

Westwood Planning Board Minutes
Tuesday, July 20, 2021
7:00 pm
Via Zoom Remote Participation
Westwood, MA 02090

Pursuant to Chapter 20 of the Acts of 2021, on June 16, 2021, Governor Baker signed into law an Act Extending Certain COVID-19 Measures Adopted during the State of Emergency. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order. The July 20, 2021 Planning Board meeting was conducted via remote participation by the Board in compliance with the June 16, 2021 Act.

Call to Order:

The meeting was called to order by Chair Pfaff at approximately 7:01 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://www.youtube.com/watch?v=LnmckbNA8Dg> Chair Pfaff explained the meeting procedures, and how the Planning Board meeting process works.

Present via Remote Participation:

Planning Board members present via Roll Call: Christopher A. Pfaff, David L. Atkins, Jr., Ellen Larkin Rollings, Kathleen Wynne and Thomas P. McCusker. Staff members present: Abigail McCabe, Town Planner, Pat Ahearn, Town Counsel and Jessica Cole, who recorded the meeting minutes.

9 & 11 Stonegate Lane (Assessor's Map 27, Lots 223 & 224) Approval Not Requested (ANR) Plan to alter lot lines between two lots in the SRC zone.

Ms. McCabe summarized the ANR plan. The owner of 9 Stonegate Lane wants to change the lot lines, sell the additional lot to make it buildable. There are two lots that were created as part of the original Stonegate subdivision but the owner of 11 purchased both lots and 9 was never developed.

Board Comments:

- After the ANR plan is signed it will be recorded at the Registry of Deeds, and then the Building Department would ensure that the proper work has been done to make the lot buildable by removing the connected driveway and all accessory structures to comply with setbacks.
- The board noted the owner needs to follow through on requirements for lot to be buildable.

Action Taken:

Upon a motion made by Mr. Atkins and seconded by Ms. Wynne, the Planning Board voted 5-0 in favor via roll call vote to endorse the Approval Not Required (ANR) Plan for 9 & 11 Stonegate Lane.

Zoning work session. The Board will review and discuss zoning changes to bring forward for a future Town Meeting. Discussion will include, but is not limited to, the following.

- Amendments relative to solar and the approval process for roof and ground-mounted solar arrays.
- Review Section 18 of Chapter 258 of the Acts of 2020 adding new Section 3a to Chapter 40A (the Zoning Act) of Mass. General Laws applicable to multi-family zoning by-right in MBTA communities.
- 394 & 396 Providence Highway – Zoning Map change to Highway Business (HB) from Industrial Office (IO) to expand motor vehicle light service use on parcel formerly in the right-of-way without a zoning designation.

Amendments relative to solar and the approval process for roof and ground-mounted solar arrays.

Ms. McCabe recommended the Planning Board begin working on zoning articles, starting with zoning amendments related to solar. She explained that currently the zoning bylaw distinguishes between ground mounted solar and solar that is fixed to a roof of a principal building. The Zoning Board has received opposition to ground mounted solar when special permits have come before them on residential properties.

Based on initial feedback, review of the state's model solar bylaw, and after a meeting with WEAC (Westwood Environmental Action Council) last week a first draft of changes was provided in the Board's packet. This draft proposes ground mounted solar to be reviewed by the Planning Board as an EIDR which is a public hearing but is not a discretionary approval. The state laws states that solar can only be disapproved based on the public health, safety and the public welfare. Ms. McCabe is looking for initial feedback from the Planning Board.

Board Comments:

- The Board agreed they should make sure that the zoning is in line with state law.

- Look at the Town's Bylaws and make them more supportive for solar.
- Mr. Ahearn added that Massachusetts General Law, Chapter 40A Section 3 states: No zoning ordinance or bylaws shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy except where necessary to protect the public health, safety and welfare.
- Essentially, can't turn down solar arrays because it is not aesthetically pleasing to a neighbor.
- It was also noted that if a solar panel is too close to the ground, it does not cool and needs air circulation to cool the system.
- Board members wanted to ensure there is a public option for the larger scale projects.
- Need to distinguish between the smaller and larger solar projects.
- Bond requirement for ground based. What is the reasoning? *Ms. McCabe explained that in this draft she included a requirement for a bond for large and commercial properties in the instances one was abandoned. This would be for solar on commercial properties and when the solar is the principal use, not for residential use.*
- Do we need to distinguish by size? *Ms. McCabe: It is up to the Planning Board.*
- In this first draft all ground mounted solar panels go to the Planning Board.
- Likes principal vs accessory use vs. size.
- Ms. McCabe said the Planning Board can impose reasonable conditions, could require screening for abutters far enough away to not block the sun.
- A balance of what we have to do and maintain some sort of public process.
- Define rooftop solar.
- Concerned about residential solar farms. For solar to work you need to have the right conditions.
- We should work with WEAC on this.
- If we have solar as an EIDR, can we then change it back later on? Ms. McCabe responded that it would have to go through a full zoning amendment process and adoption by Town Meeting to make a further change.
- Planning Board members want to keep working on this as a group and with WEAC not with a separate working group.
- Most Planning Board members believe that they should take on the responsibility of the solar panels as a Planning Board application rather than Zoning Board.
- Commercial projects and solar, can we create more incentives and requirements to encourage solar.

Public Comments:

Mr. Olanoff typed in chat and was read by Chair Pfaff: Why not say that an accessory solar use becomes a principal solar use when the footprint of the solar exceeds the total footprint of all buildings on the site.

