

Westwood Planning Board Minutes
Tuesday, February 2, 2021
7:00 pm
Via Zoom 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 February 2, 2021 Planning Board meeting was conducted via remote participation by the Board.

Call to Order:

The meeting was called to order by Chairman 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/gFKN6wvseiw> Chair Atkins explained the meeting procedures, and how the Planning Board meeting process works.

Present via Remote Participation:

Planning Board members present via Roll Call: David L. Atkins, Jr., Christopher A. Pfaff, Robert R. Gotti and Michael L. McCusker. Deborah J. Conant was Absent.

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

18-20 Southwest Park Encounter Church Limited EIDR public hearing, continued from 1/12/21. Request from Encounter Church for childcare/preschool use and outdoor play area on north side of building.

Applicants: Chris Causey & Jason Hodges were present from Encounter Church. Mr. Causey explained the childcare schedule will operate from 9 am – 4 pm with an option of early drop (8-9 am) off and late (4-5:30) pick up. They anticipate approximately 36 cars representing all of the kids. They will have two entrances that are ADA compliant. Kids will not be outside in the playground in the dark. Mr. Hodges walked the Board through the new documents, the traffic pattern and entrances into the building. Bollard details have been added that are 4 feet apart.

Board Comments:

- Bollards outside the fence? *Not positive, but probably.*
- Map shows parking spots, indicating that parking spots are closer to the building. What is the distance to the playground? What is the inset? 13 1/2 feet? Could be a problem with emergency vehicles.
- You're not adjusting any of the lighting on the side of the building? *Not planning on utilizing the playground after dark, but will look at it.*
- Drop off area, your neighbor's concern with trucks/drop off anticipation is. It seems important for you to work with your neighbor.
- Drop off/pick up lies your liability, don't be afraid to pivot. Make sure everyone is parking in a legal spot to keep it safe.

Chair Atkins offered the opportunity for public comment via raising Zoom hand, pressing star 9 if on phone or to put a question in the Q&A.

Public Comments: There were no public comments.

Ms. McCabe prepared some draft suggested conditions of approval and summarized the 6 conditions and the 7th added this evening.

She added that application waivers are not needed for the limited EIDR since this is an exempt use the submittal requirements are not the same.

- 1) Applicant shall distribute the one-way traffic circulation and drop off & pick-up plan to all parents/guardians participating in the program and shall monitor drop off and pick-up traffic to ensure compliance.
- 2) The one-way traffic flow shall be clearly marked with signage or pavement markings at the entrance and exit to the property.
- 3) The pick-up and drop off areas shall be marked with cones, signage, stanchions or similar items to provide clear direction to drivers.
- 4) The bollards surrounding the outside fence for the playground area shall be spaced no further apart than every 4 ft.
- 5) All portions of the playground area shall be sufficiently lit if in use after dusk.

- 6) A minimum 24'-wide travel lane must be maintained at all times between the playground and the existing parking spaces.
- 7) Applicant shall indicate the no parking area adjacent to the playground with no parking signage or pavement markings.

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 vote to approve the Limited EIDR for the Encounter Learning Center at 18-20 Southwest Park with the 7 conditions summarized by Ms. McCabe.

Upon a motion made by Mr. McCusker and seconded by Mr. Pfaff, the Planning Board voted 4-0 in favor via roll call vote to close the Public Hearing.

420 Providence Highway- EIDR Public Hearing. Applicant proposes to modify the existing building to incorporate the Mazda brand. The modifications include removing approximately 700 square feet of the building, re-constructing the façade, performing interior renovations and adding signage at 420 Providence Highway for Mazda dealership.

Applicant team: David Mackwell of Kelly Engineering Group representing Prime Motor Group, Joe Rose Prime Motor Group facility manager and project architect James Mullarkey.

Mr. Mackwell presented putting Mazda in where Porsche and Audi used to be. He summarized that this is a 3.5-acre site and 40,000 square foot building. Showed parking spaces, signage details, under review with the Building Department and have closed with the ZBA for the motor vehicle use. He believes there are three underground independent recharge systems, but do not have the exact details of the underground systems. He added that BETA submitted a review memo and recommends the Applicant to document the existing drainage system to confirm that it meets current stormwater standards.

