

**Westwood Planning Board Minutes**  
**Tuesday, December 10, 2019**  
**7:00 pm**  
**Champagne Meeting Room**  
**50 Carby Street, Westwood, MA 02090**

**Call to Order:**

The meeting was called to order by Chair Gorman at approximately 7:01pm. Chair Gorman announced that the meeting was video recorded by Westwood Media Center and explained the meeting procedures.

**Present:**

Planning Board members present: Brian D. Gorman, David L. Atkins, Jr., Christopher A. Pfaff, Deborah J. Conant and William F. Delay. Staff members present: Abigail McCabe, Town Planner, Nora Loughnane, Director of Economic Development and Jessica Cole who recorded the meeting minutes.

**215 High Street - Open Space Residential Development (OSRD) Special Permit Public Hearing -**The Application proposes to construct fifteen (15) age-restricted single-family residential dwellings at 215 High Street as part of an open space residential development, a portion of open space is on 258 Grove Street. The application includes a consolidated EIDR\* and EMM\* review. – This hearing was continued from 10/1/19 and 11/5/19. *APPLICANT HAS SUBMITTED A REQUEST TO WITHDRAW*

**Staff Comments:**

Ms. McCabe announced a change to the agenda, 215 High Street OSRD continued public hearing, the Applicant Michael Yanoff, has submitted a request to withdraw the application without prejudice. Ms. McCabe read a letter from the applicant to submit to the record at the request of the Applicant.

*"We are withdrawing because we have lost confidence in the Planning Board given their propensity to completely change direction from what had been indicated in the past. On March 20, 2018 we appeared in front of the Planning Board, which at that time included Mr. Atkins and Mr. Gorman. The resulting board decision gave us preliminary approval for 19 units and specifically expressed for offsite family affordable homes. Our next Planning Board meeting took place on October 1, 2019. At that meeting a number of issues regarding our application were clearly identified and discussed. The specific off-site family affordable units that we were now proposing and which were already approved by the Westwood Housing Partnership, were included in the Planning Board materials and not once raised as an issue. In fact, off-site affordable housing was discussed at length both in public and in private meetings with board members and the Town Planner on numerous occasions. Furthermore, we were encouraged to pursue family affordable units instead of age restricted affordable units and the only way to schedule the October meeting with the Planning Board was to have these affordable units identified by address, which meant they needed to be owned or controlled by us at the time of the meeting, which we did at great expense. By the time of the November 5<sup>th</sup> Planning Board meeting, we had committed over \$1,000,000 to purchase the two homes that had already been approved by the Housing Authority and reviewed by the Planning Board with no negative comments. At this meeting the Planning Board unanimously switched direction and requested that the affordable homes now suddenly be placed on-site, despite clear and definite direction from Sarah Bouchard, the Housing Agent, that she and her board wanted off-site family affordable homes and that our plan was better suited for the Town. The Board discussion that ensued pertaining to, in the future, adding rules that would notify neighboring homeowners that a home was being considered as an affordable unit was both shocking and discriminatory in our opinion. The notion of shining a spotlight on an affordable family before moving in to our town should have been immediately condemned and shut down by the Board. The fact that the board could so easily change direction after giving us guidance that led to the commitment of over \$1,000,000 in home purchases and completely ignore the request for off-site affordable homes from Sarah Bouchard, their expert, was clear indication that they are unwilling to do what is in the town's best interest and what ultimately would have made this project possible. This project would have brought a positive impact of almost \$300,000 a year to the town and would have provided greatly needed homes for longtime residents of Westwood, like me and my partners, that are looking to downsize and stay in the town. Moreover, the bylaws in place encourage the creation of communities like the ones we were permitting. Yet somehow, all that was lost on this Board. In the end,*

*we feel we were misguided and misled by the Planning Board and it is the resulting lack of confidence in the Planning Board that ultimately leads us to withdraw this project.”*

Board Comments & Discussion:

Mr. Pfaff was apologetic about what happened noting that he overacted to the people in the audience and many comments in opposition were based on fear and misinformation. Mr. Pfaff felt the Applicant's request to withdraw is a bit premature but understands why the Applicant would request to withdraw the application. The Applicant deserved clear guidance based on its own project merits. Mr. Pfaff acknowledged there were some issues that he and the Board could have together on with the Applicant. Mr. Pfaff apologized to the Applicant for the reaction at the last hearing which was over a month ago now.