Avi Glaser typed in chat and read by Chair Pfaff: Are we considering benchmarking with other towns? *Ms. McCabe will look to see what other towns are doing for the next meeting.*

Review Section 18 of Chapter 258 of the Acts of 2020 adding new Section 3a to Chapter 40A (the Zoning Act) of Mass. General Laws applicable to multi-family zoning by-right in MBTA communities.

Ms. McCabe gave a presentation to introduce the recently adopted state law referred to as the Housing Choice Law. She explained the purpose is to provide more housing near public transportation, specifically family supportive housing which is multi-family (buildings designed for 3 or more residences). The primary purpose of the law is to provide more family housing by making it easier for family housing by changing the project approval process and voting process for zoning amendments. The reasoning is to address the housing shortage across the region. All MBTA communities must adopt zoning that allows multi-family housing as of right without any discretionary approval process within a half mile of a train station. Ms. McCabe recommends the Board work on this to bring a zoning proposal forward for the Annual Town Meeting in May 2022. The Board can amend existing zoning or create a new overlay district. She recommended working with the Westwood Housing Authority and Housing Partnership.

Board Comments:

- 1/2mile from a train station or bus station? Worth finding out about FMUOD7, bus stops off of Washington Street? Are stations and stops the same? *Ms. McCabe: The law says bus station not bus stop. The state is working on issuing further guidance but we don't know when that will be.*
- 15 units per acre? Does that mean a one-acre minimum? Or is it prorated?
- Starter home districts. A board member would like to see this Board do something with this.
- Accessory dwellings by right, no affordable requirement. How will it impact our SHI? *Ms. McCabe: We still don't have that answer. Ms. McCabe, we will get more guidance from the state as we move forward.*
- Mr. Ahearn: This bill passed in January, there has not been a lot of guidance from the state. We need to do our best to comply, but be flexible as further state guidance is expected.

- Can the stop be in Dedham or Canton?
- Can the apartments at University Avenue be counted? *Ms. McCabe: They may not qualify because they were by special permit with limited bedrooms.*
- It is not about what we have, but what we will allow. Can we rezone University Avenue?
- Ms. McCabe said the Town needs at least one zoning district that allows multi-family by-right within a half mile of a train station.

Public Comments:

Avi Glaser typed in chat and it was read by Chair Pfaff: Just remember the idea is to add affordable housing units and not to reshuffle what we have.

Board Comments:

- We could have 2 zones. 1 qualifying zone to do what it is proposing to do and one that is smaller.
- Easiest thing to do is to allow multi-family homes in one of our existing zoning districts.
- Mr. Ahearn: The Board will need to identify areas that multi families are allowed by right.
- We have to be careful what zone we pick.
- Multi families are buildings with 3 or more dwellings, not necessarily affordable housing, but in theory multi-family may be less expensive than single family, maybe add an affordability requirement.
- Can we require sustainable design such as solar panels.

394 & 396 Providence Highway – Zoning Map change to Highway Business (HB) from Industrial Office (IO) to expand motor vehicle light service use on parcel formerly in the right-of-way without a zoning designation.

Ms. McCabe explained that the service station approached the Town about updating their facility. Part of the area is not zoned, and they want to rezone from Industrial Office to Highway Business.

Public Comments:

Avi Glaser typed in chat: Does the family own other land in Westwood? *Yes, they own the Shell by the motel. Ms. McCabe will check in with the building commissioner to see if there are more.*

Other Business:

Action Taken:

Upon a motion made by Mr. Atkins and seconded by Ms. Wynne, the Planning Board voted 5-0 in favor via roll call vote to approve the meeting minutes for June 29, 2021.

The following fall meeting dates were selected: Oct 12, Monday Oct 25, 11/9, 11/30, and 12/14.

Adjournment:

Upon a motion made by Mr. McCusker and seconded by Ms. Wynne, the Planning Board voted 5-0 in favor via roll call vote to adjourn at 9:00 pm.

List of Documents:

Link to Documents: http://westwoodtownma.ig2.com/Citizens/Detail_Meeting.aspx?ID=1635

Link to the Planning Board web page

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

<p>9 & 11 Stonegate Lane ANR ANR application and plan Stonegate 9-11, Plan of Land, 7/12/2021, 1 page. Aerial View, 1 page.</p>	PDF
<p>Zoning Work Session Zoning Bylaw May 6 2019, 5/6/2019, 222 pages. Zoning Map Official May 2018, 1 page. Zoning Bylaw May 3 2021(Pending AG approval),5/3/2021, 225 pages. Zoning Map Draft May 3 2021 1 page. Amending Zoning Guide sheet, Commonwealth of MA Dept. of Housing and Community Development, 11/30/2009, 9 pages. Zoning Amendment Flow Chart, 1 page. State Model Solar Bylaw, 2014</p>	PDF

<p>Draft Zoning Amendments Relative to Solar, dated July 13, 2021 and revised July 16, 2021 DHCD Preliminary Guidance for MBTA Communities, Commonwealth of MA Dept. of Housing and Community Development, 1/29/2021, 2 pages. DHCD PowerPoint, DHCD Ma, 2/28/2021, 11 pages. Housing Choice Webinar March Presentation, Commonwealth of MA, March 2021, 12 pages. MGL Zoning Act Amendments January-2021-Redline, 15 pages. Density Visual, 1 page. Density Visual 15 Units Per Acre, 1 page. Summary CHAPA Slide Deck, Citizens' Housing and Planning Association, 21 pages. Aerial View Zoning 349 Providence Hwy, 1 page. Zoning Presentation 07-20-2021 CORRECTED MAPS, 7/20/2021, 11 pages.</p>	
<p>Memorandum from Abby Mccabe to Planning Board Members, Re: Planning Board Meeting Summary for July 20th meeting, dated July 16, 2021.</p>	<p>PDF</p>