

Westwood Planning Board Minutes
Monday October 25, 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 October 25, 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 7:00 pm. The Chair announced that 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=QLKljZK1BJI>. Chair Pfaff explained the meeting procedures, and how the Planning Board process works, and explained that the public will have an opportunity to speak during the public comment portion by raising their Zoom hand.

Present via Remote Participation:

Planning Board members present via roll call vote: Christopher A. Pfaff, David L. Atkins, Jr., Ellen Larkin Rollings, Kathleen Wynne and Thomas P. McCusker (record of roll call vote: Pfaff – here, Atkins – here, Rollings – here, Wynne – here, McCusker – here). Staff members present: Abigail McCabe Town Planner, Pat Ahearn Town Counsel, Nora Loughnane Director of Community & Economic Development, and Jessica Cole, who recorded the meeting minutes.

149 Birch Tree Drive – Earth Material Movement (EMM) – Environmental Impact and Design Review (EIDR)-Public Hearing. Applicant proposes importing more than 200 cubic yards of earth to regrade property after demolishing existing dwelling to construct new house.

Applicant, Mollie Moran, was present as the architect for the project and gave an overview of the project and provided responses to the comments received by BETA group. Paul Lindholm the Engineer was present along with the homeowners.

Staff and Board Comments:

- Ms. McCabe stated that the applicant summarized the BETA memo and has revised a plan tonight but needs time for review.
- BETA requested the soil test pits nothing that it should be done with Conservation Agent present.
- Ms. McCabe explained this is an earth material movement application, but because of the amount of land disturbance, it requires an administrative storm water review by the Conservation Agent.
- A board member noticed the driveway is shown differently on the submitted stormwater plan than on the building permit plot plan. The driveway is shown as a loop, is that what is proposed? *Ms. Moran: Yes, that is intended be the "u" shaped driveway.*
- A board member asked about the drain easement shown to the side of the house. *Ms. Moran: responded that this is a Town easement to access an existing manhole.*
- Will the drainage address the driveway? *Ms. Moran: Yes, with gravel trenches, the drainage structures capture runoff from the driveway.*
- Mr. Lindholm, the project engineer, explained that this plan responds to BETA's comments and recommendations, but he did not have time to do test pits before this meeting. He will update the plan to include allowable hours to 12-7 on Sundays for the construction hours.
- A board member asked about the existing house and if there are any controls for stormwater management? *Mr. Lindholm: No, existing stormwater, just gutters on the house now roof drains capturing water or treating.*

Chair Pfaff opened the public hearing up to public comments. He explained people could raise their zoom hand, press *9 if dialing in by phone, or type in the Q&A.

Public Comments:

Mr. T. Filbin, 107 Birch Tree St, said the revised plan addresses a lot of his questions about water and flow. He is concerned about flooding due to other past construction experiences. He asked if the silt fence barrier around the perimeter would remain? *Ms. Moran responded that the erosion controls will stay temporarily during construction and until the area is stabilized.*

Mrs. A. Filbin, 107 Birch Tree Dr. – Added her concern about flooding onto her property. *Ms. Moran added that there are two different issues. 1 landscape and 2 engineering. The engineering will take care of the water issue. The plantings will secure runoff of materials, but it will not solve the runoff problem, it is the engineering of the site. Mr. Lindholm: Soil erosion can be highlighted on the plan. The controls need to be in place until the site is stable.*

Ms. M. Collins, 95 Birch Tree St., She is concerned about the drainage and water runoff. Asked if there would be an opportunity for comments with the Conservation Commission.

Ms. McCabe added that the Conservation Agent is responsible for the review and there is no formal public hearing but she would provide the two letters received to the Conservation Agent.

Mrs. Fitzgerald, homeowner and applicant for 149 Birch Tree Dr. added that she appreciates the comments and is very sensitive and wants to build an appropriate home for the neighborhood. She is invested in her home and is trying to be a good neighbor and will work to address any concerns during the construction.

Additional Board Comments:

- Are they owner occupied properties? *Mrs. Fitzgerald: Yes, this is her 4th home in Westwood in 30 years.*
- Appreciate the neighbors, owners and engineers all discussing this in public.

Mr. Atkins Summarized the 3 waivers for the traffic study, presentation model, and exterior lighting plans.

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 from the standard EIDR application submittal requirements as they are not needed for this earth movement application for a single-family home. Record of the roll call vote: Atkins –aye, Wynne –aye, McCusker –aye, Larkin Rollings-aye, Pfaff-aye).

