

Westwood Planning Board Minutes
Tuesday August 17, 2021
7:00 pm
Via Zoom Remote Participation
Westwood, MA 02090

Pursuant to Chapter 20 of the Acts of 2021 signed by Governor Baker on June 16, 2021 An Act Extending Certain COVID-19 Measures waiving provisions of the Open Meeting Law first enacted in his emergency Executive Order on March 12, 2020. This Act grants an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order. The August 17, 2021 Planning Board meeting was conducted via remote participation by the Board.

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 here: <https://www.youtube.com/watch?v=fG3BjcwMUEo> Chair Pfaff explained the meeting procedures, and how the Planning Board process works and explained the public participation options.

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.

100 High St. EIDR-EMM Public Hearing, Westwood Pavilion, LLC. Applicant requested to construct a new parking area in the rear to add 37 new parking spaces. Request to exceed maximum parking requirements.

The Applicant, Mr. Mark Beaudry the project engineer from Meridian Associates, was present to discuss the development proposal for Westwood Pavilion. Mr. Beaudry went through the plan and summarized staff comments received on the application from BETA and staff. He explained there are currently 25 parking and there is not enough parking on site. Dr. Dan is currently leasing parking spots from Meditech. He wants to do a parking lot expansion, and will need to request a waiver to exceed the maximum required by zoning which allows 5% percent over the minimum required by zoning. Mr. Beaudry also discussed not needing an EMM permit after they checked the calculations for earth material movement. Mr. Beaudry explained they first requested to expand the lot for 37 new spaces total but have now removed two spaces in response to comments from BETA about providing a turnaround back up. A revised plan was presented to the Board showing 35 additional spaces with the two at the end removed. The existing site has 25 spaces, 35 new is proposed for a total of 60 parking spaces, which is 87.85% increase over the required amount which requires a waiver from the Planning Board. The stormwater chambers are proposed under the new parking lot.

Board Comments:

Where are you with the Conservation Commission? *Met with them back in July and it was favorably reviewed. He did not have a DEP filing number so it could not be voted on in July, but he has the file # now.*

Any issues? *Work is within the buffer zone.*

Do you plan on widening the driveway from the upper to the lower lot? *No. Dr. Dan: People go in and out and the driveway is used for overflow parking. The extended parking is for the staff.*

What product will be used to treat snow and ice removal? *Non-chemical agents should be used due to proximity to wetland. Usually sand is the primary agent.*

Parking along the driveway, but there are empty spots in the upper and lower parking lots. Why? *Different doctor offices. Upper level is for business renting. The other spots are for the patients. Mondays and Thursdays are busy for the orthodontist, that is when the parking is really needed. Most days the parking is pretty full.*

Once you get the new spaces, will there be parking along the driveway? *Dr. Dan: No*

How big is your staff? *Dr. Dan: Staff is 33, and wants 35 spots.*

Are you going to remove the large trees? Will you be able to see the highway? *Dr. Dan: No, can't see the highway. We will have to take down a couple of big trees. 12-15 trees.*

Lighting? *The lighting will be on timers, just like the rest of the building.*

Can you suggest a condition to allow us to enforce no parking in the driveway? *Mr. Pfaff is suggesting No Parking signs to get rid of bad practices.*

Insufficient signage for handicapped parking.

Is there curbing for the new parking lot? *Yes, Cape Cod Berm, for the whole parking lot.*

Are trees being saved vs. trees being removed on the plan? *Ms. McCabe, you could require it, and recommend some new plantings. Also asked applicant to clarify how far apart the transplanted trees will be, and they will be monitored and replaced if necessary. Recommend additional plantings along the new parking area 3-4 feet tall, for screening between the 4 trees. They will be deciduous trees.*

Public Comments:

Chair Pfaff offered the opportunity for public comments and explained people could raise their Zoom hand to be unmuted. There were no comments from the public.

Additional Comments:

Ms. McCabe said, BETA had a comment about capturing roof runoff from the existing building. She explained that when projects come before the Planning Board, the Board's practice is to improve the current conditions. Right now it filters out into the existing basin area on the site. BETA's suggestion is to capture the roof runoff and recharge it. Mr. Beaudry will follow up on it.

Recap:

- The Planning Board is supportive of No Parking signs along the driveway between the upper and lower lots in areas not designated as parking spaces.
- Additional evergreen plantings for year round screening along the new parking area.
- Clarity on the accessible parking to ensure compliance
- estimation on the number of trees proposed for removal
- Final comments from Board members still related to the total amount of parking being increased. How is the parking so far off? 87% higher, it's a big jump in parking.

