

**Westwood Planning Board
Meeting Minutes
July 10, 2012
7:30 PM**

Attendance & Call to Order:

The meeting was called to order at 7:35 p.m. by Ch. Jack Wiggin.

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

Review Process for University Station Development Proposal

Ch. Wiggin opened this discussion and explained that the developer's representatives will address the board on the proposed master plan overlay approach with several relevant examples of MA zoning bylaws and the anticipated review process. Following that Town Planner Nora Loughnane will provide the board with an analysis of the preferred bylaw examples.

John Twohig, and Carmine Tomas of Goulston & Storrs, Paul Cincotta, Jack O'Neil, and Raymond Murphy from Eastern Development and Special Counsel Dan Bailey were present.

Presentation:

John Twohig distributed an outline packet to the board. (A copy of this document is available with these minutes.)

Highlights included:

- Identification of various provisions of zoning bylaw excerpts from the towns of Berlin, Plymouth, Lexington, Maynard, Burlington, Northborough and Dedham. (*Main focus was on excerpts of the zoning bylaws of the towns of Berlin, Plymouth, Lexington & Burlington.*)
- Discussed extracting the best language from the bylaws that seem best suited for the Town of Westwood, developer's viability and credibility as well as the needs of individual parcel owners such as Target, Wegmans and other possible tenants.
- "Components of the Overlay Bylaw" (*Purpose, Location, Uses, Dimensional*)
- The Role of the Planning Board before and after Town Meeting. (*Issue "Consistency Determination"; "Consistency & Completeness Determination"; "Changes/New Components - Site Plan Approval".*)
- Identification of "Contents of the Development Package" (*Loosely based on Westwood's MUOD bylaw to ensure sufficient information is provided to the Planning Board for a thorough review.*)
- Project Schedule

Ms. Loughnane's comments:

Ms. Loughnane thanked the proponent for providing the zoning bylaw excerpts and explained that she concurred with the four best examples chosen by the proponent although chose a different order of preference.

- Most relevant bylaw: 2009 Burlington Planned Development District
- Berlin Regional Shopping Overlay District - Planning Board Site Plan Approval Process & a determination of consistency with the development plan.
- Plymouth - Open Space Mixed Use Development - spoke with town planner who is satisfied with the Pine Hill's project but not with the bylaw, as it does not provide the Planning Board with enough authority and lacked definitive planning board involvement.
- Stressed the importance of a full vetting of this plan by the Planning Board with the requirement to provide a significant amount of material and detail, similar to that required for site plan review; language of the bylaw as well as details for future phases of development in order to support a positive recommendation to town meeting.

Dan Bailey's comments:

- Agreed with Ms. Loughnane's analysis of bylaw components.

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Board Discussion, Questions, Comments:

- Comment: a successful project is desirable for the Town of Westwood and the developer provided that the project will be built as planned.
- Q - Will the development plan become part of the bylaw? *(Mr. Twohig answered that it does.)*
- Q - Will school impacts & public safety impacts be studied? *(Mr. Twohig answered that these impacts will be part of the "Fiscal & Residential Impact Study".*
- Q - How long did the project take in Berlin? *(Answer - many complexities, approximately 18 months.)*
- Q - Is a December town meeting feasible? *(Answer - this is an aggressive timeline but it is important to the developer to secure financing and maintain credibility.)*
- Q - What will be the guidelines for this process; similar to Westwood's FMUOD? *(Answer - no; a Zoning Amendment, coupled with a plan narrative.)*
- Q - What is the process for Planning Board reimbursement for peer review consultants and other expenses? *(Answer - an outline for costs, fees and associated expenses will be provided to the town in the next few days.)*
- Q - Will proposed uses for this project be clearly defined? *(Answer - fairly clear unless there changes in use create unintended impacts on factors such as traffic.)*
- Comment: A board member stressed the importance of provisions to address an accumulation of changes in the bylaw language.
- Q: Will the Attorney General (AG) provide a review of proposed zoning language? *(Mr. Bailey said it will not but may offer some guidance, adding that the probability is low for bylaw disapproval unless something is considered unconstitutional.)*
- Q: What happens if the board cannot complete a review by December and what are the impacts on the developer? *(Answer -Mr. Twohig said that this burden is on the proponent to facilitate a complete review by the Planning Board.)*

Public Comments:

Q: (unidentified resident) Will copies of the material distributed tonight be available to the public? *(Answer: this will be posted to the Planning website and will also be available by contacting the Planning Office.)*

Project Schedule/Timeline Discussion:

Ms. Loughnane prefaced this discussion by saying that the Planning Board is ready to accept December as a target date for town meeting as long as a Memorandum of Agreement & Peer Review Contracts are signed by July 24, 2012; followed by the receipt of a Site Development Package & Proposed Zoning Bylaw Amendment by the Planning Board by July 25th, followed by Zoning Amendment Public Hearings by both the Planning Board and Finance Commission in October; barring any delays, a December 3rd Town Meeting may be possible. (A copy of this draft schedule is available with these minutes.)

