

Westwood Planning Board
Meeting Minutes
January 12, 2010
7:30 PM

Board Members Present: Ch. S. Olanoff, S. Rafsky, J. Wiggin and R. Malster. B. Montgomery was absent.

Staff Present: N. Loughnane, Town Planner and G. Garber, Community Development Advisor. Minutes were recorded by J.Barba, Land Use Assistant.

Consideration of Waivers and Draft Decision for EIDR Approval for the Construction of a New Facility to House the Westwood Public Library – 660 High Street

Mr. Malster recused himself from consideration of the proposed application due to the fact that he is an owner of an abutting property. He moved to a seat in the audience and participated in the hearing as an interested resident.

Ms. Loughnane distributed copies of the draft decision. She noted that the Library had requested waivers of the EIDR application review fee and the model submission requirement. Ms. Loughnane stated that these waiver requests were discussed by the board on December 15th but had not yet been approved by the board.

Ch. Olanoff asked Ms. Loughnane if she was satisfied with the landscaping design requirements for the parking areas. Ms. Loughnane replied that the landscape plan appears to conform to the requirements of the zoning bylaw, but noted that the parking setbacks fall short of zoning requirements, both at the rear lot line adjacent to the Deerfield lot, and at the southeast corner of the future Colburn School parking lot, adjacent to the Malster parcel. Ms. Loughnane said that the plans could be revised to shift the Colburn parking forward a few feet to correct the problem at the lot line along the Malster parcel. As for the shortage at the rear parking lot, she said that the Library would consider either moving the lot line further toward the Deerfield School, or requesting another dimensional variance. Ms. Loughnane also stated that the plans have been found to exceed the maximum impervious surface requirement, but noted that the proposed full-roof recharge system would mitigate this issue.

Ch. Olanoff asked about the status of stormwater drainage plans. Ms. Loughnane replied that Mr. Bertorelli had approved the drainage plans at the previous hearing session, subject to additional springtime test borings to confirm the groundwater level and thus the efficiency of the proposed drainage system. Ch. Olanoff requested that a condition be added to the decision addressing this. Ms. Loughnane stated that such a condition was included in the draft decision.

Questions were raised about whether refinements to the design of the façade, porch, windows and roof profile would require further action by the Planning Board. Ms. Loughnane said refinements that did not rise to the level of a substantial change in design could be approved at the building permit level. She said that any changes to the plans that rose to the level of a substantial change in design would be sent back to the Planning Board for consideration of an EIDR amendment.

Mr. Rafsky made a motion to approve the request for waivers. Mr. Wiggin seconded that motion and it was unanimously approved with three votes in favor and none opposed. *(R. Malster had recused himself from the hearing. Mr. Montgomery was absent.)*

Mr. Wiggin made a motion to grant EIDR approval for the above mentioned project subject to the conditions of the draft decision. The motion was seconded by Mr. Rafsky, and unanimously approved with three votes in favor and none opposed. *(R. Malster had recused himself from the hearing. Mr. Montgomery was absent.)*

Mr. Malster returned to the Planning Board table.

Continuation of Public Hearing to Consider Application for EIDR Approval for the Construction of a New Entrance Portal and Sign Canopy and for Alterations to an Existing Parking Lot at Mercedes-Benz Dealership – 425 Providence Highway

Chairman Olanoff began the continuation of the hearing at approximately 8:15 PM. He greeted the Applicant and other company representatives. Present were Matt McGovern, Applicant; John Dougherty, attorney for the Applicant; Doug Adams, architect and Mr. Jones, a corporate representative from Mercedes Benz.

In response to the objectionable plans submitted at the November hearing, and a suggestion to the Applicant to work with the franchisor to come together on a more appropriate design, Mr. Adams presented the board with new plans. The new plans depicted changes that appeared to be somewhat more in harmony with the existing green New England-style building and do not interfere with the handicapped accessible parking, the pedestrian circulation patterns, nor vehicle travel. The plans show two columns, supporting a metal canopy with an enclosed roof with down lighting, with the sign with the name "Mercedes of Westwood", lit with white LED lighting. Ms. Loughnane said according to Section 6.2.11, only the letters can be lit and not the background. Mr. Adams said he would make sure that the lighting complies with the zoning bylaw.