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 continue 100 High Street EIDR-EMM public hearing to Tuesday, August 31 at 7:00 pm on Zoom to review revised plans and material as requested.

213 Fox Hill St. WCOD-EIDR Public Hearing. T-Mobile proposes upgrades to existing facility by replacing 6 antennas, adding 3 new antennas, removing 6 remote radio heads, and upgrading cables.

Applicant Mr. Tim Greene, representing T-Mobile was present. The site gets upgrades every few years, and has been there for 20 years. Mr. Greene went over the existing plan and the proposed plan. He will replace 6 antennas and add 3 antennas and 3 hybrid cables will go up. And he explained the upgrade coverage.

Board Comments:

A board member asked how tall are the antennas that are there now? Mr. Greene: Nothing will be higher than the tank, and the tank is 90 feet high.

Public Comments:

Chair Pfaff offered the opportunity for public comment and indicated that people could raise their Zoom hand to be unmuted. There were no public comments.

Ms. McCabe went over the 6 waivers needed, and 4 suggested standard conditions of approval (painting equipment to match the existing facility on the water tower to blend; notification of any discontinuance; the approval is good for two years; and a copy of the decision kept on site during construction. Ms. McCabe read the waivers and conditions.

Is anything on the ground changing? Mr. Greene: We are removing 3 outdoor equipment cabinets and 2 are being replaced on an existing concrete pad and are surrounded by a fence. The whole facility is surrounded by a fence and no new land area is being disturbed.

Action Taken:

Upon a motion made by Mr. Atkins and seconded by Mr. McCusker, the Planning Board voted 5-0 in favor via roll call vote to waive the requested 6 EIDR submittal items as they are not necessary for the equipment upgrade on the existing wireless facility.

Upon a motion made by Mr. McCusker and seconded by Mr. Atkins, the Planning Board voted 5-0 in favor via roll call vote to approve the WCOD-EIDR application from T-Mobile for 213 Fox Hill St. as submitted with the 4 conditions.

Upon a motion made by Ms. Wynne, and seconded by Mr. Atkins, the Planning Board voted 5-0 in favor via roll call vote to close the public hearing for 213 Fox Hill Street.

290, 294, 298 Summer Street EMM-EIDR Public Hearing. Applicant proposes to import more than ~960 cubic yards of fill to construct two new single family homes at 290-294 and 298 Summer St. –

Ms. McCabe stated that the Applicant has requested that the public hearing be continued without discussion until the September 21st meeting at 7pm. They want to submit revised plans and need more time.

Action Taken:

Upon a motion made by Mr. McCusker and seconded by Mr. Atkins, the Planning Board voted 5-0 in favor via roll call vote to open and continue this public hearing until Tuesday, September 21 at 7:00 pm on Zoom. It was noted that the Zoom info will be provided as the date gets closer, please check with Planning Department or Town Clerk or website.

66 Skyline Dr. EMM-EIDR Public Hearing. Applicant proposes to re-grade the backyard and import 715 cubic yards of earth to construct a tennis court.

The applicant, Tracey Duarte, engineer with MBL Land Development, for the homeowner, Mr. Jay Patel. Proposed the construction of a 78 x 36 tennis court in Mr. Patel's backyard with a vinyl coated chain link fence and fill his backyard with 715 cubic yards of fill. The backyard has been graded.

Board Comments:

A board member asked about the Dedham Westwood Water District's comments about any impact to the water line. The applicant responded that the water line comes in the front of the site, so this project will have no impact since all the work is in the backyard.

How much fill are you bringing in? *715 cubic yards.*

How many trucks will that require? *About 24 trucks.*

Timeframe? *Mr. Patel: Week 1 or 2 duration hopefully to be done in September.*

How many days will you be running trucks? *Probably 3-4 days.*

When during the day? *Can ask the Town for guidance. Ms. McCabe read the construction work hours 7am-7pm Monday-Saturday.*

Lighting? *Yes, there is a lighting plan. 8 fixtures have been proposed and they are shielded.*

Can the lights be turned off when not in use? *Mr. Patel: Yes.*

Public Comments:

Chair Pfaff asked if there were any public comments and explained that people could raise their Zoom hand to be unmuted. There were no public comments or questions.

