have two (2) faces, each of which shall not exceed two hundred (200) square feet of copy area, excluding frame and borders. Development identification signs shall not exceed twenty-five (25) feet in height. Development identification signs shall include appropriate materials and landscaping to ensure an attractive entrance(s) to the development.

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- 9.7.10.3 **Wall or Awning Signs.** Any combination of Wall Signs and Awning Signs shall be permitted such that the aggregate of all such Wall Signs and Awning Signs associated with each individual business establishment shall not exceed two (2) square feet of signage for each one (1) linear foot of facade associated with said establishment, measured across the longest facade in the case of establishments with more than one facade. Awning Signs shall have at least eight (8) feet clearance above the pedestrian grade.
- 9.7.10.4 **Projecting Signs.** One Projecting Sign may be permitted for any individual business establishment. A projecting sign shall have two (2) legible faces, each of which shall not exceed sixteen (16) square feet in area. Projecting Signs must have at least eight (8) feet of clearance above the pedestrian grade, and shall not project more than six (6) feet from a building facade.
- 9.7.10.5 **Window Signs.** Window Signs shall be permitted such that the aggregate of all such Window Signs associated with an individual business establishment shall not exceed twenty percent (20%) of the total surface area of all windows associated with such establishment.
- 9.7.10.6 **Window Screening Displays.** Window screening displays may be permitted for the three buildings shown as Building N (101, 109, and 119 University Avenue), Building O (125, 127, 129, 131, 133, 135, 137, 143, 145, and 149 University Avenue), and Building Q (201, 203, 205, 209, 215, and 217 University Avenue), as shown on the plan entitled "Street Address Plan", dated 8/01/14, prepared for Westwood Marketplace Holdings, LLC, a copy of which is on file with the Planning Board, but only where the Planning Board finds that such graphics or displays are necessary and appropriate in light of unavoidable internal space constraints, and only where such graphics or displays do not constitute window signs as defined in Section 9.7.10.1.10. Such graphics or displays shall not be painted on, incorporated into, nor affixed to either side of the glass surface of a window or door, nor located within one (1) inch of such glass surface, and shall be visually distinguishable in appearance from graphics or displays painted on, incorporated into, or affixed to either side of the glass surface of a window or door.
- 9.7.10.7 **Directional Signs.** Directional Signs shall be allowed throughout a development. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Directional Signs shall not exceed four (4) square feet in area and shall have a maximum height of eight (8) feet above ground. Directional Signs may be post-mounted, ground-mounted, or mounted on a building or structure, and shall provide adequate clearance for vehicular and/or pedestrian traffic.
- 9.7.10.8 **Way Finding Signs.** Way Finding Signs shall be allowed throughout a development, and may be allowed both on site and at off-premises locations. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic and pedestrian safety. Way Finding Signs shall be post-mounted, ground-mounted, or mounted on a building or structure, and shall not exceed thirty-two (32) square feet in area and shall have a maximum height of fourteen (14) feet above ground. All Way Finding Signs located throughout a development shall be consistent in material, color and lettering style. Way Finding Signs shall not contain individual business identification logos. Way Finding Signs may include electronically changed lettering as appropriate to provide directions and/or indicate availability of public parking. Such changeable signs must be static displays that do not flash, or exhibit changes in lighting levels, or offer multiple messages on a cyclical basis.
- 9.7.10.9 **Directory Sign.** One or more Directory Signs shall be permitted within the UAMUD project area. Directory Signs shall not exceed thirty-five (35) square feet in area and shall have a maximum height of eight (8) feet above ground.
- 9.7.10.10 **Temporary Construction Signs.** Temporary Construction Signs for both owners and occupants of lots within the approved Master Development Plan shall be permitted. Temporary Construction Signs shall not exceed thirty-two (32) square feet in area and shall have a maximum height of six (6) feet above ground. Temporary Construction Signs shall be removed within thirty (30) days of the completion of construction.
- 9.7.10.11 **Temporary Construction Fence Screening Graphics.** Where a temporary construction fence is permitted to reduce public visual access to a construction site, screening graphics displayed on non-rigid material affixed to

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the exterior of such fence, and not exceeding the height of such fence, may be permitted upon the issuance of a temporary sign permit by the Building Commissioner. Such permit shall be valid for a period of six (6) months, and may be renewed at the discretion of the Building Commissioner for up to three (3) additional six (6) month terms. All screening graphics shall be maintained in good condition and shall be removed upon the final expiration of the temporary sign permit.