Ch. Olanoff requested clarification on the dimensions of the structure. Mr. Adams replied that the proposed structure would be 10' wide and the height from the ground would be 11'4", with the roof breakpoint at 11'2". A board member asked how the canopy would be drained. Mr. Adams responded that the structure would be internally drained.

Ms. Loughnane explained that waivers are necessary for the submission of the model, traffic study and photometric plan. Mr. Dougherty asked that the board grant such waivers.

Mr. Rafsky thanked the Applicant and architect for their efforts in developing more appropriate design plans than those last reviewed by the board. Mr. Wiggin said that he thought the Applicant had addressed most of the board's concerns. Mr. Malster agreed that this scaled back plan is more appropriate to the site. Mr. Adams said he would submit a final revised set of plans to the town planner within a week.

Upon a motion by Mr. Malster, seconded by Mr. Wiggin and the board voted unanimously in favor, to close the public hearing.

Board members reviewed the language of the draft decision prepared by Ms. Loughnane and discussed the proposed conditions. Mr. Olanoff asked that additional conditions be added to require that the illumination of the new sign and illumination from exterior lighting fixtures both comply with the appropriate sections of the Zoning Bylaw and are consistent with the approved site plans.

Upon a motion by Mr. Rafsky, and seconded by Mr. Wiggin, the board voted unanimously, with four members in favor, to grant EIDR approval, with the requested waivers and conditions set forth in the draft decision and discussed at this meeting.

Update on Zoning Amendments for Town Meeting

Proposed Article 1 – New Open Space Residential Development (OSRD) Section

Mr. Garber provided a handout to the board containing the draft text of proposed Article 1 as follows:

Article 1: To see if the Town will vote to approve certain amendments related to Special Residential Development, including the following, or take any other action in relation thereto:

- 1) Remove Section 8.3 [Flexible Development], Section 8.4 [Fifty Percent Density Bonus], and Section 8.5 [Major Residential Development] in their entirety, and insert a new Section 8.3 [Open Space Residential Development] to read as follows, and renumber sections as appropriate:

8.3 OPEN SPACE RESIDENTIAL DEVELOPMENT.

8.3.1 Purposes. The purposes of open space-residential development (OSRD) are as follows:

To conserve natural, hydrological and wetlands resources, wildlife habitat, scenic corridors and views, agriculture, horticulture and forestry operations, cultural resources and other natural and man-made features of value to the community.

To lessen the amount of disturbance to soils, topography and vegetation on the site, and to provide roads and infrastructure in more efficient and less intrusive ways than with conventional subdivisions;

To offer the designer the opportunity to exert more flexibility and imagination in the design of residential development projects;

To offer greater housing choice by allowing enhanced mixes of housing type, compatible with community character.

8.3.2 Applicability. OSRD projects shall be allowed by-right in the following districts: SRB, SRC and SRE.

8.3.2.1 The tract of land proposed for an OSRD development:

Shall consist of one parcel or two or more contiguous parcels, with a minimum area of 80,000 square feet in area. The Planning Board may make a finding that two or more parcels separated by a road or other infrastructural element are effectively contiguous if this is consistent with the purposes of this section.

May be a subdivision M.G.L. c. 41, § 81k through gg, or a division of land pursuant to M.G.L. c. 41, § 81P. An OSRD may also be considered if the property will be organized in condominium or cooperative or other form of ownership not involving a subdivision of land.

8.3.2.2 Tract or development tract shall mean the boundaries and area of the original parcel of land proposed for the OSRD, prior to further division.

8.3.2.3 Environmental Impact and Design Review required.

8.3.2.4 No building permit shall be issued for an OSRD unless the Planning Board has granted approval of an Environmental Impact and Design Review (EIDR) pursuant to Section 7.3 of this bylaw, as well as a definitive plan approval under the Westwood Rules and Regulations Governing the Subdivision of Land, where land is being subdivided. The EIDR shall function as a site plan review process. In cases where land is not being subdivided due to condominium, cooperative or similar ownership status, the EIDR site plan review alone shall be required.

8.3.3 Allowed Uses.

Detached single-family dwellings

Two-family dwellings, including zero-lot line structures

Townhouses not exceeding six units per building; in any combination.

Common open space areas for active or passive recreation, preservation of habitat and natural resources, maintenance of scenic amenities, buffering between uses both within the site and from abutting properties, connecting greenways to abutting protected open space, lawn and landscaped areas within the site, pedestrian and bicycle trails, and similar features.