Ms. McCabe went over the waiver requests pertaining to the EIDR standard application submittal items for a presentation model, exterior lighting plan, and traffic study.

Action Taken:

Grant the waivers

Upon a motion made by Ms. Wynne and seconded by Mr. McCusker, the Planning Board voted 5-0 in favor via roll call vote to grant the standard requested waivers for 66 Skyline Dr. EMM-EIDR since the standard EIDR submittal items are not necessary for this earth movement application.

Discussion: Ms. McCabe noted that the lighting plan was not provided so that waiver is not needed.

Ms. McCabe summarized the following suggested conditions of approval:

1. Update the plan entitled "Proposed Conditions Plan, 66 Skyline Drive", prepared by MBL sheet C-3.0 dated May 25, 2021 and submit to the Town Planner and BETA prior to any further site work showing the following:
 - Provide drainage and soil erosion prevention measures
 - Detail for construction entrance
 - Include quantity and composition of earth material to be imported
 - Provide stamp from professional engineer
 - Provide an infiltration swale on the down gradient side of the tennis court
2. The existing pavement on Skyline Drive shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
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. There shall be no substandard or hazardous fill material used with this project. Applicant shall submit certification that the fill is clean and does not contain any hazardous materials. Applicant shall submit this certification from a professional to the Town Planner and Building Commissioner prior to bringing any fill on site prior to bringing any fill on the property and prior to issuance of any building permit.
5. 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.
6. All trucks carrying earth material to or from 66 Skyline shall be required to access Skyline Drive from either Wilsondale via Ridge Road or Far Reach Off via Summer Street. Trucks carrying earth material to the property shall take the most direct route.
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 such as with the Conservation Commission and Dedham Westwood Water District. 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 Department of Public Works. 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.

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 Earth Material Movement EIDR application for 66 Skyline Drive with the 9 conditions discussed by Ms. McCabe.

Upon a motion made by Mr. Atkins and seconded by Ms. Wynne, the Planning Board voted 5-0 in favor to close the public hearing at 66 Skyline Drive.

Zoning Initiatives and Zoning Amendment Public Working Session. Public Meeting.

Solar zoning amendments

Ms. McCabe recommended reviewing the draft and may want to revise it more, she has not made too many changes since the last meeting but encouraged board members to review further. The current draft was updated recently to incorporate comments from the building inspector. She also noted that the ZBA has since approved their first ground mounted solar array on Sandy Valley Road, with a condition of landscape screening.

Board Comments:

A board member noted that if we attempt to go to Town Meeting to switch approval from the Zoning Board to the Planning and if it fails, we would have to wait another year to make changes. Another option is to keep the review process with the Zoning Board but added in the criteria for review for the Zoning Board special permit process.

Mr. Ahearn responded that Chapter 40a section 3 MA general law states that no zoning ordinance or bylaw 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 or welfare. It doesn't matter who will oversee it.

The board discussed further if the solar should be reviewed by the Zoning Board or the Planning Board. At the WEAC meeting, there was support to move it to the Planning Board, so that it would be by-right. Mr. Ahearn recommended reaching out to the ZBA and discuss, zoning can only be changed at Town Meeting.

Site plan indicating setbacks? Ms. McCabe: It can be added to the section outlined what should be shown on the site plan.

Housing Choice

Ms. McCabe, reached out to the Housing Partnership and will have a meeting with them in early September. She reminded everyone that this is the law that state law that requires multi-family housing in MBTA communities to be within ½ mile of a station. She recommends having public work sessions. Ms. McCabe has not received any clarity from the state, and Mr. Ahearn has been looking for information too. There is a lot of vague interpretation. Mr. Atkins put a presentation together and shared it with the Planning Board.

Board & Staff Comments:

We need to figure out where the zone will be and where it will fit.

We need to do it and we should be careful. People need a place to live. *Ms. McCabe: Need to look at parcel maps. Where to allow multi-family housing. Will develop an overlay or new zoning district. Think about the purpose. Write a New Bylaw. Purpose of the zone. It is just not a special permit. No limitations on bedrooms. It would be an EIDR for the permit rather than a special permit but the by-law can have specific requirements for heights, setbacks, design. Can we include affordable housing? Mr. Ahern: We are well within our rights to have an affordable component so we stay within our SHI levels.*

Public comments:

Ms. Fusco typed in the comments: We are talking homes, not rental apartments? I'd like to know what areas of town would this new zoning effect? *Ms. McCabe, we are talking homes that are multi-family; a building designed for 3 or more residences but they could be rented or owner-occupied. The state law requires zoning that allows multi-family within ½ mile of train stations. The Planning Board will need to figure out where this will be proposed and that's what they'll be working on over the coming months.*

Other Business:

Traffic Signal: Mr. Georgio Petruzzello request to postpone the traffic signal retiming study until 6 months after occupancy of the condos.

