

**Westwood Planning Board Minutes**  
**Tuesday, July, 21, 2020**  
**7:00 pm**  
**Via Zoom Remote Participation**  
**Westwood, MA 02090**

**Call to Order:**

The meeting was called to order by Chairman Atkins at approximately 7:03 pm. The remote meeting was video recorded and broadcasted live by Westwood Media Center, live streaming on YouTube and local government channels Comcast 12 and Verizon channel 42. Chair Atkins explained the meeting procedures and summarized the meeting agenda. He said the public will be provided an opportunity to comment during the public comment portions of each public hearing and public comments for non-public hearing items are at the discretion of the Board. Comments and questions can be written in the Q&A or raise your hand to be called on for public hearing items.

Pursuant to Governor Baker's March 12, 2020 Order suspending Certain Provisions of the Open Meeting Law MGL C. 30A, §18 and the Governor's March 23, 2020 Emergency Order imposing strict limitations on the number of people that may gather in one place, the July 21, 2020 Planning Board meeting was conducted via remote participation by the Board.

**Present via Remote Participation:**

Planning Board members present via Roll Call: David L. Atkins, Jr., Deborah J. Conant, Christopher A. Pfaff, William F. Delay and Robert R. Gotti. Staff members present: Abigail McCabe, Town Planner, Nora Loughnane, Director of Community & Economic Development and Jessica Cole who recorded the meeting minutes.

**#3, #6 & #9 Recess Way Earth Material Movement (EMM - EIDR)** - Public hearing. Applicant proposes to import more than 200 cubic yards of fill to build three single family homes off Far Reach Road. The three house lots and open space lot were approved as part of an Open Space Residential Development Subdivision and EIDR approval in 2015.

Applicant: Jeff Murphy, project engineer from Beals & Thomas, was present to explain the application and the Applicant Mark Joyce of Old grove Partners and John Joyce were also present. Mr. Murphy gave a brief history of the project and he went over each lot and what he is proposing for the 3 individual lots. He explained the three house lots, open space lot, and new road way was approved by the Board in 2015 and they are now beginning site work and working to submit construction plans.

**Staff and Board Comments:**

- Where will the vehicles be parked during the construction? *Phase 1 area will steak and clear and this will open up Access Road. Proposed tracking pad.*
- Does this need to be discussed by Conservation? *Ms. McCabe stated that it still needs to be reviewed by the Conservation Commission.*
- When will conservation hear this? *Mark Joyce responded that they have not yet filed but are working on an application to be submitted soon.*
- Any trouble with water runoff, is that part of Conservation? *Yes, Conservation will review further, overall stormwater report was approved in 2015, and the plans submitted for this show roof runoff collected and two basins.*

Chair Atkins announced that they can now entertain public comments as questions are coming into the Q&A chat. He explained questions may be placed in the Q&A or raise your hand and wait to be unmuted so you can speak.

Chair Atkins read the following questions from the public.

From Debra: How long will the site be bare with raw fill before the project is completed? What is the Project timeline? *Mark Joyce responded that it will start as soon as possible.*

From Darshan: Is there any way to move the entrance of Recess Way? *Applicant responded that no, it is an approved subdivision and work is bound to the approved plans. It will be at the current location.*

From B. Waterhouse: Is there access from Far Reach Road to the open space behind the new subdivision? *Yes, there is a pedestrian access easement for a trail from Far Reach Road to cross over the house lot to get to the natural open space lot.*

Can you please give us an idea of the timing and duration of the initial cut for Recess Way? *Will be clearing trees as soon as possible. Building the homes consecutively, 2-3 year max.*  
How long is the duration? *About 3 years.*

From K. Lowe: How long will the trucks be on Far Reach Road? *Clearing the trees will take about 6 months to get the road established.*

What will the construction hours be? *Ms. McCabe stated construction is regulated by the Town's general bylaw and also typically included as a standard condition of this Board's approval which is 7am-7pm, Monday -Saturday, Sunday 12-7pm.*

