

**Town of Westwood Planning Board  
Meeting Minutes  
Town Hall, 580 High Street  
Selectmen's Meeting Room  
March 21, 2007  
7:30 PM**

**Board Members Present:** Steven Olanoff, Bob Moore, Rob Malster, Bruce Montgomery

**Board Members Absent:** George Nedder

**Staff Members Present:** Diane Beecham, Town Planner

**In Attendance:** Dan Bailey & Gareth Orsmond, Rackemann, Sawyer & Brewster and Special Council to Selectmen; Peter Alpert, Ropes & Gray and Special Council to Planning Board

**Public Hearing on Proposed Amendments to Zoning Bylaw**

Mr. Malster opened the public hearing and on a motion by Bob Moore and seconded by Bruce Montgomery, the four members in attendance voted unanimously to waive the reading of the legal notice.

Mr. Orsmond began with an overview of the process and intent of each of the proposed zoning amendment warrant articles, which are all being sponsored by the Board of Selectmen.

Mr. Malster stated that he would like to go through each article in detail in order to allow Board members to share comments and concerns.

Mr. Olanoff asked if the Board approves the Westwood Station special permit after Town Meeting, when would these zoning amendments apply? Mr. Orsmond responded that the changes would be in effect at the time they are approved by Town Meeting.

Mr. Malster stated that he has one substantive concern about an article and that is the inclusion of a Medical Center or Clinic as a used allowed in the MUOD. His other requested changes to other articles are technical in nature.

Mr. Olanoff requested more information on the definition of a Medical Center as there is no medical center presently proposed in Westwood Station.

Mr. Alpert, Special Council to Planning Board, commented that current zoning allows for doctor's offices b right in the underlying zoning district.

Mr. Moore asked if the Westwood Station developer's are contemplating tax exempt medical centers or hospitals. He has some concerns about tax-exempt uses in Westwood Station.

**ARTICLE 4**

To see if the Town will vote to amend the Westwood Zoning Bylaw Section 9.6 (Mixed Use Overlay District) to permit certain uses, solely within the area subject to the Area Master Plan, more specifically as follows, or take any other action in relation thereto:

(A) To see if the Town will vote to amend the Westwood Zoning Bylaw Section 9.6.9.2 to insert a new Section 9.6.9.2.5:

- 9.6.9.2.5 Within the MUOD, the phrase "on-site" as used in Section 9.3, Water Resource Protection Overlay District (WRPOD), shall refer to land in lots subject to an MUOD Area Master Plan Special Permit, so that the requirements for the recharge of storm drainage may be met across the aggregate of all land in lots within the Area Master Plan, but do not have to be met on each individual lot;

Mr. Malster stated that flexibility is the key to preventing the loss of discretion and so rather than just specify that it has to be approved by the Department of Environmental Protection, change the language to make it more general such as "constructed, approved and operated in accordance with all applicable federal, state, and local laws".

Mr. Montgomery asked if it possible for lots to be sold on an individual basis in the future. The response was yes, and that easements will have to be necessary. It is very common to have cross easements in these types of plans.

- (B) To see if the Town will vote to amend the Westwood Zoning Bylaw Section 9.6.5 to insert new Sections 9.6.5.7 through 9.6.5.11 as provided below, and renumber existing Section 9.6.5.8 to be Section 9.6.5.12:

- 9.6.5.7 Privately-Operated Cogeneration Plant, provided that, for purposes of this Section (1) a "Cogeneration Plant" shall mean a power-producing plant that, while producing electricity, uses its waste energy to produce heat, however transported (e.g., via gas, steam, hot water, forced hot air, or other media), and/or cold, such as may be generated when byproduct heat is used in absorption chillers for cooling; and (2) to the extent that the Cogeneration Plant provides services through erection, construction, alteration or maintenance of gas, electrical, steam or water transmission or distribution systems and collection supply or disposal systems, whether underground or overhead, such services need not be provided by a public service corporation or governmental agency, notwithstanding the definition of "Essential Services" in Section 2.43 of this Bylaw;

Mr. Malster stated that in a three hour meeting with Mr. Orsmond and the Town Planner, there were changes to the draft language that were requested. In the first draft, the developer has requested that a change in the definition of "Essential Services" be made to allow for a privately operated co-generation plant in the MUOD. Mr. Malster and Ms. Beecham responded that if a co-generation plant is what is requested, then the language should reflect just that use; there is not a need to allow for all Essential Services to be included, which is too broad. Thus, this second draft includes just language about a co-generation plant.

Mr. Olanoff stated that the definition of co-generation is too complicated and unnecessary and requested that the language "chemical or physical reactions" be removed.

Additional suggested changes include remove the language "privately operated" and use the general Section 2.0 to refer to the Definitions section.