Review of Draft Meeting Minutes:

EDIT: Mr. Atkins: Change wording to: Can we require sustainable design such as solar panels.

Action Taken:

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 approve the meeting minutes for July 20, 2021 as amended.

Upcoming Meetings: Tues: Aug. 31, Sep. 21, Oct. 12, Mon. Oct. 25, Nov. 9, Nov. 30.

Adjournment:

Upon a motion made by Mr. Atkins and seconded by Mr. McCusker, the Planning Board voted 5-0 in favor via roll call vote to adjourn at 9:34 pm.

List of Documents:

Link to Documents: http://westwoodtownma.iqm2.com/Citizens/Detail_Meeting.aspx?ID=1636

Link to the Planning Board web page

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

100 High Street Application, Public Hearing Notice, Westwood Planning Board, 7/22/2021, 1 page. Site Plans, Meridian Associates, 7/15/2021, 4 pages. Existing Conditions Photos, 1 page. Project Narrative, Meridian Associates, 3 pages. Lighting Plan, Meridian Associates, 7/15/2021, 1 page. Locus Maps, Meridian Associates, 5/19/2021, 3 pages. Stormwater Analysis Report, Meridian Associates, 7/15/2021, 80 pages. Waiver Requests, Meridian Associates, 1 page. Aerial View 100 High Street, 1 page. Parking picture-Doyle 1, 1 page.	PDF
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<p>Earth work calculations Parking picture-Doyle 2, 1 page. Parking picture-Doyle 3, 1 page. Engineering Comments from BETA Group, From: BETA, To: A. McCabe & T. Korchin, 8/6/2021, 4 pages. Staff Review Comments, 8/17/2021, 1 page.</p>	
<p>213 Fox Hill Street Coverage maps-Neighborhood perspectives, From: TerraSearch Real Estate Group, 8/9/2021, 17 pages. Application, Public Hearing Notice, Westwood Planning Board, 7/22/2021, 1 page. Site plans, From: Hudson Design Group & SAI, 5/14/2021, 9 pages. Existing Conditions photos, 1 page. Waiver requests, 1 page. Aerial View 213 Fox Hill St., 1 page. Supplemental Material Coverage Maps Images, From: TerraSearch Real Estate Group, 8/9/2021, 17 pages. Staff Review Comments, 1 page.</p>	PDF
<p>66 Skyline Drive Application, From: Tracy Duarte, 7/19/2021, 5 pages. Hearing Notice Skyline Dr 66, Westwood Planning Board, 7/22/2021, 1 page. Project Narrative, From: MBL Land Development & Permitting, Corp., 8/22/2021, 1 page. Site Plan, MBL, 5/25/2021, 1 page. Lighting Plan, SK & Associates, 1 page. Existing Conditions photo, 1 page. Property owner authorization, From: Jay Patel, 7/16/2021, 1 page. Waiver Requests, MBL Land Development & Permitting, Corp., 7/22/2021, 1 page. Engineering BETA Review Comments, From: BETA, To: T. Korchin & A. McCabe, 8/9/2021, 4 pages. Staff Review Comments, 1 page.</p>	PDF
<p>290, 294 & 298 Summer St Application, public hearing notice, project narrative, existing conditions photos Aerial view Summer St Elevations for Typical Design Style 1 Site Plans Stormwater Report Elevations for Typical Design Style 2 Postponement Request</p>	PDF
<p>Zoning Initiatives Public Work Session Session Law-Acts of 2020 Chapter 358, 172 pages. Zoning-Act-Amendments-January-2021-Redline, 15 pages. MA Enacts State Zoning Law Amendments Holland & Knight Solar Draft Building Inspector Edits Draft Zoning Amendments Solar Revised 08-03-2021 Zoning Presentation 07-20-2021 Corrected Housing Choice for Westwood Family Sized Housing</p> <p>Other Business: Draft meeting minutes from July 20, 2021 Memo from Town Planner Abby McCabe to Planning Board Members, re: Meeting Summary for August 17 Meeting, dated August 13, 2021, revised August 17, 2021.</p>	PDF