

**Westwood Planning Board  
Meeting Minutes  
January 8, 2013  
7:30 PM  
50 Carby Street**

**Attendance & Call to Order:**

The meeting was called to order at 7:33 p.m. by Ch. Jack Wiggin.

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

Ch. Wiggin welcomed the proponent's team: John Twohig from Goulston & Storrs, Paul Cincotta from N.E. Development, and Ray Murphy from Eastern Development. Also present, Town Peer Review Consultant Merrick Turner from Beta Engineering and members of the Finance and Warrant Commission.

**Public Hearing to Consider Amendments to the Town of Westwood Zoning Bylaws for Recommendation to Town Meeting**

**Article 1: University Avenue Mixed-Use District (UAMUD), including Master Development Plan**  
[\(Click on this link to view the draft proposed zoning bylaw, article 1.\)](#)

Mr. Bailey informed the board that he and Ms. Loughnane have been working together to reconcile all comments presented by the planning board into the changes to the UAMUD. The discussion highlighted the following main points, which have not yet been agreed to by the proponent and still being evaluated.

1. Master Development Plan (MDP) and Core Development Area (CDA) Requirements
2. Permitted Principal Uses & Permitted Accessory Uses (Deleted from Allowed Uses: Single & Two family dwellings; High End MV Sales Showroom; Self-Storage/Mini Storage Facility.)  
No expansion of warehouses without a SP.
3. Building Inspector Use Determinations
4. WRPOD – Ensure that all protections set forth in the WRPOD Special Permit granted for Westwood Station are included in this bylaw.
5. Residential Use Requirements – (A cap of 420 units in CDA has been added; residential use will be removed from development area “D”; at least 60% of the residential units within the CDA must be occupied before PDR approval is granted for later phases of the project; No building permit shall be issued for any residential building within development area “B” (village area) until the proponent has commenced all other construction of buildings in this area.)
6. Design Standards
7. Waivers
8. Review of Project Changes

*Board Questions & Comments:*

- Board members shared similar comments about the impact of the large number of proposed residential units allowed by right (this number is higher than the FMUOD allowed).
- The development agreement must mitigate the impacts of the proposed residential units.
- More details are expected for CDA identifying uses of each building.
- WRPOD details must be reviewed and meet standards of the DWWD and Beta Group.

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- Several board members expressed concerns about traffic impacts and look forward to reviewing the traffic reports and would like information on the progress of MassDOT projects will impact it.

*Public Comments*

- R. Maloof, Whitewood Road – “The phasing of housing units makes sense.”
- P. Tryder, 400 Blue Hill Drive – expressed multiple concerns about the impact of stormwater, roadway improvements and MassDOT work will have on his property value. (M. Turner – Beta Group, asked Mr. Tryder to send him comments.)

**Article 2: Wireless Communication Overlay District (WCOD) Amendments** ([Click on this link to view the draft proposed zoning bylaw, article 2.](#))

*Board Questions & Comments:*

- A board member suggested creating a map illustrating the three proposed locations, for presentation to town meeting.
- A board member suggested separating the article into two: one article to address the new performance standards and restrictions and a separate article to address the addition of the three new locations.
- Does the school administration have an issue with perceived negative health affects of allowing wireless communication facilities on the roofs of schools or on property adjacent to the schools?

*Public Comments:*

- D. Bailey, 29 Martingale Avenue – Why isn't the town cemetery parcel being considered as a location for WCOD? (Ms. Loughnane informed that this parcel has permanent conservation restrictions preventing any other uses.)

**Article 3: Amendments to Definitions, Use Chart, and Parking Requirements to Address Medical Marijuana Dispensaries** ([Click on this link to view the draft proposed zoning bylaw, article 3.](#))

Town Counsel Thomas McCusker was present to discuss three options for addressing the legalization of Medical Marijuana Dispensaries as well as to answer, associated questions of the Planning Board.

Three options regarding this article:

1. Outright ban of Medical Marijuana Dispensaries
2. Establishment of a Moratorium of this law until the Department of Public Health establishes and issues its rules and regulations on Medical Marijuana, which is expected on May 1st.
3. Act now and adopt a bylaw that restricts Medical Marijuana Dispensaries to specific zones, requiring a Special Permit and Site Plan Review.

*Board Questions & Comments:*

- A majority of board members agreed with the option to create a zoning bylaw as soon as possible.
- A board member commented that Massachusetts is not obligated to enforce Federal Law and is uncomfortable with the lack of information and guidance on this new

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legislation from the Attorney General's office. He would like the Planning Board to delay applying zoning and request guidance from the Board of Selectmen.

- A board member said that MA is not obligated to enforce Federal Law.

*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 Tuesday, January 22<sup>nd</sup> at 7:30 p.m., in the Champagne Meeting Room.

**Consideration of Sixth Extension of Shared Driveway Special Permit for 480 Summer Street**

Ms. Loughnane gave a brief explanation of this agenda item.

- Property owners M. & Y. Mouhanna sent a letter to the Planning Board requesting a sixth extension of their Shared Driveway Special Permit for 480 Summer Street.
- Although the Shared Driveway Special Permit is automatically extended under the MA Permit Extension Act, the board may consider a vote to grant a one-year extension as permitted under the Planning Board Rules & Regulations.

*Board Questions & Comments:*

- There was general agreement amongst Board members that while granting a one-year extension isn't necessary and just a formality, to maintain consistency with its past action, it should grant a one-year extension.

*Public Comments:*

- None.

*Motion/Action Taken:*

Upon a motion by Mr. Montgomery and seconded by Mr. Olanoff, the board voted unanimously in favor to grant a one-year extension of the Shared Driveway Special Permit for 480 Summer street.

**Next Meetings:**

Tuesday, January 15<sup>th</sup> at 7:30 p.m., 50 Carby Street– No University Station topic

Tuesday, January 22<sup>nd</sup> at 6:30 p.m., 50 Carby Street – Focus on Stormwater Management

Tuesday, January 29<sup>th</sup> at 6:30 p.m., Downey School – Focus on Traffic Impacts

Tuesday, February 5, at 6:30 p.m., Downey School – Focus on Fiscal Impacts

Finance & Warrant Commission Meetings: January 22<sup>nd</sup> & 23<sup>rd</sup>

**Consideration of Minutes from October 22, October 30, and November 5 Meetings**

*Board Questions & Comments:*

- Add name of planning board member for two motions.
- Remove comment about roof recharge in minutes of 10/22/12

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*Public Comments:*  
None.

*Motion/Action Taken:*

Upon a motion by Mr. Rafsky and seconded by Mr. Pfaff, the board voted unanimously in favor to approve the minutes of October 22, 2012, October 30, 2012 and November 5, 2012, with edits as discussed.

**Adjournment**

*Upon a motion by Mr. Rafsky and seconded by Mr. Pfaff, the board voted unanimously in favor to adjourn the meeting at approximately 9:10 p.m.*

**List of Documents, Materials and Exhibits**

[\(Click on this link to view the draft proposed zoning bylaws.\)](#)