Further Discussion: A board member asked about the waiver for the lighting plan. Are there any flood lights proposed? *Ms. Moran: No, only low key lighting on the deck.*

Ms. McCabe summarized the following ten suggested conditions of approval:

1. Applicant shall update the plan and submit to the Town Planner, BETA Group, and Conservation Agent for review and approval:
 - Include a staked silt fence with staked 12-inch silt sock for soil erosion protection;
 - Provide construction entrance;
 - Provide construction detail for infiltration galleys showing bottom of stone, bottom of galley, pipe inverts, top of chamber, and top of stone;
 - Provide construction detail for retaining wall and must be approved by a professional engineer;
2. Applicant shall perform two test pits where L1 and L2 are proposed to confirm soil conditions and the depth of the ground water prior to construction.
3. Applicant shall submit certification from fill supplier or testing certification that the imported fill does not contain any hazardous materials. Certification shall be submitted to the Town Planner prior to bringing fill on site and prior to issuance of a building permit.
4. The existing pavement on Birch Tree Drive shall be protected from damage from loading and unloading of material and/or equipment related to the proposed construction.
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 construction trucks carrying earth or construction material to or from 149 Birch Tree Drive shall take the most direct route to 149 Birch Tree Drive by turning right on Birch Tree Drive from Barlow Lane.

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 Zoning Board of Appeals. 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 submit a written request to the Planning Board for amendment of this Decision and receive approval prior to implementation. If the Building Commissioner deems the requested modification is minor in nature, an Administrative EIDR approval may be permitted, if the request is more substantial Applicant may need to return to the Planning Board.
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.
10. This EIDR Approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant thereof. The Planning Board may extend such approval, for good cause, upon the written request of the Applicant. In the case of the EIDR Approval, the term "substantial use thereof or construction thereunder" shall mean the commencement and substantial progress of the approved activity.

Board Discussion:

- How much fill is needed? *Mr. Lindholm: 800 cubic yards.*
- How many truck loads? *Mr. Lindholm: 40 truckloads approximately*

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 earth material movement EIDR with the conditions summarized by Ms. McCabe. Record roll call vote: Akins –aye, McCusker-aye, Pfaff-aye, Rollings-aye, Wynne-aye.

Upon a motion made by Ms. Wynne and seconded by Ms. Rollings, the Planning Board voted 5-0 in favor via roll call vote to close the public hearing for 149 Birch Tree Drive – Earth Material Movement (EMM). Record roll call vote: Akins –aye, McCusker-aye, Pfaff-aye, Rollings-aye, Wynne-aye.

Zoning Initiatives and Zoning Amendment Public Work Session. The Planning Board will discuss zoning amendments being considered for the 2022 Annual Town Meeting. The discussion will focus on, but is not limited to, the following zoning amendment topics. Mr. Ahearn left the meeting at 7:50 pm.

Staff Comments:

- Housing Partnership was invited and Louis Rizoli was present. WAHA (Westwood Affordable Housing Authority, Inc.) is not an official meeting but a member is in the audience as an attendee.
- Discussion item was where to have the zoning located.
- Evaluation Scorecard was discussed. Staff and the board members reviewed the draft score card from Housing Partnership and WAHA's recommended changes.
- Ms. McCabe recommended that tonight the Planning Board review how to proceed with the scorecard tool and how you want to move forward. She recommends the evaluation score it is a fair way to decide.

Board Comments & Discussion:

- Important to understand the scorecard, suggestions. Highest numbers may not ultimately be the recommend the site. Would like to review on a case by case basis for each parcel area.
- Recommend giving the categories an alphabetical order instead of numerical since they are not in any priority order.
- Members not sure about requiring affordability. Clarified that the new law is focused on providing multi-family housing not necessarily affordable housing.
- Going forward there may be affordability, but the state law's requirements are not clear yet.

- Chair Pfaff went through the differences between WAHA and the Housing Partnership's recommended score cards.
- The criteria are in no particular order. The point system would determine the value but the order is not prioritized.

Criteria 1-Residential Developability

- Does this pass our eye test?
- We need some discussion points.
- Thoughts on the draft.
- Can some things be merged?
- 1d. WAHA eliminated.
- 1d. Who picks up the cost? *Ms. McCabe: Cost goes to the developer.*

Criteria 2-Promotes Transit-Oriented or Village Center Development

- 2a. Both groups kept the points the same.
- 2c. WAHA changed the points.