From T. Philbin: If Far Reach is repaved, will there be a moratorium for cuts in road for utilities? *Ms. McCabe was not sure if Far Reach Road was scheduled to be paved, but typically there is a 5 year moratorium when a road is repaved by the Town. Unless the road was damaged and then repaired, then there wouldn't be a moratorium. It would just be a repair by the Applicant with DPW approval and coordination.*

#### Staff Comments:

By Ms. McCabe stated that BETA's recommendation was that the Board gets the specific breakdown of the soil composition of the gravel being brought in and to monitor the roadway and recommends this be a condition of the Board's approval to be provided prior to fill being brought on site.

Ms. McCabe went over the waivers.

#### Waivers Requested:

1. Photographs
2. Exterior Lighting
3. Stormwater Drainage Report
4. Presentation Model
5. Traffic Study

Board Discussion: None

#### Action Taken:

Upon a motion made by Mr. Pfaff and seconded by Mr. Gotti, the Planning Board voted via roll call in favor 4-0-1 (Mr. Delay abstained from the vote) to approve the waivers because they are not necessary and germane to this Earth Material Movement application.

#### Final Discussion and Public Comments:

Mr. Philbin raised his hand and asked if the homes been reviewed by the High Ridge Design Board? He also noted that Far Reach Road is on an upcoming paving schedule to be repaved next year, and if that was so, there would be a moratorium that would affect any utility hookups. It should be checked on.

*Ms. McCabe recommended that the Applicant contact the Westwood DPW right away to get the utilities in before the repaving. Mr. Joyce responded that the homes have been recently designed and not reviewed by the High Ridge Design Board.*

Mr. Philbin added that it's in the deed for the community that homes need to be approved, all homes go through it.

Ms. McCabe stated that it is an open space residential development and architectural house design plans were preliminary but submitted during the initial review and should still be substantially consistent with the plans submitted during the Board's review. Any change should be submitted in writing to the Planning Board.

Ms. McCabe summarized her recommended conditions of approval for the Board as follows:

1. Applicant shall provide detailed composition of the fill to be imported including supplier certification that the fill is clean and does not contain any hazardous material. Applicant shall provide this to the Town Planner prior to bringing in any fill to the property and prior to issuance of building permits.

2. Plans submitted to the building and Dedham Westwood Water District shall include details on water and sewer connections, hydrants, and utilities.
3. All trucks carrying earth material to and from the Project Site shall be required to access the Project Site from Summer Street via High Street/Route 109 only.
4. Except as modified by the Conditions and Findings hereof, the Project shall comply with the Project Plans in all respects and the Applicant shall pursue completion of the Project with reasonable diligence and continuity.
5. The existing pavement on Far Reach Road shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
6. 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.
7. The Applicant shall notify the Town Department of Public Works during installation and backfill of infiltration chambers that are proposed to ensure compliance with the design.
8. 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.
9. 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.
10. 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.
11. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
12. If there are any changes to the plan they must be submitted in writing to the Planning office for prior approval and may need to return to the Board for approval.

Action Taken:

Upon a motion made by Mr. Pfaff and seconded by Mr. Gotti, the Planning Board voted in favor via roll call 4-0-1 (Mr. Delay abstained from the vote) to approve the Earth Material Movement EIDR application submitted by Old Grove Partners for 3, 6, & 9 Recess Way and roadwork with the following conditions.

Upon a motion made by Mr. Gotti and seconded by Mr. Pfaff, the Planning Board voted in favor via roll call vote 4-0-1 (Mr. Delay abstained) to close the public hearing.

**Open Space and Recreation Plan (OSRP)** - Continued public hearing. The Board voted to send the final approved OSRP to Metropolitan Area Planning Council (MAPC) for comments on May 26th. This hearing was continued to July 21st to review any comments MAPC may have.

