

Town of Westwood Planning Board
Meeting Minutes
January 27, 2009
7:30 PM

Board Members Present: Chairman Robert Malster, Steve Olanoff, Bruce Montgomery, Henry Gale and Robert Moore.

Staff Members Present: Nora Loughnane, Town Planner; John Bertorelli, Town Engineer; Glenn Garber, Westwood Station Planning Manager and Thomas McCusker, Jr., Town Counsel. Minutes were recorded by Janice Barba, Land Use Assistant.

Ch. Malster opened the meeting at approximately 7:35 p.m.

Continuation of Public Hearing to Consider Application for Environmental Impact and Design Review Approval of Exempt Use for the Construction and Establishment of Modular Additions to the Thurston Middle School – 850 High Street

Ch. Malster welcomed the Applicants back for the continuation of the above-mentioned public hearing. Project Engineer Peter Glick and Architect Alan DeHaan, from Symmes Maini & McKee Associates; and Heath Petracca, Director of Business & Finance for Westwood Public Schools were present.

Ch. Malster asked Mr. Bertorelli for an update on outstanding recommendations made by his department at the initial public hearing. Mr. Bertorelli had requested the Applicant to submit documentation to comply with section 7.3.6.1.6 (stormwater/drainage), stormwater calculations to demonstrate compliance with the MA DEP standards, and documentation showing compliance with section 7.3.7.5 (drainage/erosion). Mr. Bertorelli's memo to the Board included the following explanations:

- *Stormwater/Drainage:* Calculations have been submitted and are satisfactory. The calculations show that runoff will be mitigated. No waiver is required.
- *Drainage/Erosion:* Details have been provided that show hay bales and fencing. Engineering Office approval of location of the erosion control is necessary prior to its installation.
- A full set of stamped plans with the current revised date must be submitted. [Mr. Glick submitted two new sets of plans for Planning Board and Engineering office at the beginning of tonight's hearing.]
- A recommendation was made that the drain line that bisects the proposed modular addition be eliminated and that the drainage from the existing catch basin run as it now does, along the existing slope which is parallel to the proposed addition.

Ch. Malster asked the Applicant for an update on the Fire Chief's request for the installation of a public safety lane along the easterly side of the classroom addition, around the northeast corner, and then along the northern side of that addition, in order to provide fire safety access to the northern side of the existing building. Mr. Glick presented a plan depicting the proposed public safety access route. He explained the layout in detail, showing new pavement striping, curbing, and addition of a barricade gate. Mr. Glick noted that the proposed addition of this fire lane would result in the loss of one additional parking space and five additional trees. Mr. Olanoff asked that the Applicant replace as many trees as are removed during the project construction. He noted that the plans showed only three new trees in the parking lot island. Mr. Glick stated that a total of eight trees would be removed and eight new trees would be planted. He said that five new trees could be planted adjacent to the modular classroom addition or in the unpaved area between the ball field and the parking lot. Mr. Olanoff asked Ms. Loughnane to add a condition to the board's decision requiring the replacement of these eight trees with new trees which have a minimum caliper size of three and one-half inches.

Ch. Malster asked if any additional feedback had been received from the Police Department. Ms. Loughnane reported that Sgt. Sicard continues to have reservations about the loss of any parking spaces on the site. Ms. Loughnane presented the board with copies of electronic communications from Sgt. Sicard regarding the proposed site plan. She noted that Sgt. Sicard has witnessed several cars parked illegally in the winter evacuation spaces during the school day. Mr. Petracca agreed that cars do sometimes park in these restricted spaces. He noted that they are only restricted during the winter months to provide a snow-free area for emergency evacuation. Mr. Petracca said that he would look into the establishment of an alternate area for winter emergency evacuation so that these spaces could be available throughout the school year. Ms. Loughnane stated that Sgt. Sicard would also like the school department to pursue options for additional off-site parking which could be used for after school activities and special events. Mr. Petracca replied that the school department would continue to investigate options for additional parking. Ms. Loughnane told the board that Building Inspector Joe Doyle had determined that the parking at the school is adequate for the parking demand generated during the regular school day. She added that Mr. Doyle concurs with Sgt. Sicard that parking is inadequate for after school activities and special events.

Mr. Olanoff asked the Applicant to address proposed new lighting associated with the proposed additions. Mr. Glick presented a plan showing the proposed lighting, which includes one new 20' pole and two new 250 watt luminaries.