Recreational amenities primarily for residents of the OSRD, such as a community center, swimming pool, beach, tennis court, or children’s playground.

Accessory uses necessary to the operation and maintenance of the project, including but not limited to detached structures for parking, sheds for equipment and tool storage, structures housing heating/ventilating and air conditioning, pumping stations or similar facilities, and energy generating facilities allowed by the Westwood zoning bylaw.

8.3.4 Density and Dimensional Requirements.

8.3.4.1 OSRD Allowed Density and Calculation Method. The maximum number of dwelling units in an OSRD project shall not be greater than that allowed in the underlying base district, SR B, SR C and SR E, except as provided in sub-section XXXX herein in regard to allowed density bonuses.

8.3.4.2 Base Number of Dwelling Units. The base number of dwelling units allowed in an OSRD shall be determined by dividing the net area of the OSRD tract as defined herein by the minimum lot size in the underlying district (SR B at 20,000 square feet, SR C at 40,000 square feet, SR E at 80,000 square feet) and multiplying the result by 1.00. Fractions one-half or over shall be rounded up to the closest whole number, while fractions under one-half shall be rounded down in the same manner. Net tract area shall mean the total area of the tract of land minus forty (40) percent of the wetlands on the tract and minus ten (10) percent of the total tract area, all measured in square feet.

8.3.4.3 OSRD Dimensional Requirements, General.

The minimum individual lot area and frontage requirements in SR B, SR C and SR E, as delineated in section 5.2, Table of Dimensional Requirements, shall not apply in an OSRD project, provided that all lots have frontage on a street or interior drive of not less than seventy-five (75) feet, and there is a minimum individual lot area of seventy-five hundred (7500) square feet, except in the case of townhouses. The Planning Board may further reduce the minimum frontage if house dimensions, location on curved frontage or a street terminus or other conditions justify doing so, provided the reduction is consistent with the intent of this section. Reduced frontage lots shall be located on streets and interior site drives fronting within the OSRD tract, unless the Planning Board finds that location on a way exterior to the project is not detrimental to the neighborhood.

More than one dwelling may be allowed on a lot.

The minimum separation between any OSRD structures within the same residential cluster shall be the equivalent of the building height. The minimum separation between any OSRD structures in separate residential clusters within an OSRD shall be sixty (60) feet.

The minimum separation between any residential structure in an OSRD and a dwelling on abutting external property shall be sixty (60) feet.

The minimum front setback in OSRD, except for townhouses, shall be not less than fifty (50) percent of the setback required for the district in which the tract is located. In cases where an OSRD project lies in more than one eligible district, if the tract lies 2/3 or more in one district, the front setback for that district shall apply in total. In cases where the project lies less than 2/3 in one district, the frontage shall be the blended average of the required minimum front setbacks in the two districts.

The minimum side yard for any unit other than townhouses and zero lot line houses shall be twenty (20) feet. Minimum rear setback for any type of OSRD unit shall be ten (10) feet. For zero lot line units, there shall be no minimum side yard requirement along the common boundary line, and twenty (20) feet at the other side yards.

8.3.4.4 OSRD Density and Dimensional Requirements, Townhouses.

There shall be no minimum frontage or lot size for individual townhouses, if the Planning Board determines that the frontage and lot area proposed for the townhouses are reasonably compatible with existing structures in surrounding residential areas and not detrimental to the neighborhood.

Townhouse structures shall be arrayed in groupings containing not more than 18 units in a single cluster.

Front setbacks for townhouse units may be staggered to provide visual and architectural relief, provided that no unit has a front setback of less than ten (10) feet.

There shall be no minimum side yard requirement for townhouse units. Minimum rear setback shall be ten (10) feet.

The minimum separation between any townhouse structures shall be the equivalent of the building height.

8.3.4.5 Density Increases Allowed. The Planning Board may allow a density bonus to increase the number of dwelling units beyond the base maximum number defined in sub-section 8.3.4.above. A density bonus may be allowed in the following circumstances:

For each additional five (5) percent of the site set aside as common open space above the minimum required in sub-section 8.3.6.1, a bonus of twenty (20) percent of the base maximum number of units may be allowed.

