

Town of Westwood Planning Board
Meeting Minutes
September 8, 2009
7:30 PM

Board Members Present: Ch. Steve Olanoff, Steve Rafsky, Robert Malster, Bruce Montgomery, and Jack Wiggin.

Staff Members Present: Nora Loughnane, Town Planner; John Bertorelli, Town Engineer; and Glenn Garber, Community Development Advisor. Minutes were recorded by Janice Barba, Land Use Assistant.

Ch. Olanoff called the meeting to order at 7:45 PM.

Consideration of Proposed ANR Plan for 102-114 Canton Terrace

Mr. Ed Musto, owner of 102 Canton Terrace, presented the board with a plan entitled "Plan of Land at 102-114 Canton Terrace in Westwood, MA, Prepared for Bonnie J. & Edward J. Musto and Edward R. & Jeannie C. Germano", dated August 31, 2009, prepared by Paul N. Robinson Associates, Inc., being the division of one lot, shown as Lot 011 on Assessor's Map 18, and the combination of a 2,085 square foot portion of that lot with Lot 012 on Assessor's Map 18, and also being the division of Lot 012 on Assessor's Map 18, into one 53,761 square foot parcel shown on said plan as "Lot 1-A", one 38,620 square foot parcel shown as "Lot 2-A", and one 168,865 square foot unbuildable parcel shown as "Remainder Lot C". This plan is intended to replace the previous plan of the same title, dated May 21, 2009, endorsed by the Planning Board on July 14, 2009, and recorded at the Registry of Deeds as Plan No. 38 of 2009 P.B. 593. The parcel shown on this ANR plan as "Remainder of Lot C" has no street frontage, does not constitute a buildable lot, and shall be treated as if combined with the adjacent 124 Canton Terrace now under common ownership.

Upon a motion by Mr. Rafsky and seconded by Mr. Montgomery, four members of the board voted in favor to endorse as not requiring approval under the Subdivision Control Law. (*R. Malster arrived at 7:50 PM, following this portion of the meeting.*) Ms. Loughnane presented the Mylar plan and copies to the board for signatures. A copy was given to Mr. Musto for recording at the Registry of Deeds.

Consideration of Release of Covenants – Autumn Estates

Ms. Loughnane informed the members of the Planning Board that she has received a number of requests from the developer's attorney, Gene Guimond, for the release of the Covenants for Autumn Estates. Mr. Bertorelli informed the board that the status of subdivision remains unchanged, as the street lights have not yet been activated. He does not recommend Release of Covenants until all obligations have been fulfilled by the developer. Ch. Olanoff asked that this item not be placed on the board's agenda again, until these issues have been resolved.

Discussion of Zoning Board of Appeals Matter Concerning 14 Washington Street

Ms. Loughnane reported that Joe Doyle, Building Commissioner, requested the opinion of the Planning Board on a matter involving 14 Washington Street, which is currently before the Zoning Board of Appeals. (The ZBA's hearing was opened in August, but immediately continued until September 16th.) She explained that this matter concerns an abutter's appeal of the Building Commissioner's decision that there are no zoning violations at this business occupied by Hogan Tire and Advanced Energy. Ms. Loughnane told the board that the appellant, Mr. Zinno, disagrees with Mr. Doyle, and believes that the business activity occurring at this site is not appropriate under the Zoning Bylaws for a residential zone. She said that the abutter's complaints include an excess amount of vehicles being stored on-site and the disrepair of the screening between the properties. She noted that Mr. Doyle's opinion is that the business is operating in compliance, under its special permit, issued back in the 1970's, by the Board of Selectmen. Ms. Loughnane added that no site plan review records exist with the office of the Planning Board for this property.

Ch. Olanoff commented that if there are violations of the special permit, then these items should be addressed through the building commissioner. Mr. Malster added that, if the special permit was granted by the Board of Selectmen, the Planning Board should take no position on the matter. Other board members agreed.

Upon a motion by Mr. Montgomery and seconded by Mr. Rafsky, the board voted five in favor, to take no action on this matter concerning 14 Washington Street.

