

Westwood Planning Board Minutes
Tuesday, February 11, 2020
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 7:01 pm. The meeting was video recorded by Westwood Media Center and Chair Gorman 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 and Jessica Cole who recorded the meeting minutes.

11 Stonemeadow Drive - Earth Material Movement (EMM) EIDR* Public Hearing.

Applicant proposing to import ~2,120 cubic yards of earth to re-grade the property for construction of a new house.

Applicant: Jeff Murphy, Project Engineer with Beal's & Thomas and Mark Joyce of Old Grove Partners were present. Mr. Murphy explained that they want to construct a single family home and the earth work triggers this review. They summarized the comments from town staff and said the driveway is wide enough for a fire truck. The applicant has filed for an administrative land disturbance permit for the stormwater management permit and it was issued on January 21, 2020. All Proposed work is being done outside of the 100 foot buffer zone. Applicant is proposing to import fill material from the two nearby lots and some will be trucked in.

Board Comments:

- What is the exact amount of the fill? *Foundation excavation will generate roughly 700 cubic yards and a net import of 1820 cubic yards of fill, 300 cubic yards of gravel.*
- Not sure if the entire fill will come from the other lot? *Some of the material will be sourced from the adjacent lot, and the rest will have to be brought in.*
- Do we need a Condition of Clean fill? *Ms. McCabe responded that the Board can impose that condition and in the past the Planning Board has often imposed a condition that the fill be certified that it does not contain any hazardous material.*

The Planning Board would like to add in a condition that if the fill comes from another location and not the adjacent lot, that the fill will need to be certified, and will add it as a condition.

Waivers Needed:

- 1) Waiver from traffic study
- 2) Exterior Lighting Plan
- 3) Presentation Model

Action Taken:

Upon a motion made by Ms. Conant, and seconded by Mr. Atkins, the Planning Board voted in favor 5-0 to waive the application requirements for the submission of a traffic study, exterior lighting plan, and presentation model because these materials are not necessary for review of this project.

Public Comments:

Chair Gorman asked if there were any public comments and there were none.

Ms. Conant read through the suggested conditions of approval and the draft conditions prepared by Ms. McCabe in memo dated February 6, 2020.

Action Taken:

Upon a motion made by Ms. Conant and seconded by Mr. Pfaff, the Planning Board voted in favor 5-0 to approve the EIDR Earth Material Movement application filed by Mark Joyce for 11 Stonemeadow with the following conditions of approval read by Ms. Conant.

1. The existing pavement on Stonemeadow Drive shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
2. Any additional fill required from an off-site location, the Applicant shall submit to the Town Planner a certification that the fill does not contain any hazardous materials prior to importing the fill. *[Added during hearing]*
3. The crushed stone entrance shall be replaced when the stone becomes clogged with dirt or is no longer effective in preventing excess tracking of material onto the public way.
4. Project related construction and earth material movement shall comply with the Town's General Bylaws Chapter 292, for Noise and Construction between 7:00 a.m. and 7:00 p.m. Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays.
5. Applicant is responsible for contacting Dedham Westwood Water District to coordinate water service and the requested meter pit.
6. All trucks carrying earth material to or from 11 Stonemeadow Drive shall be required to access Stonemeadow Drive from the east from Summer Street via Longmeadow Drive only. All trucks shall be prohibited from travelling on the emergency connector between Stonemeadow Drive and Far Reach Road.
7. If the Project, or any Condition imposed in this Decision, requires permit, license, or other approval from any other board, committee, or agency of the Town of Westwood or other regulatory agency of the Commonwealth or the federal government, the Applicant shall make an appropriate application for the same. If any condition of such permit, license, or other approval from any other board, committee, or agency is inconsistent with this Decision, the Applicant shall make application to the Planning Board for amendment of this Decision, and the Planning Board shall consider such application in accordance with the requirements of M.G.L. Chapter 40A § 9 and all applicable Planning Board rules and regulations.
8. Applicant shall promptly repair any damage which Applicant causes to sidewalks, street pavement, signs or other fixtures or features within the public right of way, after obtaining permission from the Town. Such repairs shall be performed to Town of Westwood standards.
9. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.

Upon a motion made by Mr. Pfaff and seconded by Ms. Conant, the Planning Board voted in favor 5-0 to close the hearing.

85 Burgess Avenue – Earth Material Movement (EMM) EIDR* Public Hearing. Applicant seeking approval for an earth material movement to import fill to re-grade yard.