For every one (1) dwelling unit restricted in perpetuity as lower income affordable housing, defined in this instance as household eligibility not exceeding 80% of area median income, two (2) market rate dwelling units may be added to the base maximum number of units.

For every one (1) dwelling unit restricted in perpetuity as moderate income affordable housing, defined in this instance as household eligibility 80% to 150% of area median income, one (1) market rate dwelling unit may be added to the base maximum number of units.

For a historically significant building or major structure (such as a barn or other accessory use) preserved as part of the OSRD, one (1) additional market rate unit may be added to the base maximum number. The determination of historical significance shall be made by the Planning Board, which may choose to consult with the Westwood Historical Commission

A density bonus may be based on any combination of the scenarios listed above, provided that in no event shall the density bonus for the OSRD exceed, in the aggregate, fifty (50) percent of the base maximum number.

8.3.5 Procedures.

8.3.5.1 Pre-application Meeting.

All OSRD applicants are encouraged to meet with the Planning Board at a public meeting prior to applying for an OSRD-EIDR. The purposes of a pre-application review are to solicit guidance from the Planning Board at the earliest possible stage in the process and to keep the applicant's costs for landscape design, site engineering and other technical expertise to a minimum. At the request and expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an OSRD-EIDR.

8.3.5.2 Environmental Impact and Design Review for OSRD.

8.3.5.2.1 General. All OSRD projects shall be subject to the Environmental Impact and Design Review (EIDR) process in section 7.3 of the bylaw. Fully engineered and designed submission documents shall be in accordance with sub-section 7.3.6. The Planning Board may waive particular submission requirements for OSRD projects if they are determined to be inapplicable or unnecessary for OSRD-EIDR review, provided that doing so is consistent with the purposes of this section.

8.3.5.2.2 Public Hearing. A public hearing shall be required and shall be conducted by the Planning Board within sixty-five (65) days of submission of application and plans. Decisions shall be rendered within ninety (90) days of the close of hearing. Failure to take action within the 90 day period shall be deemed to be approval of the EIDR.

8.3.5.2.3 OSRD 4-step Design Process. Prior to submitting an application for an OSRD-EIDR, the applicant shall demonstrate to the Planning Board that the following design process was performed by a registered landscape architect or a team which includes a registered landscape architect, and that said process was employed in establishing the layout of proposed open space, housing units and clusters, streets, and lots.

Step One: Identification of conservation areas. The first step in the design process shall be to identify, analyze and incorporate in the plans the natural, hydrological and wetlands resources, wildlife habitat, scenic corridors and views, agriculture, horticulture and forestry operations, cultural resources and other natural and man-made features of value to the community, that exist on the OSRD tract and immediate vicinity. In addition, the OSRD concept design shall be considered in the larger context of neighborhood character, transportation and transit services, district land use patterns, cultural issues and other factors that might affect, or be affected by, the OSRD project. The outcome of Step One is both to identify likely open space protection areas, and to identify in a preliminary way the potentially developable parts of the OSRD tract.

Step Two: Location of Housing Sites (clusters): The second step shall be to locate the approximate siting of residential structures within the potentially developable areas, including the delineation of private yards and shared amenities so as to reflect an integrated community. The number of dwelling units with direct access to the natural and man-made amenities of the OSRD project should be maximized.

Step Three: Aligning the streets and trails. The third step shall be to align streets in order to provide access to the housing clusters and residential structures. New trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

Step Four: Lot and easement lines. The final step shall be to draw in the lot lines depicting the subdivision of the OSRD tract, including all easements and deed restrictions shown on the plan. In the case of condominium or cooperative projects without individual lot ownership, assumed lot lines for illustrative purposes may be depicted on the plans.

8.3.5.2.4 OSRD Yield Plan.

The yield plan shall be a minimally-detailed drawing submitted as part of the EIDR application for the purpose of establishing the maximum number of dwelling units entitled to be constructed on the tract. It shall be based on the formula for base maximum number of units explained in sub-section 8.3.4. The total number of dwelling units in the OSRD shall be determined by the Planning Board, based upon its review of the yield plan. Site constraints that figure into the analysis may be delineated from existing secondary sources such as local wetlands maps, Massachusetts Department of Environmental Protection Wetlands Conservancy Program maps, Natural Heritage maps, MA Geographic Information system resources, USDA soils maps, information from deed documentation, and other governmental, institutional and private sources.