Mr. Atkins responded that he wishes he had done more to adequately represent the Project's history and regrets the last hearings negative direction around affordable house housing. He is supportive of an off-site location for affordable housing and is supportive of family affordable housing. Mr. Atkins apologized to the Applicant.

Ms. Conant believes the affordability requirement was just one aspect of the project and the proposal was not in the spirit of the OSRD. Mr. Delay responded that there were too many waivers and objections by residents.

Mr. Delay said that he was surprised that the Applicant returned for a second hearing because of the concerns raised at the first hearing. Affordable housing was one but there were also too many waivers from the beginning. He believes no apology is needed and that the Board needs more time to make decisions.

Mr. Gorman noted that the letter from the Applicant was selective and said there were many challenges of the project including the many waivers requested, neighbor resistance, and project changes at the second hearing. He added that new information is collected throughout the public hearings and there were plan changes by the time of the second hearing and he respects the Applicant's request to withdraw.

Staff Comments:

Ms. McCabe reported that she was supportive of the proposed project and the two single-family homes to become affordable for two families and the one on site was an important aspect of the project that the Applicant has been working on with the board and staff since the preliminary review in 2018.

Public Comments: None

*Action Taken:*

Upon a motion made by Ms. Conant and seconded by Mr. Delay, the Planning Board voted 5-0 to accept the applicant's request to withdraw without prejudice the special permit and consolidated EIDR application submitted for 215 High Street by Mr. Yanoff.

Upon a motion made by Ms. Conant and seconded by Mr. Pfaff, the Planning Board voted 5-0 to close the public hearing for 215 High Street application.

Staff Comments:

Ms. McCabe confirmed that 215 High Street project has been withdrawn.

**85 Burgess Avenue – Earth Material Movement EIDR\* Public Hearing.**

Ms. McCabe reported another change to the agenda, 85 Burgess, the Applicant notified Ms. McCabe today, that they need to make more plan changes and request a continuance to January 7, 2020 at the library.

*Action Taken:*

Upon a Motion made by Ms. Conant and seconded by Mr. Pfaff, the Planning Board voted 5-0 to open and continue the public hearing to January 7, 2020 at 7 p.m. at the library in the community meeting room at 660 High Street.

*Action Taken:*

Upon a Motion made by Mr. Gorman and seconded by Ms. Conant, the Planning Board voted 5-0 to move the agenda, do the Zoning Articles after Comprehensive Plan Update.

**Comprehensive Plan Update** – The Comprehensive Plan Steering Committee members will present initial findings and draft recommendations for the Land Use and Housing Elements of the Comprehensive Plan update. The presentation will be followed by Planning Board and public discussion, questions, and comments.

Comprehensive Plan Steering Committee Members:

Chair of the Committee Jack Wiggin introduced himself and Linda Walsh as the Committee members working on the Land Use section and Chris Pfaff as the Planning Board liaison have worked together. Mr. Wiggin gave a background with draft goals and recommended action items related to land use which included 11 action items.

Board Comments:

The Board members had no questions or comments.

Public Comments:

The Chair asked for any public comments to which there were none.

Housing Element:

Presentation from Committee members Sheila Hanley-Longval and Barbara Shea and the Planning Board liaison is Bill Delay. Ms. Shea gave a quick rundown on housing in Westwood with highlights of major changes since the 2000 Comprehensive Plan. Ms. Hanley-Longval presented the draft goals & objectives for the Housing portion of the Comprehensive Plan with 10 implementing actions.

Board Comments:

Mr. Gorman was supportive of H1 and suggested this section be consistent with the sustainability section.

Mr. Atkins recommended there be a recommendation for a “welcome wagon” for new residents, emphasize transit oriented development and connect housing with transportation such as shuttles, transit lines, and future transit lines. Mr. Atkins also supports action #H6 as he agrees off-site affordable housing in the form of family housing is important and the specific location of proposals do not need to be discussed publically.