- 9.7.10.1. **Prohibited Signs.** Banners, flags, balloons, streamers, pennants, strings of lights, ribbons, spinners, roof signs, flashing signs, variable lit signs, variable message signs, except as permitted for Way Finding Signs in Section 9.7.10.8, and other similar devices, shall be prohibited in any UAMUD project. Temporary signs or graphics are prohibited except as provided in Sections 9.7.10.10 and 9.7.10.11, or in connection with customarily celebrated holidays or with Special Events as defined in Section 9.7.10.7. No sign which indicates the time, date and temperature shall be considered a flashing sign provided such sign meets all other provisions of this Section 9.7.10.
- 9.7.10.13 **Sign Materials.** Signs shall be manufactured using industry standard materials that are consistent with a high quality project. Structurally necessary brackets, posts or other supports may be visible if compatible with the appearance of the sign they support. Conduit, tubing, raceways, conductors, transformers and similar equipment shall be concealed from view.
- 9.7.10.14 **Sign Illumination.** Indirect illumination of a sign by properly shielded light fixtures, or by edge-lighting, or by halo lighting, or internal illumination of only the lettering, wording or insignia portions of a sign, shall be permitted. In all cases indirect illumination shall only be permitted by steady white light. Notwithstanding the above, Awning Signs shall not be internally illuminated.
- 9.7.10.15 **Project-Specific Signage Alternative.** In recognition of the interrelated nature of signage systems in complex, mixed-use projects, and the importance of clear, adequate, and effective signage to the safe and efficient operation of such projects, notwithstanding the provisions of Sections 9.7.10.1 through 9.7.10.15 of this Bylaw, the Planning Board may, as part of its Conformance Determination for the CDA or PDR Approval for all other areas and phases of the UAMUD project, approve an alternative signage package or alternative signs for the UAMUD project, provided that the Planning Board finds that the alternative adequately addresses the needs of the development and traffic safety while appropriately balancing any impacts on the surrounding environment.

This article is intended to revise the signage provisions within the UAMUD bylaw section to coincide with an Alternative Sign Package which is expected to be approved by the PB in October.

**Article 6:** To see if the Town will vote to approve 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.

Self-explanatory - If no amendments are found to be necessary, this article will be withdrawn.

**Article 7:** To see if the Town will vote to adopt a Demolition Delay Bylaw, either within the Zoning Bylaw or as separate General Bylaw, or take any other action in relation thereto:

- 1) Add a new Section to read as follows, and renumber subsequent sections accordingly:

1.0 **Demolition Delay Bylaw**

- 1.1 **Intent and Purpose.** The purpose of this Bylaw is to protect the historic and aesthetic resources of the Town of Westwood by surveying, preserving, rehabilitating, researching, or restoring whenever possible, buildings or structures which constitute or reflect distinctive features of the architectural, cultural, or historic resources of the Town, thereby promoting the public welfare and preserving the cultural heritage of Westwood.

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1.2 **Definitions.** As used in this Bylaw, the following terms shall have the meanings indicated:

Application An application for a demolition permit filed by the owner of record of the premises, or the holder of a bona fide purchase and sale agreement for such premises. The application must be signed by both the applicant and (if different) the owner of record at the time of application. An applicant may withdraw an application without prejudice at any time prior to a decision by the Commission.

Commission The Westwood Historical Commission.

Commissioner The Building Commissioner of the Town of Westwood.

Demolition Permit The permit issued by the Commissioner as required by the State Building Code for the demolition, partial demolition, or removal of a building or structure.

Historically or Architecturally Significant Structure Any building or structure which is:

- a. Importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic, or social history of the Town of Westwood, the Commonwealth of Massachusetts, or the United States of America; or which is
- b. Historically or architecturally important by reason of period, style, method of construction, or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

Local Historic District Any district shown on the official map entitled "Local Historic Districts, Town of Westwood, Massachusetts" recorded in the Office of the Westwood Town Clerk, and which has been established pursuant to the provisions of MGL c. 40C.