Common Open Space Requirements.

8.3.6.1 Minimum Open Space Requirement.

In the SR C and SR E districts, the OSRD shall protect in perpetuity at least forty (40) percent of the total tract as common open space or fifty (50) percent where the OSRD project must employ shared or individual septic systems or other on-site treatment, because no public sanitary sewer collection system is available. In the SR B district, the OSRD shall protect in perpetuity at least fifty (50) percent of the total tract as common open space. The common open space shall not be further divided or subdivided, a restriction which shall be noted on the EIDR plans recorded at the Registry of Deeds. Structures located within the common open space shall be limited to that are intended to be used to

support proper use of the open space, such as equipment storage, temporary shelters or trail information stations. The following standards apply to the common open space in an OSRD:

8.3.6.2 Configuration of the Open Space

The landscape shall be preserved in its natural state, insofar as practicable, by keeping to a minimum the removal of tree and forest vegetation, the excavation and removal of soil and the major alteration of existing topography. The massing and shape of the open space shall be designed to maximize its functionality for wildlife habitat and conservation, passive recreation, agriculture, horticulture, forestry and equestrian use. Cultural and historical resources and scenic amenities may also be incorporated into the open space.

The open space shall be contiguous to the maximum extent possible and connectivity between open space areas within the development tract and to open space areas external to it shall be incorporated wherever possible. No open space area shall be less than 50 feet in its smallest dimension. Open space traversed by a roadway may still be determined by the Planning Board to be connected. Not more than five (5) percent of the open space areas may be covered by pavement or paved roads and allowable accessory structures.

The percentage of the open space areas that includes wetlands shall not exceed the percentage of the development tract that includes wetlands, unless the Planning Board finds that a larger percentage of wetlands is consistent with the purposes of this section.

New or existing trails or walkways shall be constructed or retained, as applicable, for the purpose of providing reasonable access to the open space.

No dwelling unit, at its nearest point, shall lie farther than three-hundred (300) feet from the closest point of the open space, with the exception of minor adjustments allowed by the Planning Board in the EIDR process where compliance with this standard is impractical.

Underground utilities, stormwater management facilities and shared wastewater treatment systems serving the site may be located within the common open space. Surface collection systems such as retention and detention ponds shall not count toward the minimum common open space requirement. Existing or proposed utility easements shall not be counted as common open space unless allowed by the Planning Board in the EIDR process.

8.3.6.3 Ownership, Protection and Maintenance of the Open Space

8.3.6.3.1 Conveyance. The common open space may be conveyed to any of the following entities:

- 1) The Town of Westwood or its Conservation Commission
- 2) A non-profit organization whose primary purpose is to conserve and maintain open space, as defined in this section.
- 3) A corporation or trust owned jointly or in common by the owners residing in the OSRD
When the open space is conveyed to said corporation or trust, maintenance of the open space shall be guaranteed in perpetuity. The corporation or trust shall provide for mandatory assessments for maintenance expenses to each lot and unit. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions to affect these requirements. Documents creating such homeowners association, trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

8.3.6.3.2 Conservation Restrictions. When common open space is not conveyed to the Town or to its Conservation Commission, a conservation restriction or agricultural or forest preservation restriction enforceable by the Westwood Conservation Commission or other board under M.G.L. c. 184, § 31, is required, in compliance with the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of

Conservation Services or Department of Agricultural Resources. Said restriction shall be recorded in the manner provided by statute. The Board of Selectmen is hereby authorized to accept such restrictions if the Conservation Commission declines to do so. The common open space shall be perpetually kept in an open state, shall be preserved exclusively for the purposes set forth in this section, and shall be maintained in a manner which will ensure its suitability for its intended purposes. Any common open space that does not qualify for inclusion in a conservation restriction or agricultural preservation restriction or that is rejected from inclusion in these programs by the Commonwealth of Massachusetts shall be subject to a restrictive covenant, which shall be approved by the Planning Board and Board of Selectmen and duly recorded at the Registry of Deeds. The Town of Westwood shall retain the right to enforce such covenants.

8.3.6.3.2 Special Maintenance Provisions. The Town shall be granted an easement over the common open space in all cases, to ensure its perpetual maintenance as open space consistent with the purposes of this section. Such easement shall provide that in the event the corporation, trust, or other owner fails to maintain the open space in good functional condition, the Town may, after notice to the owners and a public hearing, enter the common open space to provide reasonable maintenance, in order to prevent or abate a nuisance. The cost of such maintenance shall be assessed against the properties within the development and/or to the owner of the common open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance.

