

**Westwood Planning Board**

**Meeting Minutes**

**December 18, 2012**

**7:30 PM**

**Downey School Cafeteria, 250 Downey Street**

**To watch this meeting video please go to: <http://vp.telvue.com/player?id=T01339>**

**Attendance & Call to Order:**

The meeting was called to order at 7:40 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 read the legal notice of public hearing and 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.](#))

Special Counsel Dan Bailey did a PowerPoint presentation on the Proposed University Avenue Mixed Use District Zoning Bylaw. (Click link to view this presentation: <http://www.townhall.westwood.ma.us/index.cfm/pk/download/pid/28368/id/29513> )

Highlights of the Presentation:

- Introduce UAMUD Bylaw
- Amendment Process
- How UAMUD Differs from Traditional Zoning
- Master Development Plan
- Building Program
- Core Development Area
- Other Development Area
- How the Bylaw Works – Process
- Project Development Review
- Authorizes a Mix of Uses
- Denial of Project Development Review
- Minor Modification of Master Development Plan
- Water Resource Protection District Changes
- Uses: Allowed by Right; Principal Uses Allowed by Special Permit; Accessory Uses that Require a Special Permit

**Board Questions & Comments:**

- Ch. Wiggin stated that tonight's public hearing is the beginning of the formal process that the planning board undertakes to bring this zoning amendment to town meeting for a vote by all residents.

**Westwood Planning Board**  
**Meeting Minutes**  
**December 18, 2012**  
**7:30 PM**

**Downey School Cafeteria, 250 Downey Street**

**To watch this meeting video please go to: <http://vp.telvue.com/player?id=T01339>**

- Many elements of this bylaw will continue to be refined and will incorporate comments made by the public.
- A board member requested a procedural clarification. Did the Board of Selectmen officially open the warrant for annual town meeting or the special town meeting, last night? *(Mr. Bailey informed that the Board of Selectmen officially opened the warrant for the annual town meeting, last night. He said that the statute for zoning amendments does not necessarily require a warrant to be open first in order to consider zoning amendments, rather to require a public hearing process and that the warrant for special town meeting may be opened at a later date.)*
- What is the height of the proposed apartment building? 55' or 62' tall? *(Mr. Bailey said that the proposed building height is 62'.)*
- The Planning Board must have confidence in the review process so as to stay within the limits of what has been established.
- Development Area D uses should be expanded beyond residential and not restricted.
- A board member said that he would like to have a more detailed discussion about the percentages mentioned in Section 9.8.11.9 "Minor Modifications of the Master Development Plan".
- A board member said that he would like to have a more detailed discussion on buffer and screening requirements.
- A board member expressed concerns about allowing drive-thrus "as of right" and would prefer regulation by special permit.
- A board member is concerned about the sensitivity of the WRPOD and the proposed presences of hazardous materials for sale by retail establishments as of right, without requiring a special permit. What is a leak-proof container and what are the standards for these containers?
- A board member commented about the size of the water retention features and suggested that the stormwater bylaws should address the impacts of such. *(Mr. Turner said that all stormwater items will need approval by the DWWD.)*
- What happens if traffic projects are not completed by the MassDOT? *(Mr. Bailey said this situation will be addressed in the development agreement.)*

**Public Comments:**

- M. Eramo-Young, 54 Buckmaster Road/Finance & Warrant Commission – What happens if the Planning Board determines that a change is not a minor modification? *(Mr. Bailey said there are three options: go to court to convince the judge that the planning board is wrong; Special Permit or Town Meeting.*
- R. Maloof, 197 Whitewood Road - voiced his displeasure for a proposed 70'- tall apartment building; is concerned about flashing lights and does not want entertainment uses allowed. *(Mr. Bailey said the plans would specific which buildings would be allowing entertainment uses.)*
- Mr. Twohig commented that the bylaw prevents building heights exceeding 62' and in all likelihood the apartment buildings will not be that high.
- J. Morgan, Weatherbee Drive – commented that this proposed project is half residential, half retail. When will impact reports be available?
- B. Logue, Hawthorne Street – expressed concern about the increase in population with

**Westwood Planning Board  
Meeting Minutes  
December 18, 2012  
7:30 PM**

**Downey School Cafeteria, 250 Downey Street**

**To watch this meeting video please go to: <http://vp.telvue.com/player?id=T01339>**

the proposed housing units and assisted living units. What happens if the developer doesn't build offices in the proposed designated areas? Are young, single professionals really going to want live at University Station, on the rail line?

- J. Morgan, Weatherbee Drive said that listserv is not working. *(Ms. Loughnane said listserv is working and she will check on this tomorrow.)*
- P. Peckinpugh, 209 Whitewood Road – Why is the intersection of Smith Drive and East Street missing from the traffic study? *(Ms. Loughnane responded that this intersection along with several others has been added to the study.)* Resident she wants to know how the flow of traffic will be measured and mitigated on Route 1 and if there will be progress notes on the impacts. She said that she does not want any big box stores located in this project. Does entertainment include movie theatres? *(Yes.)*
- C. Peckinpugh, 209 Whitewood Road – How many liquor licenses will be sought for the project? *(Mr. Bailey responded that liquor licenses are regulated by the Board of Selectmen.)*

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

Ms. Loughnane gave a brief summary of the proposed changes to this bylaw.