Preferably Preserved Any historically or architecturally significant structure individually or in context which, because of the important contribution made by such structure to the Town's historical or architectural resources, is in the public interest to preserve, rehabilitate, or restore.

Premises The parcel of land on which an historically or architecturally significant structure exists.

1.3 **Regulated buildings and structures.** The provisions of this Bylaw shall apply to only the following buildings and structures:

- 1.3.1 Buildings and structures listed on the National Register of Historic Places or the State Register of Historic Places.
- 1.3.2 Buildings and structures within any local historic district.
- 1.3.3 Buildings and structures which in whole or in part were constructed on or before December 31, 1938.

1.4 **Procedure.**

- 1.4.1 Upon receipt of an application for a demolition permit for a building or structure regulated by this Bylaw, the Commissioner shall within ten (10) days transmit a copy thereof to the Commission. No demolition permit shall be issued except in conformance with the provisions of this section.
- 1.4.2 A public hearing shall be conducted by the Commission within sixty-five (65) days of receipt of the application for demolition permit by the Commission, and shall be closed within ninety (90) days of the opening of said hearing. Failure to open or close the hearing within these prescribed time periods shall be deemed to constitute constructive approval by the Commission, and in such case, the Commissioner shall,

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subject to the requirements of the State Building Code and any other applicable laws, Bylaws, rules and regulations, issue the demolition permit.

- 1.4.3 The Commission shall give notice of the public hearing by publishing at least fourteen (14) days before the hearing an announcement in a local newspaper of the time, place, and purpose of the hearing. The Commission shall also transmit a copy of said notice to the applicant, to the owner of record (if different from the applicant), to the owners of all properties within 300 feet of the subject property, to the Westwood Historical Society, to the Westwood Land Trust, and to any others the Commission deems necessary to notice.
- 1.4.4 If, following the public hearing, the Commission determines that the building or structure proposed for demolition is not a historically or architecturally significant structure, or that the proposed demolition of the building or structure would not be detrimental to the purposes protected by this Bylaw, the Commission shall notify the Commissioner within fourteen (14) days of such determination. Upon receipt of such notification, Upon receipt of such notification, or upon the expiration of fourteen (14) days from the close of the hearing without such notification, the Commissioner shall, subject to the requirements of the State Building Code and any other applicable laws, Bylaws, rules and regulations, issue the demolition permit.
- 1.4.5 If, following the public hearing, the Commission determines that (1) the building or structure is a historically or architecturally significant structure and (2) the demolition of this historically or architecturally significant structure would be detrimental to the historical or architectural resources of the Town, the Commission shall declare the building or structure a preferably preserved historically or architecturally significant structure, and shall notify the applicant and the Commissioner within fourteen (14) days of such determination. No demolition permit shall be issued for at least six (6) months after the date of such determination by the Commission except in accordance with section 1.4.5 below.
- 1.4.6 Notwithstanding the above, the Commissioner may issue a demolition permit for a preferably preserved historically or architecturally significant structure after receipt of written notice from the Commission that (a) the structure has been fully documented to the satisfaction of the Commission, and that (b) all salvageable and valuable artifacts and materials have been removed and preserved to the satisfaction of the Commission, and that (c) any of the following applies:
  - 1.4.6.1 The Commission is satisfied that there is no reasonable likelihood that the applicant, owner, or some other reasonable person or group is willing to purchase, preserve, rehabilitate, restore, or relocate said building structure; or
  - 1.4.6.2 The Commission is satisfied that for at least six months, including periods of time prior to the date of submission of an application for demolition permit, the owner has made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, restore, or relocate said building or structure, and that such efforts have been unsuccessful; or
  - 1.4.6.3 The Commission is satisfied that the proposed demolition may be conducted in a manner that is not detrimental to the historical or architectural resources of the Town.
- 1.4.7 In all cases where a building or structure has been determined by the Commission to be a preferably preserved historically or architecturally significant structure, no demolition permit shall be issued until all approvals are in place for subsequent development. Approvals include but are not limited to building permits, zoning variances or special permits (if necessary), licenses, easements and subdivisions of the premises of any kind. All appeals from the granting of such approvals must be concluded before the demolition permit may be issued.
- 1.4.8 A decision by the Commission is made in relation to the party filing the application only, is non-transferable, and expires two (2) years from the date of the decision. If demolition has not occurred prior to the expiration of the Commission's decision, a new application for a demolition permit must be filed with

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the Commissioner, and reviewed by the Commission in accordance with the provisions of this section, prior to any subsequent demolition.