Ch. Malster asked for an update on the Westwood Historical Society's request for replacement of the handicapped parking space lost at the Fisher School during the construction of the first set of modulars. Ms. Loughnane replied that Mr. Doyle had requested the addition of a handicapped parking area near the path from the Thurston driveway to the Fisher School. She added that the Historical Society would prefer to see a ramp in the area of the existing path and striping of one space along the driveway for handicapped use. Ms. Loughnane told the board that she had discussed this request with Mr. Bertorelli and that Mr. Bertorelli had determined that the grade along the driveway would be too steep to meet ADA standards. Ch. Malster stated that the addition of a handicapped parking space for the Fisher School should receive further study, but noted that it was not within the scope of this application.

Ch. Malster asked if there were any other questions or comments on the proposed site plan. Mr. Olanoff requested that a condition requiring annual inspection and cleaning of storm drains be added to the board's decision.

At approximately 8:00 p.m., a motion was made by Mr. Gale and seconded by Mr. Montgomery to close the hearing. A motion was made by Mr. Montgomery and seconded by Mr. Gale to approve the application with the conditioned noted above. Mr. Gale, Mr. Olanoff, Mr. Montgomery and Ch. Malster voted in favor. Mr. Moore did not vote on this application due to his absence from the first hearing session on January 13, 2009. With four votes in favor and none opposed, the application was approved with conditions.

Update on Westwood Station

Mr. Bertorelli gave the Board an update on the upcoming, temporary shutdown of the Westwood Station construction site. He told the board that all work will cease and all construction equipment and vehicles will be taken from the site on Friday of this week. Mr. Bertorelli stated that a meeting has been scheduled with project representatives, to discuss a number of outstanding items, specifically water connections and the installation of a large drain pipe, for which a model has yet to be finalized. He said that the developer hopes to restart construction in the summer. Mr. Bertorelli noted that he has several concerns about bringing a section of University Avenue back into traffic circulation, as well as concerns regarding safety fencing, dust control, traffic and street lights. He added that the proposed Canton Street improvements are still under discussion based on many factors relating to bridges and other corridor improvements, and told the board that CC&F and the Town of Canton appear close to reaching an agreement on pending litigation.

Mr. Garber gave the Board an update on the proposed budget for review of Amendment #1 to the Definitive Subdivision for Westwood Station. He reported that CC&F requested that he revisit every consultant's budget. Mr. Garber explained that he has assembled the necessary information and prepared a summary table of anticipated budget items by consultant. Mr. Garber stated that he will continue these efforts in anticipation of the subdivision review moving forward at some point in the not too distant future. He noted that no review of the submitted plans would begin until, and unless, the final budget received approval by CC&F. Mr. Garber also stated that the burden would now be on CC&F's engineering team to produce higher quality plans which would not require numerous revisions following consultant review.

Ch. Malster stated that the board had continued the public hearing until March 10, 2009, and noted that the board would likely deny the application without prejudice at that time if CC&F did not approve the budget in time for the consultants to review the plans and report their findings to the board. A discussion ensued concerning the dilemma of having approved EIDR's that do not coincide with the approved subdivision plan. Mr. Moore noted that the subdivision amendment would have to be approved before any building permits could be approved for structures which do not coincide with the approved subdivision.

Executive Session

At approximately 8:30 p.m., a motion was made by Mr. Olanoff and seconded by Mr. Montgomery to adjourn to Executive Session to discuss a matter currently involved in litigation. A roll call vote was taken with five affirmative votes: Ch. Malster – "Aye", Mr. Montgomery – "Aye", Mr. Moore – "Aye" and Mr. Gale – "Aye". The Planning Board went into Executive Session.

The Planning Board resumed its meeting at 9:05 p.m.

Update on Proposed Zoning Warrant Articles

Ms. Loughnane provided the Board with an update on the Planning Board's proposed zoning amendment warrant articles. Ms. Loughnane explained the following:

Article 1: Proposed Amendments Related to Non-Exempt Agricultural Uses, including

- A) Amendment of Section 2.0 of the Zoning Bylaw to add a Definition for "Agricultural Use, Exempt" and**
- B) Amendment of Sections 4.1.5.1 and 4.1.5.2 of the Zoning Bylaw regarding Non-exempt Agricultural Uses**

The Planning Board received a request from a resident to add a definition of the term "Agriculture" to the Zoning Bylaw. This request was in response to a proposed agricultural use on a lot in excess of 5 acres, which is exempt under MGL Chapter 40A, Section 3.

