

**Town of Westwood Planning Board
Meeting Minutes
50 Carby Street
June 15, 2007
7:00 PM**

Board Members Present: Rob Malster, Steven Olanoff, and George Nedder

Board Members Absent: Bob Moore, Bruce Montgomery

Staff Members Present: Diane Beecham, Town Planner; Peter Alpert, Esq.;
Special Counsel to Planning Board

Public Hearing: Petition Zoning Amendment Articles for Special Town Meeting.

Petitioner: John Harding, 148 Forbes Road

Chairman Malster opened the public hearing by reading the legal notice. Letters from the Economic Development Advisory Board and the Housing Partnership were entered into the record.

Peter Alpert, Esq. stated that it is difficult to discuss these zoning amendment articles without discussing the Westwood Station Area Master Plan special permit application which is now before the Planning Board. Legally the merits of Westwood Station cannot be discussed as this meeting since this is not a duly noticed Westwood Station public hearing, but a Zoning Amendment public hearing.

Chairman Malster stated that the zoning amendments will affect the Mixed Use Overlay District (MUOD) and will impact the land outside of what is currently before the Board as part of the Westwood Station application.

Mr. John Harding of 148 Forbes Road stated he can not divorce these petition zoning amendments from Westwood Station and that formal Town boards and commissions have also not divorced the two. He cited as examples the letter from the Economic Development Advisory Board to all residents urging that Town Meeting reject the zoning amendments and also an e-mail from the school superintendent to all parents urging the same.

Mr. Harding stated that in 2005 when the MUOD was created, the discussion was abstract and no one was put on a notice that a 4.5 million square foot project would be the product of the this zoning.

Mr. Harding is concerned about a lack of detail in the application about the specifics about the project. The fact that a big box retailer is part of the project was not disclosed as part of the original discussion about MUOD zoning.

Article 1

To see if the Town will vote to restrict the height of a hotel in the Mixed Use Overlay District to a maximum of 70 feet and six stories and to restrict the height of all other buildings and structures in the MUOD to 50 feet and a maximum of four stories.

Mr. Harding thinks that there is no legitimate reason for a ten-floor hotel. He stated that he had a discussion with CC&F and it was said that a hotel is not an integral part of the financial package and so they were amenable to change it. He also indicated that there may be an amendment on Town Meeting floor to change the article to remove the five-story limitation on office buildings and just focus on the hotels.

Mr. Olanoff stated that just as he recommends to all residents who want to submit a petition article, they should first come to the Planning Board, irrespective of whether the Planning Board is supportive or not, to get assistance with the petition language so that it fits into the bylaw. There are problems with the language of all these articles.

Mr. Harding responded that he thinks this petition process has been insulting. There was a minimum amount of time to file the warrant articles because the Board of Selectmen posted the meeting for the absolute minimum time as required by statute. He has no problem with the Planning Board recommending proposed changes to the language that might be made on the floor of Town Meeting.

Mr. Nedder stated he does not find it insulting that people bring forward articles. He further stated that he appreciates that the petitioners did not have much time to review the bylaw language. He stated that he views the articles as they relate to the property within the Mixed Use Overlay District (MUOD) that is not a part of the Westwood Station project. He stated that this particular article has merit.

Mr. Harding stated it is very unusual for suburban hotels to have the height as now proposed in the Westwood Station project.

Mr. Germano stated that he finds it insulting that Mr. Olanoff regards these petition articles as "insulting". Mr. Olanoff responded that Planning Board members are volunteers who have spent years working on the MUOD, putting in a lot of deliberation and effort into drafting the Bylaw and he thinks that it works as it is now written.

Joyce Moss read a letter dated June 15, 2007 from the Economic Development Advisory Board as follows:

The Economic Development Advisory Board supports the Westwood Station project and the significant effort being put forth by all permitting authorities to ensure the project serves the interests of Westwood. Further, we applaud the Finance Commission's decision to recommend Indefinite Postponement on all the petitioner articles. The Finance Commission reached these decisions after listening to and

carefully considering the proponents' reasoning for the articles and countervailing testimony presented at the Commission's public hearing on June 4. The EDAB believes that the eight citizen petition warrant articles, if passed, will substantially undermine the economic goals of the Westwood Station project established by our community at past Annual Town Meetings.

One concern we have is that participation in this Special Town Meeting may not be as broad or as representative of the entire community as is typical of our annual spring town meetings. Irrespective of how any individual may feel about the project, the public decision-making process that spawned this project has been, up to this point, broad-based, inclusive and deliberative. It would be unfortunate both for the viability of the project and the integrity of the process if these articles are adopted, particularly if adoption is the consequence of a poorly attended town meeting.

The long and thoughtful public process that produced the Westwood Station project has been unfolding since early in 2005. There has been a multitude of community meetings organized to inform and to listen and steering committees organized to grapple with expressions of community concern and desires. All aspects of the project, from its zoning to its Tax Increment Financing (TIF), have been presented and resoundingly approved at all three of the past, well-attended, Annual Town Meetings.

Changes to our zoning, permitting processes and permit granting authorities have always been considered at annual town meetings after much deliberation and process. Changes such as these usually have far-reaching consequences, which need to be evaluated based on their benefits as compared to their burdens. By proposing these articles for a Special Town Meeting, this thorough process has been by-passed. The EDAB reviewed these articles at its June 5th meeting and have concluded that, if adopted, the result could place our economic redevelopment efforts in jeopardy.

The EDAB believes that this project fulfills its mission of bringing responsible economic development to Westwood. We believe it will stabilize our tax base for the foreseeable future, help relieve the increasingly heavy tax burden that is being levied on our residents, and preserve the services that provide for our children's education, for public safety throughout the Town and enhance our quality of life.