Ms. Conant recused herself from this application and left the room.

Applicant: Phillip Eramo of Eramo Construction was present to discuss the project that he did a few years ago which involved an earth material movement project for the new house. The house is now complete and the owners want to create a more level yard and play area for their kids. The project is designed to mitigate water runoff and level the yard. Realized they were going to go over the amount of fill, so they filed with the town. Mr. Eramo said that there are concerns from the Town about the height of the fence and if over 7 ft. a special permit is needed.

Staff Comments:

Ms. McCabe had BETA review this, and they requested that a certified engineer provide certification that the boulder wall is structurally sound. The Building Commissioner agreed and wants it to be a condition of the Planning Boards approval. The application also needs a stormwater review by the Conservation Agent. Mr. Eramo said it has been filed.

Board Comments;

A board member asked about the wall. *Ms. McCabe stated that it is suggested condition number 5.*

Public Comments:

Ms. McCabe said that she received an email from the direct abutter, with concerns with the wall and the drainage, regrading changes and expressed support for preserving trees or planting trees.

Mr. Eramo responded that three trees need to come down; they are well on the property of the owner. Drainage, we have created less of a slope onto her property. Certification on the wall, there is not a building code on the wall; we will have an independent engineer certify the wall.

Waivers Needed:

- 1) Exterior Lighting Plan
- 2) Traffic study
- 3) Presentation Model
- 4) Drawings / Renderings

Action Taken:

Upon a motion made by Mr. Atkins and seconded by Mr. Pfaff, the Planning Board voted 4-0 to waive the application requirements for the submission of a traffic study, exterior lighting plan, and presentation model because these materials are not necessary for review of this project to regrade a yard.

Mr. Atkins read the following suggested conditions of approval as listed in Ms. McCabe's memo dated February 6, 2020.

1. The existing pavement on Burgess Avenue shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
2. The crushed stone entrance shall be replaced when the stone becomes clogged with dirt or is no longer effective in preventing excess tracking of material onto the public way.
3. Project related construction and earth material movement shall comply with the Town's General Bylaws Chapter 292, for Noise and Construction between 7:00 a.m. and 7:00 p.m. Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays.
4. All trucks carrying earth material to or from 85 Burgess Avenue shall be required to access Burgess Ave. street via High Street only.
5. Applicant shall provide a certification from a professional engineer that the walls were constructed in accordance with the detail and are structurally sound.
6. If the Project, or any Condition imposed in this Decision, requires permit, license, or other approval from any other board, committee, or agency of the Town of Westwood or other regulatory agency of the Commonwealth or the federal government, the Applicant shall make an appropriate application for the same. If any condition of such permit, license, or other approval from any other board, committee, or agency is inconsistent with this Decision, the Applicant shall make application to the Planning Board for amendment of this Decision, and the Planning Board shall consider such application in accordance with the requirements of M.G.L. Chapter 40A § 9 and all applicable Planning Board rules and regulations.
7. Applicant shall promptly repair any damage which Applicant causes to sidewalks, street pavement, signs or other fixtures or features within the public right of way, after obtaining permission from the Town. Such repairs shall be performed to Town of Westwood standards.

8. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.

Action Taken

Upon a motion made by Mr. Atkins and seconded by Mr. Pfaff, The Planning Board voted 4-0 to approve the EIDR Earth Material Movement application filed by Philip Eramo for 85 Burgess with the previous conditions of approval read by Mr. Atkins.

Upon a motion made by Mr. Pfaff and seconded by Mr. Atkins, the Planning Board voted in favor 4-0 to close the public hearing.

Ms. Conant returned to the meeting.

600 Clapboardtree Street – Subdivision. Release of performance guarantee for completion of work.

Ms. McCabe reminded the Board that the Applicant submitted a request in the fall and Phil Paradis, on-call engineering services with BETA Group, attended the Board's November meeting. In November, Mr. Paradis said the last remaining items were to replace some dead trees and to repair a stone wall. BETA has now confirmed that the work has been done, and Ms. McCabe recommended that the funds be released.

Board Comments: The Board had no further comments.

Action Taken:

Upon a motion made by Ms. Conant and seconded by Mr. Atkins, The Planning Board voted in favor 5-0 to recommend, based on the certification of completion by BETA, to release of all funds in the amount of \$18,573.00 held by Dedham Savings Bank in a Passbook account be released to Attorney Edward J. Richardson to be delivered to the homeowners of 594 Clapboardtree Street, Melanie Kapetanacos and Steven Caldrony for completion of work for subdivision at 600 Clapboardtree Street.