Ms. Conant inquired about the Affordable Housing Account (action H4) and suggested checking the language. She also recommended changing the “encourage” in H7 to be stronger for the action related to the Westwood Affordable Housing Associates and Housing Authority units.

Mr. Pfaff said that he supports action H6 to develop procedures to consider off-site affordable housing so the Board can rely on staff. He recommends this section be reflective of the Town’s desire to provide affordable housing as a general goals and desire and not solely because there is a state requirement. He understands it is hard to create “entry-level” housing through zoning and would like this Committee to make recommendations in this plan on how to accomplish preserving and creating entry level housing.

Mr. Delay said he would like to keep residents in town but allow people to expand their homes. In reference to action H6 related to developing a policy and procedures he said he would like a transparent process so that nothing is hidden from the public by the government.

In response to question related to a recent zoning change for the nonconforming uses and structures in 2017, Ms. McCabe reported that the zoning change has been effecting in gaining zoning compliance with home additions and building permits.

Chair Gorman asked for public comments to which there were none.

Chair Gorman took the Zoning Amendment Discussion item up next out of order.

## **Zoning Amendments for Annual Town Meeting – Review zoning amendments and work plan for Town Meeting Articles**

Chair Gorman noted that gun sales/fire arms is allowed currently in multiple zoning districts, he proposes reviewing to see if some zoning districts should be removed and look at the existing zoning. Mr. Gorman said the next article was the exclusionary language to add to the zoning bylaw. Mr. Gorman listed the next article has to do with short term rentals and how Westwood deal with that and said Westwood doesn't deal with short term rentals in the zoning. Ms. McCabe added that the accessory use table allows renting of rooms by resident owner to no more than three individuals. Mr. Gorman would like to add a minimum time frame for renting of rooms in Westwood on residential properties. The next article is removing the Morrison Park and Field from the FMUOD and the medical use article to define medical uses and say where all similar uses are allowed. Ms. McCabe said that the past articles were to add new definitions for terms not currently definite such as Hospitals and Medical Centers or Clinics and Substance Treatment Center and say where they are and are not allowed. Mr. Atkins would also like an energy efficiency related article. Mr. Delay said he can't believe nothing was done at University Station. Ms. McCabe responded that all buildings at University Station are solar ready and Target has solar panels.

Ms. McCabe reviewed the full Town Meeting timeline. The Finance Commission meetings begin on January 14 for initial review with a summary. By this time the Planning Board will need to know what zoning you are changing. The January 28<sup>th</sup> meeting is when article sponsors with full zoning article language submitted to the Fin Com and to the newspaper with full article language at this time. The Planning Board hearing will be February 25<sup>th</sup> and the Fin Com's public hearings in two sets in March.

Ms. Conant would like to add two new zoning articles one to impose an affordability requirement to subdivisions (by-right) development when a certain number is proposed and to impose a temporary moratorium on new residential development until the 2020 census numbers are known.

Ms. McCabe said she is not recommending any zoning at this time due to the Board's current workload with numerous applications and the Comprehensive Plan Update. She recommended the Board not take on zoning articles at this time. It is now early December and the Board will need to work on the zoning article language over the holidays and come prepared to review together as a full board the full language at your January 7<sup>th</sup> meeting and there is a lot of work related to the Comprehensive Plan Update going on at the same time.

Mr. Pfaff agreed with Ms. McCabe that the Comprehensive Plan is underway and moving along and deserve full attention of the Board so that it is completed. We have attempted to update the Comprehensive Plan two previous times and have not completed the update. He agreed that the Board doesn't have the time to vet out all the zoning articles at this time and the Board should be well prepared before going to the Finance and Warrant commission, we would need to be done in a month. Mr. Pfaff feels we should hold off on zoning articles that aren't critical and time sensitive.

Mr. Delay thinks the Board should go forward with zoning changes. Mr. Gorman said these zoning articles don't look too complicated and that he can prepare the zoning.