Staff & Board Comments:

- Requested documenting the storm water and recharge systems, to confirm and know if they are up to standards for Westwood? *Can't see what was installed, they will document what is there and how they will maintain it.*
- Will this go back to BETA? *Ms. McCabe, BETA has asked for documentation, BETA has not reviewed it yet. The applicant will send updated plans and material to BETA and the Board for the next meeting, at which time BETA would review and provided updated comments.*
- Ms. McCabe reported that the ZBA has approved vehicle use, but Applicant still needs a special permit on the signage.. *Mr. Mackwell the signs are not critical. The Building Special Permit is more important and the signage request can come later.*
- Mr. Mullarkey, architect, already has a demolition permit. Using the same site and same building, its need is less, it is all cosmetic, open to a condition of approval want to move forward ASAP.
- How will you move cars in/out of the dealership and where will customers park? *Mr. Mackwell explained on the screen how 18 wheelers would enter/exit onto Route 1. And showed where customers, service and employees park.*
- Where will trucks park when unloading? *Mr. Rose, facility manager answered the question, with no contact with customer parking.*
- Pylon sign in red, how tall is it? *13+ feet, visibility is under the sign and it is set back from the driveway.*
- Big block is stormwater management, what we have right now is a documented effort. We don't know what it does or the exact particulars. Not sure it meets the new policies of the Town.
- Are we being asked to approve based on faith? Seems critical. *The Planning Board needs to make sure that Prime is being compliant.*
- McCabe, EIDR applicant requirement is providing drainage details and full stormwater information. The applicant did request a waiver, so it is up to the Planning Board to waive it. In some cases, there are Conditions of Approval, but usually with more information and details.
- Mr. Mackwell is willing to work with the Town, but is concerned with delays.
- Pete Lebish, COO, demonstrated that we are good neighbors and will do whatever is needed by the Town. We have a risk with Mazda, contractual obligations moving down the street. Just looking to get started.
- What could be different by the 23rd?
- The Board explained that it is there practice to review drainage for stormwater upgrades for every project, and need to bring the project up to current standards as new uses and new applications come before them.
- Do we have the authority to have a condition for them to work on the building, grant a conditional approval. McCabe, usually it needs to be approved by PB and ZBA, drainage conditions are just so open ended, if it comes back with "it doesn't meet conditions".

- How long will the renovations take? *6 months.*
- The Board requested more information be provided on the current stormwater system and they will work with staff to come up with a conditional approval such as explore an option for a bond for the next meeting on February 23rd but need a little more information.

Chair Atkins offered the opportunity for public comment via raising Zoom hand, pressing star 9 if on phone or to put a question in the Q&A.

Public Comments: There were none.

Action Taken:

Upon a motion made by Mr. Gotti and seconded by Mr. Pfaff, the Planning Board voted 4-0 in favor via roll call vote to continue the 420 Providence Highway EIDR Public Hearing to Tuesday, February 23rd at 7:00 pm via Zoom to give time for BETA to get an estimate for escrow, and give the applicant time for the applicant to get a reading on the stormwater recharge systems are on site and a long term O&M plan.

45 Winter Street- EMM EIDR Public Hearing. The Applicant is applying retroactively after exporting a net total of approximately 800 cubic yards of earth to re-grade the property for the construction of a new single family home at 45 Winter Street.

Applicant project engineer Evan Watson was present to discuss his proposal, and addressed recommendations from BETA that have been taken care of already after receive of the memo lasts week.

Board Comments:

- Steep slope up to the house? *Yes, 4 feet.* Plans thought it was higher? *Yes.*
- Concern is with the process, you said no to move earth, but now asking for forgiveness, doing after the fact.
- All this fill is on Green's property? *Yes, Green is coming to the next meeting.*

Chair Atkins asked if there were any public comments to raise Zoom hand or put a question in the Q&A to be read.

Public Comments:

Ms. Sullivan, 48 Wessex Drive, Westwood Land Trust asked where the fill came from. Applicant responded that they did not bring in any fill that there was a 2 foot drop in front of the lot that was pushed to the lot behind at the Green Co.'s development.

Ms. Fusco asked if the soil be tested and certified clean? Board responded that the soil was moved to the lot behind and not brought in.

Action Taken:

Upon a motion made by Mr. Pfaff and seconded by Mr. McCusker, the Planning Board voted 4-0 in favor via roll call vote to approve the EIDR for Earth Material Movement at 45 Winter Street noting that the requests to install a catch basin silk sack and extend the straw wattles and silt fence for erosion controls have been completed.

Upon a motion made by Mr. Gotti and seconded by Mr. Pfaff, the Planning Board voted 4-0 in favor via roll call to close the Public Hearing.