Zoning Amendment Article Work Session - The Planning Board will review and discuss zoning amendment warrant articles for Annual Town Meeting scheduled for May 2020.

Ms. McCabe said that the Select Board met last week and is proposing a reduced and more limited version of the Medical Use Article. The complete zoning amendment article language and newspaper and public hearing notice was in the Board's meeting packet. She summarized the reduced article and explained that the portion of the article that was related to the Substance Abuse Treatment Center has been removed and the Board asks the Planning board to revisit this for the next Town Meeting. They are sponsoring it and would like the Planning Board to join them and ask that the Planning Board co-sponsor the article with them.

SB Article – Reduced medical use article, request Planning Board joint sponsorship to add Medical Center or Clinic to the Table of Uses. Ms. McCabe explained that this article proposes to update the Table of Uses to include the existing definitions defined in the Zoning Bylaw. The Zoning Bylaw currently includes a definition for Medical Center or Clinic but it is missing from the Table of Uses. This article proposes adding this to the Use Chart to only be permitted in the University Avenue Mixed Use Overlay District, where these uses currently exist. Adding this use to the Table of Uses is important because it allows a proposed medical clinic to be prohibited if proposed anywhere else. This article also changes "office of a doctor" to be "Office of a Health Care Professional" to be consistent and includes physicians, chiropractors etc. The existing definitions in the Zoning Bylaw do not change with this article.

Board Questions, Comments, and Public Comments:

- On the Medical Uses, it is not going to be a Hospital or a Clinic? By adding "Medical Center or Clinic" does that allow overnight stays such as psychiatric wards? *Staff responded that we do have a current definition in our zoning bylaw for Medical Centers or Clinics. This proposed article does not permit overnight stays, but a*

medical center is more involved than an office of a doctor and may include multiple doctors and day in-patient treatments.

- *In the same overlay district? No, not allowed except in University Ave Mixed Use Overlay District.*
- *Changing it because? We can be vulnerable because it is not in the Table of Uses and where it is and is not allowed. If a use is not mentioned, the use can be proposed anywhere and the Building Commissioner does not have clear authority to say that it is not allowed. The Table of Uses must say where it is not allowed.*
- *Last year we tried to change this, is it contradictory? Staff responded that the Town is looking to add more definitions in the future but right now this article is consistent with what the Board desired last year which was to only allow the medical center or clinics in the University Ave. University Station area. The University Station project is also covered by a development agreement that allows the Town to require a PILOT (Payment in Lieu of Taxes for non-profits).*
- *A Board member suggested that it would be helpful to add in the definitions for the presentation at Fin Com.*

SB Article – Related to rezoning of 909 High Street Obed Baker House property and abutting parcel on High Street, related to possible redevelopment of town-owned property.

Ms. McCabe reported that the Select Board (SB) is also sponsoring an Article regarding the Obed Baker House. There is currently an open Request for Proposals for the Obed Baker House property now and the due date is later in the month. A possible re-zoning article has been submitted in the event that a proposal may need a zoning change but the exact change is not known yet nor is one proposed but is a place holder.

Article 1 – Renting of Rooms for residential properties. Add new definitions for short-term (5-29 days) and long-term (30 days or more) Rentals; prohibit renting of rooms for fewer than 5 days.

- *Was this on the Board of Health agenda tonight? Yes, but unsure of the outcome.*
- *Is this to rooms or the whole house? Believe that it is the whole property, and need to check with the Building Commissioner.*

Article 2 – Clarify that uses not listed and expressly permitted in the Zoning Bylaw are prohibited.

Article 3 – To remove Morrison Park and Field (440, 470 and 480 Washington Street) Assessor's Map 23, Lot 216 is removed from the overlay district FMUOD-6 Flexible Multiple Use Overlay District so that it remains in the Local Business B (LBB) and Wireless Communications Overlay District (WCOD).

Staff & Board Comments:

Ms. McCabe has an Update with the Select Board; she reported that the Select Board is bringing forward an Article 97 that is the state protection of parkland. It is a state process that the Select Board is looking into to be included in the Warrant for this Town Meeting and to have permanent protection of the Field.