8.3.6 General Design Standards. The following minimum design standards shall apply to any OSRD site plan and shall guide the design of the site as an OSRD:

8.3.7.1 Landscape Preservation. Insofar as practicable, an OSRD shall preserve the landscape in its natural state by minimizing tree and vegetative cover removal and alterations to the pre-development natural topography. Mature trees of six (6) inch caliper or greater, measured at the approximate five (5) foot height level of the trunk, shall in particular be retained to the maximum practical extent. The location and orientation of housing sites or clusters shall be such as to maintain maximum natural topography. The design-with-the-land approach shall be employed in all site planning, wherein retention of natural topographic and vegetative features, views and natural drainage courses shall be treated as fixed determinants of housing cluster locations or interior drive layouts, rather than altering the site to accommodate a fixed development plan.

8.3.7.2 Roadway Design. On-site streets and interior drives shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views into and from within the development site.

8.3.7.3 Pedestrian and Bicycle Circulation. Where appropriate, walkways and/or multi-purpose trails shall be provided within the OSRD to connect dwellings with parking areas, recreation facilities and open space, and adjacent land uses.

8.3.7.4 Visibility of Open Space. Open space in the OSRD shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

8.3.7.5 Architectural Design and Neighborhood Compatibility. In overall scale, building massing, height, choice of exterior materials, and roofline articulation, residential structures in an OSRD shall be reasonably compatible with existing structures in surrounding residential areas, when there is a functional or visual relationship to the proposed structures.

8.3.7.6 Cultural Resources. The removal or disruption of archaeological resources and historic, traditional or significant uses, structures, or architectural elements shall be minimized.

8.3.7.7 Stormwater Management. To the extent practicable, the use of low impact development and soft drainage techniques shall be employed in the design of an OSRD project, subject to compliance with all applicable local and state standards and requirements.

8.3.7 Site Specific Design Standards.

8.3.8.1 Off-street Parking. All off-street parking in an OSRD shall comply with to the requirements of section 6.0 in this bylaw.

8.3.8.2 Shared Driveways. A common or shared driveway shall comply with the requirements in sub-section 6.1.26 and serve not more than four (4) single-family dwellings unless the Planning Board determines that a shared driveway serving more than four units will be consistent with the purposes of this section.

8.3.8.3 Mix of Housing Types. Any mix of one or more of the three allowed housing types, single family detached, two-family or townhouses, shall be allowed in an OSRD, up to the maximum number of dwelling units permitted under this section.

8.3.8 Decision. EIDR approval shall be granted by means of a written site plan review decision, based upon a determination by the Planning Board that the OSRD application meets the criteria below.

8.3.9.1 Standards. Applicability of individual standards cited below shall be determined by the Planning Board:

8.3.9.1.1 Demonstration of proper and complete application of the OSRD 4-step design process.

8.3.9.1.2 Consistency at the most general level with all applicable elements of the EIDR standards in sub-section 7.37, sub-sections 7.3.7.1 through 7.3.7.21.

8.3.9.1.3 Responsiveness to each applicable element of the General Design Standards in sub-section 8.3.8 in this section.

8.3.9.1.4 Compliance with the Site Specific Design Standards in sub-section 8.3.9 in this section.

8.3.9.1.5 Establishment of measures sufficient to provide for effective protection and maintenance of the common open space.

8.3.9.2 The Planning Board may impose reasonable conditions as part of EIDR approval and may require suitable performance guarantees to assure compliance with those conditions.

8.3.9.3 Definitive plan and relation to EIDR. As part of the OSRD process, the applicant is obligated to comply with M.G.L. chapter 41, sections 81k through gg, by means of the submission of a definitive plan where land is being subdivided in the OSRD. Said plan shall comply with all applicable requirements of the Westwood Rules and Regulations Governing the Subdivision of Land. The applicant may request, with Planning Board concurrence, a combined hearing process in which the EIDR and the definitive plan are heard together, with separate decisions being written and recorded at the conclusion of the process. In such instances, the Planning Board shall hold a public hearing and render a decision within the time periods specified in sub-section 8.3.5.2.2. If the applicant chooses to file the definitive plan after granting of the EIDR approval, then the Board shall hold a hearing and take action within 135 days from the date of submission, in accordance with section IIIB of the Westwood Rules and Regulations Governing the Subdivision of Land. The definitive plan shall not vary from the EIDR site plan in any significant detail or design aspects.