Ms. McCabe gave a brief history of the plan. She explained that the state's conditional approval letter from last summer wanted more information for the plan related to properties and some existing conditions. Additionally, the state asked for a letter of support from the Planning Board and MAPC – the regional planning agency. MAPC letter was in your packet and wants to see referenced the Greater Boston regional plan and its current plans to update. We have an existing one called Metro Future, it's a regional plan, and they want to be specifically referenced in the plan. Ms. McCabe said that the reference to the regional plan was added into the background section at the beginning of the OSRP and added as an objective under goal 1 to regularly refer to the regional plan for consistency.

Staff & Board Comments:

- Mr. Atkins asked if Board members had any questions or concerns.
- Ms. Conant was concerned about the reference to the Community Preservation Act (CPA) as we are in unrepresented times right now and we don't know what the funding is going to be, and we've seen depreciation in the CPA over the years. And to stress it as being one of the important things to look into. She doesn't think it is a true reflection, and does not recommend adding anything further about the CPA.

- Mr. Atkins explained that the MAPC letter only commented that they were happy to see consideration of the CPA as a possible future funding source included in the Plan and did not request that we had to adopt the CPA.
- A board member explained that Fin Com made negative comments about the adoption of the CPA with similar comments expressed at the Planning Board public hearings, so at the time of the Planning Board's review the CPA was changed from a goal to an action item that references consideration as a possible funding source.
- The reference to the CPA in the document is a potential strategy to achieve some of the Plan's goals; it's not actually a specific stated goal, correct? *Staff responded that was correct it is listed as an objective as a consideration under one of the goals.*
- Ms. Loughnane directed the Board to the section of the Plan that references the CPA and read, which is under General Goal 1: Protect and enhance Westwood's community character. The second objective is:
  - "Explore other possible funding sources such as the CPA. Investigate the feasibility of adopting the CPA as one potential future funding source for acquisition, development and/or management of open space and recreation properties."

Ms. Loughnane explained that the way the draft is written it's an objective to consider the CPA. If pursued the CPA would need Town Meeting approval. She reminded the Board that the Open Space & Recreation Planning Committee that prepared this Plan unanimously supported the CPA and had the CPA's consideration listed as a goal when it first came to the Planning Board. At the Planning Board's hearings the Planning Board ultimately removed this goal and edited the plan to include it as an objective action under a goal as a potential funding consideration after hearing mixed responses on support for the CPA. She said the CPA was last formally discussed about 10 years ago.

- Ms. McCabe, if you are ready, the Planning Board can vote to send it back to the state: the Division of Conservation and Recreation, and the Planning Board can send a Letter of Support. Ms. McCabe prepared a draft letter for the board to review.

Chair Atkins opened the public hearing up to public comments and recommended people ask questions in the Q and A or raise your hand to be called on and unmuted.

Public Comments:

N. Milosavljevic-Fabrizio, 32 Webster St., expressed opposition to any reference to the CPA and did not want it included in what goes back to the state, and said the residents do not want the CPA.

F. Fusco, 20 Pine Lane expressed opposition to having the CPA mentioned in the document leads people to believe that that's the way this Town is headed and doesn't see the need to have it in this document.

N. Milosavljevic-Fabrizio asked the Board to remove the CPA as an objective in this document. When you want to revisit it, revisit it down the road. People do not want the CPA in the Town. The way that they distribute the funds Westwood will not get much in return.

Chair Atkins said he would entertain a motion to vote on the OSRP.

A roll call vote ensued.

When asked for his vote, Mr. Delay said that he is participating by phone and was trying to speak for the last 15 minutes but couldn't because he was on mute. He would like the Town to provide him with a computer. He is an elected official and he beat the other Board members by more than half the votes and he needs to be heard.

Ms. McCabe responded that she did not have knowledge that he was having technical difficulties. She added that he has not requested help since we have gone remote since the outbreak of the pandemic.

Mr. Atkins agreed that it would be best to get Bill visible on the screen with the rest of the Board and wants to see if that can be done.

