

Westwood Planning Board Minutes
Tuesday August 31, 2021
7:00 pm
Via Zoom Remote Participation
Westwood, MA 02090

Pursuant to Chapter 20 of the Acts of 2021 signed into law on June 16, 2021 by Governor Baker known as 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 to waive requirements of the Open Meeting Law to allow remote participation. The August 31, 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 7:03 pm. The remote meeting was video recorded by Westwood Media Center and was filmed live available for viewing on Comcast channel 12, Verizon channel 42 and on Westwood Media's YouTube channel available here: <https://www.youtube.com/watch?v=VOM4t67ygKM>
Chair Pfaff explained the meeting procedure including how the Planning Board process and remote public participation 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: Town Planner Abigail McCabe, Town Council Pat Ahearn, 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 project engineer from Meridian Associates, was present to discuss the development proposal for Westwood Pavilion. Mr. Beaudry gave an update since the last meeting with some changes to the site plan. He reported that they added Inkberries and Hartfield Yews for shrubbery along the parking area, estimated 20 mature trees are to be removed for the construction of this lot; added "No Parking" signs to the plans; added a ramp at the end of the new sidewalk near the new parking area; and added a new stormwater basin with a berm and drywell to recharge the stormwater from off the building with an overflow to the larger basin that will capture at least one inch of stormwater. He went through the updates to the plan requested by the Planning Board.

Staff & Board Comments:

- Ms. McCabe added that at the last meeting there was a question about accessibility and she checked with the state requirements. For lots with less than 75 spaces or less the state requires 3 accessible spaces, with one being van accessible with the signage at the head of the parking space. What is shown on the plan meets accessibility requirements. Ms. McCabe went over the plan with Mr. Paradis from BETA and BETA's updated memo has all outstanding items resolved based on the latest revised plans.
- A Board member supported the native evergreen screening choice.
- On the plan it says 24 to 30 inches, but the agreed upon height is 36 inches. Can we make that revision on the plan? *Mr. Beaudry: Agreed that he would update the plan and this could be done as a condition of approval.*
- Plans for any bike racks? *Dr. Dan: No.* The Planning Board could require a bike rack. *Mr. Beaudry: Said there is room to accommodate it.* A board member noted that bike racks should be at or near the door.
- What is the number of patients that you see? *Dr. Dan: 60-75 patients on average per day and up to 34-38 employees a day.* *Mr. Beaudry: 6% under the allowed for the property.*
- Other projects in Town have bike racks. Putting up a single U rack is a small but helpful thing to do. *Dr. Dan He is not against it, but he is concerned with the safety of bikers.*
- Waiver request for the 5% over, getting up to 87% over the requirements. There is a concern if the tenant leaves there will be a lot of asphalt left behind, but the tenant shows that there is a need.
- Board members were supportive of adding a bike rack as a condition of approval.

Chair Pfaff offered the opportunity for public comment and asked people to raise their Zoom hand to be unmuted.

Public Comments:

There were no questions or comments.

Ms. McCabe went over the waivers which are for the traffic study, the presentation model, and the request to exceed the maximum parking requirements.

Ms. McCabe prepared some draft findings of fact for the Board members and summarized them as follows:

1. The dentist practice experiences a high volume of customers. The dentist use, in addition to the other offices in the building, have experienced employees, customers, and clients parking in spaces not designated for parking inhibiting traffic circulation.
2. Employees currently park off site at a nearby business and the parking expansion would eliminate the need for shared parking arrangement.
3. The dentist use includes general dentistry and orthodontics has been successful and attracts more customers than the zoning requirements.
4. The proposed parking expansion including the proposed drainage and landscape improvements will not be detrimental to the neighborhood.
5. The presentation model is not necessary for this parking lot expansion and the traffic study is not necessary for this parking change because the use is not changing. The proposal intends to alleviate parking and site circulation for the existing uses.
6. Applicant has stated that they are one of the tenants and averages 60-70 patients visiting the office each day, with patients continuing to grow with the orthodontics.

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 requested waivers based on the findings for the parking drafted by Ms. McCabe and updated this evening.

Ms. McCabe prepared a draft list of conditions and summarized the following conditions of approval:

Conditions:

1. Revised the plan to include two additional no parking signs; a bike rack, and minimum size planting of 3 ft.
2. The required accessible signage shall be added to the head of the three accessible spaces as shown on the revised plans. Signs and painting shall be replaced as necessary.
3. In addition to the six (6) new parking signs shown on the revised plans, two (2) no parking signs shall be installed along the northerly parking area not designated for parking.
4. The four trees proposed along the new parking area and the proposed shrubbery shall be planted in the first available growing season when construction permits [April 15-July 15 and September 15 – December 1]. Any plantings that do not survive shall be replaced in-kind in the first available growing season. The proposed shrubbery shall be at least three (3) feet in height at the time of planting and shall be planted to provide a full landscape screen.
5. Chemical deicers are prohibited for snow and ice removal due to the proximity of the wetland resource area. Calcium chloride, sand, or other non-sodium based equivalent are permitted.
6. The site lighting shall be turned off an hour after the close of business.
7. Applicant shall perform soil tests a minimum of 2 ft. down to verify soil assumptions prior to construction. A representative from the Town department of public works, BETA Group, and/or the Conservation Agent should be present to witness the testing. Soil tests results shall be submitted to the Town Planner prior to construction.
8. Applicant shall provide an as-built plan to the Town Planner after construction in PDF and AutoCAD format for the areas of new construction showing the new parking, drainage, curbing, landscaping, and any utilities.
9. 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.