Regulations. The Planning Board may choose to adopt OSRD rules and regulations not inconsistent with this Zoning Bylaw or the laws of the Commonwealth.

Board members discussed the possibility of allowing townhouses in certain districts, which would allow a diverse housing mix, providing more density and saves land. Mr. Wiggin said that he is unsure if this is the solution to preserving open space.

Board members discussed the need for more clarity in this article and said that this draft is a starting point. Board members discussed the possibility of establishing OSRD overlay zones that

would not cover an entire zoning district. Mr. Garber cautioned that the board must be careful to avoid spot zoning and uniformity issues. Mr. Wiggin asked about creating a floating zone.

Mr. Rafsky expressed a concern that the OSRD article might apply to too broad an area. Board members commented that residents would likely have questions about where the OSRD would apply and whether OSRD developments would be allowed by right. Board members asked if the invalidated MRD provisions could be removed now, with the adoption of a new OSRD section after further study into possible effects on undeveloped parcels. Mr. Garber replied that it would be preferable to insert the OSRD provisions in place of the MRD provisions, but added that he would take direction from the board. He asked that board members give the draft article more consideration and let him know what specific concerns they would like to see addressed.

Proposed Article 4 – Coffee Shops and Ice Cream Parlors

Ms. Loughnane provided a handout to the board, as follows:

Article 4: To see if the Town will vote to approve certain amendments to Section 2.0 [Definitions], Section 4.1 [Principal Uses], and Section 4.3 [Accessory Uses] including the following, or take any other action in relation thereto:

- 1) Add new Section 2.31 [Coffee Shop] to read as follows, and renumber sections as appropriate:

2.31 Coffee Shop Retail sales coffee, tea, and/or similar products for consumption on or off the premises.

- 2) Add new Section 2.65 [Ice Cream Parlor] to read as follows, and renumber sections as appropriate:

2.65 Ice Cream Parlor Retail sales of ice cream, frozen yogurt and/or similar products for consumption on or off the premises.

- 3) Add new Section 2.109 [Retail Take-out Counter] to read as follows, and renumber sections as appropriate:

2.109 Retail Take-out Counter A counter accessory to a retail establishment, engaged in the dispensing of prepared food and beverage to persons carrying food and beverage away for consumption elsewhere.

- 4) Amend Section 2.51 [Fast Order Food Establishment] by adding the following sentence to the end of the definition: “The term ‘fast food establishment’ shall not include ‘coffee shop’, ‘ice cream parlor’ or ‘retail take-out counter’ as herein separately defined.”

- 5) Amend Section 2.105 [Restaurant] by deleting the last sentence of the definition, and replacing with the following: “The term ‘restaurant’ shall not include ‘fast food establishment’, ‘coffee shop’ or ‘ice cream parlor’ as herein separately defined.”

- 6) Amend Section 4.1 [Principal Uses], Subsection 4.1.5 [Commercial Uses] by adding a new Subsection 4.1.5.15 to read as follows, with “Y” in columns under districts LBA, LBB, HB, I and IO, and with “N” in all other columns, and renumber sections as appropriate:

4.1.5.15 Coffee Shop

- 7) Amend Section 4.1 [Principal Uses], Subsection 4.1.5 [Commercial Uses] by adding a new Subsection 4.1.5.16 to read as follows, with “Y” in columns under districts LBA, LBB, HB, I and IO, and with “N” in all other columns, and renumber sections as appropriate:

4.1.5.16.1 Ice Cream Parlor

- 8) Amend Section 4.3 [Accessory Uses], Subsection 4.3.4 [Accessory Uses in All Nonresidential Districts] by adding a new Subsection 4.3.4.3 to read as follows, with “Y” in columns under districts LBA, LBB, HB, I and IO, and with “N” in all other columns:

4.3.4.3 Retail Take-out Counter

Ms. Loughnane told the board that Building Commissioner Joe Doyle considers this proposed article to be a step in the right direction. She noted that Mr. Doyle had recommended that coffee shops and ice cream parlors be permitted in local business (LBA and LBB), highway business (HB), industrial (I) and industrial office (IO) districts, consistent with allowances for restaurant uses in those same districts.