Mr. Delay added that the Town went paperless and the Town needs to get him the tools to do his job. He will take this meeting to the Attorney General because he feels he is being excluded from the meeting.

Mr. Gotti suggested to the Chair that vote be paused to allow Mr. Delay the opportunity to make any comments he had been attempting to make. Mr. Atkins agreed and asked Mr. Delay to comment. Mr. Delay declined to elaborate on any concerns he may have had with the OSRP responding that “the moment had passed, we’re beyond that now”.

**Action Taken:**

Upon a motion made by Mr. Pfaff, and seconded by Mr. Gotti, the Planning Board voted in favor via roll call 3-1-1 (Ms. Conant voted against, Mr. Delay abstained) to submit the OSRP revised through July 17, 2020 with the Planning Board’s letter of support to the state for final review and approval.

Upon a motion made by Mr. Pfaff and seconded by Mr. Gotti, the Planning Board voted via roll call in favor 5-0 to continue the public hearing to Tuesday, September 22 at 7:00 pm via Zoom.

**Discussion of possible Zoning Amendments for future Town Meeting**

Mr. Atkins suggested going through the 4 Articles that were submitted for Annual Town Meeting.

**Fire Arms & Explosives Sales:**

- Not eliminating it from Westwood, just looking for the best place in Westwood.
- All board members were in favor to moving this along to the next Town Meeting,
- Fin Com is voted in favor of this article in the spring.

**Prohibitive Uses:**

- Try to work on for the spring, but should be looked at. Look at stronger language and get examples from other Towns.
- In favor of going forward, but may need to talk about more in the fall or spring.
- Language may not be as protective.
- Not in favor of adopting, Joe Doyle, building Inspector thinks it is unnecessary language, and this article is not needed.
- There is interest in this Article and the board can continue to discuss.

**Renting of rooms by Resident property owners:**

- A board member in favor of making it impossible to rent rooms by the hour or the day.
- More of an administrative issue, there should be some guidelines: Not a just a bylaw.
- Not necessarily an issue solved in zoning.
- Add to a future meeting.
- Can we ask the Board of Health for their feedback? Also suggested licensing and inspections reviews.

**Medical Uses:**

- The Board needs to talk about this more.
- The verbiage is not the issue, it is the proposed location. It needs resident input; we should reach out to the public. Maybe a task force needed to develop consensus.
- It may be a spring town meeting article.
- Can have 2 members on a subcommittee- Mr. Pfaff said he’d like to work on Medical Uses.
- Put on September 8 Agenda, and come with thoughts, and will not submit it for the Fall Meeting.

Chair Atkins opened the discussion up to public comments and read questions received via Q&A.

**Public Comments:**

F. Fusco: Has any Board member or town employee aware of developers looking to develop a facility of this nature.

Ms. McCabe said no.

F. Jurczak: I ask the Board to give the same consideration to the medical use zoning that was given to the fire arms sales zoning. We are a bedroom community whose biggest draw are safe communities and excellent schools and asked the article on medical uses be carefully considered particularly where allowed.

Mr. Atkins suggests putting this on the agenda for September 8th and get public input.

Nada: The Weston has a simple sentence in its zoning bylaw relating to use regulations and it’s zoning by law is approved by the Attorney General’s Office.

**Review of Draft Meeting Minutes:**

Minutes from 6/30/2020:

Discussion:

Ms. Conant asked for the resident comment to be changed and expanded. She said the resident was looking for comments to be included.

Ms. McCabe responded that we generally summarize them.

It was suggested to make a motion to change the specific wording.

Ms. Conant wants to see a summary that Nada was unhappy with the vote.

Mr. Gotti said he recalls the comments being personalized.

There was a question about adding reference to where all the meeting documents are listed.

Action Taken:

Upon a motion made by Mr. Pfaff and seconded by Mr., Gotti, the Planning Board voted in favor via roll call 3-2 (Conant, Delay voted against) to approve the minutes from 6/30/2020 as presented.

