

**Westwood Planning Board Minutes**  
**Tuesday, September 8, 2020**  
**7:00 pm**  
**Via Zoom Webinar Remote Participation**  
**Westwood, MA 02090**

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 September 8, 2020 Planning Board meeting was conducted via remote participation by the Board.

**Call to Order:**

The meeting was called to order by Chair Atkins at approximately 7:00 pm. The remote meeting was video recorded by Westwood Media Center and was available on Comcast channel 12, Verizon channel 42 and on Westwood Media's YouTube channel <https://youtu.be/mvmoZr4GSQY>. Chairman Atkins explained the meeting procedures and summarized the agenda and public participation process.

**Present via Remote Participation:**

Planning Board members present via roll call: David L. Atkins, Jr., Deborah J. Conant, Christopher A. Pfaff and Robert R. Gotti. Absent: Planning Board member: William F. Delay

Staff members present: Abigail McCabe Town Planner, Pat Ahern Town Counsel, Nora Loughnane Director of Community & Economic Development, and Jessica Cole, who recorded the meeting minutes.

**472 Summer St., 476 and 480 Summer St.** Special Permit Modification Request – Owner requests changes to 2017 Special Permit approval to allow reconfiguration of driveway at 472 Summer where it meets the shared driveway and pool, sports court, lot changes at 472 Summer St. Request for occupancy of new house at 472 Summer Street prior to completion of site work approved with 2017 Special Permit for shared driveway serving the existing house at 480 Summer St. and two new house at 472 Summer & 476 Summer St. (not yet constructed) with agreement and security funds.

**Staff Comments:**

Ms. McCabe gave some background on the shared driveway. The Planning Board can consider a shared driveway per a zoning bylaw. In 2017 the property owner came to the Planning Board to get a shared driveway special permit. The lot is 6 acres and meets the frontage requirements and two additional lots was created through the ANR plan process. Ms. McCabe explained that the new lot in the back now addressed #472 Summer Street was looking for an occupancy permit. But it cannot be signed off on because all of the conditions and items on the approved 017 special permit project plans have not been completed. The Town Planner has been working with the new owners of 472 and 480 Summer Street the owners of the original house and special permit applicant. They have been working on a draft agreement on what still needs to be done with a clear timeline for completion. The draft calls for work to be done by December 1, 2020 and funds submitted. The owners of the new house at 472 are looking for a temporary occupancy permit. Funds must be provided in hand and a finalized agreement prior to any temporary occupancy. When it is done a final inspection will be performed by staff and funds will be returned, if not the owners will have to leave the residence and the Town will finish the job with the money collected.

Ms. McCabe stated that there is a second request, for modifications to the original plan which includes a pool, basketball court and the grading has changed. The driveway that serves the new house also does not connect where it was original approved.

The applicants, Mr. and Mrs. Mouhanna of 480 Summer Street, said they have an issue with the location of the driveway constructed where it connects from 472 to the circular turnaround. When the contractor did the driveway he did not do what was on the approved plans. The applicant has hired an attorney, and so has Mr. Anderson, the owner of 472 Summer Street.

**Board Comments:**

The Board approved a plan, but what has been done does not match Mr. Mouhanna's plan. The Board was concerned that Mr. Anderson and his attorney said he is having technical difficulties and could not be present tonight.

Mr. Mouhanna is worried that the easement may be on the neighbor's property.

**Staff Comments:**

Ms. McCabe spoke to Mr. and Mrs. Mouhanna and they want the driveway configured the way it was approved in 2017. The relocation of the driveway will need to be added to the agreement. Staff has also required an updated

drainage plan to be submitted for storm water review because there have been flooding issues onto the abutting properties on Westfield Street. There is a requirement for a landscape buffer, it could not be verified. Ms. McCabe noted that some of the abutters are here this evening.

Mrs. Mouhanna said that Mr. Anderson was aware of where the driveway was supposed to go.

The Chair and Board members thought it would be better to wait for the homeowner to be present before opening the public portion.

**Action Taken:**

Upon a motion made by Mr. Pfaff and seconded by Mr. Gotti, the Planning Board voted 4-0 in favor via roll call to continue this item for the Special Permit Modification Request to Tuesday, September 22, 2020, at 7pm via Zoom.

**Update on fall Town Meeting;** Select Board requests time sensitive items only due to COVID-19. Recommend following articles for Annual Town Meeting May 2021. Medical Uses – Review process and timeline, discussion on this article and how to move forward

Fire Arms/Explosives Sales and Services Article – will bring forward for spring Town Meeting.