1.4.9 If a building or structure is determined to be a preferably preserved historically or architecturally significant structure, the owner shall be responsible for properly securing such building or structure, if vacant, to the satisfaction of the Commission. Should the owner fail to properly secure such building or structure, a subsequent destruction of such building or structure at any time during the period of the demolition delay through fire or other cause which could have been prevented by properly securing such building or structure, shall be considered a voluntary demolition in violation of this Bylaw and shall be subject to Section 1.6.2.

**1.5 Commission's review recommendation on other applications.**

1.5.1 Upon receipt of an application for an Environmental Impact and Design Review (EIDR) Approval, a Flexible Multiple Use Overlay District (FMUOD) Special Permit, an Earth Material Movement (EMM) Special Permit, a Definitive Subdivision Approval, a Senior Residential Development (SRD) Special Permit, or an Open Space Residential Development (OSRD) Approval involving a parcel of land located within a local historic district or containing a building or structure regulated under Section 1.3, the granting authority shall transmit to the Commission a copy of the application for review and recommendation. Failure of the Commission to respond to the granting authority within thirty (30) days of its receipt of such application shall be deemed to signify its lack of opposition to the project.

**1.6 Enforcement, remedies and appeals.**

1.6.1 The Commission and the Commissioner are each authorized to institute any and all proceedings in law or in equity as they deem necessary and appropriate to obtain compliance with the requirements of this Bylaw or to prevent a violation thereof.

1.6.2 No building permit shall be issued with respect to any premises upon which an historically or architecturally significant structure has, either partially or fully, been voluntarily demolished in violation of this Bylaw for a period of two (2) years after the date of the start or completion of such demolition.

1.6.3 **Appeals to Board of Selectmen.** Appeals to the Board of Selectmen may be taken by a person aggrieved by reason of their inability to obtain a permit under this Section. The Petitioner shall file such appeal with the Town Clerk within twenty (20) days after the refusal of a permit or the issuance of the order of decision. The Petitioner shall forthwith transmit a copy thereof, with the date of filing certified by the Town Clerk, with the Board of Selectmen. The Board of Selectmen shall hold a public hearing within thirty (30) days of the receipt of the petition and shall render a decision within sixty (60) days from the date of filing. Failure by the Board of Selectmen to take final action upon a petition within the sixty (60)-day period shall be deemed to be a grant of the appeal.

1.6.4 **Appeals to Court.** A person aggrieved by a decision of the Board of Selectmen may appeal to a court of competent jurisdiction within twenty (20) days after the Board's decision has been filed with the Town Clerk. Notice of such action with a copy of the complaint shall be filed with the Town Clerk within said twenty (20) days.

1.7 **Severability.** If any section, paragraph, or part of this Bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

This article is intended to implement the Comprehensive Plan objective which recommends the adoption of a demolition delay period to allow for the consideration of various preservation alternatives for properties deemed to be of significant historical value to the Town. If the WHC is not fully supportive, this article will be withdrawn.

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**Public Comments:**

None.

**Motion/Action Taken:**

Upon a motion by Mr. Olanoff and seconded by Mr. Wiggin, the board voted unanimously in favor to continue this hearing until Tuesday, October 14<sup>th</sup> at 8:00 p.m. in the Champagne Meeting Room at 50 Carby Street.

**NEW BUSINESS**

None.

**Adjournment:**

Upon a motion by Mr. Wiggin and seconded by Mr. Olanoff, the board voted unanimously in favor to adjourn the meeting at approximately 11:25 p.m.

**Next Meeting:**

Tuesday, October 14<sup>th</sup> at 7:30 p.m., in the Champagne Meeting Room, 50 Carby Street.

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**List of Documents:**

Public Safety Task Force Presentation	PDF
Definitive Plan off Far Reach Road: Road A Plan & Profile C1.1 & Site Details C3.1	PDF
US – Off-site Roadway Projects Update 09-30-14	PDF
Ltr from Beals & Thomas RE: Response to Review Comments	PDF
Proposed Amendments to the Town of Westwood Zoning Bylaw	PDF