480 Summer Street – 2017 Shared Driveway Special Permit. Owners request occupancy of first house at 472 Summer Street.

Ms. McCabe gave a summary of the project's history and an update on what has been completed to date. She explained that when this was last before the Planning Board in September the Board authorized a temporary occupancy arrangement if an agreement between the two property owners were reached by a certain date. However, that agreement never came to fruition and that former vote never materialized. She explained that there is water runoff and flooding off the back of the property that is flooding the neighbors on Westfield Street and those abutters are present tonight. The stormwater review is currently ongoing with the Conservation Commission and under the Conservation Commission's jurisdiction and that public hearing has been continued until March 10. Ms. McCabe explained that the first request before the Board tonight is to allow the garage on the 3rd lot to remain until it is sold. There was a note on the approved plan that the garage will be relocated. The second request is to allow temporary occupancy, and a permanent occupancy when all items are met.

Ms. McCabe reviewed the list of outstanding items:

Punch List items for temporary occupancy:

- 1) Record shared driveway Special Permit approved plans and decision at the Registry of Deeds.
- 2) Record the driveway easement document for the shared driveway to be used and maintained by all 3 lots, prior to temporary occupancy.
- 3) Resolution to the tree restoration. Ms. McCabe explained that the Planning Board's 2017 Special Permit required a 50-foot buffer zone in the rear and 20 foot on the south side setback where there should be no disturbance and no cutting of healthy trees. There has been an encroachment on the side. This is for the Board to decide how to rectify tonight but she recommends new tree plantings to provide screening.
- 4) Owner of 472 to complete the installation of 1-2" pebbles along the north side of the shared driveway and around the circle to meet the 20-ft. all the way around the circle. Gravel or grass pavers to be added to the outside of the circumference of the turnaround.

Outstanding items to be completed prior to final occupancy and by June 15, 2021:

- 1) The Owner of 472 Summer St. shall install landscaping in the buffer areas in full accordance with the landscape restoration plan in part 3 above.
- 2) The Owner of 472 Summer St. shall take appropriate landscape measures to stabilize the slope along the southern property line with grass or other plantings to the satisfaction of the Town Planner.
- 3) The Owner of 472 Summer St. shall install permanent "Right Turn Only" and permanent address signs at 472 Summer St.
- 4) The Owner of 472 Summer St. shall complete all actions required by the Westwood Conservation Commission in accordance with its application for a Stormwater Management Permit and shall receive a Certificate of Completion for said work from the Conservation Commission.

Board & Staff Comments:

- Tonight: Driveway, Garage & Buffer zone? Yes.
- Conservation Commission will deal with the stormwater review? *Yes, the Conservation hearing is March 10, 2021, they requested more information from the homeowner and revisions to adequately capture the water runoff.*
- Ms. Loughnane clarified that the Building Commissioner does not have to issue a Certificate of Occupancy until the house lot is in full compliance with local regulations including the stormwater regulations. The applicant has a passbook savings account, funds will be released to the Town if they do not do the job by June 15, 2021.

Attorney Rosemary Traini, representing the Andersons, was present to discuss this request. The Andersons don't have an objection to delaying the relocation or demolition of the garage on the third lot. She asked if there a time frame of when that is to happen? If they don't sell it, will the garage stay? Ms. McCabe explained that there is no specific timeline. There is a note to remove it or relocate it. Ms. Loughnane added that the request to the Planning Board is essentially asking for this not to be enforced until the third lot is sold, then it will be up to the new owner what to do. The third lot is currently still owned by the Mouhannas.

Board & Staff Comments:

- The garage is on the 3rd lot? *Yes, the Mouhannas use it, it is not on the Anderson's property.*
- What is the concern? *Ms. Loughnane, it is a concern because the plan calls for the structure to come down. The request to the Planning Board is to delay completion of the plan's note to remove the garage from the third lot, was originally on the plans because the garage is within the required setback for the third lot and is associated with the existing house at #480. The board's approval of this permits the Mouhannas' garage to stay.*

Chair Atkins asked for public comments and explained how to raise hand and wait to be unmuted.

Public Comments:

Mr. Gillis, 136 Westfield Street, said he was not aware of the details of this request and he believes this is a major modification that requires a new notification and new hearing.

Staff responded that the Planning Board is here tonight to decide if this request is a minor modification and if so, then a new public hearing is not required. Essentially, the plans and approval is not changing it's the timing of when a temporary and final occupancy may be granted after work is completed, per the Planning Board's approval.

Action Taken:

Upon a motion made by Mr. Pfaff and seconded by Mr. McCusker, the Planning Board moved to consider the relocation or removal of the one car garage as depicted on the plans be considered a minor modification to the plans.

After further discussion, the Board amended the motion to:

Upon a motion made by Mr. Pfaff and seconded by Mr. McCusker, the Planning Board voted 4-0 in favor via roll call vote to waive enforcement of the plan note that says the garage is to be relocated to allow the garage to remain in its location presently.