Changes to temporary uses and structures section 4.1.7.4 to allow building commissioner approval for short term proposals – Ms. McCabe said staff will work on a proposal to bring forward to the Board for spring Town Meeting.

**Staff Comments:**

Mr. Ahearn let the Planning Board know that the Select Board has voted against having a fall Town meeting. He has received Ms. Conant's questions relative to the medical use articles and recommended a phone call to review with staff. Mr. Bailey declined the request for special legal counsel. Ms. McCabe stated that we can continue to work with some of the questions and spend the fall getting ready for the Spring Town Meeting and recommended creating a working group for the medical use article.

**Board Comments:**

- If the Planning Board wants to go forward, we need to start the article we need to have it written in January. Where will we zone these usages?
- 2019 Dan Bailey legal memo, said it is an issue we need to address. We should have a working group and get a plan for recommendation.
- A working group is for where to place it and educate them on our zoning.
- Who wants to be on the working group? *Mr. Pfaff, Mr. Gotti expressed interest.*
- Come back with a rationale, explain why? Be more transparent.
- At the end of the day, we need to go to Fin Com, and get 2/3 approval.
- Mr. Pfaff suggested considering a joint article with the Select Board.
- Mr. Ahearn said that is something the Select Board could consider to work together.
- Board members also suggested a member of the business community such as someone from the local Chamber, residents familiar with zoning, someone in law enforcement, health care professionals, maybe former Fin Com members, a member of the Select Board, and residents that live near some possibly impacted areas such as the Highway Business, East Street, or ARO zoning districts.

**Other Business:**

**Review of Meeting Minutes:** 1/28 Transcript, 8/18 minutes

Upon a motion made by Mr. Gotti and seconded by Mr. Pfaff, the Planning Board voted in 4-0 on favor via roll call vote to approve the Minutes from August 18, 2020.

Upon a motion made by Mr. Pfaff and seconded by Ms. Conant, the Planning Board voted in 3-0-1 in favor via roll call (Gotti-Abstained) to approve the transcript from January 28, 2020, in lieu of the minutes as documentation from that meeting.

**Adjournment:**

Upon a motion made by Mr. Pfaff and seconded by Mr. Gotti, the Planning Board members voted in favor via roll call (4-0) to adjourn the meeting at approximately 8:15 pm.

**List of Documents:**

Link to the Documents:

[https://westwoodtownma.igm2.com/Citizens/detail\\_meeting.aspx?ID=1559](https://westwoodtownma.igm2.com/Citizens/detail_meeting.aspx?ID=1559)

Link to the Planning Board web page

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

<p><b>472-480 Summer St. Shared Driveway Modification Request</b> 2017 Planning Board Approval Shared Driveway Special Permit, Westwood Planning Board, 8/24/2017, 8 pages. Approved Plan Set 2017, From: Site Design Professionals, LLC, 12/11/2015, 4 pages. Relocated Driveway Plan, From: McKay Architects, 1/29/2018, 20 pages. Shared Drive House View West, 1 page. Photo from Rear Emergency Access, 1 page. Photo from Rear Emergency Access Gate, 1 page. View of Emergency Access towards Westfield St, 1 page. Draft Summer St Agreement dated September 4, 2020 05-09-17 Minutes, Westwood Planning Board, 5/9/2017, 6 pages. 05-23-17 Minutes, Westwood Planning Board, 5/23/2017, 7 pages. 07-11-17 Minutes, Westwood Planning Board, 7/11/2017, 6 pages. 08-22-17 Minutes, Westwood Planning Board, 8/22/2017, 3 pages. Photographs of Property, 6 pages.</p>	PDF
<p><b>Town Meeting Update</b> 2019 May Zoning Bylaw, Town of Westwood, 5/6/2019, 222 pages. Full Zoning Language PB 2017-10-03 Hearing, Westwood Planning Board, 10/3/2017, 4 pages. PB Memo Fin Com 03-04-2019-rev, From: Westwood Planning Board, To: Jane O'Donnell &amp; Finance &amp; Commission Members, 2/28/2019, 9 pages. 2020 Proposed Medical Facilities Overlay District Zoning, 14 pages. Zoning Bylaw May 6 2019, Town of Westwood, 5/6/2019, 222 pages. Medical Use Questions from Planning Board Opinion from Daniel J. Bailey Interim Town Counsel, to Planning Board, Re: Zoning Regulation of Substance Abuse Treatment Facilities and Hospitals, March 12, 2019 Confidential</p>	PDF
<p>Draft meeting minutes: 8/18/20 and transcript 1/28/20 Memorandum from Abby McCabe Town Planner to Planning Board, Re: Meeting Summary for September 8, dated September 4, 2020</p>	PDF