Mr. Twohig requested a copy of this draft schedule and said that he and his team will discuss it and requested to be placed on the agenda of the next meeting of the Board on July 24th to discuss it further.

Ch. Wiggin said the Planning Board and staff will do the best they can to accommodate the proponent.

A board member suggested that augmenting planning staff hours as well engaging full-time peer reviewers immediately in order to meet this timeline should be discussed at the next meeting.

Motion:

None needed.

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This concluded the discussion on the University Station Development Proposal. This discussion will continue at the next meeting of the Planning Board on July 24, 2012 at 7:30 p.m. in the Champagne Meeting Room.

Pedestrian & Bicycle Safety Committee (P&BSC)

Ch. Wiggin welcomed John Craine and Wendy Muellers, two of eight residents serving on the Pedestrian & Bicycle Safety Committee. As a new subcommittee of the Planning Board the P&BSC was invited to give a presentation to the board on its mission, accomplishments, ongoing initiatives and goals. Also highlighted were two recent accomplishments: the installation of thirty new bicycle racks and the creation of a new Pedestrian and Bicycle Plan for both Westwood and Dedham, made possible by a grant from the MAPC Sustainable Communities.

(A copy of this presentation is available on the Planning Board website.)

Board Discussion & Comments:

Ch. Wiggin commented that both Mr. Craine and Ms. Muellers would be great additions to the Comprehensive Planning Committee and asked if they would like to be part of the Committee.

Mr. Craine and Ms. Muellers agreed that they would both like to serve as P&BSC representatives to the Committee. In addition, Mr. Craine said the P&BSC would like to be involved in the University Station project and any other new projects.

Public Comments:

None.

Motion:

None.

Morgan Farm Estates OSRD Subdivision

Ms. Loughnane gave a brief update to the board and reminded members that the final definitive subdivision plans, and related submittal items, were presented to the board at its meeting on June 19th. These submittals items included typical elevations, draft covenants and homeowners' association documents, and other materials to address conditions of the OSRD-EIDR approval. Tonight she distributed a draft decision granting Definitive Subdivision approval to the board and to town counsel for review. She said that the deadline for filing the Decision is July 19th and it is recommended that the board make a decision on this draft, this evening.

Lou Petrozzi, Wall Street Development; Chris Gallagher, Deputy DPW Director and Merrick Turner of Beta Engineering were present.

Board Discussion & Comments:

The only item that has not been decided on yet is the creation of the emergency access. Chief Scoble informed Ms. Loughnane that he has not changed his opinion about the requirement for this emergency access. Ms. Loughnane said the provision for the emergency access is included in this Decision.

Q - A board member asked if the homeowner's association and draft covenants have been reviewed. *Ms. Loughnane said these have been addressed in the conditions and only require some minor finessing in the future and said town counsel will review these documents.*

Q - A board member asked that a condition be added regarding the use of sloped granite curbing except at wetlands crossings where vertical curbing is needed.

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Q – A board member asked about placement of trees. *Ms. Loughnane said placement of trees could be decided following a site visit and approved by the town planner.*

Comment: Ms. Loughnane recommend language in the covenant regarding phasing of this development and the creation of a temporary cul-de-sac.

Q – Will the maintenance of roof recharge units be a part of the homeowner’s agreement? *Mr. Petrozzi said this would be included.*

Comment – a board requested information about how language could be added to prevent further subdivision of a lot, beyond 10 buildable lots. *Ms. Loughnane will check with town counsel.*

Mr. Petrozzi suggested that some flexibility be added to make minor lot line changes – such as an ANR plan.

Public Comments:
None.

Motion:

Upon a motion by Mr. Rafsky and seconded by Mr. Montgomery, the board voted unanimously, four votes in favor (C. Pfaff was not able to vote as he was not a member of the Planning Board during the entire hearing process.) to approve the Subdivision Decision with conditions as discussed.