Ms. Mouhanna asked about the basketball court and damage to the pavement on the emergency easement.

Staff responded that the basketball encroachment over the property line and asphalt damage is a private matter and not specially under the Planning Board's purview.

Attorney Traini asked when the shared driveway plans and easement for the shared driveway would be recorded.

Ms. Loughnane responded that the two recordings need to be done as soon as possible. The Anderson's did not even have a right to purchase before the Mouhannas' recorded the shared driveway Special Permit at the Registry of Deeds & record an easement document for the shared driveway for all 3 lots. The plan can be recorded by either parties, it was required to be done and must be done immediately.

Ms. Traini agreed to prepare the driveway easement.

The Board discussed the remaining work prior to temporary occupancy and agreed the 20-ft. all the way around the turnaround should meet the full 20-ft. but it can be gravel or grass pavers as long as it is drivable to comply with the fire departments original request to get the truck around.

Public Comments:

Mr. Gillis, asked if the speed bump has been installed. Ms. McCabe responded yes, the speed bump has been installed as well as ties, gate and signs on the gates and confirmed at site visit last week.

Mr. Gillis asked why the work and funds were not taken by the town by December.

Ms. Loughnane again explained that the December date was discussed by the Planning Board back in December but that was a suggested as part of an agreement but that agreement never was agreed upon by the two owners and never was finalized. It was disused as a draft arrangement but no agreement was every finalized by the two parties. She explained that fines are being issued to the to the Andersons for occupancy prior to completion of the required work and fines now exceed \$100,000.

Mr. Gillis asked why the June deadline and not now.

Ms. Loughnane explained that June is necessary and reasonable given the work involved. Landscaping and plantings and underground work for recharge systems can only be installed in the spring and cannot be done now during the winter.

Ms. McCabe, encroachment of the side yard. Recommendation is to require 10-foot-tall trees. The no cut buffer was violated. Ms. Traini confirmed that Mr. Anderson can move the fence. The Board agreed the fence should be relocated to meet the 20-ft. side buffer and trees planted on the outside of the fence.

In response to a question about the amount to be held in a passbook account by the Planning Board, Ms. McCabe said the exact amount will be determined after review and approval of the landscape restoration plan.

Ms. Loughnane responded to comments submitted by Ms. Sullivan in the Q&A that the abutters and members of the public are still misunderstanding the Board and Town's role. Ms. Loughnane again explained the Town and Board does not come into play until a request for occupancy is requested. Staff, the Town Planner, when she is notified of

completion of work, goes out for a site visit to verify that the work related to the Planning Board's shard driveway approval is completed at that time. Once a building permit is issued the work can begin and there is no timeline or deadline for when work must be completed, until such time as occupancy is requested it is an open and on-going construction project.

Action Taken:

Upon a motion made by Mr. Pfaff and seconded by Mr. McCusker, the Planning Board voted 4-0 in favor via roll call vote to authorize the Building Commissioner to allow temporary occupancy upon completion of the 4 items on the final punch list discussed with all outstanding items on the final punch list to be completed by June 15, 2021 prior to Permanent Occupancy.

10:17pm Zoning Amendment Article discussion and work session, updated on Annual Town Meeting. The Planning Board submitted four warrant articles and will hold a public hearing at the next meeting on February 23, 2021.

Amendments related to:

- Temporary Uses & Structures
- Fire Arms & Explosives Sales
- Medical Uses
- Housekeeping

Ms. McCabe gave a quick update and will have a Public Meeting at the February 23, 2021 Planning Board meeting.

Other Business:

Upon a motion made by Mr. Pfaff and seconded by Mr. Gotti, the Planning Board voted 4-0 in favor via roll call vote to appoint Mr. McCusker as the Planning Board Secretary.

Review of Meeting Minutes:

Upon a motion made by Mr. Gotti and seconded by Mr. Pfaff, the Planning Board voted in favor via roll call (3-0-1-McCusker-Abstain) to approve the minutes from the joint Select Board and Planning Board Meeting on January 11, 2021. The minutes were adopted.

Upon a motion made by Mr. McCusker and seconded by Mr. Gotti, the Planning Board voted in favor 4-0 via roll call to approve the minutes from January 12, 2021. The minutes were adopted.

Reminder: Annual Conflict of Interest and Ethics Summary and biannual online ethics training:

<http://www.muniproq.eth.state.ma.us/>

Adjournment:

Upon a motion made by Mr. Gotti and seconded by Mr. Pfaff, The Planning Board voted in favor (4-0) via roll call to adjourn at 10:27 pm.