10. Applicant is responsible for filing any other required permits such as with the Conservation Commission.

11. A copy of this Decision and Project Plans shall be kept on site 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 requested EIDR and parking waiver subject to the conditions of approval that Ms. McCabe read.

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 close the public hearing for 100 High Street EIDR.

Zoning Initiatives and Zoning Amendment Public Work Session. Public Meeting. The Board will discuss zoning amendments to work on for the 2022 Annual Town Meeting. The discussion will focus on, but is not limited to, the following zoning amendment topics.

-Solar zoning amendments – zoning changes related to solar arrays on roofs, on the ground, and the permitting process.

Board Comments:

- The Planning Board Chair has not had a chance to speak to the ZBA chair yet but will reach out.
- Is this Board ready to take over Solar Zoning from the Zoning Board, the Board continued to discussion and members were supportive.
- Board member noted that even if others in Town does not want the Planning Board to oversee solar there should not be a Special Permit. So it seems appropriate to be under the Planning Board where it is still a public process.
- Ms. McCabe will connect the Board Chairs after the meeting.
- Ms. McCabe went over the draft timeline for the Spring Town meeting, with the warrant closing in early January, public meetings begin in January and the public hearings from late January through end of March.

Chair Pfaff noted there were some members of the public and asked for any comments please raise your Zoom hand to be unmuted.

Public Comments:

Ms. Galkowski, 320 Dover Road-WEAC-Not just about ground mount solar. Accessory structures too. She is very appreciative.

Ms. McCabe added that the current draft is written to allow solar on the top or affixed to a roof of a structure (principal or other accessory) to go straight to the building dept. for building and electric permits. As drafted, ground mounted solar will be a site plan review with the Planning Board with a public hearing process EIDR. It cannot be denied and consistent with MA state law.

Zoning to comply with Section 18 of Chapter 358 of the Acts of 2020 “An Act Enabling Partnerships for Growth” adding new section 3A to the Zoning Act of MGL 40A.

Ms. McCabe gave a quick presentation of the new state law and recommended Board members start looking for areas in Town that fall within the ½ mile zone of the two train stations in Town.

Mr. Ahearn added that in his research since your last meeting shows that one thing that the state did with this legislation is it reduced the requirements for ¾ vote at a Town meeting to amend the zoning laws for housing zoning amendments. It will now be only a majority vote to amend the zoning to these requirements whereas it used to 2/3 vote. Some items still require ¾ vote, so you need to separate them but for housing related it will now be a majority rather than super majority. When the Board gets to drafting the specific articles these voting requirements should be considered.

Board Comments and Summary of Discussion:

- Look at the locations first.
- Use a 3 step process:
 - Step 1: What are the factors to consider? Traffic flow, traffic safety, economic benefits.
 - Step 2: Look at the maps.
 - Step 3: Public feedback and outreach. Things we did not consider.
- Do you have a map layout of both bus stops and commuter rail stops?

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- Have we gotten any more insight to 15 units per acre?

Mr. Ahearn and Ms. McCabe: No. Ms. McCabe does not recommend an acre minimum size because few properties meet that but the proposed zoning must be proportional so that the zoning does not restrict projects to be less than the 15 units per acre.

