

**Town of Westwood Planning Board
Meeting Minutes
50 Carby Street
March 26, 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; John Bertorelli, Town Engineer

Discussion of Shoe String Lane Bond/Recommendation for Acceptance at Town Meeting

[The developer of Shoe String Lane, which is part of the Powissett Estates subdivision, has again submitted a petition article to have this roadway accepted by Town Meeting.]

Mr. Bertorelli explained that as street commissioners, the Board of Selectmen is considering their recommendation to Town Meeting regarding the acceptance of Shoe String Lane. Mr. Bertorelli stated that the Board of Selectmen is hesitant to recommend the acceptance of the road because of the number of lots on the roadway that are still undeveloped; they are concerned that the once the lots get constructed in the future, the road could become damaged in the process. Mr. Bertorelli indicated that in his view, it would be unfair to the developer not to accept the roadway for solely this reason; it may be years before those lots are developed. The town does a better job of maintaining roads and these costs will only increase with time.

At this time there is \$8,700 left in bond money belonging to Ms. Patty Stivaletta and she has requested that the funds be returned since the roadway is completed to the specifications of the subdivision approval. Mr. Bertorelli stated that his previous punch list of major items has been addressed. At this point there is some minor work to be done to a grass strip that is a bit weedy, a crack that needs to be fixed as well as a final cleaning of the catch basins. The globe on the street light has also been fixed.

He suggested that the bond be released and that the Planning Board recommend to the Selectmen that the roadway be accepted by Town Meeting.

On a motion by Mr. Moore and seconded by Mr. Montgomery, the four members of the Board voted unanimously to make the following recommendation to the Board of Selectmen:

At a duly authorized meeting on March 26, 2007, the four Planning Board members in attendance unanimously voted to recommend that Shoestring Lane be **accepted** by the 2007 Town Meeting. The Board

has determined that this roadway has been substantially constructed in accordance with the approved subdivision plan and its previous minor construction deficiencies, which were identified as part of a prior Town Meeting acceptance review, have been corrected. Also, it has been determined that the only other roadway in this subdivision (Little Boot Lane), was soundly constructed and has remained in very good condition since it was accepted by the 2005 Town Meeting, and so it is a reasonable expectation that Shoestring Lane will likewise remain in good condition. Further, although there are still two remaining unbuilt lots on this roadway, the Board believes that there may be a very substantial lag time for these to be built given the current housing market, and this indefinite wait would be an unfair burden for the roadway's current residents.

Discussion and Vote on Zoning Amendment Articles

ARTICLE 4

Section 9.6.9.2.5: ["on-site" as it relates to the WRPOD stormwater provisions in the MUOD should be applicable across the aggregate of the MUOD and not across each individual lot]

Mr. Montgomery asked if it possible for lots to be sold on an individual basis in the future and how would that impact stormwater drainage across the aggregate of the land? The response was yes, and that easements would be necessary; it is very common to have cross easements. The four Board members in attendance supported the article; George Nedder provided written comments that he also supported the article.

Section 9.6.5.7: [to allow for a privately-owned cogeneration plant in the MUOD]

Mr. Malster asked if the definition of "cogeneration plant" is being used to clarify specifically what is the "essential service". Mr. Olanoff stated the long and complex definition is not necessary and that the words "chemical or physical reactions" should be removed.

Changes were suggested to remove the term "privately operated" as well as a reference to a section number 2.43; all definitions should instead refer to the general Section 2.0 section [Definitions]. The four Board members in attendance supported the article; George Nedder provided written comments that opposed the article based on concerns about air quality and pollution effects.

Section 9.6.5.8: [allow for a shuttle bus system in the MUOD]
[The four members in attendance expressed support for a shuttle bus system; there was concern expressed about what ancillary repair and maintenance services could be done onsite]. 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 or by combustion or other chemical or physical reactions in order to power vehicles". It was suggested that "storage, or refueling of vehicles with oil or hazardous material as defined in M.G.L. c.21E" be added to the end of the section. The four Board members in attendance supported the article; George Nedder provided written comments that he opposed the article.

Section 9.6.5.9: [allow for the installation of radios, GPS systems and the like within large retail stores, such as a Best Buy]

Suggested changes include using the more specific "electronic accessories" instead of "products"; use "designed and utilized" instead of "constructed"; delete "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"; delete "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;" and replace with "For purposes of this Section, such installation shall not be considered Motor Vehicle Light Service as defined in Section 2.0 of this Bylaw, 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".

The four Board members in attendance supported the article; George Nedder provided written comments that he opposed the article.

Section 9.6.5.10: [allow for a medical center/clinic in the MUOD]

Mr. Olanoff suggested that the language "which may include wellness classes as a permissible accessory use" be deleted because it was unnecessary. Mr. Malster suggested that he is against the idea of medical clinics as an allowed use in the MUOD for a number of reasons, including the fact that many of these uses are non-profit and thus tax-exempt. Mr. Moore indicated that he shared the same views. Mr. Montgomery asked if a medical center/clinic could be rejected; the response was that if it was a teaching facility then it would be likely be an exempt use under Section 3 and thus allowed by right in any zoning district. Mr. Malster suggested that if the Board did support this use, then there should be some limitations placed on the use, including a maximum size. The article should also address any traffic and parking issues associated with the use. The four Board members in attendance opposed the article; George Nedder provided written comments that he opposed the article.

Section 9.6.5.11: [allow restaurant with entertainment in the MUOD]

It was suggested that "entertainment is subordinate and incidental" be clarified to include "at all times" at the end. The four Board members in attendance supported the article; George Nedder provided written comments that he opposed the article.

Section 9.6.6.3: [allow for extended stay hotels in the MUOD]

[The Board discussed at length about this article including whether the article was really needed; how it was going to be enforced; and the appropriate time limitation. The Board finally decided that there was not sufficient information provided to them in order to persuade them to support this article]. The four Board members in attendance opposed the article; George Nedder provided written comments that he opposed the article.

Section 9.6.9.1.6: [allow for more flexible landscaping requirements in the MUOD]

The word "reduced" was requested to be removed. The four Board members in attendance supported the article; George Nedder provided written comments that he supported the article.

Section 9.6.5.8: [Allow for accessory uses to serve principal uses that are not on the same lot in the MUOD]

The Board suggested that the current draft wording of ", 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 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" be deleted and instead replaced with ", 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 principal uses must be reviewed and approved by the Planning Board in an Area Master Plan Special Permit."

The four Board members in attendance supported the article; George Nedder provided written comments that he supported the article.

Section 9.6.9.2.6: [allow for a private wastewater treatment facility in the MUOD]

The Board suggested that the following phrase be deleted "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" and replaced with "constructed, approved, and operated in accordance with all applicable federal, state, and local laws." The four Board members in attendance supported the article; George Nedder provided written comments that he supported the article.

The meeting was adjourned at 10:00pm.