2009 Zoning Bylaws Approved by Office of the Attorney General

Ms. Loughnane provided board members with a copy of a communication received by Town Clerk Dottie Powers from the Attorney General's office confirming approval of the amendments to the Zoning Bylaws adopted under Article 22, 23 & 24 of the Annual Town Meeting in May 2009. She noted that comments were provided on Article 22, which amended the Table of Parking Requirements with respect to Farm Stand, Exempt uses. Ms. Loughnane told the board that the Attorney General's Office cautioned the Town not to impose "unreasonable regulations" to zoning under G.L. C.40A, Section 3, and to apply this bylaw with consistency.

Westwood Station Update

Mr. Garber reported that he, staff members, two planning board members and a member of the board of selectmen met with Doug Karp to discuss possible plans for a revised Phase 1B for Westwood Station. He said that the group discussed how the town could manage the new permitting associated with such plans, and addressed what the impacts may be on the Master Plan Special Permit. Mr. Garber said that he expects that there will be a complete reopening and amendment of the Master Plan, and that all regulatory boards will need to review the proposal. Mr. Malster suggested that a full strategic plan be prepared and presented in a reasonable time frame so that all town boards can be made aware of the work expected. Mr. Garber said it would be ideal to have a more collaborative, open process among the other boards and possibly concurrent public hearings. Mr. Bertorelli commented that town boards would benefit from using town staff to prepare reports and outline obstacles during the permitting process, so as to have less reliance on peer reviewers.

Mr. Bertorelli mentioned that the proposed Canton Street Alterations will be discussed at a public hearing, held by the Norfolk County Commissioners, on September 30th.

Discussion on Reconstruction Delays of the I-95/I93 Interchange in Canton

Mr. Garber presented the board with drafts of letters that he prepared for Ch. Olanoff regarding concerns about the 10-15 year delay in the reconstruction of the I-95/I93 Interchange in Canton. The letter was composed to the Boston Region Metropolitan Planning Organization, stressing the importance of keeping the current schedule for reconstruction in 2015, as it is vital to local, regional and state interests, particularly Westwood Station. Ch. Olanoff asked that this letter to be sent to the Towns of Canton, Dedham and Norwood, requesting that each town write a similar letter of collective resolve for the region. There was discussion amongst the board as to whether this letter should be written by the Board of Selectmen, and whether the Town Administrator should be consulted for assistance in making contact with the surrounding towns and general edits. Mr. Wiggin suggested that the Town Administrator's office should coordinate the letters. Mr. Garber asked board members to send him edits via email and he would get back to them with additional information.

Community Development Update

The following handout setting forth priority projects was provided by Mr. Garber.

Project or Activity	Time Period (guess-timated)	Comments
WESTWOOD STATION PERMITTING		
Pre-planning, determination of scope, peer-review, coordination w/all jurisdictions	Aug/Oct. 09	Underway.
MPSP Amendment	Oct.09—Feb. 10??	Exact course of action and consolidation of permits not yet known.
EIDR, Subdivision		
Coordination w/ key non-regulatory modifications	Oct.09—Mar. 10	
GRANT-RELATED		
Green Communities Energy Block Grant	Aug/Sept. 09	Glenn, Underway
Green Communities Tech. Assist Grant	Aug. 09	Glenn, w/WEACT. Submitted.
Commonwealth Capital—new application & score	Oct.09—Dec.09	Glenn, Nora
ADMINISTRATIVE		
Program Budgeting—land use FY11	Aug.09—Nov. 09	Glenn & others. Underway.
Community Development Dept. Consolidation Study	Aug.09—Sept.09	Glenn. Underway.
ECONOMIC DEVELOPMENT PLANNING		
University Ave. Economic Development Initiative/Study (non-WWS)—PB & EDAB	Nov.09—June09	Glenn, Chris McK.
Other	??	Glenn, Chris McK.

Discussion on Possible Zoning Amendments for Special and Annual Town Meeting

Ms. Loughnane provided a handout to the board, setting forth all of the proposed zoning amendments that were held back at the time of the 2009 Town Meeting, for further consideration in advance of the 2010 Town Meeting:

Draft Planning Board Articles for Consideration at 2010 Town Meeting

Article 1: To see if the Town will vote to amend Section 6.1 [Off-Street Parking Requirements] by deleting sections 6.1.16 and 6.1.17 in their entirety, and inserting a new Section 6.1.16 related to landscape requirements for parking areas with fewer than ten parking spaces, and a new Section 6.1.17 related to landscape requirements for parking areas with ten or more parking spaces, to read as follows, or take any other action in relation thereto:

6.1.16 **Parking Areas with Fewer Than Ten Parking Spaces.** Parking lots designed for fewer than ten (10) parking spaces shall provide such landscaping as may be required under Section 6.3 of this Bylaw pertaining to enclosure, screening and buffering requirements.