Criteria 3-Promotes Family Supportive Housing

- WAHA gave more points if within walking points to school and playground.
- WAHA rearranged the criteria.
- Renamed Residential Desirability to Proximity to Other Residential Properties
- Ms. Loughnane: The green space could be on the lot; some lots could be developed for housing and still maintain some vegetation on the lot. Still maintain a buffer. Some properties don't have mature trees and less of a buffer.
- The expected size of this zone from the Attorney General's office. It should be relative to other zones in Town. *Ms. Loughnane: The State may look at Westwood's zoning districts and want this zone to not be smaller than our smallest zone.*
- Just like ARO District, have it in more than one place. There may be 3 small districts.
- Explain physical features? WAHA changed to proximity to other residential neighborhoods.
- Determine it's not necessary.

Criteria 4: Promotes Equity:

- Look at the property value & environmental factors.
- Move the first point of 4c to Criteria1.

Criteria 5: Likely to Obtain Town Meeting Success with Majority Vote

- Same for 5a and 5b.
- 5e. Recent Neighborhood Experience, taking into consideration what the past experiences have been.
- Ms. Loughnane: Some talk about some elementary schools having more capacity than others. They will score differently and the enrollment will change.
- What is Downey's maximum enrollment? We would need numbers from the School Department.
- Might be worth it to have someone from school department come to one of our meetings.
- 350 apartments and 100 condos, guess was 75 students and there are 50 students. Less than range predicted.
- The intent of the law is for family friendly housing.

Criteria 6: Financial Impact to Town

- Board discussed if the goal is to meet the law the locations will be Islington and/or University Station because it is within ½ mile of a train station.
- Ms. Loughnane: Land explained the rationale for the points because land that is completely undeveloped in a natural state, costs the Town nothing. Land in a commercial/residential state has some associated costs already.
- WAHA gave very different points for already existing multi-family homes. *Ms. McCabe explained that WAHA viewed already fully developed land being considered for this new zoning district as a because that would not be consistent with the state's law of providing more housing because no housing would be developed in reality.*
- Ms. Loughnane explained that the Board could choose the Gables apartment lots and that would meet the letter of the law, but not meet the spirit of the law because they already exist. But it could be considered if the Board were to select more than one area to have in the district.

Housing Partnership Comments:

- Mr. Rizoli was present, he reported that Ms. McCabe explained the Housing Partnership's recommended and the WAHA's recommendations and the differences between the two recommended scoring cards.
- 2d: Mixed use development. Thought mixed use would be great for the tax rate and points were increased from the initial draft.

WAHA, Mr. Alden was present and added that the family housing criteria is important from the WAHA point of view.

Chair Pfaff asked to hear from all Board members on how to proceed.

- Appreciate the similarities and differences from both groups on the two score cards. Residents will have different priorities.
- Like the 2 sets of checklists to start. The 2 lists we will have most in mind. Still not sure what is acceptable by the State. We need to identify particular parcels.
- What is the timeline? *Ms. Loughnane: As soon as you can.*
- Have you reached out to other towns? *Ms. McCabe, Not too many communities have begun yet. We seem to be ahead. Ms. Loughnane: Most are waiting for further guidance from the state. We will be ready.*
- Westwood has a long zoning process.
- Two big questions that aren't clear from the state: What a reasonable size zoning district is and what requirements can we place on by-right housing. Can we require an Affordable Housing and Mixed Use component?
- Hoping for guidance before Town meeting.
- Is the Board in agreement that we may have to pivot? We are proceeding properly and should continue.
- Do we know when we will get more guidance? *The State is working on guidance, no date yet.*
- Glad that we are doing it this way and should keep moving forward.

Public Comments:

Ms. Fusco typed in Q&A: I'd like to know what is the financial gain to the Town if we zone for this denser zoning versus if we don't?

Mr. Pfaff responded that we have to adopt this zoning due to the new state law.

Ms. Fusco's typed in Q&A: What if we don't? Grants will be off the table a board member noted more types of housing is also in line with the Comprehensive Plan.

Ms. Fusco's typed in Q&A: Why is this being pushed now? What is the deadline?

Mr. Pfaff responded that the final deadline has not been set yet, but under the expectation that by the May Town meeting a deadline may be set.

Ms. Fusco's typed in Q&A: Just to confirm, would we lose grant money if we don't zone for this?