Section 2.12 of the Zoning Bylaw contains the following definition for "Agricultural Use, Non-exempt":

Agricultural Use, Non-exempt Agricultural use of property not exempted by M.G.L. Chapter 40A, Section 3.

For the sake of clarity and consistency, the Planning Board will consider recommending that the following definition be added for "Agricultural Use, Exempt":

Agricultural Use, Exempt Agricultural use of property exempted by M.G.L. Chapter 40A, Section 3, and further defined by M.G.L.

In addition, a review of the Zoning Bylaw with respect to agricultural uses was undertaken,

and an inadvertent consequence of the 2002 recodification of the Zoning Bylaw was discovered. While state law prohibits towns from unduly regulating agriculture uses on lots of 5 acres or more, it does not prevent towns from restricting or prohibiting agricultural uses on smaller parcels. Nonetheless, agricultural uses are currently permitted in all Westwood zoning districts, regardless of lot size or type of enterprise. The Planning Board will consider recommending that the Zoning Bylaw be amended to require a Special Permit for agricultural uses on residential lots of less than 5 acres, and to prohibit agricultural uses on non-residential lots of less than 5 acres.

Section 5.4.1 of the use chart would be amended to read as follows:

PRINCIPAL USE	DISTRICTS											
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	ARO
4.1 Commercial Uses												
4.1.5.1 Agricultural Use, Non-exempt	PB	PB	PB	PB	PB	PB	PB	N	N	N	N	N
4.1.5.2 Farm Stand associated with Agricultural Use, Non-exempt	PB	PB	PB	PB	PB	PB	PB	N	N	N	N	N

The Planning Board will further consider the development of standards and specific criteria for consideration in its review of applications for special permits associated with non-exempt agricultural uses.

While these proposed changes would not affect any current or future proposals for agricultural uses on lots of 5 acres or more, they would provide procedures for the regulation of similar proposals on smaller lots.

The board directed Ms. Loughnane to continue working on the language for this proposed warrant article.

Article 2: Proposed Addition of a Wind Energy Conversion System (WECS) Bylaw Section to the Zoning Bylaw, including

- A) Amendment of Section 2.0 of the Zoning Bylaw to add a Definition for Wind Energy Conversion System,**
- B) Amendment of Section 4.3.2 to Include a Category for Wind Energy Conversion System as a Permitted Accessory Use in Certain Residential Zones, and**
- C) Addition of a New Section Relating to Wind Energy Conversion Systems**

The Building Inspector has received inquiries from property owners wishing to install wind turbines on their properties. Wind turbines are not specifically regulated in most residential districts. Several towns have incorporated similar provisions into their Zoning Bylaws, including Dover, Wellfleet, Williamstown, Hamilton, Bourne, Sandwich, and Scituate. In addition, the State has recently developed a model WECS Bylaw.

Mr. Garber provided the Board with some photos of rooftop turbines and explained that these types of turbines provide significantly less kilowatts than the free-standing tower turbines, because of the quality of the wind currents at this elevation. A discussion ensued as to whether the rooftop turbines really provide less of an impact visually than towers. In order to power an entire house, Mr. Garber stated that a 70'-80' tower would be required in most areas. Ms. Loughnane said such a tower would be considered a structure under the current

bylaws, and would exceed the height requirements in residential zones. She noted that such a tower would require a dimensional variance from the Zoning Board of Appeals.

Ch. Malster stated that more time was needed to address this topic. He stated that the Planning Board should review the sample WECS bylaw sections and request input from the Westwood Environmental Action Committee, with the intention of developing a proposed WECS bylaw section and associated definitions which would be appropriate for Westwood, with particular concern as to whether WECSs should be permitted by special permit in certain residential districts and in any or all non-residential districts. He asked Ms. Loughnane to continue researching wind turbines for consideration of a zoning amendment at a future Town meeting.

Article 3: Proposed Amendment of Section 2.0 of the Zoning Bylaw to alter the existing Definition for "Lot Width"

Section 2.81 currently contains the following definition for "Lot Width":

Lot Width The minimum distance between the side lines at all points between the front lot line and the nearest point of a building or structure.