Article 4 – To prohibit Fire Arms/Explosives Sales and Services in the Local Business B and Local Business B districts so that the use is only allowed in the Highway Business (HB) and Industrial (I) zoning districts by special permit.

Ms. McCabe explained that the next meeting will be the public hearing for all the Zoning Amendment article and the following week on Monday March 2nd and continues March 3rd if needed is the Fin Com's meeting.

Public Comments:

Mr. Doherty, 50 Hawthorne Street, was present and asked about the Medical Use Article. What does it mean for the Meditech property? What was resolved?

Staff responded that there is nothing specific to Meditech properties of the zoning districts that they are in; they are in a different zone. Not allowed in the ARO District.

There is still an open item? There were 4 and now we are proposing 2, and applicants can come and go anywhere.

Ms. Milosavljevic-Fabrizio, 32 Webster, Medical Use Article, I wrote the letter to the Attorney General, where is the definition for Office of Healthcare Professional?

Everything says Doctor or Dentist.

Ms. McCabe responded that the definition is on Page 3-13, existing: Office Healthcare Professional definition. The change is making it more consistent.

Office of Healthcare Professional: What does it include? Page 3-13 the definition was read by Mr. Atkins.

A board member asked, what are you concerned about?

It goes back to drug rehab, Dan Bailey wrote a memo in March 2019 To Dave Atkins.

Ms. Milosavljevic-Fabrizio is concerned and wants to make sure that the residents are safe. She wants to see Mr. Bailey's opinion, from March 2019.

B. Shea, 14 Cardinal Drive, was present to discuss the Medical Use, zones and definitions, she thought the Planning Board was doing the Article and why is the Select Board is doing a reduced article?

Ms. McCabe, the Planning Board voted to withdraw the Article at their last meeting, so it is now the Select Board sponsored Article.

S. Castaldini, 54 Birch Street,

Have we been approached? *Ms. McCabe said no we haven't, but zoning bylaws include a list of all uses and where they are and are not allowed.*

Ms. Castaldini didn't think Westwood should be proactive and that the zoning bylaw should not include definitions for all uses. She believes it is better for the bylaw to stay silent. She thinks adding medical centers to the use table will be encouraging these uses.

Other Business:

Chair Gorman reported that the next item on the agenda is the Open Meeting Law Complaints, two complaints were made in early February and Chair Gorman asked that the complaints be sent to all the Planning Board members, and all Planning Board members received them. Mr. Gorman amended the agenda to include this matter as Other Business, and wants all Planning Board members to have the opportunity to fully review the material. Mr. Gorman wants to meet on another night.

The Planning Board's Special Legal Counsel Attorney Lauren Goldberg was present and went over the process for dealing with an Open Meeting Law complaint. Attorney Goldberg said that how to resolve the complaint will depend on the Board's response. The response needs to be sent to the Attorney General's Office within 14 business days, which is February 26th, an extension is usually permitted if requested and needed by the Board. She said that the Board should discuss how to resolve, respond in writing, and a copy of the response will also go to the complainants.

Earnest Horn attorney for board member Brian Gorman and his partner Thomas O'Loughlin was present, and Tom Ralph attorney for board member Debra Conant counsel was present too. They agreed that they would want all of the Planning Board members present.

The Board agreed upon a special meeting date on Wednesday, March 4th, at 7pm. The Board agreed to ask for an extension through March 6.

Action Taken:

Upon a motion made by Ms. Conant and seconded by Mr. Pfaff, the Planning Board voted in favor 5-0 to have Ms. Goldberg to contact the Attorney General's office to get an extension to the meeting applied to March 6, 2020.

Comprehensive Plan Update – Ms. McCabe provided a general update. She said that the Steering Committee is hosting two Open Houses planned for February 10 & February 13. There will be an Open House at the Senior Center and there will be another Open House at the Library on February 13th.

Approval of Minutes: 11/19, 12/10. Planning Board members did not all have a chance to read the minutes and asked them to be moved to the next meeting.

Citizen Planner Training Collaborative – Annual Conference for Board Members Saturday, March 21 at Holy Cross Ms. McCabe said that registration is not open yet, but offered to pay the registration fee for board members as this conference is very informative and is specifically designed for planning and zoning board members.

Adjournment:

Upon a motion made by Ms. Conant and seconded by Mr. Delay, the Planning Board members voted in favor (5-0) to adjourn the meeting at approximately 8:25 pm.

