

Town of Westwood Planning Board
Meeting Minutes
Location: 50 Carby Street
December 9, 2008
7:00 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; Erika Alders, Esq.; Ropes & Gray.

Chairman Malster opened the meeting at approximately 7:05 p.m.

Potential Zoning Amendments for Inclusion in 2009 Town Meeting Warrant

Ms. Loughnane provided the Board with potential zoning amendments for inclusion in the 2009 Town Meeting warrant. The following were discussed:

Use Chart:

Non-exempt Agricultural Use (Section 4.1.5.1)

Ms. Loughnane told the board that state law exempts agricultural uses on lots of 5 acres more, but that agricultural uses are currently permitted in all Westwood zoning districts, regardless of lot size. She asked if the Board wished to propose the prohibition of agricultural uses on lots of less than 5 acres, or require ZBA permitting of such uses. The Board discussed the matter and it was determined that more research was necessary.

Wind Turbines

Ms. Loughnane stated that the Building Inspector had received a couple of inquiries from property owners wishing to install wind turbines. She said that current height restrictions prohibit wind turbines in most residential districts. Ms. Loughnane asked if the Planning Board wished to add "Wind Turbines" to the use chart as a permitted or prohibited use in the various zones, or as a use requiring a permit from the ZBA. The Board discussed the matter and it was determined that a survey of surrounding towns should be made to see how others are treating wind turbines.

Definitions:

Agricultural Use, Exempt

The Planning Board received a request from Mary Ann Grew Soltys, of 461 Sandy Valley Road, to define "Agriculture". Section 2.12 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.

Ms. Loughnane asked if the Planning Board wished to propose a definition for "Agricultural Use, Exempt" as set forth below:

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

The Board briefly discussed the importance of consistency in the Westwood Zoning Bylaws and the Massachusetts General Laws. It was determined that the proposed definition should be considered.

Fast Food Establishment

Ms. Loughnane stated that the Economic development Advisory Board (EDAB) formed a committee last summer to recommend a new definition for "Fast Food Establishment". She said that no recommendation had been received from that committee to date. Mr. Malster stated that he had served on that committee, which met a couple of times near the end of the summer. Ms. Loughnane asked if the Planning Board wished to propose a new definition for "Fast Food Establishment". Mr. Olanoff said that he would like to hear from the EDAB committee. Ms. Loughnane agreed to contact Chris McKeown for an update and get back to the board.

Lot Width

Section 2.81 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 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.

Ms. Loughnane explained that, currently, 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. She told the board that the Building Inspector has recommended a new definition for Lot Width to specifically exclude non-principal structures. Ms. Loughnane asked if the Planning Board wished to propose a new definition for "Lot Width". The Board discussed the matter and recommended that Ms. Loughnane return to the board with a definition that would better meet the town's needs.

Wind Turbine

The zoning bylaw does not currently contain a definition for "Wind Turbine". Ms. Loughnane recommended that the Planning Board propose a new definition for "Wind Turbine" if the board decides to proceed with the new use category discussed above. It was determined that a definition for wind turbine should be proposed.

General Sections:

Major Residential Development (MRD)

Ms. Loughnane reminded the board that a recent land court decision involving the Planning Board's denial of the proposed Morgan Farm Major Residential Development, Section 8.5 of the Zoning Bylaw was found to be in conflict with the Massachusetts Subdivision Control Law, M.G.L. Chapter 41, Sections 81K-81GG, and with the uniformity provisions of the Massachusetts Zoning Enabling Act, M.G.L. Chapter 40A, Section 4. She asked if the Planning Board wished to propose

amendments to Section 8.5 in an attempt to address these apparent conflicts. The Board discussed the matter and recommended that Ms. Loughnane speak with both Phil Herr and Glenn Garber to obtain their opinions on the matter.

Senior Residential Development (SRD)

Ms. Loughnane said that an article proposing a minimum 5-acre lot size for land developed under Section 8.6 was voted for indefinite postponement at the 2008 Town Meeting. She noted that it was suggested at that time that the Planning Board might undertake a review of this section before proposing an alternative minimum lot size. Ms. Loughnane asked if the Planning Board wished to propose any amendments to Section 8.6. The Board discussed the matter and it was determined that more research was necessary, and that this matter should be considered for a future town meeting.

Mixed Use Overlay District (MUOD)

Ms. Loughnane noted that Section 9.6 governing the Mixed Use Overlay District had been utilized in the design and development of Westwood Station. She said that certain provisions of this section may have been found to be more cumbersome than originally anticipated. Ms. Loughnane asked if the Planning Board wished to propose any amendments to Section 9.6. The Board discussed the matter and recommended that Ms. Loughnane ask Glenn Garber if he might have any input on the matter.

Tree Removal

Ms. Loughnane stated that the removal of mature street trees is currently governed under the Town's Wetlands Protection Bylaw (Article 18) and under the Planning Board's Rules and Regulations for Scenic Roads. However, in those sections of town where these bylaws do not apply, there is no regulation of street tree removal. She asked if the Planning Board wished to propose a new section of the zoning bylaw governing the removal of mature street trees similar to Section 7.1 governing Earth Material Movement. The Board discussed the matter and it was determined that more research was necessary.

Zoning Map:

Ms. Loughnane asked if the Planning Board wished to propose any amendments to the Zoning Map? The Board discussed the matter and it was determined that more research was necessary.

Chairman Malster opened the Westwood Station portion of the meeting at approximately 7:30 p.m.

Continuation of Planning Board Public Hearing: EIDR for Phase 1B of the Westwood Station Area Master Plan

Continuation of Planning Board Public Hearing: Amendment #1 to the Definitive Subdivision for Westwood Station

[A verbatim transcript of these public hearings, Tuesday, December 10, 2008, 7:30 p.m. at 50 Carby Street, Champagne Meeting Room, Westwood, MA 02090, Robert C. Malster, Chairman; Steven H. Olanoff, Vice Chairman; Robert E. Moore, Jr., Secretary; Bruce H. Montgomery, Member; Henry W. Gale, Member; Nora Loughnane, Town Planner; John

Bertorelli, Town Engineer, Glenn Garber, Westwood Station Planning Manager; Peter Alpert, Esq.; Ropes & Gray. Pages 1-97, transcribed by G&M Court Reporters, Ltd., 42 Chauncy Street, Suite 1A, Boston, MA 02111-2211 will serve as the official minutes. A copy of this transcript is in the Westwood Station file.]