Mr. Pfaff: We would lose access to certain grants. Ms. McCabe yes we would not be eligible for the Housing Choice Initiative Local Capital Projects Funds in Mass Works Infrastructure Grants.

Board Comments:

- Do we currently utilize these grants? *Ms. McCabe was unsure.*
- Use the scorecard as a reference.
- Merge the 2 lists with points from both HP and WAHA to get started.
- Ms. McCabe will incorporate what we discussed tonight.
- Next time let's look at maps and bring addresses or plots of land. Focus on ½ mile or all parts of the Town. Need to focus on the 2 train stations.
- Submit choices to Ms. McCabe by Friday Nov 5th before meeting. Address, plot of land. Ms. McCabe will try to get info on the properties.

Public Comments:

Ms. Fusco typed in the Q&A: My understanding was the State put in the parameters of 1 acre (15 units). How are we getting to 5 different areas to rezone?

Mr. Pfaff: In order to get what is determined to be a reasonable sized zone to match our other zones in Town. A one-acre parcel may not satisfy the State, so we may have to split them up. State law said the density has to be at least 15 units per acre not what the size of the zoning district has to be.

Solar: Ms. McCabe will take a look at the draft and update it.

Other Business:

Ms. McCabe: and additional zoning amendment may be needed for the property containing the Obed Baker House because the town recently put out a new RFP. Depending on the responses it may involve a zoning amendment. The deadline is still pending, will close in early November. She also added 394 Providence Hwy. Gas station. Rezone the full area and right of way to construct a convenience store may be another possibility.

Review of Draft Meeting Minutes:

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 approve the Meeting Minutes from October 12, 2021 as amended. Record roll call vote: Akins –aye, McCusker-aye, Pfaff-aye, Rollings-aye, Wynne-aye.

Ms. McCabe reminded the board about some upcoming Citizens Planner Training Collaborative Workshops if interested let her know.

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 9:43 pm. Record roll call vote: Akins –aye, McCusker-aye, Pfaff-aye, Rollings-aye, Wynne-aye.

List of Documents:

Link to Documents: http://westwoodtownma.ig2.com/Citizens/Detail_Meeting.aspx?ID=1657

Link to the Planning Board web page <https://www.townhall.westwood.ma.us/departments/community-economic-development/planning-division/current-planning-board-applications>

<p>149 Birch Tree Drive-EMM EIDR Application, Public Hearing Notice, Westwood Planning Board, 9/28/2021, 1 page. Project Overview, Moran & Associates, 9/23/2021, 2 pages. Project Description-Fill origins, Moran & Associates, 9/23/2021, 1 page. Site Plan, Paul Lindhols, P.E., 1 page. Architectural plans, Floor plans, Moran & Associates, 3/11/2021, 5 pages. Existing Conditions photo, 1 page. Stormwater plan, Paul Lindholm, P.E., 9/8/2021, 1 page. Waiver Requests, Moran & Associates, 9/23/2021, 1 page. 2021 Aerial View, 1 page. Aerial Zoomed Out, 1 page. BETA Engineering Review Comments, BETA, 10/20/2021, 4 pages. Staff Review Comments, 1 page. Public Comment letter from Thomas & Avery Filbin of 109 Birchtree Dr. to Planning Board members, dated October 8, 2021, Re: Application for Review of 149 Birchtree Drive Public Comment letter from Bryan & Margaret Collins of 95 Birchtree Dr. to Planning Board Members, dated October 16, 2021, re: Application for Review of 149 Birchtree Drive.</p>	PDF
<p>Zoning Amendment Discussion DHCD Preliminary Guidance for MBTA Communities, 1/29/2021, 2 pages. Zoning-Act-Amendments-January-2021-Redline, 15 pages. Session Law-Acts of 2020 Chapter 358, 172 pages. Multi-Family Zoning Presentation 08-31-2021, 18 pages. Current Official Zoning Map, May 2018, 1 page. MA Model Solar Zoning Bylaw Draft Zoning Amendments for Solar draft dated August 26, 2021 Fin Com 2022 Meeting Schedule Westwood Affordable Housing Associates, Inc. (WAHA) recommended scoring card, dated October 19, 2021 Housing Partnership (HP) recommended scoring card, dated October 21, 2021.</p>	PDF
<p>Draft meeting minutes from October 12, 2021 meeting Citizen Planner Training Collaborative webinar series for 2021 Memorandum from Town Planner Abby McCabe to Planning Board members, dated October 22, 2021, Re: Meeting Summary for October 25</p>	