Revisions to Planning Board Rules and Regulations

Ch. Wiggin reminded Board members that they received an electronic copy of an interim revision to the Planning Board’s Subdivision Rules and Regulations which includes new language addressing the Flood Area Overlay District requirements which must be added to the board’s subdivision regulations before the new FIRM maps take effect on July 17th.

Board Discussion & Comments:

Ms. Loughnane informed the board that the new language has been approved by FEMA and is awaiting the Planning Board’s approval of this revision.

Ch. Wiggin said the new language is clear. He asked board members if they wished to comment and added that the board will in the future, take additional time, as necessary, to consider the more substantial revisions to the subdivision regulations presented in the full rewrite edition provided to board members last month.

Public Comments:
None.

Motion:

Upon a motion by Mr. Montgomery and seconded by Mr. Rafsky, the board voted unanimously in favor to adopt interim revisions to the Planning Board’s Subdivision Rules and Regulations which includes new language addressing the Flood Area Overlay District requirements.

Board members signed original copies of this document as well as previously approved final FMUOD Rules and Regulations. These documents will be recorded with the town clerk.

Progressive Insurance Claims Office – 62 Everett Street

Ms. Loughnane informed the board that the decision of the Planning Board’s vote to grant EIDR Approval and an EMM Special Permit for the Progressive Insurance development has been reviewed

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by the Applicant's attorney and to Town Counsel and suggested that if the board is ready, it should sign the Decision so that it can be recorded and the 20-day appeal period commenced.

Board Discussion & Comments:
None.

Public Comments:
None.

Motion:
None needed.

Board members signed this Decision.

Reynold's Farm – 1561 High Street

Ms. Loughnane reminded the board that it received an electronic copy of the Planning Board's draft decision granting minor modification to the SRD Special Permit for Reynold's Farm, which reflects a change in the plan reference to include the final plans revised through May 31, 2012. The new decision also includes references to the Con Com's June 13, 2012 Order of Conditions for Reynold's Farm, and Chris Gallagher's June 19th memo recommending acceptance of the proposed minor modification.

Ms. Loughnane asked Board members to sign this decision.

Board Discussion & Comments:
None.

Public Comments:
None.

Motion:
None needed.

New Business – Reserved for topics not anticipated to be discussed.

Mr. Olanoff suggested that Ms. Loughnane begin preparing Requests for Proposals for peer review for University Station.

Suggested review components of the RFP's were identified:

1. Traffic/Transportation/Parking
2. Environmental/Stormwater/Utilities
3. Urban Design
4. Fiscal Impacts

Ms. Loughnane also asked that the board review the existing design guidelines that were utilized for Westwood Station. In addition, she said that the developer agreement(s) with the Planning Board and or the Board of Selectmen have yet to be fully defined. Board members agreed that choosing one consultant to provide all review components might be a preferred option.

Ch. Wiggin asked if Ms. Loughnane if there is a way to keep Planning Board members involved with discussions that take place with Dan Bailey, Mike Jaillet and Chris Mc Keown without violating the Open Meeting Law.

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Ms. Loughnane said that she would discuss whether a conference call with Planning Board members would be allowed to provide information only. She said that individual phone calls might be necessary but will get back to the board with an answer.

Consideration of Planning Board Meeting Minutes

No minutes were submitted for consideration.

Upcoming Meeting Dates:

Tues., July 24th at 7:30 p.m.

Tues., Aug. 7th at 6:30 p.m.

Tues., Aug. 28th at 6:30 p.m.

All meetings will be held in the Champagne Meeting Room at 50 Carby Street, unless otherwise noted.

Adjournment

Upon a motion by Mr. Montgomery and seconded by Mr. Rafsky the board voted unanimously in favor to adjourn the meeting at approximately 9:40 p.m.

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List of Documents, Materials and Exhibits

Discussion Outline – distributed by hand to Planning Board by John Twohig, of Goulston & Storrs on behalf of the University Station development team.

Westwood Pedestrian & Bicycle Safety Committee brochure

Draft Open Space Residential Development Definitive Subdivision Approval – Wall Street Development Corp.

Draft Notice of Decision – Minor Modification of Senior Residential Development Special Permit, Earth Material Movement Special Permit, Environmental Impact and Design Review Approval – 1561 High Street

Draft Notice of Decision – Environmental Impact Design Review Approval, Earth Material Movement Special Permit – 62 Everett Street, Progressive Insurance