Section 2.111 currently contains the following definition for "Structure":

Structure An assembly of materials forming a construction for occupancy or use including among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, staging, observation towers, communication towers, flag poles, water tanks, trestles, piers, wharfs, open sheds, coal bins, shelters, fences and display signs, tanks in excess of 500 gallons used for the storage of any fluid other than water and swimming pools. A freestanding fence or wall six (6) feet or less in height, or a fence attached to a wall (other than a retaining wall as defined in the Massachusetts Building Code as amended from time to time) with a combined height of six (6) feet or less, measured from the lowest point of grade adjacent to the fence or wall attached to the fence, will not be considered a structure.

Under these definitions, a property owner could circumvent the intent of the lot width requirement by installing a flagpole or similar structure in the front yard of an irregularly shaped lot. The Building Inspector recommends a new definition for Lot Width to specifically exclude non-principal structures. The Planning Board will consider a new definition for "Lot Width", and a related definition of "Front Setback Line" as follows:

Lot Width The minimum distance between the side lines at all points between the front lot line and the nearest point of a principal building, or, if no principal building exists, the minimum distance between the side lot lines at all points between the front lot line and the front setback line.

Front Setback Line A line drawn from one side lot line to the other side lot line, parallel to the front lot line, such that all points along the front setback line correspond to the distance from the front lot line to a point equal to the applicable front yard setback requirement.

The board directed Ms. Loughnane to continue working on the language for this proposed warrant article.

Article 4: Proposed Amendment of Section 2.0 of the Zoning Bylaw to Replace Definitions for "Fast Food" and "Fast Food Establishment"

The EDAB formed a committee last summer to recommend a new definition for "Fast Food Establishment" to permit establishments similar to existing coffee shops and ice cream parlors, while prohibiting general fast food establishments. The EDAB committee recommended that no changes be made to the existing definition for "fast food".

Other towns, including Needham, Hingham and Lexington, have successfully regulated restaurants by classification, including separate classes for eat-in restaurants, take-out restaurants and establishments limited to the sale of non-meal food items such as coffee or ice cream. The Planning Board will further review definitions used by these other towns and will propose new definitions that it deems appropriate to meet Westwood's needs.

Ch. Malster stated that this article would not be submitted for the 2009 Town Meeting. He said that more time was needed to achieve consensus on the most appropriate definitions for the town. The Planning Board will consult with the EDAB on this issue before making any recommendation to the 2010 Town Meeting.

Article 5: Proposed Amendment of Section 6.1.17 of the Zoning Bylaw relating to Landscaping Design Requirements in Parking Areas

The Zoning Bylaw currently requires the landscaping of parking lots and specifies minimum landscape treatment based on the size of a parking area. However, no requirements are in place to specify the distribution of landscaping within those parking lots. The Planning Board will consider adding requirements specifying how landscaping materials be distributed throughout a parking lot to best meet the intentions of the bylaw, and to assist applicants in preparing appropriate plans for site plan review, thus avoiding delays associated with the revision of those landscape plans.

The board directed Ms. Loughnane to continue working on the language for this proposed warrant article.

Article 6: Miscellaneous Housekeeping Items

The Planning Board will undertake a general review of the Zoning Bylaw, and will propose minor amendments as necessary to correct, clarify and interpret any incorrect, misleading or confusing sections.

The board directed Ms. Loughnane to continue working on the language for this proposed warrant article.

Approval of Minutes for Prior Meetings

Upon a motion by Mr. Gale and seconded by Mr. Montgomery, the Board voted to approve meeting minutes for the Planning Board meetings of December 9, and December 16, 2008, and January 13, 2009.

Upcoming Items for Planning Board Schedule

Ms. Loughnane told the board that the next meeting of the Planning Board is scheduled for February 3, 2009, at which time the agenda will include the fine tuning of the four remaining zoning amendments. She stated that on February 24, 2009, a public hearing will be held for the Limited EIDR of an Exempt Use for the Center at West Woods, located at 588 & 590 Gay Street, and on March 10, 2009, the Planning Board will hold a public hearing on the Zoning Amendment Articles for the Annual 2009 Town Meeting, and will have the continuation of the public hearing for Amendment #1 to the Definitive Subdivision for Westwood Station. Ms. Loughnane also told the board that an application had been received for EIDR of a proposed extension of the sewer pumping station at Summer Street near Far Reach Road. She stated that this application was incomplete and no

hearing has been scheduled. Ms. Loughnane said that she had discussed this application with Mr. Bertorelli and he has agreed to submit the additional items to complete this application.

The meeting adjourned at approximately 9:30 PM.