- Most favor land that is not currently developed.
- Blue Hill Drive has some undeveloped lots; 350 & 326 & 213 Whitewood have close access to the University Ave. station.
- There are large parcels on 109, are there any MBTA stations near 109? *Ms. McCabe: Properties on High Street would not meet the states requirements but the Board could propose additional areas to allow multi-family and can think about it and can propose multi-family zoning.*
- The Foster Block? 22 Everett Street. Part of it is covered in the ½ mile radius. Currently two parcels under one ownership and use on Everett Street. It is covered by the bus stop and half the property within the train station ½ mile radius. It is a significant transit area. The property is about 7-8 acres. *Mr. Ahearn: You may want to zone the commercial side of mixed use with one zoning article and the housing with the other because it may be a different standard for approval at Town meeting.*
- We should focus on the lots by University Avenue
- Is a bus stop a bus station? *Mr. Ahearn: It is not clear. There has been a lack of guidance from the state so far but they have notified us that they are working on further guidance.*
- What is our time frame? *Mr. Ahearn: Spring Town meeting warrant article by early Jan 2022.*
- Westdale 1.47 acres, and 76 Wentworth 4.23 acres by Islington? It is conservation land? We should check.
- Overlay District or Re-Zone? Ms. McCabe said the Board could create an entirely new zoning district or create an overlay district that would have its own next area on a map and new text section in the Zoning Bylaw. An overlay is superimposed over existing zoning.
- Could we do a patchwork of overlays?
- Make it easier for families to get to transportation.
- Keep it off Washington Street, keep off land that is already dense.
- Try parcels that are already multi-family or are undeveloped.
- Parcels should be contiguous or large enough to not be considered spot zoning.
- The Blue Hill area could be contiguous with the Gables property near the train station.
- Mr. Ahearn: Any discussion about what other Towns are doing? Staff said most are just beginning to look at this as well.
- What is the cost of failure to comply? *McCabe: The consequences, the applicant would argue that multi-family building is allowed ½ mile from train stations. Either adopt or face the consequences. Ahearn: At some point in time an aggressive contractor will come forward.*
- Foster Block-Is there a cut through to the Islington Train station? *Ms. McCabe: Yes, it is currently private property a sidewalk connection from the Beth Israel office building to East Street.*
- Parking and traffic may disrupt Blue Hills which is a dead end road.
- Mr. Ahearn: It is not an easy process and having Ms. McCabe guide you is helpful.
- Ms. McCabe: Made some good progress tonight. She likes the idea of a scorecard. Walkable, economic opportunity, serves as a purpose. *Mr. Ahearn added that the score card will help you with the purpose.*
- When you re-zoning you build with the intent for someone to build on it. Is this what we want? Are we trying to make 12-15 acres of land multi-family in Town? What will the consequences be?
- Start small to comply with the state.
- Add to the Scorecard: How will it impact the Elementary Schools?

Chair Pfaff offered the opportunity for any public comments and instructed people to raise their Zoom hand.

Public Comments:

There were no comments.

Other Business:

Review of Draft Meeting Minutes

Upon a motion made by Ms. Rollings and seconded by Ms. Wynne, the Planning Board voted 5-0 in favor via roll call vote to approve the Meeting Minutes from August 17, 2021 as written.

Adjournment:

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 adjourn at 9:15 pm.

List of Documents:

Link to Documents: http://westwoodtownma.igmp.com/Citizens/Detail_Meeting.aspx?ID=1646

Link to the Planning Board web page

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

<p>100 High Street Application, Public Hearing Notice, Westwood Planning Board, 7/22/2021, 1 page. Project Narrative, Meridian Associates, 3 pages. Site Plans, Meridian Associates, 7/15/2021, 4 pages. Existing Conditions Photos, 1 page. 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. Aerial View 100 High Street, 1 page. Parking picture-Doyle 1, 1 page. 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. Zoning Bylaw Section 6.1.8 Max Parking Requirements, 1 page. REVISED Plans Submitted 8-17-2021, Meridian Associates, 8/16/2021, 5 pages. REVISED Stormwater Report 8-17-2021, Meridian Associates, 08-17-2021, 804 pages. Applicant's Waiver Request and Response to Comments-08-17-2021, Meridian Associates, 8/17/2021, 5 pages. Waiver Requests, Meridian Associates, 1 page. NEW: BETA Review Comments on Revised Material, From: P. Paradis, BETA, To: T. Korchin & A. McCabe, 8/20/2021, 5 pages. NEW: Response to Comments 08-26-21, Meridian Associates, To: A. McCabe, 8/26/2021, 3 pages. NEW: Illicit Discharge Compliance Statement, Dr. Daniel Kazachkov, 8/26/2021, 8/26/2021. NEW: O&M Plain Maint. Agreement, 1 page. NEW: Emergency Contacts, 1 page. NEW: Revised Site Plans-100 High St 08.27.2021, Meridian Associates, 8/26/2021, 4 pages. NEW REV Signed O&M Plan Agreement, 8/26/2021, 1 page. NEW REV Supplemental Stormwater Calculations, 082721, Meridian Associates, 8/27/2021, 1 page. NEW REV Culvert Calcs, 2 pages. NEW REV Roof Basin Calcs, Meridian Associates, 8/27/2021, 7 pages. NEW REV BETA Review Comments 100 High St 8-27-21, From: P. Paradis, BETA, To: T. Korchin & A. McCabe, 8/27/2021, 6 pages.</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. Zoning Presentation 07-20-2021 CORRECTED, 7/20/2021, 11 pages. Multi-Family Zoning Presentation 08-31-2021, 8/26/2021, 17 pages. MA Enacts State Zoning Law amendments Holland & Knight Housing Choice for Westwood, presentation created by member David Atkins Family-Sized Housing An Essential Ingredient to Attract and Retain Families with Children in Seattle, January 2014 Multi-Family Zoning Presentation prepared by Town Planner Abby McCabe dated August 31, 2021 Draft Zoning Amendments for Solar, revised through August 26, 2021</p>	PDF
<p>Memorandum from Town Planner Abby McCabe to Planning Board Members, dated August 26, 2021, revised August 30, re: Meeting Summary for August 31st Meeting Draft meeting minutes from August 17, 2021</p>	PDF