Ms. McCabe feels that there is not enough time for these articles; on January 7th the Board members need to have your language and come prepared to have language to review. Mr. Gorman and Ms. Conant agreed to develop the zoning article language and split up the articles. Fire Arms, Short Term Rentals, Prohibitive Language by Mr. Gorman. Morrison Park, the moratorium, and the affordability articles to be prepared by Ms. Conant. Medical uses Mr. Gorman said he would pull the information together as they have a lot of information from what they did last year and an overlay district was suggested. Mr. Gorman agreed to take the medical use article forward as much work has already been done and he will be prepared for January 7. Mr. Delay agreed to work on the energy efficiency idea. Mr. Atkins suggested a resolution rather than a zoning article. Mr. Gorman concluded that the board would work on the articles to be ready for their next meeting on January 7.

Public Comments:

S. Olanoff, 52 Glandore Road, just had Land Use, OSRD improved, lots abutting the street; they have to follow the underlying zoning. PB could waive that requirement and would like clarification on how open space, counting the backyard, and that was not intended and how to calculate.

Mr. Olanoff added that the second article related to Morrison Field removal from the FMUOD doesn't see the need for that. Morrison Field is owned by the Town, nothing will happen to it unless agreed by the Town.

J. Wiggin commented that the Board can add to the community facilities and sustainability sections both touch upon the net zero and energy efficiency. The Board can add the strong language to the Comprehensive Plan if the Board comes up with new language.

**141 Woodland Road, Eversource – EIDR\* Public Hearing.** Proposal to demolish and replace existing natural gas gate station with two new prefabricated buildings, a filter station, and tie-in line.

Applicant: Mark Lamping went over what a Gate Station is, where natural gas is distributed. Eversource owns 19 gate stations in Massachusetts. It is an existing location and will be upgraded because they need to increase the capacity, and will use prefabricated buildings.

Dwight Dunk, project engineer at Odin, was present and received the peer reviewer comments, and went through the Planning Board's Peer Reviewer comments. More evolved drainage system. They will minimize rock removal, site grading, avoid blasting, site screening and planting of trees. He focused on the constraints, 1 acre; keep the current building there while building the new building.

The Planning Board hired Tom Houston of PSC to be the Board's peer reviewer of this project. Mr. Houston detailed report his report, summarizing his key issues, which included earth work and the quantity of rock, good news if it can be mechanically removed. He is optimistic that they can reduce the amount of bedrock. He recommended that the buildings be looked at they are large, precast buildings and don't fit in a residential neighborhood. All soil bearings are different and are unclear, and he has concerns with the groundwater, and basin, because it deters the infiltration of the water.

Board Comments:

Screening? *Opaque fence and 2 rows of evergreen trees and under planting.*

Aesthetics? *We can make the building facade different, the intent was to make it blend in, can do a red brick facade, we are flexible. Current building is brick clad and it blends in.*

Is that the only design, the Prefab? *Can do stucco, can make it a neutral color, brick options, but it's red, stucco finish can make it blend in.*

Gate station, from there to Westwood, will this enhance greater volume of methane? *We don't see a lot of Unrepaired gas leaks in Westwood, there were 35? Class 1 done immediately, Class 2 take longer and are monitored.*

Concerned with the environmental impact? *The pressure will stay the same, it manages the pressure.*

Safety concerns? Blasting around gas mains? *Vibration limits are maintained.*

Trees currently? *Deciduous trees are there now.*

Will you improve the gate? *Yes, have spoken to residents, and will push further back.*

Do you see issues moving forward with our Peer Reviewer? *No.*

Hours of operation? *Bylaws, Applicant will not work on Sundays.*

Public comments:

Ms. K. Suchma, 130 Woodland Road, was present and has lots of concerns, blasting; there is a lot of ledge in the neighborhood. Does not want to see the buildings from her house. Concrete building would not blend in. Traffic has picked up on Gloucester Road. Would like to be apprised and wants updates.

S. Hau, 10 Gloucester Road, was present and has concerns, he has 2 kids and one in the belly. Safety concerns, construction vehicles and it looks like the buildings will be closer to the road and the building will become visible.

D. Moran, 14 Gloucester Road, was present, please improve the gate, screening neighbors, concerned with blasting and damage to her home.

J. Wiggin, 55 Gloucester Road, the gate was put up post 9/11. What is the difference between screening fence and security fence? Will there be lighting? Can we get access into Hale?