List of Documents:

<p>11 Stonemeadow Drive-EMM EIDR Application and Hearing Notice Stonemeadow 11, Westwood Planning Board, 1 page. Site Plans Stonemeadow Drive 11, From: Beals & Thomas, Inc., 12/20/2019, 3 pages. Stormwater - Stonemeadow Drive 11, From: Beals & Thomas, Inc., 12/20/2019, 3 pages. Calculation Summary - Stonemeadow 11, From: Beals & Thomas, Inc., 1/13/2020, 6 pages. New Residence Plans-Stonemeadow Drive 11, From: McKay Architects, 10/2/2019, 18 pages. Exterior Lighting waiver Stonemeadow Drive 11, From: Old Grove Partners, Inc., 1 page. Presentation Model waiver-Stonemeadow Drive 11, From: Old Grove Partners, Inc., 1 page. Traffic Impact Study Waiver-Stonemeadow Drive 11, From: Old Grove Partners, Inc., 1 page. Site photo-Stonemeadow Drive 11, 1 page. Import of Fill-Stonemeadow Drive 11, From: Old Grove Partners, Inc., 1 page Staff Comments from ViewPermit BETA Review Comments, From: Phil Paradis & Holly Faubert, BETA, To: Todd Korchin & Abigail McCabe, 2/6/2020, 2 pages. Conservation Land Disturbance Permit</p>	<p>PDF</p>
<p>85 Burgess Avenue-EMM Application and Public Hearing Notice, Westwood Planning Board, 11/8/2019, 1 page. 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: Todd Korchin & Abigail McCabe, 12/3/2019, 2 pages. Staff Review Comments, 1 page. 2018 Planning Board EMM Approval, Westwood Planning Board, 2/20/2018, 4 pages. Revised Site Plan 2020-02-04, From: Colonial Engineering, Inc., 10/17/2019, 1 page. Engineering Review Comments on Revised Plans/BETA, To: Todd Korchin & Abigail McCabe, 2/6/2020, 1 page. Electronic mail from Ellen Rollings, to Abigail McCabe, sent February 11, 2020, subject: Planning Board Meeting.</p>	<p>PDF</p>
<p>600 Clapboardtree Street Request for bond release from Emerald Gem Homes, LLC, 36 Blue Hill Drive, dated November 9, 2019. BETA Inspection from October 21, 2019 from Holly Faubert and Philip Paradis, Re: 600 Clapboardtree Street. BETA Final Inspection January 2020-Final, From: BETA, To: Todd Korchin & Abigail McCabe, 1/28/2020, 3 pages. Wall Photo, 1 page. Repaired Wall Photo, 1 page. Subdivision Plans 2012, From: Glossa Engineering Inc., 8/27/2012, 5 pages.</p>	<p>PDF</p>
<p>Zoning Amendment Work Session Newspaper Public Hearing Notice Hearing to be on Feb. 25, Westwood Planning Board, 1/31/2020, 2 pages. Proposed Zoning Article Text & Detailed Full Articles, Hearing scheduled for Feb. 25, Westwood Planning</p>	<p>PDF</p>

<p>Board, 2/4/2020, 8 pages. Zoning Amendment Flow Chart, 1 page. Zoning Amendment Guide, From: Commonwealth of Massachusetts, 11/30/2009, 9 pages.</p>	
<p>Other Business Items Open Meeting Law Complaint 2-5-20, From: David Atkins, 1/28/2020, 2 pages. Open Meeting Law Complaint #2, From: Christopher Pfaff, 1/28/2020, 3 pages. Resident Email to Planning Board, 1/23/2020, 3 pages. Comprehensive Plan Open House Office Hours Flyer, 1 page. Walpole Public Hearing March 4 2020 Comp Permit, From: Town of Walpole ZBA, 1 page. Planning Board Best Practices, Westwood Planning Board, 6/20/2019, 2 pages. Planning Board Roles & Responsibilities, Citizen Planner Training Collaborative Presentation, 70 pages. Town Charter-Planning Board Sections, 1 page. Planning Board FAQs, 7 pages. Town Organization Chart, Town of Westwood, 1 page. Draft meeting minutes from November 19, 2019 and December 10, 2019</p>	<p>PDF</p>
<p>Memorandum from Abby McCabe, Town Planner to Planning Board Members, Re: Meeting Summary for February 11 Meeting, dated February 6, 2020 (5 pages).</p>	<p>PDF</p>