*Highlights:*

- This bylaw protects the integrity of the performance standards previously proposed and further restricts currently established facilities. In addition, it creates one overlay district in Administrative-Research-Office; Highway Business; Industrial, Industrial-Office.
- Proposed New Sites added to WCOD: Parcel 14-181 (Colburn School Building), Parcel 28-059 (Buckmaster Pond; formerly quarry parcel) and Parcel 28-078 (Sheehan Athletic Fields)

**Board Questions & Comments:**

- Why isn't the cemetery parcel being considered for addition to the WCOD? *(Ms. Loughnane reported that a conservation restriction protects this land and disqualifies it from being included in the WCOD.)*
- What is the Buckmaster Pond parcel? *(Ms. Loughnane reported that this parcel is the very far, right corner of the land, not actually in the pond.)*
- Does this bylaw address a "fall zone"? *(Ms. Loughnane said that section 9.4.7.8 of the bylaw addresses this "fall zone" with requirements for minimum setbacks.)*

**Public Comments:**

- An unidentified resident – Why are the Buckmaster and Sheehan parcels being considered? *(Ch. Wiggin responded that studies have shown that allowing wireless communication facilities on these parcels may fill a perceived gap in coverage.)*
- M. MasiPhelps, Finance & Warrant Commission – Is the focus of this amendment to remove objectionable parcels and to treat all parcels equally? *(Ms. Loughnane affirmed this and Ch. Wiggin suggested an educational piece on what the purpose of the bylaw is and a presentation to the Finance Commission would be helpful at a later date.)*

**Westwood Planning Board**

**Meeting Minutes**

**December 18, 2012**

**7:30 PM**

**Downey School Cafeteria, 250 Downey Street**

To watch this meeting video please go to: <http://vp.telvue.com/player?id=T01339>

**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.](#))

Ms. Loughnane gave a brief summary of the proposed bylaw.

*Highlights:*

- New use allowed in every town in MA to define where to allow Medical Marijuana Dispensaries. Options: prohibit outright, or allow by special permit in Local Business A; Local Business B, Highway Business, Administrative-Research-Office to the Use Chart.
- Prohibit as principle use and allow as an accessory use in a pharmacy.

**Board Comments:**

- Planning Board members are not considered experts on Medical Marijuana Dispensaries and until more guidance is received from town counsel and the attorney general's office, the Board of Selectmen should advise on this matter, as well as await regulations by the MA Department of Public Health.
- Ms. Loughnane reported that she has received an opinion of town counsel and reported that currently the zoning board could allow this use by special permit in any business zone and suggested that the planning board specify the preferred zoning district.
- What other communities have passed this bylaw? (None yet.)

**Public Comments:**

- Unidentified resident - How did the town vote on this ballot initiative? (Ms. Loughnane suggested that the resident check the town clerk's website or office for this information.)
- M. Masi Phelps, Finance & Warrant Commission – Can the town choose to ban this use outright? (Ms. Loughnane reported that Town Counsel advised the planning board that this choice would not be wise as it is legal in Massachusetts, and this could be overturned in court.)
- T. Loonie, Webster Street – Wants to the planning board to give this careful consideration.

**Motion:**

Upon a motion by Mr. Rafsky and seconded by Mr. Olanoff, the board voted unanimously in favor to continue this hearing until January 8<sup>th</sup> at 7:30 p.m. in the Champagne Meeting Room at 50 Carby Street.

**Continuation of Public Hearing for Revisions to Planning Board Rules and Regulations – Review of Proposed EIDR Rules and Regulations and Subdivision Rules and Regulations**

This hearing was immediately continued without discussion.

**Motion:**

Upon a motion by Mr. Rafsky and seconded by Mr. Olanoff, the board voted unanimously in

**Westwood Planning Board  
Meeting Minutes  
December 18, 2012  
7:30 PM**

**Downey School Cafeteria, 250 Downey Street**

**To watch this meeting video please go to: <http://vp.telvue.com/player?id=T01339>**  
favor to continue this hearing until February 12<sup>th</sup> at 7:30 p.m. in the cafeteria at the Downey School, 250 Downey Street.

**New Business – Reserved for topics not reasonably anticipated to be discussed**  
None.

**Next Meeting:**

Tuesday, January 8<sup>th</sup>, 7:30 p.m., Champagne Meeting Room, 50 Carby Street.

**Adjournment**

*Upon a motion by Mr. Montgomery and seconded by Mr. Pfaff, the board voted unanimously in favor to adjourn the meeting at approximately 9:25 p.m.*

**Westwood Planning Board  
Meeting Minutes  
December 18, 2012  
7:30 PM**

**Downey School Cafeteria, 250 Downey Street**

**To watch this meeting video please go to: <http://vp.telvue.com/player?id=T01339>**

**List of Documents, Materials and Exhibits**

Presentation: Proposed University Avenue Mixed Use District Zoning Bylaw – 12-18-12

<http://www.townhall.westwood.ma.us/index.cfm/pk/download/pid/28368/id/29513>