Minutes from 5/26/2020:

Discussion:

Ms. Conant stated, Mr. Pfaff made a motion, and then withdrew it then in the motion that we adopted that he wanted to convey more strenuously, wanted us to put the word "strong" in front of opposition. It was said that we voted to add the original comment that he withdrew verbatim. It was withdrawn. Ms. Conant wants to see this comment removed: *And he wants Attorney Goldberg's comments written verbatim as stated above.* It was withdrawn, so it should not be added, it should not be in the minutes, it is not what the Board voted on.

Action Taken:

Upon a motion made by Ms. Conant and seconded by Mr. Pfaff, the Planning Board voted in favor 3-1-1 (Delay voted against, Gotti abstained from the vote) via roll call to adopt the minutes as amended deleting "*and he wants Attorney Goldberg's comments written verbatim as stated above.*"

Minutes from 1/28/2020:

Discussion:

Ms. Conant asked why did 1/28/2020 minutes take so long? It put us in violation in terms of the length of time we had to review these minutes. Why was it 5 months? She has a lot of changes.

Ms. McCabe reminded the Board that this was a meeting that was unexpectedly called by the previous Chair and we did not have our recording secretary for the meeting so she took on that role. Since there were strong accusations made about staff, including her, she wanted to watch the tape to prepare detailed minutes for the record. Additionally, this has been a busy time with many meetings, planning for Town Meeting including attending Fin Com meetings, and the pandemic it has taken some time to catch up and they were provided to the Board in June.

Ms. Conant asked Ms. Cole, do you send the minutes to be reviewed and edited prior to us getting them as a draft for approval? Yes. I'm finding there was manipulation of the meaning of the conversation by altering the sequence of the transcript of the discussion.

Mr. Pfaff's suggested a transcript as the solution rather than the traditional minutes from the January 28<sup>th</sup> meeting. Is Westwood Media Center official?

Ms. Loughnane responded that the video cannot be used to replace the minutes. The minutes themselves stand on their own but there is also a recording of the meeting. A transcription can replace minutes.

Ms. McCabe will contact a transcript service for the 1/28/2020 meeting to be transcribed.

Ms. Loughnane said the draft minutes can be provided until the transcribed minutes are approved.

Action Taken:

Upon a motion made by Mr. Pfaff and seconded by Ms. Conant, the Planning Board voted in favor via roll call 3-1-1 (Delay voted against, Gotti abstained) that video from the 1/28/2020 meeting will be used to be transcribed.

Ms. McCabe reviewed the following meeting schedule for the Board members and there were no objections.

Tues. August 18  
Tues. Sept. 8 & Tues. Sept. 22  
Tues. Oct. 6 & Tues. Oct. 27  
Tues. Nov. 17  
Tues. Dec. 1 & Tues. Dec. 15  
The Planning Board agreed to the suggested dates.

**Final Comments:**

List of Documents-All documents are electronic, minutes are required to list the documents with a description. Links to the documents can be found on the Planning Board website.

Ms. McCabe iterated that if Board members have any questions or concerns please let her know in advance of a meeting for assistance. She has reached out to Mr. Delay when meetings went remote in March without receiving a response or indication that he could not access meetings. She said this is the seventh Board meeting that Mr. Delay has participated in by phone since March.

Mr. Delay said that over a year ago he requested that he needed a computer from the Town, he eventually got one of the kid's Chromebooks, so staff can't plead ignorance. He would like a computer from the Town. The last meeting, he was not happy with the board's reorganization. The board kept a woman from being Chair, he thinks Debbie should be Chair, it was her turn. Shame on all of the Board members, he won by a huge amount and he represents a big portion of Westwood.

Mr. Atkins replied that all the Board members represent the whole Town of Westwood.  
Mr. Atkins and Ms. McCabe will work on getting Mr. Delay the proper tools.

**Adjournment:**

Upon a motion made by Mr. Pfaff and seconded by Mr. Gotti, The Planning Board members voted in favor (4-1-Delay voted against) to adjourn the meeting at approximately 9:45 pm.