List of Documents:

Link to Documents:

http://westwoodtownma.igm2.com/Citizens/Detail_Meeting.aspx?ID=1600

Link to the Planning Board web page

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

<p>18-20 Southwest Park Limited EIDR Public Hearing Notice, Westwood Planning Board, 12/17/2020, 2 pages. Project Narrative, From: Encounter Church, 12/16/2020, 2 pages. Parking Plan, 1 page. Waiver Requests, 1 page. Existing conditions photo, 1 page. Existing conditions photo 2, 1 page. 2017 EIDR Approval Encounter Church, Westwood Planning Board, 4/18/2017, 6 pages. BETA Review Comments 18-20-Southwest-Park-EIDR, From: BETA, To: Abigail McCabe, Karyn Flynn, Dan Hammerberg, 1/7/2021, 4 pages. Staff Comments, 1/8/2021, 1 page. Aerial Southwest Park, 1 page. Floor Plan, Haynes Group, 12/2/2020, 1 page.</p>	PDF
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<p>2017 Approved Plans Southwest Park Encounter Church, From: R.E. Cameron & Associates, Inc., 3/3/2017, 4 pages. NEW: Encounter School Circulation, 1 page. NEW: Southwest Park Site Plan MarkUP.jpg, 1 page. NEW: Revised Parking Dimensions-Playground 02.02.21, 1 page. NEW: Revised Circulation Plan 02.02.21, 1 page. NEW: Parking Plan-Marked Up 02.02.21, 1 page.</p>	
<p>420 Providence Highway - EIDR Public Hearing Notice, Westwood Planning Board, 1/5/2021, 1 page. Project Narrative & Waiver Requests, From: Kelly Engineering Group, To: Westwood Planning Board, 12/29/2020. Architectural & Demo Plans, The Curtis Architectural Group, 5/11/2020, 6 pages. Site Plans, Kelly Engineering Group, 12/17/2020, 2 pages. Existing conditions photo, 1 page. Existing Drainage Plan 2015, A-Plus Construction, 8/31/2015, 1 page. Existing Conditions- Drainage, Kelly Engineering Group, 1/14/2021, 1 page. BETA Engineering Review Comments, From: BETA, To: T. Korchin, A. McCabe & K. Flynn, 1/29/2021, 4 pages. Staff Comments, 1/28/2021, 3 pages.</p>	PDF
<p>45 Winter Street Public Hearing Notice, Westwood Planning Board, 1/5/2021, 1 page. Project Description, From: Jillian Carocari, To: Westwood Planning Board, 12/30/2020, 1 page. Site Plan, From: W. Engineering, LLC, 8/10/2020, 1 page. Elevation Plans, From: Coastal Woods, 10/10/2020, 5 pages. Waiver requests, From: Jillian Carocari, To: Westwood Planning Board, 12/30/2020, 1 page. Rendering, 1 page.t. Korchin, A. McCabe, C. Barenthaler, D. Hammerberg BETA Engineering Review Comments, From: BETA, To: T. Korchin, A. McCabe, & C. Barenthaler, 1/27/2021, 4 pages. GIS map image, 1 page. Existing conditions photo1, 1 page. Existing Conditions photo 2, 1 page. Staff Comments, 1/28/2021, 1 page.</p>	PDF
<p>480 Summer Street Decision Summer Street 480 (2017), Westwood Planning Board, 2017, 8 pages. Approved Plan Set, From: Coastal Development, LLC.,7/21/2017, 4 pages. Side Yard Photo, 1 page. Side Yard Photo, 1 page. Rear Yard Photo, 1 page. 472 Summer Street - AS BUILT OCT 2020, Peter Nolan & Associates, LLC, 8/4/2020, 1 page. 472 Summer St - BUFFER STAKING, Peter Nolan & Associates, LLC, 1/31/2021, 1 page. Side Yard - Stake at 20ft. Buffer, 1 page. Photo Rear Yard, 1 page. Photo Rear Fence outside buffer, 1 page. 2019 Aerial View, 1 page.</p>	PDF
<p>Zoning Amendment Work Session PB Warrant Article Request, Westwood Planning Board, 12/16/2020, 2 pages. Medical Use Presentation Fin Com 1-26-2021, 32 pages. Proposed Article Language - Feb 23 Public Hearing Notice, Westwood Planning Board, 1/28/2021, 11 pages.</p>	PDF

Zoning Map Official, 1 page. Zoning Bylaw, 5/6/2019, 222 pages.	
Memorandum from Abby McCabe, to Planning Board members, dated January 29, revised through February 2, 2021.	PDF