- 9.6.5.8 Shuttle Service System, which shall mean the operation of buses or similar motor vehicles designed for the transport of groups of people, together with the following facilities: a covered garage for parking shuttle vehicles, shelters at shuttle stops, and maintenance facilities, provided that, if a maintenance facility is located within the Water Resource Protection Overlay District, only those maintenance or repair services shall be allowed as are reviewed and approved by the Planning Board in an Area Master Plan Special Permit and conditioned in a manner that serves the purposes of the Water Resource Protection Overlay District, and provided further that in no event shall maintenance and repair services in the Water Resource Protection Overlay District include the changing of motor oil, the use or storage of other petroleum products, or the refueling of vehicles, regardless of whether the fuel is gasoline, a different petroleum product, or an alternative product capable of releasing energy or power by combustion or other chemical or physical reactions in order to power vehicles;

[The Board discussed this language at length to ensure that it expressly state that uses associated with the repair and refueling of shuttle buses will be prohibited in the Water Resource Protection Overlay District. Changes in wording were suggested to remove "or storage of other petroleum products, or the refueling of vehicles, regardless of whether the fuel is gasoline, a different petroleum product, or an alternative product capable of releasing energy or power by combustion or other chemical or physical reactions in order to power vehicles" and instead use "storage, or refueling of vehicles with oil or hazardous material as defined in M.G.L. c.21E".]

- 9.6.5.9 In Retail Sales and Services establishments of 15,000 square feet or more only, the installation in customer-owned or operated vehicles of products purchased at such retail establishments, such as sound systems or other media systems, provided that (1) the installation is performed in a covered garage or covered bay constructed specifically for that purpose; and (2) does not include the changing of motor oil, the use or storage of other petroleum products, or the refueling of vehicles, regardless of whether the fuel is gasoline, a different petroleum product, or an alternative product capable of releasing energy or power by combustion or other chemical or physical reaction in order to power vehicles. For purposes of this Section, such installation shall not be considered Motor Vehicle Light Service as defined in Section 2.89 of this Bylaw and prohibited within the MUOD by Section 9.6.6.1 of this Bylaw, and the fuel in such customer vehicles shall not be considered the storage of liquid petroleum products;

[The Board discussed that the language of "the installation of products purchased at such retail establishments" was too broad. Instead, the Board suggested that rather than the word "products", use "electronic accessories". Other suggested wording changes include: 1) use "designed and utilized", instead of "constructed"; 2) delete the language "does not include the changing of motor oil, the use or storage of other petroleum products, or the refueling of vehicles, regardless of whether the fuel is gasoline, a different petroleum product, or an alternative product capable of releasing energy or power by combustion or other chemical or physical reaction in order to power vehicles"; 3) refer only to the

Definitions Section as Section 2.0; and 4) reword the last phrase of the sentence as follows: "and the fuel in the fuel tanks of such customer vehicles shall not be considered the storage of liquid petroleum products or oil or hazardous material".]

9.6.5.10 Medical Center or Clinic, which may include wellness classes as a permissible accessory use;

Mr. Malster stated that members of the Board have expressed various concerns about this article. There is some concern about the broadness of the definition of Medical Center or Clinic that is now in the Bylaw; it can encompass a facility that is the size of a hospital but does not include overnight stays. Also, there are questions regarding how the town would deal with a tax-exempt use in Westwood Station.

Mr. Malster wanted to know why this use is being proposed as a zoning amendment when it is now being shown on the submitted master plan application that is now before the Planning Board.

Mr. Olanoff stated that the wording "which may include wellness classes as a permissible accessory use" should be delete as unnecessary.

9.6.5.11 Restaurant with Entertainment, provided that (1) the Restaurant with Entertainment is part of an Area Master Plan that includes at least 500,000 square feet of Retail Sales and Services uses in the aggregate; (2) the Entertainment is subordinate and incidental to the Restaurant use; and (3) the Entertainment takes place while the Restaurant is offering meal service. For purposes of this Section, Entertainment shall be defined within the MUOD as the provision of live, recorded, or interactive music, comedy, vocals, drama or media or other entertainment licensed by the Town but shall not include Adult Use;

The Planning Board suggested that under (2), the wording "at all times" be inserted to read that entertainment be at all times subordinate and incidental to the restaurant use.

(C) **DELETED.**

(D) To see if the Town will vote to amend the Westwood Zoning Bylaw Section 9.6.6 to add new Sections 9.6.6.3 as follows:

9.6.6.3 Notwithstanding the definition of "Motel or Hotel" set forth in Section 2.86 of this Bylaw, in an MUOD Area Master Plan Special Permit, the Planning Board may allow a Motel or Hotel with units containing independent cooking facilities that permits guests to stay for up to seven (7) continuous months in such units, provided that no guest may reoccupy a unit in the Motel or Hotel within thirty (30) days of a continuous seven (7) month stay and no occupant may claim residency at such Motel or Hotel.

Mr. Malster stated that some Planning Board members are concerned about this article. The developer has not provided sufficient information on why the provision in the definition that restricts occupancy from the current four month period needs to be expanded to seven months. Some residents have also expressed concern about the possibility of people living

in these so-called extended stay hotels that have children who would attend Westwood public schools. There may be valid reasons on why the developers need to extend the restriction, but they need to provide the reasons that the change is needed.