The board discussed various establishments in town that would fall under the category of retail take-out counter. Barbara McDonald of the EDAB was present in the audience and asked what the parking requirements are for these uses. Ms. Loughnane said that she was researching industry standards and would recommend parking requirements similar to those appropriate for fast food establishments. Board members agreed that minimum parking requirements for coffee shops and ice cream parlors, along with an increase in the parking requirements for fast order food establishments should be added to this article.

The Board seemed to favor the placement of this article before Town Meeting in order to give residents the opportunity to express their concurrence with, or opposition to, the ZBA's allowance of Starbucks and Cold Stone Creamery in spite of Zoning Bylaw provisions which had been intended to preclude these uses.

Ms. Loughnane said that Mr. Doyle had expressed concern about the definition for accessory uses, and how that definition would be applied with respect to the proposed new category of "retail take-out counter". She said she would look into this further to see if changes to the "use, accessory" definition might be necessary.

Proposed Article 9 – Green Communities Amendments

Article 9: To see if the Town will vote to approve certain amendments to the Zoning Bylaw as necessary to enable Westwood's qualification as a Green Community. Such qualification would require as-of right siting and expedited permitting of renewable or alternative energy facilities in designated locations, as well as mandatory provisions that all new residential construction over 3,000 square feet, and all new commercial and industrial construction, include energy efficiency, water conservation and other renewable or alternative energy technologies.

Ms. Loughnane noted that the proposed article had not been developed to the point that it could be presented at Town Meeting. The board discussed whether the proposed article was required for Westwood's qualification as a Green Community. Mr. Garber explained that the consultant assigned under the WEACTION grant would not likely be able to prepare the necessary zoning and stretch code amendments in time for the 2010 Town Meeting.

Proposed Article – Amendments to Parking Space Requirements

Amendments to Section 6.1.4 [Table of Parking Requirements – Exempt and Institutional Uses] to revise minimum parking requirements for exempt and institutional uses.

Ms. Loughnane requested that the Planning Board not discuss this amendment tonight because Mr. Montgomery, who was particularly interested in this amendment, was absent.

Proposed Article – Amendments to ARO District Uses

Amendments to Section 4.1 [Principal Uses] to allow limited additional uses in the Administrative-Research-Office (ARO) District

Ms. Loughnane said that Economic Development Director Chris McKeown is communicating with the owner of 100 High Street and with the EDAB to determine what, if any, changes could be made to the ARO zone to encourage an appropriate use of this building.

Update on Commonwealth Capital Application – Glenn Garber

Mr. Garber provided copies of the Commonwealth Capital Application, recently endorsed by the Board of Selectmen and submitted online to the State. He explained that this submission, establishes Westwood's eligibility to apply to approximately 14 grant and loan programs, in such areas as: infrastructure for economic development, open space acquisition, transit-oriented development, recycling & solid waste management, community development action grants, drinking water supply protection, alternative energy and other aid programs. Mr. Garber noted that the application is structured around a point score system (the highest possible score is 140 points) which is based upon attaining or working toward 40 individual objectives, such as comprehensive planning and zoning, open space protection, economic development and jobs creation, affordable housing initiatives, transportation innovation, energy efficiency and more. He stated that a high scoring community has a greater chance at receiving grants, and noted that Westwood's score this year would likely be a 74. The Board had a brief discussion about the benefits of the submission of the Commonwealth Capital application as a way to review and further develop Westwood's land use and planning goals.

Approval of Minutes of Prior Meetings

Ms. Loughnane asked board members to consider approval of the following sets of minutes: January 27, 2009 (executive session), February 24, 2009, May 25, 2009, June 9, 2009, June 23, 2009, July 14, 2009, September 8, 2009, and September 22, 2009. Mr. Rafsky noted that the executive session minutes could be approved but should not be released to the public without Tom McCusker's approval.

Ch. Olanoff asked for minor edits to be made to the minutes and upon a motion by Mr. Rafsky and seconded by Mr. Malster, four members voted in favor, to approve the above mentioned minutes.

The meeting adjourned at approximately 11:00 P.M.

The next meeting is Tuesday, January 26th at 7:30 P.M., at 50 Carby Street.