6.1.17 **Parking Areas for Ten or More Parking Spaces.** The following requirements shall apply to all new parking areas containing ten (10) or more parking spaces, and to existing parking areas containing ten (10) or more parking spaces which are being subjected to Section 7.3 of this Bylaw pertaining to Environmental Impact and Design Review. Any additional requirements set forth in Section 6.3 of this Bylaw pertaining to enclosure, screening and buffering requirements shall also apply.

6.1.17.1 **Site Plan Requirements.** All parking areas applicable to this section shall be shown on a site plan which shall be prepared by a professional engineer or landscape architect and shall show the following:

6.1.17.1.1 Boundaries of the new or expanded parking area and all parking spaces, bicycle parking, loading areas, access and egress areas;

6.1.17.1.2 Existing topography, including any proposed grading changes;

6.1.17.1.3 Proposed storm drainage system and calculations of storm drainage runoff to demonstrate compliance with the stormwater management standards as adopted and amended from time to time by the Massachusetts Department of Environmental Protection;

6.1.17.1.4 Utilities, signage, outdoor storage and trash/recycling disposal areas;

6.1.17.1.5 Existing and proposed planting, landscaping and screening; and

6.1.17.1.6 Exterior lighting.

6.1.17.2 **Landscaping Design Requirements.** All parking areas applicable to this Section shall conform to the following design requirements:

6.1.17.2.1 **Landscape Percentage.** Parking areas shall be landscaped and screened from all adjacent properties. Such landscaping shall comprise of a minimum of five percent (5%) of the total parking area. Plantings shall consist of a minimum of one (1) tree and two (2) shrubs for every thirty (30) square feet of planting area. Deciduous trees shall be planted within said parking area in such a manner that, at maturity of said trees, at least fifteen percent (15%) of the paved surface area of the parking area would be shaded if the sun were to be directly overhead.

6.1.17.2.2 **Perimeter Planting Areas.** Parking lots shall be bordered on all sides, exclusive of driveways, with a minimum of a five (5) foot wide planting area within which shall be located and maintained appropriate landscaping of suitable type, density and height to appropriately screen the parking area from all adjacent properties and roadways. In all cases, plantings shall be located so as not to obstruct vehicle sight distances, entrances and exits.

6.1.17.2.3 **Interior Planting Areas.** A minimum of five percent (5%) of the interior area, exclusive of perimeter landscaping, of a parking lot containing more than twenty-five (25) parking spaces must be planted as landscaped island areas. The landscaped islands shall be so located that some portion of every parking space is not more than forty-five (45) feet from either a landscaped island or the perimeter planting area. Planting areas shall be at least five (5) feet in length and width, shall contain a minimum of thirty (30) square feet of unpaved soil area, and shall be so located as to provide visual relief and wind interruption within the parking area and to assure safe patterns of internal circulation. Curbing, at least five (5) inches in

height, shall surround each landscaped island as protection from vehicles.

6.1.17.2.4 **Landscape Materials.** All planted trees shall be of a species tolerant to the climatic conditions of Westwood and shall have a minimum caliper size of four (4) inches (measured four feet above grade level). Shrubs shall be a mix of deciduous and evergreen varieties, tolerant to the climatic conditions of Westwood, and be at least twenty-four (24) inches in height at time of planting. To the fullest practicable extent, existing trees and vegetation shall be preserved. Snow storage areas shall be planted with shrubs that are tolerant to weight and extended duration of snow cover. Planting shall be done in accordance with proper landscaping practices. Trees, shrubs, grass and ground cover which die or become diseased shall be replaced by the property owner within six (6) months of such death or disease.

6.1.17.2.5 **Waiver of Landscaping Requirements.** The Planning Board may waive or modify the requirements of Section 6.1.17 where in its judgment, for topographic or other reasons, these requirements could not reasonably be met.