Mr. Azur, resident of Forbes Road asked why it is necessary to have a hotel when hotel occupancy in the area is only at about 63 percent and is expected to go as low as 33 percent? He questioned the need for such a tall hotel.

Chairman Malster stated that Mr. Azur's question would be more appropriately addressed at a Westwood Station public hearing. However, the Planning Board did review the height changes as part of the adoption of the MUOD zoning and they did go through a thorough review process. He further stated that during the MUOD zoning process in 2005, it was more of an abstract process. The discussion did not focus explicitly on a ten-story hotel; the focus of the discussion was instead on the maximum height of 120 feet.

Mr. Dan Bailey, Esq. [Special Counsel to the Board of Selectmen] stated that should this petition article pass, then the height of the MUOD overlay district would actually be more restrictive than the underlying industrial district, which is 70 feet and 5 stories.

Mr. Jaillet, Town Administrator, stated that the Board of Selectmen shares a similar view as that of the Economic Development Advisory Board. The Selectmen feel that the Planning Board has gone through a careful review and has conducted many hearings and sought professional advice about the height in the MUOD. Also, these heights were also in response to the Dedham-Westwood Water District's request for more height rather than a larger footprint.

Mr. Jaillet also stated that it is insulting for petitioners to insinuate that the Westwood Station project is the result of back-room deals and negotiations, as everything discussed about it has been discussed in duly noticed public meetings.

A resident of 586 Canton Street stated that specific notice to abutters about the 2005 MUOD zoning changes should have been given, as they were the most affected by this. A balloon test should also be conducted.

Howard Davis of CC&F stated that a retail leasing plan is on the NY leasing company's website but it has yet to be finalized. He did want to note however that there has been a change in the leasing that he can formally announce: the Home Depot will not be part of the project. Mr. Davis stated that the height of the hotels will be viewed as height limits and this is open for further discussion. He stated that he feels this is an appropriate discussion but should be reserved for a Westwood Station public hearing.

Mr. Olanoff stated that the fact that a limitation of height based solely on use does not occur anywhere in the bylaw the article.

Article 2

To see if the Town will vote to restrict the maximum size of a retail establishment in the MUOD to no more than 25,000 square feet.

Mr. Harding stated he is most concerned about the impact of a big box store, especially since the comprehensive off-site traffic mitigation plan is not in place. He stated he has done additional research and will make changes to the articles on

Town Meeting floor to reflect his new research. He stated he found that one 100,000 square foot big box store generates much more traffic than four 25,000 square foot stores.

Chairman Malster stated that if the traffic plans works, is there still a concern about the size of the individual retail stores?

Mr. Harding responded that it is still a concern about the character of the Town and that it was never the intent of the Town to allow for a big box concentration in Westwood Station. There is a flaw in the zoning by not having a limit on the maximum amount of retail. He wants to guarantee that there will be a mix of retail.

Mr. Olanoff stated the language in the petition article should have read "net floor area". Mr. Olanoff further stated that if the traffic does not work then the project can not be approved.

Mr. Bailey stated that these petition articles create a disincentive to use the MUOD zoning and an incentive to use the underlying industrial district zoning, which is counter-intuitive to what the Town wants to accomplish. Currently a million square foot UPS facility could be developed as an as of right subject to site plan review.

Mr. Howard Davis stated that traffic has been the subject of intense scrutiny and that the characteristics have been more difficult to pin point in zoning. Retail size does not always address the character of a project. The Home Depot has been reconsidered because they are looking for retail with a different character. The new retail store likely to come in to replace the Home Depot will be a desired type of tenant.

Mr. Germano feels that CC&F does not want the Town to know what retailers are coming into the project. The only reason that Home Depot is going away is because of the uprising by the neighbors. If the neighbors did not make such a fuss, then Home Depot would still be there. He further stated that the type of traffic and clientele is directly correlated with the size and type of retail. Home Depot brings in semi-trucks and that a similar-size department store would not bring in these types of deliveries.

Article 3

To see if the Town will vote to amend the MUOD Alternative Regulations section to require that for an MUOD application, the more restrictive height and retail restrictions apply.

Mr. Harding explained that the intent of this provision is to require that, to the extent that there are differences between the heights and retail between the MUOD and the underlying district, if applying for MUOD special permit then it is required to use the more restrictive MUOD restriction control.

Article 4

To see if the Town will vote to strict the number of MUOD housing units to a maximum of 500 units.

Mr. Harding is concerned that Westwood Station will increase the housing stock by 25% in one fell swoop and he is concerned about the impact on the school system. It was stated that they want the housing to be constructed in a phase approach and that if the 500 units does not have detrimental consequences, then there could be a subsequent amendment of the bylaw to allow for additional residential units.

Mrs. Alazar stated that this article would have the least financial impact to the developers and to the Town. If you want to tell the abutters that the Planning Board is listening to the residents, then supporting this article is the way to do this without negatively impacting the revenue expectations.

Mr. Germano stated that he thinks maybe the Town was too gluttonous in adopting the MUOD zoning and wonders how the Town ended up with a 150 acre project with 1000 housing units. He further stated that this type of project would never be allowed on Gay Street or Dover Road.

A Canton resident asked if the Town truly understands what the density is of 1000 units on less than 150 acres.

Mrs. Peckingpaugh stated that condos are often for first time homeowners. She has a concern that people will buy condos and put their special needs kids into the Westwood school system.

On a motion by Steve Olanoff and seconded by George Nedder, the members of the Planning Board in attendance voted to close the hearing.

The meeting was adjourned at 9:00 pm.