**List of Documents: May be found on the Planning Division's main webpage, under Quick Links, Planning Board Meeting Packets, here:**

<http://westwoodtownma.igm2.com/Citizens/calendar.aspx?From=1/1/2020&To=12/31/2020> or by request.

<p><b>#3, #6 &amp; #9 Recess Way EMM EIDR</b> Public Hearing Notice, Westwood Planning Board, 6/22/2020, 1 page. Earth Movement Application, Housing and Floor Plans, Details &amp; Plans, From: Beals &amp; Thomas, To: Westwood Planning Board, 6/17/2020, 17 pages. Approved OSRD-EIDR Subdivision Plans 2015, From: Far Reach, LLC, 11/20/2015, 7 pages. Decision Planning Board OSRD Subdivision Approval 2015, Westwood Planning Board, 12/17/2015, 9 pages. Decision Extension 2020, Westwood Planning Board, 1/27/2020, 2 pages. Lighting Waiver, From: Old Grove Partners, LLC, 1 page. Traffic Impact Study Waiver, From: Old Grove Partners, LLC, 1 page. Aerial View Recess Way Lots, 1 page. Aerial View Zoom Out Recess Way Lots, 1 page. Staff Comments, 7/17/2020, 1 page. BETA Engineering Review Comments, From: BETA, To: Todd Korchin, Abigail McCabe, 7/15/2020, 3 pages. Applicant Response Recess Way EMM 07-20-2020, From: Beals &amp; Thomas, To: Westwood Planning Board, 7/20/2020, 4 pages.</p>	<p><b>PDF</b></p>
<p><b>Open Space &amp; Recreation Plan (OSRP) Continued Public Hearing</b> Open Space &amp; Recreation Plan (OSRP) Adopted by Planning Board 05-26-2020, From: OSRP Committee, 2019, 164 pages. MA DCR Conditional Approval Letter 071019, To: Nora Loughnane, From: Melissa Cryan, The Commonwealth of MA, 7/10/2019, 2 pages. OSRP Revised 05-26-2020 Redline Responsive to DCR, From: OSRP Committee, 2019, 166 pages. Summary of OSRP Changes May 2020, 5/26/2020, 2 pages.</p>	<p><b>PDF</b></p>

<p>MAPC OSRP Letter, From: Marc Draisen, To: Melissa Cryan &amp; Abigail McCabe, 7/9/2020, 2 pages.  Final Westwood OSRP revised 071720 REDLINED, From: OSRP Committee, 2019, 165 pages.  Recreation Commission Support Letter, From: Ann Delaney, To: Abigail McCabe, 2/11/2019, 1 page.  Select Board Letter of Support, From: Westwood Select Board, To: David Atkins, 1/29/2019, 1 page.  Conservation Letter of Support, From: Westwood Conservation Commission, To: Abigail McCabe, 1/28/2019, 1 page.  Planning Board Draft Letter of Support, dated July 21, 2020</p>	
<p><b>Zoning &amp; Town Meeting Review</b>  Annual Town Meeting Book 2020, 117 pages.  FinCom DRAFT 2020-2021 Meeting Schedule</p>	<p><b>PDF</b></p>
<p>Memorandum from Town Planner Abby McCabe to Planning Board Members, Re: meeting summary for July 21 Meeting, dated July 17, 2020, revised July 20, 2020  Planning Board Best Practices, revised June 30, 2020  Draft Minutes: 1/28/20, 5/26/20, 6/30/20</p>	<p><b>PDF</b></p>

Link to the Documents

[http://westwoodtownma.igmp2.com/Citizens/Detail\\_Meeting.aspx?ID=1546](http://westwoodtownma.igmp2.com/Citizens/Detail_Meeting.aspx?ID=1546)

Link to the Planning Board web page

<https://www.townhall.westwood.ma.us/departments/community-economic-development/planning-division>