Mr. Lamping took notes, visual we can provide better graphics, visual screening, we will address the gate and will design and improve the aesthetics and will work on a revised submission for the Planning Board as requested. They would like to start construction in April and wrap up in November 2020.

Ms. McCabe gave suggestions to the applicant.

*Action Taken:*

Upon a motion made by Ms. Conant and seconded by Mr. Pfaff, the Planning Board voted 5-0 to continue the hearing to January 21, 2020 at 7pm at 50 Carby Street to allow time for the Applicant to submit revised plans as requested by the peer reviewer and staff.

**405 Nahatan Street** – Earth Material Movement EIDR\* Public Hearing. Applicant proposes to import more than 200 cubic yards of earth material for the construction of a new single-family house.

Applicant: Joyce Hastings of GLM Engineering Consultants was present and is working on a single family dwelling, on an undeveloped 3.68 acres, and will be developing about a half-acre of the lot. The site has high ground water, most of the fill will go to the front of the house and will wrap around the side, and will be planting 34 trees and she has been to Conservation Commission.

**Board Comments:**

The Board asked if the Applicant was taking down trees in the right of way? Applicant responded no.

**Staff Comments:**

No specific comments other than Conservation Commission have reviewed this project.

Ms. McCabe summarized the 5 waivers and 10 standard conditions she recommends as outlined in the Planning Board's meeting summary that has been provided to the Applicant.

Public comments: None

*Action Taken:*

Upon a motion made by Mr. Pfaff and seconded by Mr. Delay, the Planning Board voted 5-0 to approve the five waivers finding they are not necessary for this application.

Upon a motion made by Mr. Pfaff and seconded by Mr. Delay, the Planning Board voted 5-0 to approve the EIDR to include the Conditions read by Ms. McCabe.

Upon a motion made by Mr. Pfaff and seconded by Mr. Atkins, the Planning Board voted 5-0 to close the public hearing.

**Other Business:**

600 Clapboardtree Street-request to release performance guarantee (if ready) Ms. McCabe let the Planning Board that this was no ready, not action needed.

**Approval of Minutes:**

Upon a motion made by Mr. Gorman and seconded by Mr. Delay, the Planning Board voted 4-0 to accept the minutes from September 17, 2019 as written.

Upon a motion made by Mr. Gorman and seconded by Ms. Conant, the Planning Board voted 5-0 to accept the minutes from October 1, 2019 as written.

**Adjournment:**

Upon a motion made by Mr. Gorman and seconded by Ms. Conant, the Planning Board voted 5-0 to adjourn the meeting at 9:30pm.

**List of Documents**

<p>Memorandum from Town Planner Abby McCabe to Planning Board Members, sent December 6, 2019, revised December 9 and December 10, Re: meeting Summary for December 10<sup>th</sup> meeting (5 pages)</p>	<p>PDF</p>
<p><b>Comprehensive Plan Update</b>            Cover Letter from Chair, From: Jack Wiggin, To: Planning Board, 10/15/2019, 2 pages            Public Presentation Schedule 2019-2020, From: Comprehensive Plan Steering Committee, 10/2/2019, 1 page            Land Use Section DRAFT 12-03-2019, 5 pages            Existing Land Use Map DRAFT, 1 page            Housing DRAFT 12-03-2019, 10 pages            Land Use Element 2000 Plan, 4 pages            Housing Element 2000 Plan, 4 pages            Exhibit: A Preliminary Vision Report from May 18 2019, From: Community Circle with Barrett Planning Group, LLC, 6/19/2019, 26 pages            Exhibit: Comp Plan Survey Results 04-17-2019, Survey Monkey, 26 pages            Exhibit: Comp Plan Survey Open Ended Comment Responses, 22 pages            Exhibit: Housing Production Plan Draft Adopted by Planning Board 11-19-2019, 11.21.2019, 48 pages            Exhibit: Housing Survey 2018, From: Responster, 73 pages            Exhibit: Visioning Session Summary, From: Community Circle with Barrett Planning Group, LLC, 5/18/2019, 27 pages            Exhibit: American Community Survey Housing Income Data 2013-2017, From: US Census Bureau, 11/25/2019, 5 pages            Exhibit: Housing Vacancy ACS 2010, From: US Census Bureau, 11/26/2019, 5 pages            Exhibit: Housing Vacancy ACS 2014, From: US Census Bureau, 11/26/2019, 5 pages            Exhibit: Housing Vacancy ACS 2017, US Census Bureau, 11/26/2019, 5 pages            Exhibit: Monthly Income ACS 2017, US Census Bureau, 12/02/2019, 5 pages            Exhibit: OSRP Adopted by Planning Board 02-26-19, From: Open Space &amp; Recreation Plan Committee, 162 pages            Public Comment Letter Nfabrizio 11-26-2019            Town Planner Response to NMFabrizio</p>	<p>PDF</p>
<p><b>215 High Street</b>            Applicant Request to Withdraw 12-09-19 from Michael Yanoff, From: Westwood Planning Board, 2 pages            Policy Guidance Meeting Cheat Sheet, November 19, 2019            Public Comments Antonelli            Public Comment MCario 2            Public Comment Mcario            Public Comment Msoule            Public Comment Terickson            Public Comment KGolman 11-28-2019</p>	<p>PDF</p>
<p><b>141 Woodland Road - Eversource Gate Station</b>            Public Hearing Notice, Westwood Planning Board, 11/7/2019, 1 page            Application            Site Plans, From: ODIN EPC, 9/30/2019, 24 pages</p>	<p>PDF</p>