Article 2: To see if the Town will vote to amend Section 7.3.3 [Exempt Uses] by deleting the words “For religious, educational or childcare facilities” from the beginning of the second sentence, so that Section 7.3.3 reads as follows:

7.3.3 **Exempt Uses.** Mandatory review of uses for which M.G.L. Chapter 40A, Section 3 provides certain exemptions from zoning restrictions shall be limited consistent with those statutory provisions, and on other matters shall be advisory only. The Planning Board in its review shall make determinations of compliance with requirements governing bulk and height of structures, yard sizes, lot area, setbacks, open space and parking and building coverage. Procedure for such uses shall be the same as for others, except that the Planning Board shall waive the requirement of any submittals which are unnecessary for the Planning Board’s regulatory determinations.

Article 3: To see if the Town will vote to amend Section 4.1.5.1 [Agricultural Use, Non-Exempt] to permit said use only by Planning Board Special Permit in all residential districts and to prohibit said use in non-residential districts.

Article 4: To see if the Town will vote to amend Section 4.1.5.2 [Farm Stand, Non-Exempt] to permit said use only by Planning Board Special Permit in all residential districts and to prohibit said use in non-residential districts.

Article 5: To see if the Town will vote to amend Section 6.1.4.5 [Agricultural Use, Exempt] by deleting the words “Not applicable” and replacing with the words “Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question”;

Article 6: To see if the Town will vote to amend Section 6.1.5.1 [Agricultural Use, Non-Exempt] by deleting the words “Not applicable” and replacing with the words “Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question”;

Article 7: To see if the Town will vote to amend Section 4.0 [Use Regulations] by inserting a new Section 4.2.1 [Agricultural Use, Non-Exempt and Farm Stand, Non-Exempt] that sets forth conditions for consideration by the Planning Board in its review of applications for special permits for Agricultural Use, Non-Exempt, and for Farm Stand, Non- Exempt, to read as follows:

4.2.1 **Agricultural Use, Non-Exempt and Farm Stand, Non-Exempt.** Special permits may be issued by the Planning Board as provided herein to allow certain non-exempt agricultural uses and non-exempt farm stands on parcels of less than five (5) acres in area in accordance with the minimum criteria set forth below.

4.2.1.1 **Criteria for Agricultural Use, Non-Exempt.** Agricultural Uses, Non-Exempt are subject to the following conditions:

4.2.1.1.1 Not more than two (2) persons other than the residents of the premises shall be regularly employed thereon in connection with such use;

4.2.1.1.2 Such use shall not produce noise, dust, odor or other effects observable at the lot lines in amounts exceeding those normal to residential property;

4.2.1.1.3 Minimum lot size for any agricultural use involving the keeping or breeding of animals shall be one (1) acre;

4.2.1.1.4 Adequate provision shall be made for the disposal of sewage, waste and drainage to be generated in connection with such use, in accordance with the requirements of the Board of Health and the requirements of the Conservation Commission, where applicable; and

4.2.1.1.5 A special permit issued pursuant to this Section shall automatically become null and void upon the expiration of one year if a substantial use thereof has not sooner commenced, except for good cause, and upon the expiration of ninety (90) days following the abandonment or discontinuation of such use.

4.2.1.2 **Criteria for Farm Stand, Non-Exempt.** Farm Stands, Non-Exempt are subject to the following conditions:

4.2.1.2.1 Not more than two (2) persons other than the residents of the premises shall be regularly employed thereon in connection with such use;

4.2.1.2.2 Such use shall not produce noise, dust, odor or other effects observable at the lot lines in amounts exceeding those normal to residential property;

4.2.1.2.3 Adequate provision shall be made for the disposal of sewage, waste and drainage to be generated in connection with such use, in accordance with the

requirements of the Board of Health and the requirements of the Conservation Commission, where applicable;

4.2.1.2.4 All structures, however temporary, shall be constructed in accordance with the dimensional requirements applicable to the districts within which the premises are located;

4.2.1.2.5 No farm stand shall be permitted on any lot which has less than the minimum required street frontage on an accepted public street; and

4.2.1.2.6 A special permit issued pursuant to this Section shall automatically become null and void upon the expiration of one year if a substantial use thereof has not sooner commenced, except for good cause, and upon the expiration of ninety (90) days following the abandonment or discontinuation of such use.