Diane Beecham stated that if these changes are to be made, then the actual wording needs to be consistent with the language currently in the Bylaw. The language recommended is as follows: Notwithstanding the definition of "Motel or Hotel" set forth in Section 2.0 of this Bylaw, in an MUOD Area Master Plan Special Permit, the Planning Board may allow a Motel or Hotel that has units with independent cooking facilities, provided that such unit shall not be occupied by any guest for more than seven (7) continuous months, nor may the guest reoccupy any unit within thirty (30) days of a continuous seven (7) month stay, and no occupant may claim residency at such location.

(E) To see if the Town will vote to amend the Westwood Zoning Bylaw Section 9.6.9 by inserting a new Section 9.6.9.1.6 that reads as follows:

9.6.9.1.6 In an MUOD Area Master Plan Special Permit, the Planning Board may approve, in lieu of the requirements of Section 6.1.17, such reduced landscaping requirements as the Planning Board determines are appropriate in light of the type of parking facility and the parking or loading area location and relationship to nearby buildings, which landscaping may be shown on plans included in an Area Master Plan Special Permit but, in all events, must be reviewed and approved pursuant to Environmental Impact and Design Review under Section 7.3.

Steve Olanoff stated that the word "reduced" needs to be deleted.

(F) To see if the Town will vote to amend the Westwood Zoning Bylaw by adding the following at the end of Section 9.6.5.8 (which pursuant to this Article is re-numbered as Section 9.6.5.12):

..., irrespective of whether such uses are located on the same lot as the principal uses, provided that the principal use to which each such use is accessory must be clearly identified, and provided further that any use or building that is accessory to multiple principal uses must be reviewed and approved by the Planning Board in an Area Master Plan Special Permit to ensure that it satisfies the applicable criteria for approval of an Area Master Plan pursuant to Section 9.6.12 of this Bylaw. Such accessory uses may include but are not limited to accessory mailing, shipping and storage facilities.

[The Planning Board recommended that the word "multiple" as it relates to principal uses be deleted and also delete the wording "to ensure that it satisfies the applicable criteria for approval of an Area Master Plan pursuant to Section 9.6.12 of this bylaw. Such accessory uses may include but are not limited to accessory mailing, shipping and storage facilities."]

(G) To see if the Town will vote to amend the Westwood Zoning Bylaw Section 9.6.9.2 by inserting a new Section 9.6.9.2.6 that reads as follows, or take any action in relation thereto:

9.6.9.2.6 For purposes of Section 9.3.7.6, with respect to the land in lots subject to an MUOD Area Master Plan Special Permit, uses requiring wastewater

disposal may be connected to a private wastewater treatment facility, if approved by the Department of Environmental Protection pursuant to 314 CMR 5.00, regardless of the availability of a connection to a public sewerage system.

[The Planning Board suggested that the language "approved by the Department of Environmental Protection pursuant to 314 CMR 5.00, regardless of the availability of a connection to a public sewerage system" be deleted and instead replaced with the more flexible language "constructed, approved, and operated in accordance with all applicable federal, state, and local laws."]

[Article 4(G), as appearing in prior drafts, has been **DELETED**. This amendment would have given the Planning Board authority to approve signage in the MUOD that does not comply with the current signage regulations set forth at Section 6.2 of the Bylaw.]

Chairman Malster opened up the public hearing to the public.

Pam Peckinpaugh of Whitewood Road asked a question if the definition of a medical center or clinic, which may include wellness classes as a permissible accessory use could include a health club. The Dedham Health and Racquet Club is very large and creates a lot of traffic problems in that area, and it seems to keep expanding. Also, how would the Town regulate the possible placement of Department of Social Services families in the extended stay hotel? Ms. Peckinpaugh indicated that she has worked in school systems that have DSS students that live in extended stay hotels.

Kevin Becker of High Street also stated that, in his professional career, he has also witnessed situations in which families have lived in extended stay hotels.

Joseph Toffoloni of Mill Street had concerns about how long a truck with extra fuel tanks may be parked in a parking garage.

Ed Germano of Whitewood Road asked about the number of shuttle buses, whether or not they would be privately owned or owned by the developer, and where the buses would be repaired. Ms. Nancy Kolb responded four vehicles are proposed that would use alternative fuels and maintenance would be off-site.

Mr. Germano asked how the restrictions on the occupancy limitation on the extended stay hotel would be monitored and enforced. He also asked if there would be any box stores in the development. A comment was made that there would essentially be no regular monitoring of the hotel; instead, the Town would respond to a complaint that there is not compliance with the occupancy restriction. There will also be big box stores in the development; one of the box stores identified was Target.

Kevin Becker had questions about the shuttle and whether or not it should be a private shuttle bus system. He had concerns about the possibility of a medical facility and the biohazards associated with it. There was some additional discussion on the definition of "meal service" and what actually constitutes a meal and the time constraints on restaurant closing times.

On a motion by Bob Moore, and seconded by Bruce Montgomery, the Planning Board voted unanimously to close the public hearing.

The meeting was adjourned at 10:15pm.