<p>Project Narrative, From: Epsilon Associates &amp; ODIN EPC, 10/17/2019, 29 pages  Exterior Lighting, From: ODIN, 9/30/2019, 9 pages  Stormwater Report, From: ODIN, 10/15/2019, 89 pages  Photographs Proposed Buildings, From: Epsilon Associates Inc., 2 pages  Traffic Impact Study Waiver Request, From: Epsilon Associates Inc., 3 pages  Model Waiver Request, 1 page  Existing Site Photographs, From: Epsilon Associates Inc., 6 pages  Planning Board's Peer Reviewer Comments from PSC, From: Thomas Houston, To: Westwood Planning Board, 12/5/2019, 10 pages  BETA-Engineering Comments-141 Woodland Rd (2), From: BETA, To: Todd Korchin &amp; Abigail McCabe, 12/6/2019, 2 pages  Staff Comments</p>	
<p><b>405 Nahatan Street</b>  Public Hearing Notice, From: Westwood Planning Board, 11/7/2019, 1 page  Project Description, From: GLM Engineering Consultants, Inc., To: Westwood Planning Board, 9/12/2019, 2 pages  Site Plan, From: GLM Engineering Consultants, Inc., 10/24/2019, 2 pages  Photographs, 2 pages  Waiver Requests, From: GLM Engineering Consultants, Inc., To: Westwood Planning Board, 10/25/2019, 1 page  Engineering Review Comments, From: BETA, To: Todd Korchin &amp; Abigail McCabe, 12/3/2019, 2 pages  BETA-405 Nahatan Street EIDR 2019-12-3, From: BETA, To: Todd Korchin &amp; Abigail McCabe, 12/3/2019, 2 pages  Draft Decision Nahatan Street 405</p>	PDF
<p><b>805 Burgess Avenue-EMM</b>  Public Hearing Notice, From: Westwood Planning Board, 11/8/2019, 1 page  Application  Project Description Summary, From: Phillip Eramo, 10/23/2019, 1 page  Site Plan, From: Colonial Engineering, Inc., 10/17/2019, 1 page  Engineering Review Comments, From: BETA, To: To: Todd Korchin &amp; Abigail McCabe, 12/3/2019, 2 pages  Staff Review Comments-85 Burgess Avenue, 1 page  2018 Planning Board EMM Approval, From: Westwood Planning Board, 2/20/2018, 4 pages</p>	PDF
<p><b>Other Business Items</b>  Zoning Article Town Meeting Warrant Request, From: Westwood Planning Board, 11/21/2019, 2 pages  09-17-2019 Planning Board Minutes Draft  10-01-2019 Planning Board Minutes Draft  10-22-2019 Planning Board Minutes Draft  PB Best Practices</p>	PDF