4.2.1.3 **Findings.** No special permit for Agricultural Use, Non-Exempt or for Farm Stand. Non-Exempt, shall be granted unless the Planning Board finds that operations conducted under such special permit, subject to the conditions imposed thereby, will not be contrary to the best interest of the Town. For this purpose, an operation shall be considered contrary to the best interests of the Town which:

4.2.1.3.1 will be injurious or dangerous to the public health or safety;

4.2.1.3.2 will produce noise, dust, odor or other effects observable at the lot lines in amounts exceeding those normal to residential property;

4.2.1.3.3 will result in traffic on ways giving access to the subject land which will cause excessive congestion, undue injury to roadway surfaces or other hazards; and

4.2.1.3.4 will have a material adverse effect on the health or safety or persons living in the neighborhood or making use of adjacent land.

4.2.1.4 **Conditions.** In granting a special permit hereunder, the Planning Board may impose reasonable conditions specifically designed to safeguard the neighborhood and the Town, which may include conditions as to:

4.2.1.4.1 proximity to street and lot lines;

4.2.1.4.2 type and location of structures;

4.2.1.4.3 drainage and erosion control;

4.2.1.4.4 provision of utilities;

4.2.1.4.5 parking and circulation;

4.2.1.4.6 landscaping and screening of property;

4.2.1.4.7 lighting; and

4.2.1.4.8 hours of operation.

Article 8: To see if the Town will vote to amend Section 6.1.4.2 [Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation] to allow for varying off-street parking requirements based on type of educational facility, by adding “:” at the end of the title, and by deleting the words “One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, plus one (1) space per employee”, and by adding the following subsections:

6.1.4.2.1 Preschool, kindergarten, elementary school, middle school or junior high school	One (1) space per employee
6.1.4.2.2 Senior high school or vocational school	One (1) space per each six (6) students, plus one (1) space per employee
6.1.4.2.3 College, university or trade school	One (1) space per each four (4) students, plus one (1) space per employee
6.1.4.2.4 Public assembly area accessory to educational facility	Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question

Ms. Loughnane asked that members review these proposed zoning amendments and advise as to which, if any, they wished to pursue at this time. Ch. Olanoff stated that he absolutely wished to pursue changes to the Parking Lot Screening and Landscape Requirements. Mr. Montgomery stated that he would also like to see changes here, but would like to see something more along the lines of the Town of Mansfield’s requirements. Ms. Loughnane stated that she would provide a copy of Mansfield’s requirements for review by the board at it’s next meeting.

Mr. Malster said that he did not think the board would be ready to address any of the proposed amendments pertaining to agricultural uses until the appeals of the Sandy valley Road decisions were complete. Other board members agreed.

Mr. Garber distributed the following chart to board members for discussion of possible zoning amendments to be developed for consideration at the next Annual Town Meeting.

KEY ZONING INITIATIVES		
MRD Exclusion: OSRD, Flex. Development	Nov.09—Feb.10	Glenn
Sr. Housing Amendments	Nov.09—Feb.10	Glenn, Nora
Fast food ?? [w/EDAB & PB]	Nov.09—Jan.10	Nora [All of these = carryovers from last town meeting.]
Park Lot Landscaping		
Agric. & Educ. Use Parking		
Non-exempt Agric. Use, SP criteria		
Wireless Commun. Facil.'s Rezoning	Nov.09—Feb.10	Glenn
Other	??	
LONG-RANGE & COMPREH. PLANNING		
Toward a New Master Plan—Existing ComPlan Assessment & Analysis (with Plan Bd.)	Oct.09—Mar.10	Glenn
<i>[University Ave. Economic Development Initiative/Study (non-WWS)—PB & EDAB]</i>	<i>[Nov.09—May09]</i>	
ZONING & OTHER REGULATORY ADVISORY (responding to customer inquiries & in consult. w/legal counsel)		
Major issues, such as Library zoning, MRD, etc.	Ongoing	Glenn/Nora
Routine Inquiries, Bd. positions	Ongoing	Nora, occasionally Glenn

Mr. Garber asked that board members review this handout and get back to him with any questions or concerns.

Next Meeting Dates:

The board scheduled meetings for the remainder of September through November. The dates are as follows: September 22, 2009, October 13, 2009, October 27, 2009, November 10, 2009 and November 24, 2009. The board expressed its intention to meet on the second and fourth Tuesdays of the month, whenever feasible.

The meeting adjourned at approximately 10:10 PM